

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
MONDAY AUGUST 27, 2018 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chair Venden convened the open meeting at 6:00 pm noting the following:

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

Excused:

Other attendees: Town Manager David B. Panagore, Assistant Town Manager David Gardner, Assistant Town Manager Josee Young, and Temporary Board Secretary Linda Fiorella

Recorder: Linda Fiorella

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

- A. **Removed for consideration.**
- B. *Police Vehicle Surplus - Declare the following list of equipment as surplus, pursuant to M.G.L. c. 30B and Provincetown General By-law §6-4-6, and to authorize the Town Manager to dispose of same in the manner deemed most advantageous to the Town.*
- C. *Treasurer’s Transfer – Public Fountain Gift Fund – Approve use of gifted funds for \$336.69 to Cape Associates for Town Hall Fountain Replacement*

Select Members Lise King and Cheryl Andrews requested to pull A. It was assigned to 6H.

Without objection Chair Venden considered B and C to be approved unanimously by the Select Board.

1. Public Hearings:

- A. **Curb Cut - Application by Clifford Shorer, requesting approval to install a Curb Cut at 4 Commercial Street (Assessor’s Map 5-1, Parcel 5G) and 6 Commercial Street (Assessor’s Map 5-1, Parcel 5H), Provincetown, MA. (Continued from August 13, 2018)**

Exhibits/Documents: Public Hearing notice, application dated July 16, 2018

DG Petitioner is not here he was not able to attend. I addressed the concerns from the last meeting and obtained the approval of the remaining staff members.

Public Input -none

Select Member Andrews MOVE that the Select Board vote, pursuant to Provincetown General By-Law Section 11, § 6-2, to approve the request of Clifford Schorer, for a curb cut at 4 Commercial Street and 6 Commercial Street with the following conditions:

- **Engineered to scale plot plan shall be submitted for each of the two lots prior to any work that identifies the actual location of the parking spaces for the first lot to be developed.**

- Such plan shall be submitted to Planning Staff and shall be consistent with the conceptual plan submitted in this application or will require a new public hearing before the Board of Selectmen.
- Such design shall satisfactorily address storm water concerns by permeable paving, or the provision of adequate storm water management to prevent any runoff into Commercial Street.

Select Member Anthony seconded the motion

Vice Chair Donegan - I don't think this is a healthy precedent for us and for the neighborhood. We've always had a curb cut with a plan. I will vote no but not necessarily against it.

Select Member Andrews - did we receive any public comments?

Temporary Secretary Linda Fiorella – no

RA –We haven't gotten any feedback of opposition. I'm pleased with the conditions.

VOTED

In Favor: 4
Opposed: 1 td
Abstain: 0

B. FY2019 Property Tax Rate Classification

Vice Chair Donegan read the public hearing notice.

Exhibits/Documents: Public Hearing notice

Scott Fahle, Principle Assessor – described the types of exemptions of the classes of real property and the types of tax rates. Explains the different options and their consequences including the split tax rate and the loss of commercial property trend. He further discussed the residential exemption and how it shifts the tax burden, other communities that also do this and the percentages they use, as well as the how the small commercial exemption works and the lack of qualifying properties in Provincetown.

Mr. Fahle reported that the Board of Assessors held their pre-classification meeting on August 9 and they voted to adopt a res factor of 1, not to adopt a split tax rate and to adopt a residential exemption of 23%. They also voted not to recommend a small commercial exemption.

Public Input – Letters from the public – one from Barbara Rushmore that arrived in time for the packet. Two others that arrived too late for the packet, from Erik Yingling and Mark Hatch, urging the Board to raise the residential exemption to 25%.

Select Board Input

- **Cheryl Andrews**

- **Robert Anthony**
- **Tom Donegan**
- **Lise King**
- **Louise Venden**

Vice Chair Donegan MOVE that the Select Board vote, pursuant to MGL C.40,§56, as follows relative to the FY 2019 property tax:

1. to Establish a residential factor of " __1_ "Establishing a residential factor of 1 would keep the tax rate the same for all classes of property.

Chair Venden seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

2. not to adopt a split tax rate. Voting for a split tax rate would tax Commercial Property at a higher tax rate.

Select Member Andrews seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Vice Chair Donegan proposed making a series of motions for the residential starting at 35% and dropping by 5% until someone seconded the motion. Select Member Andrews stated a preference to having a discussion.

The discussion included Mr. Fahle noting that there was a non-binding resolution at Town Meeting to not raise the rate higher than 23% to keep the taxes flat, property values, concerns about raising the exemption too quickly, and the need for keeping the higher rate as a shock absorber.

Select Member King – There is some strong lobbying going on to counter it at the state level. Our jobs here are to represent the voters who live here year round. I'm for a higher tax exemption. There will come a day when we're going to need a pot of money for something critical. I believe dealing with climate change is the place. That can could include capital investment for our first responders and fire department.

Select Member Anthony – The exemption is important for the year round population in regards to getting a break in their taxes. I'm in favor of 23 but not 35.

Vice Chair Donegan –I'm a second homeowner in New York State and my residential exemption there is significantly deeper percent-wise and dollar-wise than anything we're talking about here. Property taxes are much higher and the exemption covers more taxes. I understand, I benefited when I was a homeowner in Washington DC. I believe a lot of the noise around this has been poorly framed.

Chair Venden – This is a controversial issue partly because the non-resident owners pay the large majority of the property taxes and contribute in other ways. I want us to be thoughtful that we do not continue to drive a wedge between resident and non-resident. We all benefit from increase in property values. I believe 23% was voted at town meeting. I'm an advocate for non resident owners serving as alternates on certain town boards because they have talents and capabilities and have an investment here and want to be part of the town. The shift we're proposing shouldn't be a burden but I am concerned we don't continue to divide ourselves.

Vice Chair Donegan MOVE that the Select Board vote, pursuant to MGL C.40,§56, as follows relative to the FY 2019 property tax:

- 3. To adopt a "residential exemption" of 25% [an exemption of up to 35% may be adopted, to shift the tax burden from residents to non-residents, within the residential class].**

Select Member Andrews seconded the motion

Select Member Andrews - This is a common tool used by communities. We need to have a thriving year round community. This will help. This was one of the proudest votes I've taken in my career at this table the first time we did it and I'm happy to do it a second time. We have different groups that live in this town and if treating them different at times helps to get us to the goals we have stated we believe in, it makes sense to me.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Vice Chair Donegan MOVE that the Select Board vote, pursuant to MGL C.40,§56, as follows relative to the FY 2019 property tax:

- 4. Not to adopt a "small business exemption" of ___% [an exemption of up to 10% may be adopted, which shifts the tax burden from certain qualifying small businesses to all other commercial and industrial property]; and**
- 5. To identify \$12,203.18 in unused property tax levy capacity.**

Select Member Andrews seconded the motion(s)

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

2. Public Statements:

- Jay Gurewitsch – On behalf of the Recycling and Renewable Energy Committee. Solarize mass has extended until September 8 to get a proposal and get the low prices we negotiated.
- Michela Carew-Murphy – saw a memo from Town Council regarding the ongoing the dispute at 99 Commercial and 101 Commercial. I have questions and concerns. The memo doesn't have all of the information.

Vice Chair Donegan left the room and returned at 7:04 pm.

- Tom Donegan – I rise today to speak before the Select Board as a public citizen. I'm an abutter to 350 Bradford. Many of the meetings have not had public comments because they are continued public hearings. I'm worried about hardball tactics by developers. We need to protect our board members all of the boards. I'd like you to look into the circumstances surrounding it.

Tom Donegan left the room at 7:07. Vice Chair Donegan returned at 7:07 pm.

3. Selectmen's Statements:

- **Cheryl Andrews** – I want to congratulate the Provincetown Business Guild on the celebration of their 40th anniversary. The Business Guild was formed in '78 and I want to take a second to recognize their achievement. I haven't been active in many years and they've grown and changed. The Cape Cod National Seashore Advisory Committee's charter will expire at the end of September. We should have a plan in place. Not sure which of our appointed or elected officials are feeling pressured right now, if you are feeling pressured feel free to call me and I'm sure I'm speaking for my colleagues as well.
- **Robert Anthony** - I just want to concur with what Cheryl just said. If anybody feels as though that's happening to them we need to find out about it. It behooves us to find out what's going on.
- **Tom Donegan** – I'd like to thank Cheryl for noting the carnival parade and the 40 anniversary of PBG. This year I felt it rose to the occasion. They did a good job planning and it paid off. Congratulations on a nice celebration. I went to outer cape health services lobster fest they raised money good people, but one part made me a little wistful – they were so proud of the work their doing in Harwich and jobs moving to Harwich. I wish jobs were here. I wish we had the ability to hold on to that stuff. Build a new office building and health center. We have a chicken and egg thing with jobs and housing. We need to continue to focus on housing. I apologize I can't make the 2020 event tomorrow in Boston. Thank you for going to represent Provincetown.

- **Lise King** – Specifically like to give a shout out to everyone who kept us safe at Carnival. Thank you. Cover of the banner this week features a white shark photo. A suggestion made to me by a surfer that he is taking measures to have a first aid kit when he is at the beach. Time for us to do the same for our first responders. Appreciate support for those who intend to go in the water. Shout out to kids going back to school this week and people driving who are not used to kids at bus stops and to be aware of kids walking to and from bus stops. Congrats to those making it thru summer. Good luck to kids going back to school.
- **Louise Venden** - I posted something in Town Talk about the growing concern about the distance between wealth and the diminishing middle class. I got some blow back about it, asking, “What is the Select Board doing about it?” This town has done more than other municipality in the Commonwealth to set up year round rental housing trust. We have pushed forward services for people struggling with addiction. This little Town does more to help than almost any other town. We need to give ourselves credit for that. We have free childcare for town residents. There’s no other community that has free infant to three childcare, that I know of, in this Commonwealth. We are making great efforts because we share values about housing and jobs. Addressing comments by Ms. Carew. I asked for the memo. Town counsel prepared the report. I have no interest in getting involved in the litigation but I will stand up for staff being bullied.

4. Joint meeting/Presentations: NONE

5. Appointments:

A. Open Space Committee – Ansley Pierce

Ansley Pierce - Reasons why I chose these boards: open space is important to have in the town; I’m a horse owner so I get to take advantage of some of the space; I was a vet tech for 15 years so that’s why I chose these two.

Vice Chair Donegan Move that the Select Board vote to approve the appointment of Ansley Pierce, to the Open Space Committee expiring on June 30, 2021.

Select Member Andrews seconded the motion

VOTED

In Favor: 5

Opposed: 0

Abstain:0

B. Animal Welfare Committee – Ansley Pierce

Vice Chair Donegan Move that the Select Board vote to approve the appointment of Ansley Pierce, as an Alternate, to the Animal Welfare Committee expiring on June 30, 2021.

Select Member Andrews seconded the motion

VOTED

In Favor: 5

Opposed: 0
Abstain: 0

C. Recreation Commission – Catherine A. Nagorski

Catherine Nagorski – I’ve been on boards in the past. Over the winter had a major sports injury and I am coaching soccer at the high school and more interested in recreation. I attended a recreation commission meeting and they were talking about the skateboard park and this one is well suited for my interests.

Vice Chair Donegan Move that the Select Board vote to approve the appointment of Catherine A. Nagorski to the Recreation Commission expiring on December 31, 2019.

Select Member Anthony seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

6. Requests:

A. Select Board Agenda Items – Agenda Items Procedures

Chair Venden presented her Agenda Item which addresses how items are placed on which agenda’s, how staff is engaged in order to be fully prepared for the meetings, how to fairly consider the items, the current rules of procedure about the timing and process of requesting agenda items and submitting them and their accompanying materials. Another item discussed was potential edits to the current Rules of Procedure which is on the Agenda for September 10, 2018.

Discussion involved the need for staff to have time to prepare additional information, estimating the amount of time a discussion would take, the importance of putting a motion in writing, the possibility of some items being open discussion, and the need to properly notice the public of what will be discussed. Some suggestions included placing the initials of the person requesting the item go on the pending items list as well as adding page numbers to agendas and the packet for ease of finding specific items.

B. Special Town Meeting Draft Warrant Review

Vice Chair Donegan MOVE to open the warrant for the special town meeting warrant for the October 29th Special Town Meeting and close it on Friday September 28th AT 11:00 A.M.

Select Member Anthony seconded the motion

VOTED

In Favor: 4
Opposed: 0

Abstain: 1 (ca)

Town Manager Panagore briefly described a few of the 25 articles in the draft warrant then returned focus to Draft Articles 1 FY 2018 Budget Adjustments and 2 Prior Year Bills, asking Assistant Town Manager Josee Young if there any. Ms. Young responded that there were no Budget Adjustments and a few small Prior Year Bills.

Assistant Town Manager David Gardner went through the remaining articles one at a time. Vice Chair Donegan requested that Draft Article 19 be split into two sections.

C. Commercial Street Improvement Update

Water Superintendent Cody Salisbury introduced Russ Kleekamp, Project Manager with GHD.

Russ Kleekamp presented a powerpoint presentation of the history of the Commercial Street Improvement, the current state, and options for moving forward. Three phases are already completed, the current phase is phase 4 and the next steps for phase 5. He described previous funding including grants and what was covered. Mr. Kleekamp further described public input process.

Discussion included the use of stainless steel valves, wellness checks, sensitivity to closing the street when businesses depend on traffic, timing of construction, the current grant and other funding, potential flooding issues and ways to address them, as well as the effects of snow, ice, landscaping, and more on the roadway.

Vice Chair Donegan Move that the Select Board vote to accept a Coastal Zone Management grant award through their Coastal Pollutant Remediation (CPR) grant program in the amount of \$95,250.00 for final design of Phase 5.

Select Member Andrews seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

D. Treasurer's Notification – Tax Title – Intent to Initiate Foreclosure Petition:

Town Treasurer Alex Williams presented an overview of Select Board actions on Tax Title in the past year and next actions. He noted that the agenda item has 7 parcels listed but one of the parcels has re-entered a payment plan. He summarized the status and history of the properties listed.

- 1) 19 U2 Tremont Street – Raymond Trevion Jr. - \$77,471.52
- 2) 28 R Creek Road – Unknown Owner - \$10,465.13
- 3) 29 R Nickerson Street – Unknown Owner - \$469.91
- 4) 73 R Franklin Street – Unknown Owner - \$5,110.73
- 5) 438 R Commercial Street – Unknown Owner - \$3,656.26

6) 26 A Bangs Street – Unknown Owner - \$3,443.85

Chair Venden requested that Mr. Williams include a summary statement in the packet next time.

Select Member Andrews MOVE that the Select Board, in accordance with the Tax Title Policy, consent to the next step of the tax title process: initiation of Land Court foreclosure on the 6 identified properties. On the cover sheet there are 7; we’ve removed 41R Howland Street.

Select Member Anthony Seconded the motion

VOTED

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

E. Select Board Role in Provincetown 400

Select Member Andrews reported that the PMPM is willing to cosponsor one of the Select Board’s proposed events in April of 2020. Select Member Andrews requested feedback on proposed events and discussion on how the Select Board involvement could take shape.

Discussion included the town budget, currently proposed events including re-enactments, how the Board/Town would interact with the Provincetown 400 organization, concerns about the time frame, infrastructure investments, and the kind of help the Board can offer the Provincetown 400, and the desire of the Board to meet again with the Provincetown 400 organizers.

F. Town Talk Facebook Page: Set Policy for Town Manager's Page

Select Member Andrews discussed the purpose of Town Talk, the Town Manager’s Facebook page and proposed a discussion. Select Member Andrews expressed concerned about the blocking of members by current elected or appointed officials.

Discussion covered concerns over violating the Open Meeting Law, posting agenda items, whether or not the Select Board should create a policy for the page, decorum, reasons for blocking people and the desire for the Attorney General to more specifically address social media.

G. Town Manager’s Evaluation

Town Manager David Panagore’s evaluation and the process of evaluating his performance was discussed. The desire for an updated procedure was covered. Further discussion included which parts of the evaluation and the process were public, the importance of including qualitative measures, and how the ratings translate to salary increase.

Select Member Andrews MOVE that the Select Board vote to establish Town Manager David

**B. Panagore’s annual performance appraisal score as 3.74 out of 5.
Vice chair Donegan seconded the motion**

VOTED

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

Select Member Andrews MOVE that the Select Board vote to grant Town Manager David B. Panagore a 4.74% merit increase, raising his current salary of \$159,000 to \$166,536.60, effective July 1, 2018, pursuant to the contract for employment.

Select Member Anthony seconded the motion

Select Member Andrews – I was on the committee that interviewed and hired you. I can say welcome aboard I’m glad you’re here. You’ve developed your own style and you’re achieving a lot. Congratulations.

Chair Venden - I think youre doing a very good job and explained why I rated you as I did. I put my grading scores here for the public but if the role is to give of a performanet review is to give you feedback and support I did that in private.

Select Member Anthony – When David got hired and we had breakfast and he asked some questions and they were pertinent in regards to management, and Ive been around here, and I knew David was going to make it because I could see he is a people person and he tries and he succeeds and when I drive by he’s here on weekends to get the job done.

Select Member King - I’ve found David to be intelligent and resourceful and very approachable. I can be honest with you about what I knew and what I don’t know. You’ve been generous and helpful. It’s not just to my benefit but you help me to get up to speed that’s in a way that’s the towns benefit.

TD I agree with much of what’s been said. My ratings reflect year four of a contract. You know more and you have your team in place. I appreciate as someone who moved here. In year four you get welcomed aboard. You have your stride now and my expectations are higher and my reviews are more focused. I hope the raise reflects on the value to which the town body and this board puts on your public service.

VOTED

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

H. Item removed from the consent agenda for discussion and comment:

Refer Zoning Bylaw Amendments to the Planning Board for a public hearing prior to the

October 29, 2018 Special Town Meeting

Select Member Andrews Move 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, October 11, 2018 in order to be placed on the October 29, 2018 Special Town Meeting Warrant.

Select Member Anthony seconded

VOTED

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

7. Town Manager / Assistant Town Manager:

A. 99-101 Commercial Street Report

Discussion covered the purpose of the report, it's investigation of staff's work in relation to allegations made against staff, the process of the report and it's posting on social media.

B. Town Manager's Report – Administrative Updates.

- Staff Bi-Weekly Report
We had a safe and successful carnival. The new stop sign is up and working. Signage on the breakwater we're going to be putting up warnings with particular statements crossing during high tide on both ends of it. The climbing lane on Bradford is a success. Thank for putting that thru.
- OPEB Valuation Comparison
Update memo. And opeb valuation. We're 3, but the way we invest we're going to be 1 this year.
- FEMA Authorization Wave Attenuator Update
We should be in position from FEMA approval.

8. Minutes: Approve minutes of previous meetings.

Select Member Andrews moved that the Select Board approve the minutes of:

July 23, 2018 6:00 pm (Regular)	[] as printed [x] with changes so noted
August 13, 2018 4:30 pm (Special)	[x] as printed [] with changes so noted
August 13, 2018 6:00 pm (Regular)	[x] as printed [] with changes so noted

Select Member Anthony seconded the motion.

VOTED

In Favor:	5
Opposed:	0
Abstain:	0

9. Closing Statements/Administrative Updates:

- **Cheryl Andrews**
- **Robert Anthony**
- **Tom Donegan**
- **Lise King**
- **Louise Venden**

Without objection the meeting was adjourned at 11:03 pm

Minutes transcribed by: Linda Fiorella