

**TOWN OF PROVINCETOWN – SELECT BOARD  
MEETING MINUTES – REGULAR MEETING  
MONDAY, July 23, 2018 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

Chair Venden convened the open meeting at 6:01 pm noting the following:

Select Board Members attending: Chair Louise Venden, Vice Chair Donegan, Select Members Robert Anthony, Cheryl Andrews and Lise King

Excused:

Other attendees: Town Manager David B. Panagore, Assistant Town Manager David Gardner, Assistant Tourism Director Nina McCormack, Temporary On-Call Secretary Linda Fiorella

Recorder: Linda Fiorella

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

- A. *Approve the closure of the Marijuana Wellness Gift Fund and transfer the entire balance to the general fund as revenue as required by the Commonwealth of Massachusetts Department of Revenue.*
- B. *Treasurer’s Transfer - Approve the use of Captain Joseph Oliver Scholarship Fund gifted funds for a scholarship payment to Brendan Kaeselau in the amount of \$2,000.00.*
- C. *Approve the reappointment of Barbara Murphy to the Animal Welfare Committee to an additional three-year term to expire on May 31, 2021.*

**Without objection Chair Venden waived the reading of the consent agenda and without objection it was approved unanimously by the Select Board**

**A. Public Hearings:**

**A. Special Traffic Hearing - Safe Operation of Bicycles, Motorized Bicycles, and Scooters**

Vice Chair Donegan read the public hearing notice.

**Exhibits/Documents: Public Hearing notice, article 8-8-4**

Assistant Town Manager Gardner described the proposed change in the traffic regulations. In the regulations pedal bikes with helper motors are currently exempted from regulations that do not allow other motorized bicycles from traveling both ways on Commercial Street. The proposal is to remove pedal assist and therefore prohibit all motorized bicycles and scooters from two way traffic on Commercial Street.

Police Chief Golden was asked his recommendation by Vice Chair Donegan and he stated that the Police Department was not opposed to the proposed change in regulations. Further discussion involved Chief Golden noting that all of the users of the road play a part and need to be vigilant in their safe use of roadways whether in bikes, as pedestrians, motor vehicles etc

**Select Board Input**

- Tom Donegan
- Lise King – nothing to add
- Cheryl Andrews – the only change is just this one sentence. This is outside the scope of the hearing but since we're talking outside of the scope I'll mention it while you're here Chief. The language confuses me. Bike racks bikes can use them and unlicensed unregistered vehicles. The word vehicle is getting used.. Confused about mini-bikes and Segways. I'll need help with definitions.

Chief Golden- Off the top of my head to give you some information, the difference between a scooter, moped and an electric assisted bike etc. has to do with horsepower.

CA -- Do they use horsepower when they're electric?

CG – No. The technology has gone faster.

- Robert Anthony – nothing at this time but will later on during the Chief's presentation.
- Louise Venden- recent articles in the Boston Globe of communities facing these issues, especially college students are using them. I know, David, you're going to be keeping track and maybe the state will be taking up definitional issues as well.

**Public Input- none**

**Vice Chair Donegan MOVE that the Select Board vote to approve the proposed amendment to the Provincetown Traffic and Parking Regulations relating to the safe flow of bicycle, and motorized bicycle traffic on Commercial Street.**

**Select Member Anthony seconded the motion**

Select Member Andrews stated she would probably vote no due to this including bike racks based on the last vote which she had voted against.

**VOTED**

**In Favor: 4**  
**Opposed: 1(ca)**  
**Abstain: 0**

**2. Public Statements:**

- Martha Havener of the Cape Cod Commission invited the Select Board to an event on August 16 and 17.

### 3. Select Board Member Statements:

- Tom Donegan – On Harbor Hill --on the 14<sup>th</sup> we'll be in Boston for the preliminary hearing and the final one around the 30<sup>th</sup>. looks like good news. What sometimes gets lost in this is some 1100 people who love to vacation in Provincetown who lost their homes in this. They're the real victims. Its unfortunate they lost their time share deeds. And I hope they get some compensation. Hopefully, All matters will be brought to justice. Fine Arts Work Center celebrated 50<sup>th</sup> anniversary. Masha Green gave a keynote and a great insight into lots of stuff.
- Lise King – I want to thank everyone who has reached out to share feedback on my performance so far in my new role as a Select Board Member. I've gotten a mix of kudos, constructive criticism, and not so construction criticism. At my previous meeting, I missed this last meeting because I was in San Diego with my son, at the 11<sup>th</sup> hour when we were all tired, Mr. Anthony and I got into a debate about my proposal for a Human Rights Commission for our town and when I got home I posted about it on social media. I have expressed my regret and apologized to Mr. Anthony for any appearance of disrespect which was absolutely not intended. My proposal of a Human Rights Commission was never meant to diminish the work that has been done in the past by Mr. Anthony, other members of our law enforcement community including Chief Golden, nor other members of our community. We can come together in cooperation. These are difficult political times nationwide and all feeling it. If we don't like the tone of the conversation it is up to us to change it. I'd like to thank all of the voters for their support. I will do my best and correct course when necessary. Something unexpected happened today one of my neighbors overdosed on heroin. I coproduced a film on heroin addiction and it's a very diff experience from going to work and to having it happen right across from me. I want to acknowledge our neighbor who saved a life today. He screamed for someone to call 911 and get narcan. He went right back in and performed CPR and a law enforcement officer showed up and administrated narcan and saved his life. It was extraordinary our fire department and rescue that showed up and transported him and I was watching and the amount of care and compassion was stunning.
- Cheryl Andrews – I'm glad your neighbor is alive. I keep hearing that the stuff on the street is laced. Why people cut this stuff with fentanyl is beyond me. Not surprised to hear our first responders behaved the way they did they're tops. My stuff is a little more mundane. Want to update my colleagues on Provincetown 400 the task force is now meeting monthly until the commission concludes things will be moving fast so I want to make sure the communication happens laterally. Last time I brought up to you folks a request for one in April two ribbon cuttings and then fireworks in the fall. In terms of April I would ask you to imagine what you would like your part be in terms of planning. We could ask for a staff working group with 2 Selectmen or a staff working group and just post it. It's an international historic event so I'd be thrilled if all five of us did it but we'd need it on the agenda more often or have more 530 meetings. If the April event happens, I'm anticipating we will want to have other cosponsors and we didn't decide how to organize those decisions. Fireworks I pushed my vision for the day after thanksgiving and there's been considerable disagreement in town about that some say on November 11 when the Mayflower arrived in Provincetown, since that's the historical part that's been missing from the story. That does make a lot of sense. None is in concrete. We have to figure out how we want to proceed. The structure in terms of sponsorships the fundraising the

website the Facebook page etc is gelling quite a bit more than it was a month ago.

Vice Chair Donegan – Important that if we want to do it on the 11<sup>th</sup> we have to be really careful because its Veterans Day.

- Robert Anthony – Lise, I appreciate your words. All five of us have been elected to serve this community to the best of our knowledge and best of our vision. There will be times we agree and disagree but I think it's important that we realize were all one for Provincetown. I appreciate your words, I really do the men and women of the Provincetown Police Department they go to work every day and every day things just happen. To serve and protect in regards to civil rights issues, hate crimes, and so on-- that's what they're there for. When Mr. Panagore said Provincetown PD is getting recognized for community police. Community policing is what they do every day. It's looking out for all those issues I just mentioned. We have a great nucleus of the Provincetown Police Department; they work very hard for this town. I think we'll all be a lot better for if we just move on once the disagreement or agreement is over with.
- Louise Venden – I think we are doing a very good job of coming together. Were five different people with different bodies of knowledge and expertise and I think we're learning how to communicate with each other better and come to consensus. I want to comment about Provincetown 400. I agree with Cheryl there has to be a structure on our part. I know Lise has ideas on how we could be involved and differentiate ourselves from Plymouth. I'd like to know more about the overarching themes the 400 group is talking about and if the sponsorships they're getting are for events overall or specific events. We need to put it on the agenda and move through how you think we could be most helpful to the group itself. The events that happened starting Monday that resolved on Thursday that had to do with the owners of Sal's restaurant and town officials and a great deal of information and disputed facts and a robust campaign on social media. There are disputed facts and I'm asking the town manager to put together a report on what permits were pulled and what town officials know about the matter of the deck and how it was taken down and when the permits were issued for reconstruction and I hope that can be put together by the time we meet on August 13. Town officials and the town in general doesn't want to get involved in the litigation that's been going on for a long time between the owners. That was never our matter or an influence here. The influence was building codes and bylaws. Those are the rules and procedures and I wish there had been better communication and that this could have been resolved sooner and I believe that it could have been. Quote something from the late Senator Daniel Patrick Moynihan – Everyone is entitled to their opinion but not to their facts. We need to respect rules that have been adopted here and suspend our judgment until all the facts are known. That's why I'm asking for this report. Never received a copy of the petition that was supposed to be addressed to the Select Board.

#### **4. Joint meeting/Presentations:**

##### **A. Presentation by Tourism Director: FY 2020 Tourism Promotional Grant Program FY2020 Continued**

##### **Exhibits/Document – Memos from the Tourism Director, Proposed Grant Application,**

## **Reimbursement Report Form, Grant Evaluation Matrix**

Tourism Director Anthony Fuccillo was not feeling well so Assistant Director McCormack presented new processes for grant applications and grant application processes. She noted the differences between the original process and the new process and described which of the Select Board suggestions were addressed and incorporated and that the Visitor Services Board chose not to move forward with a process of rolling applications at their meeting on July 16, 2018. Assistant Director McCormack described the way the success of events are measured and the simplicity of the applications. She presented revised grant applications including a red line version for ease comparison. The reimbursement report is also simplified. Assistant Director McCormack presented the event grant matrix, as well as a list of for-profit entities that have received grants that the Select Board had requested to see. The Visitor Services Board authorized previously presented changes and Select Board suggestions such as moving to an online process.

Discussion included concerns about the for-profit grant recipients and whether that needed to be discussed more and the concept of keeping some sort of a reserve amount for new ideas that fall after the regular deadline. The Board discussed keeping the focus on the purpose of the grants, the criteria for repeat applicants, and training for grantees.

### **5. Appointments: none**

### **6. Requests:**

#### **A. Quarterly Police Operational Report - Presented by Police Chief Jim Golden**

Provincetown Police Department Chief Golden presented the quarterly report and went through the numbers by page and category including bike stops and safety, noise complaints, motor vehicle accidents, etc. and how they compare to previous years and periods of time.

Discussion covered topics including bike enforcement, bike safety, two way bike traffic on Commercial Street and potential solutions to issues arising from increased bike and pedestrian traffic during the summer, and concerns about some motor vehicle drivers ignoring a stop sign at Howland and Bradford streets.

Select Member Anthony- In the 70s we were struggling with enforcement of going against the one way. It's probably 50 fold how many bicycles we really are impacted with now. Just a thought. If we could pull back on the exemptions for the busiest times July and August to allow bikes to go up commercial and down Bradford and not two way traffic. We can make it a lot easier for enforcement and a lot safer if we relax the exemption during those two months.

Chief Golden – It's a wonderful thought, with culture now and it would take years to do it. I'd be happy if we could start a dialogue with everybody right now about being more aware of each other whether riding driving walking. Considering the amount of users we have statistically very few incidents.

Vice Chair Donegan –I’m hearing about the exponential growth of bicycles that the racks are all full and people are chaining bikes to all the wrong places and annoying homeowners and businesses. We need to discuss with the Bike committee and the business community about where we’re going to put bikes. We’ve added new racks and they’re now full. As it get closer to the fall I’d like to schedule an executive session on safety issues on Commercial Street a risk assessment from the Police Department around a whole host of issues.

Chair Venden-- I remember there have been traffic studies where they ranked different intersections there has to be part of that information that is done. When CVS was being discussed that issue came up about that intersection and how dangerous it is. There have to be other rankings and traffic studies on the risks. All of that would feed into and support what you’re talking about.

Vice Chair Donegan-- The corner of Howland and Bradford I’ve heard and then saw myself while having coffee on a bench there and vehicles run that intersection. That intersection may need to be rethought. I have a series of comments from people in the area about both cars and bikes that it’s a difficult intersection where cars are ignoring the stops sign and bikes are too.

Chief Golden-- This is an intersection that has only been controlled by a stop sign for about 7 years so it’s still in its assessment frame. Only have X amount of police officers. Generally only one police officer assigned to the East District. As of today, in 11 weeks, 22 vehicle stops were made. I have flagged it for additional patrols.

Select Member Andrews – Are there larger stop signs? There is a lot of visual distraction at that intersection.

Chair Venden -- Or those that have lights. I don’t know that putting more police officers there is the only solution. Putting a blinking light of some kind, I might suggest a camera too.

Select Member King – based on the numbers looking at the motor vehicle stops that if you double the current number for the first six months we’re up. Is that because you think there are more infractions or more police officers out there?

JG we have joined forces with Truro, Wellfleet, and Eastham for the traffic enforcement for distracted driving so that every enforcement period where we get together and put more officers out potentially that’s 10 - 12 stops per evolution alone. Also, we had an influx of new officers within the last year and one of things they teach them very well in the academy is traffic stops. New police officers plateau out on those eventually as they get better at others

## **B. Preschool Progress Update - Presented by Superintendent Beth Singer and Chair of School Committee Ngina Lythcott**

Superintendent Singer read into the record Article 7 and went on to report that the \$88,000 the article appropriated for wee care covers the existing cost prior to July 1 of wee care. It covers The salary of a lead teacher and an assistant teacher and about 5k for supplies and substitute teachers. She discussed the stringent regulations which complicates the process of educating very young children. Her report explained that the different numbers, age, and mobility levels of children affects the

number of staff required according to the regulations and therefore the numerous changes that can happen day to day in attendance complicates their need for staff. She stated that they are currently full in wee care and need another person. Superintended Singer stated that there is no waiting list currently and explained the process of getting on a waiting list.

Discussion covered the current situation with free care, who pays tuition, which portions of the Articles passed at Annual Town Meeting related to care for children before kindergarten were universal and which were not, the role square footage may play in the future to determine need to expand the program cost.

### **C. Housing Choice Initiative - CIP Grant**

Housing Specialist Michelle Jarusiewicz asked for approval to submit a grant application under the Housing Choice Initiative Program for a capital improvement project to create two new accessible units at Harbor Hill. Currently, none of the existing units at Harbor Hill are accessible. Design is done for the two accessible units. In addition there will be handicapped parking spaces right next to them. She noted that the application was due at the end of the week.

**Select Member Andrews MOVED that the Select Board vote to approve submission of a Housing Choice Initiative Capital Improvements Program grant application for up to \$250,000 for the creation of two new accessible units at Harbor Hill through the Massachusetts Department of Housing and Community Development.**

**Select Member Lise King seconded the motion**

#### **VOTED**

**In Favor: 5**  
**Opposed: 0**  
**Abstain: 0**

### **D. Ways to Avoid an Open Meeting Law Violation on Facebook – Discussion**

Vice Chair Donegan introduced the agenda item stating his concerns that the Board has requested guidance from the Attorney General on social media pages and groups specifically Facebook in regards to Board Members' participation on them. He stated that he didn't feel there was clear direction and proposed the Board offer and discuss potential solutions. Discussion involved what entails deliberation and issues around what constitutes the general public.

Select Member King – What's helped me, is to learn the differentiation between intended audience of the message. My understanding is the difference between when we're communicating to constituents and not amongst ourselves. What was clarified to me was that when we were recounting what had taken place in the meeting, that was okay, even when we were all commenting on the thread; what's not okay is talking to each other. Is that a difficult needle to thread? I don't think so, but it could be interpreted the wrong way which is something Tom has brought up before, it's not just whether it's the right thing or the wrong thing according to the law, it's how it can be interpreted, which Cheryl has also brought up to me.

Select Member Andrews I think Town Counsel has done a pretty good job explaining that they will not tell you what's okay or not. They'll teach you how to stay away from the cliff. It's what actions will we take even to avoid the perception. For me, if I see a thread and two others have posted I stay away from it. It makes it easier for me so I do that. What became an interesting one for Tom and I was when Harbor Hill got cooking and a lot of people had questions and Selectmen wanted to show interest. I said to Tom, 'This is yours and Erik's.' That's what works for me. If another big project comes up I hope two of us will say well take it and the others back off. But if two are on a thread I'm going to stay back.

Select Member Donegan – My concern is that you can only find out you broke the law by breaking the law. One of the solutions is what I did when we ran up against the subcommittee problem is I blocked another member of the Select Board to avoid seeing any more on a post that was about an action I was about to take. For a public post though anyone I've blocked can still read my comments if they log out of Facebook. My worry is that we are expected to respond.

Select Member Andrews – Just because someone asks me doesn't mean I have to respond.

Select Member Anthony – I disagree that if someone asks any one of us a question on Facebook that you're required to respond. No, you're not. If you think it's going to be a problem, don't do it.

Chair Venden – There is a conflict here between our need to communicate to the public through this mechanism of social media. I try to refrain from stating an opinion. I try to share information. I don't try to put forward arguments, if you will, anymore. There is an expectation during the normal course that we provide information that we know, because we happen to have more information than the general public. I think that's an important function. Whether we try to elicit support for something for an idea, I'm not sure I want to do that.

#### **E. Social Media Policy – Discussion**

Discussion revolved around definitions of employee in the personnel manual, its revision, and the various groups of within the manual, as well as how the new charter affects the manual and the social media policy, the potential of social media archiving, and a process to come to a collective decision among the community.

**Vice Chair Donegan MOVE the town manager include the definition of personnel in the revision of the charter.**

**Select Member King seconded the motion**

#### **VOTED**

**In Favor: 5**  
**Opposed: 0**  
**Abstain: 0**

**Vice Chair Donegan MOVE the Select Board ask the Town Manager to appropriately revise**

**and recommend revisions to the personnel policy**

**Select Member Andrews seconded the motion**

**VOTED**

**In Favor: 5**  
**Opposed: 0**  
**Abstain: 0**

**F. Annual Performance Evaluation- Town Manager David B. Panagore**

Discussion involved approval of the Evaluation Form and this that year's goals set for the town as being the evaluation criteria. The new form will be even better the following year when the weighting of evaluation criteria can be incorporated. The possibility of one on one discussions between individual Select Board Members and The Town Manager for part of the process was discussed and whether they were recorded, as well as which parts of the evaluation and its process were public record.

**7. Town Manager / Assistant Town Manager:**

**A. Town Manager's Report – Administrative Updates.**

Town Manager Panagore – I'll start by complimenting Officers Willis and D'Andrea for their actions when responding to the overdose.

Harbor Hill: This is the end of the beginning as I think Winston Churchill said. Hopefully, by Labor Day we should have closing on the property. First, a hearing in mid-august and the bankruptcy trustee has authorized we're allowed on the property and made their filings in bankruptcy court. We got one bid in on property management, seems like that's on track and that should be on board before we close well be out to bid on the construction and target occupancy later this year. Have to discuss later services that are provided by the town. Will now be posting the three bullet memo on the town managers page. In the packet you have the calendar through October. Please take a look at it. It will be in the next packet as well if you have comments.

Vice Chair Donegan-- our budget hearing process is in January now, right?

Town Manager Panagore-- I'm going to try to target submission to you all a week earlier. The new charter talks about communication with staff. I'm going to interpret that to mean Town manager means town manager's office. Includes David Gardner and Josee Young and the project administrator.

Select Member Anthony – The boat that was on the rocks, is there a follow up?

Town Manager Panagore - the Artemis. On the 20<sup>th</sup> last week the approach we took was to leverage the fine and ask the court part of the court's order was either fix it or pay the fine. We used the court proceeding to have a conversation with the owner and the judge.

Select Member Anthony do we have money into it.

Town Manager Panagore -- we do. our options are few but were going to be pursuing that. In a week or two it will be taken care of.

**8. Minutes: Approve minutes of previous meetings.**

The Board discussed the necessity of some attachments to the minutes and there were a few other minor corrections.

**Vice Chair Donegan moved that the Select Board approve the minutes of: June 11, 2018 6:00 pm (Regular) as amended**

**Cheryl Andrews seconded the motion.**

**VOTED**

<b>In Favor:</b>	<b>5</b>
<b>Opposed:</b>	<b>0</b>
<b>Abstain:</b>	<b>0</b>

**9. Closing Statements/Administrative Updates:**

Discussion covered the Town and the Select Board's involvement in the Provincetown 400 events and the suggestion for further discussion and inclusion on an upcoming agenda. Discussion also covered getting more tall ships in the harbor for some of the events, how Provincetown's celebration will differ from Plymouth's and the process for turning ideas into events.

- **Tom Donegan** --already had it
- **Lise King**- I'd like to again express gratitude for what I experienced today. Perhaps it's time to look at how we're managing addiction in our community and our community response . Kudos to first responders. This is an area where I have some expertise and I'm happy to take a look at is there something else we could be doing.
- **Cheryl Andrews**- we had talked about some of our appointed officials that serve on grant making bodies and concerns we had about conflict of interest and I don't recall what if any next step where we're going to take. Did you have a next step in mind?

Chair Venden - There is a future agenda item that has to do with our role in overseeing and our authority and what the scope of our role is. It's on the list, it's a matter of figuring out when it's on the agenda.

Cheryl Andrews – Provincetown 400 approached Tim-Scapes for a new t shirt and they're talking about having a presence in the Carnival Parade. Might be a nice opportunity to march in the parade with them and wear the shirts. Thank staff for yellow crosswalks.

- **Robert Anthony** – nothing
- **Louise Venden** – thank you for a productive meeting

Without objection the meeting was adjourned at 10:08 pm

Minutes transcribed by: Linda Fiorella