

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY – OCTOBER 9, 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 and Assistant Town Manager David Gardner

Recorder: Vernon Porter This meeting is being recorded by Provincetown Television.

The following are meeting minutes, in brief:

### 1A COMMERCIAL STREET PAVING / TOWN WIDE PAVING UPDATE

Assistant DPW Director Richard Waldo was in attendance to give an update on the schedule.

Town Manager Sharon Lynn will be doing a code red alert on this project this week.

Schedule was adjusted to do all drainage work first, delaying the high impact construction till after November 1<sup>st</sup>. Construction will occur two blocks at a time rather than three. Paving will occur on Friday and should not be driven on over the weekend.

Trees in front of town hall and across from the post office will be removed and new trees will be replanted with tree grates.

Street signage remains a question, do we want to replace no-parking signs along the curb-line. Signs that can be eliminated should be eliminated and those that can be relocated off the curb, should also be moved.

Online notices are E-blasted every Thursday.

John Santos – I would recommend they stay on the inside of the sidewalks.

Elaine Anderson - What signs are you talking about? Answer: No parking – unloading or any other sign that may be on the street side of the curbing. Want to keep everything consistent.

David McChesney – Agree if a sign can be eliminate – then it should be done.

Erik Yingling – To review - October 15<sup>th</sup> starts with drainage from Johnson Street to Winthrop Street. Nov. 12<sup>th</sup> start full reconstruction. Answer: Yes

Richard Waldo - We anticipate December 14<sup>th</sup> as a completion time. However, we have to be able to be flexible.

Austin Knight - The two block section will be open to the public and emergency vehicles – right? Answer: Yes. Trees – are up to the professionals. Signs – Consensus is that signs are important. Inside the curb is preferable.

John Santos – I would prefer the other side of the sidewalk. If signs can be removed, then we should do it.

Parking Department – Debbie Gonzales - Signs should be inside the curb.

**MOTION:** *Move that the Board of Selectmen vote to move the street signs on Commercial Street to the inside of the curb.*

**Motion by:** Erik Yingling **Seconded By:** Elaine Anderson  
Yea 4 Nay 0 Abstain 1 (John Santos)

Richard Waldo – Suggests that a preventative maintenance schedule be set up for the next five years for road maintenance. Funding should be part of the Capital Improvement Plan process. \$200K per year will fund what is needed for an appropriate maintenance schedule. Reaffirmed by GHD Engineers.

### **Pavement Management**

MicroPaver software provides perspective budgeting information based on Pavement Condition Index (PCI).

0-59 PCI: Failed Condition – Base Reconstruction Required

60-72 PCI: Poor Condition – Structural Improvements Needed

73-85 PCI: Fair Condition – Preventative Maintenance

86-95 PCI: Good Condition – Routine Maintenance

96-100 PCI: Excellent Condition – Needs Nothing

The current average for town roads PCI = 55 (Excluding Route 6)

The software indicates that an annual appropriation of \$400,000/yr. would maintain our roads at an average index value of 55.

An annual appropriation of \$800,000/yr. would improve the roads to an average index value of 80 over a 10 year period. Or \$1,200,000/yr. over 5 years (aggressive)

However, if you disregard all the road segments that are currently in Failed Condition and plan to only budget to maintain/repair the other segments (PCI>59 – 41% town Roads), the software indicates an annual appropriation of \$140,000/yr. would improve these road segments to average PCI value of 80 over 5yr period.

There are several things to consider about these numbers:

- These #'s don't include Route 6 which will need maintenance in the future
- These #'s are for pavement management & do not include drainage, sidewalks, lighting and other related roadway improvements.
- Grants are expected to be obtained & used for specific projects that meet specific program criteria.
- Chapter 90 funding of about \$130,000/yr.

### New Pavement Technology

- Asphalt Rejuvenation – Restores Plasticity & Durability of the Asphalt Binder
- Slurry Seal – Liquid asphalt & binder – Seals Road from H2O Penetration/Oxidation
- Cold-In-Place Recycling – Pulverizes old Asphalt, Mix w/ Binder, Repave

- Infrared Patch – Heat top 2-3 inches of damaged asphalt, compacted smooth.

Again, preventive maintenance should be created and incorporated in to the Capital Improvement Plan process. \$200,000/yr. for 5 years.

**1B CONFLICT OF INTEREST LAW DETERMINATION**

Mr. Vasta sought the opinion of the State Ethics Commission and they recommended he come before the Board of Selectmen for their determination in this matter.

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL c.268A, § 19 and as appointing authority for the Zoning Board of Appeals to make the determination that the financial interest of appointee Joseph J. Vasta 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: Elaine Anderson      Seconded By: John Santos  
Yea 3    Nay 1 (Erik Yingling)    Abstain – David McChesney**

**2. PUBLIC STATEMENTS**

Amy Germain – Sharon will be making a Red Alert announcement this week and I would like her to include a word about the ED light demonstration program. The Historic District Commission is having a work session on the solar policy and I would like the Board of Selectmen to meet with the HDC regarding that policy.

**3. SELECTMEN STATEMENTS**

David McChesney - None      Erik Yingling – None      John Santos - None

Elaine Anderson - Support Barbara Rushmore’s suggestion of evacuation via water in case of nuclear power plant alert. Their needs to be an open dialogue.

**Austin Knight**

Our joint meeting with the FinCom is on Thursday, October 18, 2012 @ 7 PM. Would like to expand the meeting to include capital improvement needs and unfunded and insurance liabilities.

**4. BOARD OF SELECTMEN APPOINTMENTS**

The Board of Selectmen interviewed the following applicants for their respective Board applications.

Art Commission - Peter Petas  
Historic District Commission – Lance Hatch

***MOTION: Move that the Board of Selectmen vote to appoint Kathy Meads as the Board of Selectmen’s Retiree Representative on the Insurance Advisory Commission replacing Susan Avellar.***

**Motion by: Elaine Anderson      Seconded By: John Santos      Yea 5    Nay 0**

***MOTION: Move that the Board of Selectmen vote to vote to appoint Peter Petas as a Regular Member of the Provincetown Art Commission with a term to expire on***

*December 31, 2014.*

**Motion by: John Santos      Seconded By: Erik Yingling      Yea 5    Nay 0**

**MOTION: *Move that the Board of Selectmen vote to appoint Lance C. Hatch as an Alternate Member on the Historic District Commission with a term to expire on December 31, 2014.***

**Motion by: Elaine Anderson      Seconded By: John Santos      Yea 5    Nay 0**

**5A    LICENSING BOARD – Approval of License Fee Increases – MGL c.40, §22F**

MGL C.40, § 22F provides that "in the case of a board or officer appointed by an elected board, the fixing of . . . [any] fee shall be subject to the review and approval of such elected board"-- i.e., the Board of Selectmen.

**MOTION: *Move that the Board of Selectmen vote to pursuant to MGL c.40, § 22F to approve increases in license fees adopted by the Licensing Board on September 11, 2012 as set forth in its public hearing notice on pages 2,3, 4 and 5.***

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

**5B    OPEN THE SHELLFISH SEASON - Public Shellfish Area**

At their meeting on October 2, 2012, the Shellfish Committee unanimously approved the opening of the shellfish beds with the conditions stated above. See attached copy of the proposed notice. A copy of MGL C.130, §52 is also attached, along with the Board of Selectmen's Recreational Shellfish Regulations, last amended on March 29, 2004.

**MOTION: *Move that the Board of Selectmen vote 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 4, 2012 the shellfish area east of the west end breakwater will be open to the public.*

*The days allowed are Sundays and Fridays through the end of March 2013, 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.*

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

**Motion by: John Santos      Seconded By: Elaine Anderson      Yea 5    Nay 0**

**5C1    TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE**

Rizzio / Fasano Private Wedding

**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 Monica Rissio and Pete Fasano, for a private***

wedding event to be held on Saturday, November 3, 2012 (5:00 pm to 10:00 pm).

**Motion by: John Santos      Seconded By: Erik Yingling      Yea 5    Nay 0**

**5C2    TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE**

Provincetown Business Guild – Holly Folly – Boston Gay Men’s Chorus

Application and related material, including LT Golden’s Memo, attached to agenda item. This is a recurring event. The alcohol will be managed in a similar regard to past years, in which there were no incidents or complaints.

**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 Erin Atwood representing The Provincetown Business Guild, for a chorus concert event to be held on Saturday, December 1, 2012 (7:30 pm to 10:00 pm).***

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

**6A    OCTOBER 29, 2012 SPECIAL TOWN MEETING**

Adoption of Board of Selectmen’s Recommendations on Articles

A tally sheet containing for recording the recommendations of the Board of Selectmen is attached to the agenda item. 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."

**MOTION: *Move that the Board of Selectmen vote to recommend STM-1 FY 2013 Budget Adjustments – Division 1, General Government***

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

**MOTION: *Move that the Board of Selectmen vote to recommend. STM-2 FY 2013 Budget Adjustment – Division V, Public Services***

**Motion by: Elaine Anderson      Seconded by: John Santos      Yea 5    Nay 0**

**MOTION: *Move that the Board of Selectmen vote to recommend. STM-3 FY 2013 Budget Adjustment – Water Enterprise Fund***

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

**MOTION: *Take up at another time. STM-4 Prior Year Bills***

**MOTION: *Move that the Board of Selectmen vote to recommend. STM-5 Amend Funding Source for April 2012 Annual Town Meeting Article 18.***

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

**MOTION: *Take up at another time. STM-6 Stabilization Fund***

**MOTION: *Move that the Board of Selectmen vote to recommend.***

*STM-7 Capital Improvements for Provincetown High School*

Motion by: Elaine Anderson      Seconded by: David McChesney  
Yea 4    Nay 0    Abstain 1 (Erik Yingling)

MOTION: *Move that the Board of Selectmen vote to recommend.  
STM 8 Cemetery Commission*

Motion by: John Santos      Seconded by: Elaine Anderson      Yea 5    Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend.  
STM-9 Replace Apron and Drainage at Main Fire Station*

Motion by: John Santos      Seconded by: David McChesney      Yea 5    Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend.  
STM-10 Purchase New Heart Monitor / Defibrillator*

Motion by: John Santos      Seconded by: Elaine Anderson      Yea 5    Nay 0

MOTION: *Move that the Board of Selectmen vote to recommend.  
STM-11 Solid Waste Contract*

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

MOTION: *Take up at another time.  
STM-12 Street Paving Project*

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

MOTION: *Take up at another time.  
STM-13 General By-Law Amendment; Yard, House or Garage Sales - take up at next meeting.*

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

**6B    TOWN MANAGER FOLLOW-UP**

Update on Heating System at Veteran's Memorial Community Center. Work has begun, contractor will provide an accelerated schedule and is working around the school program.  
Update on the Wastewater Treatment Plan, on schedule and on budget

**6C    OTHER - None**

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

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

*September 18, 2012 (Joint Mtg w/Truro) as printed.*

*September 24, 2012 (Regular Mtg.) with change so noted.*

*September 28, 2012 (Warrant Articles 10 AM) as printed.*

*September 28, 2012 (Warrant Publication 11:30 AM) as printed.*

Motion by: John Santos      Seconded By: Elaine Anderson      Yea 5    Nay 0

**8.    CLOSING STATEMENTS**

**Elaine Anderson** - Bike lights is an ongoing issue and I'm in hopes that the Bicycle Committee will have this settled before next season.

**David McChesney** - None      **Erik Yingling** – None      **Austin Knight** - None

**John Santos** – We need to look at the parking situation on Snail Road. Add as future agenda item.

9.      **EXECUTIVE SESSION - MGL C. 30A, §21(a), 2, 3, and 6.**

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 30A, §21(a), 2, 3, and 6, to discuss strategy with respect to litigation and negotiations with non-union personnel (Town Manager Sharon Lynn), and value of real property and related matters (property located off of Walsh Way, North Truro, MA; Fisherman's Wharf, Provincetown, MA), where an open meeting may have a detrimental effect on the litigation or negotiating position of the Board of Selectmen, and in particular, to discuss the status of minutes of the Board's July 12 and August 2, 2010 executive session meetings, consistent with the Boards' September 24, 2012 vote under Agenda Item 5B, to determine whether such minutes may be disclosed in response to a request for the same; and the Chair so declares, and NOT to convene in open session thereafter. (Roll Call Vote) Votes may be taken.*

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

**Roll Call Vote:** Elaine Anderson – Yes      John Santos - Yes      Erik Yingling - Yes  
David McChesney – Yes      Austin Knight - Yes  
Yea 5      Nay 0

The Board went into Executive Session at 8:32 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
October 15, 2012