

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

TUESDAY – MAY 29, 2012 6 PM

TOWN HALL – JUDGE WELSH ROOM

Chairman Austin Knight convened the meeting at 6:03 PM noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, David McChesney, John Santos and Erik Yingling

Other attendees: Assistant Town Manager David Gardner and Municipal Finance Director Dan Hoort.

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

1A COUNTY COMMISSIONERS REPORT

Provincetown Town Services Report FY 2011

Attendees: County Commissioner Chairman Mary Pat Flynn and Vice Chair Sheila Lyons gave an overview of their report from County Commissioners for FY 2011 (July 1, 2010 to June 30, 2011) attached to this agenda item. This report will be on the Commission's website.

Sheila Lyons mentioned that the blog that is going around, and forwarded to her by some of the Selectman, has information in it regarding her opinions towards wastewater that is absolutely false.

John Santos – Suggest that they take a look at regionalization – sharing of services.

Commissioners mentioned Open Cape as a good example of regionalization and the County supporting the towns.

David McChesney asked if the Commission is thinking of regionalizing trash and recycling. Answer: Yes, and they will continue their efforts towards this goal.

1B CAPE COD COMMISSION

Shank Painter Road – A look at safety and access for all users.

Attendee: Cape Cod Commission Director of Technical Services Glen Cannon.

Mr. Cannon provided a power point presentation on the progress of the Shank Painter Rd improvement study. Project cost estimated to be approximately \$1,000,000 to include bike lanes, granite curb sidewalks and various stormwater improvements along the near mile stretch. Recommends remedial steps of painting “fog lines” along Shank Painter Road to define the drive lane and a 3-way stop sign at the intersection of Shank Painter and Bradford St.

The Board of Selectmen concurs with the proposed plan, and would like to see it move forward so that it can be considered with other town-wide street paving project priorities. Glenn Cannon will submit a final draft plan to the Town Manager for review prior to holding a public hearing for Board of Selectmen's approval.

MOTION: *Move that the Board of Selectmen vote to direct staff to paint fog lines and crosswalks along Shank Painter Road.*

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

1C 319 NONPOINT SOURCE POLLUTION GRANT

Provincetown Harbor Stormwater Mitigation – Reconstruction Project Phase 2

Present: GHD, Inc. - Nate Weeks, Sr. Project Manager - Wastewater & Watershed Management for GHD Inc. gave an overview of this request covering Atlantic Avenue to the West End Parking Lot. If this grant application is approved it would begin within a year.

Matching funds of \$400K have been approved at the 2012 ATM Article 5 #9.

MOTION: *Move that the Board of Selectmen vote to execute a US Environmental Protection Agency grant in the amount of \$600,000 to be administered through DEP for the Provincetown Harbor Stormwater Mitigation: Commercial Street Reconstruction Project – Phase 2.*

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

1D RISE ENGINEERING CONTRACT

Engineering services for the Veterans Memorial Community Center Rehab

Present: Dave Mitchell from Rise Engineering.

The 2012 April Special Town Meeting voted to replace the Heating System in the VMCC. The attached contract for Engineering Services is necessary to properly complete the bid documents and specifications, and provide project management and oversight.

MOTION: *Move that the Board of Selectmen vote to execute a contract in the amount of \$19,000 with RISE Engineering, 1341 Elmwood Avenue, Cranston, Rhode Island, 02910, for the Veteran’s Memorial Community Center Building Mechanical Design Services; to approve the scope of work as outlined by RISE engineering, with an amended contract to be forthcoming written by town counsel and to be signed by the Board of Selectmen Chair.*

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

1E CONFLICT OF INTEREST LAW DETERMINATION

Licensing Board [MGL c. 268A, § 19]

Attendee: Licensing Board Chair Kristin Hatch.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL c. 268A, § 19 and as appointing authority for the Licensing Board to make the determination that the financial interest of appointee Kristin Hatch is NOT so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.*

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

2. PUBLIC STATEMENTS

Rick Murray – Let general public and businesses know when the paving project meeting

will be held and provide an update to the schedule for Commercial Street paving.

3. SELECTMEN STATEMENTS

Elaine Anderson

Thanks to the traffic patrolmen dressed in bright yellow that were out this past Memorial Day Weekend.

Consistently getting complaints of dog mess on beaches.

Bradford Street paving went well and thanks to DPW.

Complaints regarding bicycles and rules of the road.

David McChesney

When will the sharrows be painted on the streets? Answer: Staff will present a report at the next meeting.

Erik Yingling

Would like to put the following items on a future agenda. 1) Hiring of Town Planner. 2) Act on remedial repairs at the police station . 3) Need for seasonal workforce housing / affordable housing discussion.

John Santos

Beach raking looks good. How can we get our mowers attached to the beach tractor and utilize this vehicle 5 days a week?

West End Playground sand is filthy. Sand needs to be changed and the grounds need to be cleaned as well.

What is the status of the playground equipment repairs? Recreation Department should keep up with the playground maintenance.

Austin Knight

MOTION: *Move that the Board of Selectmen vote to send letters of thanks to Jim Keefe and all those involved in the Memorial Day Services.*

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

MOTION: *Move that the Board of Selectmen vote to proclaim Thursday, June 21, 2012 as Portuguese Festival Day.*

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

MOTION: *Move that the Board of Selectmen vote to proclaim Mary Louis “Mel” Kirchhoff Day on Wednesday, June 27, 2012.*

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

Thanks to police for this weekend.

4A BOARD OF SELECTMEN’S APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to reappoint Barbara Murphy as a regular member to the Animal Welfare Committee with a term to expire on June 30,*

2015.

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

MOTION: *Move that the Board of Selectmen vote to reappoint Carole Carlson as a regular member on the Cape Cod National Seashore General Management Plan Implementation Advisory Committee with a term to expire on June 30, 2015.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Melville Cote as a regular member of the Harbor Committee with a term to expire on June 30, 2015.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Chris Brooke as an alternate member of the Harbor Committee with a term to expire on June 30, 2015.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Teri Nezbeth and Gabriela Villegas as regular members of the Harbor Committee with terms to expire on June 30, 2015.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Hank Janowsky as a regular member of the Open Space Committee with a term to expire on June 30, 2015.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Mick Rudd as the Chamber of Commerce Representative on the Visitor Services Board with a term to expire on June 30, 2015.*

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

5A RECREATION DEPARTMENT – FUNDRAISING UPDATE

Recreation Director Brandon Motta went over his Fundraising Events Report and gave special thanks to Cumberland Farms (Sale of hot and iced coffee, fountain soda, slush drinks - \$2,588.00) and Marc Jacobs International LLC, and Robert Duffy (\$135,448.66 – combination of 2010 and 2011 “T” Shirt Sales).

Interviewing applicants for Assistant Director this week. Have 9 counselors to help us this year.

John Santos – The playgrounds need to be maintained and cleaned. Recreation Department needs to ensure that this happens. If the DPW crews cannot maintain them, then it should be contracted out. We need to have playground maintenance incorporated into the budget.

David McChesney – Need to seek volunteers to do the clean-up. Maybe the neighbors could adopt a playground and keep and maintain it.

Elaine Anderson – Agrees with John Santos and staff should keep up with maintenance.

Erik Yingling – Agrees with David McChesney and should seek volunteers.

Austin Knight - Ask staff to come back at our next meeting with a maintenance plan to see how it is going to be done. If we haven't found the funds by the next meeting, then I will ask for volunteers to schedule June 16, 2012 as Chelsea Ernest Memorial Park clean up day.

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Cumberland Farms, Marc Jacobs International LLC, and Robert Duffy for their fundraising to benefit the Recreation Department.*

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

5B COMMUNITY HOUSING – REFINANCE REQUEST

5 Meadow Road Unit 2 – Marilyn Massad

Attendee: Community Housing Specialist Michelle Jarusiewicz explained the purpose of this request for refinance and the Subordinate of Mortgage Agreement. The unit is deed restricted affordable. Refinancing has been approved by the Barnstable County HOME Consortium and she recommends and asks that the Board approve.

MOTION: *Move that the Board of Selectmen vote to approve the refinance request from Marilyn Massad for 5 Meadow Rd. Unit 2, and to authorize execution of the subordination agreement.*

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

5C1 VISITOR SERVICES BOARD

FY 2012 Tourism Promotional Grant awards – ATM Article 11

Attendees: Tourism Director Robert Sanborn, Rick Murray and Marian Peck.

Tourism Director Robert Sanborn explained that the following grant award recommendations were approved at our April Annual Town Meeting – Article 11. A public meeting was held on December 19, 2011 to review the applications submitted. Both the VSB and the Provincetown Office of Tourism recommend the Board of Selectmen approve the 42 grant requests in the amount of \$157,750.00.

Would like to see this information on our website.

MOTION: *Move that the Board of Selectmen vote to approve funding from the Tourism Fund, for the following FY 2013 Tourism Promotional and Enhancement Grants, as recommended by the Visitor Services Board:*

Grant #1) Afterglow- \$3,000; 2) Appearances- \$2,000; 3) Bear Week- \$1,750; 4) Bike Advisory- \$3,500; 5) Cabaret Fest - \$4,000; 7) Castle Hill Paints the Race - \$1,000; 8) Dance Festival - \$1,000; 9) Dog Park- \$2,000; 10) Encaustic Conference- \$2,000; 11) Family Week - \$1,000; 12) Fantasia Fair- \$3,000; 13) FAWC Promotional Campaign- \$3,500; 14) Film Festival - \$19,000; 15) Women's Flag Football- \$1,000; 16) Gay Pilot's Association- \$1,000; 17) Ghost Town Haunted Attraction- \$2,000; 18) Girl Splash - \$8,000; 19) Great Music on Sundays @5 - \$5,000; 20) Great Provincetown Schooner Regatta - \$11,000; 21) Holly Folly - \$5,000; 22) Jazz Festival - \$1,000; 24) Mates Leather Weekend - \$4,000; 25) Men's Weekend - \$1,000; 26) Miss Gay USofA - \$2,000; 28) Outer Cape Chorale - \$3,500; 29) PAAM Fall and Spring Workshop - \$4,000; 30) Parents Weekend - \$1,000; 31) Pilgrim Monument Fall Fun - \$4,000; 32) Portuguese Festival - \$8,000; 33) Provincetown 10K - \$2,000; 34) Provincetown Theater - \$3,000; 36)

Provincetown TV Project - \$1,000; 37) Single Women's Weekend- \$6,000; 38) Swim for Life - \$2,000; 39) Ten Days of Art- \$4,000; 40) Tennessee Williams Festival - \$7,000; 41) Town Landing Enhancements - \$1,000; 43) Whale Week - \$2,500; 44) Winter Weekends- \$4,000; 45) National Women of Color- \$6,000; 46) Women's Week- \$10,000; 47) Worldfest- \$1,000. (Total of 42 grant request for a total of \$157,750.)

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

5C2 VISITOR SERVICES BOARD

FY 2013 Co-Op Marketing grants – Chamber, PBG (ATM 11)

Tourism Director Robert Sanborn explained that this is an annual request for two cooperative marketing grants to the Provincetown Chamber and the Provincetown Business Guild and this recommendation was approved by the VSB at its meeting on May 2, 2012.

MOTION: *Move that the Board of Selectmen vote to approve the FY 2013 co-operative marketing grant agreements with the Provincetown Chamber of Commerce for \$20,000.00 and the Provincetown Business Guild for \$20,000.00, as recommended by the Visitor Services Board.*

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

5D DPW ANNUAL SERVICE CONTRACTS FOR FY 2013

Acting Assistant DPW Director Sherry Prada explained that all contracts are renewed on an annual basis and are included in the approved FY 2013 Departmental Annual Budgets.

MOTION: *Move that the Board of Selectmen vote to execute the following DPW FY 2013 contracts:*

Scrap Metal Removal – J & L at \$450.00 per haul;

Scrap Wood Removal – J & L \$300.00 per haul plus \$95.00 per ton tipping in Yarmouth;

Sand - John F. Noons Screened Sand at \$10.00 per yard;

Sprinkler System Maintenance - Simplex Grinnell to provide Sprinkler Systems Inspections and Repairs \$7,875.00 per year;

Heating Oil – Cape Cod Oil, OEP plus .179 cents per gallon, cap price \$3.99 per gallon, \$110.00 per hour repair rate;

Concrete Paving /Patch Paving– MCE Dirtworks, Inc. at \$108.00 per ton for diler in place roads and berms, hand work \$198.00 per ton for sidewalks and driveway approaches;

LP Gas – F. A. Days & Sons. OPE plus .489 cents per gallon, \$90.00 per hour repair rate.

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

5E ESTABLISH DISABILITY COMMISSION GIFT FUND

Establish Gift Fund to Receive Donations to Disability Commission

This request is a follow-up to the joint meeting of the Board of Selectmen and Disability Commission held on March 12, 2012. This mechanism allows the Disability Commission to conduct fundraising events and to use public donations to carry out their mission on an on-going basis. A copy of MGL C.44, §53A is attached to the agenda item along with a letter of request dated May 22, 2012, from the Disability Commission Chairman Michelle Crone.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, section 53A, to establish a special gift fund account to receive donations to the Disability Commission, the proceeds of which shall be used without further appropriation under the supervision of the Town Manager and the Board of Selectmen.*

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

5F ESTABLISH CEMETERY GIFT FUND

Establish Gift Fund to Receive Donations to Cemetery Gift Fund

This mechanism allows the Cemetery Commission to use public donations to carry out their mission on an on-going basis. A copy of MGL C.44, §53A along with email dated May 22, 2012, from the Cemetery Commission Vice Chair Greg Howe are attached to the agenda item.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, section 53A, to establish a special gift fund account to receive donations to the Cemetery Commission, the proceeds of which shall be used without further appropriation under the supervision of the Town Manager and the Board of Selectmen.*

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

5G SPECIAL PURPOSE GIFT FUND

Requested by Municipal Finance Director Dan Hoort

Municipal Finance Director Dan Hoort gave the following example for this request. A donation was received for a memorial bench plaque in memory of Sandy Turner. This gift would be deposited to the Special Purpose Private Gift Fund and the Board of Selectmen would not need to set up another gift fund for this purpose.

The Special Purpose Private Gift Fund was recommended by the town's auditors.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, Section 53A, to establish a special gift fund to be named, "Special Purpose Private Gift Fund," with receipts in said fund to be expended for the purpose designated by the donor under the direction of the Town Manager with approval by the Board of Selectmen. Upon fulfillment of the purpose designated by the donor any unexpended funds may be expended for another purpose that benefits the town at the discretion of the Board of Selectmen.*

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

5H TREASURER'S TRANSFER

Library Building Gift Fund

The Library Building Gift Funds (Building, Furniture and Belfry) have been combined into one Library Building Gift Fund. After this payment, the Library Building Gift Fund has a remaining balance of \$168,688.22.

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$1,072.00 from the Library Building Gift Fund to reimburse the Town of Provincetown for the attached invoice(s).*

5I SATERIAL PROPERTY

State LAND Grant Application Submission

The Annual Town Meeting in April, the Town voted to acquire these six parcels on Snail Rd for conservation and passive recreation purposes, and to authorize the filing of a state LAND reimbursement grant to help subsidize the purchase price for the property. The Town's Open Space Committee has contracted with The Compact to prepare the LAND grant application on behalf of the Town. The requested reimbursement grant amount will be \$342,485.00 which constitutes the Town's reimbursement rate of 52% of the eligible project costs. (See attached budget) The deadline for filing the grant application is July 12, 2012.

MOTION: Move that the Board of Selectmen vote to authorize the Town Manager, Open Space Committee and the Conservation Commission to prepare and submit applications to the Commonwealth of Massachusetts' Division of Conservation Services reimbursement programs, including the L.A.N.D. and/or Land and Water Conservation Fund programs, for the FY13 grant round, for the acquisition of the six parcels of land located at 37, 45, 53, 59,67 and 75 Snail Road, Provincetown, Massachusetts, containing 2.34 acres, more or less.

And further, to authorize the Town Manager to sign any contracts and provide any legal assurances and understandings to the Commonwealth regarding said applications and awards, and to serve as the Project Manager and primary local contact on matters relating to communications with the Division of Conservation Services regarding these applications, on behalf of the Town of Provincetown, and that her signature shall bind the Town regarding the intent of said documents.

6A FY 2013 TOWN-WIDE GOAL SETTING PROCESS

Review Past Goals, Adopt Timetable

The annual goal-setting is a central event in the life of the Town government, as the goals established by the Selectmen are translated to objectives to be achieved by the staff throughout the coming year.

MOTION: Move that the Board of Selectmen vote to adopt the timetable for the FY 2013 Annual Town-wide Goal Setting Process, including a goal-setting exercise at the regular meeting on Monday, June 11, 2012 and a public hearing at the regular meeting on Monday, July 9, 2012 at 6 p.m.

6B OTHER - The police department air conditioning system/unit has failed and needs to be replaced. The compressor is shot and they need to run new lines. The system has been worked on the last few years, but the contractor now says that it can't be band-aid fixed any more. There are leaks in the system, and due to the age it must be replaced. He said to quickly remedy the problem would be approximately \$6,000 and a permanent fix is approximately \$12,000 dollars.

6B USDA LOAN RESOLUTION

Water System Improvements, September 14, 2009, Article 1, \$2,900,000 as passed.

MOTION: *Move that the Board of Selectmen vote to approve a resolution for the Town of Provincetown authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Water Facility to serve an area lawfully within its jurisdiction to serve; and where it is necessary for the Town of Provincetown to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$1,200,000.00 pursuant to the provision of Massachusetts State Laws; and to obtain assistance from the United States Department of Agriculture, acting under the provision of the Consolidated Farm and Rural Development Act (7 U.S.C., 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchase of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Town of Provincetown.*

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

7. MINUTES OF BOARD OF SELECTMEN’S MEETINGS

Move that the Board of Selectmen approve the minutes of April 14, 2012 (Regular Mtg. 6 PM) as printed.

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

8. CLOSING STATEMENTS

Elaine Anderson - None David McChesney – None

Erik Yingling – None Austin Knight - None

John Santos - Listening to WOMR and they were saying that we don’t have lawn mowers.

MOTION: *Move that the Board of Selectmen vote to convert the beach rake to a mower when it is not being used as a beach rake.*

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

Direct staff to contact Cemetery Commission to seek a plan for mowing.

Displaced Foxes - Can introduce the foxes to the pigeons.

Staff to report back on Highway Garage activities regarding mowing and roadside clean-up.

Motion to adjourn by Elaine Anderson at 8:53 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
June 6, 2012