

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
SPECIAL MEETING - MONDAY – SEPTEMBER 30, 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: Assistant Town Manager David Gardner

The following are meeting minutes, in brief:

1. PUBLIC HEARINGS – NSTAR POLE HEARING: INSTALL CONDUIT TO SERVICE AT 9 WHORF’S COURT

Karen Corriveau, NSTAR Right of Way Agent present.

Electrical Inspector John Browne signed off on the NSTAR request. All abutters were notified of the public hearing by the Permit Coordinator via regular mail.

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.166,§22, to approve the request of NSTAR Electric; to install new underground conduit as indicated on Plan Number 103717 dated August 13, 2013 submitted by NSTAR Electric to provide electric service to 9 Whorf’s Court, Provincetown, MA; and further that NSTAR Electric provide an as-built plan to the property owner showing actual location and depth after installation.

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

2. PUBLIC STATEMENTS

Candace Nagle – Recommends that a Community Orienting Policing Advisory Working Group should be developed to work for a recommendation in the spring.

Richard Kapler – Urges the Board of Selectmen to oppose NSTAR spraying.

Michael Rogovsky – Investigation of the Police Chief is ongoing, yet social media continues to attack individuals.

Stormy Mayo – Congratulates the Selectmen for expanding the scope of the investigation of the Police Chief.

Duane Steele – Residents don’t agree that we need a new police station nor where a new police station should be located. VFW is a good site for housing. Deferred maintenance of the existing police station should be addressed.

Leslie Vonderheide – Scope of investigation to include all allegations made by the union. Town Manager and Chair of the Board of Selectmen must recuse themselves.

Jim Hill – Echo desire to eliminate pesticide and herbicide spraying by NSTAR.

Herbie Hintze – Reiterate what Leslie regarding conflicts of interests.

Michael Canizales – Handed out town approved debt management policy. After talking with the Auditor, I can confirm that we are currently in excess of our existing debt management policy. Recommends that an urgent task force look at the debt situation immediately. Stop all future debt spending, including articles pending at the fall town meeting.

Michelle Couture – Is sickened and frustrated by the political intrigue and meanness in this community.

Clarence Walker – Must listen to the public.

Chris Daniels – We need a search for the information and the answers that are called for in the investigation. We all need to be open and transparent. We need to learn to agree to disagree, we need to eliminate the mean-spiritedness.

Marcene Marcoux – impressed by what is happening in town by people starting to show up and speak their mind.

Tom Tannerillo – I am outraged by what I just witnessed by Lt Golden who just called my partner a drama queen. We will sue the Town. What just took place is unprofessional.

LT Jim Golden – I apologize if it appeared that my comment appeared insensitive.

James Palacino – Under legal consul I have been advised to not speak. I have the resources and the resolve to see this issue through. Ensure that the scope of the investigation does not get limited, and it must be impartial.

Scott Caldwell – Thanks for all that the Selectmen do. We should put the police station request aside and take it off the warrant. We need to heal this town first.

Richard Keeling – Demands that the Selectmen reassure the residents that the investigation will not be limited, including that the investigation include the election activities.

Rick Murray – This is a growing issue with trust in this community. We have expectations of our leadership, we have made mistakes. There is a disconnect with what is happening in the community. Should withdraw the articles from the warrant so that we can spend six months to rebuild the trust.

Rachel White – Bothersome that we have so much vindictiveness in the community. We have to resolve the issues in town, preferably without going to court.

3. SELECTMEN STATEMENTS

Austin Knight states that the scope of the investigation of the Police Chief has been expanded as was promised. The Selectmen have no part in the investigation. It will be independent and in the future if I need to recuse myself then I will.

Erik Yingling – In agreement to that we should vote against NSTAR spraying. We hear those who come to speak. We hear and understand you. The nature of an independent investigation is that it needs to be independent. There needs to be a full public accounting. Feel that we are on a dangerous course, this goes beyond policy and is starting to become personal.

Tom Donegan – Thanks to all who spoke during public statements. In terms of the police station, we voted to put the matter on the ballot, but we must now consider how to pay for it. We should go back to look at the Shank Painter Rd site. Community Oriented Policing working group request is a good idea and we should address that in the future. We need to talk about something substantive like debt service ceilings.

Elaine Anderson – Glad to see large crowds at the Selectmen meeting. Thanks staff for covering Selectmen Secretary's position in the vacancy. Thanks the Beautification Committee for the work that they have done at the Bus Stop Park. Thanks close to 100 people who attended the police forum.

David McChesney – Thanks everyone for coming tonight and hope that people continue to be informed once the controversial issues are resolved. Confused by the concerns that the scope of the investigation was reduced, as I have had no information that we sought a change in the scope. We need to find a date for a joint meeting with the Finance Committee.

Austin Knight – Date for the open house at the VMCC is Thursday, November 7, 2013. Thank the public for coming.

4 JOINT MEETING/PRESENTATIONS – JOINT MEETING WITH THE COMMUNITY HOUSING COUNCIL

Community Housing Council members present: Vice Chair Ann Maguire, Donna Szeker, Kristin Hatch, and Susan Cook present. Community Housing Specialist Michelle Jarusiewicz also present.

The CHC was called to order.

Community Housing Council has been planning the Community Housing Summit to be scheduled this fall. Recommends we develop a list of stakeholders, try to procure a facilitator, develop an agenda to include discussion of the potential for new units, seasonal housing for summer workers, maintaining people in housing, and identifying additional tools and resources.

The CHC wants to hear what the Selectmen would like the Summit to concentrate on and what it would like to see it achieve.

Elaine Anderson participated in the last summit, understands that current housing inventory does not meet the needs and summer housing is not being addressed. Is excited because a housing summit will allow us to be creative and come up with ideas.

Tom Donegan feels we need to keep the summit focused so that we can get something accomplished in an afternoon. Seasonal housing should be on a separate track in a different summit. We should focus on rental housing with broad income levels.

David McChesney agrees that we should concentrate on rentals, and to determine what income level has the highest need. Should look specifically at senior housing. Staff should contact Housing Authority staff to see where we are with Maushope sewer hookup and expansion.

Erik Yingling wants to see some concrete commitment come from the housing summit. The problem is well known, the solution is needed. This should be the first of many summits. Senior housing is one of the greatest needs we have.

Austin Knight recalls the original summit, understands that the economics is what drives projects. Town should file for a USDA Grant for a sewer hookup for Maushope.

Should consider how to incentivize affordable housing by extending the sewer betterment amortization.

We should look outside of the box, by not just looking to developing new housing but understand how we can work with existing resources and our existing housing inventory by making that housing more accessible.

Should look at eliminating any existing obstacles for affordable units. Need is clearly for elderly units and smaller one bedroom units. Should listen to those who attend the summit to see what they think we need.

Funding could come from the Housing Trust Fund.

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

6A. **POLICE SERVICES PUBLIC FORUM FOLLOW-UP – COMMUNITY ORIENTED POLICING**

Lieutenant Jim Golden and Joe D’Andrea. Follow-up from the public forum, addressing much of the concern regarding the need for more community oriented policing and building trust between the department and the community.

Joe D’Andrea spent some time talking about the Community Oriented Policing in Atlanta where he was a Sergeant supervisor.

Much of the ideas and recommendations expressed in the 2001 report on Community Oriented Policing remain issues today. It’s too bad that those recommendations were not acted upon.

Implementation of Community Oriented Policing does take some time to implement, there are staffing components, union and contractual components, training of staff, etc...

Training is critical to implement Community Oriented Policing as both patrolmen and supervisors

need to understand their roles.

6B. ORDER OF ALTERATION OF THE LAYOUT OF ATLANTIC AVENUE

Property owner Rob Anderson present. The Planning Board voted to support the alteration of layout of Atlantic Avenue and recorded no concerns on September 18, 2013. Request the Selectmen vote to alter the layout and refer to the Fall Special Town Meeting.

MOTION: Move that the Board of Selectmen vote to approve the Order of Alteration of layout of a portion of Atlantic Avenue as a public way to exclude from the layout of said way the parcel of land shown as “Discontinued Portion” on a plan entitled “Plan of Land in Provincetown Showing a Portion of Atlantic Avenue,” dated March 4, 2013, prepared by Slade Associates, Inc., and further;

to hereby declare that the parcel of land shown as “Discontinued Portion” on the plan entitled “Plan of Land in Provincetown Showing a Portion of Atlantic Avenue,” dated March 4, 2013, prepared by Slade Associates, Inc., on file with the Town Clerk, currently held by it for public way purposes, is no longer needed for such purposes.

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

6C HOUSING: AMENDMENT OF THE AFFORDABLE HOUSING DEED RESTRICTION FOR 16 HARRY KEMP WAY UNITS #7 AND #9

Community Housing Specialist Michelle Jarusiewicz present.

Zoning Board allowed the amendment of the special permit to move from rental to ownership units. The resale of these two one-bedroom low/moderate income ownership units, at 16 Harry Kemp Way #7 & #9, priced at 65% AMI, \$107,000 each.

MOTION: MOVE that the Board of Selectmen vote to approve (1) the amendment of the Affordable Housing Deed Restriction for 16 Harry Kemp Way units #7 and #9 in accordance with the amended zoning special permit allowing the units to be affordable ownership, (2) the submission of a Local Action Unit application for the units to the Department of Housing & Community Development [DHCD], and (3) the maximum sale price of \$107,000 per unit unless determined otherwise by DHCD and any and all other documents necessary or convenient to accomplish the foregoing.

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

6D USDA LOAN RESOLUTION

DPW Director David Guertin present.

The Board of Selectmen authorized on August 12, 2012, the submission by DPW of a LOAN RESOLUTION for a low interest loan of 1.4 Million and a grant of \$396,966, more or less, for the work entitled Sewer Application, Phase 4 of the Provincetown Wastewater System.

The LOAN/GRANT scope of work identified in the submission had 3 components and they are described as follows:

- Bayberry Avenue Pump Station/ Coastal Acres Campground

- Bradford Street Extension bounded by Province Land Road to Telegraph Hill Road
- The final component is for sewer stubs at various locations and for full width paving in areas noted above.

The town was again successful and a further \$200,000 grant is headed our way. Thus the board chair signed papers on August 4, 2013 and again on Monday September 23, 2013 to further obligate an additional \$203,034 grant. This is consistent to our very early conversations with USDA well in advance of last summer's submission that the program was to be drafted along the lines of a \$2,000,000 request consisting of \$1.4 loan and 600k grant.

MOTION: Move that the Board of Selectmen vote to execute the Loan Resolution with USDA's Rural Utilities Service (RUS) conditioned as a grant in the amount of \$203,034 which amends the Loan Resolution as executed by the Board of Selectmen on August 4, 2013 as follows;

- 1) USDA RUS Loan \$1,400,000 [as executed August 4, 2013]
- 2) USDA RUS Grant \$396,966 [as executed August 4, 2013]
- 3) USDA RUS Grant \$203,034 [this execution]

For a Total of \$2,000,000 Total Program Funding

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

6E WASTEWATER PROJECT UPDATE: PHASE 4 WASTEWATER – AECOM CHANGE ORDER REQUEST

1. AECOM Contract Amendment for USDA-funded and other Phase 4 Sewer construction
2. Construction and hook up schedule for Phase 3 and Phase 4 construction work
3. Plant capacity, permitted level of flow, and recommended allocation of available capacity
4. AECOM Service Agreement Amendment to process increased Phase 3 and 4 flows

MOTION: Move that the Board of Selectmen vote to approve Contract Amendment No. 11-2 to AECOM in the amount of \$2,550,460 for the scope of work for the construction of the sewer extensions and other sewer system work as described in the attached Contract Amendment No. 11-2, dated September 24, 2013 as funded under several Special Town Meeting articles, with financing provided by the USDA through grants and loans, and also by market borrowing, with all borrowing to be repaid from betterments from new sewer system users. As has been the case with the previous Contract Amendments involving USDA funding, Board approval is contingent on the USDA sign-off for the construction specifications, an approval that has always been forthcoming.

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

MOTION: Move that the Board of Selectmen vote to approve Amendment No. 11-3 to the AECOM Service Agreement in the amount of \$75,000 to cover the increased O & M expenses associated with the expansion of the WWTP capacity from 575,000 gpd to 650,000 gpd as described in the attached Amendment.

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

6F RESOLUTION IN SUPPORT OF BANNING NSTAR SPRAYING OF PESTICIDES AND HERBICIDES

Laura Kelly, Town's organic landscape consultant

MOTION: Move that the Board of Selectmen vote to approve to a resolution in support of a ban on NSTAR spraying of pesticides and herbicides.

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

6G RESOLUTION IN SUPPORT OF REDUCING GREENHOUSE GAS POLLUTION UNDER THE CLEAN AIR ACT

Continue to the next meeting.

6H PARADE PERMIT: RECREATION DEPARTMENT HALLOWEEN PARADE

Lieutenant Golden has approved this application. The annual parade will gather at Seashore Pointe and head south on Alden to Bradford left on Bradford and right on Standish down Commercial Street, head west on Commercial Street to Atlantic Ave, turn right on Atlantic and left on Bradford to terminate at the Old Community Center.

MOTION: Move that the Board of Selectmen vote to approve the parade application permit submitted by Brandon Motta, on behalf of the Recreation Department for the Annual Halloween Parade on Thursday, October 31, 2013 starting 3:30 PM at Seashore Pointe and ending at the Old Community Center.

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

6I REFER PROPOSED GENERAL BYLAW, CHAPTER 15, LOCAL HISTORIC DISTRICT SECTION 15-7-5

MOTION: Move that the Board of Selectmen vote, pursuant to Massachusetts General Law Chapter 40C Section 3, to refer the attached Local Historic District bylaw amendment to the Historic District Commission for recommendation and report prior to the October 21, 2013 Special Town Meeting.

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

7A TOWN MANAGER SHARON LYNN FOLLOW-UP

Regarding the process for hiring a Selectmen's Secretary position, it came to our attention that two meetings of the Preliminary Screening Committee were not properly posted and therefore will we start over. We will re-notice the opening for an additional two weeks and start over.

There have been no changes to the scope of the independent investigation.

7B OPEN MEETING LAW COMPLAINT ACKNOWLEDGMENT FROM BERNARD BRAHM RECEIVED

Open Meeting Law Complaint Form submitted by Bernard Brahm and received on September 19, 2013.

MOTION: Move that the Board of Selectmen vote to acknowledge receipt of the complaint from Mr. Bernard Brahm received September 19, 2013, in which he complains that the Town failed to respond to his previous complaint dated August 12, 2013. In fact, the Board voted to resolve this complaint at a properly posted meeting on August 26, 2013 under Item 7A.

However, it appears that the formal letter memorializing the Board's vote was inadvertently not prepared or forwarded to the Attorney General or the complainant; for that reason, the Board directs Town Counsel to prepare that letter, and a letter memorializing this vote, as soon as possible and to file the same with the Attorney General and send the same to the complainant no later than tomorrow, October 1.

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

7C INSERT BALLOT QUESTIONS FOR POTENTIAL SPECIAL TOWN ELECTION

MGL C. 59, § 21C(g) states, "The local appropriating authority of any city or town which is subject to the provisions of paragraph (f) may, by majority vote, seek voter approval to assess taxes in excess of amount allowed pursuant to said paragraph (f) by a specified amount."

MOTION: Move that the Board of Selectmen vote to declare a Special Town Election to be held on November 5, 2013 for consideration of a proposition 2 ½ ballot question.

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

And further,

MOTION: Move that the Board of Selectmen vote to, pursuant to MGL C. 59, § 21C(g), to insert ballot questions onto the November 5, 2013 Special Town Election as presented by the Town Manager.

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

7D OTHER - None

8. MINUTES OF BOARD OF SELECTMEN'S MEETINGS - Postpone.

9. CLOSING STATEMENTS

Erik Yingling – Appreciate David Gardner's extra effort to fill in with current job vacancies.

Tom Donegan – Appreciate David Gardner's extra effort to fill in with current job vacancies. Suggest the Selectmen look at the upcoming Zoning Bylaw amendments prior to the Planning Board public hearing. Thanks to all those involved in improvements to the Bus Stop Park.

Elaine Anderson – none

David McChesney – Appreciate David Gardner's extra effort to fill in with current job vacancies.

Austin Knight – none

Motion to adjourn by Elaine Anderson at 9:45 PM.

Minutes transcribed by: David Gardner