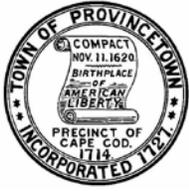




Meeting Agenda

The Provincetown Board of Selectmen will hold a public meeting on Tuesday, November 12, 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. Votes may be taken.
5. Appointments - None.
6. Requests
 - A. Curb Cut Amendment 160-164 Bradford Street Extension – Victor DePoalo. Votes may be taken.
 - B. Farmer’s Market – Discussion of existing location and approval of 2014 dates. Andy Pollack, Silverbrook Farms, Market Organizer. Votes may be taken.
 - C. Cape Cod Commissions Smarter Government Steering Committee Regional Aerial Flyover (Orthoimagery Acquisition Project) Memorandum of Agreement. Votes may be taken.
 - D. Monthly Police Report for October 2013. LT Jim Golden. Votes may be taken
 - E. Winthrop Street Cemetery Stone Conservation work: \$7700 change order Monument Conservation Collaborative. Grants Administrator Michelle Jarusiewicz. Votes may be taken.
 - F. CDBG FY 12 Response to monitoring finding and recommendation. Grants Administrator Michelle Jarusiewicz. Votes may be taken.
 - G. Request for Letter of Support in response to the application for a Medical Marijuana Dispensing Facility in Provincetown – The Kingsbury Group Inc. Votes may be taken.
 - H. Proclamation: Annual Senior Citizens Day - Sunday, December 15, 2013 requested by Robin Reid. Votes may be taken.
7. Town Manager / Assistant Town Manager
 - A. Special Town Meeting follow-up. 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
November 12, 2013

1

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>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013

2

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
November 12, 2013

3

SELECTMENS STATEMENTS

Requested by: Secretary to Board of Selectmen

Action Sought: Discussion

Proposed Motion(s)

Motions may be made and votes may be taken.

David McChesney

Erik Yingling

Tom Donegan

Elaine Anderson

Austin Knight

Additional Information

Board Action

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



CURB CUT AMENDMENT

160 – 164 Bradford Street Extension

Requested by: **Property Owner Victor DePoalo**

Action Sought: **Approval**

Proposed Motion(s)

Move that the Board of Selectmen vote to approve the amendment to the approved curb cut for the property located at 160-164 Bradford Street Extension.

Additional Information

See attached background information. The previous property owner was granted three separate curb cuts for each of the three lots. The current property owner is seeking to reduce the number of curb cuts to one, by combining two and taking the access for the third lot through an easement with the adjacent parcel. Staff supports this request as it reduces the number of curb cuts in this area and opens up the potential to add public parking.

Board Action

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

Board of Selectmen

Town of Provincetown
Public Ways and Sidewalks
Curb Cut Application

Applicant Victor DePaolo Phone Number 617 645-9328

Applicant's Mailing Address 175 Bradford St. Ext. Provincetown MA

Address of proposed construction 160-164 Bradford St. Ext. Map/Parcel _____

Owner of Record Victor DePaolo

Legal Address 175 Bradford St. Ext #202 Provincetown MA 02657

Victor DePaolo
Applicant's signature

10/22/2013
Date

1. Pursuant to Chapter 11, Section 6-1 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate for excavation on a public way as per the attached plan: (Describe in detail)

_____ for _____
(Period of time) (Temporary or permanent)

2. Pursuant to Chapter 11, Section 11-6-2 of the General By-laws, I hereby request permission of the Board of Selectmen to establish a curb cut as per the attached plans showing existing conditions and proposed curb cut: (Describe in detail)

Rec'd 10/22/13

3. Pursuant to Chapter 11, Section 11-6-3-1 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate to block off a public way or sidewalk as per the attached plan: (describe in detail)

for _____
 (Period of time) (Temporary or permanent)

4. Pursuant to Chapter 11, Section 11-6-3-2 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate to store construction equipment and/or materials on a public way as per the attached plan: (Describe in detail)

for _____
 (Period of time) (Temporary or permanent)

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director	<i>[Signature]</i>		11/1/13
Fire Chief			
Police Chief			
Building Commissioner			
Assistant Town Manager			

Comments: _____

3. Pursuant to Chapter 11, Section 11-6-3-1 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate to block off a public way or sidewalk as per the attached plan: (describe in detail)

for _____
 (Period of time) (Temporary or permanent)

4. Pursuant to Chapter 11, Section 11-6-3-2 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate to store construction equipment and/or materials on a public way as per the attached plan: (Describe in detail)

_____ for _____
 (Period of time) (Temporary or permanent)

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			11-04-2013
Police Chief, <i>Acting</i>	<i>H. John G. [Signature]</i>		
Building Commissioner			
Assistant Town Manager			

Comments: _____

3. Pursuant to Chapter 11, Section 11-6-3-1 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate to block off a public way or sidewalk as per the attached plan: (describe in detail)

for _____
 (Period of time) (Temporary or permanent)

4. Pursuant to Chapter 11, Section 11-6-3-2 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate to store construction equipment and/or materials on a public way as per the attached plan: (Describe in detail)

_____ for _____
 (Period of time) (Temporary or permanent)

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			11.4.13
Assistant Town Manager			

Comments: _____

3. Pursuant to Chapter 11, Section 11-6-3-1 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate to block off a public way or sidewalk as per the attached plan: (describe in detail)

for _____
 (Period of time) (Temporary or permanent)

4. Pursuant to Chapter 11, Section 11-6-3-2 of the General By-laws, I hereby request permission of the Commissioner of Public Safety or his/her delegate to store construction equipment and/or materials on a public way as per the attached plan: (Describe in detail)

for _____
 (Period of time) (Temporary or permanent)

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			
Assistant Town Manager	<i>Sam Gardner</i>		11.1.13

Comments: REDUCTION OF CURB CUTS PREVIOUSLY APPROVED.
MIGHT ALLOW US TO CONSIDER PUBLIC PARKING
IN THIS AREA IN THE FUTURE.



TOWN OF PROVINCETOWN
Community Development Department
260 Commercial Street, Provincetown MA 02657
Phone: 508 487-7020 Fax: 508 487-0032

CURB CUT PERMIT

Location:	<u>164 BRADFORD ST EXTENSION</u>
Applicant:	<u>DONALD Fiset</u>
Applicants Mailing Address:	<u>43 ALLYN LN, BARNSTABLE, MA 02630</u>
Applicant's Phone number:	<u>508-362-9648</u> Alternate: _____

This Curb Cut Permit is issued pursuant to Provincetown General Bylaws Section 11-6-2 and in accordance with Board of Selectmen Policy Statement 2010-05-10.

The Board of Selectmen held a public hearing on _____ and approved your Curb Cut request with the following conditions:

1. The applicant shall grade and place erosion control devices as needed to prevent stormwater and debris from flowing onto the Town road during construction.
2. Upon Completion of the project, the applicant shall insure that the edge of the paved road is supported and not undermined. Any construction damage to the Town road shall be repaired by the applicant.
3. Dig-safe must be contacted as required by state law.
4. Contact the Police Department at 508-487-1212 if a police detail will be required for work within the right-of-way.
5. Other: _____

Board of Selectmen:

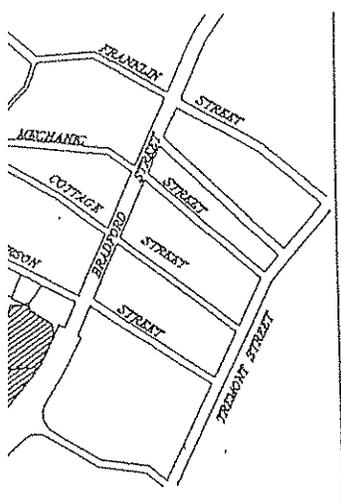
[Signature]
[Signature]
[Signature]

[Signature]

All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified above. These plans and specifications are incorporated into the conditions of this permit.

This permit is granted upon the condition that the work authorized herein is commenced within one year after the date of issue. If the work authorized by this permit is not commenced within one year after the date of issue or if such work is suspended in significant part for a period of one year after the time the work is commenced, this permit shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety days each may be allowed in writing by the Building Commissioner.

Final Inspection Sign-off:	Date: _____
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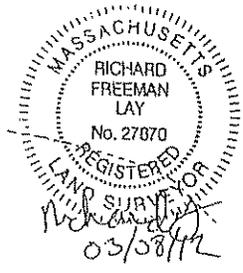
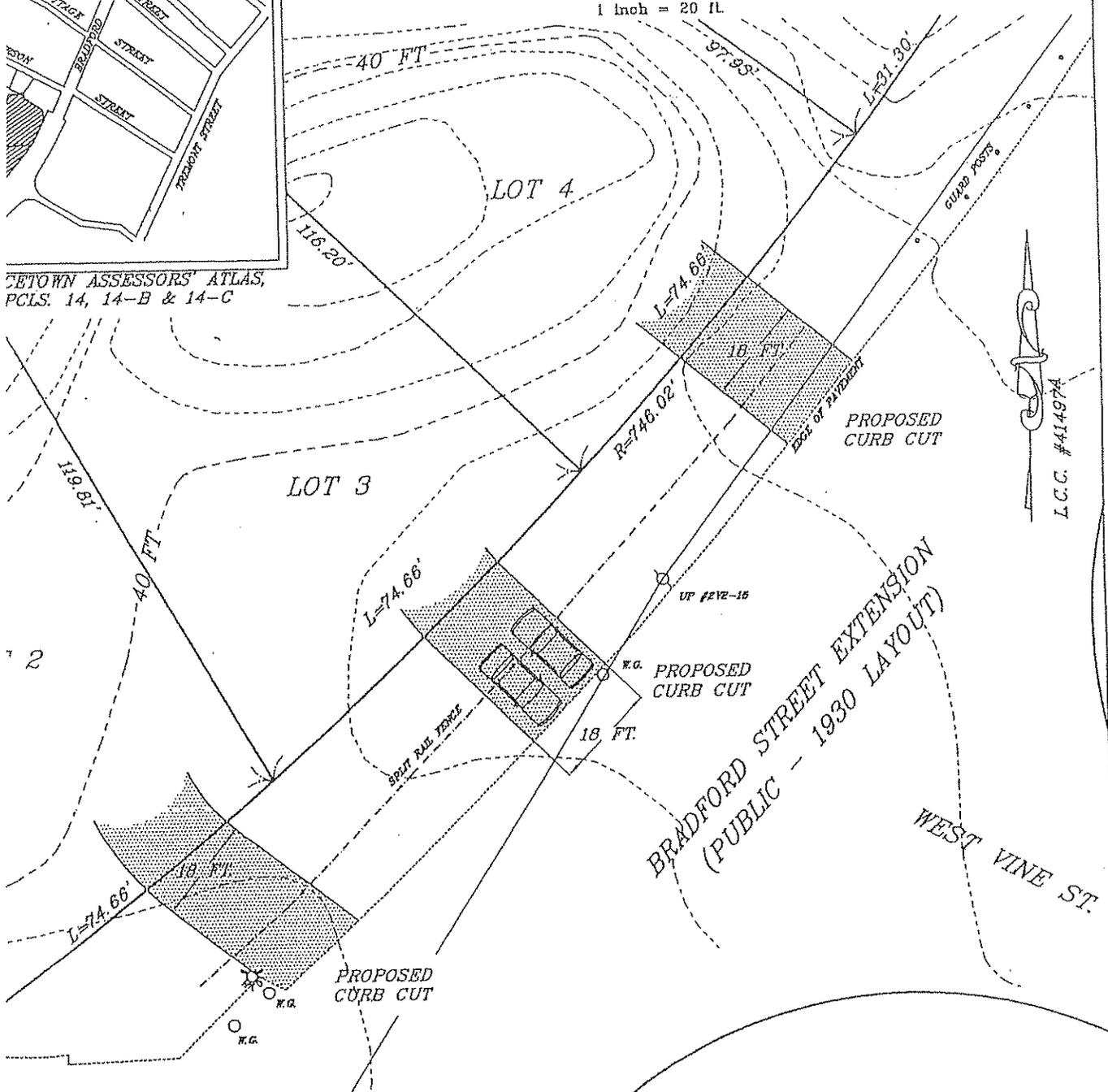


PROVINCETOWN ASSESSORS' ATLAS,
PCLS. 14, 14-B & 14-C

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



PLAN OF LAND IN PROVINCETOWN
MADE FOR
ROBERT P. FISET & DONALD N. FISET

SHOWING PROPOSED CURB CUTS ON LOTS 2, 3 & 4
AS SHOWN ON A PLAN RECORDED IN BK 630, PG. 84

SCALE: 1"=20'
SLADE ASSOCIATES, INC., REGISTERED LAND SURVEYORS
10 PINE POINT RD., WELLFLEET, MA 02667
(508-349-3110)

MARCH 7, 2012

ALL SHALL BE CONSTRUCTED WITH A NEGATIVE
FROM THE EDGE OF THE EXISTING PAVEMENT
BRADFORD STREET IN ORDER TO PREVENT
VEHICLES FROM ENTERING THE PUBLIC WAY

David Gardner

From: christopherfiset@aol.com
Sent: Thursday, October 03, 2013 11:31 AM
To: Maxine Notaro
Cc: victordepoalo@comcast.net; David Gardner
Subject: 160 162 164 Bradford Street Extension Curb Cuts
Attachments: 130916 revised easement plan fiset 166 bse et al.pdf

Maxine

Good morning.

In keeping with our conversation this morning, kindly allow this email to confirm that the Fiset family is in support of abutter Marcus Builders' intended consolidation of the three curb cuts into one at the above-referenced properties.

In furtherance of the consolidation of the curb cuts, please be advised that I recorded the attached easement plan at the Barnstable County Registry of Deeds this morning in Plan Book 650, Page 98. (When reviewing the easement plan please refer to the bottom left corner for detail.)

Said plan includes several easements, one of which is a driveway easement to the benefit of Marcus Builders to access the rear of 164 Bradford Street Extension (exclusively) over the approved curb cut and driveway accessing the lots at 166 Bradford Street Extension et al. This driveway easement granted by the Fiset to Marcus Builders removes the need for 164 BSE to have its own dedicated curb cut.

I trust this is in keeping with the Town's expectations concerning this matter and will allow for the desired parking in the area.

While the easement plan has been recorded, I have not yet recorded the easement documents. I expect to do so soon.

Please contact me if you have any questions or need more information.

In addition to my contact information below, my cell remains 508.364.5490.

Thank you.

Chris Fiset

The information contained in this message, and any attachment hereto, is intended solely for the use by the individual or entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this transmission in error, please delete the transmission and notify us by telephone immediately.

Christopher S. Fiset
Attorney at Law
9 Old Main Street
West Dennis, MA 02670

Tel. 508.398.5670
Fax. 508.398.7170

IRS CIRCULAR 230 NOTICE

In compliance with IRS requirements, we inform you that any U.S. tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of avoiding tax penalties or in connection with marketing or promotional materials.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013 - Tuesday

6B

FARMERS' MARKET

Requested by: **Board of Selectmen**

Action Sought: **Approval**

Proposed Motion(s)

MOVE that the Board of Selectmen vote to authorize the Provincetown Farmers' Market location at the Ryder Street Parking Lot every Saturday afternoon from 11:00 am to 4:00 pm starting on May 17, 2013 and ending on November 22, 2014 (excluding June 28, 2014).

Additional Information

This is the eighth year for the Provincetown Farmers' Market. The market is enthusiastically planning their return after yet another successful year in 2013. The market received a Special Permit from the ZBA, originally approved in 2009 and was reauthorized in 2013, which granted them permission to operate at the Ryder Street site subject to annual approval of the dates by the BOS.

Board Action

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

Vernon Porter

From: David Gardner
Sent: Tuesday, November 05, 2013 9:36 AM
To: Vernon Porter
Subject: Fwd: Farmer's Market

From: Andrew Pollock <silverbrook.farm@comcast.net>
Date: November 5, 2013 at 9:16:00 AM EST
To: David Gardner <dgardner@provincetown-ma.gov>
Subject: Re: Farmer's Market

David,

The dates for the 2014 will be May 17 to November 22.

As for information for the Select Board, these are as follows:

1. The location is sheltered and safe for tents and customers (we had many issues with wind and weather on the pier).
2. The location is central; creating a village market place atmosphere where tourist and townie, old and young, gay and straight interact in a healthy environment.
3. The location is established for seven years providing continuity for town residents, vacationers and tourists.
4. The location does not impede traffic on Ryder Street while accommodating walkers and bicyclists.
5. The location is on a paved surface that does not destroy grass by repeated usage.
6. Vendors fear a loss of income if the market is moved. Farming is not a high margin business and market sales are very important to the sustainability to Cape and SouthCoast farms.
7. No location seems to be without some negative implications.
8. Tourists find the market and enjoy yet another positive experience in the town.

Many thanks.

Andy



FY13-47
Case number

Town of Provincetown
Zoning Board of Appeals
Town Hall
Provincetown, MA 02657

5 Ryder Street
Property address

29 April 2013

Findings and Decision of the Zoning Board of Appeals

Introduction:

The applicant of Case FY13-47 is Andrew Pollock, of 592 Chase Road, Dartmouth, MA 02747. The location of the Farmer's Market is the Municipal Parking Lot at 5 Ryder Street, Provincetown, MA. Map 11-3, Parcel 115-0-E. Andrew Pollock presented the application.

The applicant petitioned the board for a **special permit** under Article 2, Section 2440 E3f of the Zoning By-Laws for "all other recreational uses under Permitted Principal Uses" and under Article 3, Section 3420 of the Zoning By-Laws for the outdoor display of a Farmer's Market with seasonal plants, food and food-related items for retail sale at 5 Ryder Street. The public hearing was held on April 4, 2013 in the Judge Welsh Hearing Room located in Town Hall, 260 Commercial Street, Provincetown MA 02657. There was one speaker in support and one speaker in opposition to the application. There were not letters in the file.

The applicant stated the Farmer's Market has been in operation in this same location for six years and endeavors to keep the property clean and congestion-free.

Zoning Board of Appeals members sitting on the application were:

Joe Vasta, Robert Littlefield, Amy Germain, Harriet Gordon and Leif Hamnquist.

The five members present exceeded the legal quorum (four members) of the Board.

Decision: By a vote of four in favor, zero opposed, and one abstaining, the Zoning Board of Appeal approved this application.

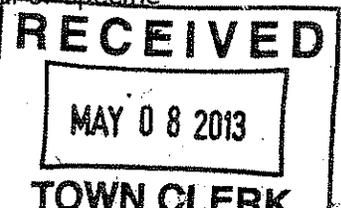
General Findings:

1. The property, in the TCC Zone, has a Municipal Parking Lot.
2. The surrounding properties are a mixture of residential and commercial.
3. There were no police reports for incidents or complaints related to this property.

Applicable Law and Decision Criteria:

1. Massachusetts General Laws Chapter 40A, Section 9 (Special Permits):

Zoning ordinances or by-laws shall provide for specific types of uses which shall only be permitted in specified districts upon the issuance of a special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific



provisions set forth therein; and such permits may also impose conditions, safeguards, and limitations on time or use.

2. Section 3420 of the Zoning By-Laws:

The applicable criteria in used by the Board in adjudicating this application state:

"In all districts of town there shall be no mechanical display or exhibit, or display of any type of merchandise or wares, for the purpose of advertisement, sale, barter, or exchange, or as an inducement thereof, outside of, upon, or against any building or screened or open porch, or booth, or cart, or contiguous land, or premises unless a Special Permit for said display is first granted by the Zoning Board of Appeals, or specifically excepted as hereinafter provided. Effective April 1, 1990, all exterior displays or exhibits must have a Special Permit from the Zoning Board of Appeals."

3. Section 2440 E3f of the Zoning By-Laws:

The applicable criteria used by the Board in adjudicating this application state:

"Permitted Principal Uses Table: Recreational: All other" is allowed by appeal in the TCC zoning district.

4. Section 5300 Special Permits: Special Permit applications shall be heard by the Board of Appeals except where otherwise noted in this By-Law.

Section 5330: Special Permits....shall be granted by the Special Permit Granting Authority only upon its written determination that the social, economic or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation.

Specific Findings:

1. The proposed display will not create any adverse effect due to hazard or congestion and is in keeping with the character of the surrounding neighborhood.
2. The outdoor display will consist of seasonal produce, plants or food-related items.
3. The hours and days of operation will be decided by the Provincetown Board of Selectmen on an annual basis before the start of the season.
4. The outdoor display special permit decision will be subject to renewal after a period of three years.

Based on the findings above, the Zoning Board of Appeals granted the Special Permit for Application FY13-47; with the following conditions:

- 1). The special permit runs with the applicant.
- 2). If this special permit is not exercised within two years from the stamped date by the Provincetown town clerk, then said special permit shall expire.

Signed By:



David Nicolau,
Chair

Date

5/2/13

Date of Filing:

A copy of this application, bearing the stamp of this Board, the signatures of the sitting

Important: Any appeal from the decision of the Zoning Board of Appeals can be made only to the Court and must be made pursuant to MGL Chapter 40A, Section 17, as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

members, and the date of this decision, will be on file in the Provincetown Department of Community Development. The applicant is hereby put on notice that any deviation from the above referenced application shall invalidate this Special Permit and shall require further review by this Board. Furthermore, the Special Permit issued hereunder shall not be valid until recorded at the Registry of Deeds in Barnstable as provided in MGL c.40A.

Important: Any appeal from the decision of the Zoning Board of Appeals can be made only to the Court and must be made pursuant to MGL Chapter 40A, Section 17, as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

5 Ryder Street

Property address



F413-47

case number

**Town of Provincetown
Zoning Board of Appeals**

Town Hall - 260 Commercial Street, Provincetown, MA 02657

508-487-7020

Fax: 508-487-0032

The Special Permit/Variance issued hereunder shall not be valid until it is properly recorded at the Registry of Deeds in Barnstable as provided in M.G.L. c40A Section II. The applicant shall furnish proof of said filing prior to obtaining a building permit.

A motion was made to Approve Deny Allow to withdraw without prejudice

The Zoning Board of Appeals application/decision for case # _____, by a

Vote of 4 in favor, 0 against and 1 abstained.

Board Members Sitting	In Favor	In Opposition	Abstained
Joseph Vasta	✓		
Robert Littlefield	✓		1
Ann Colman	✓		
HARIST BORDEN	✓		
Leif HANNGAUST	✓		

Board Members

[Signature]

Hannet M. Day

Robert Littlefield

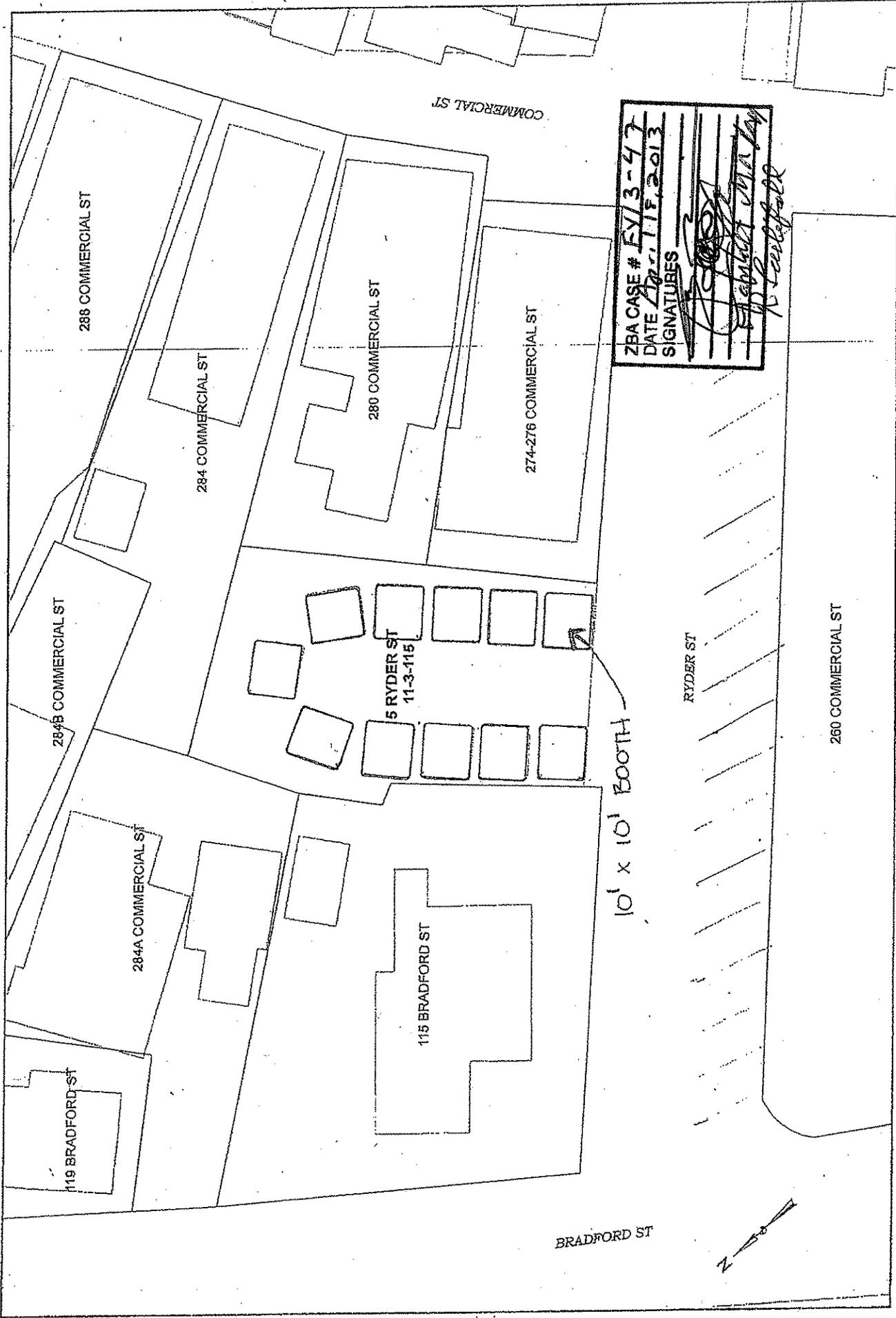
Certified By

[Signature] April 18, 2013
Chair Date

[Signature] APRIL 18, 2013
Clerk Date

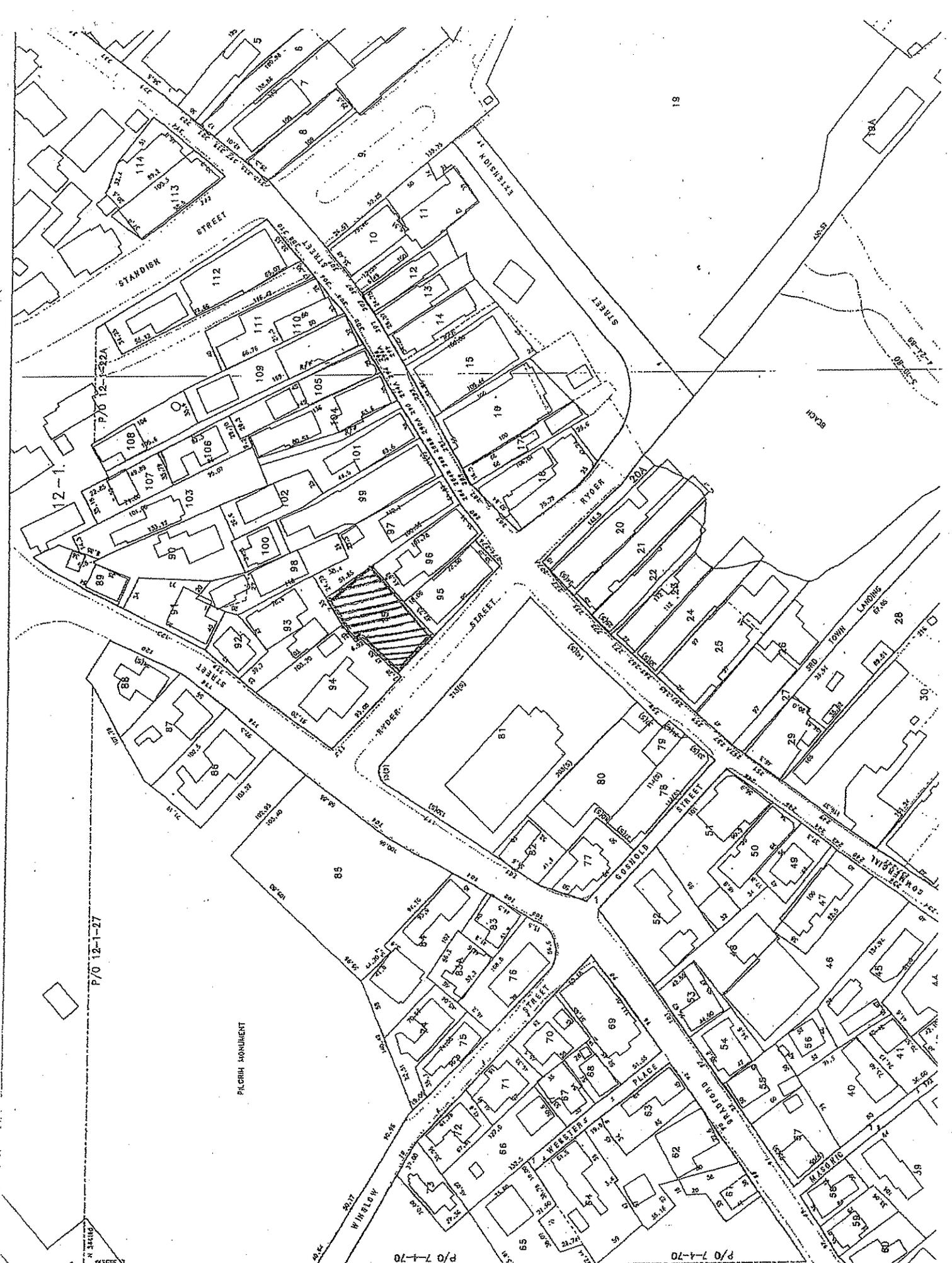
IMPORTANT: Any appeal from the decision of the Board of Zoning Appeals can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (G.L.) as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.

Plan of Land Owned by Town of Provincetown Showing Location of Farmers' Market



1 inch = 30 feet

0 15 30 60 90 Feet



P/O 12-1-27

PLACER MONUMENT

P/O 7-4-70

P/O 7-4-70

David Gardner

From: Thomas Donegan
Sent: Tuesday, November 05, 2013 7:57 AM
To: Sharon Lynn; David Gardner
Subject: Fwd: Support for Farmer's Market, same location, from neighbors

----- Original Message -----

Subject: Support for Farmer's Market, same location, from neighbors

From: MarkPtown@aol.com

To: Elaine Anderson <eanderson@provincetown-ma.gov>, Erik Yingling <eyingling@provincetown-ma.gov>, Thomas Donegan <tdonegan@provincetown-ma.gov>, Austin Knight <aknight@provincetown-ma.gov>, David McChesney <dmcchesney@provincetown-ma.gov>

CC:

Selectmen:

We are neighbors of the Farmer's Market and live at 120 Bradford St.

We have observed many people from our property as they walk to and from the market.

We support keeping the Farmer's Market where it is presently located on Ryder Street.

And, we might suggest allowing the Farmer's Market to open earlier than their present 11:00 AM time.

- Mark Schiffman and Warren Goff



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013 - Tuesday

6C

REGIONAL AERIAL FLYOVER

Memorandum of Agreement

Requested by: **Town Manager Sharon Lynn**

Action Sought: **Approval**

Proposed Motion(s)

Move that the Board of Selectmen vote to approve Provincetown's participation in the Regional Aerial Flyover and to direct Town Manager Sharon Lynn to enter into the Memorandum of Agreement with Barnstable County acting through the Cape Cod Commission to acquire high-resolution orthoimagery.

Additional Information

See attached background information and Memorandum of Agreement. For this meeting, we are addressing the Physical "Flyover" portion of the project only. This flyover will be through the Cape Cod Commission through the MassOrtho Consortium. Provincetown will be going from our current 100-Scale Planimetric /2 Foot Contour maps to a better Resolution of 40-Scale Planimetric mapping with 2 Foot Contours and 0.25 pixel resolution orthophotography data accuracies.

Provincetown cost of the Flyover portion will be: \$2,256 directly to the Cape Cod Commission. Funding for the project will come from October 2012 STM Article 5 - \$27,000

Board Action

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

Vernon Porter

From: Sharon Lynn
Sent: Friday, November 01, 2013 3:00 PM
To: Elisabeth Verde; Vernon Porter
Subject: Fwd: Regional Aerial Flyover
Attachments: ProvincetownMOA.docx; ATT00001.htm; AttachmentA&B.pdf; ATT00002.htm

From: Kristy Senatori <ksenatori@capecodcommission.org>
Date: November 1, 2013 at 13:04:50 EDT
To: Sharon Lynn <slynn@provincetown-ma.gov>
Subject: Regional Aerial Flyover

Hi Sharon:

I hope you are well – it was great to see you at the Smarter Government Steering Committee meeting last week.

I am following up on the Regional Aerial Flyover – orthoimagery acquisition project. We've discussed previously that it would be financially beneficial to conduct one flight and have one data set for the entire Cape. The Commission is partnering with the MassOrtho Consortium, USGS, and MassGIS to conduct a spring flight – the rate negotiated is \$701 per square mile – this is significantly lower than the cost to fly each town individually (estimated at \$1,800-\$2,500 per square mile). We would like all of the Barnstable County towns to participate. The total cost of the flight is estimated at \$303,571.

Due to the cost of the flight, the Cape Cod Commission requested and the County Commissioners approved a supplemental budget request of \$200,000 from the County to offset the Town costs. The Commission will be paying the 5% administrative fee of \$14,456. Based on this, the participation amount for the Town of Provincetown is **\$2,256**.

A Memorandum of Agreement and supporting information are attached to this email. We are requesting signed MOA's by November 12, 2013 – at that time we will submit an invoice to you and payment will need to be made in a December timeframe. If you have any questions about the project or the agreement, please do not hesitate to contact me.

Thank you.

Best regards,
Kristy

Kristy Senatori
Deputy Director
Cape Cod Commission
Direct: (508) 744-1216

MassOrtho | Fact Sheet

Massachusetts Orthoimagery Consortium is a collaboration between local governments, with the support of state and regional agencies to procure and acquire orthoimagery for the region in the spring of 2014. MassOrtho has set the following goals:

- To lower the cost of orthoimagery acquisition for participating communities
- To provide procurement and project management expertise at a regional level
- To provide a basemap of regional orthoimagery that is accessible to various local, state, regional, and federal agencies
- To provide a predictable and sustainable model for recurring imagery procurement

MassOrtho

How to join:

sites.google.com/site/massflyover



Inter-Governmental Cost Estimate		3 Inch Imagery Details	
Per the US Geological Survey <ul style="list-style-type: none"> • \$701 per square mile • 5% will be added to each participant's cost to cover the USGS administrative fee for <ul style="list-style-type: none"> ○ Procurement ○ QA/QC of imagery 	<ul style="list-style-type: none"> • Captured at lower altitudes, high resolution • Orthoimagery has the greatest resolution and • Provides a product that is extremely rich in detail • Has the best innate positional accuracy available. 	Key identifiable features: <ul style="list-style-type: none"> • Utilities - fire hydrants, manholes, catch basins • Power and light poles • Billboards/traffic signs • Curbs and gutter • Transportation paint lines • Single trees and shrubs 	
Project Timeline		Notes	
Participant to complete contact information survey and sign MOU with Arlington	Phase I: By July 31, 2013 Phase II: By August 31, 2013 Phase III: By November 15, 2013	<ul style="list-style-type: none"> • MassOrtho will provide an online survey and site to access MOU. • Statewide outreach will be conducted. 	
Payment from Participant to Arlington	By December 1, 2013	<ul style="list-style-type: none"> • Participants are allowed to submit payment as soon as MOU is signed. All payments are final and deadline is firm. 	
Arlington to sign Joint Funding Agreement with USGS	By December 15, 2013	<ul style="list-style-type: none"> • JFA will only be signed for amount that Arlington has in the MassOrtho fund as of this date. 	
Imagery collected	Between February – April 2014		
Payment from Arlington to USGS for services rendered as needed	March 2014 - December 2014	<ul style="list-style-type: none"> • Progress and payment milestones will be announced to all participants. 	
Final delivery of all products	By December 31, 2014		

IMAGERY SPECIFICATIONS

ACQUISITION	
Imagery Bands:	4-band (true color & near infrared)
Acceptable Window:	Spring 2014, generally thought to be from February 1, 2014 and continue through April 30, 2014.
Acquisition Conditions:	Leaf off, snow free, free from clouds, smoke, haze, light streaks, flooding (streams/rivers in banks), and excessive soil moisture.
Resolution:	7.5 cm Ground Sample Distance (pixel resolution)
PROCESSING	
Horizontal Accuracy:	Suitable for 40-scale planimetrics.
Vertical Accuracy:	Suitable for generating 2-foot contours.
Projection:	<p>Orthorectified, uncompressed GeoTIFF images shall be referenced to UTM projection and coordinate system (meters) that MassGIS is using for their statewide imagery</p> <p>Orthorectified, compressed Mr SID mosaic images shall be referenced to Massachusetts State Plane projection and coordinate system (feet) using horizontal datum NAD83.</p> <p>Note: Massachusetts Mainland or Islands may be required</p>
Tiling Scheme:	<p>The tiling scheme shall be consistent with the 2013 and 2014 Massachusetts orthoimagery projects.</p> <p>The quarter-tile grid should completely cover the participating municipality, plus all quarter-tiles within or touching a 200 foot buffer from the municipal boundary.</p>
FINAL PRODUCTS FOR DELIVERY	
Notes:	All deliveries will be in conventional soft copy formats via external hard drive or as mutually agreed upon at time of transfer.
Non-orthorectified, uncompressed imagery and project files:	Imagery will be suitable for development of 40-scale planimetrics by a vendor of the participants choice.
Orthorectified, uncompressed imagery:	<p>Data shall not be compressed during any phase of the production or delivery process.</p> <p>Tiles will be consistent with MassGIS 2013-2014 imagery</p> <p>Referenced to UTM projection and coordinate system (meters) using horizontal datum NAD83</p>
Orthorectified, compressed imagery:	<p>Mr SID with 80:1 compression ratio</p> <p>Mosaic should completely cover the participant's area, plus all quarter-tiles within or touching a 200 foot buffer from their defined boundary</p> <p>Referenced to Massachusetts State Plane projection and coordinate system (feet) using horizontal datum NAD83.</p> <p>Note: Massachusetts Mainland or Islands may be required</p>

FY14 Supplemental Budget Request High-Resolution Orthoimagery Joint-Purchase Proposal – Spring 2014 Aerial Flyover

	Area/sq mi	\$1,800/sq mi	Single Town Procurement Market Rates	\$2,500/sq mi	Group Procurement USGS Estimated Rates	\$701/sq mi	\$216/sq mi
Barnstable	62.612	\$ 112,702	\$ 156,530	\$ 43,891	\$ 13,529		
Bourne	41.082	\$ 73,948	\$ 102,705	\$ 28,798	\$ 8,877		
Brewster	25.513	\$ 45,923	\$ 63,783	\$ 17,885	\$ 5,513		
Chatham	17.043	\$ 30,677	\$ 42,608	\$ 11,947	\$ 3,683		
Dennis	20.871	\$ 37,568	\$ 52,178	\$ 14,631	\$ 4,510		
Eastham	14.357	\$ 25,843	\$ 35,893	\$ 10,064	\$ 3,102		
Falmouth	46.000	\$ 82,800	\$ 115,000	\$ 32,246	\$ 9,939		
Harwich	22.502	\$ 40,504	\$ 56,255	\$ 15,774	\$ 4,862		
Mashpee	25.601	\$ 46,082	\$ 64,003	\$ 17,946	\$ 5,532		
Orleans	14.567	\$ 26,221	\$ 36,418	\$ 10,211	\$ 3,148		
Provincetown	10.443	\$ 18,797	\$ 26,108	\$ 7,321	\$ 2,256		
Sandwich	43.919	\$ 79,054	\$ 109,798	\$ 30,787	\$ 9,490		
Truro	22.003	\$ 39,605	\$ 55,008	\$ 15,424	\$ 4,754		
Wellfleet	21.005	\$ 37,809	\$ 52,513	\$ 14,725	\$ 4,539		
Yarmouth	24.915	\$ 44,847	\$ 62,288	\$ 17,465	\$ 5,383		
	412.433			\$ 289,116			
				5% admin fee	\$ 14,456		
		\$ 742,379	\$ 1,031,083	\$ 303,571	\$ 89,116		

*with contribution of \$200,000 from Barnstable County and admin fee from Cape Cod Commission

Memorandum of Agreement
Between

Barnstable County through
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

and

Town Manager on behalf of
Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

This Memorandum of Agreement (Agreement) is entered into this _____ day of _____ 2013 by and between Mary Pat Flynn, William Doherty and Sheila Lyons as they are the Commissioners of Barnstable County, acting by and through the Cape Cod Commission (hereafter referred to as the "Commission") and the Town Manager on behalf of the Town of Provincetown (hereafter referred to as the "Town.")

WHEREAS, the Commission, is joining the Massachusetts Orthoimagery Consortium (MassOrtho) collaboration with the U.S. Geological Survey (USGS) to acquire high-resolution orthoimagery for the Cape Cod region as described in the MassOrtho Fact Sheet (Attachment A), and

WHEREAS, the County and Commission are jointly funding approximately 70% of the project cost, and

WHEREAS, the Town is interested in participating in this collaboration to acquire these aerial images of its town,

NOW THEREFORE, the Town enters into this Memorandum of Agreement with the Commission.

1. RESPONSIBILITIES OF THE TOWN

- A) Based upon USGS's preliminary cost estimate in the attached table (Attachment B), the Town agrees to provide \$2,256 to the Commission upon execution of this agreement.
- B) After execution of an agreement between USGS and the vendor for acquisition, quality review and delivery of the orthoimagery, any additional cost assessed to the region will be invoiced to the Town based upon a square mileage formula. This cost will be paid by the Town to the Commission.
- C) If available and appropriate, the Town agrees to assist the USGS Quality Assurance team by providing supplemental independent horizontal accuracy test points.
- D) If requested, the Town agrees to assist USGS and/or MassOrtho with imagery quality assurance by reviewing the imagery and providing feedback to MassOrtho, in a timely manner.
- E) The Town agrees to provide feedback on local ground conditions to MassOrtho to support USGS efforts, as needed.

2. RESPONSIBILITIES OF THE COMMISSION

- A) The Commission shall act as fiscal agent for purposes of this regional project, executing an agreement with and making payment to MassOrtho Consortium's fiscal agent, the Town of Arlington.
- B) If the Commission receives a financial contribution from any partners in addition to those listed on Attachment B, a refund will be made to the Town based upon a square mileage formula.

- C) Upon receipt of the region's orthoimagery, anticipated no later than December 31, 2014, the Commission will transfer the appropriate imagery to the Town.
- D) The Commission shall maintain financial records of the receipt and expenditure of the funds received hereunder in sufficient detail as needed by participating towns to verify project costs and in sufficient detail as may be contemporaneously required to comply with the financial reporting and record keeping requirements mandated by the Bureau of Accounts of the Department of Revenue, or any successor thereto, with respect to the Commission's ordinary custody and expenditure of funds.
- E) The Commission will have the unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

3. DURATION

- A) This Memorandum of Agreement shall be effective until December 31, 2014 unless an extension in time is agreed to in writing by both parties.
- B) Either the Town or the Commission may terminate this Agreement by written notice to the other party if the other party substantially fails to fulfill its obligations hereunder through no fault of the terminating party, or if the other party violates or breaches any of the provisions of this Agreement. Such notice shall be delivered by certified mail at least thirty (30) days before such effective date.

4. AMENDMENT

This Agreement may be amended as mutually agreed by both parties in writing.

5. SIGNATORY AUTHORIZATION

The respective signatories hereto represent and warrant that they are duly authorized to execute this Agreement on behalf of the public entity on whose behalf they have signed this Agreement, and that all substantive and procedural preconditions to their effective execution of this Agreement on behalf of said public entities have been satisfied.

6. INTEGRATED INSTRUMENT

This Agreement shall take effect as an integrated instrument.

IN WITNESS WHEREOF, the TOWN and the COMMISSION execute this Agreement this ____ day of _____ in the year two thousand and thirteen.

BARNSTABLE COUNTY COMMISSIONERS

TOWN OF PROVINCETOWN

Mary Pat Flynn, Chairman

Sharon Lynn, Town Manager

William Doherty, Vice-Chairman

Date

Sheila Lyons, Commissioner

CAPE COD COMMISSION

Date

Paul Niedzwiecki, Executive Director

Date



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013

6D

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 October.

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 Shaukpainter 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: November 04, 2013 (October 2013)

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 Tuesday, October 1st through Thursday, October 31, 2013, the officers of the Provincetown Police Department responded to 1,871 total calls for service.

There were ten suspicious activity calls and one call about a suspicious vehicle that turned out to be the restoration crew working in the oldest cemetery. Five breaking and entering incidents were reported with five larcenies (including copper from a construction site) and no reports of shoplifting. Two bikes were reported stolen and there were two reported phishing attempts made by phone.

There were eleven reports of harassment or verbal threats, seven domestic disturbances and three assaults reported, seventeen general disturbances, no specific reports of property damage, five reports of damaged or vandalism to property.

Officers stopped 126 drivers and issued 6 citations (4.7%). Of these 6 citations only 2 had a civil penalty attachment. Four 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 included one dog bite, thirty loose or lost dogs, four calls involving cats, three nuisance calls for non-domestic animals (raccoon, birds etc.). One goose with a broken foot (Wild Care), an injured seagull (Wild Care), one turtle release at Shankpainter Pond and an injured rabbit and a dead fox were all reported to police. There was also a gannet in need of medical care found on the beach and transferred to Wild Care in Eastham. Police also received a call about a snake in a house and a banded homing pigeon found (Wild Care) in a local auto repair shop.

There were 14 arrests:

- On Friday, October 04, at 1:27a.m., Dwayne L. Jones, 36, of Orleans, MA was placed under arrest for Operating a Motor Vehicle under the Influence of Alcohol, Operating to Endanger, Negligent Operation, Failing to keep right on hill with obstructed view, Stop Sign Violation and Failure to stay within marked lanes.
- On Saturday, October 05, at 10:52p.m., William Z. Bayba, 52, of Albany, NY was placed under arrest for Assault & Battery (Domestic Violence).
- On Sunday, October 06, at 12:12a.m., Nicholas Dagenais, 50, of South Dartmouth, MA was placed under arrest for Possession of a Class A Substance, (Ketamine).
- On Monday, October 07, at 9:14p.m., Erik William Codacovi, 43, of Lake Luzerne, NY was placed under arrest for Assault by means of a Dangerous Weapon (to wit, Knife).
- On Saturday, October 12, at 1:21a.m., James C. Hughes, 27, of Provincetown, MA was placed under arrest for Operating a Motor Vehicle under the Influence of Alcohol, Operating to Endanger, Negligent Operation, and Lights violation.
- On Sunday, October 13, at 11:28p.m., Thomas Czyoski, 63, of Provincetown, MA was placed under arrest for a default warrant issued from the Mass Trial Court.
- On Monday, October 14, at 9:06a.m., Barry A. Morrison, 50, of Dennis, MA was placed under arrest for Operating a M/V after license suspended and for having no inspection sticker.
- On Saturday, October 19, at 11:07p.m., Shannon D. Curtis, 52, of Mays Landing, NJ was placed under arrest for Assault & Battery (Domestic Violence).
- On Sunday, October 20, at 3:16a.m., Henri S. Sann, 38, of Brooklyn, NY was placed under arrest for Operating a Motor Vehicle under the Influence of Alcohol, Operating to Endanger, Negligent Operation, and Failure to Stop for a Police Officer.

- On Monday, October 21, at 8:05p.m., Eve Archer, 66, of Provincetown, MA was placed under arrest for a default warrant issued from the Mass Trial Court.
- On Thursday, October 24, at 9:49a.m., Lana R. Barbaro, 64, of Provincetown, MA was placed under arrest for violating a Harassment Prevention Order.
- On Friday, October 25, at 1:45a.m., Erik William Codacovi, 43, of Lake Luzerne, NY was placed under arrest for Possession of a Class D Substance (Marijuana) with intent to distribute and Possession of a Class E Substance (Alprazolam).
- On Friday, October 28, at 4:32p.m., Joshua Alan Bitzer-Wardell, 24, of South Yarmouth, MA was placed under arrest for a default warrant issued from the Mass Trial Court.
- On Thursday, October 31, at 12:51p.m., James Michael Weare, 32, of Hahira, GA was placed under arrest for Assault & Battery (Domestic Violence) and several warrants (3) issued from the Mass Trial Court.

7 people were also detained for being incapacitated from alcohol.

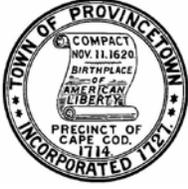
6 Males

1 Female

There were 13 motor vehicle accidents:

- Tuesday, October 01, at 1:43 p.m., Conwell Street at Old Ann Page Way, minor vehicle accident (car vs. dog).
- Tuesday, October 01, at 2:40 p.m., Conwell Street at Cemetery Road, major vehicle accident two cars collided.
- Tuesday, October 01, at 2:40 p.m., on US Route #6, minor vehicle accident reported in the past.
- Wednesday, October 09, at 8:26 a.m., US Route #6 at the Conwell Street intersection, major vehicle accident two cars collided.
- Wednesday, October 09, at 11:21 a.m., on Commercial Street, minor vehicle accident when a delivery truck struck a retail property.
- Thursday, October 10, at 10:47 a.m., on Shankpainter Road, minor vehicle accident.
- Friday, October 11, at 3:13 p.m., on Commercial Street, minor vehicle accident (car vs. pedi-cab).

- **Thursday, October 17, at 6:21 p.m., on Commercial Street, minor vehicle accident (car vs. taxi).**
- **Thursday, October 24, at 10:17 a.m., on Commercial Street, minor vehicle accident when a delivery truck struck a retail property.**
- **Friday, October 25, at 2:49 p.m., on Commercial Street, minor vehicle accident (car vs. taxi).**
- **Tuesday, October 29, at 4:55 p.m., Bradford Street and Howland Street, major vehicle accident two cars collided.**
- **Wednesday, October 30, at 2:24 p.m., on Commercial Street, minor vehicle accident.**
- **Thursday, October 31, at 4:06 p.m., on Bradford Street, minor vehicle accident. (vs. tree)**



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013

6E

**CONTRACT AMENDMENT: WINTHROP ST CEMETERY
STONE CONSERVATION**

Monument Conservation Collaborative: \$7,700

Requested by: Cemetery Comm. & Grant Administrator 11/16/13

Action Sought: Approve amendment

Proposed Motion(s)

MOVE that the Board of Selectmen vote to approve a contract amendment in the amount of \$7,700, for the Winthrop Street Cemetery Stone Conservation work to Monument Conservation Collaborative of Norfolk, CT, bringing the total contract amount to \$42,700; \$5,000 from the CPA fund grant and \$2,700 from the Unibank fund.

Additional Information

See attached information. This Amendment was approved by the Cemetery Commission on October 7, 2013 and reflects changes and additions to treated stones.

Board Action

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



Preserving the substance and significance of gravestones

IRVING SLAVID *Conservator*
MARTIN JOHNSON *Conservator*
PROF. NORMAN R. WEISS *Consultant*

Michelle Jarusiewicz
Grant Administrator
Provincetown Town Hall
260 Commercial Street
Provincetown, MA 02657

October 9, 2013

Re: Change Order Proposal for Winthrop Street Cemetery (revised)

Upon starting excavation work and inspecting markers to be restored under the contract we found 4 markers in the base bid that were identified to be "reset" (E4.06, E4.09, E5.14 and E6.06) that were set into concrete some time ago.



E4.06 L. Beals



E4.09 S. Durham



E5.14 H. Freeman



E6.06 C. Freeman



The image to the left shows the 2-4" thick concrete backing securely attached to the back of the marker seen upon excavation. When we have come across this situation before in other cemeteries, separation from the concrete was at times, quite easily accomplished. However the concrete on these fragile and fractured markers is securely attached. We do not feel that the concrete can be removed without extensively harming the marble markers.

Base bid marker #E4.12 (unknown) scheduled to be "reset" was found to be an un-engraved fragment and there is no reason to be reset.

Additionally there are 11 base bid markers that were assessed to "evaluate". After probing the surrounding areas and doing preliminary excavation of these markers we have determined that they cannot be restored.

Thus there are a total of 16 markers listed in the base bid contract that cannot be restored. (See attached list of Base Bid markers)

Upon re-inspecting the cemetery at the start of our work last month we found 3 recent fractures not listed on the 2011 condition assessment and should be included in this contract.



E6.05 Charles Freeman G3.01 Richard Perry H4.04 Thankful Rich
(#H4.04 had been "repaired" sometime in the past and had recently failed.)

MCC proposes:

- 1) That we substitute the above referenced three recent fractures for 3 of the markers that cannot be restored or reset.
- 2) That we reset an additional 31 Alternate #1 and #2 markers (headstones only). 13 of these are in lieu of the remaining 13 markers that cannot be reset plus an additional payment of \$7,700 for the remaining 18 headstones. These Alternate markers are listed with a "√" on the following page.

If this is acceptable to the Cemetery Commission and Town please send us an approval of this change order. This proposal is subject to the Town's approval in a timely manner, i.e. while we are still working at the Cemetery so we can incorporate this new work within our schedule. With cooperating weather we should be able to complete all our work before Thanksgiving.

Sincerely,

Irving Slavid, President

List of Base Bid markers

BASE BID (Total 51 markers)							
BB2= Base Bid Priority 2 (total 31), BB3 = Base Bid Priority 3 (total 20)							
C3.02	BB2		Mary Jane	Parsons	Headstone	New base, poss fracture	
D3.04	BB2		Nattie	Freeman	Headstone	Reset to base	
D3.05	BB2		Pheobe	n.a.	Headstone	Fractured, old repair	
D3.06	BB2		Huldah E	Burgh	Headstone	Reset to Exist base	
D4.03	BB2		Rebekah	Ditson	Headstone	Reset into existing base	
D5.05	BB2		William W	Freeman	Headstone	New base	
D5.09	BB2		James	Emery	Headstone	Fractured New base	
D5.15	BB2		Ann	Roberts	Headstone	Tilted, New base?	
E4.06	BB2	N.R.	Louisa	Beals	Headstone	Excavate, New base	IN CONC.
E4.09	BB2	N.R.	Sally	Durham	Headstone	Fractured New base	IN CONC.
E4.12	BB2	N.R.	(f.d.)	n.a.	Headstone	Excavate, New base	FRAGMENT
E5.10	BB2		Daniel H	Ghen	Headstone	Reset to base	
E5.12	BB2		Charles R	Freeman	Headstone	New base	
E5.14	BB2	N.R.	Hatsuld	Freeman	Headstone	Fractured, New base	IN CONC.
E6.06	BB2	N.R.	Catherine	Freeman	Headstone	Fractured New base	IN CONC.
F2.05	BB2		Jane B	Crowell	Headstone	Face down, fractured	
F5.03	BB2		Elizabeth	Atwood	Headstone	Fractured	
F6.01	BB2	X	Stephen H	Paine	Headstone	Overgrown, fractured	EVALUATE
F6.10	BB2	X	Father	n.a.	Marker	Excavate, inspect	EVALUATE
F6.11	BB2	X		n.a.	Marker	Excavate, inspect	EVALUATE
G3.02	BB2		Elizabeth	Perry	Headstone	Delaminating	
H2.06	BB2		Soper		Obelisk	Reset to base	
H6.06	BB2		Susannah	Nickerson	Headstone	Tilted, fragmented	
I6.01	BB2		Capt. John	Tallcott	Headstone	Delaminating	
J2.08	BB2		Nathaniel	Nickerson	Headstone	Tilted, fragmented	
K2.02	BB2		Bethiah	Peck	Footstone	Delaminating	
K2.06	BB2		Louis	Larry	Headstone	Tilted, fragmented	
N1.08	BB2		Richard	Collins	Headstone	Reset	
P3.10	BB2		David	Young	Headstone	Fallen, poss. New base	
P4.01	BB2	X	Ruth S	Roberts	Headstone	Fractured	EVALUATE
P4.06	BB2	X	Ruth	Smith (?)	Headstone	Overgrown, fractured	EVALUATE

Base Bid (continued)

BASE BID (Total 51 markers)							BB2= Base Bid Priority 2 (total 31), BB3 = Base Bid Priority 3 (total 20)
B3.02	BB3	X	Children	Loring	Headstone	Fragmented	EVALUATE
D4.04	BB3	X	Mother	n.a.	Headstone	Investigate, 3 fragments?	EVALUATE
H5.01	BB3	X		n.a.	Headstone	Fragmented	EVALUATE
I4.01	BB3		Sarah	Hinckley	Headstone	Sunken, investigate	
J2.07	BB3		Nathaniel	Nickerson	Footstone	Fragmented, probe	
J3.13	BB3	X	Josiah	Nickerson	Headstone	Fragmented	EVALUATE
J4.02	BB3		Joseph	Nickerson	Headstone	Sunken, investigate	In tree
J4.03	BB3	X	Elijah	Nickerson	Headstone	Fragmented	EVALUATE
J4.18	BB3		Sally	Nickerson	Footstone	Sunken, investigate	
K3.03	BB3		Jemima	Nickerson	Footstone	Sunken, investigate	
K3.12	BB3		Cynthia	Collins	Footstone	Sunken, investigate	
K3.18	BB3		Joanna	Mayo	Footstone	Sunken, investigate	
K4.03	BB3		Caleb	Hill	Headstone	Sunken, investigate	
K4.05	BB3	X	Elizabeth	Atkins	Footstone	Fractured, Probe	EVALUATE
K4.13	BB3			n.a.	Headstone	Fractured, Probe	
K5.05	BB3		David	Atkins	Footstone	Sunken, investigate	
P3.17	BB3		Thomas R	Small	Footstone	Sunken, investigate	
P4.03	BB3		George N	Roberts	Headstone	Sunken, fragmented	
P4.05	BB3		Seth	Smith	Footstone	Sunken, investigate	
P4.09	BB3		Eleazer Jr	Young	Footstone	Sunken, investigate	

Alternates

Provincetown 2013		AL1= Alternate 1, AL2=Alternate 2					
D5.19	AL1	√	Sally	Dyer	Headstone	Tilted	
D5.20	AL1	√	Henry	Dyer	Headstone	Tilted	
F2.04	AL1	√	Eunice S	Crowell	Headstone	Tilted	
H2.01	AL1	√	Betsey	Soper	Headstone	Tilted	
I1.01	AL1	√	Stephen	Atwood	Headstone	Tilted	
I3.06	AL1	√	Ebenezer	Rider	Headstone	Fragmented	
I4.02	AL1	√	Solomon	Cook	Headstone	Tilted	
J2.11	AL1	√	Phebe	Nickerson	Headstone	Tilted	
J4.11	AL1	√	Martha	Atkins	Headstone	Tilted	
J4.20	AL1	√	Daniel	Howes	Headstone	Tilted	
J4.23	AL1	√	Elizabeth	Atkins	Headstone	Tilted	
K4.08	AL1	√	John	Hill	Headstone	Tilted	
K4.11	AL1	√	Lydia	Cook	Headstone	Tilted	
L3.01	AL1	√	Joshua	Dyer	Headstone	Tilted	
L4.01	AL1	√	Jane	Lancy	Headstone	Tilted	
M3.01	AL1	√	Thomas	Watkins	Headstone	Tilted	
M3.06	AL1	√	Olive	Paine	Headstone	Tilted	
M3.08	AL1	√	Capt Lot	Paine	Headstone	Tilted	
M4.01	AL1	√	Reuben	Orcett	Headstone	Tilted	
M4.03	AL1	√	Peggey	Dyer	Headstone	Tilted	
P1.04	AL1	√	Hannah	Young	Headstone	Tilted	
P2.01	AL1	√	Moses	Young	Headstone	Tilted	
I2.02	AL1	X	Henry Jr	Dyer	Footstone	Fragmented	EVALUATE
I3.19	AL1	X	Scamons	Hopkins	Footstone	Fragmented	EVALUATE
G6.03	AL1		Reuben	Collins	Footstone	Tilted	
H6.02	AL1		Hannah	Bowly	Footstone	Tilted	
I1.02	AL1		Reuben	Atkins	Footstone	Tilted (on slope)	
I6.18	AL1		Bethiah	Nickerson	Footstone	Tilted	
J4.19	AL1		Bethiah	Atkins	Footstone	Tilted	
K3.02	AL1		S	N	Footstone	Tilted	
M3.02	AL1		S	W	Footstone	Tilted	
M4.04	AL1	X	Peggey	Dyer	Footstone	Tilted	EVALUATE
P3.07	AL1	X	Betsey A	Rich	Footstone	Tilted	EVALUATE

Alternates (continued)

J2.05	AL2	√	Emeline	Cook	Headstone	Clean
J2.09	AL2	√		n.a.	Headstone	Clean
J2.12	AL2	√	Doc.Stephen	Peck	Headstone	Clean
J2.13	AL2	√	Bethiah	Peck	Headstone	Clean
J2.14	AL2	√	Jonathan	Nickerson	Headstone	Clean
J3.05	AL2	√	Sally	Nickerson	Headstone	Clean
J3.08	AL2	√	Joshua	Nickerson	Headstone	Clean
J3.09	AL2	√	Martha	Nickerson	Headstone	Clean
J3.10	AL2	√	Seth	Nickerson	Headstone	Clean



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013

6F

MCDBG FY 2012 Monitoring Response

Requested by: Grant Admin 11/5/12

Action Sought: Authorize response

Proposed Motion(s)

MOVE that the Board of Selectmen vote to authorize the response to DHCD's monitoring of MCDBG 12 under the Massachusetts Community Development Block Grant program.

Additional Information

See attached report and draft letter from Grant Administrator Michelle Jarusiewicz.

Board Action

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

Memo

To: Board of Selectmen, Town Manager Sharon Lynn
From: Michelle Jarusiewicz, Community Housing Specialist/Grant Administrator
CC: Assistant Town Manager David Gardner, Acting DPW Director Richard Waldo
Date: November 4, 2013
Re: MCDBG FY 2012 Monitoring Response

Attached is a draft letter that I am requesting the Board of Selectmen authorize and submit to the Department of Housing and Community Development [DHCD] with regard to their monitoring of the FY 2012 Massachusetts Community Development Block Grant (MCDBG) Program grant [see below for description]:

MONITORING: On August 22 and 29, 2013, DHCD staff conducted a monitoring review of the 2012 Community Development Fund grant. See attached letter and report along with a draft response letter. The monitoring had two findings: one for neglecting to conduct on-site interviews and one for cash on hand for a lengthy period of time and an issue of concern for lack of rejection letters which are addressed in the letter.

Finding #1: *Non-compliance with federal labor standards for construction contracts over \$2,000. Davis-Bacon Act: 40USC 276a-276a5 and Contract Work Hours and Safety Standards Act.*

For Davis-Bacon compliance, the Town includes both the State and Federal wage rates as part of the bidding documents and contract documents. Monitoring typically includes comparison of individual payroll reports to those wage rates that are part of payment requests and on-site interviews to ensure that workers are actually being paid what is reported. I did conduct the payroll report comparison. While I have done the on-site interviews in the past, for some reason, I neglected to this time. I am sorry; it was an oversight on my part.

Finding #2: *Non-compliance with 31 CFR s. 205 (as interpreted by Mass. CDBG policy): The Town had large cash balances on hand in its direct depository account for a number of months during the grant period, above the monthly \$10,000 limit.*

The timing of the drawdown process and payment of invoices is somewhat tricky. I work with the engineers to estimate expected invoice submissions and submit a drawdown in anticipation of the invoice. Given the gap between submission of the drawdown request and receipt of funds, usually about one month is needed. Typically, the Town is required to pay vendors within 30 days. In the meantime, the actual invoice, or the amount allowed for payment may change. DHCD would like the funds to be disbursed within one warrant cycle. There is no mechanism to alter the drawdown amount or to realistically return the difference in funds without creating an accounting nightmare for all of us. With this funding year, I also expected to receive invoices more frequently for the Resident Services program than I actually did. So, I drew down funds that could have waited. One option that

DHCD suggests is for the Town to pay invoices in advance of drawdown which would require a Grant Anticipation Note and additional interest costs, which seems like a waste of funds to me. In the future I will be more stringent about the amount that I drawdown in order to disburse the funds quickly.

Issue of Concern: Rejection letters were not sent to unsuccessful bidders in the procurement of the North Union Field well water project. For all future projects the Town will send written rejection notices to all non-winning bidders.

PROGRAM SUMMARY:

The Town of Provincetown received a grant award of \$800,000 under the FY 2012 Community Development Fund [CDF] grant program under the Massachusetts Community Development Block Grant (MCDBG) Program for a North Union well field water transmission main and utilities work and a resident services program.

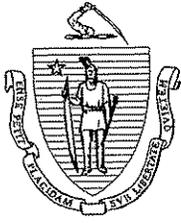
Proposed Activity:	Estimated CDF Budget
NUF WATER TRANSMISSION MAIN & UTILITIES	\$635,000
RESIDENT SERVICES PROGRAM	\$99,374
GENERAL ADMINISTRATION:	\$65,626
TOTAL	\$800,000

NORTH UNION WELL FIELD WATER TRANSMISSION MAIN: As part of the Town’s greater efforts to maintain and upgrade its water system, and further towards the development of a new well field, the project included the installation of the water transmission main and electrical service from North Union Field to the distribution system at Dew Line Road and is 100% complete.

RESIDENT SERVICES: The project includes the provision of a variety of services for the tenants living in TCB, HA, CDP, and CHR Provincetown properties; that is, deed-restricted affordable year round rental properties. All residents of these properties qualify as low/moderate income [the primary threshold for this grant program]. This service will include advocacy and referral assistance for alcohol and substance abuse, financial issues, budgeting, depression, domestic abuse, preservation of tenancy, medical, and other life issues. TCB will contribute office space, furniture, maintenance, and other basics.

GENERAL ADMINISTRATION: General administration includes funds for program administration, clerical assistance, program audit, legal services, supplies, advertising, printing, and other administrative expenses.

Please let me know if you have any further questions.



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ♦ Aaron Gornstein, Undersecretary

October 8, 2013

Austin Knight, Chairman
Board of Selectmen
Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

**RE: Community Development Block Grant Program (CDBG) Monitoring Report
Town of Provincetown, FY 2012 Community Development Fund I #0680**

Dear Mr. Knight:

On August 22, 2013, and August 29, 2013 the Department of Housing and Community Development (DHCD) monitored the Town's FY 2012 Community Development Fund I Grant. This review considered the programmatic and financial operations for the grant and was designed to measure compliance with selected federal and state requirements contained in the following:

- 1) Title I of the Housing and Community Development Act of 1974, as amended;
- 2) Federal regulations including but not limited to:
 - 24 CFR Part 570.480, HUD Community Development Block Grant Regulations for State Programs;
 - 24 CFR Part 85, Administrative Procedures for Grants to State, Local and Federally Recognized Indian Tribes;
 - OMB Circular A-87, Cost Principles for Federal Financial Assistance Programs;
- 3) 31 CFR Section 205 (as interpreted by Massachusetts CDBG policy)
- 4) The Town of Provincetown's DHCD Grant Contract and Program Management Manual.

The monitoring was conducted by Program Representative Patricia Roushanaei and Fiscal Representative Emily McLaughlin. They met with Michelle Jarusiewicz, Community Housing Specialist and Grant Administrator.

Attached please find the report on the visit to your community. There were two findings of non-compliance as a result of this review, one issue of concern which, if left unaddressed, may result in future findings, and one recommendation. The Town must respond to the findings through a letter signed by you, addressed to DHCD Community Development Manager Mark Siegenthaler, addressing the corrective actions resulting from the findings no later than thirty days (30) days from receipt of this letter. Please contact Patricia Roushanaei at (617) 573-1427, if you have any questions.

We appreciate the cooperation of the staff during this compliance review.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Southard', written in a cursive style.

Mark Southard
Deputy Community Development Manager
Division of Community Services

cc: Michelle Jarusiewicz, Provincetown
Patricia Roushanaei, DHCD

**Monitoring Report
Town of Provincetown
FY 2012 Community Development Block Grant Program
Community Development Fund I
Grant #0680**

The Town of Provincetown received a federal FY 2012 CDBG CDF I Grant award in the amount of \$800,000 from the Department of Housing and Community Development. These funds were awarded to the Town to provide social services and install a water transmission main and electric service to connect the North Union Field Well to Provincetown's existing water system.

The infrastructure project was monitored using the public facilities monitoring package. Specifically, the project was monitored for compliance with the following areas: the procurement for construction services, the construction contract, change orders, wage rate monitoring, and overall contract management. The public social service project was monitored using the public social service monitoring package. Specifically the contracts and reporting was reviewed. There was one finding of non-compliance and one recommendation as a result of the program review regarding the infrastructure program.

Finding #1: Non-compliance with federal labor standards for construction contracts over \$2,000. Davis-Bacon Act: 40USC 276a-276a5 and Contract Work Hours and Safety Standards Act

No on-site employee interviews were conducted to verify that the workers were receiving the appropriate wages and were performing the type of work indicated on the payroll reports. Federal Labor Standards require that grantees conduct on-site interviews of employees working on Davis-Bacon projects. These interviews are conducted to ensure that employees are being paid the correct wage rates and so the interviewer can verify that the work performed is consistent with the job classification. It is recommended that grantees conduct these on-site interviews over a period of time to ensure an adequate sampling of employees is achieved.

Corrective Action:

The Town must certify to DHCD that for any future CDBG construction contracts that on-site employee interviews will be completed.

Recommendation #1: Construction Contract

The Town did not use DHCD's standard boiler-plate construction contract for construction services for the North Union Well field infrastructure project. A review of the contract did find the federal language required, but it was difficult to locate. In the future, the Town should use the boiler-plate contract to ensure that all required federal language is included in the construction bid document.

Financial Review

The financial review was conducted using the evaluation procedure that follows. Staff from the Community Housing Office was interviewed and the status of the grant program was discussed. The financial management system was reviewed to determine if minimum standards for

compliance were being met. Grant records were inspected for completeness, evidence of regulatory compliance, consistency with the approved grant application and internal controls. The Town's financial records and reports were reviewed and compared to source documentation such as grant contracts and procurement files, change orders, grant fund draw down forms, bank statements, vendor invoices, and schedule of bills payable. Procurement files for the Provincetown North Union Field Well water project were examined to verify that the processes conformed to the requirements of the CDBG program as outlined in the Grant Agreement and Program Management Manual for adequacy of source documentation as well as verification of cost reasonableness.

Certification:

The fiscal monitoring visit was conducted in accordance with a standard monitoring checklist appropriate to the program for the purposes of forming an opinion on the general administration of the grant. A representative sample of transactions and associated source documentation were tested to ensure that costs charge to the program are in overall compliance with OMB Financial Management Standards, U.S. Treasury cash management regulations, and general program eligibility.

This was not an audit, and therefore all areas examined were only examined for the purposes of obtaining an assessment of fiscal compliance related to federal program requirements.

There was one finding and one issue of concern as a result of the financial review.

Finding of Noncompliance #2: Non-compliance with 31 CFR Section 205 (as interpreted by Massachusetts CDBG policy)

The Town had large cash balances on hand in its direct depository account for a number of months during the grant period, above the monthly \$10,000 limit.

Corrective Action:

The above cited regulation governs procedures for the receipt and disbursement of CDBG funds and the amount and length of time that these funds should be held in the direct depository bank account. Account balances should not exceed \$10,000 for a period of time longer than is "administratively feasible". DHCD has determined this time frame to be one local government warrant cycle. The Town must institute procedures to forecast cash needs so as to draw funds from DHCD which it will be able to disburse in a timely manner, thereby complying with this regulation. The Town may also want to explore the possibility of advancing local funds to pay its vendors and later drawing CDBG funds to reimburse the Town. In the event that funds held in the depository account will not be spent by the Town within this timeframe, the Town should contact its fiscal representative to ask for guidance. The Town must certify in its response that it will comply with these procedures

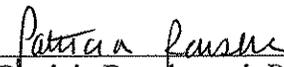
Issue of Concern: Rejection letters were not sent to unsuccessful bidders in the procurement of the North Union Field well water project

A review of the bidding process revealed that written rejection letters were not sent to the non-winning bidders.

Corrective Action:

For all future procurements, the Town must send written rejection notices to all non-winning bidders as required in the Massachusetts CDBG Program Manual, Chapter 12: Procurement, Awards and Contracts, page 6: "...All other bidders must receive written notice of the award", regardless of whether or not the bidder(s) is in attendance during the bid opening.

Prepared By:



Patricia Roushanaei, Program Representative

10/8/13
Date



Emily McLaughlin, Fiscal Representative

10/8/13
Date

Reviewed By:



Dharam Dixit, Deputy Finance Director
Division of Community Services

10/8/13
Date



Board of Selectmen
Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

November 12, 2013

Mark Siegenthaler
Community Development Manager
Division of Community Services
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

Re: FY 2012 MCDBG/CDF #0680 ♦ Monitoring Response

Dear Mr. Siegenthaler:

On behalf of the Town of Provincetown, please consider this our response to the Monitoring Report for our 2012 Community Development Fund grant program [#0680].

Finding #1: Non-compliance with federal labor standards for construction contracts over \$2,000. Davis-Bacon Act: 40USC 276a-276a5 and Contract Work Hours and Safety Standards Act.

Unfortunately, the Grant Administrator, due to an oversight, neglected to conduct on-site interviews for the NUF project. She did monitor payroll reports and compare to wage rates, and has in the past conducted on-site interviews for previous projects, and will in the future continue to do so.

Finding #2: Non-compliance with 31 CFR s. 205 (as interpreted by Mass. CDBG policy): The Town had large cash balances on hand in its direct depository account for a number of months during the grant period, above the monthly \$10,000 limit.

The Grant Administrator works with the engineers to estimate expected invoice submissions and submits a drawdown in anticipation of the invoice. Given the gap between submission of the drawdown request and receipt of funds, usually about one month is needed. In the meantime, the actual invoice, or the amount allowed for payment may change. There is no mechanism to alter the drawdown amount or to realistically return the difference in funds without creating an accounting nightmare for all of us that the Grant Administrator is aware of. In the future, if such a scenario should reoccur, the town will contact DHCD staff for direction on how to proceed.

Issue of Concern: Rejection letters were not sent to unsuccessful bidders in the procurement of the North Union Field well water project. For all future projects the Town will send written rejection notices to all non-winning bidders.

Please feel free to contact Grant Administrator Michelle Jarusiewicz at 508-487-7087 with any questions. Thank you for your consideration in this matter.

Sincerely,

Austin Knight, Chairman
Board of Selectmen

cc: Town Manager Sharon Lynn
Grant Administrator Michelle Jarusiewicz
e-mail: selectmen@provincetown-ma.gov <http://www.provincetown-ma.gov>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013 - Tuesday

6G

THE KINGSBURY GROUP

Request for Letter of Support or Non-Opposition

Requested by: **Tim McCarthy, 10-28-13**

Action Sought: **Approval**

Proposed Motion(s)

Move that the Board of Selectmen vote to submit a Letter of Support / Letter of Non-Opposition on behalf of The Kingsbury Group, Inc PO Box 1446, Provincetown, MA 02657, to the Department of Public Health in response to the application for a Medical Marijuana Dispensing Facility in Provincetown.

Additional Information

See attached request. The letter is a required part of the Phase 2 application process with the Department of Public Health.

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
November 12, 2013 - Tuesday

6H

PROCLAMATION: SENIOR CITIZENS DAY

Sunday, December 15, 2013

Requested by: **Robin Reed, 10-28-13**

Action Sought: **Approval**

Proposed Motion(s)

Move that the Board of Selectmen vote to approve the application submitted by Robin Reid of Provincetown, MA to proclaim Sunday, December 15, 2013, as Senior Citizen Day in the Town of Provincetown.

Additional Information

See attached copy of proclamation. This is an annual proclamation to be read at the David Asher Senior Citizen Dinner organized by Robin Reed and her committee

Board Action

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



PROCLAMATION

Be It Hereby Proclaimed by the Provincetown Board of Selectmen that;

WHEREAS, the Town of Provincetown has traditionally honored its Senior Citizens for generations, and

WHEREAS, Senior Citizens make a significant contribution to the social fabric of the Community to set an example for residents of all ages, and

WHEREAS, the Senior Citizens have set aside a day of celebration among themselves and with friends in a festive holiday observance sponsored by the Provincetown Business Guild and the Council on Aging.

NOW, THEREFORE, the Board of Selectmen in the Town of Provincetown, in the County of Barnstable of the Commonwealth of Massachusetts, does hereby proclaim

SUNDAY, DECEMBER 15, 2013

as

SENIOR CITIZEN DAY

in the Town of Provincetown.

and encourages our citizens to express their gratitude, honor, and continued support of our Senior Citizens, and to pay tribute on this day as an expression of our commitment to their general well being and participation in community activities.

The Honorable Board of Selectmen

Austin Knight, Chairman

Elaine Anderson, Vice-Chairman

David J. McChesney

Erik Yingling

ATTEST: *Sharon Lynn, Town Manager*

Tom Donegan



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013, Tuesday

7A

October 21, 2013 Special Town Meeting Follow-up Tracking Sheet of Articles Passed

Requested by: Town Manager, 10/30/13

Action Sought: Discussion, Direction

Proposed Motion(s)

Discussion dependent.

Additional Information

Attached for the Board's information is a tracking sheet indicating follow-up actions required to implement votes of the October 21, 2013 Special Town Meeting.

Board Action

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

OCTOBER 21, 2013 SPECIAL TOWN MEETING

<i>Article</i>	<i>Action</i>	<i>Staff Responsible</i>
STM-1 To Hear Town Reports.	N/A	
STM-2 Prior Year Bills	Pay the bills	Finance Director
STM-3 Contribution to OPEB Liability Fund	Transfer money	Finance Director
STM-4 Contribution to OPEB Liability Fund – future receipts from Retiree Drug Subsidy	Transfer money	Finance Director
STM-5 Cable Reserve Fund Transfer	Transfer money	Finance Director
STM-6 Acquisition of VFW Property	Purchase land	Town Manager
STM-7 Design Services Contract for a new Police Station	IP	N/A
STM-8 PROPERTY Acquire land in Truro for Wellhead Protection	Purchase land	Town Manager/DPW
STM-9 Replacement of Existing Water Service Connections in Support of Pavement Management Plan and Reduction of Unaccounted for Water	Transfer money	Finance Director
STM-10 Community Oriented Policing	Draft article for April 2014 ATM, pending contract negotiation with Police	Board of Selectmen/Town Manager
STM-11 Alteration of the Layout of Atlantic Avenue and Conveyance	Alter layout	Assistant Town Manager
STM-12 General Bylaw Amendment – Local Historic District Guidelines	Change By-Laws	Town Planner
STM-13 Zoning Bylaw Amendment – Medical Marijuana	Change By-Laws	Town Planner
STM-14 Zoning Bylaw Amendment – Parking Requirements	Change By-Laws	Town Planner
STM-15 Zoning Bylaw Amendment – Growth Management Use Categories and Priorities	Change By-Laws	Town Planner
STM-16 Zoning Bylaw Amendment – Site Plan Review Bylaw	Change By-Laws	Town Planner
STM-17 Finance Committee Recommendations	Review recommendations	Finance Director



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

November 12, 2013 Tuesday

7B

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

November 12, 2013 Tuesday

7D

OTHER – County Charter Review Committee Governance Options

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent.

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>



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

November 12, 2013 Tuesday

7D

OTHER – County Charter Review Committee Governance Options

Requested by: Town Manager Sharon Lynn

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent.

Votes may be taken.

Additional Information

See attached options for Governance Models considered by the Charter Review Committee.

Board Action

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

CHARTER REVIEW COMMITTEE:
GOVERNANCE OPTIONS – PROS & CONS

Option #1 Status Quo / Current Existing Structure

Executive Branch: Three (3) person Board of County Commissioners elected Cape-wide (partisan) with a strong-appointed County Administrator

Legislative Branch: Fifteen (15) Assembly Delegates, one elected from each Cape town (non-partisan) voting in proportion to their population (a weighted vote). Ordinances (laws) passed by a majority of the weighted vote cast.

PROS (for both Executive & Legislative Branches):

- system of checks and balances
- existing costs to operate are a known factor
- each Cape town has an individual voice in Cape-wide Legislative Branch
- no complaints from towns
- many feel it has worked and has been effective
- historic (Legislature in existence since 1989; Executive much longer)
- represents all citizens Cape-wide (in Executive Branch)

CONS (for both Executive & Legislative Branches):

- proportional system (weighted vote in Legislative Branch) not considered the “gold standard” for equal representation of citizens
 - can be subject to domination by a few (2 to 4) individual town representatives that can carry the vote (in the Legislative Branch)
 - power is highly concentrated in Executive Branch yet responsibility there is defused
-

Option #2 Assembly of Delegates (Legislative Branch) Resolution #13-01

Executive Branch: Five (5) person Board of County Commissioners (one elected from each of five Cape-wide districts) with an appointed County Administrator

Legislative Branch: Fifteen (15) Assembly Delegates one elected from each Cape town (non-partisan) with a weighted vote

PROS (for Executive Branch):

- increasing the number of elected County Commissioners will help
 - avoid quorum issues
 - lessen the potential for open meeting law violations
 - broaden the regional aspect and increase Cape-wide representation with County Commissioners being elected from regional districts
 - ability to create a legal sub-committee (involving two County Commissioners) without violating Open Meeting Laws

CONS (for Executive Branch):

- more diffusion of authority and responsibility
- increases the number and cost of officials to oversee and operate a small budget
- no clear “leader” for the County
- less efficient

[See pros and cons referenced above under Option #1 (Status Quo) for Legislative Branch. Under Option #2 Legislative Branch remains unchanged. Only changes are to the Executive Branch]

Option #3 Charter Review Committee Model

Executive Branch: One (1) appointed County Executive (replaces the elected Board of County Commissioners)

Legislative Branch: Eleven (11) District Representatives (one elected from each Cape district) non-partisan, with an equal vote - becomes the policy making body for the County, responsible for appointing the County Executive

PROS:

- citizens could be more “invested” in their district representation than in the current County Commissioners
- district representative would serve citizens versus towns
- would create equal representation (no weighted vote)
- would create a single policy-making body (Legislative Branch) to increase efficiency
- creates more opportunity to think ‘regionally” and could increase visibility as each district would have equal power and thus generate more electoral interest in some areas especially if representatives were paid more than current Assembly members
- would work well with and in contrast to the Cape Cod Commission where every town has an equal individual vote

CONS:

- does not provide the same system of checks and balances as existing structure
- unknown cost (cost of legislative representation could increase)
- each individual Cape town would not have a separate and single voice
- voters may be less familiar with the people they elect due to districts not towns (Legislative Branch)

[for purposes of presentation at public comment sessions scheduled for 10/2/13, 10/9/13 and 10/16/13]



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
November 12, 2013

8

MINUTES OF BOARD OF SELECTMEN'S MEETINGS

Requested by:

Action Sought: Approval

Proposed Motion(s)

Move that the Board of Selectmen approve the minutes of:

August 26, 2013 (Regular Mtg.) [] as printed [] with changes so noted

September 12, 2013 (Special Mtg. 7:30 pm) [] as printed [] with changes so noted

October 15, 2013 (Executive Session 4:30 pm) [] as printed [] with changes so noted

October 15, 2013 (Regular Mtg.) [] as printed [] with changes so noted

October 18, 2013 (Executive Session 12 pm) [] as printed [] with changes so noted

October 21, 2013 (Town Meeting) [] as printed [] with changes so noted

October 24, 2013 (Executive Session 8:00 am) [] as printed [] with changes so noted

October 28, 2013 (Special Meeting 5:00 pm) [] as printed [] with changes so noted

October 28, 2013 (Regular Meeting) [] as printed [] with changes so noted

Additional Information

Board Action

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

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES
REGULAR MEETING - MONDAY – AUGUST 26, 2013 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Austin Knight convened the meeting at 6:00 PM, noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, David McChesney, Erik Yingling and Tom Donegan.

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Finance Director Dan Hoort

Recorder: Assistant Town Manager David Gardner

The following are meeting minutes, in brief:

1. PUBLIC HEARINGS – NSTAR POLE HEARING 100 ALDEN STREET

The public hearing notice was read into the record.

Karen Corveau, NSTAR representative present.

John Browne, Electrical Inspector in support of NSTAR Electric petition. All abutters were notified of the public hearing by the Permit Coordinator via regular mail.

Public Comment: none

MOTION: Move that the Board of Selectmen vote pursuant to MGL C.166,§22, to approve the request of NSTAR Electric; to install new underground conduit as indicated on Plan Number 103706 dated June 12, 2013 submitted by NSTAR Electric to provide electric service to Seashore Point-Deaconess, Inc. located at 100 Alden Street, Provincetown, MA; and further that NSTAR Electric provide an as-built plan to the property owner showing actual location and depth after installation.

Motion by: Elaine Anderson Seconded By: David McChesney Yea 5 Nay 0

2. PUBLIC STATEMENTS

Jim King – Read a letter into the record. Requests the Selectmen look into the merits of the marine patrol program. Requests financial costs of the program. Seeks a costs benefit analysis of the program. Thinks the program is too expensive for the Town.

Carlos Verde – Clarify that the PPPC did consider the letter and request from Mr. King. We intend to look at the cost associated with the marine program at the end of the season.

Gordon Peabody – Harbormaster has an abandoned boat program. Witnessed the marine patrol officer cutting kayaks. Boats are supposed to be stickered prior to being removed. Provincetown needs to have a beach management plan that respects all users. The due

process cannot be sidestepped in the administration of the removal program.

Edward Ritter – The prams that we crushed were on the private property of the Old Colony. The boats that were destroyed were seaworthy. I am not seeking compensation. Would request the ability to obtain a surplus pram from DPW before others get destroyed.

Victor _____ - Pram was also confiscated on the Old Colony's property. Would like this issue looked into to understand how this came about.

Sam Andecito – Would like something done regarding prams. Would like to determine if it is private property or not.

Alan MacKinnon - Expressed concern about speeding on Arch Street. Would like the town to address the problem.

Tom Shirk - White Porch Inn, concerned about safety on Arch Street.

Alan Roth – Lives on Conwell Street, very concerned about safety and vehicles speeding on Conwell. Seeks additional police enforcement.

Dan Hoort – Director of Finance. Feels the need to make a statement to express concern about the information coming from Finance Committee member Clarence Walker's blog. Mr. Hoort stated that Mr. Walker posts inaccurate and misleading information about the town's finances on his blog. Mr. Hoort provided corrections to the inaccuracies to the general public in his statement.

3. SELECTMEN STATEMENTS

Austin Knight made the following preliminary statement: Requests the Harbormaster and the Marine Patrol Officer at the next meeting to report on the incident of removed boats.

Tom Donegan – Congratulations to all town staff and PBG for a successful Carnival Parade.

We should include ways for non-resident taxpayers to be included in our budget and policy discussions. Would like to see a future agenda item on this subject.

In regards to what is being discussed with the Parking Task Force relating to the Resident and Non-resident parking permits, it should be clear that the distinction between the two permits is where the vehicle is garaged as that is where the excise tax is paid. On the Fincom, we looked and the average excise tax was approximately \$185, which far exceeds the difference between the resident and non-resident owner permit fees.

Elaine Anderson – Thanks to DPW and staff for great work with the Carnival Parade. Quick work with the water leaks and quick response by the fire department.

Would like to see us get beyond these concerns soon. Emails from the Fincom Chairman directly to a contractor prior to a contract even being approved is inappropriate. Fincom has

been meeting with other Fincoms and discussing shared services, all issues previously discussed by Boards of Selectmen. Asking that the Fincom pay attention to their primary task as the budget process is very extensive.

David McChesney – Congratulations to all those involved with Carnival. Tomorrow will be the last meeting of the Parking Task Force which we will be making recommendations to the full Board of Selectmen. Several people coming up asking me what is happening with the Fincom, which I can only describe as a trainwreck.

Erik Yingling – Carnival was a great success, special thanks to PBG, DPW and Police. Acknowledged Vernon Porter's retirement

MOTION: Move that the Board of Selectmen vote to send a thank you to Vernon Porter for his many years of service.

Motion by: Erik Yingling Seconded By: Elaine Anderson Yea 5 Nay 0

Thought election season ended in May, wished my colleagues would put it to rest and stop attacking other committees and the free press.

Austin Knight – Carnival floats should be respectful of families. Should have a joint meeting with Fincom on September 30, 2013. Was very proud to carry the flag during the parade.

Would like to see a tribute to Vernon at town meeting.

Supports Dan Hoort's public comments and the rights of town staff, and wants to see us move forward and continue together in our work for better financial management.

Read an email from Mike Canizales to town counsel. Found the letter and tone of the letter insulting and highly inappropriate coming from the Chair of the Fincom. We need to work together and stop tearing each other apart.

Would like to see something happen on Arch Street. Can we refer to the DPW and Police Chief to see how this can be addressed.

4 JOINT MEETING/PRESENTATIONS – None.

5. BOARD OF SELECTMEN APPOINTMENTS -

Interviewed applicants to the Provincetown Public Pier Corporation: Tom Johnson and Herbert Hintze.

MOTION: Move that the Board of Selectmen vote to appoint Herbert Hintze as a Regular Member of the Provincetown Public Pier Corporation with a term to expire on June 29, 2014.

Motion by: Austin Knight Seconded By: Erik Yingling Yea 4 Nay 1 (David McChesney)

Conduct interviews with the Charter Review Ad Hoc Committee applicants: Doug Johnstone, Judith Cicero, Marcy Feller, Robert Speiser, Thomas Coen, Mark Phillips, Robert Vetrick, David McGlothlin; Elizabeth Williams not present.

MOTION: Move that the Board of Selectmen vote to appoint the following nine applicants to the Charter Review Ad Hoc Committee with terms to expire on August 31, 2014 or as extended by the Board of Selectmen: Doug Johnstone, Judith Cicero, Marcy Feller, Robert Speiser, Thomas Coen, Elizabeth Williams, Mark Phillips, Robert Vetrick, David McGlothlin

Motion by: Austin Knight Seconded By: Erik Yingling Yea 5 Nay 0

6A UPDATE ON THE PROCESS FOR THE FACILITATED PUBLIC FORUM ON THE POLICE DEPARTMENT POLICIES –

Facilitator John Goodrich present.

Updated the Board of Selectmen as to the process for the Facilitated Public Forum on the Provincetown Police Department. Printed surveys should be placed throughout town and returned to the Town Clerk for submission.

MOTION: Move that the Board of Selectmen vote, to approve a contract with Massachusetts Office of Public Collaboration, 100 Morrissey Blvd., Boston, MA 02125, in the amount of \$10,000, to do an initial conflict assessment and to facilitate a public forum of the Provincetown Police Department.

Motion by: Elaine Anderson Seconded By: Erik Yingling Yea 5 Nay 0

6B1 DPW: COMMERCIAL STREET RECONSTRUCTION PHASE 2 UPDATE

Deputy DPW Director Richard Waldo present. Updated the Board of Selectmen as to the progress of the Commercial Street Reconstruction. The water main and water services will start on Monday September 9th, 2013. The area that will be affected will be Good Templar Place to West Vine Street. Crews will do the water main and water services simultaneously. Starting immediately after the water work we will start the road reconstruction. The area that will be affected will be Winthrop Street through the West End Parking Lot. The road reconstruction involves digging down 4 feet and installing stone. In the areas of construction Commercial Street will be closed to all vehicular traffic. Like Phase 1 this work will be done in sections and detours will be clearly marked. Once the base coat of pavement is laid, the road will reopen and the next section will close for construction.

MOTION: MOVE that the Board of Selectmen vote to establish the following parking bans during Phase 2 construction project:

- 1. No parking in the vicinity of the construction crew for the water main replacement on Commercial Street through the period of September 9th until approximately October 11th.**
- 2. No parking west of the Franklin Street Town Landing for the duration of both Water Main and Road Reconstruction Project from 2:00 am Monday morning to 5:00**

pm Friday.

3. No parking west of Winthrop Street to the Provincetown Rotary for the duration of the road reconstruction project expected to start October 15th.

Motion by: David McChesney Seconded By: Erik Yingling Yea 5 Nay 0

6B2 DPW: VMCC HEATING SYSTEM PROJECT CLOSEOUT AND APPROVAL OF CHANGE ORDERS

Deputy DPW Director Richard Waldo present. The Board of Selectmen awarded and executed a contract to General Air Conditioning & Heating, Inc of Dorchester, MA on September 17, 2012 to perform the installation of a new energy efficient heating system. The heating system work began on October 1, 2012 and was substantially completed on May 15, 2013.

MOTION: MOVE that the Board of Selectmen vote to approve the project closeout change orders for the Veteran's Memorial Community Center Heating Project totaling \$33,423.85.

Motion by: David McChesney Seconded By: Austin Knight Yea 5 Nay 0

6B3 DPW: UPDATE OF WIRELESS COMMUNICATION RFP FOR THE WATER TOWER

DPW Director David Guertin present. AT&T responded to the RFP for telecommunication facilities at the water towers.

MOTION: Move that the Board of Selectmen vote, to approve disposition by lease of such property and utility easements defined by location as the water tower located at 7 Capt. Berties Way known as the Winslow Water Tank for use by a telecommunication service provider herein identified as AT&T, as being the high and only responsive bidder to the Town's Request for Proposals duly advertised and publicly opened on Thursday, August 8, 2013. Lease terms to be \$30,000 per annum, paid in monthly installments and increased 2.5% annually thereafter for a term of 10 years with a renewal option for an additional 10 years, said lease to be subject to approval by Town Counsel.

Motion by: Tom Donegan Seconded By: Elaine Anderson Yea 5 Nay 0

6B4 DPW: NORTH UNION FIELD WELL PROJECT CLOSEOUT AND APPROVAL OF CHANGE ORDERS

Continued to the next meeting.

6C CHANGE ORDER FOR DESIGN SERVICES FOR THE POLICE STATION PROJECT

Additional Service Fee Proposal for the Provincetown Police Station for the VFW site.

MOTION: MOVE that the Board of Selectmen vote, to approve the Change Order with

Kaestle Boos Associates Inc, of Foxboro, MA in the amount of \$37,750 for design services associated with the preparation for the town meeting article for the purchase of the VFW property for construction of a police station and affordable housing.

Motion by: Elaine Anderson Seconded By: David McChesney Yea 5 Nay 0

6D INDEPENDENT INVESTIGATION OF THE SQUEALING PIG INCIDENT

Frank Rudewicz of Marcum, John Ford, and Al Donovan of APD Management Inc, all submitted proposals. Selectmen would like to have the proposers come before them for questions. Would like to request the list be opened up for additional proposers.

MOTION: *MOVE that the Board of Selectmen vote, to enter into a contract agreement with Marcum Group for the purposes conducting an independent investigation and to take witness statements of the incident which occurred at the Squealing Pig on May 7, 2013.*

Motion by: Austin Knight Seconded By: Elaine Anderson Yea 2 Nay 2 (Tom Donegan and Erik Yingling) Abstain 1 David McChesney

MOTION: *MOVE that the Board of Selectmen vote to invite the proposer in for an interview and seek two additional proposals.*

Motion by: Austin Knight Seconded By: Erik Yingling Yea 3 Nay 1 (Elaine Anderson) Abstain 1 David McChesney

6E TOWN HALL AUDITORIUM REQUEST FOR BEER AND WINE SERVICE: PROVINCETOWN CARES

The Provincetown Cares Annual Women's Health Benefit event to benefit breast cancer and women's health is scheduled for October 18 and 19, 2013. As in past year's events, they are requesting beer and wine service. The event is catered by Ptown Parties who will, once again, handle the beer and wine service. They will be using the same set up as last year's event which went very smoothly. The hours for alcohol will be two hours before and after the play to accommodate the silent and live auction on both Friday and Saturday. The hours will be similar as last year. On Friday 1 pm-11 pm and on Saturday 1 pm – 8 pm.

MOTION: *MOVE that the Board of Selectmen vote, pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer, wine or champagne service in the Town Hall Auditorium as requested by Lynn d'Angona, on behalf of Provincetown Cares, 516 E 2nd Street #14, Boston, MA 02127, for the Provincetown Cares event to be held on Friday and Saturday, October 18 and 19, 2013 (Friday 1 pm - 11 pm and on Saturday 1 pm - 8 pm).*

Motion by: David McChesney Seconded By: Erik Yingling Yea 5 Nay 0

6F1 PARADE PERMIT: ANNUAL PROVINCETOWN 5K PILGRIM TROT

Chief Jaran has approved this application. Runners will gather at the Harbor Hotel parking lot and head west down Commercial Street, turn around at 460 Commercial Street (PAAM) and head back to the Harbor Hotel. This route is exactly 5k (3.6 miles).

MOTION: *Move that the Board of Selectmen vote to approve the parade application permit submitted by Amy Huizdak of the Annual Provincetown 5K Pilgrim Trot on Thursday, November 28, 2013 starting 9:00 AM and ending at the Harbor Hotel at 10:00 AM.*

Motion by: David McChesney **Seconded By:** Elaine Anderson Yea 5 Nay 0

6F2 PARADE PERMIT: ANNUAL FAMILY WEEK CELEBRATION

Chief Jaran has approved this application. Walkers will gather at the Bas Relief Park, walk south on Ryder Street, west on Commercial, north on Court and east on Bradford Street and end at the Bas Relief Park.

MOTION: *Move that the Board of Selectmen vote to approve the parade application permit submitted by Ally Kunloff, of Family Equality Council for the Family Week 2014 Celebration Walk on Friday, August 1, 2014 starting 2:30 PM to 3:30 PM.*

Motion by: David McChesney **Seconded By:** Erik Yingling Yea 5 Nay 0

6G1 TREASURER'S TRANSFER – Library Building Gift Fund

Attached is the authorized Voucher to Pay this request totaling \$173.22 leaving a remaining balance in the Library Building Gift of \$140,094.24.

MOTION: *MOVE that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$173.22 from the Library Building Gift Fund to pay for the attached invoice(s).*

Motion by: Tom Donegan **Seconded By:** Erik Yingling Yea 5 Nay 0

6G2 TREASURER'S TRANSFER – Library Gift Fund

Attached is the authorized Voucher to Pay this request totaling \$302.50 for the purchase of custom ornaments. The Library Gift Fund has a balance of \$15,059.13 after this purchase.

MOTION: *MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$302.50 from the Library Gift Fund to pay for the attached invoice(s).*

Motion by: Tom Donegan **Seconded By:** Erik Yingling Yea 5 Nay 0

7A OPEN MEETING LAW COMPLAINT FROM BERNARD BRAHM CONCERNING THE BOARD OF SELECTMEN'S JULY 8, 2013, MEETING AND RELATED MATTERS. ACKNOWLEDGE RECEIPT OF COMPLAINT, CONSIDER POSSIBLE RESPONSES THERETO, AND VOTE TO RESOLVE THE SAME.

Move that the Board of Selectmen vote to acknowledge receipt of two complaints from Mr. Bernard Brahm alleging that the form of the Board's July 12, 2010 and August 2, 2010 executive session meeting minutes is inconsistent with law be resolved as follows:

- (1) **Mr. Brahm previously filed an Open Meeting Law complaint concerning the meetings at issue, which complaint was the subject of a July 29, 2013 letter determination issued by the Attorney General;**
 - (2) **That determination finds as a fact that the minutes at issue were released following the Board's October 9, 2012 meeting, where the matter of the complaint and release of the minutes was included on the Board's meeting notice;**
 - (3) **Since release of the minutes, they have been available at Town Hall, and have also been posted to the Town's website to be accessed at any time at the will of the user;**
 - (4) **Under the Open Meeting Law, complaints must be filed within 30 days of the alleged violation, or 30 days from the date that such violation was reasonably discoverable;**
 - (5) **In this case, complaints concerning the form of the minutes would need to have been filed no later than 30 days from the date such minutes were released, which occurred well over 30 days ago;**
 - (6) **The Board acknowledges that the July 29, 2013 letter reminds the Board of the Attorney General's interpretation of the law with respect to the content of meeting minutes, and notes that the minutes at issue were prepared shortly after the revisions to the Open Meeting Law took effect, and prior to the availability of any guidance from the Attorney General's office as to the requirements of the newly revised law with respect thereto;**
 - (7) **Simply because the complainant only recently become aware of this issue does not mean that an alleged violation with respect to the form of the minutes "could not have reasonably been known" earlier;**
 - (8) **Where the complaint was not filed within 30 days of the release of the minutes at issue, the complaint has been received too late for purposes of the Open Meeting Law;**
 - (9) **While no remedial action is required, the Board notes for the record that it continues to refine its meeting minutes to comply with the substantive requirements of the Open Meeting Law, as interpreted by the Attorney General, and takes its responsibilities under such law seriously.**
- And further, to authorize Town Counsel to respond to the complaints at issue consistent with the Board's vote on this matter.**

Motion by: Erik Yingling Seconded By: Elaine Anderson Yea 5 Nay 0

7B TOWN MANAGER FOLLOW-UP

Blood drive to be held on Thursday, September 5, 2013 at 10:00 am to 3:00 pm at the VMCC.

7C OTHER - None

8. MINUTES OF BOARD OF SELECTMEN'S MEETINGS - None

9. CLOSING STATEMENTS

Tom Donegan – Need to understand why cell service remains deficient in town. People who have problems with town boards should talk to the boards directly or the appointing authority.

Elaine Anderson – Need to continue to trim hedges that protrude into the streets throughout town.

David McChesney – Question the status of the beautification on Shank Painter Rd at the NSTAR station.

Erik Yingling - none.

Austin Knight - We need to start discussing articles for town meeting.

Motion to adjourn by Elaine Anderson at 9:40 PM.

Minutes transcribed by:

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES
SPECIAL MEETING – THURSDAY– SEPTEMBER 12, 2013 730 PM
TOWN HALL – AUDITORIUM**

Vice Chairwoman Elaine Anderson convened the meeting at 7:30 pm noting the following:

Board of Selectmen Attending: Elaine Anderson, David McChesney, and Tom Donegan.

Noting that Chairman Austin Knight and Erik Yingling were setting up the auditorium.

Other Attendees: Town Manager, Sharon Lynn, Town Counsel, John Georgio

Recorder: Elaine Anderson

The following are meeting minutes, in brief:

MOTION: Move that the Board of Selectmen vote to adjourn to the Town Hall Auditorium forthwith to accommodate the overflow crowd assembled for the meeting.

Motion by: Tom Donegan Seconded By: David McChesney Yea 3 Nay 0

Chairman, Austin Knight opened the Special Meeting at 8:05 pm in the Town Hall Auditorium.

Board of Selectmen Attending: Chairman Austin Knight, Elaine Anderson, David McChesney, Erik Yingling and Tom Donegan.

Other Attendees: Town Manager, Sharon Lynn, Town Counsel, John Georgio

Recorder: Elaine Anderson

MOTION: Move that the Board of Selectmen vote to allow the Town Manager to evoke Charter Section 4:10-4-2.

Motion by: Austin Knight Seconded By: Elaine Anderson

Discussion: Town Counsel advised that this was an unnecessary motion in that the Town Manager can evoke Section 4:10-4-2 for just cause.

MOTION WITHDRAWN.

Sharon Lynn, Town Manager read a statement into the record.

Austin Knight, chairman, read a letter from the Provincetown Police Labor Federation, New England Police Benevolent Association, Post Office Box 1204, Provincetown, MA 02657, I.U.P.A. AFL-CIO/LOCALS NOS 67 AND 68, into the record. (Letter in full attached here.)

Sharon Lynn, Town Manager, announced the immediate suspension of Jeff Jaran, Chief

of Police, Provincetown according to Section 4, 10-4-2 of the Provincetown Charter, and named Lt. Golden, Acting Chief of Police, Provincetown, and expanded the MARCUM investigation to include new allegations brought forth in the Police Union letter.

1. **PUBLIC STATEMENTS** - three-minute limit imposed by Chairman Knight to accommodate crowd.

Twenty citizens spoke – recorded by PTV

2. **DISCUSSION OF POTENTIAL ACTION TO BE TAKEN WITH RESPECT TO POLICE CHIEF JEFF JARAN UNDER PROVINCETOWN TOWN CHARTER SECTION 4: 10-4-2.**

Based on the action taken by Sharon Lynn, Town Manager to suspend Chief Jeff Jaran immediately, no other action was needed.

3. **OTHER** – none

Motion to adjourn by at 9:15 PM.

Minutes transcribed by: David Gardner

**TOWN OF PROVINCETOWN – BOARD OF SELECTMEN
MEETING MINUTES
MONDAY– OCTOBER 15, 2013 4:30 PM
EXECUTIVE SESSION (OPEN)
TOWN HALL – JUDGE WELSH ROOM**

Chairman Austin Knight called the meeting to order at 4:30 PM noting the following Board of Selectmen members: Austin Knight, Elaine Anderson, David McChesney, Erik Yingling and Tom Donegan.

Other Attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Town Counsel John Giorgio

Recorder: David Gardner

The Board then voted to enter into executive session as follows:

MOTION: Move that the Board of Selectmen vote to go into Executive Session subject to M.GL. c30A Sec 21 (a), Clause 3 and 6:

A. Clause 6 - To consider the acquisition of interest in real property owned by Miriam Gross (on record as parcel 6-3-17-0-R and 7-1-1-0-R) as well as the acquisition of utility easements related to the Brown Street sewer connection. The chair has determined that an open meeting may have a detrimental effect on the negotiating position of the Town.

B. Clause 3 –Discuss strategy with respect to pending litigation (Poulin v. Provincetown Police Department, MCAD Docket No. 13BEM02094). The Chair has determined that an open meeting may have a detrimental effect on the litigation position of the Town.

C. Clause 3 –Discuss strategy with respect to threatened litigation (complaint by James Palacino). The Chair has determined that an open meeting may have a detrimental effect on the litigation position of the Town.

And not to convene in open session thereafter. (Roll Call Vote)

Austin Knight – Yes

Elaine Anderson - Yes

David McChesney – Yes

Erik Yingling – Yes

Tom Donegan – Yes

Motion by: Elaine Anderson Seconded by: David McChesney Yes 5 Nay 0

The Board left the Judge Welsh Room and convened in the Town Managers conference room at 4:34 PM.

Minutes transcribed by: David Gardner

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY – OCTOBER 15, 2013 6 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Austin Knight convened the meeting at 6:00 PM, noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, David McChesney, Erik Yingling and Tom Donegan.

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Finance Director Dan Hoort

Recorder: Assistant Town Manager David Gardner

The following are meeting minutes, in brief:

1A. PUBLIC HEARINGS – CURB CUT REQUEST 94 COMMERCIAL STREET

AJ Santos present on behalf of the owner.

Public hearing notice read into the record.

Recommendations on file from staff and Public Safety officials, all in favor.

Public comment:

MaryJo Avellar – spoke in favor of the request. Flyer has done a lot for the Town and we should grant his request to allow him access to his property.

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to approve the request of Francis Flyer Santos to establish a curb cut at the property located at 94 Commercial Street (Assessor's Map 6-4-30) (Res 3 Zone).

Motion by: David McChesney Seconded By: Erik Yingling Yea 5 Nay 0

1B. PUBLIC HEARINGS – CURB CUT REQUEST 31 POINT STREET

Billy Rogers present on behalf of the property owner.

Public hearing notice read into the record.

Recommendations on file from staff and Public Safety officials, all in favor. The applicant notified the abutters by certified mail.

Public comment: None.

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to approve the request of Lyn Plummer to establish a curb cut at the property located at 31 Point Street (Assessor's Map 5-3-41-B) (Res 1 Zone).

Motion by: David McChesney Seconded By: Erik Yingling Yea 5 Nay 0

2. PUBLIC STATEMENTS

Town Counsel John Giorgio made a statement into the record regarding the VFW purchase and sales agreement. Town has received a letter claiming that the bylaws of the VFW were not complied with when the vote was taken to enter into the sale of the VFW. The vote at town meeting merely allows the Board of Selectmen to act on the purchase. I see no reason why the Town could not move forward with the vote at Town Meeting.

Wayne Martin – Questions the validity of the Purchase and Sales Agreement. Feels the VFW did not vote pursuant to the bylaws.

Bill Dougal – Spoke on the consideration of a split tax rate. Residential sales are strongest in Provincetown, commercial sales are the weakest market. Cost of doing business in town is high and makes it difficult for commercial businesses and properties to be viable. Commercial season is short. Please do not further burden the business community with a split tax rate.

Mark Hatch – Thinks Facebook political pages and social media in general are a grand experiment in democracy. What it comes down to is a matter of trust. Many of these issues relate to what is happening in town and the decisions that will be made at town meeting next week.

Michael Canizales – Vote of the Finance Committee that the Selectmen direct the town to submit a challenge grant for regional jails cells with other towns. On tonight's agenda is the Selectmen's Policy Statement regarding Anonymous Communications. There is no valid reason to save anonymous communications, they should just be destroyed.

3. SELECTMEN STATEMENTS

Tom Donegan – Commented on the article in the Banner regarding the pending investigations, we should await the conclusions. Wants to get answers regarding the source of the emails. We need to have further training in Open Meeting Law and should understand what constitutes subcommittees. Everyone needs to understand that. Looks like the community is coming to a consensus on the OPEB issue.

Elaine Anderson – Looking forward to Special Town meeting so that we can have a new fresh start. Work on trust. Staff is taking the brunt of much of this animosity. Public information requests are taking up much of the time of staff. The few loud voices need to stop, and we should be courteous of each other. Everyone should participate in town meeting and be prepared.

David McChesney – Disappointed that we were not able to meet with the Finance Committee to discuss some of these issues prior to Town Meeting. I am a proponent of social media, but everyone should own their comments. Steve Fossella formed the Second Homeowner Taxpayer Association.

Erik Yingling – Does not support the Selectmen Policy on Anonymous Communications. Looking forward to town meeting, all discussions on social media are resulting in action. I understand concerns about the split tax rate, I only requested the item to get more information and discussion. Thinks that Austin should get way out in favor of the issue regarding election signs.

Austin Knight – Staff will look at the Challenge Grant. Will not make a comment on the pending

investigation.

4A. JOINT MEETING/PRESENTATIONS – JOINT MEETING WITH THE BOARD OF ASSESSORS

Principal Assessor Paul Gavin, Chair Patty DeLuca, Bob Sanborn and Leslie Parsons all present.

The Board of Assessors agrees with the current tax classification structure and does not propose any split tax rate or Exemptions.

Tax Classification Informational Session discussion:

Split Tax Rate (Tax burden shift from residential properties to commercial properties)

Residential Exemption (Tax burden shift from domiciled residential properties to non-domiciled residential properties)

Small Commercial Exemption (Tax burden shift from small commercial properties to large commercial properties)

Other communities do have other tax structures.

Tax structure changes do not adjust the tax levy, but rather it shifts the tax burden amongst the taxpayers.

We should look at ways to increase the affordable housing exemption. How can we keep year round rentals on the market?

4B. JOINT MEETING/PRESENTATIONS – JOINT MEETING WITH THE VISITOR SERVICES BOARD

Chair Mick Rudd, Rick Murray, Catherine Nagorski, Marian Peck, Rita "Hersh" Schwartz, James Bakker, Michael Peregón all present. Tourism Director Anthony Fuccillo also present.

PPPM Executive Director John McDonough, Michelle Haynes, and Bill Dougal representing the Pilgrim's Monument Association and Board Members: Bob Patrick, Chris Snow, Arthur Parker, Fred Long, Al Silva, Joe Collins.

The coordination and planning of The Pilgrim 2020 Commemoration.

VSF is not an event planning organization, however, we can participate and advise the Selectmen on our ability to capitalize on the opportunities of the 2020 Commemoration.

The Town's PR firm provided some input as to how the event planning can be managed.

The Pilgrim Monument is well positioned to take advantage of this opportunity.

The 2010 Commemoration Committee is a model for collaboration.

We need to get started on the planning process.

The Board of Selectmen should hold a special meeting in early November to dedicate more time on this discussion.

Should also work with National Park Service to leverage their reach. Should also look at Jamestown Virginia celebration of several years ago. We should form a working group that comes back with a specific action plan.

We also need to revisit the restoration of the Bas Relief in time for the 2020 Celebration.

4C. JOINT MEETING/PRESENTATIONS – JOINT MEETING WITH THE PROVINCETOWN PUBLIC PIER CORPORATION

Chair Kerry Adams, Regina Binder, LeRoy "Scott" Fraser, Herbert Hintze all present. Harbormaster Rex McKinsey also present.

Discussion of the floating docks repairs and work schedule. There will be some wave studies to understand how wave attenuation could further protect the pier assets.

Harbormaster gave an assessment of the work completed to date after the storm.

MOTION: Move that the Board of Selectmen vote, to approve the contract with Bourne Consulting Engineering PC, 3 Bent Street, Franklin, Massachusetts 02038, in the amount of \$227,530.

Motion by: Elaine Anderson **Seconded By:** David McChesney Yea 4 Nay 0 Abstain 1 (Tom Donegan)

Would like to see the PPPC consider a Harbor Access Fee for charter services. Would like a future agenda item to consider the Pier Fee structure to discuss potential pier maintenance revenue.

The renegotiation of the Town-PPPC Agreement is pending. That agreement should include cost forecast for maintenance of the Pier. Selectmen and Pier Corp should have a future joint meeting to further these discussions.

MOTION: Move that the Board of Selectmen vote, to take item 6D and 6E out of order.

Motion by: Elaine Anderson **Seconded By:** Erik Yingling Yea 5 Nay 0

6D PROCLAMATION – OCTOBER 24, 2013 TOUR GUIDE APPRECIATION DAY

Tourism Director Anthony Fuccillo present.

MOTION: Move that the Board of Selectmen vote to Move that the Board of Selectmen vote to proclaim Thursday, October 24, 2013 as Tour Guide Appreciation Day.

Motion by: David McChesney **Seconded By:** Erik Yingling Yea 5 Nay 0

6E PROCLAMATION – DECEMBER 5, 2013 GABBY HANNA DAY

Tourism Director Anthony Fuccillo present.

MOTION: Move that the Board of Selectmen vote to proclaim December 5, 2013 as Gabrielle Hanna Day in recognition of her work with the Provincetown International Film Festival.

Motion by: Tom Donegan **Seconded By:** Erik Yingling Yea 5 Nay 0

5. BOARD OF SELECTMEN APPOINTMENTS –

MOTION: Move that the Board of Selectmen vote, to appoint Elizabeth Patrick as a Regular Member of the Beautification Committee with a term to expire on December 31, 2016.

Motion by: Tom Donegan **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to appoint Dorothy Freitas as an Alternate Member of the Beautification Committee with a term to expire on December 31, 2015.

Motion by: Tom Donegan **Seconded By:** Erik Yingling Yea 5 Nay 0

Send letter to Vincent Breglia thanking him for his service on the Beautification Committee.

MOTION: Move that the Board of Selectmen vote to appoint Pam Hudson to the position of Regular Member of the Cape Cod Municipal Health Group and Marge McGloin to the position of Alternate Member.

Motion by: Tom Donegan **Seconded By:** Elaine Anderson Yea 5 Nay 0

6A. MONTHLY POLICE REPORT

Lieutenant Jim Golden presented the monthly report of police activity for month of September.

6B. POLICE DEPARTMENT- 911 DEPARTMENT TRAINING GRANT AND EMERGENCY MEDICAL DISPATCH GRANT

This grant provides funds for overtime, straight time and hotel expenses for the 16 hours of required EMD training for each telecommunicator as well as reimbursement for the medical director fee. The medical director provides quality assurance of the EMD program which is now required. This is a grant we have received every year in the past since 2008. The amount is \$14,285.71. This grant does not require matching funds.

MOTION: Move that the Board of Selectmen vote to authorize the Acting Chief of Police to submit a State 911 Department Training and EM/Regulatory Compliance Grant to the Executive Office of Public Safety; in the amount of \$14,285.71, for reimbursement of overtime and allowable expenses incurred relating to the training and certification of enhanced 911 telecommunicators as well as the Medical Director fee required for quality assurance of EMD according to 560 CMR 5.0.

Motion by: Tom Donegan **Seconded By:** Elaine Anderson Yea 5 Nay 0

6C OPEN SHELLFISH FLATS

Tony Jackett, Shellfish Constable present. The Shellfish Committee unanimously approved the opening of the shellfish beds with the conditions.

MOTION: MOVE that the Board of Selectmen vote to pursuant to MGL C.130, §52 and the Selectmen's Recreational Shellfish Regulations, to approve opening the public shellfishing areas as follows:

On Sunday, November 3, 2013 the shellfish area west of Captain Jacks to the east side of

the Provincetown Inn and 25' inside the Private Grants will open to the public.

On Sunday, November 17th, the shellfish area from Allerton Street to the Provincetown / Truro town line will open to the public.

On Sunday, December 1, the public will be allowed to take shellfish from Hatches Harbor. Access will be between 7am and 5pm. A letter of intent will be sent to Seashore authorities indicating the request.

The proposed dates are subject to the results of both shellfish and water quality testing at the state lab.

The days allowed are Sundays and Fridays through the end of March 2014, with a ten-quart limit per week. Licenses, gauges, and a copy of the regulations will be available at the Town Clerk's office. Fees are \$15.00 for residents and \$50.00 for non-residents. Residents or taxpayers shall be issued a free shellfish permit at age 65 or older.

If Bay Scallops are abundant the Shellfish Constable will post the days and location of their taking and the recreational limit shall be two pecks per week.

Motion by: Erik Yingling **Seconded By:** Elaine Anderson Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to take item 6G out of order.

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 5 Nay 0

6G PARADE PERMIT – CAMP LIGHTBULB - HALLOWEEN COSTUME 1K FUN RUN & WALK

The run/walk will gather at Angel's Landing on Commercial Street, head west along Commercial, turn left at Lopes Square and right on to Ryder Street Extension, then left again back on to Commercial Street and end at Joe's Coffee Shop.

MOTION: Move that the Board of Selectmen vote, to approve the parade application permit submitted by Puck Markham, on behalf of Camp Lightbulb for a Halloween Costume 1K Fun Run and Walk to be held on Sunday, November 3, 2013 starting 10:00 AM at Angels Landing and ending at Joe's Coffee House.

Motion by: Tom Donegan **Seconded By:** David McChesney Yea 5 Nay 0

6F BOARD OF SELECTMEN POLICY STATEMENT 2013-10-15 – ANONYMOUS COMMUNICATION

A vote of the Board of Selectmen on July 22, 2002 adopted a similar policy for the Board of Selectmen and this revised policy includes all town departments and town boards regarding anonymous communication.

MOTION: Move that the Board of Selectmen vote to adopt Policy Statement 2013-10-15 as follows:

It shall be the policy of the Board of Selectmen that all anonymous communication, received by either the Board of Selectmen, Town departments, or other Town boards, regardless of the subject matter, not be answered or responded to in any way, unless such anonymous complaint alleges an imminent threat to public health, safety, or welfare, or if it provides actual credible evidence of a crime having been committed, in which case the Town will take appropriate action. And further, that any Town department or Town board that receives an anonymous

communication, be directed to send the anonymous communication to the Office of the Town Clerk, where such communication will be destroyed.

Motion by: Tom Donegan Seconded By: Elaine Anderson Yea 5 Nay 0

6H1 TREASURER'S TRANSFER – LIBRARY GIFT FUND

Request to pay the authorized voucher in the amount totaling \$62.50 for the secretarial services used at the 9/17/13 Library Board of Trustees meeting. The Library Gift Fund (#1107) has a balance of \$12,455.00. The Library Board of Trustees does not have any money budgeted for this expense.

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Library Gift Funds (#1107), pursuant to MGL C44 § 53A, to approve the use of \$62.50 from the Library Gift Fund to pay for the attached invoice(s).

Motion by: David McChesney Seconded By: Erik Yingling Yea 5 Nay 0

6H2 TREASURER'S TRANSFER – LIBRARY GIFT FUND

To allow the Town Treasurer to transfer money from the Library Gift Funds (#1107) without bringing each request before the Board of Selectmen. The Library Gift Fund (#1107) has a balance of \$12,455.00. The Library Board of Trustees does not have any money budgeted for this expense.

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Library Gift Funds (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund to pay for the secretarial services used at each of the Board of Trustees meetings for the taking and completion of the minutes of each meeting throughout fiscal year 2014.

Motion by: David McChesney Seconded By: Erik Yingling Yea 5 Nay 0

Request that this gift fund gets adjusted at the Spring Town Meeting.

6H3 TREASURER'S TRANSFER – BEAUTIFICATION GIFT FUND

Request to pay the authorized vouchers in the amount totaling \$3078.99 from the Beautification Gift Fund, leaving a balance of \$5,028.15. The Beautification Committee approved these vouchers.

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$3,078.99 from the Beautification Committee Gift Fund to pay for the attached invoices.

Motion by: Tom Donegan Seconded By: David McChesney Yea 5 Nay 0

6H4 TREASURER'S TRANSFER – COMMUNITY CENTER GIFT FUND

Request to pay the authorized invoice totaling \$1,469.74 leaving a remaining balance in the Community Center Gift Fund of \$4,679.22 after payment.

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$1,469.74 from the Community Center Gift Fund for payment of the attached invoice(s) and authorized by the

attached Voucher to Pay.

Motion by: Tom Donegan Seconded By: Elaine Anderson Yea 5 Nay 0

6H5 TREASURER'S TRANSFER – JOHN ANDERSON FRANCIS SCHOLARSHIP FUND

Authorization from the John Anderson Francis Scholarship Committee in support of this request totaling \$10,000.00 leaving a remaining balance in the John Anderson Francis Scholarship Fund of \$1,140,013.40.

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$10,000.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).

Motion by: Tom Donegan Seconded By: David McChesney Yea 5 Nay 0

6H6 TREASURER'S TRANSFER – CAPTAIN JOSEPH OLIVER SCHOLARSHIP FUND

Authorization from the John Anderson Francis Scholarship Committee in support of this request totaling \$9,500.00 leaving a remaining balance in the Captain Joseph F. Oliver Scholarship Fund of \$492,009.80.

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$9,500.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).

Motion by: Tom Donegan Seconded By: Erik Yingling Yea 5 Nay 0

6H7 TREASURER'S TRANSFER – JOHN A HENRY TRUST FUND

This payment is supported by an annual contract between the Town and the Cape Cod Children's Place for FY14 of \$12,000.00 to be expended from the John A. Henry Trust to assist less fortunate children. After this payment a remainder of \$9,220.14 is in the contract for FY14 and \$507,363.63 in the Estate of John A. Henry.

MOTION: Move that the Board of Selectmen vote to, as Commissioners of the Trust Funds, to approve the transfer of \$2,779.86 from the John A. Henry Trust Fund for the payment of the attached invoice(s).

Motion by: Tom Donegan Seconded By: Erik Yingling Yea 5 Nay 0

7A MAKE RECOMMENDATIONS ON THE WARRANT ARTICLES FOR OCTOBER 21, 2013 SPECIAL TOWN MEETING

Charter section §2-3-11 provides that "Prior to a vote on an article submitted by a town board, the town board shall state the numbers of its members in favor of and opposed to the article, and its chairman, or his designee, shall explain the view of the majority to the meeting."

The Board of Selectmen voted to make the following recommendations regarding the Special Town

Meeting articles:

MOTION: Move that the Board of Selectmen vote, to recommend STM-1.

Motion by: Elaine Anderson **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-2 in the amount of \$3458.46.

Motion by: David McChesney **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-3 for future receipts of the Retiree Drug Subsidy.

Motion by: Elaine Anderson **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-4 in the amount of \$440,752.

Motion by: Elaine Anderson **Seconded By:** David McChesney Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-5 in the amount of \$41,614.

Motion by: Elaine Anderson **Seconded By:** David McChesney Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-6 in the amount of \$900,000 from free cash.

Motion by: Erik Yingling **Seconded By:** Elaine Anderson Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to indefinitely postpone STM-7.

Motion by: Elaine Anderson **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-8 in the amount of \$280,000.

Motion by: David McChesney **Seconded By:** Austin Knight Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-9 in the amount of \$50,000.

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-10.

Motion by: Tom Donegan **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-11.

Motion by: David McChesney **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-12.

Motion by: Austin Knight **Seconded By:** David McChesney Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-13.

Motion by: Tom Donegan **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-14.

Motion by: Tom Donegan **Seconded By:** Elaine Anderson Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to recommend STM-15.

Motion by: David McChesney **Seconded By:** Tom Donegan Yea 4 Nay 0 Abstain 1
(Elaine Anderson)

MOTION: Move that the Board of Selectmen vote, to recommend STM-16.

Motion by: Elaine Anderson **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote, to reserve recommendation on STM-17.

Motion by: Tom Donegan **Seconded By:** Erik Yingling Yea 4 Nay 1 (Tom Donegan)

MOTION: Move that the Board of Selectmen vote, to recommend STM-18.

Motion by: Erik Yingling **Seconded By:** Tom Donegan Yea 2 Nay 3 (Elaine Anderson,
Austin Knight and David McChesney) Motion Failed

MOTION: Move that the Board of Selectmen vote, to reserve recommendation on STM-18.

Motion by: Elaine Anderson **Seconded By:** David McChesney Yea 3 Nay 2 (Tom
Donegan and Erik Yingling)

7B TOWN MANAGER SHARON LYNN FOLLOW-UP

Arbitration award in favor of the town in the case of Darlene Flores v. Town of Provincetown.

7. **OTHER** - None

8. **MINUTES OF BOARD OF SELECTMEN'S MEETINGS –**

MOTION: Move that the Board of Selectmen vote to approve the minutes of:

August 12, 2013 (Regular Mtg.) with changes so noted

September 9, 2013 (5 PM Parking Task Force) as printed

September 9, 2013 (Regular Mtg.) as printed

September 11, 2013 (5PM Police Chief Independent Investigation Interviews) as printed

September 16, 2013 (5PM Executive Session - Open) as printed

September 16, 2013 (6PM Special Mtg.) as printed

September 17, 2013 (Joint Mtg. w/ Building Committee) as printed

September 19, 2013 (1:30 PM Preliminary Screening Committee) as printed

September 19, 2013 (4:30 PM Executive Session - Open) as printed

September 23, 2013 (10:00AM Approval of Warrant) as printed

September 30, 2013 (5PM Special Mtg. Police Staffing Analysis) as printed

September 30, 2013 (6PM Special Mtg.) as printed

Motion by: Elaine Anderson **Seconded By:** Erik Yingling Yea 5 Nay 0

9. **CLOSING STATEMENTS**

Tom Donegan – Executive Session minutes should be considered for release.

Elaine Anderson – Take a moment of silence for Mona Anderson’s passing.

David McChesney – None.

Erik Yingling – None.

Austin Knight – None

Motion to adjourn by Elaine Anderson at 10:25 PM.

Minutes transcribed by: David Gardner

TOWN OF PROVINCETOWN – BOARD OF SELECTMEN

SPECIAL MEETING – FRIDAY – OCTOBER 18, 2013 12:00 pm

EXECUTIVE SESSION –

PRELIMINARY SCREENING COMMITTEE FOR

THE SELECTMEN’S SECRETARY POSITION

TOWN HALL – TOWN MANAGER CONFERENCE ROOM

Austin Knight called the meeting to order at 1:30 PM noting the following Board of Selectmen members: Austin Knight and Tom Donegan.

Other Attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Town Clerk Doug Johnstone

Recorder: David Gardner

OPEN SESSION

The first order of business was to elect a chair.

MOTION: Move to enter into executive session, pursuant to G.L. c. 30A, §21(a)(8), to consider or interview applicants for employment or appointment, for the Board of Selectmen’s secretary position, and moved that the chair declare that an open meeting will have a detrimental effect in obtaining qualified applicants.

Roll Call vote

Austin Knight – Yes

Tom Donegan – Yes

Sharon Lynn – Yes

David Gardner – Yes

Doug Johnstone - Yes

Motion by: Tom Donegan **Seconded By**: Doug Johnstone Yea 5 Nay 0

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - SPECIAL TOWN MEETING
MONDAY, OCTOBER 21, 2013
TOWN HALL AUDITORIUM**

Chairman Austin Knight opened the meeting at 5:03 PM noting the following attendees: Board of Selectmen members: Austin Knight, Elaine Anderson, David McChesney, Erik Yingling and Tom Donegan.

Recorder: David Gardner

The following are pre-town meeting minutes, in brief.

1. TOWN MEETING MATTERS

MOTION: *Move that the Board of Selectmen vote to reconsider Article 2 – Prior Year Bills.*

Motion by: Tom Donegan **Seconded by:** Erik Yingling Yea 5 Nay 0

Three new bills have been processed since the original vote to recommend.

Request to transfer the sum of \$5,497.10 from 2012 Annual Town Meeting article 13, Fireworks Celebration for the purpose of paying the following prior year bills:

Cape Cod Oil Company \$2,153.20
Frank A. Days & Sons \$277.00
Conwell Enterprises \$377.10
Ronald C. Meservey Co. \$4.49
B & B Electric \$521.67
Howland Disposal \$1,626.64
BBE Corporation \$354.00
Outer Cape Auto & Truck Repair \$58.00
Susan Leonard \$125.00

MOTION: *Move that the Board of Selectmen vote to recommend Article 2 – Prior Year Bills.*

Motion by: Tom Donegan **Seconded by:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to reconsider Article 15 – Zoning Article: Growth Management Bylaw.*

Motion by: Tom Donegan **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend Article 15 – Zoning Article: Growth Management Bylaw.*

Motion by: Tom Donegan **Seconded by:** Erik Yingling Yea 5 Nay 0

Board entered recess at 5:09 PM prior to Town meeting.

Town meeting started at 6:00 PM

Motion to dissolve Town Meeting called for by the Town Moderator and was unanimously approved at 10:45 PM.

Minutes transcribed by: David Gardner, October 29, 2013

TOWN OF PROVINCETOWN – BOARD OF SELECTMEN

SPECIAL MEETING – THURSDAY – OCTOBER 24, 2013 8:00 A.M.

EXECUTIVE SESSION –

**PRELIMINARY SCREENING COMMITTEE FOR
THE SELECTMEN’S SECRETARY POSITION**

TOWN HALL – TOWN MANAGER CONFERENCE ROOM

Austin Knight called the meeting to order at 8:00 AM noting the following Board of Selectmen members: Austin Knight and Tom Donegan.

Other Attendees: Town Manager Sharon Lynn, and Town Clerk Doug Johnstone

Absent Excused: Assistant Town Manager David Gardner

Recorder: Doug Johnstone

OPEN SESSION

Chair Austin Knight opened the meeting at 8:00 am.

MOTION: Move to enter into executive session, pursuant to G.L. c. 30A, §21(a)(8), to consider or interview applicants for employment or appointment, for the Board of Selectmen’s secretary position, and moved that the chair declare that an open meeting will have a detrimental effect in obtaining qualified applicants.

Roll Call vote

Austin Knight – Yes

Tom Donegan – Yes

Sharon Lynn – Yes

Doug Johnstone - Yes

Motion by: Tom Donegan Seconded By: Doug Johnstone Yea 4 Nay 0

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - SPECIAL MEETING
MONDAY– OCTOBER 28, 2013 5 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Austin Knight convened the meeting at 5:00 PM noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, Tom Donegan, David McChesney and Erik Yingling

Other attendees: Town Manager Sharon Lynn and Assistant Town Manager David Gardner

Recorder: David Gardner

The following are meeting minutes, in brief:

1. INTERVIEW OF FINALIST

Finalist interviews were conducted for Mary Timmons and Andreia Ribas

MOTION: Move that the Board of Selectmen vote, to offer the Selectmen's Secretary position to Mary Timmons, contingent upon a back ground investigation.

Motion by: Elaine Anderson Seconded By: Tom Donegan Yea 5 Nay 0

2. OTHER – None.

Motion to adjourn by Elaine Anderson at 5:45 PM.

Minutes transcribed by:

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY – OCTOBER 28, 2013 6 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Austin Knight convened the meeting at 6:00 PM, noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, David McChesney, Erik Yingling and Tom Donegan.

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Finance Director Dan Hoort

Recorder: Assistant Town Manager David Gardner

The following are meeting minutes, in brief:

1. PUBLIC HEARINGS – RECOMMENDATIONS OF THE PARKING TASK FORCE

Public hearing notice was read into the record.

Recommendation 1: Establishing a policy whereas there shall be no on-street parking where the roadway width of Commercial Street, or the width between any curb and any obstacle, is less than 17 feet, At such obstacle, there shall be no parking with 25 feet on each side of the obstacle to allow clearance of vehicles to maneuver; and

Recommendation 2: Change the policy on towing vehicles within the street sweeping zones. First and second time violators will be ticketed, third time violators will be towed. Further, recommend an increase in the cost of the ticket to \$100 (\$25 currently) in order to provide the incentive to ensure that cars do move during posted street sweeping times.

Public comments:

Barbara Rushmore – Minimum width standards of the sidewalk for accessibility should be used as a guideline and should not be used as a reason to eliminate parking spaces. Fire Department does not need 17 feet width to get around. We should not take away parking spaces.

Alex Brown – Seventeen feet is not wide enough for the West End when we are trying to move a boat trailer. It is a safety hazard and it should not be allowed to continue.

MaryJo Avellar – Horrible idea, where will people park? It will lead to people requesting curb cuts. The cost of the proposed ticket is too large. Does not agree with the proposal.

Duane Steele – Concerned with reducing parking.

MOTION: Move that the Board of Selectmen vote, to approve Recommendation 1 of the Parking Task Force, to establish a policy whereas there shall be no on-street parking where the roadway width of Commercial Street, or the width between any

curb and any obstacle (i.e. power pole, sign post, etc...) on Commercial Street, is less than 17 feet, At such obstacle, there shall be no parking with 25 feet on each side of the obstacle to allow clearance of vehicles to maneuver.

Motion by: David McChesney **Seconded By:** Tom Donegan Yea 4 Nay 1 Erik Yingling

MOTION: Move that the Board of Selectmen vote, to approve Recommendation 2 of the Parking Task Force, to direct town staff to change the policy on towing vehicles within the Commercial Street Sweeping Zones. First and second time violators will be ticketed, third time violators will be towed. Further, recommend an increase in the cost of the ticket to \$100 (\$25 currently) in order to provide the incentive to ensure that cars do move during posted street sweeping times.

Motion by: Tom Donegan **Seconded By:** David McChesney Yea 2 Nay 3
Motion Failed.

2. PUBLIC STATEMENTS

Michael Rogovsky – Comments on the article in the Cape Cod Times regarding an uncivil discourse in Provincetown.

Jim King – What is the rationale of having a police vehicle and detective on the Pier at this time of year.

Michael Canizales – Comments on the Cape Cod Times article, thinks that the debate in town is healthy. The fact that more people are participating is a good thing. Social media should be used more. We all need to learn to communicate better. We need to practice civility. Much of this talk about civility has undertones of classism. We should encourage participation.

Hazel Everett – was bullied on the internet as a child. When I was bullied, I felt defenseless, functioning adults should be able to defend themselves.

Mary-Jo Avellar – Had the First Amendment on the screen at the Town Meeting. When you participate in politics, you should expect to get criticized. Public discourse is more valuable than no public discourse.

Peter Petas – Urged everyone to not co-opt the language of hate when they participate in the public process. I would also like to thank John Goodrich for the police public forum.

3. SELECTMEN STATEMENTS

Elaine Anderson – regarding the Marine Patrol Program, we need a public safety presence on the Pier. We should allow the Harbormaster to do his job by concentrating on the maintenance of the pier. The MPO program was intended to be a 3-year trial program. We should allow the program time-frame to continue and then evaluate once we have the necessary data.

David McChesney – The PPPC management agreement will be expiring, we are in the process for negotiating that contract. We should consider whether we need to have a PPPC Board of Directors or turn the management back to the town.

Erik Yingling – Thanked all who attended Special Town Meeting, which was well attended thanks to grass roots social media campaigns. We need to understand the difference between bullying and cantankerous debate. Article in Cape Cod Times was interesting, but at the end of the day, we all came together and agreed at town meeting.

Tom Donegan – Town Meeting was very successful, thanks to all those who worked to make it happen. Police Forum was very successful and turned out very well. When it comes to discourse, we should be careful with our vocabulary, and we should not say things about someone that we would not say to their face.

Austin Knight – Thank you all for coming. Was torn when I saw the article in the Cape Cod Times, because I don't think the Town is torn apart. I think there are many things going on in town and we don't all agree, but we are addressing those issues and we have a process for considering these issues. In regard to the Pier Corp, we should consider what type of leadership we need at the Pier moving forward. The public needs to weigh in on that conversation.

4A. POLICE SERVICES PUBLIC FORUM FOLLOW-UP

John Goodrich, Senior Affiliate Facilitator present.

Report of the Massachusetts Office of Public Collaboration regarding police services.

Three months ago, the Massachusetts Office of Public Collaboration at the University of Boston contacted the Town of Provincetown with an offer to provide the community with conflict intervention and civic engagement assistance that included three steps: 1st, an initial conflict assessment that included an online survey that almost 600 people responded to, 2nd, the facilitation of a public forum in September attended by over 100 people that included table discussions facilitated by Cape Mediation and opportunities for public comment, and 3rd MOPC's Assessment Report and Process Recommendations that the Board has received and that was posted on the Town's website last week.

As is our customary practice, we will be asking the Town to post an evaluation survey on the website next week. Your feedback will help MOPC to continue to improve upon the conflict intervention and civic engagement services that we can offer to municipalities in the future. We encourage everyone to read the report and to think about the process recommendations. I am not going to go through the recommendations in detail, but rather I would like to focus on why we feel these four process recommendations are important for the community at this time.

Throughout this three-month process that the Office of Public Collaboration has facilitated for the community, we have stressed the need for both conflict intervention and civic

engagement. Why? Because over the past six months, the level of concern, distrust, and emotion has grown far beyond what a town board or an administration could be expected to deal with on their own. This is an issue that affects the entire community and the community needs to come together to work on and to resolve the problems.

The normal approach of town government in a situation like this is to take a number of specific actions in response to public concerns and requests, and your board and town meeting have already taken a number of steps. But our assessment shows that the magnitude of this situation would benefit from a more comprehensive and coordinated community response and that is what MOPC has tried to address in our process recommendations.

We see that there are two steps that the town should consider taking as soon as possible: the workplace climate assessment for the police department and the formation of an advisory committee that can be trusted by the community to be open, fair and balanced in the way that they advise both town government and the community as a whole on the best way forward to resolve these problems. The implementation of our other recommendations can benefit greatly from having such an advisory committee in place, and the members of your police department shouldn't have to wait any longer for the kind of support that the workplace climate assessment can provide them.

Our other recommendations include both conflict intervention and civic engagement processes that are designed to address the bigger picture long-term, aimed at building the capacity of town government and the community as a whole to deal with major issues like this more effectively in the future. They include an assessment of how town government tackles issues like this, how to effectively implement and coordinate all of the community policing suggestions that have been made, and how to engage the entire community in effective problem-solving and communication, in person, in meetings, in formal statements, and through social media.

Whereas we recommend that the Town government consider funding the workplace climate assessment for the police department and the formation of an advisory committee as soon as possible, you may want to consider applying for grant support to implement the other recommendations, and MOPC would be pleased to provide assistance to you in the preparation of grant requests. The deadline for one grant source that may be appropriate is in November – the state's Community Innovation Challenge grant program administered by the Executive Office of Administration and Finance.

Implementing these recommendations can have a number of important benefits, including improving the way in which:

- 1st The police department interacts with the community,
- 2nd Town boards and departments work together to resolve major issues,
- 3rd Town government engages the community in important decisions,
- 4th Information and recommendations from the independent investigation, the police staffing study, and the town's continuing discussion of public safety facility needs are used to make important decisions, and
- 5th Improving the way in which the community engages in discourse once again as you

have done in the past, including this time through the emerging uses of social media. The town is at a crossroads. This is an opportunity for Provincetown to develop new and innovative community processes that can help you deal not only with this critical issue but with other important community issues that may come up in the future, whether they be financial management, or economic development, or affordable housing, or the Town's Pier or some unforeseen issue. Provincetown has been leading the way in civic engagement and serving as a model for nearly 400 years, and this is another opportunity to do so.

Tom Donegan - Discussion on how to move forward. What would the advisory committee look like? Needs to have representation of the community. Should consult with previous Police Chiefs in Provincetown, who instituted community policing back in the 90's. Consider Community Innovation Challenge Grant application to help facilitate next steps. We need to ensure that we follow-up with the recommendations.

Elaine Anderson – Report is very comprehensive. We have an officer on-staff that has experience with community policing in another police force. We need to identify the funds needed to move forward with implementation of the recommendations.

David McChesney – Staffing analysis and investigation are ongoing. We need to ensure that we do not just let this report sit on the shelf, we need to follow-up with the recommendations.

Erik Yingling – The process has helped the town and I think we are working in a positive direction. Not sure where to begin to implement. We should consider asking the Finance Committee for funding from the Emergency Fund.

Place an item on November 12 agenda to consider next steps for implementation.

4B. CAPE LIGHT COMPACT UPDATE PRESENTATION

Assistant County Administrator Maggie Downey and Meredith Miller of the Cape Light Compact both present.

Provided an update of the work of the Cape Light Compact. Cape Light Compact is a power supplier. Administers the Energy Efficiency Program for residents, business and towns. Funds of the Cape Light compact are received by the rate payers.

Main Street Initiatives is a pilot project that we are starting in Provincetown. The program will reach out to small businesses to promote energy audits and efficiency measures.

LED light replacement program is moving forward with much consultation with the local energy committee. Mapping is currently being done, another demonstration fixture will be installed to allow an option in fixtures. Installation of the replacement is scheduled to occur in March.

Compact also acts as a energy consumer advocate on behalf of rate payers. The Compact should look into the impacts of energy efficiency on historic properties in

historic districts and provide the resources to help property owners respond to district concerns.

5. BOARD OF SELECTMEN APPOINTMENTS – continue to next meeting.

6A. COMMERCIAL STREET RECONSTRUCTION UPDATE PHASE 2 and APPROVAL OF CONTRACT WITH GHD INC FOR COMMERCIAL STREET RECONSTRUCTION PHASE 3

Deputy DPW Director Richard Waldo present.

Update on progress of construction of Phase 2. Reconstruction work starts tomorrow west of Franklin Street. Water work and drainage work will be completed this week. Parking ban on Commercial Street is in effect in the construction zone.

Phase 3: In August 2013 the Town of Provincetown was awarded a grant in the amount of \$73,946.00. This grant was awarded by Department of Environmental Protection 604(b) grant program. The project entitled “**Provincetown Harbor – Commercial Street Reconstruction – Phase III, Project #2013-02/604**” consists of preparing a 50% design plan using porous pavement on Commercial Street from Howland Street to Johnson Street.

The service agreement would include a 50% design plan and provide 604(b) Grant reporting and deliverables.

MOTION: Move that the Board of Selectmen vote to *approve a contract agreement between the Town of Provincetown and GHD, Inc. 1545 Iyannough Road, Hyannis, MA, for engineering design services associated with Phase III reconstruction of Commercial Street in the amount of \$73,946.00.*

Motion by: Erik Yingling **Seconded By:** Elaine Anderson Yea 5 Nay 0

6B. HOUSING SUMMIT UPDATE

Housing Specialist Michelle Jarusiewicz present.

Gave an update on the Community Housing Council’s planning for the Housing Summit. We have been working diligently on getting a facilitator. The CHC proposed that we establish a working group to move forward with a local conversation in the meantime while we are looking for a facilitator. John Ryan, the facilitator from 2006, has since submitted a proposal, and is available in January. In the meantime, we can work on updating the affordable housing flyer, update the Housing Action Plan.

6C PROVINCETOWN COMMUNITY TELEVISION – AMEND AGREEMENT WITH COMCAST

Executive Director Beth O'Rourke and Board member Steve Roderick present.

Request that the agreement be amended to allow the funds to go directly to PTV. It is important to maintain a degree of independence from town government, as PTV is an independent non-profit and is not part of town government.

MOTION: *Move that the Board of Selectmen vote, to designate PTV as the direct recipient of Comcast franchise fee pursuant to the Comcast Contract Section 6.4.*

Motion by: Erik Yingling **Seconded By:** David McChesney Yea 3 Nay 0
Abstain 2 (Elaine Anderson and Tom Donegan)

6D CONSIDERATION OF QUITCLAIM DEED FOR 1 ATLANTIC AVENUE

Property Owner Dan McCurdy present.

MOTION: *Move that the Board of Selectmen vote to approve the Quitclaim Deed for 1 Atlantic Avenue, pursuant to the vote taken under Article 11 of the October 21, 2013 Special Town Meeting.*

Motion by: Tom Donegan **Seconded By:** David McChesney Yea 5 Nay 0

7A VOTE TO HIRE THE SELECTMEN'S SECRETARY – Announcement that at the 5pm meeting, the Selectmen voted to make an offer to Mary Timmons.

7B OPEN MEETING LAW COMPLAINT ACKNOWLEDGMENT

MOTION: *Move that the Board of Selectmen vote, to acknowledge receipt of the complaint from Vincent Currier received October 11, 2013, alleging that the practice of the Chair meeting with the Town Manager for the purpose of preparing meeting agendas is a violation of the Open Meeting Law, and further that complaint be resolved as follows:*

- *The Chairman of the Board of Selectmen is specifically authorized by G.L. c.30A, §20(b) to prepare the agenda for meetings of the Board;*
- *The Town Manager is charged under the Charter, including but not limited to Section 7-2, with managing the day to day activities of the entire Town;*
- *In that regard, she is most familiar with the matters that must be brought to the Board's attention or that the Board may want to be aware of;*
- *In light of the Chair's statutory authority to prepare the meeting notice, the Chair has authority to utilize staff to assist him in this regard, and to that end, may call upon the Manager or such other staff and administrative resources as needed for such purposes;*
- *It is well settled in the case of Pearson v. Board of Selectmen of Longmeadow, 49 Mass.App.Ct. 119 (2000) that a single member of the Board of Selectmen cannot comprise a "subcommittee" for purposes of the Open Meeting Law, and the activities of a single member of a public body are not subject to the requirements of that law;*
- *Further, where the Chair has statutory authority to set the agenda by virtue of his position, the Chair does not require nor has he requested a vote of the Board with*

respect to the manner in which he prepares meeting notices, and the Board has not created a subcommittee for such purposes, whether explicitly or implicitly;

- *Moreover, requiring the Board to act as a group at an open meeting on preparation of meeting agendas would be impractical, inconsistent with the plain language of the Open Meeting Law, and create insurmountable administrative issues, inconsistent with both the express language of the Open Meeting Law and established case law;*
- *For all of these reasons, the Board finds that the complainant has failed to allege any violation of the Open Meeting Law, and therefore, no remedial action need be taken;*

And further, to authorize Town Counsel prepare a response to the complaint and send the same to the complainant and the Attorney General.

Motion by: David McChesney Seconded By: Elaine Anderson Yea 5 Nay 0

7C UPDATE OF STAFF AND COMMITTEE TRAINING

Discussion of proposed training for staff and committee volunteers, including anti-harassment, customer service, family medical leave, and public records request.

7D. TOWN MANAGER SHARON LYNN FOLLOW-UP

VMCC open house is this Saturday, November 2nd.

We started a new section on the town's website called "spotlight" to inform the public of positive happenings in town government.

Connie Boulos hired as Town Treasurer.

7E. OTHER - None

8. MINUTES OF BOARD OF SELECTMEN'S MEETINGS – None.

9. CLOSING STATEMENTS

Elaine Anderson – None.

David McChesney – None.

Erik Yingling – None.

Tom Donegan – None.

Austin Knight – Best wishes to David Guertin on his retirement.

Motion to adjourn by Elaine Anderson at 9:35 PM.

Minutes transcribed by: David Gardner

From: [David Gardner](#)
To: [Vernon Porter](#)
Subject: FW: Medical Marijuana Letter of support
Date: Monday, October 28, 2013 8:00:18 PM

From: Tim McCarthy [mailto:tim@liptv.us]
Sent: Monday, October 28, 2013 1:45 PM
To: David Gardner
Subject: Medical Marijuana Letter of support

Hi David,

Here is the part of the application *was talking about*.

5.4 Describe efforts to obtain assurances of support or non-opposition from the local municipality(ies) in which the applicant intends to locate a dispensary, cultivation site, and/or processing site and indicate whether the municipality expressed any opposition. If the sites are in different municipalities, provide information related to each community. If available, include a demonstration of support or non-opposition furnished by the local municipality, by attaching one or more of the following:

- A letter from the Chief Administrative Officer, as appropriate, for the desired municipality, indicating support or non-opposition;
- A letter indicating support or non-opposition by the City Council, Board of Aldermen, or Board of Selectmen for the desired municipality; or
- A letter indicating support or non-opposition by the Board of Health in the desired municipality.

Dear Board of Selectman and Town Manager Lynn,

On behalf of The Kingsbury Group, Inc., I am writing to ask for your **support** of our application to open medical marijuana dispensaries, one in Provincetown.

Part of the Phase 2 application is showing community **support** for our project. We intend to donate a portion of our proceeds to local nonprofit service agencies like The AIDS **Support** Group of Cape Cod, Helping Our Women and the Theater, as well as making sliding scale medical marijuana available.

The Kingsbury Group, Inc., principles are Tim McCarthy, Shawn Nightingale, Bruce MacGregor, Peter Feldman and Mark Wallace. We have applied for three licenses, Provincetown, Martha's Vineyard and Dennis.

Please write a **letter** of **support** addressed to the Department of Public Health and send it us Kingsbury Group, Inc PO Box 1446, Provincetown MA 02657.

On behalf of the Kingsbury Group, Inc, thank you for your **support**.

thanks tim

Tim McCarthy
508.237.0540
tim@liptv.us