

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - REGULAR MEETING
MONDAY – APRIL 11, 2016 – 5:00 PM
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chairman Donegan convened the open meeting at 5:02 p.m. noting the following attendees:
Board of Selectmen members: Thomas Donegan, Cheryl Andrews, Raphael Richter, and Robert Anthony.

Late: Erik Yingling (joined the meeting during the Executive Session portion)

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner, Finance Director Dan Hoort, Right of Way Agent for NStar d/b/a Eversource, Jessica Elder, and David Schumacher for the Ragnar Relay Series Race.

Recorder: Loretta Dougherty

The Board motioned to go into Executive Session at approximately 5:01 p.m.

Motion by the Board of Selectmen to vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 6 for the purpose of:

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares (chair declared) that an open meeting may have a detrimental effect on the negotiating position of the public body. VFW property (3 Jerome Smith Road). Votes may be taken.

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares (chair declared) that an open meeting may have a detrimental effect on the negotiating position of the public body. Old Community Center (46 Bradford Street). Votes may be taken.

and to convene in open session thereafter.

Motion: Raphael Richter

Seconded: Robert Anthony

Cheryl wanted to know why we could not do more of this in public session.

Raphael agreed that as much of this as can be done in public should be done.

David P. will bring this out in his Town Manager's report. He recommended a short Executive Session be held and then bring into open session what is pertinent.

Tom recused himself on the Old Community Center, 46 Bradford Street clause.

Roll Call Vote:

Tom Donegan: Yes

Cheryl Andrews: No

Raphael Richter: Yes

Robert Anthony: Yes

Yea: 3 Nay: 1 Motion passed

The Board went into Executive Session at approximately 5:03 p.m.

The Board reconvened in Open Session at approximately 6:03 p.m.

Consent Agenda – Approval without objection required for the following items:

- A. *Treasurer's Transfer – Library Gift Fund – to pay invoices from Recorded Books, Inc. for audiobooks, in the amount of \$569.14.*

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 \$569.14 for the attached invoices from Recorded Books, Inc.

- B. *Parade Permit submitted by Lynn d'Angona, Executive Director of Provincetown Cares, P.O. Box 603, Provincetown, MA 02657, for the 3rd Annual Diva Dash 5K Run/Walk Charity Fundraiser for Women's Health, to be held on Sunday, May 29, 2016, from 10:00 a.m. to 11:30 a.m.*

MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Lynn d'Angona on behalf of Provincetown Cares, Inc., P.O. Box 603, Provincetown, MA 02657, to hold Provincetown's 3rd Annual Diva Dash 5K Run/Walk Charity Fundraiser for Women's Health, to be held on Sunday, May 29, 2016 from 10:00 a.m. to 11:30 a.m.

Tom waived the reading of the consent agenda and it was approved unanimously by the Board.

1. Public Hearings:

A. NStar d/b/a EverSource Energy to install 545 feet of conduits, underground cables, and manholes, in the town road on Point Street, Provincetown, MA – Jessica Elder, Right of Way Agent for NStar:

Erik read the Public Hearing Notice.

Jessica Elder, Right of Way Agent for NStar appeared before the Board requesting that the proposal to install the conduits on Point Street, Provincetown, MA 02657 be approved by the Board..

There were no public comments in writing or before the Board this evening.

Raphael read the recommended conditions by DPW Director Richard Waldo which will be included in the motion.

Jessica stated that they will be using directional drilling and there will be very little disturbance to the road.

MOTION: MOVE that the Board of Selectmen vote, pursuant to MGL C.166,§22, to approve the request of EverSource Energy to install 545 feet of Conduits, Underground Cables, and Manholes, together with such sustaining and protecting fixtures as may be deemed necessary in, under, along, and across the public way or ways in the town road on Point Street, Provincetown, MA, and Eversource will make every effort to preserve the road.

Motion: Erik Yingling
5/0/0 Motion passed.

Seconded: Robert Anthony

2. Public Statements:

Rick Murray appeared before the Board with several recommendations relating to Zoning. He has lived here for 30 years and has seen many changes happen. He would like to see rezoning of the guest houses and is concerned about not getting the amount of rooms' tax from those individuals who are renting out rooms and not paying any taxes. He stated that guest houses get more expensive when we have less of them. He believes the Zoning bylaws should be tweaked and that preexisting non-conforming uses need to be examined again. Since his establishment, the Mussel Beach, has a gym zoned as residential, it is classified under indoor recreation and has a variance. His water flow is determined by his locker openings. He asked the Board to think outside the box instead of relying on state and federal monies. Some of his recommendations were to relax zoning bylaws for not having a parking space for every person who has a room; tap into second homeowners' group; reexamine the density schedule, and start thinking about the units we have available now for use rather than building new units. He gave a small list of the rooms that have gone away in town. He will come back in a couple of weeks and speak to the Board again.

Franklin Carpenter wanted to thank Rick Murray for giving him and another local worker winter housing. They live in Provincetown year-round and do many jobs for people all around town as well as fishing. He just wanted to let the Board know what a great job Rick is doing.

Bobby Palheiro received a letter on March 24th from PPPC/Harbormaster requesting that 50% of dockage fees be paid by the last week in April. He fishes for lobster. Everyone he knows pays by August of each year. The PPPC/Harbormaster is trying to collect money from those fishermen who are in arrears. He asked if any of the people in arrears have been taken to small claims court and how much money have they paid. Our pier gives the fishermen no running water, no electricity; and small things are being stolen. They also have no runners for support. The first summer was nice they had everything they needed but it has steadily declined ever since. He asked the Harbormaster about being able to sell their fish/sea food on the pier and the Harbormaster responded that there was no place on the pier where anything could be sold. Bobby asked the Board to please look into this issue.

Bill Souza received the same notice. The federal government closes fishermen down for the months of February through April and they do not get their boats in the water until May. They have to pay for fuel and bait to get started and it is very hard for them to come up with this amount of money. Their dockage is paid every year and mooring fees are paid every year. He stated that if someone is in arrears their dockage fees should be paid by the end of the season. He spoke about what other commercial boats are receiving in Sandwich for what they are paying in dockage fees compared to Provincetown.

Beau Gibbon ties to the fixed pier year round. He is tied to multiple fisheries so he is not limited to when he can fish. Speaking for himself, he does not like the precedent that is being set. He came before the Board last month when he had heard a rumor of a 50% rate increase to the fishermen, if the Pier Corp. did not get their rent abatement. He

does not believe that it is rational to ask for 50% of the fees by the end of April. It is not the right way to do business. If they had been notified at the end of December, most people could have been better prepared. The fishermen have rights and as tenants they were promised certain amenities. He asked the Board to take into consideration the effect of this request on tenants.

Jeff Souza is part of a group of local fishermen just trying to stay in business. He has heard certain comments that if the fees are not paid their boats will be thrown out. They do not have the money to come up with the 50% requested. He is a third generation lobsterman trying to make a living. He wanted to know where the money is going as there are electrical boxes broken and that nothing is being fixed on the pier. Taxis are blocking them from offloading and they are losing products and they are not able to pass these expenses off to the consumer. He wanted to know why they can't even fish when they have all paid until the end of July 2016.

Closed public comments.

3. Selectmen's Statements:

Cheryl asked the Town Manager to contact Rex regarding tonight's comments. She thanked all the staff who put in so many hours to help make Town Meeting run smoothly, and thanked all the folks who came out to Town Meeting. She let Rick Murray know that she heard what he was saying regarding Growth Management.

Robert agrees with Cheryl with regards to contacting Rex about the fishermen's concerns. He does not believe that this issue should be taken out on the backs of the fishermen. He does not agree that the fishermen have to pay the amount being asked for by the end of April; it is not fair. Town Meeting passed \$225,000 for the Pier Corp to be used through the Town Manager so Robert hopes that the Town Manager will ask Rex to get back on the regular payment plan for the fishermen. The Pier Corp. should not take out their problems on the backs of the fishermen.

Raphael agrees on the pier related matter and thanked all the fishermen for coming and sharing their thoughts and asked them to stay involved. He asked for their participation before future decisions are made. He thanked Town staff for all their hard work and for all of the budget and other information they have given the Board in the past six months. He thanked the folks who came out to Town Meeting.

Erik thanked the fishermen for coming before the Board. He concurs with his colleagues and wants to make sure that staff gets to the bottom of the policy relating to their fees.

Tom thanked the fishermen for coming in. The Pier Corp was allocated over \$300,000 and he looks forward to the Harbormaster's answer. Tom stated that the fishermen's fees will not be increased. We want more not less fishing in town. He believes that it is time to start thinking about Growth Management. Despite the decreasing rooms; our room's tax revenue is up 2.5% this year. He thanked Town staff and all his colleagues for doing so much outreach this year.

4. **Joint meeting / Presentations:** None.

5. **Appointments:** None.

6. **Requests:**

A. **Approval of drafted letter to Dept. of Public Utilities Secretary Mark D. Marini ensuring him of the Board's support of their efforts to examine Eversource's Grid Modernization Plan D.P.U. 15-122:**

There were two letters brought before the Board for their approval, as noted in their motions.

MOTION: Move that the Board of Selectmen vote to approve a letter written to Secretary Mark D. Marini of the Department of Public Utilities ensuring him of the Board's support of their efforts to examine the modernization of the electric grid.

Motion: Raphael Richter
5/0/0 Motion passed.

Seconded: Erik Yingling

B. **Approval of drafted letter to Senator Elizabeth Warren requesting her continued support of our National Parks, especially during this year which marks the 100th anniversary of the National Park Service:**

MOTION: Move that the Board of Selectmen vote to approve a letter written to Senator Elizabeth Warren asking for her continued support of our National Parks, especially during this year which marks the 100th anniversary of the National Park Service.

Motion: Raphael Richter
5/0/0 Motion passed.

Seconded: Erik Yingling

C. Adoption of Section 8. Tax Title Policy of Provincetown's Financial Policies and Procedures Manual:

Town Manager David Panagore brought the drafted policy before the Board for their approval. There were some minor changes which he pointed out to the Board. One of the changes was the addition of a second notification letter that will be sent out to taxpayers.

Cheryl asked the Finance Director what his plan was for letting anyone in tax title know of the policy changes.

Dan Hoort will mail a copy of the new policy to everyone who is in tax title so they are aware of the changes.

Raphael asked whether licenses would be taken away during the summer if taxpayers became in arrears.

Dan stated that licenses would not be taken away, but taxpayers would have to bring their plan up-to-date when getting their new licenses.

MOTION: Move that the Board of Selectmen vote to adopt Section 8. Tax Title Policy, in Provincetown's Financial Policies and Procedures Manual, as presented.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

D. Ragnar Parade Permit submitted by Mark Dionne, 7 Donna Pass, Hopkinton, MA 01748, for the Ragnar Relay Cape Cod 200 Mile overnight running relay event to be held on Saturday, May 14, 2016, from 9:00 a.m. to 9:00 p.m.:

MOTION: Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Mike Dionne, 7 Donna Pass, Hopkinton, MA 01748, for the Ragnar Relay Cape Cod 200 Mile Overnight Running Relay Event, to be held on Saturday, May 14, 2016, from 9:00 a.m. to 9:00 p.m.

Motion: Erik Yingling

Seconded: Robert Anthony

David Schumacher appeared before the Board requesting approval of the Ragnar Parade Permit.

Erik thinks this is a great event, and only asks that they be mindful of not leaving water bottles all over the area as has happened in the past.

5/0/0 Motion passed.

7. Town Manager / Assistant Town Manager:

A. Town Manager's Report – Administrative Updates:

David P. thanked all of the staff for their efforts and hard work in preparing for Town Meeting. He will be reviewing our procedures on how we focus and handle issues being prepared for Town Meeting and setting up schedules to follow.

David brought before the Board the UMass Dartmouth 2016 Creative Economy Initiatives Fund Proposal and a draft letter of support for their approval. If approved the UMass Dartmouth partnership with the Town will provide us with technical expertise to assess and develop economic and housing development strategies with a greater likelihood of community acceptance and long term success. The Town will put \$5,000 toward the economic development funding effort and \$5,000 in staff time which they will match. We have also been in communication with the Cape Cod Commission and they are ready to partner and support this effort, as well.

MOTION: Move that the Board of Selectmen approve the letter, as presented.

Motion: Raphael Richter

Seconded: Cheryl Andrews

Erik asked what product we will be getting for this partnership.

David P. stated that we would be getting on-going regular support if we have any questions. For example, we can look at our Local Comprehensive Plan and take that data and do a study as to what our regional economy is; how many people are working in Town that live out of town, or any number of issues of interest. That data then becomes a baseline for analysis.

5/0/0 Motion passed.

Other items discussed by the Town Manager were:

- After the Monday night blizzard there was a water main break on Commercial found on Tuesday. It was taken care of with no problems.
- Housing Specialist Michelle J. is walking around and meeting with groups regarding our Housing Playbook. In another 30 days she will be getting comments, and in 60 days we should have another draft brought before the Board.

- David is conversing with Mass Development regarding Urban Development coming to Provincetown on June 8th and June 9th. They will be doing a presentation in the evening of June 8th before the Planning Board. On the morning of June 9th they will be doing interviews (26-30 people). Our focus will be on seeing that the Year-round Market Rate Rental Housing Trust Home Rule Petition passes, getting modeling advice on housing and other parcels, and looking at the Housing Playbook seasonal worker housing and year-round housing issues.
- In the future, the Board will be receiving a memo a week before their Board meeting that will update them on each department's progress.

B. 2016 Annual and Special Town Meeting – Follow up:

David P. stated that the follow-up document being presented to the Board this year is more detailed. There is more information included as to what action is to be taken and lists the staff personnel responsible for completing the action(s) required.

Cheryl hopes that the public did not perceive staff as being mean when petitioned articles were brought up at Town Meeting that still required some work to be done before being voted for implementation.

The Town Manager made a recommendation that he will be glad to hold office hours prior to Town Meetings for anyone bringing forth a petition to discuss any concerns. He stated that Nantucket pays Town Counsel John Giorgio to sit there for a day and answer any questions a petitioner may have. The week leading up to the due date, he will have two or three hours in an afternoon for a petitioner to come in and get help with drafting their petition, if needed.

C. Others: None.

8. Minutes:

The Board took a moment to look over the minutes and a motion was made.

Move that the Board of Selectmen approve the minutes of March 28, 2016 (Exec. Session Open), as presented; April 5, 2016 (Special), as presented, and April 6, 2016 (Special), as presented.

Motion: Cheryl Andrews

Seconded: Raphael Richter

5/0/0 Motion passed.

9. Closing Statements/Administrative Updates: None.

Motion to adjourn the open session and reconvene the Executive Session was made at 7:09 p.m. by:

Tom Donegan

Seconded: Erik Yingling

(Roll Call Vote)

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Raphael Richter: Yes

Robert Anthony: Yes

Yea: 5 Nay: 0 Motion passed

Minutes transcribed by: Loretta Dougherty