

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, April 28, 2014 6 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Elaine Anderson convened the meeting at 6:15 PM, noting the following:
Board of Selectmen attending: Elaine Anderson, David McChesney, Erik Yingling, Austin Knight, and Tom Donegan.

Other attendees: Acting Town Manager David Gardner, Finance Director Dan Hoort

Recorder: Mary Timmons

Elaine Anderson chairs the meeting.

Selectman Anderson opened the meeting by stating that the Community Center offer has been withdrawn and it is likely the property will go back on the market.

1. PUBLIC HEARINGS

Tom Donegan read the public hearing statement. Rick Murray was then invited to come forward to discuss the Economic Development Permit for 247 Commercial Street. Acting Town Manager, David Gardner stated this will not be necessary as the application was withdrawn.

1A. EDP 247 Commercial Street Crown and Anchor

MOVE that the Board of Selectmen vote to approve Economic Development Permit 14-03 for 247 Commercial Street, Rick Murray, applicant on behalf of Crown and Anchor LLC, property owner, based on findings that the proposed use is consistent with the criteria set forth in Selectmen's Policy 2009-02-09, specifically:

- **Support year-round incomes, and**
- **Support an extended employment season, and**
- **Create or enhance employment opportunities, and**
- **Help to diversify Provincetown's economic base, and**

subject to the attached permit with conditions as submitted or revised with the following conditions added _____.

1B. EDP 205-209 Commercial Street – Aquarium Wharf

Ben DeRuyter, a trustee of the property, provided information to the Board regarding the property. Aquarium Wharf houses twelve businesses of mixed retail. Seats on this property are available to the general public which is important. Existing seating and proposed seating will be available to the general public. This is important during the summer season. This plan will support an extended season and will provide two

new public rest rooms which will also be available to the general public. The current restrooms serve patrons only. He then walked the board through the plan. He is looking for 138 seats. He would like a vote on the Economic Development Plan pending and contingent upon an upgrade of the sewage in the front of the property. He reminded the Board that he is already on the sewer, but he requires a new pumping system to accommodate additional sewage.

Selectman Anderson then asked for public comments. None were received, closing that portion of discussion.

Mr. DeRuyter noted for the record that there were five letters in support of this plan at the Zoning Board of Appeals meeting. The Zoning Board approved his plan contingent on approval of the Board of Selectmen on the EDP.

Selectman Yingling stated this is a good proposal and consistent with policy. He is happy the rest rooms will be available to the public, and that there will be continued commitment of making deck available to public. This is a win for business. Selectman Knight asked for clarification regarding Mr. DeRuyter's idea of an extended season. He is not opposed to the plan, but he wants to hear Mr. deRuyter's comments on the season. Mr. deRuyter stated an extended season is a challenge. The building is not winterized and is not a year-round building. This current year, he is opening, Friday, May 2, 2014 and is expecting to stay open through mid to late October. He does wonder about the Halloween haunted house that has been there, but believes it may not be returning this year. Other than that attraction, the businesses would be expecting to extend through Halloween.

Acting Town Manager David Gardner informed the Board, that the betterment will pay for the upgrade. Additionally, any repairs due to disruption to the roadway will be borne by the application.

MOVE that the Board of Selectmen vote to approve Economic Development Permit 14-04 for 205-209 Commercial Street, Ben deRuyter, applicant on behalf of Aquarium Wharf Realty Trust, property owner, based on findings that the proposed use is consistent with the criteria set forth in Selectmen's Policy 2009-02-09, specifically:

- **Support year-round incomes, and**
- **Support an extended employment season, and**
- **Create or enhance employment opportunities, and**
- **Help to diversify Provincetown's economic base, and**

subject to the attached permit with conditions as revised with the following conditions added: the extended employment season is May 1st through November 5; restrooms will be handicapped accessible, any work to the property will be done after the 2014 season.

Motion by: Austin Knight Seconded By: Tom Donegan Yea 5 Nay 0

1C. Cape Colony Inn install a crosswalk on Bradford Street

Tom Donegan read the Public Hearing into the record and the letter from Guy Busa in support of the crosswalk. Rick Mills from RKM then addressed the Board on behalf of Eric Shapiro, owner of the Inn. He spoke of the need for the crosswalk and the types of pedestrian crossing signs he would like added. Elaine Anderson then asked for public comments. At this time, Acting Town Manager David Gardner stated the Town does not oppose the request.

David McChesney stated there seems to be an issue of parking changes and requests. Typically, we do this one day per year but maybe we should be doing this throughout the year instead of the marathon traffic hearing which occurs in March. David Gardner stated this should be considered, but there is a benefit to having them all in one day. He is in favor of having a traffic hearing on either side of the season. Perhaps the spring and fall.

MOVE that the Board of Selectmen vote to approve the request to install a crosswalk on Bradford Street between the Cape Colony Inn and Conway Street.
Motion by: Erik Yingling Seconded By: David McChesney Yea 5 Nay 0

2. PUBLIC STATEMENTS

Mike Canizales: Spoke on behalf of the Finance Committee. The Committee requests the Board postpone any decisions on sale of buildings until the new Board is in place. The Finance Committee requests the issues be reviewed over the summer. Mr. Canizales stated the committee is not part of the petition and urges the Board take a different path. Perhaps joint meetings with the Finance and Housing Committees would be a good idea. There could have been several avenues but these were not taken by the selectmen. He says there is no deal that would wow him enough to keep him from thinking this should be pushed out until after the summer. He addressed the three selectmen leaving, stating that just because they can make the decision doesn't mean they have to.

Duane Steele: Requested that the Board slow the process. Ever since he attended the affordable housing forum he was intrigued by the problems the community is facing. We are at the beginning of changing public policy regarding community housing. This would be for working people who don't qualify for affordable housing. He visualizes a local program to create a community housing program that would solve the issues. He then spoke about tax policy. He visualizes new income that we can use to finance community housing programs, using local contractors, banks and doing this in a systematic continual basis. He believes the only people that will benefit from the sale of the properties are the developers. He urges that we wait.

Barbara Rushmore: She asks we postpone the sale of the Grace Gouveia building. She thanks us for the hard work in getting this out to bid and for the negotiations that will bring 3 affordable units out of the 9. However, the problem is this is not as important as it should be. Many employees of the Town have to live in other towns because Provincetown does not have affordable rentals. She suggested if we put two million dollars into renovating the

Grace Gouveia building, we would have rental housing and we would own the building. She stated the current Board of Selectmen is a lame duck. We have new people in Town and soon we will have three new selectmen that will help with ways for finding money. She does not urge us to rush through this process. We have an obligation to the citizens to get more rental housing.

Clarence Walker: We have had differences but both he and the Selectmen have a love for the Town. He asked the Board to look at issues as though this were the week before they were to take over and another group was making a decision. Would the decision they are making one that they would want to see as new Board members. He asked the Board not to part with assets with a weak response. He stated if the Board goes forward now, they are indenturing the three future Board members.

Bobby Anthony: Thanked the Board for their service. He suggests the Board step back, think about this, and discuss it. There is a crucial need for the community to think about housing issues since we have two parcels of land that we now own. He hopes they reconsider and think about rental housing that the Town needs.

Mark Hatch: Thanks the Board for their services. He believes there is a problem with year-round rental housing in the town. In a strategic sense, there is not much the Town can do in a commercial sense. However, the Town can direct properties it owns to purposes for which they can be best utilized. When considering property he asks that the Board think of the best disposition. We don't need condos. We need rental property.

Wayne Martin: He has been asked to represent significant number of residents. Residents would like the Board to hold off on the sale of the properties

Louise Venden: Thanked the Board for its service, stating it is a tough job. Ms. Venden has 20 years of real estate experience. She turns projects around, and she has done development in her own terms. She looked at the RFP, the terms were vague so if they had bigger ideas as to what was wanted regarding rental housing and job growth, the RFP did not address these issues, only asked for the highest price. She suggests we step back. She also offered her expertise in these matters.

Catherine Russo: Thanks the Board and the work they have put into Town matters. Many in Town have been working years and recognize the housing issues. The community is encouraged but selling the building would be discouraging. Please don't discourage us and give some more time to think about the buildings.

3. **SELECTMENS STATEMENTS**

Tom Donegan – Thanked everyone who has phoned, or spoken at this meeting. It is important to speak out. We have a compromise and this all leads to people possibly being disappointed. People tell him the housing crisis has worsened. He hears what is being said. He has heard people have to move. It is a tough time. We offered this building for sale and we have an assessed and appraised value. We got the assessed value which makes it hard to walk away from. A third of the building will be affordable

housing. There will be three to four units at \$115,000 each. He can't find any other way we can get three units for this amount. New Boston Ventures will take all responsible for hazardous waste and other things. The reality is we have to sort out the housing crisis and the best way to use our dollars is on that site. This is not an easy moment and he understands people's concerns. He wishes we could do this easily and smartly, and he has listened to many people with compelling arguments. He does believe this is a great deal. We have a full price offer and we have to do what we think is right.

David McChesney – Thanked everyone for their complements. He gave a special thanks to those who have supported him and voted for him. He also thanked his husband who let him serve for the three years. He also gave a special thank you to all the employees of the Town who made this job easier. We have an incredible staff and these people have been a pleasure to work with.

Austin Knight – Wants to remind people that the first group he met with was the Department of Revenue. The Department of Revenue was going to put the Town into receivership as they were not happy with the Town's status. This was turned around and our bond rating increased. We had a condemned Town Hall and we had to turn this around.. We heard from tourists with challenges and we built facilities for them. The streets have been paved. Last year we purchased the VFW but we came with a vibrant plan. There is opportunity coming to the town with several properties we own. We have an 80% tax base with second homeowners and we are also responsible to them. He stands on a team that worked together who brought the town to a place its never been. We have opened the schools to the world. He appreciates the entire Town, everyone that always came together to do the right thing. He looks forward to seeing the next group continue the progress.

Erik Yingling –When he first began as a Selectman, he and other Board members didn't agree on much. We now respect each other. We agree on quite a bit and he has learned a lot from the three that are leaving. Doing this job is about sacrifice. Regarding the Grace Gouveia building, he hears what the public is saying. In his mind there are two Town Meeting votes in favor of selling the building and he doesn't know how we undo that. We are creating three year round resident units for very little money. He has to do what he thinks is right. He wishes we got more bids but the one bid was good. We got back a community benefit which is awesome. He believes this is right for the town, please be respectful and agree to disagree.

Elaine Anderson – She thanked everyone for their words of kindness and stated she will miss everyone. Six years didn't seem like much but there were a lot of accomplishments. Our RFP did ask for highest and best use. The Town Meeting is supreme and their decisions rule and they approved the sale of the building. We are not a lame duck and she assured people the Board is going full steam until May 5, 2014. If a special meeting is necessary to finish any business, we will have one. At our last meeting we acted on something with reseeding the clams and harbor acreage for the aquaculture project. This is in review as we may have made some mistakes. You may be hearing more on that. We do our best and thank you for recognizing this.

4A. PRESENTATION BY AmeriCorps Cape Cod

Selectman Anderson congratulated the Corps on their work. Austin Brandt and Elizabeth Migliore then proceeded to update the Board on their services. AmeriCorps is funded through grants and that money is matched by Barnstable County. Their week is generally 5 days long. There are two service days working either half or a full day. Two days are individual placement days placed with nonprofit or towns across the cape. Austin Brandt works with Brian Carlson, Elizabeth works with the National Sea Shore. Each has an office day where they plan service events. They partner with the Army Corps of Engineers. Mr. Brandt then talked about what AmeriCorps does in Provincetown. They have done work at Shank Painter Pond. They have two more work days planned and are looking at the creation of a new trail and a beach cleanup. Selectman Donegan stated he has had a tour at Shank Painter Pond and is impressed with their work and their enthusiasm. Selectman McChesney stated he remembers AmeriCorps with the start of the dog park. It was an amazing experience.

5A. BOARD OF SELECTMEN APPOINTMENTS - None

6A. AIRPORT COMMISSION – 30% Terminal Design, Variance & Approvals

This is the Massachusetts grant that goes with the Federal grant. This is the last piece for the funding. 2.5% comes out of their budget but Mr. Lisenby, the Airport Manager, does not know the dollar amount of the 2.5% off the top of his head. He will get back to Elaine Anderson with the number.

MOVE that the Board of Selectmen vote to execute a grant in the amount of \$57,904.00 and assurances from the MassDOT Aeronautics Division for the Thirty Percent Terminal Design, Permitting, Variance and Approvals at the Provincetown Municipal Airport.

Motion by: Erik Yingling Seconded By: Austin Knight Yea 5 Nay 0

6B. PROVINCETOWN SCHOOL SIGNAGE REQUEST – Approval of Locations

Superintendent Beth Singer and PTA member Carissa Silva addressed the Board. Superintendent Singer stated that it can be difficult to find the school when people travel up Winslow Street and they don't know where to park. They would like to make it easier for people to find them. Selectman Donegan stated the one sign that concerns him is the one to be located at Conwell and Bradford. He wondered if there was a way to use the signs to direct vehicles onto Shank Painter Road. This may require two signs. There could be a sign on Snail Road directing people to go straight and one on Conwell Street directing them to go left onto Shank Painter. David Gardner pointed out that there are two routes into town, Route 6 and Route 6A. He suggested we eliminate the sign on 6A. Superintendent Singer stated it has been a pleasure to work with the Board. They have been supportive and helpful to the

schools. She hopes the relationship in the future is as strong as it has been in the past.

MOVE that the Board of Selectmen vote to approve the school signage proposal as submitted with the elimination of a sign at Bradford Street and Arch Street and the addition of two directional signs on route Rt. 6.

Motion by: Tom Donegan Seconded By: Austin Knight Yea 5 Nay 0

6C. FUNDING OF MONITORING OF WATERFRONT BEACHES – Harbor Access Gift Fund

Selectman McChesney left the meeting briefly.

MOVE that the Board of Selectmen vote to authorize an amount not to exceed \$20,000 from the Harbor Access Gift Fund to pay for the third and final year of monitoring of the waterfront beaches by the Provincetown Center for Coastal Studies.

Motion by: Austin Knight Seconded By: Erik Yingling Yea 4 Nay 0

6D. AUDITORIUM BEER AND WINE REQUEST – Provincetown Tennessee Williams Theater Festival

Selectman McChesney returned to the meeting.

MOVE that the Board of Selectmen vote, pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer, wine or champagne service in the Town Hall Auditorium as requested by Jef Hall-Flavin on behalf of Provincetown Tennessee Williams Theater Festival, Inc., for an annual dinner fundraiser to be held Saturday, May 31, 2014 6:30 pm to 10:00 pm

Motion by: Tom Donegan Seconded By: Austin Knight Yea 5 Nay 0

6E. TREASURER’S TRANSFER – John Henry Trust Fund

MOVE that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$5976.90 from the John A. Henry Trust Fund for the payment of the attached invoice(s).

Motion by: Erik Yingling Seconded By: Austin Knight Yea 5 Nay 0

7A. SALE OF PROPERTY Approval of Purchase and Sale 26 Alden Street

Selectman Yingling stated the purchase price was \$1.5 million. We are purchasing the deed restriction of three rental units. We are also securing the deed into perpetuity. The subsidy is on the front end at 80% of income. The average Cape Cod cost of a one bedroom affordable unit would be \$300,000 each which makes the

\$115,000 purchase of each a great deal. Hazardous waste is also the buyer's burden. We believe this is the best action for the town.

Move that the Board of Selectmen vote to approve the Purchase and Sale Agreement between the Town of Provincetown and New Boston Ventures, 540 Tremont Street, Suite 8, Boston, MA 02116 for the sale of property for 26 Alden Street, Provincetown

Motion by: Austin Knight Seconded By: Erik Yingling Yea 5 Nay 0

Move that the Board of Selectmen address 7D1, Sale of Property Negotiations update, 46 Bradford Street before 7B, Town Meeting Update, Follow-up actions required to implement votes.

Motion by: Austin Knight Seconded By: Erik Yingling Yea 5 Nay 0

7D1. OTHER – Sale of Property, Negotiations update 46 Bradford Street

This will go back on the market and the next board will decide how to proceed

Move that the Board of Selectmen vote not to accept the proposal submitted by Bill Meadows as the negotiations have failed to secure a public benefit and therefore is not in the best interest of the Town. The proposal offers a purchase price that is less than even half of the assessed value of the property. While the proposer offers some public benefit in terms of providing seasonal workforce housing, the proposer has failed to demonstrate the ability to secure the necessary financing and approvals.

Motion by: Austin Knight Seconded By: Erik Yingling Yea 5 Nay 0

7B. TOWN MEETING UPDATE – Follow-up Actions Required to Implement Votes

The tracking sheet tells about the article and the action taken

7C. TOWN MANAGER FOLLOWUP

We do have Open Meeting Law Training May 14, 2014 in Town Hall. We encourage all board members to attend.

7D. OTHER - None

8A. MINUTES OF BOARD OF SELECTMEN'S MEETINGS -

**Move that the Board of Selectmen approve the minutes of:
March 11, 2014 (Traffic Hearing) as printed.
March 24, 2014 (Regular Meeting) as printed.
April 7, 2014 (Town Meeting) as printed.
April 14, 2014 (Regular Meeting) as printed.
March 24, 2014 (Executive Session OPEN) as printed.**

March 31, 2014 (Executive Session OPEN) as printed.

April 14, 2014 (Executive Session OPEN) as printed.

Motion by: Austin Knight Seconded By: Erik Yingling Yea 5 Nay 0

9. CLOSING STATEMENTS –

Tom Donegan – He spoke to the three retiring selectmen and their accomplishments. A special thanks to Elaine Anderson for stepping up mid-year to take over as chairperson.

David McChesney – As this is his last meeting, he thanks everyone, especially Acting Chief Golden with the animal report, Butch Lisenby for being patient at every Board meeting. And, a special thanks to Elaine Anderson for patrolling all the hedges in town and thank you to all of you

Austin Knight – This is a bittersweet moment. The best of luck to the new Board and the comrades working with them. Thank you

Erik Yingling – Thank you for serving. We have accomplished a lot. Please keep in touch as I'd like to hear from you. Enjoy your time.

Elaine Anderson – Elaine said she will be watching the Board meetings on PTV with her popcorn. Thanks everyone. It has been a pleasure to grow with you and move through the tough spots. She will miss the job but it is a pleasant way to be involved. Thank you.

Motion to adjourn by 8:20 pm. Motion by: Austin Knight Seconded By: Erik Yingling Yea 5 Nay 0

Minutes transcribed by: Mary Timmons April 29, 2014