

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF WEDNESDAY, APRIL 6, 2005

The Truro Board of Selectmen met for their weekly session on Wednesday, April 6, 2005 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Christopher R. Lucy, Clerk Gary Palmer, Lloyd F. Rose, Paul J. Asher-Best, Town Administrator Pamela Nolan, Assistant Town Administrator John J. Sanguinet, Administrative Secretary Julie DuPree, Chief Thomas, Brenda Boleyn, Trudi Brazil, John Lundborn, Alan Frankel, Ray LeDuc, Paul Kiernan, Suzanne Grout Thomas, Kaimi Lum of the Banner, and Steve Desroche of the Cape Codder.

Mr. Gaechter convened the meeting at 6:00 p.m.

Minutes: Mr. Palmer moved to approve the minutes of March 30, 2005 as presented. Mr. Asher-Best seconded it. Vote: 5-0, unanimous.

Mr. Palmer moved to approve the Executive Session minutes of March 30, 2005 as presented and to hold them in abeyance. Mr. Lucy seconded it. Vote: 5-0, unanimous.

Public Comment: No one was present.

Article 31, Revised General Bylaw: Mr. Lundborn said the bylaws have been revised to reflect Town Counsel's comments. The C&BRC suggests that in the future, we should look at the structure of the Historical Review Board; there is an overlap in their duties and those of the Historical Commission, but it can be held off for now because they are working well and a change now may halt any ongoing projects they are involved in. Regarding the Noise Bylaw, he told the Board that it is not standardized and is subjective. It needs further study, and should not be done haphazardly to meet the Town Meeting deadline. He suggested that the Board may want to appoint a new C&BRC, or keep this one in place. Most members have told him they are willing to stay on. Attachment A has been restructured. The document now flows well and makes sense. He feels it will be passed at Town Meeting. **Mr. Palmer moved to recommend the revised General Bylaws as presented. Mr. Asher-Best seconded it. Vote: 5-0, unanimous. Mr. Palmer moved to extend the term of the C&BRC to one more year. Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

Article 8, Acquire Open Space Property: Ms. Boleyn told the Board that the Open Space Committee voted to keep this article in the Warrant. The property will cost \$2 million dollars. The article was rewritten with input from Town Counsel. Mr. Gaechter asked if they could reduce the amount of money requested by using what was already in the Land Bank fund. Ms. Boleyn was not sure that they could. Ms. Brazil explained that those funds must first go toward our past land purchases. They discussed what funds they could expect from the CPA and what would be available for a new land purchase with our existing debt load. This purchase would take the majority of the CPA funds for quite some time, and this concerned Mr. Palmer. Ms. Brazil was concerned that the BOS would be pre-committing a revenue stream. They discussed the potential use of the property. The Board decided to defer a vote of recommendation, but that the article would appear in the Warrant.

Conservation Commission vacancy: Mr. Asher-Best moved to appoint Fred Schilpp to fill a vacancy on the Conservation Commission. Mr. Gaechter seconded it. **Vote: 5-0, unanimous.**

Beach Commission vacancies: Mr. Asher-Best moved to appoint Suzanne Grout Thomas and Julie DuPree to fill two vacancies on the Beach Commission. Mr. Palmer seconded it. **Vote: 5-0, unanimous.**

Rental Registration fee: Ms. DuPree requested that the Board set the fee for the Rental Registration. The Bylaw calls for the Board to set this fee annually. Mr. Gaechter asked her for her recommendation, but she said she didn't have one for them; she is just the "paper pusher". Mr. Gaechter suggested that they raise this fee in small increments. A 3% increase would be \$165.00, and that is what he would recommend. **Mr. Gaechter moved to set the Rental Registration fee at \$165.00. Mr. Asher-Best seconded it.** Mr. Palmer thought the fee should stay as it is until they get a handle on rental properties in town. Ms. Brazil cautioned that they need to show the increase is needed to cover the cost of services. Mr. Lucy said this increase would offset the cost for the new Enforcement Officer. **Vote: 4-1, with Mr. Palmer opposed.**

North Truro ad hoc Village Committee Charge: Mr. Gaechter asked that "business/" be added to the second sentence. **Mr. Asher-Best moved to approve the Charge as amended. Mr. Gaechter seconded it.** Ms. DuPree explained that the Charter states an ad hoc committee must be appointed for a definite period of time, not to exceed two years, and if their work is not completed, may be reappointed for an additional one year period. The Board agreed to appoint this committee for two years, and to add the words ad hoc to the title of the committee wherever needed in the Charge. **Mr. Asher-Best amended his motion to include these changes. Mr. Gaechter seconded. Vote: 4-1, with Mr. Lucy opposed.** Ms. DuPree was directed to place an advertisement for applicants to this committee.

Article 4: FY06 Omnibus Budget: Ms. Brazil reviewed the budget with the Board, outlining the changes that she has made. We will be \$175k over the levy limit, requiring an override vote in that amount. Ms. Nolan explained that both the DPW's new position and the Assessor's new position have been downgraded to an OA1, and restored to full-time. Ms. Brazil told the BOS that the certified free cash figure is \$1,008,298.00, and \$100k will be transferred to the Stabilization Fund, and \$50k to the Capital Improvement Fund. \$800k will be used to stabilize the tax rate, but she doesn't like to see that much free cash used for that purpose. Discussion ensued. The Board agreed to leave the cost of a new cruiser in the budget rather than use the Capital Improvement Fund to finance it. **Mr. Palmer moved to approve the budget as presented and to authorize an override of \$175k. Mr. Asher-Best seconded it. Vote: 5-0, unanimous.**

Capital Improvement Plan: Ms. Nolan explained that she has incorporated all the suggestions the Board make last week and the CIP is ready to be signed. The pages will be numbered. Mr. Gaechter said the bid results for the Community Center need to be updated on page 2 and on page 3, change the year to 2006. The police cruiser needs to be changed to "06, an X added to

the school, and the Town Hall Information System and note #6 removed. The rental housing section needs realigning. **Mr. Asher-Best moved to approve the CIP for FY06. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

ATM Warrant: The Board acted on the following articles:

Article 2, Set Salary of BOS: Mr. Palmer moved to recommend, and Mr. Lucy seconded it. **Vote: 5-0, unanimous.**

Article 7, Section 1, Free cash to stabilize tax rate: A sum of money will be replaced with \$800k. Mr. Palmer moved to recommend, with Mr. Lucy seconding it. **Vote: 5-0, unanimous.**

Article 7, Section 2, Stabilization fund: A sum of money will be replaced with \$100k. Mr. Asher-Best moved to recommend, with Mr. Palmer seconding it. **Vote: 5-0, unanimous.**

Article 7, Section 3, Capital Improvement Fund: A sum of money will be replaced with \$50K. Mr. Asher-Best moved to recommend, with Mr. Palmer seconding. **Vote: 5-0, unanimous.**

Article 9, Transfer of funds for Community Center: This article was deleted.

Article 16, New DPW Office Assistant position: The Board must revote its recommendation because this position was downgraded to an OA1. **Mr. Palmer moved to recommend, second by Mr. Asher-Best. Vote: 5-0, unanimous.**

Article 17, New Assessor's Office Assistant position: The Board must revote its recommendation now that this position has also been downgraded to an OA1, and made full time. **Mr. Asher-Best moved to recommend, second by Mr. Palmer. Vote: 5-0, unanimous.**

Article 19, Beach Enforcement Agent: Mr. Asher-Best moved to recommend, second by Mr. Lucy. **Vote: 5-0, unanimous.**

Election ballot: Mr. Lucy moved to approve the Election ballot:

QUESTION 1: Shall the Town of Truro adopt section 298 of chapter 149 of the Acts of 2004, (as approved by the October 26, 2004 Special Town Meeting), a summary of which appears below?

YES _____ NO _____

QUESTION SUMMARY

(Acceptance of section 298 of chapter 149 of the Acts of 2004 means the Community Preservation Act shall effectively replace the Cape Cod Open Space Land Acquisition Program. There shall be no additional excise on real property Levied other than the current 3 per cent levied for the provisions of the Cape Cod Open Space Land Acquisition Program. Acceptance of this section shall allow the community to access state Matching funds of up to 100 per cent of the excise on real property currently levied, which was previously unavailable to the Town.)

QUESTION 2: Shall the Town of Truro be allowed to assess an additional

\$175,000.00 in real estate and personal property taxes for the purposes of funding the operating and capital budgets of the Town and the Public School System for the fiscal year beginning July first, two thousand and five?

YES _____ NO _____

QUESTION 3: Shall the Town of Truro be allowed to assess an additional \$300,000.00 in real estate and personal property taxes for the purpose of funding the acquisition of a Pumper Truck for the Fire Department for the fiscal year beginning July first, two thousand and five?

YES _____ NO _____

QUESTION 4: Shall the Town of Truro be allowed to assess an additional \$100,000.00, in real estate and personal property taxes for the purpose of funding a tractor for a tractor trailer vehicle for the Transfer Station of the Department of Public Works for the fiscal year beginning July first, two thousand and five?

YES _____ NO _____

QUESTION 5: Shall the Town of Truro be allowed to exempt from the provisions of proposition two and one-half, so-called, the additional amounts required to pay for the bond issued in order to pay for additional costs of the Council on Aging Senior Center and Community Center, construction project, and for the payment of other costs incidental and related thereto?

YES _____ NO _____

The motion was seconded by Mr. Asher-Best. Vote: 5-0, unanimous.

Article 10, Borrowing for the Community Center project: Mr. Sanguinet reported the results of the General Contractor bids. The low bid was received from Barr, Inc at \$3.4 million. The next day Mr. Sanguinet received a call from Barr, Inc. saying he made a \$200k clerical error on the bid and wanted to withdraw it. Mr. Sanguinet had him send a letter explaining the error. The tally sheets were enclosed with the letter, and they show the \$200k error in adding the figures together. Mr. Sanguinet called the Attorney General's office, asking if we could raise his bid to \$3.6 million. He was told that yes, we could, if the bid it is clear that a clerical error was made. But in the bid documents it is not clear. The error shows in the tally sheets, which are not part of

the bid documents. We cannot reject the bid; it is from a responsible bidder. We can accept the bid and give Barr, Inc. the option to withdraw. If he does, then we must accept the next lowest bidder, Bay State Contracting, Co., whose bid came in at nearly \$4 million. Mr. Kiernan suggested that the town could attach his bid bond if Barr, Inc. withdraws, and keep 5%, which would be \$170k. If we did that, the contractor would only be out \$30k. Mr. Gaechter said that would be paid by insurance. Mr. Sanguinet was not sure we could attach the bid bond. He will check with the Attorney General's office. He went on to explain that if we award the bid to Barr, Inc., at \$3.4 million, we will need an additional \$300k to fund the project; we would have no contingency left, however. If we award to Bay State, \$824k will be needed. Mr. Palmer asked what the timeline would be. Mr. Sanguinet said that he has 30 days to sign a contract. We would have to ask for an extension so that we can hold our ATM and May Election to fully fund the project. Mr. Sanguinet recommended that the Board ask ATM for authorization for \$825k in additional borrowing, and on Town Meeting floor, it can be amended down as needed. Mr. Gaechter asked that the Board defer a vote until the CCSC can report to them next week. **Mr. Palmer moved to put the text into the article with the amount of \$825k. Mr. Asher-Best seconded it. Vote: 4-1, with Mr. Rose opposed.**

Town Administrator's Report:

- Reported that the Pamet Harbor fee schedule was approved by the Public Access Board.
- Received a copy of the annual Request for Declaration of Water Emergency that Provincetown sends to the DEP each year asking to use the wells at the old NTAFB.
- Received an invitation to apply for a preservation award from the MA Historical Commission. Ms. Nolan will look into entering our Town Hall.
- Received notice that the County will be returning \$7,313.00 to Truro. The Board decided to put it toward the purchase of County Dredge services.
- Reported that William Reich has been chosen as our Project Manager/Clerk of the Works for the Community Center project. If we must re-design this building, his function would be to help with that.

Selectmen/Liaison Reports:

Asher-Best: -Informed the Board that he will attend the CCS&CA meeting this week.

Palmer: -Informed the Board that the CCSC will have a public meeting this Saturday.

Gaechter: -Urged everyone to attend the CCSC meeting this Saturday.

- Reported that ConsCom met on the application (NOI) on the Town Park down by the Pamet River. They requested more information. Mr. Sanguinet will work on this with the people who have the information they requested. Mr. Asher-Best noted that a citizen expressed interest in a tot playground there.
- Reported that he met with Mr. Edinberg and the HCI. Their new administrator is Robert Ciolek. He met with him to set up a coordination.
- Distributed the draft letter from the Board for the Warrant for their review.
- Received a letter from the curator at the Historical Museum requesting an extension on their proposal to use the old Cobb library building because their annual meeting has been delayed until May. The Board agreed to do so.
- Reported that the court has restrained Bobby Martin, Jr. from removing soil until a permit

is obtained. The Board can set the conditions it wants on this permit, making it site specific, etc. He interprets this to mean he cannot remove even the soil he brought in himself. Mr. Lucy asked to have that point clarified.

- Lucy:** -Asked whether some of the items on the new tracking sheet had been accomplished yet.
- Asked for clarification that the new four-wheel drive cruiser would be for patrol use. Mr. Gaechter said it was.
 - Questioned the need for black windows on our police vehicles. He has had people tell him they dislike them. Mr. Gaechter thought perhaps they were required. Ms. Nolan will find out about this.
 - Reminded the Board that the Board of Fire Engineers terms run out in April and asked that an advertisement be placed for these.

Other Business: Mr. Sanguinet reported that the Planning Board has held a public hearing on a subdivision application from Mr. Czyoski. There has been a lot of interest from abutters because the only access to this would be through the Sawyer Grove subdivision.

- Mr. Sanguinet informed the Board that the Legislature acting on an update to the Zoning Act. Ours is the only state that allows ANRs and requires a two thirds vote for zoning bylaw changes. He will provide the BOS with more information so that they can decide if they want to write to our legislators to support this or not.

At 8:17 p.m. Mr. Palmer moved to adjourn. Mr. Gaechter seconded it. Vote: 5-0, unanimous.

Alfred Gaechter, Chairman

Christopher R. Lucy, Vice-Chairman

Gary Palmer, Clerk

Lloyd F. Rose

Paul Asher-Best

Board of Selectmen
Town of Truro