

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
JUNE 14, 2021, 6:00 PM
VIRTUAL MEETING**

Select Board attending: Vice Chair John Golden, Members Robert Anthony, Leslie Sandberg, and Louise Venden

Excused: Chair David Abramson

Other attendees: Town Manager Alex Morse, and Select Board Secretary Elizabeth Paine

Recorder: Elizabeth Paine

Vice Chair Golden convened the open meeting at 6:02 pm

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

- A. As Commissioners of the Francis Scholarship Fund (#8407), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay the following scholarships as recommended by the Scholarship and Trust Administration Committee: \$7,500.00 to Michael Notaro and \$7,500.00 to Anna Shantz*
- B. As Commissioners of the Town Scholarship Fund (#1604), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay the following scholarship as recommended by the Scholarship and Trust Administration Committee: \$5,000.00 to Michael Notaro*
- C. Approve parade permit application submitted by Jennifer Allard on behalf of the AIDS Support Groups of Cape Cod's 13th Annual ASGCC Provincetown 5K to be held on Sunday, July 18, 2021.*
- D. Approve extensions to Economic Development Permit 17-03 Employee Housing at J&E Produce and Economic Development Permit 17-09 Employee Housing at New Art Realty, to expire on June 1, 2022.*
- E. Rescind partial approval for Economic Development Permit 17-01 for East End Marketplace at 212 Bradford Street to remove the portion of the approval to add 4 employee housing units as the property owner is unable to proceed with this aspect of the project at this time.*
- F. Approve and authorize Town Manager to transfer \$130,000 from Emergency Stabilization Fund for COVID related impacts.*
- G. Amend Beach Seating License for Sal's Restaurant at 99 Commercial Street*

Leslie Sandberg request 00G be pulled from the Consent Agenda. The Chair decided to hear this item after 4A.

Without objection Vice Chair Golden waived the reading of the consent items and without further objection moved to approve.

Motion: John Golden

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

1. Public Statements – Three (3) minutes maximum. Select Board Members do not respond during public statements.

- **Jeremy Faro:** Calling in support of Sal's Place.
- **Barbara Dyett:** Calling in support of Sal's Place outdoor seating.

- **Bob Sanborn:** Recorded Pride Weekend. Acknowledges passing of Beta Cook.
- **Don:** Calling in support of Sal's Place outdoor seating.
- **Paul Teixeira:** Calling in support of Sal's Place seating.
- **Tom Oprea:** Speaking in favor of Sal's Place.
- **Michael Canny:** Expresses support for Sal's Place.
- **Noah Santos:** Calling in support of Sal's. Has issue with the Bylaw file in regard to Jet Skis.
- **Kristin Baker:** Calling in support of Sal's.
- **Christopher Mathison:** Speaking in support of Sal's. Concerns with the Town's voluntarily and hopes the Board focuses on climate changes and puts fund towards protecting the Town.
- **Egan Millard:** Speaking in support of Sal's.
- **Speaker:** Calling in support of Sal's.
- **Matt Verge:** Speaking in support of Sal's.
- **Susan Avellar:** On the Harbor committee, calling about Wednesday's meeting and would like to know if public comment will be accepted at this meeting.
- **Laura Rood:** Hopes the board looks at who is being reappointed. Also calling in support of Sal's.
- **Allan Lipton:** Lawyers for 99 Commercial Street, asks the Select Board to follow the court injunction.

2. Select Board Member's Opening Statements – Five (5) minutes maximum.

- **Robert Anthony** – Would like to reserve comments for later in the meeting.
- **Leslie Sandberg** – Good evening to everyone on the call right now, will also be speaking under agenda items.
- **John Golden** – will be speaking under agenda items.
- **Louise Venden** – Thank you for everyone who called in. It is very important for all of us to be aware of the more disruptive action that have been made by persons lately and I hope that people will use their phones to video tape if they see an incident going on. I know our police department will continue to do an excellent job of maintaining the safety. Climate change should be considered during the next budget planning process. Hoping we can boost those funds that are available in order to protect our vulnerable community.

Assistant Town Manager David Gardner gave the Select Board an update on the Economic Development Permits and the State of Limited Capacity.

3. 7 PM Public Hearings – (Votes may be taken on the following items):

- A. **Economic Development Permit 20-2002 –The Mews, 429 Commercial Street, by New Hop Holdings LLC (owner), to increase the assigned Title 5 flow to the existing property by 805 gallons per day to add 23 additional Seats.**

Applicant was not on the line, the board continued the hearing to June 28th.

Move that the Select Board vote to delay the public hearing until June 28th, 2021.

Motion: Leslie Sandberg

Second: Louise Venden

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

- B. Economic Development Permit 20-2003 –Victor’s Restaurant, 175 Bradford Street Extension, by Marcus Builders LLC (owner), to increase the assigned Title 5 flow to the existing property by 630 gallons per day to add 18 additional restaurant seats.**

Atty Robin Reid presented the request on behalf of the applicant Victor DePoalo. The request is to add an additional 18 seat to their outdoor area. They placed the seats there due to the pandemic and would like to continue being able to utilize those seats now that the Emergency Order has been lifted.

Move that the Select Board vote to approve Economic Development Permit 20-2003 for Robin Reed (applicant) on behalf of Marcus Builders LLC West Vine CD (Victor’s) based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2019-09-23, subject to the attached permit with conditions as submitted.

Motion: Louise Venden

Second: Robert Anthony

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

- C. Economic Development Permit 21-01 –Red Inn, 15 Commercial Street, by The Red Inn LLC (owner), to increase the assigned Title 5 flow to the existing property by 700 gallons per day to add 20 additional restaurant seats.**

Atty Robin Reid presented the request on behalf of the applicant Philip Mossy. The request is to add an additional 20 seat to their outdoor area. They placed the seats there due to the pandemic and would like to continue being able to utilize those seats now that the Emergency Order has been lifted.

Move that the Select Board vote to approve Economic Development Permit 21-01 for Robin Reed (applicant) on behalf of The Red Inn LLC based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2019-09-23, subject to the attached permit with conditions as submitted.

Motion: Louise Venden

Second: Robert Anthony

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

4. Joint Meeting/Presentations/Requests – (Votes may be taken on the following items):

A. Cape Cod Commission: Update on Commission Staff activities and priorities in the coming year in the Town of Provincetown – Presented by Executive Director Kristy Senatori.

Executive Director Kristy Senatori and Provincetown Representative Dr. Cheryl Andrews presented the 2020 overview of the Cape Cod Commission activities and priorities. They discussed how they work with local communities and technical support they provide. The Board thanked Dr. Andrews for serving. Member Sandberg congratulated Ms. Senatori on the success of the Water Fun.

G. Amend Beach Seating License for Sal’s Restaurant at 99 Commercial Street

Town Manager Alex Morse and Assistant Town Manager presented the item. The Town received a judgement from Land court which stated 99 Commercial Street is unable to set up in the tidelands in front of the neighboring property Staff is requesting the Select Board amend the license agreement applicant Michela Murphy. Ms. Murphy and her Atty Jamy Buchanan requested the Board continue this item until after the next court hearing where they are asking the judge for further clarity. The Board discussed with staff the input given by Town Counsel.

Move that the Select Board vote to postpone this agenda item until June 28th until further information is forthcoming.

Motion: Louise Venden

Second: Leslie Sandberg

Roll Call Vote

Vice Chair John Golden: Aye

Member Robert Anthony: Aye

Member Leslie Sandberg: Aye

Member Louise Venden: Aye

B. Community Housing Programs Update – Town Manager Alex Morse and Community Housing Specialist Michelle Jarusiewicz

Community Housing Specialist Michelle Jarusiewicz presented the Select Board with a summary update on all of the Community Housing Project currently happening in the Town.

C. Provincetown’s Business Guild’s Parade Permit Application – Requested by Executive Director Bob Sanborn.

PBG Executive Director Bob Sanborn presented the application request to the Select Board. The Board discussed their concerns brought forward by Police Chief Golden.

Move that the Select Board take no action on this parade permit.

Motion: Louise Venden

Second: Leslie Sandberg

Roll Call Vote

Vice Chair John Golden: No

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

D. Continue discussion on Town Properties – policies, procedures and application – Presented by Town Manager Alex Morse and Event Coordinator Tim Hess

Town Manager Alex Morse presented the amended regulations as requested by the Select Board at their May 24th meeting. The Select Board requested the title be changed to reflect this application does not apply to the Town Hall and the Town Hall grounds.

MOVE that the Select Board schedule a public hearing for July 26, 2021 to hear input from the public on the proposed regulation and fee schedule for use of Town Facilities as amended.

Motion: Louise Venden

Second: Leslie Sandberg

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

E. Review and discuss Secretary to the Select Board’s job description – Requested by Vice Chair John Golden and Member Louise Venden

Select Board Member Louise Venden presented the item. Member Sandberg expressed concerns about the removal of the Town Manager from the supervision and organization chart and request the item be continued to when there was full board present.

Move discussion be moved to a meeting when there is a full board present.

Motion: Leslie Sandberg

Second: John Golden

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

F. Discuss Open Meeting Complaint against Select Board

Town Manager Alex Morse presented the item to the Board. The Board acknowledged receipt.

Move that the Town Manager finalize the Board’s response to the Open Meeting Law complaint filed by Mr. Del Franco with Town Counsel consistent with the Board’s discussion tonight and issue such response to Mr. Del Franco and the Division of Open Government in response to the complaint.

Motion: Leslie Sandberg
Second: Robert Anthony

Roll Call Vote

Vice Chair John Golden: Aye
Robert Anthony: Aye
Leslie Sandberg: Aye
Louise Venden: Aye

G. Appointment of Select Board Liaisons

MOVE that the Select Board vote to appoint John Golden as Liaison to Harbor Committee, for a term of one (1) year commencing immediately.

Motion: Louise Venden
Second: Leslie Sandberg

Roll Call Vote

Vice Chair John Golden: Aye
Robert Anthony: Aye
Leslie Sandberg: Aye
Louise Venden: Aye

MOVE that the Select Board vote to appoint John Golden as Liaison to Provincetown Public Pier Corp, for a term of one (1) year commencing immediately.

Motion: Louise Venden
Second: Leslie Sandberg

Roll Call Vote

Vice Chair John Golden: Aye
Robert Anthony: Aye
Leslie Sandberg: Aye
Louise Venden: Aye

MOVE that the Select Board vote to appoint John Golden as Liaison to OPEB, for a term of one (1) year commencing immediately.

Motion: Louise Venden
Second: Leslie Sandberg

Roll Call Vote

Vice Chair John Golden: Aye
Robert Anthony: Aye
Leslie Sandberg: Aye
Louise Venden: Aye

MOVE that the Select Board vote to appoint Leslie Sandberg as Liaison to Community Housing Council, for a term of one (1) year commencing immediately.

Motion: Louise Venden

Second: John Golden

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

Move that the Select Board vote to appoint Leslie Sandberg as the Liaison to Cape Cod and Island Selectman and Councilor's Association, for a term of one (1) year commencing immediately.

Motion: Louise Venden

Second: John Golden

Roll Call Vote

Vice Chair John Golden:

Robert Anthony:

Leslie Sandberg:

Louise Venden:

H. Annual Review of Select Board Rules of Procedures

Town Manager Alex Morse request the Town Manager's Report be heard under number 5, before the requested items are presented to the Board.

AS the Select Board Rules of Procedures we change section 3A, we now make number 6 becomes 5 and requests becomes number 6.

Motion: Leslie Sandberg

Second: Louise Venden

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

Member Venden suggest striking 3F where the language where times are placed on the agenda. The Board agreed.

MOVE that the Select Board vote approve BOS Rules of Procedure as revised.

Motion: Louise Venden

Second: Leslie Sandberg

Roll Call Vote

Vice Chair John Golden: Aye

Robert Anthony: Aye

Leslie Sandberg: Aye

Louise Venden: Aye

- 5. Town Manager Administrative Matters – Topics to include but not limited to: (Votes may be taken on the following items):**
- 1. Town Manager’s Report**

Town Manager Alex Morse summarized his Town Manager’s Report provided in the packet.

- 6. Minutes – (Votes May Be Taken)**
- 1. May 24, 2021 6 PM Regular Meeting**

Move that the Select Board approve the minutes of:
May 24, 2021 6 pm (Regular) [] as printed [x] with changes so noted

Motion: Louise Venden
Second: Leslie Sandberg

Roll Call Vote
Vice Chair John Golden: Aye
Robert Anthony: Aye
Leslie Sandberg: Aye
Louise Venden: Aye

- 7. Select Board Closing Matters - Topics to Include but not limited to: (Votes May be taken on the following items)**
- Robert Anthony – All Set.**
 - Leslie Sandberg – Thank you for a good meeting.**
 - John Golden – All set.**
 - Louise Venden – Thank you for a good meeting.**

Motion to adjourn.
Motion:
Second:

Roll Call Vote
Vice Chair John Golden:
Robert Anthony:
Leslie Sandberg:
Louise Venden:

Meeting ended at 9:35 pm

Minutes transcribed by Elizabeth Paine