

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
NOVEMBER 26, 2018 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

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

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

Excused:

Other attendees: Town Manager David B. Pangore and Secretary Linda Fiorella

Recorder: Linda Fiorella

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

- A. *Approve Police Chief Golden’s request for a parking ban from December 28, 2018 to January 2, 2019 on Commercial Street between Johnson and Court Streets for the “First Light Provincetown” Event*
- B. *Community Housing Council – Susan Cook - Reappointment*
- C. *Public Landscape Committee – Curtis Balom from Alternate to Regular*
- D. *Approval of 286 Bradford Street (Dillion Property) Conservation Restriction – Conservation Agent Tim Famulare*
- E. *Naming the Shellfish Department’s nursery John H. Baldwin Nursery*

Without objection Chair Donegan waived the reading of the consent items and without objection they were approved unanimously by the Select Board.

1. Public Hearings:

- A. **Bas Relief Restoration** – To hear public comment on the proposed plan for the Bas Relief restoration.

Vice Chair Andrews read the legal notice:

EXHIBITS/DOCUMENTS: Public hearing notice, photos

Community Housing Specialist Michelle Jarusiewicz presented a history of the project including meetings with the Wampanoag and earlier input from the Select Board such as fencing changes and plantings, then provided updates including meetings with Conservation and more detailed input from the Wampanoag. She turned over the presentation to Ray Dunetz.

Mr. Dunetz agreed with Ms. Jarusiewicz’s description of the plan for the Wampanoag memorial of an engraved village scene. He discussed the relationship of the memorial to the Bas Relief. He added that the tree warden and committee weighed in on tree species choices.

PUBLIC INPUT:

Romolo Del Deo –asked about the restoration plan and process, expressed concerns about damaging the Bas Relief, and stated that the Art Commission should be consulted about the design along with the Wampanoag.

John Krajovic – Stated he opposes the location of the memorial because it goes against the recommendation of the Bas Relief design advisory committee. He supports the memorial just not in this location.

Pastor Brenda Haywood – Noted that she worked on creating the memorial with the Wampanoag and that the location is extremely important to them and that it would be an injustice to change the location.

Jennifer – Commented that this is a necessary re-contextualization and she appreciates its more prominent location and that they were involved in it.

SELECT BOARD INPUT:

Select Member King –I would love to see the opportunity – there are incredible Native American artists, Native American sculptors, we don't have a place yet in Provincetown honoring the work of a Native American artist. To see native American artists/sculptors. Open question to have a place in Provincetown to show love for Native American art. Wouldn't this be an amazing opportunity to do so.

Select Member Venden – It's a little distressing that people who have served on a committee seem to feel that they weren't really a part of this last redo which makes me wonder if we shouldn't step back and not rush this. If the Art Commission hasn't seen it I think that's an important issue we need to consider. There is also reason to consider another separate piece of land, whether it's down at First Landing Park which we are going to be redoing – because we can have more than one.

Select Member Anthony – thank you for the presentation and the public comments. It's a hard situation when facts come to you tonight on something that's been developing for the last two years.

Vice Chair Andrews – This is not the first time town has seen these renderings. Most nights this room is empty. I'm going to send a plea out to all of you folks who live here that really care about any of this stuff -- maybe form a social club and come to our meetings or at least read the agendas and call us about what you're interested in. The empty room the last couple of years hinders the work product. This is a multi-use space. Festivals and dances there. Has that been worked out that those events will continue in this space?

MJ – Our intent is to maintain events at the location. We're trying to keep the green area clear.

Vice Chair Andrews –If there was a report generated by the Bas Relief design advisory committee, please get us a copy. Any images available yet of the Wampanoag design. Public art is one thing– this is different. It is a relationship that we are trying to repair and the fact that the Nation has been involved in putting this together. Some things I'm happy to step back from and let them speak the way they want to speak.

The timeline and funding were discussed and Select Member Venden suggested bifurcating the two parts of the project.

Chair Donegan – Behind me is painting by Max Bohm. Beautiful piece of public art but reflects values that are no longer present in Provincetown. How we honor history changes from time to time. We have an opportunity to honor Wampanoag history in a unique way. A couple of ideas have come up that are interesting both here and First Landing Park. Louise has mentioned a good idea. I'm going to propose that we not close the public hearing but reopen it when we get to the funicular conversation and the use of this

park. As it relates to changing use pattern in the neighborhood. We have \$750,000, we have the ability to do it right. To me the profile of this looks like something meant to keep cars from driving on the lawn. It doesn't do the right service to the Wampanoag. It's not that its disagreeable but I'd like to see us put as much effort into the Wampanoag memorial as was put into the AIDS memorial.

Chair Donegan, without objection, recessed the public hearing until item 7G and moved item 7G up in the agenda after Public and Select Board Statements.

2. Public Statements:

Herbie Hintze –I think the Wampanoag memorial should be in a special place all by themselves.

Jennifer Cortes – Here about the request by the Board of Health. I live at Stable Path with three children. We are a family of 5 and we are plagued by second hand smoke exposure.

Michelle Jarusiewicz – Here to remind the public and the board about an economic development forum Wednesday, upstairs, at 6 pm. There will be refreshments.

Shira Kavon – On agenda item 6C, the contract report. I understand that there will be a contract from UMass about studying the effect of social media. I hope you approve the contract. I plan to volunteer my time to whatever group.

Jennifer Cabral –Police station – takes time to talk about it more.

Karen Jasper – police station –I wonder if a process could be developed to increase attendance at board meetings if things were shared earlier. Feels disrespectful to ask a committee to put in time and then have criticisms at the end.

Paul Teixeira – Funicular project: Please refer this to the Cape Cod Commission. I'm a direct abutter. Less than ten feet from my house. The Cape Cod Commission needs to look at this issue. Slope failure and flooding and what this project will do to that.

3. Select Board Member's Statements:

- Lise King – It's great that folks posted stuff on town talk and that's what has a lot of folks in the room tonight. Something we've been talking about is how we can do communications better and some of you have touched on that. Want you to know we hear you and we're working on it. I think having more push from the public is always a good thing. Answering to constituents is a really important part of keeping things moving. In defense of the public commentary I think committees can be doing a better job by sharing things sooner. I get that it slows the process down. That's not necessarily a bad thing especially when you're talking about building memorials or buildings or having public appropriations for millions of dollars that are going to impact our town for a long time. I want to say thank you to everyone paying attention to the Wampanoag story. It's not an easy thing to acknowledge but especially with everything going on in our country it's more important than ever. We welcome all the voices into the conversation. No disrespect is intended by asking to renovate this design; it's trying to elevate it and make it more respectful. Thank you for your input and support.

- Louise Venden – Thank you and thank you all for coming this evening. December 12th we are having a workshop on communication. There is an effort going on now to create a new website, something many of us have been hoping for some time. They’ve already begun the process of sitting down with staff and talking to a variety of people about what needs to be on it and how it needs to work. There are other pieces to the communication piece. I urge you to come to the workshop I think it’s at 2pm. I think it’s the first of other meetings – this is not going to be a simple answer. It is not all about social media. There are a lot of people in this Town who stay away from social media, including myself now, of course. There are lots of other ways, face-to-face ways we can go and interact with each other and take some of these proposals out to the public. The Building Committee is planning to hold forums, for the public, to show them the presentation they showed us; to provide more detail to explain why the costs have increased and give a sense of what the programming was and any of you who have done any building you know how complicated that can be, and imagine with a police station that it’s even more complicated. And also the exterior of this building is supposed to be wood and in the rendering it looks like concrete to me. We’re supposed to be talking about when these forums will be held tonight. I don’t see it in our materials but I know many of you are concerned about this and I hope you will come to the Building Committee meetings. They want to make sure you understand why they’ve taken the route they have and that your questions are answered. One other thing, Jake Graybill who happened to be a tenant of mine is now gravely ill. He’s in Illinois. He’s worked as a chef at Tin Pan Alley, at Provincetown Inn, and most recently at Harbor Hotel. He’s a great guy, he’s got a five year old daughter who goes to school here and his wife works at Prestige they live at 90 Shank Painter. I want to send good wishes out to him and hope for a speedy recovery. Something I’d like to see on our agenda is a memorandum of understanding between the Select Board and the Year Round Rental Housing Trust. A lot of good things are happening – this is a communication issue again – they can let the Select Board know and we can inform you of the steps that are being taken, what the challenges are, what the procedures are, what the tenancy and lottery procedure are etc so we can convey that to you. Thank you.
- Robert Anthony – I hope you all had a great thanksgiving, I think I did. I want to address the second hand smoke – she mentioned a lot of things but nowhere in her commentary did she mention the Board of Health. That should be the first step in talking about the second hand smoke and if the Board of Health decides to have a public hearing. I appreciate her coming to the Board of Selectmen tonight and telling us about this but I think it starts with the Board of Health. I would like to mention hopefully when we can get it together we can come to a consensus about what the Board’s role is.
- Cheryl Andrews – You folks at home and here tonight saw the police station design about two seconds after we did. You saw this design about two seconds after we did. The joys of the internet are --you are actually getting information pretty quickly. The only way you could possibly get it faster, and possibly impact all of this quicker is find this online – which is our packet – it gets posted on the town website. If you need help finding it, tell us. It goes on the Town website the week before. It goes to the press, town website. If you want to look at the agenda, see what’s going to be in front of us Monday night, look at the pictures, call us up and yell say, “Can you ask this, please?” You will be shocked at how happy we will be to hear from you. Then the next question is -- what to do with it? Some things we decide democratically for instance the funding for this project was decided at Town Meeting a year and a half ago. Once the funding happens the next steps start we advisory committees that form of volunteers, they work with the staff and it plays out over months and months. Generally, we don’t see it until you see it. This is actually working pretty well – what frustrates people is they don’t know how to impact our decision-making. Courtesy of Facebook you’re all doing a much better job than you were years ago and that’s helpful because I can go read it. That’s one way to get information, I also walk downtown and you talk to me, I also go to the Stop and Shop – There’s lots of places where the five of us go besides

Facebook, or our emails or our phones. You can talk to your friends. You can even throw a dinner party and invite one of us. If you want to be involved in this stuff, and I know you do because you drive by these things every day, then tell us and let's figure out a way to get you more involved. The only other thing is we're going to talk about contract with UMass over social discourse and I'm going to say this: for me personally, I'm very interested in seeing what happens on town talk because that is run by staff which means your taxpayer dollars are at work. The rest of the sites on Facebook, I have no interest in spending tax dollars trying to teach people how to be nice over there. That's not the world we live in and frankly, I've had friends that are public officials in other towns and you may not believe this but we're doing okay. We have a crowd that is fresh, but we always do.

- Tom Donegan – Happy Thanksgiving, I hope all had a healthy and good holiday. The police station design came to me, I actually like it, I saw it the Thursday before the Monday, and what worries me is we don't have enough... I read our Select Board packet and I don't think it's reasonable to expect people read it - its 400 pages long. It's dense and it clogs up your computer because it's enormously big in the memory. I would like a proposal from Town Manager or at least a budget item line on how much it costs to have these secondary boards, particularly ones that are working on these kinds of things to be on PTV. I think, ultimately, having this kind of thing, having Building Committee as it's working on public design, on PTV would have been much more helpful. I would have been alerted sooner about concerns. I think the architect could have been learned earlier and known what was coming up. I think the issues could have been addressed earlier. I feel a little bit ambushed by the process and I don't think the architect has had a chance to explain him-and-her-self, but we need to have that conversation. This process, as one of our public speakers mentioned, the sort of the 11th hour stuff, really doesn't produce the best result.

Move that the Select Board ask the Town Manager to investigate what it would cost to broadcast the majority of our board meetings on PTV

Motion: Chair Donegan Second: Select Member Anthony

Select Member King – we don't see it until everything is baked and then there is this pressure to approve it. More communication from the committees during the process is going to slow things down, and I don't think that's necessarily a bad thing.

Vice Chair Andrews – I'm going to vote no, though I agree there is an issue, I don't think taping more meetings is the solution.

VOTED

In Favor: 4

Opposed: 1 (ca)

Abstain:

4. Joint meeting/Presentations:

Chair Donegan reopened the Public Hearing on the Bas Relief and include the discussion on 7G1 and 7G2.

- A. Agenda Item 7G Bas Relief -Sidewalks and Use of the Public Way at 106 Bradford Street.**
 - a. Schedule Special Traffic Hearing to consider alterations to the Public Way**

Chair Donegan noted that representatives from the PMPM were present and gave a brief history on the agenda item. He further invited requested Ms. Jarusiewicz and Mr. Dunetz to talk about the funicular and any effects it might have on the Bas Relief and the public way at 106 Bradford Street. The discussion covered concerns about traffic changes and traffic mitigation plans and other issues potentially coming out of a future Planning Board meeting on an updated PMPM traffic study that could impact the public way and the desire to have a public hearing to review before changes were put in place, and the desire for the Bas Relief park to continue to accommodate events.

MOVE that the Select Board vote to schedule a public hearing for January 14, 2019 to hear comment from the public on the sidewalks and use of the public way or any public property at 106 Bradford Street, including right of way, sidewalks, and the Bas Relief Park

Motion: Vice Chair Andrews Seconded: Select Member Venden

VOTED

In Favor: 5

Opposed:

Abstain:

Chair Donegan suggested holding a second public hearing on recommendations on the Wampanoag memorial on January 14, 2019.

Vice Chair Andrews made a motion on the Bas Relief and Bas Relief Park that the recording secretary was unable to transcribe in full. Vice Chair Andrews then made another motion.

Move that the Select Board vote to approve the final schematic design for the Bas Relief & Bas Relief Park, at 106 Bradford Street, as presented with a carve out with a second process be put into place that will specifically deal with the budget, the design process and anything else for the Wampanoag memorial and other than that you have the Board's approval to and to proceed with final design and bidding process.

Motion: Vice Chair Andrews Seconded: Select Member Venden

VOTED

In Favor: 5

Opposed:

Abstain:

Move that the Select Board continue the public hearing under 1A to January 14, 2019.

Motion: Vice Chair Andrews Seconded: Select member Anthony

VOTED

In Favor: 5

Opposed:

Abstain:

Without objection Chair Donegan moved to take out of order agenda item 4B Provincetown Public Pier Corporation, ahead of what had been 4A, Cape Light Compact.

B. Agenda Item 4B. Provincetown Public Pier Corporation – Expenditure from Reserve Account

Pier Corporation Chair Regina Binder introduced the Harbormaster Rex McKinsey and the other members of the PPPC Board including Herbie Hintze, Scott Fraser, Carlos Verde and excused absence Rick Holland. She updated the Select Board on the project and the procedures in place for expenditures. Discussion included the cost and future issues.

Move that the Select Board vote to approve the Provincetown Public Pier Corporation’s expenditure of \$78,600 from the reserve fund.

Motion: Vice Chair Andrews Seconded: Select Member Anthony

Chair Donegan stated he wanted to see the reserve fund replenished.

VOTED

In Favor: 5

Opposed:

Abstain:

C. Agenda Item 4A Cape Light Compact - 3 Year Plan

Chair Donegan disclosed that he represents Provincetown on the Board of the Cape Light Compact and serves on committees there.

Briana Kane of Cape Light Compact updated the Board on Cape Light Compact’s 3 Year Energy Plan filing.

Ms. Kane noted that the presentation would focus on the energy efficiency programs including the history of those programs over the years including the home energy assessment and the current incorporation of strategic electrifications to make the Cape and Vineyard more resilient. She further discussed insulation installation, micro grids, and programs available to both owners and tenants and a current proposal to change a 90% cost coverage of weatherization to 100%. Further discussion included municipal projects, increased electric vehicle charging, programs geared toward businesses and non-profits and a plan to convert 700 non-gas heated homes to cold climate heat pumps, with offerings in different income groups, also including solar and storage. She added that there will be an impact on users’ bills due to the expanded program offerings, but that the benefits would outweigh the additional cost.

5. Appointments:

A. Scott Haag – Recycling and Renewable Energy Committee – postponed to a future meeting agenda.

B. Steven Baker – Water and Sewer Board

Chair Donegan recused at 8:28pm

Mr. Baker stated that he is a fulltime resident, formerly a part time resident, and that he has served on the Planning Board and feels like a good time to get involved with the Water and Sewer Board.

The Board thanked Mr. Baker for his past service and for applying to serve on another board.

MOVE that the Select Board vote to appoint Steven Baker as a regular member to the Water and Sewer Board effective immediately and expiring on December 31, 2018

Motion: Select Member Venden Seconded: Select Member Anthony

VOTED

In Favor: 4

Opposed:

Abstain:

Chair Donegan returned – 8:31pm

6. Town Manager / Assistant Town Manager:

A. Annual Winter Forum and Town Meeting Calendar Review

Mr. Panagore went through upcoming calendar items including town meeting warrant schedule, budget reviews, and roundtables, and the deadlines for the Legislature and the Governor's actions relating to potential changes in our local election date.

Move to approve the submission of the Charter Home Rule Petition as drafted by legal counsel.

Motion: Vice Chair Andrews

Seconded: Select Member Anthony

VOTED

In Favor: 5

Opposed:

Abstain:

Topics of discussion for the Town Meeting Forum were discussed as was the timing of the forum. February 9, 2019 was decided as the date for the forum.

B. Town Manager's Report – Administrative Updates

Mr. Panagore talked about the economic development forum and the outreach taken to inform the public including ads in the banner for two weeks, a survey posted on town talk, and email blasts to boards, committees, local business owners, and those who have attended previously.

He mentioned the Provincetown Commons ribbon cutting, shared updates on the town manager fall conference, that requests from Board Members on the elevation on the harbor and information on social media details related to tourism and the VSB were included in the packet.

Further requests for environmental impact assessments on the battery storage facility, the height of the structure at the end of the pier, and a summary on the details regarding the VSB were made.

C. Contract Report – Administrative

Current contracts were discussed as was the format of the contract report.

7. Requests:

A. Provincetown Farmer's Market – Status and request for waiver of fee Requested by Katherine Sanders

Katherine Sanders described her history with the Farmer's Market, the changes she has overseen, and the finances behind her request for a waiver of the fee. Select Board Members also suggested Ms. Sanders look in to applying for grants and some of them suggested she do that instead of requesting a fee waiver.

MOVE that the Select Board reduce the fee to \$125.

Motion: Vice Chair Andrews Seconded: Select Member Anthony

VOTED

In Favor: 3
Opposed: 2 (td, lk)
Abstain:

D. Proposed amendments to Select Board Policies 2011-06-27A and 2011-06-27B – Requested by the Provincetown Board of Health

Steve Katsourinis, Vice Chair of the Board of Health and Department of Health Director Morgan Clark presented a request to amend Select Board Policies to include language stating that in order to receive certain Town services at no charge, Affordable/Community Housing projects need to have a policy on smoking, and that HUD requires a policy on smoking but that the HUD rule does not currently apply to a number of our local housing projects. Concern about unintended consequences were discussed.

Without objection the agenda item was continued until the next meeting.

E. Reconstruction Project at the Bradford Street and Standish Street intersection

Sidewalk changes and the narrowing of Bradford Street were discussed with DPW Director Richard Waldo regarding concerns about traffic backup, and Emergency Services. Mr. Waldo agreed that traffic concerns are valid but that the traffic study suggested that the changes would make improvements to pedestrian traffic and safety. It was noted by Mr. Waldo and Mr. Panagore that steps have been taken to make Fire Department movement through the intersection easier.

F. Review current police station status, and confirm dates and schedule for Town Meeting forum

The Select Board, Town Manager and DPW Director discussed ways to involve and inform the public further on the Police Station project including planning dates to meet with the Building Committee, staff, and architect. The effect of major changes to the design on the budget were also brought up.

G. Town Sponsored events for Provincetown 400: Review and Plan

The status of Town sponsored events commemorating the Provincetown 400 were reviewed.

H. Discuss Policy 2015-11-09 Town Grant Acceptance and Contract Authority was TABLED

I. Item G parts 1 and 2 were moved up to Item 4A

J. Discuss and Consider referring the Provincetown Monument & Pilgrim Museum's Funicular Project

aka Bradford St Access Project to the Cape Cod Commission as a Discretionary Development of Regional Impact.

Discussion covered concerns about the potential impacts due to the Provincetown Monument and Pilgrim Museum's funicular project AKA Bradford Street access project and whether referring the project to the Cape Cod Commission was an option based on the current knowledge of the status of the project. Vice Chair Andrews made a request to see the reports of the applicant's engineers. Assistant Town Manager David Gardner also took part in the discussion describing some of the findings of some of the reports. The purpose of the Cape Cod Commission, the types of projects it gets involved in and expertise it offers was discussed as was the process that the project has gone through up to date.

MOVE that the Select Board make a discretionary DRI referral to the Cape Cod Commission for the funicular.

Motion: Chair Donegan Seconded: Select Member King

VOTED

In Favor: 2

Opposed: 2 (ra, lv)

Abstain: 1 ca

Motion failed.

8. Minutes: Approve minutes of previous meetings.

Move that the Select Board approve the minutes of:

November 7, 2018 2:00 pm, November 7, 2018 5:30 pm, November 13, 2018 6:00 pm, and November 13, 2018 5:00 pm as printed

Motion: Vice Chair Andrews Seconded: Chair Donegan

Select Member Venden objected to November 7, 2018 minutes being approved.

VOTED

In Favor: 4

Opposed: 1 (lv)

Abstain:

9. Closing Statements/Administrative Updates: there were no closing statements

Without objection the meeting was adjourned at 10:45 pm

Minutes transcribed by: Linda Fiorella