

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - REGULAR MEETING
MONDAY – DECEMBER 12, 2016 – 6:00 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chairman Richter convened the open meeting at 6:02 p.m. noting the following attendees:

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

Excused: Selectman Cheryl Andrews & Assistant Town Manager David Gardner

Other attendees: Town Manager David Panagore, Airport Manager Butch Lisenby, Police Chief Jim Golden, Housing Specialist Michelle Jarusiewicz, Deputy Director of Tourism Radu Luca, Members of the Visitor Services Board: Vice Chair Marian Peck, Richard Murray, Robert Costa, Rita Swchwartz, Robert Sanborn, and Lesley Marchessault, Members of the Economic Development Committee: Co-Chair Steven Latasa-Niciks, Co-Chair Regina Cassidy, Karen Cappotto, and Steven Baker, PTV President of the Board of Directors Robert Klytta and Executive Director Amy Davies, and Director of Health Morgan Clark.

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

- A. *Reappoint Michelle Jarusiewicz as Provincetown’s Representative to the Barnstable County HOME Consortium’s Advisory Council with a term to expire on January 31, 2020.*

MOTION: Move that the Board of Selectmen vote to approve the reappointment of Michelle Jarusiewicz, as Provincetown’s Representative to the Barnstable County HOME Consortium’s Advisory Council with a term to expire January 31, 2020.

- B. *Treasurer Transfer – Library Gift Fund – to pay an invoice, to Blackstone Audio, Inc. for audiobook purchases, in the amount of \$179.99.*

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 \$179.99 for the attached invoice from Blackstone Audio, Inc.

- C. *Treasurer Transfer – Library Gift Fund – to pay invoices, to Blackstone Audio, Inc. for audiobook purchases, in the amount of \$757.38.*

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 \$757.38 for the attached invoice from Blackstone Audio, Inc.

- D. *Treasurer Transfer – Library Gift Fund – to pay invoices, to Staples, Inc. for supplies, in the amount of \$221.03.*

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 \$221.03 for the attached invoices from Staples Credit Plan, Inc.

- E. *Approval of Regulatory Agreements for Winslow Farms Housing – Housing Specialist Michelle Jarusiewicz.*

MOTION: Move that the Board of Selectmen vote to authorize the execution of a Regulatory Agreement and Declaration of Restrictive Covenants for 44 – 48 Winslow Street for the provision of two community housing units.

- F. *Approval to execute a contract in the amount of \$151,394.83 with Jacobs Engineering Group, Inc. for the replacement of the Runway Lighting System (HIRLS) at the Provincetown Municipal Airport - Airport Commission and Airport Manager Butch Lisenby.*

MOTION: Move that the Board of Selectmen vote to execute a contract in the amount of \$151,394.83 with Jacobs Engineering for the Replacement of the Runway Lighting System (HIRLS) at Provincetown Municipal Airport.

- G. *Approval to execute a contract in the amount of \$335,284.00 with KOBO Utility Construction Corp. for the replacement of the Runway Lighting System (HIRLS) at the Provincetown Municipal Airport – Airport Commission and Airport Manager Butch Lisenby.*

MOTION: Move that the Board of Selectmen vote to execute a contract in the amount of \$335,284.00 with KOBO Utility Construction Corp. for the Replacement of the Runway Lighting System (HIRLS) at Provincetown Municipal Airport.

H. Request for parking ban on Commercial Street between Johnson and Court Streets for the "First Light Provincetown" Event – Police Chief Jim Golden.

MOTION: Move that the Board of Selectmen vote to ban parking on Commercial Street between Johnson Street and Court Street during the First Light Provincetown Event from 2:00 a.m. on Thursday, December 29, 2016, until 2:00 a.m. on Monday, January 2, 2017.

I. Approval to accept a bequest from the estate of William Maynard to the Council on Aging in the amount of \$19,807.48.

MOTION: Move that the Board of Selectmen vote to approve accepting a bequest from the estate of William Maynard to the Council on Aging in the amount of \$19,807.48.

J. Approval to accept a bequest from the estate of William Maynard to the Recreation Department in the amount of \$19,800.98.

MOTION: Move that the Board of Selectmen vote to approve accepting a bequest from the estate of William Maynard to the Recreation Department in the amount of \$19,800.98.

Without objection, the Board unanimously approved the Consent Agenda.

1. **Public Hearings:** None.

2. **Public Statements:**

Rik Ahlberg spoke on the renewal of PT Access Agreement. He is very impressed with the staff's friendliness, ability to educate and train. He has done videoing for PTV since last year and spoke very highly of them. He encouraged the Board to approve the agreement.

3. **Selectmen's Statements:**

Tom would like to take some of the 6% contribution we make to the county and focus it on housing. We get very little back from Barnstable County for the amount that we send them; we are just 1% of the population.

Robert would like to have a warrant article to change the Fire Chief's retirement age from 65 to possibly 67 or 68 years of age. Michael has been a dedicated employee for approximately 35 years and this would allow him to stay longer. We do not know what the Fire Dept. will look like down the road but for now he would like to have this changed.

MOTION: Move that the Board of Selectmen vote to enact a Home Rule Petition to excuse the 65 year old age limit for mandatory retirement for the position of Fire Chief and change it to either 67 or 68 years of age.

Motion: Robert Anthony

Seconded: Raphael Richter

Tom thinks it is a great discussion to have, but believes it is a little early to have this vote. He asked the Town Manager and staff to come back with a recommendation of what needs to be done. To have a Warrant Article feels a little too early right now.

Raphael asked to withdraw the motion and bring this item forward at a future meeting with the report from staff.

Motion was withdrawn.

Erik thanked the Town Planner, Planning Board, and Winslow Farms representatives for making affordable units. He also thanked the Estate of William Maynard for his bequests to the COA and Recreation Dept.

Raphael wished everyone a Happy Holiday season; Christmas, Chanukah, and Kwanzaa. The Town Meeting process has officially started so he asked everyone to please bring any thoughts and/or recommendations forward beforehand. This will help us have a successful Town Meeting.

4. **Joint meeting / Presentations:**

A. **Joint meeting with the Visitor Services Board (VSB) regarding follow-up discussion and possible approval of the Marketing Plan and Tourism Economic/Statistics Report:**

Radu stated that there are no major changes since the last meeting. They will have more information in January or February on the room and food tax receipts. He went over the PowerPoint with the Board noting such items as the ferry use increased by 28%; parking was flat; Herring Cove increased 6.5%, and Race Point remained flat at 1%. There were 87,000 people that took Whale Watches which generated approximately \$43,000 in revenue. There was

a 5.3% growth in meals tax over 2015; 2015 saw an increase of 12.3% over 2014. Rooms tax revenue for 2016 was up 4.6% over 2015; 2015 was up 3.7% over 2014. Tourism is a \$200 million industry annually. Provincetown is one of the most expensive coastal towns in New England.

Erik believes that Nantucket is more expensive than Provincetown.

Tom congratulated them for the presentation on the data.

Marian gave a brief presentation of the Five-Year Plan and the VSB is recommending \$700,000 for FY2018. They will have one agency not two for marketing.

Tom recused himself and stepped out at 6:37 p.m. He is responsible for some of the fund raising.

Raphael complimented them on their work. He highlighted the need to get more funding for marketing tourism.

MOTION: Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended Five-Year Financial Plan for Tourism Fund Expenditures for FY2018-FY2022.

Motion: Raphael Richter

Seconded: Erik Yingling

3/0/0 (Tom Donegan-recused) Motion passed.

Tom returned to the meeting at approximately 6:42 p.m.

VSB adjourned at 6:43 p.m.

B. Joint meeting with the Economic Development Committee to review the finalists for the Micro and Macro Grants:

Tom recused himself and left the room at 6:43 p.m.

EDC called their meeting to order at 6:42 p.m.

First grant process ends on the December 31st. They presented the Micro/Macro grants to the Board.

Grants up to \$500 were not enough so they were increased them to \$1,000. Recommended awardees: Day of the Dead Performing Arts Festival \$1,000; Provincetown Dramatic Arts \$1,000; Smiley Productions \$1,000; Richard Christopher Patterson, Artist/Photographer \$1,000, and Wellfleet Fisheries, Inc. \$1,000.

MOTION: Move that the Board of Selectmen vote to approve the slate of Micro Grants presented by the Economic Development Committee and award the amounts requested on the application, not to exceed more than \$1,000 per grant [as presented] [as revised].

Motion: Erik Yingling

Seconded: Robert Anthony

3/0/0 (Tom Donegan-recused) Motion passed.

They had a selection committee of five individuals to help make the selections.

Steve Latasa-Nicks went over the Macro Grants. Six macros listed: Dana Demers \$4,000; The Creative Commons of Provincetown \$2,310; Urban Man Made \$3,200; Fine Arts Work Center \$2,500; Four Eleven Gallery, Inc. \$4,640, and The Friends of Provincetown Public Library \$2,500.

Raphael asked to have Creative Commons taken out and voted on the others.

MOTION: Move that the Board of Selectmen vote to approve the slate of Macro Grants presented excluding Creative Commons by the Economic Development Committee and award the amounts requested on the application, not to exceed more than \$5,000 per grant, as revised.

Motion: Erik Yingling

Seconded: Robert Anthony

3/0/0 (Tom Donegan-recused) Motion passed

Raphael wants to be careful about this grant and he is not prepared to vote on this tonight until we receive information from Town Counsel. The item will be brought back at a future meeting whenever we get information from Town Counsel regarding the grant for Creative Commons. Without objection this item was tabled for a future vote.

EDC adjourned at 6:58 p.m.

Tom returned to the meeting at 6:59 p.m.

5. Appointments:

A. Board of Selectmen End of Year Re-appointments with terms to expire December 31, 2019.

The Board reviewed the list of those wishing to be reappointed and voted.

MOTION: Move that the Board of Selectmen vote to reappoint the following Board, Committee and Commission members, as noted in the attached list, to an additional three-year term to expire on December 31, 2019.

Motion: Tom Donegan
4/0/0 Motion passed.

Seconded: Erik Yingling

B. Appoint Regina Cassidy as the Women Innkeepers' Representative to the Visitor Services Board with a term to expire June 30, 2019.

Regina Cassidy appeared before the Board and has been involved with the Women Innkeepers' for about six years. She is very interested in serving on this Board on a personal level.

Erik is very happy to see her getting involved.

MOTION: Move that the Board of Selectmen vote to approve the appointment of Regina Cassidy, as the Women Innkeepers' Representative to the Visitor Services Board effective December 12, 2016 with her term to expire on June 30, 2019.

Motion: Erik Yingling
4/0/0 Motion passed.

Seconded: Robert Anthony

C. Appoint Maureen Travis as a member of the Board of Health with a term to expire on December 31, 2019.

Maureen was a Licensed Psychologist for 30 years and is bored. She has a lot of time and wants to be involved.

MOTION: Move that the Board of Selectmen vote to approve the appointment of Maureen Travis as a Regular member to the Board of Health with a term to expire on December 31, 2019.

Motion: Erik Yingling
4/0/0 Motion passed.

Seconded: Robert Anthony

Raphael called for a brief break at 7:04 p.m.
Everyone returned to the meeting at 7:08 p.m.

6. Requests:

A. Approve Town Manager's appointment of Laura Grandel to the position of Town Collector:

David P. had a process to seek a new Town Collector and had a couple of outside candidates but Laura was the best choice. He appointed her Acting Town Collector and asked the Board to approve his appointment of Laura as the permanent Town Collector.

MOTION: Move that the Board of Selectmen approve the Town Manager's appointment of Laura Grandel as the Town Collector effective December 13, 2016.

Motion: Erik Yingling
4/0/0 Motion passed.

Seconded: Robert Anthony

Tom asked if the Board could start receiving notices of town employees who are hired for positions in the future and David P. will make sure the Board receives them.

B. Approval of Access Agreement between Provincetown Community Television and Town of Provincetown:

MOTION: Move that the Board of Selectmen approve the Access Agreement between Provincetown Community Television and the Town of Provincetown as presented.

Motion: Tom Donegan

Seconded: Robert Anthony

Raphael asked to highlight the differences.

Amy gave a brief PowerPoint Presentation (See Addendum # 1). To date, PTV has had 242 reservations for use of field equipment and/or use of editing suites. Membership fees are in place of any rental fees; they do not charge for rental fees. They work with many non-profits. They have made several technical improvements; such as rewiring of their playback system; new processing equipment. They are getting ready for an HD conversation. They also expanded their location. They are live on Channel 18; they also have video on demand. They are increasing civic engagement throughout the town. They do not get viewership numbers from Comcast. They have 3700 average homes year round that subscribe to Comcast.

Raphael asked about the government programming; do they store it and who owns it.

Amy stated that the town owns it; video recordings are public and owned by the public. They have DVD copies and store it on tape.

Tom complimented them on how well they serve the community. They offer very good public service that makes a difference.

4/0/0 Motion passed.

C. Update and discussion on the Community Resources Navigator Program Semi Annual Report:

Morgan Clark, Forest Malatesta, Dikke Hansen gave brief presentations of the different facets within the Navigator program.

Dikke thanked the Board for providing the funding for this program. This has been very successful in the first six months.

Forest gave an overview of the program. There have been 36 clients enrolled in the program; and now an additional seven referrals have been received since November. The greatest areas of needs are within the Mental Health and Substance Abuse areas. Housing is also another issue people are dealing with. They have met with local clergy who have helped direct people to this program.

Dikke recognizes that each service organization has a specific area of expertise, but they are finding that some people are falling through the cracks as the service organizations do not talk with each other. This program has been able to start tying these organizations together and to meet with the organizations and creating what is known as wraparound services. They use an evidence-based matrix with 18 different domains with which to score them. If they score a 1 they are in crisis in an area and if a 5 they are self-sufficient. Approximately 85% demonstrated improvement after 3 months reflected by moving up the scale.

Forest stated that the primary focus of this work is developing relationships with people. It takes time to make these relationships and they have that time presently to offer those people in need and help them access resources in the area. They offer hours in the Library and at the Outer Cape Clinic and meet with people in their homes or sometimes at Far Lands. They work with whatever is comfortable and appropriate.

Tom congratulated them on the quality and detail of the report; it is very helpful. They are really making a difference in the community. The outcomes are very encouraging. He reminded everyone in 2013/2014 the Police Department cost \$60,000 in excess expenses to the force due to taking them to Gosnold or Taunton Hospital. Chief Golden is sending three officers to attend classes on intervention.

Raphael is impressive that it is moving so quickly and getting such positive results. He would ask to get a report semi-annually if possible from October through the office season and then one for the on season. If they see the opportunity he recommended they might bring this to other communities on the Cape. It would be great to show them the successes. Truro and Wellfleet might be interested in joining this program in the future.

No action was taken.

D. Approval of proposed changes to the Board of Health Fees (Part VIII, Art 1 – Fee Schedule; Part VI, Art 5 – Solid Waste Fees) including eliminating the fee for residents to drop off bags of household trash at the transfer station, as determined at a Public Hearing on Thursday, December 1, 2016:

Morgan stated that some people had brought this to the attention of the BOH and the Board talked with the DPW who supported changing the policy. There was a Public Hearing held.

Raphael asked about definition of resident.

David P. will send the Boards an email as to how they define resident.

MOTION: Move that the Board of Selectmen vote to approve changes to Board of Health fees Part VI, Art. 5 – Solid Waste Fee Schedule, as presented.

Motion: Tom Donegan

Seconded: Robert Anthony

4/0/0 Motion passed.

E. Discussion on the process for declaring Provincetown a “Sanctuary Town”:

David P. gave a brief overview of the memo presented to the Board.

Raphael would love to call Provincetown a Sanctuary City but, at the same time, he is concerned about moving forward due to the unknown economy and how the incoming administration will affect this. He recommended to the Board that it is premature and we should tread with caution.

Tom agrees but would like to have something in place such as sending a Resolution, with the school system's input, welcoming all children to the school system stating that no matter where you come from and who you are you are welcome. He would also like to consider having an open house on a weekend welcoming all citizens to Town.

Robert agrees with David P. and Raphael. We should be talk with the parents and children letting them know that hate will not be accepted nor tolerated in Provincetown.

(See Addendum 2 – Email in support from Jackie Kelly)

No action was taken.

F. Discussion and approval to appoint a member of the Board of Selectmen to the Year-Round Market Rate Rental Housing Trust:

Raphael had spoken with the Board members and Tom wants to participate in the Trust.

MOTION: Move that the Board of Selectmen vote to approve the appointment of Tom Donegan as the Board of Selectmen’s Trustee to the Year-Round Market Rate Rental Housing Trust with a term to expire on the last day of BOS term in May of 2019.

Motion: Raphael Richter

Seconded: Robert Anthony

4/0/0 Motion passed.

After a brief discussion regarding the expiration date, the motion was amended.

MOTION: Move that the Board of Selectmen vote to approve the appointment of Tom Donegan as the Board of Selectmen’s Trustee to the Year-Round Market Rate Rental Housing Trust with a term to expire December 31, 2019, as revised.

Motion: Raphael Richter

Seconded: Robert Anthony

4/0/0 Motion passed.

7. Town Manager / Assistant Town Manager:

A. Discussion of potential items for 2017 Spring Town Meeting Warrant.

David P. presented the potential items for the 2017 Spring Town Meeting with initials of those individuals who will be presenting set out next to each item. He would like to see them shift from sitting down and talking through the Town Warrant to using the Town Forum model and PowerPoints. He asked the Board if there was anything else that needs to be added.

Tom would like to see a Bylaw around the Consent Agenda. There would need to be seven people before an item would be withdrawn from the Consent Agenda.

Raphael wants to have this conversation on Thursday at the Round Table on December 15th.

David P. will put an item on the list regarding consensus issues.

Raphael asked to look at the Charter as it refers to the Board of Selectmen and their election dates. If the Town Meeting and Election are considered to be moved he wants to make sure everything has been researched fully.

No action was taken.

B. Town Manager’s Report – Administrative Updates.

i. Review Master Calendar update.

David P. gave them the updated calendar and stated that this is always going to be a work in progress.

ii. Review Department Budget Hearing Schedule.

David P. presented the Budget Hearing Schedule (See Addendum 3 – updated version). He asked for any changes to be sent directly to him.

iii. Follow-up of Town Forum Session One Results.

David P. gave the Board the update of everything that was received at the Town Forums. He is looking at December or January for a Round Table to look at the Police Station. There will be an Inclusionary Bylaw educational forum in front of the Planning Board. In mid-March a full warrant review. On January 26th or 30th have an open session for drafting warrant articles. He would like to start using CivicPlus as an outreach tool.

The Board will email him their ideas and comments.

iv. Other Town Manager updates and administrative matters.

- Getting a new Finance Director is in the works.
- He is looking at the process regarding the CVC store.
- He is on track to have the budget to the Board next Monday.

No action was taken.

Raphael wanted to take 9C out of order.

MOTION: Move that the Board of Selectmen vote to take item 9C out of order.

Motion: Raphael Richter

Seconded: Tom Donegan

4/0/0 Motion passed.

C. Resolution in support of the Standing Rock Sioux Nation.

Reverend Brenda Haywood appeared before the Board with Rick Kipler who has just returned from the Standing Rock Sioux Nation where he was helping them in their efforts to protect their water supply. She asked the Board's support of the Resolution.

Rick Kipler stated that since 2010 there have been 3,300 leaks from pipelines and only 300 are being addressed at this time. He reported on the military and police that were there and how he was shocked at the degree in the difference of how the indigenous and nonindigenous peoples were treated.

MOTION: Move that the Board adopt the resolution in support of the Standing Rock Sioux Nation, as presented.

Motion: Tom Donegan

Seconded: Erik Yingling

4/0/0 Motion passed.

Raphael read the Resolution.

D. Others: None.

8. Minutes: The Board reviewed the minutes.

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

February 11, 2016 (Special) June 22, 2016 (Special) October 26, 2016 (Regular) November 14, 2016 (Special) November 14, 2016 (Regular) November 19, 2016 (Special) November 28, 2016 (Special) November 28, 2016 (Regular) November 29, 2016 (Special), as presented.

Motion: Erik Yingling

Seconded: Robert Anthony

4/0/0 Motion passed.

9. Closing Statements/Administrative Updates: The Board read the letters.

A. Thank you letter to Allison Baldwin who resigned as the Women Innkeepers of Provincetown's Representative to the Visitor Services Board effective November 17, 2016.

B. Thank you letter to David McGlothin, Jr. who resigned from the Historic District Commission effective October 1, 2016.

The Board voted to go into Executive Session at approximately 8:39 p.m.

MOTION: 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:

Clauses 1, 2, 3, 4, 5, 6, 7, & 8 – To consider the approval and/or release of Executive Session Minutes for November 28, 2016.

Clauses 1, 2, 3, 4, 5, 6, 7, & 8 – To consider the release of approved Executive Session Minutes for 2014, 2015 and 2016.

Clause 2 – To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel. (Finance Director)

and not to convene in open session thereafter.

Motion: Tom Donegan

Seconded: Erik Yingling

(Roll Call Vote)

Raphael Richter: Yes

Erik Yingling: Yes

Tom Donegan: Yes

Robert Anthony: Yes

Yea: 4 Nay: 0 Motion passed

Without objection, the meeting was adjourned at 8:39 p.m.

The Board went into Executive Session at 8:40 p.m.

Minutes transcribed by: Loretta Dougherty