

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY, JULY 27, 2015 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

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

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

Other attendees: Acting Town Manager David Gardner, Acting Assistant Town Manager Michelle Jarusiewicz, and Treasurer Connie Boulos.

Recorder: Loretta Dougherty

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

*A. Treasurer's Transfer – Historic Commission Gift Fund, to pay invoice from Puritan Press, Inc., in the amount of \$2,665.00.*

**MOTION: Move that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$2,665.00 from the Historical Commission Gift Fund to pay for the attached invoice(s).**

*B. Treasurer's Transfer – John A. Henry Trust Fund, to pay invoice from Cape Cod Children's Place, Inc., in the amount of \$2,411.30.*

**MOTION: Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$2,411.30 from the John A. Henry Trust Fund for the payment of the attached invoice(s).**

*C. Approve the FY2016 Formula Grant Application – Council on Aging.*

**MOTION: Move that the Board of Selectmen vote to approve submission of a grant application for \$8,442.00\* to the Massachusetts Executive Office of Elder Affairs for a FY2016 Formula Grant to pay for a part-time Program Aide position, volunteer recognition and staff development.**

*D. Approve submittal of a grant to FEMA Hazard Mitigation Grant Program for relocation and repairs to the Ryder Street Extension Outfall.*

**MOTION: Move that the Board of Selectmen vote to submit a grant to FEMA Hazard Mitigation Grant Program for the relocation and repairs to the Ryder Street Extension outfall.**

*E. Transfer of Unused Federal FY2012 AIP Funds from Provincetown Municipal Airport to Barnstable Municipal Airport per FAA Agreement & Approval.*

**MOTION: Move that the Board of Selectmen vote to execute an agreement in the amount of \$749,787.00 to transfer unused Federal FY2012 AIP Funds from Provincetown Municipal Airport to Barnstable Municipal Airport per FAA Agreement & Approval.**

*F. Execute a Contract in the amount of \$63,000 from the FAA for the Floodplain Analysis & Wildlife Hazard Management Plan for the Provincetown Municipal Airport.*

**MOTION: Move that the Board of Selectmen vote to execute a contract in the amount of \$63,000.00 From the Federal Aviation Administration (FAA) for the Floodplain Analysis & Wildlife Hazard Management Plan (WHMP) for the Provincetown Municipal Airport.**

*G. Execute a Grant Amendment to add a Contract End Date of June 30, 2016 for the Replace Floodlighting Project for the Provincetown Municipal Airport.*

**MOTION:** Move that the Board of Selectmen vote to execute a grant amendment to add a contract end date of June 30, 2016 to the current MassDOT Grant for the Replace Floodlighting Project for the Provincetown Municipal Airport.

*H. Execute a Contract Amendment to add a Contract End Date of June 30, 2016 for the EA Permits & Variance Project at the Provincetown Municipal Airport.*

**MOTION:** Move that the Board of Selectmen vote to execute a contract amendment to add a contract end date of June 30, 2016 to the current MassDOT Aeronautics Division Contract for the EA Permits & Variance Project at the Provincetown Municipal Airport.

*I. Execute a Contract in the amount of \$3,500 and Grant Assurances for the Floodplain Analysis & Wildlife Hazard Management Plan for the Provincetown Municipal Airport.*

**MOTION:** Move that the Board of Selectmen vote to execute a Contract in the amount of \$3,500.00 and Grant Assurances from the MassDOT Aeronautics Division for the Floodplain Analysis & Wildlife Hazard Management Plan (WHMP) for the Provincetown Municipal Airport.

*J. Endorse the Provincetown Municipal Airport FAA CIP Projects to be included with the submission of the application for the Cape Cod Commission DRI Process.*

**MOTION:** Move that the Board of Selectmen vote to endorse the Provincetown Municipal Airport FAA CIP Projects to be included with the submission of the application for the Cape Cod Commission DRI Process.

*K. Parade Permit Application Submitted by Amanda Becker on behalf of the 4<sup>th</sup> Annual Wounded Warriors Soldiers Training Ride to be held on Friday, September 25, 2015, starting at 8:30am to 11:30am.*

**MOTION:** Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Amanda Becker, 4899 Belfort Road, Jacksonville, FL 32256 on behalf of the Wounded Warriors Soldiers Training Ride to be held on Friday, September 25, 2015, starting at 8:30 AM to 11:30 AM.

Without Objection the consent agenda was unanimously approved.

## 1. Public Hearings:

**A. Adoption of Annual Town-wide Policy Goals for FY2016; Charter §4-2-1 provides that “the Board of Selectmen shall be the primary policy making, planning, and goal setting agency of the town.”**

No public comments were received either by email or letters, as well as no one in the meeting wishing to comment.

Erik asked about the Food Trucks. He would like to have all the data available.

David G. stated that Food Trucks are a part of the goal.

Cheryl stated that this language is too broad and vague for her to support tonight.

She wants to create regulations that allow them.

Tom asked Cheryl for language that would work for a consensus. The food in Provincetown is getting really expensive and he would like to see less expensive food options available.

Erik believes that as long as this project is done correctly, it could lead to perhaps a fulltime business being established in town. He would like to explore it and what it means for the town.

Raphael asked to hear the language from Cheryl.

Cheryl asked to replace the existing goal language on page 6 relating to the food trucks as follows: “Investigate the implications allowing food trucks in some sections of town during some limited times of the year”. All BOS were in agreement.

Discussion was held among the BOS and agreement was made to omit the language on page 2 under Housing as follows: “Meet with Housing Council in July,” as this has already been accom-

plished. Cheryl requested insertion of language on page 2 under Development regarding the VFW site...”or portions of the site”...as year-round. On page 2 under Development the goal relating to 350 Bradford Street was taken out of the goals. On page 2 under Finances the goal relating to development of the VFW property was taken out of the goals. On page 3 under 4) Government and Administration the goal to Recruit and hire a Town Manager was taken out as we have completed that goal already, and lastly on page 5 under 5) Economic Development, Tourism and Year-Round Economy language was added to the first goal as follows: after language....Local Comprehensive Plan (LCP) add; “and develop a plan for adoption at the ATM in Spring of 2018.”

**MOTION: Move that the Board of Selectmen vote, pursuant to Charter §4-2-1, to adopt the Town-wide Policy Goals for Fiscal Year 2016 as contained in the Public Hearing Notice as revised.**

**Motion: Raphael Richer  
5/0/0**

**Seconded: Erik Yingling**

**2. Public Statements:**

None

**3. Selectmen’s Statements:**

Robert would like to see transponders put on all cars for those people who have the permits as this would speed up the process of getting in and out of the parking lots. Perhaps this could be an item to put on the Fall Traffic Hearing this year.

Raphael had no comments this evening.

Erik is very excited about the New Town Manager and asked that the community rally around him to help make sure he succeeds. He will be a selectman for the next three years and will work together with David P. in good faith for the 3 yrs. he is here.

Cheryl had not comments this evening.

Tom congratulated the Provincetown 365 group and the company for working on the murals on Fisherman’s Wharf. He commented that it is great to see such a wonderful example of how things work with community involvement. He thanked everyone for their handling all the people coming into Provincetown this season. He knows that the infrastructure is being pushed and it is all coming together.

**4. Joint meeting / Presentations:**

None

**5. Appointments:**

**A. Appoint Mary Ellen Dwyer as an Alternate member to the Animal Welfare Committee with a term to expire on June 30, 2018.**

Mary Ellen Dwyer stated that she really loves animals; she volunteers at CASAS and the Wildlife Sanctuary for birds. She is a registered voter.

Raphael thanked her for her serve and hopes she will consider volunteering for other boards.

Erik stated that it is encouraging to see this trend of new people volunteering for boards over the past few months and thanked her for volunteering.

Tom thanked her for her work.

Cheryl asked her if she has attended the Animal Welfare Committee meetings already. She asked her thoughts about the fox explosion in town.

Mary stated that she has attended the meetings and spoke about the need for people to be educated about the foxes.

Cheryl suggested that we continue to treat the foxes like we do the skunks. She is noticing that people do not know how to deal with them in the neighborhood. She stated that coyotes keep moving when they see humans, but the foxes stop and look you right in the eye.

Mary stated that the committee is putting out community service announcements. She reminded

people that foxes are wild and should not be domesticated; they will not survive in the winter, if we do.

**MOTION:** Move that the Board of Selectmen vote to appoint Mary Ellen Dwyer as an Alternate member to the Animal Welfare Committee with a term to expire on June 30, 2018.

**Motion:** Erik Yingling

**Seconded:** Raphael Richter

5/0/0

**B. Appoint Amy Howell as the Provincetown Representative to the Human Rights Committee with a term to expire as determined by the BOS.**

Amy Howell has been a resident of Provincetown for 18 years.

Cheryl wanted to make sure that she understands the travel commitment in going to Barnstable County for meetings. She asked Amy if she would come back to the BOS after she attended about two or three meetings and let the BOS know what is happening. She is very excited and looks forward to hearing from her.

Amy stated she will be glad to keep the BOS updated.

**MOTION:** Move that the Board of Selectmen vote to appoint Amy Howell as the Provincetown Representative to the Barnstable County Human Rights Commission with a term to expire June 30, 2018.

**Motion:** Erik Yingling

**Seconded:** Raphael Richter

5/0/0

**C. Appoint Amy Howell, as a Regular member to the Council on Aging with a term to expire on December 31, 2016.**

Amy is presently employed at Outer Cape Health Services as a health care access specialist. She helps applicants with the process of getting insurance which can be very confusing for them. She has a soft spot in her heart for our seniors. She has done a lot of work in the past at Seashore Point as a volunteer.

**MOTION:** Move that the Board of Selectmen vote to appoint Amy Howell as a Regular member to the Council on Aging with a term to expire on December 31, 2016.

**Motion:** Erik Yingling

**Seconded:** Raphael Richter

5/0/0

**D. Appoint a Regular member to the Board of Health with a term to expire on December 31, 2017 (Amy Howell; Elsie Cozzi).**

Amy stated that she is going to rescind her application for appointment to the Board of Health and just focus on the two appointments she has just received.

Elise Cozzi stated that her background is in healthcare as a Pediatric Dentist and believes this is a good fit for her. She currently is serving on the Recycling & Renewable Energy Committee and the Harbor Committee, but believes this will not interfere with this BOH should she be appointed.

**MOTION:** Move that the Board of Selectmen vote to appoint Elsie Cozzi as a Regular Member to the Board of Health with a term to expire on December 31, 2017.

**Motion:** Erik Yingling

**Seconded:** Robert Anthony

5/0/0

**6. Requests:**

**A. Strategies for Tax Titles – Treasurer Connie Boulos.**

Bobby recused himself from this item and left the meeting room.

Treasurer Connie Boulos provided the procedure as it works now. She stated that she likes to see everyone be put on a payment plan, if they cannot pay their taxes. She stated that the Finance Dept. is looking for guidance from the BOS as to the next steps to be taken in the tax title process. Erik stated that when he looks at the total amount owed \$1M+, he worries that perhaps there are some people playing games with the system. He stated that if people are not cooperating they

should have legal action taken against them as we are really left with no choice after 7-8-9 years being in tax title. He wants to see us take a more aggressive stance.

Connie stated we have properties that owe \$100,000 or more and they have payment plans and are now up to date. The interest rate accumulates at a large amount each month.

Cheryl commented that she cannot distinguish who is on a payment plan or not (just by looking at the list given her). She asked Connie if the Board needs to revise any of the policies that the department already has.

Connie commented that the last step would be a foreclosure and to her knowledge this has not been done since 2005. It has not been a standard procedure. She acknowledged that if people do not take it seriously, it will get worse.

Cheryl asked about specific cases and if Connie could prepare a confidential memo to the BOS and then they will meet in Executive Session to review it.

Tom stated that there are procedures that are followed for issuing business licenses and that if you are not on a functioning payment plan you do not get your license. He asked Connie for a definition of the payment plan.

Connie stated that some of the businesses in tax title are up-to-date on their payment plans but not all businesses are up-to-date.

Cheryl asked her to define what tax title is.

Connie stated that tax title means they are behind in their taxes.

Cheryl was not familiar with the language; but clarified by stating that everyone who has a lien on their property means they are in tax title.

Tom stated that the BOS will refine the definition for the Treasurer regarding the process.

Erik stated that he wants to see the foreclosure process start to be implemented.

Tom commented that there are two processes; not to renew business licenses and close them down and then foreclose on them, if it is not taken care of. He asked her what the current policy says when the amount due gets to 80% or 100% of the property value.

Connie stated that at the end of December each year, we put them in tax title; there is no percentage; it is just in tax title.

Tom stated that at 16% interest it is a very good investment for the taxpayer although it is a difficult way to do business because of the interest rates the businesses have to pay over time.

Erik takes issue with the payment plans that have the largest amounts owed.

Tom would like to have a definition of the payment plan. We do not have a formal policy.

Connie stated that it is on a case-by-case basis.

Tom stated again that the BOS need two policies from the Finance Dept. and Treasurer.

Erik wants the payment plan to be consistent; not to fall off the payment plan based upon when they are seasonally open.

Cheryl asked staff to bring the BOS the policies and in addition she asked that any property that falls under this category would get brought before the BOS before any foreclosure was started on the property.

Tom asked Connie to get with the Finance Director and bring back two proposed policies. The BOS could then provide them with the rules as to what should be done next.

Erik stated again that he does not want to see anyone gaming the payment plan by paying on it while they are open for business and then stop paying when the season is over. He stated that is not a good faith effort. He wants to see written in the policy that should anyone on a payment plan fall off of the plan seasonally then it goes to the next phase

**No action was taken on this item.**

Bobby came back into session at 7:04pm.

## **B. 305-307 Commercial Street Release Deed Request – Provincetown Chamber of Commerce.**

Tom asked that the motion be read while the representatives of the property owner were seated. **MOTION: Moved, pursuant to the vote taken under Article 32 of the April 6, 2016 Annual Town Meeting, as continued, to release and/or convey to the Provincetown Chamber of Commerce, Inc., for consideration of \$1.00 any and all right, title and interest held by the Town of Provincetown in the parcel of land located at 305-307 Commercial Street, identified by the Assessor as Parcel 11-3-11-0, and to execute the deed in the form presented to us by Town Counsel as of this date, with such non-substantive changes as may be made thereto with the approval of the Acting Town Manager and Town Counsel, and any and all affidavits, forms and other documents as may be necessary or convenient to effectuate the foregoing release and/or conveyance, and, further, to authorize the Town Manager to execute any and all of the foregoing documents on behalf of the Board of Selectmen.**

**Motion: Raphael Richter**

**Seconded: Erik Yingling**

Provincetown Chamber of Commerce members present were Executive Director Candy Collins-Braden, Board member Dale Szczech, President of the Board Mick Rudd, and Board member Hersh Schwartz.

David stated that the Chamber will be picking up the cost for the legal fees and he will get the Release Deed to the Chamber as soon as possible.

Candy was very excited to see that this had finally been accomplished and wanted to know when they could receive the Deed. She stated that this is such a huge deal and can't thank the BOS enough. She held up her \$1.00 bill for the lease fee.

Tom stated she could receive it as soon as it is signed.

**5/0/0**

**C. Parking Spaces to be Reserved in Municipal Parking Lot on Wednesday, July 29, 2015, for "They Also Faced the Sea" event – Paul Sherman & Domenic Rosati.**

Paul Sherman, representing Provincetown 365, gave a brief explanation for the request. On Wednesday, July 29, 2015, there will be a rededication of the murals on Fisherman's Wharf, "They Also Faced the Sea," and in conjunction with that event local not for profits such as PAAM, Provincetown Film Festival and others will have a table set up in these parking spaces to familiarize the community with the services and wares that are offered year round.

Cheryl did not believe that this location was the best place for this. She asked whether the Pavilion would not be a better place for this type of event.

Paul stated that Provincetown365 was an offshoot of the DART held last year which was actively looking for a way of promoting the waterfront for more than just an area for parking. He stated that drawings of what the waterfront could look like beyond just parking would be available to show them what could be possible.

Cheryl stated that this has nothing to do with the rededication of the murals. She does not feel that this is the way to do it. She commented that this is parking which will not be available for use and this is the middle of July. She likes the idea for the non-profits being downtown.

Tom disagrees and thinks this is a great thing. This is only for seven parking spaces. He commented that we exist for these non-profits.

Bobby agrees with Tom. He reminded everyone that we allowed people to park for 30 days this past spring at no charge so we could enhance the public.

Erik commented that government is here to support these types of efforts.

Raphael is all for it.

**MOTION: Move that the Board of Selectmen vote to approve the reservation of a maximum of seven (7) parking spaces in the Municipal Parking Lot for Wednesday, July 29, 2015, in conjunction with the rededication ceremony of "They Also Faced the Sea."**

**Motion: Erik Yingling**

**Seconded: Robert Anthony**

**4/1/0 (Cheryl Andrews)**

**7. Town Manager / Assistant Town Manager:**

**A. Police Chief Contract Negotiations Update.**

David received a text from the Police Chief and Jim has not heard back from his Counsel and is not prepared to talk about it tonight.

Tom stated that the BOS will take it into Executive Session tonight after the regular meeting is adjourned.

**B. Other:**

**MOTION: Move that the Board of Selectmen vote to certify both the STM Article 7. Home Rule Petition/Charter Amendment/Residency Requirement language from Town Clerk Doug Johnstone and the Bill Language presented by Rep. Sarah K. Peake and Sen. Daniel A. Wolf as true and correct and to further instruct the Chairman of the Board to write a letter stating the same to Rep. Sarah K. Peake.**

**Motion: Erik Yingling**

**Seconded: Robert Anthony**

Cheryl wanted to know why this was being brought before the BOS now and could not have been done as an agenda item at a regular meeting. She does not like to see items brought before the Board under the heading of Other.

Tom stated that this fits within the guidelines required to be presented under Other.

**4/1/0 (Cheryl Andrews)**

**8. Minutes:**

**MOTION: Move that the Board of Selectmen approve the minutes of July 20, 2015 (Special), as printed.**

**Motion: Erik Yingling**

**Seconded: Robert Anthony**

**5/0/0**

**9. Closing Statements/Administrative Updates:**

A. Thank you Letter to Ken Janson who resigned from the Board of Health.

B. Thank you Letter to Dorothy Freitas who resigned from the Beautification Committee.

C. Thank you Letters to Members of the Town Manager Screening Committee.

**MOTION: Move that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A Section 21 (a) Clause 2 for the purpose of:**

Clause 2 – To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel. Police Chief Contract Negotiations. Votes may be taken.

and not to convene in open session thereafter.

**Motion: Erik Yingling  
(Roll Call)**

**Seconded: Robert Anthony**

**Tom Donegan: Yes**

**Erik Yingling: Yes**

**Cheryl Andrews: Yes**

**Raphael Richter: Yes**

**Robert Anthony: Yes**

**Yea: 5 Nay: 0 Motion passed**

The BOS went into Executive Session at approximately 7:20pm.

Minutes transcribed by: Loretta Dougherty