

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – MONDAY– APRIL 22, 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, John Santos, David McChesney and Erik Yingling

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

Recorder: David Gardner

The following are meeting minutes, in brief:

Board of Selectmen held a moment of silence for the victims of the Boston Marathon bombing and recognized Officer Greg Hennick who participated in the Cape Cod Regional Law Enforcement Council SWAT Team's response to the Boston Marathon bombing. The Selectmen are proud and appreciative of his bravery and professionalism.

*John Santos recused and left the room.*

- 1A PUBLIC HEARING** – Individual licenses for Agricultural Development Area Shellfish Constable Tony Jackett. Also present Alex Brown and John Baldwin of the Shellfish Committee.

Elaine Anderson read the public hearing into the record.

**MOTION:** *Move that the Board of Selectmen vote to approve the Shellfish Aquaculture Grant Application of: Stephen Busa, Daniel Andersen, Jesse Cartwright, Rocco Paccione and Francis John Santos; to be assigned a designated acre within the approved Aquaculture Development Area and to adhere to the conditions as set forth by the Army Corps of Engineers.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the request of the Shellfish Committee to recommend an amnesty period for the months of May and June 2013.*

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

*John Santos returned to the room.*

- 1B PUBLIC HEARING** – Curb Cut 166 Bradford St. Extension  
Request by Donald Fiset and Robert Fiset. Chris Fiset present.

Elaine Anderson read the Public Hearing Notice into the record.

DPW recommends additional guard post at edge of embankment after curb cut is in place.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to approve the request of Donald N. Fiset to establish a curb cut at the property located at 166 Bradford Street Extension (Assessor's Map 6-3-50-D-R) (Res 3 Zone).*

**Motion by:** Erik Yingling     **Seconded By:** Austin Knight  
Yea 3    Nay 0    Abstain 2 (Elaine Anderson / John Santos)

**1C    JOINT MTG. W/ CONSERVATION COMMISSION / HARBOR COMMITTEE**

Annual Beach Water Quality Update

Conservation Commission members: Chair Denis Minsky, Mark Irving, Lynne Martin all present.

There is no quorum of the Harbor Committee. Jerry Irmer present.

Rex McKinsey, Harbormaster and Brian Carlson, Conservation Agent also present.

Gordon Peabody - Safe Harbor Environmental made presentation on Strategies for Beach Management for Provincetown Harbor. He presented Provincetown as 3 distinct areas based on maximum exposure or fetch and shoreline profile, natural vs. constructed. Need long term comprehensive management plan. Once positioned, it must be maintained.

Greg Berman, Woods Hole Oceanographic Institute made presentation on Geologic History and Coastal Processes of Cape Cod and Provincetown. His studies show the sediment movement over time. Provincetown area is generally the receiver of material coming from Truro on harbor and ocean sides. There are limits to the amount of sand available on Cape Cod since there are no rivers to bring upland sediment.

John Santos gave a historical or local perspective on when dredging has happened and the results of those efforts. He asks for work on a plan to address the burdened areas and support the eroded areas.

Rex McKinsey gave a report on the Beach Raking Monitoring Study. First year report of beach raking provided by Coastal Studies. The study monitored numerous factors on Ryder and Freeman Street beaches during the raking activity and a control site; including invertebrates, bacteria, compaction and pore water. First year results found that the activity did not affect the beaches either negatively or positively to a point of stopping the raking. Other factors had more affect.

At their meeting on Thursday, April 11, 2013 the Harbor Committee unanimously voted to recommend the expenditure of \$20,000 from the Harbor Access Gift Fund for PCCS environmental monitoring of the second year beach raking project.

**MOTION:** *Move that the Board of Selectmen vote to approve the expenditure of \$20,000.00 from the Harbor Access Gift Fund for the second year of environmental monitoring by the Provincetown Center for Coastal Studies for the Beach Raking Project*

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

Brian Carlson gave a brief discussion of the 2012 bathing beach water quality testing results. Three areas; Ryder St., Winston Ave., and West End Lot had the highest rate of closures, but over 3 years closures have lessened. Selectmen's discussion asks for HC and ConCom to come

back with more work on a comprehensive plan next month. It was noted that ConCom is charged with enforcing wetland protection act while HC can be more proactive on these issues.

## **1D JOINT MEETING WITH BUILDING COMMITTEE**

Present: Building Committee Vice Chairman Rick Murray, Sheila McGuiness, Don Murphy and Kevin Shea.

At their meeting on Monday, April 8, 2013 the Board of Selectmen voted to support a feasibility study via an RFQ and include the Building Committee as part of the process with a joint meeting with the Building Committee to be held on Monday, April 22, 2013.

Open discussion on the Board of Selectmen's vote to conduct a feasibility study for the police station at the current site.

Building Committee recommends that Board of Selectmen visit a modern police station to understand firsthand the requirements of a police station.

Need to look at the ability to fit a feasible police station on the existing Shank Painter Rd site, and compare that to other sites.

## **2. PUBLIC STATEMENTS**

Barbara Rushmore – Supports both requests by Tim Downey adjacent to the Transportation Park as long as it is not on the sandy part. Dredging should be done on the east side of the Wharf. Should write a letter to Governor Patrick to close the Pilgrim Nuclear Plant. Provincetown should challenge the state's requirements for the police station. Police station should be placed at Duarte's property.

MaryJo Avellar – Concerned about what constitutes a conflict of interest and why the Selectmen are granting waivers of conflict. Very concerned about town counsel's explanation of articles at town meeting.

Scott Caldwell – Building Committee has done a good job. They need direction as to what the requirements are for a police station.

Catherine Russo – Happy Earth Day. Hopes that Provincetown will have an Organic Land Management Plan.

## **3. SELECTMEN STATEMENTS**

Erik Yingling – What is the status of the Organic Land Management Program? Actual conflict of interest is worst than appearance of conflict of interest. Acknowledge the tragic events in Boston.

John Santos – Would like to see Provincetown start acting like a Green Community. Solar panels should be approved with less review. Need to work on event planning around the Pilgrim Landing anniversary in 2020. We should have planned for the *Morgan's* visit. We should write a letter to Mystic to review the docking plan for the *Morgan*.

Elaine Anderson – We would learn something about visiting a modern Police Station.

David McChesney – Nothing.

**Austin Knight** – Appreciation of Police Departments in the Boston communities after the bombings was heartwarming. I believe we have a similar appreciation in Provincetown. It just doesn't get communicated well.

**MOTION:** *Move that the Board of Selectmen vote to proclaim Saturday, April 27, 2013 as "Helping Our Women Day" in honor of their 20<sup>th</sup> Anniversary*

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

4.      **BOARD OF SELECTMEN APPOINTMENTS** - None

5A1    **SURPLUS EQUIPMENT**

DPW Operations Director Sherry Prada

**MOTION:** *Move that the Board of Selectmen vote pursuant to M.G.L. c. 30B and Provincetown General By-law §6-4-6, to declare the following list of equipment as surplus and to authorize the Town Manager to dispose of same in the manner deemed most advantageous to the Town.*

- One Kubota Excavator - VIN # 71213*
- One Ford F350 – Pick-Up Truck - VIN 1FTSF31L23EA62718*
- One Ford F350 – Pick-Up Truck -VIN 1FDWF37F9XEE72730*
- One Ford F750 – Dump Truck - VIN 3FDXF75Y3YMA76627*
- One Ford F750 – Dump Truck - VIN 3FDX75B62MA05120*
- One Ford 350 – Pick-Up Truck - VIN 3FEKF38F9VMA66964*
- One Ford F250 – Pick-Up Truck - VIN 1FDNF20L5YEE25511*

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

5A2    **WATER DEPARTMENT** – Phase 2 Commercial St. Water Main Replacement

DPW Director David Guertin

Attached to agenda: Commercial Street Drainage and Reconstruction Project as per Amendment #1 Scope of Work from GHD dated April 15, 2013.

**MOTION:** *Move that the Board of Selectmen vote to approve Contract Amendment #1 to GHD in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) to design and provide bidding assistance to include construction phase services for Phase 2 Water Line Replacement in support of the Commercial Street Drainage and Reconstruction Project as per Amendment #1 Scope of Work from GHD dated April 15, 2013.*

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

5A3    **WATER DEPARTMENT – UNACCOUNTED FOR WATER**

DPW Director David Guertin

Initial discussion and presentation by DPW Director David Guertin to the Board of Selectmen on unaccounted for water with the focus on possible solutions as identified in the body of the report. Seek endorsement of a potential rule change for inspection of the water service at time of property transfer.

Board expressed a sentiment to proceed and come back with exact language.

**5A4 WASTEWATER PROJECT UPDATE**

DPW Director David Guertin

**WASTEWATER PROJECT**

Sewer System – Spring hook-ups, MassDOT authorized paving and striping

Interest to be served – additional interest

General Status

**MOTION:** *Move that the Board of Selectmen vote to approve Contract Change 10-6 for Additional Vacuum Connections, sewer stubs, MassDOT striping, summer sampling program to support permitting, and pre-purchasing of pumps for the Bayberry pump station all to AECOM in the amount of \$273,273 for the scope of work as described under Change 10-6 dated April 15, 2013 as funded under Special Town Meeting, April 2013, Article 5, in the amount of \$4,500,000.*

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

**5B PROVINCETOWN POLICE REPORT**

Selling of abandoned or turned in property for Public Auction

Lt. James Golden went over his report (attached to agenda item) dated April 15, 2013.

**5C ACTIVITY AND USE LIMITATIONS (AUL)**

90 Shank Painter Road

The Activity and Use Limitation governs the remediated cap on the property at 90 Shank Painter Rd. The amendment reflects the new development. The AUL was originally placed on a portion of the Property to restrict activities and uses and to prevent direct exposure to the contaminated soil beneath the cap. During redevelopment, the original cap was disturbed within the entire AUL area, and was replaced with a new cap. In addition, the construction required that some burn dump fill be relocated from the original AUL area to two separate areas outside of the original AUL area. To maintain a condition of No Significant Risk, the Amendment to the AUL incorporates the replacement cap and expands the boundaries of the AUL area.

**MOTION:** *Move that the Board of Selectmen vote to approve the amendment to the Activity and Use Limitation on file for 90 Shank Painter Road, Provincetown, as approved to form by Town Counsel.*

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

**5D1 AIRPORT COMMISSION**

Independent Fee Estimate for: Replace Wind Cone/Rehab Segmented Circle/Modify Airfield Guidance Signs/Crack Seal and Slurry Seal General Aviation Tie Down Ramp

URS Corporation will independently check the proposed cost of the above referenced project at the Provincetown Airport. This report will confirm the preliminary information submitted to the FAA from URS in regards to this project.

The funding breakdown is: FAA 90%, MassDOT 7.5% and Provincetown 2.5%.

This contract has been approved as to form by Town Counsel with modifications.

**MOTION:** *Move that the Board of Selectmen vote to execute a contract in the amount of*

*\$2,000.00 with URS Corporation, 77 Goodell Street, Buffalo, NY. 14203 for the Independent Fee Estimate (IFE) for the Replacing of the Wind Cone / Rehab Segmented Circle / Modify Airfield Guidance Signs / Crack Seal and Slurry Seal General Aviation Tie Down Ramp*

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

**5D2    AIRPORT COMMISSION**

Replace Wind Cone/Rehab Segmented Circle/Modify Airfield Guidance Signs/Crack Seal and Slurry Seal General Aviation Tie Down Ramp

This project consists of: Replacing the Wind Direction Cone / Rehabilitating the Segmented Circle (Air Traffic Direction Circle) / Modifying Airfield Guidance Signs / Crack Seal and Slurry Seal the General Aviation Tie Down Apron.

The funding breakdown is: FAA 90%, MassDOT 7.5% and Provincetown 2.5%

This contract has been approved as to form by Town Counsel.

**MOTION: *Move that the Board of Selectmen vote to execute a contract in the amount of \$117,602.00 with Jacobs Engineering Group, 343 Congress Street, Boston, MA. 02210 for the consultant work required for Replacing Wind Cone / Rehab Segmented Circle / Modify Airfield Guidance Signs / Crack Seal and Slurry Seal the General Aviation Tie Down Ramp at the Provincetown Municipal Airport.***

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

**5E      HARBORFRONT SHUTTLE TOURS**

Request for Transformation Information Booth - Mr. Timothy Downey

Mr. Downey reviewed the material submitted and asked for the Board of Selectmen's approval. Related material along with support letters from the Cape Cod Regional Transit Authority and the Provincetown Disability Commission attached to agenda item.

**MOTION: *Move that the Board of Selectmen vote to approve the request of Timothy J. Downey, owner of Harborfront Shuttle Tours, Provincetown, MA to create and operate a Transportation Information Booth in the area beside the existing Bus Shelter at the Ryder Street Extension Bus Terminal.***

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

**5F1    PARADE PERMIT REQUEST**

Ragnar Relay Race – Saturday, May 4, 2012

Route: Truro town line to Harbor Hotel, Right turn onto Snail Road North, turn Left onto US Rt #6, Turn left onto Shank Painter Road, Turn left onto Jerome Smith Road, Turn right onto Winslow Street, Turn left onto High Pole Hill Road. End on the grounds of the Pilgrim Monument and Museum.

**MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit application submitted by Ricky Baker on behalf of Ragnar Events / Relay Series for their Overnight Running Relay with Provincetown Finish, to be held on Saturday, May 4, 2013 from 11:00 AM to 7:00 PM. No rain date.***

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

**5F2 PARADE PERMIT REQUEST**

Helping Our Women - Fundraising Walk

Route starting at the Seamen's Bank – walk West on Commercial Street – take Right on Provincelands Road – Right on Bradford Street Extension – continue on Bradford – Right on Standish – Right on Commercial ending at Seamen's Bank.

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Lori Meads on behalf of Helping Our Women, 34 Conwell Street, Provincetown, MA 02657 to hold a Fundraiser Walk, to be held on Saturday, May 11, 2013 starting at 9:00 AM to 12 Noon.*

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

*Erik Yingling recused and left the room.*

**5F3 PARADE PERMIT REQUEST**

Provincetown Film Society, Inc.

Rafanelli Events of Boston, MA. will be handling the street closure and tenting plans.

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade application submitted by Gabby Hanna on behalf of the Provincetown Film Society, Inc. for the purpose of holding their Annual Provincetown Film Festival Closing Party to be held on Sunday, June 23, 2013 from 7:30 pm to Midnight. No rain date.*

**Motion by:** David McChesney    **Seconded By:** Austin Knight    Yea 4    Nay 0

*Erik Yingling returned to the room.*

**5F4 PARADE PERMIT REQUEST**

Yankee Lambda Car Club

Route: Starting at MacMillan Wharf, heading North on Standish St, East on Bradford, West on Commercial Street, then proceed down the entire length of Commercial Street and end at the Provincetown Inn.

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Jameson Moreau, on behalf of the Yankee Lambda Car Club, 9 Linwood Road, Lynn, MA, to hold their Annual Classic Car Parade on Saturday, September 7, 2013 from 2:00 PM to approximately 3:15 PM.*

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

**6A APRIL 1, 2013 TOWN MEETING FOLLOWUP**

Town Manager Sharon Lynn went over the tracking sheet indicating followup actions required to implement votes of the April 1, 2013 Special and Annual Town Meetings.

**6B TOWN MANAGER FOLLOWUP**

Selectmen will provide surplus auditorium celebration t-shirts to volunteer board members to show appreciation.

6C **OTHER** - None

7. **MINUTES OF MEETINGS**

*Move that the Board of Selectmen approve, as printed, the minutes of:*

*April 8, 2013 (Special Mtg. Street Sweeping 5 PM ) and April 8, 2013 (Regular Mtg. 6 PM)*

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

8. **CLOSING STATEMENT**

**Erik Yingling** – None

**John Santos** - None

**Elaine Anderson** – None

**David McChesney** – None

**Austin Knight** – None

Motion to adjourn by Erik Yingling at 9:45 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
May 2, 2013