

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – JUNE 13, 2011 6:00 PM**

**TOWN HALL – JUDGE WELSH ROOM**

Chairman Elaine Anderson convened the meeting at 6:00 PM noting the following  
Board of Selectmen members: Elaine Anderson, David Bedard, Austin Knight, John Santos and David McChesney

Excused Absence: none.

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

Recorder: David Gardner

*David Bedard recused himself as an abutter to avoid the perceived appearance of a conflict.*

**1A PUBLIC HEARING: ECONOMIC DEVELOPMENT REQUEST– 63 SHANK PAINTER RD – SNIFFK9**

Michael Canizales, applicant present. This public hearing item was continued from the April 11, 2011 meeting. This EDP request is for 764 gpd for a new canine training center, to include doggy day care, dog groomers and dog kennel for up to 20 dogs at 63 Shank Painter Road. Staff recommends approval of this business start-up request based on criteria # 2, 3, 4, 5, and 7, and the fact that this service is complimentary to the visitor service industry in town.

No public comment taken as the public comment period was closed at the April 11, 2011 meeting.

**MOTION:** *Move that the Board of Selectmen vote to approve Economic Development Permit 11-04 for 63 Shank Painter Road, Michael Canizales, applicant, Robert Meads, property owner, based on findings that the proposed use is consistent with the criteria set forth in Selectmen's Policy 2009-02-09, subject to the attached permit with conditions as submitted for a total of 764 additional gpd.*

**Motion by:** Austin Knight **Seconded By:** John Santos **Yea 4 Nay 0**

*David Bedard returned to the room.*

*Austin Knight recused himself to avoid the perceived appearance of a conflict.*

**1B PUBLIC HEARING: ECONOMIC DEVELOPMENT REQUEST–7 MASONIC PLACE**

Attorney James Norcross on behalf of the property owner and Eliot (Peter) Denault present. This EDP request is for 330 gpd to operate a 5 room guest house with owner's unit at 7 Masonic Place. Staff recommends approval of the request based on criteria #2, 3, and 7, and the need to maintain a healthy inventory of guest house units within town.

Public comment:

Mario Criscuolo: year round resident manager of the guest house. Supports Peter's application.

Thanassi Kuliopulos – is an abutter and support the request as well as the owner. Is a good neighbor.

Vassiliki Trellis: Have known him for over 9 years. Peter is a great neighbor, good businessman and local philanthropist.

John Kelly: support Peter and his request for this business.

Thomas Edwards: Maintain his property, is a good business man in town. Hires local people and contractors.

James Gilrein: Knows Peter for over 5 years. Guest house has been in

Charles Morton: supports the request.

***MOTION: Move that the Board of Selectmen vote to approve Economic Development Permit 11-08 for 7 Masonic Place, Attorney James Norcross, applicant on behalf of Eliot Denault, property owner, based on findings that the proposed use is consistent with the criteria set forth in Selectmen's Policy 2009-02-09, subject to the attached permit with conditions as submitted for a total of 330 additional gpd.***

**Motion by:** David Bedard **Seconded By:** John Santos **Yea 4 Nay 0**

*Austin Knight returned to the room.*

### **1C PUBLIC HEARING: CURB CUT – 8 WINTHROP ST**

George Dunlap present.

Public Comment:

Ruth Leach letter in support, Dan Gates letter in support, Richard Conley letter in support.

Mark Phillips abutter supports the request.

Rob Tosner abutter supports the request.

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to: Approve the request of George Dunlap to establish a curb cut at the property located at 8 Winthrop Street (Assessor's Map7-2-144) (Res 3 Zone) pursuant to the attached permit; and to further to request that a certified plot plan be provided showing the actual location of the proposed curb cut.***

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

### **1D PUBLIC HEARING: CURB CUT – 49 HARRY KEMP WAY**

George Burg, Trapani & Associates, Reggie Donahoue of Coastal Engineering; Alan Hall and Sally

Dean of OCHS. Request for the second curb cut is prompted by the desire to improve the internal circulation on the site and to allow emergency vehicles to enter at the existing cut and exit on the new cut without having to turn around on site and to improve the internal circulation on the site.

Public Comment:

Barbara Rushmore speaking in support, but concerned about the lost of trees.

Jill Vaughn opposes the request. Ask that it be placed on hold pending the Zoning and Planning.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to: Approve the request of Alan Hall on behalf of Outer Cape Health Services to establish a curb cut at the property located at 49 Harry Kemp Way (Assessor's Map 13-2-034) (Res B Zone) pursuant to the attached permit; and to further to request that a certified plot plan be provided showing the actual location of the proposed curb cut.*

**Motion by:** Austin Knight

**Seconded By:** David Bedard

**Yea 5 Nay 0**

## **1E CAPE COD COMMISSION ANNUAL UPDATE**

Executive Director Paul Niedzwiecki and Chief of Staff Patty Daley present.

Issues remain the same as existing last year when we were last before you. Work relating to Wind Turbine regulations, wastewater and regional planning of wastewater solutions; and Economic Development including the Open Cape initiative and Smart Cape. Patty Daley gave an update regarding SEMASS including a Regional Recycling Coordinator to help towns reduce the waste stream.

### **2. PUBLIC STATEMENTS**

Barbara Rushmore – Trustee of her condo board and has concern about the way the betterment payment plan has been billed. Would like to appeal to the Water and Sewer Board to allow the betterment to continue to be paid by the association instead of the individual owners.

Candace Nagle – Dog Park finally got a shade structure approved at the dog park.

### **SELECTMEN STATEMENTS**

**Austin Knight** – Follow-up needed on Barbara Rushmore's request to look into the betterment issue. Dog Park plan improvements is far greater than originally proposed and is looking great, congratulations to the Dog Park Association for such a wonderful job.

**David Bedard** – Opposed to 3 minute time limit during public comments, not consistent with existing Board Rules of Procedures.

**David McChesney** – Selectmen need to review Economic Development criteria.

**John Santos** – Beach closure last week is bad for tourism. Concerned that the kayak racks are not built yet. Town Hall front steps need to be addressed.

**Elaine Anderson** – Attended joint committee in Boston regarding our proposed real estate transfer fee. Hedge trimming season, property owners need to maintain hedges encroaching in roadways. Moors Road improvement ribbon cutting went well. Congratulations to the Dog Park for the approved shade structure and for doing such a wonderful job at the park. Thinks 3 minute time limit will reduce length of meeting.

4. **APPOINTMENTS** - None.

5A **REFINANCE REQUEST: 5 MEADOW RD**

Housing Specialist Michelle Jarusiewicz present.

**MOTION:** *Move that the Board of Selectmen vote to approve the refinancing request for 5 Meadow Road Unit 1 for a mortgage of \$88,000.*

**Motion by:** Austin Knight                      **Seconded By:** John Santos                      Yea 5    Nay 0

5B **AIRPORT – TSA TRAILER ELECTRICAL SERVICE LEASE**

Provincetown Municipal Airport Commission supplies the electricity to operate the TSA office trailer at the airport and this lease is the reimbursement of the installation of the trailers electrical meter and the monthly cost of the electricity. This is an updated lease to replace the lease that expired January 31, 2010. The contract has been approved as to form by Town Counsel.

**MOTION:** *Move that the Board of Selectmen vote to execute a 5 year lease with the General Services Administration (GSA) for the electricity supplied and the reimbursement of the cost for the installation of the electrical meter (cost of meter installation to be repaid in the first year of the lease) for the TSA Office Trailer at the Provincetown Municipal Airport.*

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

5C1 **VSF FY2012 GRANTS – TOURISM PROMOTIONAL GRANT AGREEMENTS**

Chair Rob Tosner, Vice Chair Michael Peregon, and Tourism Director Bob Sanborn

Selectmen requests follow-up reports after the events occur in the future.

**MOTION:** *Move that the Board of Selectmen vote to approve funding, from the Tourism Fund, for the following FY 2012 Tourism Promotional and Enhancement Grants, as recommended by the Visitor Services Board:*

*Grant #1) Bear Week - \$1,750; 2) Cabaret Fest - \$4,000; 3) Castle Hill Paints the Race - \$1,000; 4) Conservation Commission - \$7,000; 5) Conservation Trust - \$1,000; 6) Dance Festival - \$1,000; 7) Encaustic Conference - \$2,000; 8) Fantasia Fair - \$3,000; 9) Fine Arts Work Center - \$3,500; 11) Fisherman's Memorial - \$4,000; 12) International Women's Flag Football - \$1,000; 14) Ghost Town - \$1,500; 15) Girl Splash - \$5,500; 16) GLSEN Educator Retreat \$500; 17) Great Music on Sundays @5 - \$5,000; 18) Great Provincetown Schooner Regatta - \$11,000; 19) Holly Folly - \$3,500; 20) Jazz Festival - \$1,000; 21) Long Point of View Lighthouse Project - \$3,000; 22) Mates Leather Weekend - \$4,000; 23) Miss*

*Gay US of A - \$2,000; 24) Men of Color Weekend - \$3,000; 25) Men's Weekend - \$1,000; 26) Gay Pilot's Association - \$1,000; 27) Outer Cape Chorale - \$3,500; 28) PAAM Fall and Spring Workshop - \$4,000; 29) Provincetown International Film Festival - \$19,000; 30) Pilgrim Bark Park - \$1,500; 31) Pilgrim Monument Fall Fun - \$4,000; 32) Portuguese Festival - \$8,000; 33) Provincetown 10K - \$2,500; 34) PTV Project - \$3,000; 35) Single Women's Weekend - \$5,000; 36) Swim For Life - \$2,000; 38) Provincetown Jamboree Ten Days of Art - \$5,000; 39) Tennessee Williams Festival - \$6,000; 40) Winter Weekends - \$4,000; 41) National Women of Color Weekend - \$6,000; 43) Women's Week - \$5,000.*

**Motion by:** Austin Knight                      **Seconded By:** John Santos                      Yea 5    Nay 0

**5C2    VSF FY2012 GRANTS – CO-OPERATIVE GRANT AGREEMENTS**

**MOTION:** *Move that the Board of Selectmen vote to approve the FY 2012 co-operative marketing grant agreements with the Provincetown Chamber of Commerce for \$15,000 and the Provincetown Business Guild for \$15,000 as recommended by the Visitor Services Board.*

**Motion by:** John Santos                      **Seconded By:** Austin Knight                      Yea 5    Nay 0

**5D1    VSF CONTRACT RENEWABLES – GRAPHIC ARTIST**

**MOTION:** *Move that the Board of Selectmen vote to approve the request of the Visitor Services Board to renew existing contract with Graphics Group, PO Box 1938, Provincetown, MA 02657, as the Town of Provincetown's graphic design firm to the Tourism Office in an amount not to exceed \$8,050; to commence on July 1, 2011, and expire on June 30, 2012.*

**Motion by:** David Bedard                      **Seconded By:** John Santos                      Yea 5    Nay 0

**5D2    VSF CONTRACT RENEWABLES – PUBLIC RELATIONS FIRM**

**MOTION:** *Move that the Board of Selectmen vote to approve the request of the Visitor Services Board to renew existing contract with Marlo Marketing/Communications, 667 Boylston Street, 3<sup>rd</sup> Floor, Boston, MA 02116, as the Town of Provincetown's public relations firm to the Tourism Office in an amount not to exceed \$24,000 plus expenses; to commence on July 1, 2011, and expire on June 30, 2012.*

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

**5E    BOARD OF SELECTMEN POLICY STATEMENT – TOURISM FUND EXPENDITURES**

**MOTION:** *Move that the Board of Selectmen vote to adopt Policy Statement 2011-06-13 (superseding Policy 2004-11-29) Tourism Fund Expenditures as proposed.*

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

**5F    BIKE ADVISORY COMMITTEE REQUEST**

Candace Nagle, Michael Peregon and Bob Sanborn present. A Bicycle Advisory Committee is a critical component of a successful Bicycle Friendly Community (BFC) and can play an important role in helping local officials create, implement, and prioritize bicycle programs, facilities, and policies.

Three Major Roles a BAC plays in assisting local officials:

1. To provide a consensus building approach to public input on bicycle related programs, policies and projects.
2. To act as a review panel on bicycle-related proposals
3. To perform a watchdog role on project and policy implementation.

A BAC mission statement could include promoting safe bicycling by

1. Promoting events for all skill levels and age groups
2. Providing education on bicycle issues, safe bicycling, rules of the road, and emergency bicycle repairs.
3. Advocating on behalf of bicycling government actions, private developments and community events
4. Promoting full knowledge and equal enforcement of the rules of the road as they apply to bicycles, pedestrians, and automobiles.
5. Identifying and promoting needed bicycle facilities, routes, lanes and elimination of dangerous areas.
6. Informing the community about the benefits of bicycling to the environment, public health, local economy, tourist industry and reduction of traffic congestion.
7. Working with Town officials to develop a master bicycle plan
8. Promote secure bike parking

**MOTION:** *Move that the Board of Selectmen vote to establish a Bike Advisory Working Group to further develop a mission statement and purpose for the establishment of a permanent town board Bike Advisory Committee to be referred to a future town meeting, and to direct the Town Manager to appoint five regular members and one alternate to this working group.*

**Motion by:** John Santos      **Seconded By:** David Bedard      **Yea 5    Nay 0**

## **5G    TOWN SEAL REQUEST**

**MOTION:** *Move that the Board of Selectmen vote to approve the request by Marvin Bubie for the use of the image of the town seal subject to the following conditions:*

1. *Permission is granted only for the specific purpose outlined in the letter request dated June 1, 2010.*
2. *The Provincetown Town Clerk will review the reproduction prior to its publication*
3. *The non-exclusive right to reproduce the seal is granted, but without the right to sublicense it or its description.*
4. *An acknowledgement shall be included in the publication: “The Seal of the Town of Provincetown Massachusetts is used with the permission from the Town of Provincetown and use of this seal does not imply endorsement of this publication in any way”.*

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

## **5H1    TREASURER’S BOND ANTICIPATION NOTE**

**MOTION:** *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1081 in the amount of \$2,125,000 dated June 22, 2011 at 1% (\$21,250) interest payable at maturity to Cape Cod Five Cents Savings Bank due June 22, 2012.*

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

**MOTION:** *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1082 in the amount of \$90,000 dated June 22, 2011 at 1% (\$360.62) interest payable at maturity to Cape Cod Five Cents Savings Bank due November 15, 2011.*

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

**5H2    TREASURER’S TRANSFER – RECREATION GIFT FUND**

**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 \$44,664.00 from the Recreation Department Gift Fund to pay for the attached invoice(s).*

**Motion by:** Austin Knight                      **Seconded By:** John Santos                      Yea 4    Nay 0  
**Abstain 1 (David Bedard)**

**5H3    TREASURER’S TRANSFER – BEAUTIFICATION GIFT FUND**

This request totaling \$3,553.50 leaving a remaining balance in the Beautification Committee Fund of \$18,822.88.

**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 \$3,553.50 from the Beautification Committee Fund to pay for the attached invoice(s).*

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

**5I      SENIOR CITIZEN OF THE YEAR PROCLAMATION**

Each year the Council on Aging names a senior citizen who has made an outstanding contribution to the Town of Provincetown to be Senior of the Year. This year’s nominee is David Ketchum.

**MOTION:** *Move that the Board vote to proclaim of Thursday, June 23, 2011 as David Ketchum Day in the Town of Provincetown.*

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

**6A      ADOPT FISCAL YEAR POLICY GOALS**

The annual goal-setting is a central event in the life of the Town government, as the goals established by the Selectmen are translated to objectives to be achieved by the staff throughout the coming year.

1. Fiscal Management
2. Town Facilities Action Plan/Police Station Relocation
3. Paving of Commercial Street
4. Affordable Housing
5. Water Management Plan
6. Wastewater
7. Storm Drain Repairs
8. Solid Waste / Renewable Energy
9. Economic Development and Tourism
10. Cape Cod National Seashore

**MOTION:** *Move that the Board of Selectmen vote to refer the attached goals as submitted*

*to the public hearing on Monday, July 11, 2011, at 6 p.m. with the addition of the “and implement” to item #7.*

**Motion by:** John Santos      **Seconded By:** Austin Knight      **Yea 5    Nay 0**

**6B    ADOPT BOARD OF SELECTMEN’S RULE OF PROCEDURES**

The Board of Selectmen voted on May 23, 2011 to adopt their Rules of Procedure at its next regular meeting on Monday, June 13, 2011, with any proposed amendments to be submitted in writing to the secretary by Thursday, June 2, 2011. No proposed amendments were submitted.

Attached is a copy of the Board of Selectmen’s Rules of Procedure as amended on June 28, 2010. Section 9, thereof provides that "These standing procedures shall be reviewed annually, following the normal reorganization of each new Board of Selectmen . . . ." Section 10 provides that "(a) These standing procedures may be amended by a majority vote of the members present and voting at a regular meeting provided, however, that the proposed amendment has been submitted in writing at least one week prior to the date the amendment is to be voted upon. (b) An amendment shall be construed to mean any addition of a new procedure or deletion or modification of an existing procedure."

**MOTION:** *Move that the Board of Selectmen vote to adopt their Rules of Procedure as previously amended and adopted on June 28, 2010.*

**Motion by:** Austin Knight      **Seconded By:** John Santos      **Yea 5    Nay 0**

**6C    CAPE COD METROPOLITAN PLANNING ORGANIZATION SUB-REGION D REPRESENTATIVE NOMINATION**

**MOTION:** *Move that the Board of Selectmen vote to nominate Austin Knight as the Sub-Region D Representative to the Cape Cod Metropolitan Planning Organization.*

**Motion by:** David Bedard      **Seconded By:** John Santos      **Yea 5    Nay 0**

**6D    TOWN MANAGER’S FOLLOW-UP –**

The Town Hall architect has been working on getting the painters back to fix the front steps, weather and timing with town events has delayed.

**6E1    OTHER – HAWTHORNE PROPERTY DEED ACCEPTANCE**

**MOTION:** *Move that the Board of Selectmen vote to approve the Deed Acceptance for the purchase of the Hawthorne Property as approved to form by town counsel contingent upon having received all releases of obligation.*

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

**6E2    OTHER – SUSTAINABLE MATERIALS RECOVERY GRANT**

The deadline date for the grant is June 15, 2011. According to the program, “the level of matching funds provided by the applicant will be considered in the evaluation”. Any matching funds used would come from the existing Transfer Station budget.



***MOTION:*** Move that the Board of Selectmen vote to approve the submission of a grant application to the Sustainable Materials Recovery Program (SMRP) for \$7500 to offset capital costs and \$750 for conservation literature.

**Motion by:** David Bedard      **Seconded By:** John Santos      Yea 5    Nay 0

7. **MINUTES OF BOARD OF SELECTMEN'S MEETING -**

**MOTION:** Move that the Board of Selectmen approve the minutes of

*March 21, 2011 (Joint FINCOM) as printed*  
*March 28, 2011 (Regular Meeting) as printed*  
*March 29, 2011 (Senior Forum) as printed*  
*March 30, 2011 (State of Town) as printed*  
*April 4, 2011 (Town Mtg.) as printed*  
*April 5, 2011 (Town Mtg.) as printed*  
*April 11, 2011 (Exec Session) as printed*  
*April 11, 2011 (Regular Mtg.) as printed*  
*April 25, 2011 (Exec Session) as printed*  
*April 25, 2011 (Regular Mtg.) as printed*  
*May 9, 2011 (Exec Session) as printed*  
*May 9, 2011 (Regular Meeting) as printed*  
*May 23, 2011 (Exec Session) as printed*  
*May 23, 2011 (Regular Meeting) as printed*  
*June 7, 2011 (Joint CCNSGMPIAC) as printed*

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

8. **CLOSING STATEMENTS**

**David Bedard** - None

**Austin Knight** – Line painting will occur on East End paving

**David McChesney** – Parking pay station booths are in and pending installments.

**John Santos** – None

**Elaine Anderson** – None

Motion to adjourn by Austin Knight at 8:52 PM.

**Minutes transcribed by:** Assistant Town Manager David Gardner, June 14, 2011