

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY – SEPTEMBER 27, 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 and Assistant Town Manager David Gardner

Recorder: Vernon G. Porter

1A TOWN HALL AUDITORIUM RENTAL POLICY

Chairman Couture read the Public Hearing into the record.

The Board discussed the reasoning as to why they want the ability to serve beer and wine at Town Hall during functions as determined by the Town Hall Auditorium Rental Policy.

In Favor - No comments.

Opposition

Greg Daniels – Opposed to the changing of the regulations for the public use of Town Hall. (See attachment #1)

David Gardner – We are not required to carry liquor liability, as we are not licensed to sell liquor, the vendor is. We are not requesting to be a licensed liquor establishment, but rather a venue in which those who are properly licensed may serve. Bookings remain the same; the Licensing Agent will administer the bookings. Town Manager has discretion over the use of Town Hall, and can refuse to rent to an event that is not appropriate for Town Hall. The wording in the regulation is specific that alcohol "may" be served because it is not automatic, beer and wine can only be served with the express permission of the Board of Selectmen acting as property owners. Licensing Board approval "may" be required if the vendor who seeks to sell beer and wine is not already licensed to do so. It is not a given that you can use alcohol. The applicant is responsible for assuring that the vendor has the proper license.

Rick Murray - It is not a win win situation. Should change the word 'may' to 'shall'. The ZBA did not legally approve the use of alcohol at Town Hall, and it has not been registered with the state. No allowable use, at this time, for beer and alcohol in Town Hall.

Judy Cicero - The Portuguese Festival is licensed each year to use the Bas Relief.

David Gardner – Explained the difference between private venues and the use of Town Hall.

MOTION: Move that the Board of Selectmen vote to approve changes to the Regulations for Public Use of Town Hall.

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

MOTION: *Move that the Board of Selectmen vote to make the Town Hall Auditorium available for rent starting December 1, 2010. The Town Manager shall have the discretion when scheduling conflicts occur, preference should be given to recurring events.*

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

1B TOWN HALL REHAB WRAP-UP

Building Commissioner Russ Braun, Wendell Kalsow and Mark Almeda of McGinley Kalsow & Associates LLP, North East Interiors, Inc. Construction Superintendent Scott Gentilhomme and Sr. Project Manager Len Paoletta.

Wendell Kalsow expressed his gratitude to the Town for selecting his firm to do the work on such an historic building, and emphasized that it was quite a project to restore a building with unsafe heating, sprinklers, boiler, etc. He thanked everyone involved, and especially those from North East Interiors. Everyone involved thanked each other and the Town for affording them the opportunity to restore this magnificent building.

Town Manager Sharon Lynn thanked everyone with special thanks to McGinley Kalsow and his team for coming under budget, and for working very hard day-in and day-out to see this project to fruition.

The Board of Selectmen toured the building prior to coming to this evenings meeting and were overwhelmed with the restoration, and had nothing but praise for everyone involved, especially the Town Manager Sharon Lynn, for her steadfast knowledge and perseverance on this project from start to finish.

1C TOWN HALL AUDITORIUM CHAIRS GIFT FUND

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, section 53A, to establish a special “Town Hall Auditorium Chair Gift Fund”, with the balance in said fund to be expended without further appropriation by the Town Manager, in conjunction with the Board of Selectmen.*

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

1D JOINT MTG. WITH RECYCLING AND RENEWABLE ENERGY COMMITTEE

Re: Single Stream Recycling Program

Recycling Committee Present: Damon Leard, Elizabeth Patrick, Keli Dahl, Amy Germaine and Lydia Hamnquist. Other attendees: DPW Deputy Director Sandy Turner and Mark White from Environmental Partners.

Mark White gave an overview of the present system and what the cost would be of other alternatives.

Chair Damon Leard – Recycling Committee has advocated for a single stream recycling program for several years. The question before us today is whether to purchase a new hopper and compaction unit at the transfer station to more efficiently process single stream recycling.

Recommend that the DPW continue to research information on single stream and report back to the Selectmen on an interim operations approach at the transfer station as an alternative to compaction. Mark White to complete a cost benefits analysis on providing the infrastructure improvements at the transfer station, as opposed to the increased operational cost of hauling.

1E MONTHLY WASTEWATER UPDATE

Attendees: DPW Director David Guertin, Financial Coordinator Dana Faris, Facilitator John Goodrich and Rob Adams AECOM

David Guertin – gave a brief overview and introduced John Goodridge for his report.

Facilitator John Goodrich

The focus of this month's report is on wastewater since the Board has been provided with updates on the water projects at the last several meetings, and we will be back again in October to talk about the water projects.

The Phase 3 sewer project construction work has restarted on the remaining water service work under the Change Order approved in March. So as to minimize confusion that abutters may have, public notices and door-to-door flyers make it clear that the actual sewer construction work will be done at a later date, and that we are working on the water services now.

Beginning with this next Change Order that we are bringing to the Board tonight, the Town must follow USDA approval requirements before AECOM can proceed with the work. This includes an independent third party review by EPG and an engineering review by USDA. This is a new requirement, and there is a learning curve, so there has not been enough time to complete all the USDA review steps before tonight's meeting. Therefore, with the approval of Ron Koontz of USDA, we recommend that the Board approve AECOM Change Order 8-1 for \$4,412,740 subject to the formal sign-off from the USDA.

Mr. Rob Adams of AECOM is here tonight to explain the three proposed work areas in this Change Order, which are:

1st. The remaining "Phase 3A" sewer extension work as far as Snail Road, which includes water services, a pump station, the redirecting of the existing East End grinder pumps to the new gravity sewer, and the East vacuum main work required to serve the ACOs and other new connections along this portion of Commercial Street. The timeline calls for this work to be completed by May 2011, so that properties in this area can begin hooking up to the sewer at that time.

2nd. The West End Pump Station and collection system work to redirect the West End grinder pumps off of the vacuum, and to serve ACOs and other connections in this area.

3rd. The vacuum system extension for the Bradford Street guesthouses that are under ACOs.

Future Change Orders will include the Phase 3 work from Snail Road to the Truro town line, and the additional sewer work included in the USDA grant application, as well as the overlay paving in areas where work has been completed. USDA will not approve future Change Orders without an update that shows that remaining work can be completed within the approved \$12 million loan/grant amount. This means that the Sewer Team cannot move forward at this time with any areas that were not included in the USDA application, including the proposed expansion area along portions of Bradford Street.

The Sewer Team and AECOM will be preparing public notification information for all of the proposed fall and winter Phase 3 work similar to the information for the recently completed

spring construction work. This includes coordination with the Police and other Town departments, notification to the business community and to the abutters, and coordination with NSTAR wherever possible for construction planning and notification.

This next construction segment will be more complicated and potentially more disruptive to abutters than the spring construction was because it involves both sewer and water main work, whereas the spring work involved only the water mains and services. In addition, some of the gravity sewer lines and pump stations will be deep and require dewatering, which means there will be more road closures and traffic detours.

To date, the outreach program has shown that there are twice as many properties that are interested in hooking up during Phase 3 than had been expected. The message has been clear: this is your chance to connect to the sewer, and there may not be funding for additional capacity in the future if you don't connect now. At the time we submitted the application to USDA, there was sufficient plant capacity to handle the 75,000 GPD of identified interest. Now we have about 150,000 GPD of demand, which is greater than the plant capacity. The system is oversubscribed, which is a good problem to have!

There will be no change in either the approval process, or the estimated completion dates for the Phase 3 segments that were included in the USDA-approved \$12 million program – the original parts of the program can proceed as planned. But, in order to allow all who would like to hook up to do so, and to serve additional areas – such as additional portions of Bradford Street – we need to do some more facilities planning.

As a result of all of the increased interest, we will need to review the treatment plant capacity if we are to meet the needs of as many property owners as possible. Since we would need to have a firm number for interest before we could make a recommendation to the Board, we plan to establish a firm deadline of November 1st for all property owners in the potential Phase 3 service area to indicate whether or not they wish to connect to the sewer at this time. This deadline will be publicized through the Provincetown Banner, the Town's website, and through the other business and community group notification channels that have previously been used for the Phase 3 sewer project.

Based upon the identified interest to date, we propose to evaluate different options for increasing the capacity of the Treatment Plant should the Board direct us to move ahead with the evaluation. These options include:

No. 1. Plant improvements that would provide sufficient capacity to not only meet the currently identified Phase 3 interest, but also to meet future needs of the town. This would probably mean adding a pre-treatment flow equalization tank that would increase the permitted flow to the level that MassDEP has already approved for the effluent beds.

No. 2. Plant improvements that could provide sufficient capacity to meet the currently identified Phase 3 interest, but with very little reserve capacity for future connections. This would require smaller and less expensive improvements at the Plant.

Should the Board approve our requested motion to direct the Sewer Team to move forward with the analysis, we propose to provide the Board at your October 25th Meeting with an update on the engineering and financial review for each of these options, together with a recommendation as to the best option to pursue and the interest that can be met by that option. We would also plan to provide the Board at the November 22nd Meeting with an updated

financial analysis by Mark Abrahams for any recommended Phase 3 option, including potential sources for additional borrowing to be repaid by betterments from new users. Any additional borrowing would require voter approval at the April 2011 Town Meeting.

WATER UPDATE

Looking ahead to upcoming Selectmen's Meetings, the Water Team is moving ahead with the implementation of each of the water system motions that were approved by the Board at the September 13th Meeting. The most recent statistics from the field show that of 856 services inspected to date, 83% are non-compliant in some way. Enforcement letters for meter integrity and taps before the meter are being sent out weekly, and to date the compliance has been very good and is improving.

The Water Department is preparing a tri-fold that will be sent out with the next water bill in November. This mailing will describe the turn on and turn off requirements, and the service that is provided by the Water Department. The same information will be distributed to all of the local area plumbers who provide services to property owners.

We will provide the Board with an update on all of the water programs in October, including a recommendation as to how to proceed with the USDA funded work should we not receive any additional grant award from this year's stimulus program. No good news on our North Union Field grant is increasingly becoming bad news as we get closer to the end of the fiscal year, and the end of the "stimulus" grant program on September 30th.

In the September 13th Report to the Board, we described the priorities that would be most important should we not have the funds to undertake all of the proposed project elements. In terms of the large capital expenditures, the North Union Field development is clearly number one – it is needed to ensure sufficient water pumpage during the peak periods. The Knowles Crossing Treatment Plant is priority number 2, and would alleviate the brown water issue, and the water storage tank improvements are priority number 3.

Of lesser cost, but also of top priority, are the on-going operations and management programs to minimize the risk of a boil order, and the leak detection program designed to reduce unaccounted for water use.

MOTION: Move that the Board of Selectmen vote to approve the Change Order to AECOM for the next construction package for the USDA-grant funded Phase 3 sewer extension, conditioned on the required sign-off of the construction package by USDA; in the amount of \$4,412,740.00

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

MOTION: Move that the Board of Selectmen direct the Sewer Team to proceed with their analysis of the best options for providing capacity to meet the growing interest in a sewer connection.

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

2. PUBLIC STATEMENTS

Celine Gandolfo – Provincetown Conservation Trust - Spoke on the consideration of withdrawing from the Land Bank. Encourage the Board not to do this. Would like to have a joint meeting with Conservation Trust, Open Space Committee, and Board of Selectmen to discuss this issue.

3. **SELECTMEN STATEMENTS**

Austin Knight

Thinks a joint meeting would be good to discuss the future of the Land Bank with the different committees.

Need to insure that applicants for Town Hall rental have liability coverage.

Congratulations to the town hall fountain opening.

David Bedard

Not opposed to the purchase of any open space – it is the funding source that is questionable.

School Committee thinks that the High School makes a better shelter. Determination will be made during the Building Assessment.

Congratulate Ms. Lynn on the work at town hall.

Elaine Anderson

Congratulate the team who put the Dog Fountain and fundraiser together.

Want to keep the parking garage discussion alive. Traffic conflicts at Lopes Square needs to be addressed.

Agrees with others that we need to have a meeting with Open Space Committee.

John Santos

Happy Birthday to Town Manager Sharon Lynn.

Meeting with DPW this evening was very productive.

Pursue the issue of having a bicycle committee. Encourage businesses to put up more bike racks. Encourage bike paths. Need for a parking study. Michele Couture – Police Chief will be coming before the Board of Selectmen in late October.

Michele Couture

To Ms. Gandolfo, it was never my intention not to bring this issue forward without talking to all the groups. No Land Bank article will come forward until April and without a meeting.

Dog Fountain – great, great job by everyone, especially Ms. Nagle.

Disappointed with the Housing Authority for not having a working elevator for such a long time at Maushope, and they still have some vacancies as well. Court Street still not occupied.

Concerned about the Cell Tower application before the Cape Cod Commission.

MOTION: *Move that the Board of Selectmen vote to send a letter to Cape Cod Commission to move forward with the installation of the monopole, and list the public necessity to have cell service into the park.*

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

4A APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Sarah Bailey as a Regular Member of the Human Services Committee with a term to expire on June 30, 2011.*

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

David Bedard recused himself as he has a business conflict.

MOTION: *Move that the Board of Selectmen vote to appoint Greg Anton as a Regular Member of the Recreation Commission with a term to expire on December 31, 2010.*

Motion by: Austin Knight **Seconded By:** Michele Couture Yea 4 Nay 0

5A1 AIRPORT COMMISSION

Purchase Snow Removal Equipment Vehicle

MOTION: *Move that the Board of Selectmen vote to execute a grant in the amount of \$1,250.00 from the MassDOT / Aeronautics Division for the purchase of a Snow Removal Equipment (SRE) Vehicle for the Provincetown Municipal Airport.*

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

5A2 AIRPORT COMMISSION

Purchase Airport Rescue Fire Fighting Vehicle

MOTION: *Move that the Board of Selectmen vote to execute a grant in the amount of \$17,300.00 from the MassDOT / Aeronautics Division for the purchase of an Airport Rescue Fire Fighting (ARFF) Vehicle for the Provincetown Municipal Airport.*

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

5B1 TREASURER'S TRANSFERS

Library Building Gift Fund

MOTION: *Move that the Board of Selectmen vote to table this item.*

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

5B2 TREASURER'S TRANSFERS

Harbor Access Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, pursuant to MGL C.44§.53A to approve the transfer and use of \$935.00 from the Harbor Access Gift Fund for the payment of the attached invoice.*

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

MOTION: *Move that the Board of Selectmen vote to authorize the Harbor Committee to move forward with the Woods Hole group for the certified mailing of the notification of the Public Hearing with the Conservation Commission at a cost of \$1000.00; and further to authorize the Woods Hole Group to draft a Monitoring Plan to be submitted with the Notice of Intent at a cost of \$2000.00. Howland Street to Provincetown Inn.*

Motion by: John Santos **Seconded By:** No Second - MOTION DOES NOT CARRY -

David Bedard recused himself as he has a business conflict.

5C **PARADE PERMIT REQUEST**

Recreation Department Annual Halloween Parade: Friday, October 29, 2010

MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Recreation Director Brandon Motta on behalf of the Town of Provincetown to hold the Recreation Department's "Annual Halloween Parade" on Friday, October 29, 2010 from 3:30 PM to 4:30 PM.*

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

6A **NOVEMBER 8, 2010 SPECIAL TOWN MEETING**

Set Dates for Opening and Closing of Warrant

MOTION: *Move that the Board of Selectmen vote to open the Monday, November 8, 2010, Special Town Meeting warrant on September 27, 2010, at 9:30 p.m. and to close it on Thursday, October 7, 2010 at noon, in accordance with Charter §2-1-7.*

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

6B **ZONING BYLAW AMENDMENTS**

Referral to the Planning Board

MOTION: *Move that the Board of Selectmen vote, pursuant to Massachusetts General Law Chapter 40A Section 5, to submit the attached zoning bylaw amendments to the Planning Board for review and public hearing on October 18, 2010, in order to be placed on the November 8, 2010 Special Town Meeting Warrant.*

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

6C **DISCUSS AND INSERT TOWN MEETING WARRANT ARTICLES**

November 8, 2010 Special Town Meeting

MOTION: *Move that the Board of Selectmen vote to insert Article 1 Prior Year Bills on the warrant for the November 8, 2010 Special Town Meeting.*

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

MOTION: *Move that the Board of Selectmen vote to insert Article 2 FY 2011 Enterprise Funds on the warrant for the November 8, 2010 Special Town Meeting.*

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

MOTION: *Move that the Board of Selectmen vote to insert Article 3 Use of Parking Funds to Purchase Automated Pay Stations on the warrant for the November 8, 2010 Special Town Meeting. Note: Change to 3 automated pay station kios for a total of \$51,000.*

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

MOTION: *Move that the Board of Selectmen vote to insert Article 4 Disbanding the Regional School District Planning Committee.*

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

MOTION: *Move that the Board of Selectmen vote to insert Article 5 Adoption of MGL Ch. 138, §33B Sales of alcoholic beverages by on-premise licensees on Sunday and certain legal holidays; sales between 10:00 A.M. and 12:00 Noon.*

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

MOTION: *Move that the Board of Selectmen vote to insert Article 6 General By-law Amendment: 8-16 Hours of Alcoholic Beverage Service.*

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

MOTION: *Move that the Board of Selectmen vote to insert Article 7 General By-law Amendment: Deletion Chapter 7.*

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

MOTION: *Move that the Board of Selectmen vote to insert Article 9 General By-law Amendment: 13-2-7-9. Provincetown Dog Park (Pilgrim Bark Park) Rules and Regulations.*

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

6D ROUTE 6 BERMS

MOTION: *Move that the Board of Selectmen vote to authorize the placement of earthen berms in the median along Route 6 as proposed.*

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

6E TOWN MANAGER FOLLOW-UP

Based on the current formula the \$560,266 in room taxes will be distributed as follows:
Tourism \$252,120 (45%)
Wastewater \$107,151 (19.125%)
General Fund \$200,995 (35.875%)

MOTION: *Move that the Board of Selectmen vote to post a meeting to attend the Open House for Town Hall on Saturday, November 20, 2010 from 3 – 5 PM.*

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

6F OTHER

7. MINUTES OF BOARD OF SELECTMEN'S MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 13, 2010 (Regular Mtg.) with change so noted.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 21, 2010 (Special Mtg. 5:30 PM.) with change so noted..*

Motion by: Elaine Anderson **Seconded by:** Austin Knight
Yea 3 Nay 0 Abstain (David Bedard and John Santos)

8. **CLOSING STATEMENTS**

David Bedard - None **Michele Couture** - None

Elaine Anderson – None **Austin Knight** – None

John Santos - Feels the Board is being short sighted on beach cleaning issues.

Motion to adjourn by Austin Knight at 10:20 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
September , 2010