

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES – REGULAR MEETING
MONDAY, AUGUST 14, 2017 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Vice Chair Erik Yingling convened the open meeting at 6:00 pm noting the following:

Board of Selectmen attending: Acting Chair Erik Yingling, Robert Anthony, Tom Donegan and Louise Venden

Excused: Chair Cheryl Andrews

Other attendees: Town Manager David Panagore, Finance Director Josee Young and Board Secretary Elizabeth Paine

Recorder: Elizabeth Paine

Ceremonial Swearing in for Provincetown Police Sergeant Kevan M. Spoor.

Acting Town Clerk Darlene Van Alstyne ceremonially swore in Provincetown Police Sergeant Spoor.

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

- A. *Treasurer’s Transfer – to approve the use of Town Hall gift funds to pay \$58.02 to Modern Marking for custom nameplates for Town Hall meeting room doors.*

Without objection Vice Chair Yingling waived the reading of the consent agenda and without objection it was approved unanimously by the Board of Selectmen

1. Public Hearings:

- A. Continued Hearing from July 10, 2017 - Installation and Relocation of Equipment in a Public Way – Eversource is requesting permission to maintain poles, wires and cables.**
- a. Install 1 new pole labeled #2/45-5 (Corner of Commercial and Ryder in front of 277 Commercial Street)**
 - b. Install 1 anchor and guy at Pole #2/46-A (In front of 106 Bradford Street)**
 - c. Relocate 1 pole #154, 4.5 feet east of its current location in the public layout on Bradford and Ryder Street. (In front of 115 Bradford Street)**

Selectman Donegan read the legal notice: A public hearing notice for installation and relocation of Equipment in a public way.

EXHIBITS/DOCUMENTS: Application from Eversource

Eversource withdrew their petition to the Town of Provincetown.

Selectman Donegan moved that the Board of Selectmen acknowledge the petitioner’s intent to withdraw and hereby close the hearing and take no further action.

Selectman Anthony seconded the motion.

VOTED

Approve: 4

Oppose: 0
Abstain: 0

2. Public Statements:

- **Mr. King** - would like to be placed on the agenda to discuss with the selectmen delivery trucks on Commercial Street. And could we add on the discussion, getting rid of beggars on the streets.

3. Selectmen's Statements:

- **Tom Donegan** – Thanks the coordinated efforts that have been happening all summer between Flyers, the fire department and the harbor masters. Disappointed that we did open the warrant when the Special town meeting was called.
- Robert Anthony – congratulations to Sergeant Spoor and the police department. I think they are doing a great service to the town and I wish them well.
- **Louise Venden** – Thanks to the organizers for the event last night, and I believe there will be another one tonight. And I think this town is really all about standing against this kind of violence. I have been here for a few months, and I would like to focus on some more things. I have been in this role for four months, a number of things have happened that have all been positive. I am hopefully we are able to get to some other issues that I have raised. I would like to reconsider the May 8th vote for the 360 review of the town manager now that I have a clearer understanding of what was being asked I would like to vote against it.
- **Erik Yingling** – thank the people who have organized the vigil; last night, I feel there is a cancer beneath the surface of the society and I think it is bigotry. We have a much larger problem on our hands than one single event. I fear we will see. I think we all need to acknowledge our role. Be kinder to each other.

4. Joint meeting/Presentations: NONE

5. Appointments:

A. Chamber of Commerce VSB Representative – Susan Avellar

Susan Avellar, present as the Provincetown Chamber of Commerce Representative.

Selectman Donegan moved that the Board of Selectmen vote to approve the appointment of Susan Avellar, as the Provincetown Chamber of Commerce Representative to the Visitor Services Board effective August 14, 2017 and expiring on June 30, 2018.

Selectman Anthony seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

B. VSB At Large – Paul DeRuyter and Jay Gurewitsch

Selectman Donegan moved that the Board of Selectmen vote to approve the appointment of Jay

Gurewitsch as an at large member to the Visitor Services Board effective August 14, 2017 and expiring on June 30, 2020.

Selectman Venden seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

C. Cape Cod National Seashore Advisory Committee – Regular - Mary Jo Avellar, Robert Compton, Troy David Sprott and Lise A. Balk King

Lise King – I am committed to Provincetown to engage in responsible land stewardship. We have a unique responsibility to raise our voice up to the federal government. I was raised in Provincetown and am here year round. I would be of service to the Town.

Mary Jo Avellar - I have been the current representative for the last two terms. I have been involved in keeping traditional rights of the Town of Provincetown. I was a member of committee that was part of the off road vehicles rule making. I actively represent the people of Provincetown and the traditional rights of the town. I would love to be reappointment and I hope that you would

Selectman Donegan moved that the Board of Selectmen vote to approve the appointment of Mary Jo Avellar as the Provincetown regular representative on the Cape Cod National Seashore Advisory Commission effective August 14, 2017 and expiring on June 30, 2020.

Selectman Venden seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

Selectmen Donegan, Venden and Antony all praised Ms. Kings but in the end felt Ms. Avellars experience was vital for the current state of affairs.

D. Cape Cod National Seashore Advisory Committee – Alternate – David B. Panagore

Town Manager Panagore – after listening to Ms. King’s background and experience, I am withdrawing my application as the alternate and I hope Ms. King would be elected instead.

Selectman Donegan moved that the Board of Selectmen vote to approve the appointment of Lise A. Balk King as the Provincetown alternate representative on the Cape Cod National Seashore Advisory Commission effective August 14, 2017 and expiring on June 30, 2020

Selectman Anthony seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

E. BOS OPEB and DPW Liaison Appointment – Erik Yingling

Selectman Donegan moved that the Board of Selectmen vote to approve the appointment of Erik Yingling as the Trustee to OPEB, for a term of one (1) year commencing immediately and ending May 1, 2018.

Selectman Anthony seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

Selectman Donegan moved that the Board of Selectmen vote to appoint Erik Yingling as Liaison to the Department of Public work, for a term of one (1) year commencing immediately and ending May 1, 2018.

Selectman Anthony seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

F. Cape and Vineyard Electric Cooperative, Inc – Lydia Hamnquist

Selectman Donegan moved that the Board of Selectmen vote to appoint Lydia Hamnquist as the Provincetown representative on the Cape and Vineyard Electric Cooperative, Inc. effective August 14, 2017 and expiring on June 30, 2020.

Selectman Anthony seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

Both Vice Chair Yingling and Selectmen Donegan thanked Ms. Hamnquist for her dedication to the town.

6. Requests:

A. Consolidation of Gift Funds – Finance Director Josee Young & Treasurer Alexander Williams

Selectmen Donegan moved that the Board of Selectmen vote, as Commissioners of the Town’s gift funds,

pursuant to MGL C44 § 53A, to approve the consolidation and closure of gift funds that are inactive and/or whose original intended purpose no longer exists as set out in the attached memo dated August 14, 2017. that the Board of Selectmen vote, as Commissioners of the Town’s gift funds, pursuant to MGL C Selectmen Venden seconded the motion

VOTED

In Favor: 4
Oppose: 0
Abstain: 0

B. Economic Development Grant - \$3200 being awarded to Snip Salon – EDC Co-Chair Jean Cassidy

Michelle Jarusiewicz, from a balance of funds from 2016, they awarded Snip and Salon a \$3200 grant.

Selectman Venden moved to approve the recommendation of the Economic Development Committee for a \$3,200 Economic Development Grant to Ooh-La-La Inc. dba Snip Salon for website improvements, new computer and capital improvements to sign and reception desk.

Vice Chair Yingling seconded the motion

VOTED

In Favor: 4
Oppose: 0
Abstain: 0

Selectman Donegan, I am going to support it, but I have some hesitation. I feel like we are picking some winners and losers for existing businesses by providing economic support for already existing businesses.

Vice Chair Yingling and Selectman Venden agree there is some concerns with the guidelines. Might be something the committee should consider when reviewing the applications.

C. Year Round Rental Housing Trust – MOU – Michelle Jarusiewicz Community Housing Specialist & Grant Administrator

Town Manager Panagore introduced the Memorandum of Understanding between the Board of Selectmen and the Yearround Market Rate Rental Housing Trust. He and Ms. Jarusiewicz worked together and created the MOU. Selectmen Anthony wanted to know if the liaison would be reporting in to the BOS. Selectmen Venden had concerns with the first draft, mainly ... The new draft also gives concern mainly with “the board of selectmen will consult with the trust in advance of selling, leasing or otherwise assigning any real property under its control.” My concern is we do an asset management plan. There are lots of way we can go about evaluating these aspects. So that part of it struck me as being over reaching. Also #8 “the board of selectmen shall take all actions necessary to assist in securing a dedicated source of ongoing revenue to support the efforts of the Trust to provide year round rental housing.” I don’t understand this.

Selectman Donegan responded, that during the February special meeting spoke about the income gap coming in for Harbor Hill and using room tax revenue and marijuana tax to fill the gap. The edits for the selling and leasing, comes to...

Selectman Venden - Middle income, housing ownership. Renters certainly have a foot in the foot, but in terms of building business and raising family, ownership is key. I want the trust to be successful but I don't want them to be spread so thin that they fail.

Vice Chair Yingling – thanks Tom for putting this in. I also agree with Selectmen Venden. I have concerns, but I think some of these need to be reconsidered or no put in.

DP – I tried in the other version to outline the basic. I want the Trust to succeed and not have the expenses budgeted. We give general level of support to all sorts of boards, but when it goes higher, we need to look at this.

Selectman Anthony – have we hired a management company. Everything we are talking to about tonight, could that be a part of the management plan? If we have a property management, couldn't we put that in writing.

Selectman Donegan – we are working on that, what the relationship to the town and what the management will do, and what mass housing allows. That is what is coming. Part of the challenge, the board sets the policy for it, but it is Michelle and David who sets up the RFP for all of this.

Selectman Venden – are you assuming you are going to have annual budget?

Selectman Donegan – we will prepare for town meeting, the annual accounting of the trust.

Vice Chair asks for the Board to send their edits to the BOS secretary.

D. Open and Closing of the STM Warrant

Vice Chair Yingling moved that the Board of Selectmen vote to open the warrant for the Special Town Meeting to be held on September 13, 2017 forthwith, in accordance with Charter §2-1-7.

Selectman Anthony seconded the motion.

VOTED

In Favor: 3
Oppose: 0
Abstain: 1(td)

Town Manager Panagore suggested moving the selectmen vote their recommendation to the September 11, 2017 regular meeting. The Selectmen agreed. He also gave a brief explanation of some housekeeping for the marijuana tax and tree bylaw. Gloria McPherson, Town Planner, the whole point of this is to make sure the expectation is that we get read data or spot elevation on these sites. We currently have it dating back for 20 years but after speaking with Chair Andrews, we feel comfortable even saying 30 years. Selectman Venden, thank you for doing this, I hope in the future is that we will continue, so we can give the staff support. Selectman Donegan, I am concerned about this, I worry about potential building project. Building Commissioner Annie Howard, agrees with Ms. McPherson, most plans are of existing grade. Selectman Anthony, during the post permitting process, when does the town go out and survey the site? Town Manager Panagore explained that these amendments create more transparency. GM the major point of the foundation

survey shows the location of the foundation laterally. When the foundation is done, you will also get the vertical location. If we do the foundation survey and it is coming within two feet, height survey will be required. Selectmen Venden – you talk about #3, which is still a very vague. GM – it lets the developer know that you are going to have to do this, but be smart about this. AH- right now it is not a required inspection in the building code. Selectmen Venden – this clarifies. GM – earlier enough in the process and all violations must be fixed prior to the final building permit being issued.

Tree Bylaw – TD – does the fine apply to the arborist or the home owner? If I hire an arborist to take down a shade tree, do I get fined or does the arborist? DP – it doesn't specify, but most fines go to the homeowner. That is what the judge defines. Vice Chair Yingling believes that the fine should be \$300. Selectmen Donegan and Venden agree.

Selectman Donegan moved that the Board of Selectmen vote to approve Article(s) #1 through # 5 as presented by the Town Manager and to Insert said Article(s) as amended into the September 13, 2017 Special Town Meeting Warrant forthwith.

Selectman Anthony seconded the motion

VOTED

**In Favor: 4
Oppose: 0
Abstain: 0**

Selectman Donegan moved that the Board of Selectmen vote to close the warrant for the September 13, 2017 Special Town Meeting, in accordance with Charter §2-1-7.

Selectman Anthony seconded the motion

VOTED

**In Favor: 4
Oppose: 0
Abstain: 0**

7. Town Manager / Assistant Town Manager:

A. Provinceland Road and Pilgrims' First Landing Park Rotary Discontinuance – DPW Director Richard Waldo

DPW Rich Waldo was present at the meeting; the town is requesting the discontinuance of the state highway from the rotary to the federally owned portion.

Selectman Donegan, thank you for getting the speed on Conwell worked out.

Selectman Venden moved that the Board of Selectmen vote to request the Massachusetts Department of Transportation to discontinue a portion of Provinceland Road and Pilgrims' First Landing Park Rotary,

pursuant to the provisions of state law providing for discontinuances of state highways, shown on a plan entitled “Progress Print 2017-01-04 – Plan of Road in the Town of Provincetown, Barnstable, Alteration and Layout as a State Highway with Portions Discontinued by the Massachusetts Department of Transportation, Highway Division” and as may be more specifically described on plans known as the “1929 layout #2575” and further altered on plans known as the “1955 layout #4336.”

Selectman Anthony seconded the motion

VOTED

In Favor: 4
Oppose: 0
Abstain: 0

B. July 11th, 2017 Central Vacuum Incident Update – DPW Richard Waldo

DPW Director Waldo gave a brief description of what was going on. Present with Rob Adams, AECOM project manager.

Selectman Anthony, was the failure from a power surge?

Mr. Adams - the value was affected from the surge, the generator worked the way it was supposed to.

Selectmen Venden – I had a number of things in my home that were affected from the power surge, and has Eversource acknowledging anything happened.

Town Manager Panagore – we reached out to Eversource and they were not aware of any issues going on.

Selectman Donegan – in my own home I has a number of issues, what are some of the things we can do to protect our equipment.

Selectman Anthony – Eversource has to acknowledge there was a blip in the system.

DPW Director Waldo – we do not have a neighbor to draw from. Being able to restore the power with in a 12-hour period or 24-hour period is out focus as the power source is not going to be solved soon.

Town Manager Panagore – what can we do to make the 75-minute valve not opening 5 minutes.

AECOM Adams – we have already set up some operating procedures.

Selectman Donegan – I think it would be nice to have a tour set up for the facilities sometime in the future.

C. Refer zoning articles to the Planning Board

Selectman Donegan moved that the Board of Selectmen vote, pursuant to Massachusetts General Law Chapter 40A Section 5, to submit the attached proposed Zoning Bylaw amendments to the Planning Board for review and public hearing on Thursday, August 31, 2017 in order to be placed on the September 13, 2017 Special Town Meeting Warrant.

Selectman Anthony seconded the motion.

VOTED

In Favor: 4
Oppose: 0
Abstain: 0

D. Discussion Jerome Smith Housing Development Site (“VFW”), 3 Jerome Smith Road

Town Manager Panagore, this is at the pleasure of the Board. Selectmen Venden, thinks we need to look at this site future. And I feel we should be looking at a site for middle income buying opportunity. At this time, I am not supporting transferring any more projects to the YRRHT. Vice Chair Yingling, we defiantly need expertise. I want to move this forward; I think we need Mass Housing Authority to give input. Town Manager Panagore suggests we gather information. DO you want to set aside a parcel for some for sale units? Do you want higher density in the front? Or only single family town houses? Once you have an idea of what you'd like to do, then I feel comfortable, staff can give you some options.

Vice Chair Yingling, I agree with Louise, and I think middle income purchased homes would ideal.

Selectman Donegan – I believe KP's memo says that anything but affordable housing, requires a town vote. We have a verity of ideas that we could do here, but the site it small and it is difficult. We bought this property in ... and pretty soon we need to make a decision about what we are going to do with this site. We have a verity of goals, and if we want this to happen in April, we have to get busy.

Vice Chair Yingling – I think it is sort of what we have to do, 40B.

Gloria M– I am not really clear as to why town meeting has to vote on it. I assume that we are going to develop it under 40B, because it doesn't make sense to a town to use this. Say you have 40 unites, you could do the entire project under 80 percent, or 25% affordable and the rest middle income or you could do 25%, a portion of middle income and the rest market price. If you are looking at 40 units are under 80%, if you look at all the rest are middle income, the town would have to pay out over 7 million for expenses.

Town Manager Panagore – the static is half of rental payments pay more than 35% of their income and half of those pay more than 50%.

GM- you can design a project however you want. I would love to bring something to town meeting, that show three different project that shows the town meeting floor how the substacy works.

TD- what is the mix and what does a rent to own program look like? We have to figure out what the appetite is for the town.

LV- the only thing I keep going back to, is you need to have a very clear idea for what those revenues source is.

DP- if the town would like to do a market survey. I think opening up a lottery soon, it might show the demand.

LV – we don't have that much land develop, so I think we need to be more scientific.

EY- so how do we get the ball rolling on this? Do we direct staff to discuss and report back or do we discuss at the round table?

RA- maximum building on this unit would be 40 units?

GM- I don't know if 40 units would be, but it is a nice round number.

TD – propose a scatter site development, perhaps including the current police site.

DP- I ask you not commit up to a time frame so that we can do this right. If you give us a clear direction, we can come back to you with other options.

E. Town Manager's Report – Administrative Updates

Town Manager Panagore's update included schedules and staff weekly updates. A discussion between the BOS and TM ensued.

F. Town Manager's Report – Administrative Updates.

8. Minutes:

MOTION: Move that the Board of Selectmen approve the minutes of: July 24, 2017 6:00 pm (regular), July 31, 2017 6:00 pm (Special) and August 3, 2017 12:00 pm (Special) [as printed] [with changes so noted];

Vice Chair Yingling moved that the Board of Selectmen approve the minutes of: July 24, 2017 6:00 pm (regular), July 31, 2017 6:00 pm (Special) and August 3, 2017 12:00 pm (Special) as printed;

Selectman Venden seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

9. Closing Statements/Administrative Updates:

- **Robert Anthony** – none
- **Erik Yingling** – none.
- **Louise Venden** – none.
- **Tom Donegan** – people should check out the changes to open meeting laws.

Without objection the meeting was adjourned at 9:07 pm

Minutes transcribed by: Elizabeth Paine