

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
JANUARY 14, 2019 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chair Andrews convened the open meeting at 6:00 pm noting the following:

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

Excused:

Other attendees: Town Manager David B. Panagore

Recorder: Linda Fiorella

Chair Andrews noted the loss to the community of Luis Ribas and his work as Assistant Harbormaster, with the Fire Department and as a fisherman and expressed condolences to his family.

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

A. End of Calendar Year 2018 Reappointments:

- 1. Building Committee: Paul Kelly*
- 2. Planning Board: John Golden*
- 3. Recreation Commission: Kristin Hatch*
- 4. Scholarship and Trust Administration Committee: Olympia Ciliberto*
- 5. Water and Sewer Board: Steven Baker*
- 6. Year Round Rental Housing Trust: Rob Anderson*
- 7. Zoning Board of Appeals: Rob Anderson*

B. Appoint Louise Silver to the Art Commission from an alternate member to a regular member with a term to expire on December 31, 2019

C. Appoint Roger Chauvette to the Bicycle Committee from a regular member to an alternate member with a term to expire on December 31, 2021

D. Appoint Nancyann Meads to the Public Landscape Committee as an alternate member with a term to expire December 31, 2021

E. Appoint Susan Troyan to the Board of Health as an alternate member with a term to expire December 31, 2021.

F. Appoint Andrew James Kinder to the Bicycle Committee as a regular member with a term to expire December 31, 2021

G. Accept a grant in the amount of \$100 from Daniel H. Squire through Schwab Charitable to benefit the Provincetown Police and Fire Departments to be expended without further appropriation by the Town Manager.

H. Approve the Conservation Restriction from the Town of Provincetown to the Provincetown Conservation Trust for 264-268 Bradford Street.

I. Declare the following list of equipment as surplus and to authorize the Town Manager to dispose of same in the manner deemed most advantageous to the Town; Year 2004 Olympian 100kW Diesel Generator, model D100PI used previously at the Knowles Crossing Pumping Station, Serial #OLY00000CNP501568, 1999 John Deere 444 Loader, VIN #DW444HX573793, One (1) steel job site tool box, One (1) centrifugal pump and motor assembly and One (1) four inch (4”) Reduced Pressure Zone backflow prevention valve assembly.

J. Appoint Deborah L. Meadows to the Council on Aging as a regular member with a term to expire December 31, 2019

Without objection Chair Andrews waived the reading of the consent items and without objection they were approved unanimously by the Select Board.

1. Public Hearings:

A. Continued Public Hearing from November 26, 2018 – Bas Relief Restoration – To hear public comment on the proposed plan for the Bas Relief restoration

Chair Andrews read the original Hearing Notice from November opened the public comment.

Michelle Jarusiewicz updated the Board on discussions that have taken place with representatives of the Wampanoag since the last Public Hearing and described the process moving forward with a plan for the Bas Relief restoration to be complete by the end of 2019. The Wampanoag design discussions will continue and potentially be a change order with the hope that it too could be completed at the same time.

At 6:09 the recording secretary left the room to make copies of an updated memo and returned at 6:10 at which time the updated memo was distributed to the Board.

The Board, Ms. Jarusiewicz, and Mr. Panagore discussed preparing a timeline for the project for presentation to the Board and thanked all who have worked on the project thus far.

PUBLIC INPUT:

Rick Kapler stated he had a petition signed by many UU congregation sharing that the memorial should move forward as designed.

Rev. Brenda Haywood the chair of Racial Justice Provincetown stated that she hopes her group can continue what they started. She noted her concern that the Wampanoag have waited 400 years for something that says that they were here and that now is the time.

Isaac read on behalf of April Baxter who has a cold, that she feels strongly about respecting the work Pastor Haywood and Linda Coombs have done and that the memorial should be front and center.

SELECT BOARD INPUT:

Chair Andrews noted that she was not closing the public portion of this hearing, so the public are welcome to come to meetings and speak. She recognizes the frustration and feels everyone's hearts are in the right place on the project and it is important that it is done right and the challenge is to figure out how to negotiate it.

Select Member Venden expressed that she doesn't want to sidetrack this project and her concerns about rethinking the work and progress boards and committees have done on projects.

Select Member King clarified that everything is still on the table including the original design as well as other possible opportunities. She added that there is no reason to believe we would miss the deadline.

Motion: Move to continue the Public Hearing until March 11, 2019 at 6pm.

Motion: Select Member Venden Seconded: Select Member Anthony

VOTED

In Favor: 4
Opposed:
Abstain:

Chair Andrews noted that the second public hearing, previously scheduled for this meeting, had been cancelled.

2. Public Statements:

- Jay Gurewitsch – reported on behalf of the Recycling and Renewable Energy Committee a Solarize Mass update on contracts in Provincetown and nearby towns. He announced that they have 100 kilowatts to give away to nonprofit. The application can be found at outercapeenergize.org. Deadline is March 5, 2019.

3. Select Board Member's Statements:

- Lise King – I want to welcome everyone back. Welcome to winter- we're in a deep freeze, now. Let's make sure we're checking on our neighbors and our elderly and make sure we're taking care of the folks that need to be taken care of. I want to say thanks to everybody for coming through on the different projects they're working on. Happy New Year.
- Louise Venden – I would like to recognize the service that Tom Donegan gave to this Board, to the Finance Committee, to the Year-Round Rental Housing Trust, to Cape Light and to the Fine Arts Work Center and to all kinds of other organizations. Tom was relentless in commitment to community service. He set a high standard, he was a student of government. I didn't agree all the time but it was always very respectful, and I learned a lot from him so I'm going to miss him on this Board. I wish him well and I hope that he comes back to Provincetown and serves in some other role here. I'm going to talk about what goals I would hope could be achieved by this Board in the remaining time period between now and May. Clearly we have the budget in front of us, that's going to be the first thing we'll be dealing with. Beyond that I hope we will take a very serious look at our zoning bylaw policies, procedures, implementation, board authorities, and begin to figure out a way to make our zoning and planning bylaws and the interpretation of them and the process people actually go through to encourage the kind of public-private partnerships, encourage people to come to Town, to create jobs, to create more housing – the kind of housing we need. More modest housing and more housing in general. Density must be looked at, the campground, tiny homes. We've talked about it, we haven't been able to move forward with anything. I am having a meeting tomorrow with chairs of ZBA, the Planning Board, the Finance Committee and the Historic District Commission. Each of them has years of experience on their Boards. I want to hear from them what they view as being are some of the challenges to moving forward with projects that they think are promising but instead of being able to help people find a way to do those projects they find themselves in a position where create obstacles. Some of those projects go away all together and some of them just cost an awful lot more time and money than they should. I hope that my meeting tomorrow morning will develop something that can be taken to the staff for each of these committees and work up proposals that will move us in that direction. The other thing I hope happens that I mentioned to Town Manager Panagore last summer, is that we would engage a consultant for this Board. Even members of our Board have complained about not getting enough done. We have paid attention to things that have largely been distractions. We fought amongst ourselves. We have had a

series of meetings about the Visitors Service Board which is a \$750,000 portion of our \$25,000,000 budget. We have spent several meetings talking about the charter changes. We also have spent, now, 3 meetings with more to come on the Bas Relief project. The Building Committee have been before us a couple of times and I'm sure they'll be before us again. There has been a lot of controversy on all these things but somehow or other, if this Board can not communicate more effectively with each other on big issues, like zoning and planning, and actually have a housing plan – actually encourage private investors to come into this Town especially now that we have the opportunity zone available to investors so they're able to get tax advantages for investing in Provincetown. What we need to do is make sure those investments are made in projects we want, that build the kind of Town we want. That build the kind of housing we need, which is basically studios and one bedrooms: smaller units. My hope is that there will be a new member of this Board, we all have our pet projects, but my hope is that we will pull back from intervening as much in the work of committees and boards that are duly authorized to carry out their activities and that we begin to focus on bigger picture items that will drive what this town will look like in 5 or 10 years. Change is coming and its either going to come in a way that we give a lot of thought to on a higher level or it will happen the way it's happened already which is market forces will drive what happens here or what doesn't happen here. I think the business owners have to get a lot of credit here. To invest in a new business in Provincetown is risky. We're so grateful to have so many people who have invested, who have brought their ideas and creativity to Town and want to make things happen here. And to support the non profits that are the wellspring of some of this creativity. We've got a lot of work to do and I hope we can find a way to be more productive in getting it done. Thank you.

- Robert Anthony – Welcome everybody back. It's January now and we're going to be starting the budget process shortly. That's going to take a little bit of time and hopefully at the end we'll feel good about it. I want to concur with Louise about Tom's dedication to the Town of Provincetown. Whether we disagreed or agreed, he did a tremendous amount of voluntary work for the Town that he loved. I wish the best for Mark and Tom whatever they decide to do. I also want to concur with Chairman Andrews in regards to Luis Ribas. He was more than bigger than life. As the Chairman said, he was an assistant harbormaster. He could do anything on the pier. Anything that was asked of him, he had the expertise to do it. One night, I think it was last winter when it happened, a fisherman fell overboard and Luis took the harbormaster boat out and rescued that person. I was speaking with the Fire Chief over the weekend and he noted that there was a couple of fires that we had in Provincetown, and knowing his medical condition he did not hesitate at all to be right up front in putting those two fires out. One was the Fudge Factory and the other was the Red Barn. We lost a very valuable entity for the harbor and the pier and the Town of Provincetown. I want to give my condolences to the family. Anything that we could do for the family I hope that they would ask.
- Cheryl Andrews – Absolutely. He's certainly in our minds and hearts, tonight, a great deal. We have said goodbye to Tom Donegan from this table. I appreciate my colleagues mentioning him, it's still kind of a shock that we're in the situation we're in. I've begun the preparation of our annual report which you'll all get at Town Meeting. I've begun to put into writing my thanks not only for Tom but of course we said goodbye to Eric last year as well. I listed all of his accomplishments and I had to figure out what to leave out. Tom was the definition of an activist Selectmen and got things done that had never been done here and he won't be forgotten. I shouldn't say this, but I will tell you this. When he called and talked to me about the new life he about to embark on, I said, "You know I'm jealous, right?" He's a very busy Selectman and I can relate to that. When you dive into this job, and he also worked at the County, and the Trust, it becomes all consuming. And I was glad to be able to say to him, "You're about to get a well-deserved rest and I'm glad for you." I hope things work out for the family. I trust they will. And that he knows we think of him often. I want to thank my colleagues for their Christmas eve

meeting. That was not anticipated. For those of you that missed it, it was a darn good thing they didn't leave town for the holidays because if they had, we'd be in quite a pickle. The State changed our legislation pertaining to the extension of service for our Fire Chief and that demanded a meeting off the Board that was not anticipated. I had already gone to Florida to see my mom at the nursing home. If one of you had not been here we would not have had a quorum. Another reason for a five member Board and I want to thank you all for going beyond the call of duty to get that taken care of. Quick update about the Provincetown 400. The taskforce continues to meet monthly. Mr. Panagore joins me and the Tourism Department. It's a group of about 20 to 30 people. We started to flesh out details on opening ceremonies which will be April 24th 2020 and we started to get into the nitty gritty details of what Provincetown might look like during the five week period in the fall which is November 11 to December 17 which is when the Mayflower was at anchor out in our harbor and all the things that happened during that period including of course, the birth of Peregrine White, the first Pilgrim baby born in our country. Oceanus Hopkins was born at sea, he also died when he was 7, but Peregrine White lived a long life and had an amazing amount of children and an interesting life and I'm looking forward to celebrating his birthday during that five period. We will be having fireworks November 11th, we have a sponsor for that. I'm happy to bring you up to date on details as you see fit. I will say before we go back to the rest of the agenda two more things. One is, I see our relationships with our boards and committees possibly a little different than one of my colleagues. The word intervene was used. I think that's a mistake in understanding, at least in my opinion, of our relationship with our boards and committees and I've served on quite a few of them. Regulatory boards get their authority either through the charter or mostly through state law and many of them are quite independent including the Board of Health who can actually create law and enforce law without ever coming anywhere near us. So, regulatory boards serve that way and are extremely independent. Committees on the other hand, by definition, are advisory. They are formed specifically to handle tasks on a minute level where we appoint them to study a topic and bring back to us their advice. Certainly, there's nothing in that role to suggest that we will always agree with their advice. We hope to. I've served on committees where the Selectmen didn't take our advice and oftentimes they'll take it and they'll tweak it a little bit. That's what Selectmen do, that's what we're elected to do. These committees are not independent, they're advisory so I want to make that comment. Lastly, every once in a while I get to do something I have not done before. This includes on Friday, opening my mail and finding these charming colored thank you notes from the third grade. They're adorable. I don't think I'll be letting go of them for a while. They asked me to come speak to them a few weeks ago to teach them about government works and sometimes it doesn't, about who does what and what the roles were. They had all kinds of questions for me and of course you know me so when we were through I insisted that they make a motion to excuse me so I could go home. It passed unanimously. They were adorable and energized and participatory and it was just a blast. Thank you, third grade, for your attention and your thank you cards, they were a lot of fun to receive.

4. Joint meeting/Presentations:

5. Appointments:

6. Town Manager / Assistant Town Manager:

- A. Chapter 337 of the Acts of 2018, AN ACT REGULATING AND INSURING SHORT TERM RENTALS including the creation of the Cape and Island Water Protection Fund. Discuss opting out of the Cape and Island Water Protection Fund.**

Mr. Panagore discussed Chapter 337 of the Acts of 2018, and its ramifications for Cape Cod and Provincetown specifically. He gave an overview of a memo from Town Counsel and the Department of Revenue information that has been released so far. The discussion included the Clean Water Protection Fund. Further discussion covered what to do with the revenues, the amount of the taxes, and the pros and cons of participating in the water fund.

B. Town Manager’s Report – Administrative Updates.

Mr. Panagore shared his thoughts on the loss of Mr. Ribas and expressed his condolences to the family.

Mr. Panagore’s report noted an upcoming update on strategic goal and a growth management discussion, and an update on a recent meeting on the police station. The discussion covered the highlights of the staff report including items on climate change, and a new payroll system. The Board and Mr. Panagore covered other topics including the February 9 forum, the VFW site, shark activity, and budget hearings.

C. Contract Report

Mr. Panagore presented an update of contracts including the renewal of the navigator program and grant contracts.

7. Requests:

A. Jay Gurewitsch – At large Visitor Services Board member - Request for written determination by appointing authority.

Mr. Gurewitsch presented his request to act on grant processes and to note that he is aware of the potential appearance of conflict of interest and notes that the VSB take this very seriously. The Board discussed the process of determination.

Motion: MOVE that the Select Board as appointing authority for the Visitor Services Board determines that the financial interest of Jay Gurewitsch, a member of the VSB and owner of Acadia, a retail store in Provincetown, is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from him as he sits on any grant application involving The Canteen, a business located at 225 Commercial Street, Provincetown.

Motion: Select Member Venden Seconded: Vice Chair Anthony

VOTED

In Favor: 4

Opposed: 0

Abstain: 0

B. Police Chief Quarterly Report

Chief Golden was present at the meeting and gave a presentation of the quarterly operational report for the Town of Provincetown Police Department, including comparisons to the previous two years of 2016 and 2017. The statistics included arrests, protective custodies, intoxicated persons and comparisons by month. Other statistics showed domestic calls, motor vehicle stops, and larcenies. Highlights included a drop in domestic calls and complaints about street performers.

The Board discussed a recent motor vehicle accident that resulted in injury to a police officer, a request for information about other police departments on Cape Cod, and the type of work the department does during the off season.

C. Preparation for Communication Round Table to be held January 30, 2019.

Discussion included concerns about the need for increasing public interest in larger projects earlier in the process.

D. Town Manager's Goal and Evaluation Form

Discussion included scoring strategies.

Motion: MOVE that the Select Board approve the evaluation form as presented for the Town Manager's annual evaluation.

Motion: Select Member King Seconded: Vice Chair Anthony

VOTED

In Favor: 3

Opposed: 0

Abstain: 1(lv)

E. Potential Articles /Preparation for Town Meeting

The Board and Town Manager discussed the frequency of Town Meeting, the status of board and committee members once their term expires and clarifying the Town Charter on that issue, wastewater, rooms tax money, zoning and planning changes and condo conversions.

8. Minutes: Approve minutes of previous meetings.

The Board noted typos including changing PM to AP and an extra e in December.

Motion: Move that the Select Board approve the minutes of:

December 10, 2018 5:00 pm (Special) with changes so noted

December 10, 2018 6:00 pm (Regular) as printed

December 18, 2018 5:00 pm (Special) as printed

December 24, 2018 11:30 am (Special) with changes so noted

Motion: Select Member Venden Seconded: Vice Chair Anthony

VOTED

In Favor: 4

Opposed:

Abstain:

9. Closing Statements/Administrative Updates:

- Lise King – I want to reiterate that it's been a wonderful holiday, its been nice to have some time off and I'm looking forward to the first budget discussions. I'd like to encourage that while we're working on

whatever our process will be to improve communications that we ask folks to tune in to the methods that are already available – through the Town website, through Town Talk, following what’s going on in the newspaper and feel free to weigh in. I would also like to remind everyone that they can always reach us through our official email addresses. It’s first initial last name (lking and respective) @provincetown-ma.gov. We don’t get a whole lot of emails and it would be great to get more. I would really appreciate any input that folks want to give us on any particular topic that we have on our agenda or on our plate.

- Louise Venden – I forgot a couple of things before. One of the things I would like us to consider is to move forward with evaluating plans to restructure pier corporation. We’ve been down that road before, we’ve never managed to wrap it up. The pier corporation board has recently been through a new set of struggles. There’ve been many over the years. There have been memos written about how this might be accommodated. I’d like to see it taken up sooner rather than later. I’ve actually made statements at Town Meeting that we would be going after this which we haven’t done. I’d also hope that we could develop a Memo of Understanding MOU between the Year-Round Rental Housing Trust and the Select Board similar to Chair Cheryl Andrews proposed back in 2017. It’s such an important project and such an important thing for us to have more regular information and complete information about what they’re doing. I know they’re an independent board but it’s important that we as public officials responsible for money along with other things are kept informed on a more regular basis. And I would hope that we continue the Truro-Provincetown working group on follow-ups to the matrix discussion. It’s so ripe, there are things we need to collaborate on. I hope that t some point we get page numbers on our packets and our agenda has page numbers so I don’t have to shuffle through and the public doesn’t have to shuffle through to get to the page where various items are posted. I hope at some point we’re able to a better job of editing the PTV pieces too, because that is really difficult to find a statement from December 10th for example. There must be some way. If we want people to use these means of finding out what was discussed we’ve got to be able to give them a roadmap about how to get there.
- Robert Anthony – I’m all set.
- Cheryl Andrews – A couple of things. One, I’d like to make a short report to you as your Cape Cod Commissioner. You may recall that at one point I brought to you my concerns about the draft Regional Policy Plan and suggested that based on what I had read you might want to instruct me to vote no. I didn’t realize the date of that vote it came before the Commission on December 13th and I was not here. It was rather quick. I spoke to our chair at the time and said, “I think I’m going to be at Logan for my birthday, do I have to rush back? I think I’m going to be the only no.” He said, “no it’s okay Cheryl, its in the public document, the letter from our Board is in the record.” And sure enough, everybody that was there voted yes and so referred it to the Assembly of Delegates. I can tell you that your delegate, Brian O’Malley is as bothered by that plan as I was. He and I spoke about it. In order for it to have regulatory authority it needs to have the approval of our assembly. What we were told a number of times was “We know that you’re concerned about the minimum performance standards are not in the plan anymore but we’re going to beef up our technical bulletins, and do it that way.” The technical bulletins are now out but they use the word should from beginning to end. I fully expected at our meeting last week that my colleagues wouldn’t say a word. I was pleasantly surprised. All of a sudden, they didn’t seem so happy that the word should was in there. Interestingly enough, you can even ask yourself from a legal perspective if the commission were to deny a project because it failed to make them happy on the standards, the applicants would say that the standards are vague. The discussion didn’t get full-throated last week but it got a little more traction that I expected. That’s where it is. Let’s talk for two seconds about the pier corp. I am your liason. My understanding of the disciplinary process that was simply what I read in the paper, apparently Captain McKinsey had asked for it to be in public session, which is any employees right. I started having some questions about it but I didn’t want to do anything to interfere

with their relationship. He is their employee – they supervise him much like we supervise the Town Manager. I thought about it and then Ms. Ward from the Banner called me last night and asked me more questions about it. The more I thought about it, the more I realized, I've got supervisory experience going back to my days on the Board of Health where we actually did take action with a health agent. And I've got a lot of experience dealing with the issue of discipline, how you do it, progressive discipline and all the ins and outs. And so if invited I would be happy to offer any expertise, either on my behalf or town counsel or with town manager's office to pier corp. to help them walk through this and be comfortable in any decisions they made. I did send an email to the chairman of the pier corp. this morning and let her know that I was available to provide any kind of support for them in this matter. Even going back to my own knowledge of the lease that we signed with the pier corp. and also the management services agreement that we sign every couple of years with the pier corp. and how relationships over the years have changed. The first management agreement goes back 15 years. In a nutshell what's going on at the pier now is very different from 15 years ago so the demands of these jobs and how you staff them changes and I'm happy to sit with them at table if invited. We met with the health department director when we talked about emergency planning and there was a comment about a class for ham radio which I know two of us were interested, maybe you guys were too. You do have to have a license from the FCC. Can you follow up on that and see that information is sent to us on how to sign up for that class and get that on town talk, maybe there are a few others that are interested. As a captain I know how to use my VHF radio, but ham is different, you've got to have a license and equipment. And lastly, I'll just remind you I was quite shocked when our number 1 evacuation route from where we live, Route 6, was shut down in August due to a rain storm. And worse, we were told on the radio you can't use 6A because it's flooded. It was fascinating to sit with those officials who promised to keep Willow Street open and I thought – those are the old days. I had asked Sean if he could find out if there was any kind of reporting out of that incident and I haven't heard back yet but I'm going to try to follow up on that because I don't know what town it was that that electrical line came down. It was a very fast wind, a lot of rain and Route 6 was shut down but there were no barriers and people were still going around the rotary and getting on to Route 6 and getting trapped. Lucky for me I had the radio on and I got to the rotary and thought that even though there were no barriers, I'm going to go to Chatham. These are the new weather patterns. So I will follow up on that.

Without objection the meeting was adjourned at 8:53 pm

Minutes transcribed by: Linda Fiorella