

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
MONDAY, SEPTEMBER 10, 2018 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chair Venden convened the open meeting at 6:08 pm noting the following:

Select Members attending: Chair Louise Venden, Vice Chair Tom Donegan, Members Cheryl Andrews, Robert Anthony and Lise King.

Excused:

Other attendees: Town Manager David B. Panagore, Assistant Town Manager David Gardner, and Temporary Board Secretary Linda Fiorella

Recorder: Linda Fiorella

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

- A. *Police Vehicle Surplus - Declare the following list of equipment as surplus, pursuant to M.G.L. c. 30B and Provincetown General By-law §6-4-6, and to authorize the Town Manager to dispose of same in the manner deemed most advantageous to the Town.*
- B. *Parade Permit – Alzheimer’s Family Support Center - October 14, 2018*
- C. *Parade Permit – Rec Dep’t Halloween Greet n’ Treat - October 31, 2018*
- D. *Treasurer’s Transfer – Library Gift Fund - \$364.40 to Akil Kumarasamy for book fest travel*
- E. *Treasurer’s Transfer – Library Gift Fund - \$334.40 to Joseph Cassara for book fest travel*
- F. *Treasurer’s Transfer – Library Gift Fund - \$172 to Ronald Martin Wilson for book fest travel*
- G. *Treasurer’s Transfer – Library Gift Fund - \$121.80 to Shauna Taylor Barbosa for book fest travel*
- H. *Treasurer’s Transfer – Library Gift Fund - \$325 to Sunderland Printing for book fest posters and brochures*
- I. ~~*Approval of Transfer of Land (40A Nelson Ave) from housing Land Trust of Cape Cod to Community Housing Resource -*~~ **Removed for Consideration**
- J. *Refer additional Zoning Bylaw Amendment to the Planning Board for a public hearing prior to the October 29, 2018 Special Town Meeting*

Chair Venden pulled item 00I

Without objection Chair Venden waived the reading of Agenda Items A – H, and J, and without objection those items were approved unanimously by the Select Board

Vice Chair Donegan moved to move Town Manager’s report to before Requests

Chair Venden seconded

Select Member Andrews moved that Agenda Item 00I be placed before Town Manager’s report

Vice Chair Donegan moved that the Town Manager’s report to come Appointments and 00I to follow after Select Board Statements

Select Member Anthony seconded

VOTED

In Favor: 4

Opposed: 0
Abstain: 1(ca)

1. **Public Hearings:** None

2. **Public Statements:**

- Richard Campbell stated it feels like inequity that he has to pay for private trash pickup despite paying the same property taxes as people who get public trash pickup and that he feels the purchase of land for conservation purposes might be better used for a tiny home park.

3. **Select Board Member's Statements:**

- **Robert Anthony** – I'd like to make a comment in regards to a year round person who passed last Monday night. Joan R. Russell, her husband was a policeman for the Town of Provincetown. During her career she was a police dispatch fire and rescue for many years. I want to give recognition to a person who loved the Town of Provincetown and she worked very diligently and professionally for the Town.
- **Tom Donegan** – High season is coming to a close and I want to congratulate the Town Manager and the Assistant Town Manager on providing services to all of the visitors. The inhale and exhale of that process is not easy. Congratulations on the conclusion of that high season. The Great Provincetown Schooner Regatta. It's a great opportunity for Provincetown to honor our marine heritage. Thank you to all the mariners.
- **Lise King** – Welcome everyone watching, both, in the room and at home. Paying attention to kids being back at school, so I'd like to ask people to pay attention to kids on the road. I'd like to wish kids good luck in year going forward. I'd like to recognize the Swim For Life. Been a volunteer videographer and the event shows the love and support and the community coming together. It was all I could do not to break down crying when I saw the banner for Betty Villari. She influenced my service to the town. They had a record breaking year of swimmers and funds raised. Congrats to participants and first responders and harbormaster who d the sharks in the harbor.
- **Cheryl Andrews** – thanks to colleagues for acknowledging the Great Provincetown Schooner Regatta and Swim For Life. It was active in the harbor this week it reminds us of what we enjoy every day living in this town and that we have a lot of volunteers in town we need them to keep things going and thank you to them. I prepared remarks tonight because I have one issue that's been bugging me and I wanted to get it right. Issues surrounding Town Talk, the official page of our Town have been in front of our Board more than once in the last few weeks. Two issues specifically have brought me to the conclusion that this page should not continue without some kind of policy direction by the BoS. The first issue is the account blocking of some Town voters Blocking voters by elected or appointed officials who then chose to post on the page. The voter cannot read the post or thread in entirety. Town voters should have equal access to the page same as town website. The second issue is when Town officials, elected or appointed, post about a topic or an agenda item and then delete the post or thread. This renders the page non-compliant with the Massachusetts public records law. {Select Member Andrews read into the record a portion of the law} I wish to clearly state my position tonight. I believe that Town Talk, the Town Manager's Official Facebook page should be temporarily suspended until the Board of Selectmen hold a meeting the includes a quality discussion about the issues I and others have raised and create policy to mitigate these issues.
- **Louise Venden** – I want to also, thank all of the volunteers. The wonderful thing about the Regatta and the Swim For Life is people volunteer and come from all over the Cape and all over New England. It's a shared community of people who want to come here and raise money for local institutions. So many

people participate and it is one of the treats people look forward to in September. Got there late and stayed longer because everything was delayed by weather at the Swim for Life. But everyone got in safely and that's the main thing. Tom's salute to Town Manager and Assistant Town Manager and all staff is certainly well-earned. I'd also like to salute small business people. It was a great summer. I know how hard it was for them recruit help and find staff a place to live. Hopefully now we'll be able to get a reservation at a restaurant. I'd like to apologize to my colleagues for my impatience the last two meetings. We have long meetings. Tonight we'll talk about the Rules of Procedure Interact and we all need to set an example for the community in how we discuss things with each other and how we interact with the public who come to our meetings. Hope to do much better I appreciate the help of my colleagues in doing so.

Item held from Consent Agenda(00I)

Approval of Transfer of Land (40A Nelson Ave) from Housing Land Trust of Cape Cod to Community Housing Resource

Michael Sweeney, President of the Board of the Housing Land Trust for Cape Cod; Ted Malone, President of Community Housing Resource and Provincetown Heights Inc.; Nancy Davison, who was a Board Member of Housing Land Trust when 40A was being developed and is now the Executive Director of the Housing Land Trust of Cape Cod; and Michelle Jarusiewicz, Community Housing Specialist, came before the Board and introduced themselves.

Ms. Jarusiewicz discussed the history of the circumstances of the acquisition of the land and the 3 part process and Mr. Malone stated that Provincetown Heights manages the property but that the Housing Land Trust owns the land beneath it.

Vice Chair Donegan Moved to authorize consent to convey real estate at 40A Nelson Avenue from the Housing Land Trust for Cape Cod to the Provincetown Heights Inc. as funded through a 2002 grant under the Housing Development Support Program.

Select Member Andrews seconded the motion

VOTED

In Favor: 5

Opposed: 0

Abstain: 0

4. Joint meeting/Presentations:

A. Joint Meeting with Economic Development Committee: Approve Guidelines for Economic Development Grant Cycle

Exhibits/Documents: 2018/2019 Guidelines, Macro-grant application, Micro-grant guidelines and application; summary reports for 2017 & 2018 grants

Housing Specialist Michelle Jarusiewicz presented with the Economic Development Committee. Regina Cassidy, Chair of the Economic Development Committee called the meeting to order at 6:35 and the other members in attendance, Hersh Schwartz and Trevor McCarthy introduced themselves.

Ms. Cassidy presented the guidelines and applications for macro and micro grants, and the process the EDC used to develop them.

Discussion included outreach for high school age potential applicants, selection processes, criteria in scoring applications, concerns about how the grants are used, including the use of grants on capital improvement of property or organization expenses, the importance of fairness in the process, as well as prioritizing new businesses and organizations over more established businesses and organizations. Further discussion covered the need for more applications and potential solutions for that issue.

Select Member Andrews moved that the Select Board create a policy as such that these funds that are dispensed by the Economic Development Committee will not be used to improve real property

Vice Chair Donegan seconded the motion

Select Member Andrews – I haven't heard anything clearer that addresses the issue and I think we should be clear.

Chair Venden – I think that if improving the electrical system will expand a business, it probably increases the value of the property even if they have a lease. I'm not going to vote for this because if that's what's really needed for a business then I think that you should have the authority to make that grant.

VOTED

In Favor: 4
Opposed: 1 (lv)
Abstain: 0

Vice Chair Donegan MOVED to approve the Economic Development Committee's draft 2018/2019 Economic Development Grant Guidelines, Macro-grant application, Micro-grant guidelines and application that fosters new business and year round economic development.

Select Member Anthony seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

5. Appointments:

Vice Chair Donegan recused at 7:23

A. Planning Board – Paul C. Graves

Paul Graves My husband and I bought a business coming on 4 years ago and I'm now at the stage where I can do some work for the community. One of the areas of interest to me, and the Planning Board touches on this is the area of housing and the provision of affordable housing.

Select Member Andrews - Thank you. I wish more people would apply. We need people to love this kind of work.

Select Member King – Thank you. Sometimes there can be conflicts, how do you feel about issues that could be in the newspaper or on Facebook and can get heated. How do you handle stressful situations like that?

Mr. Graves- I've dealt with people like that. Neither afraid of nor completely put off by controversy. I don't enjoy it, but it's not something will knock me over.

Chair Venden – You're also an attorney which can be very helpful. Thank you again.

Select Member Andrews Moved that the Select Board vote to approve the appointment of Paul C. Graves, as a regular member to the Planning Board expiring on December 31, 2019.

Select Member King seconded the motion

VOTED

In Favor: 4

Opposed: 0

Abstain: 0

TD returned at 7:28

7. Town Manager / Assistant Town Manager:

A. Draft Inter-Municipal Agreement with Truro, Wellfleet, and Eastham

Discussion involved the draft Inter-Municipal Agreement in the packet - that Wellfleet and Eastham have moved to approve it, but Truro has questions about who should be the approving authority, that there are a few modifications, that it would not need to be approved at Town Meeting, the process going forward, potential for cost savings, and concerns about how emergency planning could potentially be regionalized.

Select Member Andrews Move to authorize the town manager to enter into discussions with Truro Wellfleet and Eastham and finalize an inter-municipal agreement for the select board to review and approve.

Select Member Anthony seconded

VOTED

In Favor: 5

Opposed: 0

Abstain: 0

B. Town Manager's Report – Administrative Updates

- Staff Bi-Weekly Report
The discussion covered the timing of a meeting covering the financial forecast; Town Manager Panagore's absence at the next meeting to attend a symposium for City and County managers; the Swim for Life

swimmers, boats, participation of the Coast Guard, Harbormaster boats, and the National Park Service, plus other volunteers.

Further discussion covered preparations for hurricane season, beach nourishment, potential storms, an update on fire engine claims

Select Member King noted that the Park service is going to start renovations at the Herring Cove parking lot next month with the expectation to be completed by opening next season.

- Staff Recommendations for Potential Use of Marijuana Revenue – Discussion involved draft agreements being readied for those potential businesses who have completed the questionnaires and a request for two Select Board members to form a subcommittee or advisory group to review the questionnaires of the potential businesses in order to expedite the process, so that the results can be presented on the 24th of September Regular Meeting. Vice Chair Donegan and Select Member King volunteered as did Select Member Andrews if needed.

Town Manager Panagore summarized a chart of staff responses of ways to use potential marijuana revenue like addiction services, and discussion covered other issues related to retail establishments and how to use the revenue from paying down debt or building reserves.

Chair Vended requested that the last date to file (October 18, 2018) for the Traffic Hearing be added to the calendar.

Select Member King noted that she has been working on a youth enrichment program and was looking for input in funding and creating the initiative. The importance of involving various departments already involved in youth affairs was discussed as well as placing it on an upcoming agenda.

Vice Chair Donegan brought up concerns over the Building Commissioner and the Building Department's need for more resources and staff hours. Discussion of zoning enforcement ensued, as well as licensed personnel, and the possibility for a study to examine the issues.

Vice Chair Donegan also brought up the health insurance actuarial study and Town Manager Panagore stated it would be ready for discussion during the financial forecast discussion.

Further discussion covered the possibility of opting to go greener as far as energy through the Cape Light Compact including what it would cost and the definition of 'greener' in this sense.

An Everesource battery proposal was discussed and DPW Director Richard Waldo updated the Board.

The Board of Health is sponsoring a session on climate change and septic systems, Thursday 20th at 6 pm in the Judge Welsh Room.

The status of a few open positions with the Town was discussed.

6. Requests:

A. Revise Housing Policies 2011-06-27B Waiver of Building Permit Fees & 2011-06- 27A Provision of Town Services

Housing Specialist Michelle Jarusiewicz stated that the purpose of the new policies was to further incentivize affordable and community housing and reflect that the Town can now own housing.

Select Member Andrews MOVE that the Select Board vote to adopt Policy Statement 2018-09-10A Provision of Certain Town Services for Affordable and Community Housing Developments And Policy Statement 2018-09-10B Waiver of Building Permit Fees for Affordable and Community Housing Developments as proposed.

Select Member Anthony seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Discussion of trash pickup, the Board of Health, and the need for a future agenda item to further discuss the issue.

B. Standish Street Intersection Improvements Update – DPW Director Richard Waldo
DPW Director Rich Waldo read the memo in the packet into the record

DPW Director Richard Waldo presented an overview on a project scheduled for a Public Hearing on September 24, 2018. Mr. Waldo read into the record a memo included in the agenda packet.

Select Member Andrews expressed concerns about parking at Riley’s and driver’s illegally driving the wrong way on Standish to turn onto Bradford. Discussion involved planned and proposed changes to make clearer the correct way to exit that parking area.

Further discussion covered the types and materials of sidewalks and curbs proposed for the area, easements, the narrowing of crosswalks for pedestrian safety purposes, and curb cuts.

C. Purchase and Sale Agreement for the Dwyer Property – 264-268 Bradford Street (Rear)

Conservation Planner Tim Famulare presented the background on the requested approval of a Purchase and Sale Agreement for the Dwyer Property, 264-268 Bradford Street (Rear) including a grant application to partially fund the purchase that appeared on a consent agenda in June of 2018. Mr. Famulare described wildlife habitat designation that apply to the property and contingencies on the requested approval.

Discussion covered access to the property, the extent to which the property is buildable, appraised value, wetlands on the property.

Select Member King MOVED that the Select Board vote to authorize the Town Manager, in consultation with Town counsel, to finalize the draft Purchase and Sale Agreement by and between the Arnold and Ruth Dwyer Family LLC, as Seller, and the Town of Provincetown, as

Buyer, for the purchase in fee simple of an approximately 5-acre portion of the property in the rear of 264-268 Bradford Street in Provincetown for a total purchase price of \$1,000,000.00, and return the P&S for final approval.

Select Member Anthony seconded the motion

VOTED

**In Favor: 5
Opposed: 0
Abstain: 0**

D. Special Town Meeting Draft Warrant Review

Discussion involved a likely Special Meeting of the Select Board on Friday the 28th for the purpose of approving the warrant for the Special Town Meeting. Assistant Town Manager Gardner stated that it is on the calendar to approve at their next meeting. Discussion involved changes in the current articles including a new zoning article and its effects, undertaking a study on land use planning, and suggested changes to articles 20 and 21 which relate to who may or may not be eligible to serve on Town boards. An additional article was added to broaden the group of people who can apply for the position of Town Manager.

E. Select Board Rules of Procedure – Approval

The proposed amendments to the Select Board Rules of Procedure were voted on individually.

The first proposed amendment would change the latest end time of the meeting from 11pm to 10pm.

Discussion involved the likely need for more meetings in the event the motion passed.

Select Member King Moved that the Select Board vote to change the termination time of the meetings from 11pm to 10pm and strike the red lines.

Select Member Andrews seconded the motion

VOTED

**In Favor: 5
Opposed: 0
Abstain: 0**

The second proposed amendment would change the order of the Agenda for regular meetings of the Select Board by moving the Town Manager’s Report ahead of Requests.

Vice Chair Donegan MOVED to adopt item 3A as revised
Select Member Andrews seconded the motion

VOTED

**In Favor: 5
Opposed: 0
Abstain: 0**

The third proposed amendment (listed as Section 3, g on the Draft Rules of Procedure included in the packet) would ask Board Members to estimate times for proposed agenda items.

Discussion included marking “no motions will be made” on agenda items that would be limited to discussion of a vague topic and concerns that agenda items don’t always need staff reports

Select Member Andrews Moved Section 3, G, as presented
Select Member King seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

The next proposed amendment was to remove Section 4, e, which allowed Select Board Members to make motions during Select Board Statements.

Select Member Andrews moved to remove Section 4, e.
Select Member Anthony seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Select Member Andrews MOVED that the Select Board vote to adopt the Rules of Procedure as amended.
Select Member Anthony seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

F. New Policy Select Board Member Statements Outside Official Select Board Public Meetings
Chair Venden presented her proposed policy on how Select Board Members present their statements on social media, to clarify when they are speaking for the Board or as an individual. No action was taken.

8. Minutes: Approve minutes of previous meetings.

Select Member Andrews Move that the Select Board approve the minutes of:

August 27, 2018 6:00 pm (Regular) as printed

Select Member Anthony seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

9. Closing Statements/Administrative Updates:

- **Robert Anthony**- none
- **Tom Donegan** – would like to have a discussion on prioritization of goals. I think housing remains our top goal.

Vice Chair Donegan MOVED the chair write the Lincoln Land Institute about assistance for housing policy.

Select Member Anthony seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Discussion involved if Town Manager Panagore would draft the letter.

- **Lise King** – We have gotten approval as the Cape Cod National Seashore Commission to have our meeting on September 24th.
- **Cheryl Andrews** - If we get through September and the charter has not been renewed we need a plan and I would hope that plan would be we reconvene the 6 Town Meeting and maybe it would be time for a 6 Town filing of litigation. I'm not saying spend a fortune doing it, but I would not mind seeing the 6 towns getting together. Maybe sue isn't the right word – complaint.
Town Manager Panagore - I would invite a motion to have the chair put a letter together to the Chair of the Natural Resources Committee in favor of the pending legislation passing. I recommend we send a letter in I will return to you with a draft letter.
- **Louise Venden** – We had a much more civil meeting and I thank you.

Without objection the meeting was adjourned at 10:01 pm

Minutes transcribed by: Linda Fiorella