

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES – REGULAR MEETING  
MONDAY, JANUARY 9, 2017 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

Vice Chairman Yingling convened the open meeting at 6:00PM noting the following:

Board of Selectmen attending: Vice Chairman Erik Yingling, Members Thomas Donegan, Cheryl Andrews, and Robert Anthony.

Excused: Raphael Richter

Other attendees: Town Manager David Panagore, Asst. Town Manager David Gardner, Town Planner Gloria McPherson, Building Commissioner Anne Howard, Town Clerk Douglas Johnstone

Recorder: David Gardner

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

- A. Move that the Board of Selectmen vote to appoint Susan Avellar, as a Regular member to the Open Space Committee with a term to expire on December 31, 2019.
  
- B. Move that the Board of Selectmen vote to appoint Alex Brown, as a Regular member to the Shellfish Committee with a term to expire on December 31, 2019.
  
- C. MOVE that the Board of Selectmen vote to dedicate the 2016 Annual Town Report to those current and former Town board members and employees who died during calendar year 2016 as contained in the list of names submitted by Town Clerk Douglas Johnstone.

**Without objection Erik waived the reading of the consent agenda and without objection it was approved unanimously by the BOS.**

- 1. Public Hearings: - None
- 2. Public Statements: None
- 3. Selectmen's Statements:  
Tom Donegan - None

**Cheryl Andrews** – Thank all staff for storm response, especially those who responded to the man overboard call during the storm.

**Robert Anthony** – Echo Cheryl's comments.

**Erik Yingling** - None

4. Joint meeting/Presentations:

**A. None JOINT MEETING – Historic District Commission - Proposed Bylaw Amendments for the April 2017 Annual Town Meeting**

Historic District Commission Members present: Chair Thomas Biggert, no quorum present.

The Historic District Commission must be provided 60 days notice on any proposed bylaw amendments prior to Town Meeting to allow the ability to provide a recommendation to Town meeting

1) Section 15-7 Procedures for Review of Applications: Process as required by the Bylaw is unwieldy and time consumers. Propose to allow staff to make the determination of applicability. Proposed changes to the Administrative Review process.

Cheryl questions the appropriateness of having a subcommittee make decisions for a regulatory board.

Erik would like to see the Admin reviews done by staff so that the process is streamlined.

Tom also concerned about the subcommittee process and the potential that the full board may not agree with a few members on a subcommittee.

Erik would like to see town staff look at an amendment to remove admin review from the Commission and allow staff to make admin review decisions.

Tom thinks the discussion is good because if it is difficult for the Selectmen to understand then it must be difficult for the home owners. Tom thinks we should go a level deeper to streamline the process.

**MOTION:** Move the Board of Selectmen vote to seek the advice from Town Staff to revised Section 15-7 to consider whether Staff could issue Administrative approvals to further streamline the process.  
**Motion: Tom Donegan** **Seconded: Robert Anthony**

Cheryl feels that town voters want the Boards to be making these decisions because they want the ability to participate in the process. Cheryl supports having conversation about having more staff review but thinks we should be careful to not remove the process altogether.

Erik thinks we should have our boards work more efficiently and streamlined.

**3-0-1 (CA) Motion passed.**

2) Section 15-9 and 15-11 Solar Exemptions: Exemptions for projects that meet minimum performance standards.

Tom thinks that there is something in the State Law (Chapter 194 Section 23c) that protects property owner's right to have solar.

Erik supports this proposal because it informs property owners early in the process.

Cheryl wants to ensure that staff is consistent with how the standards are applied. If there are circumstances where the standards are not appropriately applied, then please inform the board.

3) Section 15-11 Siding: Amendment came up last year, but was not considered at town meeting as it was not properly notice 60 days prior to town meeting. Proposal to allow fiber cement board clapboard siding where walls of structures are less than 9 feet apart but not on the street façade or where their use does not detract from the architectural features of the building.

Cheryl feels that the bylaw is still too stringent, would like for the Commission to provide photo or project evidence of fiber cement use that is inappropriate because it is difficult to tell.

Tom thinks the property owner should have the option to use a product that meets the performance standard.

**5. Appointments: None**

**6. Requests:**

**A. Verizon Easement – 2 Mayflower Street**

DPW Director Richard Waldo presented. Verizon New England currently has an easement to install and operate telecommunication equipment on the Winslow Street Water Tank. The communication equipment needs to tie into a fiber optic landline to complete the circuit to Verizon's central office. The utility pole adjacent to the water tank is on property that is owned by the Town and under the authority of the Board of Selectmen and on a town owned parcel not included in the original wireless telecommunication lease thereby needing approval from the board.

The utility easement will expire when the wireless lease agreement expires and shall only be used by Verizon.

**MOTION: Move that the Board of Selectmen vote to approve a utility easement to Verizon New England over a portion of land at 2 Mayflower Street for the purpose of installing and operating telecommunications equipment and facilities.**

**Motion: Tom Donegan**

**Seconded: Robert Anthony**

**4/0/0 Motion passed.**

Cheryl asked about the depth the wires will be buried.

Richard – the Town will specify the depth of the conduit but it would be a minimum of 18 inches. Line would be recorded with Dig Safe.

**B. Update on Provincetown 400 – Selectman Cheryl Andrews**

Selectman Cheryl Andrews checked with Lisa Giuffre, Executive Director for Provincetown 400. We were going through the CIP and there are projects relevant to 2020. We had a visit in Boston in Representative Peake's Office with a representative from the Governor's office. We should take advantage of what the State and Plymouth does, but we should also plan all the programing we want here in Provincetown. There is a potential for the Mayflower to visit here. Have Provincetown 400 to provide the Selectmen with a presentation within the next two months.

Tom reminds us that the compact was signed here in Provincetown and it is the consequential thing the Pilgrims did while they were here. I lived in Virginia when the celebrated in Jamestown and the State contributed a great deal to that event.

Cheryl just thinks we should be realistic about state funding but we should also be optimistic and ensure that we pursue all options and opportunities.

Erik thinks we are a small wheel and we need to squeak loud.

David P agrees, as he has spent a lot of time trying to get the attention of the State. Your voice gets heard because of partnerships, so we should work with others to get attention in Boston.

Representative Peake is right with us and she will be looking out for Provincetown.

Provincetown has some advantages with transportation and hotel rooms.

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

### **A Town Manager Updates:**

- 1) Harbor Hill Update – We have set a town meeting on Feb 6, Election on Feb 7. We continue to gather information, Public forum will be held on January 26 at the Auditorium at Provincetown Schools. We will be providing costs, facts, conditions, etc...
- 2) MassDEP Water Management Act Permit Renewal – Draft Water permit issued for Provincetown and is currently in the 30 day comment period. The average daily rate is the unchanged. We have to reach a target of Dec 2019 for reducing water loss. We already have a program in place for leak detection.

Finally, the renewed permit addresses compliance with the ten percent (10%) Unaccounted-for-Water (UAW) standard. The permit states that “MassDEP will consider a Public Water Supplier who cannot meet the 10% standard to be functionally equivalent, and in compliance with their permit, if they have an on-going program in place that ensures best practices for controlling water losses.” MassDEP will base the loss control program on annual water audits and guidance practices outlined in the American Water Works Association Manual #36 (AWWA M36), Water Audits and Loss Control Programs. The WMA permit states a compliance date of December 31, 2019. If, as of December 31, 2019 the UAW compliance standard is not met, Provincetown Water Department shall develop and implement a water loss control program following the AWWA M36 methodology within five (5) full calendar years. Provincetown Water Department has undertaken aggressive steps to reduce UAW in recent years, including conducting monthly meter readings, performing ongoing system-wide leak detection, water meter replacements, and most recently conducted a grant funded water audit following the MassDEP approved AWWA M36 methodology in June 2016. Our current water loss control program is sufficient to become functionally equivalent to the performance standard, with the addition of an annual AWWA M36 water audit to the program. The Water Department preserves the goal of reducing losses to meet the 10% standard; however the Water Department is well prepared for functional equivalence.

In summary, the renewed permit does not contain any surprises and will not impact our current withdrawal capacity. The annual daily average of 850,000 gallons per day remains, with an allowed maximum daily withdrawal of 734,000 gallons per day from North Union Field. One minor change may be implementing non-essential outdoor water use restrictions one month earlier (May 1st) if groundwater levels reach a pre-defined threshold. Compliance with the 10% Unaccounted for Water standard remains in effect, with a date of compliance by December 31, 2019. Provincetown Water Department will remain in compliance with the permit and “functionally equivalent” to the UAW standard by developing a water loss control program performing audits based on AWWA standard guidelines.

Tom questions unaccounted for water penalties. We need to get the Water Superintendent to respond to DEPs concerns. Would like to have this issue addressed during an upcoming Water Report.

Airport – made its 10,000 enplanements goal this year by 17 persons. This should protect federal

dollars for one more year.

John OBuck, Town Treasurer, has submitted his resignation effective February 1, 2017, and will be opening the position up. We thank John for his service.

Water Rescue on Saturday night – Town staff, including the Harbormaster, Police and Fire personnel, provided successful water rescue services for a man overboard during the winter storm on Saturday night. Gentleman was transported to Cape Cod Hospital for treatment and was released.

**B. Other:** None

8. **Minutes:** None

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

**Tom Donegan** – Cape Light Compact has signed its termination agreement from the County. They are still looking for a location. Town Counsel is reviewing and the Compact is covering legal cost.

**Cheryl Andrews** – None

**Robert Anthony** – Move to make a motion to send a letter of commendation for the staff members involved as well as letters to the non-staff agencies. RA CA 4-0-0 Motion passed.

**Erik Yingling** – Thanks to those who participated in the rescue.

Without objection the meeting was adjourned at 7:40 pm.

Minutes transcribed by: David Gardner