

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
SPECIAL MEETING – MONDAY - MARCH 18, 2013 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

Public Statement - Anthony Brackett mentioned that the Provincetown Schools would like to invite the Board of Selectmen, and a guest, to a performance of their Spring Musical, “The Wizard of Oz” being held Friday through Sunday – April 5 – 7, 2013.

1. GENERAL OBLIGATION REFUNDED BONDS

MOTION: *Move that the Board of Selectmen vote that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town’s (i) \$8,855,000 General Obligation Municipal Purpose Loan of 2002 Bonds dated March 15, 2002 maturing on and after February 15, 2014 and (ii) \$2,420,000 General Obligation Municipal Purpose Loan of 2003 Bonds dated November 1, 2003 maturing on and after November 1, 2013 (collectively, the “Refunded Bonds”) and Move that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.*

Motion by: David McChesney **Seconded by:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote that the sale of the \$2,420,000 General Obligation Refunding Bonds of the Town dated April 1, 2013 (the “Bonds”), to Piper Jaffray & Co. at the price of \$2,471,146.15 and accrued interest, if any, in accordance with the Bond Purchase Agreement (as defined below) is hereby approved and confirmed. The Bonds shall be payable on November 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:*

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2013	\$320,000	2.00%	2018	\$240,000	2.00%
2014	295,000	2.00	2019	135,000	2.00
2015	280,000	2.00	2020	135,000	2.00
2016	275,000	2.00	2025	275,000	2.25
2017	250,000	2.00	2032	215,000	4.00

Motion by: David McChesney **Seconded by:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote Move that the Bonds maturing on November 1 of the years 2025 and 2032 (each a “Term Bond”) shall be subject to mandatory redemption or mature as follows:*

Term Bond due November 1, 2025

<u>Year</u>	<u>Amount</u>
2021	\$95,000
2022	45,000
2023	45,000
2024	45,000
2025*	45,000

***Final Maturity**

Term Bond due November 1, 2032

<u>Year</u>	<u>Amount</u>
2026	\$45,000
2027	40,000
2028	40,000
2029	30,000
2030	25,000
2031	20,000
2032*	15,000

***Final Maturity**

Motion by: David McChesney **Seconded by:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the sale of a \$2,771,853 0.45 percent General Obligation Bond Anticipation Note of the Town dated April 1, 2013, and payable April 1, 2014 (the “Note”), to Cape Cod Five Cents Savings Bank at par and accrued interest.*

Motion by: David McChesney **Seconded by:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Preliminary Official Statement dated March 7, 2013, and a final Official Statement dated March 13, 2013 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.*

Motion by: David McChesney **Seconded by:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to confirm the provisions of the Bond Purchase Agreement, dated March 13, 2013 (the “Bond Purchase Agreement”) between the Town and the Piper Jaffray & Co., including the consent to the sale of the Bonds to Piper Jaffray & Co. on a negotiated basis*

Motion by: David McChesney **Seconded by:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to authorize the execution and delivery of a Refunding Escrow Agreement to be dated as of April 1, 2013, between the Town and Cape Cod Five Cents Savings Bank, as Escrow Agent and Paying Agent.*

Motion by: David McChesney **Seconded by:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote Move that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.*

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

MOTION: *Move that the Board of Selectmen vote that each member of the Board of Selectmen, the Town Chair and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.*

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

2. APRIL 1, 2013 SPECIAL & ANNUAL TOWN MEETINGS

Adoption of Board of Selectmen's Recommendations on Articles

APRIL 1, 2013 SPECIAL TOWN MEETING

MOVE that the Board of Selectmen vote as follows on the April 1, 2013 Special Town Meeting Article:

STM-1 FY 2012 Budget Adjustments – operating budget – *No action taken at this time.*

STM-2 Prior Year Bills (\$586.77) – Recommend.

Motion by: Erik Yingling **Seconded by:** Elaine Anderson Yea 5 Nay 0

STM-3 Rescind Unused Borrowing Authority (\$715,700) – Recommend.

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

STM-4 Use of Parking Funds to Purchase Parking Equipment for Grace Hall Parking Lot (\$37,110) - Recommend.

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

STM-5 Use of parking Funds to Purchase Replacement Safety Fencing at the Grace Hall Parking Lot (\$20,000) – Recommend.

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

STM-6 Town Emergency Shelter Retrofit – *No action taken at this time.*

STM-7 Discontinuance of a Portion of Collyer street

Motion by: Elaine Anderson Seconded by: Erik Yingling Yea 5 Nay 0

STM-8 Acquisition and Conveyance of a Parcel of Land– Recommend.

Motion by: Elaine Anderson Seconded by: Erik Yingling Yea 5 Nay 0

STM-9 Design and Project Management Services for the Construction of a New Police Station (\$41,150) – Recommend.

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

STM-10 Replacement of Water Main and Existing Service Connections along Commercial Street (\$850,000) – Recommend.

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

STM-11 Design and Repair to the MacMillan Pier Floating Docks and Finger Piers – *Take No Action at this time.*

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

STM-12 Purchase of Pick-up Trucks for Water Department (\$50,000) – Recommend.

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

STM-13 Purchase Replacement Water Meters for Water Department (\$70,000) – Recommend.

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

STM-14 Purchase Excavator for Water Department (\$55,000) – Recommend.

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

STM-15 Purchase and Install Meter Pits for Water Department (\$40K) – Recommend.

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

STM-16 Transfer of Funds to the Affordable Housing Trust Fund(\$5,000) - Recommend.

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

APRIL 1, 2013 ANNUAL TOWN MEETING

MOVE that the Board of Selectmen vote as follows on the April 1, 2013 Annual Town Meeting Article:

ATM-1 To Hear Town Reports. – Recommend.

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

ATM-2 Operating Budget \$22,257.422 - +4.3%. Recommend.

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

ATM-3 Cape Cod Regional Technical High School Assessment (\$66,914) – Recommend.

Motion by: David McChesney Seconded by: Erik Yingling Yea 5 Nay 0

ATM-4 Wastewater Enterprise Fund \$3,631,798 – +10.2% – Recommend.

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

Water Enterprise Fund \$2,360,106 – -1.7%

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

ATM-5 FY 2014 Revolving Accounts: (1) Preservation of Town Hall Auditorium, (2) Shellfish Grants, (3) B Street Garden, (4) Fuel Reimbursement – Recommend.

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

ATM-6 Council on Aging Transportation Revolving Account: up to \$10,000 – Recommend.

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

ATM-7 Affordable Housing Revolving Fund: not to exceed \$10,000 – Recommend.

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

ATM-8 Cape Cod Greenhead Fly Control District Assessment: \$1,438.75 – Recommend.

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

ATM-9 Return of Community Preservation Act Funds: \$75,000 – Recommend.

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

ATM-10 Community Preservation Budget for 2014:

Part 1: Reserves

1A. Open Space: \$55,000 – Recommend.

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

1B. Community Housing: \$55,000 – Recommend.

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

1C. Historic Resources: \$55,000 – Recommend.

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

Part 2: Appropriations

2A. Affordable Housing Debt Service: \$247,150; Open Space Debt Service: \$58,977; Historic Preservation Debt Service: \$173,909 (Total \$480,036) – Recommend.

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

Erik Yingling recused himself and left the room.

2B. Eastern School Restoration: **\$50,000** – Recommend.

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

Erik Yingling returned

2C. Restoration and Repair of Provincetown High School Exterior: **\$200,000** – Recommend.

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

2D. Winthrop Street Cemetery Phases 3 & 4: **\$50,000** – Recommend.

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

2E. Renovation of Historic Barn at Days Lumberyard: **\$25,000** – Recommend.

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

2F. Renovation of Mildred Greensfeld Basketball court at East End Playground: **\$72,916**
– Recommend.

Motion by: David McChesney Seconded by: Erik Yingling Yea 5 Nay 0

2G. Housing Office Support: **\$33,454** – Recommend.

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

2H. CPA General Administration: **\$20,766** – Recommend.

Motion by: David McChesney Seconded by: Erik Yingling Yea 5 Nay 0

ATM-11 FY 2014 Capital Improvements Program:

1. Police Fleet Upgrade Plan: **\$27,484** – Recommend.

Motion by: Elaine Anderson Seconded by: Erik Yingling Yea 5 Nay 0

2. Police Fleet Upgrade Plan: **\$32,673** – Recommend.

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

3. Police Fleet Upgrade Plan: **\$24,960** – Recommend.

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

4. Police Fleet Upgrade Plan: **\$8,800** – Recommend.

Motion by: David McChesney Seconded by: Erik Yingling Yea 5 Nay 0

5. Police Bulletproof Vests: **\$10,670** – Recommend.

Motion by: Elaine Anderson Seconded by: Erik Yingling Yea 5 Nay 0

6. Police speed Advisory Signs: **\$10,287** – Recommend.

**Motion by: David McChesney Seconded by: Elaine Anderson
Yea 5 Nay 1 (Erik Yingling)**

7. Fire & Rescue All-Terrain Vehicle: **\$35,000** – Recommend.
Motion by: John Santos Seconded by: Elaine Anderson Yea 5 Nay 0
8. Fire & Rescue Command Vehicle: **\$55,000** – Recommend.
Motion by: John Santos Seconded by: Erik Yingling Yea 5 Nay 0
9. Roadway Maintenance Plan: **\$1,000,000** – Recommend.
Motion by: Erik Yingling Seconded by: John Santos Yea 5 Nay 0
10. Storm Water Management: **\$100,000** – Recommend.
Motion by: David McChesney Seconded by: John Santos Yea 5 Nay 0
11. DPW Street Sidewalk Replacement: **\$50,000** – Recommend.
Motion by: John Santos Seconded by: Erik Yingling Yea 5 Nay 0
12. Public works Fleet Replacement Plan: **\$279,555** – *Take no action at this time.*
13. Building Maintenance Plan: **\$45,000** – Recommend.
Motion by: John Santos Seconded by: Elaine Anderson Yea 5 Nay 0
14. Grace Hall Parking Lot Reconstruction: **\$58,000** – Recommend.
Motion by: John Santos Seconded by: Elaine Anderson Yea 5 Nay 0
15. Johnson Street Parking Lot Reconstruction: **\$85,675** – Recommend.
Motion by: John Santos Seconded by: Elaine Anderson Yea 5 Nay 0
16. School Fence Replacement: **\$15,600** – Recommend.
Motion by: David McChesney Seconded by: Erik Yingling Yea 5 Nay 0
17. Emergency Generator Repair of Purchase: **\$40,000** – Recommend.
Motion by: Elaine Anderson Seconded by: John Santos Yea 5 Nay 0
- ATM-12 Amendments to Personnel By-law/Classification and Compensation Plan – Recommend.
Motion by: Elaine Anderson Seconded by: David McChesney Yea 5 Nay 0
- ATM-13 Expenditures from the Tourism Fund: **\$600,000** – Recommend.
Motion by: John Santos Seconded by: Elaine Anderson Yea 5 Nay 0
- ATM-14 FY 2014 Human Services Program: **\$61,675** – Recommend.
Motion by: David McChesney Seconded by: Elaine Anderson Yea 5 Nay 0
- ATM-15 July 4th Celebration **\$22,000** – Recommend.
Motion by: Austin Knight Seconded by: John Santos Yea 5 Nay 0

ATM-16 Fund Collective Bargaining Agreement – *Take no action at this time.*

ATM-17 Wireless Facilities on Town Water Towers – Recommend.

Motion by: Elaine Anderson Seconded by: Erik Yingling Yea 5 Nay 0

ATM-18 Room Occupancy Tax – Recommend.

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

ATM-19 0.5% Real Estate Transfer Fee – A Home Rule Petition – Recommend.

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

ATM-20 Evacuation Plan Urgently Needed for Provincetown Residents – Recommend.

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

ATM-21 Climate Crisis – Recommend.

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

ATM-22 General By-law Amendment: Non-criminal Disposition of Pier Corporation Regulations – Recommend.

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

ATM-23 General By-law Amendment: Prohibited Use of Bicycles – Recommend.

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

ATM-24 Zoning Article: Scale By-law – *Take no action at this time.*

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

ATM-25 Zoning Article: Scale By-law Amendment – *Take no action at this time.*

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

ATM-26 Zoning Article: Earth Removal – *Take no action at this time.*

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

ATM-27 Zoning Article: Natural Cover Removal – *Take no action at this time.*

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

ATM-28 Don't Undermine the US Post Office – *Take no action at this time.*

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

ATM-29 Zoning Article: Art Gallery, Artist's Studio – *Take no action at this time.*

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

ATM-30 Design and Repair the Police Station on Shank Painter Road – *Take no action at this time.*

Motion by: Erik Yingling Seconded by: David McChesney Yea 5 Nay 0

3. PROCLAMATION: CAPE and VINEYARD ELECTRIC COOPERATIVE

MOTION: *Move that the Board of Selectmen vote to proclaim their support for the Cape & Vineyard Electric Cooperative (CVEC) in their efforts, on behalf of the seventeen member towns, to coordinate, finance and establish renewable energy projects on Cape Cod.*

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

Motion to adjourn by Erik Yingling at 7:25 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
March 19, 2013