

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES – REGULAR MEETING  
THURSDAY, APRIL 24, 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: Chairman Raphael Richter, Vice Chairman Erik Yingling, Members Dr. Cheryl Andrews, Tom Donegan and Robert Anthony.

Excused:

Other attendees: Asst. Town Manager David Gardner, Board Secretary Elizabeth Paine,

Recorder: Elizabeth Paine

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

- A. *Treasurer Transfer – John Henry Trust Fund – (#1618), pursuant to MGL C44 § 53A, to approve the use of the funds in the John Henry Trust Fund (#1618) to pay \$2,070.00 to Cape Cod Children's Place for the attached invoice regarding rent and childcare assistance.*
- ~~B. *Treasurer Transfer – Cemetery Gift Fund – (#1139), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1139) to pay \$6,600.00 to Sunderland Printing for the attached invoice regarding the Provincetown Cemeteries Guide Booklet.*~~
- C. *Parade Permit- requested by Jim Morgrage on behalf of the Harbor to the Bay, 15th Annual Aids Ride to be held on Saturday, September 23, 2017*
- D. *Treasurer Transfer – Library Gift Fund- (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$168.73 in attached invoices to Blackstone Audio, Inc. for the purpose of audiobooks.*
- E. *Treasurer Transfer – Library Gift Fund- (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$135.00 in attached invoices to Blackstone Audio, Inc. for the purpose of audiobooks.*
- F. *Treasurer Transfer – Library Gift Fund- – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$1,383.17 in attached invoices to Ingram Library Services for books and video expenses.*

**After pulling 00B, without objection Chairman Richter waived the reading of the consent agenda and without objection it was approved unanimously by the Board of Selectmen.**

**1. Public Hearings:**

- A. Commercial Street Road Reconstruction – review the undesignated portion of the Parking Plan associated with the Phase 3 Commercial Street Reconstruction Project between Arch Street and Pearl Street.**

Vice Chairman Yingling read the legal notice: A public hearing notice for Commercial Street Parking Plan, to review the undesignated portion of the Parking Plan associated with the Phase 3 Commercial Street Reconstruction Project between Arch Street and Pearl Street.

**EXHIBITS/DOCUMENTS: Power Point Presentation done by Russell Kleekamp. Documents are available for review.**

Russell Kleekamp was present at meeting. Here to discuss the space between Arch Street and Pearl. Originally was

going to place 2 parking spots in this area. Due to concern from residents in the area, he is leaning toward having this a no parking area. Currently it is unassigned.

Abutters and staff have concerns about putting parking spots in these locations, exiting condo drive is across the way, and would not be able to exit while cars are parked in those spaces.

**Public Comment:**

- Rik Alberg, Bike Committee, had looked at it as potential as bike parking. Was told by the DPW director that was non-parking. He has witnessed cars coming down Pearl Street, turning onto Commercial and using the Fire Lane as a quick 5-minute parking to run into Wired Puppy to grab a cup of coffee. The Unassigned parking seems to be used as an unloading zone. He spoke with all the businesses and most feel that should be kept as non-parking, but instead as an unloading or no parking zone.
- Robert Martin and Mark S. Petteruti– wrote in, objects to having these parking spot being assigned as Regular parking.

**Selectmen Comments:**

- Chairman Richter – this area is used predominately is used for quick parking. He suggests that we consider 5-minute parking, adding in time frames. No parking in the evening. Long term parking is not a good use for this place. He feels this could create a better balance.
- Vice chair Yingling – agrees with the Chairman, would they allow this only during the day and unlimited in evenings.
- Selectman Donegan – Thinks 5 minutes may be too short.
- Assistant Town Manager – 15 minutes is generally considered more appropriate for unloading.

**Selectman Donegan moved that the Board of Selectmen vote to approve the parking line and roadway striping plan as prepared by GHD with two 15-minute parking spaces adjacent to 372 and 374 Commercial Street.**

**Selectman Anthony seconded the motion.**

**VOTED**

**In Favor: 5**  
**Opposed: 0**  
**Abstain: 0**

The Board Members and Mr. Kleekamp discussed the issue of encroachment at 401 Commercial Street. Mr. Kleekamp, by an eye ball, it seems that the property has built a concert wall that is filled with stone. First step would be to do a \$3,500 survey to see whether or not this property actually does encroach, and then the property owner would be notified. He is not sure if this is a weight bearing wall.

Assistant Town Manager Gardner, prior to the meeting, spoke with the Building Commissioner, the property was recently remodeled, and in the file, it does appear the structure is on their property.

**B. Shellfish Aquaculture License Applications - Pursuant to the Town Aquaculture Grant Regulations – to receive comments from the public on the grant applications submitted and approved by the Provincetown Shellfish Committee for Alex and Joady Brown, Alfred Famiglietti, James Staniscia and Theodore Cormay, and Jean Horner**

Vice Chair Yingling read the legal notice: A public hearing notice pursuant to the Town Aquaculture Grant Regulations, request for Shellfish Aquaculture License Approval.

**EXHIBITS/DOCUMENTS: Completed applications, GPS Bounded images and intended gear images. Documents are available for review.**

Shellfish Constable Steve Wisbauer, this is this year's round of applicants. These have all been recommended by the Shellfish Committee.

**Public Comment:**

- None

**Selectman Comment:**

**Selectmen Donegan, are these new applicants or repeats**

**Vice Chair Yingling – are the ADA grants yielding?**

**Vice Chair Yingling moved that the Board of Selectmen vote to approve the shellfish aquaculture license application of Town residents Alex and Joady Brown requesting to be assigned one acre described as:**

**Tidal Grant # 110** bounded by the GPS coordinates

- +42° 2.140' -70° 11.330'
- +42° 2.110' -70° 11.300'
- +42° 2.170' -70° 11.300'
- +42° 2.140' -70° 11.270'

**Vice Chair Yingling moved that the Board of Selectmen vote to approve the shellfish aquaculture license application of Town residents Alfred Famiglietti, James Staniscia and Theodore Cormay requesting to be assigned two acres described as:**

**Tidal Grant # 111** bounded by the GPS coordinates

- +42° 2.020' -70° 11.270'
- +42° 1.990' -70° 11.300'
- +42° 1.990' -70° 11.240'
- +42° 1.960' -70° 11.270'

**ADA Grant # 10** bounded by the GPS coordinates

- +42° 3.029' -70° 9.265'
- +42° 3.023' -70° 9.240'
- +42° 2.972' -70° 9.280'
- +42° 2.978' -70° 9.307'

**Vice Chair Yingling moved that the Board of Selectmen vote to approve the shellfish aquaculture license application of Town resident Jean Horner requesting to be assigned one acre described as:**

**Tidal Grant # 112** bounded by the GPS coordinates

- +42° 2.050' -70° 11.300'
- +42° 2.020' -70° 11.270'
- +42° 1.990' -70° 11.300'
- +42° 2.020' -70° 11.330'

**Selectmen Andrews seconded the motion.**

**VOTED**

**In Favor: 5**

**Opposed: 0**

**Abstain: 0**

**C. Curb Cut Application submitted by Jeffery Larsen requesting approval to install a 29 foot driveway for 3 parking spaces on the front of the property located at 29 Point Street, Provincetown, in order to access the property for parking.**

Chairman Richter read the legal notice: A request by Jeffery Larsen, 29 Point Street, who seeks approval to install a 29 foot driveway at 29 Point Street.

**EXHIBITS/DOCUMENTS: Completed Application dated February 15, 2017. Documents are available for review.**

Jeffery Larsen presented at the meeting. Property is extremely narrow but very long. The house is only 10 feet from the lot line. Mr. Larsen is trying to build parking for three cars right off the street. This way he will not have to give up part of the yard. For all but 2 of the drive way on this road, the cuts are over 18'. If the owner would be allowed the 29 feet, it would allow him to place three cars across. If they are only allowed 18', the property would have to use up a large amount of the potential green space. This is a four bedroom home.

Assistant Town Manager Gardner, BOS should consider the road itself. Point Street is a dead end, extremely narrow street. Point Street itself cannot accommodate cars park along the street.

**Public Comment:**

- Stan Sikorski – lives diagonally across. Here to support the curb cut. Allows people to pull off and facilitates letting other drivers pass.

**Selectman Comment:**

Selectman Donegan – Without neighborhood complaint, he is supportive.

Vice Chair Yingling moved that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2 of the General By-Laws, to approve the request of Jeffery Larsen requesting approval to install a 29 foot driveway for 3 parking spaces on the front of the property located at 29 Point Street, Provincetown, MA in order to access the property for parking. (Assessor's Map 5-3, Parcel 41-A), in the Res 1 Zoning District.

Selectman Anthony seconded the motion.

**VOTED**

**In Favor: 5**  
**Opposed: 0**  
**Abstain: 0**

**D. Ever Source Energy to install 70' (feet) of conduit, underground cables, and manholes, in the town road on Point Street, Provincetown, MA**

Vice Chairman Yinglin read the legal notice: A public hearing notice for a proposal by Eversource Energy to install 70' (feet) of conduit to provide electrical service to customer at 33 Point Street, Provincetown, MA

**EXHIBITS/DOCUMENTS: Completed application dated February 23, 2017. Documents are available for review.**

Jessica Elder, representing Eversource Energy, was present at the meeting.

**Public Comment:**

- None

**Selectman Comment:**

- None

**Vice Chair Yingling moved that the Board of Selectmen vote, pursuant to MGL C.166,§22, to approve the request of EverSource Energy to install 70 feet long, underground conduit under town road.; as indicated on a plan No. 2174122, dated January 6, 2017 to provide electrical service for customers at 33 Point Street, Provincetown, MA.**

**Selectmen Anthony seconded the motion.**

**VOTED**

**In Favor: 5**  
**Opposed: 0**  
**Abstain: 0**

**2. Public Statements:**

Tom Biggert – Chair of Historic District – Here to defend Marcene Marcoux. The Board handles over 100. We all trespass, every board trespass to do sites visits. He was told by Town Planner when he first started that the Board was allowed to enter property. He was recently approached by the Building Commissioner that they should call beforehand and have since changed proceeds. This is why no one wants to be on the Boards. Totally uncalled for.

Clarence Walker – I said here now, and I look at the three central characters, Erik Yingling, Raphael Richter and Tom Donegan. I gave private council, totally disappointed. Raphael Richter, you have all the making of being State Senator. Some short comings, 1. Police Station, 2. VFW 3. Harbor Hill. If Harbor Hill goes through, it will raze the town. Mr. Yingling, when you talk about staff complaints, make sure you know what you are talking about.

Mr.Ditacchio – I have known Dr. Marcoux, it would be hard press to find someone as committed would be

Rita Schwartz – I find it very insulting that you are sitting with the grins on your face and it is very disrespectful. I have also trespassed, so I should be removed as well.

Lousie Venden - I understand the level of emotion. Her concern is that the Historic Commission has been complained about for years. She sees the HDC as very passionate people, who lose control, and may come across as rude. She cautions, and perhaps the HDC should sit down with the BOS and communicate.

Martin Risteen – Alternate for HDC, he was the one who initiated the “trespassing”. He was the person who was involved in the trespassing spoken about.

Barbara Rushmore – She has gotten all the 200 signature needed for the special town meeting to purchase the property at 132, 134, 136 Bradford and 10 Conwell Street. It is very important to give the authority to purchase the parking lot and the building to purchase the land. The parking lot is very important. It seats 300 cars, the represents between 500-1000 people who come to Provincetown to spend their money. Would like to see the property purchased and used of the police station. Citizens such as myself

Chris Pula – Moved here 15 years ago from Los Angeles, we had to go in front of Historic. It was a nerve wracking experience. Our houses are better for it. I speak on behalf of Tom and Dr. Marcoux. This town is better for it. It is not a pretty job. I was somewhat offended at how the Board smiled at some of the comments given to them.

Laurie Delmolino – also on the HDC, most difficult job. I get that they have been presented with an issue. Sees the BOS as trying to act on something that you have heard that is not correct. Comments about her husband's nasty blog are inappropriate. Ms. Marcoux stands up for the right thing, and that gets women into trouble.

Mr. Sikorski - here to support Ms. Marcoux, and also Mrs. Rushmore has a good idea as well. He moved into town 5 years ago. Always had a positive experience. Surprised how this matter is handles. If there is an issue between staff, this should be handled privately.

### **3. Selectmen's Statements:**

- **Robert Anthony** – Chairman Richter, it has been a really interesting 3 years. Wish you all the best.
- **Erik Yingling** – It has been an interesting 3 years, feels like we got a lot done in the last 3 years. You have done an exceptional job for the amount of time and effort you have put in. Really happy you have served.
- **Thomas Donegan** – Thank you Raphael, very impressed with how you handled yourself over the years. Maturity beyond your age, great sense of leadership and great sense of how to handle situation. I hope you join another board. I really wish we did not have to the earlier meeting. The challenges us for Selectmen is what is the tone that we want to set at town hall. In the end we have an obligation, for us to say What and not Who.
- **Cheryl Andrews** – I think a good role as a Selectmen is to set an example. None of us are children. Some of what I heard tonight is a little upsetting. Mrs. Rushmore, for someone of her age, to be spending her time, to be working on the towns behalf should shame all of us. If nothing else, walk away, and there is a gal, who sets an example. As for our chairman, I think you get the prize for the one who has worked the hardest. You have conducted the meetings well and always come prepared. Congratulations.
- **Raphael Richter** – Last selectmen's meeting. I wish to reply to a public comment, he challenges them to find when he has acted without integrity. He is open to having a conversation over coffee. In creditable to have a grandmother and resident of this town, who has put in the work. Really wish to thank close to 300 town staff, able to see how hard our employees work. No one is perfect, this staff from the department heads down; really deserve thanks, many challenges. Look forward to working forward to working with them as a citizen. Benefit to work as a board together for the last three years. Be proud of the work that has been done. Wish the successor the best of luck. Thanks his wife, for standing through all the time he has given to the Town.

### **4. Joint meeting/Presentations: NONE**

### **5. Appointments: NONE**

**6. Requests:**

**A. Police Department Quarterly Report – Requested by Chief Golden**

Police Chief Jim Golden, present at the meeting to give the quarterly Police report for the first three months of 2017. Chief Golden went over the report with the Selectmen and answered questions presented to him. Summer hires will begin training May 15. One of the Lt is currently in FBI training in his fourth week, room board, tuition and we just had to pay for his travel. Policing is not an exact science, but comfortable in the trend. It is difficult to make a decision about New Years because it has been only been 2 years, the amount of people attending the first year seemed lower this year then the first year. Discussion would be taking place in early December.

Selectman Anthony wants to know if the hiring has taken place.

Vice Chair Yingling – does anything in these trends alarm you?

Selectman Donegan – format appears better and better. Are you still posting them to your page? Thinks it would be helpful. Domestic Calls seem to have a trend to increase, and if we continue to see this, should we be change some policies.

Selectman Andrews – thinking about New Years, has there been a decision about whether or not the department will be bringing in Horses. The difference between the summer events and winter events is huge.

Chief Golden – Disc had not been made.

**B. Repaving of Herring Cove Beach Parking Lot – Requested by Mary Jo Avellar**

Mary- Jo Avellar, representative to the Cape Cod National Seashore Advisory Commission, was unable to attend the meeting, but gave staff a memo.

Selectman Andrews – mitigation needs to occur in May when the new superintendent comes on.

Selectman Donegan – is not sure not sending a letter is wasted. Not just a parking issue. The bike traffic will have to be rerouted to the main road.

**Selectman Donegan moves that the Board of Selectmen authorize the Chair to send a letter to all of our representatives, federal and state and the superintendent of the Cape Cod National Seashore, Banner and Cape Cod Times.**

**Vice Chairman Yingling seconded the motion.**

**VOTE**

**In favor: 5**  
**Oppose: 0**  
**Abstain: 0**

**C. Discussion of options and process for moving forward on the development of 3 Jerome Smith Road property (former VFW site)**

While not in attendance, Town Manager Panagore, has given a memo to the BOS to look at and basically laid the ground work at 3 Jerome Smith Road. Assistant Town Manager Gardner, present to address comments and questions. This is generally just starting a process.

Selectman Donoegan – YRRHT – Met on this issue, and spoke to TM Panagore, and the consensus of the trust should be looked at with and would like to take the lead to work with the selectmen, housing authority and housing counsel. Also sit down in open meeting to speak with developers. What is it about the site that can generate housing that can be affordable? Would like to take the lead with this and start conversation. Whether it would be ownership or rental is up to the BOS.

Vice Chair Yingling – Agrees with one of the ideas outlines in the memo by TM Pangaore that the YRRHT has a bit more flexibility. He asks that the Trust keeps the BOS in the loop.

Assistant Town Manager – thinks this is an attempt to show when TM Panagore returns, this project will be continued forward.

Selectman Anthony – Do we have to go back to legislative to change the vote previous made.

Chairman Richter – Recommends based on success to move this forward to the round table discussions.

Selectman Andrews – Would like a broader memo including all options when the Road Tables discussion occur from the Town Manager.

**D. Discussion of encroachment onto the public way at 401 Commercial St, votes may be taken – Requested by Chairman Richter**

Assistant Town Manager Gardner, gave the BOS a copy of the plan submitted to the Town when the building was improved. Based on photos, it does not appear to be structural support the building.

Selectman Anthony, quested if the wall is attached to the building.

Chairman Richter – does not feel that the \$3500 is not money wasted.

Selectman Andrews – would like to see a memo outlying all encroachments.

**Chairman Richter moves that the Board of Selectmen instruct town staff to conduct a site survey at 401 Commercial Street in relation to potential encroachment.**

**Selectman Anthony seconded the motion.**

**VOTE**

**In favor: 5**  
**Oppose: 0**  
**Abstain: 0**

**Selectman Andrews moves that the Board of Selectmen directed town staff to initiate a study of the Phase 3 reconstruction zone to identify any areas of significant encroachment by private property owners,**

including brush, hedges, landscape and hardscape improvements and to report back on these specific locations.

Selectman Anthony seconded the motion.

**VOTE**

In favor: 5  
Oppose: 0  
Abstain: 0

**E. BOS Secretary Professional Development – Requested by Chairman Richter**

Mr. Donegan moved to support professional development for Board Secretary.

Mr. Anthony seconded the motion.

**VOTED**

In Favor: 5  
Opposed: 0  
Abstain: 0

**F. 00B from Consent Agenda**

Chair Richter moved that the Board of Selectmen vote, as Commissioners of the Cemetery Gift Fund – (#1139), pursuant to MGL C44 § 53A, to approve the use of the funds in the Cemetery Gift Fund (#1139) to pay \$6,600.00 to Sunderland Printing for the attached invoice regarding the Provincetown Cemeteries Guide Booklet.

Selectmen Andrews seconded the motion.

**VOTED**

In Favor: 5  
Opposed: 0  
Abstain: 0

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

**A. Town Manager’s Report – Administrative Updates**

**B. Other matters that may legally come before the Board not reasonably anticipated by the Chair 48 hours before the meeting. Votes may be taken**

**8. Minutes:**

**MOTION: Move that the Board of Selectmen approve the minutes of: April 3, 2017 5:00 pm (Special), April 4, 2017 5:00 pm (Special), April 13, 2017 6:00 pm (Regular); as printed;**

Vice Chair Yingling moved that the Board of Selectmen approve the minutes of: April 3, 2017 5:00 pm (Special), April 4, 2017 5:00 pm (Special), and April 13, 2017 6:00 pm (Regular); as printed as printed.

Selectmen Anthony seconded the motion.

**VOTED**

In Favor: 4  
Opposed: 1 (ca)  
Abstain: 0

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

- Erik Yingling – None
- Tom Donegan – None
- Cheryl Andrews – None
- Robert Anthony – None
- Raphael Richter – None

Without objection the meeting was adjourned at 8:27 pm

Minutes transcribed by: Elizabeth Paine