

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

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, 2016, 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 Degruttola, 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-rounders 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
5/0/0 Motion passed.

Seconded: Cheryl Andrews

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
5/0/0 Motion passed.

Seconded: Robert Anthony

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 at 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:

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

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



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

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

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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.

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

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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	

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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	