

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – MONDAY - JULY 25, 2011 6 PM**

**TOWN HALL – JUDGE WELSH ROOM**

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

Other attendees: Town Manager Sharon Lynn and Finance Director Dan Hoort

Recorder: Vernon Porter

**1A PUBLIC HEARING: CURB CUT – 25 MILLER HILL ROAD**

Applicant, Joshua Prager

Applicant indicated that he neglected to send the abutter notices by certified mail and needs more time to receive responses.

**MOTION:** *Move that the Board of Selectmen vote to continue the hearing to a time certain August 8, 2011, pending proper certified mailing of the public hearing notice.*

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

**1B JOINT MEETING WITH FINCOM & INSURANCE ADVISORY COMMITTEE**

Understanding the New Health Care Legislation

FinCom members present – Tom Coen, Erik Yingling, Thomas Thurston, Tom Donegan, Ann Maguire and Michael Canizales.

Insurance Advisory Committee present - James Meads, Linda O'Brien, Paul Gavin, Cheryl Duarte and Sherry Prada.

Attached to the agenda item are two overviews of the health care legislation signed by Governor Patrick on July 12, 2011, as part of the FY 2012 State Budget. The first is from Paul Mulkern, Attorney for the Cape Cod Municipal Health Group, and the second is from Kopelman and Paige. Kopelman and Paige's memo provides a list of steps that municipalities will be required to take to comply with the new legislation. Regulatory details have not been worked out at this time.

FinCom Chair Tom Coen went over the memo he sent to the Board of Selectmen date July 19, 2011 that included the summary of Municipal Health Insurance Reform Act, (handwritten pages 15 thru 19 in this agenda item.), published by the Massachusetts Municipal Association, along with some notes at the end that raises some issues that occurred to him as he was putting the letter to the Board of Selectmen. He also noted that the Finance Committee has no definite role under this law, but certainly has an interest in the outcome and would like to discuss what role, if any, the Finance Committee should play.

Insurance Advisory Chair James Meads – we're going to take one step at a time.

Elaine Anderson – Appreciate the FinCom's work on this and look forward to moving in a way that will be fair and equitable.

Town Manager Sharon Lynn – Next step in this process is additional discussions with the Insurance Advisory Commission and digging into the interpretation of the Reform . This will take place in the fall and we should be able to move forward. Also we will be looking at all the union contracts and how to proceed with this and establishing the Public Employee Committee.

Tom Coen – The Public Employee Committee does not take the place of the Insurance Advisory Commission.

## 1C **REGIONAL SHELTER UPDATE**

Town Health and Environmental Affairs Manager Brian Carlson introduced Sean O'Brien, Emergency Preparedness Coordinator for Barnstable County. Sean gave the history of shelters on the Cape and the Town of Provincetown's participation in this project.

The Town is in the process of having the Veteran's Memorial and the High School buildings become designated as Regional Shelters through the Barnstable County Regional Sheltering Plan and has been working with the Regional Emergency Preparedness Committee and the County Department of Health and Environment on this process. A cargo trailer will be supplied to the town for any storage. Once our plan is finalized we will be returning to each community for a vote of approval. The American Red Cross will be involved.

David Bedard – Where will the cargo trailer be housed? Answer: Where ever the town would like to put it.

David McChesney – Does this interrupt the plans for our move to the school? Answer: No, we will work with them.

Austin Knight – Are there any training classes for this? Answer: Yes, it is done by the American Red Cross.

Town Manager Sharon Lynn - Just as a matter of information, we do have Code Red, an emergency network notification system that has been in affect for awhile.

John Santos – Is the trailer empty? Answer: Yes, and as we get grant monies we will try to fill the trailers for everyone. We do have a little money at this time, and will help wherever we can.

Brian Carlson – People can volunteer and sign up anytime. Also people can sign up for the Emergency Code Red anytime online.

David McChesney – Is Truro updated on this? Answer: Yes, we met with them two months ago and they are on board with us.

David Bedard - Is Code Red tested very often? Brian – I do believe it is quarterly.

David - Being as transient as we are, I think we should keep in mind that new people that make this their home should be aware that we have this system in place.

2. **PUBLIC STATEMENTS** - None

3. **SELECTMEN STATEMENTS**

**David McChesney** - None

**John Santos** – Thanks to the Parking Department for getting the MPL exit changed and signs up. Things are looking pretty good. Hoping we can reconfigure the Grace Hall Parking Lot and get it on our agenda for the fall town meeting.

**Austin Knight** – None.

**David Bedard**

Would like an update on the timetable for the transition of town offices to the Veteran's Memorial School. **Sharon Lynn** - Because we did not have any bids, we decided to combine the VMES and the Freeman Street Building roof repairs which is my preferred way to go on this. This will be sent to the central register for insertion next week and we'll also advertise in the Banner next week.

Would like to have the Parking Administrator at our next meeting. I have some questions about the Kiosk and how they're being operated and how we were sold on the Kiosk. And if he could also give us a list of all those that receive free parking permits. I think it is time for us to review this.

Grace Hall Parking Lot – Improvements and transition that with the Walking Mall Group recommendations. If we're going to be moving forward with that then I think we need to start that discussion. **Sharon Lynn** - There were 5 spaces provided to the school in the Grace Hall lot because the sidewalks in front of the High School are being repaired as the employees needed a place to park. **David** – Can't they use the spaces in the VMES and walk across as there's plenty of parking at the VMES. **Sharon** - That's a discussion you can have with them as they are also requesting additional spaces in the parking lot of Grace Hall. You have combined meeting with them September and you can bring it up then. We had a meeting with them and we're looking at safe entrance into the High School entrance through the parking lot of Grace Hall.

**Elaine Anderson**

Received correspondence from Candace Nagle, Chair of the Bicycle Advisory Working Group and requesting the Board approve the following motion:

**MOTION:** *Move that the Board of Selectmen vote to approve a Town of Provincetown Public Bike Path Gift Fund to be administered by the Town Manager and the Bicycle Advisory Working Group.*

**Motion by:** Elaine Anderson **Seconded By:** John Santos

**Yea 1 (John Santos) Nay 4 - (Motion does not pass) –**

Discussion ensued and it was suggested that the Bicycle Advisory Working Group meet with the Board of Selectmen in August.

Send condolences to the Packard Family. (Vernon – sympathy card sent last week)

Crosswalk on Harry Kemp – Maushope and Outer Cape. Seems to me that there should be a three-way communication between the entities. (Maushope/Outer Cape Health and the Town.)

Thanks to everyone for trimming back hedges, I can now walk on the sidewalks with out going on the street.

4. **APPOINTMENTS**

**MOTION:** *Move that the Board of Selectmen vote to approve the Town Manager's appointment of Barbara Prato as a regular member of the Conservation Commission, pursuant to MGL c.40 §8C and Charter §6-6-1 with a term to expire on December 31, 2011.*

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

5A **CONFLICT OF INTEREST LAW DETERMINATION**

Zoning Board of Appeals [MGL C.268A,§23(b) (3)]

*John Santos recused himself and left the room as he is an abutter to the owner of the property in this request.*

ZBA member Amy Germain explained the reason for her disclosure is that this request must be decided by the Board of Selectmen at this meeting as there is a potential for a construction grant by August 6, 2011 and there is a possible issue of seating a full Zoning Board.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C.268A,§23 (b) (3) and as appointing authority for the Zoning Board of Appeals to make the determination that the financial interest of appointee Amy Germain is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.*

**Motion by:** David Bedard **Seconded By:** Austin Knight Yea 4 Nay 0

John Santos returned.

5B **COUNCIL ON AGING**

Submit Executive Office of Elder Affairs FY 2012 Formula Grant

Director of Council on Aging and Office of Public Health & Human Services Chris Hottle explained that the Executive Office of Elder Affairs awards this grant annually to all Councils on Aging in Massachusetts. This year the formula for Provincetown is calculated at \$6.50/senior for 938 seniors 60+ years of age (according to 2010 Census).

**MOTION:** *Move that the Board of Selectmen vote to submit a grant application in the amount of \$6,097 to the Executive Office of Elder Affairs for a FY 2012 Formula Grant for staff education and Program Coordinator position.*

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

5C **ELECTRICAL EASEMENT AT WASTEWATER TREATMENT PLANT FOR CELL TOWER VENDOR VERIZON NEW ENGLAND.**

The next step in the siting of permitted cell tower is the execution of a utility easement, thus allowing NSTAR use of Town owned land to service this installation. The location of the cell tower will remain as originally planned and as noted in the RFQ executed by the Town. Plant expansion, an engineering effort by AECOM as authorized by last April's Town Meeting, reflects that planned expansion: a tank to buffer influent flows is to be placed on the southwest corner of the site as reflected on the attached SK concept drawing recently used as a document during talks with the Cape Cod Commission.

Sandy Turner provided the final documents for signature as approved as to form by Town Counsel Shirin Everett of Kopelman & Paige.

**MOTION:** *Move that the Board of Selectmen vote to authorize the Town Manager to execute an Easement For Electrical Service from Verizon to NSTAR for electrical service, relay, and communication purposes upon and under land owned by the Town of Provincetown located at 200 Route 6, Provincetown , Massachusetts.*

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

**5D    TOWN WIDE PAVING**

Attendees: DPW Deputy Director Sandy Turner and Russ Kleekamp Project Engineer – Wastewater / Infrastructure of GHD Inc., Hyannis, MA.

In support of the Board of Selectman’s FY 12 GOALS, the Department of Public Works is bringing forward a contract which can be summarized as follows:

- A. Street Inventory – Length, width, observable condition
- B. Pavement Condition – A qualitative evaluation for life-cycle decisions
- C. A needs projection for a Capital Improvement Program

Open discussion ensued.

David Bedard – What is the time frame? When will we see the results of the study or recommendation? Russ Kleekamp – around 180 days. Possibly before the end of the year we will have a proposal for you.

David McChesney – 1) Will we be resurfacing private roads? Sandy – We will at least do what this says. Where we go from there as far as doing any work on those streets we will definitely have to come back to the Board and probably town meeting.

2) What is the thinking behind doing private roads if they are private? Sandy – Because we do have issue with private roads meeting our roads and they do have drainage and will cause drainage problems on public streets. 3) Will this study exclude Commercial Street from Johnson Street to Court? Sandy – Yes, it would exclude that area of town.

**MOTION:** *Move that the Board of Selectmen vote to approve a contract in the amount of Thirty Nine Thousand Eight Hundred Sixty Six Dollars (\$39,866.00) to GHD of Hyannis, MA, our paving/drainage engineer of record, for the development of a town-wide roadway maintenance plan for all town roads, their condition, and other particulars all leading to recommendations for a multi-year capital improvement plan.*

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

Russ Kleekamp – Gave an update on the paving project. February or March is looking more of a starting date. However, if the weather cooperates we may start earlier.

The asphalt/paving issue - Prep work will happen around November and paving will happen next spring around April or early May.

Sharon Lynn – There is very little time to work on Commercial Street is what Mr. Kleekamp just related to you. We are looking at alternative plans for traffic movement and side streets. Logistically we will work it out. We will work with the business owners. Some of the work that is already being done through Mr. Kleekamp and Doug Kress (who is our fellow). They have been going door to door and contacting every business owner, with a form, with contact

information; any problem areas that any property owner is citing already. We are documenting those areas that could be potential problems for contractors in the future and are making that contact one-by-one, door-to-door. Hopefully no one can say they didn't know about or weren't aware of it. We're doing it now and getting good results through communication. The fact remains, there will be a lot of issues to decide. You're having an upcoming Public Hearing on August 1<sup>st</sup>. You may or may not get much feedback from that because of the time of the season. We'll have to work it out and deal with the unknown as it comes along. We're moving forward.

Elaine Anderson – Are we locked into these materials? Are there no alternative materials available within the grant? Russ Kleekamp – The water portion is separate from the grant and yes there are alternatives and we are in discussion with DPW on this.

David Bedard – As soon as we can pin-point the time frame the much better it will be for everyone.

John Santos – I am leaning towards the spring time frame around February 1<sup>st</sup> or March 10<sup>th</sup>. The other question is whether we should touch the water main.

**5E SERVICE CONTRACT AWARDS: UTILIZING COUNTY OF BARNSTABLE, PURCHASING DEPARTMENT**

DPW Deputy Director Sandy Turner explained that for several years now, where it is to the town's advantage, the DPW has taken advantage of Barnstable County's regional solicitation process. It is then left to the Town to accept or reject for the service or product their solicitation brings forward. Elaine Davis, Chief Procurement Officer for the County, solicits proposals, provides the analysis for the recommendation, and as a further review, has County Commissioners review and sign off. That sign-off recommendation then becomes a record for this department.

**MOTION:** *Move that the Board of Selectmen vote to award FY 12 contract as recommended by the County, for the items as listed;*

- *B&B Electric for ELECTRICAL work on an as needed basis for On-Call Tradesperson at the rate of \$66.00 per hour.*
- *R. W. Irvine for PLUMBING work on an as needed basis for On-Call Tradesperson at the rate of \$79.00 per hour.*
- *Noonan Brothers/Advantage petroleum for GASOLINE, delivered FOB, at a unit price of \$0.04 over Boston Low.*
- *MJT dba Cape Cod Oil for DIESEL, delivered FOB, at the unit price of \$0.04 over Boston Low.*
- *Matthew A. Frasier for portable toilets rental and service for \$70.00 per unit per month and \$14.75 for clean and empty.*

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

**5F PARADE PERMIT REQUEST**

Provincetown Business Guild Annual Carnival Parade

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade application submitted by Roger A. Chauvette on behalf of the Provincetown Business Guild for the purpose of holding their Annual Carnival Parade to be held on Thursday, August 18, 2011 from 3:00 pm to 5:30 pm. No rain date.*

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

**5G    TREASURER'S TRANSFERS**

Town Manager Sharon Lynn explained that this is a payment supported by a contract between the Town and the Cape Cod Children's Place. The contract authorizes \$14,106.57 to be expended from the John A. Henry Trust Fund in FY11 to assist less fortunate children leaving a remainder for FY11 of \$ 351.27. The Estate of John A. Henry has a balance after this award of \$511,327.96.

**MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$2,075.08 from the John A. Henry Trust Fund for the payment of the attached invoice.***

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

**6A    ACCEPT GIFT FROM WOODWARD & CURRAN, PORTLAND, MAINE**

Town Manager Sharon Lynn explained that after recent meetings with the Water Department, Paul Roux of Woodard & Curran came forward and offered to help pay for the inserter machine, as water billing will be one of its important uses. As confirmed by Town Counsel John Giorgio's memo there is no conflict of interest.

**MOTION: *Move that the Board of Selectmen vote to accept a gift from Woodard & Curran of Portland, Maine in the amount of \$5,796.84 for the first year of a 4-year lease of a Pitney Bowes DI380 Inserter machine.***

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

**6B    FALL SPECIAL TOWN MEETING**

Set Date for Special Town Meeting

**MOTION: *Move that the Board of Selectmen vote to hold a Special Town Meeting on October 24, 2011, at 6 P.M. at the Provincetown Town Hall.***

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

**6C    TOWN MANAGER FOLLOW-UP**

Pay stations revenue thru end of June – increase projected – Johnson Street has increased 50%, Alden Street increased 50%, Ryder Street increased 8% and the West End parking lot increase of 42%. Combined increase in revenue for Grace Hall and MPL is up 12 to 13%.

Selectman Santos requested info regarding gangway at 10W on the Pier and also the Boston boat show floating dock. If you have any questions the Harbormaster responded.

**6C    OTHER - None**

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

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

*April 28, 2011 (Special Mtg. 4 & 4:30 PM) as printed.*

*July 11, 2011 (Regular Meeting 6 PM) as printed.*

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

**8.    CLOSING STATEMENTS**

**David McChesney**

1) I think what has happened in the last 10 days with the death of the young boy is terrible. We should pursue the bike paths between Provincetown and Truro. 2) The continued look of all the disposed cigarette butts in town is just incredible. I wish there was some way we could clean up butts a little better, especially on Commercial and residential properties where no one seems to do any personal maintenance of their lots.

**John Santos** – Commend the Bike Advisory Committee on the idea of opening up the sidewalk on Shank Painter Road. It has done wonders. 2) We ought to really push the bicycle path and safety. This is a tragedy to lose someone on Route 6. I feel sad for the family and for the town. I hope in the next 8 or 9 months that we can progress quite a bit because there are plans out there. We just have to get back of it and endorse it.

**Austin Knight**

**MOTION:** *Move that the Board of Selectmen vote to send a thank you letter to Jack McMahan upon his resignation from the Conservation Committee.*

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

**David Bedard** – Following up on the bike path for the Bradford Street extension matter. We received an email today that the grant for this was denied. It wasn't a huge amount of money and even without the grant monies it is important that we finish that work

Summer season seems to be going well for everyone. July was great. Let's hope we have a great August.

**Elaine Anderson** – Welcome fellow Doug Kress and thank him for his work.

Motion to adjourn by David Bedard at 8:05 PM

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
July 27, 2011