

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, August 11, 2014 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Donegan convened the meeting at 6:00 PM, noting the following:

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

Other attendees: Acting Town Manager David Gardner, Finance Director Dan Hoort

Recorder: Mary Timmons

Tom Donegan chairs the meeting. Selectman Donegan then gave recognition to Cheryl Duarte and Tom Steele for their service. We will send them a letter of recognition.

MOVE that the Board of Selectmen vote to approve items listed on the consent agenda.

Motion by: Tom Donegan Unanimously approved by the Board

MOVE that the Board of Selectmen vote to execute a contract in the amount of \$4,700 (Master Plan \$3,050 and Replace Floodlighting \$1,650) with URS Corporation, 26 Corporate Drive, Clifton Park, New York for the Independent Fee Estimate of the Airport Master Plan Project and Replace Floodlighting Project for the Provincetown Municipal Airport

MOVE that the Board of Selectmen vote to execute a grant in the amount of \$927,113 From the Federal Aviation Administration (FAA) for the Master Plan Project for the Provincetown Municipal Airport.

MOVE that the Board of Selectmen vote to execute a contract in the amount of \$1,015,126 with Jacobs Engineering Group, 343 Congress Street, Boston, MA. 02210 for the consultant work required for a Master Plan for the Provincetown Municipal Airport.

MOVE that the Board of Selectmen vote to award the \$1,400,000 principal amount of the Town's General Obligation Sewer Bond dated August 15, 2014 (the "Bond") to the United States of America, acting through the Rural Utilities Service, United States Department of Agriculture ("USDA"), in accordance with the terms stated in the form of vote provided by Edwards Wildman Palmer LLP and approved by USDA, attached hereto and incorporated herein and to authorize the execution and delivery of the Bond and all related closing documents, and the taking of all other action incidental or related to the issuance and delivery of the Bond. The Bond shall include the following borrowing previously approved by the Town:

From the April 2, 2012 Special Town Meeting:

Article #1 -Wastewater Enterprise Fund	\$ 1,400,000
TOTAL G.O. SEWER BOND	\$ 1,400,000

MOVE that the Board of Selectmen vote to submit a grant application to the United States Department of Agriculture - Community Facilities Grant Program for the reconstruction of the gymnasium rubber roof and a portion of the shingle roof at the Veterans Memorial Community Center.

Consent agenda passed.

1A. PUBLIC HEARINGS – ECONOMIC DEVELOPMENT PERMIT – 333 COMMERCIAL STREET – CAFÉ EDWIGE

Tom Donegan read the public hearing notice. Selectman Yingling recused himself.

John DeSouza and Nancy Meads presented information regarding the Economic Development Permit to increase restaurant seats at the Café Edwige. Seating is for full service food consumption. The sewer flow has been checked out by DPW and we have been told they meet all criteria. The Cafe has also been approved by the Zoning Board of Appeals for seating. Mr. DeSouza then read the goals he meets with this EDP permit. He hopes the EDP meets with the board's approval.

Selectman Donegan then asked for public comment

Marcene Marcoux. Spoke in support for this permit. The restaurant has been in existence for many years. The request is reasonable and Ms. Meads never asks for more than she needs. We should all support her.

Mike Canizales. We have had retroactive approvals and this is not the case. There should be a fine for that but she is doing this the right way so we should applaud her.

Clarence Walker. Please give an affirmative. She literally in 40 years has never had a problem with the town. There is no doubt we should give her support.

Public Comments were then closed and comments were opened to staff

David Gardner stated that the applicant has all required regulatory approvals. This has been reviewed by DPW and the infrastructure can accommodate the additional growth. Staff has no problem with the request. This permit will be recorded against the property based on the use. Page 4 of permit states the approval is based on the proposed use for restaurant seating and cannot be converted to another use without approval of the Board. The Board of Selectmen can add additional conditions as it sees fit.

Comments were then opened to Selectmen

Cheryl Andrews. Asked if Ms. Meads is proposing to change her license in any way and if she is year round. Ms. Meads replied no, just seasonal.

Tom Donegan. Stated that the restaurant has 81 seats but the gallonage is for 65

seats, then asked are we fixing the problem? Acting Town Manager David Gardner answered by stating this is not exactly true. We will be correcting the assigned flow of record at DPW. The request is for 12 additional seats above what was approved for up until now. She has been operating at 69 seats but assigned is lower. Moving forward she will be up to 81 seats.

Selectman Richter asked the length of Ms. Mead's season. She answered Mid-may to mid-September. Selectman Richter will support her request but asks that she consider extending the season on the back end. Two more weeks in September would be a great gesture.

Selectman Donegan wants to be clear this is part addition and part correction. He wants to be sure this is cleaning up a snafu and is just a paperwork issue. Mr. DeSousa stated the issue occurred when the town was connected to the sewer and this is just a paperwork issue.

MOVE that the Board of Selectmen vote to approve Economic Development Permit 14-05 for 333 Commercial Street, Nancy Ann Meads, applicant/owner on behalf of Café Edwige Inc., based on findings that the proposed use is consistent with the criteria set forth in Selectmen's Policy 2009-02-09, specifically:

- **Support year-round incomes, and**
- **Support an extended employment season, and**
- **Create or enhance employment opportunities, and**
- **Help to diversify Provincetown's economic base, and subject to the attached permit.**

Motion by: Raphael Richter Seconded By: Bobby Anthony Yea 4 Nay 0

2A. PUBLIC STATEMENTS

Mike Canizales – is amazed at amount of work the Charter Ad Hoc Committee has done, however, he doesn't feel the Chair was being accurate or genuine on some core issues. They glazed over town meeting time line. After multiple meetings with them, they have heard nothing to suggest there are grounds to change appointments of the finance committee. Please don't continue down a time wasting path. Regarding the travel policy FinCom kicked it back to the Board of Selectmen. He says they should approve up to \$10,000 as a revision to the policy. We don't want to nickel and dime and spend more money. We need to do this right; this is recruiting not a selection process at this time.

Louise Venden –understands the Board's concerns, they have interviewed all candidates and they will be forwarding their selections. She supports Mr. Canizales' statement. We have to convince them and the Board has to convince them this is the right position. Up to \$10,000 should be allocated. At their next meeting they will decide who they will be referring to the BOS. She wants this last piece in place so we can graciously ask them to apply.

David Brody – is part time resident taxpayer, and spoke about the residency requirement. He is an officer of the part time association, and is not speaking on behalf of anyone or the association. He has a long association with the town since 1949. He has a lot of feeling for the town. He says in the 60+ years he has been associated with the town this is the first time he has felt unwelcome due to residential exemption. It is not right. It is bad policy and this will only push up rents.

Paul Rendanz – Spoke about the ticket incident with Selectman Anthony and wants to see the ticket before the incident. He says he has seen several tickets on cars and the cars are not towed. Silver Cloud Towing has pulled out of town and there a lot of companies that don't want to associate with this town. If this town wants a service treat us fair. It is disturbing he can find many violations, what's it going to take when emergency vehicles have to get down a street but can't due to people being parked illegally. We are not here to rake the town over the coals but to provide a service.

Barbara Rushmore – Barbara read from a written statement she wrote regarding the manor. She spoke of the Hall property as she went to a public meeting last week and learned the price of the parcel for sale is over a million dollars. There is a state grant floating around for \$500K for a park. We don't need more condos and suggests using the state grant or funds for part of this parcel to make a water front park along the shore.

Ed Lehman – part time resident says what to do with part time residents is a sticky wicket. He is looking forward to being a part of the discussions regarding part time residents.

Clarence Walker – regarding split tax issue. We took this up at the last FinCom meeting and we worked to come up with a model to describe the variances that would address these issues. We are looking at the end of August where we will have a scenario to present to the town body just as we did with other issues.

Public statements were then closed

3A. SELECTMENS STATEMENTS

Raphael Richter – read in the Banner the Housing Authority took it upon themselves to pitch in on projects they have worked on. Thank you. In the Banner on page 23 a full page ad regarding the Pilgrim Power Plant was placed stating they are a good neighbor due to safe operations. Many people want this closed down. The corporation placing the ad must be a bit scared if they took out a full page ad. This is a big deal and should be a message that this may be the time that at some point we may decide we want to get involved. There has been a lot of political movement on this issue. He hopes it is closed as soon as possible and people will join together.

Erik Yingling – nothing

Cheryl Andrews – regarding Seashore Point, it is unusual for us to have an issue with private business. They are there because the town and the Board wanted them to be there. She is not familiar with the facts and is not sure if she should be concerned. She will draft a letter and bring it back to the Board. Regarding the residential tax exemption, the Board of Selectmen talks about it every year. This has been building for a while. She hears the non-resident tax payers. The problem is many are concerned as to what the Town will look like in the future. There are trends that are a concern which may concern her and not the rest of the town. She will spend a lot of time listening and doing homework. She will be deliberative and it is a good thing we are having this discussion. She gets it and hears you. She talked about a letter the chairman of the Board of Selectmen and head of FinCom signed. She read the first line which said it was written by a vote of the Board. She does not support the way it was written. She then read a motion to write the letter from two months ago regarding OPEB and the town budget. She is embarrassed by the letter. She would like a more clear process as to letters from the board being written on town stationary.

MOVE that any letters from the Chair or any member of the Board of Selectmen first be drafted then be put on the agenda for a full board vote.

Motion by: Cheryl Andrews Seconded By: Raphael Richter

Discussion

Selectman Donegan discussed why the letter was written the way it was. Part of the challenge is a motion is not a bad idea but this is the reason he added administrative issues to the end of the agenda. This is an enormous amount of work. We can only talk to one member of a board at a time. There are times when he has to write a letter or speak as chairman and the charter allows him to do that. The next time if he suspects there is a problem he will bring it before the Board.

Selectman Yingling stated the chair is the head of Board and given the charge. He does not see a problem with the letter.

Selectman Richter said when a letter is going to be presented as something we said and agreed on he would like an opportunity to vote on the language. Had we voted on the letter he may have suggested some changes. It was the "cc" to the Cape Cod Times that caught his eye and he felt the tone was a little more stand-offish than he would have wanted. He is supporting Selectman Andrews' motion because as a new Board we need to vote on these types of things. We need to create trust so we are seen as working as a body not individually.

Selectman Anthony stated the Board did give you permission to write letter. He would like to see letters written and sent to the board for input. It is not worthwhile to have this as a separate agenda item.

Selectman Donegan stated there are some letters that are important to talk about and some that are not. He proposed when we make a motion to send a letter, we send it.

A vote was then taken on Selectman Andrews' motion: **Yea 2 Nay 3 (EY, BA, TD).**
Motion does not pass.

Bobby Anthony – A month ago he was invited by the citizens committee in Wellfleet to talk about community policing. It was very inspiring and conducive to a lot of conversation. Wellfleet is not in flux but have some issues with the way things get done. Wellfleet may be amenable regarding training for both towns' police departments. This is a good opportunity. He then spoke to the fact that we will not get any more land surveying documents. What we see is what we get and that will be the audit. We were expecting something in September but this will not come. Transparency is not there, responsibility is not there. Someone needs to be accountable. He believes we should do something. Either ask the engineering company to hire a land survey to see if the markers are there or get town counsel involved. He will not agree to anymore phases until this is fixed.

Tom Donegan – Congratulations to the police department and council on aging, it was great fun. They did a great job. The economic justice forum went well; there were a lot of people there. We need to follow-up on the traffic study as well as towing. What and why are we towing. He has been to four meetings of the part time homeowners association. He talked about town meeting but what part time residents really need to go to are the three meetings before town meeting. Regarding the homestead exemption we need to understand the math and consequences. There is fervor to this issue. He wants the policy to be fair so in ten years this town is what we want it to look like. Regarding seashore point we sold the manor and with it we sold the ability to control. Clearly access to health care is key to the success of our community. As to charter revision and review, we have the opportunity to do great things, but our past year may creep in and there are things we may not get through town meeting. He hopes we can make this an incremental process. At the next meeting he wants a recommendation from staff as to where we will go next.

DPW Director Rich Waldo then came before the board to answer questions. He stated an audit will be forthcoming regarding what is on the plan.

Selectman Donegan asked for clarification on the process. Mr. Waldo talked about the layers. At this point if we let the engineers present what they have would be the best process. We are under the understanding we will look at an audit before and after construction and compare them. We will do what it takes to make everyone happy. Selectman Anthony says we want to lessen the liability not making us happy.

4A. JOINT MEETINGS – NONE

5A. BOARD OF SELECTMEN APPOINTMENTS

Selectman Donegan spoke about the request for an official to be on the regional Beach Access Ad-Hoc Committee. Mary-Jo Avellar, the nominee and David Gardner

have dealt with this issue before. This is not a published vacancy. Ms. Avellar volunteered but she could not be here. Selectman Richter says it is good to appoint someone especially Ms. Avellar who is involved with each issues. We should not fall behind, there is no lower cape town other than Orleans. He hopes we get someone appointed. Selectman Andrews stated Ms. Avellar is a logical choice but her concern is advertising, there may be someone who has more free time and as much expertise as Ms. Avellar. Maybe we should let the town know that we have been asked to send a representative before we make an appointment. Selectman Donegan said we will advertise and come back in a month.

6A. PARADE PERMIT REQUEST 3rd Annual Wounded Warriors Soldiers Ride

Acting Chief Golden present.

MOVE that the Board of Selectmen vote to approve the Parade Application Permit submitted by Jerrell A. Williams., 16 Commonwealth Avenue, South Yarmouth, MA on behalf of the Wounded Warriors Soldiers Training Ride to be held on Friday, September 26, 2014, starting at 9:30 AM to 12:30 PM.

Motion by: Erik Yingling Seconded By: Raphael Richter Yea 5 Nay 0

6B. MONTHLY POLICE REPORT FOR JULY, 2014

Acting Chief Golden went over the July monthly report. He talked about the pet food pantry drive which will occur Saturday. Selectman Andrews asked about the issue of animals in cars is a ticket issued to the owner of the vehicle. Mr. Golden answered yes and it is \$100. He then spoke of the fox on Pearl Street which does not respond to bright lights and is getting used to its environment. Jim said in this area the over hunting of coyotes is a problem as they are primary predators of foxes. There are less coyotes than foxes. He talked about the citizen's police academy, passed out a handout and said the Board was welcome to attend.

6C. COMMUNITY AND GOVERNMENT SERVICE AWARD POLICY

Selectman Andrews summarized why she would like this award and a motion was put forth

MOVE that the Board of Selectmen vote to initiate a community and government service award policy recognizing Provincetown citizens who have exhibited outstanding efforts over many years to improve the quality of life in Provincetown.

Motion by: Cheryl Andrews Seconded By: Raphael Richter Yea 5 Nay 0

Selectman Donegan Tom then recommended Francis Flyer Santos for this award and has a write-up that he will formalize. A motion was then made to nominate Mr. Santos.

MOVE that the Board of Selectmen nominate Francis Flyer Santos for the Community and Government Service Award to recognize his efforts over many

years to improve the quality of life in Provincetown.

Motion by: Tom Donegan Seconded By: Cheryl Andrews Yea 5 Nay 0

Selectman Donegan then asked for a five minute recess. The board reconvened at: 8:09

7A. FY2015 TOWN-WIDE POLICY GOALS

The Board reviewed each of the goals, discussed them and presented follow-up. Tom Donegan suggested this item be carried over to the August 25, 2014 meeting.

7B. BOARD OF SELECTMEN SECRETARY SEARCH COMMITTEE PROCESS

MOVE that the Board of Selectmen vote to establish a Board of Selectmen Secretary Search Committee and appoint Bobby Anthony and Cheryl Andrews as selectmen representatives.

Motion by: Erik Yingling Seconded By: Raphael Richter Yea 5 Nay 0

MOVE that the Board of Selectmen appoint Doug Johnstone and Elisabeth Verde to the Secretary Search Committee.

Motion by: Tom Donegan Seconded By: Erik Yingling Yea 5 Nay 0

7C. TOWN MANAGER EMPLOYMENT CANDIDATES TRAVEL EXPENSE REIMBURSEMENT

Selectman Anthony asked for this agenda item as we are also looking for a chief of police. He said we should do this as it makes the town look appealing. Selectman Donegan stated the Board asked for \$300 for 2nd or subsequent trips but FinCom voted against it.

Selectman Richter says he is not beyond reconsidering the decision the board made earlier. He does not feel \$300 is adequate.

Selectman Andrews asked if anyone researched what reimbursement policies are. Selectman Donegan said Truro is reimbursing. They are doing what is considered reasonable expenses.

Move that the Board of Selectmen vote to adopt the Policy for reimbursement of travel expenses for town manager and police chief employment applicants for final trips.

Motion by: Raphael Richter Seconded By: Bobby Anthony Yea 4 Nay 1(CA)

7D. TOWN MANAGER FOLLOWUP - None

7E. OTHER – None

8A. MINUTES OF THE BOARD OF SELECTMEN'S MEETINGS

Move that the Board of Selectmen approve the minutes of:
June 9, 2014 (Regular Meeting) with changes so noted on page 6 of 13
June 23, 2014 (Joint meeting w//FinCom) as printed
June 23, 2014 (Regular Meeting) as printed
June 26, 2014 (Regular Meeting) as printed
July 14, 2014 (Regular Meeting) as printed

9A. CLOSING STATEMENTS

Raphael Richter – None

Erik Yingling – None

Cheryl Andrews – something was askew this weekend. Saturday night when we were going to take the tall ship ride, the parking lot sign on Bradford and Standish said full. She parked in a selectmen's spot and on her walk to the MPL saw there were a lot of spots open.

David Gardner will follow up with this.

Bobby Anthony – None

Tom Donegan –Tom asked to amend the Board of Selectmen's policies at Section 5, Public Hearing Procedures in the Board of Selectmen Rules of Procedure. This will provide a better, cleaner hearing format that is a lot simplifier within our rules.

Without objection so adopted.

Motion to adjourn by Tom Donegan at 9:40

Motion approved by unanimous consent.

Minutes transcribed by: Mary Timmons 8/14/2014