

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY – JULY 12, 2010

## LARKIN HALL

Chairman Michele Couture convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Michele Couture, David Bedard, Austin Knight, Elaine Anderson, and John Santos.

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner, Municipal Finance Director Dan Hoort

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

1. PUBLIC HEARING: ADOPTION OF TOWN-WIDE POLICY GOALS FY 2011

MOTION: *Move that the Board of Selectmen vote to wave the reading of the Public Hearing Notice.*

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

MOTION: *Move that the Board of Selectmen vote, pursuant to Charter §4-2-1, to adopt as Town-wide Policy Goals for Fiscal Year 2011 those goals contained in the public hearing notice.*

Motion by: Elaine Anderson      Second By: David Bedard      Yea 5      Nay 0

2. PUBLIC STATEMENTS - None

3. SELECTMEN STATEMENTS

Austin Knight - Believes there is unintended cost to the town because of extended hours.

MOTION: *Move that the Board of Selectmen vote to send a letter to the ZBA to oppose the extension of alcohol licenses based on quality of life issues.*

Motion by: Austin Knight      Second By: Michele Couture      Yea 5      Nay 0

David Bedard

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to the police, DPW, state police, Sheriff's office, and Truro police for a job well done on July 4<sup>th</sup>.*

Motion by: David Bedard      Second By: Austin Knight      Yea 5      Nay 0

Elaine Anderson

Provincetown Public Pier Corp hosted a tour of the Pier. They deserve a great deal of support, and they are doing a great job.

Concerned about the affordable housing delays.

Getting complaints regarding the rules of the road for bicycles, we should look to see what we

can do to improve safety.

Hedges on the corners of streets need to be trimmed down throughout town.

**John Santos** - None

**Michele Couture**

Sheila Lyons announces the Mayor of Barnstaple, England, and will be visiting the PMPM.

**MOTION:** *Move that the Board of Selectmen vote to provide a proclamation to welcome the delegation*

**Motion by:** Michele Couture      **Second By:** Elaine Anderson      Yea 5    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to send a letter to Representative Sarah Peake on behalf of Peter Pietas of 463 Commercial St., to support the use of the first floor of this property as a residence conditioned on the fact that access to the beach is maintained.*

**Motion by:** Michele Couture      **Second By:** Austin Knight  
Yea 4    Nay 1 (Francis Santos)

Dog Fancy magazine declared Provincetown “dog friendliest town in the country”.

Board of Health will be holding a public hearing on July 22 regarding Red Dot Delays.

**MOTION:** *Move that the Board of Selectmen vote to send a letter of thanks to George Hitchcock for his tenacity and service on town boards.*

**Motion by:** Michele Couture      **Second By:** Elaine Anderson      Yea 5    Nay 0

**Chief of Police – Jeff Jaran**

Provided an overview of the July 4<sup>th</sup> weekend and presented the plan for the events to occur for the PMPM centennial on August 5. July 4<sup>th</sup> weekend calls up slightly over last year.

Michele Couture thinks the police department and summer officers are doing a very good job, and handling themselves professionally.

**MOTION:** *Move that the Board of Selectmen vote to send a letter of thanks to Truro for use of cell blocks during period of remodel at the Police Department.*

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

Code RED did launch on Tuesday of last week. We did a test call to alert folks of the service and asked them to sign up or provide additional contact information through the website, or by calling town hall.

#### 4A **BOARD OF SELECTMEN APPOINTMENTS**

John Santos recused himself and left the room due to a conflict of interest as his brother is one of the applicants, and has interest in several businesses on the pier.

**MOTION:** *Move that the Board of Selectmen vote to appoint Carlos Verde as member of the Provincetown Public Pier Corporation Board of Directors with a term to expire July 29, 2015.*

**Motion by:** Michele Couture      **Second By:** Elaine Anderson      Yea 4    Nay 0

5A DPW SERVICE CONTRACT FOR FY 2011

**MOTION:** *Move that the Board of Selectmen vote to execute FY 2011 contract for Baled Cardboard – J & L Enterprises at \$500.00 per haul HY +\$10.00 per ton.*

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

5B YEAR-END BUDGET TRANSFERS - FY 2010

Finance Director Dan Hoort presented.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 44, §33B to approve year-end budgetary transfers for Fiscal Year 2010 as requested by the Finance Director.*

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

5C USDA WATER AND WASTEWATER UPDATE

Open Discussion.

*David Guertin and Facilitator John Goodrich presented report dated July 8th covering the following updates:*

*July 4<sup>th</sup> sewage flow to the WWTF up 5% over holiday. The sewer system performed well. There were some routine operational responses. Water system also performed well. Pumpage from the Air Force well was over pumped during the weekend. Water levels at tanks dropped to 75 -80% capacity.*

*1. July 4th weekend preparation and review*

*2. Water and Wastewater financial update*

*Reporting for grant-funded projects*

*Grant-funded projects and Enterprise Fund financial review*

*3. Water system update*

*Leak detection and management*

*USDA-grant funded projects*

*4. Monthly wastewater update*

*Completion of spring construction work and planning for fall work*

*Phase 3 service area public outreach was successful with 55 in attendance*

*Red-dot delay, delinquent properties, and other sewer user updates*

Report by John Goodrich

This month's report includes the performance of the water and sewer systems over the 4<sup>th</sup> of July, a quarterly financial update, a water system update focusing on the on-going leak detection and management program, and the monthly wastewater update which focuses on the neighborhood outreach meeting held at the Cape Inn this past Saturday.

Considerable effort was spent preparing for the July 4<sup>th</sup> holiday weekend for both the wastewater and the water system. Both DPW Director David Guertin and Rob Adams of AECOM were in town over the entire holiday weekend, as well as additional personnel and

equipment for both the wastewater and the water systems. As Mr. Guertin has reported, the Treatment Plant recorded a new record for maximum daily flow for July 4<sup>th</sup>. The vacuum system performed very well during this time period. Several routine minor responses were quickly repaired by the crews that were in town.

The water system also performed very well over the July 4<sup>th</sup> holiday period as anticipated, given the attention that was paid ahead of time to planning and preparation, including the vulnerability for a potential boil order. Water pumpage from the Air Base wells was above the daily permit level for three days – July 5<sup>th</sup> thru 7<sup>th</sup> – in order to ensure that the average height of capacity in the tanks was adequate. The Seashore was notified according to protocol, and we are now getting back to the permitted pumping level.

Additional steps will be taken in the near future to improve the preparedness of the water system for peak periods, including a “vulnerability training” mandated by a MassDEP compliance order. And, the on-going identification and prevention of leaks will help to minimize the risk to the water quality of the system, as well as substantially reduce the quantity of unaccounted for water, and thereby the cost to the users.

**Financial** consultant Mark Abrahams continues to work with Finance Director Dan Hoort to resolve the remaining issues concerning year-end closures and transfers for FY10 for the Wastewater and Water Enterprise Funds, and Mr. Hoort has already provided you with an update on this effort. Mr. Abrahams will be preparing a report once all the FY10 close out issues have been resolved.

The summer water service inspection program is now in its fifth week and is going very well. Personnel from Woodard & Curran are conducting this **leak detection** program, starting with the larger users in both Provincetown and Truro, and the seasonal use Beach Point area. As of July 1<sup>st</sup>, they had inspected 156 properties and had found that about 50 or one-third of the total were non-compliant. Of the total, less than 5% were found to have “unmetered water use”. The non-compliant service connections include vertically mounted meters, connections that occur before the meter such as hose bibs used for winter drainage purposes, and non-compliant pipe that could break or leak.

The properties that are being inspected this summer are in addition to those that were inspected during the spring sewer project work. This brings the total of non-compliant service connections identified through the end of June to 80 out of 230 properties inspected, which clearly demonstrates the importance of this program. The Water Team proposes to bring **leak management policy recommendations** to the Board as follows:

- At the August 9<sup>th</sup> Meeting, a report on the extent of “unmetered water use” situations that have been identified, and a proposed enforcement program to be put into effect immediately upon approval of the Board.
- In September, a report on the extent of other non-compliant connections that have been identified, and policy recommendations as to how to notify the property owners, the time period that should be given for any corrective action if required, and funding options for any necessary corrective action. The policy recommendations may vary depending upon the type of non-compliant situation: where the risk of a leak or back flow is high, the situation is more urgent than for minor non-compliant issues.

Your report also includes an update on the USDA grant-funded water treatment plant and tank

work. The water team will be bringing a recommendation to the Board at your August 9<sup>th</sup> Meeting for the water treatment membrane procurement. The grant application for the North Union Field project was submitted to Washington on June 21<sup>st</sup>, and the Town expects to hear any day as to an award.

All of the Return To Compliance Plan work for the **vacuum system** was completed by the deadline. On June 22<sup>nd</sup>, Health Agent Jane Evans and Bill Burke of Woodard & Curran held the first Sewer Connectors Training Program. Certificates were provided for, and a number of the attendees have already applied for and received their license.

The sewer spring water line work was completed on June 22<sup>nd</sup>, and the trench patch paving, clean up, removal of materials and equipment and line painting were completed as planned that week. No work will be performed during the summer, and construction will begin again about September 13<sup>th</sup>. AECOM will be bringing a Change Order for the remainder of the Phase 3A construction work to the Board in August.

As the Board is aware, the Board of Health voted in June to hold a Public Hearing on July 22<sup>nd</sup> to consider a proposed regulation requiring mandatory septic system inspections for all of the remaining “**red-dot delay**” properties. The Water & Sewer Board had requested that the Board of Health adopt this regulation. The support of the Board of Selectmen for this proposed regulation would be very helpful. At the May 20<sup>th</sup> Public Hearing, the Water & Sewer Board directed their chair to send a letter to all of the **delinquent property** owners, reminding them of their obligation to connect to the sewer. This letter was very effective: of the list of delinquent properties provided to your Board in May, all but 4 have either connected or committed to connect.

The main focus of the Sewer Team this summer is the **public outreach** to the proposed Phase 3 sewer service areas, in particular the East End subareas and the sewer extension from the Cape Inn to the town line in Beach Point. A letter was sent out to approximately 800 property owners informing them of the opportunity to connect to the sewer in Phase 3, and inviting them to a neighborhood meeting to be held at the Cape Inn this past Saturday morning. This meeting was a follow up to the first outreach meeting held at the same place approximately a year ago.

Approximately 55 interested persons were in attendance, in addition to Health Agent Jane Evans, Dana Faris from the DPW, and Rob Adams from AECOM. As was the case last year when 40 people attended, there was a great deal of interest and a lot of questions, particularly concerning specific situations for pump station and stub locations, and for the condo associations. In addition, the sewer team addressed a wide range of questions related to Provincetown’s unique sewer legislation governing betterment and hook up policies – which differ greatly from what many seasonal residents are familiar with in other communities – as well as questions about the likelihood that there will be sufficient capacity in the future at the Treatment Plant for property owners who want to connect at a later time, and the Board of Health requirements for administrative consent orders and inspections at the time of property transfer, particularly for properties with cesspools.

***MOTION: Move that the Board of Selectmen vote to send a letter to the Board of Health in support of its amended policy on Red Dot delay inspections for its July 22 meeting.***

**Motion by: Michele Couture      Seconded by: Elaine Anderson      Yea 5    Nay 0**

5D DUNE SHACK SUBCOMMITTEE FINAL REPORT

Cape Cod National Seashore Advisory Commission

John Thomas and Paul Tasha present. The subcommittee's report discussed the elements of resource protection, historic structure preservation, public access, perpetuation of traditions, management models and mechanisms, transitions between uses and users, and compliance in order to develop EA alternatives.

The report now moves to the next level. CCNS Advisory Comm will review, discuss, and take action on the Subcommittee Report at its July 19 meeting.

The process was motivated to create a consensus report which we probably achieved a compromised report however it is worthy of being supported. Concerned that members of Advisory Commission watered down the report to ensure that it was accepted by the full commission rather than creating a report that really educated the Advisory Commission.

***MOTION: Move that the Board of Selectmen vote to accept the Report of the Cape Cod Nation Seashore Advisory Commission Dune Shack Subcommittee, and request the Town's representative on the Advisory Commission accept the report without deletion or addition; and to note the boards concerns about the limitations of the report.***

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

5E SURPLUS DECLARATION

Fire Department Vehicle

***MOTION: Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose of, by sealed bid, a 1975 OshKosh Model P-4 Fire Fighting truck, VIN # 14037, which vehicle was declared surplus by the Board of Fire Engineers on June 30, 2010.***

**Motion by: Austin Knight                      Seconded by: David Bedard                      Yea 5    Nay 0**

6. TOWN MANAGER FOLLOW-UP

Spoke with Police Chief regarding bicycle safety, and will look into the existing regulations and set-up enforcement.

PTV is live and streaming from channel 17 and 18. Additional programming is available and being sought.

Happy to announce that we have received our CDBG funding again this year for our joint program with Wellfleet for housing rehabilitation and child care.

6A COUNCIL ON AGING

Elder Services of Cape Cod & Islands Grant

***MOTION: Move that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands under the Older Americans Act Title III grant for \$7,992 to continue providing personal services and medical transportation for seniors 60 years old and older.***

**Motion by: David Bedard                      Seconded by: Austin Knight                      Yea 5    Nay 0**

6B OTHER - None

7. CLOSING STATEMENTS

Elaine Anderson – None      Austin Knight - None      David Bedard - None

John Santos - Thank everyone for working so hard. Would like the TM to institute a suggestion box for town employees.

Michele Couture - No basis to suggest that the Wastewater Collaborative Report is flawed, and therefore no reason for Provincetown to become involved in this issue. Board of Selectmen to take no action.

8. EXECUTIVE SESSION MGL. C.39 §23b, Clause 3

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, 3, to go into executive session to discuss litigation/bargaining strategy; and not to convene in open session thereafter. [Roll Call]***

*Austin Knight – Yes                      Michele Couture - Yes Elaine Anderson – Yes*  
*John Santos – Yes                      David Bedard – Yes*

**Motion by: Austin Knight      Seconded by: David Bedard**

**Yes 5    Nay 0    - Motion Passes –**

The Board went into executive session at 8:26 PM.

Minutes transcribed by: Vernon G. Porter  
July 20, 2010