

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
SPECIAL MEETING MINUTES
THURSDAY, JANUARY 8, 2015 5:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Donegan convened the meeting at 5:00PM noting the following:

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

Other attendees: Acting Town Manager David Gardner and Acting Assistant Town Manager Michelle Jarusiewicz.

Excused: Erik Yingling

Recorder: Loretta Dougherty

1. Town Manager Job Description

The BOS reviewed the Town Manager job description which had not been updated since 2006 per David.

Several suggestions were made regarding the somewhat over specific, vague and disorganized structure of the document. It was agreed among the members that the job description should be revised.

Cheryl commented that this is not a recruitment tool but a hiring tool and suggested that perhaps the recruiter could help them revise the job description.

Raphael would like to see if there are ways in which to simplify what it says without getting rid of the meat of it.

Tom requested that the BOS come back after the budget with edits and comments.

2. Statement of Town Manager Qualifications

The BOS discussed the Town Manager Qualifications that had been developed at the recent Round Table meeting highlighting the top five qualifications they would like to see in a Town Manager. As one of the participants at the meeting, Mark Forest, suggested it would be helpful to have a consensus of what the BOS are looking for in a Town Manager which then could be given to the recruiter.

Tom would like to be able to articulate to the recruiters what the BOS are looking for in a Town Manager and meet in early February after the budget. The BOS will have a chance to draft a few paragraphs and submit them.

Cheryl made a number of suggestions and asked that they determine what the process will look like and then set a timeline for that process.

A brief discussion was held with Tom asking the BOS to come back at the end of this month with their input as to what the ideal candidate looks like. He commented that all members of the BOS have worked on subcommittees in the past with the exception of Erik.

3. Review of BOS 2014 Annual Report for the Town Report

Tom referenced last year's report for 2013. He asked the BOS to take the goals and turn them into paragraph form as they would like to have them in the report. He would prefer this be a joint document.

Cheryl stated that it was always drafted and brought before the BOS. It is submitted by the Chair Tom thinks that the goals have changed a bit. He noted the report needs to be to the Town Clerk by January 21st.

4. Conflict of Interest Determination Request

Raphael Richter went to the presenter's table.

The BOS discussed the issues involved around a member of the Board being involved in a business venture which might at some point need to come before the Board for a vote. Raphael is part owner in the Mayflower LLC which is seeking to create a trolley route in Provincetown.

Cheryl wanted to make sure that the Disclosure document presented in the agenda packet tonight was not

violating the attorney client privilege and she asked Raphael if the BOS had his permission to make this document a public document.

Raphael gave the BOS permission.

Tom stated that this document is filed with the Town Clerk's office and that the BOS will talk with Raphael concerning recusal issues. Raphael's business partners can lobby on the company's behalf, if Raphael will agree.

Raphael commented that he will agree to those terms.

Further discussion was had concerning issues dealing with licensing of the business, revolving routes having to receive local approval by a vote of the BOS, the bidding process related to parking spaces, and dealing with any circumstances should the business change or acquire assets. It was determined that each of these issues would be dealt with when they arose always keeping in mind that any appearance of a conflict of interest would be acknowledged and a determination made. Raphael left the room for the vote to be taken.

MOTION: MOVE that the Board of Selectmen vote, pursuant to MGL c. 268A, § 22 to make the determination that the financial interest of Selectman Raphael Richter is not so substantial as to be deemed likely to affect the integrity of which the municipality may expect from the Selectman.

Motion: Cheryl Andrews

Seconded: Robert Anthony

3/0/0 (Raphael Richter Presented)

5. Other

Michelle requested that the BOS consider once again participating in the Town of Truro's submission of a regional Community Development Block Grant that would request funds for housing rehabilitation and childcare subsidies. Truro has asked both the Town of Provincetown and Wellfleet to participate. There is no cost to the town and there are enormous benefits to local residents, contractors and childcare providers.

MOTION: MOVE that the Board of Selectmen vote to approve participation in the regional Massachusetts Community Development Block Grant application through the Town of Truro for housing rehabilitation and childcare subsidies under the Community Development Fund through the Massachusetts Department of Housing & Community Development.

Motion: Cheryl Andrews

Seconded: Raphael Richter

4/0/0

Without objection a letter of support will be drafted and Tom will sign it.

6. Executive Session

MOTION: MOVE that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A Section 21 (a) Clause 6 and Clause 3 for the purpose of:

Clause 6 – To consider the purchase of, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Votes may be taken.

Clause 3 – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Votes may be taken.

and not to convene in open session thereafter.

Motion: Tom Donegan

Seconded: Robert Anthony

(Roll Call Vote)

Tom Donegan: Yes

Cheryl Andrews: Yes

Raphael Richter: Yes

Bobby Anthony: Yes

Yea: 4 Nay: 0 Motion passed

The BOS went into Executive Session at 6:50 pm.

Minutes transcribed by: Loretta Dougherty