

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES - REGULAR MEETING  
WEDNESDAY – OCTOBER 26, 2016 – 6:00 p.m.  
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chairman Richter convened the open meeting at 6:01p.m. noting the following attendees:

Board of Selectmen members: Raphael Richter, Erik Yingling, Tom Donegan, Cheryl Andrews, and Robert Anthony.

Other attendees: Town Manager David Panagore; Asst. Town Manager David Gardner, Cape Light Compact Administrator Maggie Downey, and Compassion and Choices Volunteer David Garten.

Recorder: Loretta Dougherty

A. *Approval to Open the Shellfish Season – Public Shellfish Areas for the 2016-2017 Season.*

**MOTION:** Move that the Board of Selectmen vote, pursuant to MGL C.130, §52 and the Selectmen's Recreational Shellfish Regulations, to approve opening the public shellfishing areas as follows:

On Sunday, November 6, 2016 the shellfish area, labeled on maps as CCB4.2 West End – Area in Provincetown Harbor from Captain Jack's Wharf to Provincetown Inn will open to the public.

On Sunday, December 18, 2016 the shellfish area, labeled on maps as CCB4.4 East End – Area in Provincetown Harbor from Allerton St. to the Truro town line will open to the public.

On Sunday, January 1, 2017 the shellfish area, labeled on maps as CCB2.2 Hatches Harbor – Harbor located between Herring Cove Beach (New Beach) and Race Point Beach, will open to the public subject to testing.

B. *Parade Permit submitted by Dawn Walsh for Provincetown Day of the Dead Performing Arts Festival to be held on Wednesday, November 2, 2016 from 5:30 p.m. to 6:30 p.m.*

**MOTION:** Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Dawn Walsh, 5 Meadow Road, Unit 5, Provincetown MA 02657 on behalf of the Provincetown Day of the Dead Performing Arts Festival, for the 1<sup>st</sup> Annual Day of the Dead Procession to be held on Wednesday, November 2, 2016, from 5:30 p.m. to 6:30 p.m.

C. *Treasurer's Transfer – John A. Henry Trust Fund – to pay for invoice from the Cape Cod Children's Place, Inc. for childcare, in the amount of \$3,087.00.*

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of the John A. Henry Trust Fund – (#1618), pursuant to MGL C44 § 53A, to approve the use of the funds in the John A. Henry Trust Fund- (#1618) to pay \$3,087.00 for the attached invoice from Cape Cod Children's Place Inc.

D. *Treasurer's Transfer – Library Gift Fund – to pay invoices from Ingram Library Services for books/videos, in the amount of \$181.41.*

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund(#1107) to pay \$181.41 for the attached invoices from Ingram Library Services.

E. *Parade Permit submitted by Susan Talhouk for the 6<sup>th</sup> Annual 5K Pilgrim Trot to be held on Thursday, November 24, 2016 from 9:00 a.m. to 11:00 a.m.*

**MOTION:** Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Susan Talhouk, 56B Marston Avenue, Portsmouth, NH 03801 for the 6<sup>th</sup> Annual 5K Pilgrim Trot to be held on Thursday, November 24, 2016 from 9:00 a.m. to 11:00 a.m.

Without objection the Consent Agenda was approved by the Board.

1. Public Hearings: None.

2. Public Statements:

Tony Brackett wanted to the Board to have a conversation with the Parking and Police departments to allow free parking when there are school functions such as soccer games being held at Motta Field for those visitors participating. Some tickets were recently issued to visitors whose children were participating in games and he felt this to be embarrassing and a deterrent for those who live far away. He would not want to see our children suffer if other teams do not wish to come to Town to play due to parking issues. Our community offers games for the children. We now have 135 children this year in our schools. He asked for the Board's support.

Doug Johnstone Town Clerk spoke on early voting. Provincetown residents can come anytime during office hours Monday-Thursday from 8 a.m.-5 p.m. and on Friday from 8 a.m.-12 noon. Please call or email the Town Clerk's office with any questions.

3. Selectmen's Statements:

Cheryl, Robert and Erik had no statements.

Tom thanked everyone who participated in the Traffic Hearing last night. Raphael drew attention to the annual opening of the Shellfish beds and highlighted early voting.

#### **4. Joint meeting / Presentations:**

##### **A. PowerPoint Presentation regarding Eversource's Grid Modernization Plan for the Vineyard and Cape Cod:**

Maggie Downey appeared before the Board. To discuss the topic of the grid modernization plan. The Dept. of Public Utilities has asked this be done and we should care because this is the first time the DPU has mandated to have the Modernization Plan. The grid is well over a century old and there are some new additions but no comprehensive analysis. The intent is to help customers understand how and when to use electricity more efficiently. We have to make sure we have the infrastructure in place during the summer months especially during our peak summer months. This is becoming digital intelligence based upon data gathered and communication. This involves distributed generation, information networks, and system coordination which is a drastic change from the existing utility configuration. It will provide for less outage and power outages will be for shorter periods. The five-year plan (Grid Modernization Plan) is posted online. The cost was \$496 million. You have to opt in to Smart Meters and pay cellular charges every month and opting in is costly and it does not work everywhere on the Cape for all customers.

Raphael thanked her for her presentation.

Erik wanted to know where the charges would be reflected on our utility bill. He asked if we should we send a letter to DPU. He was not in favor of paying anything that would not benefit the cape towns.

Maggie noted that the distribution charges would be on your utility bill.

She will send the address of the person to whom the letter can be sent when the time is right to proceed. She did suggest that the best way to approach this is to come as a witness and talk about the importance of not paying for something that we do not receive any benefit from.

Raphael stated that this is very interesting. It is important to empower people with being able to make their own decision. People are interested in these types of details. We will support this whether with a letter or having someone attend as a witness. He asked Maggie to keep in touch.

Maggie will get back in the spring.

**No action was taken.**

##### **B. Presentation of the Urban Land Institute (ULI) Report:**

Town Manager forwarded the actual Report. This happened in June and over a day and one half. We went to the state and asked them what they would advise us to do. Twelve regional experts came to talk about our housing situation. They looked at a couple of sites, the Housing Playbook, the Year-Round Housing Trust and our situation. We have a strong commitment to find ways to address our housing crisis. We need to start focusing more on the direction and as long as the proposal moves us in the right direction for having housing for year-round workers we are making progress. We should be thinking about everyone life's cycles when residents are here. We will be looking at short-term recommendations such as the VFW – 29 two-bedroom cottages at a cost of \$120,000 - \$150,000 per unit, the community center with 16 units at a cost of \$275,000 per unit, and consider combining them to develop sufficient scale to attract State funding and developer interest. We should support Provincetown Housing Authority efforts on expansion; undertake a third-party analysis grounded in the local economic conditions to develop a business plan for Year-Round Rental Housing Trust; review other town-owned property (satellite parking lots and land) for micro-unit/seasonal housing; zoning to bring an Inclusionary Bylaw to Town Meeting and assess accessory dwelling regulations for ease of use, then amend if necessary and lastly to improve communications looking into using the online platform "CoUrbanize", putting the Housing Playbook online, and doing education/outreach about choices, trends and the impact housing has on the local economy. This presentation will be put on the website.

Erik has concerns about Town money going toward seasonal housing.

Robert wondered when this was going to happen. He wants to get the process put together and presented to the community ahead of time so they can understand it fully.

Tom wants to say what tactics will be used.

Raphael wants to see us pursue the Community Center first and see where it goes. Staff is looking at how we will do the VFW after we see what happens with the Community Center.

Cheryl stated that everyone should be educating/talking to people. She heard excitement but not frustration. It feels that it has been full steam ahead for the last eight months.

David P. is hopeful that the proposal will be put in place and there will be an item placed on the November 14<sup>th</sup> agenda to talk about the VFW.

Cheryl did not see anything in the report about healthcare. More care is needed in Provincetown now than ever before. As our population ages we need more health care. Somewhere it should be talked about.

Raphael believes this a great credentialing document and lays out a roadmap. He is not interested in the public financing seasonal housing. He wants us to think about using small mobile homes at the Jerome Parking lot. There will be an item placed on a future agenda regarding mobile homes for the seasonal workforce being placed at the Jerome Smith Parking Lot.

**No action was taken.**

**5. Appointments:**

**A. Appoint Brenda L. Haywood as Provincetown's Representative to the Barnstable County Human Rights Commission:**

Brenda had a conflict in scheduling and asked to be placed on the next Board of Selectmen's agenda on November 14, 2016. The Board is familiar with all of the work Brenda has done for our Town and without objection it was agreed that she did not need to be present for this meeting.

**MOTION: Move that the Board of Selectmen vote to approve the appointment of Brenda Haywood, as Provincetown's Representative to the Barnstable County Human Rights Commission.**

**Motion: Cheryl Andrews**

**Seconded: Erik Yingling**

Cheryl loves process but we are sending a message to Brenda of how grateful we are for her service.

**5/0/0 Motion passed.**

**6. Requests:**

**A. Discussion of Parking Policy for School Events:**

Raphael would like us to discuss and act on this quickly.

David P. recommends no charge for the meters on Winslow after October 1<sup>st</sup> as the solution. We do not need that parking to feed our revenues. We can avoid this happening again. He asked the Board what they would like to do.

Tony Brackett stated that the school does not have a Recreational Dept. to coordinate team-sporting events with other towns (school events). We do not have staff to schedule and coordinate so Brandon does it through the town's Recreation Dept.

The Board agreed with the Town Manager's proposal and they wanted to make sure that those individuals that were ticketed were allowed to have their tickets dismissed.

**MOTION: Move that the Board of Selectmen discontinue parking on Winslow Street from October 1st and begin parking again on April 1<sup>st</sup>.**

**Motion: Raphael Richter**

**Seconded: Robert Anthony**

**5/0/0 Motion passed.**

Raphael asked that the Parking Dept. identify those individuals who were given ticket and rectify the situation perhaps sending a small note of regret.

Domenic will do whatever the Board wants.

**MOTION: Move that the board of Selectmen direct staff to dismiss any appeal tickets related to the school event on Friday and Saturday, October 21<sup>st</sup> and 22<sup>nd</sup> as a goodwill gesture.**

**Motion: Raphael Richter**

**Seconded: Erik Yingling**

**5/0/0 Motion passed.**

**B. Discussion and Approval to Support a Non-binding Resolution regarding Aid-in-Dying in Massachusetts:**

David Garten appeared before the Board. He was here as a Provincetown citizen. He wants to urge the Legislature to pass an Aid-in-Dying bill. 75% of Provincetown residents voted in favor of it when it was on the ballot initiative. He asked the Board for their input.

Tom thanked him for bringing it forward.

Erik is in favor of this.

Cheryl had not comment.

Robert had no comment.

There was one minor change to the language in the sixth paragraph adding "...voters who voted on the ballot initiative were in favor of...".

**MOTION: Move that the Board of Selectmen vote to approve the Non-Binding Resolution for the Town of Provincetown on Aid-in-Dying, as revised.**

**Motion: Tom Donegan**

**Seconded: Erik Yingling**

**5/0/0 Motion passed.**

**C. Discussion on Provincetown becoming the Cape Light Compact's Fiscal Agent:**

Maggie Downey came before the Board also to answer any questions relating to Provincetown becoming the Fiscal Agent for the Cape Light Compact. The terms of the fiscal agent agreement would involve no Provincetown direct or indirect costs to the Town or taxpayer appropriations. The agreement would indemnify or otherwise insure against any liability issues. She gave a summary of what the Cape Light Compact does and how it is organized then asked for the Board's approval to move forward.

Tom wants to start the process now and as it gets more complicated we will have updates from the Town Manager or Asst. Town Manager.

Erik thanked Tom and asked how many jobs this would create.

Tom believes we will need one or two people unless it is expanded for purchasing. Whatever the agreement would entail would set the need for the number of employees needed.

Maggie's was told to go out and engage with towns to see if they want to be the fiscal agent. It is a \$39 million budget. This is a very political issue. The timing is very. The CLC Board members are not satisfied with Barnstable County and are in the process of updating the Administrative Services Agreement.

**MOTION: Move that the Board of Selectmen vote to enter into discussions and negotiations with the Cape Light Compact to become its Fiscal Agent and, as the Fiscal Agent, the Town secure an agreement that would cover all costs and insure against any relevant liability to the Town.**

**Motion: Tom Donegan**

**Seconded: Erik Yingling**

Raphael is interested in creating jobs. One concern is making sure that this in no way (minimal) affects the way Town Hall is operating. No spending lots of time crafting; no distractors of the policy goals of the Board. The other issue relates to liability and insurance to the town and insolvency; it does not seem that it is a problem at this time they are funded.

Maggie CLC is fully insured; a member of MIA. We do not have separate worker's comp we pay a portion of the fiscal agent. It mirrors what the municipalities have.

David P. has looked at this for a couple of weeks. The intergovernmental agreement is right and proper. The CLC does not have a federal tax id # so it needs to have a fiscal agent.

Tom wants to pass this tonight and we come back if things change. He believes it is worth pursuing for jobs for Provincetown.

Cheryl would be comfortable with taking out the language "and negotiations".

**Amended MOTION: Move that the Board of Selectmen vote to enter into discussions with the Cape Light Compact to become its Fiscal Agent and, as the Fiscal Agent, the Town secure an agreement that would cover all costs and insure against any relevant liability to the Town.**

**Motion: Tom Donegan**

**Seconded: Erik Yingling**

**5/0/0 Motion passed.**

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

### **A. Board of Selectmen Secretary Search Committee Appointments and Process:**

Raphael stated that Loretta announced her retirement in April 2017 and thanked her for staying while they search for the new Secretary. He wants to look at the job description and make a decision on the FSLA guidelines as this is not a position that can be exempt from overtime. It is important looking at time commitment in this job and analyze it.

Tom and Cheryl had a brief conversation regarding real-time audio transcription. Rather than doing minutes to a transcript and the Secretary watches and makes corrections as it happens (CART). Given we have an average of 80 meetings a year that may be a way to go.

David P. thinks there is another method of doing the minutes. We have an existing overhang and how we deal with it needs to be addressed. It would improve the process.

Raphael feels that when advertising a job where you expect to have overtime you need to put this in the budget. This lets the person know it is more than 40 hours per week and you will be compensated for it. The Secretary of the Board should take the minutes. It is important that the new hire knows it is an over 40-hour workweek. This role requires additional compensation. Bring it to Town Meeting as it needs to be approved.

Erik outlined the number of meetings in a year. He agrees with the additional compensation for overtime.

Tom wants to make sure that the deadline is clear for materials needed for the Board's meetings and those deadlines are met.

David G. stated that the process runs smoothly when you meet twice per month. It takes time to have people get their reports in on time and the agenda gets amended far too often. There is a 48-hour posting requirement and things have to get on the agenda in a timely fashion. The amount of time putting a packet together is underestimated. The Town Manager's office has to manage the information that comes before the Board. The Board's secretary is physically accumulating the information, scanning, and making hard copy packets. Packets compared to six years ago have dramatically changed. There is also a good amount of follow up and minutes do not come into play. They are much more involved now.

David P. does not see a lot of spare time in the Board's office. We are not inefficiently using our time. We have to have overtime.

Raphael wants to work with the facts on the ground now and improve on them. Advertise this that we will pay overtime. He asked to place this issue on the November 14<sup>th</sup> agenda for the final discussion and vote by the Board on the Secretary to the Board of Selectmen's Job Description before advertising it. There will be just one Selectman required for this committee.

Robert volunteered to be the Selectman.

**MOTION: Move that the Board of Selectmen vote to establish a Board of Selectmen Secretary Search Committee and appoint Robert Anthony as the Selectmen's Representative.**

**Motion: Erik Yingling**

**Seconded: Cheryl Andrews**

**5/0/0 Motion passed.**

**Town Manager's Report – Administrative Updates:**

A memorandum to the Board from the Town Manager outlining the draft of the Town Meeting Survey for the Town Forums and a list of potential items for consideration as articles for the 2017 spring Town Meeting was reviewed by the Board.

**i. Discussions on Fall Town Forum Update and Potential Survey:**

David P. wanted to know what the Board would like to add to the survey. This sets the context for what staff has seen and he asked the Board if this looks right, are there any pieces missing, or is there something on here that you do not want to see on there.

Cheryl would like to have the seven answers for Q3 put in alphabetical order and get rid of Q5. What are the most important issues that face Provincetown?

Raphael suggested having three answers for each questions instead of five. When compiling data it is easier to set priorities. Raphael wants to know what we are doing to make sure people are coming to the forum. Do everything we can to get people here.

David P. and Raphael are writing an editorial and advertising will be done on Town Talk. We would like to send out post cards and he will search for the funds.

Erik expects the most active people in Town to show up; the ones who make decisions.

Cheryl wants to use the internet.

Tom want a mailing.

**MOTION: Move that the Board of Selectmen direct the Board Chairman and Town Manager to determine an appropriate budget to properly promote the Forum for Town Meeting.**

**Motion: Tom Donegan**

**Seconded: Robert Anthony**

**5/0/0 Motion passed.**

Erik stated that the articles appear controversial.

Tom would like to get some zoning relief.

Cheryl wants to make contributions/funding to Housing Trust.

Raphael stated that maybe we can ask for \$1 million again since we are the first Town to do this. He would like to see food trucks that do not compete with business owners. He requested that an agenda item to discuss potential Town Meeting Articles be placed on the November 14<sup>th</sup> agenda and to have all those materials available to be placed in the agenda packet by November 7<sup>th</sup>.

**ii. Discussion on RFQ Criteria for the former Community Center located at 46 Bradford Street, Provincetown, MA:**

David P. stated that we are looking to issue by the end of November or mid-December. He wanted the Board to look at the criteria and as the body that is disposing if they wanted to be the review committee or appoint a review committee.

Raphael wants language in the RFP to include that verbal communications to the Board are not allowed.

David P. stated that this is a request for information not a directive for preference. If the Board wants to further refine it just let him know.

Tom would like to see the percentages at 20%, 20% and the final two at 30%.

Raphael agrees with Tom.

DP if you submit your RFQ you will be in line; by allowing someone in later would the first have a case. If you want to delay this by 90 days; just hand any piece of property to the Trust.

**MOTION: Move that the Board of Selectmen vote to adjust the Developer Selection Criteria percentages as follows: Experience 20% of final score; Concept 20% of final score; Community & Financial Benefits 30% of final score, and Ability to Proceed 30% of final score.**

**Motion: Raphael Richter**

**Seconded: Erik Yingling**

**5/0/0 Motion passed.**

Tom, Cheryl and Robert wants the Committee to review the applications and select those to be interviewed by the Board.

Raphael and Erik want the Board to review and select.

Raphael wants the Board to review even though they will be doing the selection. The Town Manager has brought forth a new process and hopefully, it will yield a more successful end. He does not see the need to have a committee reviewing.

Erik wants to be more hands on.

Tom believes that to evaluate you need to really understand what is needed and this Board cannot do it. He wants to make sure these are sound proposals so he would like to get professionals who understand and can ask the right questions.

Robert believes that if we have a committee who really works at it, it will benefit the Board.

Raphael wants the committee to score the applicants and present the scores to the Board.

David P. pointed out that the Board would have to have a rational basis for changing the scores if they did not like how the committee scored them.

Cheryl believes that people have a way of building consensus for us who want to be on the committee.

Raphael would like to see everyone commit to this.

David P. would not include David G., Michelle Jarusiewicz or Gloria McPherson as staff is not a decider; they provide technical analysis and support.

**MOTION: Move that the Board of Selectmen instruct the Town Manager to establish an Evaluation Committee to review the responses to the RFQs for 46 Bradford Street.**

**Motion: Cheryl Andrews**

**Seconded: Robert Anthony**

**5/0/0 Motion passed.**

iii. **Other Town Manager updates and administrative matters:** None.

B. **Others:** None.

#### **8. Minutes:**

The Board of Selectmen reviewed the minutes and revised the May 11<sup>th</sup> minutes showing the time that Raphael and Erik returned to the meeting regarding 5A.

**MOTION: Move that the Board of Selectmen vote to approve the minutes of May 11, 2015 (Regular), as revised and September 09, 2015 (Special), as printed.**

**Motion: Cheryl Andrews**

**Seconded: Erik Yingling**

**5/0/0 Motion passed.**

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

Cheryl attended the FEMA presentation in Truro. The Nuclear Power Plant was discussed and evacuation versus relocation. She would like to see the presentation given here.

David P. will ask for one and they will provide the training. Everyone knows what to do, where to go and how to work together.

Raphael asked that an item be placed on the November 14<sup>th</sup> agenda for follow-up on FEMA.

Tom asked that an item be placed on either the November 14<sup>th</sup> or November 28<sup>th</sup> agenda regarding the Stellwagen Visitor Center Feasibility Study Advisory Committee that the Board had authorized the Town Manager to appoint.

The board reviewed the letters that had been sent out.

A. *Thank you letter to Bryan Armstrong who resigned from the Economic Development Committee effective October 6, 2016*

B. *Thank you letter to Barbara Prato who resigned from the Conservation Commission effective October 7, 2016.*

C. *Letter to Governor Charles Baker, Jr. regarding the Pilgrim Nuclear Power Plant.*

Without objection the meeting was adjourned at 9:48 p.m.

*Minutes transcribed by: Loretta Dougherty*