

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, May 12, 2014 6:18 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Donegan convened the meeting at 6:18 PM, noting the following:

Board of Selectmen attending: Tom Donegan, Erik Yingling, Robert Anthony, Cheryl Andrews and Raphael Richter.

Other attendees: Acting Town Manager David Gardner

Recorder: Leif D. Hamnquist

Tom Donegan chairs the meeting.

1A. PUBLIC HEARINGS – None

2A. PUBLIC STATEMENTS

Barbara Rushmore stated it was a pleasure to see the new Board. She then presented an article regarding Rules of Police Behavior from Peale. She also wanted to insist that since the Town of Provincetown has banned pesticides that we should get the Town of Truro to end their use of pesticides.

Mary-Jo Avellar spoke of her experience and the need for the Board to quickly act on hiring a new police chief. She spoke briefly about the Citizen's Police Academy and stated she sees positive changes within the police department and their interactions with the community. She then argued that sidewalks past Point St should not be widened to save parking spots. She concluded with congratulations to newly elected selectmen.

Ann Marie Piccerelli spoke to the Board about an issue she presented at the last traffic hearing. There seems to be some issue about the placement of the line at 14 Nelson Avenue. She has been in contact with Acting Town Manager David Gardner and DPW Director Rich Waldo regarding this so this issue will be corrected. She asked the Board for their help with the matter.

Fire Chief Michael Trovato was notified in January there would be a new business on Shank Painter Road which has now opened. He explained the new owner put in planters for trees, taken away the curb cut. He is concerned because now there is no shoulder which could cause issues. He expressed concerns that the curb cuts would not be adequate to support deliveries and fire trucks which poses a public safety hazard. He says the trees they are being made to plant will grow into the wires.

David Sanford is the new owner of a Pet Resort at 79 Shank Painter Road. He contended that the work being imposed on him by the Town would eliminate parking spots at his property. He agrees with Chief Trovato this creates a public safety hazard.

Elizabeth Athineos explained her new business at 63 Shankpainter, a bike shop, is being

impeded by the work the town has forced her to do. She explained that the new planters do not allow large trucks to make deliveries to the property and that deliveries will have to be left in the street. She has been in contact with Deputy DPW Director Eric Larson from the DPW and Town Planner Gloria McPherson about how to proceed with Planning Board decisions. She is being given mixed messages first being told to stop the work, then that she couldn't get a permanent permit unless she finished the work.

Adam Erinburgh expressed his concerns about the planned planter beds that are being proposed along Shankpainter Road. Who will maintain them the Town or property owners.

3A. SELECTMENS STATEMENTS

Cheryl Andrews is excited to be back on the Board. Her top priority is revisiting the decision about selling the Community Center. She plans to take community housing as a high priority while recognizing that finding a new Town Manager is job one. She stated that in 5 days we will have the 10 year anniversary of the decision which gave the right to same sex marriage. She recounted some of the history and congratulated all those celebrating this week. She requested the following items for future agendas: Shank Painter Road; see an updated schedule from Mark Morris; reviewing the Rental Certificate Program; discussing the possibility of not having a fall town meeting, and adoption of the rules of procedure

Robert Anthony would like to thank everyone for coming out to the polls to vote. He stated his goal towards greater transparency to lessen the need to go to town council. He also agreed that the work on Shank Painter Road needs and agenda item. The new Board has the right minds to move Provincetown forward and that it is important to put the past behind. He is please and honored to be on the Board.

Raphael Richter thanked everyone who supported him last year and got him elected this year. He would like to keep the dialogue moving towards a greater cohesion within the Town. He stated that he graduated from Provincetown High School and loves his home town but recognizes the crossroads that Provincetown is at right now. He expressed the need for year around housing to create a better Provincetown. He touched on how future planning and financing should include a 10 year outlook. He joined his fellow Board members regarding the need to address the Shank Painter Road issues.

Erik Yingling congratulated the new Board members and expressed how Selectmen Anthony should consider being the police department liaison. He joked that Raphael is now the youngest member by far. He addressed concerns about the water issues and would like to talk to Truro about water management.

Tom Donegan began with a story about the election night and went home feeling extremely optimistic about the new Boards diverse experience. He looks forward to working more collaboratively with the community. It is the needs of the Town that are most important. He addressed the Shank Painter Road issues and the need to work it out for the best outcome for the Town. He explained that an investigation is under way for theft of murals at the Provincetown Library. He stated the need for better housing and listed three sites where rentals could become available. He proposed a joint meeting with the Housing

Council and hopes to agree upon a site to get more housing. He stated that OML training is on Wednesday, May 14, 2014 and encouraged people to attend. He concluded that a more collaborative process is what he would like to see within the board and he looks forward to working with the other member

4A. JOINT MEETINGS – None

5A. BOARD OF SELECTMEN APPOINTMENTS

Jeffrey Haley appeared before the Board and explained his experience. Selectmen Andrews stated that because this specific appointment was not listed on the agenda, she will abstain. Selectman Donegan noted the application was in the posted packet and the appointment was in order. Chairmen Donegan expressed concerns of people serving on the ZBA that have real estate ties because of conflict of interest recusals. Selectmen Richter agreed with Selectmen Andrews but could still proceed.

***Move that the Board of Selectmen vote to appoint Jeffrey A. Haley as a regular member of the Zoning Board of Appeals with a term to expire on December 31, 2015.
Motion by: Erik Yingling Seconded By: Raphael Richter Yea 4 Nay 0 Abstain 1
(Cheryl Andrews)***

6A. COASTAL COMMUNITY RESILIENCE GRANT PROGRAM

Brian Carlson appeared before the Board presenting the scope of the Coastal Community Resilience Grant from the State of Massachusetts and explained the scope of the grant. Selectmen Richter asked Mr. Carlson to explain the financial side of the grant and the Board discussed how the money was being allocated. Mr. Carlson stated the Town would be responsible for a 25% match which could be in-kind. After in-kind the Town would be responsible for about \$9,000.

Selectmen Andrews was concerned about the present staffing levels for the Town and how many man-hours this would take. Mr. Carlson couldn't give an actual man-hour amount. She also explained how she will not be voting yes on the agenda item. Staffing is her main concern and their being over-worked. Selectman Anthony said we do need a beach management plan and he is in favor.

Move that the Board of Selectmen vote to approve the Coastal Community Resilience Grant from the State of Massachusetts office of Coastal Zone Management in the amount of \$100,000.

Motion by: Erik Yingling Seconded By: Raphael Richter Yea 4 Nay 1 (Cheryl Andrews)

6B. MUNICIPAL ENERGY MANAGER – GREEN COMMUNITIES PROGRAM GRANT

Mr. Carlson explained the need for the Town to have an energy manager to help the town save money and reduce energy costs. Selectmen Yingling expressed concerns about adding a new full time Town employee. Acting Town Manager David Gardner explained

this is a non-union position and doesn't need to be a permanent. This would also help bolster the environmental department to address the needs of the Town. Mr. Carlson said it would help alleviate some of the burden on staff. Annual savings estimates would be between \$53,000 to about \$93,000 annually based on the work. Selectmen Yingling asked if the town could actually post a position that may be a temporary two year position. Mr. Gardner said this is not uncommon to post a position in this manner.

Selectmen Richter reiterated the concern of taking on a new full time staff member being added to payroll. He wants to know the level of experience this person would have to have and the salary. He is in support of one year but having this as a full staff position concerns him. He is uncomfortable voting for a two year period. Selectmen Anthony would like to see the position filled for two years, only, then reassess.

Chairmen Donegan asserted the danger of living downwind of a nuclear power facility and that the town needs to address energy issues that could potentially restrict the need for such facilities. Until we become more green we will still have the Pilgrim Nuclear Power Plant. Mr. Carlson said the first year is covered in full, and the Town would have to qualify for the second year.

Move that the Board of Selectmen approve and accept the grant award in the amount of \$50,000 for year one and \$35,000 for year two from the State of Massachusetts Department of Energy Resources Green Communities Division to fund the first and second year of a Municipal Energy Manager position.

Motion by: Raphael Richter Seconded By: Erik Yingling Yea 4 Nay 1 (Cheryl Andrews)

6C. MONTHLY POLICE REPORT

Acting Police Chief Golden outlined the events that took place in April, 2014. Mr. Golden provided some history about police principles, stating those same principles are still in use. The summer officer training began this week and the officers will be out and about learning the lay of the land. He informed the Board that due to the popularity of the RAGNAR event the department was flat out.

Selectmen Andrews questioned the Acting Chief as to how long the monthly police report has been presented to the Board. The Acting Chief stated this was his twelfth time providing a report to the Board. Selectmen Andrews stated she enjoys the report but is concerned about the Acting Chief's time. Acting Chief Golden stated it is valuable to continue to have these monthly meetings.

Selectman Donegan believes the opportunity to talk to the Acting Chief is invaluable. He has heard nothing but good things about the police department's staff. Selectmen Richter reiterated Chairmen Donegan's sentiments and believes that Acting Chief Golden is the main reason behind the shift in policy within Provincetown Police Department. Selectmen Anthony encouraged the Chief to keep the reports coming and enjoys the transparency and dialogue it offers.

6D. SURPLUS EQUIPMENT

Chief Golden explained that he was able to find good trade in value for a 2009 Crown Victoria and just needs the board to approve the trade in.

MOVE that the Board of Selectmen vote to declare as surplus pursuant to Provincetown General By-Laws Chapter 6-4-6, and to authorize the Acting Chief of Police to dispose of the vehicle by trade-in, a 2009 Ford Crown Victoria former police cruiser VIN # 2FAHP71V89X104466

Motion by: Raphael Richter Seconded By: Erik Yingling Yea 5 Nay 0

6E. PARADE PERMIT REQUEST – Harbor to the Bay Aids Ride

MOVE that the Board of Selectmen vote to approve the Parade Application Permit submitted by James Morgrage, 209 Columbus Ave, Boston, MA on behalf of the Harbor To the Bay Aids Ride to be held on Saturday, September 20, 2014, starting at 1:00 P.M. to 6:30 P.M.

Motion by: Raphael Richter Seconded By: Erik Yingling Yea 5 Nay 0

6F. PARADE PERMIT REQUEST – Yankee Lambda Car Club

MOVE that the Board of Selectmen vote to approve the Parade Application Permit submitted by Michael Skiles, Jr., 30 Bellevue Avenue, Winthrop, MA on behalf of the Yankee Lambda Car Club to be held on Saturday, September 6, 2014, starting at 2:00 P.M. to 3:15 P.M.

Motion by: Raphael Richter Seconded By: Erik Yingling Yea 5 Nay 0

6G. AUDITORIUM BEER AND WINE REQUEST – Portuguese Festival

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 Don Murphy, for the Provincetown Portuguese Festival to be held on Saturday, June 28, 2014 (12:00 pm to midnight).

Motion by: Raphael Richter Seconded By: Erik Yingling Yea 5 Nay 0

6H. AUDITORIUM BEER AND WINE REQUEST – PBG Carnival Concert

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 Erin Atwood, on behalf of Provincetown Business Guild, for the Carnival Concert event to be held on Wednesday, August 20, 2014 (8:00 pm to 10:00 pm).

Motion by: Raphael Richter Seconded By: Erik Yingling Yea 5 Nay 0

6I. BOARD OF SELECTMEN CALENDAR

Chairman Donegan proposed that meetings be held on Monday morning. Discussion about when meeting materials are available for pickup and when agendas are posted were discussed. Selectmen Yingling asked if the Board members would be available to attend Rex Peterson's memorial and whether flowers were sent to the family.

7A. FY2015 TOWN-WIDE GOAL SETTING PROCESS

Selectmen Andrews expressed concern that the public finds it awkward that since something is not on an agenda that means they cannot express their thoughts. She believes the Board should have a process or an extra couple meetings to get citizens more involved in goal setting process.

Selectmen Yingling liked the idea of being able to get feedback on the Boards goals from the Town, staff and the public at large. Chairmen Donegan suggested that on the June 9th meeting to reopen the public statement portion of the meeting for that agenda item. David Gardner gave options as to how the Board should post and arrange their meeting to allow people to give their opinions about the goals of the selectmen.

Move that the Board of Selectmen vote to adopt the timetable for FY 2015 Annual Town-wide Goal Setting Process as follow:

May 12 – adopt schedule, review prior year goals

May 27 – Selectmen provide comments on goals to Town Manager

June 9 – Goal setting exercise on the draft goals/Special Public Comments to take citizen input on setting our Annual Goals.

June 23 – Final Draft approved for publication

July 28 – Public hearing on the FY2015 Town-Wide Goals

Motion by: Erik Yingling Seconded By: Raphael Richter Yea 5 Nay 0

7B. TOWN MANAGER FOLLOWUP

The Board discussed the way road lines were drawn on Nelson Avenue regarding complaints about not being able to access mailboxes. Selectmen Andrews stated that the problem could be rectified with staff direction and doesn't need a new hearing if it is still within the intent of the traffic hearing.

David Gardner told the Board they lost their Cape Water Collaborative representative with Austin Knight not being on the Board. David Gardner suggested that Chairman Donegan could easily take Mr. Knights spot. The Board discussed various intergovernmental organizations in which they could partake and may need to have a representative to attend. Selectmen Andrews conveyed her experience on the Cape Water Collaborative and would not like to see the Town pay a staff member to attend these meetings. Selectman Donegan would like to see representatives from the Planning Board to go to the Cape Cod Commission and representatives from the Water and Sewer Board to go to the Cape Water Commission

7C. OTHER -- None

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

Move that the Board of Selectmen vote to approve the minutes of:

April 28, 2014(Regular Meeting).

April 28, 2014(Special Meeting).

April 28, 2014(Executive Session OPEN).

Motion by: Erik Yingling Seconded By: Tom Donegan Yea 2 Nay 0 Abstain 3

9A. CLOSING STATEMENTS -- None

10. Executive Session

Move that the Board of Selectmen vote enter into executive session under MGL c30A Sec. 21 (1) Cause 1,

Motion by: Tom Donegan Seconded By: Erik Yingling

Selectmen Andrews brought up the issue that the Board may be entering into executive session under the wrong clause within Mass General Law. The Board discussed whether the legality of entering into executive session is warranted. David Gardener told the Board that Town Counsel attested that clause was the wrong clause unless there was another complaint about the individual to be discussed in executive session. Motion withdrawn

Move that the Board of Selectmen vote pursuant to MGL c30A Sec. 2 (a) Cause 3 to go into executive session to discuss strategy with respect to pending litigation regarding the Marcum Investigation. The chair declares an open meeting may have a detrimental effect on the litigating position of the Board of Selectmen and not to reconvene in open session.

Motion by: Erik Yingling Seconded by: Cheryl Andrews
(Roll Call Vote)

Tom Donegan: yes

Erik Yingling: yes

Bobby Anthony: yes

Cheryl Andrews: yes

Raphael Richter: yes

Yea 5 Nay 0 Motion passes

Tom Donegan and Raphael Richter declared that they will recuse themselves from the executive session discussion and left the meeting.

The board convened into executive session at 9:00 PM.

Minutes transcribed by: Mary Timmons May 21, 2014