



Board of Selectmen

# Meeting Agenda - Revised

**The Provincetown Board of Selectmen will hold a public meeting on Monday, December 19, 2016, at 5:00 p.m. in the Judge Welsh room at Town Hall, 260 Commercial Street, Provincetown, MA 02657.**

1. Interviews and Appointments of Trustees to the Year-Round Market Rate Rental Housing Trust – Board of Selectmen. Votes may be taken.
2. Discussion and Vote on Final Macro Grant Application – Creative Commons – Economic Development Committee. Votes may be taken.
3. Minutes – Approve minutes of previous meetings. Votes may be taken.
4. 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.

Posted by the Assistant Town Clerk: [www.provincetown-ma.gov](http://www.provincetown-ma.gov), 12/14/16 3:30 pm dv  
REVSIED: 12/15/16 4:30 pm dv



Provincetown Board of Selectmen

**AGENDA ACTION REQUEST**

Monday, December 19, 2016

1

**YEAR-ROUND MARKET RATE RENTAL HOUSING TRUST**

**Interviews & Appointments of Trustees**

Requested by: Board of Selectmen

Action Sought: Discussion

**Proposed Motion(s)**

Move that the Board of Selectmen appoint \_\_\_\_\_ as a Trustee to the Year-Round Market Rate Rental Housing Trust for a term to expire \_\_\_\_\_.

Move that the Board of Selectmen appoint \_\_\_\_\_ as a Trustee to the Year-Round Market Rate Rental Housing Trust for a term to expire \_\_\_\_\_.

Move that the Board of Selectmen appoint \_\_\_\_\_ as a Trustee to the Year-Round Market Rate Rental Housing Trust for a term to expire \_\_\_\_\_.

Move that the Board of Selectmen appoint \_\_\_\_\_ as a Trustee to the Year-Round Market Rate Rental Housing Trust for a term to expire \_\_\_\_\_.

**Additional Information**

See attached applications.

**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: ROB ANDERSON  
Please type or print

Resident Address: 8 MONTELLO Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 202-550-8812 Work # ( ) \_\_\_\_\_

Email address: ROBERT.CHRISTOPHER.ANDERSON@AMAIL.COM

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

1. HOUSING TRUST
2. \_\_\_\_\_
3. \_\_\_\_\_

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

PROVINCETOWN BUSINESS OWNER EMPLOYING APPROX 60 PEOPLE, WITH INCREASING NUMBER OF YEAR-ROUND OWN SEVERAL PROPERTIES IN TOWN, INCLUDING A DORM FOR WORKERS. MEMBER OF ZBA.

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

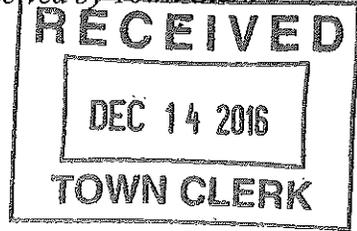
[Signature] 12/14/16  
Signature of Applicant Date

### 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>[Signature]</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>12-13-2017</u>
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Date Received by Board of Selectmen

Date Received by Town Clerk



1



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: CHRISTOPHER ANDREWS

Please type or print

Resident Address: 175 COMMERCIAL ST. Provincetown, MA 02657

Mailing Address (if different):

Telephone #: 508 247 7180 Work # 508 487 0432

Email address: candrews125@gmail.com

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

- 1. Housing Trust
2.
3.

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

Year round business owner since 2010
passionately involved in many areas
of real estate for over 10 years. Committee
in helping to find a solution and promoting
year rounders

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

[Handwritten Signature]

12/1/16

Signature of Applicant

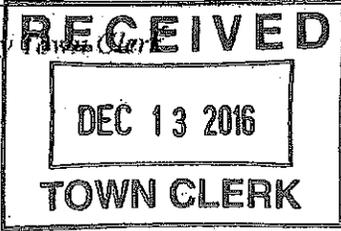
Date

TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

Town Clerk Certification: Applicant is a registered voter: [X] Yes [ ] No
Name of Town Clerk: [Signature]
This application will remain on file in the Town Clerk's Office for 364 days from the date received.
Application Termination Date: 12.12.17

Date Received by Board of Selectmen

Date Received by Town Clerk





# TOWN OF PROVINCETOWN

## Application for Town Board Membership

Name: SCOTT CAWDELL

Resident Address: 139 A Bradford Street Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 508 487 7106 Work # (828) 487 0422

Email address: scottiecaw61@hotmail.com

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

1. Rental Housing Trust
2. \_\_\_\_\_
3. \_\_\_\_\_

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

Year Round Property Owner / Business Owner  
Previous Provincetown Board Experience  
I care

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

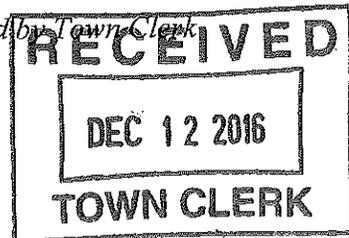
Scott K. Caldwell      12/12/16  
 Signature of Applicant      Date

### 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>A. Polastone</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>12.11.2017</u>
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Date Received by Board of Selectmen

Date Received by Town Clerk





# TOWN OF PROVINCETOWN

## Application for Town Board Membership

Name: Chris Mathieson

Resident Address: 1 Winthrop St. Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 917 696 3997 Work # ( ) \_\_\_\_\_

Email address: Christopher.mathieson@gmail.com

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

1. Housing Trust
2. \_\_\_\_\_
3. \_\_\_\_\_

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

- Developed, Sold & marketed several billions dollars of Residential Real Estate
- Director of Marketing for largest private Real Estate Company in NYC
- Created Real Estate Agency w/over 50 Agents, 3 locations, 4 on site locations, \$1B worth of Listing inventory

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

[Signature]  
Signature of Applicant

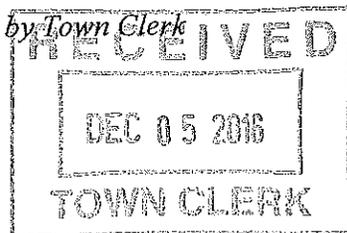
December 5, 2016 per month  
Date

### TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

<p>Town Clerk Certification: Applicant is a registered voter:  <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No  <u>[Signature]</u>  Name of Town Clerk</p>	<p>This application will remain on file in the Town Clerk's Office for 364 days from the date received.  Application Termination Date: <u>12-4-17</u></p>
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Date Received by Board of Selectmen

Date Received by Town Clerk





# TOWN OF PROVINCETOWN

## Application for Town Board Membership

Name: Kevin A. Mooney  
*Please type or print*

Resident Address: 12 Standish Way Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 617-620-0906 Work # ( 508 ) 247-1819

Email address: Kevin\_Mooney@hotmail.com

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

- I. Year-Round Market Rate Rental Housing Trust
2. \_\_\_\_\_
3. \_\_\_\_\_

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

I have been a year round renter at market rate in Provincetown since January 2015. I am employed by Cape Cod Five Cents Savings Bank in Orleans as Vice President, Director of IT Management. I have a B.S from Boston University in Education, an MBA from Babson College and am currently pursuing a certificate in Financial Technology at MIT. My LinkedIn Profile provides specific information about my background: <https://www.linkedin.com/in/kevinmooney1> I've been an active observer of market conditions in Provincetown, both in the rental and purchase markets. I feel I can bring valuable insight to the group.

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

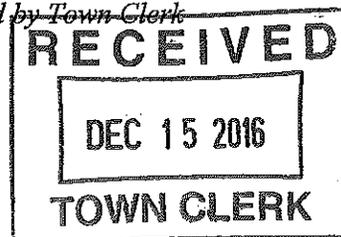
Kevin A Mooney 12/13/2016  
Signature of Applicant Date

### 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. Phinstone</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>12/15/17</u>
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Date Received by Board of Selectmen

Date Received by Town Clerk





# TOWN OF PROVINCETOWN

## Application for Town Board Membership

Name: Maria Murulli  
Please type or print

Resident Address: 21 Dewey Ave Provincetown, MA 02657

Mailing Address (if different): P.O. Box 1352

Telephone #: 774-487-8486 Work # (774) 487-8486

Email address: Lbugg7@aol.com

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

1. Housing Trust
2. \_\_\_\_\_
3. \_\_\_\_\_

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

I am interested in  
being a part of a solution  
to a problem in town...

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

[Signature] Dec. 13, 2016  
Signature of Applicant 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>[Signature]</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>12.13.2017</u>
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Date Received by Board of Selectmen

Date Received by Town Clerk  
**RECEIVED**  
DEC 14 2016  
TOWN CLERK



# TOWN OF PROVINCETOWN

## Application for Town Board Membership

Name: Gordon J. Seigel  
Please type or print

Resident Address: 18 Pleasant St Provincetown, MA 02657

Mailing Address (if different): Po Box 1628

Telephone #: 508.237.5791 Work # ( )

Email address: gojs@live.com

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

1. B.O.T for yr Round Mkt Rate Rental Housing Trust.
2. \_\_\_\_\_
3. \_\_\_\_\_

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees: A desire + willingness to serve.

Licensed MA Real Estate Broker with over twenty years experience in all facets of the market including buying, selling, renting financing. I have personally owned & managed over a dozen properties + have housed over 1000 people from short stays to multiple year Round tenants; Long Term Year Round Resident w/B.A. Accounting.

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

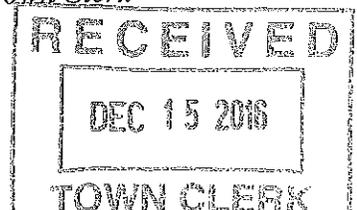
[Signature] 2 Dec 16.  
Signature of Applicant Date

### 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>[Signature]</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>12/15/17</u>
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Date Received by Board of Selectmen

Date Received by Town Clerk





Louise Venden  
16 Thistlemore Road  
Provincetown, MA 02657

Provincetown Board of Selectmen  
Town Hall  
Provincetown, MA 02657

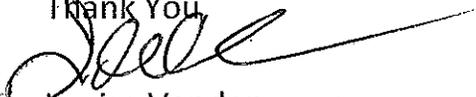
December 14, 2016

RE: Appointment of members of Board of Trustees of  
Provincetown Year-Round Market rate Rental Housing Trust

Attached is my application to serve on this board. I believe I have both the professional background and longstanding involvement in Provincetown's struggle with year-round housing to contribute to this Board as a way of moving the Town forward in supporting the development of year round rental workforce housing. Provincetown is leading the way with this approach, and I learned a lot about our many programs and achievements during the hearings the Finance Committee held on the Housing Trust proposal.

I look forward to meeting with you if you choose to move my application forward.

Thank You



Louise Venden

**Louise A. Venden**  
16 Thistlemore Rd  
Provincetown, Massachusetts 02657  
Home (508)487-1652; Cell (617) 694-4532  
lvenden@gmail.com

## **Professional Experience**

### **ENTREPRENEURIAL**

- 2/10-3/15**      **Consultant: Venden Real Estate Consulting.** Assist businesses in developing turnaround strategies, wrote business plans, prepared financial pro formas and loan applications, developed and managed website development, marketing and advertising efforts.
- 8/99-4/13**      **Developer/Owner, The Charles Street Inn-** 9 room luxury inn in the heart of Beacon Hill. Responsible for finance, setting up operations and systems, staffing/training. Shared marketing and general management responsibilities with co-owner. Received Best of Boston Hotel/Inn 2005. Sold April 2013.
- 11/04-8/07**    **Senior Mortgage Consultant, Guardhill Financial Corp., and Pride Mortgage Co.,** Boston, MA
- 10/93-6/05**    **Venden Real Estate Investment, investment partnership, Boston, MA**  
Purchased and redeveloped \$5.5mil. of residential properties in Boston and Provincetown with other investors, converting some to condominiums managing rentals and sales to generate over \$2mil in net proceeds.
- 5/79-9/81**      **Vice President, Ad Energy, Inc., Mineral Point, WI. Advertising and Public Relations.** Created and packaged print, radio, TV and collateral materials around a variety of themes for small and medium sized banks and auto dealerships in 5 Midwestern states. Ran political campaigns for state wide and Congressional offices in Wisconsin.

### **INSTITUTIONAL**

- 12/90-7/99**    **Vice President, Fleet Bank, Managed Assets Division, Providence, RI**  
Successfully managed team that handled large commercial real estate workout loan negotiations and managed commercial assets Project management responsibilities negotiating resolution of \$82 million apartment portfolio, renovation and sale of apartment complexes, retail centers, and releasing and sale of office complexes valued at nearly \$175 million in NC, GA, FL ME and MA.

- 8/88-12/90 **Portfolio Manager. Prudential Property Company, Chicago, IL.**  
 Managed downtown office portfolio Prudential valued at \$1.2 billion. Project management responsibilities included handling \$18 million renovation and re-leasing effort for one million SF, 30 year old office complex; redevelopment of Prudential Plaza, a two million SF, 2 building complex including construction and lease up of a new 800k SF tower, and sale negotiations on jointly owned 2 million s.f. double office tower complex. Managed teams of internal and external parties in marketing, budget development, and tenant lease negotiations, tenant space construction, and partnership relations for all three projects.
- 12/84-7/88 **Assistant Vice President, Team Leader, Citicorp, Chicago, Illinois**  
 Led management team for \$26 million portfolio of troubled real estate assets with three asset managers and two support staff. Project management included construction, renovation and marketing of FL beach resort, CO ski condominium, shopping centers, suburban Chicago apartment complexes and single family housing developments.

**GOVERNMENTAL:**

- 5/72-4/78 Chief of staff, Senators Carl W Thompson and Paul Offner, Wisconsin State Senate. Led team of 4 staff in preparing legislation, briefs, speeches, and coordinating development of agendas and materials for committees including Joint Finance, Health and Human Services committees. Managed public relations, constituent communications. Assisted in developing legislation reforming property taxes and commercial manufacturing tax structure, reorganization of the Wisconsin Department of Health and Human services and passage of the US Equal Rights Amendment.
- 5/78-5/79 Implemented reorganization of Wisconsin Mental Health delivery system, was Vice President of Ad Energy advertising agency creating and selling advertising and marketing programs for medium sized car dealerships and banks in Wisconsin and Iowa and managed 2 statewide campaigns.

**EDUCATION:**

- June, 1984 **University of Wisconsin-Madison, Grainger School of Business**  
**Master of Science in Real Estate Finance**
- June 1973 **University of Wisconsin, Madison, History/Political Science**  
**Undergraduate degree- cum laude**



# TOWN OF PROVINCETOWN

## Application for Town Board Membership

Name: MITCH YATES

*Please type or print*

Resident Address: 21 BRADFORD STREET # 4 Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 561 310 5377 Work # (508) 487 4400

Email address: MITCHYATES@AOL.COM

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

1. OWN YEAR ROUND RENTAL HOUSING TRUST
2. \_\_\_\_\_
3. \_\_\_\_\_

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

I'VE OWNED A BUSINESS IN TOWN FOR THE LAST 8 YEARS I ALSO OWN AN AFFORDABLE CONDO.  
I'VE BEEN A FULL TIME RESIDENT FOR 15+ YEARS AND BELIEVE AFFORDABLE AND MARKET RATE HOUSING IS THE MOST IMPORTANT ISSUE FACING THE TOWN.  
 I hereby certify that I am a resident of the Town of Provincetown.

M. Yates 12/8/16  
 Signature of Applicant Date

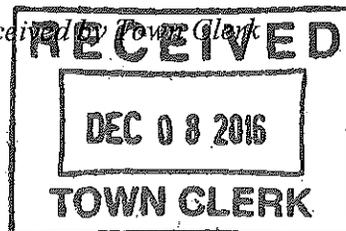
**TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK**

Town Clerk Certification: Applicant is a registered voter:  
 Yes  No  
Carlenevan Hest  
 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: 12.7.2017

Date Received by Board of Selectmen

Date Received by Town Clerk



Chapter 305  
of the Acts of 2016

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Eighty-Ninth General Court

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:

SECTION 1. There shall be a municipal trust to be known as the Provincetown Year-round Market Rate Rental Housing Trust. The trust is established to create and preserve year-round rental units in the town of Provincetown including, but not limited to, market rate units, for the benefit of residents of the town.

SECTION 2. (a) The trust shall be managed by a 5 member board of trustees. In selecting members of the board of trustees, the board of selectmen shall:

- (i) designate 1 of its members to serve on the board of trustees;
- (ii) appoint at least 1 member of the public at large, preferably a resident who lives in year-round market rate rental housing in the town, to serve on the board of trustees; and
- (iii) consider a broad range of expertise, including education and experience in real estate development and financing, in appointing the remaining 3 members to the board of trustees.

(b) Members of the board of trustees shall be sworn to the faithful performance of their official duties. A majority of the 5 members shall constitute a quorum for the transaction of any business. The board of trustees shall elect from among its members a chairman, vice-chairman, clerk and other officers as it finds necessary and determine their duties.

(c) The original members of the board of trustees shall be appointed within 60 days following the effective date of this act. Of the members of the board of trustees first appointed, 1 member shall be appointed to serve for a term of 1 year, 2 members for a term of 2 years and 2 members for a term of 3 years. The initial appointments may be adjusted to coincide with the regular appointment cycle of the town. All terms thereafter shall be for 3 years. In the event of a vacancy on the board of trustees, a successor member shall be appointed to complete the unexpired term.

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

(e) The members of the board of trustees shall not receive compensation for the performance of their duties, but each member shall be reimbursed by the trust for expenses incurred in the performance of the member's duties. Documentation related to such reimbursement shall be open to public inspection from and after the requisition thereof.

SECTION 3. (a) There shall be a trust fund to be known as the Year-round Market Rate Rental Housing Trust Fund. The fund shall be separate and apart from the General Fund of the town of Provincetown.

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

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

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

(e) By a 2/3 vote, the town may borrow money in aid of the trust, in accordance with chapter 44, to be used by the trust for any capital related purpose consistent with this act and for which the town is authorized to borrow.

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

SECTION 4. (a) The trust, by and through its board of trustees, may:

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

(ii) purchase and retain real or personal property including, but not limited to, investments that yield a high rate of income or no income;

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

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

(v) employ advisors and agents, such as accountants, appraisers and lawyers, as the board deems necessary;

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

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

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

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

(x) carry property for accounting purposes other than acquisition date values;

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

(xii) make distributions or divisions of principal in kind;

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

(xiv) manage or improve real property and abandon any property which the board determines is not worth retaining;

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

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

(b) General revenues appropriated into the trust become trust property and may be expended without further appropriation. All money remaining in the trust at the end of a fiscal year, whether or not expended by the board within 1 year of the date the money was appropriated into the trust, shall remain trust property.

(c) The trust is a public employer and the members of the board are public employees for the purposes of chapter 258 of the General Laws.

(d) The trust shall be deemed a municipal agency and the trustees special municipal employees, for the purposes of chapter 268A of the General Laws.

(e) The trust is exempt from chapters 59 and 62 of the General Laws, and from any other General Law concerning payment of taxes based upon or measured

by property or income imposed by the commonwealth or a political subdivision of the commonwealth.

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

(g) The trust is a public body for the purposes of sections 18 to 25, inclusive, of chapter 30A of the General Laws.

(h) The trust is a board of the town for the purposes of chapters 30B and section 15A of chapter 40 of the General Laws; provided, however, that agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said chapter 30B.

(i) The trust may procure insurance against loss in connection with its properties and other assets and operations in such amount and from such insurers as it deems desirable.

(j) The trust may act and do things necessary or convenient to carry out the powers expressly granted in this act.

(k) The board of trustees shall be considered a town board subject to the charter and by-laws of the town except as may be otherwise expressly provided in this act. The members of the board of trustees shall be considered municipal employees for the purposes of the General Laws.

SECTION 5. A year-round market rate rental housing project shall not be undertaken by the trust until a public hearing relating to the project has been held by the board of trustees after due notice. Further, after due notice, the board of trustees shall hold at least 1 public hearing annually to receive comments about its management and operations. Due notice of public hearings shall be given by the trust to the general public through a legal notice in 2 newspapers having a general circulation in the town published not later than 2 weeks prior to the hearing date.

SECTION 6. The financial records of the trust shall be subject to control and oversight by the town's finance department and subject to yearly audits by the accounting firm employed by the town for the purposes of the regular town audit.

SECTION 7. Year-round market rate rental units shall be rented giving the maximum preference allowed by law to: (i) current residents of the town of Provincetown; (ii) municipal employees; (iii) employees of local businesses; and (iv) households with children attending schools in the town of Provincetown. If there are more eligible applicants than available year-round market rate rental units, the trust shall utilize a lottery system to select tenants. The trust may enact regulations establishing additional preference criteria based on income eligibility. 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 State Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing alternative or additional definitions for "market rate".

SECTION 8. This act, being necessary for the welfare of the commonwealth and the town of Provincetown and its inhabitants, shall be liberally construed to effect its purpose.

SECTION 9. This act shall take effect upon its passage.

House of Representatives, October 24, 2016.

Passed to be enacted,

*Paul Donato* Speaker.

In Senate, October 24, 2016.

Passed to be enacted,

*[Signature]* President

November 3, 2016.

Approved,  
at 3 o'clock and 05 minutes, P. M.

*Charles D. Baker*

Governor.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, December 19, 2016

2

## EDC MACRO GRANT - THE CREATIVE COMMONS OF PROVINCETOWN

Discussion and Vote

Requested by: Economic Development Committee

Action Sought: Discussion/Approval

### Proposed Motion(s)

**Move that the Board of Selectmen vote to approve the Macro Grant for The Creative Commons of Provincetown in the amount of \$2,310 [as presented] [as revised].**

### Additional Information

See attached memo from John Giorgio of KP Law.

### Board Action

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

**From:** John Giorgio [<mailto:JGiorgio@k-plaw.com>]

**Sent:** Wednesday, December 14, 2016 2:51 PM

**To:** David Panagore

**Subject:** RE: Rule of Necessity

David:

On further reflection, the Rule of Necessity does not really apply to this situation because that rule should only be invoked if a quorum of the Board would otherwise be unable to vote on a matter due to each board member's financial interest in the matter before the Board. In my opinion, individual Board members do not have a personal reasonably foreseeable financial interest in the award of the economic development grant.

Instead, I believe the proper analysis is whether the Board members would be granting one of the competitors an "unwarranted privilege or advantages which are of substantial value" not shared by the other two competitors and thus raise an issue under G. L. c. 268A, s. 23(b)(2)(ii).

My understanding is that the grant program overseen by the Town's Economic Development Board is an open transparent program that is potentially available to any entity that wished to apply for the purpose of promoting further economic development within the Town. Furthermore, in reviewing the evaluation criteria contained in the RFP for the disposition of the Community Center Building, I do not find any criteria that evaluates whether an offeror is being awarded an economic development grant, and there is certainly nothing in the criteria which would cause one of the competitors to score higher in the rankings than another competitor that did not apply for or receive such a grant.

Accordingly, it is my opinion that individual board members who may vote to approve the grant agreement is not giving that competitor an unwarranted privilege or advantage for purposes of G.L. c. 268A, s 23(b)(2)(ii). Nevertheless, I would recommend that at the meeting tomorrow the Board of Selectmen first publicly acknowledge that the prospective grantee is one of the finalist in the Community Center solicitation but that the award of the grant will not be a factor in the evaluation criteria scoring.

Please let me know if you have any questions.

John

***Kopelman and Paige is now* KP | LAW**

John W. Giorgio, Esq.

**KP | LAW**

101 Arch Street, 12th Floor

Boston, MA 02110

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D: (617) 654 1705

F: (617) 654 1735

C: (617) 785 0725

[jgiorgio@k-plaw.com](mailto:jgiorgio@k-plaw.com)

[www.k-plaw.com](http://www.k-plaw.com)

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Provincetown Board of Selectmen

**AGENDA ACTION REQUEST**

Monday, December 19, 2016

3

## 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:**

- September 20, 2016 (Special)       as printed     with changes so noted
- December 13, 2016 (Special)     as printed     with changes so noted
- December 14, 2016 (Special)     as printed     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  
TUESDAY – SEPTEMBER 20, 2016 – 6 p.m.  
TRURO COMMUNITY CENTER – TRURO, MA**

**DRAFT**

Vice Chairman Erik convened the open meeting at 6 p.m. noting the following attendees:

Board of Selectmen members: Erik Yingling, Tom Donegan, and Robert Anthony.

Excused: Raphael Richter and Cheryl Andrews.

Other attendees: Provincetown Town Manager David Panagore, Truro Town Administrator Rae Ann Palmer and Truro Board of Selectmen members: Chair Paul Wisotzky, Maureen Burgess, Jay Coburn, Robert Weinstein, and Janet Worthington..

Recorder: (Truro Minute Taker)

**1. Joint Meeting with Truro Board of Selectmen:**

**Air Force Base**

The first topic was a discussion of possible use of the former Truro Air Force Base for Affordable Housing. Maureen Burgess, Truro's representative to the National Seashore Advisory committee, said she has asked National Seashore Superintendent George Price about this possibility. He said that a land swap would be necessary. Thomas Donegan has gone to the Congressional Representative, who said the Seashore is involved in removing asbestos from the existing buildings at the Air Force Base. Town Manager David Panagore said this meant the razing of eight buildings. He reported that Superintendent Price has said Affordable Housing is not in the mission of the National Seashore; they only deal with market rate housing.

Erik Yingling discussed the development of the Air Force Base for the arts, but considered the housing potential for the property. Maureen Burgess said the asbestos mitigation has always been an impediment to development of an arts and science center there. Mr. Donegan said he had higher expectations for collaboration with the Seashore for housing usage. Eric Yingling suggested representatives that engage in further talks with the Superintendent, and Mr. Donegan said greed that better communications with the Seashore would have communities involved in the decision process.

Truro Selectmen agreed that developing new ways to communicate with the Seashore is a good idea. Robert Weinstein discussed the structure of the National Seashore, the Department of the Interior and the National Park Service. He recommended that all six communities with Seashore land contact the Department of the Interior. Mr. Weinstein suggested drafting a letter from all the towns with support from state legislators. Robert Weinstein and Mr. Donegan or another Provincetown Selectman will prepare this with copies to the other four communities for their endorsement.

**Community Compact Grant**

Rae Ann Palmer said Truro has a Community Compact Grant to offer a consultant to study shared services. She would like to get parameters from both Boards to give the consultant some direction. Both Boards considered the possibilities. Paul Wisotzky said he would not like to limit the suggestions at this time because the outside consultant would bring fresh perspective, and David Panagore said that the consultant might be adding components that neither Town had considered. Members of both Boards and Town Manager David Panagore commented on the advantages of efficiency, savings and economic sustainability for the two towns which so much in common with the seasonal swings of population. Janet Worthington asked about including Wellfleet. Ms. Palmer said this grant had been developed specifically for Truro and Provincetown, but that does not preclude a future Community Compact Grant to include Wellfleet.

1

## **208 Plan/Wastewater**

Thomas Donegan reported on spending Provincetown has already committed to wastewater solutions. There could be a backdoor tax, according to Erik Yingling. It is up to Provincetown to solve the issue.

## **Regional Fee Structure**

Having a regional fee structure was a matter that had come up when Truro was studying its own Recreation Program, which is open to residents, summer visitors and neighboring residents from Wellfleet and Provincetown. That made Truro think about a parallel fee structure in areas other than Recreation. Erik Yingling said that this had possibility. Thomas Donegan said it was a "great idea" that reflects how people are living. Jay Coburn also affirmed creating an Outer Cape Resident Rate for a number of areas such as Beach, Recreation and Parking. Robert Anthony said a first step would be looking at statistics. Janet Worthington wanted more time to discuss the idea with the Truro Board of Selectmen before moving forward. Mr. Panagore also wanted to examine the current state of usage for Provincetown Beach, Parking and Recreation. Paul Wisotzky suggested putting the regional fee structure on a future agenda for the Truro Board.

## **Joint Legislative Issues**

### ***Real Estate Transfer Tax***

Erik Yingling said the Real Estate Transfer Tax is a revenue stream initiative which they bring to the State House every year. Jay Coburn said this was a possibility for Truro and other Cape towns to consider. Mr. Donegan said the County already has a real estate transfer tax. He suggested a Charter change. Mr. Yingling said both paths, Beacon Hill and a Charter change could work. He said it passes every year in Provincetown.

### ***Room Tax***

Truro got closer with a Room Tax this year, Paul Wisotzky said. Jay Coburn discussed the politics of Room Tax at the state level. He said it is being left on the table year after year, and the burden is left on homeowners with summer rentals. Mr. Donegan said Nantucket and the Berkshires also face this problem. Jay Coburn mentioned the Cape & Islands initiative, but Provincetown Selectmen said we should join with Nantucket and the Berkshires in an effort to bring this forward at the State House.

### ***Year Round Residency by Non-owners' Exemption***

Thomas Donegan related Provincetown's experience in implementing exemptions for non-owners for properties that rent year round. This would help people who rent without a great deal of paper work, he said. It is a local option law according to legislature.

### ***Residential Property Tax Exemptions***

Residential Property Tax Exemptions, which Provincetown has already implemented, are of interest to Truro. Erik Yingling said Provincetown home owners were initially upset about creating two tiers of citizens, but the Selectmen had looked at the economic benefits, which were substantial. The hike for the average non-resident was a low percent, he said. Mr. Donegan said that it has made a big difference, and senior citizens were pleased with it. David Panagore said he was willing to share the analysis and all the forms that Provincetown had followed. He suggested conducting a survey beforehand to see how many people were interested. That way Truro could begin with an estimate that was sound. Rae Ann Palmer requested the Provincetown material. Paul Wisotzky asked for the Provincetown Selectmen's thoughts in retrospect. They and the Town Manager reflected on the adjustment to the system: tax amounts went up significantly for the Town; it makes a big difference for people who own their own homes and do not have a mortgage; benefits disappear after a house is over the median price.

## **Town Managers' Reports**

The Town Managers had a number of topics to present. Rae Ann Palmer announced that the Incident Commander and Management Training would be held in Truro, and Provincetown was invited. Mr. Donegan asked if clergy could attend, but Ms. Palmer said this training was geared to municipal workers. Mr. Panagore said MEMA was willing to do a training that Truro would be invited to. He suggested

opening up the MEMA session to other members of the community such as clergy. Rae Ann Palmer said that the unpermitted shooting range behind the Transfer Station needs to be cleaned up. It has to be closed to all users, which included neighboring towns. The Police Chief is working on some options for training purposes. Mr. Panagore reported that Provincetown had partnered with UMass Dartmouth to do some statistical demographic analysis which included regional economy and where people live and work. They will share this study with Truro when it is completed. Rae Ann Palmer said that she and Mr. Panagore had been in communications about DPW staffing.

#### **Other Mutual Concerns**

Erik Yingling asked about the Truro Habitat projects on Route 6. Ms. Palmer said she has a draft layout of the Cloverleaf property, which will be presented to the Planning Board for an ANR. The other property is in litigation at this time. Jay Coburn said that each Habitat property has three units planned. Thomas Donegan said that Affordable Housing is included in their Wastewater planning.

There were a few other matters of mutual interest. Jay Coburn invited the Provincetown Selectmen and Town Manager to attend the Rural Policy Commission meeting on Friday, September 30, 2016. Mr. Panagore commented on seasonal economy towns becoming a subgroup of the Rural Policy. The Gateway Cities Committee was interested in this, he said. Janet Worthington noted that Provincetown and Truro had both worked well on promoting oyster cultivation.

#### **Adjournment**

Truro Selectman Weinstein moved to adjourn the meeting. Burgess seconded, and the motion carried 5-0.

The meeting was adjourned at 7:34 p.m.

Respectfully submitted,  
Mary Rogers,  
Secretary

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES - SPECIAL MEETING  
TUESDAY – DECEMBER 13, 2016 – 4:30 p.m.  
PROVINCETOWN HIGH SCHOOL AUDITORIUM  
12 WINSLOW STREET, PROVINCETOWN, MA 02657  
**DRAFT****

Chairman Richter convened the open meeting at 4:30 p.m. noting the following attendees:  
Board of Selectmen members: Raphael Richter, Erik Yingling, Tom Donegan, and Robert Anthony.

Late: Cheryl Andrews (Arrived 4:35 p.m.)

Excused: Selectman Cheryl Andrews & Assistant Town Manager David Gardner

Other attendees: Town Manager David Panagore, School Superintendent Beth Singer and members of the Finance Committee (no quorum), School Board Committee and Owner's Project Manager.

Recorder: Raphael Richter

**1. School Renovation Project Presentation:**

School Superintendent Beth Singer gave a PowerPoint presentation in a Joint Meeting with the Board of Selectmen and Finance Committee. See attached PowerPoint Presentation as Addendum #1.

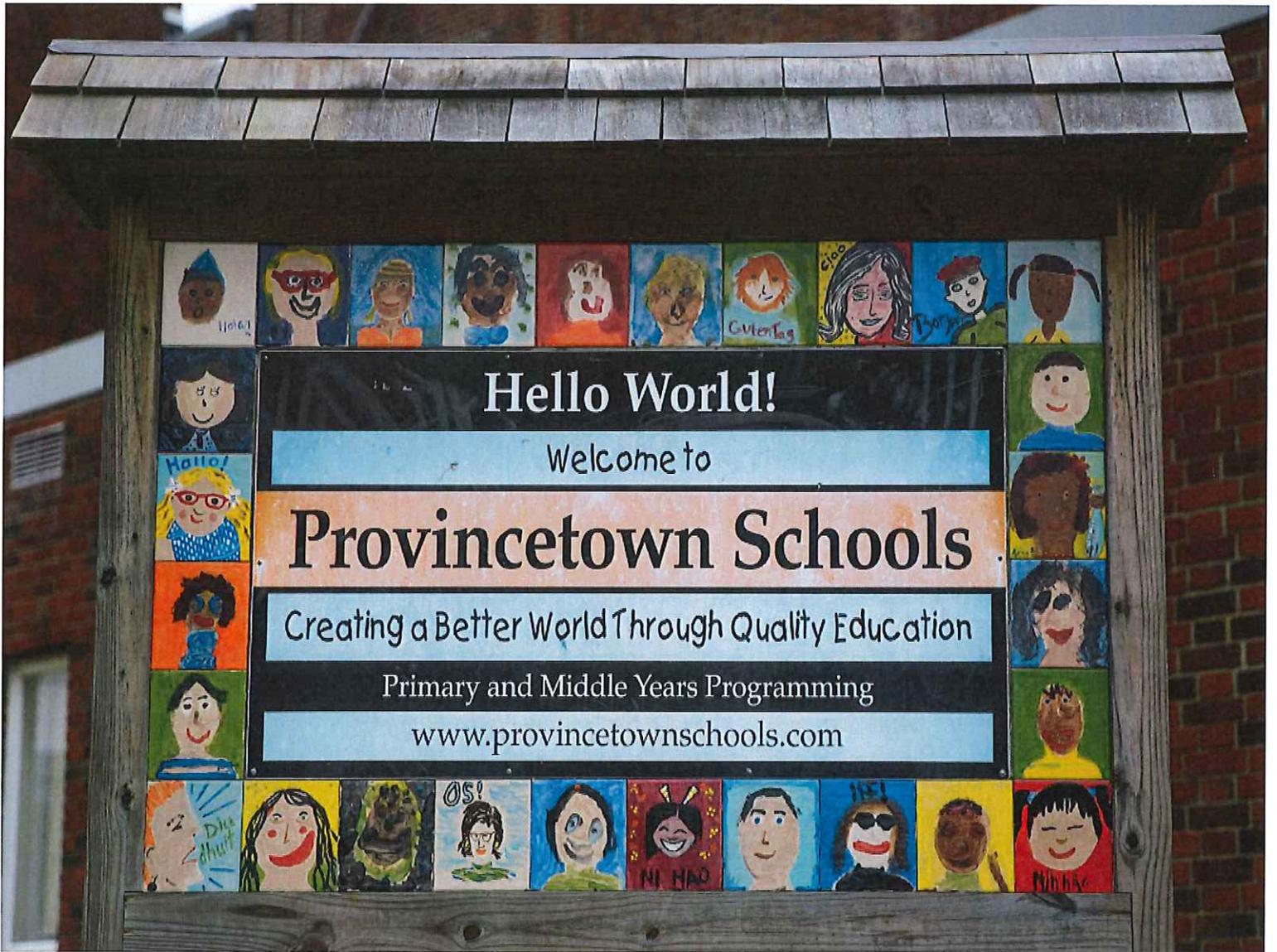
No votes were taken.

Without objection the meeting was adjourned at 5:45 p.m.

Minutes transcribed by: Loretta Dougherty

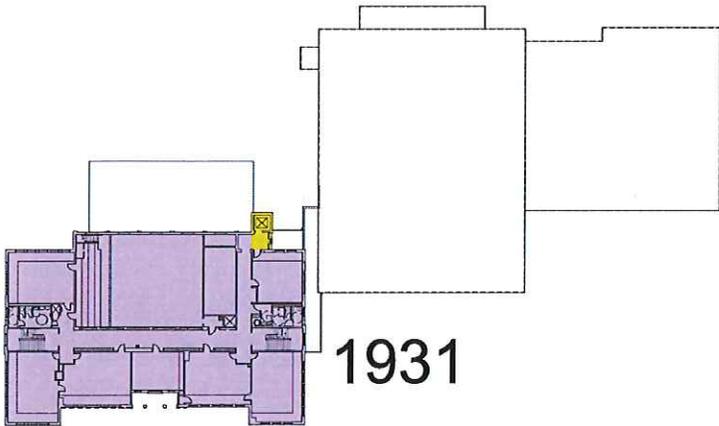
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[Addendum #1]



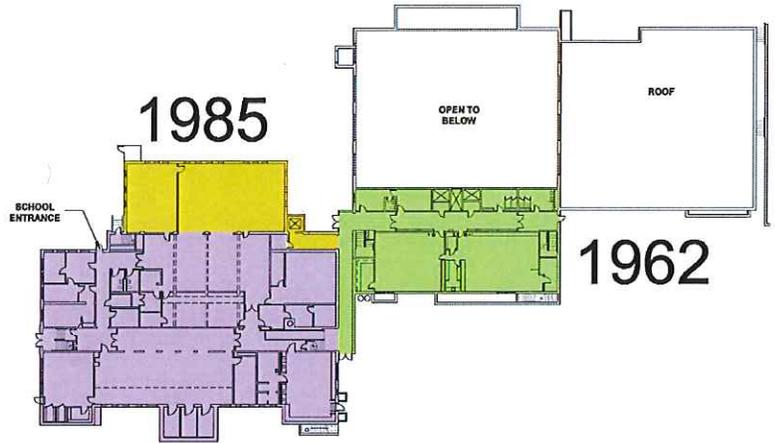


6



1931

PROJECT NORTH  
TRUE NORTH  
THIRD FLOOR PLAN  
SCALE: NTS 11,080 GSF

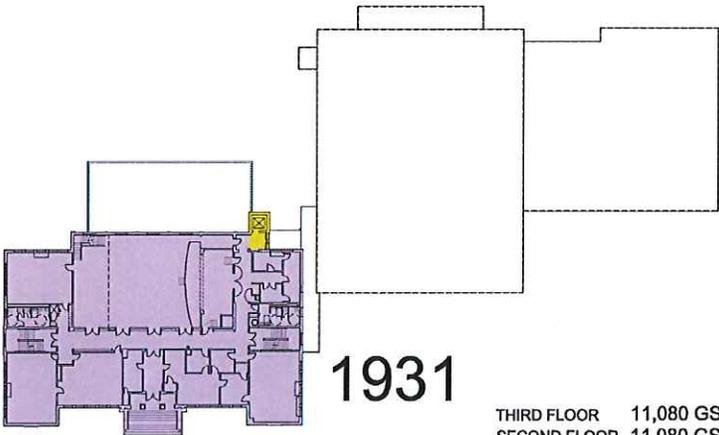


1985

1962

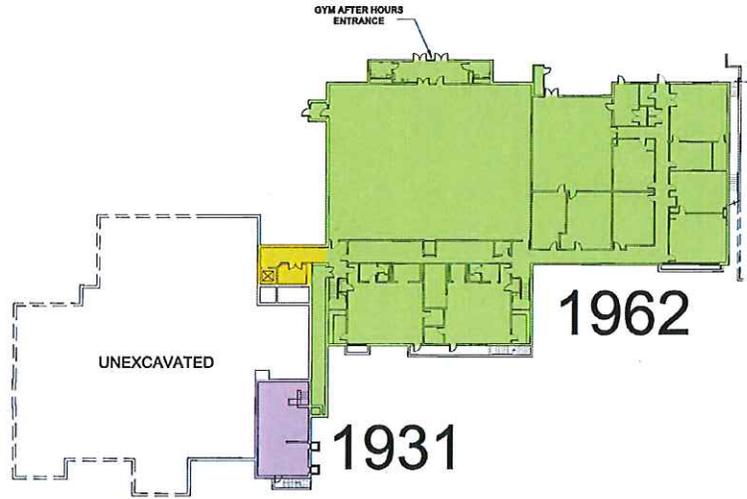
1931

PROJECT NORTH  
TRUE NORTH  
FIRST FLOOR PLAN  
SCALE: NTS 18,915 GSF



1931

PROJECT NORTH  
TRUE NORTH  
SECOND FLOOR PLAN  
SCALE: NTS 11,080 GSF



GYM AFTER HOURS  
ENTRANCE

1962

UNEXCAVATED

1931

PROJECT NORTH  
TRUE NORTH  
GROUND FLOOR PLAN  
SCALE: NTS 21,570 GSF

THIRD FLOOR 11,080 GSF  
SECOND FLOOR 11,080 GSF  
FIRST FLOOR 18,915 GSF  
GROUND FLOOR 21,570 GSF  
TOTAL SF = 62,645 GSF

7

# THE ORIGINAL PROJECT

## **Replace HVAC System**

Steam to Hot Water  
All New Pipes  
Rewiring of Building  
Oil to Dual Fuel Burners  
New Tanks

**Gymnasium Roofing**

## **ADA COMPLIANCE**

Ramp Front Door  
Health Office  
Bathrooms  
Stairwell Banisters  
Stage Lift  
Doorways  
Stage

**Gymnasium Windows**

**Emergency Generator**

# FUNDING SOURCES

2015 STM ARTICLE 8:High School HVAC and Roof Replacement \$ 7,310,550

2015 ATM ARTICLE ///// CPC FUNDS \$ 40,000

2016 PSC SEPTEMBER 2016 CHOICE FUNDS \$ 185,000

**Total** **\$7,535,550**

(2014 ATM ARTICLE CPC FUNDS \$ 15,000)

# UNEXPECTED COSTS

We had a few expensive unexpected situations:

1. This gym wall was not tied to the interior wall.

**\$20,000**

2. The back wall of the auditorium stage had a support beam that had been cut and a piece removed. New supported wall:

**\$33,000**

3. Fire Stopping:

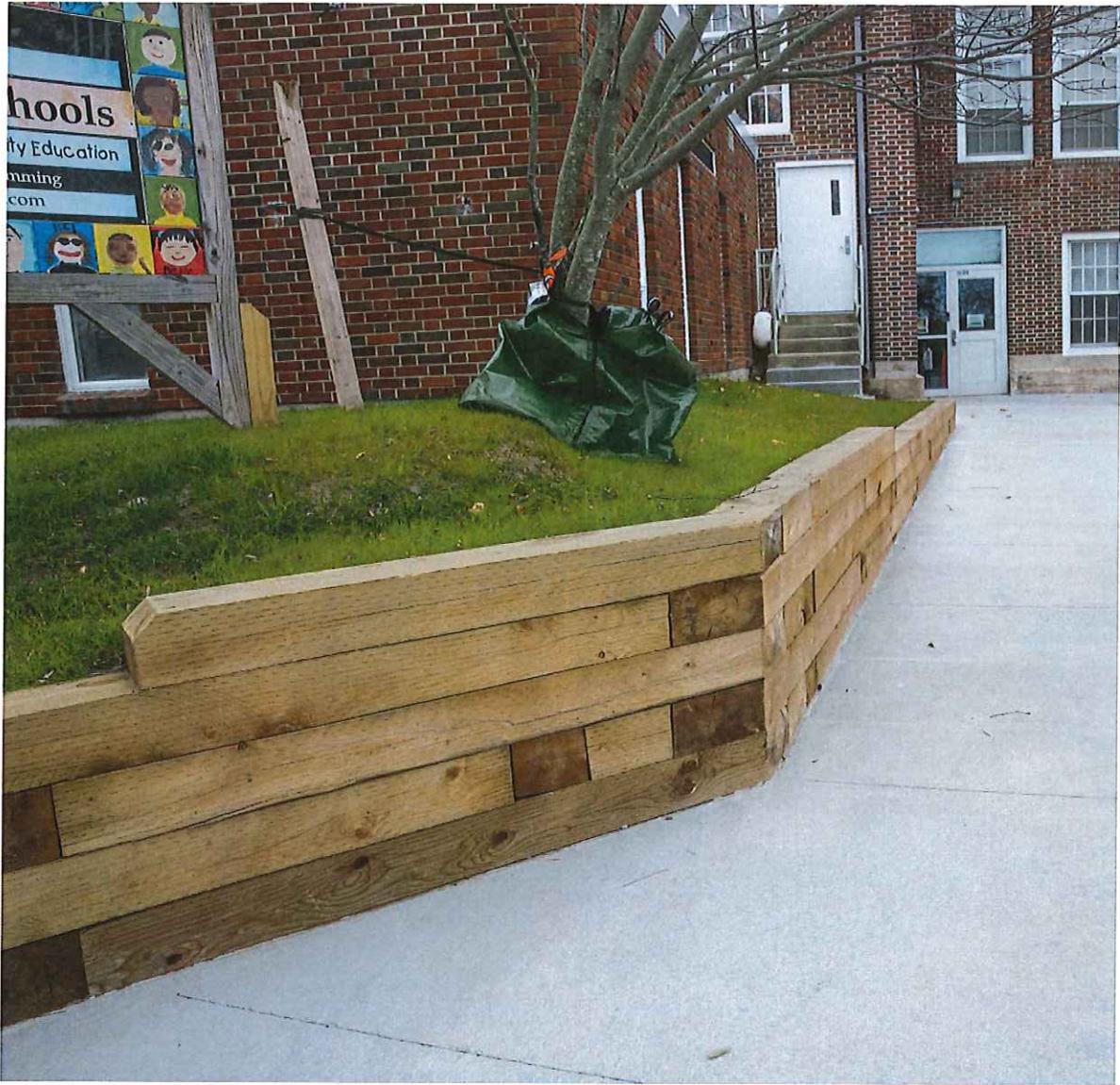
**\$36,622 (as of 12/5/16)**

4. The Patio:

**\$121,803**



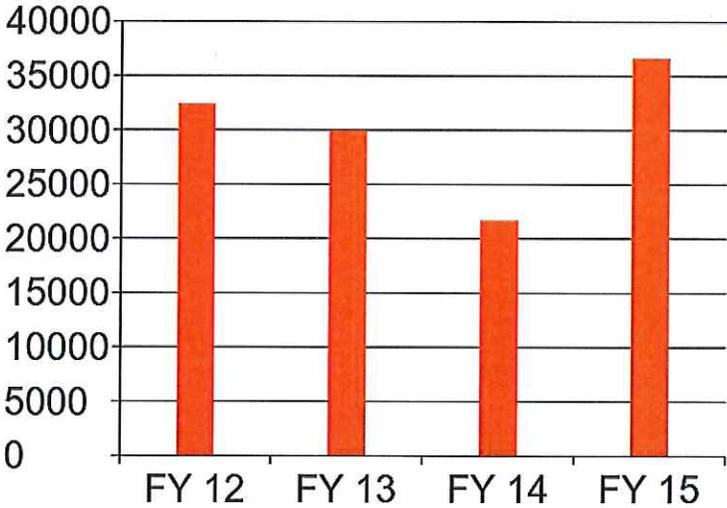




# PROVINCETOWN HIGH SCHOOL BUILDING 4 YEAR HVAC MAINTENANCE HISTORY

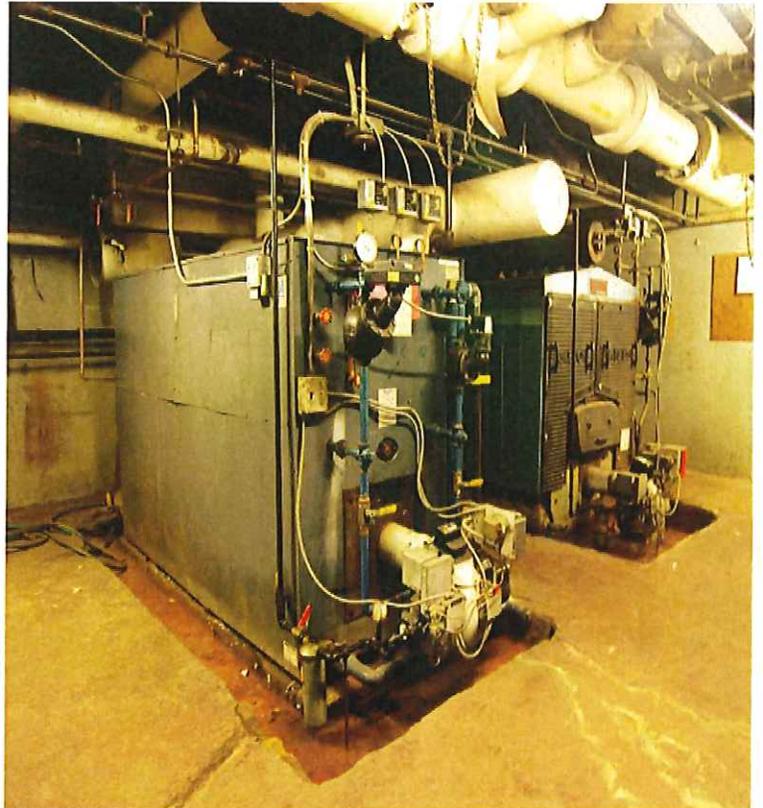
**FY 12     \$32,453.46**  
**FY 13     \$29,923.54**  
**FY 14     \$21,708.45**  
**FY 15     \$36,623.79**

**TOTAL \$153,113.16**





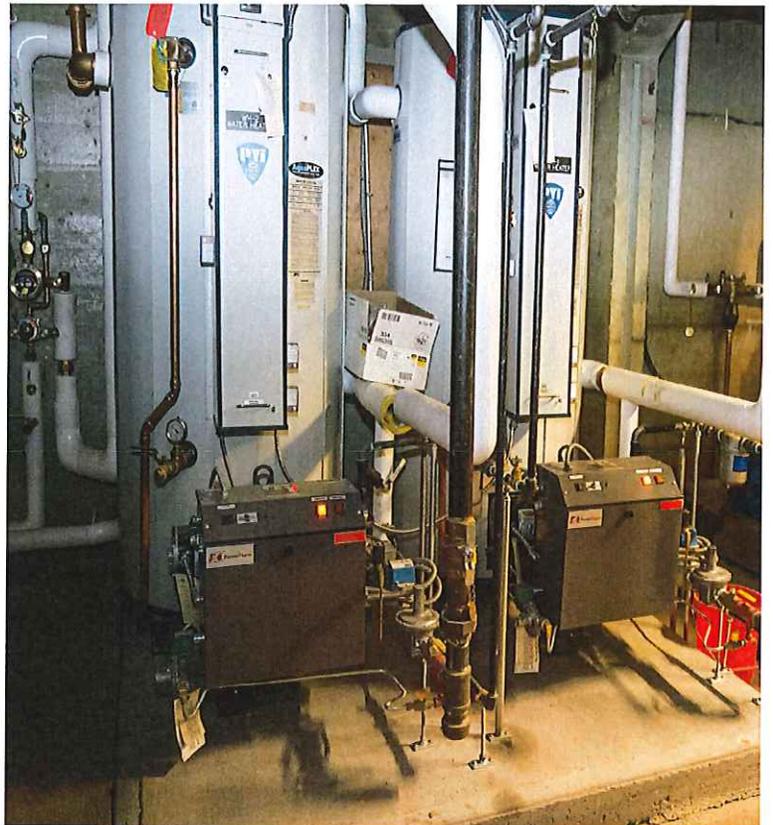
**OLD DOMESTIC HOT WATER BOILERS**



**OLD HEATING SYSTEMS BOILERS**

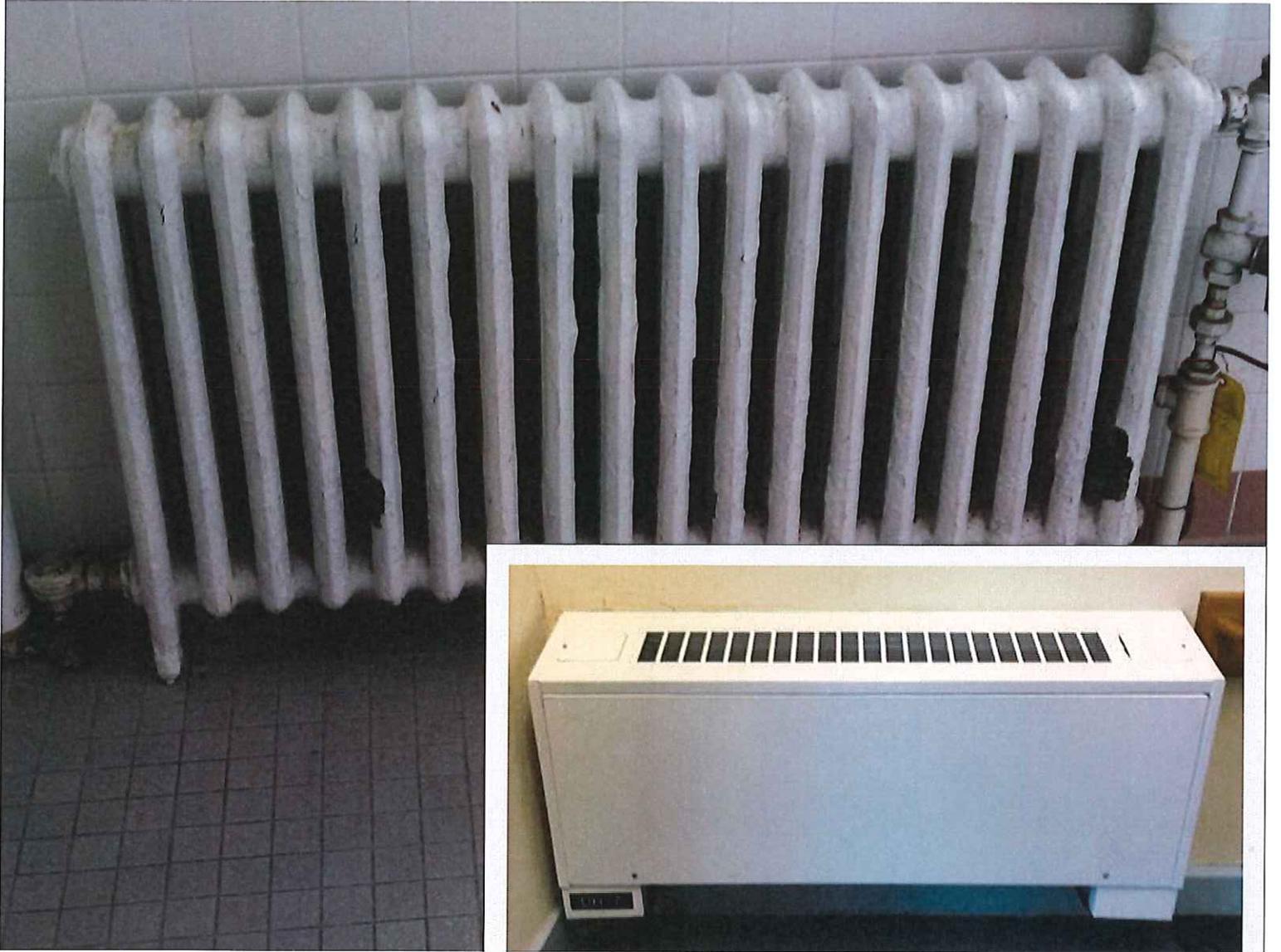


**NEW HEATING SYSTEMS**



**NEW HOT WATER SYSTEM**

15  
15





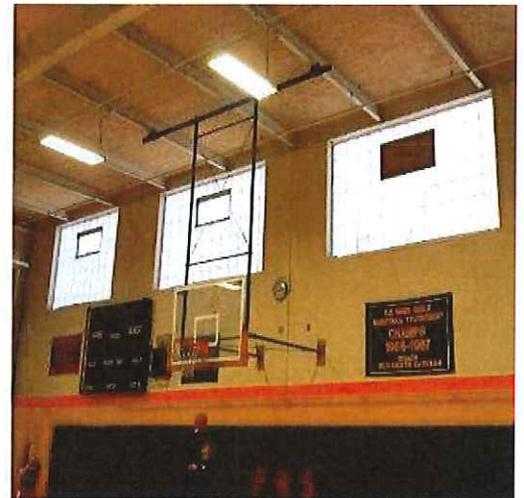




EXISTING WINDOW - 1963 GYMNASIUM



EXISTING WINDOW - 1963 GYMNASIUM



EXISTING WINDOW - 1963 GYMNASIUM

# Old Windows



# Old Windows

28



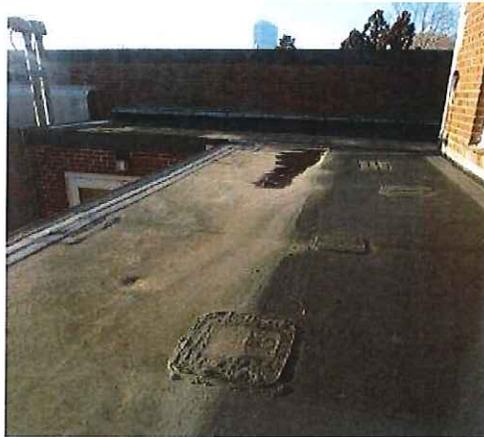
21



# Old Roofs



GYMNASIUM



CONNECTING HALLWAY



SPECIALTY CLASSROOMS

## 30-Year Old Roofs on the 1963 Building



24



25



26









# ORIGINAL PROJECT COSTS

## CONSTRUCTION COSTS

HVAC System and Accessibility Upgrades	= \$4,835,040
Roofing	= \$ 640,769
Windows	= \$ 234,073
Other (design, opm, contingencies, misc)	= \$1,600,668

**Total Budget = \$7,310,550**

## TOWN COSTS

Costs eligible for MSBA Reimbursement	= \$6,606,557
Costs ineligible for Reimbursement	= \$ 304,302
Contingency eligible for Reimbursement	= \$ 171,296
Contingency ineligible for Reimbursement	= \$ 228,395

**Town Share = \$3,758,819**

## To Date: Financial Statement

The project is at completion

<b>Original Allocation:</b>	<b>\$ 7,310,550</b>
<b>To Date expended:</b>	<b>\$ 6,936,436</b>
<b>Pending expenses:</b>	<b>\$ 230,000</b>
<b>TOTAL</b>	<b>\$ 7,166,496</b>
<b>BALANCE</b>	<b>\$ 369,054</b>

## MSBA REIMBURSEMENTS

<b>Total Project Budget</b>	<b>\$ 7,310,550</b>
<b>Basis for Grant Amount</b>	<b>\$ 7,007,170</b>
<b>Total Submitted Costs (to date)</b>	<b>\$ 5,232,027</b>
<b>Total Ineligible (to date)</b>	<b>\$ 40,493</b>
<b>Total Eligible Costs (to date)</b>	<b>\$ 5,191,534</b>
<b>Reimbursement Rate</b>	<b>50.68%</b>
<b>Total Eligible Grant (to date)</b>	<b>\$ 2,631,069 *</b>
<b>Total MSBA Payments (to date)</b>	<b>\$ 529,954</b>
<b>Unaudited Payment Due (request 12/12/16)</b>	<b>\$ 2,101,115</b>

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES – SITE VISIT  
WEDNESDAY – DECEMBER 14, 2016 – 1:00 p.m.  
HARBOR HILL'S CONDOMINIUM & TIMESHARE RESORT  
4 HARBOR HILLS ROAD, PROVINCETOWN, MA 02657**

**DRAFT**

Chairman Raphael Richter, Vice-Chairman Erik Yingling, and Selectman Thomas Donegan met at the Harbor Hill's Condominium & Timeshare Resort at 1:00 p.m. Town Manager David Panagore joined them at 1:20 p.m. and they all made a tour of the property. No votes were taken.

Recorder: Raphael Richter

Minutes transcribed by: Loretta Dougherty



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, December 19, 2016

4

## 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>