

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY – JULY 8, 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, Erik Yingling and Tom Donegan.

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Finance Director Dan Hoort

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

1. **PUBLIC HEARINGS** - None

2. **PUBLIC STATEMENTS**

Cheryl Napsha - Mass Memories Roadshow will be held on Saturday, September 28, 2013 from 10 am to 2 pm at the Veteran's Memorial Community Center. Everyone welcomed to come and share their memories of importance. Bring pictures.

Jim King – Beach Raking - when is it going to start on the East End. Seaweed is worse that it has ever been. Feels that these are town beaches and should be included in the racking program.

3. **SELECTMEN STATEMENTS**

Elaine Anderson – Remind people to share the road peacefully. Reminder to homeowners to trim hedge. Ask citizens to join some of the town committees and boards.

David McChesney – Great 4th of July parade and weekend.

Erik Yingling – Follow-up on trash barrels in East End. Suggests Packard Gallery and Suzanne's Garden. Sharon - St. Mary's has a public receptacle but no one wants to have them on their property. Staff will look into the locations you suggested.

Wants to create a working group to discuss the upcoming Housing Summit.

Look into the Commonwealth App and My Police App for implementation. Requests that staff look into it and report back to the Selectmen.

Enjoy 4th of July parade – great job by everyone. Agrees with Selectman Anderson on signing up for committees and boards.

Read the following into the record:

I want to begin by applauding Erik Roberts, the bartender at the pig on election night. It took a lot of courage to come forward and blow the whistle on behavior from our chief that Eric characterized as "over the top."

Elaine Anderson – Point of order. This is a personnel matter handled by the Town Manager Sharon Lynn.

At this point, I think we can stop claiming what transpired is "uncorroborated" and "it was resolved the next day." A number of things need to happen so we can move forward together as a community:

Erik Yingling continues: Madam Town Manager, I need an indication from you that you are going to do an actual investigation. Outlandish behavior without consequences sends a clear message to the people of Provincetown that there is a lack of accountability. All of the parties have come forward and the facts are mostly there. I need you to put all the pieces together and report back to the Board of Selectmen.

The night of the incident, both bartenders apologized profusely and again the next day for a song that was played by mistake. This incident would have been mostly resolved with a reciprocal apology from the chief of police. Instead, we are still hearing varying accounts of that evening and we are still waiting for an apology.

Madame Town Manager, Mr. Chairman, I would like an indication from you tonight that you are going to pursue all the facts and take this seriously. Tonight you can restore my faith in your leadership.

Please make us whole again so we can move forward together again as one community .

Sharon Lynn - I reported the results of my investigation at our last meeting, and I have no intentions of continuing it any further.

Tom Donegan - Comprehensive report would be beneficial to all - would love it to be put to rest. Report with conclusions and recommendations.

Sharon: I had an interview with the Editor of the Banner today and also with reporter Ms. Wood of the Banner. I do not intend to take any further action. And if you're so inclined in pressing further, I recommend you engage someone else.

Austin Knight

MOTION: *Move that the Board of Selectmen vote to send a letter of support to the County Commissioners re: Mosquito Control.*

Motion by: Elaine Anderson **Seconded By:** Tom Donegan **Yea 5 Nay 0**

Graffiti on Doughboy – if anyone sees this, please notify the police or someone in Town Hall. This is unacceptable behavior.

Thank town for successful 4th of July Celebration. DPW, Police, Fire DEPTS. Send letter of thanks and thanks you to those who donated money for the fireworks.

Topic of personnel – if it is the will of the Board we can have an executive session. No motion made.

Next Tuesday – restructuring of Barnstable County Government - invite Town of Truro –

open discussion. Tuesday at 6 pm July 16, 2013 in the Judge Welsh room. Delegate has been informed. Representative(s) from county government will attend.

4. **JOINT MEETING/PRESENTATIONS** - None

5. **BOARD OF SELECTMEN APPOINTMENTS**

Email dated July 2, 2013 from Town Clerk Doug Johnstone relative to this matter is attached to the agenda item.

MOTION: *Move that the Board of Selectmen vote to vacate the position on the Shellfish Committee currently held by Paul Tasha due to unexcused absences as defined in the Charter.*

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

Applicant Loretta L. Stewart was previously interviewed by the Board of Selectmen at their meeting on Monday, June 24, 2013.

MOTION: *Move that the Board of Selectmen vote to appoint Loretta A. Stewart as a Regular Member of the Shellfish Committee with a term to expire on June 30, 2015.*

Motion by: Tom Donegan **Seconded By:** Elaine Anderson Yea 5 Nay 0

6A **INDIVIDUAL LICENSES – AQUACULTURAL DEVELOPMENT AREA**

MOTION: *Move that the Board of Selectmen vote to approve the Shellfish Aquaculture Grant of Lori Stewart, Randi Rovatti, Bethany Tasha/David Flattery, John Dowd 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 and the Division of Marine Fisheries.*

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

6B **PARKING DEPARTMENT REQUEST**

Former Recreation Center and Grace Gouveia Building Parking Lots

Currently, the former Recreation Center and Grace Gouveia Building parking lots are Permit Only parking areas after normal business hours. Since these buildings will soon be vacated prior to their sale, we are requesting to extend the parking permit to 24 hours.

MOTION: *Move that the Board of Selectmen vote to extend the Permit Parking Only requirement in the Former Recreation Center and Grace Gouveia Building to 24 hours until such time that the buildings are sold.*

Motion by: David McChesney **Seconded By:** Tom Donegan Yea 5 Nay 0

6C **DEPARTMENT OF PUBLIC WORKS**

Commercial Street Update and Change Order Requests

DPW Deputy Director – Richard Waldo

Update on Commercial Street project. – Phase II out to bid. Winthrop to West End parking lot. Total cost \$1,458,689.50 for phase I.

The Board of Selectmen awarded and executed a contract to Robert B. Our Inc., of Harwich on September 10, 2012 to complete the Commercial Street Reconstruction Project. The reconstruction work began on October 15, 2012 and was substantially completed on May 17, 2013. Please see attached packet for description of each change order item.

MOTION: *Move that the Board of Selectmen vote to approve the final change order with Robert B. Our Inc., of Harwich, MA for the Commercial Street Reconstruction Project totaling \$96,746.65.*

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

6D1 AIRPORT COMMISSION

Transfer of unused Federal FY2010 AIP Funds

Airport Manager Butch Lisenby - This agreement transfers expiring unused Federal FY2010 AIP funds from Provincetown Municipal Airport to Barnstable Municipal Airport for Barnstable's use in their upcoming airport projects.

MOTION: *Move that the Board of Selectmen vote to execute an agreement in the amount of \$46,998.00 to transfer unused Federal FY 2010 AIP Funds from Provincetown Municipal Airport to Barnstable Municipal Airport per FAA Approval; and approved to form by Town Counsel.*

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

6D2 AIRPORT COMMISSION

Terminal Design, Permitting & Approvals

Airport Manager Butch Lisenby - The Airport has been working with federal, state, and local environmental agencies during the past four years to receive approvals to construct the project elements in the Airports CIP. The CIP contains twelve project elements that have been grouped together to avoid the splitting of project elements to remain below agency thresholds. Therefore, this current FY13 project is to design 30% of the passenger terminal building, prepare and submit permit applications and to obtain approvals from the multiple permitting agencies reviewing the process.

Funding Breakdown is: FAA grant 90%, MassDOT Aeronautics 7.5%, Town of Provincetown Airport budget 2.5%.

MOTION: *Move that the Board of Selectmen vote to execute a grant in the amount of \$694,852.00 from the Federal Aviation Administration (FAA) for the Thirty Percent Terminal Design, Permitting and Approvals at the Provincetown Municipal Airport; and as approved to form by Town Counsel.*

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

Erik Yingling left the room.

6E TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE

10 Days of Art – Community Compact

Applicant not present - postponed until July 22, 2013 meeting.

6F **YEAR-END TREASURER’S TRANSFERS** – Finance Director Dan Hoort

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C44 § 33B, to approve year-end budgetary transfers for Fiscal Year 2013 as requested by the Finance Director in the amount of \$127,178.00.*

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

6G1 **TREASURER’S TRANSFERS** – Library Trust Fund

After approval of this request totaling \$470.10 the remaining balance in the Library Trust Fund- Harold K. Hersh will be \$8,679.12.

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Trust Funds, pursuant to MGL C44 § 53A, to approve the use of \$470.10 from the Library Trust Fund – Harold K. Hersh to pay for the attached invoices(s).*

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

6G2 **TREASURER’S TRANSFERS** – Library Trust Fund

A balance of \$2,638.74 remains in the Disability Commission Gift Fund after payment of this request totaling \$167.63

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$167.63 from the Disability Commission’s Gift Fund to pay for the attached invoices.*

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

6H **CONSERVATION RESTRICTION** – Sateriale Property

The purchase of the Sateriale Property was approved by Town Meeting in April 2012. The property closed on June 28, 2013. The Conservation Restriction is a required condition of the Community Preservation Act and State Land Grant funds. The restriction has been approved to form by town counsel.

MOTION: *Move that the Board of Selectmen vote to approve the Conservation Restriction for the Sateriale Property, 37, 45, 53, 59, 67 and 75 Snail Road, Provincetown, Massachusetts, filed in the Barnstable County Registry of Land Court No. 3512-J*

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

7A **FY 2014 TOWN WIDE POLICY GOALS**

Annual Goal-setting Exercise

MOTION: *Move that the Board of Selectmen vote to conduct a public hearing on Monday, August 12, 2013, at 6 pm on the following proposed Town-wide Policy Goals for Fiscal Year 2014 – as presented.*

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

Schedule an agenda item mid- year to review town-wide goals – January 2014.

7B TOWN MANAGER FOLLOW-UP

Veterans Memorial Community Center - things are moving along very well. Will have future updates on future VMCC building needs. Telephone numbers remain the same.

Thanks to all emergency personnel for a very successful July 4th. DPW did a tremendous job. No major problems. Arrests were down from previous years.

MOTION: *Move that the Board of Selectmen vote to approve the Timetable for the October 21, 2013 Special Town Meeting.*

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

7C OTHER - None

8. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of June 24, 2013 (Regular Meeting) as printed after adding the last name for Mitch Hollander.*

Motion by: Elaine Anderson **Seconded By:** Tom Donegan Yea 5 Nay 0

9. CLOSING STATEMENTS

Elaine Anderson – None

David McChesney – Would like to know the status on Shank Painter Road improvements.

Erik Yingling - July 4th was very successful. Remind Assessor of requested update.

Tom Donegan – Still needs to know the procedure on how to get items on the agenda.

Austin Knight - On Saturday, July 13, 2013 Governor Patrick will be in town and honored by the Fine Arts Work Center. I will present him with our proclamation and thank him for all the work he has done for Provincetown.

10. EXECUTIVE SESSION – MGL c30A Sec. 21 (1) Clause 6

MOTION: *Move that the BOS vote to go into Executive Session for the purpose of Clause 6 – To consider the purchase, exchange, lease or value of real estate. The chair has determined that an open meeting may have a detrimental effect on the negotiating position of the Town; and not to convene in open session thereafter. (Roll Call Vote) – Votes may be taken.*

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

Roll call:

Austin Knight – Yea

Tom Donegan – Yea

Erik Yingling - Yea

David McChesney - Yea

Elaine Anderson - Yea

The Board went into executive session at 8:00 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
July 15, 2013