

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - MONDAY, JULY 14, 2008

### JUDGE WELSH HEARING ROOM

Chairman Michele Couture convened the meeting at 6:18 PM noting the following Board of Selectmen attending: Michele Couture, Mary-Jo Avellar, Austin Knight, Elaine Anderson, David Bedard

Other attendees: Town Manager Sharon Lynn, Asst. Town Manager David Gardner, Municipal Finance Director Alix Heilala

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

#### **1A1 PUBLIC HEARING: CURB CUT - 408 COMMERCIAL STREET**

Chairman Couture read the public hearing into the record.

John Dowd – supports and encourages this curb cut.

Chairman Couture read three letters of support into the record from abutters. (See attachment #1) Open discussion ensued.

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to approve the request of Meg A. Stewart and Maureen Wilson to establish a curb cut at the property located at 408 Commercial Street (Assessor's Map 12-2-58) (Res 3 Zone; and further to request that a certified plot plan be provided showing the actual location of the proposed curb cut; change specifications to 13 ft in width as indicated by Building Commissioner..***

**Motion by: Mary-Jo Avellar      Seconded by: Austin Knight      Yea 5    Nay 0**

#### **1B1 WASTEWATER PROJECT**

Rate Relief and Capacity Update Report

Open discussion ensued.

***MOTION: Move that the Board of Selectmen vote, to direct Staff to move forward with the proposed town-wide outreach program, and the proposed optimization planning program.***

**Motion by: Elaine Anderson      Seconded by: David Bedard  
Yea 4    Nay 1 (Mary-Jo Avellar)**

#### **1B2 WASTEWATER PROJECT UPDATE – CHANGE ORDERS**

1) Metcalf & Eddy; 2) John Goodrich Contract; 3) Mark Abrahams Contract

***1) MOTION: Move that the Board of Selectmen vote, to authorize a contract Change Order to Metcalf & Eddy in the amount of \$35,057.00 for 135 Bradford Street & the water line relocation on Dyer Street.***

**Motion by: Michele Couture      Seconded by: Austin Knight      Yea 5    Nay 0**

***2) MOTION: Move that the Board of Selectmen vote to authorize a contract Change Order to Metcalf & Eddy in the amount of \$80,000.00 for planning services related to continued optimization, mass loading and capacity engineering, evaluating options to support economic development permits and ACO's, and data analysis for rate relief.***

**Motion by: Michele Couture      Seconded by: Elaine Anderson  
Yea 4    Nay 1 (Mary-Jo Avellar)**

***MOTION: Move that the Board of Selectmen vote to authorize a contract with John Goodrich in the amount of \$20,000 for continued facilitated services, and in particular,***

*Rate relief policy discussions.*

**Motion by: Michele Couture      Seconded by: Elaine Anderson**  
Yea 4    Nay 0    Abstain 1 (Mary-Jo Avellar)

**MOTION:** *Move that the Board of Selectmen vote to authorize a contract with Mark Abrahams in the amount of \$20,000 for continued financial services, and in particular, Rate relief policy discussions.*

**Motion by: Michele Couture      Seconded by: David Bedard**  
Yea 4    Nay 0    Abstain 1 (Mary-Jo Avellar)

**1B3    GROWTH MANAGEMENT INFORMATION UPDATE**

Historical Peak Water Use Data

No discussion necessary – packet report/information speaks for itself.

**2.    PUBLIC STATEMENTS**

Gary Delius – Read statement into the record - complaint against sewer system hook-up on Snows Lane, cost of grinder pumps and concerned with the risk of Shank Painter Pond Conservation Lands. (See attachment #2)

Bob McCandless – Read statement into the record – same complaint as above. Questioned cost of paving, etc at Grace Gouveia Building. (See attachment #3)

Celine Gandolfo – Representing the Provincetown Conservation Trust – Re: Shankpainter Pond – concerned what was said by previous speakers regarding possible sewerage running into pond. Handed out brochure that was printed for Town Meeting in April 1999. (See Attachment #4).

Edgar Ortiz, 20 Race Road - Read statement into the record – complaint against sewer hookup on Snows Lane. (See attachment #5)

Ron Goldstein – 16 Race Road. Read statement into the record – Complaint against sewer hookup on Race Road. (See attachment #6)

*Mary-Jo Avellar left the room as her husband works for the Pier Corporation.*

Candace Nagle – Concern about Public Pier float rates subsidies for charter operations on the East side of the Pier. Read statement into record. (See attachment #7)

*Mary-Jo Avellar returned.*

Barbara Rushmore - Waterfront Park is now finished and it is beautiful. She feel that the Cape Cod National Seashore's plans for Route 6 is flawed and is a disaster waiting to happen and asked that the Board of Selectmen stop Superintendent Price from going ahead with his plans.

Lisa Bowden – Would like to invite the Board of Selectmen and the general public to the ribbon cutting ceremony for the improved Waterfront Park and the new Courtesy Float on Wednesday, July 16<sup>th</sup> @ 12:30 PM. She also thanks all those involved with the project.

Terie Lambrou – 25 Snows Lane - Can't understand why some people on Snows Lane and Race Road were able to hook up to sewer and others are having problems.

**3.    SELECTMEN STATEMENTS**

**Elaine Anderson**

Want to raise a potential concern regarding the possible request for development of the Murchison property at 2 Commercial Street into five or six mega mansion's surrounding the historic building. I am hoping the Board of Selectmen will support the town's regulatory boards upon their findings.

I am also quite upset about the Shank Painter Pond issue that was brought before us this evening. This is the

first I am hearing of it, and I think it needs to be reviewed to see if we can come to some type of resolution.

Regarding the Pier, if there is inequity as stated in public statements, then we ought to take a look at it and get it identified.

### Austin Knight

I have concerns about the Shank Painter project and the sewer. The things that were said and the people were misled and I would ask the Town Manager to look into this, even more especially after four or five property owners came forward with their concerns, and I think that is something that can be followed up on your part.

George Bryant, many months ago, came to our Board and requested some information that has not gone out. So I am going to formally request it tonight. What was the cost of the hook-up at the Grace Gouveia Building? What was the cost of the Paving? What was the cost of the rebuilding of the wall? What was the concessions that were made in order for that project to happen, and who bore those costs? Was it the sewer users? Did the town bear the cost? Who gave the authority to that additional cost on town property without any notification to the Board of Selectmen, at all, on any of this? It's town property. We voted at town meeting this past spring, last fall for the betterment, for the town to pay for these things and not bear the cost of town buildings and town properties, and so if the sewer users have paid for this paving and have paid for the wall and have paid for all that, have paid for the pump...which pump is there? Who paid for the pump? I was told that some deals were made because the Council on Aging had agreed to have the pump there. Well, we are the ones responsible to the town, to the sewer users, and for the total cost of that project for that phase right there. And is any of this going to be considered under the \$900K grant, or is that farther down - that pump - is that part of the \$900K grant that we just got notice of receiving because there was pump in that area just down the street? So I would like a detailed accounting of Grace Gouveia - the whole area and the cost.

Town Manager Sharon Lynn - It is my understanding that we had a copy of that Mr. Knight and I did give you that. Is that not sufficient? Austin Knight - I want it to be public. I want it to be read in public. Michele Couture - It is a public document Austin Knight - Yes, I do have it but people are asking what the cost was and I would like to have it publically said. Sharon Lynn - Well, I will have Mr. Guertin at your next meeting and we'll discuss it publicly. Is that satisfactory? Austin Knight - That will be satisfactory - done publicly, because other people now are coming forward with flaws to their system, the fees are exorbitant, and they are protecting prime areas of bogs and so forth. And I remember when I was on the Water & Sewer Board back two years before I was a Selectman and Shank Painter Pond Areas and Shank Painter Basin Area was identified as an area that need to be protected in regards to the owners. Once of the reasons was the high water table was rising, and so forth, and so we have a sensitive area that is not going to be serviced now, and I would like some information on that. I think we can follow through with the residents and come back to us with the findings on that and do a review of why there was such a discrepancy and what was initially said.

Sharon Lynn - I did follow through with the initial complaint from Mr. Delius and Mr. McCandless. We had a group meeting here with Sewer Department and the Asst. Town Manager. I can't say there was any clear consensus from that meeting. However, at that time there was not much information that I had prior to hearing about it for the first time the size of the pipe from Mr. Delius. The DPW Director indicated that the information given to the property owners was nothing short of DPW information, and not engineering information. So, they are claiming that the engineering needs to be done by the property owners, and whomever they chose to hook up their property. Again, there was no clear resolution from that meeting. It was only a meeting with Mr. Delius and Mr. McCandless, and not the other individuals who spoke this evening. I don't think, other than relieving them of their betterment fees, there would be any further solution to that. There also have been others that have hooked up in that area and have paid their betterment.

Austin Knight - There just seems like there is extreme cost from what we were told from the properties that have been identified. Are there any other properties in town where the pumps are being paid for by the users, individuals, or users themselves as a whole paying for them? Sharon Lynn - Possibly, Yes. I'll identify them for you.

Mary-Jo Avellar - Everything about this sewer system has been bad. George Bryant was right about it. I was going to bring it up, but I'm glad you did, so I won't say anymore but I am telling you that this sewer system needs to be totally re-examined, refinance and re-everything. Because I don't think the cost is going to go down - it's going to go up. What's been told to the people up there on Franklin Street, Snow Street, and Race Road is

an outrage.

Michele Couture – Well, I don't think it's half of West End. I think its a few people on the Street that we will investigate and find out what happened and get to the bottom of it. I think the sewer system for 700 people is functioning quite nicely. Thank you very much! And I do think that rate relief will be in the offering as early as the end of the year.

Thank everyone for the 4<sup>th</sup> of July.

Had resident who went to get his sticker for his car and was refused because his billing address is his business address. (Revisit at next Board of Selectmen Mtg. 7/28/08)

**Mary-Jo Avellar**

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Would like to have a report as soon as possible relative to Ms. Gandolfo's statement regarding the Shank Painter Pond Grant money – in that that only \$90K of the \$400K was applied to the debt. What happened to the money?

***MOTION: Move that the Board of Selectmen vote to send a letter to Cape Cod National Seashore Superintendent George Price with a copy to our State and Federal Representative objecting to the reconfiguration of Route 6.***

**Motion by: Mary-Jo Avellar      Seconded by: Austin Knight  
Yea 4    Nay 1 (Michele Couture)**

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The questions Ms. Anderson has asked supporting the town boards. I am more than happy to support town boards, but I don't think it is appropriate as the appointing authority for us to give direction before they have had a chance to hear whatever matter is coming before them.

Objects to motorcycles and the noise they make, and would like to have Police Dept. monitor the noise level and come back to us with a report. Let them know that they are welcome in Provincetown as long as they are not noisy.

**David Bedard**

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As with everyone else, I am very disturbed over the sewer issues that are going on in the West End that was presented to us this evening during Public Statements and look forward to the report from the Sewer Team.

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to all those involved with this years 4th of July Celebration.***

**Motion by: David Bedard      Seconded by: Mary-Jo Avellar      Yea 5    Nay 0**

Yesterday the Board and the Town Manager were all invited to St. Peter's for the dedication ceremony, and I just have to say it was a lovely, lovely afternoon. They've done a beautiful job on that church, and I was so impressed by the three hour service.

**Michele Couture**

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***MOTION: Move that the Board of Selectmen vote send a letter of thanks to Ed Gage thanking him for his years of service to the town on the Finance Committee.***

**Motion by: Michele Couture      Seconded by: David Bedard      Yea 5    Nay 0**

Regarding Ms. Rushmore's comments on the Cape Cod National Seashore's plans to develop Route 6 ... Mr. Price and his staff came to Provincetown and answered questions on the design and engineering and traffic safety reasons, and then took Ms. Rushmore, Ms. Barbaro. I guess that wasn't effective as I thought it was.

Member of the Cemetery Commission approached me with concerns of a taxi cab company parking on cemetery property. Sharon Lynn – I received a letter from a member of the Cemetery Commission and I will follow up on it.

**4. APPOINTMENTS**

***MOTION:*** *Move that the Board of Selectmen vote to reappoint Mary-Jo Avellar as the Town of Provincetown's Representative to the Cape Cod Seashore Advisory Commission with a term to expire on June 30, 2010.*

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

**5A1 PARADE PERMIT**

Yankee Lambda Car Club

***MOTION:*** *Move that the Board of Selectmen vote to approve the Parade application submitted by Hector Ramiro, 4 Tiger Row, Georgetown, MA on behalf of the Yankee Lambda Car Club for their Annual Public Showing of Residential Motorcade & Classic Cars on Saturday, September 6, 2008 starting at 2:00 PM and ending by 2:45 PM.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Elaine Anderson      **Yea 5    Nay 0**

**5A2 PARADE PERMIT**

Carrie A. Seaman Animal Shelter Annual Pet Walk

***MOTION:*** *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Carol MacDonald, on behalf of the Carrie A. Seaman Animal Shelter to hold their Annual Pet Walk on Sunday, September 28, 2007 starting at 2:00 PM and finishing approximately at 2:45 PM*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      **Yea 5    Nay 0**

**5A3 PARADE PERMIT**

American Lung Association – Annual Autumn Escape Bike Trek

***MOTION:*** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Mr. Paul Curley of the American Lung Association, 460 Totten Pond Road #400, Waltham, MA to hold their Annual Autumn Escape Bike Trek on Sunday, September 14, 2008 from 10 AM to 3 PM. No rain date.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      **Yea 5    Nay 0**

**5A4 PARADE PERMIT**

Finding Our Folk – Fundraising Event for Gulf Coast Recovery

***MOTION:*** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Mr. Derrick Evans of the Find Our Folk, 2699 Livingston Road, Jackson MS to hold a Cultural, Educational & Fundraising Event for Gulf Coast Recovery on Monday, July 21, 2008 from 5 PM to 6 PM with the Parade Route to be determined by the Chief of Police.*

**Motion by:** Austin Knight      **Seconded by:** Mary-Jo Avellar      **Yea 5    Nay 0**

**6A RENAMING OF BRADFORD STREET EXTENSION**

***MOTION:*** *Move that the Board of Selectmen vote to reschedule this item until August 25, 2008 so as to allow further research on who would be impacted and further to schedule a Public Hearing on this same date.*

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

**6B 90 SHANK PAINTER ROAD**

Select Representative to the Selection Committee

No action taken.

**6C PAMET LENS OVERSIGHT GROUP – UPDATE**

Annual Goal Setting Exercise

Open Discussion – No motions made.

**6D TOWN MANAGER FOLLOW-UP / OTHER**

**MOTION:** *Move that the Board of Selectmen vote to approve the FY 2008 end of year transfers as presented by the Finance Director as submitted in her memo dated July 14, 2008. (See attachment #8)*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Elaine Anderson      Yea 5    Nay 0

**EXECUTIVE OFFICE OF PUBLIC SAFETY**

FY 2008 Emergency Operations Center Grant Program

**MOTION:** *Move that the Board of Selectmen vote to authorize the Chief of Police to submit an Emergency Operation Center Grant application as proposed by the U.S. Department of Homeland Security to the Executive Office of Public Safety in the amount of \$29,988.75 for the purchase of an EOC Security System 14SW-01-ALARM.*

**Motion by:** Austin Knight      **Seconded by:** Mary-Jo Avellar      Yea 5    Nay 0

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of June 23, 2008 (Special Mtg.) as printed.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      Yea 5    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of June 23, 2008 (Regular Mtg.) as amended.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      Yea 5    Nay 0

**8. CLOSING STATEMENTS**

**Elaine Anderson**

Graffiti around town is of great concern.

**Austin Knight** - Nothing

**Mary-Jo Avellar**

COMCAST – unhappy that she has to buy a box to go with her TV set.

**David Bedard** – None      **Michele Couture** – None

**Michele Couture** - **To Chief of Police** - Question of motorcycles for Police Department – I'm hearing it coming from the street. **Answer:** Chief Jaran gave the Board an update on what his proposal for two motorcycle police officers would be, and would like to try it and see just how it would be accepted by the community. He felt that it was a little premature at this time and that he wanted to wait until he had all the figure and fact together before bring this project before the Town Manager and the Board of Selectmen.

Open discussion ensued, and there was a little apprehension by the Board. The Chief will come back to the board with cost analysis and proposal in a few weeks.

**9. EXECUTIVE SESSION**

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 3 to go into executive session for the purpose of discussing litigation strategy; and not to convene in open session thereafter. [Roll Call Vote]*

**Mary-Jo Avellar** – Yes

**Austin Knight** – Yes

**David Bedard** – Yes

**Elaine Anderson** – Yes

**Michele Couture** – Yes

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight

**Yea 5 Nay 0 - Motion Passes -**

Motion to go into executive session by Mary-Jo Avellar at 9:30 PM

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
July 17, 2008