

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES – REGULAR MEETING  
MONDAY, FEBRUARY 13, 2017 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

Chairman Richter convened the open meeting at 6:00 pm noting the following:

Board of Selectmen attending: Raphael Richter, Thomas Donegan, Cheryl Andrews, and Robert Anthony.

Excused: Erik Yingling,

Other attendees: Town Manager David Panagore, Asst. Town Manager David Gardner, Finance Director Josee Young

Recorder: David Gardner

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

- A. **Removed for consideration.**
- B. MOVE that the Board of Selectmen vote, as Commissioners of the Town of Provincetown History Project Gift Fund – (#1126), pursuant to MGL C44 § 53A, to approve the use of the funds in the History Project Gift Fund (#1126) to pay \$99.94 for the attached invoice from db interactive Inc.
- C. MOVE that the Board of Selectmen vote, as Commissioners of the Town of Provincetown History Project Gift Fund – (#1126), pursuant to MGL C44 § 53A, to approve the use of the funds in the History Project Gift Fund (#1126) to pay \$400.00 for the attached invoice from David Colombo.
- D. MOVE that the Board of Selectmen vote, as Commissioners of the Town of Provincetown History Gift Fund – (#1126), pursuant to MGL C44 § 53A, to approve the use of the funds in the History Project Gift Fund (#1126) to pay \$710.00 for the attached invoice from Truro Designs.
- E. **Removed for consideration.**
- F. 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 \$21.78 for the attached invoice from Stephen Borkowski.
- G. **Removed for consideration.**
- H. **Removed for consideration.**
- I. 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 \$69.45 for the attached invoice from the Staples Credit Plan.
- J. MOVE that the Board of Selectmen vote, as Commissioners of the John A. Henry Trust Fund – (#1618), pursuant to MGL C44 § 53A, to approve the use of the funds in the John A. Henry Trust Fund- (#1618) to pay \$9,745.00 for the attached invoice from Cape Cod Children’s Place Inc.
- K. Move that the Board of Selectmen vote to appoint Julia Perry, as a Regular member to the Town Scholarship Committee with a term to expire on December 31, 2019.
- L. Move that the Board of Selectmen vote accept grant funds in the amount of \$1,485 from the CARE for the Cape and Islands Organization and \$2,500 from the Keep America Beautiful Organization for the purpose of funding a Cigarette Butt Recycling Program in the Town of Provincetown and to authorize the RREC to implement and install, through the Department of Public Works, cigarette butt receptacles throughout town.
- M. **Removed for consideration.**

- N. Move that the Board of Selectmen vote to amend the eligibility criteria for the Captain Joseph F. Oliver Scholarship Fund by removing the following words, "...have attended and completed his or her entire eighth grade in the Provincetown School System."
- O. MOVE that the Board of Selectmen vote to open the warrant for the Annual and Special Town Meetings forthwith; and to close them on Friday, March 3, 2017, at 11:00 a.m., in accordance with Charter §2-1-7.
- P. MOVE that the Board of Selectmen vote to approve the Agreement Concerning Snow and Ice Removal between Massachusetts Department of Transportation and the Town of Provincetown.

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

**1. Public Hearings: - 2016 Annual Growth Management Report, including an update on the DEP Water Management Act Permit.**

The Assistant Town Manager presented the Annual GM Report and summarized the following findings:

Finding for Water: The Town is permitted an average daily withdrawal of water at the rate of 850,000 gpd, with non-compliance at 950,000 gpd. The 2016 daily average water withdrawal is reported at 679,982 gpd, 79.9 % of the DEP permitted limit, and 3% lower than last year.

Finding for Wastewater: The wastewater treatment plant is now permitted to handle 750,000 gpd and currently committed to 1039 properties. As we continue to be within 7% of our usable capacity at the plant, we continue to operate under the State of Limited Capacity, which was approved by the Selectmen and Water and Sewer Board back in 2015. We continue to track at or under our five year assumptions for each of the 5 priority connections pursuant to that policy, with 7,746 gpd of the 50,000 utilized or 15%. Peak flows at the plant for both July 4<sup>th</sup> and Carnival for 2016 are within 1% of 2015 and we continue to monitor the effectiveness of the 10% reserve during peak flow periods in relation to the July 2014 event.

Finding for Solid Waste: We have a DEP license that allows us to handle a maximum of 5000 tons of solid waste at the transfer station. The Town reported a combined solid waste and recycling total of 4171 tons in 2016. That includes 35% recycling rate.

Finding for Building: Pressure for growth in new development remains in the Category 3 or market rate housing development. We were able to credit 1147 surplus gallons to Category 3 this year, thereby reducing the queue considerable.

Finding for Economic Development: 2016 saw a total of 3 permits issued for a total of 2601 gallons, slightly above the 2500 gallons planned for within the limited capacity scenario for the year. In addition, we have seen an uptick in interest from the business community, we have one application schedule for your 27<sup>th</sup> meeting, and we are currently processing 3 other applications.

Finding for Affordable Housing: Within 2016, three units at Grace Gouveia and 23 units at Stable Path were occupied by tenants. The Subsidized Housing Inventory stand at 9.8%. In December we saw the realization of the Year Round Rental Housing Trust, and an incredible amount of work has already occurred over the last two months to bring about market rate year round rental options to town.

At the conclusion of the report, Staff recommended the full allocation pursuant to Zoning.

Superintendent Cody Salisbury presented an update on the DEP Water Withdrawal Permit issued to the Town and effective until November 30, 2030. Water withdrawal rates have not changed. Compliance with the DEP mandated functional equivalence with the 10% unaccounted for water performance standard has been extended to December 31, 2019. We already have the required monitoring programs in place to satisfy the functional equivalence in case we don't meet our 10% goal.

**Public Comment:**

Kathy Meads – I would like to support the allocation for the upcoming year. Property owners spend a great deal of time in the queue and have a great deal risk. Cody Salisbury provided so much use in the Water System and I would like to publically recognize and thank him.

Cheryl wants to add the number of days above 850,000 in the annual report. Would also like to see more recommendations from staff and other boards.

Tom wants to have a discussion at Thursday's round table on the Water withdrawal data. We need to understand the cost of the peak capacity. How much are year round folks subsidizing for peak demand. Wants to understand what our growth management or throttling is doing to our overall economy. Also requests daily flow calculations at the wastewater treatment plant. For the second year in a row September flows beat June and now October flows beat May.

Robert asks about the status of the \$3,000,000 approved at town meeting to explore sewer capacity expansion. Richard states that we are currently working on the pro forma prior to reporting the expansion options.

Cheryl asks about the status of the manhole cover program intended to reduce water intrusion. Richard reports that the data is favorable but that we would need to have it tested during another high rain event. DEP did not find us in non-compliance due to the July 2014 event.

Raphael is looking for how we can implement policy that

**MOTION:** Move that the Board of Selectmen vote, pursuant to the Provincetown Zoning By-Laws Section 6600 (3), Growth Limitation Goal Allocations, to make the following findings that the average daily withdrawal for the Provincetown Water System in 2016 was 679,982 GPD; that the permitted level is 850,000 GPDs; and that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection ("DEP") pursuant to 310 CMR 36.00 and all applicable rules and regulations by DEP with respect thereto.

**Motion:** Tom Donegan  
4-0-0 Motion passed.

**Seconded:** Robert Anthony

**MOTION:** Move that the Board of Selectmen vote to continue the allocation to the February 16, 2017 meeting.

**Motion:** Tom Donegan  
3-1-0 Cheryl Andrews. Motion passed.

**Seconded:** Robert Anthony

**2. Public Statements:**

Frank Vasello – Thank the Selectmen regarding the work for Harbor Hill. Should change the time frame for speakers at town meeting to 3 minutes.

Lisa Giuffre, Executive Director of Provincetown 400. Considering events and programming leading up to the 2020 commemoration which have a lasting impact. Hear tonight to support the Beautification Committee's proposal on tonight's agenda.

### 3. Selectmen's

:

**Tom Donegan** – Thank those who came to town meeting. The crowd was handled well by the Town Clerk's Office. Housing Trust did a lot of hard work and improved their presentation since their first meeting. There was a great deal of discussion about the cost of electric heat and remind folks to contact Cape Light Compact to see what assistance is available.

**Cheryl Andrews** – Thank RREC committee on cigarette butt container program for Town.

**Robert Anthony** – Did not participate in Harbor Hill because I recused myself because I am a real estate agent.

**Raphael Richter** – Thank you to the Housing Trust and the work done in preparation. Wants to see the energy from the Feb 6 special town meeting to be repeated at the Annual Town Meeting.

### 4. Joint meeting/Presentations:

#### 4A. Joint Meeting with the Provincetown Beautification Committee – Review of the Committee's Mission Statement

Beautification Committee called into session at 7:06pm.

Chair Bill Docker, Allan MacKinnon, Frank Vasello, and Curtis Balom all present.

Chairman Docker led a discussion on the mission of the Beautification Committee. Charter Commission contacted the Committee and ask us to review our mission statement. Committee would focus their purview to public grounds. Beautification is the outcome of what we do, so we are requesting that we be renamed Public Space Committee.

Cheryl would like Beautification Committee to remain in the name.

Mission Statement is just tightened up the scope and does not add anything new responsibilities.

Raphael thinks the statement should be as general as possible. Beautification is advisory, it should be clear that the Board of Selectmen is charged with making decisions on the public space and public ways. Should incorporate the word advisory to the Selectmen in the statement.

**MOTION: Move the Board of Selectmen vote to endorse the changes to the mission statement of the Beautification Committee and refer the request to include the Beautification Committee in the Town Charter to the Provincetown Charter Review Commission with final ratification to be submitted to the Selectmen on February 27, 2017.**

**Motion: Cheryl Andrews**  
4-0-0 Motion passed.

**Seconded: Robert Anthony**

5. **Appointments:**

5A. Harbor Committee Appointment.

**MOTION:** Move the Board of Selectmen vote to approve the appointment of Elise Cozi as a regular member with a term to expire on June 30, 2017 and Bryan Legare, as an alternate member of the Harbor Committee with a term to expire on June 30, 2018.

**Motion: Cheryl Andrews**

**Seconded: Robert Anthony**

4-0-0 Motion passed.

6. **Requests:**

**Items removed from the consent agenda for discussion and comment:**

Jody Hoffmann explained the process for health insurance changes being made by the Barnstable County Health Insurance Group.

Board of Selectmen disclose that they are beneficiaries of the Barnstable County Health Group but may act by necessity on this item.

Changes would make the deductibles in line with the GIC.

**MOTION:** Move that the Board of Selectmen vote, pursuant to General Laws chapter 32B, Section 21-23 to engage in the process to make changes to the current health insurance plans.

**Motion: Tom Donegan**

**Seconded: Robert Anthony**

4-0-0 Motion passed.

6A. **Discussion of 2016 Community Development Strategy and participation in the FY2017 Regional Massachusetts Community Development Block Grant Application with the town of Truro for Housing Rehabilitation Program and Childcare Program**

Grant Administrator Michelle Jarusiewicz presented the strategy and requested input from the Selectmen. The town has participated in the rehab program for about 12 years. The housing rehab program is eligible for income qualified tenants for code improvements and is a forgivable loan over 15 years. The childcare subsidy program is intended to provide direct benefit assistance to low income families. Childcare on the Outer Cape is very difficult to find and can be costly.

**MOTION:** Move that the Board of Selectmen vote to approve participation in the regional Massachusetts Community Development Block Grant application through the Town of Truro for housing rehabilitation and childcare subsidies under the Community Development Fund through the Massachusetts Department of Housing & Community Development.

**Motion: Tom Donegan**

**Seconded: Robert Anthony**

4/0/0 Motion passed.

6B. **Request by Bob Schnibbe, Green Harbor Dispensary for a Letter of Non-Opposition to locate a Registered Marijuana Dispensary at 43 Capt Berties Way, Provincetown**

Bob Schnibbe made a presentation about the organization and introduced the principals. Includes the Windmill Group which provides the security for the facility. They have a great deal of experience on multiple levels. They seek to target the strain on THC to the specific diseases based on the demographic of the population.

Cheryl does not want us to limit the ability to do recreational sales in the Host Agreement. Tom is happy to support

Selectmen are requesting a copy of the Host Agreements once signed.

**MOTION:** Move that the Board of Selectmen authorize the Chair to send a letter of non-opposition from the Town of Provincetown to the Department of Public Health on behalf of Green Harbor Dispensary, and authorize the Town Manager to negotiate a Community Benefit Agreement for a specific site that is consist with the zoning.

**Motion:** Tom Donegan

**Seconded:** Robert Anthony

4/0/0 Motion passed.

**6C. Request by Patrik Jonsson, Mass Organic Therapy (Pallia Tech Inc.) for a Letter of Non-Opposition to locate a Registered Marijuana Dispensary at 2 Harry Kemp Way, Provincetown**

Patrik Jonsson made a presentation on the organization and provided a background on the principals. The group opened the first medical dispensary on the east coast in the State of Maine as well as one of the first in the State. We have a purchase and sale for the location at 2 Harry Kemp Way. The Team has agreed to the Host Agreement that is in place with the Town.

Cheryl raised a concern regarding the flow of traffic on the site.

**MOTION:** Move that the Board of Selectmen authorize the Chair to send a letter of non-opposition from the Town of Provincetown to the Department of Public Health on behalf of Mass Organic Therapy, and authorize the Town Manager to negotiate a Community Benefit Agreement.

**Motion:** Tom Donegan

**Seconded:** Robert Anthony

4/0/0 Motion passed.

**6D. Provincetown Quarterly Police Report**

Police Chief Jim Golden provided the Quarter Police Report which is a full year summary of 2016.

Protective custodies are down because the Police Officers have the discretion to provide a custody to a sober and responsible person instead of locking up all offenders. Upward trend in domestic violence and larceny.

**6E. Approval of Joint Powers Entity (JPE) Agreement between the Town of Provincetown and the Cape Light Compact, and appointment of the Town's Representative to the JPE**

**MOTION:** Move that the Board of Selectmen vote, pursuant to General Laws Chapter 40, section 4A ½, as follows:

(1) to join the Cape Light Compact Joint Powers Entity (JPE);

(2) to authorize Town Manager to execute the Joint Powers Agreement of the Cape Light

**Compact JPE subject to final review by Town Counsel;  
(3) to appoint Tom Donegan as the Town's Director and Eric Larson as the Town's Alternate Director to the Cape Light Compact Joint Powers Entity; and  
(4) to take any other action necessary or relative thereto.**

**Motion: Raphael Richter**

**Seconded: Robert Anthony**

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

**6F. Discuss feasibility of putting tiny mobile homes on the Jerome Smith Parking Lot for Seasonal Housing.**

Tom thinks that the seasonal housing should be tax base neutral and should be provided by the market. The Town should facilitate with the businesses by providing the land.

Raphael just wanted to start the conversation by directing staff to provide the memo. Refer the matter to a public meeting to gather input after town meeting for further investigation.

**Items removed from the consent agenda for comment and discussion:**

Cheryl would like to meet with the Library board of trustees because she has concerns about the appropriateness of the expenses.

A. 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 \$515.00 for the attached invoices from Blackstone Audio, Inc. RR TD 3-1-0

**Motion: Raphael Richter**

**Seconded: Tom Donegan**

**3/1/0 Cheryl Andrews Motion passed.**

Cheryl would like to invite the Trustees to meet jointly with the selectmen to have a general discussion regarding the use of gift funds. The reimbursement invoices for Matt Clark and Laura Shabott will be held until that discussion is had.

Regarding the reappoint Rick Murray, as a Regular member to the Building Committee.

Cheryl is concerned about the attendance of Building Committee members.

**MOTION. Move that the Board of Selectmen vote to reappoint Rick Murray, as a Regular member to the Building Committee with a term to expire on December 31, 2019.**

**Motion: Robert Anthony**

**Seconded: Tom Donegan**

**3/1/0 Cheryl Andrews Motion passed.**

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

**7A. Initial Review of the 2017 Spring and Annual Town Meeting Warrant – Discussion of Potential Items**

Raphael would like to remove the Condo Conversion Article from the warrant.

Tom wants to add \$25,000 CIP for matching grant for NOAA for feasibility of the location of the Stellwagen Bank Visitor Center.

Nonbinding resolution vote for Sanctuary City. Selectmen agreed to have it come from a petition and not from the Selectmen.

Town Manager should request an opinion from the HDC on the proposed General Bylaw.

**7B. Discussion of human rights police proclamation and potential rally.**

Selectmen are considering holding a rally on Presidents Day or Patriots Day.

**MOTION.** Move that the Board of Selectmen vote to approve the proclamation language and to hold a rally on February 20 at noon.

**Motion:** Chery Andrews  
4/0/0 Motion passed.

**Seconded:** Robert Anthony

**7C. Town Manager Administrative Updates –**

**1. Chapter 40B Subsidized Housing Inventory [SHI] Update.**

Michelle provided an update of the SHI.

Town Manager has set up two sessions for warrant article assistance on Feb 15 and Feb 22.

The town has submitted its bid but we don't expect to hear until the end of the week.

Motion at town meeting regarding Harbor Hill does require a Grant Agreement between the town and the Trust which will be approved on Thursday.

New Town Treasurer Alexander Williams will start on February 21<sup>st</sup>.

Thank staff for their assistance and hard work on the Harbor Hill proposal.

New Selectmen's Secretary Elizabeth Paine will start on February 21<sup>st</sup>.

**D. Other:** None

**8. Minutes:** None

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

**Tom Donegan** – None

**Cheryl Andrews** – Sound at Town Meeting was so bad that it made it difficult to view on Channel 18. County Board of Commissioners is made up of three members and should be increased to five members. Board should send a letter to the County to express our opinions. Should be placed on the February 27, 2017 agenda. Congratulate Tom on his performance at Town Meeting.

**Robert Anthony – None**  
**Raphael Richter - None**

Without objection the meeting was adjourned at 1016 pm.

Minutes transcribed by: