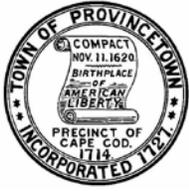




# Meeting Agenda

**The Provincetown Board of Selectmen will hold a public meeting on Monday, September 9, 2013 at 6:00 p.m. in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.**

1. Public Hearings - None.
2. Public Statements – Five minutes maximum, Selectmen do not respond to Public Statements.
3. Selectmen's Statements – Initial comments from the Selectmen. Discussion dependent – Votes may be taken.
4. Joint meeting / Presentations: Squealing Pig Incident Independent Investigation Interviews: John Ford, Licensed Private Investigator. No votes will be taken at this time.
5. Appointments – None.
6. Requests
  - A. North Union Field Well Project closeout and approval of change orders. Votes may be taken.
  - B. Provincetown Police Department: 1) Monthly Police Report; 2) Approval of locations for the static speed advisory signs; 3) Declaration of Surplus Vehicle, 2006 Ford 500 (former police cruiser) - Votes may be taken.
  - C. Beach Boat Removal Policy. Harbormaster Rex McKinsey and Marine Patrol Officer Scott Chovanec. Votes may be taken.
  - D. Order of Taking for 26 Alden Street and a portion of Collyer Street. Votes may be taken.
  - E. Wounded Warriors Project Day – September 19, 2013. Kim Hurd. Votes may be taken
  - F. Sexual Harassment Policy. Town Manager Sharon Lynn. Discussion only.
7. Town Manager / Assistant Town Manager
  - A. October 21, 2013 Special Town Meeting – Set Dates for Opening and Closing of Warrants. Votes may be taken
  - B. Town Manager follow-up
  - C. Other - Other matters that may legally come before the board not known at the time of posting. Votes may be taken.
8. Minutes – Approve minutes of previous meetings. Vote may be taken.
9. Closing Statements - Closing comments from the Selectmen. Discussion dependent, motions may be made, votes may be taken.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

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## PUBLIC HEARING

Requested by:

Action Sought:

Proposed Motion(s)

*None*

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

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Provincetown Board of Selectmen  
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## PUBLIC STATEMENTS

Requested by: Board of Selectmen

Action Sought: Open

Proposed Motion(s)

Five minutes maximum. Selectmen do not respond during Public Statements.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
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## SELECTMENS STATEMENTS

Requested by: Secretary to BOS, Vernon G. Porter

Action Sought: Discussion

### Proposed Motion(s)

*Motions may be made and votes may be taken.*

**Elaine Anderson**

**David McChesney**

**Erik Yingling**

**Tom Donegan**

**Austin Knight**

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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Provincetown Board of Selectmen  
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## REVIEW AND INTERVIEW OF PROPOSALS

### Independent Investigation of the Squealing Pig Incident

Requested by: Town Manager Sharon Lynn

Action Sought: Approval

#### Proposed Motion(s)

*Interview and comment.*

#### Additional Information

As not all of the proposals received were able to be present on the same day, this will be round one of the interviews, the remainder of the interviews will occur at Special Meeting on Wednesday, September 11, 2013 at 5:00 pm.

Interview schedule:

Tonight: John Ford, Licensed Private Detective

Wednesday, Sep 11: Don Pickard, Pickard Associates  
Frank Rudewicz, MARCUM  
Roger Houle,

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

## Vernon Porter

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**From:** David Gardner  
**Sent:** Wednesday, August 21, 2013 2:51 PM  
**To:** Vernon Porter  
**Subject:** FW: Provincetown investigation  
**Attachments:** Pay Schedule for the Provincetown investigation.pdf; John Curriculum Vitae 2013[2].doc

**From:** John Ford <[jford171@verizon.net](mailto:jford171@verizon.net)>  
**Date:** Tuesday, August 20, 2013 6:47 AM  
**To:** Sharon Lynn <[slynn@provincetown-ma.gov](mailto:slynn@provincetown-ma.gov)>  
**Subject:** RE: Provincetown investigation

Town Manager Sharon Lynn and Austin Knight, Chairman Board of Selectmen: The attached Pay Schedule outlines \$80.00 an hour and per our conversation an estimate of 24 hours to interview 8-10 witness, combined with the investigation and writing a report should not under normal conditions exceed \$3000.00. Estimate based on the availability of witnesses.

However Private Investigations are conducted on an hourly bases and complications could arise where the town may require more investigative time. Prior approval by the Town would be required to exceed \$3000.00. Optimistically the cost will be less.

John A Ford Jr. [jford171@verizon.net](mailto:jford171@verizon.net) 508-759-1590 cell 774-238-9399

**Proposal 1**

John A Ford Jr.  
171 Puritan Road  
Bourne, MA 02532  
August 16, 2013

Atty. Darren Klein  
Kopelman and Paige, P.C.  
101 Arch Street  
Boston, MA 02111

I agree to work, at the following Pay Schedule

Hourly rate of \$80.00 portal-to-portal  
For interviews, research and writing reports.

**Expenses:**

Documents Cost of document purchased on client's behalf.  
All expense will be documented with attached receipts.



John A Ford Jr.  
Licensed Private Detective No.P-1651

Curriculum Vitae

John A Ford, Jr.  
171 Puritan Road  
Bourne, MA. 02532  
(508) 759-1590  
[jford171@verizon.net](mailto:jford171@verizon.net)

**Personal Data:**

Date of Birth, March 14, 1942  
Married 51 years. Three children; two sons Brian 50, Michael 47 and one daughter Dannielle 42.

**Education:**

Brighton High School, Brighton, MA, High School Diploma 1957-1960

Northeastern University, 300 Huntington Ave, Boston, MA,  
Bachelor of Science Degree in Law Enforcement, Graduated with High Honors 1969-1974

Graduate School of Arts & Science, Northeastern University, 300 Huntington Ave, Boston, MA,  
Master of Public Administration with a Certificate in Public Personnel Administration 1974-1978

**Military:**

United States Navy, Honorable Discharge, First Class Petty Officer, Aviation Machinist Mate, E-6. 1961-1967  
Received Good Conduct Medal, National Defense Service Medal

**Professional Experience:**

General Dynamics, 97 East Howard Street, Quincy MA,  
Manufacturing Coordinator, Territory, United States 1967-1968  
Represented company, observed the manufacturing process, insured the vendor understood and complied with the applicable specifications on the purchase orders. Evaluated manufacturing schedule and initiated a written report on the delivery schedule and approximate time for completion of the

order, so that tardiness may be reduced and an orderly delivery schedule maintained.

Westwood Police Department, 590 High Street, Westwood, MA.  
Department complement 2 Secretaries, 24 Patrol Officers, 5 Sergeants, 1 Lieutenant and Chief. Second Lieutenant added in 1977

Patrol Officer 1968-1973  
Assigned to Patrol and desk duties.

Sergeant 1973-1977  
Assigned to a split shift on nights, as Commanding Officer with four Patrol Officers.

Night Lieutenant 1977-1978  
Assigned as first night Lieutenant 6 PM to 2AM Responsible for night shifts.

Executive Officer 1978-1989  
As second in Command, I had a span of Control of the Night Lieutenant, Day Patrol, Sergeant, Prosecutor, Detective and Administrative Sergeant.

Bourne Police Department, 175 Main Street, Bourne, MA  
Chief of Police 1989 - 2007  
In charge of a complement of: 3 Secretaries, 4 Dispatchers, 24 Patrol Officers, 6 Sergeants and 2 Lieutenants.

### **Other Experience**

Constable for the Town of Westwood 1984-1988  
Served Civil Process  
Constable for the Town of Bourne 1989-2007  
Served Civil Process for the Town of Bourne

Notary Public for the Commonwealth of Massachusetts 1983 with present appointment expiring in 2018

Lectured in Law Enforcement, University College, at Northeastern University, 360 Huntington Ave., Boston MA 1974-1976

Instructed Traffic Safety & Control, Investigative Report Writing, Law Enforcement Management & Planning

Instructor at the Massachusetts Criminal Justice Training Council,  
Basic Recruit Class at the Brockton Police Academy 1978-1979  
Instructed Criminal Law and Traffic Law Enforcement.

**Professional Training:**

Massachusetts State Police Academy, Framingham, MA, 240 Hours, 1969  
Basic Recruit Academy

Homicide Investigation, Dedham High School, Dedham, MA, Norfolk  
District Attorney, 16 hours, 1968

Breathalyzer Test Equipment Operator, Framingham, MA  
State Police Academy, 40 hours, 1974

Crime Scene Search School, MA. State Police Academy, 80 hours, 1974  
Protecting Scene, Documenting Scene, Conducting proper Search  
Techniques, collecting evidence, Preserving and marking evidence.

Municipal Investigator School, MA. State Police Academy, 80 hours, 1974  
Conducting Investigations

Rape Victim and Offender School, Boston College School of Nursing,  
Chestnut Hill, MA. 8 hours, 1976

Investigation, Prosecution and Pervention of Rape School, MA. Criminal  
Justice Training Council, One Ashburton Place Boston, MA  
32 Hours, 1976

Comprehensive Course in Bombing Investigation, Civil Defense Hdqts.  
Framingham, MA 32 Hours, 1977

Identi-Kit Operator, MDC Academy, 16 hours, 1977

White Collar Crime, Pine Manor Junior College, Brookline, MA  
40 hours, 1977

Homicide Investigation, Pine Manor Junior College, Brookline, MA  
40 Hours, 1977

Crime Prevention, Pine Manor Junior College, Brookline, MA  
16 Hours, 1977

ICAP Modern Law Enforcement Management Strategies, Police Foundation,  
Boston, MA, 24 hours, 1987

Civil Liability of Law Enforcement Metro Boston, MA Civil Liability  
Institute 16 hours, 1988

Massachusetts Police Chiefs Association annual three-day training  
conference covering, Civil Services Laws, Labor Relations, Motivation  
Speakers, Civil Liability, Internal Affairs, Rules and Regulations, and  
Practical skills for Police Chiefs. 1991 to 2007

Massachusetts Police Institute training in Practical Skills for Police Chiefs,  
Internal Affairs, Employee Discipline, Executive Leadership, Labor  
Relations, Conflict of Interest, Recruitment and Hiring Procedures,  
Extraterritorial Police Authority, Sex Offender Registration, Family Medical  
Leave Act, Firearms Laws, Health Information Privacy Act and Incident  
Command Training. Two hour training after monthly chiefs meeting and  
one-day seminars on Manuals and CD's produced by MPI on each subject,  
three to four times a year. 1991 to 2007

Massachusetts Municipal Managers Association annual Joint Labor  
Conference with Municipal Police Chiefs. Review current Labor Relation,  
Arbitration and Civil Litigation Cases. 1997 to 2007

Network, EPA Managers group training on Performance Documentation and  
making effective referrals, Performance Appraisal, Violence in the  
Workplace, Stress Management and Conflict Resolution. October (15 hours)  
2004

International Associations of Chiefs of Police, Workshop on Assessment  
Centers and Selection issues. (16 hours) 2008

**Professional Associations:**

Acting Chairman of the Massachusetts Criminal Justice Training Council (MCJTC), 23 Member Board (Ch 6 –S116) 1994-2001

Approve Curriculum for all Municipal Police Recruit Academies and Municipal Police Officers Training; provide Specialize Training and certification for Municipal Police Officers.

Chaired the Standards Committee of the MCJTC, which insure that the Regulation, Policies, Procedures and Curriculum approved were followed and issued waivers were appropriate. Also heard disciplinary cases involving dismissal from the Basic Recruit Academy.

Chairman of the Training and Education Committee of the Massachusetts Chiefs of Police (MCOPA) 1993-2004

Select Training classes for the Municipal Police Chiefs at their annual seminar. Select topics for the Massachusetts Police Institute to prepare for the Chiefs of Police in the coming year. Reviewing Training needs for Recruits, Police Officers, and Chiefs of Police and lobby for the funds to provide the necessary training. Review all material pertaining to training for the MCOPA Executive Board and submitted recommendation.

Chairman of the Civil Service Committee of the Massachusetts Chiefs of Association 1999-2004

Review proposed charges in the Civil Service laws or regulations and submitted recommendations to the Executive Board of the MCOPA. Work with Civil Service to update reading list for promotional exams, recruiting of applicants for entrance exams and disseminating information to municipal Police officers of proposed changes. Work with Civil Service to evaluate physical fitness standards and job description for each rank to support the validity of the tests given.

Member of the Executive Board of the Massachusetts Chiefs of Police Association, 1994-2002

Elected Representative of Cape Cod Chiefs Association 1994-1996

Elected Sergeant at Arms 1996, went through the Chairs, and became President of the MCOPA 2001

Represent Municipal Police Chiefs with all agencies or organization wanting to provide information, changes or support relating to municipal policing.

Lobby the Legislature on issue pertaining to policing

President of the Massachusetts Police Institute, 2002

File for grants and solicit for funds to develop training for Chiefs, Command Staff, prepare Manuals on Policies, Procedures, Rules and Regulations.  
Provide training seminars and consultant services.

Corporator, Plymouth Bancorp, Inc, 1994-2004

Vote on by-law changes, Corporators, Trustees and mergers.  
Merged with Eastern Bank 2004

Corporator, Eastern Bank Corporation 2004- Present

Voted on by-law changes, Corporators, Trustees and mergers.

Corporator, Falmouth Hospital 1996-2001

Vote on by-law changes Corporators, Trustees and mergers.

Council on Aging Board Member

Secretary, Town of Bourne, MA 2001 to 2007

Selectman, Town of Bourne, MA 2007- 2012

Member 2007, Clerk 2008, Vice Chair 2011 and Chair 2009, 2010, 2012.

Consultant, Subject matter expert (SME) in municipal Policing.

Testing of Police Personnel. 2007 - 2012

Commonwealth of Massachusetts Executive Office for Administration and Finance, Human Resources Division, One Ashburton Place, Boston, MA.

Expert witness

Kopelman & Page, P.C. 2007 to 2009

Betty Anne Waters, etc., v Town of Ayer, et al. C.A.NO.04-CV-10521-GOA

Dennis Maher v Town of Ayer, et al. United States District Court C.A. NO. 06-CV-10514-RGS

Town of Reading v Teamsters local 25 (GR: Ernest Henry) Arbitration Case No. 11 390 01637 08 (Suspension and Demotion)

Kennedy Law Office 2010

Carroll v Tri Town Ambulance

Private Detective

May 18, 2009 to Present

Commonwealth of Massachusetts, Department of State Police

License Number P-1651



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

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## BOARD OF SELECTMEN APPOINTMENTS

Requested by: Vernon Porter, Secretary BOS

Action Sought: **Approval**

### Proposed Motion(s)

*None*

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

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## NORTH UNION FIELD

### Close-Out Change Order Requests

Requested by: David Guertin, Director, August 20, 2013

Action Sought: Discussion & Approval

#### Proposed Motion(s)

*MOVE that the Board of Selectmen vote to approve the project close-out change orders for the North Union Field Well Site Project totaling \$22,297.86.*

#### Additional Information

The Board of Selectmen awarded and executed a contract to Robert B. Our, Inc of Harwich, MA on August 13, 2012 to perform the construction associated with the North Union Field Well Site. The North Union Field site has been online since just prior to Memorial Day. Please see attached packet for description of each change order item.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



## PROVINCETOWN DEPARTMENT OF PUBLIC WORKS

# Memo

To: Sharon Lynn, Town Manager  
From: David F. Guertin, DPW Director  
CC: David Gardner, Assistant Town manager, Richard Waldo, Deputy Director, Sherry Prada, Operations Director, Doug Ballum, Project Resident Engineer, Paul Millet, Environmental Partners Group  
Date: August 20, 2013  
Re: **North Union Field: Close out Change Order(s)**

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Staff is recommending approval of Change Order #3 in the amount of \$22,297.86 and Change Order #4 in the amount of \$31,488.25. There are two (2) requests due to USDA's participation with CO #3 and no participation with CO #4 as they were outside the realm of the original USDA programming.

North Union Field has been on-line since just prior to Memorial Day and is performing to expectation. The changes reflected by the requests are staff generated and thus represent no deficiencies or contractual issues. They represent operational needs or compliance requirements.

Environmental Partners Group, our engineers of record, recommends approval as per the amounts stated.

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Attachments: Environmental Partners Group cover sheet and Change Order #3 item listing as well as cover sheet and Change Order #4 listing and cover sheet.

July 1, 2013

Mr. David Guertin  
Director of Public Works  
26 Alden Street  
Provincetown, MA 02657

**RE: North Union Field Well Site  
Robert B. Our Co., Inc. (RBO) - Change Order #3-Revised – North Union Field  
Additions**

Dear Mr. Guertin:

As requested, Environmental Partners Group, Inc. (EPG) has prepared this change order (Change Order #3-Revised) for the following items:

1. Furnishing and installing additional electrical service. This cost represents a contract increase in the amount of: **Seven Thousand, Five Hundred Ninety Dollars and Zero Cents (\$7,590.00)**. This cost is based on the attached cost breakdown from RBO.
2. Furnishing and installing two (2) new submersible pumps. This cost represents a contract increase in the amount of: **Eleven Thousand, Three Hundred Eighty Dollars and Zero Cents (\$11,380.00)**. This cost is based on the attached cost breakdown from RBO.
3. Furnishing and installing an eye wash station. This cost represents a contract increase in the amount of: **Nine Hundred Seventy One Dollars and Sixty Six Cents (\$971.66)**. This cost is based on the attached cost breakdown from RBO.
4. Furnishing and installing a temporary chlorination line and pump. This cost represents a contract increase in the amount of: **Two Thousand, Three Hundred Fifty Six Dollars and Twenty Cents (\$2,356.20)**. This cost is based on the attached cost breakdown from RBO.

EPG is recommending that the Town issue a change order for a contract increase in the amount of **Twenty Two Thousand, Two Hundred Ninety Seven Dollars and Eighty Six Cents (\$22,297.86)** for the items listed above. By doing this, the Town will be approving the requested items, and increasing the total construction contract amount.

Please contact me with any questions or comments, or if I can be of further assistance.

# Change Order

No. 3-Revised

Issuance: July 1, 2013

Effective Date: July 1, 2013

Project: North Union Field Well Site	Owner: Town of Provincetown	Owner's Contract No.:
Contract:	Date of Contract: 8/13/2012	
Contractor: Robert B. Our Co., Inc., P.O. Box 1539 24 Great Western Road, Harwich, MA 02645	Engineer's Project No.: 115-1204	

### The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Various Additions (see cover letter and attachments)

### Attachments (list documents supporting change):

Environmental Partners Group, Inc. (EPG) Change Order Form.

Robert B. Our Co., Inc. (RBO) Change Order Cost Breakdowns.

### CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 919,000.00

[**Increase**] [Decrease] from previously approved Change Orders No. 1 to No. 2:

\$ 23,808.16

Contract Price prior to this Change Order:

\$ 942,808.16

[**Increase**] [Decrease] of this Change Order:

\$ 22,297.86

Contract Price incorporating this Change Order:

\$ 965,106.02

### CHANGE IN CONTRACT TIMES:

Original Contract Times:  Working days  Calendar days

Substantial completion (days or date): 5/10/13

Ready for final payment (days or date): 5/30/13

[Increase] [Decrease] from previously approved Change Orders No. N/A to No. N/A:

Substantial completion (days): 0

Ready for final payment (days): 0

Contract Times prior to this Change Order:

Substantial completion (days or date): 5/10/13

Ready for final payment (days or date): 5/30/13

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 0

Ready for final payment (days or date): 0

Contract Times with all approved Change Orders:

Substantial completion (days or date): 5/10/13

Ready for final payment (days or date): 5/30/13

RECOMMENDED:

By: Ronald M. Kost  
Engineer (Authorized Signature)

Date: 7/3/13

Approved by Funding Agency (if applicable):

Ronald M. Kost

ACCEPTED:

By: Robert B. Our  
Owner (Authorized Signature)

Date: 7/03/13

ACCEPTED:

By: Abby V. Co  
Contractor (Authorized Signature)

Date: 7/3/13

Date: 8-19-13

Town of Provincetown, Massachusetts  
Department of Public Works

NORTH UNION FIELD WELL SITE  
CHANGE ORDER #3 - Revised  
NORTH UNION FIELD ADDITIONS

CHANGE ORDER FORM

Original Contract Price	\$ 919,000.00
Previous Change Orders (+/-)	(+) \$ 23,808.16
Present Contract Price	\$ 942,808.16
This Change Order (+/-)	(+) \$ 22,297.86
Total Adjusted Contract Price	\$ 965,106.02
Present Substantial Completion Date	May 10, 2013
Change in Contract Time (+/-) Working Days	0
Total Adjusted Substantial Completion Date	May 10, 2013

This Change Order checked by: Paul Millett, P.E., Project Manager July 1, 2013

This Change Order requested by: David Guertin, Town of Provincetown

This Change Order prepared by: Steven Belanger, Project Engineer July 1, 2013

Change Order Number: 3-Revised

Contract Title: North Union Field Well Site

Owner's Name: Town of Provincetown

Owner's Address: 26 Alden Street, Provincetown, MA 02657

Contractor's Name: Robert B. Our Co., Inc.

Contractor's Address: P.O. Box 1539, 24 Great Western Road, Harwich, MA 02645

July 1, 2013

Mr. David Guertin  
Director of Public Works  
26 Alden Street  
Provincetown, MA 02657

**RE: North Union Field Well Site  
Robert B. Our Co., Inc. (RBO) - Change Order #4 – South Hollow Additions**

Dear Mr. Guertin:

As requested, Environmental Partners Group, Inc. (EPG) has prepared this change order (Change Order #4) for the following items:

1. Furnishing and installing three (3) new doors at South Hollow. This cost represents a contract increase in the amount of: **Six Thousand, One Hundred Eighty Eight Dollars and Twenty Five Cents (\$6,188.25)**. This cost is based on the attached cost breakdown from RBO.
2. Strip and epoxy floors at South Hollow. This cost represents a contract increase in the amount of: **Four Thousand, Twenty Five Dollars and Zero Cents (\$4,025.00)**. This cost is based on the attached cost breakdown from RBO.
3. Replace Roof at South Hollow. This cost represents a contract increase in the amount of: **Twenty One Thousand, Two Hundred Seventy Five Dollars and Zero Cents (\$21,275.00)**. This cost is based on the attached cost breakdown from RBO.

EPG is recommending that the Town issue a change order for a contract increase in the amount of **Thirty One Thousand, Four Hundred Eighty Eight Dollars and Twenty Five Cents (\$31,488.25)** for the items listed above. By doing this, the Town will be approving the requested items, and increasing the total construction contract amount.

Please contact me with any questions or comments, or if I can be of further assistance.

Very Truly Yours,  
Environmental Partners Group, Inc.



Paul Millett, P.E.

*Project Manager*

CC: Derek Richie, Provincetown Water Supt.

*Hyannis:*

396 North Street, Hyannis, MA 02601  
TL 508.568.5103 • FX 508.568.5125

*Headquarters:*

1900 Crown Colony Drive, Suite 402, Quincy, MA 02169  
TL 617.657.0200 • FX 617.657.0201

*Woburn:*

18 Commerce Way, Suite 2000, Woburn, MA 01801  
TL 781.281.2542 • FX 781.281.2543

# Change Order

No. 4

of Issuance: July 1, 2013

Effective Date: July 1, 2013

Project: North Union Field Well Site	Owner: Town of Provincetown	Owner's Contract No.:
Contract:	Date of Contract: 8/13/2012	
Contractor: Robert B. Our Co., Inc., P.O. Box 1539 24 Great Western Road, Harwich, MA 02645		Engineer's Project No.: 115-1204

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description:

Various Additions (see cover letter and attachments)

**Attachments (list documents supporting change):**

Environmental Partners Group, Inc. (EPG) Change Order Form.

Robert B. Our Co., Inc. (RBO) Change Order Cost Breakdowns.

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN CONTRACT TIMES:**

Original Contract Price:

\$ 919,000.00

[**Increase**] [Decrease] from previously approved Change Orders No. 1 to No. 3:

\$ 46,106.02

Contract Price prior to this Change Order:

\$ 965,106.02

[**Increase**] [Decrease] of this Change Order:

\$ 31,488.25

Contract Price incorporating this Change Order:

\$ 996,594.27

Original Contract Times:  Working days  Calendar days

Substantial completion (days or date): 5/10/13

Ready for final payment (days or date): 5/30/13

[Increase] [Decrease] from previously approved Change Orders No. N/A to No. N/A:

Substantial completion (days): 0

Ready for final payment (days): 0

Contract Times prior to this Change Order:

Substantial completion (days or date): 5/10/13

Ready for final payment (days or date): 5/30/13

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 0

Ready for final payment (days or date): 0

Contract Times with all approved Change Orders:

Substantial completion (days or date): 5/10/13

Ready for final payment (days or date): 5/30/13

RECOMMENDED:

By: Paul C. McIlhenny  
Engineer (Authorized Signature)

Date: 7/3/13

Approved by Funding Agency (if applicable):

ACCEPTED:

By: [Signature]  
Owner (Authorized Signature)

Date: 7/03/13

ACCEPTED:

By: [Signature]  
Contractor (Authorized Signature)

Date: 7/3/13

Date: \_\_\_\_\_

Town of Provincetown, Massachusetts  
Department of Public Works

NORTH UNION FIELD WELL SITE  
CHANGE ORDER #4  
SOUTH HOLLOW ADDITIONS

CHANGE ORDER FORM

Original Contract Price	\$ 919,000.00
Previous Change Orders (+/-)	(+) \$ 46,106.02
Present Contract Price	\$ 965,106.02
This Change Order (+/-)	(+) \$ 31,488.25
Total Adjusted Contract Price	\$ 996,594.27
Present Substantial Completion Date	May 10, 2013
Change in Contract Time (+/-) Working Days	0
Total Adjusted Substantial Completion Date	May 10, 2013

This Change Order checked by: Paul Millett, P.E., Project Manager July 1, 2013

This Change Order requested by: David Guertin, Town of Provincetown

This Change Order prepared by: Steven Belanger, Project Engineer July 1, 2013

Change Order Number: 4

Contract Title: North Union Field Well Site

Owner's Name: Town of Provincetown

Owner's Address: 26 Alden Street, Provincetown, MA 02657

Contractor's Name: Robert B. Our Co., Inc.

Contractor's Address: P.O. Box 1539, 24 Great Western Road, Harwich, MA 02645



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

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## MONTHLY POLICE REPORT

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion

### Proposed Motion(s)

*Discussion Dependent*

### Additional Information

Report of Police Activity for month of August.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## Town of Provincetown

Jeff D. Jaran  
Chief of Police  
jjaran@provincetown-ma.gov



## Police Department

26 Shankpainter Road  
Provincetown, MA 02657  
Phone: (508) 487-1213  
Fax: (508) 487-4077  
www.provincetown-ma.gov

**To** Provincetown Board of Selectmen  
**From** Police Lieutenant James Golden  
**Subject:** Police Operational Report  
**Date:** September 01, 2013 (August 2013)

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### Activity Synopsis

Police activity (daily call volume, arrest and dispatch logs) are maintained and published weekly and archived on our website.

The following outlines recent police activity in brief.

During the period of Thursday, August 1<sup>st</sup> through Saturday August 31, 2013, the officers of the Provincetown Police Department responded to 2,248 calls for service.

There were nine suspicious activity calls and three suspicious vehicles, two reports of people living on the beach and one complaint of a tent set up in the cemetery. Four breaking and enterings were reported as well as nine larcenies (including a pressure washer) and twelve reports of shoplifting. Twenty bikes were reported stolen and there was one reported rental scam.

There were twenty-three reports of harassment or verbal threats, seven threatening phone calls, thirteen domestic disturbances/assaults, thirty-three general disturbances, nine assaults, thirteen reports of property damage, eleven reports of vandalism, seventeen code compliance checks (licensing) and two fake ID calls at licensed establishments.

Officers stopped 243 drivers and issued 19 citations. 4 arrests were made as a result of vehicles stopped this month.

Lost and found items reported to police included personal items found such as keys, wallets, phones, bags, IDs and ATM and credit cards.

Animal calls had police hopping with one reported seal on the beach, three injured coyotes, two dog bites, nineteen loose or lost dogs, several loose and lost dogs, two reported case of animal abuse and four reports of dogs in hot cars. One injured seagull and one aggressive fox was reported to police.

There were 14 arrests:

- On Saturday, August 3 at 6:02 a.m., David R. Lawrence, 33 , of Provincetown, was placed under arrest for possession of a Class A substance Crystal Methamphetamine.
- On Sunday, August 4 at 12:50 a.m., Sarah M. Degnam, 22, of Brewster, was placed under arrest for Assault & Battery on a Police Officer, 2 counts.
- On Sunday, August 4 at 1:29 a.m., Franklin L. Carpenter, 30, of Truro, was placed under arrest for Assault and Battery Domestic Violence, Disorderly Conduct, Resisting Arrest and Assault and Battery on a Police Officer.
- On Thursday, August 8 at 11:43 p.m., David M. Goodwin III, 49, of Hingham, was placed under arrest for Operating a Motor Vehicle under the influence of liquor, Operating a motor vehicle Negligently so as to Endanger, Speeding, Failing to Stop at a stop sign and a marked lanes violation.
- On Sunday, August 11 at 6:08 p.m., Stanley R. Cooper, 49, of Provincetown, was placed under arrest for larceny of goods valued over \$250.00 (Felony).
- On Sunday, August 11 at 11:52 p.m., Leopold J. Sosa, 43, of New York, NY, was placed under arrest for Operating a Motor Vehicle under the influence of liquor, Operating a motor vehicle Negligently so as to Endanger and Failing to Stop at a stop sign.
- On Thursday, August 15 at 9:19 p.m., Christopher T. Stein, 48, of Provincetown, was placed under arrest for assault by means of a dangerous weapon (Razor Box Cutter)
- On Sunday, August 18 at 9:33 a.m., Lana R. Barbosa, 64, of Provincetown, was placed under arrest for being a Disorderly Person.
- On Tuesday, August 20 at 2:26 p.m., Ernst F. Hunter, 31, of Arlington, was placed under arrest for Operating a Motor Vehicle under the influence of liquor, Operating a motor vehicle Negligently so as to Endanger and Failing to Stop at a stop sign.
- On Tuesday, August 20 at 11:10 p.m., Taylor M. Millar, 22, of Provincetown, was placed under arrest for Assault and Battery Domestic Violence.

- On Wednesday, August 21 at 10:52 p.m., Stephen M. Karnolt, 41, of Kingston, was placed under arrest for Operating a Motor Vehicle under the influence of liquor, Operating a motor vehicle Negligently so as to Endanger, Destruction of Property, Open Container of Alcohol in M/V and a marked lanes violation.
- On Thursday, August 22 at 12:35 a.m., Jared J. Re, 37, of Marstons Mills, was placed under arrest for Operating a Motor Vehicle under the influence of liquor (3<sup>rd</sup> Offense), Operating a motor vehicle Negligently so as to Endanger, Failure to stop at a stop sign and a number plate violation.
- On Sunday, August 25 at 12:07 a.m., Richard A. Nangle, 52, of Brookline, was placed under arrest for was placed for Operating a Motor Vehicle under the influence of liquor, Operating a motor vehicle Negligently so as to Endanger and a crosswalk violation.
- On Monday, August 26 at 12:41 p.m., Morgan Ronan, 17, of Malden, was placed under arrest for shoplifting by price tag tampering and shoplifting by concealing merchandise.

**27 people were also detained for being incapacitated from Alcohol.**

19 Males

8 Females

**There were 27 motor vehicle accidents:**

- Friday, August 02 at 10:51 a.m., on Bradford Street, minor vehicle accident vs parked car
- Friday, August 02 at 11:49 a.m., on Commercial Street, minor vehicle accident vs parked car
- Sunday, August 04 at 3:23 p.m., on Bradford St. Ext, motor vehicle sideswiped while parked
- Monday, August 05 at 10:31 a.m., on Commercial Street, vehicle accident verses bike
- Monday, August 05 at 12:43 p.m., in Stop & Shop lot, minor vehicle accident
- Monday, August 05 at 10:52 p.m., minor vehicle accident, 2 vehicles exiting the MPL lot
- Tuesday, August 06 at 2:53 p.m., on Atlantic Avenue, minor motor vehicle accident
- Monday, August 12 at 8:26 p.m., on Bradford Street, vehicle accident verses fence
- Wednesday, August 14 at 3:23 p.m., on Shankpainter Road, minor vehicle accident

- Wednesday, August 14 at 7:21 p.m., on Commercial Street, minor vehicle accident
- Tuesday, August 20 at 8:44 a.m., on Johnson Street, vehicle verses house foundation
- Tuesday, August 20 at 1:38 p.m., on Franklin Street, minor vehicle accident
- Tuesday, August 20 at 6:24 p.m., on Bradford Street, minor vehicle accident in Duarte's lot
- Wednesday, August 21 at 3:51 p.m., on Bradford Street, one vehicle backed into another
- Wednesday, August 21 at 4:20 p.m., in Stop & Shop lot, minor vehicle accident
- Wednesday, August 21 at 6:32 p.m., on Standish Street, accident involving a motorcycle
- Wednesday, August 21 at 10:50 p.m., on Ryder Street Ext, vehicle accident verses bicycle
- Thursday, August 22 at 2:56 p.m., on Commercial Street, vehicle struck bicycle police officer
- Thursday, August 22 at 5:08 p.m., on Franklin Street, parade float verses fence
- Friday, August 23 at 10:37 a.m., on Standish and Freeman Streets, minor vehicle accident
- Monday, August 26 at 9:59 a.m., on Commercial Street, vehicle backed into while parked
- Monday, August 26 at 3:56 p.m., on Commercial Street, vehicle sideswiped while parked
- Monday, August 26 at 7:29 p.m., on Shankpainter Road, vehicle backed into while parked
- Thursday August 29 at 10:37 a.m., on Commercial Street, vehicle backed into while parked
- Thursday August 29 at 11:28 a.m., on Commercial Street, delivery vehicle verses building
- Thursday August 29 at 12:03 p.m., on Commercial Street, vehicle verses pedestrian
- Friday August 30 at 11:21 p.m., on Commercial Street, vehicle backed into while parked



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

6B<sub>2</sub>

## STATIC SPEED ADVISORY SIGNS

### Approval of Locations

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion

#### Proposed Motion(s)

*Move that the Board of Selectmen vote to approve the following locations for the deployment of the Static Speed Advisory Signs: Conwell St at Cemetery Rd, adjacent to 258 Bradford St and adjacent to 8 Bradford St.*

#### Additional Information

See attached memo from Lt Golden.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## Town of Provincetown

Jeff D. Jaran  
Chief of Police  
jjaran@provincetown-ma.gov



## Police Department

26 Shankpainter Road  
Provincetown, MA 02657  
Phone: (508) 487-1213  
Fax: (508) 487-4077  
www.provincetown-ma.gov

To Provincetown Board of Selectmen

From Police Lieutenant James Golden

Subject: Proposed locations of Portable Radar Speed Advisory Signs

Date: September 03, 2013

---

Honorable Board of Selectmen,

At the spring annual town meeting the voters approved our request to place portable radar speed advisory signs along "gateway" routes into our community. These items were ordered when the funds became available after July 1<sup>st</sup> and we have recently taken delivery of them.

We desire to place these portable radar speed advisory signs in the following locations.

**CONWELL STREET at the CEMETERY ROAD INTERSECTION:**



Placement in this area is recommended to address incoming vehicles from Route #6 onto the busy Conwell Street corridor. Please know that this portion of roadway is partially owned by the State of Massachusetts and under the jurisdiction of the Mass DOT (Mass Highway) and we will communicate with them on location and purpose.

**Proximate to 258 BRADFORD STREET:**



Placement in this area is recommended to address incoming vehicles from the Snail Road corridor. This placement takes advantage of the long flat area in the residential portions of this neighborhood.

**Proximate to 8 BRADFORD STREET:**



Placement in this area is recommended to address incoming vehicles from the Provincelands Road and Herring Cove Beach corridor. This placement takes advantage of the long flat area in the residential portions of this neighborhood after the hilly portions of the road in the area of the playground and West Vine Street intersection.

Your police department believes that these tools will become effective in slowing traffic down, by returning driver focus to their speeds, reminding them to slow down. Our community faces similar issues on its streets as all others on Cape Cod - motorists don't always obey speed laws, putting themselves, our visitors and pedestrians at risk. In fact, more than 70% of vehicle accidents happen not on highways, but in residential areas where people live. Cars drive at unsafe speeds and use local roadways to cut through traffic congestion onto main roads.

Slowing cars down saves lives. The Institute of Transportation Engineers conducted a study that shares data stating the probability of a pedestrian being fatally injured when hit by a vehicle is only 3.5% at 15 mph. At 31 mph, the probability goes up to 37% while at 44 mph there is an 83% chance that the pedestrian will be killed.

The risk to pedestrians and cyclists increases as vehicle speed does.

Please let me know what questions you may have.

RECOMMEND:



Jeff D. Jaran, Chief of Police



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

6B<sub>3</sub>

## DECLARATION OF SURPLUS VEHICLE 2006 Ford 500

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion

### Proposed Motion(s)

*MOVE that the Board of Selectmen vote, pursuant to M.G.L. c. 30B and Provincetown General By-law §6-4-6, to declare the following vehicle as surplus and to authorize the Town Manager to dispose of same in the manner deemed most advantageous to the Town.*

*One 2006Ford 500 – former police cruiser- VIN 1FAFP26136G176239*

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## Town of Provincetown

Jeff D. Jaran  
Chief of Police  
jjaran@provincetown-ma.gov



## Police Department

26 Shankpainter Road  
Provincetown, MA 02657  
Phone: (508) 487-1213  
Fax: (508) 487-4077  
www.provincetown-ma.gov

To: Provincetown Board of Selectmen  
From: Lieutenant James Golden  
Subject: Surplus Declaration 2006 Ford 500 (Former Police Cruiser)  
VIN# 1FAFP26136G176239  
Date: August 30, 2013

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Honorable Board of Selectmen,

Chief of Police Jeff Jaran requests that the Board of Selectmen declare as surplus pursuant to Massachusetts General Law Chapter 30B and Provincetown General By-Law Chapter 6-4-6 and to authorize the Town Manager to dispose of, via the Property Room Auction process, a 2006 Ford 500 Sedan former police cruiser VIN# 1FAFP26136G176239.

Said vehicle is in fair/poor condition and has 176,283 miles on it. All emergency and public safety equipment has been removed from the vehicle.

Before requesting this action, the vehicle was offered to other town departments with no interest.

Web-Based Selling: In early 2013 the Provincetown Police Department began utilizing the services of the on-line auction site PropertyRoom.com to auction off abandoned, lawfully seized, lost or unclaimed property of every kind and description. This makes auctions available on an ongoing basis, 24 hours a day 7 days a week and to a broad web-based consumer audience.

According to our agreement, PropertyRoom.com picks up the inventoried items on a manifest we prepare, they then evaluate, test, take images for auction, they oversee the auction bidding, complete the sales transaction and then ship the item to the buyer. They assume all costs associated with the auction process and we receive 87.5% of all funds received.

This money is then deposited into the general fund.

Please let me know what questions you may have.

**RECOMMEND:**

A handwritten signature in black ink, appearing to read "J. Jaran".

Jeff D. Jaran, Chief of Police



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

6C

## BEACH BOAT REMOVAL PROGRAM

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion

### Proposed Motion(s)

*Discussion dependent*

### Additional Information

See attached memo and report from Marine Patrol Officer Scott Chovanec and Harbormaster Rex McKinsey.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## Town of Provincetown

*Jeff D. Jaran*  
*Chief of Police*  
*jjarran@provincetown-ma.gov*



## Police Department

*26 Shank Painter Road*  
*Provincetown, MA 02657*  
*Phone: (508) 487-1213*  
*Fax: (508) 487-4077*  
*www.provincetown-ma.gov*

**To: Provincetown Board of Selectmen**

**Reference: Beach Boat Clean up**

**Date: 09-09-13**

To the Provincetown BOS,

A beach boat clean up was conducted on 08-05-13. The purpose of this clean up was to remove all vessels that did not have 2013 beach boat permits. Also included in this clean up were damaged vessels and vessels that did not have ownership identification.

Approximately three weeks prior to conducting the clean up, numerous vessels were marked with an orange warning sticker advising the owner to contact the harbormaster's office. If contact was made, each owner was advised to purchase a 2013 beach boat permit. Each owner was also advised their vessel would be removed if they failed to comply with the above regulation. Thus, it was made clear to each owner they had two options: purchase a 2013 permit or remove their vessel from the beach.

The beach area that was cleaned up ran from the Surf Club east to St. Mary's on Commercial Street. Approximately 25 vessels were removed.

All removed vessels were stored at the DPW facility on Race Point Road. All vessels that were damaged and had no ownership identification were immediately destroyed and placed in a dumpster. All destroyed vessels had been previously affixed with an orange warning sticker.

**Respectfully submitted,**  
**Marine Patrol Officer Scott Chovanec**



# OFFICE OF THE HARBORMASTER

## MACMILLAN PIER

### Policy for removing beached boats

The following policy statement and regulations currently govern the use of public beaches for small boat storage. The policy is derived from the regulations in Chapter 3 of the Harbor Regulations. It is anticipated that Harbor Committee will be recommending changes to the Board of Selectmen this winter.

**The process** for removing vessels is to tag boats without permits (or expired permits) with warning stickers and any derelict vessels or equipment. When performing routine checks of the public beaches, warning stickers are placed on all non-compliant boats, photos taken of subject areas, and a legal ad is run for two weeks in the paper notifying the general public. When addressing individual complaints on public beaches and town landings a warning sticker is placed on the vessel and a log entry made of that specific action. A legal ad is not needed, but every attempt to find an owner should be made. After at least 15 days without result, the vessel may be removed by staff or DPW. If the complaint involved debris, a hazard to safety or navigation, it may be removed immediately. If the material is a safety hazard, it should be removed immediately.

If an issue arises as to whether a property is public or private, use the DEP shoreline maps attached to this policy or posted on the Harbor Committee section of the town website (Historic Mean High Water in red, property lines in yellow) to inform the decision as to public or private property. The town assessor's maps may be of use as well. It should be noted that the Schofield line is a presumptive line and not the official property record. When in doubt check with the Harbormaster. Also note that east of Howland has additional rights for property owners.

**3-2-1** Vessels, including their lines and anchors, shall not be located on public beaches unless they receive written authorization and appropriate permits from the Harbormaster. The owner of any unauthorized vessel which is located on a public beach shall be subject to ticketing and/or removal and storage at the expense of the owner.

**a)** No vessel over 17 feet may be stored on public beaches from May 15th to October 15th. No vessel with an enclosed cabin may be stored on public beaches for more than 7 days per calendar year.

**3-2-3** Dinghies and vessels routinely (more than seven consecutive days) stored above the mean-high waterline along the beaches must first obtain a permit from the Harbormaster. The Harbormaster shall issue a beached boat ID permit upon formal application and payment of all fees. Permit stickers must be affixed to the vessel as required. Permits are valid through December 31st of the year issued.

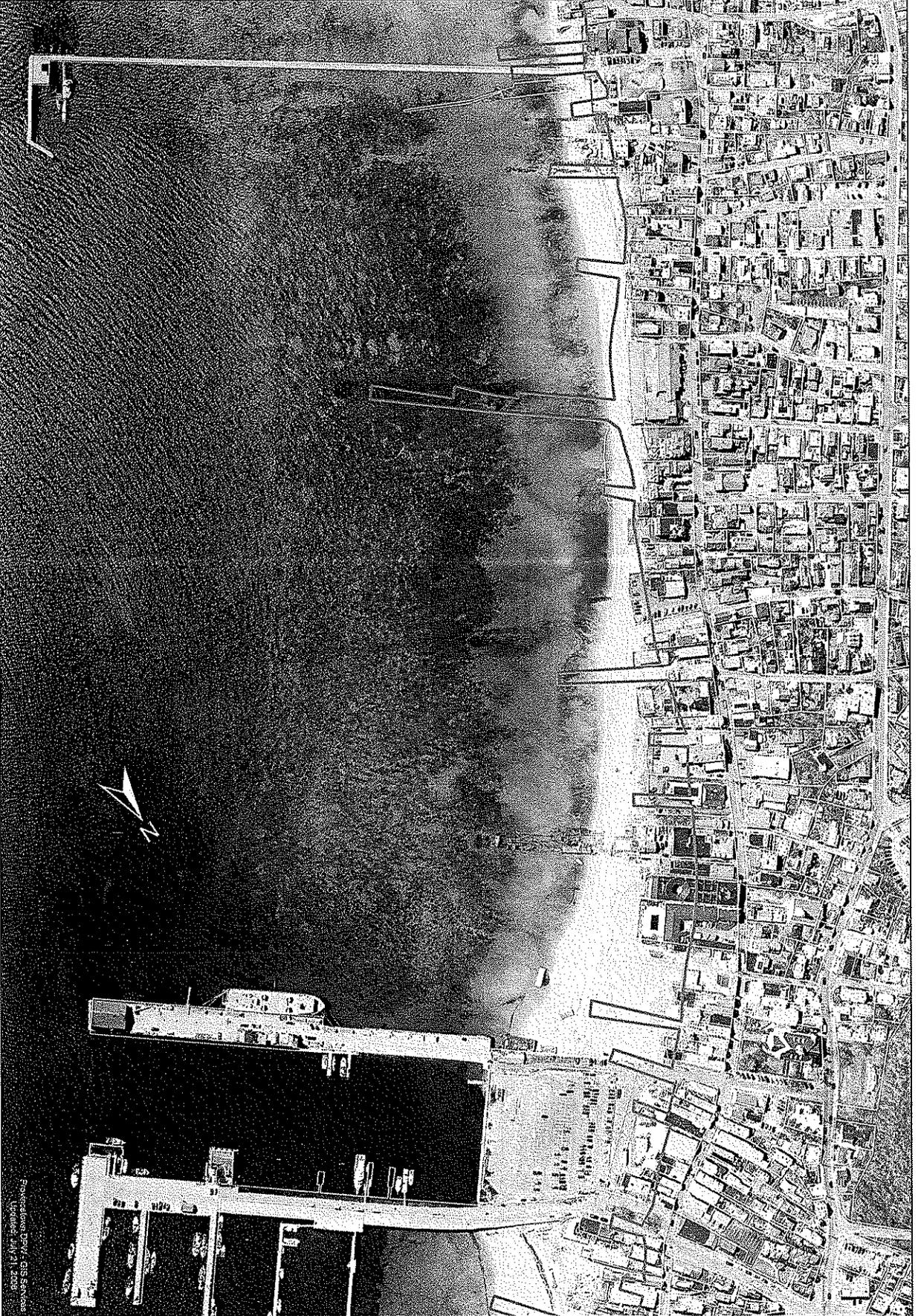
**b)** Any dinghy or vessel routinely (more than seven consecutive days) stored on the beach which is not permitted, or in the consideration of the Harbormaster, possess a hazard to other vessels, property, or the resource area, may be ticketed and or removed and stored or disposed of at the owner's expense. Any dinghy or vessel removed and stored, which is not claimed within 15 days is subject to disposal by the Harbormaster. Removal fees are \$50 (fifty) per vessel plus towing, disposal or other costs incurred. Storage fees are \$25 (twenty five) per day.



Plan of Provincetown Showing Historic Mean High Water Line

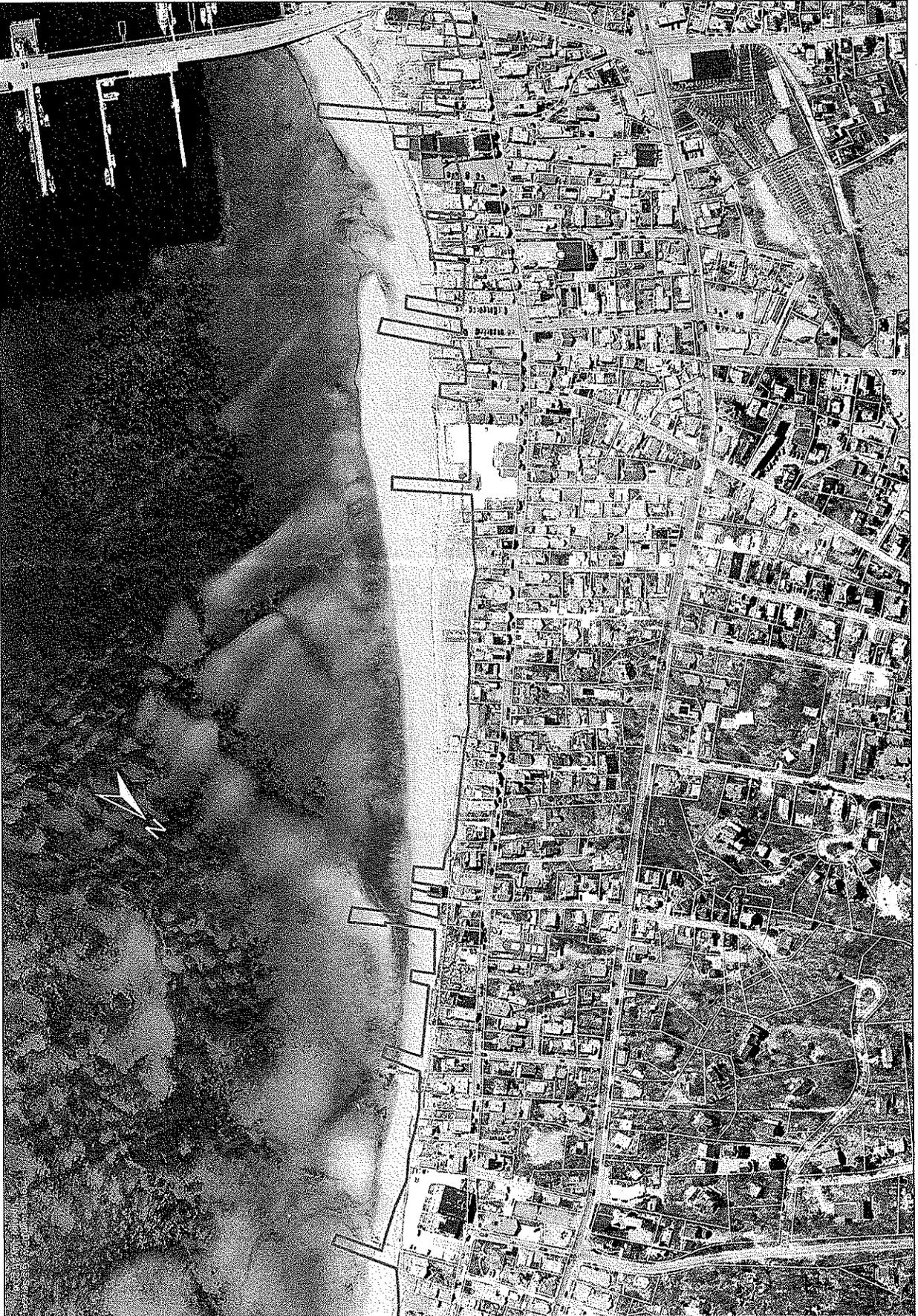
Plan of Provincetown Showing Historic Mean High Water Line

SHEET 2 OF 6



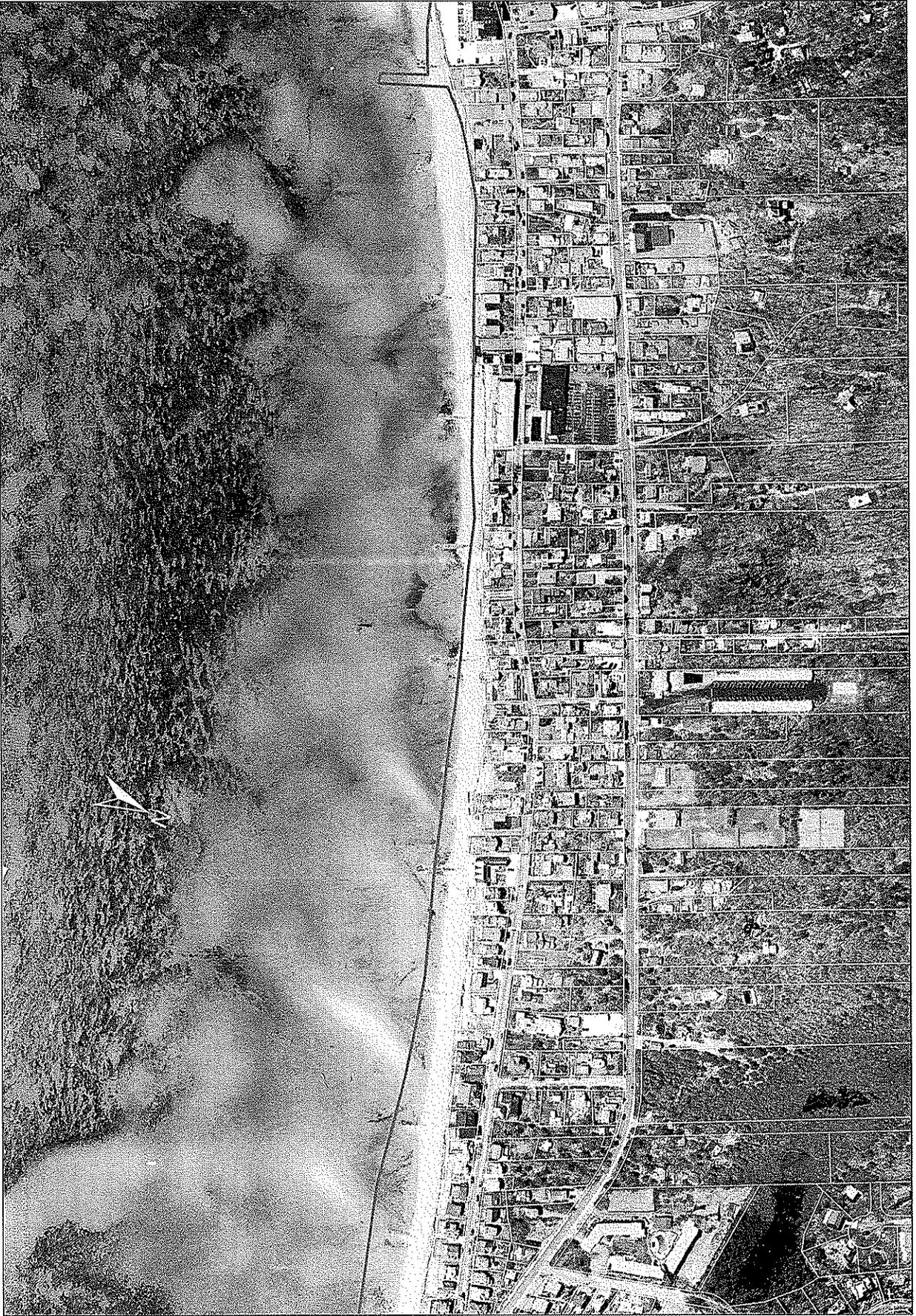
Plan of Provincetown Showing Historic Mean High Water Line

SHEET 3 OF 6

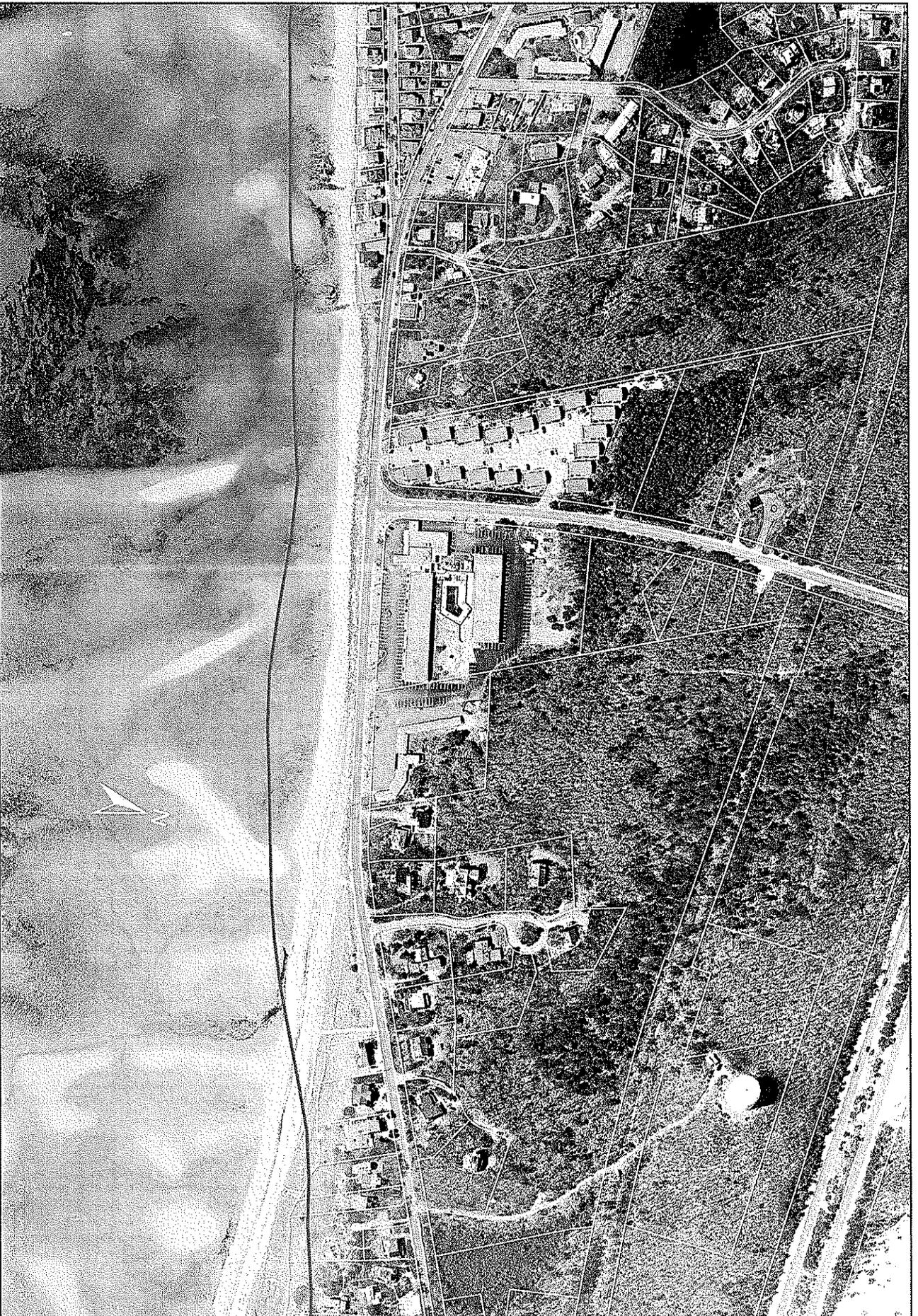


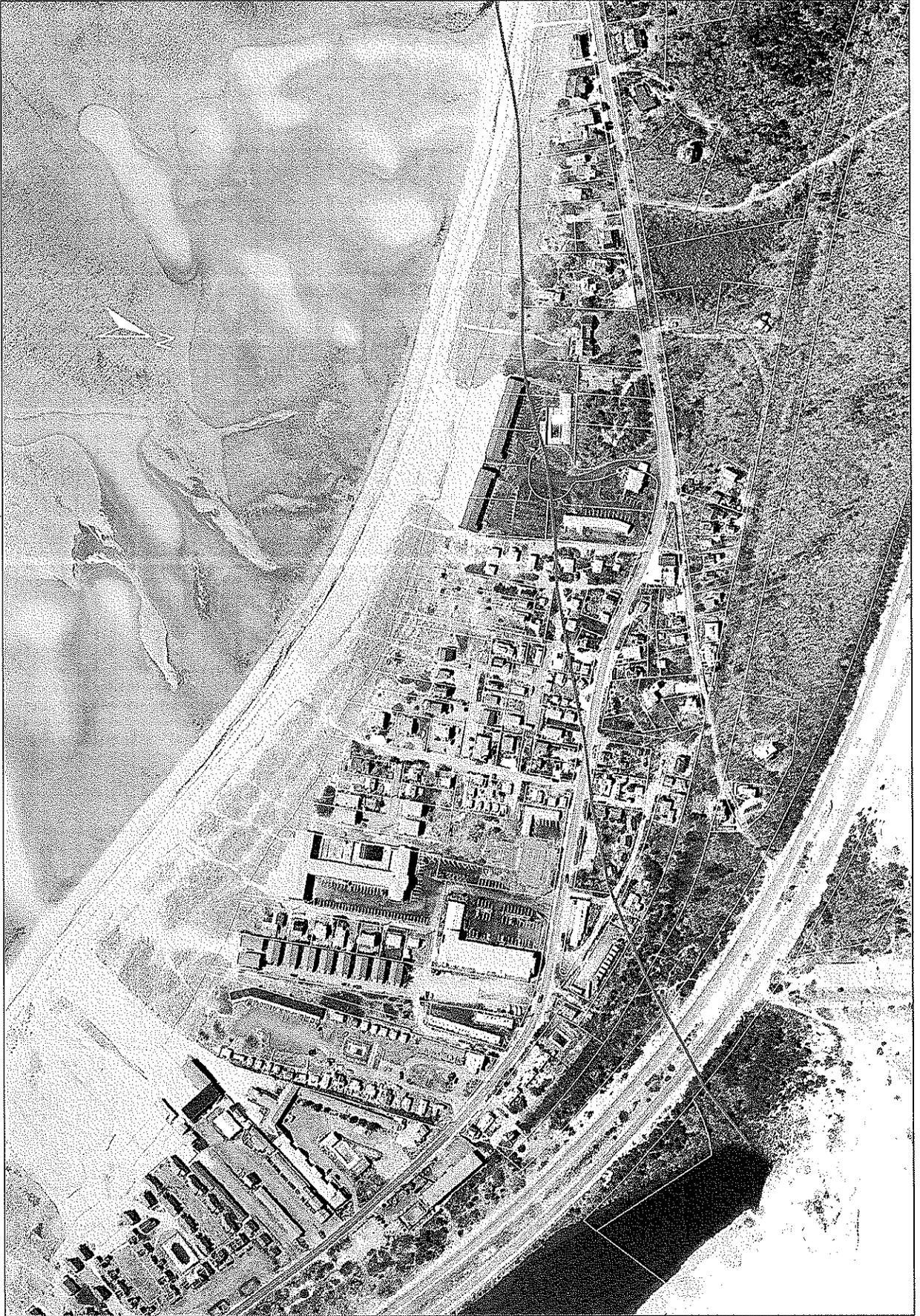
Plan of Provincetown Showing Historic Mean High Water Line

SHEET 4 OF 6



Plan of Provincetown Showing Historic Mean High Water Line





Plan of Provincetown Showing Historic Mean High Water Line



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

6D

## ORDER OF TAKING

### 26 Alden Street and a Portion of Collyer Street

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion & Approval

#### Proposed Motion(s)

*Move that the Board of Selectmen vote, to approve the order of taking for 26 Alden Street and a Portion of Collyer Street as approved to form by town counsel.*

#### Additional Information

See attached Order of Taking.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

TOWN OF PROVINCETOWN

ORDER OF TAKING

At a regularly convened meeting of the Board of Selectmen of the Town of Provincetown held this \_\_\_\_\_ day of \_\_\_\_\_, 2013, it was voted and ordered:

The Board of Selectmen of the Town of Provincetown duly elected, qualified, and acting as such, on behalf of the Town and by virtue of and in accordance with the authority of the provisions of Chapter 79 of the General Laws, as amended, Article 4 of the April 2, 2012 Special Town Meeting, a certified copy of which is attached hereto, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the Town, for general municipal purposes, including the purpose of confirming the Town's title thereto, the fee in and to the following parcels of land:

1. The parcel of land shown as "Parcel A Area = 5,124+ Sq.Ft." ("Parcel A") on a plan of land entitled "Plan of Land in Provincetown as Surveyed for the Town of Provincetown," dated February, 2013, prepared by William N. Rogers Professional Civil Engineers & Land Surveyors, recorded with the Barnstable County Registry of Deeds herewith in Plan Book \_\_\_\_\_, Plan \_\_\_\_\_ (the "Plan"); and

2. The parcel of land shown as "Parcel B Area = 26,283 Sq.Ft." ("Parcel B") on the Plan.

There is excluded from said taking any rights and easements, if any, encumbering the portion of Parcel B shown as "Right of Way 12Ft. Wide" on the Plan, and any easements on the Premises held, and structures owed, by any public utility company.

Said parcels are owned or supposed to be owned by the following, hereinafter collectively referred to as Owners.

Owner: Town of Provincetown

Mailing Address: 260 Commercial Street, Provincetown, MA 02657

Property Address: 26 Alden Street and Portion of Collyer Street, Provincetown

Interest Taken: Fee

If in any instance the name of any Owner is not correctly stated, the names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

That the amount awarded as damages sustained by the Owner or Owners of said property and to any other person or corporation having an interest therein is: \$1.00.

No betterments are to be assessed under this taking.

Any and all trees and structures located upon the land taken are included in this taking.

[signature page follows]

IN WITNESS WHEREOF, we, the duly elected and qualified Board of Selectmen of the Town of Provincetown, have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

TOWN OF PROVINCETOWN,  
By its Board of Selectmen

\_\_\_\_\_  
Austin Knight, Chair

\_\_\_\_\_  
Elaine Anderson, Vice Chair

\_\_\_\_\_  
Thomas N. Donegan

\_\_\_\_\_  
David McChesney

\_\_\_\_\_  
Erik P. Yingling

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Board of Selectmen, as aforesaid, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

\_\_\_\_\_  
(Official Signature and Seal of Notary)



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

6E

## WOUNDED WARRIOR DAY

September 19, 2013

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion & Approval

### Proposed Motion(s)

*Move that the Board of Selectmen vote, to approve a proclamation to declare September 19, 2013 Wounded Warrior Day in Provincetown.*

### Additional Information

The Wounded Warrior Project is returning for the day on September 19th. They will be here for lunch at The Central House at the Crown, with a whale watch to follow. The size of the group has doubled. Sadly, the need is there. This year I will have TWO buses of wounded

I can report that I have received amazing amounts of support already, including the Provincetown Chamber of Commerce. I hope the town will once again support me in my efforts in encouraging our citizens to recognize the sacrifices and dedication of these extraordinary men and women who have served our Nation.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## Vernon Porter

---

**From:** Elisabeth Verde  
**Sent:** Thursday, September 05, 2013 8:10 AM  
**To:** Vernon Porter; David Gardner  
**Subject:** FW: Wounded Warrior Project returning to Provincetown

**From:** Kim Hurd [<mailto:ptownliving@hotmail.com>]  
**Sent:** Wednesday, September 04, 2013 12:23 PM  
**To:** Elisabeth Verde  
**Subject:** Wounded Warrior Project returning to Provincetown

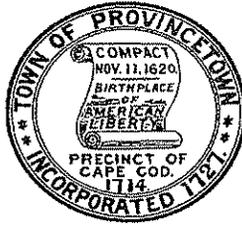


Dear Ms. Lynn and Board of Selectmen,

Last year, I was asked by the Wounded Warrior Project (WWP) to host approximately 25 severely injured soldiers for the day in Provincetown. The memorable day included an emotional crowd cheering their arrival at Lopes Square, lunch and a whale watch tour. I am seeking your support again this year! On September 19th, after finishing an adaptive bike ride in Wellfleet, fifty (50!!) wounded warriors will arrive by police escort in front of Town Hall (Ryder and Commercial St) to be welcomed once again to Provincetown. Our number of wounded participants has doubled from last year, and instead of one coach bus, there will be two. Sadly, the need is great. I have attached the press release sent to me by WWP regarding the Soldier Ride for some background for anyone unfamiliar with this rehabilitative program.

I hope the Town of Provincetown will again support me in my efforts to welcome these American heroes. I am grateful for the support the Town provided these veterans last year, and I hope I might garner the same this year. I am happy and readily available to speak with you further should you have any questions.

Respectfully submitted,  
Kim Hurd  
Wounded Warrior Project - Provincetown



## *Proclamation*

**WHEREAS,**

The Wounded Warrior Project began with the efforts of a small group of people, including veterans, who upon hearing the first reports of severely wounded soldiers returning home from Afghanistan and Iraq, embarked on a mission to assist brave men and women on their road to physical and physiological recovery; and

**WHEREAS,**

The Wounded Warrior Project is a nonprofit, nonpartisan organization dedicated to raising public awareness of and support for the needs of our American soldiers who have suffered traumatic injuries in service to our country and who are now facing the challenges of daily living; and

**WHEREAS,**

The Wounded Warrior Project Soldier Ride is a rehabilitative cycling program for wounded warriors, and participation in this recreational event encourages participants to realize that they can still lead active, independent lives, while it gives families opportunity to reconnect outside the hospital environment; and

**WHEREAS,**

The liberty we enjoy as citizens of the United States is won and preserved at great cost, and every American owes our men and women in uniform a lasting debt of gratitude for their heroism.

**NOW**

**THEREFORE,**

We, the Board of Selectmen of the Town of Provincetown, in the County of Barnstable of the Commonwealth of Massachusetts, do hereby declare Thursday, the 19th day of September, in the year Two Thousand Thirteen as

## **WOUNDED WARRIOR PROJECT SOLDIER RIDE DAY**

in the Town of Provincetown, and encourage our citizens to recognize the sacrifices and dedication of these extraordinary men and women who have served our Nation.

**The Honorable Board of Selectmen**

*Austin Knight, Chairman*

*Elaine Anderson, Vice Chair*

*David J. McChesney*

*Erik Yingling*

*Thomas Donegan*

*ATTEST: Town Manager Sharon Lynn*



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

6F

## SEXUAL HARRASMENT POLICY

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion

### Proposed Motion(s)

*Discussion Dependent.*

### Additional Information

The attached Sexual Harassment Policy is a part of the Town's Personnel Rules (included in part) *Adopted by the Personnel Board and Approved by the Town Manager in accordance with §6-11-2 of the Provincetown Charter, last updated in August 2012.*

*The Town of Provincetown has scheduled Sexual Harassment training for all staff and supervisors on November 6 and 13<sup>th</sup>. Town Board and Committee members will be invited and are encouraged to also attend.*

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## **Article 6.        *Equal Employment Opportunity/Sexual Harassment Policy***

**5-6-1 Introduction.** Employees and applicants for employment with the Town of Provincetown have a right to be free from unlawful discrimination and harassment. It is the policy of the Town to promote a productive workplace and one which is professional and treats all employees with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination (including harassment), whether based upon race, color, gender, national origin, religious creed, ancestry, age, sexual orientation, disability, maternity leave, genetics (results of genetic testing), active military status, or another basis prohibited under state or federal anti-discrimination statutes, will not be tolerated.

As a result, unlawful discrimination of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment will not be tolerated by the Town. Further, any retaliation against an individual who has formally or informally complained about discrimination, or has cooperated with an investigation of a discrimination complaint, is prohibited. To achieve our goal of providing a workplace free from discrimination, the conduct that is described in this policy will not be tolerated, and we will implement the procedure described below to address any potential inappropriate conduct.

This policy applies to all employment practices and employment programs sponsored by the Town. This policy shall apply, but not be limited to, the areas of: recruitment; selection; compensation and benefits; professional development and training; reasonable accommodation for disabilities or religious practices; promotion; transfer; termination; layoff, and other terms and conditions of employment.

Because the Town takes allegations of unlawful discrimination and harassment seriously, we will respond promptly to complaints and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of discrimination and harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.

### **5-6-2 Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is:  
"Sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee. Rather:

1. A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser.
2. The harasser does not have to be the victim's supervisor. [S]he may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (coworker), or, in some circumstances, even a non-employee.
3. The victim does not have to be the opposite sex from the harasser.
4. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. [S]he may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one female (or male) employee may create an intimidating, hostile, or offensive working environment for another female (or male) coworker or interfere with the coworker's work performance. The belief that such interference has occurred must be objectively reasonable.
5. Sexual harassment does not depend on the victim's having suffered an actual economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment where they interfere with the victim's work or create a harmful or offensive work environment. The belief that such interference occurred must be objectively reasonable.

### **5-6-3 Responsibilities of All Employees**

Each employee is personally responsible for:

1. Ensuring that [s]he does not sexually harass any other employee, applicant for employment, or other individual in the workplace;
2. Cooperating in the investigation of complaints of alleged sexual harassment by providing any information [s]he possesses concerning the matters being investigated; and
3. Otherwise cooperating with the Town's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

### **5-6-4 Complaints of Sexual Harassment**

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting your supervisor. If you prefer, you may file your complaint with the Town Manager. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **5-6-5 Sexual Harassment Investigation**

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action.

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as Department Heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. All employees are reminded of the provisions of G.L. c. 268A, §23(c)(2), which prohibit a municipal employee or official from improperly disclosing information that is protected from disclosure under the public records law, and acquired by an employee or official in the course of official duties. Section 23 also prohibits a municipal employee or official from using such information to further the employee's/official's personal interest. Violations of the prohibitions of Section 23 may lead to disciplinary action, up to and including termination.

### **5-6-6 Complaints Concerning Other Forms of Discrimination and/or Harassment**

Complaints alleging other forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Sections IV and V, above.

### **5-6-7 Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions including termination from employment.

### **5-6-8 State and Federal Remedies**

In addition to the above, if you believe you have been subjected to unlawful discrimination and/or harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

#### **1. The United States Equal Employment Opportunity Commission**

One Congress Street  
Tenth Floor  
Boston, MA 02114  
(617) 565-3200

#### **2. The Massachusetts Commission Against Discrimination**

Boston office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

Springfield office:  
424 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

Worcester office:  
Worcester City Hall  
455 Main Street, Room 100  
Worcester, MA 01608  
(508) 799-8010

**TIMETABLE: OCTOBER 21, 2013 SPECIAL TOWN MEETING**

<i>Activity</i>	<i>Date</i>	<i>Charter Reference</i>
SELECTMEN vote to OPEN the warrant for the special town meeting forthwith and CLOSE it on Friday, Sept 20, 2013, at 11 AM	VOTE: Monday, September 9, 2013 Regular Meeting	<i>Charter §2-3-2</i>
SELECTMEN discuss articles	<u>September 9, 2013</u>	<i>N/A</i>
SELECTMEN APPROVE ARTICLES AND VOTE TO INSERT THEM FORTHWITH	<u>September 16, 2013</u> at a Special meeting.	
<b>Special Town Meeting Warrant closes</b>	<b>Friday, September 20, 2013 at 11 AM</b>	<i>30 days prior to date of town meeting, per Charter §2-1-7</i>
SELECTMEN approve the Warrant for publication	Friday, Sept. 20, 2013 Special Mtg. 11:30 AM	
Warrant special town meeting is posted and published in the newspaper	Thursday, October 3, 2013	<i>at least 14 days prior to town meeting, per Charter §2-1-7</i>
Notice is published of PLANNING BOARD, BOARD OF HEALTH, CHARTER ENFORCEMENT COMMISSION, and CONSERVATION COMMISSION public hearings on petitioned articles	Thursdays, September 26 and October 3 and 10, 2013	
BOARD OF SELECTMEN mails copies of the warrants to Town Moderator, Town Counsel, and Town boards	Thursday, October 3, 2013	<i>at least 14 days prior to town meeting, per Charter §2-1-8</i>
SELECTMEN vote their recommendations	Monday, October 14, 2013 Regular meeting	<i>Charter §2-3-11</i>
FINANCE COMMITTEE reviews articles	Month of October 2013	<i>Charter §2-3-10</i>
FINANCE COMMITTEE public hearing on Warrant Articles	TBD	<i>Charter §9-2-4 and By-laws §5-2-1</i>
PLANNING BOARD, BOARD OF HEALTH, CHARTER ENFORCEMENT COMMISSION, and CONSERVATION COMMISSION, conduct hearings as necessary on petitioned articles	October 3-18, 2013	<i>Charter §§2-2-1 to 2-2-4</i>
Copies of FINANCE COMMITTEE report made available at Town Hall	Monday, October 14, 2013	<i>at least 7 days prior to town meeting, per Charter §2-1-9</i>
<b>SPECIAL TOWN MEETING at Town Hall</b>	<b>Monday, October 21, 2013 @ 6 p.m.</b>	<b><i>Charter §2-3-1</i></b>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

7A

## October 21, 2013 Special Town Meeting

### Set Dates for Opening and Closing of Warrants

Requested by: Town Manager, 2/1/13

Action Sought: Procedural

#### Proposed Motion(s)

*MOVE that the Board of Selectmen vote to open the Monday, October 21, 2013 Special Town Meeting warrant forthwith; and to close them on Friday, September 20, 2013 at 11:00 a.m., in accordance with Charter §2-1-7.*

#### Additional Information

See timetable attached. Pursuant to Charter § 2-3-1, the Annual Town Meeting shall be held on the first Monday in April every year. The Board will be asked to insert articles at its September 16, 2013 regular meeting or at a special meeting called for that purpose. Charter §2-1-7 provides that the warrant "shall be closed thirty days prior to the date of the town meeting." Articles may be submitted onto the warrants at the request of the town manager, selectmen, any town board, or 10 registered voters in the case of the annual [§2-1-3], or 100 registered voters in the case of the special [§2-1-4].

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**TIMETABLE: OCTOBER 21, 2013 SPECIAL TOWN MEETING**

<i>Activity</i>	<i>Date</i>	<i>Charter Reference</i>
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Notice is published of PLANNING BOARD, BOARD OF HEALTH, CHARTER ENFORCEMENT COMMISSION, and CONSERVATION COMMISSION public hearings on petitioned articles	Thursdays, September 26 and October 3 and 10, 2013	
BOARD OF SELECTMEN mails copies of the warrants to Town Moderator, Town Counsel, and Town boards	Thursday, October 3, 2013	<i>at least 14 days prior to town meeting, per Charter §2-1-8</i>
SELECTMEN vote their recommendations	Tuesday, October 15, 2013 Regular meeting	<i>Charter §2-3-11</i>
FINANCE COMMITTEE reviews articles	Month of October 2013	<i>Charter §2-3-10</i>
FINANCE COMMITTEE public hearing on Warrant Articles	TBD	<i>Charter §9-2-4 and By-laws §5-2-1</i>
PLANNING BOARD, BOARD OF HEALTH, CHARTER ENFORCEMENT COMMISSION, and CONSERVATION COMMISSION, conduct hearings as necessary on petitioned articles	October 3-18, 2013	<i>Charter §§2-2-1 to 2-2-4</i>
Copies of FINANCE COMMITTEE report made available at Town Hall	Friday, October 11, 2013	<i>at least 7 days prior to town meeting, per Charter §2-1-9</i>
<b>SPECIAL TOWN MEETING at Town Hall</b>	<b>Monday, October 21, 2013 @ 6 p.m.</b>	<b><i>Charter §2-3-1</i></b>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

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## TOWN MANAGER FOLLOW-UP

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion / Direction

### Proposed Motion(s)

Votes may be taken.

### Additional Information

The purpose of this agenda item is to allow the Town Manager and/or Assistant Town Manager to report to the Board anything that she/he learns of after the meeting notice has been posted, which the Chair could not have reasonably anticipated at the time the meeting notice was posted, and which cannot reasonably be included in an "updated" posting.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
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## OTHER

Requested by: Board of Selectmen

Action Sought: Open

### Proposed Motion(s)

Other matters that may legally come before the board not known at the time of posting.  
Votes may be taken.

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
September 9, 2013

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## MINUTES OF BOARD OF SELECTMENT'S MEETINGS

Requested by: Board of Selectmen

Action Sought: Approval

Proposed Motion(s)

*None*

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
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## SELECTMEN'S CLOSING STATEMENTS

Requested by: Secretary to BOS, Vernon G. Porter

Action Sought: Discussion

### Proposed Motion(s)

*Motions may be made and votes may be taken.*

**Elaine Anderson**

**David McChesney**

**Erik Yingling**

**Tom Donegan**

**Austin Knight**

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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