

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY – AUGUST 9, 2010 6 PM

LARKIN HALL

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

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner

Recorder: Vernon G. Porter

Austin Knight recused himself and left the room as he has had financial dealings with other properties owned by the applicant.

1A PUBLIC HEARING: ECONOMIC DEVELOPMENT PERMIT

Brass Key/Shipwreck Lounge, 67 Bradford Street LLC Owner

Chairman Couture read the public hearing into the record.

No written comments received on this application from the general public.

Applicant represented by Eliot Parkhurst, Esq.

Public Comments In favor – None Public Comments opposed – None

Open discussion ensued between Board of Selectmen and applicant.

MOTION: Move that the Board of Selectmen vote to approve Economic Development Permit 10-03 for 67 Bradford Street, Brass Key Guesthouse and Shipwreck Lounge, 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.

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

1B WATER AND WASTEWATER UPDATE

Attendees: DPW Director David Guertin, Financial Coordinator Dana Faris, Facilitator John Goodrich, Derek Ritchie of Woodward & Curran

Leak detection and management to address unaccounted for water use.

Facilitator John Goodrich - The main agenda topic for review with the Board tonight is an update for the leak detection inspection program and, specifically, the Water Team's recommendation to proceed with enforcement of the Water System Rules and Regulations to address those illegal connections before the meter that have the potential for unmetered water use.

As background to this recommendation, nearly 30% of the water pumped last year was unaccounted for water use – an unacceptably high number – and an increase of 5% over the previous year. The successful identification and correction of both water leaks and non-compliant service connections that can lead to water leaks will not only help reduce the water

system's very high unaccounted for water use, but will also lessen the risks for water quality problems that could lead to a boil order and reduce the cost of pumped and stored water for all system users in the future.

Woodard & Curran has been engaged to assist with the development of an automated water meter-reading program designed to help reduce the amount of unaccounted for water use. As properties are converted to radio reading, it will be possible to identify and correct service leaks sooner. And, as meters are replaced and non-compliant services corrected, users will be charged more accurately for the water they actually use.

As we have already discussed with the Board, funds from three different grant programs are being used to address unaccounted for water use. This effort is receiving a lot of support because the USEPA who is providing the funding for all of the grants MassDEP is concerned not only about unaccounted for water but also about the need to replace old water service pipe.

A portion of the grant from MassDEP has covered the cost of new acoustic data logger equipment that is being used to survey the entire water system for leaks. And, a large portion of the USDA Wastewater grant is being used to replace older water mains wherever sewer construction occurs, as well as replacing the lateral service connections, including new meter pits at the curb stop. A physical inspection of each service is being made to identify any leaks or use of inferior materials that could contribute to the large amount of unaccounted for water use. Of the 74 water services examined during the spring sewer construction, 30 or about 40% were found to be non-compliant.

Funds from the USDA Water grant are being used to locate and replace connections constructed of inferior materials that have been identified as a major source of leaks. These grant funds will also be used to repair any leaks on public property that are identified through any of the grant programs. In addition, USDA Water grant funds are being used for the leak detection inspection program that is the main topic of tonight's report to the Board.

This summer's leak detection program is under the direction of Paul Roux of Woodard & Curran and is being led by Derek Ritchie who is here tonight to answer your questions and to explain some of the kinds of non-compliant situations that he has found. Derek is a fully licensed water treatment operator who has worked for the Water Department in the past, and another Woodard & Curran employee is assisting him with the inspections. The water service inspection program is now in its ninth week, and is continuing to go very well. Given that 20% of the water system customers use 80% of the water, the inspection program is focusing on these large users first. It is anticipated that by the end of this phase of the program in early September, at about 600 properties will have been inspected, including the large users along Commercial Street as well as most if not all of the Beach Point users in both Truro and Provincetown.

Through last Friday, August 6th, Woodard & Curran had inspected almost 500 properties, and had found that a large percentage were non-compliant to some degree. The non-compliant service connections are the result of a number of problems, including vertically mounted meters, connections that occur before the meter such as hose bibs used for winter drainage purposes, and non-compliant pipe that could break or leak. The inspection procedure includes contact with the property owner to gain access to the meter connection, use of an inspection checklist, and documentation with digital photography.

Of the properties inspected through last Friday, 71 or 15% have been found to have an illegal connection before the meter, or some other non-compliant problem that has the potential for unmetered water use. These fall into two distinct groups.

Fifty-five of these have spigots or other piping before the meter that makes the connection susceptible to unmetered use as well as cross contamination. For these, the Water Team recommends formal notification by certified and regular mail, with an order to correct within 14 days, or they will be subject to the fine noted in the Water Regulations, and possible water service termination. An example of the proposed letter to be sent out is included in your Report. A representative of the Water Department will meet with them if they request a visit, and will perform a follow up visit to verify that the correction has been performed.

The other 16 have meters where the locking pin has been removed, which allows the meter head to be easily removed. For these, the Water Team recommends sending a formal letter advising them that their meter has been “repined” and that the Water Department will be monitoring their consumption. An example of the proposed letter is attached. Should it be found that the pin has been removed on any follow up visit, they will be subject to a fine.

The Water Team has advised the Water & Sewer Board at their July 28th Meeting of the results of the leak detection inspection program to that date, as well as the policy recommendations that would be brought to the Board of Selectmen for a policy vote tonight. The Water Team has prepared a motion that requests that the Board of Selectmen endorse these two recommended policies.

The Water Team will provide the Board with another update on this program at your September meeting, and will report at that time on the extent of the other non-compliant connections that have been identified. The Water Team will also prepare policy recommendations as to how to notify the property owners, the time period that should be given for any corrective action if required, and funding options for any necessary corrective action for the other non-compliant connections that have been identified. These recommendations may vary depending upon the seriousness of the non-compliant situation, as well as the potential costs to correct the problem.

Other Water and Wastewater Updates

The remainder of your Report this month provides an update on a number of other topics, and we are prepared to answer any questions that you may have. Very briefly:

- The August 5th Monument celebration went very well in terms of both planning and performance for the water and wastewater systems. Preparations have been made for Carnival Week that are similar to those that were made for the July 4th holiday period, including both additional staffing in town, as well as on call. Rob Adams of AECOM will be in town again all of that week.
- Both the Water and the Wastewater Enterprise Funds ended FY10 with surpluses and Financial Consultant Mark Abrahams will be working with DPW staff and Finance Director Dan Hoort on updating FY11, FY12, and future year projections based upon peak period data, as well as the sign up information for Phase 3 of the sewer. His update will be ready for Board review in November in preparation for FY12 budgeting.
- The Water Department under the direction of DPW Director David Guertin continues to take important steps to lessen the potential for any boil order, including obtaining approval

from MassDEP for Log 4 removal, which will allow for retesting prior to activating a full boil order. This is a major step and we expect written approval no later than August 15th. The Department is continuing operational management steps for both chlorine levels and the temperature of stored water, and they conducted a second vulnerability training exercise on July 26th, which was well attended by Health, Police, Fire, and DPW personnel from Provincetown.

- No word yet on the Town's North Union Field USDA grant request, but we have learned that this review cycle is taking more like 60 days rather than the 30 days for earlier grant reviews. We expect to hear later this month. The membrane procurement program bids are undergoing the formal technical review, and an evaluation report will then be submitted to the Town Manager Sharon Lynn, who is the Chief Procurement Officer, for her review of the price proposals and a final determination as to any vendor to bring forward to the Board for contract award.

- Work will restart on the Phase 3 sewer construction work on September 13th where it left off with the completion of the water services on Thistlemore and Howland, including public and abutter notification similar to the construction management process followed in the spring. The Sewer Team will provide the Board with a sewer project update at your September 13th meeting and will bring forward at that time the next construction package and Change Order, which will cover (i) the remaining East End redirect and force main work as far as Snail Road, (ii) the West End redirect work, and (iii) an extension of the vacuum system to serve the three guesthouses on Bradford Street that are under Administrative Consent Orders. This is very good news: not only can these guesthouses be served by the sewer, but they can be included in the next construction package so that they will be able to hook up before the 2011 peak season.

- The Sewer Team and AECOM are working on a number of critical path items, including the location of pump stations, and coordination with NSTAR who will also be undertaking construction on Rte. 6A this year. We will update the Board in September.

Open discussion ensued with attendees. Derek Richie discussed substandard/noncompliant water service connections.

MOTION: Move that the Board of Selectmen vote to endorse the recommendation of the Water Team to proceed with the enforcement as specified in the Water Regulations to: (1) formally notify by certified and regular mail those properties that have spigots or other piping before the meter, with an order to correct within 14 days or they will be subject to the fine noted in the Water Regulations and possible water service termination; and (2) to formally advise by letter those properties where the locking pin has been removed, that their meter has been repaired, and that the Water Department will be monitoring their consumption.

**Motion by: Austin Knight Seconded By: Elaine Anderson
Yea 4 Nay 1 (David Bedard) – See note -**

Note: David Bedard expressed strong concern that tampered meters should be fined immediately based on existing regulations and does not support allowing 14 days to correct.

MOTION – Move that the Board of Selectmen recommend to the Water and Sewer Board that they consider amending the water regulations to require water meter inspections at time of sale or transfer of property.

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

MOTION: Move that the Board of Selectmen vote to ask the Truro Board of Selectmen for a letter of support for the purchase of additional Zone 1 land that has been approved for development by the Truro Planning Board; as the Water Team will be submitting a request to the Mass DEP in September for grant assistance to purchase such land.

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

2. **PUBLIC STATEMENTS**

Tom Thompson – Thanks the Board of Selectmen for placing signs at crosswalks. However, moving signs to the side of the road makes the issue more dangerous, and asked that they be moved back to the middle of the road. Several crosswalks don't have signs. Also recommend having signs that indicate fines for failure to yield to pedestrians. Cyclists on Commercial Street have to deal with pedestrians that are wearing iPods, etc. that don't pay attention to cyclists.

Susan Rohrback – District Aid for Senator Robert O'Leary's – Small business health insurance bill. Small Business and Economic Development streamlining at the state level. Sales tax holiday on August 14 & 15. Police civil service exemption bill signed by Governor.

Michele questions Sue regarding cuts to funding for homeless prevention which should be restored in a supplemental bill.

3. **SELECTMEN STATEMENTS**

David Bedard

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Cathy Reno for here service on the Community Housing Council.

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

Letter from the COA Board of Directors regarding expansion of the Grace Gouveia building. Inform them that the issue will be addressed through the Building Assessment.

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to the COA Board of Directors regarding their potential expansion, and that the Board of Selectmen would like to wait to respond to their request until the facilities buildings assessment study is completed.

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

Elaine Anderson

Question regarding the process for the transition of the school programs through the two schools.

Request homeowners trim hedges. Trim hedge at Allerton and Commercial.

Complement the summer officer at Lopes Square and Commercial St for doing such a good job and being courteous.

Request additional bike racks throughout town.

Year round residents feel squeezed out by the crowd of tourist.

John Santos

We need “share the road” signs to be placed throughout the town.

Should work with businesses to encourage bike rack.

Non resident taxpayers should be represented.

Should send letters to town board members who do not get appointed to town boards after being interviewed.

MOTION: Move that the Board of Selectmen vote to send letters to residents who apply to town boards and do not get appointed.

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

Austin Knight

MOTION: Move that the Board of Selectmen vote to send letter to those dignitaries who attended the Pilgrim Monument ceremonies.

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

Michele Couture

MOTION: Move that the Board of Selectmen vote to send letter to our State Representatives to restore funding for homeless prevention.

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

Our summer officers do a fine job. People should be a little more patient with the officers working in Lopes Square and Commercial Street.

MOTION: Move that the Board of Selectmen vote to send a letter to the School Committee asking for the support of a pet shelter during emergencies.

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

MOTION: Move that the Board of Selectmen vote to place the ad for the replacement of the School Committee vacancy.

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

MOTION: Move that the Board of Selectmen vote to ask the Town Manager Sharon Lynn to arrange a joint meeting with the School Committee to fill the School Committee vacancy, and include request for update of future school facility planning.

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

4A APPOINTMENTS – TOWN MANAGER’S APPOINTMENT

Disability Commission

MOTION: Move that the Board of Selectmen vote to approve the Town Manager’s appointment of Randa Krise to the disability Commission, pursuant to M.G.L. c.40, §8J, for a term to expire on December 31, 2012.

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

5A KAYAK RACKS ON TOWN BEACHES

Rex McKinsey present to raise issues related to installing racks on the beach. Need to address the traditional use of storing boats and kayaks on the beach while avoiding abuse of this right. Ask that the issue be referred to the Harbor Committee to review and make recommendations to the Selectmen.

Austin Knight - need to include ConCom.

Elaine Anderson - is excited to get order on the beaches. May need multiple racks to accommodate need. Need to control the storage of boats on the beach, and we need to do something to address this issue.

Michele Couture - wants to go to the Harbor Committee and ConCom and just get it done and expedite this request. Proposes the West End Parking Lot as a pilot. No need for permits, treat like bike racks. Harbor Plan supports boats on the beach as a traditional use.

MOTION: Move that the Board of Selectmen vote to refer this matter to the Harbor Committee and Conservation Commission.

Motion by: Michele Couture Seconded By: Elaine Anderson Yea 5 Nay 0

5B PEDESTRIAN TRAFFIC/SIGNAGE

Open discussion with Chief Jeff Jaran. Public safety is an issue throughout town when it comes to the many crosswalks. Enforcement is occurring. Looking at each intersection and crosswalk and placing signs appropriately to that location. More signage could be placed to remind motorist to "Watch for Pedestrians". Study and come back in a couple of months with a comprehensive plan for traffic management and signage.

5C COMMERCIAL STREET CLOSURE

Chief Jaran present. Past motions from the Selectmen have authorized the closure of Commercial Street on weekend nights during the peak of season.

5D SPECIAL GIFT FUND (Suzanne's Garden Gift Fund)

MOTION: Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, Section 53A, to establish a special gift fund to be named, "Suzanne's Garden Gift Fund," with the balance in said fund to be expended to cover costs of maintaining, planting, and enhancing the garden.

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

Signage need to be placed at the garden to indicate that it is a public park.

Should consider fees or deposits to ensure that there is no damage to the park.

6A TOWN MANAGER SHARON LYNN FOLLOW-UP

Town Counsel has prepared a response to Chris Snow, attorney for Fisherman's Wharf, to respond to the question as to why the Purchase and Sale was not signed. Agreement with McGinley Kalsow for the Library Rehab project.

Licensing Board needs additional members in order to meet quorum for taxi renewals.

6B OTHER - None

7. MINUTES OF BOARD OF SELECTMEN'S MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of June 8, 2010 (Attend Licensing B. Mtg.) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of July 26, 2010 (Regular Mtg.) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of August 2, 2010 (Special Mtg.) as printed.*

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

8. CLOSING STATEMENTS

John Santos - Should look at administrative budget of the school system. Should challenge State on unfunded mandates.

Austin Knight - Should have a conversation with the School Committee regarding the future use of school facilities.

David Bedard - None Elaine Anderson – None

Michele Couture

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Richard Olson for drafting the proclamation on the 100th Rededication of the Pilgrim Monument.*

Motion by: Michele Couture Seconded by: Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to reconsider the date for the November Special Town Meeting.*

Motion by: Michele Couture Seconded by: Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to have the Special Town Meeting on November 8, 2010.*

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

Motion to adjourn by Austin Knight at 8:50 PM

Minutes transcribed by: Vernon G. Porter
August 16, 2010