

FINANCE COMMITTEE
PUBLIC MEETING
Judge Welsh Room, Town Hall
Provincetown MA

TUESDAY, SEPTEMBER 5, 2017

Members Present: Mark Hatch (MH), Chairman; Kathleen Goodwin (KG); Mark Bjorstrom (MB); Duane Steele (DS); Mark Del Franco (MD); Stan Sikorski (SS)

Absent: Scott Valentino, Vice Chair

Others Present: Mary-Jo Avellar (MJA), Town Moderator

The first 11 seconds of the meeting was without audio. The meeting was called to order by MH at approximately 10:00am.

1. Final Discussion on STM articles. Votes may be taken.

a) Marijuana Dispensary Bylaw

Article 1 for Special Town Meeting (STM) was addressed by Stephanie (S) a Town resident and self-identified registered voter who spoke out in favor of any recreational marijuana dispensaries in Town be placed in commercial, rather than residential, zones. S said she had no doubt that medical marijuana is needed by local residents; reported that the first of 3 proposed dispensaries, Heal, which is tapped for medical use only, had been green-lit by the Planning Board for a site at the funeral home that is going out of business at 94 Harry Kemp Way at Howland. S spoke of the negative affects of foot-traffic on residents and conservation lands.

S asked where the other dispensaries are to be located; referenced section 2,240 of the Planning Board bylaw, item D7, which S is proposing be changed to articulate that no other dispensaries be permitted in residential areas.

MH referenced the A&R (sp) file and an outstanding inquiry that asks if the bylaw applies to everything that the Planning Board has currently on dispensaries or only per what will be proposed going forward, and how a dispensary is set-up to go from medical to retail.

S said she was informed that the A&R will only freeze the Heal dispensary and not those to come; that it is her understanding that once a dispensary comes in legally as a medical facility, it will be very difficult to thwart its conversion to recreational use; has documents from Mass Municipal Association to back up her assertion; also, mentioned that back in 2013 when the bylaw was passed to allow medical marijuana, it was understood that the dispensary would be placed at Outer Cape Health Services, however, because marijuana was still illegal on the federal level, that location became void based on OCHC receiving federal funds.

S said residents were never notified of the letter of opposition from July, 2016, or when the community benefit agreement with Heal was about to be signed; were only notified as abutters nearly 8 months later.

MH pointed out that the mechanism for conversion is still under review.

MB asked S if not a marijuana dispensary then how would she propose to regulate or decide exactly what type of business should be allowed to replace the out-going funeral home in this business district.

S read from the bylaw that an inn, hotel or art gallery is permitted at the location in question, but a bank or liquor store is not; repeated her concerns for other residential neighborhoods, Res. 3 and Res. B.

MD asked S if her only, or main, concern is traffic. S said it was, and also spoke of security needs, added costs of policing the area, illegal activities.

MB asked how FINCOM can be expected to address her issue which is chiefly zoning and town planning in nature; at what point is spot-zoning, zone-line zoning. MH concurred, adding that the State shoots down spot-zoning whenever it happens, suggested FINCOM reserve its recommendation.

SS agreed with MH, suggested that Town could benefit from observing how the first dispensary is set-up and organized for operations.

FINCOM commended S for her presentation and advised to consolidate some of her concerns with other residents going into Town Meeting, i.e., traffic. MH informed S that FINCOM had voted to reserve its recommendation and invited others present to speak on the issue before closing public comments.

Joni Rapport, of 58 Harry Kemp, said she is faced with the prospect of dispensaries on both corners of her property; identified herself as a child of the 60's but is very concerned that Town might be liable for accidents based on the dispensary; noted the cash-only nature of the business meant that crime was going to rise, involving car chases. Spoke of Denver as an example, being the first legal dispensary, and the constant smell and loitering that district faced.

Dottie spoke, asking if the dispensary would come to serve as a kind of treatment center and asked what are those ramifications; concerned about the vast size of the property, feels it isn't the right location for the dispensary.

Catherine Collins (sp), of 75 Harry Kemp, spoke, compared Commercial St. with Harry Kemp Way suggesting the former is aptly named, while the latter's residents are not invested in commercial living.

Tom Sharp (TS) spoke, asking for a full and complete economic report on how the Town will be impacted by the dispensary; said he is interested in creating a youth center at the VFW site where the new police station has been proposed.

MH and MB advised speakers to prepare their presentations for Town Meeting by making brevity their friend and the presentation concluded.

- b)** MH reviewed FINCOM's position of articles pending: Article 1, marijuana dispensary; Article 2, definition of natural grade, zoning; Article 3, design standards; height, straightening out inconsistencies; Article 4., Sales Tax; noted 20% marijuana tax includes a 3% maximum that can come back to

the Town which FINCOM voted in favor of, 6-0-0; Article on tree-cutting; voted, 6-0-0.

2. Letter to the Voters for STM approval (Chair will draft).

MH requested FINCOM add corrections or editions to his FINCOM letter that will go in the Town Meeting packet by tonight as it needs to be sent to the Assistant Town Manager tomorrow; said letters are also in FINCOM's packets for their later review.

3. Further discussion on Water and Sewer and rate setting solutions as seen by the Finance Committee.

MH said he was awaiting opinion from Board of Selectmen, recommended FINCOM weight in; personally feels putting increase on high season as the percentage is very low and that will also help to increase conservation in the summer.

4. Continue formulating recommendations for marijuana tax proceeds as well as Air BnB tax proceeds in prep for Spring Town Meeting Articles with a special emphasis on health care issues, Aging in Place initiatives, Economic Development and the Housing Trust.

MH said he felt FINCOM should be thinking ahead of the game, per marijuana tax revenues and where it should be spent.

MD agreed, speculating that many will have many ideas of how the tax monies should be spent. MH reminded that it is just the recreational marijuana tax revenue that comes back to Town, not medicinal.

5. Continue discussion on land assets owned by the Town and their possible use and/or disposition starting with the VFW and the Police Station lot once the work is complete.

MH said the FINCOM should keep the pressure on Selectmen and others for appropriating land usage by Town-owned parcels.

MD spoke of the Town's street-floor frontage on Shank Painter and that it should be retail as it is smack-dab in the middle of a commercial district; that the Town should exploit those areas that are available for commercial development.

SS spoke of the prime real estate that is the parking lot between the two piers; suggested the Town isn't maximizing its property value there; that the Town is just chasing opportunities needs a fixed strategy. MH noted that the parking and surrounding properties like the Surf Club are in the flood zone and that this affects development.

MJA referenced the tide line and traffic patterns of her youth, indicated that pier parking in the center of town has alleviated flow issues. MH reminded that the municipal parking lot is a million dollar revenue maker.

TS took the mic to ask The FINCOM where the Town's true direction lies in terms of expansion and the people's vision. DS said he was thrilled to death that a new-comer came in to tell the FINCOM what they should consider doing with the Town's direction.

6. Budget Updates from Josee including Open Gov.

Not addressed.

7. Any items fro the Town Manager that pertain to Finance.

Not addressed.

8. Any other business that may legally come before the Committee.

MH invited the FINCOM to start thinking of what it would like to see on the Spring Warrant to be addressed at the next FINCOM meeting; spoke of a main feature of his afore-mentioned letter in regards to items facing year-round residents: the effect of the resident exemption tax; water and sewer costs; staff and police levels that must be carried through the off-season.

SS spoke of a proposal for the Town to collect and use rain-water.

The FINCOM agreed the next meeting would be Tuesday, October 3rd.

MH made a motion to adjourn the meeting at 11:26am; no vote was taken, and the meeting was adjourned.

Respectfully Submitted,
Jody O'Neil,
December 10, 2017