

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
JANUARY 28, 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

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

- A. *Treasurer’s Transfer – John Kelly Trust Fund – approve the use of gifted funds to pay \$6,662.12 to Cape Cod Children’s Place for childcare, rent and assistance expenses incurred for the benefit of Provincetown families during the second quarter of fiscal year 2019.*
- B. *Treasurer’s Transfer – Library Gift Fund – approve the use of gifted funds to pay \$776.56 to Sir Speedy for printing and mailing expenses incurred related to the processing of the Library’s Annual Appeal*
- C. *Treasurer’s Transfer – Harbor Access Gift Fund - approve the use of gifted funds to pay an amount not to exceed \$44,350.00 to Jim Vincent Counseling and Consulting for strategic services related to MGL Chapter 91: Waterways*
- D. *Treasurer’s Transfer – Harbor Access Gift Fund - approve the use of gifted funds to pay an amount not to exceed \$4,442.00 to Atlantic White Shark Conservancy for a shark mitigation alternatives analysis.*
- E. *Appoint Peter Okun to the Zoning Board of Appeals as a regular member with a term to expire December 31, 2021*
- F. *Appoint Susan Peskin to the Personnel Board as a regular member with a term to expire December 31, 2021*
- G. *Appoint Susan Peskin to the Zoning Board of Appeals as an alternate member with a term to expire December 31, 2020*
- H. *Reappoint William Burton to the Cultural Council as a regular member with a term to expire December 31, 2019*
- I. *Acceptance of Deed for the 387-395A Commercial Street (Hall Property)*
- J. *Acceptance of Deed for the 264-268 Rear Bradford Street (Dwyer Property)*
- K. *Send a letter of support for the FY19 Community Development Block Grant (CDBG) application to the MA Department of Housing and Community Development (DHCD) from the Town of Truro (including Eastham, Harwich, Truro and Provincetown).*

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 19, 2018 and December 10, 2018 –Shank Painter Road/Route 6 Intersection - Reconstruction Project.**

Select Member King read the Hearing Notice.

Chair Andrews stated that the public hearing is still open but we would do the staff presentation first.

DPW Director Richard Waldo gave a brief history of the project and introduced James Fitzgerald and Benny Hung of Environmental Partners Group.

Mr. Fitzgerald began his presentation with some of the project history and then went through some of the options that have been developed and considered for the project including roadway widths and various locations for bicycle and pedestrian lanes and crossings as well as options for the Shank Painter – Route 6 intersection including a traffic signal and a roundabout. Mr. Fitzgerald discussed the safety aspects of each option and presented safety statistics supporting roundabouts. Mr. Fitzgerald noted concerns about the Orleans roundabout and described the differences between the Orleans roundabout and the one they are proposing for the Shank Painter – Route 6 intersection. Mr. Fitzgerald described the part of the project for the section on Route 6 West of Shank Painter and options for creating a bicycle and pedestrian travelway.

PUBLIC INPUT:

Ian Karn – No one has mentioned busses.

Dave Hale – live at 36 Shank Painter. Our condo association thinks options 3 and 4 are the best. This will affect us but we support it. Having two bike lanes on west side of road makes most sense.

Patrick Patrick – Concerned about safety having tractor trailers having to backup over a bike path. In general, there are some merits to some of this room for improvement. Having the main thoroughfare to national park bike path across all that traffic doesn't make sense. Not fixing the actual problems. The real problem has been fatalities on route six near Conwell Street. Maybe Alden Street extended and go over highway by bridge.

Tom Steele – this is about bicycle traffic and aesthetics and not addressing the Bradford street intersection. Fire chief's concerns have not been addressed. No increase in accidents at Shank Painter and Route 6. The accidents are at snail and Conwell.

Brian Cabral – owns 56 Bradford and 54 Bradford – at corner of Bradford. Concerns about parking and curbed sidewalks and removing the parking spaces. We've already lost a lot of year round parking spaces for a bicycle lane that is for a few months of the year.

Paul Kelly – Concerns about curbs. Maybe allow for changes in zoning in exchange for the street improvements.

SELECT BOARD INPUT:

Lise King – Requested crash statistics of Shank Painter Road compared to Conwell Street. Mr. Fitzpatrick responded that most crashes on Shank Painter took place between Route 6 and Jerome Smith but that he didn't have Conwell Street to compare but that he would look it up. Select Member King discussed with Mr. Waldo and Mr. Fitzgerald the choice of Shank Painter for the project and other material and style possibilities for curbs.

Louise Venden – Noted that Conwell Street is constrained by houses and is not a wide enough roadway for this type of project and noted that Conwell Street continues to be the problem. Select Member Venden further noted

that she hoped this project could reduce some of the traffic on Conwell and that she was also concerned that rescue vehicles would not be slowed by the changes.

Robert Anthony – discussed traffic study information related to the Shank Painter and Bradford Street intersection with Mr. Fitzgerald and the amount of traffic the project might divert from Conwell Street. Vice Chair Anthony further discussed with Mr. Waldo and Mr. Fitzgerald the businesses that have access from Route 6, safety concerns for rescue vehicles, the timeline for design approval and construction and other potential ideas for Conwell Street.

Cheryl Andrews – Chair Andrews noted that the current unfinished project on Standish Street was likely causing concern from residents about another new project affecting traffic and noted that the main traffic concerns and problems are perceived to be at the Conwell Street Route 6 intersection. only seen one intersection that ends up on the news and its route 6 and Conwell. She noted that she feels there is time to further develop this project and that the public will have more chances to provide their input.

MOVE that the Select Board continue this hearing until February 25, 2019 meeting.

Motion: Vice Chair Anthony Seconded: Select Member Venden

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

2. Public Statements:

Tom Steele – There is nothing in the Shank Painter plan that states this will bring traffic away from Shank Painter. This briefing doesn't address drainage. I hope we address the fire chief's problem. Response time is everything.

Susan Peskin – We need to make sure that we see all of the statistics that they claim that they have that back the need for this program.

Ruthanne Cowing – I'm wondering why we're not addressing the Court Street flooding. Been waiting for 20 30 years that that hasn't been addressed.

3. Select Board Member's Statements:

- Louise Venden – I wanted to mention that I had attended the Mass Municipal Association meeting in Boston last weekend and Bobby attended as well, I think Lise was going to but an illness or something came up. The things that were important that were talked about there are the things that we're concerned about in this community: Zoning, density and housing. How to afford it, how to make sure that our zooming and planning procedures and laws will get us where we need to go in terms of creating the number of units we need. Many of the other communities that presented at these workshops had a lot

more land than we do so they're talking about little free standing homes. We don't have that benefit here in many locations. That was a great learning experience. Then I also held a meeting with chair of Zoning Board, the Planning Board, the Historic District Commission, and the Finance Committee to talk about ways in which zoning and planning bylaws, but also the process people go through where they go to one committee to get an approval and then to another committee and then a third one and they have to go back to the first one this can go on, I know because I've been through it. It can be very costly and frustrating. Things came out of that meeting that hopefully people can coordinate better. I know that David Panagore and his staff have been working on that as well, so people have a clearer path for how they go through this process. The Planning Board last Wednesday met in work session and talked about density and dimension changes to the zoning bylaws that were developed by David Gardner and Jeffrey Ribeiro and other members, I'm sure, of David's staff. They're very interesting they offer opportunities for us to make sure that development that happens in the future is development that will really meet our housing goals. We've got housing plans, housing studies; we know we've got a housing crisis now. We need to have zoning bylaws and procedures that will allow us to build all those numbers of units. There's going to be proposals at Town Meeting. Hopefully we'll have a meeting here. I don't know when that's going to be on our agenda. Some very compelling ideas and hopefully we'll have some robust public discussions about them. I thank the staff for moving forward with this.

- Robert Anthony – I'd like to mention something that happened today at 4 am this morning. We lost a true Provincetown year-round dedicated fireman from the Provincetown Fire Department. His name District Chief Joseph Andrews and it was his birthday today. He made 99 years. And I remember when I was on the Fire Department because I started as a junior fireman when I was 14 years old, and then a regular before I went into the service, and Joe was the bedrock of the Provincetown Fire Department. When anybody had any problems understanding what fire-fighting was all about back in those days, you always had an audience with Joseph Andrews. I want to wish my condolences to his family. If there's anything we could do to commemorate District Chief Joseph Andrews I'd be all in favor of it.
- Lise King – That's very sad news. I'm sorry to hear about District Chief Andrews' passing and also offer my condolences. We've lost a lot of folks this year and this is a hard blow for us. This one is tough. Thank you for mentioning it, Bobby. A couple pieces of housekeeping – I didn't want to pull out of consent agenda because it wasn't something to disagree with but actually to agree with. I want to commend the Harbor Committee on their shark alternatives proposal and bring it to attention. I would like to mention it directly, speaking out in support of doing what we need to do in dealing with the encroachment of great white sharks into our local waters, how it's affecting not only wildlife but human activity in the waters. It's a complicated matter in terms of wildlife management and ecosystems and I'm sure it's going to be controversial all the different proposals. I would just like to recommend that we move on this. They're going to be sending something to the Board for us to discuss and I would just request that it come as soon as possible because summer is quickly approaching and it would be good to have our plan in place, not just our technical plan but our public relations and public communications plan in place as soon as possible so I wanted to bring that forward. The other thing was we had a storm this week turned out to be a doozy that none of us got an alert about and I wanted to ask Mr. Panagore, because we did get an email from the Chief in our Town emails that it was going to have an impact, but I didn't get it on my phone.

Mr. Panagore – That really wasn't a big storm. What was surprising though was the wind. We definitely could have a longer conversation about it. We have not as yet used the alert system for what we'd call minor flooding. We've been using the emergency alert for major. But, I'd like to have a further conversation with the Board about that.

Chair Andrews noted that she would like the subject of flooding and emergency alert system to be on the next agenda.

- Lise King –the email noted that there was going to be a low pressure system and a direction of the wind and the waves and it was going to affect our coastal frontage and that’s why I was bringing it up. When does an event like that, where we have some data and this is a longer conversation, but I wanted to bring that up.
- Cheryl Andrews – some of the folks that live on Shank Painter brought up Court Street and it was too bad that it was during public statements and we couldn’t address it. The Courts Street drainage has finally made it into our capital improvement program for design money to be set aside I think next year. The only thing I’d like to mention about that is that I got a phone call about it and the person who called me said “Didn’t we vote to set aside some money already for that.” And when I looked in CIP book it didn’t show previous so in order to know where we are in the program... Did we set aside money?

Mr. Panagore – we had and Town Meeting turned it down is my understanding. There have been several efforts that haven’t gone forward. There is a memo that I’ll find and bring to the Board

- Cheryl Andrews – I want to translate what I heard tonight into something maybe that’s slightly usable for my colleagues. Since I’ve been through several of these multi-year projects, Vice Chair Anthony has been through it as well. What happens, and it’s inevitable in a public negotiation with abutters, promises get made – sometimes they’re in writing many times they’re not. So my message to the abutters or anyone in this Town who’s a voter who feels strongly about a project that they heard they were told. If it means something to you, let the Board know because if we agree we may condition the project listing that condition. We can do that. We can have a list of ten conditions that says to the staff, yes you can do this project but only if you meet these conditions. The Board of Selectmen typically doesn’t do that. But for those of you that took the time to come to our meeting tonight because you care about a project, make a list of things that you’ve heard that you believe this project i.e. goals that it will meet or things that will happen and get them in writing and we can determine if they’re ideas or things we can actually hang our hat on. That way the Board of Selectmen can actually include them as conditions. As far as Joe not too much to say. Thank you Chief for covering it. Joe was not a relative but darn it all, if he had been I’d have been proud it. He was a character, a very gifted man, a wonderful family and I’m pleased he made it to his birthday. I would love to be as frisky and sharp at 79 as he was at 99.

4. Joint meeting/Presentations:

A. Presentation by Environmental Planner Timothy Famulare: Resilient Provincetown: the Town’s Municipal Vulnerability Preparedness planning process.

Mr. Famulare presented the Resilient Provincetown which is also known as the Municipal Vulnerability Plan. He described the program, its goals, and the background of the planning process and he also laid out the current timeline. He noted a community workshop to take place on March 15, 2019 which all are welcome to attend and a plan to schedule sessions to hear from a variety of populations.

Discussion with the Board included the importance of having professional assessments done, concerns about the accelerating timeline of climate change and its potential effects, the need to take potential

costs into account in order to properly prepare, including the National Seashore in the discussion, and a request from the Chair for a map of properties affected by the flooding during last year's storm and resulting flooding.

MOVE that we ask Louse Venden and Lise King be our delegates on March 15.

Motion: Chair Andrews Seconded: Vice Chair King

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

5. Appointments: None this meeting.

Without objection Chair Andrews requested the Select Board take Requests out of order.

7. Requests:

A. Protect our Cape Cod Aquifer request to ban use of glyphosates and other chemicals on Town owned properties

Laura Kelley presented information about glyphosate which is in Roundup and other herbicides and their effect on people and bees. Ask the Town to volunteer to not use any products containing the ingredient on Town properties. Ms. Kelley presented information on injuries and studies on the dangers of glyphosate and requested that the Select Board refer the issue to the Board of Health to write the regulation.

Dr. Brian O'Malley noted that a policy like this has a history in Town.

Mr. Panagore stated that he believes that the Town does not use glyphosate currently.

Discussion covered concerns about protecting the drinking water and the effects of pesticides on the aquifer.

MOVE that the Select Board refer to the Board of Health for their recommendation.

Motion: Select Member King Seconded: Vice Chair Anthony

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

B. Amend Rules of Procedure Section 3: Agenda for Regular Meeting

MOVE that the Select Board vote to amend the Rules of Procedure section 3: agenda for regular

meetings, to read:

The format for agendas for regular meetings shall be:

0. Consent Agenda
1. Public Hearing
2. Public Statements
3. Selectmen Statements
4. Joint Meetings/presentations
5. Appointments
6. Requested agenda items
7. Town Manager's Report
8. Minutes
9. Closing Statements

Motion: Chair Andrews Seconded: Select Member King

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

C. 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

Discussion covered the potential time sensitivity of the proposal related to how and when a municipality could leave the fund, and how a higher tax rate might affect our rental market. Further discussion included concerns about septic system cleanup throughout the Cape.

D. Five Year Capital Improvement Program including the new Police Station

Chair Andrews suggested voting on the items they agreed on. Select Member Venden passed out information on the increase in costs in the Police Station and concerns about potential further increases.

MOVE that the Select Board adopt the Town Manager's recommended FY2020 – FY2024 Capital Improvement Plan Five Year Plan all inclusive except item 37.

Motion: Chair Andrews Seconded: Select Member King

VOTED

In Favor: 3
Opposed: 1(lv)
Abstain:

Discussion involved the Charter responsibility to transmit the CIP to the finance committee.

MOVE that the Select Board have a joint meeting with the Finance Committee on item 37 and the funding options.

Motion: Select Member Venden

There was no second, motion died.

The Board and Mr. Panagore discussed potential effects of removing item 37 from the Capital Improvement Plan at this point in the process.

Motion: Move to put 37 back into the Capital Improvement plan

Motion: Vice Chair Anthony Seconded: Select Member Venden

VOTED

In Favor: 3

Opposed: 1(ca)

Abstain: 0

E. Funding plan for the Capital Improvement Program including the new Police Station. Review various options.

MOVE postpone 7E until we can have a meeting with the finance committee

Motion: Select Member Venden Seconded: Vice Chair Anthony

Discussion of potential options for financing and the traditional process for preparing, presenting and approving budgets.

VOTED

In Favor: 1 (lv)

Opposed:

Abstain:

Motion failed.

F. Transmit the FY2020 Budget to the Finance Committee pursuant to Chapter 6-4-e of the Provincetown Charter:

MOVE that the Select Board vote to transmit the FY2020 Budget: Division 1: \$1,016,144, Division 2: \$11,117,819, Division 3: \$6,937,318, Division 4: \$3,762,250, and Division 5: \$957,479, for a total amount of \$23,746,678, with their recommendations as submitted to the Finance Committee for their review.

Motion: Chair Andrews

Seconded: Vice Chair Anthony

VOTED

In Favor: 4

Opposed: 0
Abstain: 0

G. Potential Town Meeting Articles and Bylaws

Discussion of potential articles including bylaws and non-binding articles.

6. Town Manager / Assistant Town Manager:

A. Strategic Plan Progress Report

Mr. Panagore presented a progress report on the Strategic Plan including aquaculture, marijuana, broadband, housing, additional public restrooms, upcoming Town Topics forum, inter-municipal meetings with Truro, Comcast survey and contract.

B. Town Manager's Report – Administrative Updates.

Mr. Panagore discussed a lighting project with Eversource for the holiday season on a section of Commercial Street and presented the Bi-Weekly staff update, and updates on the Wave Attenuator, dredging, and shark protocols.

C. Grant Acceptance: Receipt of Community Compact Best Practices Grant from the Executive Office for Administration and Finance-Funds UMass MOPC study on Civic Discourse in the amount of \$30,000, Receipt of a Parkland Acquisitions and Renovations for Communities (PARC) grant from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) for the acquisition of the Hall Property in the amount of \$400,000 and Receipt of a Local Acquisitions for Natural Diversity (LAND) grant from the EOEEA for the acquisition of the Dwyer Property in the amount of \$400,000.

No discussion.

8. Minutes: Approve minutes of previous meetings.

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

Motion: Move that the Select Board approve the minutes of:
January 14, 2019 6:00 pm (Regular) with changes so noted
January 15, 2019 5:00 pm (Special) with changes so noted
January 16, 2019 5:00 pm (Special) with changes so noted

Motion: Chair Andrews Seconded: Select Member King

VOTED

In Favor: 4
Opposed:
Abstain:

9. Closing Statements/Administrative Updates:

- Louise Venden – We've had a robust discussion with maybe some issues to iron out about process. I

look forward to seeing you on Wednesday for our communication workshop.

- Robert Anthony – all set
- Lise King – This was a night of education for me in terms of process. I'm looking forward to getting into the weeds a little deeper and understanding how this works, especially in light of our Charter. It's difficult when we go through this procedural confusion in public and I'd like to see us iron it out.
- Cheryl Andrews

Without objection the meeting was adjourned at 9:55 pm

Minutes transcribed by: Linda Fiorella