

**TOWN OF PROVINCETOWN – SELECT BOARD  
MEETING MINUTES – REGULAR MEETING  
FEBRUARY 10, 2020, 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

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

Select Board attending: Chair David Abramson, Vice Chair Robert Anthony, Members John Golden, Lise King and Louise Venden

Excused:

Other attendees: Town Manager Robin L Craver, 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 Renewal Cable Television License for the Town of Provincetown with Comcast as recommended by the Town Manager.*
- B. Approve the general agreement between the Town of Provincetown and the Cape Cod Nations Seashore for Law Enforcement Services as recommended by the Town Manager.*
- C. Approve the appointment of Michael Miller as an alternate member to the Recreation Commission with a term to expire on December 31, 2021.*
- D. Approve the appointment of Christopher Pula as an alternate member to the Economic Development Committee with a term to expire on June 30, 2022.*
- E. Approve the appointment of Christopher Pula as a regular member to the Human Services Committee with a term to expire on June 30, 2022.*
- F. Approve the execution of the Bradford/Prince Street Intersection Rehabilitation contract with Environmental Partners Group, Inc. in the amount of \$340,000 as recommended by the Town Manager.*
- G. Approve the execution of the Pilgrims First Landing Park Rehabilitation contract with Ray Dunetz Landscape Architecture as recommended by the Town Manager*
- H. Approve participation in the regional Massachusetts Community Development Block Grant application through the Town of Truro for housing rehabilitation and childcare subsidies under the Community Development Fund through the Massachusetts Department of Housing & Community Development.*

**Without objection Chair Abramson waived the reading of the consent items and without further objection declared the consent agenda approved.**

**1. Public Statements – Three (3) minutes maximum. Select Board Members do not respond during public statements**

- **Rachael White** – Wishes the new Town Manager well. Supporting of the Green Burial being discussed later in the meeting.
- **Jay Buso** – Owns construction company, here speaking in support of the policy discussion for Sewer Regulations
- **Elise Cozzi** – Thanked the Select Board for considering making the board parking tickets free.
- **Mary Jo Avellar** – We use to have emergency generators out on Race Road, we need to do something about getting emergency generators back. We attended the MMA seminars on the Open Meeting Law, we have an issue on our Boards and Committees. Best practice step aside and not participate in the discussion.

## 2. Select Board Member's Opening Statements – (Votes may be taken)

- **Lise King** – Add to Ms. Avellar's comment, did speak to Ethics, they stated, if recuse from vote, you may not be a part of the discussion at all. I want to clear up some rumors going around Town in regards to Cirque de Soleil, I did not know anything about the proposed project until I heard about it at a party. When I was asked by the press, I did not deny, I shared the context of the text with the press. Had the pleasure of being in New York for the premier of "I am a Town", it is beautiful film about Provincetown.
- **Louise Venden** – I have always been concerned about the quality and accuracy of public information regarding the 66 LLC proposal. There is a process underway to look at what happened. There are a several processes that are under taken when a proposal is brought to town. I believe this process was being followed. I think the recreation commission and town staff were proceeding with care to make sure everything was in order and the idea was being vetted before public hearing was scheduled. As a board member, it is important that we participate, follow the rules, are clear about what is being discussed and that the process is made clear to the public. We need to withhold our judgement of projects until we have all the information.
- **John Golden** – Troubled by recent actions of a Select Board member that resulted in the loss of the potential Cirque du Soleil.
- **Robert Anthony** – Trying time for this community, were so many people had worked so hard to try and bring this project to this town. All the departments were going to be looking at this opportunity. If that if this is how we are going to handle business, people are not going to going here. We have Board members who are acting without the interest of the Board, I think it is very important, that we need to clear the air.
- **David Abramson** – There is so much going on Social Media and the paper. Myself last year, in June or July, I was pulled into a meeting, was not asked to sign a NDA, we were told that Cirque du Soleil would be potentially coming to town. I was asked on how to let the Select Board should be notified. As a policy board there is process to establish an application and the fee. When it was brought up in a meeting, I admitted to knowing about this. Want to stress to the public, there is no way this Board or Town staff can approve an application without the proper process. Public process cannot be circumvented. One of the thing I asked the Town Manager to look into is at what point was Motta field was given over to the Recreation Commission and also if there are guidelines set up.
- **Lise King** – I did have a conversation with Eric Martin in December 16<sup>th</sup>, I was not responsible for the chatter that was happening in the press. Considering the huge uproar that has come because of this, if I was to do it again, I would choose not to share this information. There is a lot of extra stuff that was added to the rumor, I had no information and I did not say "no comment".
- **John Golden** – Last Thursday, when someone said something about the Fire Chief, the fire department was in a total uproar. I spoke to the Fire Chief, Bobby spoke to the Fire Chief, the Town Manager spoke to the Fire Chief, I got a phone call saying that someone had gone to the press about the "side of the story". We have to stop going to press. The first answer is to talk to the Town Manager or the Chair but you do not go to the press.
- **Lise King** – I did speak to the Town Manager; this was a situation we were trying to manage.
- **Louise Venden** – I unfortunately made statements that were over reached and disrespectful. I was disappointed with the process we went through in December. I made those statements in public, and when statements are made by board members, this is where they ought to be made. It is important for all of us to remember what lane we are in. I think for us to intervene except at a public meeting is detrimental. I think it is better for us to hold these discussions until we are in a public meeting.

## 3. Appointments

#### 4. Public Hearings

##### A. Parking and Traffic Regulation amendment: Parking Permit Fee proposal for Board Members.

Assistant Town Manager David Gardner presented to the change for the board to consider. Have spoken to Town Council and there is no conflict in reducing the fee to \$0. Nowhere in the parking regulation does it set up the qualification, it will be up to the Select Board to establish who qualifies to for this parking pass. The Board discussed whether or not they would limit the board pass or not as well as discussed attendance to qualify for the pass. The Board asked the members attend at least 75% attendance.

**Public Comments: None**

**Move that the Select Board approve the Parking Permit Fees Change as presented with the following policy additions: 75% attendance at meetings, completion of ethics training prior to getting parking pass and no unpaid taxes, liens and municipal dues per the Town Bylaws.**

**Motion: David Abramson**

**Seconded: John Golden**

**Vote: 5-0-0.**

##### B. 2019 Growth Management Report

Assistant Town Manager David Gardner gave the annual 2019 Growth Management Report. The report evaluates the effects of growth on the towns resources. The towns resources include the potable water supply, solid waste disposal and wastewater. The report also includes an update on the Town's affordable housing needs assessment and demand for Economic Development. The Select Board is being asked to finding that is within compliance with DEP and to allocate gallons to the various categories. The Board and staff discussed looking at large seasonal producers and getting funds from the short terms rentals as well as the normal life expectancy of septic systems, how rise of water table would affect the system and how long would the new tank being installed at the facility would last. The largest request for gallons has come under the Economic Development category.

**Public Comments: None**

**Move that the Select Board vote, pursuant to the Provincetown Zoning By-Laws Section 6600 (3), Growth Limitation Goal Allocations, to make the following finding that the average daily withdrawal for the Provincetown Water System in 2019 was 664,783 GPD; below the permitted level is 850,000 GPDs; and that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection ("DEP") and all applicable rules and regulations by DEP with respect thereto, and to make the following 2020 allocations to growth management:**

<b>Category 1a:</b>	<b>550* gallons</b>	
<b>Category 1b:</b>	<b>550* gallons</b>	
<b>Category 1c:</b>	<b>550* gallons</b>	<b>* Based on a recommendation from the CHC</b>
<b>Category 2:</b>	<b>1,100 gallons</b>	
<b>Category 3:</b>	<b>1,870 gallons</b>	
<b>Category 4:</b>	<b>1,250 gallons</b>	

**Category 4a: 2,500 gallons**

**And further, move that the Select Board vote to support the policy recommendations included in the report, by reallocating gallons with the SOLC from Municipal to Housing and to support articles at town meeting to allow greater flexibility for growth management allocations to support Inclusionary Housing Project.**

**Motion: Louise Venden**

**Seconded: John Golden**

**Vote: 5-0-0**

- 5. Joint Meeting/Presentations/Requests – (Votes may be taken on the following items):**
- A. Joint Meeting with the Cemetery Commission – Updates to the Rules and Regulation and option of Green Burial.**

Cemetery Chair Dan Walsh was present to present the Select Board with the updated rules and regulation. Prior to their public hearing process, they met with the Cemetery Superintendent and Board of Health for their support. Green burial does not involved embalming and the body can be simply wrapped. The Board thanked the commission for their work in bringing this forward and asked about tree planting burials. Right now tree planting are not allowed due to the upkeep.

**Move that the Select Board vote to approve the Cemetery Commissions Rules and Regulations as presented.**

**Motion: John Golden**

**Seconded: Robert Anthony**

**Vote 5-0-0**

- B. Joint Meeting with the Economic Development Committee –FY2020 Economic Development Grant Awards**

Chair Regina Cassidy, Vice Chair Hersh Schwartz, Members Julie Knapp and Lisa Westervelt as well as Community Housing Specialist and Grant Administrator Michelle Jarusiewicz. Ms. Cassidy explained the review and award process. The Board thanked the committee for their time and effort. Asked if there was any feedback that is received after the grant is given out. Inquired to how having more money would affect the process. Would there be an ability to refine your community, to Economic Opportunities Committee that would coordinate with other committees.

**Move that the Select Board vote to approve the Economic Development Committee’s FY2020 grant recommendation as presented.**

**Motion: John Golden**

**Seconded: Robert Anthony**

**Vote: 5-0-0**

- C. Application for Town Facilities: changes to form and proposed fee schedule. – Event Coordinator Tim Hess**

Town Manager Robin Craver introduced Event Coordinator Tim Hess. The previous process was just for the applicant to fill out the Use of Town Properties. If approved, the new process will include a check list of documents the applicant would need to provide when applying as well as a proposed fee schedule. The fees are modeled off the auditorium fee schedule.

**Move that the Select Board schedule a public hearing for March 23, 2202 to hear input from the proposed fee schedule for use of Town Facilities.**

**Motion: John Golden**

**Second: Robert Anthony**

**Vote: 5-0-0**

**D. Policy discussion around amendments to the Sewer Regulations regarding State of Limited Capacity regarding Accessory Dwelling Units.**

Assistant Town Manager David Gardner – there are currently two properties that are looking at developing accessory units and this amendment would clarify the Water and Sewer’s Board Regulations. The Select Board and staff discussed the verification process staff uses to ensure the property is in compliance and not used as a short term rental.

**Move that the Select Board vote to refer this policy vote to the Water and Sewer Board for an amendment to the Sewer Regulations under the State of Limited Capacity.**

**Motion: John Golden**

**Seconded: Lise King**

**Vote: 5-0-0.**

**E. Determination by Appointing Authority – Jeremy Callahan.**

Zoning Board of Appeals Chair Jeremy Callahan is before the board to seek their determination by appointing authority. Mr. Callahan has a financial conflict as his employer has been approached by the applicant before his board to rent a parking space. Mr. Callahan feels that he has be ability to feel impartial, he does not feel he has anything clear to gain. The Select Board did not see any conflict.

**Move that the Select Board determines that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employees in the matter of Jeremey Callahan as Chair of the Zoning Board of Appeals.**

**Motion: Louise Venden**

**Seconded: John Golden**

**Vote:5-0-0**

**F. Initial discussion of April 6<sup>th</sup> STM and ATM Warrant Articles**

Town Manager Robin Craver and Assistant Town Manager David Gardner gave an initial review of the warrant articles for the Special and Annual April 6<sup>th</sup> Town Meeting.

**6. Town Manager Administrative Matters – Topics to include but not limited to: (Votes May be taken on the following items)**

## 1. Staff Biweekly updates

Town Manager Robin Craver gave the Select Board an update on administrative matters.

## 7. Minutes - (Votes May Be Taken)

1. January 27, 2020 5 pm
2. January 27, 2020 6 pm
3. January 29, 2020 5 pm

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

January 27, 2020 5 pm (Special) [ ] as printed [ x ] with changes so noted  
January 29, 2020 5 pm (Special) [ ] as printed [ x ] with changes so noted

**Motion:**

**Seconded:**

**Vote:**

## 8. Select Board Closing Matters - Topics to Include but not limited to: (Votes May be taken on the following items)

### 1. Pending Items List

- **Louise Venden** – thank you for the great work staff did, particularly the DPW, Police Department and the Enterprise fund, it is easy to follow what they are asking for and I appreciate their work.
- **John Golden** – I am good.
- **Robert Anthony** – I echo Louise’s comments.
- **Lise King** – I have a statement about the press. The press in a healthy democracy acts as the fourth estate. I take the press seriously and with a lot of respect. I am mindful of all the parties and considerations when I make the decision to either be the media or talk to the media about policy or politics involving my position in this town.
- **David Abramson** – I agree each one of us has the ability to go to the press and state what we want, but I also ask when there is a process, we state it as such. When we do not know the information, we should go to town staff.
- **Robin Craver** – I think David Gardner’s work on the warrant, his work needs to be recognized.

Without objection the meeting was adjourned at 10:00 pm

Minutes transcribed by: Elizabeth Paine