

**TOWN OF PROVINCETOWN – SELECT BOARD  
MEETING MINUTES – SPECIAL MEETING  
JUNE 1, 2020, 6 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, Member John Golden, Lise King and Louise Venden

Excused:

Other attendees: Town Manager Robin Craver, and Secretary to the Select Board Elizabeth Paine

Recorder: Elizabeth Paine

**NOTE: THIS IS A REMOTE PARTICIPATION MEETING**

The Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Provincetown Select Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>. For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch on PTV GOV Channel 18, as well as an online livestream of PTV GOV at <http://www.provincetowntv.org/watch.html>
2. To listen and participate in this meeting, dial **(833) 579-7589**. When prompted, enter the following Conference ID number: **678 320 034** When prompted, state your name, then press #.
  - Keep your phone muted at all times when not talking
  - Do not use speakerphone
  - Do not use Bluetooth devices
  - Mute all background noises
  - Mute PTV on the television or computer and use only the phone audio
  - Please do not speak until the chair or the meeting moderator asks for public comments or questions.

**No in-person attendance of members of the public will be permitted**, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Provincetown website an audio or video recording or other comprehensive record of proceedings as soon as possible after the meeting.

The May 28, 2020, meeting of the Provincetown Select Board is about to be convened. As a precautionary measure to reduce the spread of coronavirus, all Town buildings are closed to the public; therefore, this meeting will be held by remote participation. My name is Robin Craver, Town Manager I will begin by taking a roll call for quorum.

**Select Board**

**Chairman David Abramson: Here**

**Vice Chair Robert Anthony: Here**

**John Golden: Here**

**Lise King: Here**  
**Louise Venden: Here**

**Board of Health**

**Chairman Steve Katsurinis: Here**

**Vice Chair Susan Troyan: Here**

**Janet Whalen: Absent**

**Elise Cozzi: Here**

**Kalliope Chute: Here**

**Irv Morgan: Absent**

**Chris Hartley: Here**

**Chair David Abramson's opening statement.**

"I want to address the tragic death of George Floyd. While in police custody. Usually I would ask for a moment of silence, but I don't think that's enough here. This is the time to speak out. I joined those who are outraged by this horrific murder. George Floyd did not have to die. It's time to join together to say enough is enough. Thank you to everyone who participated in last night's black lives matter event. Your voices joined the voices of so many across the country who have had enough of police brutality. Your outrage was also shared by many police officers across the country. The Minneapolis police chief called Floyd's death, a violation of humanity, Boston police commissioner William Gross called Floyd's death or horrendous cowardly act and added. This is not the way we police. That is not the way we are going to police. I can't breathe. This was also with what Eric Garner pleaded as he was placed in a chokehold by New York police in 2014. Since January, 2015 1,252 black people have been shot and killed by police according to the Washington post. And that number doesn't include people like George Floyd who was killed using other methods. We need to keep talking about this, so we don't forget George Floyd's life mattered. I wanted to end by sharing what Barack Obama said in the after math of Mr. Floyd's murder. President Obama said, it's natural. It's natural to wish for life, to just get back to normal as a pandemic and economic crisis up and everything around us. But we have to remember that for millions of Americans. Being treated differently when account of race is tragically, painfully maddeningly normal, whether it's while dealing with the healthcare system or interacting with the criminal justice system or jogging down the street, or just watching birds in the park. But it falls on all of us regardless of our race or station, including the majority of men and women in law enforcement who take pride in doing their tough job the right way every day to work together to create a new normal in which the legacy of bigotry and unequal treatment no longer infects our institutions and our hearts."

**Police Chief Jim Golden's Statement.**

"I have been asked as your Police Chief to comment about the deeply troubling events in Minnesota last Monday, involving the in-custody death of George Floyd. While I try to never comment on these cases until the investigation is complete, what I saw is so disturbing it makes me sick to my stomach. Watching the George Floyd video shook me to my core. I do not need to wait for an official report to understand that the officers involved in the situation did not follow proper police procedure. It doesn't matter what the man did, once the handcuffs were on, it's over, period! What happened in the video represent at the very least a frightful and deeply disturbing lapse in training and standard police procedure and at the very worst they represent a willful act of misconduct which resulted in the death of a human being. Any law enforcement officer who doesn't see a serious problem with that, needs to turn their badge in. Police departments are lifesaving organizations, not life-taking organizations. Although it did not occur in our area, the death of Mr. Floyd at the hands of police officers impacts us all. It disrupts and fractures the trust that our community has in their police department. In our community, we specifically train on the proper apprehension techniques for suspects during arrest. At no time, ever, are officers trained to put pressure on the neck or throat of a prone suspect, and at no time, ever, are officers trained to put a secured suspect on their face. In Massachusetts all police officers have had additional training in police ethics, de-escalation training, interactions to those with mental illness, fair and impartial policing, procedural justice and legitimacy, systemic racism,

implicit bias, and use of force. Additionally, all of your police officers are now required to attend a 40-hour Crisis Intervention Training (CCIT) course to assist them in having safe and successful encounters with people who suffer from mental illness. With intention, we have changed our recruiting and hiring methods to attract and hire more diverse candidates reflective of our community. Historically, we had recruited only at colleges with criminal justice programs so, we began recruiting efforts and worked to proactively recruit people who may not have initially considered a career in policing. We have also changed our recruiting pre-test materials to better reflect who we want to attract. While I believe we have improved the diversity of our department, there is always more work to do. The core of our mission in policing, is to protect and serve. It's simplistic and to the point. To accomplish this, we must be committed to inclusion and equity. We must want all people to feel welcome in our community and to have confidence in the services that we provide. We must treat everyone with respect and dignity. I take great pride in the work that we do as your hometown police department. Our police officers continuously rise to the increasing challenges we face and provide a professional level of service. The men and women of the Provincetown Police Department add our sincerest condolences to Mr. Floyd's family and friends."

James F. Golden  
Chief of Police

This meeting was a continuation of the May 28, 2020 4 pm meeting.

1. Discuss and vote on draft Emergency Order – Topics to include but not limited to: (Votes May Be Taken On The Following Items)
  - a. Mask Order

The May 28, 2020 4 pm meeting ended with a motion being on the table.

**Move that the Select Board vote to extend the mask mandate to include all of Commercial Street 24/7.**

**Motion: Robert Anthony**

**Second: Lise King**

Vice Chair Robert Anthony rescinded his motion, after taking into consideration the communities desire not to have a 24/7 mandate and is supportive of the 9 am – 9 pm order as previously voted on. Select Board member John Golden is in support of the 9 am – 9 pm mandate on Commercial Street and reminds every one of the Governor's mandate of wearing a mask when unable to social distance. Both Vice Chair Anthony and Member Golden support the proposed language "Individuals are required to wear a mask or other cloth face covering over the nose and mouth when along the public way on Commercial Street between Bangs Street and Pleasant Street from the hours of 9 AM until 9 PM. This order does not apply to children under the age of 2 or any person who is unable to wear a mask or face covering due to a medical condition or is otherwise exempted by the Department of Public Health guidance. Persons not able to wear a mask due to a medical condition are not required to produce documentation of the condition. This Order is intended to supplement the requirements of the Governor's mask order, which continues to remain in place throughout the Town" for the Emergency Order. Select Board member King and Select Board Member Venden felt the ordered was a good balance of the requests from the community members. BOH Chair and Vice Chair Troyan felt this was the right way to begin. VC Troyan thinks compliance with an order is based on many things but understanding and finding it reasonable are two main factors.

Town Counsel John Giorgio gave the Boards an update on the Governors new guidelines that were released today. It provides a mechanism for the Select Board to approve the expansion of outdoor seating without requiring the ZBA. Town Counsel will now need to make some changes to be consistent with the process the Governor's office released today. The Boards agreed that staff should work with Town Counsel to update the order to be in line with the Governor.

- b. Public and Semi-Public Shower

Additions made as a point of suggestion by Town Counsel. They may be approved by the Board of Health. The state has always regulated hot tubs and pool heavily, so Board of Health Chair Katsurinis state the Board of Health and Health Director felt comfortable removing them. The Select Board has no objections to removing those items.

No objections to removing those from the Select Board.

c. Indoor Entertainment

Live indoor entertainment, including cabarets and other live performances, which would otherwise require an entertainment license by the Licensing Board is hereby prohibited.

d. Shared Bathrooms

No guesthouse or other lodging houses may provide for the shared use of bathrooms by persons who are not related to each other, without the approval of the Board of Health.

e. Food Buffets

Food buffets and/or any kind of self-service of any food that is not pre-packaged, including self-serve coffee soft drinks, and water dispensing areas, are not allowed to operate.

f. Outdoor Areas of Restaurants or Bars

Smoking in outside restaurant areas or bar areas is prohibited.

g. Use of Town Property – Improvements to Town Hall Property

As the custodial board of Town property, the Select Board will make certain properties available for use by members of the public for the consumption of take-out meals. Said outdoor areas shall be subject to such reasonable rules and regulations as the Select Board deem necessary and shall be available on a first-come, first-serve basis. Pursuant to the authority of the Select Board over public ways and authority to enact traffic regulations, the Select Board will temporarily remove parking spaces on Ryder Street to promote social distancing and pedestrian movement. The Select Board will permit the expansion of the Farmer’s Market and the Sunday Vendor’s Market onto the Town Hall lawn.

The Select Board expressed concerns; title leads to confusing, asked to have “Hall” removed so people know it is not limited to just Town Hall but all Town owned properties. Select Board Member Venden asked for clarification for Ryder Street parking removal. Town Manager Craver suggested removing the language pertaining to picnic tables and handwashing to allow for flexibility.

h. Closing of Commercial Street to Vehicular Traffic

Member King proposed holding this item until another meeting so that they can allow input from residents and other stakeholders on Commercial Street.

Town Manager Craver asked the board to also consider taking out East End Gallery Stroll and Fire House #3. Patrick Patrick spoke to the Boards about the outreach previously done by the Coalition to gather input on closing the street for East End Gallery Stroll.

The Board supported pulling the item from the order. Chair Abramson will be placing Closing of Commercial Street on the June 8<sup>th</sup> agenda with public comments allowed.

i. East End Gallery Stroll

The Select Board discussed their reasons for not wanting to remove the parking from this area of town and do not support having the East End Gallery Stroll in the Emergency order.

j. Firehouse No. 3

The Town Manager Craver asked the Firehouse No. 3 be removed from the Order. Neither the Select Board or the Board of Health has an issue with removing these items from the Order.

k. Enforcement

1. Copies of this Order and any other notices required by this Order shall promptly be: (1) made available at the Provincetown Hall; (2) posted on the Town Website; and (3) provided to any member of the public requesting a copy of this Order; and (4) a summary of which shall be published in the Cape Cod Times, Provincetown Banner, and the Provincetown Independent.
2. If any provision of this order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
3. Whoever violates any provision of this Order may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. The Board of Health and/or the Select Board may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.
4. The Provincetown Health Director, Assistant Health Officer, Agent of the Board of Health, and/or any Police Officer of the Town of Provincetown may enforce this Order as a regulation of the Board of Health.
5. Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law.
6. If non-criminal disposition is elected, then any person who violates any provision of this Regulation and Order shall be subject to a penalty in the amount of one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense; and three hundred dollars (\$300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
7. Notwithstanding the foregoing, agents and officers are encouraged to educate offenders and to exercise their judgment on a case-by-case basis, and they may issue verbal or written warnings prior to determining that an offense has occurred.

John Gorgio reviewed the enforcement section with the Select Board and Board of Health. Vice Chair Anthony asked who the enforcement authority would be and if the enforcement would be enforced by an agent of the town. This order includes, the Health Director and any agents within the health department and the use of Police if the Board decided to do so.

**Approved the draft order of the Select Board and Board of Health and make it effective immediately**  
**Motion David Abramson**  
**Seconded Louise Venden**

**Roll Call Vote**  
**David Abramson Aye**  
**Robert Anthony Aye**

**John Golden Aye**  
**Lise King Aye**  
**Louise Aye**

**Roll Call Vote**  
**Steve Katsurinis – Aye**  
**Susan Troyan – Aye**  
**Janet Whalen – Aye**  
**Elise Cozzi – Aye**  
**Kaliopé Chute – Aye**  
**Christopher Hartley - Aye**

2. Continued Discussion on Policy Options: Recommendations - Topics to include but not limited to
  - a. Enhancement of Town Properties (Votes May Be Taken on The Following Items)

Town Manager Craver asked for directions from the Select Board on closing Commercial Street as recommended for the weekend as a trial and to have Staff return with a report on Monday. Board Member King was not in support as feels there needs to be more opportunity for the residents to comment. Members Golden, Anthony and Venden support doing a test. Member Venden would like residents who live in the area to be able to access their homes during the closure. Chair Abramson is not in support.

**Move that the Select Board vote to allow a test of Commercial Street closures for June 4, 5, 6, and 7.**  
**Motion David Abramson**  
**Second Louise Venden**

**Roll Call Vote**  
**David Abramson No**  
**Robert Anthony Aye**  
**John Golden Aye**  
**Lise King No**  
**Louise Aye**

**3-2-0 Motion Passes.**

- i. “Ambassador Program” to monitor and assist.

Town Manager Craver updated the Boards on the Ambassador Program. Staff is currently working on creating the job description of ambassador. Staff is looking at moving staff into this position as well as advertising for this position.

- ii. Remove parking spaces from Ryder Street to allow for greater pedestrian movements and social distancing.

You have already acting on.

- iii. Farmer’s Market to extend onto the lawn of Town Hall

You have already acted on.

- iv. Sunday vendors market

You have already acted on

- v. Add picnic tables and public hand washing and hand sanitizing stations for the public
  1. Waterfront Park (Former Hall Property)
  2. Johnson Street Parking Lot - Section off a small area on the south end of the lot adjacent to the beach to allow for additional areas for people to spread out
  3. Ryder Street Beach East and West - Consider a small section of beach adjacent to Ryder Street Extension and the Pier with moby-mats to allow people more area to spread out
  4. Court Street Landing

Select Board Member Venden asked for staff to look at additional restaurant seating for the West End. Select Board Member Golden asked the staff to consider additional seating opinions beside the 6ft picnic tables.

b. Social Services

1. Provide funding to Health Department to create an education campaign focused on the theme
2. Release emergency funding to Health Department, and unfreeze current restrictions, to allow for emergency assistance
3. Task the Town Manager to create an Equity & Inclusion working group to outline an action agenda for outreach and engagement with the Jamaican, Latinx, and other marginalized communities that live or work in Provincetown, or own businesses serving Provincetown

Health Director Morgan Clark, Helping Our Women Gwynne Guzzeau and AIDS Support Group CEO Dan Gates presented social services request. Each request is for \$50k each. Select Board Member King asked what funding source or sources the Town Manager is proposing to use for these requests. Select Board Member Venden feels this is a vital program we need to have during this crisis. The Select Board asked staff to return with more specifics and funding sources and will consider this further at the next meeting.

3. And such other topics related to further Covid-19 orders of the Board of Health and Select Board that were not reasonably anticipated when the agenda was posted.

The Select Board and Board of Health had no other topics to discuss.

Without objection the meeting was adjourned at 8:19 pm.

Minutes transcribed by: Elizabeth Paine