

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES - REGULAR MEETING  
MONDAY – JUNE 27, 2016 – 5:30 p.m.  
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chairman Richter convened the open meeting at 5:30 p.m. noting the following attendees:

Board of Selectmen members: Raphael Richter, Erik Yingling, Tom Donegan, Cheryl Andrews, and Robert Anthony.

Other attendees: Town Manager David Panagore; DPW Director Richard Waldo; Provincetown Treasurer John O'Buck; Police Chief Jim Golden; Peter Anderson, Esq., from McLane Middleton PA; Tim Yee and Bryan Sarchi from Structure Consulting; Daniel M. Sullivan, CPA, Principal and Josee Young from CliftonLarsonAllen LLP, Lesley Marchessault; Allison Baldwin; James Eldredge, Vice President/Sr. Financial Advisor of Cape Cod Five Cent Savings Bank, and Interim Finance Director Ruth Lewis.

Recorder: Loretta Dougherty

The Board motioned to go into Executive Session at 5:30 p.m. as follows:

**MOVE that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clauses 1, 2, 3, 4, 5, 6, 7, & 8 for the purposes of:**

**Clause 3** – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared). (Jaran Transcript);

**Clauses 1, 2, 3, 4, 5, 6, 7, & 8** – To consider the approval/release of Executive Session Minutes for December 15, 2015; January 11, 2016; January 25, 2016; February 22, 2016; March 14, 2016; March 28, 2016; April 25, 2016, and May 23, 2016;

**Clause 4** – To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation. (Security precautions), and

and to convene in open session thereafter.

**Motion:** Erik Yingling

**Seconded:** Robert Anthony

**Roll Call Vote:**

**Raphael Richter: Yes**

**Erik Yingling: Yes**

**Tom Donegan: Yes**

**Cheryl Andrews: Yes**

**Robert Anthony: Yes**

**Yea: 5 Nay: 0 Motion passed.**

The Board motioned to reconvene in open session at 5:59 p.m.

**MOTION to return to open session at 5:59 p.m. by:** Erik Yingling **Seconded:** Robert Anthony

**(Roll Call Vote)**

**Raphael Richter: Yes**

**Erik Yingling: Yes**

**Tom Donegan: Yes**

**Cheryl Andrews: Yes**

**Robert Anthony: Yes**

**Yea: 5 Nay: 0 Motion passed.**

The Board took a one-minute break and returned to open session at 6:00 p.m.

The Consent agenda was moved until after the Public Hearings, at the request of the Chair and by unanimous consent.

**1. Public Hearings:**

Tom read the public hearing notice.

- A. Pole Hearing – Application by McLane Middleton PA on behalf of Cellco Partnership d/b/a Verizon Wireless requesting a License to install telecommunications equipment consisting of ‘small cell’ and ‘CRAN’ wireless equipment on top of existing utility poles within the public way at the following locations: Pole #36/1997– 262 Bradford Street; Pole #1/8 – 471 Commercial Street (application withdrawn 6/8/16); Pole #36/2031 – 14 Johnson Street; Utility Pole #5 – 281 Commercial Street; Pole #2/29 – 42 Bradford Street (application withdrawn 6/8/16); Utility Pole #3/7 – 26 Tremont Street; Utility pole at Shank Painter Road and Silva Lane; Pole #36/1935 – south**

**side corner of Commercial and Cleveland Street – Town Planner Gloria McPherson; Peter Anderson, Esq. from McLane Middleton PA, on behalf of Cellco Partnership d/b/a Verizon Wireless, and Tim Yee and Bryan Sarchi from Structure Consulting.**

**Peter Anderson Esq.** gave a brief description stating that the purpose of this request is to improve network capacity in downtown and Route 6A. In the summer, the population swells and people have difficulty accessing or dropping calls. This new technology is to lessen the overload on the big towers.

**Dan Goulet**, Engineer from Verizon, stated that in the summer months the population in Provincetown is approximately 30,000 to 60,000 up from approximately 3,000. Currently there are some sectors where the towers will be exhausted during these summer months. If there are over 200 to 400 users per sector, you have reached capacity and those towers are unusable. The quality of service will remain reliable. He addressed the emission concerns and stated that these units have FCC compliance for exposure. He referred to the calculated report in the Board's packet.

**Peter** spoke regarding the emissions and pointed out that the federal law is clear, and local Boards cannot weigh in on emissions.

**Town Counsel Ilana Quirk** spoke on the leverage that the Town has regarding the federal regulations. The six installations would comply with the federal regulations. It would be worthwhile for them to provide the Board with a certificate that they do satisfy and are under the emission standards mandated by the federal regulations. The Board's authority would only be on how these would impact navigation on the streets, if any.

**Board Comments:**

**Robert** asked if the transformers being placed on the poles are the same size as those already on the poles now.

**Peter** stated that it is smaller at 28.7" high and 7" wide.

**Bryan Sarchi** from Structure Consulting stated that these are authorized and licensed through the public utility company.

**Dan** stated that they would apply for the appropriate building permit(s) if these requests were passed by the Board.

**Public Comments:**

**Viola Briseno** wanted to know how the radiation emissions are monitored.

**Dan** stated that historically they are measured at less than 1%. We can come out and do a sampling if the Board wants it done.

**Regina Cassidy** is concerned about a pole located right outside a tenant's window. She asked for clarification on the pole listed as 281 Commercial Street. She asked if an ambient radiation study can be done. She wants to see the whole picture. Her concern is really about it being right outside of his window.

**Dan** stated that when he measures the ambient any Wi-Fi will be included in the ambient readings as there is no way to isolate the Police Dept., Fire Dept., EMTs, or Wi-Fi service in an entire area.

**Peter** stated that they will do it voluntarily but it is not required by law.

**Charles Silva** stated that there are no real studies on any of the information presented by the proponents. Verizon wireless has nothing to do with public utilities; by right, they should not be on these poles. He asked Town Counsel to look at local laws just not federal laws and see if these poles allow for anything other than utility transmissions on their poles. It is directly in line with windows at the laundry mat and tenants next to the laundry mat. He believes this belongs before the Planning Board; where it started. He asked this to be postponed until the fall to see how the antennas on the water towers have worked. We want to avoid litigation.

**Ilana** stated these poles are in rights-of ways that are public ways. Zoning regulations do not apply within the public way. Under the law these can be placed on the poles; it is not limited to the wires; it states fixtures as well.

**Raphael** asked if there would be signs placed on poles.

**Peter** stated that there will be no signs and none are required.

**Chris Pulla** stated that the only place he does not get service as a Verizon user is the airport. The National Seashore will not allow towers for antennas. Verizon is the first providers doing this; are there any others? Are we going to have to go through this process more with other providers? Can this be built as a shared experience among providers?

**Edward Steblein** stated that the pole listed as 281 Commercial is not the pole in the picture.

**Bryan** stated that they chose an address closest to the pole they will be using.

**David P.** stated that the pole shown in the picture is located in the Ryder Street parking lot.

**Peggy Silva** stated that utility poles were meant for electricity not for what is being proposed. She asked the Board to look into our Zoning By-law.

**Ilana** stated that the Federal Telecommunications Act governs the state pole statutes. Zoning by-laws do not apply. She recapped some of the conditions requested by the Board.

**BOS Comments:**

**Cheryl** wanted to know how they chose the six poles and was the ambient radiation a factor in the elimination of a pole.

**Dan** stated no and that the ambient would have to be approaching the 100% limit. Unless you are near police or fire departments or public safety departments, you would be well under 5%; you still have another 95% to go before any concerns. Each frequency band has different megahertz (one million cycles per second).

**Raphael** has been concerned about radiation but is aware that there is very clear federal law as to what authority the Board has available to them. We are here and we need to vote; and should we not; we would be violating the Federal Telecommunications law. We would need a valid reason. He appreciates everyone's concerns and as a representative of the Town he will not put the Town in a situation to face litigation when the law is very clear. There were no other reasons given this evening that would preclude the Board from denying these requests. Cell phones are needed in cases of emergencies as a number of people no longer have landlines. The applicant is responding to the needs of the Town.

**Move that the Board of Selectmen vote to approve the license request by McLane Middleton PA on behalf of Celco Partnership d/b/a/ Verizon Wireless to install telecommunications equipment consisting of "small cell" and 'CRAN' wireless equipment on top of existing utility poles within the public way with the condition of yearly certifications of lines at all locations.**

**Motion:** Erik Yingling

**Seconded:** Robert Anthony

**Tom** asked staff to review our by-laws to make sure they are not in conflict with federal/state laws. The Board has done all we can do at this point. The Board wanted the public to know that they heard them.

**Raphael** asked that the motion be amended with the conditions recommended by Town Counsel.

**The motion was amended to include the conditions.**

- "provide the Board of Selectmen with a certificate by a licensed radio frequency engineer, which certifies that the equipment to be installed and operated at the Pole shall comply with the requirements of 47 USC §332(c)(7)(B)(iv) and, so, shall not exceed the maximum radio frequency emissions allowed thereunder and under the regulations promulgated thereunder;
- shall annually provide the Board of Selectmen with a certificate by a licensed radio frequency engineer, which certifies that the radio frequency emissions from the equipment installed and operated at the Pole have been measured and that those measurements confirm that the emissions from the equipment installed on the Pole satisfy the requirements of 47 USC §332(c)(7)(B)(iv) and any regulations promulgated thereunder. The annual certificate shall be provided each year, not later than August 1<sup>st</sup>;
- shall annually provide the Board of Selectmen with an evaluation as to whether new technology has become available that is economically feasible that can replace the equipment installed and operated at the Pole, so that the equipment shall be smaller in size and/or reduce the radio frequency emissions generated, and
- shall annually provide the Board of Selectmen with an evaluation as to whether new technology has become available that is economically feasible that will allow multiple providers to share the equipment at the Pole, while still maintaining the structural integrity of the Pole and controlling the radio frequency emissions so that they satisfy the requirements of 47 USC §332(c)(7)(B)(iv) and any regulations promulgated thereunder."

**Motion:** Raphael Richter

**Seconded:** Tom Donegan to add four conditions.

**5/0/0 Motion passed on the amendment.**

**5/0/0 Motion passed on motion with amendments.**

#### **B. Public Hearing –Phase 3 Commercial Street Reconstruction Project (Howland Street to Johnson Street):**

**Erik** read the public hearing notices.

**Project Manager for GHD Russ Kleekamp** gave a brief PowerPoint presentation. He assured the Board that we are not losing any parking spaces. They will be working with each business and paying for signage to indicate the business is still open. The sidewalk preference was a 4 to 1 ratio for people wanting brick over concrete and zero votes for asphalt. They are coordinating all work with the property owners. The sidewalks will have concrete bases that are more durable and a bit more expensive, and with the grant it can be considered. If the brick is properly constructed, it will last much longer. Feedback at the survey meeting was shown to indicate brick was the preference and the sidewalks throughout all areas will be brick, if the Board approves it. 95% plans have been reviewed and we need to have this wrapped up by July 20<sup>th</sup>. Bidding is from 7/12 thru 8/22. The project should be completed in June of 2017.

#### **BOS Questions:**

**Erik** is happy with all of the outreach GHD and the DPW have done. He wanted to know if there would be room to put up some greenery on Commercial Street after the paving is completed.

**Rich** does not see that we could beautify it much; it is so narrow in that area there is not much they can do.

**Raphael** wants to make sure that parking will not be affected. He wants to look at it a little more closely; 18' is the optimal sidewalk. He is a little uncomfortable with the line painting scheme and wants to move forward with the approval for 95% design but come back on this particular item.

**David P.** stated that we need to go over this in the next 20 days.

**Rich** stated we are looking at the delineated spaces and the cost and it may take more than 20 days.

**MOTION: Move that the Board of Selectmen vote to approve the 95% Design Plan for Phase 3 Commercial Street Reconstruction Project as presented.**

**Motion:** Erik Yingling

**Seconded:** Robert Anthony

**5/0/0 Motion passed.**

#### **Public Comment:**

**Herbie Hintze**, Chair of the Disability Commission asked the Board to consider concrete for the sidewalks. Brick is the most unfriendly type of sidewalks we can have. His vote is for concrete. It is much friendlier for the elderly and those with disabilities.

**Thomas Baird**, Chair of the Historic District Committee, thinks brick is the most appropriate material. We are a green Town and at some point brick is a very easy material to be recycled.

**Gloria McPherson**, Town Planner, stated that at the Planning Board's June 23<sup>rd</sup> meeting it was voted 5/0/0 to continue the use of brick in the Phase III rotary construction.

**Ron Owen** of Province Landing agrees that brick should be used.

**MOTION: Move that the Board of Selectmen vote to use brick set in concrete as the sidewalk material for Phase 3 Commercial Street Reconstruction (Howland Street to Johnson Street).**

**Motion:** Erik Yingling **Seconded:** Robert Anthony

**Rachel White** stated that she personally loves the brick. The brick when set in the appropriate material and solidly fashioned will work for wheelchairs and canes.

Closed public comments.

**Raphael** wants any emails and/or letters received on this matter to be entered into the public record. (See Addendum 1 attached to minutes).

**Robert** wants to be reassured that they do have a solid base.

**5/0/0 Motion passed.**

### **C. Public Hearing - Adoption of FY 2017 Town-wide Goals:**

**Erik** read the public hearing notice.

There were no public comment and the public comments portion of the hearing was closed.

#### **BOS Discussion:**

It was agreed that not less than four Board members have affirmative votes before any of the goals would be moved forward. A brief discussion as to whether the Board of Selectmen's goals and those of the departments and boards should be taken separately was held. It was agreed to move forward with the Board of Selectmen's goals and incorporate the department and other board goals into them. During the discussion of each item changes were made as follows:

- **GOVERNMENT AND ADMINISTRATION:**
  - No changes made.
- **ECONOMIC DEVELOPMENT:**
  - Added a Beautification Committee goal: "Explore a 'park-like' integration from Macmillan Pier, across the Fisherman's Memorial Waterfront Park, to the new Legasse pier (Fisherman's Wharf) and their plans to connect their new development to Commercial Street along Ryder Street Extension to the Bas Relief."
  - Added a Community Housing Office goal: "Encourage residents to prepare for homeownership through education, savings, and other assistance programs in order for them to participate in purchasing of local units as they become available."
  - Added a Cultural Council goal: "Explore raising funds for and commission of the AIDS Memorial."
  - Added by Chairman Richter: "Explore designation of Provincetown as a cultural district."
- **PUBLIC WORKS:** Changed existing language to read:
  - "Continue to evaluate traffic, bicycle and pedestrian traffic on the roads and recommend changes when identified in the Cape Cod Commission study, as well as the Mass bicycle study, and as otherwise necessary."
- **CIVIC ENGAGEMENT:** Added Health Dept/Board of Health goals:
  - "Strengthen community connectedness, health, and wellbeing by offering evidence-based public health and wellness events and programming.
  - Prepare the Town for future emergency events by creating or updating emergency operations plans, acquiring equipment necessary for competent emergency management, and carrying out training drills and exercises."
- **CAPITAL IMPROVEMENTS AND INFRASTRUCTURE** (Newly added goals from the Department of Public Works):
  - "Formulate a plan to bring forward an article to Town Meeting for funds to design a new DPW facility. The formulated plan may involve a phased approach to funding a new facility or a complete project in a single phase of construction. Town staff will incorporate a DPW facility design into the CIP.
  - Explore bringing forth a by-law amendment to protect public shade trees from unlawful removal and/or pruning, and request town voters to establish a revolving fund to be used for the care and maintenance of public trees; fines imposed for violating the by-law would go into the revolving fund to be used to establish a tree maintenance program."

**MOTION:** Move that the Board of Selectmen vote to adopt the Town-wide Policy Goals for Fiscal Year 2017, as revised.

**Motion:** Cheryl Andrews

**Seconded:** Erik Yingling

5/0/0 Motion passed.

The Consent Agenda was then taken up by the Board.

*Consent Agenda – Approval without objection required for the following items:*

A. *Treasurer's Transfer – Library Gift Fund – pay an invoice to 1544 Recorded Books, Inc., for audiobook purchases, in the amount of \$62.20.*

**MOTION:** MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$62.20 for the attached invoice from 1544 Recorded Books, Inc.

B. *Treasurer's Transfer – Library Gift Fund – pay an invoice to 1544 Recorded Books, Inc., for audio book purchases, in the amount of \$61.87.*

**MOTION:** MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$61.87 for the attached invoice from 1544 Recorded Books, Inc.

C. *Treasurer's Transfer – Library Gift Fund – pay an invoice to Blackstone Audio, Inc., for audiobook purchases, in the amount of \$311.25.*

**MOTION:** MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$311.25 for the attached invoice from Blackstone Audio, Inc.

D. *Treasurer's Transfer – Library Gift Fund – pay invoices to Staples Credit Plan, for office supplies and various printing work, in the amount of \$340.26.*

**MOTION:** MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$340.46 for the attached invoice from Staples Credit Plan, Inc.

E. *Parade Permit submitted by Jim Morgrage, 209 Columbus Avenue C, Boston, MA 02199, on behalf of the 14<sup>th</sup> Annual Harbor to the Bay Aids Benefit Bike Ride to be held on Saturday, September 17, 2016, from 1:00 p.m. to 6:30 p.m.*

**MOTION:** MOVE that the Board of Selectmen vote to approve the Parade Application Permit submitted by James Morgrage, 209 Columbus Ave, Boston, MA on behalf of the 14<sup>th</sup> Annual Harbor to the Bay AIDS Ride to be held on Saturday, September 17, 2016, starting at 1:00 P.M. to 6:30 P.M.

F. *Parade Permit submitted by Sherry Brec, P.O. Box 1826, Provincetown, MA 02657, on behalf of Carrie A. Seamen Animal Shelter (CASAS), P.O. Box 1374, Provincetown, MA 02657, for their charity walk/pet parade to be held on Sunday, September 25, 2016, from 2:00 p.m. to 3:00 p.m.*

**MOTION:** MOVE that the Board of Selectmen vote to approve the Parade Permit Application submitted by Sherry Brec, P.O. Box 1826, Provincetown, MA 02657, on behalf of the Carrie A. Seamen Animal Shelter (CASAS) Charity Walk/Pet Parade on Sunday, September 25, 2016, from 2:00 p.m. to 3:00 p.m.

G. *Approve submission of a Grant Application to Elder Services of Cape & the Islands for a Title III B & D Grant under the Older American Act for Medical Transportation for Provincetown Seniors.*

**MOTION:** MOVE that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands for a Title III B & D Grant under the Older Americans Act in the amount of \$2,500 to provide medical transportation for Provincetown residents 60 years of age and older.

Raphael waived the reading of the Consent Agenda and the Board unanimously passed the Consent Agenda.

**2. Public Statements:** No public statements.

### **3. Selectmen's Statements:**

**Cheryl** congratulated all those involved in the Portuguese Festival event. Thanked Ray Rogilosi for putting together the June 13<sup>th</sup> memorial gathering in front of Town Hall regarding the shootings and deaths in Orlando. She would like to see the Board attend the annual PBG BBQ this coming Wednesday. She asked the Board to put on future agendas discussions about the policy document she received regarding the Email Policy, as well as people blocking out comments within messages on the Town Manager's Town Talk website.

**Robert** and **Erik** had no comments.

**Tom** congratulated all involved in the Portuguese Festival event. He let the Board know that he will miss the Friday, June 29<sup>th</sup> Round Table meeting due to personal matters. He agrees with Cheryl on the Email Policy that was sent out and that it requires some refinements. He attended the Wastewater meeting in Hyannis (208 Plan) and stated that we have submitted our plan and other towns have to submit their plans by Friday. All of Barnstable County will require one by one permits if those towns do not respond.

**Raphael** had no comments.

**Erik** requested that item 5. Appointments be taken out of order. There were no objection by unanimous approval.

### **5. Appointments:**

#### **A. Reappointments by the Board to Committees for End of Fiscal Year 2016, with terms to expire on June 30, 2019.** **5/0/0**

A list of the current Board members with appointments ending June 30, 2016, who wished to be reappointed was brought before the Board for their approval.

**MOTION:** Move that the Board of Selectmen vote to reappoint the following Board and Committee members, as noted in the attached list, to an additional three-year term to expire on June 30, 2019 as presented.

**Motion:** Cheryl Andrews

**Seconded:** Erik Yingling

5/0/0 Motion passed.

#### **B. Appointment of Lesley Marchessault as the Arts Community Representative to the Visitor Services Bureau effective July 1, 2016, and expiring on June 30, 2019.**

**Lesley Marchessault** appeared before the Board. She is currently the Development Coordinator at PAAM. She is interested in helping to insure a year-round resurgence of art lovers to Provincetown.

The Board thanked her for her service and thanked James Bakker who retired as the Arts Community Representative to the VSB for all of his years of service.

**MOTION: Move that the Board of Selectmen vote to approve the appointment of Lesley Marchessault, as the Arts Community Representative to the Visitor Services Board effective July 1, 2016, and expiring on June 30, 2019.**

**Motion: Cheryl Andrews**

**Seconded: Erik Yingling**

**5/0/0 Motion passed.**

**C. Appointment of Allison Baldwin as the Women Innkeepers' Representative to the Visitor Services Bureau effective July 1, 2016, and expiring on June 30, 2019.**

**Allison** is a resident of Provincetown and the owner of the guesthouse Roux. She is interest in enhancing tourism and helping to ensure the year-round viability of Provincetown.

**MOTION: Move that the Board of Selectmen vote to approve the appointment of Allison Baldwin, as the Women Innkeepers' Representative to the Visitor Services Board effective July 1, 2016, and expiring on June 30, 2019.**

**Motion: Erik Yingling**

**Seconded: Robert Anthony**

**5/0/0 Motion passed.**

The Board returned to Item 4. Presentation.

**4. Presentation:**

**A. Presentation Dan Sullivan for the FY2015 Annual Financial Audit & CliftonLarsonAllen LLP Management Letter – Daniel M. Sullivan, CPA, Principal & Josee Young, Manager.**

**Josee Young**, Audit Manager went through the engagement summary stating that this year's auditor's opinion was unmodified. An unmodified opinion is the best that a Town can get. The Pier Corp. audited financial statements were included this year. We are doing very well.

**Dan** went over the Management Letter comments with their recommendations and management's response as follows:

- Currently the Payroll Administrator performs numerous manual procedures including building Excel worksheets to produce a payroll warrant and record the warrant into MUNIS. The process is labor intensive and repetitive. The Harper's Millennium software has the capability of exporting the payroll information easily into MUNIS to generate the payroll warrant which would be a significant time savings in the process. They recommended using the import/export function between Millennium and MUNIS. Staff intends to implement this change in fiscal year 2016.
- During their analytic analysis they discovered that only eleven payments for health insurance were paid during FY201t. Two invoices from Cape Cod Municipal Health group dated May 19, 2015 for \$245,356 and \$40,003 were not paid until November 19, 2015, after we notified the Town of the error. They recommended putting controls in place to ensure that all health insurance premiums are paid or accrued each fiscal year. Staff will double check all invoices in the future.
- The informational comment concerning Statements issued by the Governmental Accounting Standards Boards (GASB) which establish new financial reporting requirements for governments that provide other postemployment benefits (OPEB) to its employees and retirees. They recommended that management familiarize itself with GASB Statements No. 74 and 75 to prepare for their implementation. The Finance Director is attending seminars where GASB 74 and 75 are being discussed.

**No action was taken.**

**6. Requests:**

**A. Approval by the Board of General Obligation Bonds:**

**John O'Buck** and **Jim Eldredge** V-P, Financial Advisor of Cape Cod five Cents Savings Bank appeared before the Board and gave a complete overview of the General Obligation Municipal Purpose Loan of 2016 Bonds.

**David P.** stated that the 1.9% interest rate on this is the best rate. Standard & Poor's confirmed the bond rating an AA.

**Erik** stated that this is the best interest rate he has seen in years.

**MOTION: Move that the Board of Selectmen vote to issue Bonds in the amount of \$8,410,850.00 dated June 30, 2016, at 1.965296% interest payable at maturity to Cape Cod Five Cents Savings Bank.**

**Motion: Erik Yingling**

**Seconded: Cheryl Andrews**

**5/0/0 Motion passed.**

**B. Approval of the AECOM Contract Amendment for additional services as it pertains to cost associated with increasing our plant capacity, in the amount of \$150,000:**

**DPW Director Rich Waldo** asked the Board to execute a contract amendment in the amount of \$150,000 for additional Operating & Maintenance fees associated with expanding the Wastewater Treatment Facilities permitted capacity from 650,000 MDF to 750,000 MDF and the requirements set forth by DEP to monitor the wastewater effluent beds.

**MOTION: Move that the Board of Selectmen vote to approve Contract Amendment #13-4 with AECOM in the amount of \$150,000 per year (plus annual escalation) to cover the additional O&M costs associated with increasing the Wastewater Treatment Facilities capacity from 650,000 MDF to 750,000 MDF including the Department of Environmental Protection required Effluent Bed Monitoring Program, as presented.**

**Motion: Cheryl Andrews**  
5/0/0 Motion passed.

**Seconded: Erik Yingling**

**C. Police Report for the Month of May 2016:**

Police Chief Golden appeared before the Board. The Police Report for the month of May 2016 may be found in its entirety on the Police Department's webpage.

Tom asked about any trends.

Chief Golden stated nothing alarming. He gave a brief overview of the report.

Tom stated the bicycle patrols are great. They are very friendly.

The Chief is very proud of how his officers have stepped up and the work they are doing.

Cheryl agrees that they are very friendly; it is good to see them smiling.

Robert asked about calls for service.

Raphael asked for quarterly reports to include more data regarding calls for service which would be very helpful. He also asked the Chief to give the Board updates on the work of the Lower Cape Traffic program.

David P. will work with Chief Golden to fine tune the report.

Raphael was driving a cab this weekend and saw the great job the officers were doing. He likes the officers engaging children, the public, and taking pictures. They is a very upbeat attitude on the part of all the officers; they are always smiling. It is wonderful to see.

**No action was taken.**

**D. Review and discussion of House Bill No. 4216 regarding Provincetown's Home Rule Petition on expanding the residential property exemption:**

David P. asked the Board to approve the language being brought before them, as vetted by Town Counsel.

Tom thinks it is an improvement.

Cheryl agrees with expanding the residential property exemption so more people can take advantage of it.

**MOTION: Move that the Board of Selectmen vote to approve the language contained in House Bill No. 4216, as amended in SECTION 1., regarding Provincetown's Home Rule Petition on expanding the residential property exemption.**

**Motion: Tom Donegan**

**Seconded: Erik Yingling**

5/0/0 Motion passed.

**7. Town Manager / Assistant Town Manager:**

The Board took 7. B and C out of order with unanimous consent.

**B. Adoption of Board of Selectmen's Rules of Procedure:**

The Board of Selectmen reviewed the Rules of Procedure and Cheryl asked that the first sentence in Section 6, d. be deleted from the Rules and keep the remaining language as is.

**MOTION: Move that the Board of Selectmen vote to adopt the Rules of Procedure as amended.**

**Motion: Cheryl Andrews**

**Seconded: Robert Anthony**

5/0/0 Motion passed.

**C. Town Manager's Report:**

**Discussion of House Bill No. 3742:**

David P. asked for this item to be on the agenda tonight. He has checked this out with our Corporate Counsel and we are all set to move forward. He will get back to the Senate and note the modification that needs to be made.

**No action taken.**

The Board continued with item 7. A.

**A. Approval of the hiring of Ruth Lewis as Interim Finance Director:**

David P. having checked all of Ruth's qualifications recommends her highly. She will be working part-time two or three days per week for approximately six weeks, and we may need to renew Ruth once or twice depending on our needs. He asked the Board for their approval.

**MOTION: Move that the Board of Selectmen vote to approve the hiring of Ruth Lewis to the position of Interim Finance Director, pursuant to §7-2-5, of our Charter.**

**Motion: Cheryl Andrews**

**Seconded: Robert Anthony**

5/0/0 Motion passed.

**Agreement with MassDOT:**

**David P.** stated that this agreement proposed that the Town take responsibility for “top of pavement” maintenance on most state owned roads as it does on Town roads, and MassDOT would continue to provide for any “top of pavement down” capital improvements, resurfacing, and repairs on all state roads in Town, and on the main trunk of Route 6. Pilgrims’ First Landing Park and the roadways around it would be an exception to this rule. The Town is interested in having greater control over Pilgrims’ Park.

**Cheryl** is very happy that we will be able to set the speed limit on Conwell Street.

**D. Other:** None.

**8. Minutes:** None.

**9. Closing Statements/Administrative Updates:**

Wednesday’s meeting can be moved to Thursday at 5:30 p.m. to allow staff to attend the Annual PBG BBQ. David Panagore will check with the Pier Corp to see if they can change.

- A. Thank you letter to Anna Meade who resigned effective June 14, 2016, as Provincetown’s Representative to the Cape and Vineyard Electric Cooperative.
- B. Thank you letter to James Bakker who wishes to not be reappointed as the Arts Community Representative to the Visitor Services Bureau when his term expires on June 30, 2016.
- C. Letter to President Barak Obama and all members of Congress regarding the federal ban on semi-automatic and assault weapons.

The Board read the letter to President Obama and made the following motion:

**MOTION: Move that the Board of Selectmen approve the letter to the President and members of Congress as presented.**

**Motion: Erik Yingling**

**Seconded: Robert Anthony**

**5/0/0 Motion passed.**

**Tom** stated that the Joint meeting the Board held with the Board in Nantucket was very productive.

**Raphael** acknowledged all the hard work Dan Hoort has done for the Town. Raphael believes that there are no specific financial items that would generally trigger the need for a fall town meeting this year, and at this time staff does not predict any need for a fall town meeting.

**Tom** wanted to know if not holding a fall town meeting would require the spring town meeting to run longer.

**David P.** stated that he would limit the fall town meeting, if one is needed. He will be presenting the entire Town Business Calendar to the Board in the near future. He wants to separate the fall town meeting from the financial processes.

**Raphael** asked that the Town Business Calendar be put on the July 11<sup>th</sup> meeting to be brought before the Board.

**Erik** believes it will affect town attendance.

Without objection the meeting was adjourned at 10:25 p.m.

*Minutes transcribed by: Loretta Dougherty*

# Addendum 1 E-mails to June 27<sup>th</sup> Minutes ①

**From:** Steve Tait [steve@aeriehouse.com]

**Sent:** Thursday, May 19, 2016 2:36 PM

**To:** Tom Donegan; Erik Yingling; Cheryl Andrews; Raphael Richter; Robert Anthony; Mary-Jo Avellar

**Subject:** East End Sidewalks

We would like to voice our support for using bricks in the reconstruction of the sidewalks in the east end. As property owners at 425 Commercial Street we strongly support the use of bricks. The former application of bricks for the current sidewalks was very poorly executed which has admittedly caused some problems but the new version in the center of town has eliminated these issues and they look fantastic, historical and add atmosphere to the town. To not extend them into the east end will lose the visual connectivity between the gallery district and the rest of downtown and create a physiological barrier for visitors to continue their walk into the gallery district.

I had a knee replacement in December so had difficulties walking last summer and after the operation and I can attest that the current brick sidewalks in the center of town presented absolutely no issues over a concrete or asphalt sidewalk in terms of mobility.

We would also like to express our displeasure at the hyperbolic language used in describing brick sidewalks. Comments such as "creepy, horrible and disgusting" to describe a sidewalk is the type of language that has denigrated political discourse in this community and turns off citizens from participating.

Steve Tait & Dave Cook

**From:** Dan Towler [mailto:dtowler@surfglobal.net]  
**Sent:** Thursday, May 26, 2016 12:24 PM  
**To:** Loretta Dougherty  
**Subject:** sidewalks

To the Board of Selectmen:

For what it's worth, count me as among the haters of the brick sidewalks!

I've always thought they were pretentious, out of character, preposterously expensive, difficult to maintain, awkward for snow-removal, dangerous for handicapped people, etc. etc. Despite all those obvious flaws, everybody jumped on the brick sidewalk bandwagon a few years back and now we've got them, at astronomical expense, almost the whole length of Commercial Street. So, now do we spend even more money to remove and replace them, or live with our ridiculous mistake?

Personally, I like concrete for sidewalks. They look nice, hold up well, and, in contrast to asphalt, they are easily differentiated from the street, hopefully making it slightly more obvious to pedestrians that they belong there *instead of in the street!*

I would encourage the town to go with concrete sidewalks in conjunction with the next phase of Commercial Street repaving.

Thank you for your consideration of my views, and thank you for all your hard work on behalf of the town, and congratulations to Cheryl and Tom for their re-election, and to Raphael for stepping up as Chairman.

I believe this Board -- in terms of having all five members who are unafraid to express themselves and express themselves well, work together well, conduct themselves professionally, respect each other and the citizenry, have no axes to grind besides working in the long-term best interest of the town, are able to put their egos aside for the greater good, etc. etc. — is the best I've seen in my 30 years here. So, I commend you all, and keep up the good work.

Daniel Towler  
3 Allerton St  
Provincetown

From: Mary-Jo Avellar [dasmja@comcast.net]  
Sent: Tuesday, May 10, 2016 8:40 AM  
To: Raphael Richter; Erik Yingling; Tom Donegan; Cheryl Andrews; Robert Anthony; David Panagore; David Gardner; Richard Waldo  
Subject: sidewalks

Thank you for your time last evening.

I would like to reiterate my position on the sidewalk issue. As you know, I and many others have found the brick sidewalks difficult upon which to walk, slippery when wet, icy during the winter and difficult to plow. Concrete sidewalks are much more practical and do not have any of the problems associated with the brick.

We did have some asphalt sidewalks installed during the late 1980's and early 1990's. They are not only hideous, but extremely lumpy and not a very practical material for those in wheel chairs or using walkers. It's a very uneven surface. Not only that, but it's black. Black reflects heat which makes them very nasty during the summer months. I would also say that the texture makes them as difficult to plow as the brick.

Please reconsider the concrete option. It's cheaper than brick and a much more hospitable surface.  
Mary-Jo Avellar

P.S. Anything you can do to get the Congressional delegation off their collective butts would also be greatly appreciated.