

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

MONDAY – AUGUST 13, 2012 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, John Santos and Erik Yingling

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

Recorder: Vernon Porter

The following are meeting minutes, in brief:

1A PUBLIC HEARING

Adoption of Town-Wide Policy Goals for FY 2013

A copy of the public hearing notice was advertised in the Provincetown Banner dated July 19 & 26, 2012, listing proposed goals from the preliminary goal-setting exercise held on June 11, 2012. Charter §4-2-1 provides that “the board of selectmen shall be the primary policy making, planning, and goal setting agency of the town.”

MOTION: *Move that the Board of Selectmen vote to pursuant to Charter §4-2-1, to adopt the Town-wide Policy Goals for Fiscal Year 2013 as contained in the public hearing notice.*

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 4 Nay 0

1B HIGH SCHOOL EXTERIOR CONDITIONS ASSESSMENT REPORT

Mr. Mark Almeda of Mark Almeda Architects, present to discuss this report in detail. Superintendent Beth Singer also present. The exterior restoration and repairs listed below are divided into four categories based on their level of importance. Within these categories, the most important repairs are listed first.

High Priority Repairs should be completed in 2012

Public Safety Concerns

1. Label, remove + salvage 44 loose limestone spalls/shards (Option: Safely secure area below.)
2. Repair of displaced limestone
3. 100% removal of sealant, cutting + repointing of limestone: At parapet, cornice, sills, string courses, quoins + other limestone elements
4. Dutchman repair of limestone capstone
5. Repair of roof flashing at parapet capstone (Required as part of Items 3 + 4.)
6. Structural repair of 4 brick pilasters at west elevation: Dismantle brick pilaster, reinforce steel, rebuild brick pilaster + finish interior
7. Selectively remove + rebuild areas of cracked brick separated from backup General Repairs

8. Selectively dismantle + repair brick and steel lintels at windows
9. Dutchman repair of spalled limestone: Cornice, quoins and sills
10. Repair of limestone with matching consolidant
11. Repair of limestone cracks
12. 100% Replacement of exterior perimeter caulking at all windows + doors

Medium Priority Repairs should be completed in 2013-2014.

13. Selective cutting + repointing of exterior brick at all elevations
14. Replace cracked and broken brick on all elevations
15. Repair EPDM membrane roofs over library and elevator enclosure
16. Replace wall/roof flashing at library auditorium and West walkway: Cut reglet, flash, gasket + counterflash
17. Replace in kind copper clock enclosure
18. Repair auditorium wood windows: Reglaze, prime and paint interior and exterior
19. 100% Masonry cleaning to remove stains: Remove atmospheric soot, biological growth, rust staining and graffiti

Low Priority Repairs should be completed in 2015-2016.

20. Reattach downspout
21. Replace upper white PVC roof
22. Replace lower EPDM roofs over library, elevator enclosure + elevator lobby
23. Prep + painted rusted steel door at west elevation
24. Prepare and paint iron railings at second floor window balconies
25. Refinish exterior doors and transom at front entrance
26. Add bird control under entablature at front entrance
27. Remove vines growing on masonry

High Priority Safety Concerns Construction Cost	\$511,259
High Priority General Repairs Construction Cost	77,114
High Priority repairs subtotal	588,373 + 10% for design costs
Medium Priority Construction Cost	320,120
Low Priority Construction Cost	394,490
Total Construction Cost	\$1,302,984

Need to delay the project to refer to fall town meeting for additional appropriations above the existing \$420,000 approved by previous town meeting. We will know in October what our free cash will be prior to the fall town meeting.

2. PUBLIC STATEMENTS

Michael Rogovsky – There is transparency in government, Board of Selectmen conduct business in open meetings. Everyone should participate in government rather than just assume wrong doing based on ignorance of the facts.

3. SELECTMEN STATEMENTS

David McChesney - Need for the restoration of the Bas Relief.

John Santos - People walking down the middle of the MacMillan Pier with suitcases instead of the walkways.

Elaine Anderson - Bicycle Committee should consider larger sharrows. Bicycle safety is a critical issue in town.

Austin Knight

MOTION: *Move that the Board of Selectmen vote to approve a proclamation for Bobby Wetherbee starting his 50th year of entertainment in Provincetown*

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

Will hold a joint meeting with the Bicycle Committee in September.

4A **MCDBG PROGRAM INCOME** – Grant Administrator Michelle Jarusiewicz
Maushope Elevator “RescuVator” Repairs & Disability Mobi-Mats

Barrier removal and the provision of assistance to low/moderate income population make these projects eligible for Mass. Community Development Block Grant program income funds. These funds can only be used for eligible MCDBG activities. Program income is derived from the repayment of old housing rehab loans as those properties are sold. The current balance is approximately \$16,633. Other past barrier removal projects funded through this account includes elevator repairs at the Housing Authority, a door at the old Cape End Manor, and a ramp at the Library.

MOTION: *Move that the Board of Selectmen vote to approve financial assistance through the Massachusetts Community Development Block Grant Program Income funds for the repair of the “RescuVator” in the elevator at Maushope for up to \$7,000 and \$8,000 for the purchase of accessible path-mats for the Mobi-Chair Floating Beach Wheelchair.*

Motion by: John Santos **Seconded By:** Austin Knight withdrawn

MOTION: *Move that the Board of Selectmen vote to approve financial assistance through the Massachusetts Community Development Block Grant Program Income funds for the repair of the “RescuVator” in the elevator at Maushope for up to \$7,000*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 4 Nay 0

DPW Deputy Director Rich Waldo to work with the Disability Commission to review the proposal for path-mats and return to the Board of Selectmen with a well thought-out proposal.

4B **CPA GRANT AGREEMENTS** - Grant Administrator Michelle Jarusiewicz
UU Ceiling and Hawthorne Barn

Note that a Preservation Restriction already exists for the Universalist Meeting House and that a draft one is attached to the Hawthorne Barn agreement which must be formalized with the Provincetown Historical Committee and the Mass. Historical Commission.

Elaine Anderson recused and left the room.

MOTION: *Move that the Board of Selectmen vote to approve a grant agreement for \$25,000 for the restoration of the historic plaster ceiling at the Universalist Meeting House.*

Motion by: David McChesney **Seconded By:** John Santos Yea 3 Nay 0

Elaine Anderson returned.

MOTION: *Move that the Board of Selectmen vote to approve a grant agreement for \$75,000 for the renovation of the Hawthorne Barn as funded through the Community Preservation Act.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 4 Nay 0

4C **REFINANCE REQUEST** - 27 Nelson Avenue
Housing Specialist Michelle Jarusiewicz

MOTION: *Move that the Board of Selectmen vote to approve a refinance request for \$123,000 by the Lower Cape Community Development Partnership and subordination of mortgage for 27 Nelson Avenue.*

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

4D **HOMELESS PREVENTION**
Homeless Prevention Emergency Assistance

Housing Specialist Michelle Jarusiewicz - The Community Housing Council approved the homeless prevention request on May 8, 2012. The current balance in the AHTF is approximately \$249,237.

MOTION: *Move that the Board of Selectmen vote to approve an amendment to the FY 2013 grant agreement with the Homeless Prevention Council for \$20,000 in additional emergency housing assistance for Provincetown through December 31, 2013, and funded through the Provincetown Affordable Housing Trust Fund.*

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 4 Nay 0

4E1 **COUNCIL ON AGING**
Tribute to Earle Chaddock, COA Director Chris Hottle present.

MOTION: *Move that the Board of Selectmen vote to approve the request of Council on Aging Director Chris Hottle to pay tribute to longtime town employee Earle Chaddock on Friday, August 31, 2012 at 10:00 AM.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 4 Nay 0

4E2 **COUNCIL ON AGING**
Mass. Memories Road Show, COA Director Chris Hottle, Rebecca Levin, Cheryl Napsha and Doug Johnstone present.

An event-based public history project focused on digitizing historical photos and recording the stories behind them. We have planned for and submitted an application for November 2013 and March 2014. Friend of the Library, Friends of the Council on Aging and History Project Gift Funds would be utilized.

MOTION: *Move that the Board of Selectmen vote to approve the request of Council on Aging Director Chris Hottle to submit an application for the "Mass. Memories Road Show" sponsored by the University of Massachusetts at Boston and the Massachusetts Foundation for the Humanities*

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 4 Nay 0

4F1 DPW – GRANT SUBMISSION

Deputy DPW Director Rich Waldo present.

MassWorks Infrastructure Program and Pollution Remediation Grant Program

The Executive Office of Housing and Economic Development have just published the opening of the next round of grants available under their MassWorks Infrastructure Program. Grant has a submission due date of September 10, 2012 and does not require a town match. Probable value of the submission is \$ 200,000 to \$ 400,000.

Project request to replace the Ryder Street West outfall and storm drain system. Improvement to this drainage outfall would allow for this area to be a candidate for beach clean-up, eliminate the need to “dig” this drain prior to storm events and further, continue the improvement program that address the town’s outfalls.

MOTION: Move that the Board of Selectmen vote to submit a grant to MassWorks Infrastructure Program for the extension and repairs to the Ryder Street Extension outfall.

Motion by: David McChesney Seconded By: Elaine Anderson Yea 4 Nay 0

4F2 WATER DEPARTMENT

Deputy DPW Director Rich Waldo and Director David Guertin present.

(A) North Union Field Site Construction Contract – Robert B. Our Company Inc.,

(B) North Union Field Construction Administration – Environmental Partner Group

(A) ***MOTION: Move that the Board of Selectmen vote to execute a Notice of Award to Robert B. Our Company Inc., in the amount of Nine Hundred Nineteen Thousand Dollars (\$919,000.00) for the construction of the North Union Field Well Field as the low bidder of record for bids received and opened publically on May 30, 2012.***

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

(B) ***MOTION: Move that the Board of Selectmen vote to execute an Agreement for Construction Services to Environmental Partners Group in the amount of One Hundred Sixty Thousand Seven Hundred Sixty Dollars (\$160,760.00) as delineated in the agreement.***

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

MOTION: Move that the Board of Selectmen vote to submit a letter requesting the Truro Board of Selectmen to waive the building permit fee.

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

4G1 AIRPORT COMMISSOIN – Airport Manager Butch Lisenby

Construction Contract for the Parallel Taxiway Partial Reconstruction

This project consists of the reconstruction of a portion of the parallel taxiway from the east taxiway connector to the mid-taxiway connector. The pavement being replaced is over fifty years old and exhibits several longitudinal and transverse as well as many random pavement cracks. This section of taxiway is sixty feet wide and will be reduced to forty feet wide under the current FAA requirements for taxiways. This will allow the Airport

some environmental benefits in reducing pavement coverage and adding some grassland.

The funding breakdown is: FAA 90%, Mass DOT 7.5% and Provincetown 2.5%
The contract has been approved as to form by Town Counsel.

MOTION: *Move that the Board of Selectmen vote to execute a contract in the amount of \$557,746.25 with Lawrence-Lynch Corporation, Falmouth, MA. 02540 for the construction of the Parallel Taxiway Partial Reconstruction at the Provincetown Municipal Airport.*

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 4 Nay 0

4G2 AIRPORT COMMISSOIN

Stormwater Pollution Prevention Plan /Spill Prevention Control Countermeasures Plan

This project includes the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and a Spill Prevention, Control and Countermeasures Plan (SPCC) for the Airport. The last SWPPP was last prepared in 2002 and the last SPCCP was prepared in 2007. The preparation of these plans will update the Airport records with EPA to allow the airport to be in compliance with the latest regulations. This grant has been approved as to form by Town Counsel.

Funding Breakdown: FAA 90%, MassDOT 7.5%, Provincetown 2.5%

MOTION: *Move that the Board of Selectmen vote to execute a grant in the amount of \$53,676.00 from the Federal Aviation Administration (FAA) for the Stormwater Pollution Prevention Plan (SWPPP) and Spill Prevention Control and Countermeasures Plan (SPCCP) at the Provincetown Municipal Airport.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 4 Nay 0

4H TREASURER'S TRANSFERS

Recreation Department Gift Funds

The Recreation Department is this request payment of \$9,500.00 for the Disability Walk Way for the Chelsea Ernest and the Shade Structures for the Playground leaving a remaining balance in the Recreation Gift Fund of \$80,462.23. At their meeting on Monday, April 9, 2012 the Recreation Commission voted 4-0-0 to approve this request.

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 \$9,500.00 from the Recreation Department Gift Fund for payment of the attached invoice(s) and authorized Voucher to Pay.*

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

4I FALL SPECIAL TOWN MEETING

Set Date and Timetable for Special Town Meeting

Potential articles include: High School Exterior Repairs, Town Wide Paving, Budget for Town Manager's Secretary, Budget Adjustments and any other matters that may come before the Board.

MOTION: *Move that the Board of Selectmen vote to hold a Special Town Meeting on*

Monday, October 29, 2012 at 6 P.M. at the Provincetown Town Hall; and further to set the timetable as outlined in the attached schedule.

Motion by: Elaine Anderson Seconded By: John Santos Yea 4 Nay 0

5A OPEN MEETING LAW COMPLAINT - Bernard Brahm

Complaint received from Bernard Brahm regarding the June 11 and June 25 meetings.

MOTION: *Where the Board properly posted its June 11, 2012 meeting, and included thereon notice that it would be considering all pending litigation, the Board was entitled to meet in executive session for such purposes. As the Board has recently learned that the Attorney General, Division of Open Government, requires further detail with respect to such notices, it is hereby moved that the Board's notice for the June 11, 2012 executive session be revised to list all pending litigation matters discussed at the meeting, and that the Board update its executive session minutes to be consistent therewith.*

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

MOTION: *With respect to its June 25, 2012 executive session meeting, the Board again had authority to meet in executive session to consider potentially imminent litigation concerning a particular property in Town. The Board's meeting notice inadvertently referred to a general review of pending litigation, which is not specific enough to satisfy the Attorney General's interpretation of the Open Meeting Law as it applies to meeting notices. As such, it is hereby moved that the Board's notice for the June 25, 2012 meeting notice be revised to list the matter discussed at that meeting.*

Motion by: David McChesney Seconded By: Elaine Anderson Yea 4 Nay 0

MOTION: *With respect to future meetings, the Board moves that meeting notices prepared for executive session list specifically the litigation matters to be discussed at such session, consistent with the findings of the Attorney General, except in those cases in which disclosure of the matter would negatively impact the Town's litigation position.*

Motion by: David McChesney Seconded By: Elaine Anderson Yea 4 Nay 0

MOTION: *The Board further authorizes Town Counsel to send a response to the complainant and Attorney General consistent with this vote.*

Motion by: David McChesney Seconded By: Elaine Anderson Yea 4 Nay 0

5B TOWN MANAGER FOLLOW-UP

DPW Deputy Director Rich Waldo reports that we are at full operations with single stream recycling at the Transfer Station. The new recycling hopper is in place. Recycling information card should be distributed widely throughout town. The Recycling Committee recently updated the card and it is being distributed to all rentals. They do not currently have funds for a town-wide mailing. Consider placing an ad in the Banner and placed on the website. Drivers could place the card directly in the recycling bins.

Sharon Lynn reports that the PPPC voted to have the Town Manager supervise the Harbormaster.

Truro Board of Selectmen meeting scheduled for September 18, 2012 at 6:00 pm. The agenda will include North Union Field construction and Police Department cost sharing.

5C **OTHER**

Bicycle Safety Update and Bike Trail Planning

The Provincetown/Truro/Wellfleet Bicycle and Pedestrian Master Plan Committee will hold its second workshop on Tuesday August 21, 2012 at 6:30 pm at the Wellfleet Senior Center. The workshop is to accept public input on the Route 6 extension of the Rail Trail and connection from Wellfleet to the Seashore Trails in Provincetown. Study Goals and Objectives and preliminary route concepts will be presented. All interested parties are encouraged to attend. David Gardner and Roger Chauvette have been attending those meetings as the Town's representatives.

MOTION: *Move that the Board of Selectmen vote to appoint Assistant Town Manager David Gardner and Bicycle Committee member Roger Chauvette as Provincetown's representatives on the Provincetown/Truro/Wellfleet Bicycle and Pedestrian Master Plan Committee.*

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

Bike Safety: The Bicycle Committee has met with the Police Chief to advance our public education and outreach campaign on bike and pedestrian safety. The Bicycle Committee and the Police Department have taken or are currently taken the following steps:

- 20,000 copies of the Provincetown Bike Map and Safety Guide have been handed out this summer to all bike rentals and other strategic places throughout town.
- Bike sharrows have been placed on Commercial St and Bradford Street Extension and will be further deployed at closer intervals on Commercial St
- "Same Road, Same Rights, Same Rules" campaign is being implemented with the Police Department and DPW placing bumper stickers of all town owned vehicles.
- Same Road, Same Rights, Same Rules" signs will be placed at five key entrance points to town, Route 6A, Snail Rd, Conwell Rd, Shank Painter Rd and Bradford St Ext
- "Share the Road, Be Safe - Be Courteous" banner will be purchased from Bicycle Committee Gift Funds and placed on Commercial Street to remind drivers, bicyclist and pedestrians to share the road and be courteous of others in it.
- The Police Department will be doing stepped up compliance/education checks for bikers on Commercial St. They will dedicate a Community Service Officer in 4 hours shifts at various times between Carnival and Labor Day, to identify unsafe riders and "pull them over" providing bike safety information in an attempt to understand and outreach to the population of riders who are operating in an unsafe manner.

Request joint meeting with Bicycle Committee in September.

6. **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

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

June 25, 2012 (Regular Mtg. 6 PM) as printed

July 23, 2012 (Town Wide Paving / Water Connections 5 PM) as printed;

July 23, 2012 (Regular Mtg. 6 PM) as printed

August 2, 2012 (MCDBG Grant Award 9 AM) as printed

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 4 Nay 0

8. **CLOSING STATEMENTS**

Elaine Anderson - Enjoy Carnival.

Austin Knight

MOTION: *Move that the Board of Selectmen to send a letter to the Governor inviting him to come to town for the dedication for the opening of the 90 Shank Painter Rd Housing Development.*

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen to send a letter to Vice President welcoming him to Provincetown and providing him with a copy of The Compact, and reminding him of our important place in history. (see Austin)*

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 4 Nay 0

David McChesney – Hybrid parking vehicle looks great. Follow-up with second Open Meeting training session. Enjoy Carnival

John Santos – none

Motion to adjourn by John Santos at 8:29 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
August 22, 2012