

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES – REGULAR MEETING
MONDAY, SEPTEMBER 11, 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, Tom Donegan and Louise Venden

Excused:

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 – to approve the use of recycling and renewable energy gift funds to pay \$580.50 to Outer Cape Plumbing for expenses incurred related to the installation of a water bottle filling station at the MPL public bathroom.*
- B. *Wounded Warrior Proclamation – September 23, 2017*
- C. *Airport Commission request the Board of Selectmen execute Contract with Jacobs Engineering Group for work to be done at the Provincetown Municipal Airport.*

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:

2. Public Statements:

- **Stephanie Page, 65 B Howland Street**, we are asking for your support on Article 1, on the special town meeting on September 13, 2017, to prevent any other medical marijuana facility going into any area except commercial zoning.
- **Jerry Cassese, 65 A Howland Street**, asking for support on Article 1 of the special town meeting. Asking for support in versing the By-Law change from 2013.
- **Kathleen Collins, 75 Howland Street**, there are many voices that are being represented, and we hope for success on Wednesday, to amend the by-law.

3. Selectmen’s Statements:

- **Louise Venden** – I attended the ceremony this morning remembers the 911, great Ceremony. I was very proud of the Police Department, the Coast Guard who showed up and Reverend Terry R. Pannell. Following that spirit I am volunteering to service as the BOS representative on the YRRHT.
- **Erik Yingling** – Thank everyone for a great season in Provincetown. Looking forward to fall festivities and First Light.
- **Tom Donegan** – Thank all of those who participated in the 911 ceremony. Very thoughtful day and good of all of us to remember it. At the last VSB round table, we talked about the logo, and I was

quoted, there has been a lot of conversation surrounding it, I think we need to place it on the agenda to discuss the direction we want to go towards. Would like to request an agenda item to discuss in further before we see the VSB again. The tax rate hearing, I am glad we got it done, but I do think we missed an opportunity to strength our year round community and the policy decision to move it up, certainly has it merits but I feel like we rushed it.

- **Robert Anthony** – I would like to echo the words of my fellow selectmen on 911, that was a horrific event and I don't think anyone will ever forget where they were and what they were doing that day. I appreciate the democratic process in regards to town meetings and petitioners and all of the things we are going through for Wednesday night. Approving the sale of special permit, is that going to be an issue in regards to town meeting, I am kind of confused with that the planning board did and will we be discussing this on town meeting floor?
- **Cheryl Andrews** – We finally got our Regatta; I would like to recognize that and all the folks that participated in that. And the Swim for Life, same thing, great weather and great participation, it was its 30th year.

Discussion about YRRHT request from Louise, School Building Committee from Tom and another opening on VSB.

4. Joint meeting/Presentations:

A. Emergency Management – Police Chief Golden & Health Director Clark

Town Manager Panagore, turned over the meeting to Health Director Clark. Provincetown started using a system called Red Alert, now we are using Civic Ready. The newer system is a lot more user friendly, and allows users to pick their own preferences. Alerts.provincetown-ma.gov. The outreach plan to get the new information out, is to do a mailing in the water/sewer bill and tax bill. Once you input all your profile information, you can choose the group that you wish to be a part of, and on the notification page, you choose how to receive the information; phone call, text or email.

CA – I noticed on the day of the sewer event, is that posting on social media was first posted on the Health Department page and then shared; it was confusing because it was not time stamped.

DBP – social media is not the primary source of information.

LV – how do you handle the populations who aren't tech savvy?

MC – any of our plans have to include special population, we are working with the COA and Library to have another point of contact.

TD – I was getting all the communications, right when it was scheduled. Text calls and emails. Could we require it with rental certifications?

Chief Golden gave a brief summary of the draft Comprehensive Emergency Management Plan. Incident command, emergency operations center, roles and responsibilities of staff, notification and policy. We are working on this continuously and making notes and updates. This is in the very first draft form.

RA – why is the Harbormaster not mentioned in this plan?

LV – what are the roles of the selectmen? Will there need to be a quorum?

DP – we came tonight to provide a windshield, a light spray of what we have been working.

TD – Have we considered using reverse 911?

JG – reverse 911 is a service we have through the sheriff. It is limited.

MC – we can do cell phones through FEMA.

TD – as CIP is approaching, is it the right time to talk about expanding our facilities.

CA – who is in commander of the VMCC when it is being used as a shelter. Do we have enough power and wireless connection?

MC – I am the emergency shelter manager, in the event of use, the outlets would be functional, and the Wi-Fi is being worked on. We have a new generator at the VMCC and before a wind advisory goes into effect, we can shutter the whole building.

DG – the shuttering system at the VMCC is relatively easy, and we didn't put them on the high school because it was a historical building.

LV – I am concerned that if we are to lose power for more than 12 hours. There might be some other ways to expand the number of places that are able to have generators. There is no mention of Outer Cape Health Services, which is an emergency facility.

MC – if we were not to open a shelter, there is at least one Warming Center, where people can come, get a hot cup of coffee, charge their phones and gather information.

JG – Communication is key.

B. Presentation by Liz Argo, Cape and Vineyard Electric Cooperative – Finance Report on the Benefits to the Town of participation in CVEC Programs, Report on Eversource Rate Case and Report on Round 3 for Provincetown PV roof installations; Request for FY2019 Adder.

Liz Argo and Lydia Hamnquist were present at the meeting. Ms. Argo gave a brief update on Net Benefits for FY15, FY16 and FY17, PV initiative Round 3, Legal case against Eversource rate revisions and round 1 operational adder renewal.

Selectman Donegan moved that the Board of Selectmen vote to recommend that that the adder be continued.

Selectman Venden seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

C. Presentation by Matrix Consulting Group, on the Shared Services Assessment of Provincetown and the Town of Truro

Town Manager Panagore introduced Jocelyn Mathiasen from Matrix Consulting Group. Scoop of work of this project is to look at the feasibility for potential service sharing between the Town of Provincetown and the Town of Truro. We are currently in the preliminary stage of beginning interviews and getting staff perspective. The next step in the project is to get input. It is always helpful to see what other studies have been done, and where it has been successful. We have a very high rate of getting things implemented.

CA – is Provincetown and Truro, is this the only contact you have?

JM – this is the only contract we have with the state initiative.

TD – do you have a general focus?

DP – this is a board based approach. You start the process with 100 questions and shift it out. I do think the approach that matrix takes is very successful.

5. Appointments:

6. Requests:

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

Owners Michael MacIntyre and Gary Pasner were present for the meeting. Assistant Town Manager David Gardner took the lead on presenting the request. After being given an EDP from the BOS, it was discovered in further permitting process, that part of their parking is on the public right away. The process, by which we review encroachment, is pursuant to Policy state 2016-01-25B. The preferred method is to grant a license agreement. Town staff is recommending the fee, based on the value addendum submitted by Mr. Gardner, along with some recommendation of restriping and moving of some flower pots.

CA – the only issue I had brought up was car length. Would have one space labeled as compact cars only? If someone buys this property and the property is turned into a home, what is the license agreement implementation?

DG – we can withdraw it at any point. As long as you are paying your annual lease agreement and we don't need the public way, there is no end date. The reason why they need to do this is to have a requirement through the planning board.

Selectman Donegan moved that the Board of Selectmen vote to approve the encroachment of private property in the public way subject to the draft licensing agreement at the level of \$500 per year per parking spot with the following conditions;

1. Restripe the spaces to meet minimum of 8 foot width.
2. Angled area between the first space and crosswalk to be painted with hash marks and perhaps a small whiskey barrel planter to prevent cars from parking before the first demarked space and blocking the crosswalk.
3. Whiskey barrels along Bradford Street should be moved inward two feet to allow enough room for bikers and pedestrians to enter the cross walk so they are not squeezed out at the intersection and forced into the travel lane.

Selectman Anthony seconded the motion.

VOTED

In Favor:	5
Opposed:	0
Abstain:	0

- B. Accept a 604 (b) grant award from Massachusetts Department of Environmental Protection in the amount of \$40,000 and approve a contract agreement between the Town of Provincetown and GHD, Inc. in the amount of \$40,000 for engineering design services associated with Phase IV reconstruction of Commercial Street.

Selectman Donegan moved that the Board of Selectmen accept a 604(b) grant award from Massachusetts Department of Environmental Protection in the amount of \$40,000.

Vice Chair Yingling seconded the motion

VOTED

In Favor:	5
Opposed:	0
Abstain:	0

Selectman Donegan moved that the Board of Selectmen vote to approve a contract agreement between the Town of Provincetown and GHD, Inc. in the amount of \$40,000 for engineering design services associated with Phase IV reconstruction of Commercial Street.

Vice Chair Yingling seconded the motion

VOTED

In Favor:	5
Opposed:	0
Abstain:	0

Selectman Donegan requested that for the future, agenda items such as these go on consent.

C. 90 Day Airport Lease Extension – Cape Air

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: 5
Opposed: 0
Abstain: 0

D. September 13, 2017 Special Town Meeting Recommendations

Chair Andrews stepped out of the meeting room and recuse at 8:30 p.m.

TD – I would like to see this sent to the Planning Board to review and have it come back in the spring. My sense around town is what does this all means.

DG – I was not able to be at the planning board meeting, the planning board did support the petition article, it is identical to the article that we would have put forth in April. In our opinion, recreation is not appropriate in Res B and Res 3 zone. Now we think TCC is an appropriate zone for them. We hope we will get more direction from the state. When we originally reviewed the zoning, we were looking at it as a medical marijuana facility not as a recreational facility. I did draft the original article, and I have general reconsidered it because of the changes since 2013.

EY – my feel is that the article is being brought forward because of one dispensary, for me, I am opposed to more regulation. End of the day, there is a lot of business already there, and it feels more about marijuana than businesses. I cannot support it personally.

RA – I have a conflict, the presentation they gave us was to use the garage, and now they are taking over the entire funeral home.

LV – I have the same thoughts as Selectmen Donegan, if there are going to be changes, why are we making piece meal changes. I think in this environment, there is not one little thing we need to do, but several changes.

Selectman Donegan moved that the Board of Selectmen vote to recommend Article 1.

Selectman Venden seconded the motion

VOTED

In Favor: 2
Opposed: 1(ey)
Abstain: 1(ra)

Chair Andrews returned at 8:57 pm

Vice Chair Yingling left meeting at 9:05 pm.

Selectman Donegan moved that the Board of Selectmen vote to recommend Article 2 as amended by the planning board.

Selectman Venden seconded the motion.

VOTED

In Favor: 2
Opposed: 1(ra)
Abstain: 1(ca)

TD – I am very uncomfortable with this; it allows properties owners to go onto a treasure hunt.

DP – what it does now, it limits the time that the property owner can go back.

Chair Andrews moved that the Board of Selectmen vote to recommend Article 3.

Selectman Venden seconded the motion

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

Selectman Donegan moved that the Board of Selectmen vote to recommend Article 4.

Selectman Venden seconded the motion

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

Selectman Donegan moved that the Board of Selectmen vote to recommend Article 5.

Selectman Anthony seconded the motion

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

E. Town Manager’s Evaluation

Chair Andrews gave the Town manager’s evaluation total at 2.524 which will result in a 3.75% increase in salary.

RA – this is going on three years with David, I feel as though the amount of work this person does for the town of the Provincetown, by thinking out of the box, is worth every bit of my voting and encouragement for David. I think this vote that we are giving him today, gives him some security to his position.

LV – Ditto, I haven't been on the board very long, but I think the really important thing is David has brought in a lot of outside resources that will help us make this town that we want to have 5 – 10 years from now.

TD – thank you David, it was a pleasure to review you. I have to say that I wrote a letter. Effectively, there is a lot to be proud of, but all and all; the budget was a smooth as I've seen. In a year we have accomplished a great deal. I think you should enjoy your job. If we could add back in comment area under each section it would allow more comments.

CA – I do apologize for being over tired. This is the most important thing that the Boards of Selectmen do, supervising the Town Manager. What I like about the first two years, is that you haven't led up down a bad path. I agree with Tom, I think your instincts are very good, and you have put a very large amount energy to put yourself out there. I believe this was a good communication tool for all of us. I did notice most of us had a hard time with the 3 number system, and I think we will go back to the traditional 5.

DP – I appreciate the confidence from all of you, it has been a unique opportunity. When you are in the big city you think that the town jobs are easier. The transition is interesting. It's a lot of work, different than work than I thought. I love living here. It's an amazing community. It has been a pleasure working with the Boards and staff that I have been working with. Thank you all very much.

7. Town Manager / Assistant Town Manager:

A. Town Manager's Report – Administrative Updates.

Next week is the water and sewer rate hearing and the financial forecast. This weekend I was interview with BBC Nottingham, new and great working relationship with the monument. Creative Commons is ready to close on the lease. Bar Relief bids are due; Traffic hearing's deadline is this Thursday the 14th. UMass Dartmouth will be here on the 25th.

Selectman Donegan moved that the Board of Selectmen add an agenda item to the traffic hearing or at a regular meeting to begin to look at fees and eligibility for parking rates and permits.

Selectman Anthony seconded the motion

VOTED

In Favor: 4

Opposed: 0

Abstain: 0

RA – do we have any feedback on the police station?

DP – We are out to bid for the Owners rep, I will ask Rich to add in the police station to each report, we are right on schedule.

8. Minutes: Approve minutes of previous meetings.

Selectmen Donegan moved that the Board of Selectmen approve the minutes of: August 28, 2017 6:00 pm (regular), with changes so noted;

Selectman Venden seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

9. Closing Statements/Administrative Updates:

- **Louise Venden** –
- **Erik Yingling** –
- **Tom Donegan** – I have been working on chemical spraying with Tim and Morgan, who have been very helpful collecting data, I appreciate all the comments. I have proposed something that I think is on the edges of being able to be done.
- **Robert Anthony** – I agree with Tom
- **Cheryl Andrews** – congratulation to our town manager. We have worked very hard. Go get them and have another great year.

9A. The Board of Selectmen will vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 6 for the purposes of:

Clause 6 – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; Cape Air Contract.

No action taken.

Without objection the meeting was adjourned at 9:55 pm

Minutes transcribed by: Elizabeth Paine