

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

MONDAY – JUNE 25, 2012 6:00 PM

## TOWN HALL – JUDGE WELSH ROOM

Chairman Austin Knight convened the meeting at 6:25 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

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

### 1A JOINT MEETING WITH HOUSING AUTHORITY

Update since last meeting with Board of Selectmen held on Monday, March 12, 2012

Attendees: Chair Cheryl Andrews, Vice-Chair Diana Fabbri, Molly Perdue, Kristin Hatch and Executive Director Patrick Manning. Excused Absence: Nancy Jacobsen

Chairman Andrews called the Housing Authority to order at 6:28 PM

Housing Authority now has a full complement of board members. Toured all the facilities and reviewed the budget. Have organized “Friends of Maushope” and it is going very well.

Follow-up from previous meeting where concerns were expressed about evaluations of employees, and maintenance plan of the facilities. Two new members have just been elected, so evaluation has not been done as of yet.

Using tools supplied by town staff and the inspection forms have been expanded for annual inspections of all the housing buildings. Limited funds from the State. Funding planning for future capital up-keep and maintenance. Still no sale of the surplus property on 951 Commercial Street. John Santos suggested that the Housing Authority should consider a solar PV facility on the 951 property. Update regarding the potential to hook up Maushope to the sewer. Housing Authority suggests a single item future joint meeting to discuss the possible sewer hookup. Department of Housing and Community Development’s Capital Improvement Plan was done approximately 4 to 5 years ago, and that is the basis for their funding priorities today.

Austin Knight - What are the plans for the future? My concern is that we need to look at where and what things are needed for the future.

The Board of Selectmen thanked the Provincetown Housing Authority for meeting with them this evening and look forward to future meetings.

### 1B JOINT MEETING WITH CONSERVATION COMMISSION

Attendees: Chair Dennis Minsky, Lynne Martin, Barbara Prato. Also Agent Brian Carlson and Harbormaster Rex McKinsey.

Austin Knight - Selectmen John Santos requested this joint meeting with the Conservation Commission to discuss beach nourishment.

Dennis Minsky - Beach raking and monitoring program is underway. There is currently no beach nourishment plan. We need a thorough and fundamental study of beach nourishment before we start any specific program for any specific beaches. We need to identify a comprehensive beach management program to ensure that we don't have unintended consequences based on any work done.

John Santos - We have a sand problem with the loss of sand into the basin. A positive thing would be to redeposit sand in small amounts to prevent further buildup at MacMillan Pier and Ryder St. Looking forward to a motion on this issue.

Rex McKinsey - The Harbor Committee and the Conservation Commission are working together on this issue. We are working with the Water Quality Task Force and EPA for bacteria testing on outfalls and catch basins. We will have preliminary data from the Center for Coastal Studies monitoring of the beach raking. We have data from Graham Giese (PCCS) and Greg Berman (Woods Hole) for sand migration. Provincetown is the receiving area for sand migration on bayside and backside. Conservation Commission and Harbor Committee have a joint meeting scheduled for October 2, 2012 after the data comes in to speak to engineers from Vine Associates about a comprehensive beach management planning process and to move that forward. The process is slow. It is clear when we do beach nourishment, we must actively maintain the sand on the beach until it can stabilize and vegetation can take hold. This is about building natural resources and increasing FEMA velocity zones to protect the town.

John Santos - I'm very frustrated at the pace of the process, as taxpayers like Bubula's are paying to bring in sand to shore up their bulkheads.

Dennis Minsky - The Conservation Commission will be addressing this issue come this fall. Dredging the harbor and depositing the sand elsewhere on the beach has occurred in the past, dredging is expensive. Sand deposits need to be concerned with compatible sand size and the transfer of pollutants.

We have beach raking plans and are monitoring this. This is separate from beach nourishment. However, before we begin any such process, we need a thorough and fundamental study of the dynamic for the entire town.

John Santos - Put on paper where the sand belongs. I get frustrated when I see a taxpayer having to buy sand.

Dennis Minsky - Any actions we take need to be permitted - and they will be based on science. We're fully committed to working on this.

## 2. **PUBLIC STATEMENTS**

Don Murphy - Thank the Board of Selectmen for the Portuguese Proclamation, and would like the Board to share the proclamation with all the volunteers. The festival was a great success, as usual, and it could not have been done without the help of all the volunteers, town staff, and DPW.

Rex McKinsey - Speaking as Harbormaster - Mike Winkler Crane Company is providing his

barges for both July 4<sup>th</sup> and the airport incident, and deserves recognition. Harbormaster had to close the pier to nighttime fishing (5 PM to sunrise) due to abusive squid fishing which has caused damage to the pier and personal property. Individuals have taken more than recreation fishing.

### **Comments by Selectmen**

Elaine Anderson – Rex, you sound as if you're being apologetic. You should not be in any way. You are doing your job. Thank you for informing us of this matter.

John Santos - State of Mass has issued fishing license. Restrict area of where they can fish in. You are on the right steps. Thank you for letting us know.

Erik Yingling - When will this temporary closure be uplifted? Answer: It is our intent to release this restriction as soon as possible. Possibly tomorrow after I meet with the Department of Marine Fisheries. We want to resolve this matter quickly. The Pier is a mess.

Paul Benatti - Executive session consideration of litigation regarding the Estate of Mary Cass. Her will was contested. Has the Town received the \$10,000 settlement for the library? If not, suggest that inquiries should be made as soon as possible.

### **3. SELECTMEN STATEMENTS**

Erik Yingling —~~Appreciate~~ Appreciate the Harbormaster informing us of the situation tonight and hopes that the restriction will be lifted and open to everyone as soon as possible.

John Santos – The State issues fishing licenses, and we limit where the fishermen can fish from on the pier.

Got great reports from many people on the playground being cleaned up, and this should continue. Great job by ~~everyone~~, everyone and thanks to Recreation Director Brandon Motta for all he is doing.

The Blessing of The Fleet went very well thanks to town staff and police cooperation.

With regards to the plane crash over the weekend, I'm concerned that the airport crash fire rescue truck did not work properly. It is not an easy job to run one of these vehicles, and we need to work with everyone to train our crews.

### **Elaine Anderson**

1) Thanks to everyone on a great Portuguese Festival. 2) The Harbormaster is trying to protect the resource from abuse. Reasonable fishing limits should be looked at. 3) MacMillan parking lot – need to look at the flow of traffic at MPL, especially the first row of parking spaces. 4) Traffic control at Ryder and Commercial needs to be looked at as this weekend there was some backup. 5) We have a By-law on the books about hedges – appeal to all citizens to cut them back.

David McChesney - Very good news for the town. Fourth quarter Room tax increased by 27.6%, and Meals tax is up 13%.

### **Austin Knight**

**MOTION: *Move that the Board of Selectmen vote to proclaim July 28<sup>th</sup> to August 4<sup>th</sup> as Family***

*Pride Week in Provincetown.*

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

**4A      BOARD OF SELECTMEN'S APPOINTMENTS**

**MOTION: *Move that the Board of Selectmen vote to appoint Michael B Forde and Anne Maguire as Regular Members of the Community Housing Council with terms to expire on June 30, 2015.***

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

**MOTION: *Move that the Board of Selectmen vote to appoint Anne Maguire as a Regular Member of the Community Housing Council with a term to expire on June 30, 2015.***

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

**MOTION: *Move that the Board of Selectmen vote to appoint William (Bill) Docker as a Regular Member of the Beautification Committee with a term to expire on December 31, 2014.***

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

**5A      ANNUAL PERFORMANCE EVALUATION**

Secretary to the Board of Selectmen – Vernon Porter

Open Discussion.

**MOTION: *Move that the Board of Selectmen vote to establish Board of Selectmen's Secretary Vernon Porter's annual performance appraisal score as 13.36 over 21.***

**Motion by: Elaine Anderson      Seconded By: David McChesney  
Yea 4 Nay 0 Abstain 1 (Erik Yingling)**

**5B1      AIRPORT COMMISSION**

Construction Contract for the Parallel Taxiway Partial Reconstruction

This project consists of the reconstruction of a portion of the parallel taxiway from the east taxiway connector to the mid-taxiway connector. The pavement being replaced is over fifty years old and exhibits several longitudinal and transverse as well as many random pavement cracks. This section of taxiway is sixty feet wide, and will be reduced down to forty feet wide under the current FAA requirements for taxiways. This will allow the Airport some environmental benefits in reducing pavement coverage and adding some grassland.

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

The contract has been approved as to form by Town Counsel by rewriting said contract and submitting it to Jacobs for approval and execution.

**MOTION: *Move that the Board of Selectmen vote to execute a contract in the amount of \$189,907.00 with Jacobs Engineering Group, 343 Congress Street, Boston, MA. 02210 for the consultant work required for the Parallel Taxiway Partial Reconstruction at the Provincetown Municipal Airport.***

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

**5B2 AIRPORT COMMISSION**

**FAA Grant for the Parallel Taxiway Partial Construction**

This project consists of the reconstruction of a portion of the parallel taxiway from the east taxiway connector to the mid-taxiway connector. The pavement being replaced is over fifty years old and exhibits several longitudinal and transverse as well as many random pavement cracks. This section of taxiway is sixty feet wide and will be reduced down to forty feet wide under the current FAA requirements for taxiways. This will allow the Airport some environmental benefits in reducing pavement coverage and adding some grassland.

The contract has been approved as to form by Town Counsel. The funding breakdown is: FAA 90%, MassDOT 7.5%, ~~Provincetown~~ and Provincetown 2.5% .

***MOTION: Move that the Board of Selectmen vote to execute a grant in the amount of \$679,500.00 from the Federal Aviation Administration (FAA) for the Parallel Taxiway Partial Reconstruction at the Provincetown Municipal Airport.***

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

**5C PLAYGROUND MAINTENANCE PLAN**

Recreation Director Brandon Motta    Trek    Chair of Recreation Commission.  
Went over his report attached to the agenda item.

Recreation Director Brandon Motta gave the following report on playground maintenance update:

- 1)      Repairs to the play structure at Chelsea Earnest playground have been completed.
- 2)      Shade Structures have been installed; this will help protect children in the heat of summer.
- 3)      Volunteer clean up at the Chelsea Earnest playground on June 16<sup>th</sup> .. I will organize spring and fall cleanups of the playgrounds, and the maintenance during the busy season. I will schedule another playground cleanup for the east end, shortly.
- 4)      As for the black sand issue - The problem is that these playground sites are old coal sites, where ground underneath the playground sand surface is black from the coal that was stored. Over time with installation of playground equipment, and children digging in the sand, the coal surface will mix with the clean sand on the surface, and thus you will have grey looking sand, and dirty children's feet.
- 5)      My solution – is to remove the sand surface and replace with a wood fiber surface. Before resurfacing Chelsea Earnest, the town should do a trial run with a smaller playground, East end, and see if it is something that will be affective. First, we would remove the sand, then place a layer of Filter fabric ovetop of the coal surface, then layer the certified wood fiber.
- 6)      I have received a quote from O'Brien and sons to resurface the east end playground at \$7300.
- 7)      In the meantime, we will put another layer of sand in Chelsea Earnest playground, while we give time to evaluate the east end surface. If all works well through this season, I will gather a quote to resurface Chelsea Earnest. I think it's in the best interest of the town, to do a trial run with the east end, rather than paying a large sum for something we may not want to use, and we have the same problem at East end.

8) Fencing and resurfacing of the basketball courts- I would like to request your permission to apply for a (PARC) Program. Would like to put together an application for each park, which would include fencing, and basketball court resurfacing. One project will be for East end, and the other will be for West end. This grant will be a reimbursement grant, and we are eligible for 52 percent reimbursement rate. Conditions of both parks, fencing and basketball surface are deteriorating rapidly. Fences have holes, or are rusting, and both courts have cracks in the asphalt due to tree roots protruding through. We would require a town meeting approval, subject to being selected, and I can draft sample vote later in time for your approval.

John Santos – I would rather see the fabric fiber and sand replacement, rather than the wood chips. Playground surface is more important than the basketball court getting resurfaced.

Austin Knight - We need to have soil analysis done to determine how far down the coal goes. We need to determine a long term solution and should consider other grant sources like the CPC. Need to identify continued maintenance of the playgrounds, and needs to be incorporated in the budget.

Elaine Anderson – I am concerned about the coal base. We need a temporary fix for this season. Likes the idea for the filter fabric and sand replacement. We should look at John's suggestion.

Funding source is the Recreation Gift Fund.

**MOTION:** *Move that the Board of Selectmen authorize the Recreation Department to submit a PARC grant.*

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

Request town staff to look into removing the sand on the west end playground and replace with clean sand.

**5D PARKLAND ACQUISITION AND RENOVATIONS FOR COMMUNITIES PARC GRANT APPLICATION FY 2013**

Dune's Edge Campground

Grant is funding source approved by town meeting.

**MOTION:** *1) Move that the Board of Selectmen vote to authorize the Town Manager, Open Space Committee and the Conservation Commission and/or Recreation Commission to prepare and submit applications to the Commonwealth of Massachusetts' Division of Conservation Services reimbursement programs, including the Parkland Acquisitions and Renovations for Communities (PARC) Grant Program , for the FY13 grant round, for the acquisition of the two parcels of land located at 386 Route 6, Provincetown, Massachusetts, containing 17.15 acres, more or less;*

*2) 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, that her signature shall bind the Town regarding the intent of said documents, and to serve as the Project Manager and primary local contact, or assign another local contact for matters relating to communications with the Division of Conservation Services regarding this application, on behalf of the Town of Provincetown.*

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

**5E MacMILLAN PIER – Marine Patrol Officers Update**

Chief of Police Jeff Jaran, PPC Chair Lee Ash, and Harbormaster Rex McKinsey present to provide an update on the status of the marine patrol officer program. Draft of the training manual provided within the agenda item.

If no issues occur over the summer, then chances are the program was successful, as it may be difficult to determine the value of deterrence of just having the officers on the pier. Initially there has been some resistance from tenants on the pier and various others, but again this is a pilot program, and we need to evaluate as we go along. The officers are very friendly and very approachable and the concerns of appearance have been overstated. Training is ongoing. Police are documenting everything that occurs on the pier. Working relationship between Harbormaster and Police is good. Enforcement of oil sheens from vessels has increased. Officers deal primarily with the public safety aspects, the Harbormaster deals with the management of the pier. The specific duties and responsibilities have been delineated between the two organizations, and is a work in progress. The Pier Corp is planning a group tour for the Finance Committee in the near future, and will invite the Selectmen as well.

Chief Jaran - Things have been going exceptionally well. Training is ongoing. Some enforcement has taken place and we are handling it professionally and politely. Everything is logged in and there has been a very healthy working relationship.

Rex McKinsey briefly went over the day to day operations that change on a daily basis.

**5F1 TREASURER’S TRANSFERS – 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 \$162,960.17.

Payment was made from the Library’s Book and Subscription expense account in order to receive the sculpture in time for the presentation. The Library Trustees approved this expenditure, (minutes attached). This is the transfer from the Library Building Gift Fund as originally intended. The History Project also contributed \$1,200.00 to the purchase of the sculpture for a total cost of \$4,200.

**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 \$3,000.00 from the Library Building Gift Fund to reimburse the Library’s Book and Subscription expense account for the attached invoice(s).***

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

**5F2 TREASURER’S TRANSFERS – John Anderson Francis Scholarship Fund**

Attached are the minutes and payment authorization from the John Anderson Francis Scholarship Committee in support of this request totaling \$218.00 leaving a remaining balance in the John Anderson Francis Scholarship Fund of \$2,499,659.96.

**MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship***

*Funds, to approve the transfer of \$218.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).*

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

**5F3    TREASURER'S TRANSFERS – Beautification Committee Gift Fund**

This payment authorization from the John Anderson Francis Scholarship Committee in support of this request totaling \$218.00 leaving a remaining balance in the John Anderson Francis Scholarship Fund of \$2,499,659.96.

**MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$218.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).***

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

**6A    TOWN MANAGER SHARON LYNN FOLLOW-UP**

Heating bid for Veterans Memorial Community Center will be posted in the central register.

**6E    OTHER - None**

**7.    MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

*Move that the Board of Selectmen vote to approve the minutes of June 11, 2012 (Exec. Session 5 PM) as printed.*

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

**8.    CLOSING STATEMENTS**

**Erik Yingling** 1) Untimely death of Roslyn Garfield 2) Sent an email to the Chief that traffic enforcement is going well on Commercial St this year. 3) Citizen complained that the lawn at the cemetery needs to be mowed. Winslow cemetery needs to be mowed.

**John Santos** - At MMA we discussed street lighting – any progress on this yet? **Answer:** Cape Light Compact is working on a regional program to LED.

**Elaine Anderson** – None                      **David McChesney** – None

**Austin Knight** – Monday - July 9<sup>th</sup> @ 5 PM joint meeting with FinCom

Motion to adjourn by Erik Yingling at 8:57 PM.

**Minutes transcribed by:** Vernon Porter, Secretary to Board of Selectmen  
July 3, 2012