

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY, January 13, 2014 6 PM  
TOWN HALL – JUDGE WELSH ROOM**

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

Board of Selectmen attending: Austin Knight, Elaine Anderson, David McChesney, Erik Yingling and Tom Donegan.

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

Recorder: Mary Timmons

Austin Knight chairs the meeting and resigns as Chairman.

**REORGANIZATION OF THE BOARD, ELECTION OF OFFICERS.**

The meeting was turned over to Elaine Anderson during the reorganization, where she was nominated to be the new Chairman of the Board of selectmen. Tom Donegan was nominated to be the new Vice Chairman. Elaine explained she declined before because the item was not on the agenda and assured the rest of the board she will respect all rules and procedures.

**MOTION: Move that the Board of Selectmen vote to appoint Elaine Anderson as the Chairperson of the Board of Selectmen.**

**Motion by: Tom Donegan    Seconded By: David McChesney    Yea 5    Nay 0**

**MOTION: Move that the Board of Selectmen vote to appoint Tom Donegan as the Vice Chairperson of the Board of Selectmen.**

**Motion by: Erik Yingling    Seconded By: Elaine Anderson    Yea 5    Nay 0**

Elaine Anderson then took over the proceedings as Chair of the Board of Selectmen

**1.    PUBLIC HEARING: FARMER’S MARKET LOCATION**

Tom Donegan read the public statement regarding the farmers market. The meeting was then opened for public statements.

**Marcene Marcoux** – She is in favor of keeping the Farmer’s Market location where it has been. This has been a wonderful addition to the town as it required no police detail, and the public displayed energy and enthusiasm. If you look for the greater good, it has worked. It has been good. Ms. Marcoux is in strong support of keeping it where it has been. She believes the new proposed site, Bas Relief, will be problematic.

**Barbara Rushmore** – Ms. Rushmore stated she was speaking for the Beautification Committee. The committee wanted it to be known they voted in favor of keeping the Farmer’s Market where it is and not moving it. She feels moving the market to the new location would destroy the Bas Relief. She stated it is dangerous for people to cross Bradford Street with all

the traffic. The objections of abutters are frivolous. They all have another entrance and for one day a week, they want to upset what is a successful addition to the town.

**Chris Snow** – He spoke as a trustee for Pilgrim Monument and a taxpayer. Part of layout as it appears is owned by the Pilgrim Monument. This would be the eastern most side. The DPW director filed an objection to a zoning request and suggested a redirection. The police have also registered an opposition to the proposed location due to traffic. This is a sacred part of Provincetown history that should be memorialized. We have spent \$100,000 in annual maintenance to keep the Bas Relief and the Monument in correlation to it. We should be improving not denigrating that particular place. No permission should be granted to allow the Farmer's market to be in this area. The two abutters fail to recognize that it will disrupt the two or three parking spaces. It is a small consolation for them to suffer the Farmers Market during the height of summer.

Elaine Anderson then closed comments and asked the Board to read related letters sent to the Board regarding Farmer's Market.

**Al Davis** – Arrived late and was given permission to state his opinion regarding the location of the market. He stated the current location of the Farmer's Market does not allow for anyone to get into his parking lot or his studio. He is opposed to the Ryder Street parking lot as a location, and does not understand the great advantage of that location. "We get a lot of tourists; we need parking spaces not a farmers market." He stated it is not a true farmers market as they are not selling fresh vegetables. He says many of his neighbors come to him congratulating him for saying something. It is not right to put all these people out and he does not want it in his back yard.

Elaine then closed the public statement part of hearing, and turned the meeting over to Mr. Pollack. Selectman McChesney proposed moving the Farmers Market onto Ryder Street.

**Andy Pollack** – Mr. Pollack asked Selectman McChesney questions about his proposal to change the logistics. Mr. McChesney explained the traffic would be one way onto Bradford Street and no southbound traffic from Bradford Street onto Commercial Street. Mr. Pollack believes this is a good idea as it may bring more business. It may also eventually mean a larger market.

Mr. Gardner commented that if the Board considered making a motion then Mr. Pollack should meet with the town planner to work on whatever conditions or measures are necessary. The Police Chief should also be in on this meeting. Selectman Knight added that we would want the overnight vehicles moved by a certain period of time. He also stated the plan means we would lose a few handicapped spots. Selectman Anderson also asked that Mr. Pollack offer some of the revenue received from the Farmer's Market to the Town

***MOTION: Move that the Board of Selectmen vote to approve the Farmer's Market location be on the west side of Ryder Street.***

***Motion by: Tom Donegan Seconded By: Elaine Anderson Yea 5 Nay 0***

***MOTION: Move that the Board of Selectmen vote to approve the Farmer's Market be***

*10:00 am – 03:00 pm., May 17, 2014 through November 22, 2014 excluding Portuguese Festival held Saturday, June 28*

**Motion by: Tom Donegan Seconded By: Elaine Anderson Yea 5 Nay 0**

## **2. PUBLIC STATEMENTS**

**Elizabeth Williams** – Stated she is a resident of Province Lands Housing. When she watched all 5 selectmen approve a rent increase she was dismayed and angered. She was given three reasons for the increase. She investigated these reasons and found mulch, one of the reasons given, was not safe back in 2008. She thought given this it should not be included. Rugs and padding were another reason. She explained the floors upstairs are hardwood and you can hear every step everyone takes which is why rugs and padding were placed over the hardwood. The last reason was Hurricane Sandy. Those three come to \$52,000. They stated that this is the cost of doing business and should not be extended to the residents. The rent increase notice was given to them within 12 hours of the decision and thirty-six of the fifty residents received increases. In the future, if management decides to ask for another rent increase, she asks that tenants be at the meeting so they could voice their opinion. Residents were informed by management that a lot of increases would be small like \$5.00. Her increase was \$32.00; this is not affordable for those on a fixed income.

**Doug Johnstone** – Commented on the amount of board vacancies in the town. The Recreation Committee has only three members and may be facing quorum issues. He wanted to put the word out asking people to join boards. Mr. Johnstone listed several boards which have vacancies and urged the public to visit the Town website to see which ones they might consider joining.

**Mary-Jo Avellar** – Wanted to second what Ms. Williams said about the rate increase. She remembers urging the board not to do that. At the housing summit, Friday, she made a statement as to whether affordable housing is really affordable.

**Rachel White** –She can't address politics as she doesn't have all the facts. There is a social issue regarding Austin Knight. She thought he should be the town mourner because he shows up at everyone's funeral. There should be a proclamation. She said everyone is thankful for everything he does. She wanted the Board to know how well he has made all of them look.

**Clarence Walker** –Commends the board in total for how they have conducted themselves and the outcome. He hopes this is a sign of us moving on and getting to a sweet spot. He wished the Chair and Vice Chair best of luck. With regard to the issue of the increased rents, that comes under errors and omissions. This should not come out of the Town or renters' pockets. He thinks town counsel should advise.

**Judy Cicero** – Thanked Austin for his service as chair, for his representation of Provincetown, and thinks it is important for him to go to events and represent our town. He is always distinguished and represents us in a civilized way. Our congressman has always been cordial to chairman Knight; and he has always represented us in a dignified way. She is sad things wound up this way and she hopes things will be smooth in the future. She asks us not to make rumor into fact in the newspaper or any other place.

**Marcene Marcoux** – Thanked Austin for stepping down as Chair and feels a sense of a new direction. She offered congratulations to Tom and Elaine as the new Chairs of the Board.

**Scott Caldwell** – Asks the Board to renew PPPC. A lot of problems over the past few years have been about the police. If we can go in a direction without the police that would be good. He says the Selectmen are all doing a great job.

### **3. SELECTMENS STATEMENTS**

**Tom Donegan** – Part of our job is to make sure housing is financially secure. One of the things which is clear is wage economy doesn't support what we think of as affordable housing. There is a huge mismatch. One of the challenges is the tail wags the dog. We are competing against the entire county of Barnstable and our wage economy is different. We had sixty-five people show up to talk about affordable housing. These were people taking on tasks. We have a lot of opportunity, we have introduced a lot of new units but we have a lot of work to do. The housing summit was a great success. We have a lot of work to do on the budget and this all goes into it. Parking proposals are due shortly for the traffic hearing. We will try to follow-up on everything he has received. Finally, he thanked his colleagues for their vote of confidence and for working with the new chair. He hopes he can contribute and hopes for a lot of feedback.

**David McChesney** – Thanked Austin for stepping up stating that took a lot and he did the right thing. It has been a difficult past. It's time we move on. Pursuant to that, he recommends in the spirit of what happened tonight, he would hope some other board or committee members would consider reorganization. He offered congratulations to the DPW for snow removal. The housing summit was one of best meetings he has attended. He was struck with the fact that the non-resident taxpayer association came. They want to help and they can assist in many directions including housing. Also, John Ryan suggests we use the term community housing. We should not stigmatize people based on whether they are renters, owners, low income housing, etc. Regarding Doug's statement about committees, he said it's time for the town to recognize the volunteers that give up their time. Perhaps a volunteer appreciation day.

**Erik Yingling** – Congratulated David Gardner for stepping up as Town Manager. He is confident in David's leadership. We went through a tumultuous year but he feels the air has been cleared. He is excited about working with his colleagues. In regard to the rental rate hike, he thinks the tenants are right; they should have been able to come to the meeting. His fear is that we don't want Province Lands to become insolvent. He agrees on with term of community housing. The reality is we are looking at where we are going and is optimistic, but the numbers are frightening. People are now spending 60% of their income on rent which means they are just getting by. The housing summit had a big turnout, 65 people in January to determine how to house people. He was pleased about the non-residents that came to the meeting.

**Austin Knight** – Wants to thank the Board for the opportunity to serve as chairman. There were a lot of positive things that happened and would like to thank Rachel and Judy for their comments. He is not a professional mourner but he feels it is important to say thank you to all the families. His mother said that when you move to a place, make it better than when you moved there. His mother will require more of his time as she is sick. He goes to help his dad on the week-ends and it means he may have to be away more and more. He still speaks for the people.

**MOTION: Move that the Board of Selectmen vote to recognize the oldest living citizen in Provincetown and deliver the Boston Cane to Polixeny Kulliopoulos**

**Motion by: Austin Knight    Seconded By: Erik Yingling    Yea 5    Nay 0**

**Elaine Anderson** – Thanked Austin for his service and congratulated Tom. She stated that we have a lot to do this year and will save her comments for the end.

**4A. JOINT MEETING WITH THE PROVINCETOWN PUBLIC PIER CORPORATION**

Discussion took place regarding the net cost to the PPPC versus what the town would have to pay if the PPPC were discontinued. Scott Frazier doesn't believe there is a hardship on the taxpayers by the PPPC being in existence.

David McChesney asked about some of the numbers on the exhibits. Scott Frazier explained the proforma in the packet and as the one that was agreed to five years ago. Selectman McChesney asked several questions about the numbers, the accuracy and their origin. Mr. Frazier suggests the board look at the spread sheet in Mr. McKinsey's office that has numbers from 2008-2013.

Austin Knight stated part of the conversation has to find ways to neutralize a loss. He said we are not at a breakeven point when we look at the future needs of the pier. The Columbia Queen lease, while it seems lucrative, may not be. Businesses on land have to pay taxes and have to offset that with income from renting out rooms. Mr. Knight said it is all about fairness. We have to have a conversation about the money the properties in town pay. That has to be part of the conversation regarding the lease. There will be consequences. It has to be an equal playing field and this will be a challenge.

Erik Yingling thinks Rex McKinsey has too many bosses and feels we need to clarify who he reports to. This is a concern. He liked the ideas about new revenue such as the excursion fees and board dock increases. He asked PPPC about mooring fees. He believes we are giving quite a discount, and doesn't see the recreational boats noticing a raise in mooring fees. The Columbia Queen is an interesting idea and he is open to it but it has to make sense. They have to pay fees and jump through the hoops like everyone else. He stated dissolving the PPPC may not be the best idea at this time.

Tom Donegan was impressed with the thoughtfulness and degree of discussion. This discussion is interesting but proposes to sort out who does what and a lot of questions need to be answered in a logical way. Once questions are answered, we can look at what makes sense. We need to get clear on how to raise the revenue. Perhaps we need to wait until we get a new Town Manager before we take this on. As far as the Columbia Queen, we have to make sure we leverage our assets. He suggests we do this for the right reasons and in the right way.

Elaine Anderson believes we are all on the same page. The PPPC works on Quickbooks. We need to get the same software. She stated she had a long conversation with Michael Gorman from the Columbia Queen regarding regulations and permits. We can't offset revenue with expenses. The town wants to be sure this will be fair. Scott thinks he and

Austin are on the same page and believes through some charge we can make sure they pay the same amount as local businesses on a per bed basis. Elaine thinks we have some homework to do and would like some more data.

Austin is willing to have a one year extension of the current PPPC contract in order for us to negotiate a new four or five year contract.

Carlos Verde stated as far as the \$17,000, the thing not added on were additional funds brought in from the police department. As far as mooring fees, he doesn't believe we have the authority to raise them. With the Columbia Queen, he thinks if we go in this direction we need to tread lightly. These people are investing a lot in this project; they will want a huge commitment.

Kerry Adams assured the Board that they are taking this in baby steps with the Columbia Queen. We have to be sensitive also to the fishing aspect. How do we clutch and gas the restocking of fish and keep our heads above water. We are open to all possibilities and talking to everyone.

Elaine asked what is the relationship of the Harbor Committee and the PPPC. There should be representatives from Harbor Committee at the PPPC and vice versa. We probably need to think about that within the structure of the board. Tom Donegan reminded everyone that we have to be mindful that the new Town Manager is going to be accountable and that person will have to be comfortable with it.

Herb Hintze stated the first year of trial of MPO cost \$54,000, this past year it was \$114,000 and it still didn't work the way it was supposed to. They decided to put a stop to the program, so if you need to save money that might be a way.

The Board of Selectmen discussed extending the lease at the next meeting after town counsel's input as to extending the lease for a year while we are developing the next agreement.

The Board stated there needs to be a committee or task force to review all the data. The committee should consist of representatives from FinCom, PPPC, Board of Selectmen, Harbor Committee, Personnel Committee, and staff (Rex McKinsey and David Gardner), Nominations will go to David Gardner. It was suggested the task force will begin work in February, 2014.

#### **4B. MPO PILOT PROJECT**

Tom Donegan read two letters into the record. Elaine asked if the PPPC wanted to make a statement. She is looking for perceptions of strengths and weaknesses. PPPC said the taxpayers did voice their concerns and they decided to discontinue it.

Rex McKinsey read a statement giving a history of the MPO and how it evolved. His recommendation is to end the MPO Pilot Project. Rex did not feel his opinion was valued nor was there cooperation between the police department and the harbormaster's personnel.

Acting Chief Jim Golden said he believes he can work with the harbormaster but there has been no dialogue. He is happy to assist in training pier employees at no cost, but they must be pier employees.

According to Dan Hoort, it costs \$47,086 for the seasonal marine patrol officers. The original proposal was for safety and addressed additional resources on the pier. If police officers were not working with pier personal, four to five additional people would have to be hired at \$21,000.

**MOTION: Move that the Board of Selectmen vote to discontinue the Marine Patrol Program and reduce the Police Department budget by \$47,086.**

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

**5A. BOARD OF SELECTMEN APPOINTMENTS**

**MOTION: Move that the Board of Selectmen vote to appoint Nancy Swanson as a Regular Member of the Disability Commission with a term to expire on December 31, 2016.**

**Motion by: Austin Knight Seconded By: David McChesney Yea 5 Nay 0**

**MOTION: Move that the Board of Selectmen vote to appoint Leif D. Hamnquist as a Regular Member of the Zoning Board of Appeals with a term to expire on December 31, 2016.**

**Motion by: Austin Knight Seconded By: David McChesney Yea 5 Nay 0**

**MOTION: Move that the Board of Selectmen vote to appoint Marianne Clements as a Regular Member of the Board of Registrars with a term to expire on December 31, 2016.**

**Motion by: David McChesney Seconded By: Austin Knight Yea 5 Nay 0**

**5B. BOARD OF SELECTMEN APPOINTMENTS**

**MOTION: Move that the Board of Selectmen vote to appoint Tom Donegan as representative to the Cape Light Compact**

**Motion by: Austin Knight Seconded By: Erik Yinglidng Yea 5 Nay 0**

**6A. MCDBG 2014 COMMUNITY DEVELOPMENT STRATEGY**

Michelle Jarusiewicz spoke about the application for the Community Development Block Grant, due February 14, 2014. There must be a public hearing prior to submitting application which she will be scheduling February 10. There are two potential activities that are included: 1) a sewer connection at Maushope for the Housing Authority; and 2) proposal to include in the application funding for planning purposes for the housing authority to move forward and make progress on the expansion. She has the support of the Board of Selectmen.

**6B. AIRPORT COMMISSION REPLACE WIND CONE, REHAB SEGMENTED CIRCLE, MODIFY AIRFIELD GUIDANCE SIGNS, CRACK SEAL AND SLURRY SEAL GENERAL AVIATION TIE DOWN RAMP**

**MOTION: Move that the Board of Selectmen vote to EXECUTE Grant Assurances from the MassDOT/Aeronautics Division for Replacing Wind Cone, Rehab Segmented**

***Circle, Modify Airfield Guidance Signs, Crack Seal and Slurry Seal the General Aviation Tie Down Ramp at the Provincetown Municipal Airport***

***Motion by: Austin Knight Seconded By: David McChesney Yea 5 Nay 0***

**6C. AIRPORT COMMISSION REPLACE TWO SECURITY CAMERAS**

***MOTION: Move that the Board of Selectmen vote to execute a grant in the amount of \$5,000.00 from the MassDOT/Aeronautics Division for Replacing Two Security Cameras at the Provincetown Municipal Airport.***

***Motion by: Tom Donegan Seconded By: David McChesney Yea 5 Nay 0***

**6D. AIRPORT COMMISSION 30% TERMINAL DESIGN, PERMITTING AND APPROVALS**

***MOTION: Move that the Board of Selectmen vote to execute a contract in the amount of \$757,058.00 with Jacobs Engineering Group, 343 Congress Street, Boston, MA 02210 for the Thirty Percent (30%) Terminal Design, Permitting and Approvals Project at the Provincetown Municipal Airport.***

***Motion by: Tom Donegan Seconded By: David McChesney Yea 5 Nay 0***

**6E. MONTHLY POLICE REPORT FOR DECEMBER**

Acting Chief Golden summarized his report. A default warrant is when someone is arraigned and they fail to meet a subsequent court date. We are continuing to see positive interactions with the community.

**6F. TOWN CLERK 2013 REPORT DEDICATION**

***MOTION: Move that the Board of Selectmen vote to dedicate the 2013 Annual Town Report to those current and former Town board members and employees who died during calendar 2013 as contained in the list of names submitted by Town Clerk Douglas Johnstone.***

***Motion by: Austin Knight Seconded By: Erik Yingling Yea 5 Nay 0***

**7A. TOWN MANAGER SEARCH PROCESS**

David Gardner provided a summary of what was in the packet stating the job description was probably last updated in 2006. The selectmen reviewed the job description and made updates. It was decided the Search Committee consist thirteen members. The selectmen will appoint two members each. In addition, there will be a business representative, a non-resident homeowner and the Acting Town Manager will appoint a staff representative.

**7B. TOWN MANAGER FOLLOW-UP**

David Gardner requested we have an agenda item on January 28, 2014 special meeting to discuss transitional plans for VFW property. We should be deciding what to do with the grounds. Regarding the sale of town buildings, the selectmen should take a look at proposals for sale of the buildings. If the bids don't meet our goals we can regroup. The deadline for bids is January 22, 2014.

Also, we will be entering into discussions with Mass DOT regarding roads as to what we



may be able to negotiate regarding improvements. Three or four weeks ago the Board received an email regarding the Cape Light Compact. There is nothing they require, but the deadline is coming up. We may choose to send support for aggregation plan, but it is not necessary. Congressman Keating is coming to town in February, 2014 so anything on the list of things to discuss with him should be filtered through David Gardner.

7C. **OTHER** - None

8. **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

**MOTION:** *Move that the Board of Selectmen vote, to approve minutes of*

- *November 19 Special Meeting, 5:00 pm as printed,*
- *November 25 Regular meeting, 6:00 pm as printed*
- *November 26 CIP Meeting, 5:00 pm as printed*
- *December 9 Regular Meeting, 6:00 pm with changes*
- *December 10 Joint Meeting Truro, 6:00 pm as printed*
- *December 11 Joint Meeting with FinCom, 5:00 pm as printed*
- *December 16 Regular Meeting, 6:00 pm with changes.*

**Motion by:** *Tom Donegan* **Seconded By:** *Elaine Anderson* **Yea 5** **Nay 0**

9. **CLOSING STATEMENTS** - None

**Motion to adjourn by Elaine Anderson at 10:40 pm.**

**Minutes transcribed by:** Mary Timmons