



Meeting Agenda

The Provincetown Board of Selectmen will hold a public meeting on Monday, August 08, 2016, at 6:00 p.m. in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

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

- A. *Parade Permit submitted by Paul Curley, on behalf of the American Lung Association for the 32nd Annual Autumn Escape Bike Trek to be held on Sunday, September 25, 2016, from 10 a.m. to 3 p.m.*
- B. *Appoint Jennifer Rumpza (Recycling & Renewable Energy Committee) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*
- C. *Appoint Thomas Coen (At-Large) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*
- D. *Appoint Regina Binder (At-Large) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*

1. Public Hearings - Votes may be taken on the following items:
2. Public Statements – Three (3) minutes maximum. Selectmen do not respond to Public Statements.
3. Selectmen’s Statements – Initial comments from the Selectmen. Discussion dependent-votes may be taken.
4. Joint meeting / Presentations - Votes may be taken on the following items:
 - A. Update on Performance Metrics from the Collins Center for Public Management at the University of Massachusetts Boston – Georgia Hollister Isman, Government Analytics Consultant.
5. Appointments - Votes may be taken on the following items:
 - A. Appointment of Curtis Balom as an Alternate member of the Beautification Committee with a term to expire December 31, 2018.
6. Requests - Votes may be taken on the following items:
 - A. Shank Painter Road Design Contract – DPW Director Richard Waldo & James Fitzgerald, P.E. for Environmental Partners Group.
 - B. Performance Review of Town Manager David B. Panagore. – Board of Selectmen
 - C. Discussion and Approval of the FY2017 Performance and Compensation Process for Town Manager David B. Panagore – Board of Selectmen.
 - D. Review and discussion of Town Business Calendar – Town Manager David B. Panagore.

- E. Proclamation for Kiehl's LifeRide for the amfAR Day to be held on Tuesday, August 9, 2016 with the ceremony to be held from 9:00 a.m. to 12:00 p.m. at 200 Commercial Street, Provincetown, MA.
 - F. Summary Update on the Board of Selectmen's Round Table Meeting held on Friday, July 29th regarding the Year-round Market Rate Rental Housing Trust Fund – Chairman Raphael Richer.
7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
- A. Update regarding the Barnstable County Fire Training Academy. – Town Manager David B. Panagore.
 - B. Review and Discussion of the Process regarding an RFP for the Old Community Center at 46 Bradford Street. – Town Manager David B. Panagore.
 - C. Town Manager's Report – Administrative Updates.
 - i. Contract Extension of Interim Finance Director Ruth Lewis.
 - D. Others – Other matters that may legally come before the board not reasonably anticipated by the Chair 48 hours before the meeting. Votes may be taken.
8. Minutes – Approve minutes of previous meetings. Votes may be taken.
9. Closing Statements/Administrative Updates - Closing comments from the Selectmen. Discussion dependent; motions may be made; votes may be taken.
- A. *Thank you letter to Saverio M. Fato for donation given to the Fireworks Gift Fund.*
 - B. *Thank you letter to Shepard G. Schwartz for donation given to the Fireworks Gift Fund.*
 - C. *Thank you letter to Carrie Notaro who resigned from the Recreation Committee effective July 26, 2016.*
 - D. *Letter to Governor Charles Baker, Jr. regarding the Economic Development Bill.*
 - E. *Letter to Lt. Governor Karyn Polito regarding the Economic Development Bill.*



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

00

CONSENT AGENDA

Approval required for the following items:

Requested by: BOS Chair Raphael W. Richter

Action Sought: Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to approve items listed on the consent agenda as submitted.

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

- A. *Parade Permit submitted by Paul Curley, on behalf of the American Lung Association for the 32nd Annual Autumn Escape Bike Trek to be held on Sunday, September 25, 2016, from 10 a.m. to 3 p.m.*
- B. *Appoint Jennifer Rumpza (Recycling & Renewable Energy Committee) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*
- C. *Appoint Thomas Coen (At-Large) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*
- D. *Appoint Regina Binder (At-Large) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*

Additional Information

See attached documents.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

00A

PARADE PERMIT REQUEST

32nd Annual American Lung Association Autumn Fundraiser

Requested by: Paul Curley

Action Sought: Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to approve the Parade Permit Application submitted by Paul Curley, 96 Partridge Circle, Taunton, MA 02780, on behalf of the American Lung Association, 260 W. Exchange Street, Suite 102B, Providence, RI 02903, for the 32nd Annual Autumn Escape Bike Trek to be held on Sunday, September 25, 2016, from 10:00 a.m. to 3:00 p.m.

Additional Information

See attached application and route.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

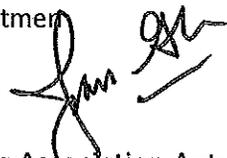
Town of Provincetown

James F. Golden
Chief of Police
jgolden@provincetown-ma.gov



Police Department

26 Shank Painter Road
Provincetown, MA 02657
Phone: (508) 487-1213
Fax: (508) 487-4077
www.provincetown-ma.gov

To: Provincetown Board of Selectmen
From: Chief of Police James Golden 
Subject: 32nd Annual American Lung Association Autumn Fundraiser
Date: July 21, 2016

Please know that I have reviewed the parade application for the 32nd annual American Lung Association Autumn Fundraiser on Sunday September 25, 2016. They estimate about 300 riders not including vendors, well-wishers, and 20 support vehicles with event staff.

The event is scheduled from 10:00am to 3:00pm and will navigate a route ending at the Veteran's Memorial Community Center at 2 Mayflower Lane. The current route follows the direction of traffic as illustrated below.

- Enter Provincetown on US Route # 6 East from Truro Town Line
- Left Turn onto Shankpainter Road
- Immediate Left turn onto Jerome Smith Road
- Follow Jerome Smith Road to Winslow Street
- Turn right on Winslow Street
- Follow Winslow Street ending at Veteran's Memorial Community Center

They will need to be escorted for this route and have agreed to hire 3 detail Police Officers for this timeframe as this event cannot be supported by shoulder season shift staffing.

Three (3) police officers will be needed to execute the road closure on Winslow Street.

- One at Winslow Street and Jerome Smith Road
- One at Winslow Street and High Pole Hill.
- The additional police officer will be needed to cover the finish line, facilitate access to Jerome Smith Lot and relieve the other two for breaks and hydration.

Labor estimate for three (3) police officers from approximately 10:00am to 2:00pm would cost them approximately \$552.00. In the event the special duty coverage exceeds a 4-hour block then the cost would rise to approximately \$1104.00.

If, on the date of the event, in opinion the of our Police Supervisor in-charge if more police officers are needed to address public safety concerns in greater numbers than those present, additional officers will be detailed at the expense of petitioner with no advance notice required.

Could you please remind them to contact Lisa Cook at the Police Department about 2-3 weeks before the event to make arrangements for the officers?

This event is recommended for inclusion to the consent agenda.

Please let me know what questions you may have.

RECEIVED ✓
BOS - ~~Vernon~~ 70

JUL 18 2016

CC: BOS/TM/ATM

Town of Provincetown Parade Permit Application

Note: *This form must be submitted to the Board of Selectmen's office at least six weeks prior to the date of your event.*

Applicant's Name: American Lung Association
Address: 260 W. Exchange St., Ste. 102B Phone: 781 314 9004
City/Town: Providence State: RI Zip Code: 02903
Email: biketrek@lungne.org

Applicant is: Private Individual Business Non-Profit Corp

Individual Responsible: Name: Paul Curley
Address: 96 Partridge Cir., Taunton, MA 02780
Phone: 508 942 4621
Email: curleypwts@aol.com

Will charges or fees be collected? Yes No

Name & Purpose of Parade: 32nd Annual Autumn Escape Bike Trek

Date of Parade: Sunday, September 25th 2016 Rain Date (if any): _____

Schedule: Start Time: 10 am Finish Time: 3 pm

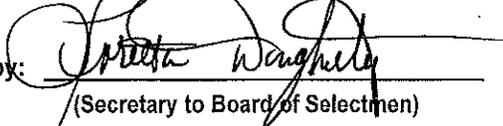
Number of Marchers: 300 cyclists Number of Vehicles: 20

Events with amplified sound, entertainment, alcohol or food service MUST obtain Licensing Department approvals. Noise bylaw waiver applications required minimum 60 days prior to your scheduled event.
(Please indicate actual or estimated.)

Note: Use the attached map, highlight and provide a written plan of parade route including assembly and disassembly locations, special parade features or events as well as stopping locations if any are requested.

The undersigned applicant agrees that the applicant and parade participants will conform with applicable laws, by-laws, and regulations as well as with special requirements that may be made a condition of the granting of a parade permit pursuant to this application. I/we agree to hold the Town of Provincetown harmless from any and all liability and will defend the Town of Provincetown in connection therewith

Signature of Applicant:  Date: 7/18/2016

Application received by:  Date: 7.18.2016
(Secretary to Board of Selectmen)

CONDITIONS and REQUIREMENTS

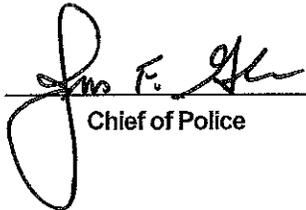
It is the obligation of applicants, organization(s) and responsible individuals to assure that their parade(s) is (are) orderly. Unless specifically authorized, there will be no parades held during the hours of darkness and no stopping of the parade to advertise or perform.

All parades will be assigned and will follow a police cruiser on the approved route. If the Chief of Police deems it necessary to assign additional officers as part of the parade permit, then the cost of such special duty officers will be borne by the applicant.

Any violation of applicable laws, by-laws, regulations, the above requirements, and/or special requirements made a condition of the granting of a Parade Permit will be grounds for immediate revocation of the Parade Permit, prosecution, and denial of future parade permissions.

PARADE ROUTE. SPECIAL CONDITIONS. REQUIREMENTS. ETC. (Please PRINT or TYPE and allow margin space)

APPROVALS



Chief of Police

Date 07-21-2016

Board of Selectmen

Chairman, Board of Selectmen

Selectman

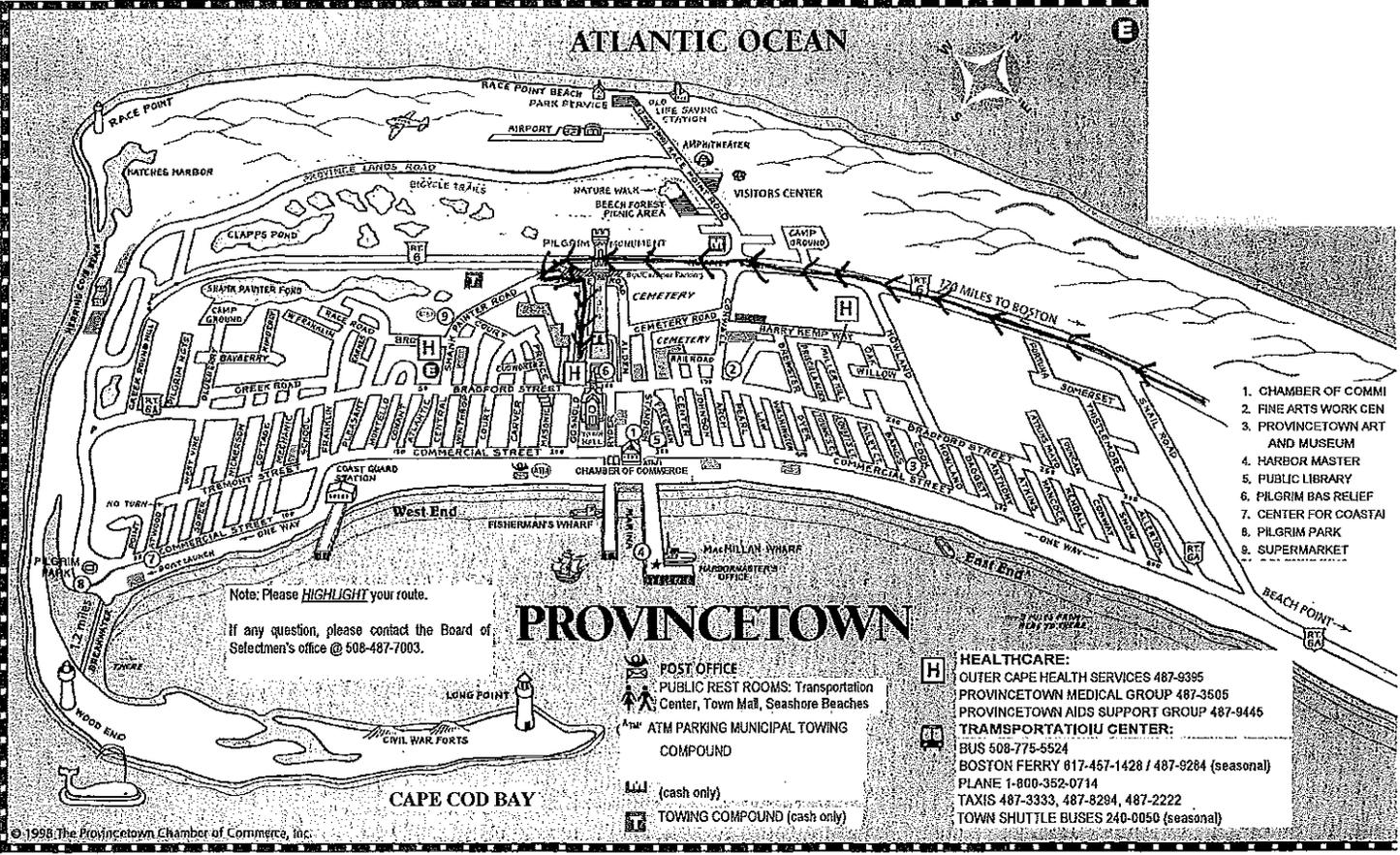
Selectman

Selectman

Selectman

Date: _____

Please highlight your Parade Route on the Map



1. CHAMBER OF COMMI
2. FINE ARTS WORK GEN
3. PROVINCETOWN ART AND MUSEUM
4. HARBOR MASTER
5. PUBLIC LIBRARY
6. PILGRIM BAS RELIEF
7. CENTER FOR COASTA
8. PILGRIM PARK
9. SUPERMARKET

Note: Please **HIGHLIGHT** your route.
 If any question, please contact the Board of Selectmen's office @ 508-487-7003.

- POST OFFICE
- PUBLIC REST ROOMS: Transportation Center, Town Mall, Seashore Beaches
- ATM
- PARKING MUNICIPAL TOWING COMPOUND
- (cash only)
- TOWING COMPOUND (cash only)

- HEALTHCARE:**
- OUTER CAPE HEALTH SERVICES 487-9395
- PROVINCETOWN MEDICAL GROUP 487-3605
- PROVINCETOWN AIDS SUPPORT GROUP 487-9445
- TRANSPORTATION CENTER:**
- BUS 508-775-5524
- BOSTON FERRY 617-457-1428 / 487-9284 (seasonal)
- PLANE 1-800-352-0714
- TAXIS 487-3333, 487-8294, 487-2222
- TOWN SHUTTLE BUSES 240-0050 (seasonal)

© 1998, The Provincetown Chamber of Commerce, Inc.

Go (Mile)	To (Mile)	Signs	Direction	Location (roads of travel in Bold)	Landmarks	Fastest	Slowest
Truro							
1	24.8		straight	on Old County Road			
1.8	26.6		bear right	onto Depot Road	Prince Valley Rd on right	9:12	10:24
0.5	27.1		straight	onto Parnet Road			
0.1	27.2		left	onto N. Parnet Road	slight jog, under Rt 6		
0.1	27.3	SIGN	left	onto Ramp to Rt 6 East			
0.1	27.4	ss	bear right	onto Rt 6 East	dirt road group goes straight		
2.5	29.9		right	onto South Highland Rd	Caution heavy traffic		
1	30.9		straight	on South Highland Rd	sign for camping		
0.2	31.1		straight	on South Highland Rd	Horton's Campground on right		
0.1	31.2	SIGN	left	onto Highland Rd	entrance to museum, on right		
0.8	32	SIGN	left	onto Ramp to Rt 6 East			
0.1	32.1		bear right	onto Rt 6 East			
0.4	32.5	SIGN	right	onto Head of Meadow Road	Caution heavy traffic		
0.9	33.4		straight	into Rest Stop #3, Beach Parking Lot			
0	33.4		exit	100 Head of the Meadow Rd., Truro, MA 02657		9:33	11:18
1.9	35.3		left	onto Head of the Meadow Bike Trail	narrow and bumpy in places		
0.3	35.6		bear right	onto High Head Road	dirt road		
0.3	35.9	ss	right	onto Rt 6 East	becomes paved		
1.7	37.6		straight	on Rt 6 East	Caution heavy traffic		
P-town					town line	9:48	11:42
2	39.6	lights	straight	on Rt 6 East			
0.5	40.1	BL - S	left	onto Shank Painter Rd	at Conwell/Race Point Road	9:54	11:54
0.1	40.2		left	onto Jerome Smith Rd	cemetery on left		
0.1	40.3		right	onto Winslow St	cemetery on left		
0.3	40.6		right	into Community Center	Finish Day 3	10:00	12:00
				8 Winslow St., Provincetown, MA 02657			



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

00B

APPOINTMENT

Local Comprehensive Planning Committee

Requested by: Gloria McPherson, Town Planner

Action Sought: Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to appoint Jennifer Rumpza (Recycling and Renewable Energy Committee) to the Local Comprehensive Planning Committee, with a term to expire on September 14, 2017.

Additional Information

See attached.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Loretta Dougherty

From: Gloria McPherson
Sent: Wednesday, July 27, 2016 9:54 AM
To: Loretta Dougherty
Subject: LCPC reps

Jen Rumpza (replacing Anna Meade, who resigned, as representative of the Recycling and Renewable Energy Committee)
Tom Coen
Regina Binder

(Tom and Ginny aren't representing a Board or Committee, but we've had 2 vacancies for almost a year (Cultural Council and Water and Sewer Board) and Tom and Ginny actually want to serve on the LCPC. I need members who will actually show up)

G

Gloria McPherson
Town Planner
Town of Provincetown
508.487.7000 x553

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Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

OOC

APPOINTMENT

Local Comprehensive Planning Committee

Requested by: Gloria McPherson, Town Planner

Action Sought: Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to appoint Thomas Coen (At-Large) to the Local Comprehensive Planning Committee, with a term to expire on September 14, 2017.

Additional Information

See attached.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Loretta Dougherty

From: Gloria McPherson
Sent: Wednesday, July 27, 2016 9:54 AM
To: Loretta Dougherty
Subject: LCPC reps

Jen Rumpza (replacing Anna Meade, who resigned, as representative of the Recycling and Renewable Energy Committee)

Tom Coen

Regina Binder

(Tom and Ginny aren't representing a Board or Committee, but we've had 2 vacancies for almost a year (Cultural Council and Water and Sewer Board) and Tom and Ginny actually want to serve on the LCPC. I need members who will actually show up)

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508.487.7000 x553

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Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

OOD

APPOINTMENT

Local Comprehensive Planning Committee

Requested by: Gloria McPherson, Town Planner

Action Sought: Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to appoint Regina Binder (At-Large) to the Local Comprehensive Planning Committee, with a term to expire on September 14, 2017.

Additional Information

See attached.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

1

PUBLIC HEARING

Requested by: Board of Selectmen

Action Sought: Discussion/Approval

Proposed Motion(s)

None.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

2

PUBLIC STATEMENTS

Requested by: Board of Selectmen

Action Sought: Open

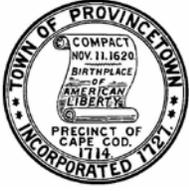
Proposed Motion(s)

Three (3) minutes maximum. Selectmen do not respond during Public Statements.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

3

SELECTMEN'S STATEMENTS

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Motions may be made and votes may be taken.

Tom Donegan

Cheryl Andrews

Robert Anthony

Erik Yingling

Raphael Richter

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

4A

PRESENTATION

Collins Center for Public Management at the University of Massachusetts Boston

Requested by: Government Analytics Consultant Georgia Hollister Isman

Action Sought: Update

Proposed Motion(s)

Discussion dependent. Votes may be taken.

Additional Information

See attached.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

The Collins Center Project Outline- 2016

Step 1: Conduct Interviews with Department Heads

An analyst would come to Provincetown for a day with the goal of meeting 1-on-1 with as many Department Heads as possible. The objective would be to interview them about what data they collect and how, how and if they are already using it to manage their teams, and how accessible that data is. The project team would also aim to build relationships and figure out who might be a good candidate to do some example work with.

Step 2: Training on Data Collection, Sources, Cleaning

Two analysts would train department heads on sources of data, collection, and cleaning, with a focus on identifying data that will contribute to useful performance measures. Discussion conducted in the training would look at what data is already available, drawing on previous interviews. Department heads would have “homework” to identify, export, and look at existing data that could be useful as a performance measure. The project team recommends two 3-hour sessions, morning and afternoon, tracked by level of existing data work.

Step 3: Review Existing Data

An analyst would spend time looking at the data sent by up to six departments and creating a few graphs for use in the training and to further spark department thinking and focus department data work.

Step 4: Do a Demo Analysis Project

An analyst would work with one or two departments (depending on the complexity) that are motivated to conduct a more in depth analysis that would be of real and immediate use. This analysis would also serve as a case study for the following training.

Step 5: Performance Management Training

Two analysts would prepare a training for department heads, including examples from Provincetown’s own data and an in depth look at the work done for the one or two departments. The focus would be on refining performance measures and beginning to use them in management. Again, morning and afternoon groups will allow for robust discussion. The training will end with identifying next steps for all participating departments.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

5A

BOARD OF SELECTMEN APPOINTMENT

Beautification Committee

Requested by: Town Clerk Doug Johnstone

Action Sought: **Approval**

Proposed Motion(s)

Move that the Board of Selectmen vote to approve Curtis Balom be appointed as an Alternate Member to the Beautification Committee with a term to expire on December 31, 2018.

Additional Information

See attached application. He will be filling the vacancy that Allan MacKinnon left when he moved to a Regular member position.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: Curtis Balom
Please type or print

Resident Address: 7 Arch Street Provincetown, MA 02657

Mailing Address (if different): _____

Telephone #: 917 803 8600 Work # (____) _____

Email address: curtis@balom.com

Please consider this as my application for membership [] reappointment on the following Town Board(s).
(Please list order of preference.)

1. Beautification Committee (alternate)
2. _____
3. _____

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

Fairly extensive experience with home gardening; member of community garden;
work as copy writer in branding industry

I hereby certify that I am a resident of the Town of Provincetown.

Curtis Balom
Signature of Applicant

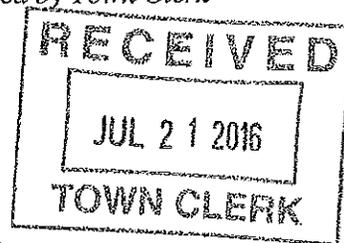
7-21-2016
Date

TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

Town Clerk Certification: Applicant is a registered voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>D. Stone</u> Name of Town Clerk	This application will remain on file in the Town Clerk's Office for 364 days from the date received. Application Termination Date: <u>7-20-2017</u>
--	--

Date Received by Board of Selectmen

Date Received by Town Clerk



Beautification Committee				
	First	Last	Position	Term End
1	Allan	MacKinnon		12/31/17
2	John	Krajovic		12/31/17
3	Frank	Vasello		12/31/16
4	Anika	Costa	Vice Chair	12/31/18
5	Bill	Docker	Chair	12/31/17
Alt	AM 7/25/16			12/31/18

Alternate *

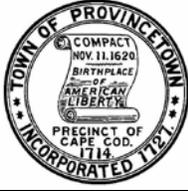
Loretta Dougherty

From: Doug Johnstone
Sent: Tuesday, July 26, 2016 9:05 AM
To: David Panagore
Cc: Loretta Dougherty; David Gardner; bdocker@comcast.net
Subject: Application to Join Beautification Committee
Attachments: Balom Application.pdf; be.xls

FYI – Attached please find an application to join the Beautification Committee submitted by Curtis Balom, who seeks to fill the alternate member vacancy due to the recent appointment moving Allan MacKinnon from an alternate to a regular member on the Beautification Committee. The Selectmen have the authority to appoint the vacancy (highlighted in yellow on the roster attached) should they choose to do so.

Please add to the Selectmen's agenda for their consideration.

Thank you.
dj



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

6A

SHANK PAINTER ROAD

Preliminary Design Contract

Requested by: DPW Director Richard J. Waldo, P.E.

Action Sought: Discussion & Approval

Proposed Motions

Move that the Board of Selectmen vote to approve design Contract with Environmental Partners Group Inc. in the amount of \$130,700.00 for a concept development and preliminary design of Shank Painter Road.

Additional Information

Funding for this project was approved at the 2016 April Town Meeting Article 18-11, Shank Painter Road Concept Development and Preliminary Design Phase - \$131,700.

After contract execution, the remaining appropriation of \$1,000 will be used towards Police Detail during site investigation and soil testing.

Please see attached contract and project presentation.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**PROVINCETOWN DEPARTMENT OF PUBLIC WORKS
PROVINCETOWN, MASSACHUSETTS**

**AGREEMENT
FOR
ENGINEERING AND SUPPLEMENTAL SERVICES
IN CONNECTION WITH
SHANK PAINTER ROAD REHABILITATION**

July 2016

THIS AGREEMENT, made and entered into on the date hereinafter written, by and between the Provincetown Department of Public Works acting through its Public Works Director (hereinafter called the Client), and ENVIRONMENTAL PARTNERS GROUP INC., a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, and having its principal place of business in Quincy, Massachusetts (hereinafter called ENVIRONMENTAL PARTNERS).

WITNESSETH, that in consideration of the mutual agreements herein contained, the parties hereto agree as follows:

SECTION 1. EMPLOYMENT OF ENVIRONMENTAL PARTNERS:

The Client hereby employs ENVIRONMENTAL PARTNERS and ENVIRONMENTAL PARTNERS agrees to perform engineering and supplemental services in accordance with the provisions of the Tasks described in SECTION 3 of this Agreement.

SECTION 2. INFORMATION AND SERVICES TO BE FURNISHED BY THE CLIENT:

The Client will furnish to and shall assist ENVIRONMENTAL PARTNERS in obtaining from municipal and state agencies and private individuals or companies such information and data as is available and pertinent to the work contemplated under this Agreement and provide such services as indicated below. In general, this will consist of the following:

1. Arrange for access to and make all provisions for ENVIRONMENTAL PARTNERS to enter upon public and private properties as required for ENVIRONMENTAL PARTNERS to perform the services under this Agreement.
2. Designate, in writing, persons to act as Client's representative and Project Team members with respect to the services to be rendered under this Agreement.
3. Provide all record plans showing existing Town owned utilities, right of way, and other relevant information, as well as crash data for the most recent complete five years
4. Provide field crew and equipment for test pits as needed for the design of the project.
5. Provide police details as needed periodically during the design of the project including survey and test pits.

SECTION 3. CHARACTER AND EXTENT OF ENGINEERING AND SUPPLEMENTAL SERVICES:

ENVIRONMENTAL PARTNERS shall furnish the following engineering and supplemental services necessary for the preparation of plans, specifications, and cost estimates in connection with the rehabilitation of Shank Painter Road. Work will begin with the preparation of a Functional Design Report, initiating a public outreach program, evaluating alternatives for improvements, Concept Development and preparing the Preliminary Design of the preferred alternative. Following phases of the project will include the Final Design phase, assistance with right-of-way and permitting and construction phase services.

The project is anticipated to begin at Shank Painter Road's intersection with Bradford Street (Route 6A) and extend northerly up to and including its intersection with Route 6, a distance of approximately 2,900 linear feet (0.55 miles). The project limits will include the reconstruction of 400 feet along the eastern Route 6 leg, 100 feet along the western Route 6 leg and 75 feet along each side street approach bringing the total project length to approximately 4,000 linear feet (0.76 miles). The project shall include revising the roadway geometry to provide multi-modal accommodations (including pedestrians, bicyclists and transit), new sidewalks with ADA conforming wheelchair ramps, safety improvements, parking accommodations where appropriate, roadway rehabilitation, drainage improvements, improvements to traffic operations, new signs and pavement markings, streetscape enhancements, and related work.

The design will be based on the standards, design requirements, engineering criteria and directives of the Massachusetts Department of Transportation (MassDOT) and the Town, where applicable and feasible. The Scope of Services shall be apportioned as follows:

- Phase 1 – Concept Development and Preliminary Design
- Phase 2 – Final Design and Bid Package Preparation
- Phase 3 – Engineering Services During Construction

In order to meet these objectives we propose the following Scope of Services:

SCOPE OF SERVICES

I. Phase 1 – Concept Development and Preliminary Design

A. General

1. Environmental Partners will meet with the Town to verify the project limits of the improvement project. A Functional Design Report will be prepared to evaluate existing and future conditions relative to traffic volumes, accidents, roadway condition and multi-modal accommodations. A topographic survey will be performed of the project in order to prepare a surveyed base plan.
2. Public involvement will be solicited through public meetings in order to establish alternatives for improvements. Ultimately one preferred alternative will be selected and advanced through Preliminary Design. The information obtained from this phase will be used to identify and solicit construction opportunities as well as for planning purposes for future development along Shank Painter Road.

B. Traffic Engineering

1. Environmental Partners will research with the Town available pertinent information relative to the proposed project. This will include review of existing plans, traffic information or other documents, and conducting a visual review of the project area to identify deficiencies.
2. A Functional Design Report (Safety and Design Report) will be prepared to evaluate traffic operations and safety along Shank Painter Road and at key intersections. The report shall include traffic data related to traffic volumes and speeds, accident occurrence, turning movements, existing alignment and roadway geometry and other pertinent information in order to comply with the latest MassDOT requirements and to arrive at appropriate design recommendations based on a design year of 2036. The Functional Design Report will include a review of the following four (4) intersections:
 - Route 6 at Shank Painter Road
 - Shank Painter Road at Jerome Smith Road
 - Shank Painter Road at Court Street
 - Shank Painter Road at Bradford Street (Route 6A)

This report will also be required should the Town later seek funding for construction through the State Transportation Improvement Program (STIP) program, requiring submissions to and reviews by MassDOT. If a MassDOT review process is ultimately required during later phases of the project, any additional data and evaluations required by MassDOT will be performed during Phase 2 to supplement the Functional Design Report.

3. Environmental Partners will research available Turning Movement Count (TMC) data at the above intersections relative to peak and off-peak periods of the year. Additional TMC data will be collected at the above intersections in the summer months during typical weekday morning peak hours (7:00 a.m. to 9:00 a.m.), evening peak hours (4:00 a.m. to 6:00 p.m.) and mid-day Saturday peak hours (11:00 a.m. to 2:00 p.m.) to supplement available traffic information. Information collected will include vehicle classification, turning movement, bicycles and pedestrians in 15 minute intervals.
4. Automatic Traffic Recorder (ATR) counts are anticipated to be collected for a typical weekday and Saturday at the following five (5) locations to determine daily vehicular traffic volumes, vehicle classification, and 85th percentile vehicle speeds:
 - Route 6 east of Shank Painter Road
 - Shank Painter Road south of Route 6
 - Shank Painter Road south of Court Street
 - Shank Painter Road north of Bradford Street (Route 6A)
 - Bradford Street (Route 6A) east of Shank Painter Road
5. Accident data recorded at the Provincetown Police Department and MassDOT relative to the subject roadways and intersections will be reviewed and summarized for the five most recent years available. The rate of accidents at each location will be calculated for comparison with state and local district averages. Trends in accident type will be reviewed for consideration of improvements. The data analysis will be used to determine the roadway and intersection design deficiencies. The analysis shall be performed using the latest available data furnished to Environmental Partners by the Town at no cost.
6. This Scope of Services assumes the collection or evaluation of off-peak traffic will not be required. The traffic data will be summarized and projected to reflect anticipated future growth to a design year of 2036 based on available data. Operations will be analyzed at each of the above counted intersections under both current and future traffic volumes using Synchro software. The analysis of peak hour traffic

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volumes will be used to determine what, if any, changes to geometry or traffic control could be made to improve operations under existing and future conditions. The analysis, results and recommendations will be summarized in the revised Functional Design Report (Safety and Design Report).

7. Recommendations for improvements will also be identified in the report. Further, conceptual improvements will be laid out as identified under Conceptual Design below.

C. Topographic Survey

1. Environmental Partners will contract with a survey subconsultant who will be responsible for providing topographic survey data collection and base plan preparation necessary for design of the project. The base plans shall be delivered in AutoCAD format and shall conform to MassDOT standard survey requirements should the pursued project funding require MassDOT review. Survey will include the existing right-of-way and all pertinent physical features for a minimum of 30 feet outside the right-of-way. Survey limits will extend a minimum of 100 feet beyond the above identified roadway project limits. The survey shall include a detailed and accurate grading model, compatible with Civil 3D which will be reviewed by Environmental Partners. Elevations will be provided at the centerline, along roadway edge lines, back of sidewalks to a minimum distance of 30 feet.
2. Utility information will be compiled from record plans and included on the base plans. Locations of all visible existing utilities within the right of way and invert elevations of all accessible catch basins and drain manholes will be provided. Pipe sizes, outlet pipes and direction of flow will be shown. This Scope of Services assumes that any other subsurface utility information to be shown will be based on using available record information provided by the Town or obtained from the private utility companies. All utility information will be included on the base plans.
3. Right of Way information will be researched and compiled from the Assessors' office, Department of Public Works, MassDOT and Registry of Deeds to obtain available information relative to roadway layout lines, property lines and baseline information. All horizontal and vertical control will be connected to the Massachusetts Grid System by GPS. Property sidelines will be shown in approximate locations based on available information; owner deed reference, book and page number will be labeled.

4. Wetland resource areas within 100 feet of the project limit will be flagged in the field by an environmental specialist. These wetland flags will be surveyed and shown on the base plan. Other wetlands located behind houses along Shank Painter Road will not be flagged or surveyed. It is anticipated that these wetlands will be shown approximately through the use of MassGIS mapping.

D. Conceptual Design

1. An alternatives analysis will be performed to identify potential improvements along the corridor to improve vehicle, bicycle and pedestrian accommodations and aesthetic enhancements for discussion with representatives of the Town and the public.
2. Up to two (2) alternatives of Shank Painter Road and its intersections will be conceptually presented for consideration by the Town for presentation at the Public Meetings. Each alternative will be evaluated for pro's and con's for presentation to the Town.
3. The preferred alternative will be identified by the Town for advancement into Preliminary Design.

E. Preliminary Design

1. Preliminary Design plans shall be prepared to comply with MassDOT design guidelines and Town design standards as appropriate. Design components that do not comply with MassDOT standard requirements will be identified by Environmental Partners (should the project advance through MassDOT); MassDOT Design Waivers will be prepared during Phase 2 as necessary. The Preliminary Design shall be based on the Functional Design Report and recommendations and discussions with the Town regarding project criteria. The Preliminary Design phase submission shall include plans showing the proposed improvements, typical roadway cross sections, critical cross sections, lane configurations, pavement markings, traffic control devices and a preliminary construction cost estimate. Should the Town pursue a funding source requiring MassDOT review, the plans generated for the Preliminary Design Phase will later (during the Final Design Phase) be used towards a MassDOT 25% Submission and supplemented to comply with MassDOT Submission Requirements as part of Phase 2 services. Structures such as bridges and culverts are not anticipated to be encountered.

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2. Preliminary Design plans shall include a Cover Sheet, Legend Sheet, Key Plan, Details, General Traffic Operations Plans, General Construction Plans, Profiles and Critical Cross Sections. If the ultimately selected funding source requires project review by MassDOT, additional plans as necessary will be prepared during Phase 2 to supplement the plan set.
3. The General Traffic Operations Plans will include lane configurations, pavement markings, signs and traffic signals as appropriate.
4. The General Construction Plans will show areas of roadway rehabilitation, narrowing and/or widening including areas of milling and resurfacing. In addition, the plans will include horizontal alignment, reorganization of affected driveways and the installation or resetting of curb and/or roadway edging. The General Construction Plans will also identify any land acquisitions necessary to accommodate the proposed improvements.
5. Environmental Partners will calculate a pavement design based on truck traffic and available soils condition information. This Scope of Services assumes that Town forces and equipment will be used to perform test pits in order to provide Environmental Partners with adequate information relative to soil conditions. Police details as needed will be provided by the Town.
6. A preliminary construction cost estimate will be prepared based on prevailing prices established by the MassDOT and recently advertised and awarded projects completed by Environmental Partners. If the ultimately selected funding source requires MassDOT reviews, MassDOT submission checklists and forms will be prepared under Phase 2.

F. Drainage System Improvements

1. Environmental Partners will research available drainage information and plans provided by the Town to identify limits, pattern and size of existing drainage system.
2. Environmental Partners will perform a surface inspection of drainage structures while drainage castings are lifted during survey activities to inventory type and structure condition. Entering structures or videotaping drainage lines are not included in this Scope of Services but may be performed upon request as a reimbursable expense outside of the established lump sum fee.

3. A stormwater evaluation of the existing drainage system will be performed to determine adequacy relative to capacity and treatment using HydroCAD modeling. The preparation of a comprehensive stormwater report is not included in the Scope of Services for this phase of work.
4. Environmental Partners will be present during the collection of test pits to identify soil conditions. Results will be logged and summarized. This Scope of Services assumes Town forces and equipment will be used to perform test pits, anticipated to take one day.
5. A preliminary drainage design will be prepared to identify potential improvements in the existing drainage system including increases in capacity, replacement due to condition, or improvement to stormwater treatment prior to discharge where required. This work will include replacing existing drain lines and structures or adding new drain lines and structures as may be required by the alteration of roadway alignment (i.e. removing, adjusting, rebuilding, change in type, remodeling, and/or replacing or adding structures and/or drain lines). Drainage system improvements will also be based on recommendations from the Town, or as may be included in existing reports or studies. Drainage system improvements are limited to the project area; it is assumed that adjacent drainage systems will be connected to within project limits and will be adequate to accommodate the runoff of the project area. Evaluation and design of remedies relative to ocean flooding are not anticipated as part of this project.

G. Coordination and Meetings

1. Environmental Partners shall attend one meeting with the Town to determine project parameters, finalize schedules, confirm goals and provide for a preliminary exchange of information regarding the project.
2. A public outreach program will be conducted to introduce the project to representatives of the Town and the public, solicit their input and gain their support at an early stage. Initial Public Meetings will be held to listen to the needs and wants of the public, Town departments and boards and to discuss potential ideas for improvements to vehicular, pedestrian and bicycle accommodations as well as streetscaping. For budgetary purposes, this Scope of Services assumes up to three (3) initial Public Meetings.
3. Alternatives will be developed based on input from the initial Public Meetings and presented at follow-up Public Meetings. The public, Town departments and boards will have the opportunity to discuss the pro's and con's of each alternative and identify

the preferred alternative for advancement into the engineered Preliminary Design phase. For budgetary purposes, this Scope of Services assumes up to three (3) follow-up Public Meetings.

4. Environmental Partners will attend team coordination meetings throughout the process. For budgetary purposes, this Scope of Services assumes up to two (2) team coordination meetings.

H. Funding Assistance

1. Environmental Partners will assist the Town in identifying a potential funding source for the construction costs associated with the project. Funding sources may include the State Transportation Improvement Program (STIP), a MassWorks Grant, or the Community Development Block Grant Program (CDBG). Determination of which grant is to be pursued for the reconstruction of Shank Painter Road will dictate Environmental Partners' level of effort in assisting the Town. For budgeting purposes, an upset fee for Funding Assistance has been established.
2. If STIP funding is pursued, Environmental Partners will prepare the Project Need Form (PNF) to discuss general roadway characteristics, identify deficiencies and present the proposed improvements along with associated costs. The District 5 office will be met with for PNF submission. Upon favorable review, the Project Initiation Form (PIF) will be completed to provide more detailed information and submitted to MassDOT for Project Review Committee (PRC) review. Environmental Partners will also assist the Town in notifying the Regional Planning Agency (RPA), the Cape Cod Commission, of the Town's project request to include the selected project on the STIP. Environmental Partners will conduct follow-up meetings, as necessary, with representatives from the MassDOT District 5 office to advocate for project funding. We anticipate these meetings would provide valuable information in establishing project eligibility.
3. If MassWorks funding were to be solicited, Environmental Partners will assist the Town in preparing the on-line application through the Executive Office of Housing and Economic Development. MassWorks encompasses the consolidation of six former grant programs including Small Town Rural Assistance Program (STRAP) for communities having a population of 7,000 or less. Environmental Partners would assist the Town in completing the application with economic data provided by the Town.

II. Phase 2 –Final Design and Bid Package Preparation

A. General

1. Following approval of the Preliminary Design, Environmental Partners shall prepare the complete final design and bid package including all plans, profiles, cross sections, details, estimates, specifications and relevant design elements in accordance with MassDOT and Federal Highway Administration (FHWA) design guidelines and directives. Work during Phase 2 will include permitting, right-of-way assistance, and funding assistance. All submittals will be presented to the Town for review and comment. If the Town decides to pursue STIP funding requiring MassDOT review, the project will advance through the standard MassDOT submission process (25%, 75%, 100%, and Final P,S&E submissions) as part of Phase 2. The Scope of Services and fee for Phase 2 will be developed by the Town and Environmental Partners upon the Town's determination of a preferred funding source and once the scope of the project is better defined during Phase 1. Services for Phase 2 are not included in the established lump sum fee below.

III. Phase 3 –Bid and Construction Phase Services

A. General

1. Environmental Partners will provide construction administration services including attendance to preconstruction conferences, review and approval of shop drawings, site visits, observations, meetings, consultation, assistance with the final punch list or other related work as requested by the Town and/or MassDOT in connection with the improvement project. The Scope of Services and budgeted fee for Phase 3 will be developed by the Town and Environmental Partners upon completion of Phase 2. Services for Phase 3 are not included in the established lump sum fee below.

SECTION 4. COMPENSATION:

The Client agrees to pay and ENVIRONMENTAL PARTNERS agrees to receive as full compensation for professional services under this Agreement the amount indicated below:

- A. Compensation for services related to ***Phase 1 – Concept Development and Preliminary Design*** shall be made at the lump sum fee of One Hundred Thirty Thousand Seven Hundred dollars (\$130,700.00) based on the following Fee Schedule:

Fee Schedule

Traffic Analysis/FDR Preparation	\$10,700
Field Verification/Observations	\$ 4,100
Concept Development	\$ 9,400
Preliminary Design	\$31,700
Drainage System Improvements	\$ 8,000
Meetings/Coordination	\$19,300
Funding Assistance (budget)	<u>\$ 4,400</u>
<i>Subtotal</i>	<i>\$ 87,600</i>

Expenses:

Topographic Survey	\$ 35,900
Wetland Flagging	\$ 2,900
Traffic Counts	\$ 2,800
Travel/Reproduction	<u>\$ 1,500</u>
<i>Subtotal</i>	<i>\$ 43,100</i>
TOTAL	\$130,700

- B. Compensation for services related to ***Phase 2 – Final Design and Bid Package Preparation*** and ***Phase 3 – Bid and Construction Phase Services*** will be established and negotiated between the Town and ENVIRONMENTAL PARTNERS following completion of Phase 1 but prior to performing Phase 2 and 3 services.
- C. The compensation indicated above is based on an estimate of the character and extent of work involved. Unforeseen conditions, which become evident during the course of the work may, alter or increase the effort required. The not-to-exceed amounts indicated for each task will not be exceeded without formal written amendment to the Agreement between the Client and ENVIRONMENTAL PARTNERS.
- D. Payment for services shall be made by the Client to ENVIRONMENTAL PARTNERS on the basis of periodic invoices. Payment shall be made by the Client on or before thirty (30) calendar days after receipt of such invoice. If the Client objects to any invoice submitted by ENVIRONMENTAL PARTNERS, he shall so advise ENVIRONMENTAL PARTNERS of his objections, in writing, within fourteen (14) days of receipt of such invoice.

SECTION 5. REVISION OF SCOPE OF WORK:

If the Client orders major changes in the character and extent of engineering and supplemental services consisting of additions, deletions, or modifications, either directly or as a result of requirements by other agencies, following completion of a portion of the work as shall necessitate setting aside a portion of the completed work, the compensation and time of

completion shall be adjusted accordingly. All such changes shall be authorized in writing and signed by the Client and ENVIRONMENTAL PARTNERS. The cost or credit to the Client shall be determined by mutual agreement provided that ENVIRONMENTAL PARTNERS shall be compensated for all work performed on any part of the work affected by the change order.

SECTION 6. TIME OF COMPLETION:

ENVIRONMENTAL PARTNERS agrees to commence work under this Agreement immediately upon receipt of an executed copy of the Agreement. ENVIRONMENTAL PARTNERS shall use its best efforts to perform all services under this Agreement as expeditiously as is consistent with professional skill and care and the orderly progress of the work.

SECTION 7. GENERAL CONDITIONS:

No services shall be performed under this Agreement for real estate surveying, for acquisition of easements, for land takings or for any other real estate conveyance purpose.

ENVIRONMENTAL PARTNERS is not obligated to prepare for or appear in litigation or in any arbitration proceeding on behalf of the Client, except in consideration of additional compensation to be mutually agreed upon.

If ENVIRONMENTAL PARTNERS in the course of conducting the facilities design deems it necessary to take any samples of potentially hazardous waste, then ENVIRONMENTAL PARTNERS shall, with the prior written approval of the Client, receive additional compensation at its regular per diem rates, plus expenses for the appropriate laboratory tests and analysis.

The Client acknowledges that ENVIRONMENTAL PARTNERS is a corporation and agrees that any claim made by the Client arising out of any act or omission of any director, officer or employee of ENVIRONMENTAL PARTNERS in the execution or performance of this Agreement, shall be made against the corporation and not against such director, officer or employee.

It is understood and agreed that any use, reproduction, distribution or alteration of any drawings represented in digital format, including CAD drawings, for purposes other than the project described herein is specifically prohibited unless authorized in writing by ENVIRONMENTAL PARTNERS. Any such unauthorized use will be at the Client's risk and full legal responsibility.

Plans and specifications prepared for Client by ENVIRONMENTAL PARTNERS shall become the property of Client upon payment therefor. Any reuse thereof without specific written authorization by ENVIRONMENTAL PARTNERS, however, will be at the sole risk of the Client.

If ENVIRONMENTAL PARTNERS' services are delayed or suspended in whole or in part by the Client for more than six (6) months for reasons beyond ENVIRONMENTAL PARTNERS' control, the amount of compensation provided for elsewhere in the Agreement shall be subject to renegotiation.

The Client and ENVIRONMENTAL PARTNERS each binds itself, its partners, successors, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither the Client nor ENVIRONMENTAL PARTNERS shall assign its interest in this Agreement without the written consent of the other.

It is understood and agreed in connection with the performance of ENVIRONMENTAL PARTNERS' services under this Agreement, that any persons or entities engaged by ENVIRONMENTAL PARTNERS to perform any portion of those services shall be independent contractors of ENVIRONMENTAL PARTNERS. Any such persons or entities shall be solely responsible for the methods and means used in performing their services, and they shall not be deemed an employee or agent of, nor a joint venturer with ENVIRONMENTAL PARTNERS.

Since ENVIRONMENTAL PARTNERS has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENVIRONMENTAL PARTNERS' opinions of probable Project Cost and Construction Cost provided for herein are to be made on the basis of ENVIRONMENTAL PARTNERS' experience and qualifications and represent its best judgment as experienced and qualified professional engineers, familiar with the construction industry; but ENVIRONMENTAL PARTNERS cannot and does not guarantee that proposals, bids or actual Project or Construction Cost will not vary from opinions of probable cost prepared by ENVIRONMENTAL PARTNERS.

This Agreement shall be governed by the laws of the Commonwealth of Massachusetts, without regard to conflict of laws principles.

The obligation to provide further services under this Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of termination by the Client, ENVIRONMENTAL PARTNERS shall be paid its compensation for services performed to termination date.

ENVIRONMENTAL PARTNERS shall, at its expense, obtain and maintain insurance which, in the judgment of ENVIRONMENTAL PARTNERS, is sufficient to protect itself from claims under workmen's compensation acts; claims or damages because of bodily injury including personal injury, sickness or disease, or death of any of its employees or of any person other than its employees; and from claims for damages because of injury to or destruction of

Provincetown Department of Public Works
Shank Painter Road Rehabilitation

tangible property including loss of use resulting therefrom; and from claims arising out of the performance of professional services caused by the negligent acts, errors or omissions of ENVIRONMENTAL PARTNERS.

Should any provision or part thereof of this Agreement be held illegal or unenforceable, then such provision or part shall be deemed stricken and the remaining provisions and parts thereof shall remain in full force and effect. Further, should this Agreement omit any statutory or regulatory requirements which would otherwise render this Agreement illegal, then this Agreement shall be deemed amended to the minimum extent necessary to comply with said statutes or regulations.

This Agreement (consisting of pages 1 to 13, inclusive) constitutes the entire Agreement between the Client and ENVIRONMENTAL PARTNERS and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

No oral warranties, representations or statements shall be considered a part of this Agreement or a basis upon which the Client relied in entering into this Agreement. No statements, representations, warranties or understandings, unless contained herein, exist between Client and ENVIRONMENTAL PARTNERS.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year herein below written.

ENVIRONMENTAL PARTNERS GROUP, INC.

AWARDING AUTHORITY

Town of Provincetown

By its Board of Selectmen

Paul F. Gabriel, P.E., President

TOWN MANAGER

David B. Panagore

In accordance with M.G.L. Chapter 44, Section 31C, this is to certify that an appropriation in the amount of this contract is available therefor and that the Board of Selectmen has been authorized to execute the Contract and approve all requisitions and change orders.

By: _____
Ruth Lewis
Interim Municipal Finance Officer

Date

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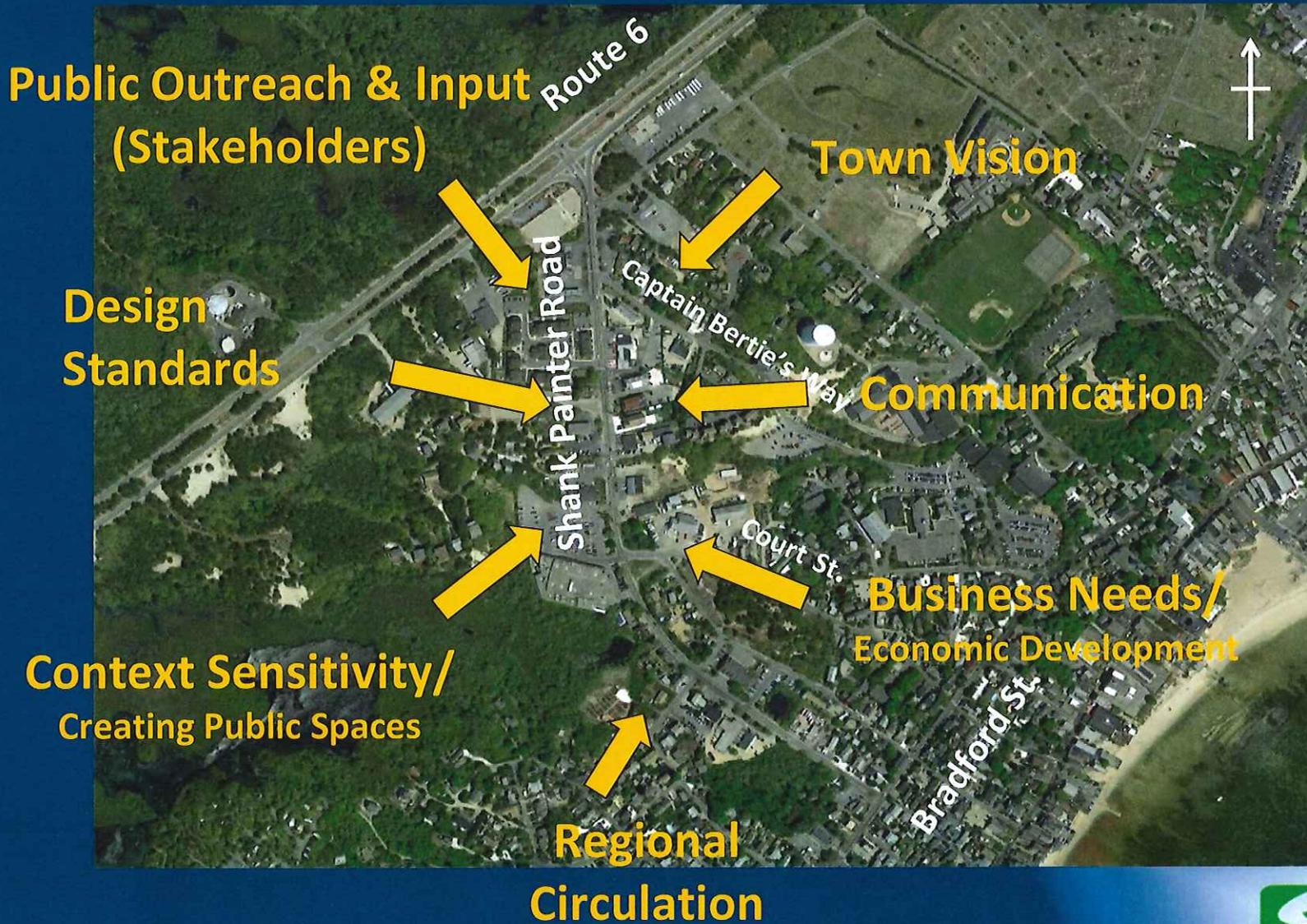


Town of Provincetown Reconstruction of Shank Painter Road August 8, 2016

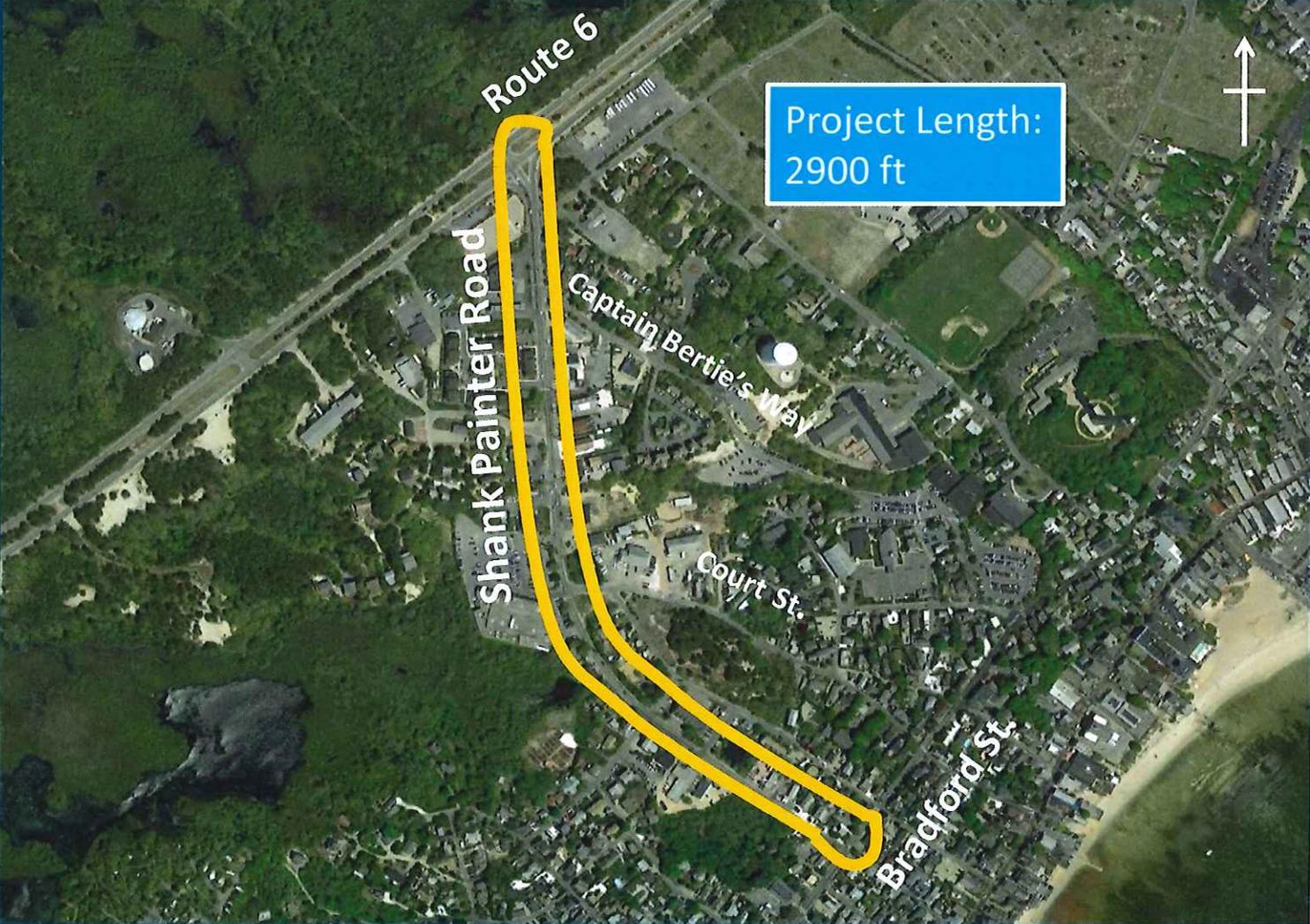


Environmental  **Partners**
GROUP

Project Approach



Project Limits



A partnership for engineering solutions.



Approach to Complete Streets

BALANCE

*Proper Vehicular
Speeds/Behavior*

*Safe Bicycle
Accommodations*

*Minimize
Impacts to
Private
Driveways*

*Identifying the right
treatments in the right
locations...*

*Reduce Impacts/
Add Streetscaping*

*Keeping the right
traffic on the right
roads*

*Vehicular
Mobility*

*Proper Pedestrian
Accommodations*

*Regional
Circulation*



Scope of Work – Conceptual Development and Preliminary Design

Traffic Engineering (Functional Design Report preparation)

- **Collect/evaluate traffic data (vehicles, bicycles & pedestrians) at key intersections**
- **Evaluate multi-modal accommodations along corridor**
- **Collect/evaluate accident rates and trends**
- **Identify safety & operational deficiencies**

Topographic Survey

- **Existing features**
- **Property lines / Wetlands**
- **Drainage system**
- **Base plan preparation**



Team Integration

Communication & Collaboration

between the "Team":

Ensures efficient project progress so projects come in on time and budget

- Regular coordination with Town
- Always available to address questions via cell 24/7 or to meet in person

A partnership for engineering solutions.



Scope of Work – Conceptual Development and Preliminary Design

Meetings with Town Officials

Public Outreach

- **Workshops to solicit input from stakeholders (businesses, residents, etc.)**
- **Review preliminary concepts with public**
- **Iterations of concepts**
- **Selection of preferred concept**



Preferred Conceptual Design TO Preliminary Design Phase



Scope of Work – Conceptual Development and Preliminary Design

Preliminary Design

- Engineered alignment and improvements
- Drainage evaluations & design
- Typical cross sections & critical cross sections
- Construction details
- Markings, signage and traffic control devices
- Construction estimates



Funding Assistance

- Assistance with funding options



Scope of Work – Future Phases

Final Design and Bid Document Preparation

- **MassDOT project: 25%, 75%, 100%, & PS&E submissions**
- **Town project : final submission & bid document prep.**

Bid and Construction Phase Services

- **MassDOT project : minimal Town effort req'd**
- **Town project : bid process, construction admin., resident inspection**



Funding

Available Sources:

- **MassWorks**
- **Complete Streets**
- **Transportation Improvement Program (TIP)**
- **Local Funds**



Funding - TIP

- ✓ **Project Need Form (PNF) – Complete**
 - **Meeting(s) with MassDOT District**
 - **Initiate Public Outreach**
 - **Additional data used for PIF preparation**
 - **Project Initiation Form (PIF)**
 - **Project Review Committee (PRC) review ...**
 - “proposals” become “projects”*
 - (meet 3 times/year... next date: October 6, 2016)**
 - **Complete Preliminary Design- late 2016**
 - (dependent on public outreach progress)*
 - **If TIP, prepare 25% design submission**
 - **Solicit to get on “2022 TIP” (construction FY 2022)**





Thank you!

*James D. Fitzgerald, P.E., LEED AP
Environmental Partners Group, Inc.*

*617-657-0256
jdf@envpartners.com*

A partnership for engineering solutions.





Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

6B

ANNUAL PERFORMANCE EVALUATION

Town Manager David B. Panagore

Requested by: Board of Selectmen

Action Sought: Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to establish Town Manager David B. Panagore's annual performance appraisal score as 4.5.

Additional Information

Copies of the appraisal forms have been previously distributed to members and compiled by the Chairman, and are part of the employees' personnel record.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 8, 2016

6C

TOWN MANAGER

Goals Agreement

Requested by: Board of Selectmen

Action Sought: Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to grant a 3% increase in base salary to David B. Panagore effective September 1, 2016, pursuant to the contract for employment.

Additional Information

See attached documents.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Board of Selectmen
Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

August 8, 2016

Town Manager David B. Panagore
Town of Provincetown
260 Commercial Street
Provincetown, MA 02657

Re: Town Manager Goals Agreement for FY2017

Dear David,

Pursuant to G.L. c.41, §108N and the Charter of the Town of Provincetown which provided the terms, conditions, and benefits of your employment by the Board in the initial employment agreement, the Board hereby incorporates the following Town Manager Goals Agreement:

- Fiscal Year 2017 Town Manager Goals as voted on and passed at the Board of Selectmen's Regular Meeting on July 25, 2016 will be met.
- An updated Performance Review form which contains three grading categories for meeting goals has been established as follows: 1- does not meet; 2- meets, and 3- exceeds. All reviewers' aggregate scores determine the final score rounded to one decimal point up at .5 or more and down at .4 or less.
- Increases established for each category as follows: 1- does not meet will be calculated at 50% of the standard employee raise (3%); 2- meets will be the standard employee raise of 3%, and 3- exceeds will be calculated at 150% of the standard employee raise (3%).

The Provincetown Board of Selectmen

Raphael W. Richter, Chairman

Erik Yingling, Vice-Chairman

Thomas Donegan, Selectman

Cheryl Andrews, Selectman

Robert Anthony, Selectman

Date Signed

David B. Panagore, Town Manager

Date Signed

RWR:ld

David Panagore Goals – Fiscal Year Ending June 30, 2017

	<u>1- Does not Meet</u>	<u>2- Meets</u>	<u>3- Exceeds</u>
<u>Management:</u>			
Mitigate the Housing Crisis: Bring specific recommendations and requests for action to the Board of Selectmen, Town Meeting and Regulatory Committees and Housing Boards, as appropriate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communicate effectively with the Town Body including residents, businesses, property owners, and visitors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide the Board of Selectmen with the materials, information and advice it needs to effectively carry out its duties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manage staff to continuously improve the effectiveness of town services by building a collaborative environment among Town Staff and providing appropriate management feedback through a thorough performance based management process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Successfully represent the interests of the Town in negotiations – collective bargaining of Town-wide contracts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<hr/>			
<u>Long Range Planning:</u>			
Manage the resources of the Town to ensure a stable future through an updated 10-year financial plan that projects the revenues, operational expenses, and capital requirements of the Town	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Build relationships with regional, state and federal governments and public officials to the benefit of the Town; seek the development of public/private partnerships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Build relationships with key non-governmental organizations that influence public policy (UMass, Urban Land Institute, Massachusetts Municipal Association, ICMA, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provide appropriate staff support, information, materials and advice to encourage the work of the Charter Review Commission and the Local Comprehensive Planning Committee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic development and sustainability; develop and present work plans to align zoning, wastewater, water/sewer policies, growth management, housing, and economic development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Professional Development:

Attend and participate in professional organizations to facilitate improved skills, subject matter expertise and technical knowledge (i.e., MMA, DART, ULI, ICMA, and various conferences and panels)

Develop a mentor relationship with an appropriate and experienced municipal government official outside of the Town to seek consistent advice and counsel



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

6D

TOWN BUSINESS CALENDAR

Review 2016-2017 Calendar

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent. Votes may be taken.

Additional Information

See attached calendar.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

August 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5 CIP templates to department heads	6
7	8 BOS Regular Meeting	9	10	11	12 Financial forecast templates to department heads	13
14	15	16	17	18 Former Comm Ctr RFQ Phase 1 Issued	19	20
21	22 BOS Regular Meeting Vote to open warrant	23	24	25	26	27
28	29	30	31			
						p. 1

September 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	Schedule BOS/Pier Corp Joint Meeting this month			1	2 CIP Requests Due to Finance Director	3
4	5 TOWN HALL CLOSED	6	7 Draft articles for BOS packet due	8 State Primary Election Submit public hearing notices	9 FinDir submits CIP to TM Financial Forecast Budgets Due to Finance Director	10
11	12 BOS Reg Meeting	13 TM/ATM Warrant Review Open House for petitioned articles	14	15 Comm Ctr RFQ due Traffic Proposals Due	16 BOS Roundtable- Civic Engagement	17
18	19	20	21 TM submits CIP to BOS packet	22	23 FinDir submits Financial forecast to TM	24
25	26 BOS Reg Meeting	27	28	29	30	
						p. 2

October 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Present financial forecast to community groups this month						1
2	3	4	5 TM submits financial forecast to BOS /present to FinCom	6	7	8
9	10 Town Hall Closed	11 BOS Regular Meeting BOS gives TM direction on budget	12 Traffic Team Meeting	13	14	15 Staff presents financial forecast to PRNTA?- Date TBD
16	17 Operating budget templates to depts	18 State of Town	19 Staff presents financial forecast to community groups- Date TBD	20	21	22 State of Town
23	24 Departments prepare budgets	25 Fall Traffic Hearing	26	27 Former Comm Ctr RFQ Phase 2 Issued	28	29
30	31					

November 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Departments prepare budgets	2	3	4	5
6	7 Departments prepare budgets	8 State/National Elections	9	10 Depts submit budget requests & enterprise fund budgets	11 Town Hall Closed	12
13	14 BOS Regular Meeting	15	16	17	18	19
20	21	22	23	24 Town Hall Closed	25 Town Hall Closed	26
27	28 BOS Regular Mtg Town Manager & Fin Dir review budget requests with depts	29	30			
						p. 4

December 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 Town Manager & Fin Dir review budget requests with depts	2	3
4	5 Town Manager & Fin Dir review budget requests with depts	6	7	8 Comm Ctr RFQ Phase 2 Proposals Due	9	10
11	12 BOS Regular Mtg Town Mgr has call- back mtgs & finalizes Budget Message	13	14	15	16	17
18	19 Deadline for TM to submit budget to BOS	20	21	22	23	24
25	26 Town Hall Closed	27	28	29	30	31
						p. 5

January 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Town Hall Closed	3 BOS Budget Meetings →	4	5	6	7
8	9 Joint Mtg- BOS, FinCom, School BOS Regular Meeting	10 BOS Budget Meetings →	11	12 Personnel Board- Compensation Plan Review?	13	14
15	16 Town Hall Closed	17	18	19	20	21
22	23 BOS Meeting-Vote to open the warrant Award Comm Ctr RFQ	24	25	26	27	28
29	30 FinCom reviews budgets →	31 BOS budget recommendations due to FinCom per charter				
						p. 6

February 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 FinCom reviews budgets	2 Public hearing notice on bylaws to Banner?	3	4
5	6 FinCom reviews budgets	7	8 Draft warrant in BOS packet	9	10	11
12	13 BOS Meeting- Discuss articles/ refer bylaws to Planning Board FinCom Call-backs	14	15	16 Public Hearing notices for boards to Banner	17	18
19	20 Town Hall Closed	21 BOS/FC Joint Mtg Staff drafts articles Staff gives Banner info for article on warrant	22	23 Public Hearing notices for boards in Banner	24	25
26	27 BOS Meeting BOS insert articles Public hearing on bylaws?	28				
						p. 7

March 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2 Submit CIP to Banner Public Hearing notices for boards in Banner	3 Warrant Closes & BOS approves for publication	4
5	6 Warrant available online Staff starts writing motions & scripts	7	8	9 CIP in Banner Warrant, budget & bylaws to Banner	10	11
12	13 BOS Meeting	14	15	16 Warrant, budget & bylaws in Banner	17	18
19	20 Town Officials' books assembled this week	21 Deadline for Staff to submit names for preliminary motion	22	23	24 Planning Board Report Due	25
26	27 FC Report Due BOS Meeting Deadline for material to Moderator	28 Moderator's Meeting? Town Officials' books finished	29	30	31	
						p. 8

April 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3 TOWN MEETING	4 TOWN MEETING?	5 TOWN MEETING?	6 TOWN MEETING?	7	8
9	10 BOS Meeting	11	12	13	14	15
16	17 Town Hall Closed	18	19	20	21	22
23	24 BOS Meeting	25	26	27	28	29
30						p. 9



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

6E

PROCLAMATION

Kiehl's LifeRide for amfAR

Requested by: Director of Public Relations Rachael Kelley

Action Sought: **Approval**

Proposed Motion(s)

Move that the Board of Selectmen vote to proclaim Tuesday, August 9, 2016, as Kiehl's LifeRide for amfAR Day in celebration of the 7th Annual Kiehl's LifeRide for amfAR.

Additional Information

See attached Proclamation.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



PROCLAMATION

Be It Hereby Proclaimed by the Provincetown Board of Selectmen that;

WHEREAS, on August 9, 2016, Kiehl's Since 1851 and amfAR, The Foundation for AIDS Research, will celebrate the 7th annual Kiehl's LifeRide for amfAR with the Town of Provincetown;

WHEREAS, Kiehl's LifeRide for amfAR was launched 7 years ago to raise funds for amfAR and increase awareness about HIV/AIDS;

WHEREAS, the 11-day, multi-state charity motorcycle ride through the Northeast will help to enlighten Americans across the country of the need for research and Kiehl's strong commitment to helping amfAR find a cure;

WHEREAS, Kiehl's will donate \$150,000 during the 7th Annual LifeRide for amfAR to the organization, and by the end of the ride, Kiehl's will have raised \$1,600,000 for amfAR via motorcycle rides and event donations since 2010, and

WHEREAS, in celebration of Kiehl's LifeRide for amfAR, Kiehl's will also donate \$5,000 to the AIDS Support Group of Cape Cod, in honor of its work supporting those living with HIV/AIDS in Provincetown and on Cape Cod;

NOW, THEREFORE, in celebration of the 7th Annual Kiehl's LifeRide for amfAR, the Board of Selectmen in the Town of Provincetown, in the County of Barnstable of the Commonwealth of Massachusetts, does hereby proclaim

TUESDAY, AUGUST 9, 2016

as

KIEHL'S LIFERIDE FOR AMFAR DAY

in the Town of Provincetown

The Honorable Board of Selectmen

Raphael Richter, Chairman

Erik Yingling, Vice Chair

Thomas Donegan

Cheryl Andrews

ATTEST: Town Manager David B. Panagore

Robert Anthony



Kiehl's National LifeRide for amfAR Celebrates with AIDS Support Group of Cape Cod
Join celebrity motorcycle riders at Kiehl's Provincetown to celebrate 7th annual charity event

Who: **Chris Salgado**, President, Kiehl's USA
Kevin Robert Frost, CEO, amfAR, The Foundation for AIDS Research

And fellow Kiehl's LifeRide for amfAR riders:

- **Ben Cohen**, Activist and former pro rugby player
- **Gilles Marini**, Actor (*Teen Wolf*, *Sex and the City*; runner-up of *Dancing with the Stars*)
- **Grant Reynolds**, TV host (Science Channel's *What Could Possibly Go Wrong?*)
- **Milissa Sears**, Actor (*Masters of Sex*)
- **Scott Patterson**, Actor (*Gilmore Girls*, *The Event*)
- **Teddy Sears**, Actor (*24: Legacy*, *The Flash*, *Masters of Sex*)

Along with special guest: **Joe Carleo**, President & CEO, AIDS Support Group of Cape Cod

What: Provincetown celebration of the 7th annual Kiehl's LifeRide for amfAR, an 11-day, multi-state, charitable motorcycle ride throughout the Northeast that raises funds and awareness for amfAR, The Foundation for AIDS Research.

Follow the journey and join the conversation by using #LifeRide7

In honor of Kiehl's LifeRide for amfAR, a special donation from Kiehl's will be made to **AIDS Support Group of Cape Cod** in honor of its work supporting those living with HIV/AIDS.

Where: Kiehl's Since 1851
200 Commercial St.

When: Tuesday, August 9, 11 AM to 12 PM

*****PUBLIC EVENT! ALL ARE WELCOME!******

Why:

- Meet our riders and learn more about amfAR's efforts
- The cure is in your hands: 100 percent of Kiehl's net profits from the sale of the **Limited Edition Ultimate Strength Hand Salve**, up to \$25,000, will benefit amfAR, The Foundation for AIDS Research.
- In celebration of LifeRide, every customer that visits Kiehl's Provincetown Aug. 9 through Aug. 11 will receive a 15 percent discount on all purchases, with the exception of

charitable products and value sets. Kiehl's will donate that 15 percent difference to amfAR, up to \$125,000.

- Complimentary mini facials or hand massages
- Complimentary Kiehl's LifeRide for amfAR-inspired manicures from khlip
- Complimentary massages provided by Shui Spa

To find out more about LifeRide, obtain a schedule of events, or get involved in the fight against HIV/AIDS, please visit www.kiehls.com/LifeRide

Kiehl's Commitment:

In 1996, Kiehl's made HIV/AIDS a key philanthropy pillar. Over the past two decades, the fervent support of HIV/AIDS organizations has been at the heart of Kiehl's efforts, leading to partnerships with organizations such as amfAR, The Magic Johnson Foundation for AIDS and Youth AIDS. Since 2001, Kiehl's has raised approximately \$3,580,000 for HIV/AIDS organizations.

About Kiehl's:

Kiehl's was founded as an old-world apothecary in New York's East Village neighborhood. Its unique, extensive background represents a blend of cosmetic, pharmaceutical, herbal, and medicinal knowledge developed and advanced through the generations. In addition to Kiehl's freestanding stores nationwide, Kiehl's products are available at www.Kiehls.com, by mail order at 1-800-KIEHLS-2 as well as through select specialty retailers worldwide. For additional information on Kiehl's since 1851, visit kiehls.com.

About AIDS Support Group of Cape Cod:

The AIDS Support Group of Cape Cod, one of the first AIDS organizations established in the United States, works to foster health, independence and dignity for people living with HIV/AIDS and Viral Hepatitis by providing care, support and housing. We work to help reduce the spread of HIV and other sexually transmitted infections through prevention, education and testing services. Our services span all of Cape Cod and the Islands and whenever possible, ASGCC works to address the global epidemic. For additional information, visit www.asgcc.org.

About amfAR, The Foundation for AIDS Research:

amfAR, The Foundation for AIDS Research, is one of the world's leading nonprofit organizations dedicated to the support of AIDS research, HIV prevention, treatment education, and the advocacy of sound AIDS-related public policy. Since 1985, amfAR has invested \$450 million in its programs and has awarded more than 3,300 grants to research teams worldwide.

For any questions or additional information, please contact Rachael Kelley, rkelly@kiehls-usa.com or 917-606-9556.

###



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

6F

ROUND TABLE SUMMARY

Update Regarding the Year-round Market Rate Rental Trust Fund

Requested by: Board of Selectmen

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent. Votes may be taken.

Additional Information

Copy of House Bill No. 3742 with Amendment attached.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



THE 189TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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Actions for Bill H.3742

Date	Branch	Action
8/27/2015	House	Referred to the committee on Municipalities and Regional Government
8/31/2015	Senate	Senate concurred
9/30/2015	Joint	Hearing scheduled for 10/08/2015 from 01:00 PM-03:00 PM in A-2
10/15/2015	House	Bill reported favorably by committee and referred to the committee on House Steering, Policy and Scheduling
11/2/2015	House	Committee reported that the matter be placed in the Orders of the Day for the next sitting
11/2/2015	House	Rules suspended
11/2/2015	House	Read second and ordered to a third reading
5/16/2016	House	Read third (title changed), amended and passed to be engrossed
5/19/2016	Senate	Read; and placed in the Orders of the Day for the next session
6/16/2016	Senate	Read second and ordered to a third reading

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Print

Amendment #1 to H.3742

Floor Amendment

Mr. Speliotis of Danvers move that the bill be amended in section 8 by adding the following 2 sentences:-

"For the purposes of this act, the term "market rate" shall mean rental housing that is not restricted to occupancy by low or moderate income households, as those terms are defined in section 38D of chapter 121B of the General Laws; provided, however, that market rate housing may be available for occupancy by households without regard to income and may also include housing subject to maximum income limits to be occupied by households with gross income greater than 80 per cent but not more than 200 per cent of the area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing alternative or additional definitions for "market rate"."

HOUSE No. 3742

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake and Daniel A. Wolf

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a year-round market rate rental housing trust fund in the town of Provincetown.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>

HOUSE No. 3742

By Representative Peake of Provincetown and Senator Wolf, a joint petition (accompanied by bill, House, No. 3742) of Sarah K. Peake and Daniel A. Wolf (by vote of the town) that the town of Provincetown be authorized to establish a year-round rental housing trust. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act establishing a year-round market rate rental housing trust fund in the town of Provincetown.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The general court finds that:

2 (a) There exists within the town of Provincetown a severe shortage of year-round market
3 rate rental units to serve the needs of the residents of the town. The shortage in year-round
4 market rate rental units has resulted in significant economic displacement and financial hardship
5 to the residents of the town and has resulted in the relocation of many residents to other towns on
6 and off of Cape Cod. The shortage of year-round market rate rental units constitutes an
7 economic liability, substantially impairs or arrests the sound growth of the town and retards its
8 economic well-being.

9 (b) The establishment of a municipal trust with a board of trustees and trust fund is
10 necessary to address this element of the severe housing crisis within the town. The creation of
11 such a trust will help to eliminate the shortage of year-round market rate rental units and is

12 necessary to retain existing industries, businesses and residents and to attract new industries,
13 businesses and residents, and to promote the sound economic growth of the town.

14 (c) The shortage of year-round market rate rental housing is beyond remedy and control
15 solely by the incentive and regulatory programs established by the town and is not being dealt
16 with effectively by operations of private enterprise.

17 (d) Establishment of a year-round market rate rental housing trust, a board of trustees,
18 and a trust fund is necessary to remedy the severe year-round market rate rental housing crisis in
19 the town. The exercise of powers by the board of trustees and any assistance which may be
20 given by the town, or any other public body in connection therewith, are public uses and
21 purposes for which public money may be expended.

22 (e) It is the purpose of the trust created by this act to aid the town of Provincetown, in the
23 speedy and orderly development of year-round market rate rental housing for the residents of
24 Provincetown and to thereby stimulate economic development.

25 SECTION 2. There is hereby created a municipal trust to be known as the Provincetown
26 year-round market rate rental housing trust, in this act called the trust. The trust is established for
27 the purpose of creating and preserving year-round rental units in the town, including but not
28 limited to market rate units, for the benefit of residents of the town.

29 SECTION 3. (a) The trust shall be managed by a board of trustees consisting of five
30 members, appointed by the board of selectmen as follows:

31 (1) The board of selectmen shall designate one of its members to serve on the board of
32 trustees;

33 (2) The board of selectmen shall appoint at least one member of the public at large,
34 preferably a resident that lives in year-round market rate rental housing in the town to serve on
35 the board of trustees; and

36 (3) The board of selectmen shall consider a broad range of expertise including education
37 and experience in real estate development and financing in appointing the remaining three
38 members for the board of trustees.

39 (b) Each of the five members shall be sworn to the faithful performance of his or her
40 official duties as a member of the board of trustees. A majority of the five members shall
41 constitute a quorum for the transaction of any business. The board of trustees shall elect from
42 among its members a chairman, vice-chairman, clerk and other officers as it finds necessary and
43 determine their duties.

44 (c) The original members of the board of trustees shall be appointed within 60 days
45 following the effective date of this act. Of the members of the board of trustees first appointed,
46 one shall be appointed to serve for a term of one year, two for a term of two years and two for a
47 term of three years. The initial appointments may be adjusted to coincide with the regular
48 appointment cycle of the town. All terms thereafter shall be for three years. In the event of a
49 vacancy on the board of trustees, a successor member shall be appointed to complete the
50 unexpired term.

51 (d) Any member of the board of trustees may be removed by the board of selectmen for
52 cause after reasonable notice and a public hearing by the board of selectmen, unless the notice
53 and hearing are in writing expressly waived by the member subject to removal.

54 (e) The members of the board of trustees shall not receive compensation for the
55 performance of their duties hereunder, but each member shall be reimbursed by the trust for
56 expenses actually incurred in the performance of his or her duties. Every such reimbursement
57 shall be open to public inspection from and after the requisition thereof.

58 SECTION 4. (a) There shall be established a trust fund to be known as the year-round
59 market rate rental housing trust fund. Said fund shall be separate and apart from the town of
60 Provincetown general fund.

61 (b) The town treasurer shall be the custodian of the trust fund.

62 (c) The trust fund shall receive and hold all gifts and grants made to the trust as well as
63 any moneys appropriated by the town to the trust. The trust fund shall also receive all revenues
64 from the sale or lease of trust property and any rental income generated from properties under the
65 custody of the trust.

66 (d) Any monies in the trust fund shall be available for expenditure by the trust for the
67 purposes set forth in this act without the need for further appropriation by town meeting.

68 (e) By a two-thirds vote, the town is authorized to borrow money in aid of the trust, to be
69 used by the trust for any purpose consistent with this act and for which the town is authorized to
70 borrow.

71 (f) Any funds previously appropriated by the town for the creation of year-round rental
72 housing prior to the effective date of this act, shall, by operation of law, be automatically
73 transferred into the trust fund.

74 SECTION 5. The trust, by and through its board of trustees, is hereby authorized:

75 (a) to accept and receive real property, personal property or money, by gift, grant,
76 contribution, devise or transfer from any person, firm, corporation or other public or private
77 entity, or any other source;

78 (b) to purchase and retain real or personal property, including without restriction
79 investments that yield a high rate of income or no income;

80

81 (c) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at
82 public auction or by private contract for such consideration and on such terms as to credit or
83 otherwise, and to make such contracts and enter into such undertaking relative to trust property
84 as the board deems advisable notwithstanding the length of any such lease or contract;

85 (d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases,
86 covenants, contracts, promissory notes, releases and other instruments sealed or unsealed,
87 necessary, proper or incident to any transaction in which the board engages for the
88 accomplishment of the purposes of the trust;

89 (e) to employ advisors and agents, such as accountants, appraisers and lawyers as the
90 board deems necessary;

91 (f) to pay reasonable compensation and expenses to all advisors and agents and to
92 apportion such compensation between income and principal as the board deems advisable;

93 (g) to apportion receipts and charges between incomes and principal as the board deems
94 advisable, to amortize premiums and establish sinking funds for such purpose, and to create
95 reserves for depreciation depletion or otherwise;

96 (h) to participate in any reorganization, recapitalization, merger or similar transactions;
97 and to give proxies or powers of attorney with or without power of substitution to vote any
98 securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or
99 sale of property, by or between any corporation and any other corporation or person;

100 (i) to deposit any security with any protective reorganization committee, and to delegate
101 to such committee such powers and authority with relation thereto as the board may deem proper
102 and to pay, out of trust property, such portion of expenses and compensation of such committee
103 as the board may deem necessary and appropriate;

104 (j) to carry property for accounting purposes other than acquisition date values;

105 (k) to borrow money on such terms and conditions and from such sources as the board
106 deems advisable, to mortgage and pledge trust assets as collateral;

107 (l) to make distributions or divisions of principal in kind;

108 (m) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in
109 favor or against the trust, including claims for taxes, and to accept any property, either in total or
110 partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this
111 act, to continue to hold the same for such period of time as the board may deem appropriate;

112 (n) to manage or improve real property; and to abandon any property which the board
113 determined not to be worth retaining;

114 (o) to hold all or part of the trust property uninvested for such purposes and for such time
115 as the board may deem appropriate; and

116 (p) to extend the time for payment of any obligation to the trust.

117 (q) General revenues appropriated into the trust become trust property and to be
118 expended these funds need not be further appropriated. All moneys remaining in the trust at the
119 end of any fiscal year, whether or not expended by the board within 1 year of the date they were
120 appropriated into the trust, remain trust property.

121 (r) The trust is a public employer and the members of the board are public employees for
122 purposes of chapter 258.

123 (s) The trust shall be deemed a municipal agency and the trustees special municipal
124 employees, for purposes of chapter 268A.

125 (t) The trust is exempt from chapters 59 and 62, and from any other provisions
126 concerning payment of taxes based upon or measured by property or income imposed by the
127 commonwealth or any political subdivision thereof.

128 (u) The books and records of the trust shall be audited annually by an independent
129 auditor in accordance with accepted accounting practices.

130 (v) The trust is a governmental body for purposes of sections 18 through 26 of chapter
131 30A of the General Laws.

132 (w) The trust is a board of the city or town for purposes of chapter 30B and section 15A
133 of chapter 40; but agreements and conveyances between the trust and agencies, boards,
134 commissions, authorities, departments and public instrumentalities of the city or town shall be
135 exempt from said chapter 30B.

136 (x) Procure insurance against any loss in connection with its properties and other assets
137 and operations in such amount and from such insurers as it deems desirable; and

138 (y) Do all acts and things necessary or convenient to carry out the powers expressly
139 granted in this act.

140 (z) The board of trustees shall be considered a town board subject to the charter and
141 bylaws of the town except as may be otherwise expressly provided herein. The members of the
142 board of trustees shall be considered municipal employees for all purposes of the General Laws.

143 SECTION 6. No year-round market rate rental housing project shall be undertaken until
144 a public hearing relating to the project has been held by the board of trustees after due notice.
145 Further, after due notice, the board of trustees shall hold at least one public hearing annually to
146 receive comments about its management and operations. Due notice of public hearings shall be
147 given by the trust to the general public through a legal notice in two newspapers having a general
148 circulation in the town published no later than two weeks prior to the hearing date.

149 SECTION 7. The financial records of the trust shall be subject to control and oversight
150 by the town's finance department and subject to yearly audits by the accounting firm employed
151 by the town for the purposes of the regular town audit.

152 SECTION 8. Year-round market rate rental units shall be rented giving the maximum
153 preference allowed by law to: (1) current residents of the town of Provincetown; (2) municipal
154 employees; (3) employees of local businesses; and (4) households with children attending
155 Provincetown schools. If there are more eligible applicants than available year-round market
156 rate rental units, the trust shall utilize a lottery system to select tenants. The trust may enact
157 regulations establishing additional preference criteria based on income eligibility.

158 SECTION 9. This act, being necessary for the welfare of the commonwealth and the
159 town of Provincetown and its inhabitants, shall be liberally construed to effect the purpose
160 thereof.

161 SECTION 10. This act shall take effect upon passage.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

7A

BARNSTABLE COUNTY FIRE TRAINING ACADEMY

Update

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion Dependent – votes may be taken.

Additional Information

See attached letter from Barnstable County Administrator Jack Yunits.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



COUNTY OF BARNSTABLE
SUPERIOR COURTHOUSE
P.O BOX 427
BARNSTABLE, MASSACHUSETTS 02630

JACK T. YUNITS, JR
County Administrator
Office: (508) 375-6771
jack.yunits@barnstablecounty.org

July 27, 2016

David Panagore
Town Manager
260 Commercial Street
Provincetown, MA 02657

Dear Mr. Panagore,

As you know the Barnstable Fire Training Academy has come under fire recently resulting from a Civil Action brought by Barnstable against the County pursuant to Mass. Gen. Law Chapter 21E alleging that actions by the County at the Academy have caused damages to the Mary Dunn Wells.

Chapter 21E is a strict liability statute that imposes liability, jointly and severally, upon any party who contributed to the generation of hazardous substances on the site, in this case affecting the wells, including the property owner, transporters and generators, and persons who otherwise caused the release of hazardous materials.

The unique nature of Chapter 21E therefore would implicate all Barnstable County towns that used foam at the Academy at any time, including the five Barnstable fire districts, Plymouth Power, Entergy and others. Ironically Barnstable County never used foam at the site. The County does have a fire response unit or department that would use foam.

Nonetheless we owe a professional duty to notify all of our fire departments and districts of the imminent potential for litigation and that each community may be enjoined in this litigation because of the legal obligations set forth in Chapter 21E.

The Academy always operated in compliance with regulatory standards. Barnstable's Board of Health inspected and permitted the Academy annually and regulatory permits were issued by DEP. The County recognizes the significant benefits that their annual appropriation provides to the fire service enhancing

public safety for all of our first responders and for all of our Barnstable County residents. Therefore we are resolved to and committed to a course of action that will continue this service for local communities while we simultaneously employ our best effort to remediate any threat to the wells whether related to the Academy or any other point source of contamination to insure that the Mary Dunn Wells are environmentally compliant.

It should be noted that Aqueous Film Forming Foam has been utilized on the site for approximately four decades, until prohibited by the County in 2007, and this chemical compounds continuous use has created the current dilemma. We are presently and have been undertaking over the last two fiscal years remedial actions and we are in the process of extracting all contaminated soils located in a hot spot, the localized catchment area with the highest level of PFOS, and disposing of those soils at a DEP approved location. We have also initiated a system that diverts ground flows away from the wells and returns the water to the Academy where it is cleaned on site.

We are working with DEP to manage clean up activities and we remain engaged with the Town with the hope of reaching a reasonable solution. We will continue to keep you advised as to the progress of those communications and the status of ongoing remediation. It remains our hope that further legal entanglements can be avoided and that we can continue to facilitate the public safety function that is so necessary to our Cape's fire service.

Sincerely,

A handwritten signature in cursive script that reads "Jack Yunits". The signature is written in black ink and is positioned above the typed name and title.

Jack Yunits
County Administrator



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

7B

REQUEST FOR PROPOSAL

Old Community Center, 46 Bradford Street, Provincetown, MA

Requested by: Town Manager David B. Panagore

Action Sought: Discussion/Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to approve the Request for Submissions (RFQ) for Disposition of the old Community Center located at 46 Bradford Street, Provincetown, MA [as presented] [as revised].

Additional Information

See attached draft Request for Submissions (RFQ) document.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

**TOWN OF PROVINCETOWN
Town Manager's Office**

**REQUEST FOR SUBMISSIONS (RFQ):
PHASE 1 – REQUEST FOR QUALIFICATIONS**

Sale of Provincetown Community Center

1. REQUEST FOR QUALIFICATIONS

The Town of Provincetown (the “Town”), acting by and through its Board of Selectmen (the “Board”), is offering for sale, through a two-phased selection process and in accordance with Massachusetts General Laws Chapter 30B, a parcel of land, comprising approximately __ acres, more or less, located at 46 Bradford Street, Provincetown, MA.

This Request for Qualifications (“RFQ”) represents Phase I of the Town’s two-phased process to determine the most advantageous respondents to acquire and redevelop the Premises. In Phase I, the Town is requesting short concise submissions in order to determine which respondents are eligible to receive, and submit a proposal pursuant to, a Request for Proposals (“RFP”) which the Town will issue in Phase II. The Town will review the qualifications of all respondents submitting timely qualification statements in accordance with the criteria provided herein. Only respondents who meet the minimum prequalification criteria will receive the RFP. Only respondents who meet the minimum aggregate ranking in accordance with the qualification criteria will receive the RFP.

The Town’s purpose for selling the Premises is to restore a vacant property to viable use, reflecting the community’s values and evidencing community benefit. We are seeking redevelopment proposals for business and economic development or housing development or both. Each project must clearly identify the community benefit created. All costs and expenses of purchasing and developing the Premises, including without limitation, all costs of permitting and improvements, shall be the sole responsibility of the successful respondent. Any proposed development must conform to the Provincetown Zoning Bylaws.

While the Town believes that the information provided in this RFQ, including all exhibits and addenda, if any, is accurate, the Town makes no representation or warranty, express or implied, as to the accuracy and completeness of the information in this RFQ. The respondent assumes all risk in connection with the use of the information, and releases the Town, the Board, their representatives, agents, boards and commissions, from any liability in connection with the use of the information provided by the Town. Further, the Board makes no representation or warranty with respect to the Premises, including without limitation, the value, quality or character of the Premises or its fitness or suitability for any particular use and/or the physical and environmental condition of the Premises. The Premises will be sold in “AS IS” condition.

Statements of Qualifications are due at the Office of the Town Manager at Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts 02657 by __:00 a/p.m. EST on _____, __, 2016.

Respondents to this RFQ must submit an earnest money deposit of \$5,000. Deposits will be returned promptly to Respondents that are not responsive or not prequalified in accordance with the terms set forth herein. The Town will otherwise hold the deposits until an award of the sale of the building is made during the second phase of this procurement, or in the event the Town cancels the procurement.

After receipt of qualification statements in Phase I, Town Staff will schedule one or more confidential meetings with Respondents who meet the minimum pre-qualification criteria set forth in this RFQ for the purpose of further understanding and refining redevelopment proposals. Town Staff will be available to each Respondent regarding their respective redevelopment proposals including but not limited to questions regarding their financing, their permitting, exploring options for streamlining permitting, and other appropriate elements.

Each respondent shall in Phase II be responsible for their own review and analysis (due diligence) concerning the physical and environmental condition of the Premises, applicable zoning and other land use laws, required permits and approvals, and other development, ownership, and legal considerations pertaining to the Premises, and the use of the Premises. All required statutory submission requirements will be deferred to Phase II. Phase II submissions shall be evaluated on the basis of Experience, Concept, Community Benefit, Financial Benefit, and Ability to Proceed

The Town reserves the right to reject any and all qualification submissions, or to cancel this procurement at any time if it is in the Town's best interest to do so.

2. DESCRIPTION OF PREMISES

The Premises consist of the Town-owned property located at 2 Mayflower Street, Provincetown, Massachusetts containing approximately ___ acres, and shown on Assessor Parcels _____, and described in a deed recorded with the Barnstable Registry of Deeds at Book _____ and Page _____. The Premises are shown on a plan attached to this RFQ as Exhibit A and incorporated herein.

3. SUBMITTAL PROCESS AND SCHEDULE OF EVENTS

Availability of RFQ Packages. The RFQ will be available on the town website at www.provincetown-ma.gov as of _____, 2016.

Submission Deadline. Sealed Qualification Statements must be received at the Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts 02657, by __:__ a/p.m. EST on _____, 2016. **Late, faxed or e-mailed submissions will not be accepted.** The front page of the submission package must be clearly marked with the words "Town of Provincetown RFQ for Disposition of Community Center."

Opening of Submissions. All submissions shall be opened, and shall become public, by the Town Manager at Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts 02657 at __:__ a/p.m. EST on _____, 2016.

4. SUBMISSION REQUIREMENTS

Each respondent shall submit five (5) paper copies of the submission (one of which shall be the original), complete with all supporting materials.

All submissions shall not be longer than **four pages** and shall the following materials in order to qualify:

- A. Cover Letter. A letter signed by the respondent, or, if the respondent is an entity, a principal(s) of the respondent who is authorized to submit its RFQ response, including a statement of interest, the identity of the respondent, and name of the potential purchaser of the Premises (if other than respondent), and the name, address and contact information of all interested parties.
- B. Project Description. Respondents shall provide a one page project narrative describing the redevelopment concept and intended uses. Each Respondent shall identify the community benefit their project shall provide including but not limited to community use, tax benefit, business development, job creation, seasonal housing, year-round housing, support of the arts, support of local non-profits, as well as its correspondence with the existing Local Comprehensive Plan.
- C. Qualification Statement. Respondents shall provide qualification statements that demonstrate respondent's relevant experience, financial capacity, familiarity with development and redevelopment in the region and other qualifications the Town will consider for prequalification purposes as set forth below as Minimum Prequalification Criteria. Each respondent is required to address each of the four Minimum Prequalification Criteria individually, numbering as below. Each respondent should include sufficient information to allow a meaningful evaluation of their qualifications related to the acquisition and future redevelopment. The Town reserves the right to disqualify any submission or response due to insufficient supporting or explanatory information, or to request additional supporting information. The Town may request additional information of one or more respondents relative to qualifications. Requests shall be in writing with the expectation of a written response within a specified time.
- D. Submission Security. Submission security in the form of a certified check or cashier's check payable to the "Town of Provincetown" in the amount of \$5,000.00 must accompany the submission package. The submission security of parties not prequalified will be returned within a reasonable time after the date of an award. Submission packages which fail to include security, or those of responding parties who fail to provide the aforementioned security by the submission deadline, will be rejected as non-responsive. In the event that a prequalified respondent is not selected by the Town during Phase II of the process, the security will be returned within 45 days after a purchase and sale agreement is executed with the selected respondent.

5. Minimum Prequalification Criteria

The Town will consider proposals for the redevelopment of the Community Center building for the following purposes: business/economic development, or housing development, or both. Submittals received by the Town will be evaluated for prequalification based on the minimum criteria provided below.

1. The identification of a redevelopment team including engineers, landscape architects, architects, and builders who are qualified to undertake projects of the scope and magnitude being proposed.
2. Demonstrated experience by one or more individuals on the redevelopment team in at least one redevelopment project of similar in scale and scope.
3. Suitable evidence that the respondent has the financial ability to accomplish the proposed redevelopment.
4. A demonstrated ability to complete redevelopment projects in accordance with pre-determined schedules.

After evaluating a submission on the foregoing factors, the evaluators will determine whether the respondent meets the Minimum Prequalification Criteria and is thus prequalified and will be eligible to receive the RFP.

6. RESERVATIONS BY THE TOWN

A. This RFQ does not represent any obligation or agreement whatsoever on the part of the Town to sell the Premises described in this RFQ.

B. The Town reserves the right, in its sole discretion, to reject at any time any or all submissions or to withdraw the RFQ. The Town also reserves the right, at any time, to waive strict compliance with the terms and conditions of this RFQ or to entertain reasonable modifications or additions to selected submissions provided the same are not materially different from the terms set forth herein.

C. The Town makes no representations or warranties, express or implied, as to the accuracy and/or completeness of the information provided in this RFQ. This RFQ (including all attachments and supplements) is made subject to errors, omissions, prior sale, or financing, withdrawal without prior notice, and changes to, additions to, and different interpretations of laws and regulations.

D. Prequalification of a respondent will not create any rights on the respondent's part, including, without limitation, rights of enforcement, equity or reimbursement.

E. All determinations as to the completeness or compliance of any submissions, or as to the qualifications and rankings thereof, will be within the sole discretion of the Town.

TOWN OF PROVINCETOWN

REQUEST FOR SUBMISSIONS (RFQ)

Town of Provincetown Disposition of Community Center

EXHIBIT A

PLAN OF PREMISES



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

7C

TOWN MANAGER'S REPORT

Administrative Updates

Requested by: Town Manager David B. Panagore

Action Sought: Discussion/Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to affirm the contract extension for Interim Finance Director Ruth Lewis, commencing on August 2, 2016, for an additional six-week period ending September 12, 2016.

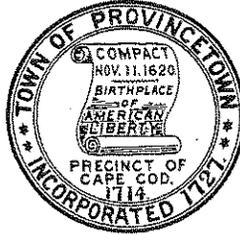
Additional Information

(i) Contract Extension of Interim Finance Director Ruth Lewis.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Town of Provincetown



Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Facsimile (508) 487-9560
Telephone (508) 487-7000

Ruth Lewis
125 Woodside Road
West Barnstable, MA 02668-1719

August 1, 2016

Re: Town of Provincetown – Temporary Interim Finance Director

In accordance with my authority under the Provincetown Home Rule Charter, Chapter 2 Section 7 (including but not limited to Section 7-2-5), and G.L. c. 41, §108N, on behalf of the Town of Provincetown, and in mutual agreement, I would like to extend your temporary position of interim Finance Director for an additional six week term. The pay rate for this additional term shall be at an hourly rate of \$90.00/hour, including travel time and mileage reimbursement.

The position is part-time, for between 2-3 days per week. The specific days of the week that you will be working, and any limitation upon the total number of hours worked per week, will be as agreed upon between us (or my designee).

This position, which began on June 21, 2016 for a six-week duration, shall be extended for an additional six weeks from August 2 to September 12, 2016. The agreement, or any extensions thereof, shall be terminated upon the Town's hiring of a permanent Finance Director. In addition, the agreement may be terminated by either party without cause at any time, by providing the other party written notice 10 days in advance of the noticed end date.

To the extent that you might be eligible for benefits as per the Town of Provincetown Personnel Rules, you hereby waive any such benefits. In addition, should you be eligible to participate in any health insurance/medical/dental plans offered by the Town of Provincetown, you hereby waive such participation.

Please note that your hiring is subject to the approval of the Provincetown Board of Selectmen, pursuant to Section 7-2-5 of the Charter, and should the Selectmen not approve your hiring, this agreement shall be null and void. If you accept the extension of this agreement, please sign and return this employment agreement as soon as possible.

Sincerely,

David P. Panagore, Town Manager

8/4/16

Date

Ruth Lewis, Interim Finance Director

8/4/16

Date



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

7D

OTHER

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion Dependent – votes may be taken.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

Monday, August 08, 2016

8

MINUTES OF BOARD OF SELECTMEN'S MEETINGS

Requested by: BOS Secretary

Action Sought: Approval

Proposed Motion(s)

Move that the Board of Selectmen approve the minutes of:

- | | | | | |
|-----------------------------|--------------------------|------------|--------------------------|-----------------------|
| February 29, 2016 (Special) | <input type="checkbox"/> | as printed | <input type="checkbox"/> | with changes so noted |
| March 14, 2016 (Regular) | <input type="checkbox"/> | as printed | <input type="checkbox"/> | with changes so noted |
| March 15, 2016 (Special) | <input type="checkbox"/> | as printed | <input type="checkbox"/> | with changes so noted |
| June 27, 2016 (Regular) | <input type="checkbox"/> | as printed | <input type="checkbox"/> | with changes so noted |

Additional Information

See attached minutes.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - SPECIAL MEETING
MONDAY – FEBRUARY 29, 2016 – 5:00 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Donegan convened the open meeting at 5:00 p.m. noting the following attendees:

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

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner,
Pier Corp. Members: Kerry Adams, Carlos Verde, Herbert Hintze, and Harbormaster Rex McKinsey.

Recorder: Loretta Dougherty

1. Public Hearing – Condo Conversion Bylaw Amendments and Inclusionary Zoning Bylaw Amendments – Discussion and Approval of Language for Town Meeting, and Refer the Articles to the Planning Board for a Public Hearing:

Selectman Anthony recused himself and left the room at 5:02 p.m. Selectman Yingling read the Public Hearing Notice. Chairman Donegan read the written comments sent in by email. The drafted Condo Conversion By-law may be found on the Town's web page www.provincetown-ma.gov in the Board of Selectmen's agenda packet.

David P. started with the presentation of the current drafted Condo Conversion By-law and explained the difference between the Condo Conversion By-law presented this evening and the one presented at last fall's Special Town Meeting. Firstly, the two year moratorium has been removed. Secondly, in Section 4, subsection B, numbers 7, 8, & 9 have been added whereas the last version ended at number 6. These three regulations create a hardship exemption. He recommended slightly changing the language in number 8 to read, "...would be a manifestly unjust hardship." Number 9 would allow conversion if not doing so would constitute unconstitutional confiscation of the owner's property. When there is no value left at all it would be an unconstitutional taking.

Cheryl wanted to know if the Amherst by-law contained the language regarding the hardship exemption. She believes it would be helpful to know if this has been done somewhere else.

David P. will check and get back with her tomorrow. It is his understanding that this is a Provincetown by-law. He pointed out that the intent of number 7 is very clear, as is that of number 8. However, he will ask for legal advice on number 9 and inform the Board.

Raphael referred to the term Vacancy Rate being used in subsection E. This does not seem to be defined anywhere else. He wondered if we need to define it more as it seems to be defined broader in this version.

Tom asked how we would measure the findings referring to subsection E which allows the Board to determine the Vacancy Rate for year-round rental units in the Town in order to declare a state of public emergency, if the Vacancy Rate is equal to or lower than 5% of the overall housing stock. He stated that we have not really talked a lot about this section.

There were no public comments.

Selectmen's Comments:

Erik believes that this is a very fair and solid by-law.

Tom has concerns for people who are realtors, those who have a retirement in place and anyone who has invested all their monies into real estate. This requires the hardship exemption. We need to be mindful of not being punitive to these people. He believes that the hardship exemption is good.

Raphael believes that we have not really discussed the Condo By-law a lot since the last town meeting. He feels that the commentary over the last few years has not been strong. He does not want to see a huge number of hardship cases coming before the Board. He has not seen how the condo conversion fits in the plan the Board has made and wants to understand that before he puts his support behind it.

Cheryl believes the problem with this by-law is that it targets the one group of people who did the right thing by not selling for condo conversions and now will be harmed by this by-law. She does not want to see a lot of hardship exemptions coming before the Board.

Erik asked the Board if there were any amendments to this by-law that the Board might want to make in order for them to support it.

MOTION: Move that the Board of Selectmen refer the Condo Conversation By-law, as amended to the Annual Town Meeting, as presented by the Town Manager.

Motion: Erik Yingling

Seconded: Tom Donegan

Raphael stated that he would vote yes in order for it to be included in the Warrant.

3/1/0 (Cheryl Andrews) Motion passed.

Inclusionary Bylaw:

The drafted by-law may be found on the Town's web page www.provincetown-ma.gov in the Board of Selectmen's agenda packet.

Gloria gave a summary of this by-law stating the primary purpose is to encourage the creation of a range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community and a viable and healthy local workforce and to prevent the displacement of Provincetown residents; mitigating the impact of residential development on the availability and cost of housing; protecting the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land; providing a mechanism by which residential development can contribute in a direct way to increasing the supply of affordable and community housing in exchange for a greater density or intensity of development than is otherwise permitted as a matter of right, and supporting the goals of Provincetown's December 2006 Affordable and Community Housing Action Plan (updated January of 2014).

The majority of the ensuing conversation among the Board dealt with the Barnstable County allowable median income percentages, as defined by the United States Dept. of Housing and Urban Development adjusted for household size.

Erik wanted to know what would be 160% of the area median income (AMI) for two people, and is concerned about the 80% or below figures.

Tom believes that there is no other place that provides anything above 80%, and this by-law feels like an opportunity to do that. It is very difficult to find anything affordable at the 80% or under in Provincetown.

Tom asked to open Public Comments.

David Nicolau believes that the Inclusionary By-law has some good points and that we are moving in the right direction. He has concerns about people adding a unit on to their home and then personally using it. He recommended possibly looking at a flat rate rather than the in lieu of payment. He also wanted to know how this would affect growth management. He wanted clarification of what the end goal is to be; how many units for rent and/or ownership.

Doug Dolezel appreciates all the work that has been put into this. He supports the 6 units and above but is concerned about the 1-5 units. He believes this by-law will put the burden of the payment on the purchaser. He feels that the in lieu payment is still quite high and explained his reasoning to the Board. He recommended providing better incentives.

Public comments were closed.

Selectmen's comments:

Tom and Erik thanked Gloria and the staff for a really great job in putting the by-laws together.

Erik believes the whole incentive is to get the market to build for us. The incentive is very strong for the 6 plus units, but perhaps we can lower it for the 1-5 units and we might get more support.

Cheryl is still concerned about putting a disincentive on people wanting to create year-round rentals.

Raphael thanked everyone for their input and Gloria's presentation. He believes that the dollar amounts we are expecting from people may be too high. He is in favor of bringing it to a lower number than 5%. He will support 3% for the 1-5 units.

MOTION: Move that the Board of Selectmen vote to amend Section 4 (a) (1) for the 1-5 units, so payments would be 3% per unit rather than 5% per unit.

MOTION: Raphael Richter **Seconded:** Erik Yingling

4/0/1 (Robert Anthony was recused) Motion passed.

MOTION: 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, March 24, 016, in order to be placed on the April 4, 2016 Spring Town Meeting Warrant.

Motion: Raphael Richter **Seconded:** Erik Yingling

4/0/1 (Robert Anthony was recused) Motion passed.

Robert returned to the meeting at approximately 7:10 p.m.

Public Statements on the Warrant Articles:

Doug Dolezel came before the Board and asked about growth management as reflected in the Inclusionary by-law. The Town Manager suggested that Doug meet with him for further discussions as this is a Planning Board item.

2. Selectmen Statements:

There were no Selectmen statements.

3. Approve Articles and Vote to Insert in the April 4, 2016, Annual & Special Town Meeting Warrant:

The Board reviewed the Articles and per David P. they will be reordered at Friday morning's meeting. David G. wanted the Board to know that there is an issue concerning the title to 26 Alden Street and we are waiting for Town Counsel's response concerning this. David P. stated that there is the potential that we will have to go back to Town Meeting. There have been challenges to imminent domain on the property. It relates to the process declaration of purposes; the technical aspects of the taking. It is a title issue.

MOTION: Move that the Board of Selectmen vote to approve all the articles except ATM 20, 22 & 23 and STM 7 for the April 4, 2016, Annual and Special Town Meeting as presented by the Town Manager and to insert said Articles into the April 4, 2016, Annual & Special Town Meeting Warrant forthwith subject to Town Counsel's review.

Motion: Raphael Richter **Seconded:** Erik Yingling

5/0/0 Motion passed.

Cheryl was concerned about the amount of discussion that might take place at Town Meeting on Article 20 and asked the Board how much HDC discussion do we want to have upstairs.

MOTION: Move that the Board of Selectmen vote to approve Article 20 for the Annual and Special Town Meeting as presented by the Town Manager and to insert said Articles into the April 4, 2016, Annual & Special Town Meeting Warrant forthwith subject to Town Counsel's review.

Motion: Raphael Richter **Seconded:** Erik Yingling

4/1/0 (Cheryl Andrews) Motion passed.

MOTION: Move that the Board of Selectmen vote to approve Article 22 for the Annual and Special Town Meeting as presented by the Town Manager and to insert said Articles into the April 4, 2016, Annual & Special Town Meeting Warrant forthwith subject to Town Counsel's review.

Motion: Raphael Richter

Seconded: Erik Yingling

3/1/1 (Cheryl Andrews/Robert Anthony was recused) Motion passed.

MOTION: Move that the Board of Selectmen vote to approve Article 23 for the Annual and Special Town Meeting as presented by the Town Manager and to insert said Articles into the April 4, 2016, Annual & Special Town Meeting Warrant forthwith subject to Town Counsel's review.

Motion: Raphael Richter

Seconded: Erik Yingling

4/0/1 (Robert Anthony was recused) Motion passed.

4. Joint Meeting with the Provincetown Public Pier Corp. to Review the Memorandum of Understanding:

The PPPC convened their meeting at 7:30 p.m. Kerry provided a short summation for the Board of the MOU which had been approved in June of 2015 which now has the updated Appendix A showing the integration of Town and Pier Corp CIP and maintenance planning processes included. This appendix outlines the processes that the Pier Corp will use in the planning and budgeting of their maintenance activities and processes for the integration of these activities with the Town's CIP.

Raphael asked to discuss the rent abatement and to look at Appendix A for a vote to accept or not.

Kerry wanted to get a consensus from the Board regarding whether or not the town will give the Pier a subsidy if they pay the rent or if the Board will give them an abatement on the rent.

Carlos stated that they are limping along due to set backs with the storm that wiped them out financially. They had to foot the bill of \$239,000 that wiped out their maintenance reserve and that is when the problem began. While waiting for FEMA money to come in they do not have any money to do maintenance. They need help and cannot afford any longer to maintain the pier.

Erik agreed to a rent abatement but not at 100%; a lesser amount is agreeable. He wants to see what happens over the next year. He stated that our budget is already balanced and the approximately \$120,000 rent abatement being asked for was not included in that budget.

Cheryl knows that some years they will be able to pay the rent and other years they won't. If there was a surplus then it comes to the Town.

Raphael would be willing to abate the rent at 50% now and review it in December of 2016.

Tom wanted to know why we do not have a Capital Plan and an Operating Plan. The town has a specific way of dealing with maintenance.

David P. stated that Eric Larsen is working with them. The Bourne review that was done was not sufficient; we did not have enough money to get the final overall review. Bourne needs to come up with numbers and go through the review with the Dept. of Public Works.

Robert stated that he respects all of the people at the table. He believes that the Pier Corp has never proven itself as a viable entity. He has been really thinking about it; 15 miles up the Cape they had a Pier Committee that ran the pier and it did not work. They then created an Enterprise Fund and the Committee was used as an advisor.

MOTION: Move that the Board of Selectmen direct the Town Manager to begin preparations to establish a Waterfront Committee incorporating the harbor pier and waterfront for economic development and various regulatory affairs and to take appropriate action to resolve the Pier Corp. effective November 1, 2017.

Motion: Robert Anthony

Seconded: Erik Yingling

Robert stated that it is not that the Pier Corp. has not tried; it just does not work. We have to do something.

X

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - REGULAR MEETING
MONDAY – MARCH 14, 2016 – 6:00 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Donegan convened the open meeting at 6:00 p.m. noting the following attendees:

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

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner; Harbor Committee members: Susan Avellar, David Flattery, Elise Cozzi, and Laura Ludwig; Harbormaster Rex McKinsey; Shellfish Constable Stephen Wisbauer; Economic Development Committee members: Chairman Steven Latasa-Nicks, Regina Cassidy, and Karen Cappotto; Cape Cod National Seashore Rep. Mary-Jo Avellar, and Dr. Eslie Cozzi.

Recorder: Loretta Dougherty

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

- A. Parade Permit Application submitted by Donald Murphy and Susan Avellar, Provincetown, MA, on behalf of the Provincetown Portuguese Festival, to hold a Parade on Saturday, June 25, 2016, starting at 3 p.m. to 5:30 p.m.
MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Donald Murphy and Susan Avellar, P.O. Box 559, Provincetown, MA, on behalf of the Provincetown Portuguese Festival to hold a Display of Portuguese Culture with Music and Dancing on Saturday, June 25, 2015, starting at 3:00 p.m. to 5:00 p.m.
- B. Parade Permit Application submitted by Donald Murphy and Susan Avellar, Provincetown, MA, on behalf of the Provincetown Portuguese Festival, to hold the Blessing of the Fleet on Sunday, June 26, 2016, starting at 12 noon to 1:00 p.m.
MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Donald Murphy and Susan Avellar, P.O. Box 559, Provincetown, MA, on behalf of the Provincetown Portuguese Festival, to hold the Portuguese Blessing of the Fleet on Sunday, June 26, 2016, starting at approximately 12 noon to 1:00 p.m.
- C. Treasurer's Transfer – Library Trust Fund (Flores Fund), to pay 629 Ingram Library Services for books/videos, in the amount of \$1,853.96.
MOTION: Move that the Board of Selectmen vote, as Commissioners of the Library Trust Fund – Flores Fund (#1626), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Trust Fund – Flores Fund (#1626) to pay \$1,853.96 for the attached invoice from Ingram Library Services.
- D. Approve placement of a Dedication Plaque on a sixteen-foot bench in front of Town Hall, in recognition of all the work Barbara Rushmore accomplished during her tenure as chair and committee member of the Beautification Committee.
MOTION: Move that the Board of Selectmen vote to approve the attachment of a Dedication Plaque on a sixteen-foot bench in front of Town Hall, in recognition of all the work Barbara Rushmore accomplished during her tenure as chair and committee member of the Beautification Committee.
- E. Letter from Richard Delaney, President of the Provincetown Center for Coastal Studies regarding a change to the dates for Coastal Studies' use of the VFW Hall.

Without objection Chairman Donegan waived the reading of the Consent Agenda.

Erik requested that item D. be voted upon by itself so that he and Raphael could abstain. Barbara Rushmore is their grandmother.

Without objection the Consent Agenda was unanimously approved with the exception of Item D.

MOTION: Move that the Board of Selectmen vote to approve item D, as presented.

Motion: Cheryl Andrews **Seconded:** Robert Anthony
3/0/2 (Erik Yingling & Raphael Richter abstained) Motion passed.

1. Public Hearings:

A. Joint Public Hearing with the Harbor Committee regarding Harbor Fees and Regulations:

The Harbor Committee called their meeting to order at approximately 6:02 p.m.

Harbormaster Rex McKinsey went over the changes to the Harbor fees and regulations acknowledging the Town's need for increased revenue across all departments.

Public comments:

Alex Brown stated that he is not in a position of paying insurance costs of \$300,000. He is tired of getting nicked and dined. His boat is insured and not at the docks. His mooring comes out of the water half of the time.

Noah Santos stated that this would put him out of business if he has to pay for this insurance; the term states all commercial boats. Boats made out of wood would never get insurance; they are at the pier. The Town is not adding any services but increasing the mooring fees.

Warren Goff was concerned about the Town being named as a certificate holder on the policy. He asked the Board not to vote on this item as a whole as there are different issues contained in the document.

Rex stated the insurance holder would be notified if the policy was cancelled prior to termination.

Raphael wanted to break out the vote. Although liability insurance is a good idea he wants to make sure that he understands about any commercial assigned risk pools that are in the state and how they operate before he votes for this. He does support the rest of the motion. He wants to address the difference in mooring fees at different locations.

Mooring fees in the harbor have never been divided by different locations. Usually people put their boats near wherever they live. The Harbor Committee will bring back the information on the insurance requested by Raphael.

Cheryl asked if there were any vessels at our pier that cannot be insured, at present.

Rex stated that the vast majority has insurance, but there are a few that are grandfathered who do not have to have insurance. The smaller boats can be put on the homeowner's policy. The insurance being requested is if you damage someone else's property; it is liability insurance.

Robert is not ready to vote for the insurance and asked where the \$500,000 figure came from? Rex stated Town Counsel.

Erik agrees with his colleagues on the insurance part. Commercial boats do need to have insurance, but he wants to know what the effects will be on the small business owners.

The mooring increases are reasonable; it is a luxury item. He will vote on those.

Tom asked if this covers only commercial boats or are houseboats and the like included.

Rex stated that it covers all vessels over 20' and 25 hp. It would affect private boats as well. Whether it is commercial or private they would still have to comply.

Raphael wants to know where the \$500,000 limit is; it might be lower and still achieve what we need. Research what \$100,000 would look like; look at other communities as well.

Tom requested to postpone this for two weeks. Votes were taken individually.

3-4-6 Insurance Requirements:

MOTION: Move that Board of Selectmen vote to continue Section 3.4.6 Insurance Requirements to the regular meeting of the Board on May 23, 2016

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

Section 3-2-3(b):

MOTION: Move that the Board of Selectmen vote to approve 3.2.3(b) as proposed.

Motion: Raphael Richter

Seconded: Robert Anthony

3/2/0 (Cheryl Andrews & Tom Donegan) Motion passed.

Appendix B: Rex stated that Appendix B is proposing a new fee, for the seasonal Kayak racks, for assigned spaces at \$100.

MOTION: Move that the Board of Selectmen vote to approve Appendix B, assigned space in seasonal kayak rack where available of \$100.

Motion: Raphael Richter

Seconded: Robert Anthony

4/1/0 (Erik Yingling)

Mooring permit fees:

The Harbor Committee based their changes on keeping them uniformed.

Raphael agrees with Erik that eight years is a long time to wait to visit fee changes. He is likely to support the hearing notice changes rather than the recommendations the Harbor Committee made.

Tom stated that if people are getting more services from a private provider should we be charging less for those moorings. Are there different values assigned to different places where moorings are placed? He would like to hear from people re: different aspects. All moorings are not created equal. We need to research this differently.

Raphael would like to vote to approve these, but include in the motion to study the locations and values.

Erik does not want to make the fee schedules more complicated; it is easy to digest and fair. He would rather have unified mooring fees.

MOTION: Move that the Board of Selectmen vote to approve the Harbor Regulations in Appendix B, specifically the mooring permit late fee as presented, and the mooring fees as proposed in the public hearing.

Motion: Raphael Richter

Seconded: Erik Yingling

There was a brief discussion of the rental mooring fees and it was agreed to lower the proposed rental mooring fee, as published in the Public Hearing notice of \$225, to the Harbor Committee's proposed fee of \$180. All other proposed mooring fees listed in the Public Hearing Notice remained unchanged.

MOTION: Move that the Board of Selectmen vote to approve the Harbor Regulations in Appendix B, specifically the mooring permit late fee as presented, and the mooring fees as vessels equal to or less than 16 feet and greater than 16 feet remain unchanged; vessels greater than 20 feet to \$150; vessels greater than 30 feet to \$250; vessels greater than 40 feet to \$300, and rental moorings to \$180.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

Tom closed the Public Hearing with the exception of the insurance requirement section 3-4-6 which is still open. It will be determined what date this will be brought before the Board again and proper notification sent out.

B. Economic Development Permit 16-01 – 199 Commercial Street, Units 9 & 10 –Café Heaven by Alan Cullinane:

Erik read the Public Hearing Notice. Raphael is recusing himself as his wife owns a restaurant that is a direct abutter.

Alan thanked the Board for their response. Café Heaven has been here for 22 years, has a wonderful relationship with the Town and is committed to the Town. It is iconic, a gem, an institution appreciated by everyone. He referred to the letters from Jennifer Cabral and Chris & Kathy Snow who praised Café Heaven. The community greatly supports this expansion. The Town will realize the increase in tax revenues. They will extend the season of the license and operate from April to early January. Every server has bought a home in Provincetown; they are paid very well. They will be able to offer more jobs to our residents. (See Addendum 1 for correspondence not included in the packet)

Public comments:

Mr. McGuire has known them for many years. They serve three meals and with this expansion they will be able to provide many more good jobs that will allow people to be able to live in Town.

Tom closed public comments.

This permit was recommended by staff. The existing restaurant space (#10) has 32 seats; expanding into the adjacent retail space (#9) creates an access way through the wall; and there will be a total of 60 seats. As always if there is any change in the use of property then those gallons are based on the application and use and if that use ceases those gallons come back. The proposed timeframe for business activity will be from April 1st to January after the New Year's Eve weekend.

Erik will fully support this application and asked if they will become a year-round business somewhere down the road.

Alan stated that that is certainly a possibility. They are comfortable with the January 1st date at this time. They will be hiring four more servers and about 10-15 seasonal workers; they are doubling their staff. April is a great month for us, and with the remodel they will have heat put in.



Robert stated that Café Heaven has served the town for 22 years. He will support this, and thinks they are doing a great job.

Cheryl congratulated them. She will abstain on this vote due to the way these permits are being issued; folks in the community still have concerns about the permit process.

Tom will be supportive. As a matter of record he wanted it noted that the Board has approved these based on their commitment to year-round and extended seasons. This is consistent with what has been done in the past.

MOTION: Move that the Board of Selectmen vote to approve Economic Development Permit 16-01 for 199 Commercial Street, Unit 9&10, by Alan Cullinane, applicant on behalf of Louis Morin and Scott Norman Realty Trust, property owners, 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/or
- Support an extended employment season and/or
- Create or enhance employment opportunities, and
- Help to diversify Provincetown's economic base, and

subject to the attached permit with conditions as submitted.

Motion: Erik Yingling **Seconded:** Robert Anthony
3/0/2 (Cheryl Andrews abstained & Raphael Richter recused)

C. Shellfish License Applications and Aquaculture Regulation Changes:

Erik read the Public Hearing Notice.

Raphael came back into session at 7:24 p.m.

Shellfish Constable gave a brief overview of the process which is an annual process.

Public Comments: None.

The Board decided that one motion would cover all of the items as presented by the Shellfish Constable.

MOTION: So moved, as printed.

Move that the Board of Selectmen vote to approve the shellfish license applications of 1) Daniel Degruittola, 2) Nathaniel Mayo, 3) Michael Chute, 4) Robert Hazard, 5) Alfred Famiglietti, James Staniscia, Theodore Cormay, and 6) Loretta Santos; to be assigned acre(s) as described in each individual application. These acres are located in the area east of the west end breakwater and lie close to the fall off to deeper water. Final issuance of town licenses is contingent on State and Federal approval and shall be for two (2) years as per Town regulations.

Move that the Board of Selectmen vote to renew the existing licenses for 1) Francis John Santos, 2) Laurie Santos, 3) Randy Rovatti, 4) Anthony Paccione, 5) David Flattrery/Bethany Tasha in the Aquaculture Development Area (ADA). These licenses expire in April of 2016 and the renewal shall be for five (5) years as per Town regulations. The above license holders have shown activity toward production. Not all licenses within the ADA are being recommended for renewal. Those not being recommended have been notified.

Move that the Board of Selectmen vote to approve the amendments to the regulations for aquaculture licenses as submitted. The substance of these changes is as follows:

- A License holder with sites within the ADA shall post a \$10,000 compliance bond naming the Town of Provincetown beneficiary. (This is a change from a \$200 bond and is the same cost to licenses holder)
- A License holder with sites within the ADA shall comply with specific sub tidal regulations issued by the MA Department of Marine Fisheries.
- All Grant holders shall pay to the town-all fees, maintain a compliance bond in full force (if within the ADA), have an annual propagation permit from DMF and file a yearly activity report. If these requirements are not met the Board of Selectmen may hold a hearing as to ascertain the facts of non-compliance and determine if the license shall be revoked.

Motion: Cheryl Andrews

Seconded: Raphael Richter

5/0/0 Motion passed.

Closed Public Hearings.

2. Public Statements: None.

3. Selectmen's Statements:

Raphael mentioned Town Meeting is April 4th at Town Hall with 46 Articles. He challenged the community to attend the meeting and bring their neighbors.

Erik agrees with Raphael and let everyone know they can call him anytime or stop him on the streets and ask him whatever questions they want.

Cheryl congratulated the organizers of the Annual Year-rounder's Festival. The pet parade was led off by a chicken; the other 40 contestants were dogs. People told her that they had a very good time. She asked how we could make the Town Meeting more appealing; grab a few friends; have dinner beforehand. The way we come to decisions is through Town Meeting.

Robert agrees with other Selectmen.

Tom thanked everyone who worked and volunteered at the Year-rounders Festival and all the other events going on. As the Cape Light Compact Representative, he is getting involved in issues such as the building of a Natural Gas Pipeline and helping with the decommissioning of the Pilgrim Nuclear Power Plant. On the Cape we have huge distribution costs; under Governor Baker (under the Combo plan), this pipeline is a disadvantage to the Cape. He will continue to update the Town and the Town Manager. There will be two great meetings held on the Articles on Thursday; one at 10:30 a.m. at the COA and another one at 3:30 p.m. at Seashore Point. He encouraged everyone to get involved.

4. Joint meeting / Presentations:

A. Joint Meeting with the Economic Development Committee regarding Micro Grants (<\$500), for approval by the Board:

The Economic Development Committee was called into session at 7:30 p.m. EDC Chairman Steven Latasa-Nicks stated that they had received quite a number of requests for the micro-grants. Of the five qualified businesses they recommended all five: Tracy Kachtick-Anders, HomBucha, Far Land Provisions, Tina Camino, and Late Night at the Underground..

Erik recused himself on the vote for Far Land Provisions, as he has a business relationship with them.



Cheryl stated that rolling application periods might help with late entrants.

Raphael recused himself on the vote for the Late Night Underground as Mr. Brody was employed by Mercedes Cab at one time.

MOTION: Move that the Board of Selectmen vote to approve the slate of Micro Grants presented by the Economic Development Committee, with the exceptions of Far Land and Late Night Underground, and award the amounts requested on the application, not to exceed more than \$500 per grant, as presented.

Motion: Raphael Richter

Seconded: Cheryl Andrews

5/0/0 Motion passed.

MOTION: Move that the Board of Selectmen vote to approve the Far Land Micro Grant presented by the Economic Development Committee and award the amount requested on the application, not to exceed more than \$500 per grant, as presented.

Motion: Cheryl Andrews

Seconded: Raphael Richter

4/0/1 (Erik Yingling recused) Motion passed.

MOTION: Move that the Board of Selectmen vote to approve the Late Night Underground Micro Grant presented by the Economic Development Committee and award the amount requested on the application, not to exceed more than \$500 per grant, as presented.

Motion: Cheryl Andrews

Seconded: Robert Anthony

4/0/1 (Raphael Richter recused) Motion passed.

The remaining \$2,500 in micro grants will be used for future upcoming requests and brought before the Board again.

Public Hearing was adjourned.

5. Appointments:

A. Approve Appointment of Mark Boucher, as a Regular member of the Beautification Committee:

Mark has an MS in civil environmental engineering. His partner is a physician at Outer Cape Health. He likes gardening. He works at Seashore Point right now. He wants to be involved and lives here year-round.

MOTION: Move that the Board of Selectmen vote to approve Mark Boucher to be appointed, as a Regular member to the Beautification Committee, with a term to expire on December 31, 2017.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

6. Requests:

A. Update from the Seashore Advisory Council re: New Beach/Herring Cove:

Mary-Jo Avellar gave the Board updates on the following:

- She distributed information regarding the Pilgrim Nuclear Power Plant. Bills before the General Court presented by Representative Sarah Peake and Senator Wolf are doing okay.
- She alerted the public that there are no drone zones in all National Parks. Special permits are allowed for flying of drones for certain topics.
- There is a white nose syndrome infecting bats and they are becoming a protected species.
- She spoke about the poor conditions a Herring Cove. She handed out a picture that showed the 210 spaces at Herring Cove of which 121 spaces were shown as rated from fair to poor to serious. This is the fourth year we have had breaks in the parking lot asphalt and this year there were no storms. The change over in personnel who have viewed the parking lot at Herring Cove in the past have retired. Money is an issue; it will cost \$775,000 this year to do a total repair to that parking lot. This is not an emergency so Supt. George Price is hesitant to ask for the total amount of \$775,000. In 2018 they will fix the parking lot at a cost of approximately \$1million. He is going to ask for \$300,000; the same amount as received last year. A portion of this parking lot will not be open for the season. We need to put pressure on Representative Keating as our economic engine is tourism and not to have this particular area open is going to be very detrimental. It is very important due to the immediate access to it. Everything from Race Point north is gaining land. This stretch of beach is vital to our economy.

Tom asked the Town Manager to make sure the kayaks are cleared off of the beaches and on Kendal Lane so that grandparents and others can accompany kids to the beach more comfortably. We need to see if we can get Congressman Keating and our Senators to meet with us.

Raphael made a motion to send letters of support.

MOTION: Move that the Board of Selectmen authorized the Chair and/or the Town Manager to send letters, as soon as possible, on behalf of the Board of Selectmen, to all state elected officials, and the Cape Cod National Seashore, National Park Service, as well as any other identified interested parties highlighting Provincetown's strong desire to have the Herring Cove north parking lot open at full capacity for summer 2016, and seek full funding to do so; and to send letters to all local, civic organizations such as the Chamber of Commerce and Provincetown Business Guild asking them to do the same.

Motion: Raphael Richter

Seconded: Robert Anthony

Cheryl was interested in finding out whether it would be possible for the regional transit authority to drop off passengers at the small section of the parking lot as well as the larger parking lot at Herring Cove. It would be helpful for those individuals who might have issues with walking such long distances to reach the beach area. Anything we can do to help the public have easier access will be appreciated.

5/0/0 Motion passed.

B. Review & discussion of the Housing Playbook:

David P. thanked Michelle, David G., and Gloria for all of their hard work and presented the Housing Playbook as a first draft to the Board He gave a brief summary of the playbook noting that, in simple terms, most of the dollars we have right now are for affordable housing; very little for community and nonexistence for seasonal workers. We want to go to other boards and committees and bring back to the Board a completed draft to move forward with the expansion within all areas. This should be updated every year or so. Michelle and David G. are here to answer any questions.

Raphael complemented staff on the presentation. There will be an adoption at some point and wants to keep this moving forward.

Cheryl recommended a short definition page might be helpful; she hopes to see at some point a cash page (Affordable Housing Trust Fund; CPA fund; Money put aside, etc.). She has no sense of how much money we have put aside. She would like to have included where the money is and what is was to be used towards originally. She wants to know what our vision is for the public. She does not see rental versus ownership. In the policy statement from our Board she would like to see it.

David P. stated that more data needs to be collected to figure out what that gap is: rental vs ownership. It is a playbook and not a master plan. He wants to create a conversation and then through the community process create those pieces of data.

Erik thanked the staff and stated that we have actually accomplished quite a bit.

Tom congratulated the staff for their great efforts. It provides the Board with a common set of knowledge which will be helpful as the process moves along. We do not have much land and not much money. Prioritization is an issue and as we begin to look at this over the next couple of cycles, state department rules will affect how the housing will be handled by employers. We have more housing units than we have ever had. What we have to do is figure out the distribution process.

Robert stated that this is a great document and he knows that it will get better. Part of the process we need to look at is creating jobs and offering rental units.

MOTION: Move that the Board of Selectmen vote to authorize the Town Manager to meet with other Town Boards and Committees, as deemed appropriate, and bring back an updated draft to the Board.

Motion: Raphael Richter **Seconded:** Robert Anthony
5/0/0 Motion passed.

C. Discussion on changes to signage reflecting "Gender Neutral" restrooms:

Board of Health Director Morgan Clark provided the Board with a memo regarding gender neutral restrooms which set out three distinct scenarios. One was to require single-stall restrooms be unisex or not have gender-based designations or signage on them. The second was to allow transgender/transsexual/gender nonconforming people to use bathrooms consistent with their gender identity, and lastly to require multi-stall restrooms to be unisex or not have gender-based designations or signage on them.

Cheryl will support the first and third recommendations.

Tom stated this only applies to Town owned properties and a way to approach this is to allow people to use their preference. Gender Neutral; handicapped; baby changing, etc. It is all very contained and handicapped accessible. We acknowledged that there is a safe place and it is in Town hall.

MOTION: Move that it shall be a policy of the Board of Selectmen that single stall restrooms be unisex or not have gender based designations, specifically the foyer restroom of Town Hall will be identified as gender neutral and that we allow transsexual, gender non-conforming people to use bathrooms consistent with their gender identity.

Motion: Raphael Richter **Seconded:** Cheryl Andrews
5/0/0 Motion passed.

D. Discussion of Upcoming meeting with Rep. Sarah Peake & Speaker DeLeo:

Tom asked who would like to attend the meeting with Representative Peake and Speaker DeLeo on Wednesday, March 30th at 11a.m at the State House in Boston regarding the room occupancy tax legislation. Tom will go. Erik will try to clear his day to attend. David P. and Cheryl will be in Plymouth for a Plymouth 400 meeting on that day. Raphael suggested that perhaps FinCom Chair Mark Hatch would like to go. Tom will let them know tomorrow.

No action was taken.

The Board recessed for two minutes.

7. Town Manager / Assistant Town Manager:

A. Six Months Performance Evaluation of Town Manager David Panagore:

The Board has been given copies of the appraisal forms and compiled by the Chairman. The consensus was 18.7 points out of 21 points; exceeds expectation category. The Board is very pleased with his performance and complemented him on doing a great job getting to know the community. He congratulated him on his first six months.

Cheryl stated that we got very lucky; hiring for this position was very difficult. There are challenges here that are very different from other towns. Universally the feedback she is getting is that David P. has been out in the community and is very accessible. She appreciates him very much and thanked him. She will do everything she can to continue to be a resource for him. She also complemented him on being able to handle the Town Meeting and Budget process from the get-go.

Robert is very pleased. It is a breath of fresh air in having a Town Manager who takes the extra time to be accessible to the public.

David P. thanked the Board for their support. He has worked where there has been no support at all. The bulk of getting things right over the last six months has been because of the Assistant Town Manager David Gardner, his Executive Assistant Elisabeth Verde and the Board of Selectmen's Secretary Loretta Dougherty, as well as the rest of the staff and this very interesting community.

No action was taken.

B. Town Manager's Report:

i. Updates on Community Compact, Regionalization, and Broadband:

David P. gave a brief overview of meetings he will be putting together with Economic Development Secretary Jay Ash and the Urban Land Institute to have them come to Provincetown and meet with the staff and public to focus on issues such as the Community Compact with the state and studying our operations to help give us more drilled down advice on what is available to us. He is calling the state to talk about what our needs are with respect to broadband service and will report back to the Board after that phone call.

Tom advocates for Wi-Fi broadband. Regionally there is a lot of room for us to grow: aquamarine and micro farming; developing sustainability on water and land which will produce economically viable households. Working with Truro and Wellfleet around our waterways shellfishing businesses can be built up.

Erik agrees with Tom. High speed broadband especially downtown for businesses would be a plus. A lot of businesses in Boston might be interested in doing their work here if we had the high speed broadband. Regional institutions for higher educational opportunities will also be welcomed.

Raphael stated there has been interest expressed regarding regionalism. It is hard for some towns to release their independence in certain areas. Obtaining broadband is very important and it is something we should keep on the table as a potential goal.

No action was taken.

The Board motioned to go into Executive Session and then reconvene in open session to finish the agenda.

The Board motioned to go into Executive Session at 9:27 p.m.

MOTION: Move that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 3 for the purposes of:

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Clause 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared). (Update on Clam Dredging Lawsuit). Votes may be taken.

Clause 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared). (Tax Title Updates). Votes may be taken.

Clause 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared). (Update on 227R Commercial Street). Votes may be taken.

and to convene in open session thereafter.

Motion: Raphael Richter
(Roll Call Vote)

Seconded: Cheryl Andrews

Tom Donegan: Yes

Erik Yingling: No

Cheryl Andrews: Yes

Raphael Richter: Yes

Robert Anthony: Yes

Yea: 4 Nay: 1 (Erik Yingling) Motion passed.

Erik voted no; he wanted to take the agenda in its proper order.

The Board went into Executive Session at approximately 9:29 p.m.

The Board reconvened in regular open session at approximately 9:46 p.m.

C. Recommendations on the Articles for the April 2016 Town Meeting Warrant:

The Board reviewed and voted on each Article as reflected in the attached Addendum 2 to these minutes.

D. Insert Ballot Questions for the May 2016 Annual Town Election:

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.59, §21C(g), to insert the attached ballot question(s) onto the May 3, 2016, Annual Town Election, as presented by the Town Manager.

Motion: Erik Yingling

Seconded: Raphael Richter

5/0/0 Motion passed.

E. Update and discussion of the Winslow Farm and VFW properties:

David P. stated that the legal language is still being updated by Town Counsel, and when completed will be brought back to the Board in draft form. No action was taken.

F. Other: None.

8. Minutes:

The Board reviewed the minutes and Cheryl will take the March 4, 2016, minutes and review them because she was not quoted correctly.

MOTION: Move that the Board of Selectmen approve the minutes of January 25, 2016 (Special), as presented.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

9. Closing Statements/Administrative Updates:

No closing statements.

Tom stated that the two remaining items on the Executive Session will be postponed and without objection the meeting was adjourned at 10:45 p.m.

Minutes transcribed by: Loretta Dougherty

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Addendum 1

①

Loretta Dougherty

From: myragold@comcast.net
Sent: Wednesday, March 02, 2016 4:14 PM
To: Loretta Dougherty
Cc: alancullinane@gmail.com
Subject: Support of Permits for Cafe Heaven

Dear Board of Selectman,

I am writing to you today in support of the owner's of Cafe Heaven, namely Allan Cullinane & Patrick Drummey.

They would like to expand into the spot where the retail shop " Melt " was.

Cafe heaven has supported this community and it's members for years, with employment for local's, a long season, fresh delicious food, and excellent service.

Please grant them the permit, and/or permits they might need for this opportunity to expand their well deserved business.

Thank you for your time.

Myra Gold

Provincetown Voter

2

Loretta Dougherty

From: Matthew Clark <clark1000@gmail.com>
Sent: Monday, March 07, 2016 4:36 PM
To: Loretta Dougherty
Cc: alancullinane63@gmail.com
Subject: Support for Application by Cafe Heaven to Expand

Dear Tom, Cheryl, and other Selectmen,

We are writing in support of the application by Café Heaven to expand its operations into the store next door. I understand this matter will come before the Board next Monday, 14 March.

Café Heaven is one of our local treasures. Alan, Patrick, and their team offer delicious fresh food and warm hospitality in a beautiful, quintessentially Provincetown space.

It makes total sense for them to expand next door. The legendary wait for a table will be shorter. Everybody wins.

Respectfully,

Matthew and Jonathan

--
Matthew A. Clark
Jonathan L. Worth
61 Commercial Street
Provincetown, MA 02657

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**Joan Lenane & Sally Rose
15 Center St.
Provincetown, MA 02657**

Provincetown Zoning Board of Appeals
c/o Assistant Town Manager David Gardner
260 Commercial St.
Provincetown, MA 02657

Re: Case #FY 16-34, Café Heaven

To whom it may concern:

We write to support Alan Cullinane and Patrick Drummey in their request to expand the restaurant Café Heaven into the retail space next door.

Café Heaven has been in business for many years and is a much-valued part of Provincetown's appealing array of eateries.

The restaurant draws local residents and visitors alike, and additional space and seats would contribute not only to the restaurant's ability to serve its customers but also to the economic health of the town.

Thank you for your consideration.

Sincerely,
Joan Lenane and Sally Rose

④

From: **Dan Ponton** <deponton@yahoo.com>

Date: Sunday, March 13, 2016

Subject: Modification of Cafe Heaven

To: "selectmen@provincetown-ma.gov" <selectmen@provincetown-ma.gov>,
"alancullinane63@gmail.com" <alancullinane63@gmail.com>

Dear Selectmen for the Town of Provincetown,

It is with great enthusiasm that we support the proposed modification of Cafe Heaven located at 199 Commercial Street.

For years Patrick and Alan and their hardworking staff have provided us and our visiting friends many many first class dining experience.

As a homeowners in Provincetown, we cherish and vigorously support the talented local business owners that make our town so very special. Please support the vision of these two proven and talented professionals.

Thank you for this opportunity to express my opinion. I own and operate restaurants for over 35 years and can be highly critical of my peers! We love the experience of dining at Cafe Heaven and look forward to the exciting new culinary experiences ahead!

Once again many thanks,

Daniel Ponton (and Stephane Castoriano)
54 & 153 Commercial Street.

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APRIL 4, 2016 ANNUAL AND SPECIAL TOWN MEETINGS

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Board of Selectmen				
				Second:	Y	N	A	R
STM-1	FY 2016 Budget Adjustments.	R	RR	TD	5	0	0	
STM-2	FY 2016 Budget Adjustments to Fund 27 th Pay Period.	R	RR	EY	5	0	0	
STM-3	Transfer of Funds to Provincetown Television.	R	RR	EY	5	0	0	
STM-4	National Marine Sanctuary Visitor Center in Provincetown.	R	RR	EY	5	0	0	
STM-5	Parking Kiosk Upgrade.	R	RR	EY	5	0	0	
STM-6	Provincetown 400 Executive Director.	R	RR	EY	5	0	0	
STM-7	Acquisition of 48 Winslow Street.	R	RR	EY	5	0	0	
STM-8	Rescind Unused Borrowing Authority.	R	RR	EY	5	0	0	
STM-9	Water Enterprise Capital Improvement Project.	R	RR	EY	5	0	0	
STM-10	MacMillan Pier Capital Improvement Project - Repairs to Boston Boat Gangways.	R	RR	RA	4	EY	0	
STM-11	MacMillan Pier Capital Improvement Project - Replace Outboard Motors.	R	RR	CA	3	0	EY TD	
STM-12	MacMillan Pier Emergency Capital Improvements.	R	RR	CA	3	EY	TD	
ATM-1	To Hear Town Reports.	R	RR	RA	5	0	0	
ATM-2	Cape Cod Greenhead Fly Control District Assessment.	R	RR	RA	5	0	0	
ATM-3	Amendments to Personnel Bylaw/Classification and Compensation Plan.	R	RR	RA	5	0	0	
ATM-4	Expenditures from the Tourism Fund.	R	RR	RA	5	0	0	
ATM-5	FY 2017 Human Services Grant Program.	R	RR	RA	5	0	0	
ATM-6	Creation of Year-Round Market Rate Rental Housing Trust – A Home Rule Petition.	R	RR	RA	5	0	0	

LEGEND: **R** = RECOMMEND; **NR** = NOT RECOMMEND; **RR** = RESERVE RECOMMENDATION; **IP** = INDEFINITELY POSTPONE; **X** = NO RECOMMENDATION

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Board of Selectmen				
				Second:	Y	N	A	R
ATM-7	Room Occupancy Tax: A Home Rule Petition.	R	RR	RA	5	0	0	0
ATM-8	0.5% Real Estate Transfer Fee: A Home Rule Petition.	R	RR	RA	5	0	0	0
ATM-9	Expanding Residential Property Exemption – A Home Rule Petition.	R	RR	RA	5	0	0	0
ATM-10	FY 2017 Operating Budget.							
	Div I General Gov	R	RR	CA	5	0	0	0
	Div II Finance	R	RR	CA	5	0	0	0
	Div III Public Safety	R	RR	EY	4	CA	0	0
	Div IV Public Works	R	RR	CA	5	0	0	0
	Div V Public Services	R	RR	CA	5	0	0	0
	Div VI Schools	R	RR	CA	5	0	0	0
ATM-11	FY 2017 Cape Cod Regional Technical High School Assessment.	R	EY	CA	5	0	0	0
ATM-12	FY 2017 Enterprise Funds Water	R	EY	CA	5	0	0	0
	Wastewater	R	EY	CA	5	0	0	0
ATM-13	Fireworks Celebration.	R	EY	RR	5	0	0	0
ATM-14	General Bylaw Amendment: Stipend for Selectmen.	R	EY	CA	5	0	0	0
ATM-15	General Bylaw Amendment: Non-Criminal Disposition of Pier Corporation Regulations.	R	EY	CA	5	0	0	0
ATM-16	FY 2017 Revolving Accounts.	R	EY	CA	5	0	0	0
ATM-17	Community Preservation Budget for FY 2017. Part 1 and 2	R	EY	TD	5	0	0	0
	A. VMCC Shade Structure	R	EY	TD	5	0	0	0
	B. Cemetery Commission	R	EY	TD	5	0	0	0

LEGEND: R = RECOMMEND; NR = NOT RECOMMEND; RR = RESERVE RECOMMENDATION; IP = INDEFINITELY POSTPONE; X = NO RECOMMENDATION

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Board of Selectmen				
				Second:	Y	N	A	R
	C. School Department Auditorium	R	EY	TD	5	0	0	
	D. Housing Authority expansion	R	EY	TD	5	0	0	
	E. Community Housing Office	R	EY	TD	5	0	0	
ATM-18	FY 2017 Capital Improvements Program.							
	1. MIS							
	2 Police Fleet							
	3 Police Radio							
	4 Fire Radio							
	5 Fire Radio and Paging							
	6 Fire Thermal Imagers							
	7 Fire power structures							
	8 DPW Street & Sidewalks							
	9 Storm Water Management							
	10 Roadway Paving Plan							
	11 Shank Painter Rd Concept development							
	12 DPW Street sweeper							
	13 DPW Freeman St / Library Building Maintenance							
	14 Parking AIMS software							
ATM-19	Alter Layout of Harry Kemp Way and Authorize Conveyance of the Discontinued Portion-34A Pearl Street.	R	EY	RR	5	0	0	
ATM-20	Hire a Lobbyist for the Town.	R	RR	TD	3	CA	RA	

LEGEND: **R** = RECOMMEND; **NR** = NOT RECOMMEND; **RR** = RESERVE RECOMMENDATION; **IP** = INDEFINITELY POSTPONE; **X** = NO RECOMMENDATION

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Board of Selectmen				
				Second:	Y	N	A	R
ATM-21	Adoption of Property Known as Pilgrim's First Landing Park.	R	EY	TD	5	0	0	
ATM-22	Adoption of Provincetown Noise Bylaw 2016.	NR	RR	CA	4	TD	0	
ATM-23	General Bylaw Amendment: Chapter 15. Local Historic District Regulations 15-11-12. Siding.	R	RR	EY	5	0	0	
ATM-24	General Bylaw Amendment: Chapter 15. Local Historic District Regulations – 15-9. Solar Exclusions.	R	RR	EY	4	CA	0	
ATM-25	General Bylaw Amendment: Chapter 11. Building Regulations – Demolition Delay Bylaw.	R	EY	RR	5	0	0	
ATM-26	General Bylaw Amendment: Chapter 16 – Condo Conversion Bylaw. Motion Failed No Recommendation	R	EY	TD	2	RR CA	0	RA
ATM-27	Zoning Bylaw Amendment – Article 2 Section 2440.	R	RR	CA	5	0	0	
ATM-28	Zoning Bylaw Amendment – Article 2 Section 2440.	R	RR	CA	5	0	0	
ATM-29	Zoning Bylaw Amendment: Article 2 Section 2440.	R	RR	CA	5	0	0	
ATM-30	Zoning Bylaw Amendment – Article 6, Growth Management.	R	RR	CA	5	0	0	
ATM-31	Zoning Bylaw Amendment – Article 1 Definitions.	R	RR	TD	5	0	0	
ATM-32	Zoning Bylaw Amendment – Article 4 Section 4810 Inclusionary Housing Bylaw.	R	RR	EY	3	CA	0	RA
ATM-33	Funding for Year-Round Rental Housing	R	RR	CA	4	0	EY	
ATM-34	Resolution: Prohibit Poisoning of Wildlife in the Cape Cod National Seashore. Designate Cruelty Free Zone for all Animals in Provincetown.	R	RR	EY	5	0	0	

LEGEND: **R** = RECOMMEND; **NR** = NOT RECOMMEND; **RR** = RESERVE RECOMMENDATION; **IP** = INDEFINITELY POSTPONE; **X** = NO RECOMMENDATION

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - SPECIAL MEETING
TUESDAY – MARCH 15, 2016 – 5:00 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Donegan convened the open meeting at 5:00 p.m. noting the following attendees:

Board of Selectmen members: Thomas Donegan, Erik Yingling, Cheryl Andrews, and Robert Anthony.

Excused: Raphael Richter

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner, Director of Finance Dan Hoort, DPW Director Richard Waldo, Cape Cod Commission Technical Service Director Glenn Cannon, Cape Cod Commission Transportation Planner Patrick Tierney, Parking Director Domenic Rosati, and Police Chief Jim Golden.

Recorder: Loretta Dougherty

1. Presentation of the Provincetown Parking and Circulation Study for the Town of Provincetown to be given by the Cape Cod Commission's Transportation Engineers.

Technical Service Director Glenn Cannon and Transportation Planner Patrick Tierney appeared before the Board. Glenn thanked the Provincetown staff for all of their assistance in meeting a lot of their deadlines which were very critical. The presentation gave a list of considerations, dismissed alternatives, further study recommendations, and recommendations. They looked at event parking management, transit to existing remote parking on rainy days, parking policies, parking structures, valet parking, Route 6 parking, and smart phone parking.

Robert asked about the south side of Conwell; two-way traffic and sidewalks.

Cheryl asked if they looked at any previous studies done on Conwell.

Glenn looked up the old MassDOT drawing and you have 30 ft. Yes, there is a list of previous studies.

Tom asked if they had looked at reversing the entrance to the parking lot at Lopes Square; exiting out at Lopes Square and entering on Ryder Street Extension. It is much clearer to enter on Ryder Street Extension.

Glenn stated that they did not look at it; it was not brought to their attention. They will take a look at it and come back to the Board.

Tom asked about the sidewalk exiting out of the Grace Hall parking lot. The sidewalk takes you down and then abruptly ends with no crosswalk at that location.

David G. stated that we spent a lot of time reviewing this and the sidewalk on the south side is not sufficient. It is very expensive to make the south side sidewalk bigger by taking out the sidewalk and making the road shift.

Erik asked about the status of the master bike plan; any funding source from state for the trail hooking up with Wellfleet (Cape Cod Rail Trail).

Glenn stated that there is no final recommendation or date as yet. They are optimistic in working with the state to get the funding.

Erik asked about Shank Painter Road; are there any state funding grant options for it.

Rich Waldo stated we do not have a cost estimate; between \$6 & \$8 million for the drainage, sewer, and sidewalks. It can take 5-8 years to get into the queue for state funding grant options.

There were no public comments regarding this report. Closed public comments.

No action was taken on this item.

2. Presentation of the Parking Operations Review Work Plan, to be given by Dan Hoort, Director of Finance.

Dan presented the Parking Operations Review Work Plan, which will over the course of the next six to twelve months, staff will be working on to prepare a comprehensive plan for parking. Three guiding principles for basing recommendations on and making informed decisions should be to maximize revenues to the Town, enhance Provincetown visitor experience, and enhance service to Provincetown residents and minimize their inconvenience.

Cheryl thanked Dan for the presentation and is glad we are taking time to do things right. She recommended that under guiding principles to add a section for homeowners; people who are buying homes. They take down their fences and ask for a curb cut and that decreases the street parking. Condos for sale now do not come with parking. Would we ever consider doing something with the land we own to have longer term parking?

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Robert would like to see homeowners on Commercial Street have their no parking areas enforced better. Perhaps there could be a permit system and a time limit on the permit. Enforcement can see the permit and if they are there more than the time limit they are given a ticket.

Dan wants to make it user friendly to give you a time period to loading and unloading, but not leave your vehicle longer than that time period.

Tom is intrigued at having the employees more engaged with the tourists. Figure out how to engage everyone. He is looking forward to seeing the equipment part of it.

Erik thanked Dan. Expanding the parking season is interesting. The fall is getting busier and busier; make it a longer parking season.

Dan wants to hear as many ideas as people have. His role is to listen, collect information, formulate ideas and take it to those who are the experts in their area.

There were no public comments. Closed public comments.

No action was taken on this item.

3. Public Hearing: Annual Traffic Hearing:

Item 1. Proposal by Edward Lee to demark a No Parking area in front of a gate located at 9 Center St.

Team Recommendation:

NOT RECOMMEND. Extending the area around the driveway would reduce the area of allowed parking and remove a public space. The property currently has one pedestrian access now. Pursuant to the BOS policy, an additional access that removes parking is required to obtain a curb cut permit at a public hearing.

Edward Lee is the owner of the house and stated that he has a family with small children and older parents. He is requesting this for safety purposes. He believes that access should be granted for the people who live there and no existing parking spaces will be removed.

Public Comments:

Donna Walker is a neighbor and agrees with not granting this request. It would take away the parking on this street. She wants to support the staff's recommendation.

Steven Porter stated that the yellow X has just recently been painted on the street. It had previously been painted black by someone.

David G. had spoken with Domenic Rosati at the Parking Dept. and Rich at DPW. It is his understanding that the area was blacked out. At some point it had been painted yellow and not by the DPW.

Closed public comments.

Cheryl noted that there is a pedestrian access to the front door and parking lot already. This would be a third curb cut. The yellow line tells you where the wheels stop. She will not support the proposal.

Erik agrees with staff, at this point.

MOTION: Move that the Board of Selectmen vote to accept the staff's recommendation to not support this item.

Motion: Erik Yingling

Seconded: Cheryl Andrews

4/0/0 Motion passed.

Staff recommended that Mr. Lee stop by to see David G. and discuss the curb cut process.

Item 2. Proposal by Michael Chute to prohibit parking along Commercial Street year round from Johnston Street to Court Street.

Team Recommendation:

RECOMMEND AS PROPOSED Alternative to an outright ban year round would be to consider banning parking on Commercial Street between Johnson Street and Court Street during the higher snow months of January, February and March.

Michael Chute spoke in favor of his proposal as a safety issue. Over and above the safety not opening it up would make it friendlier during the shoulder season; it is more welcoming. Staff continues to recommend this proposal for primarily public safety purposes. It is a snow emergency street and can be cleared. The Fire Dept. has brought this before the Board in the past. It is understood the desire to have quick access to their properties but we need to weigh it in the balance.

Erik does not agree with staff. He sees it as being a detriment.

Public Comments:

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John Santos he is in favor of this. Truck drivers claim it is worse in the winter due to the parking. We are foolish to allow it. It does not harm anyone to walk a couple of blocks. He supports this.

Chris Snow opposes this proposal. Having grown up here, it is a rite of passage to be able to park on Commercial Street. The few businesses who try to survive are aided by the parking available. Our first responders will get to where they need to be one way or the other.

Noah Santos of the Provincetown Fire Dept. is in favor of this.

Jack Orlich stated that the only reason we come downtown is that we have parking. If there is snow pay attention. Nothing should get in the way of the Fire Dept. ever. He is opposed to this.

Closed public comments.

Cheryl respects the Fire Dept. but is not compelled to do this. This would affect so many people in town. Do a petitioned Article for Town Meeting so that the town's people can make that decision. She is opposed to this.

Robert stated that people live and work in that area. Fire & Police Chiefs have done a great job in identifying those areas that may present a problem. He is opposed to this.

Erik is opposed to this; the need is not great enough. The impact would be extremely negative.

MOTION: Move that the Board of Selectmen vote to not recommend.

Motion: Erik Yingling

Seconded: Cheryl Andrews

Tom stated there are some spaces that should not be year round parking at all. The town is not ready for this at present. He wants to see this taken to Town Meeting as a bylaw and see how it does. He opposes this. When we do Phase III of the paving, we will do the 18 ft. wide sections and others should be marked no parking year-round.

4/0/0 Motion passed.

Item 3. Proposal by Rik Ahlberg on behalf of Provincetown 365 to paint bike "sharrows" in the center of the northbound lane of Shank Painter Road from Bradford Street to Route 6. Paint bike symbols and southbound arrows on the shoulder of the southbound side of Shank Painter Road from Bradford Street to the Stop and Shop. Paint bike "sharrows" on Shank Painter Road between Stop and Shop and Province Road. Paint bike symbols and southbound arrows between Province Road and Route 6. Install additional "Share the Road" signs from Stop and Shop to Route 6 on the Southbound side.

Team Recommendation:

RECOMMEND.

Sharrows painted in the roadway should be placed off-center towards the shoulder. We need to determine an acceptable size or scale of the sharrows for our roadway and speeds but 112" is not appropriate. Do not recommend "Bike may use full lane" sign, but recommend instead additional "Share the Road" signs.

No budget has been identified for the signs and sharrows.

Rik Ahlberg came before the Board asking for approval of his proposal. The Bicycle Committee voted to support this again. **Jay Gurewitsch** spoke about putting sharrows on the road to explain bikers belong on the road with the traffic. He recommended putting the sharrows in the center lane; bicyclists are accustomed to that placement.

David P. stated that data shows that sharrows are not safe on roads with speed limits of 35 mph or greater.

Rik wants to see something done here.

Jay stated this is easier to do and will cost less than putting tarmac down.

Public comments: None.

Closed public comments.

Cheryl is more educated about this. Drivers ride fast on Shank Painter because it is a straight away.

Erik disagrees with the Town Manager. We need to do something now.

MOTION: Move that the Board of Selectmen vote to recommend, as revised by staff.

Motion: Erik Yingling

Seconded: Robert Anthony

Tom agrees with Erik. The next step is to have some paving done on Shank Painter; get this request on the next warrant. He bikes every day and would like to promote Court Street as a bike route as well as looking at the two-way bike and one-way vehicle streets. We should ask NStar to move their poles out of the public way.

Robert asked about using the area before you get to the Stop N Shop going north on the right hand side; drainage ditch.

Rich stated that the Conservation Commission would want to weigh in on that as it is part of the wetlands area.

4/0/0 Motion passed.

Item 4. Proposal by Rik Ahlberg on behalf of Provincetown 365 to paint sharrows in the center travel lanes in each direction on Conwell Street from Bradford Street to Cemetery Road. Install "bicycles may use full lane" signs in both directions.

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Team Recommendation:

RECOMMEND between Bradford and Harry Kemp Way only as the remainder is State Road. Direct DPW to pursue application with MassDOT to install sharrows between Harry Kemp Way and Cemetery Road. Sharrows painted in the roadway should be placed off-center towards the shoulder. We need to determine an acceptable size or scale of the sharrows for our roadway and speeds but 112" is not appropriate. Do not recommend "Bike may use full lane" sign, but recommend instead additional "Share the Road" signs. No budget has been identified for the signs and sharrows.

Rik Ahlberg stated that this is an interim solution. Cars tend to run bikes off of the road in this area. He is asking for sharrows in the middle of the road instead of on the side. This would continue a path for people putting sharrows.

Staff believes that Conwell Street north of Harry Kemp Way is the state's property. We may need to apply to MassDOT to do this area. Route 6 to Cemetery has been approved by the state.

Public comments: None.

Erik supports staff's recommendation on this proposal.

MOTION: Move that the Board of Selectmen vote to recommend, as recommended by staff.

Motion: Erik Yingling

Seconded: Robert Anthony

Rich does not expect that the state will take long to give us an answer.

David P. recommended not putting the sharrows on the side on Conwell Street, but placing them in the middle from Harry Kemp Road to Bradford Street.

The motion was amended so that the sharrows will be painted in the middle of Conwell Street from Harry Kemp Road to Bradford Street.

MOTION: Move that the Board of Selectmen vote to recommend, as amended, to paint the sharrows in the middle of Conwell Street from Harry Kemp Road to Bradford Street.

Motion: Erik Yingling

Seconded: Cheryl Andrews

4/0/0 Motion passed.

Item 5. Proposal by the Parking Department to adopt a Boat and Kayak Storage Permit. The Permit would allow storage of boats, trailers and kayaks at the VFW Lot from October 1st to May 1st, along with regulations on boat storage. The Fees are as follows:

Kayaks: \$50 and Boats and Trailers up to 17 feet are \$50, plus \$40 for each foot up to 30 feet.

Team Recommendation:

RECOMMEND. Spaces will be made available temporarily at the VFW Lot. The Town Manager will identify an appropriate place for boat storage once the VFW lot is no longer available.

Public Comments:

Michael Chute asked what would prevent someone from opening a business and running through the Town on this property.

Closed public comments.

David G. stated boats will be required to have stickers and will be registered to the owner. It is clear that the rates are under market, but this regulation goes along with our recent Harbor Regulations. This provides an alternative for boat owners.

Cheryl wanted to clarify which permits are issued from the Harbormaster and to double check with the Zoning Board to make sure they do not need to weigh in on this.

Erik is in favor of this proposal.

MOTION: Move that the Board of Selectmen vote to recommend the proposal as amended to include all Harbormaster permits; dinghy, mooring, kayak, and beach boats, at a lot as determined by the Board of Selectmen at a duly noticed public hearing.

Motion: Erik Yingling

Seconded: Cheryl Andrews

Chris Snow asked to be heard and is concerned that if the VFW is no longer available this could be done at any town owned public parking lot. He wants to see it just in the VFW and then come back again if that is no longer available.

John Santos asked to be heard and stated that he had rented property from Mr. Mendez for boat storage, but it was closed down last year. He asked if the Town was mistaken in closing down Mr. Mendez business, because it is not allowed on the other side of the VFW fence. It would put him back in business, if this would be allowed.

Tom does not want to end up replacing a private business. If this is the case, he is not comfortable with this proposal.

David P. stated that this was an attempt to formalize this storage space area that was being used informally.

4/0/0 Motion passed.

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Item 6. Proposal by the Parking Department to prohibit long term parking within the public way.

Team Recommendation:
RECOMMEND AS AMENDED.

Add the following sentence to Parking Regulations Section 4-1-3

Each day of violation of this bylaw after the initial citation shall be deemed to be a separate offense.

David P. stated that every idea was considered and this amendment is the one that survived. This is the most responsive in looking at residential parking.

David G. stated that they needed to add language to Section 4-1-3 that was left out, and it is an amendment to the Public Hearing Notice.

Public Comments:

Chris Snow stated that this could not affect Commercial Street because it is cleared for street sweeping.
Closed public comments.

Tom rescinded the street sweeping year round because it cannot be done in winter.

David G. this would be for all public ways year-round; vehicle has to be moved every 14 days.

Chris Snow asked for the Board's thoughts on towing and ticketing.

Tom stated we passed a policy that we ticket instead of towing for street sweeping offences; with multiple offences.

MOTION: Move that the Board of Selectmen vote to recommend, as amended.

Motion: Erik Yingling

Seconded: Cheryl Andrews

4/0/0 Motion passed.

Item 7. Proposal by the Parking Department to prohibit long term parking within the Johnson Street Parking Lot, Alden Street Parking Lot and West End Parking Lot year round.

Team Recommendation:
Recommend postpone and refer to the Parking Operations Review.

Public Comments:

Airport Commissioner Jim Woods; Airport Commission member Steven Katsurinis and Airport Manager Butch Lisenby appeared before the Board to ask that this proposal not pertain to the Airport Parking lot. Parking is very tight at the airport; it is not like everything else. They asked the Board to allow the Airport Commission to manage their parking lot.

Tom asked what the resolution to this would be for those cars parked for a very long time in the airport parking lot. There are periods of time when this is an issue. He will defer this for a while, but not much longer.

Erik is not ready to impose a 14 day limit on some of these lots.

David G. recommends postponement of this proposal and will refer it for a parking operations review.

Tom stated that the Town does own the parking lot; it is a part of the parking regulations not the corporation or anyone else.

Airport Marketing Director Michelle Lohr stated that last year was a good year for the airport. The only issue was a pilot shortage. If the lot is being used as a long-term parking lot, we are willing to work with the Town.

Chris Snow spoke on behalf of the Mast Head, as their legal counsel. He asked staff to be sensible and have a rational view of bans such as this. In the winter season there is more than ample parking. Taxpayers will be affected. It is prohibitive and irrational. He asked this proposal to be reconsidered and reevaluated.

Don Murphy lives across the street from the west end parking lot. He understands what the Board is trying to do. If it moves from one spot to the other does the 14 day clock start again?

Closed public comments.

Tom stated that there had been snow removal problems a couple of years ago in the airport parking lot with two cars that did not move all winter. He will support the recommendation and would also like to monitor the Johnson Street parking lot closely.

Robert stated that at last year's traffic hearing a citizen brought up extended parking on the side streets. He did not realize we would be looking at the parking lots.

Erik does not agree with this at all; he will not support the proposal in any form.

Cheryl suggested that staff keep track of the problem and bring a proposal forward in the future.

MOTION: Move that the Board of Selectmen vote to not recommend.

Motion: Erik Yingling

Seconded: Robert Anthony

4/0/0 Motion passed.

4. Parking Fees for April 2016:

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David P. asked the Board whether a decision to allow the month of April of 2016 to extend free parking throughout the whole system or do something else. If we are going to allow free parking, he would like to speak with Tourism Director Fuccillo to get some advertising/marketing done to get the word out.

Erik believes that it helps the community. Some business owners felt it was good and others did not think it made any difference. He wants to move forward with charging for parking in April.

Cheryl stated that we really have to offer it two years in a row so that people know it is being offered. We should market it.

Domenic would like to see the advertising done this year if we are offering free parking.

Tom wants to promote economic development during the shoulder season. There is some benefit to it. He supports continuing the April free parking.

Cheryl will go along with it one more year. The Executive Directors from the Provincetown Business Guild and the Chamber of Commerce should be consulted after this year for their input.

MOTION: Move that the Board of Selectmen vote that for the month of April there will be free parking in Provincetown.

Motion: Cheryl Andrews

Seconded: Erik Yingling

4/0/0 Motion passed.

The meeting was adjourned at 8:37 p.m.

Minutes transcribed by: Loretta Dougherty

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - REGULAR MEETING
MONDAY – JUNE 27, 2016 – 5:30 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Richter convened the open meeting at 5:30 p.m. noting the following attendees:

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

Other attendees: Town Manager David Panagore; DPW Director Richard Waldo; Provincetown Treasurer John O'Buck; Police Chief Jim Golden; Peter Anderson, Esq., from McLane Middleton PA; Tim Yee and Bryan Sarchi from Structure Consulting; Daniel M. Sullivan, CPA, Principal and Josee Young from CliftonLarsonAllen LLP, Lesley Marchessault; Allison Baldwin; James Eldredge, Vice President/Sr. Financial Advisor of Cape Cod Five Cent Savings Bank, and Interim Finance Director Ruth Lewis.

Recorder: Loretta Dougherty

The Board motioned to go into Executive Session at 5:30 p.m. as follows:

MOVE that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clauses 1, 2, 3, 4, 5, 6, 7, & 8 for the purposes of:

Clause 3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared). (Jaran Transcript);

Clauses 1, 2, 3, 4, 5, 6, 7, & 8 – To consider the approval/release of Executive Session Minutes for December 15, 2015; January 11, 2016; January 25, 2016; February 22, 2016; March 14, 2016; March 28, 2016; April 25, 2016, and May 23, 2016;

Clause 4 – To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation. (Security precautions), and

and to convene in open session thereafter.

Motion: Erik Yingling

Seconded: Robert Anthony

Roll Call Vote:

Raphael Richter: Yes

Erik Yingling: Yes

Tom Donegan: Yes

Cheryl Andrews: Yes

Robert Anthony: Yes

Yea: 5 Nay: 0 Motion passed.

The Board motioned to reconvene in open session at 5:59 p.m.

MOTION to return to open session at 5:59 p.m. by: Erik Yingling **Seconded:** Robert Anthony

(Roll Call Vote)

Raphael Richter: Yes

Erik Yingling: Yes

Tom Donegan: Yes

Cheryl Andrews: Yes

Robert Anthony: Yes

Yea: 5 Nay: 0 Motion passed.

The Board took a one-minute break and returned to open session at 6:00 p.m.

The Consent agenda was moved until after the Public Hearings, at the request of the Chair and by unanimous consent.

1. Public Hearings:

Tom read the public hearing notice.

- A. Pole Hearing – Application by McLane Middleton PA on behalf of Celco Partnership d/b/a Verizon Wireless requesting a License to install telecommunications equipment consisting of 'small cell' and 'CRAN' wireless equipment on top of existing utility poles within the public way at the following locations: Pole #36/1997-- 262 Bradford Street; Pole #1/8 -- 471 Commercial Street (application withdrawn 6/8/16); Pole #36/2031 -- 14 Johnson Street; Utility Pole #5 -- 281 Commercial Street; Pole #2/29 -- 42 Bradford Street (application withdrawn 6/8/16); Utility Pole #3/7 -- 26 Tremont Street; Utility pole at Shank Painter Road and Silva Lane; Pole #36/1935 – south**

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side corner of Commercial and Cleveland Street – Town Planner Gloria McPherson; Peter Anderson, Esq. from McLane Middleton PA, on behalf of Cellco Partnership d/b/a Verizon Wireless, and Tim Yee and Bryan Sarchi from Structure Consulting.

Peter Anderson Esq. gave a brief description stating that the purpose of this request is to improve network capacity in downtown and Route 6A. In the summer, the population swells and people have difficulty accessing or dropping calls. This new technology is to lessen the overload on the big towers.

Dan Goulet, Engineer from Verizon, stated that in the summer months the population in Provincetown is approximately 30,000 to 60,000 up from approximately 3,000. Currently there are some sectors where the towers will be exhausted during these summer months. If there are over 200 to 400 users per sector, you have reached capacity and those towers are unusable. The quality of service will remain reliable. He addressed the emission concerns and stated that these units have FCC compliance for exposure. He referred to the calculated report in the Board's packet.

Peter spoke regarding the emissions and pointed out that the federal law is clear, and local Boards cannot weigh in on emissions.

Town Counsel Ilana Quirk spoke on the leverage that the Town has regarding the federal regulations. The six installations would comply with the federal regulations. It would be worthwhile for them to provide the Board with a certificate that they do satisfy and are under the emission standards mandated by the federal regulations. The Board's authority would only be on how these would impact navigation on the streets, if any.

Board Comments:

Robert asked if the transformers being placed on the poles are the same size as those already on the poles now.

Peter stated that it is smaller at 28.7" high and 7" wide.

Bryan Sarchi from Structure Consulting stated that these are authorized and licensed through the public utility company.

Dan stated that they would apply for the appropriate building permit(s) if these requests were passed by the Board.

Public Comments:

Viola Briseno wanted to know how the radiation emissions are monitored.

Dan stated that historically they are measured at less than 1%. We can come out and do a sampling if the Board wants it done.

Regina Cassidy is concerned about a pole located right outside a tenant's window. She asked for clarification on the pole listed as 281 Commercial Street. She asked if an ambient radiation study can be done. She wants to see the whole picture. Her concern is really about it being right outside of his window.

Dan stated that when he measures the ambient any Wi-Fi will be included in the ambient readings as there is no way to isolate the Police Dept., Fire Dept., EMTs, or Wi-Fi service in an entire area.

Peter stated that they will do it voluntarily but it is not required by law.

Charles Silva stated that there are no real studies on any of the information presented by the proponents. Verizon wireless has nothing to do with public utilities; by right, they should not be on these poles. He asked Town Counsel to look at local laws just not federal laws and see if these poles allow for anything other than utility transmissions on their poles. It is directly in line with windows at the laundry mat and tenants next to the laundry mat. He believes this belongs before the Planning Board; where it started. He asked this to be postponed until the fall to see how the antennas on the water towers have worked. We want to avoid litigation.

Ilana stated these poles are in rights-of ways that are public ways. Zoning regulations do not apply within the public way. Under the law these can be placed on the poles; it is not limited to the wires; it states fixtures as well.

Raphael asked if there would be signs placed on poles.

Peter stated that there will be no signs and none are required.

Chris Pulla stated that the only place he does not get service as a Verizon user is the airport. The National Seashore will not allow towers for antennas. Verizon is the first providers doing this; are there any others? Are we going to have to go through this process more with other providers? Can this be built as a shared experience among providers?

Edward Steblein stated that the pole listed as 281 Commercial is not the pole in the picture.

Bryan stated that they chose an address closest to the pole they will be using.

David P. stated that the pole shown in the picture is located in the Ryder Street parking lot.

Peggy Silva stated that utility poles were meant for electricity not for what is being proposed. She asked the Board to look into our Zoning By-law.

Ilana stated that the Federal Telecommunications Act governs the state pole statutes. Zoning by-laws do not apply. She recapped some of the conditions requested by the Board.

BOS Comments:

Cheryl wanted to know how they chose the six poles and was the ambient radiation a factor in the elimination of a pole.

Dan stated no and that the ambient would have to be approaching the 100% limit. Unless you are near police or fire departments or public safety departments, you would be well under 5%; you still have another 95% to go before any concerns. Each frequency band has different megahertz (one million cycles per second).

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Raphael has been concerned about radiation but is aware that there is very clear federal law as to what authority Board have available to them. We are here and we need to vote; and should we not; we would be violating the Federal Telecommunications law. We would need a valid reason. He appreciates everyone's concerns and as a representative of the Town he will not put the Town in a situation to face litigation when the law is very clear. There were no other reasons given this evening that would preclude the Board from denying these requests. Cell phones are needed in cases of emergencies as a number of people no longer have landlines. The applicant is responding to the needs of the Town.

Move that the Board of Selectmen vote to approve the license request by McLane Middleton PA on behalf of Cellico Partnership d/b/a/ Verizon Wireless to install telecommunications equipment consisting of "small cell" and 'CRAN' wireless equipment on top of existing utility poles within the public way with the condition of yearly certifications of lines at all locations.

Motion: Erik Yingling

Seconded: Robert Anthony

Tom asked staff to review our by-laws to make sure they are not in conflict with federal/state laws. The Board has done all we can do at this point. The Board wanted the public to know that they heard them.

Raphael asked that the motion be amended with the conditions recommended by Town Counsel.

The motion was amended to include the conditions.

- "provide the Board of Selectmen with a certificate by a licensed radio frequency engineer, which certifies that the equipment to be installed and operated at the Pole shall comply with the requirements of 47 USC §332(c)(7)(B)(iv) and, so, shall not exceed the maximum radio frequency emissions allowed thereunder and under the regulations promulgated thereunder;
- shall annually provide the Board of Selectmen with a certificate by a licensed radio frequency engineer, which certifies that the radio frequency emissions from the equipment installed and operated at the Pole have been measured and that those measurements confirm that the emissions from the equipment installed on the Pole satisfy the requirements of 47 USC §332(c)(7)(B)(iv) and any regulations promulgated thereunder. The annual certificate shall be provided each year, not later than August 1st;
- shall annually provide the Board of Selectmen with an evaluation as to whether new technology has become available that is economically feasible that can replace the equipment installed and operated at the Pole, so that the equipment shall be smaller in size and/or reduce the radio frequency emissions generated, and
- shall annually provide the Board of Selectmen with an evaluation as to whether new technology has become available that is economically feasible that will allow multiple providers to share the equipment at the Pole, while still maintaining the structural integrity of the Pole and controlling the radio frequency emissions so that they satisfy the requirements of 47 USC §332(c)(7)(B)(iv) and any regulations promulgated thereunder."

Motion: Raphael Richter

Seconded: Tom Donegan to add three conditions.

5/0/0 Motion passed on the amendment.

5/0/0 Motion passed on motion with amendments.

B. Public Hearing –Phase 3 Commercial Street Reconstruction Project (Howland Street to Johnson Street):

Erik read the public hearing notices.

Project Manager for GHD Russ Kleekamp gave a brief PowerPoint presentation. He assured the Board that we are not losing any parking spaces. They will be working with each business and paying for signage to indicate the business is still open. The sidewalk preference was a 4 to 1 ratio for people wanting brick over concrete and zero votes for asphalt. They are coordinating all work with the property owners. The sidewalks will have concrete bases that are more durable and a bit more expensive, and with the grant it can be considered. If the brick is properly constructed, it will last much longer. Feedback at the survey meeting was shown to indicate brick was the preference and the sidewalks throughout all areas will be brick, if the Board approves it. 95% plans have been reviewed and we need to have this wrapped up by July 20th. Bidding is from 7/12 thru 8/22. The project should be completed in June of 2017.

BOS Questions:

Erik is happy with all of the outreach GHD and the DPW have done. He wanted to know if there would be room to put up some greenery on Commercial Street after the paving is completed.

Rich does not see that we could beautify it much; it is so narrow in that area there is not much they can do.

Raphael wants to make sure that parking will not be affected. He wants to look at it a little more closely; 18' is the optimal sidewalk. He is a little uncomfortable with the line painting scheme and wants to move forward with the approval for 95% design but come back on this particular item.

David P. stated that we need to go over this in the next 20 days.

Rich stated we are looking at the delineated spaces and the cost and it may take more than 20 days.

MOTION: Move that the Board of Selectmen vote to approve the 95% Design Plan for Phase 3 Commercial Street Reconstruction Project as presented.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

Public Comment:

Herbie Hintze, Chair of the Disability Commission asked the Board to consider concrete for the sidewalks. Brick is the most unfriendly type of sidewalks we can have. His vote is for concrete. It is much friendlier for the elderly and those with disabilities.

Thomas Baird, Chair of the Historic District Committee, thinks brick is the most appropriate material. We are a green Town and at some point brick is a very easy material to be recycled.

Gloria McPherson, Town Planner, stated that at the Planning Board's June 23rd meeting it was voted 5/0/0 to continue the use of brick in the Phase III rotary construction.

Ron Owen of Province Landing agrees that brick should be used.

MOTION: Move that the Board of Selectmen vote to use brick set in concrete as the sidewalk material for Phase 3 Commercial Street Reconstruction (Howland Street to Johnson Street).

Motion: Erik Yingling

Seconded: Robert Anthony

Rachel White stated that she personally loves the brick. The brick when set in the appropriate material and solidly fashioned will work for wheelchairs and canes.

Closed public comments.

Raphael wants any emails and/or letters received on this matter to be entered into the public record. (See Addendum 1 attached to minutes).

Robert wants to be reassured that they do have a solid base.

5/0/0 Motion passed.

C. Public Hearing - Adoption of FY 2017 Town-wide Goals:

Erik read the public hearing notice.

There were no public comment and the public comments portion of the hearing was closed.

BOS Discussion:

It was agreed that not less than four Board members have affirmative votes before any of the goals would be moved forward. A brief discussion as to whether the Board of Selectmen's goals and those of the departments and boards should be taken separately was held. It was agreed to move forward with the Board of Selectmen's goals and incorporate the department and other board goals into them. During the discussion of each item changes were made as follows:

- **GOVERNMENT AND ADMINISTRATION:**
 - No changes made.
- **ECONOMIC DEVELOPMENT:**
 - Added a Beautification Committee goal: "Explore a 'park-like' integration from Macmillan Pier, across the Fisherman's Memorial Waterfront Park, to the new Legasse pier (Fisherman's Wharf) and their plans to connect their new development to Commercial Street along Ryder Street Extension to the Bas Relief."
 - Added a Community Housing Office goal: "Encourage residents to prepare for homeownership through education, savings, and other assistance programs in order for them to participate in purchasing of local units as they become available."
 - Added a Cultural Council goal: "Explore raising funds for and commission of the AIDS Memorial."
 - Added by Chairman Richter: "Explore designation of Provincetown as a cultural district."
- **PUBLIC WORKS:** Changed existing language to read:
 - "Continue to evaluate traffic, bicycle and pedestrian traffic on the roads and recommend changes when identified in the Cape Cod Commission study, as well as the Mass bicycle study, and as otherwise necessary."
- **CIVIC ENGAGEMENT:** Added Health Dept/Board of Health goals:
 - "Strengthen community connectedness, health, and wellbeing by offering evidence-based public health and wellness events and programming.
 - Prepare the Town for future emergency events by creating or updating emergency operations plans, acquiring equipment necessary for competent emergency management, and carrying out training drills and exercises."
- **CAPITAL IMPROVEMENTS AND INFRASTRUCTURE** (Newly added goals from the Department of Public Works):
 - "Formulate a plan to bring forward an article to Town Meeting for funds to design a new DPW facility. The formulated plan may involve a phased approach to funding a new facility or a complete project in a single phase of construction. Town staff will incorporate a DPW facility design into the CIP.
 - Explore bringing forth a by-law amendment to protect public shade trees from unlawful removal and/or pruning, and request town voters to establish a revolving fund to be used for the care and maintenance of public trees; fines imposed for violating the by-law would go into the revolving fund to be used to establish a tree maintenance program."

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MOTION: Move that the Board of Selectmen vote to adopt the Town-wide Policy Goals for Fiscal Year 2017, as revised.

Motion: Cheryl Andrews

Seconded: Erik Yingling

5/0/0 Motion passed.

The Consent Agenda was then taken up by the Board.

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

A. *Treasurer's Transfer – Library Gift Fund – pay an invoice to 1544 Recorded Books, Inc., for audiobook purchases, in the amount of \$62.20.*

MOTION: MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$62.20 for the attached invoice from 1544 Recorded Books, Inc.

B. *Treasurer's Transfer – Library Gift Fund – pay an invoice to 1544 Recorded Books, Inc., for audio book purchases, in the amount of \$61.87.*

MOTION: MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$61.87 for the attached invoice from 1544 Recorded Books, Inc.

C. *Treasurer's Transfer – Library Gift Fund – pay an invoice to Blackstone Audio, Inc., for audiobook purchases, in the amount of \$311.25.*

MOTION: MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$311.25 for the attached invoice from Blackstone Audio, Inc.

D. *Treasurer's Transfer – Library Gift Fund – pay invoices to Staples Credit Plan, for office supplies and various printing work, in the amount of \$340.26.*

MOTION: MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$340.46 for the attached invoice from Staples Credit Plan, Inc.

E. *Parade Permit submitted by Jim Morgrage, 209 Columbus Avenue C, Boston, MA 02199, on behalf of the 14th Annual Harbor to the Bay Aids Benefit Bike Ride to be held on Saturday, September 17, 2016, from 1:00 p.m. to 6:30 p.m.*

MOTION: 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 14th Annual Harbor to the Bay AIDS Ride to be held on Saturday, September 17, 2016, starting at 1:00 P.M. to 6:30 P.M.

F. *Parade Permit submitted by Sherry Brec, P.O. Box 1826, Provincetown, MA 02657, on behalf of Carrie A. Seamen Animal Shelter (CASAS), P.O. Box 1374, Provincetown, MA 02657, for their charity walk/pet parade to be held on Sunday, September 25, 2016, from 2:00 p.m. to 3:00 p.m.*

MOTION: MOVE that the Board of Selectmen vote to approve the Parade Permit Application submitted by Sherry Brec, P.O. Box 1826, Provincetown, MA 02657, on behalf of the Carrie A. Seamen Animal Shelter (CASAS) Charity Walk/Pet Parade on Sunday, September 25, 2016, from 2:00 p.m. to 3:00 p.m.

G. *Approve submission of a Grant Application to Elder Services of Cape & the Islands for a Title III B & D Grant under the Older American Act for Medical Transportation for Provincetown Seniors.*

MOTION: MOVE that the Board of Selectmen vote to authorize submission of a grant application to Elder Services of Cape Cod and the Islands for a Title III B & D Grant under the Older Americans Act in the amount of \$2,500 to provide medical transportation for Provincetown residents 60 years of age and older.

Raphael waived the reading of the Consent Agenda and the Board unanimously passed the Consent Agenda.

2. **Public Statements:** No public statements.

3. **Selectmen's Statements:**

Cheryl congratulated all those involved in the Portuguese Festival event. Thanked Ray Rogilosi for putting together the June 13th memorial gathering in front of Town Hall regarding the shootings and deaths in Orlando. She would like to see the Board attend the annual PBG BBQ this coming Wednesday. She asked the Board to put on future agendas discussions about the policy document she received regarding the Email Policy, as well as people blocking out comments within messages on the Town Manager's Town Talk website.

Robert and Erik had no comments.

Tom congratulated all involved in the Portuguese Festival event. He let the Board know that he will miss the Friday, June 29th Round Table meeting due to personal matters. He agrees with Cheryl on the Email Policy that was sent out and that it requires some refinements. He attended the Wastewater meeting in Hyannis (208 Plan) and stated that we have submitted our plan and other towns have to submit their plans by Friday. All of Barnstable County will require one by one permits if those towns do not respond.

Raphael had no comments.

Erik requested that item 5. Appointments be taken out of order. There were no objection by unanimous approval.

5. **Appointments:**

A. **Reappointments by the Board to Committees for End of Fiscal Year 2016, with terms to expire on June 30, 2019.**
5/0/0

A list of the current Board members with appointments ending June 30, 2016, who wished to be reappointed was brought before the Board for their approval.

MOTION: Move that the Board of Selectmen vote to reappoint the following Board and Committee members, as noted in the attached list, to an additional three-year term to expire on June 30, 2019 as presented.

Motion: Cheryl Andrews

Seconded: Erik Yingling

5/0/0 Motion passed.

B. **Appointment of Lesley Marchessault as the Arts Community Representative to the Visitor Services Bureau effective July 1, 2016, and expiring on June 30, 2019.**

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Lesley Marchessault appeared before the Board. She is currently the Development Coordinator at PAAM. She is interested in helping to insure a year-round resurgence of art lovers to Provincetown.

The Board thanked her for her service and thanked James Bakker who retired as the Arts Community Representative to the VSB for all of his years of service.

MOTION: Move that the Board of Selectmen vote to approve the appointment of Lesley Marchessault, as the Arts Community Representative to the Visitor Services Board effective July 1, 2016, and expiring on June 30, 2019.

Motion: Cheryl Andrews

Seconded: Erik Yingling

5/0/0 Motion passed.

C. Appointment of Allison Baldwin as the Women Innkeepers' Representative to the Visitor Services Bureau effective July 1, 2016, and expiring on June 30, 2019.

Allison is a resident of Provincetown and the owner of the guesthouse Roux. She is interest in enhancing tourism and helping to ensure the year-round viability of Provincetown.

MOTION: Move that the Board of Selectmen vote to approve the appointment of Allison Baldwin, as the Women Innkeepers' Representative to the Visitor Services Board effective July 1, 2016, and expiring on June 30, 2019.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

The Board returned to Item 4. Presentation.

4. Presentation:

A. Presentation Dan Sullivan for the FY2015 Annual Financial Audit & CliftonLarsonAllen LLP Management Letter – Daniel M. Sullivan, CPA, Principal & Josee Young, Manager.

Josee Young, Audit Manager went through the engagement summary stating that this year's auditor's opinion was unmodified. An unmodified opinion is the best that a Town can get. The Pier Corp. audited financial statements were included this year. We are doing very well.

Dan went over the Management Letter comments with their recommendations and management's response as follows:

- Currently the Payroll Administrator performs numerous manual procedures including building Excel worksheets to produce a payroll warrant and record the warrant into MUNIS. The process is labor intensive and repetitive. The Harper's Millennium software has the capability of exporting the payroll information easily into MUNIS to generate the payroll warrant which would be a significant time savings in the process. They recommended using the import/export function between Millennium and MUNIS. Staff intends to implement this change in fiscal year 2016.
- During their analytic analysis they discovered that only eleven payments for health insurance were paid during FY201t. Two invoices from Cape Cod Municipal Health group dated May 19, 2015 for \$245,356 and \$40,003 were not paid until November 19, 2015, after we notified the Town of the error. They recommended putting controls in place to ensure that all health insurance premiums are paid or accrued each fiscal year. Staff will double check all invoices in the future.
- The informational comment concerning Statements issued by the Governmental Accounting Standards Boards (GASB) which establish new financial reporting requirements for governments that provide other postemployment benefits (OPEB) to its employees and retirees. They recommended that management familiarize itself with GASB Statements No. 74 and 75 to prepare for their implementation. The Finance Director is attending seminars where GASB 74 and 75 are being discussed.

No action was taken.

6. Requests:

A. Approval by the Board of General Obligation Bonds:

John O'Buck and **Jim Eldredge** V-P, Financial Advisor of Cape Cod five Cents Savings Bank appeared before the Board and gave a complete overview of the General Obligation Municipal Purpose Loan of 2016 Bonds.

David P. stated that the 1.9% interest rate on this is the best rate. Standard & Poor's confirmed the bond rating an AA.

Erik stated that this is the best interest rate he has seen in years.

MOTION: Move that the Board of Selectmen vote to issue Bonds in the amount of \$8,410,850.00 dated June 30, 2016, at 1.965296% interest payable at maturity to Cape Cod Five Cents Savings Bank.

Motion: Erik Yingling

Seconded: Cheryl Andrews

5/0/0 Motion passed.

B. Approval of the AECOM Contract Amendment for additional services as it pertains to cost associated with increasing our plant capacity, in the amount of \$150,000:

DPW Director Rich Waldo asked the Board to execute a contract amendment in the amount of \$150,000 for additional Operating & Maintenance fees associated with expanding the Wastewater Treatment Facilities permitted capacity from 650,000 MDF to 750,000 MDF and the requirements set forth by DEP to monitor the wastewater effluent beds.

MOTION: Move that the Board of Selectmen vote to approve Contract Amendment #13-4 with AECOM in the amount of \$150,000 per year (plus annual escalation) to cover the additional O&M costs associated with increasing the Wastewater Treatment Facilities capacity from 650,000 MDF to 750,000 MDF including the Department of Environmental Protection required Effluent Bed Monitoring Program, as presented.

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Motion: Cheryl Andrews
5/0/0 Motion passed.

Seconded: Erik Yingling

C. Police Report for the Month of May 2016:

Police Chief Golden appeared before the Board. The Police Report for the month of May 2016 may be found in its entirety on the Police Department's webpage.

Tom asked about any trends.

Chief Golden stated nothing alarming. He gave a brief overview of the report.

Tom stated the bicycle patrols are great. They are very friendly.

The Chief is very proud of how his officers have stepped up and the work they are doing.

Cheryl agrees that they are very friendly; it is good to see them smiling.

Robert asked about calls for service.

Raphael asked for quarterly reports to include more data regarding calls for service which would be very helpful. He also asked the Chief to give the Board updates on the work of the Lower Cape Traffic program.

David P. will work with Chief Golden to fine tune the report.

Raphael was driving a cab this weekend and saw the great job the officers were doing. He likes the officers engaging children, the public, and taking pictures. They is a very upbeat attitude on the part of all the officers; they are always smiling. It is wonderful to see.

No action was taken.

D. Review and discussion of House Bill No. 4216 regarding Provincetown's Home Rule Petition on expanding the residential property exemption:

David P. asked the Board to approve the language being brought before them, as vetted by Town Counsel.

Tom thinks it is an improvement.

Cheryl agrees with expanding the residential property exemption so more people can take advantage of it.

MOTION: Move that the Board of Selectmen vote to approve the language contained in House Bill No. 4216, as amended in SECTION 1., regarding Provincetown's Home Rule Petition on expanding the residential property exemption.

Motion: Tom Donegan
5/0/0 Motion passed.

Seconded: Erik Yingling

7. Town Manager / Assistant Town Manager:

The Board took 7. B and C out of order with unanimous consent.

B. Adoption of Board of Selectmen's Rules of Procedure:

The Board of Selectmen reviewed the Rules of Procedure and Cheryl asked that the first sentence in Section 6, d. be deleted from the Rules and keep the remaining language as is.

MOTION: Move that the Board of Selectmen vote to adopt the Rules of Procedure as amended.

Motion: Cheryl Andrews
5/0/0 Motion passed.

Seconded: Robert Anthony

C. Town Manager's Report:

Discussion of House Bill No. 3742:

David P. asked for this item to be on the agenda tonight. He has checked this out with our Corporate Counsel and we are all set to move forward. He will get back to the Senate and note the modification that needs to be made.

No action taken.

The Board continued with item 7. A.

A. Approval of the hiring of Ruth Lewis as Interim Finance Director:

David P. having checked all of Ruth's qualifications recommends her highly. She will be working part-time two or three days per week for approximately six weeks, and we may need to renew Ruth once or twice depending on our needs. He asked the Board for their approval.

MOTION: Move that the Board of Selectmen vote to approve the hiring of Ruth Lewis to the position of Interim Finance Director, pursuant to §7-2-5, of our Charter.

Motion: Cheryl Andrews
5/0/0 Motion passed.

Seconded: Robert Anthony

Agreement with MassDOT:

David P. stated that this agreement proposed that the Town take responsibility for "top of pavement" maintenance on most state owned roads as it does on Town roads, and MassDOT would continue to provide for any "top of pavement down" capital improvements, resurfacing, and repairs on all state roads in Town, and on the main trunk of Route 6. Pilgrims' First Landing Park and the roadways around it would be an exception to this rule. The Town is interested in having greater control over Pilgrims' Park.

Cheryl is very happy that we will be able to set the speed limit on Conwell Street.

D. Other: None.

8. Minutes: None.

9. Closing Statements/Administrative Updates:

Wednesday's meeting can be moved to Thursday at 5:30 p.m. to allow staff to attend the Annual PBG BBQ. David Panagore will check with the Pier Corp to see if they can change.

- A. Thank you letter to Anna Meade who resigned effective June 14, 2016, as Provincetown's Representative to the Cape and Vineyard Electric Cooperative.
- B. Thank you letter to James Bakker who wishes to not be reappointed as the Arts Community Representative to the Visitor Services Bureau when his term expires on June 30, 2016.
- C. Letter to President Barak Obama and all members of Congress regarding the federal ban on semi-automatic and assault weapons.

The Board read the letter to President Obama and made the following motion:

MOTION: Move that the Board of Selectmen approve the letter to the President and members of Congress as presented.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

Tom stated that the Joint meeting the Board held with the Board in Nantucket was very productive.

Raphael acknowledged all the hard work Dan Hoort has done for the Town. Raphael believes that there are no specific financial items that would generally trigger the need for a fall town meeting this year, and at this time staff does not predict any need for a fall town meeting.

Tom wanted to know if not holding a fall town meeting would require the spring town meeting to run longer.

David P. stated that he would limit the fall town meeting, if one is needed. He will be presenting the entire Town Business Calendar to the Board in the near future. He wants to separate the fall town meeting from the financial processes.

Raphael asked that the Town Business Calendar be put on the July 11th meeting to be brought before the Board.

Erik believes it will affect town attendance.

Without objection the meeting was adjourned at 10:25 p.m.

Minutes transcribed by: Loretta Dougherty

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Addendum 1 E-mails to June 27th Minutes ①

From: Steve Tait [steve@aeriehouse.com]

Sent: Thursday, May 19, 2016 2:36 PM

To: Tom Donegan; Erik Yingling; Cheryl Andrews; Raphael Richter; Robert Anthony; Mary-Jo Avellar

Subject: East End Sidewalks

We would like to voice our support for using bricks in the reconstruction of the sidewalks in the east end. As property owners at 425 Commercial Street we strongly support the use of bricks. The former application of bricks for the current sidewalks was very poorly executed which has admittedly caused some problems but the new version in the center of town has eliminated these issues and they look fantastic, historical and add atmosphere to the town. To not extend them into the east end will lose the visual connectivity between the gallery district and the rest of downtown and create a physiological barrier for visitors to continue their walk into the gallery district.

I had a knee replacement in December so had difficulties walking last summer and after the operation and I can attest that the current brick sidewalks in the center of town presented absolutely no issues over a concrete or asphalt sidewalk in terms of mobility.

We would also like to express our displeasure at the hyperbolic language used in describing brick sidewalks. Comments such as "creepy, horrible and disgusting" to describe a sidewalk is the type of language that has denigrated political discourse in this community and turns off citizens from participating.

Steve Tait & Dave Cook

From: Dan Towler [mailto:dtowler@surfglobal.net]
Sent: Thursday, May 26, 2016 12:24 PM
To: Loretta Dougherty
Subject: sidewalks

To the Board of Selectmen:

For what it's worth, count me as among the haters of the brick sidewalks!

I've always thought they were pretentious, out of character, preposterously expensive, difficult to maintain, awkward for snow-removal, dangerous for handicapped people, etc. etc. Despite all those obvious flaws, everybody jumped on the brick sidewalk bandwagon a few years back and now we've got them, at astronomical expense, almost the whole length of Commercial Street. So, now do we spend even more money to remove and replace them, or live with our ridiculous mistake?

Personally, I like concrete for sidewalks. They look nice, hold up well, and, in contrast to asphalt, they are easily differentiated from the street, hopefully making it slightly more obvious to pedestrians that they belong there *instead of in the street!*

I would encourage the town to go with concrete sidewalks in conjunction with the next phase of Commercial Street repaving.

Thank you for your consideration of my views, and thank you for all your hard work on behalf of the town, and congratulations to Cheryl and Tom for their re-election, and to Raphael for stepping up as Chairman.

I believe this Board -- in terms of having all five members who are unafraid to express themselves and express themselves well, work together well, conduct themselves professionally, respect each other and the citizenry, have no axes to grind besides working in the long-term best interest of the town, are able to put their egos aside for the greater good, etc. etc. — is the best I've seen in my 30 years here. So, I commend you all, and keep up the good work.

Daniel Towler
3 Allerton St
Provincetown

From: Mary-Jo Avellar [dasmja@comcast.net]
Sent: Tuesday, May 10, 2016 8:40 AM
To: Raphael Richter; Erik Yingling; Tom Donegan; Cheryl Andrews; Robert Anthony; David Panagore; David Gardner; Richard Waldo
Subject: sidewalks

Thank you for your time last evening.

I would like to reiterate my position on the sidewalk issue. As you know, I and many others have found the brick sidewalks difficult upon which to walk, slippery when wet, icy during the winter and difficult to plow. Concrete sidewalks are much more practical and do not have any of the problems associated with the brick.

We did have some asphalt sidewalks installed during the late 1980's and early 1990's. They are not only hideous, but extremely lumpy and not a very practical material for those in wheel chairs or using walkers. It's a very uneven surface. Not only that, but it's black. Black reflects heat which makes them very nasty during the summer months. I would also say that the texture makes them as difficult to plow as the brick.

Please reconsider the concrete option. It's cheaper than brick and a much more hospitable surface.

Mary-Jo Avellar

P.S. Anything you can do to get the Congressional delegation off their collective butts would also be greatly appreciated.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, August 08, 2016

9

CLOSING SELECTMEN'S STATEMENTS

Administrative Updates

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Motions may be made and votes may be taken.

Tom Donegan

Cheryl Andrews

Robert Anthony

Erik Yingling

Raphael Richter

Additional Information

- A. *Thank you letter to Saverio M. Fato for donation given to the Fireworks Gift Fund.*
- B. *Thank you letter to Shepard G. Schwartz for donation given to the Fireworks Gift Fund.*
- C. *Thank you letter to Carrie Notaro who resigned from the Recreation Committee effective July 26, 2016.*
- D. *Letter to Governor Charles Baker, Jr. regarding the Economic Development Bill.*
- E. *Letter to Lt. Governor Karyn Polito regarding the Economic Development Bill.*

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Board of Selectmen
Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

August 8, 2016

Mr. Saverio M. Fato
103 Ceton Court
Broomall, PA 19008

Dear Mr. Fato,

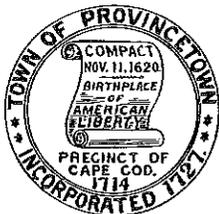
On behalf of the Board of Selectmen, I want to thank you for your donation to our 2016 Fourth of July fireworks display in the Town of Provincetown. We appreciate your support of this important community event and wish to extend our gratitude.

It is inspiring to all of the many individuals who work tirelessly to promote and put together a safe and fun-filled event to have it acknowledged by your support. Once again, from the Board of Selectmen, thank you and best wishes.

Sincerely,

Raphael W. Richter
Chairman, Board of Selectman
Town of Provincetown

RWR:ld



Board of Selectmen
Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

August 8, 2016

Mr. Shepard G. Schwartz
323 River Road
Deep River, CT 06417

Dear Mr. Schwartz,

On behalf of the Board of Selectmen, I want to thank you for your donation to our 2016 Fourth of July fireworks display in the Town of Provincetown. We appreciate your support of this important community event and wish to extend our gratitude.

It is inspiring to all of the many individuals who work tirelessly to promote and put together a safe and fun-filled event to have it acknowledged by your support. Once again, from the Board of Selectmen, thank you and best wishes.

Sincerely,

Raphael W. Richter
Chairman, Board of Selectman
Town of Provincetown

RWR:ld



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Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

August 8, 2016

Ms. Carrie Notaro
P.O. Box 235
Provincetown, MA 02657

Dear Ms. Notaro:

The Board of Selectmen has received notice of your resignation from the Recreation Committee effective July 26, 2016. We want to extend our thanks to you for your dedicated service and expertise during the time that you served on the Recreation Committee.

The Board wishes you the best and would be very pleased should time and circumstances allow you to once again serve on one or more of our many boards and committees.

On behalf of the Board of Selectmen,

Raphael W. Richter, Chairman
Provincetown Board of Selectmen

RWR:ld



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Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

July 28, 2016

Governor Charles Baker, Jr.
State House
Office of the Governor, Room 280
Boston, MA 02133
Via Email

Re: Economic Development Bill

Dear Governor Baker:

I am writing on behalf of the Provincetown Board of Selectmen to express our regret regarding the reversal of your initial decision to support proposed taxes on short-term rentals. The weekly rental and AirBnB market is continuing to get a competitive edge over local hotels and bed-and-breakfast establishments, especially in towns like Provincetown. We were hopeful that you would take a firm stand to establish tax equity and fairness by helping raise funds to provide the tax relief our low income and state working taxpayers receive through the Earned Income Credit Tax.

According to the Cape Cod Chamber of Commerce it is estimated that there are approximately 58,111 seasonal units on Cape Cod (2010 census) alone and assuming that 50% of those units were rented for less than 31 days at an average of \$2,500 per week for 12 weeks of summer based upon an 11.7% tax rate, that alone would generate revenue of approximately \$871.6 million in gross rental revenue in Barnstable County. The 5.7% portion of the taxes going to the state would generate revenue of approximately \$49.6 million from Barnstable County alone, with the towns in Barnstable County receiving approximately \$52.2 million for the remaining 6% tax rate. The Town of Provincetown estimates \$1 million in lost rooms' tax revenue.

We respectfully request that you take into consideration what our resort communities, as well as our state, are facing in terms of increased demands on our infrastructure which includes wastewater, drinking water, bridges, roads, rails, transit, and first responders and make the right decision to extend the existing rooms' tax to all short-term rentals.

Sincerely,

Raphael W. Richter, Chairman
Provincetown Board of Selectmen

CC: Cape Cod Senate & House Members
Barnstable County Commissioners
Provincetown Town Manager David B. Panagore



July 28, 2016

Lt. Governor Karyn Polito
State House
Office of the Lt. Governor, Room 280
Boston, MA 02133
Via Email

Re: Economic Development Bill

Dear Lt. Governor Polito:

I am writing on behalf of the Provincetown Board of Selectmen to express our regret regarding the reversal of Governor Baker's initial decision to support proposed taxes on short-term rentals. As the champion of Towns in the Commonwealth within the Baker/Polito Administration, we wanted to ask you to join the effort to bring tax fairness to the lodging industry. The weekly rental and AirBnB market is continuing to get a competitive edge over local hotels and bed-and-breakfast establishments, especially in towns like Provincetown. We were hopeful that your Administration would take a firm stand to establish tax equity and fairness by helping raise funds to provide the tax relief our low income and state working taxpayers receive through the Earned Income Credit Tax.

According to the Cape Cod Chamber of Commerce it is estimated that there are approximately 58,111 seasonal units on Cape Cod (2010 census) alone and assuming that 50% of those units were rented for less than 31 days at an average of \$2,500 per week for 12 weeks of summer based upon an 11.7% tax rate, that would generate revenue of approximately \$871.6 million in gross rental revenue in Barnstable County. The 5.7% portion of the taxes going to the state would generate revenue of approximately \$49.6 million from Barnstable County alone, with the towns in Barnstable County receiving approximately \$52.2 million for the remaining 6% tax rate. The Town of Provincetown estimates \$1 million in lost rooms' tax revenue.

We respectfully request that your Administration take into consideration what our resort communities, as well as our state, are facing in terms of increased demands on our infrastructure which includes wastewater, drinking water, bridges, roads, rails, transit, and first responders and help make the right decision to extend the existing rooms' tax to all short-term rentals.

Sincerely,

Raphael W. Richter, Chairman
Provincetown Board of Selectmen

CC: Cape Cod Senate & House Members
Barnstable County Commissioners
Provincetown Town Manager David B. Panagore

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