

**TOWN OF PROVINCETOWN – SELECT BOARD  
MEETING MINUTES – REGULAR MEETING  
APRIL 22, 2019, 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 John Golden, Lise King and Louise Venden

Excused:

Other attendees: Assistant Town Manager David Gardner and Select Board Secretary Elizabeth Paine

Recorder: Elizabeth Paine

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

- A. *Approve the Parade Permit Application submitted by Robert Sanborn on behalf of the Provincetown Business Guild's annual Carnival parade to be held Thursday, August 22, 2019 starting at 3 p.m.*
- B. *File vacancy notice with the town clerk for the June 18, 2019 Annual Election for such office(s): two (2) Select Board Vacancies for a three-year term, two (2) School Committee Vacancies for a three-year term, one (1) Housing Authority Vacancy for a five-year term, one (1) Board of Library Trustees Vacancy for a three-year term, one (1) Charter Compliance Commission Vacancy for a three-year term and one (1) Charter Compliance Commission Vacancy for a two-year term, in accordance with M.G.L. c.41 §10*
- C. *Appoint Josee Cardinal Young as the Provincetown Representative to the Cape Cod and Islands Water Protection Fund Management Board*
- D. *Appoint Eric Sussman as the Provincetown Representative to the Cape Cod Regional Transit Authority.*

Board member Louise Venden request to pull 00A and discuss it further in the meeting.

**Without objection Chair Andrews waived the reading of the consent items, exclusive of 00A and without further objection approved all by the Select Board.**

**1. Public Hearings:**

- A. Continued public hearing - November 19, 2018, December 10, 2018, January 28, 2019 and February 25, 2019 –Shank Painter Road/Route 6 Intersection - Reconstruction Project.

Select Board Member John Golden read the public hearing notice.

DPW Director Richard Waldo, was joined by James Fitzgerald and Benny Hung with Environmental Partners and Tom Currier with MassDOT. Mr. Fitzgerald gave a brief presentation on the project, including decisions that board has already made and alternate options for the Shank Painter Road and Route 6 intersection. The Board and Staff discussed the difference between the rotary and traffic signal design concepts and also discussed changing the scope of the project to include the Route 6 intersection from Shank Painter down to Conwell.

**Public Statement**

- Mary Jo Avellar – are they any proposals that would prevent people from having head-on collisions on stretch of Route 6 from Shank Painter to the beach. This is nothing but a problem waiting to happen. Paint bike lanes on the road, we don't need this.
- Nancy-Ann Meads – I would like to see both the north and south part of the highway kept. I think those two roads are very important. People can slow down and be educated and paint an area for the bikers and walker.
- Tom Steele – The reasons to do this project is to increase the inbound traffic into town. People from Cape Cod don't like change, it is a massive change. We have been promised that abutters to get noticed of these meeting and we didn't get. I ask you one more time to ask for the data for accidents at Shank Paint Rd.

- Deb Trovato – I agree with Dr. Andrews about showing the whole areas on Shank Painter Road because I have concerns about the ponds on either side of the roadway.
- Paul Kelley – The emphasis seems to be on public safety and I am having a hard time seeing what is wrong with that. I like the roundabout; I think the proposal for option 2 is based on public safety. I think they have done a thorough job on looking at the safety and I support this.

**Select Board Statement**

- Lise King – there are multiple fatality in Boston and it is not good to compare. In New York City they have gone to separating bike lanes completely. How is the design going to address public safety getting through the roundabout? I think we need to do a better job informing the public, so their voices are equally weighted to people who show up.
- Louise Venden – Suicide Alley is not a good comparison to this portion of the highway we are discussing. Here we are at our 7<sup>th</sup> meeting and what is happening in Provincetown, there are more bicycles and walkers, it is important to choose designs that provide the highest level of safety.
- Robert Anthony – The route 6 going to Herring Cove will be 2 lanes? With the roundabout are there two options as well? Being involved as a police officer for 32 years, if you were going to propose a roundabout at Conwell Street, I would jump on board. I think we can handle Shank Painter and route 6 with traffic singles.
- Rich Waldo – if the Select Board would like the DPW to create a CIP item for looking at the intersection Conwell Street.
- Cheryl Andrews – the intersection at Jerome Smith was included in the crash data, how would the design help litigate that?
- James Fitzgerald – the roundabout would give further distance between Jerome Smith and the highway.
- David Gardner – I suggest that just because we are familiar with it, it does not mean it is not a bad intersection. Having these off ramps and large space, but it is still bad. And we should take every opportunity to fix it. Increase traffic is going to come and we are designing to accommodate it.
- John Golden – I look at the need, there is a level where bike access is needed. I am torn, this isn't a done deal and there is a lot of input that could be put in here.
- Louise Venden – as far as I know, there will be more housing down the road and that is going to be more traffic on this corridor. It needs to become safer for everyone; we cannot just say it is ok today. We know what is going to happen and I don't know there haven't been more accidents with people from 90 Shank Painter and we cannot pretend this isn't happening.
- Lise King – We have become used to the current intersection, but we have to make a decision looking forward.

**MOVE that the Select Board approve the Route 6 Shank Painter Road intersection alternative 2: roundabout for the preparation of a 25% design submission.**

**Motion: Lise King      Seconded: Louise King**

**VOTED**

**In Favor:            2**  
**Opposed:            3 (ra,ca,jg)**  
**Abstain:**

**Motion failed.**

**Move that the Select Board approve the Route 6 Shank Painter Road intersection alternative 1: traffic signal for the preparation of a 25% design submission.**

**Motion: John Golden      Seconded: Robert Anthony**

**VOTED**

**In favor:            3**  
**Opposed:            2 (lv/lk)**  
**Abstain:            0**

**Move that the Select Board approve Route 6 Alternative 2: Shared use, for the preparation for a 25% of a design submission.**

**Motion: Lise King      Seconded: Louise Venden**

**VOTED**

**In favor:        4  
Opposed:        1(ca)  
Abstain:         0**

**Move that the Select Board votes to direct staff to return with a 25% design documents prior to submission.**

**Motion: Lise King      Seconded: Louise Venden**

**VOTED**

**In favor:        5  
Opposed:        0  
Abstain:         0**

- B. Continued Public Hearing from March 25, 2019 and April 8, 2019 - 19-05 – 258 Commercial Street – Saki/Velvet by Steven Schnitzer (applicant) on behalf of Saki LLC (owner) to increase the assigned Title 5 flow to the property by 1,353 gallons per day to add 112 theater seats to the existing night club and 42 seats to convert the existing retail space to a bar/lounge.

**Please note: At the March 25, 2019 Public Hearing the Select Board approved the additional gallons to add 112 theater seats to the existing night club.**

Select Board Member John Golden read the public hearing notice.

The applicant requested to withdraw his remaining request and close the public hearing.

## **2. Public Statements:**

- Tom Steele –concerned about cemetery plaques.
- Tom S– Asking for the Select Board to direct the DPW to clean the veteran’s memorial plaques around town. Donald Murphy – gave the board some tools to help the board reach decisions better for the new police station.
- Paul Kelley – as a private citizen, you have already voted on a location and plan. As far as I can tell, you have already approved the plan. You have even approved the first budget, I am a little concern. As a member of the building committee, it would be interesting to see what your next thoughts are.

## **3. Select Board Member’s Statements:**

- **John Golden** – we have a new beginning here so let’s where it goes.
- **Lise King** – thank the public who came to make public statements. I would like to ask Mr. Gardner to answer to the public comments about the cemetery. The conversation is in progress to create a film production policy. We are a community that is baked in tradition but I would also like us as a town to be open to change.
- **Louise Venden** – This town was remarkable with volunteering food to their strikers. this is a community we want to live in. we want to make decision and move on.
- **Robert Anthony** – it is about time we have transparency and accept responsibility on this board. It bothers me emergency that I have to say this; on social media, our chairperson chose silicate an old selectman to run against our newly elected member. I think point in time, for our board to move forward, for us to move past this, I think the chairperson needs to issue an apology to john. We need to work as board we cannot work as isolationist.
- **Cheryl Andrews** – I want to second the comments about graves, plaques and memorials. I feel we could do a much better job preserve them.

**Move that the Select Board direct assistant town manager Gardner to speak to the cemetery commission and DPW director Waldo and give a report to the board.**

**Lk seconded**

**5/0/0**

I apologize to John for some nuances that occurred during the conversation between Michelle and I.

**4. Joint meeting/Presentations:**

**5. Appointments:**

**00A – parade permit**

Louise Venden – I pulled this because I noticed that the parade permit was received on April 10 and that most of comments were expedited. I am requesting that the next time we received a parade permit that is not normal, the board should be made aware sooner.

**Move that the Select Board vote to approve the Parade Permit Application submitted by Robert Sanborn on behalf of the Provincetown Business Guild’s annual Carnival parade to be held Thursday, August 22, 2019 starting at 3 pm.**

**Motion: Louise Venden Seconded: John Golden**

**In favor: 5**

**Oppose: 0**

**Abstain: 0**

**6. Requests:**

**A. Quarterly Police Report – Requested by Police Chief Golden**

Police Chief Golden gave the quarterly police report to the Select Board. The Select Board and the Police chief discussed the report and trends currently taking place.

**B. Discuss Year Round Rental Housing Trust Memorandum of Understanding requested by Select Board Member Louise Venden**

Select Board Member Venden feels that the current MOU between the Trust and the Board is lacking. Feels a new one should be talked about as well as a robust conversation with the Trust about a long term plan. Select Member Golden and Chair Andrews agree. The Board discussed appointing a member of the Board to fill the open seat on the trust, they also discussed opening up the conversation to the trust about expanding the communication between the board and the trust to include more regular reports.

**MOVE the Select Board direct the Acting Town Manager to track all staff hours spending to support the Trust, charged hours and not, and report back to the board on a quarterly basis.**

**Motion: Cheryl Andrews Seconded: Lise King**

**VOTED**

**In Favor: 5**

**Opposed: 0**

**Abstain: 0**

Select Board requested this item be placed on the next agenda for further discussion.

**C. Discuss Policy regarding Select Board Member Public Statements without Select Board authorization or knowledge requested by Select Board Member Louise Venden**

Select Board member Venden asked for this item to get some clarification on when Board members speak to the public especially when the board votes in one way, it's about as a committee once we have reviewed and taken a vote, how do we than present our opposing views. Select Member King spoke about being mindful of limiting someone's first amendment right. Vice Chair Anthony agrees that it all comes down to how the speech is delivered.

**D. Pending Topics – Discuss Calendar for the remainder of the term requested by Chairman Cheryl L. Andrews**

The chair asked the members for input on adding items to the remaining three meetings of the board before the annual elections.

**E. Rescission of Police Station Ballot Question voted on March 25, 2019 requested by Town Manager David B. Panagore**

The board requested moving this item to the April 29<sup>th</sup> meeting to discuss with town council.

**F. Delegating partial supervisory of Select Board Secretary to Town Manager – Requested by Chairman Cheryl L. Andrews**

Chair Andrews requested the Boards input on the position. Vice Chair Anthony and Select Board Member Venden requested amending the job description first before creating a policy for the supervision of the select board secretary.

**G. Review and discuss BOS Policy 2004-12-13 – Visitor Services Board – Arts Community Representative – Requested by Chairman L. Andrews**

**MOVE that the Select Board approve the BOS Policy 2004-12-13 Visitor Services Board – Art Community Representative as presented.**

**Motion:**            **Seconded:**

**VOTED**

**In Favor:**

**Opposed:**

**Abstain:**

**7. Town Manager / Assistant Town Manager:**

**A. Town Manager's Report**

Assistant Town Manager Gardner gave brief updates. The State will be hearing the Charter amendments next month. Outer Cape Health will be purchasing parking passes for their staff. Parking is now in effect and parking tickets are for sale. The new emergency manager Eric Sussman has begun working. Starz production follow-up information has been submitted. Staff is currently is working on film protocol.

**8. Minutes: Approve minutes of previous meetings.**

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

<b>March 11, 2019 6 pm</b>	<b>(Regular) [ x ] as printed [ ] with changes so noted</b>
<b>March 22, 2019 11 am</b>	<b>(Special) [ x ] as printed [ ] with changes so noted</b>
<b>March 25, 2019 6 pm</b>	<b>(Regular) [ x ] as printed [ ] with changes so noted</b>
<b>April 1, 2019 5:30 pm</b>	<b>(Special) [ x ] as printed [ ] with changes so noted</b>
<b>April 2, 2019 5:30 pm</b>	<b>(Special) [ x ] as printed [ ] with changes so noted</b>

**Motion:**

**Seconded:**

**VOTED**

**In Favor:**

**Opposed:**

**Abstain:**

**9. Closing Statements/Administrative Updates:**

- **John Golden** –
- **Lise King** – when I was new on the board, I tended to go along with the crowd. It takes a lot of guts and preparation to have a discussion. There is a balance to be had with us operating as a five head executive.
- **Louise Venden** – I really appreciate the last statement that was made by assistant town manager. We are facing a lot of complex issues.
- **Robert Anthony**
- **Cheryl Andrews** – I agree with my colleagues; I appreciate your tone (Acting Town Manager Gardner).

Without objection the meeting was adjourned at 9:31 pm

Minutes transcribed by: Elizabeth Paine

Meeting can be viewed at: <http://view.earthchannel.com/PlayerController.aspx?&PGD=provincetv&eID=1539>