

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES – REGULAR MEETING
MONDAY, JULY 24, 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, Robert Anthony, Tom Donegan and Louise Venden, Vice Chair Erik Yingling arrived at 6:24 pm

Excused:

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

Recorder: Elizabeth Paine

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

- A. *Parade Permit request by Sherry Brec on behalf of the Carrie A. Seamen Animal Shelter Charity Pet Parade to be held on Saturday, September 23, 2017.*
- B. *Parade Permit request by Paul Curley on behalf of the American Lung Association 33rd Annual Autumn Escape Bike Trek to be held on Sunday, September 24, 2017.*
- C. *Parade Permit Application submitted by Susan Pesaturo on behalf of the Pan Mass Challenge for the Annual Pan Mass Challenge bike ride to be held on Sunday, August 6, 2017 from 9:00 a.m. to 2:00 p.m.*
- D. *Treasurer’s Transfer – Flying Plumbers invoice for Town Hall fountain.*
- E. *Certification of the Provincetown’s Police Sergeant’s Promotion List – Chief Golden*
- F. *Declare as Surplus the 2008 Ford Crown Victoria (former police Cruiser)*
- G. *Declare as Surplus the 2005 Ford Expedition (former airport service vehicle)*

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. Proposed Town Hall Rental Fee Increases and Rental Regulations Amendments

Selectman Donegan read the legal notice: A public hearing notice for changes to the regulations for public use of Town Hall.

EXHIBITS/DOCUMENTS: Draft changes to Regulations for Public Use of Town Hall Public Notice.

Assistant Town Manager walked the Selectmen through the general changes. Last amendment was in early 2015. Staff made some observation once Town Manager Panagore came on and made some changes based on those observations. Over the years, the events in the auditorium have become more elaborate. The changes are being made to accommodate those needs. Part of what we are doing today is to petrify those demands and modify fees. Most of the demands are in July and August. We are increasing daily fees, second day fee, additional room fee, parking fee for exclusive use, deposit amount and cancellation fee and policy. We have changed some of the regulations, specifically advertising and ticket sales in front of Town Hall. Parking and extra rooms will need Town Manager approval, and fees will be daily per space.

Public Comment:

- Jim King, 93 Commercial Street, does this all pertain to non-profits?

Selectmen Comments:

- **Tom Donegan** – How many of our events are for-profits versus non-profits? I am wondering if we need to have further clarity on the use of non-profit rates? We could theoretically emulate the non-profit fee schedule. I think this is a great improvement but how do we go further? I think if you make your check out to the non-profit organization, it is nonprofit, but if you pay your ticket to a profit organization, it is profit.
- **Cheryl Andrews** – anyone looking at the activities going on upstairs, understands there is a lot of money changing hands. We have always made a distinction between nonprofit and profit. I like the idea of having two fees, but what we really should be talking about is making a distinction for fees based on time of year.

Selectman Donegan moved that the Board of Selectmen vote to approve the Town Hall Rental Fee schedule and Rental Regulations amendments as printed.

Selectmen Venden seconded the motion.

VOTED

Approve: 4
Oppose: 0
Abstain: 0

Vice Chair Yingling arrived at 6:24 p.m.

Selectman Donegan moved that the Board of selectmen direct the town staff to post a public hearing to discuss difference between nonprofit and profit.

Selectman Anthony seconded the motion.

Selectman Anthony would like to know how it is possible to differentiate between the non-profit and profit organizations.

Assistant Town Manager Gardner – Most of these events are booked 12-18 months in advance and there isn't a lot of detail in what is happening at the event.

Selectman Donegan- I would still like to see an analysis of who is selling the tickets.

Selectman Venden- I agree with Selectman Donegan.

VOTED

Approve: 5
Oppose: 0

Abstain: 0

2. Public Statements:

- **Kevin Mooney**, President of the Year Round Housing Trust, I am here to give our Boards support of Mr. Butera's application for the trust. Three of the Board members met with Mr. Butera.
- **Stephanie Page, 65B Howland Street**, on behalf of the Howland Street, we are here wholeheartedly to support the Marijuana Dispensary at 45 Court Street. When the Howland Street Marijuana Dispensary was heard previously, we were never notified. If we had, we would have spoken in opposition of it. We regret the fact we were not involved. We are here in support of 45 Court Street.
- **James King** – I ask the Board of Selectmen to discuss eliminating delivery trucks after 11 am. The safety factor should be strong enough to initiate the change. Shop owners should be fined for every delivery after the time. After I looked into this, I realized there already is a By-Law that does not allow for delivery after 12 pm. I am urging you to get the police to enforce the laws on the books. By-Law 13-3.8

3. Selectmen's Statements:

- **Robert Anthony** – I'm all set.
- **Louise Venden** – I would like to call for agenda item for creating guidelines and fees larger scale real estate projects. I know that the Harbor Master and Harbor Committee is in the midst of planning, I would like to have a meeting with them to discuss where they are at. I have made a statement on Facebook, about power surges, especially in regards to Mr. Lagassee's statement that Eversouce is making changes to sources; I think we need to get an update on that. Especially in light of some of the damages that have been to electronics and sewage. Something is difference.
- **Erik Yingling** – Good evening, I am good for now, thanks.
- **Tom Donegan** – In regards to the brown outs, I think it is more common in the summer months because of overcrowding, I know there has been a lot of damage, I had 3 electronic pieces in my own house. There may be a capacity issue. On the last housing trust meeting and the one before, an MOU came up, and I would like to have the Selectmen have a discussion on that, before it gets too far, so can we have an agenda item on that. Tonight marks 3 months, since we had a vote on the round table, for VFW site and I would like to have that as an agenda item. Trust has been approved by a developer who is interesting in partnering in development. East end of Branford Street my complaint is no longer parking but the landscape that is being done. It has become a public safety issue. Once someone has landscaped it, it becomes harder to make into a bike path or side wake.

Move that staff do a study on Bradford Street from Conwell to Commercial Street Merge, encroachment, no parking, safety violation, etc. and give the BOS an update.

Seconded by Selectman Anthony 5/0/0

I wanted to thank staff for their work on the sewage repairs that they have been doing of late. 200 people submitted a petition to us, and were handed into us via email. Thanks, we are working on it.

- **Cheryl Andrews** – As far as medical marijuana dispensary, I believe we did make a motion, to not allow anymore for now. I wonder if we should set up a policy to notify the abutters when we hear non-opposition letters are being issued. I have been asked many times about the material being handed in for a meeting. If you wish to have us read the material prior to the meeting, you can email or mail it to the Secretary and she will periodically send us a PDF to us. If you wish to send have your material included in the packet, it needs to be in by the deadline. So if you want material prior the meeting, it needs to be sent to us by the deadline, and will be handed out and posted to the public.

Town Manager Panagore suggested having a public hearing where the public could make statements about their recent experiences with the outages and then go to Eversource.

4. Joint meeting/Presentations:

A. Joint meeting with the Provincetown 400 & Board of Directors

Executive Director Lisa Guiffre, Chairman of the Board Michael Glasfeld, Vice Chair Candice Collins-Boden and Treasure Loir Meads.

Ms. Guiffre, upon my hiring, I spent a lot of time talking to people one on one, meeting with a number of business people, retirees and potential partnerships. I have attended over 350 meetings; we now have developed a good relationship with Plymouth 2020 and Pilgrim Monument. We have established a relationship with the Wampanoag tribe in Plymouth and been working to advise us. We will start to speak to Mayflower 400 and Plymouth 2020, so that we can start speaking about the relationship between us and European originations. Massachusetts would benefit from working together with these events. Coin legislation, all have submitted edits, it hasn't gone to the floor, my edits called out events relating to Provincetown. If this goes through, it could bring upwards of 600K to the Provincetown 400. We pretty much have created our own non-profit. Now that we have a general good idea of how this nonprofit is going to exist. We are working on building the Board. We expect between now and September, we are hoping to add 3-4 Board Members, and hopefully 3-4 after that. There will be sub committees that will be working towards specific goals. On September 30, we will be holding a public meeting, this is the point we will bring the public into the fold, between now and then, we will be doing some silent fundraising. The work that I have done is to use the commemoration as a platform to continue well beyond 2020, we have another one coming up at 2027. Our goals are very similar to Plymouth 2020, but we wish to be globally recognized at the first landing place of the Pilgrims. By September 30th event, we will have merchandise, I am hoping to test this idea about pop-up reenactments. To get the public aware that something is coming. I would like to organize a modest reenactment of the signing in November. I am hoping these kinds of events will be happening more and more as times go on. Wind Rose Series project, as I begin to understand more of the background Provincetown, there is a thread across our 400-year history, and I started to think about how it would be interesting to education; talks, presentation, site visits, webinar, were we invite scholars and educators to a small presentation with a small discussion afterwards. While we are all proud of our Mayflower history, I think we all need to understand the Wampanoag more. We are going to start building a multi art festival in June. We are talking about the Provincetown School and Pilgrim Monument. Civic Engagement. 2019 is just building all the things I have been talking about. An intense pre-production for 2020. January 6, 2020, opening ceremony. The kickoff event. June 14th is an event of Plymouth 2020, playing host to them. Late August 29, 30, regatta of maritime light. Have been speaking about having the Mayflower II being in the harbor, still in restoration, they are hoping to have her back in the water in 2019, I would like to have a more specific answer about whether or not that is going to be able to come to our harbor. September 20, 2020, General Society of Mayflower Descendants Congress will be coming into town. September 12-19 will be having events happening in Boston. Starting next year, we will be offering these members VIP additions to GSMDC members.

The Voyage Festival September 19-November 15, 2020.

Wednesday Nov. 11, 2020, Landing Commemoration Celebration. We are hoping to host a large gala event. We have a donor willing to put on fireworks and their vision is to have it off the end of the cape.

November 21, 2021, 400th commemoration of the first harvest feast.

We seek to have you been champions of this. We are hoping for more communications now that things have come into the light. There are more meetings coming up between Provincetown 400 and staff as well as Provincetown 400, VSB and Red Thread. We are happy to do the lion share on renovation of the park, but we need to be sure that the town needs to have ownership on it, right now it is the State.

Once the 400 Commemoration is complete, Provincetown 400, hopes to continue educating the public on the history of Provincetown.

“Lands’ End, a place like no other”

Selectman Anthony – great presentation, I cannot wait until all of this comes to fruition. You have been mentioning various parts of things, but have you thought including the National Seashore, the Harbor and piers. LG – yes I have.

Candy – Provincetown 400 is about the whole history of the town.

Selectman Donegan – I am very excited to see we have moved beyond the blue print and there is a cohesive plan. I hope we can continue to embrace the value. It looks to me to a fairly comprehensive plan. Fundraising is the hardest part. Provincetown 400 license plate, is that an option?

LG- all the organization has been effective by legislation. Putting the eggs in that kind of bucket is a bad idea. We might try to advocate for a commemorative stamp.

Chairman Andrews – On your mission you have pointed left out 400 and 2020 from your mission statement. I am curious of why it is not in there. You spoke about a focus on a week in November, I am hoping very much that is a mistake; we should have programing all the way up to December 18th. I recognize that Plymouth will get very splash, but darn it all I expect baby day. I think it is time to start speaking to other town’s selectmen about events and locations these visitors may like to visit. There is going to be a tussle between merchandizes. LG – in the life of a non-profit, it’s not the mission that would say things about 400 or 2020.

C- CCRT needs to be included in the conversation.

Selectmen Venden – thank you for the breath that you have brought to this. I appreciate the breath of your statement, because you goal is to make this an ongoing education.

LG- we have been speaking to the Mass Cultural Fund about getting money to help support our goals.

CA – we will see you in September.

5. Appointments:

A. Jeremy Callahan – Zoning Board of Appeals

Selectman Donegan moved that the Board of Selectmen vote to approve the appointment of Jeremy Callahan, as a regular member to the Zoning Board of Appeals effective July 24, 2017 and expiring on June 30, 2020.

Selectman Anthony seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

B. Gordon Siegel, Nathan Butera – Year Round Rental Housing Trust

Mr. Butera, lived in Provincetown for 15 years. I have fallen in love with the town. I sell my art here, and

created a show on the town. Last week I have gotten married. I have really have made my home town. I grew up in New Orleans, and I have served the town before for the Historical Commission for 5 years. I have changed my employment choices lately. I was a server for many years, and now am getting into real estate. And I felt that I wanted to volunteer my time to be the change I want to see. As I become more familiar with conflict of interest, even if there is an appearance of a conflict of interest. I am aware that could come up. They didn't seem to think that would be a huge problem, if things were to come up, I would recuse myself.

Selectman Venden, congratulation and good wishes. Thank you for your work on the HDC.

Selectman Donegan, the trust and Nathan spent a lot of time discussing the conflict of interest. And spoke about his willingness. Any time Nathan's business is involved in a real estate transaction that involve directly or in directly that the trust is involved in. I am really excited you, stepping up.

Chair Andrews – I don't think I have served on a Board that didn't have a real estate broker. Could someone give me example of where this would be an issue? Be sure to disclose with the town clerk, and you find yourself stepping out more than your working, please let us know.

Selectman Venden – my concern about the housing trust, I had hoped there would be more candidates that had experience in real estate development. A lot of this is going with this trust, need that.

Vice Chair Yingling – if he has a financial interest, he recuses, otherwise he would have to submit a disclosure. Don't let other people dictate when you should recuse, just use your best judgment and act accordingly. I'm very grateful, because you have a lot of hard work coming your way.

Selectman Donegan moved that the Board of Selectmen appoint Nathan Butera as a Trustee to the Year-Round Market Rate Rental Housing Trust for a term to expire December 31, 2019.

Selectman Anthony seconded the motion.

VOTED

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

6. Requests:

A. Quarterly Police Report

Police Chief Golden is here to give the 2nd quarterly report. All records are published online and updated weekly.

Selectman Venden asked Chief Golden about the wellness checks that are done by the Police.

Chief Golden - Going back generation, the police departments have done as a curtsies, that if you go away for more than 10 days to be added to the list of home that are going to be vacant. The nice thing about getting a larger police force is that they get the vibe of the town.

Selectman Donegan – I am very thankful for the animal control officer’s professionalism. I think the summer officers are less engaging than in previous years. Police officers on Bikes are amazing, really excellent work.

Selectman Venden – I like the use the humor that I have seen some of the officers engage in.

Selectman Anthony – 25 years ago the By-Law has been in effect, when I was there, I spoke to the vendors, and they will not change the routes it a very difficult problem and hard to enforce. The companies really dictate when the trucks delivered.

Chief Golden - In 2013 the business community pushed to change the time. A true delivery truck is off by 12 pm. There are others who are bonded by time; UPS, FedEx, Post office, etc. we also make exceptions for perishable trucks.

Vice Chair Yingling – question on the self-initiation. Could you define that?

Chief Golden – Self initiation is when the officer makes the call in. Less overall cops on staff right now, more calls coming in.

Selectman Donegan – I wonder if we should post grafts about street performers and noise complaints. It seems that noise complaints in general are down. This is great report in how it is presented. This report tells us and the public in a really great way, what is going on and what they need to know. This is a great model.

Chair Andrews – the selectmen have been working for the last two years with the chief to work on the reports.

Chief Golden at the end of the presentation, showed a short video of police community presence over the last 15 months.

B. Change order for Robert B. Our, Inc. in the amount of \$28,427.87 for the close out of Commercial Street Reconstruction Phase III

DPW Director Waldo was present at the meeting with Russ Kleekamp of GHD. At the close of the project, there were some items that exceeded to total \$28, 427.87.

Vice Chairman Yingling wanted to comment job well done.

Vice Chair Yingling moved that the Board of Selectmen vote to approve the change orders for the Commercial Street Reconstruction Project Phase III totaling \$28,427.87

Selectmen Anthony seconded the motion.

VOTED

In Favor: 5
Oppose: 0
Abstain: 0

Selectman Donegan, I want to commend Rich on his presentation on Shank Painter Road, and you and your term did a great presentation.

DPW Waldo – there was a great turn out and there will be another presentation come September.

C. Request by Bob Schnibbe, Green Harbor Dispensary for a letter of non-opposition to locate a Registered Marijuana Dispensary at 45 Court Street.

Chief Executive Director of Green Harbor Dispensary, Bob Schnibbe. We left it off where we had presented three locations, and we were leaning towards 44 Captain Bertie’s Way, but we were unable to secure an agreement with the property owner. It has taken about 5 months for us to get to the agreement we currently have with 45 Court Street. It is currently contingent on the non-opposition agreement with the Town. I think we have a water issue that is problematic with that location.

Vice Chair Yingling, I am support of this.

Vice Chair Yingling moved that the Board of Selectmen vote to direct the Town Manager to negotiate a Community Host Agreement with Green Harbor Dispensary Inc. to locate a Medical Marijuana dispensary at 45 Court Street and to authorize the Chair to sign a letter of non-opposition from the Town of Provincetown.

Selectman Venden seconded the motion.

VOTED

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

D. Update and Initial Review of Board of Selectmen Liaisons

Chair Andrews that the Board of Selectmen vote to appoint Louise as Liaison to Harbor Committee and Pier Corp, for a term of one (1) year commencing immediately ending May 2, 2018.

Vice Chair Yingling seconded the motion

VOTED

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

7. Town Manager / Assistant Town Manager:

A. Adoption of FY2018 Town – Wide Policy Goals

Selectman Venden moved to that the Board of Selectmen vote to amend Goal 3 to state “Economic Development: Promote policies that encourage the development of year round business and non-profit jobs while maintaining community character.

Vice Chair Yingling seconded the motion.

Vice Chair Yingling moved that the Board of Selectmen vote to adopt the Town-wide Policy Goals for

Fiscal Year 2018 as revised
Selectman Anthony seconded the motion.

VOTED

In Favor: 5
Oppose: 0
Abstain: 0

B. Town Manager’s Report – Administrative Updates.

Town Manager Panagore’s update included including staff bi-weekly updates, the Alert response system, Open-Gov is now being used by staff; summer program is going very well and AECOM memo.

Chair Andrews felt that the report was lacking a lot of information, and I think we should talk more about this in public. I think we should have an agenda item. While this was happening, there were two things that were obviously happening, workers were working and doing their job and the ones in charge of communication, needed to be allowed to focus on that. From the time this happened, to the time we all heard about it, to the red alerts happen, it was a very short time. I am very proud of the work that was being done. So thank you. Going in to the future, I think there are a few questions people have, there are a few I have.

Selectman Donegan, I think this is a great starting point of also talking about AirBNB because room tax revenue contributes to the Sewage.

Town Manager – there is another Chapter 91 application in the process. Today is the last day of Library Director Matt Clark; we have already started this process to look for his replacement and we are forming a committee for replacing the Town Clerk.

Selectman Anthony would like to know where we are for 350 Bradford.

8. Minutes:

MOTION: Move that the Board of Selectmen approve the minutes of: June 26, 2017 4:30 pm, (Special), June 26, 2017 6:00 pm (Regular) and July 10, 2017 6:00 pm (Regular) [as printed] [with changes so noted];

Vice Chair Yingling moved that the Board of Selectmen approve the minutes of: June 26, 2017 6:00 pm (Regular) as printed and July 10, 2017 6:00 pm (Regular) with changes so noted;

Selectman Venden seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

9. Closing Statements/Administrative Updates:

- **Erik Yingling** – None
- **Louise Venden** – None
- **Tom Donegan** – Move that the BOS submit testimony to the DPU as presented. Vice Chair Yingling seconded the motion 5/0/0
- **Robert Anthony** – None
- **Cheryl Andrews** – None

9B. The Board of Selectmen will vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 2 for the purposes of:

Clause 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; Town Manager David B. Panagore

Clause 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; Police Chief James F. Golden.

Motion: Erik Yingling

Seconded: Robert Anthony

Roll Call Vote:

Tom Donegan: Yes

Erik Yingling: Yes

Louise Venden: Yes

Robert Anthony: Yes

Cheryl Andrews: Yes

The Board of Selectmen went into executive session at 9:41 p.m.

Without objection the meeting was adjourned at 10:23 pm

Minutes transcribed by: Elizabeth Paine