

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**  
**MEETING MINUTES – REGULAR MEETING**  
**MONDAY, June 12, 2017 6:00 PM**  
**TOWN HALL – JUDGE WELSH ROOM**

Chair Cheryl Andrews convened the open meeting at 6:00 pm noting the following:

Board of Selectmen attending: Chair Cheryl Andrews, Members Robert Anthony, Tom Donegan and Louise Venden, Vice Chair Erik Yingling arrived at 7:15 pm

Excused:

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

Recorder: Elizabeth Paine

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

- A. *Treasurer’s Transfer - to approve the use of Library gift funds to pay \$424.56 to Peter Whittemore for reimbursement of expenses incurred related to the Moby-Dick Marathon*

**Without objection Chairman Andrews waived the reading of the consent agenda and without objection it was approved unanimously by the Board of Selectmen**

1. **Public Hearings:**

- A. Economic Development Permit 17-08 – 46 Bradford Street – Provincetown Commons by Ginny Binder (applicant), o.b.o. Provincetown Commons Inc. (Lessee), to increase the assigned Title 5 flow to the property by 83 gallons per day to accommodate the proposed uses within the existing building.**

Selectman Donegan read the legal notice: A public hearing notice by Provincetown by Provincetown Commons Inc. (Lessee), who seeks approval to increase the assigned Title 5 flow with an Economic Development Permit 17-08 for Provincetown Commons Inc., located at 46 Bradford Street, Provincetown.

**EXHIBITS/DOCUMENTS: Completed application. Documents are available for review.**

Jay Luster and Ginny Binder, representing Provincetown Commons Inc, who is leasing the town owned property at 46 Bradford Street, were present to request the gallon increase. Working with the towns and agents, it was realized that the property would need an additional allocation to fully use the building. The Board of Health calculated the sewage based on the size of the building and what the building will be used for. The intent is to have a number of studios for artist. This is a project that has been in the works for a few months now. Peter Hawkins, also present, reminded the Board, they are in the planning process that is in line with our RFP plan and there are no major changes from that.

**Public Comment:**

- None

**Selectmen Comments:**

- Louise Venden – I would like to know what type of process the cooperative is going through to reach out to people.
- Tom Donegan- wants to know if the gallon changes because of the size or the change of use? We are looking at correcting paper correction.
- Cheryl Andrews – I have started to feel we should be aware of percentage based on property, since it is a finite resource. I think there is a point where our board should discuss a set aside in event of a future project.

**Selectman Donegan moved that the Board of Selectmen vote to approve Economic Development Permit 17-08 for 46 Bradford Street, by Regina Binder o.b.o. Provincetown Commons, lessee, based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2017-03-13, specifically:**

- **Support, create or enhance year-round employment opportunities/incomes and/or**
- **Support an extended employment season of at least 9 months and/or**
- **Help to diversify Provincetown’s year-round economic base and/or**

Selectman Venden seconded the motion.

**VOTED**

**In Favor: 4**  
**Opposed: 0**  
**Abstain: 0**

**B. Economic Development Permit 17-09 – 212-214 Commercial Street – New Art Realty by Benjamin de Ruyter (applicant), o.b.o. New Art Realty Corp (owner), to increase the assigned Title 5 flow to the property by 220 gallons per day to accommodate the two employee housing.**

Selectman Donegan read the legal notice: A public hearing notice by Benjamin de Ruyter, who seeks approval to increase the assigned Title 5 flow with an Economic Development Permit 17-09 for New Art Realty, 212-214 Commercial Street, Provincetown.

**EXHIBITS/DOCUMENTS: Completed application March 22, 2107 and floor plans. Documents are available for review.**

Benjamin De Ruyter, present for the meeting. The building in question is the wood frame structure next to the brew house. I am proposing to renovate the building and in doing so, I would like to add a 2 bedroom work force housing unit upstairs. Right now it simply houses the space is his office and storage space. The housing will be used as year round housing.

**Public Comment:**

- None

**Selectmen Comments:**

- **Tom Donegan** – Asked staff to add the condition onto the permit to restrict the housing to year round housing. Does not like the idea of adding in the condition linking the housing to a specific business.

- **Cheryl Andrews** – What is the correct amount the New Arts is asking for?

Selectman Donegan moved that the Board of Selectmen vote to approve Economic Development Permit 17-09 as amended for 212-214 Commercial Street, by Benjamin deRuyter o.b.o. New Art Realty Corp, owner, based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2017-03-13, specifically:

- Support, create or enhance year-round employment opportunities/incomes and/or
- Support an extended employment season of at least 9 months and/or
- Help to diversify Provincetown’s year-round economic base and/or

Selectman Anthony seconded the motion.

With the condition the housing is used for year round use.

**VOTED**

**In Favor: 4**  
**Opposed: 0**  
**Abstain: 0**

**C. Annual Town-wide Policy Goals Process for FY2018 – to receive comments from the public on the progress made on the Fy2017 Goals and to give input on the upcoming Fiscal Year 2018 Goals**

Selectman Donegan read the legal notice: A public hearing notice by the Board of Selectmen, who seeks public input on progress made on the FY2017 as well as comment on what, should be included in FY2018.

**EXHIBITS/DOCUMENTS: Board and Committee submissions for their FY2018 Goals**

Goals submitted from Board and Committee submitted prior to the meeting.

**Public Comment:**

- Brett Ablerti – there was some discussion among people in town, and just learned that there is a way to restrict AirBNB. If the town could look into that, he believes it would help year round housing.

**Selectmen Comments:**

- Next step in the process is the final deadline for Selectmen individual Goals is Friday June 16, 2017. Selectmen will present final version on Monday June 26, 2017 at their next regular meeting.

**2. Public Statements:**

- Bruce Van Allen – He is here to speak to about parking at 377 Commercial Street, it is a safety issue. The visibility creates a very dangerous situation for homeowners coming out of their driveway.
- Grace Ryder O’Mally – Thank you for the upcoming proclamation for my parents. They opened the practice in the 80’s and have been working for the last 40 years. Thank you, to the Selectmen for recognize them and I know they really appreciate it.

**3. Selectmen's Statements:**

- **Louise Venden** – Attended the Center for Coast Study's event this weekend, and Provincetown is very lucky to have this world class intuition has a home in here.
- **Tom Donegan** – Commends all the people in town who worked to assist with fire, much thanks and gratitude to the organic response to the fire in town. This has highlighted work force housing, and inspection cycle. What is our ability to influence and begin to understand what the role of the town is to single room occupancy? Thanks to everyone who have seemly been added to our staff this summer.
- **Robert Anthony** – Dr. O'Malley and Dr. Ryder have been my family's physician for the last 40 years. It is great what you are doing on the 20<sup>th</sup> and thank you for coming tonight.
- **Cheryl Andrews** – Fire is a horrible thing. Standing down there and watching volunteer department, parking department, harbor and police. I saw people take great pride in their efforts. Thank you to all of them. We have a special town meeting next Monday at 6 pm, upstairs. I encourage all of you to attend, the more people that show up, the more discussion and the better decision that is made.

**4. Joint meeting/Presentations: None**

**5. Appointments:**

**A. Air Port Commission – Robert Compton**

Rob Compton, present at the meeting. Before retirement Mr. Compton worked in Boston, and had been commuting back and forth 2-3 times a week through the airport. He sees the airport as a links P-town to Boston and the rest of the country. He would like to be a part of the airport commission as he sees the airport as a vital asset to the town.

**Selectman Donegan moved that the Board of Selectmen vote to approve the appointment of Robert Compton, as a regular to the Airport Commissions effective June 12, 2017 and expiring on December 31, 2018.**

**Selectman Anthony seconded the motion.**

**VOTED**

**In Favor: 4  
Opposed: 0  
Abstain: 0**

**B. Town of Provincetown Constable – Ruth Ann Cowing**

**Selectman Donegan moved that the Board of Selectmen vote to reappoint Ruth Anne Cowing as a Town of Provincetown Constable with a term to expire on June 30, 2020, and to authorize the payment of the invoice for surety bond in the amount of \$255 for a period of three years.**

**Selectman Anthony seconded the motion.**

**VOTED**

**In Favor: 4  
Opposed: 0  
Abstain: 0**

**C. Town of Provincetown Constable – Thomas Steele**

Selectman Donegan moved that the Board of Selectmen vote to reappoint Thomas Steele as a Town of Provincetown Constable with a term to expire on June 30, 2020, and to authorize the payment of the invoice for surety bond in the amount of \$255 for a period of three years.

Selectman Anthony seconded the motion.

VOTED

In Favor: 4  
Opposed: 0  
Abstain: 0

**D. Town of Provincetown Constable – John David Sircom**

Selectman Donegan moved that the Board of Selectmen vote to reappoint John David Sircom as a Town of Provincetown Constable with a term to expire on June 30, 2020, and to authorize the payment of the invoice for surety bond in the amount of \$255 for a period of three years.

Selectman Anthony seconded the motion.

VOTED

In Favor: 4  
Opposed: 0  
Abstain: 0

**E. Town of Provincetown Constable – Brian Cowing**

Selectman Donegan moved that the Board of Selectmen vote to appoint Brian Cowing as a Town of Provincetown Constable with a term to expire on June 30, 2020, and to authorize \$255 to obtain a surety bond for a period of three years.

Selectman Venden seconded the motion.

VOTED

In Favor: 4  
Opposed: 0  
Abstain: 0

**6. Requests:**

**A. Proclamation for Brian O'Malley & Wilsa Ryder Day, for Tuesday, June 20, 2017, in celebration of their retirement from the practice of medicine.**

Chair Cheryl Andrews moved that the Board of Selectmen vote to proclaim Tuesday, June 20, 2107 as Brian O'Malley & Wilsa Ryder Day

Selectman Venden seconded the motion.

VOTED

In Favor: 4

**Opposed: 0**  
**Abstain: 0**

**B. Provincetown Commons request for extension of time under the Land Development Agreement Lease Contingencies to allow regulatory permitting.**

Peter Hawkins, present for the meeting along with Ginny Binder, to give an update to the Board of Selectmen about the process. Ms. Binder explained that the delay in the process is not the effort of the Commons, is the waiting of the meeting to meet before the boards for approval. Selectmen Donegan, can sees based on the packet, there is quite a bit to the process. Good work on the efforts. Chair Andrews, seconds what Selectmen Donegan says, and realizes that there is a lot to the permitting and processing.

**Selectman Donegan moved vote to amend the agreement and approve the LDA extension request from the Board of Directors of Provincetown Commons, Inc., for 90 days from the original agreed date of June 13, 2017 to September 10, 2017.**

**Selectman Anthony seconded the motion.**

**VOTED**

**In Favor: 4**  
**Opposed: 0**  
**Abstain: 0**

**C. Review and approval of improvements to 46 Bradford Street – Creative Commons pursuant to the Land Development Agreement.**

Town Manager Panagore, as the owner of the building, there will be several times Provincetown Commons Inc., will have to come before the Board. He suggests getting a brief review and after the other board hearing have given their input, have them come back and give the BOS a summary. Ginny Binder – Phase 1 includes adding a handicap bathroom, to bring it up to ADA compliance.

**Selectman Venden moved that the Board of Selectmen vote to direct the Town Manager to review the proposed building improvements and report back by the next Board of Selectmen regular meeting on June 26, 2017.**

**Selectman Anthony seconded the motion.**

**VOTED**

**In Favor: 4**  
**Opposed: 0**  
**Abstain: 0**

**D. Temporary Extension of the Provincetown Airport Lease – Airport Commission Vice Chair Steve Katsurinis**

Vice Chair Steve Katsurinis, is here to request an extension on the current lease with Cape Air for 90 days so that they can renew the lease with them. No one on the commission has experience with renewing the 20 year

lease. Selectmen Donegan would like to know if the Commission has an idea about the process. In the spirit of being a partner in the beginning, instead of a judge at the end, we would like to have a joint meeting with the commission. Chair Andrews, asks that the dialog be kept open.

**Selectman Donegan moved that the Board of Selectmen vote to approve the temporary extension of the current lease between the Town of Provincetown and Cape Air for 90 day.**

**Selectman Venden seconded the motion.**

**VOTED**

**In Favor: 4**  
**Opposed: 0**  
**Abstain: 0**

**Vice Chair Yingling arrived – 7:15 p.m.**

**E. Creation of a flexible Spending accounts for Town Employees – Benefits Coordinator Jody Hoffman.**

Payroll and Employee Benefit Manager Jodi Hoffman, Assistant Town Manager David Gardner and Finance Director Josee Young have been working together present a flexible spending. Mr. Hoffman presented the proposal to the Board. There is an annual \$250 fee as well as a cost of \$3.95/month per active enrollee. This would allow active Provincetown Employees who are eligible to participate in the Health Insurance to set aside up to \$ 2,600 towards health and up to \$5,000 towards childcare. The town can elect to have up to \$500 carryover; the difference stays in the towns account and can be used at the town discursion. There is a small cost to the Town and a huge benefit to the employees. This is pre-tax dollars.

Selectman Donegan – Did we look at a health saving accounts? I would recommend using the maximum amount to carry.

Jody Hoffman – In order to have a health saving accounts, you have to have a deductible of \$1500. This would be the same company that we would use for a HAS account. There is a debit card system, so when the employee goes to the doctors or pharmacy, they would bill the town. FSA is much different than the HAS. Medical expenses that aren't generally covered, co-pays, deductibles, or co insurance can all be paid from these funds. Pre-Tax dollars, we already have that set up; it is an extension of that. It allows them to put more money aside for Health expenses.

Selectman Venden – Would retirees be eligible to apply?

JH- Retirees who participate in regular health insurance. He would be willing to discuss with Mass Teaches and Barnstable County.

Chair Andrews – Does this need to go before the union for bargaining?

Town Manager Panagore – This is for all staff; it is not just for union employees.

Assistant Town Manager Gardner – There is an ongoing cost increase in health care. New employees have asked if Provincetown offers this program, so other municipalities are offering it.

**Vice Chair Yingling moved that the Board of Selectmen vote to approve the Flexible Spending Plan benefit for town staff and to authorize the expenditure of the administrative costs from the 910 Insurance Budget.**

**Selectman Venden seconded the motion.**

**VOTED**

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

**F. Reconsideration of 377 Commercial Street 15 Minutes parking spaces.**

A memo written by Public Works Director Rich Waldo, available in the packet, was discussed. Selectman Donegan noted it was rare to see residents ask to take away parking and is support of the no parking. Chair Andrews wondered if there was a way to allow one of the spots left. Assistant Town Manager Gardner explained that it is not possible to leave one spot.

**Vice Chair Yingling moved that the Board of Selectmen vote to reconsider the approved 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**

**Vice Chair Yingling moved that the Board of Selectmen vote to approve the parking line and roadway striping plan as prepared by GHD with no parking spaces adjacent to 372 and 374 Commercial Street.**

**Selectman Anthony seconded the motion.**

**VOTED**

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

**G. Determination of status of Board of Selectmen complaint against HDC member Marcene Marcoux**

Selectman Anthony - after listening to public comment, and realizing there was 2 other board members, and the regulator boards admitted to going onto people's property all the time. Thinks during that whole controversy, there hasn't been any other allegation in writing. I think the Board has to come up with a policy that the regulator boards are allowed to do and not do. If they have placed all three people on the letter, there could be a case. I think it is time to move on.

Selectman Venden – I think there has to be some direction given. The complaint has been out there for a long time about the HDC members who have aggressively questioned people. I don't think anything that has come forward is any different than some of the behaviors that she personally experienced with a difference HDC.

Chair Andrews – Has been receiving complaints from public about other volunteer board members on other boards. I think we set an example. I think in short of removing, we should be recruiting more volunteers to bring in new faces.

**Chair Andrews moved that the Board of Selectmen cease its efforts to craft and send a letter of removal to Ms Marcoux for any complaints occurring on May 8, 2017 or earlier.**

**Selectman Anthony seconded the motion.**

**VOTED**

**In Favor: 4**  
**Opposed: 1(ey)**  
**Abstain: 0**

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

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

**No motion made.**

**B. Financial Department Fiscal Policies Adoption – Credit Cards, Travel Expenses & Gift Funds.**

Finance Director Josee Young was present at the meeting to speak with the Board about the policies being presented. Fincom met earlier, but not made any comment.

**Selectman Donegan moved that the Board of Selectmen vote refer Financial Policies and Procedures Manual; 15, 16, & 17 to finance committee for their advice.**

**Vice Chair Yingling seconded the motion.**

**VOTED**

**In Favor: 5**  
**Oppose: 0**  
**Abstain: 0**

**C. Town Manager's Report – Administrative Updates.**

Town Manager Panagore's update included an updated report on FEMA and the wave insinuator. The process does continue to look well. On the fire – phenomenal response, initial communication was good. Informal communication is how the word got out, need to work slightly on the formal procedures. Part of the work over the next couple of weeks, is to change the way we do the phone response to become more formal. Better communication tree, than it will be better for incident command. Create response from the local. There is a

Provincetown Canteen fund, it will be reinvigorated, there is money in the account and a board will be reformed. Thankfully, we had the staff seasonal increase support. We should keep in mind what security we have, being able to provide larger security. The next step is to get a draft outline being put together from Chief Golden and have a discussion with him and Health Director Clark brought in to talk about this. Town Horn did not go off, but should have. Both Chair Andrews and Selectmen Donegan had questions about emergency responses, will be putting on the agenda down the road. Red Thread is the new marketing group, met with the VSB today, and presented some of the branding ideas to the town. Chair Andrews requested the digital versions be sent out to the Board.

**Selectman Donegan moved that the Board of Selectmen vote to request a letter of advice from KP Law addressing the ethics and structure of the VSB relative to conflict of interest law.**

**Selectman Anthony seconded the motion.**

**VOTED**

**In Favor: 5**  
**Oppose: 0**  
**Abstain: 0**

Selectman Venden – It would be helpful to know who the local businesses feel are their customer bases.  
Chair Andrews – would like to know what source the Red Thread used to base their packet on.  
Selectman Donegan – Feels there are two different tourism marketing strategies, and the conflict of interest. Doesn't feel the BOS is ready to for meet with the VSB.  
Town Manager Panagore – If our goal is year round population, do we advertise to a high value tourist who isn't going to move here or do you advertise to a group that might ultimately move here. This entire idea is to market to people who can see themselves moving here.

Selectman Venden – high value tourist. The younger generation cannot afford to come here. It is not a single group.

Selectman Donegan – what do we want to grow? Is it multi-faceted or a single issue?

**8. Minutes:**

**MOTION: Move that the Board of Selectmen approve the minutes of: May 19, 2017 9AM (Special), May 22, 2017 6PM (Regular), January 26, 2017 5:30PM (Special) and February 2, 2017 3:30PM (Special) as printed;**

**Vice Chair Yingling moved that the Board of Selectmen approve the minutes of: May 19, 2017 9AM (Special), May 22, 2017 6PM (Regular), January 26, 2017 5:30PM (Special) and February 2, 2017 3:30PM (Special) as noted.**

**Selectman Anthony seconded the motion.**

**VOTED**

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

Abstain: 0

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

- **Erik Yingling** – Gave a summary of the Proposed Room Tax Legislation meeting he was at. A lot of realtor came out in force and voiced against. Sarah Peake came out and gave support. Based on the overwhelming support against the bill, he was not sure of the outcome.
- **Louise Venden** – At the Center for Coastal Studies Event this weekend I learned David Panagore is an excellent auctioneer.
- **Tom Donegan** – Conversation in town is that the volunteering is now being seen as a positive, starting with the fire department.
- **Robert Anthony** – none
- **Cheryl Andrews** – Brought the attention to the letter from the Cape Cod Nation Seashore announcing there would be funding for the Herring Cove Amphitheater. Met with Julia Perry and discussed the Charter Changes. At this point we have not gotten any applicants for the Trust. Feels there is a sense that there isn't a huge change in the BOS agenda.

John Giorgio - Big thing being seen is the charter has too many details.

**A. Thank you letter to Rita “Hersh” Schwartz – VSB Board**

**B. Thank you letter to Joseph Freitas - Board of Health**

**C. Thank you letter to James Wood – Airport Commission**

Selectman Donegan moved to adjourn

Without objection the meeting was adjourned at 8:38 pm

Minutes transcribed by: Elizabeth Paine