

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - SPECIAL
MONDAY, FEBRUARY 12, 2018 5:00 PM
TOWN HALL – JUDGE WELSH ROOM

Chair Cheryl Andrews convened the open meeting at 5:00 pm noting the following:

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

Excused:

Others in attendance: Town Manager David B. Panagore, and Board Secretary Elizabeth Paine.

Recorder: Elizabeth Paine

1. Continued discussion of Charter Commission proposed changes to the Charter and the role of the Board of Selectmen Discussion – Votes May Occur

John Giorgio, from KP Law, was present at the meeting to discuss the Charter with the Board of Selectmen.

CA – What is going to be presented at the ballots?

JG – I am assuming that what is going to be presented is the document “Final report summary of the Charter Commission for the Town of Provincetown”

CA – For me the trickiest thing is to be able to read it. In other town’s how does that usually get addressed?

JG – they held there public hearing already, so there is no specific prevision going up to the vote. But you have put your finger on things that there are things that are being put in the weeds.

CA – Lauren did mention something about having staff prepare an analysis. In the memo from KP, there is a paragraph about the BOS, can take a vote to endorse, is this correct?

JG – the Board can make a vote to act and make a vote to endorse or not endorse.

TD – Some come before us for State Laws, the Charter omits the Conservation Commission. What happens when they come before us?

JG – that ok because those boards exist by statue. There is a new definition for regulatory board in the charter, in regards to term limits, there are some distinctions. There are three “special board”; Water and Sewer Board, in 2010, Special Act past that gave three seats to Truro appointees, so that is now out of the charter, there is a provision in the transition period, Provincetown Public Pier Corporation, which was also done by Special Act, and now the Year Round Rental Trust, which was formed by Special Act.

TD – the Airport Commission is omitted in the Charter, but this will continue? Because it is not otherwise addressed, does the term limits not apply?

JG – for the first time, the term limits is going to be applied to the regulator boards, which is defined.

CA – the Water and Sewer Board is a regulator board, so why is it not in there?

JG – On page 19 of the submitted revised charter commission, it lists the regulatory boards.

TD – The other question I have about is about remote participation.

JG – under chapter 39, the remote consideration, has to happen in the town. All the participation has to happen in participation in the Town.

TD – the other question I have is in regards to HR. Under the revision, the Town has to hire an HR personal. So one way to avoid getting fired, is to either not show up, or avoid having meetings when the HR is out.

JG – This is a big change, and it is going before the voter, if this were to pass, there is nothing to prevent you, from fixing some flaws in this Charter. I have talked to David about this provision.

TD – it needs to be put on the ballot with the cost of this being placed with the vote. Even though it is granular, it changes the way we function.

JG – most of the time you have amended Charters, you'd need a 2/3 vote to do a home rule vote.

TD – our current charter would terminate employment if housing was not found in 90 for certain employees. We voted at the time to allow the DPW to have extra time to find housing. In the revised charter, the BOS would not be allowed to do this.

JG – the new charter puts the charter enforcement into the hands of the Town Manager.

TD – I am also concerned about the limitation and public ceremonies on page 12.

LV – I have to disagree with TD, I don't believe that.

EY – I feel that it is overly prescriptive. I feel it curtails my rights to speak to town staff.

CA – I don't think there is any prohibition of a convicted felon can run for the Selectman position. If specifically says, that the Assistant Town Manager takes over when the Town Manager leaves his position, if there were to pass, can you address the role of succession.

TD – the other thing I notices is allowing nonresidents being appointed to Boards. If I am not a resident and not a property, does this require an economic hurdle, for nonresident tenants.

JG – Under the Authority of the Town Manager, he is not only chief procurement officer, he is also the chief executor of contract, without limitation of dollar amount. BOS has been giving new authority to protect the access of the Town.

EY – is this an all or nothing article? I am trying to figure out a way to support this work, without turning down all of it. What is the ability, to support of a lot of the changes?

JG – this is an all or nothing vote. You always have the ability to go to Town Meeting to amend the Charter. In the home rule petition, it's a majority vote at the Town Meeting.

CA – Move that the Board of Selectmen instruct the Town Manager to work with staff and KP Law to prepare an analysis of the proposed revised charter.

RA – second

LV – the only thing I want to suggest, to what extend will you or anyone want to have to entertain specific questions.

DP – just send those question to me. Is there a time frame you would like this back in.?

CA – I think 2 weeks.

Vote 5-0-0

2. Discuss on MOLA (Massachusetts Opioid Litigation Attorneys)

John Giorgio, from KP Law, gave a brief summary of MOLA. This would not be a case law action, but individual town's going after the Opioid companies. KP was approached to be local municipal council, to answer question. There would be no cost to the town up front, MOLA would be taking 25% of take home and KP Law's take could be very small. We have looked at this, and we think there are some significant costs that should be covered. If you are interested, we would like a vote from the BOS.

TD - Move to authorize the Chair of the Board to Sign the Engagement to Represent with KP Law and MOLA.

RA seconded

Vote 5-0-0.

CA – move to recess the 5 o’clock meeting and moved to resume after the 6pm meeting.

RA – second

5-0-0.

3. The Board of Selectmen will vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clauses 1, 2, 3, 4, 6, 7, & 8 for the purposes of:

Clauses 1, 2, 3, 4, 6, 7, and 8 – To consider the approval and/or release of Executive Session Minutes for 2017& 2018.

Roll Call Vote:

Tom Donegan:

Erik Yingling:

Cheryl Andrews:

Louise Venden:

Robert Anthony:

Selectman Donegan moved that the Board of Selectmen approve the minutes of: January 2, 2018 5:00 pm (Special), January 3, 2018 5:00 pm (Special), January 8, 2018 6:00 pm (regular), and January 10, 2018 5:00 pm (regular) as printed;

Selectman Venden seconded the motion.

VOTED

In Favor: 4

Opposed: 0

Abstain: 0

9:36 pm Chair Andrews moved to not resume meeting and adjourn

Without objection the meeting was adjourned

Minutes transcribed by: Elizabeth Paine