

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES – REGULAR MEETING
MONDAY, AUGUST 28, 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, Vice Chair Erik Yingling, Robert Anthony and Tom Donegan

Excused: Louise Venden

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

Recorder: Elizabeth Paine

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

- A. *Treasurer’s Transfer – approve the use of recycling and renewable energy gift funds to pay \$1,386.00 to Lydia Hamnquist for reimbursement of expenses incurred related to the purchase of 14 Cigarette Butler Boxes for use throughout the Town.*
- B. *Treasurer’s Transfer- approve the use of library gift funds to pay \$100.00 to Angel Foods for food expenses incurred related to the departure of the Library Director.*
- C. *Treasurer’s Transfer – approve the establishment of a special gift fund in relation to the petitioned and passed Article 14 of the 2017 Annual Town Meeting, to be named the Province Road Paving Gift Fund, with the balance in said fund to be expended by the Town Manager without further appropriation.*
- D. *Treasurer’s Transfer - approve the use of holiday lights gift funds to pay \$18,500.00 to Ocean State Pyrotechnics and \$8,000.00 to Tucker Roy Marine Towing & Salvage for expenses incurred by the 4th of July Fireworks.*
- E. *Parade Permit - approve the Parade Application Permit submitted by Brandon Motta on behalf of the Provincetown Recreation Department’s Annual Children’s Halloween Parade to be held on Tuesday, October 31, 2017, starting at 3:30 pm.*

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

1. Public Hearings:

A. Tax Rate Classification

Vice Chair Yingling read the legal notice: A public hearing notice for the purpose of determining the percentages of the local tax levy to be borne in Fiscal Year 2018 by each class of real and personal property: residential, open space, commercial and industrial.

EXHIBITS/DOCUMENTS: 2018 Fiscal Classification Tax Allocation

Scott Fahle, Principal Assessor, present for the meeting. New valuation, which was approved by the state,

came in at 2, 846, 150, 800. There are 4 votes needed to be made. The Board of Assessors met on August 22, 2017.

Selectman Donegan moved that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2017 property tax:

1. **[Establish] a residential factor of "1" - Establishing a residential factor of "1" would keep the tax rate the same for all classes of property; or**
Voted 4/0/0
2. **[Not to adopt] a split tax rate - Voting for a split tax rate would tax Commercial Property at a higher tax rate; or**
Voted 4/0/0
3. **[To adopt] a "residential exemption" of 20 % - An exemption of up to 35% may be adopted, to shift the tax burden from residents to non-residents, within the residential class; or**

David Brody, part time resident and tax payer. I would ask you do consider it for next year, to modify the exemption, to buy and stay in affordable housing, proposal is that people, who live in the most expensive houses, get redirected to the people in the bottom. So people, who need it, get twice the benefit.

Patricia Miller, 25 Pearl Street, I am a part timer and I am also the vice president of the part time residence. I am not a second homeowner. My partner and I are here a lot in the winter quite a bit. If you adopt this exemption, our neighbors will pay fewer taxes than us solely on the fact that we are here less days. We are not along in our part time groups, but our involvement stops at the political process, we are relying on you, to do the right thing. This town can better, than Truro did. Your jobs are to unit verse divide. We as part timers ask you to continue please do not pit neigh to neigh and please do not adopt this.

EY – can you break down what would happen would if you were to raise the residential exemption up to 35%?

TD – we have passed at town meeting, property owners, who aren't residents, but rent to year rounder's. If that passed in the next early part of the session, would that be edible? I am interested in Mr. Body's idea of how the money gets allocated.

SF – that would be for FY18. Mr. Brody's idea would require special legislation.

DP – on the residential exemption, part of the year rental exemptions, we need to define, a parcel.

CA – I care about this town deeply in our heart, and I feel this vote was a long time coming, certainly upsets people, I read part of the Cape Cod Times article, and I disagree. I think this supports very strongly a problem that has occurred, where our year round town is getting dismantled. I felt strongly to let this legislative go through, and I will be voting to keep things status quo.

EY – my only apprehensive is that Beacon Hill will take a long time.

Vote 4/0/0

4. [Not to adopt] a "small business exemption"

Vote 4/0/0

TD – after we get the year round rental exemption, I will propose a tax break for small businesses.

5. To identify \$190,937.81 in unused property tax levy capacity.

Chair Andrews moved that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2017 property tax: 1. Establish a residential factor of " 1 " - Establishing a residential factor of "1" would keep the tax rate the same for all classes of property; not to adopt a split tax rate; to adopt a "residential exemption" of 20 % - An exemption of up to 35% may be adopted, to shift the tax burden from residents to non-residents, within the residential class; not to adopt a "small business exemption" and to identify \$190,937.81 in unused property tax levy capacity. Selectman Anthony seconded the motion.

VOTED

Approve: 4

Oppose: 0

Abstain: 0

Chair Andrews closed the public hearing at 7:01 pm.

2. Public Statements:

- **Alan Roth** – 7 Conwell Street, I want to congratulate the PBG, the Police Department, Chamber of Chamber, DPW and everyone involved. I am asking for future vehicle traffic. I watched before and right after the parade people trying to navigate the crowds. We have seen vehicles been used as weapons. There is sensible risk management; certainly there is a given time in the morning to a given time in the evening on carnival day. There is no other day of the year in Provincetown that gives a hater the prospect of damaging than on carnival day.
- **Stephanie Page** – 65 B Howland Street, I am here on the behalf of the residents at ... we are here to ask for your support in the petitioned article. At the time of the original vote, everyone thought Outer Cape would be the dispensary. Our vote never intended for dispensaries to be in residential areas. According to Town Council, once a dispensary becomes a medical marijuana dispensary, there is nothing to stop them from selling retail recreation marijuana. The only way to prevent recreation marijuana being sold strictly in Commercial Zoning and this is our chance to correct this.
- **Ann Paradis** – 69 A Howland Street, I am here to ask for a vote to support the petitioned article. If stores are located in residential areas, it will change the quality of the neighborhood. Should be located in Commercial area. The 2013 Bylaw was to support a dispensary at Outer Cape Health and I urge you to support petition article
- **Harry** – 44 Harry Kemp Way, I have lived here over 20 years, I live at Maushope Senior housing, since I make every effort to stay active, I walk Harry Kemp regular. There is a stretch with no sidewalk or lighting. We walk and ride in the road way and the lighting isn't there. There is professional business in the area, but none are retail. Our quality of life is threatened by two dispensaries. I am not opposing to the dispensary of medical marijuana or recreation marijuana, but pushing them into our neighborhoods.

- **Jerry Cassese** – 65A Howland Street – we are here asking for help in changing back our zoning to prior to 2013. When Outer Cape found out that it would lose all the federal funding. At the 2013 town meeting, shank painter road was also zoned to be the proper zoning. Why haven't the abutters met with the zoning board? When the Heal announced it would be taking over the entire building, there was no need to go before zoning.
- **Bruce Mason** – 100 Alden Street, most of what is in my mind to say already has been said. What I basically feel, because of the traffic situation, I just think it is a dangerous situation. I think it will grow into something bigger and it opens up the door to other retail stores to come in. if we have a solid good neighborhood flourishing, why do we risk making some big changes?

3. Selectmen's Statements:

- **Robert Anthony** – I want to thank everyone for being here and showing up. I would like to speak to the previous speaker regarding carnival. I think it is a very difficult, and I think it is a great idea to have a dialog. Maybe at the traffic hearing. With all the news, you really start thinking about what we have in Provincetown. Maybe the Town Manager could have a conversation with the chief or we could set up a meeting to start the conversation. When we first reviewed it, I thought it was just a proposal. I appreciate the dialog, and let's see what happens on the 13th. And I think we are taking the right forum, and let's talk about it at the town meeting.
- **Erik Yingling** – I am good for now.
- **Tom Donegan** – I look forward to the conversation about Commercial Street. We have a risk in general and a risk at certain events. Not only about public safety but the experience. I want to congratulate all the folks that were involved and we weren't involved in the parade and in the future, I want to volunteer my involvement. YRRHT, quick update, moving forward and many thanks. I continue to worry about the airport contract. I took a walk on Bradford Street, but the DPW will be putting in fog lines, certain parts of landscaping and paint dealt with and will be removed. As far as the voting, when we did the community non-opposition letter, is much different than what is being changed to. I feel I am a little under educated on this hear. (CA stepped out of the room). I want to understand what article 1 means to what we have already approved. What is the current state of play for the two applications?
Town Planner Gloria M – we currently have 2 applications. Once the Petition was submitted it, it put the application in at jeopardy. The applicant at 94 Harry Kemp Way put in a permitting plan, which was approved, it gives them 3 years to not be affected by changes to the zoning, part of their special permit, is that they will not convert to medical marijuana. If it passes at Town Meeting floor, applicant at 2 Harry Kemp Way would no longer be able to continue. (CA returned)
- **Cheryl Andrews** – Because I am abutter to an abutter I will be abstaining. It will be on the agenda on September 11 to vote Selectmen recommendation. The changes that Tom mentioned about the fog line, will that be coming before the Selectmen?

4. Joint meeting/Presentations:

A. **Joint meeting with the Local Comprehensive Plan Committee – Status of the Local Comprehensive Plan Update process**

Acting Chair Max Cliggot Pearl, Bicycling committee, Ryan Campbell, Planning Board, Diane Anderson, Housing Authority and Council, Laura Ludwig, Recycling and Harbor Committee, Tom Coen, Building and

School Committee and Polly Burnell, Historical Commission. Gloria McPherson, Town Planner, staff to the Local Comprehensive Plan.

Town Planner Gloria McPherson, and staff to the LCP, it is a fairly overwhelming task. We have been moving forward. I have a massive spread sheet with all the old goals, which I emailed out to the different groups, and was only able to meet up with one group. I found it would probably be best to write it myself. Over 1000 hours went into doing Middletown's Comprehensive Plan and I don't think I could find that time.

TD – the original idea, I think it is better when it is organic, as difficult as it is, I am thinking of the civic engagement process that happened in the winter. I do want to hold on to the idea that we get as much organic involvement from the community as possible.

EY – it does seem that we need to change the size of the committee, what is the amount that is normally able to attend?

GM – we are normally just under a quorum.

DA – considering there are 13 chapters, and that paid staff is going to be taken the brunt of this week, is there any funding available to help? Why cannot the remaining acting committee be her readers? We just review the chapters that come forward?

CA – we have a lot of talent; we just have to figure out how to get it out of the station. I was excited to see the LCP to see what the town had to say about it.

GM – I wasn't sure what the meeting was about.

CA – I have been asked a lot of about the LCP and

RC – I think the 13 is essential for this, but what is lacking is the central nervous system. Since we don't have anyone to write this, I think what we are missing is that person, consultant, who takes the chapters we put together and put it into a cohesive master plan. I don't think we have too many people; we have the right number of representatives.

PB – We got an incredible amount of information from the visionary results.

GM – I think the hard part is getting it written.

TD – I think we should the TM and ATM come back with feedback and before town meeting, a visionary report.

EY – I see three issues. 1. Committee is too large; staff cannot do an entire LCP. 2 we need to give more staff support or consultant. 3. Might be good to get the community more on board, it was very successful.

CA – would like to have this put it this on the agenda in four weeks for September 25th, 2017.

Selectmen Donegan move that the Board of Selectmen request that the staff report on the structure and staffing on the Local Compressive Plan.

Vice Chair Yingling seconded the motion.

VOTED

Approve: 4
Oppose: 0
Abstain: 0

8:15 recessed.

8:17 returned.

B. Cape Cod Tech – Capital Plan – Presented by Superintendent Robert Sanborn

October 24, 2017 12-8 is the vote. Superintendent Bob Sanborn presented. Gave a brief summary of the new building that will be voted on October 24, 2017 from 12 -8. Provincetown homeowners would have a tax of about \$15 on their tax bill each year. It is in the regional agreement, that we have to come before all the regions and the operating budget can no longer keep up with the facility.

Selectmen Donegan moved that the Board of Selectmen recommend the project as presented.
Selectmen Anthony seconded the motion.

VOTED

Approve: 4
Oppose: 0
Abstain: 0

5. Appointments:

A. Economic Development Committee Alternate – Trevor A. McCarthy

Mr. McCarthy, present for his interview. Been a resident for 5 years, works in town.

Vice Chair Yingling moved that the Board of Selectmen vote to approve the appointment of Trevor A. McCarthy, as an alternate to the Economic Development Committee effective July 10, 2017 and expiring on June 30, 2019.

Selectman Anthony seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

6. Requests:

A. Request for License Agreement - 212 Bradford Street Permitted Improvements within the Public Way – East End Market owner Michael MacIntyre

Applicant has a medical emergency and asking to reschedule to the next meeting.

B. Marina Expansion Plans for 131A Commercial Street Upgrades – Francis J. Santos, FJ Santos Living Trust

Catherine Ricks, of Coastal Engineering, was present to present the changes for marina. The current marine will be extended 216 feet out. The existing floats will be moved to the end of the wharf. The file support is 607 ft. the dock will be about 200 ft. from the Coast Guard Station. We will be driving the pilings, to have minimal input on the Eel grass.

CA – could you send me the image with the town included? Something like Google earth.

RA – what about the eel grass?

TD – my boat has on the mooring for the last five years, I think moving it out, will be environmentally better. Is there any kind of support you would like from us?

Harbor master Rex Mckinsey – this is going to lower the traffic on the eel grass, environmental benefit is huge. Economic benefit is that it will increase benefit. We have good healthy eel grass, but we don't have the infrastructures.

Selectmen Donegan moved that the Chair writes to submit a letter of support to Army Corp of Engineers and others.

Selectmen Anthony seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

C. Suicide Prevention Awareness Week Proclamation

Selectman Donegan moved that the Board of Selectmen vote to proclaim the week of September 10-16, 2017 as Suicide Prevention Awareness Week

Vice Chair Yingling seconded the motion.

VOTED

In Favor: 4
Oppose: 0
Abstain: 0

D. Samaritans on Cape Cod and the Islands Day

Selectman Donegan moved that the Board of Selectmen vote to proclaim September 7, 2017 as Samaritans on Cape Cod and the Islands Day.

Vice Chair seconded the motion.

VOTED

In Favor: 4
Oppose: 0
Abstain: 0

E. Request to participate in the Massachusetts Clean Energy Center’s Solarized Mass Plus

Environmental Planner and Conservation Agent, Tim Famulare and Committee member Jay G was present for the meeting. Mr. Famulare gave a brief presentation of the program.

Selectmen Donegan wants to thank the committee for the initiative of the committee.

Selectman Donegan moved that the Board of Selectmen vote to support Provincetown’s participation in a joint proposal to the Massachusetts Clean Energy Center (Mass CEC) for the “Solarize Mass Plus” Program.

Vice Chair Yingling seconded the motion.

VOTED

In Favor: 4
Oppose: 0
Abstain: 0

F. Discussion of the Memorandum of Understanding agreement between Board of Selectmen and Year Round Market Rate Rental Housing Trust

TD – would prefer to take this up in January.

CA – putting this off to another meeting but will be bringing it back.

G. Discussion of the Provincetown Recreation 4th of July Parade Policies

Brandon Motto was present for the meeting. Read a statement from David Oliver, current Recreation Chair. Mr. Oliver suggests a meeting with the recreation commission. In September 2014, the commission finally created guidelines that they felt would protect the town. The Selectmen expressed concerned about violations of 1st amendment rights in the Fourth of July parade. TD suggested looking at Town of North Hampton regulations.

CA – one of the things that I adore about this town is that we have something for everyone. We tolerate and we have something for everyone. We don’t have a lot for the kids, and I would like to find a way for them keep their parade. We can do two separate parade permits. At 11 am, the traditional kid’s parade and at 12 pm, the 4th of July parade where anyone can get it. Can we protect a kid’s parade? IF we get too bogged down, we can meet with the civic engagement commission.

H. Execution of the Federal Aviation Administration grant for the Taxiway C, & D, and Electrical and Environmental Deigns at the Provincetown Municipal Airport

Bill Richardson gave a summary of changes that are being proposed.

CA – you’re not changing the number of lights and how many there are?

Butch – we did a light survey a few years ago on the run way and now are going to do the apron and parking area.

TD – hopefully all the lights that aren't compliant should be dark sky.

Vice Chair Yingling moved that the Board of Selectmen vote to execute a grant in the amount of \$481,950.00 from the Federal Aviation Administration (FAA) for the: REALIGN TAXIWAYS 'C', 'D' AND A PORTION OF 'A', EXPAND TURF APRON, IMPROVE RUNWAY 7 MALSF ACCESS ROAD, UPGRADE APRON LIGHT POLE RECEPTACLES AND INSTALL NEW LIGHT POLE (DESIGN ONLY) at the Provincetown Municipal Airport.

Selectmen Anthony seconded the motion.

VOTED

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

I. Approve Town Manager's appointment of Darlene Van Alstyne to the position of Town Clerk

Town Manager Panagore, distinct pleasure of presenting appointment of Darlene Van Alstyne and request it from the Board.

EY – Congratulation, I am always excited to promote from within.

RA – Congratulation, I know you are going to do a great job.

CA – absolutely congratulations are in order, there is a lot of pressure, and so I am proud of you and feel you will rise to the occasion.

Selectman Donegan moved that the Board of Selectmen approve the Town Manager's appointment of Darlene Van Alstyne as the Town Clerk effective August 29, 2017

Selectman Anthony seconded the motion.

VOTED

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

7. Town Manager / Assistant Town Manager:

A. Special Town Meeting – Updates as needed

Town Manager Panagore gave a calendar update of dates coming up.

B. Town Manager's Report – Administrative Updates.

Town Manager Panagore, sought the pleasure of the board, on how to handle the response to a correspondence sent in to each selectmen. Second, how do we handle the Cape Cod Tech 2 % over ride that

will be needed if the vote that if approved, is handled, staff is recommending not to hold the override vote on the same day?

TD – if we put it into the school committee budget, could we put it into budget 3?

DP - We have set up once with Cape Air, I do not see us getting this done by the 14th, I've asked for this to be put on the 11th meeting, to have another extension.

TD – I move that we schedule an executive session relative to cape air negotiations.

EY – 2nd

4/0/0

DP – By mid-October I hope to have a memo on the old VFW site with low, medium and high housing scenarios.

8. Minutes: Approve minutes of previous meetings.

Vice Chair Yingling moved that the Board of Selectmen approve the minutes of: August 14, 2017 6:00 pm (regular), and August 21, 2017 5:00 pm (Special) with changes so noted;

Selectman Venden seconded the motion.

VOTED

In Favor: 4

Opposed: 0

Abstain: 0

9. Closing Statements/Administrative Updates:

- **Erik Yingling – I am all set.**
- **Tom Donegan – set.**
- **Robert Anthony – set.**
- **Cheryl Andrews – lets adjourn**

Without objection the meeting was adjourned at 9:07 pm

Minutes transcribed by: Elizabeth Paine