

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY – JANUARY 14, 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 and Municipal Finance Director Dan Hoort

Recorder: Vernon Porter

The following are meeting minutes, in brief:

1A PUBLIC HEARING: TAX RATE CLASSIFICATION

FY 2013 Property Tax Rate

Present: Principal Assessor Paul Gavin, Municipal Finance Director Dan Hoort

On November 16, 2012, the Board of Assessors voted on the following:

- Not to recommend adoption of a Split Tax Rate for Fiscal Year 2013. (3-0-0)
- Not to recommend adoption of a Residential Exemption for Fiscal Year 2013. (3-0-0)
- Not to recommend adoption of a Small-Commercial Exemption for Fiscal Year 2013. (3-0-0)

Selectman Elaine Anderson read the Public Hearing into the record.

No comments received in the Board of Selectmen's office.

MOTION: *Move that be Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2013 property tax:*

Public comments for #1

Barbara Rushmore – Thinks Commercial should pay the same as the residential.

Michael Rogovsky – Question – Do businesses pay less than residences?

1. to establish a residential factor of 1" [a residential factor of "1" establishes a single tax rate for all classes of property; any other factor splits the tax rate between residential/open space and commercial/industrial/personal].

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

Set date for open forum to discuss Property Tax Rate Classifications – June 2013.

No public comments for #2

2. not to adopt a "residential exemption". [an exemption of up to 20% may be adopted, to shift the tax burden from residents to non-residents, within the residential class].

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

It was suggested to have a special agenda item with Board of Assessors, sometime after elections, before requesting survey.

No public comments for #3.

3. *not to adopt a "small business exemption" [of ___% [an exemption of up to 10% may be adopted, which shifts the tax burden from certain qualifying small businesses to all other commercial and industrial property]; and*

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

No public comment on #4

4. *to identify \$132,759.16 in unused property tax levy capacity.*

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

1B PUBLIC HEARING: CURB CUT - 7 Arch Street

David McChesney read the public notice into the record. No comments received by the office.

Public Comments - None

Application and recommendations from Public Safety officials attached. Community Development staff notified abutters by regular mail.

MOTION: *Move that be Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to approve the request of Curtis Balom, applicant on behalf of Sven Seger, owner, to establish a curb cut at the property located at 7 Arch Street (Assessor's Map 12-1-107) (Res 3 Zone) pursuant to the attached certified plot plan and subject to the conditions stated in the Curb Cut Permit.*

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

1C DPW: WATER & WASTEWATER PROJECT UPDATE

Attendees: DPW Director David Guertin, Facilitator John Goodrich, AECOM Project Manager Rob Adams, Operations Director Sherry Prada, and John Finnegan Associate Engineer for AECOM.

Material to be covered this evening:

WATER PROJECT

Contracts for SCADA systems for North Union Field and Knowles Crossing

WASTEWATER PROJECT

Phase 3 Construction Update

AECOM Change Order for Treatment Plant equalization tank connection

Schedule for connections for all remaining Phase 3 properties

Cape Cod National Seashore Herring Cove Bathhouse Sewer Extension

AECOM Change Order for construction

Phase 4 Planning and Engineering Update

AECOM Change Order for Phase 4 engineering services

Facilitator John Goodrich

We have a very brief update for the Board this evening, our first update report for the Water and Wastewater Projects since last September, and it continues the good news for both projects. We have motions for the Board to approve the final two contracts for the Water project – the instrumentation and control work for both the Knowles Crossing and the North Union Field facilities. The Knowles Crossing water treatment facility is on schedule for start-up a little over a year from now. The North Union Field work continues to be ahead of schedule and is expected to be in operation later this spring – this is a huge milestone for the Town after all of the years of planning and the efforts by Town Boards and the Administration to provide this key water supply source. This new water source coupled with water withdrawals for 2012 that were once again well below the MassDEP approved limit ensures that the Board can continue to allocate the growth management amounts allowed under the Growth Management Zoning By-Law. Continuing to fund and support the highly successful leak detection and compliance program will ensure that unaccounted for water will be properly managed in the future so that we can remain well below the approved water withdrawal limit.

We also have motions for the Board to approve three AECOM change orders for the Wastewater project. The costs for all of these change orders are covered by betterments from new users. The largest change order is for the remaining work to bring the new equalization tank on line so that all of the remaining Phase 3 properties can connect to the sewer before the peak season begins this year. We have recently sent letters out to many of the remaining property owners telling them that they can connect, and we will be sending the other letters out in February and March – in batches starting with the ACOS so that the installation contractors can handle all of the requests that they will receive. Once all of the Phase 3 properties are connected, the sewer system will be serving 60% of the town's total Title 5 flow – 1 million gallons per day – and about 45% of the properties. This afternoon we met with Mr. Brian Dudley of the MassDEP at the Treatment Plant and he continues to be very supportive of the Town's efforts and planned activities.

We also have the previously discussed change order for the sewer extension to serve the Herring Cove bathhouse that is under construction and is scheduled to open later this spring. Last week, the National Park Service paid the entire \$405,000 assessment in one lump sum, which is a very positive financial benefit for the Town's sewer system. This payment covers not only this sewer extension construction change order but also all of the planning and engineering as well as their share of the Treatment Plant expansion. This payment, coupled with the recent low interest rate bonding for the Phase 3 sewer work, helps to ensure the longer-term financial sustainability of the Enterprise Fund. The third AECOM change order is for time and materials engineering work for the on-going Phase 4 planning, engineering and permitting work including the previously discussed sewer extension to serve Coastal Acres Campground located in the environmentally-sensitive Shank Painter Pond area, which is in the final stage of design and approval. Once this sewer extension is completed and the remaining Phase 3 properties are connected, the Town will have accomplished nearly all of the public health objectives identified in the facility planning work that was undertaken some 15 years ago, and will have provided municipal sewer service to the entire harbor front area from the Truro town line to the Cape Cod National Seashore Park, as well as nearly all of the other low-lying and smaller lot sections of the town. We will also have increased the allowable capacity of the Treatment Plant and the disposal beds to handle future public health needs as well as future municipal

and public service uses, including increased economic development flows that the Board may approve in the future.

WASTEWATER PROJECT - Phase 3 Construction Update

Schedule for Treatment Plant improvements

We are on schedule to complete the work associated with the new equalization tank at the Treatment Plant so that all of the remaining Phase 3 properties can connect prior to the peak season. In order to complete this planned construction work at the Plant, DPW Director David Guertin has prepared a motion for the Board to approve a change order to AECOM in the amount of \$623,300 for the civil, mechanical and electrical work required to connect the new equalization tank.

Once the new tank is on line and the additional Phase 3 properties are connected, AECOM will be monitoring and evaluating the process loadings at the Plant during the 2013 peak period to determine what effect the addition of the Phase 3 flows have on the operation of the Plant. Based on this review, AECOM will recommend what process modifications may be needed to bring the Plant up to its planned capacity of 750,000 gallons per day of Maximum Day Flow. AECOM and the DPW will then review that information with the MassDEP before proceeding with a request to the Board to approve any change order for the additional process improvements at the Plant.

After the requested \$623,300 change order is approved by the Board, there will still be a remaining balance of over \$1 million in the April 2011 Special Town Meeting Article. These funds were earmarked specifically for the planned process modifications. All of the planned expenditures at the Plant will be fully covered by the betterments from the Phase 3 properties that will be connecting to the sewer system.

This staging of the improvements at the Plant allows the Town and the Enterprise Fund to incur the substantial capital costs as well as the increased operating costs in increments over several years, while ensuring that there will be sufficient capacity available at each stage for all of the approved connections as well as a reserve for any Town priorities including the anticipated Economic Development Permit requests.

Schedule for connections for all remaining Phase 3 properties

Letters are being sent out in January to the first group of Phase 3 properties that will be able to connect to the sewer this spring. This group of 216 owners at 49 properties includes all of the Administrative Consent Order properties in the Phase 3 service area, the properties in the Beach Point service area, and other large condominium properties that may need extra time to complete their connection. A second group of letters will be going out in February to the remaining properties in the Kendall Pump Station and other Phase 3 areas, and a third set of letters will be sent in March to Phase 3 properties connecting to the vacuum sewer as well as to a number of latecomer connections.

Once the vacuum sewer work that was approved by the Board last fall has been completed, a fourth group of letters will go out later in the spring to these and any additional latecomer connections. The letters are being sent out in groups so as to stagger the connection work, recognizing the limitations of the contractors who are approved for this type of work. All of the properties will be able to connect this spring.

Cape Cod National Seashore Herring Cove Bathhouse Sewer Extension

DPW Director David Guertin has prepared a motion for the Board to approve a change order to AECOM in the amount of \$250,600 for the construction of a sewer extension in the shoulder of Route 6 from the Treatment Plant to the boundary of the Cape Cod National Seashore to serve the new bathhouse at Herring Cove.

The Town has issued an assessment in the amount of \$405,000 and the National Park Service will be paying the entire amount shortly in one lump sum. This lump sum payment will add to the increasing financial sustainability of the Wastewater Enterprise Fund, which ended FY2012 with retained earnings certified by the MA Dept. of Revenue for the very first time. The \$405,000 assessment is based upon the current \$45 per gallons per day betterment rate, as required by statute, and the approved 9,000 gallons per day Title 5 flow for the new bathhouse. This assessment will cover not only the construction costs for the sewer extension but also the applicable permitting and engineering costs as well as their share of all the improvements to the Treatment Plant.

Phase 4 Planning and Engineering Update

DPW Director David Guertin has prepared a motion for the Board to approve a change order to AECOM in the amount of \$200,000 for engineering services including planning and permitting for Phase 4 of the sewer system. This is a Time and Materials Change Order and, therefore, only those funds that are needed will be expended. This change order will cover the ongoing work required prior to construction of any of the potential sewer extensions under consideration, including the previously approved sewer extension to serve the Coastal Acres Campground area.

The current status of planning, engineering and permitting is as follows:

- For the Coastal Acres Campground sewer extension, all permits have been received with the exception of the MassDEP sewer extension permit. We are still waiting for notification of an award from the USDA for our \$2 million loan and grant application, which has been delayed pending policy decisions in Washington. We are also still working on the formalities required for any easements for construction on private land.
- For the potential Phase 4 Province Lands Road and Bradford Street Extension sewer extension, we do not currently have sufficient interest to move forward with this area even if we do receive the grant and loan award from the USDA. A large condominium property that we had hoped would formally commit to hooking up has declined, and we have not received any positive assurances from the other large properties whose flows would be needed to allow this sewer extension to proceed. We will need to make a decision on this area very shortly because of the deadline for paving Province Lands Road that is included in our MassDOT permit.
- All other potential Phase 4 areas including the Maushope Housing and Outer Cape Health sewer extension as well as several sections of Bradford and Commercial Street that did not have sufficient interest to be included in the Phase 3 construction work are now “on hold” pending either grant funding, Town decisions or sufficient additional interest to allow them to move forward. We do not expect any of these other areas to be ready for permitting or construction before the fall of 2013 at the earliest.

WATER - MOTION: Move that be Board of Selectmen:

(A) Vote to approve a contract to Nylon Instrumentation & Controls in the amount of \$80,703 for the instrumentation and controls for the Knowles Crossing project, and further:

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

(B) Vote to approve a contract to Nylon Instrumentation & Controls in the amount of \$18,300 for the instrumentation and controls for the North Union Field project.

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

WASTEWATER - MOTION: Move that be Board of Selectmen:

(A) Vote to approve Contract Change 10-3 to AECOM in the amount of \$250,600 for the construction of the sewer extension to serve the Cape Cod National Seashore Herring Cove Bathhouse

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

(B) Vote to approve Contract Change 10-4 to AECOM in the amount of \$623,300 for the civil, mechanical and electrical work to connect the new equalization tank at the Treatment Plant

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

(C) Vote to approve Contract Change 10-5 to AECOM in the amount of \$200,000 for Phase 4 engineering services.

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

**1D DPW: COMMERCIAL STREET and
VETERANS MEMORIAL COMMUNITY CENTER UPDATE**

DPW Deputy Director Richard Waldo and Operations Director Sherry Prada

VMCC – Heating Update

95% of new piping has been installed and the entire building has heat. Temporary Controls have been installed to regulate heat. The control contractor should be on-site shortly to begin permanent control installation.

Currently, new duct work is being installed for system ventilation.

New heating units are expected to be delivered in Mid-January with installation to immediately follow. The estimated substantial completion date is 2nd week in March.

There will be some change orders at construction close-out resulting in additional costs.

- Concrete Pads for Propane Tanks
- Additional Piping
- Insulation and Wall Paneling in Café

VMCC – Roof Update

It has been determined the roof leaks from the ridge vent and I'm currently waiting for an estimate from Bay State Roofing to cap the vent. We do have two estimates and waiting on the third.

Although the Roofing Contractor feels the ridge vent can be capped at any point in the winter, I recommend waiting for warmer temperatures (March/April).

Repair should eliminate a majority of the leaks but it is advised that we prepare to completely replace the roof within 5 years.

Commercial Street Update

Granite Curb installation is 95% complete.

Brick Sidewalk installation has begun and will continue thru winter. Concrete pads, ramps, and stoops will be installed when temperatures allow.

Project is progressing well, but many challenges still exist.

Reminder, a parking ban is in effect with no parking on Commercial Street from 2am Monday morning until 5pm Friday evening. Police will ticket cars parked on Commercial Street during this period and may also result in a tow.

Commercial Street is still a construction zone and many hazards still exist! I urge caution to all at all times day and evening.

Please contact Sherry Prada at the DPW office if you have any questions about the project or have any concerns.

2. PUBLIC STATEMENTS

Michael Rogovsky – Read statement into the record re: Eliminate permit parking at MPL. (See attachment #1)

Peter Okin – Owner of Purple Feather. Very disappointed and frustrated that Purple Feather is no longer a year-round business due to dealings with the Licensing Board. Read statement into record. (See attachment #2) Both the Board of Selectmen and Zoning Board of Appeals approved his expansion plans, but the Licensing Board denied their request. Asked the Board of Selectmen meet with him for a more detailed discussion. Consider the creation of a new committee that will encourage year round businesses.

Barbara Rushmore – Talked about petition to stop the process of having the Police Station move across the highway. Wants to keep it within walking distance for all citizens.

3. SELECTMEN STATEMENTS

John Santos – Disappointed in the vote of the Board of Selectmen re: location of new Police Station.

Elaine Anderson

Remind people to clear sidewalks during winter.

Email regarding alternative siting for the police station – If someone wants to gift the town

Waltham, MA to hold their 30th Annual Cape Cod Getaway MS Bike Ride to be held on Sunday, June 30, 2013 from 7:00 AM to 4:00 PM.

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

5C MapsOnline / PeopleForms - MIS Director Beau Jackett and Lynne Martin

Present: MIS Director Beau Jackett and MIS Analysis Lynn Martin

Gave a slide presentation of Maps Online and People Form software that would be utilized by nine departments and applications, including Harbormaster's office, Assessor's Office, Collector's Office, Water Department, Town Clerk etc... The software merges the capabilities of maps and databases.

MOTION: *Move that the Board of Selectmen vote to take Agenda Item 6D2 out of order.*

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

6D2 STATE EMERGENCY TELECOMMUNICATIONS BOARD TRAINING GRANT – Executive Office of Public Safety (Chief of Police)

This grant does not require matching funds.

MOTION: *Move that the Board of Selectmen vote to authorize the Chief of Police to submit a State 911 Department Training and Emergency Medical Dispatch Grant to the Executive Office of Public Safety; in the amount of \$14,069.12, for reimbursement of overtime and allowable expenses incurred relating to the training and certification of enhanced 911 telecommunicators.*

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

5D TREASURER'S TRANSFERS – John A. Henry Trust Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$1,375.00 from the John A. Henry Trust Fund for the payment of the attached invoice(s).*

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

6A CAPE LIGHT COMPACT/LED MUNICIPAL STREETLIGHT PROJECT - Update

Current installation for the demonstration project is scheduled to be completed by mid-February.

6B TOWN MANAGER SHARON LYNN'S CONTRACT

Copy of Town Manager Sharon Lynn's contract attached to agenda item. Upon the signing of the Town Managers Employment Contract covering the period commencing April 17, 2013 and ending April 16, 2016, Paragraph 11. "Negotiation of Successor Agreement" states, "The parties agree to commence negotiations for a successor agreement no later than six months prior to the expiration of this agreement.

MOTION: *Move that the Board of Selectmen extend the Employment Contract for Town Manager Sharon Lynn covering the period April 17, 2013 and ending April 16, 2016.*

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

6C TOWN MANAGER FOLLOW-UP

In response to Selectman’s Yingling request that surplus town owned property sales move forward, Town Manager Sharon Lynn passed out “STEPS TO CONVEY TOWN-OWNED PROPERTY” which explains the steps to convey town owned properties for sale. (See attachment #3). Recommend this as an agenda item at our next meeting. We need to bring an RFP forward and have an article on town meeting.

6D OTHER – John Santos recused himself and left the room.

In response to ongoing articles in the Banner, Town Manager Sharon Lynn read her letter into the record that she sent to Lee Ash and Members of the Provincetown Public Pier Board of Directors re: Independent Audit (See attachment #4).

MOTION: *Move that the Board of Selectmen vote to support the Town Manager Sharon Lynn and her letter to the Provincetown Public Pier Corporation Board of Directors re: Independent Audit.*

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

Town Manager Sharon Lynn will attend the Provincetown Public Pier Corporation Board meeting this Thursday, January 17th. Chairman Knight will also be attending.

6D1 TREASURER’S TRANSFERS – Beautification Committee

After payment of this request totaling \$7,075.00 from the Beautification Committee Gift Fund the balance of the Gift Fund will be \$5,546.84.

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 \$7,075.00 from the Beautification Committee Gift Fund to pay for the attached invoice(s).*

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

7. MINUTES OF BOARD OF SELECTMEN’S MEETINGS

MOTION: *Move that the Board of Selectmen approve the minutes of:*

December 7, 2012 (Executive Session 10 AM)

December 17, 2012 (Regular Mtg.) with changes so noted.

December 20, 2012 (Special Mtg. Bonds/Treasurer)

January 9, 2013 (Executive Session 4 PM)

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

8. CLOSING STATEMENTS

John Santos - None

Elaine Anderson – Relative to the Purple Feather matter. Is there some way we can ask that we look into being friendlier to year round businesses? Would like to review this situation.

David McChesney – AIDS Memorial / Library has it been resolved?? Answer: Not as of yet.

Erik Yingling – Concurs with Selectman Anderson regarding the Purple Feather situation.

Austin Knight – Definitely needs to be a future agenda item to discuss how we can improve communications amongst the regulatory boards.

Motion to adjourn by Elaine Anderson at 9:21PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
January 23, 2013