

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES – SPECIAL MEETING
MONDAY, JUNE 12, 2017 5:00 PM
TOWN HALL – JUDGE WELSH ROOM

Chair Cheryl Andrews convened the open meeting at 5:00 pm noting the following:

Board of Selectmen attending: Chair Cheryl Andrews, Members Robert Anthony, Tom Donegan and Louise Venden

Excused: Vice Chair Erik Yingling

Other attendees: Town Manager David Panagore, Asst. Town Manager David Gardner, Board Secretary Elizabeth Paine, KP Representative John Giorgio.

Recorder: Elizabeth Paine

1. Public discussion on the Petitioned Article for the June 19, 2017 Special Town Meeting. Open format.

Barbara Rushmore, the proponent, spoke first and presented the argument for her article. She said:

– The police station is going to be built in one place or another; this is not about not having a police station. The parking the town is trying to buy has been tried many times. The special town meeting article will not include 136 Bradford Street that has the bike shop. It is my hope that we can make such a generous offer on factual matters, that Mr. Riley will say yes, I don't want to use eminent domain. The present value is very difficult to ascertain, we know he bought it for 6.3 million but it is hard to believe that a property that brings in 1 million a year would be worth that much. The actual value of the property is between 9.3 and 12 million dollars. The Estimated cost of a new police station is probably going to be closer to 10.3 million versus the location on the highway. Some of that cost is due to belief of having to remove contaminated soil. I feel that the property is so much larger than I first realized when I first started it. It is also possible to improve the town with the purchase. I think it would be very wise to include the parking department in this location. The esthetics of improving Bradford and Standish Street are enormous. The best thing about the town owning this particular property, we could solve the problem of traffic slowing down on Bradford Street. I know that some people have already decided, I hope you can see your way clear. Size of parking lot is such that the town will get 1 million dollars income. My thought is to tell you ahead; I think what should be put into this article is 23 million.

- Steve Riley – Owner of property, this all comes as a surprise, we are not for sale. We understand parking is important to town.
- Mike Riley – This proposal doesn't make sense, after a decade to find a location for a police station, the town has finally come to agreement. This has come as a surprise. To build the exact same building, would cost 14.5 million dollars, would not include acquiring the police station. We are not looking to change the parking, we have added 50 spaces, and we have done everything we have done to ensure more parking. We recently built a new booth to allow more cars to come off the street. We don't think that it is ok to take a business, to use the funds to build another venture. All of this eminent domain talk and huge spending and forceful station, all to move the police station, 1.5 miles.
- Joe Spada– Full time resident of Provincetown. I think the town voters need to understand what emanate domain. If I am understanding law correctly, I think there is an argument of bad faith. What I would really like to see is Town Counsel informing the voters what eminent domain is. And would like to know how the

selectmen are going to vote. What I would like to see Town Counsel, can it be done? I do not think it can be done, and then morally, should it be done.

- Jane Kogen – 50-year resident of Provincetown, I feel very strongly that the police station should be in the center of town. Not everyone has cars to get out to the edges of town.
- Kevin William – I think it is over reached for eminent domain. I think some of the proposed used cases; have been argued against, because of the neighborhood.
- Barbara Rushmore – if we were to purchase this purchase, the town would have the income from the parking, would not take 25 years but less than 20 because the town would be able to utilize the property in a more efficient manner.
- Selectmen Donegan – think it is very important that after this meeting, that we make public what the path is for eminent domain.

2. Executive Session pursuant to MGL c30A, Section 21(a)

Tom Donegan moved that the Board of Selectmen go into Executive Session **pursuant to MGL c30A, Section 21(a)**,

Clause 6 To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; Harbor Hill Acquisition Update and Potential Acquisition of 132, 134 Bradford Street and 10 Conwell Street. The chair did declare that discussing this in open session would have a detrimental effect on the position of the Town. And

Clause 3: to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; Matters to be discussed as outlined in the agenda . The chair did declare.

THE FOLLOWING LITIGATION MATTERS HANDLED BY TOWN COUNSEL MAY BE DISCUSSED

1. Aqua King Fishery, LLC v. Town of Provincetown Conservation Commission
2. Berarducci v. Provincetown Historic District Commission
3. Cynthia N. Binder, et al. v. Historic District Commission of the Town of Provincetown
4. Deckelbaum, Trustee of the Huey Trust v. Provincetown Zoning Board of Appeals and Siobhan Carew; and Lora Papetsas, Individually and as Trustee of the Jack Papetsas Revocable Living Trust
5. DeLaurentis v. Provincetown Historic District Commission, et al.
6. Trustees of Jones Locker Condominium Trust v. Gallagher, et al.
7. Frankel v. Provincetown Zoning Board of Appeals
8. In re: Harbor Hill At Provincetown Condominium Trust
9. NEBPA, Local 67 v. Town of Provincetown Police Department
10. Patten v. Town of Provincetown, et al.
11. Provincetown Board of Trade Land Court Registration
12. Sinaiko et al. v. Provincetown Zoning Board of Appeals
13. Town of Provincetown, by and through its Conservation Commission and Harbormaster v. Patricio A. Palacios, David L. Kelley, and Stephen F. Lozinak

14. Town of Provincetown, by and through its Conservation Commission and Harbormaster v. Stellwagen Bank Fisheries Corporation
15. Town of Provincetown v. H. Bradford Rose, Inc

MATTERS BEING HANDLED BY TOWN'S INSURANCE COMPANY
WITH OUTSIDE COUNSEL

16. Kimball v. Town of Provincetown, et al.
17. Poulin v. Provincetown Police Department

And to reconvene in open session thereafter.

Motion: Tom Donegan

Seconded: Louise Venden

Roll Call Vote:

Cheryl Andrews: Yes

Tom Donegan: Yes

Louise Venden: Yes

Robert Anthony: Yes

The Board of Selectmen went into executive session at 5:35

The board reconvened in open session at 8:42 p.m.

2. Recommendation on the Article for the June 19, 2017 Special Town Meeting

Selectmen Donegan moved that the Board of the Selectmen vote to reserve recommendation on Article 1. Selectmen Anthony seconded the motion.

4/1/0 (ca)

Chair Andrews moved that the Board of Selectmen direct the chair to amend the article at town meeting to remove all mention of the police station and to reduce the appropriation accordingly.

Vice Chair Yingling seconded the motion.

3/0/2 (lv/td)

Selectman Donegan – uncomfortable voting on that until he knows what the parking is going to make and how long it will take to pay off the note.

Chair Andrews- Put a meeting for 5:50 before the town meeting to make reconsideration.

Assistant Town Manager Gardner – what we don't know if the appraiser is coming back with high numbers. The question is if you are making your money each year to pay off the debt.

Vice Chair Yingling moved to adjourn

Without objection the meeting was adjourned at 10:04 pm

Minutes transcribed by: Elizabeth Paine