

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, AUGUST 24, 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.

Late Attendees: Erik Yingling

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

Recorder: Loretta Dougherty

Tom acknowledged that this is the last meeting with David Gardner as Acting Town Manager and he congratulated him and stated that it has been a pleasure working with him as Chair and knows the town appreciates all of his efforts. Tom also thanked Michelle Jarusiewicz for all her hard work in having served as the Acting Asst. Town Manager.

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

A. Outer Cape Police Mutual Aid Agreement – Police Chief Golden.

MOTION: Move that the Board of Selectmen vote to approve the Outer Cape Police Mutual Aid Agreement subject to approval by Town Counsel as to form, as submitted.

B. Conwell Street Bicycle Improvement Contract Update – Deputy DPW Director Eric Larsen.

MOTION: Move that the Board of Selectmen vote to approve and execute an updated Agreement with Environmental Partners Group, Inc., for the “Conwell Street Bicycle Improvements Project”.

C. Parade Permit Application submitted by Brandon Motta, Director of the Provincetown Recreation Department, for the Annual Halloween Parade and Greet N’ Treat, to be held on Friday, October 30, 2015, from 3:30pm to 4:30pm.

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Brandon Motta, Director of the Provincetown Recreation Department, for the Annual Halloween Parade & Greet N’ Treat, to be held on Friday, October 30, 2015, from 3:30pm to 4:30pm.

D. Parade Permit Application submitted by Christopher Santos, on behalf of The Open Doorway of Cape Cod, Inc., for the Cape Cod Run from Addiction, to be held on Sunday, September 27, 2015, from 4:00pm to 6pm.

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Christopher Santos, 12 Pequot Road, Mashpee, MA, on behalf of The Open Doorway of Cape Cod, Inc., 64 Dory Lane, Eastham, MA, for the Cape Cod Run From Addiction to be held on Sunday, September 27, 2015, from 4:00pm to 6:00pm.

Without objection Tom Donegan waived the reading of the consent agenda and without objection it was approved by unanimous consent.

1. **Public Hearings:** None

2. **Public Statements:**

Annamarie Piccerelli asked the BOS for assistance concerning the parking along Race Point Road. She stated that it has become a parking lot, and that there have been three near misses in cars being hit this summer. She stated that the Parking Dept. will not come out and give any assistance because

she has been told previously that the tires of the vehicles parked are off the road. She stated that the area is also a bus stop for the kids to go to school. She would like to see a sign again stating that it is a state highway, since the last sign has disappeared. She also commented that Rich Waldo is aware of this as she has spoken to him.

3. Selectmen's Statements:

Robert recommended making a motion regarding Annmarie Piccerelli's comments.

MOTION: Move that through the Town Manager, the DPW, and the Police Chief that they address the issue just talked about by Annmarie Piccerelli, and if we need signage to make sure that it is done.

Motion: Robert Anthony

Seconded: Raphael Richter

4/0/0 Motion passed.

Robert thanked both David G. and Michelle for doing such a great job.

Raphael thanked Michelle and David and stated that it was great working with each of them. He commented about the great job done by town staff cleaning the streets the morning after Carnival and thanked the DPW and Police Dept.

Cheryl extended her heartfelt thanks on behalf of herself and the town to David and Michelle. She thanked all of the staff for their hard work during Carnival. She made a motion regarding street performers.

MOTION: Move to put on the agenda an item regarding Street Performers, noise bylaw, and regulations for street performers, and review of two pieces of regulations.

Motion: Cheryl Andrews

Seconded: Raphael Richter

Cheryl would like to see John Thomas invited to this meeting.

4/0/0 Motion passed.

Cheryl thanked Tom for providing the car and having the BOS participate in the Carnival Parade.

Tom will ask David Panagore for a written report outlining his job at a 30 day, 90 day, and 6 month mark. He asked for comments from the BOS.

Cheryl asked for it to be put as an agenda item. She would like to get memo updates generated from the Town Manager and suggested discussing it with David Panagore at their first meeting.

Tom went to the West End beach and reported that the Kayak rack was completely empty. He talked with the Harbormaster Rex McKinsey and was told that people don't like the racks. Tom stated that it is not optional and enforcement needs to happen. He asked David G. to follow up on this issue.

Raphael suggested that we hold a Public Hearing in September while there are still enough people in town to give inform them about the enforcement procedures.

MOTION: Move to hold a Public Hearing sometime in September where we discuss the appropriate way to enforce the use of the kayak racks.

Motion: Raphael Richter

Seconded: Robert Anthony

Tom stated that the Harbormaster thinks the public will not use the racks. Tom acknowledged that John Santos was in the audience and asked him to come forward.

John stated that the signage is very small and that he had also noticed that there were 3 kayaks chained together in the middle of the beach. He believes that a Public Hearing is a good idea as there is absolutely no enforcement at present.

Cheryl suggested we email a notice to the people who already have their stickers.

4/0/0 Motion passed.

4. Joint meeting/Presentations:

A. CVEC Presentation by Liz Argo re: Status as an Offtaker for CVEC PV Projects' Net Metering Credits.

Liz Argo (Manager, Programs & Administration) and Austin Brandt (Energy Manager) were present. Liz gave an update of their sister organization- Cape Light Compact. After giving a brief overview she stated that we are talking about \$2600. CVEC will be making rounds to all offtakers and hosts to ask for approval of the adder. If do need everyone's support as it is an all or nothing situation. She would be coming back with contracts with the change to the offtakers contract and a new PPA. She asked for the BOS for their vote.

MOTION: Move that the Town of Provincetown accept the adder of .01 cents to the R1 CVEC Project.

Motion: Raphael Richter **Seconded:** Robert Anthony
4/0/1 (Erik Yingling-Abstained) Motion passed.

5. **Appointments:**
None

6. **Requests:**

A. Request to Reserve 30 parking spaces at MPL for the Knights of Columbus West End Racing Club Pot Luck Dinner to be held Friday, September 28, 2015-Director John Santos.

John Santos asked for permission to reserve 30 parking spaces at the Municipal Parking Lot from 5pm-9pm on Friday, September 28, 2015.

A brief discussion was held and it was agreed to use the parking spaces in the Ryder Street Parking Lot, as well as the spaces behind Town Hall with tandem parking instead of those requested. John agreed to have a volunteer assist with the tandem parking that evening. Placards will be provided for the vehicles so they are not ticketed.

MOTION: Move that the Board of Selectmen vote to approve reserving the parking spaces at the Ryder Street parking lot parking lot from 5pm to 9pm for the West End Racing Club Pot Luck Dinner to be held on Friday, August 28, 2015, with the condition the organizer provide an attendant to oversee the tandem parking.

Motion: Raphael Richter **Seconded:** Robert Anthony

Cheryl stated that he will be voting no. She believes this will upset a lot of people and she offered the use of her office parking lot and suggested having a van run the people downtown. She commented that we would be giving up public property without any kind of public process.

Tom stated that the town is for the use of the people and the West End Racing Club does a great job for our town.

Erik stated that he understands Cheryl's point that there may be lots of other requests coming before the BOS but wants to see how this goes.

David asked that the event provide notice to the homeowners regarding that the access will be blocked as they may or may not be watching this on PTV.

John agreed to contact them.

4/1/0 (Cheryl Andrews) Motion passed.

B. Parade Permit Request submitted by Christopher Santos on behalf of The Open Door-way of Cape Cod, Inc., for the Cape Cod Run From Addiction to be held on Sunday, September 27, 2015, from 4pm to 6pm.

Jim Golden had recommended this item be placed under requests rather than on the consent agenda due to it being a brand new event and the applicant was requesting to plant a flag at Town Hall as

well as hold a brief closing ceremony. Teams of relays will run between towns ending in Provincetown. They anticipate approximately 20 people plus well-wishers and support people.

Robert asked if they could end their run at the Bas Relief instead.

A brief discussion was held and it was agreed that the Bas Relief was the best place to plant the flag and hold the ceremony. It was believed that the flag would not be planted for an inappropriate amount of time.

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Christopher Santos, 12 Pequot Road, Mashpee, MA, on behalf of The Open Doorway of Cape Cod, Inc., 64 Dory Lane, Eastham, MA, for the Cape Cod Run From Addiction to be held on Sunday, September 27, 2015, from 4pm to 6pm, and that the closing ceremony and placing of the flag occur at the Bas Relief.

Motion: Raphael Richter

Seconded: Erik Yingling

Tom had spoken to Christopher Santos who was unable to appear due to a bicycle accident he had.

5/0/0 Motion passed.

7. Town Manager / Assistant Town Manager:

A. Open Warrant for October 26, 2015, Special Town Meeting.

MOTION: Move that the Board of Selectmen vote to open the Monday, October 26, 2015, Special Town Meeting warrant forthwith; and to close them on Friday, September 25, 2015, at 11:00 a.m., in accordance with Charter §2-1-7.

Cheryl pointed out that the word "them" should be "it", as there is only one meeting.

Raphael asked to revise the word "them" to "it."

Motion: Raphael Richter

Seconded: Erik Yingling

David stated that this calendar was already approved at a previous BOS meeting. David noted that we had included the date for fall town meeting on the BOS meeting calendar in January giving advance notice to the Town. He reminded the BOS that Special Town Meeting submission of articles requires 100 registered voters' signatures, which is why you usually do not see that many articles at this Town Meeting. We give the public ample time to get 100 signatures together, if needed.

5/0/0 Motion passed.

B. Other - Other matters that may legally come before the board not reasonably anticipated by the Chair 48 hours before the meeting - votes may be taken.

8. Minutes:

Cheryl explained that Loretta had requested the minutes for March 4th be pulled. Cheryl asked for the correction in January 8th minutes under 4. Conflict of Interest Determination Request to reflect that Raphael had left the room before the vote was taken. She had not finished reviewing any of the minutes beyond that.

Tom asked with that correction, was there a motion to approve and Cheryl said with that amendment she will vote for January 8th minutes.

MOTION: Move that the Board of Selectmen approve the minutes of January 08, 2015 (Special), as amended.

5/0/0 Motion passed.

Tom stated that Michele Randazzo will be coming to town at some point in the future to give a work shop for boards and staff liaisons on what is required for minutes and how they are to be prepared. The BOS may attend if they choose to do so. Town Clerk Doug Johnstone has signed off on this idea as a good one.

David stated he would like to digress; and reminded the BOS of their Joint Meeting with the School

Committee and Finance Committee tomorrow at the PHS starting at 5pm with the site visit followed by the presentation from the architect at 6pm.

Robert wanted to go on record stating Loretta is doing a fantastic job. He stated that it is a very difficult job; having five people jamming in her ears and sometimes things get missed in interpretation, but he is very pleased with her performance and he just wanted to tell her.

Tom thanked Bobby for his remarks and stated that he concurs.

There was a brief discussion regarding the remainder of the minutes and they were unanimously approved with Cheryl abstaining from the vote, as she had not reviewed them as yet.

MOTION: Move that the Board of Selectmen approve the minutes of January 12, 2015 (Regular), as printed.

4/0/1 (Cheryl Andrews) Motion passed.

MOTION: Move that the Board of Selectmen approve the minutes of June 18, 2015 (Ex. Session OPEN), as printed.

4/0/1 (Cheryl Andrews) Motion passed.

MOTION: Move that the Board of Selectmen approve the minutes of July 27, 2015 (Regular), as printed.

4/0/1 (Cheryl Andrews) Motion passed.

MOTION: Move that the Board of Selectmen approve the minutes of August 10, 2015 (Ex. Session OPEN), as printed.

4/0/1 (Cheryl Andrews) Motion passed.

9. Closing Statements/Administrative Updates:

No closing statements.

- A. Letter to Representative Sarah K. Peake regarding the Home Rule Petition for Year-Round Market Rate Rental Housing Trust in the Town of Provincetown.
- B. Letter to Marianne Clements Congratulating her on her Election to the town Democratic Committee and Acceptance of her Resignation from the Board of Registrars.

The Board motioned to enter into executive session at approximately 7:37pm, with Raphael Richter recusing himself and leaving the room.

MOTION: Move that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A Section 21 (a) Clause 3— To discuss strategy with respect to litigation to uphold public safety standards at the property and to consider the value of the property within the tax foreclosure context if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared); and **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. 227R Commercial Street, Provincetown, MA. (Former Old Reliable Building and Rose Wharf). Votes may be taken. and not to convene in open session thereafter.**

**Motion: Tom Donegan
(Roll Call)**

Seconded: Erik Yingling

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: No

Raphael Richter: Recused

Robert Anthony: Yes

Yea: 3 Nay: 1 (Cheryl Andrews) Recused:1 (Raphael Richter)

Motion passed.

No Clause 2 was needed tonight as there was no new information at present.

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.

No Clause 6 for these properties was needed tonight per Acting Town Manager David Gardner.

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. Potential Sale of the Property at 311 Bradford Street, Provincetown, MA and Potential Purchase of the Property at 52 Winslow Street, Provincetown, MA.

MOTION: Move that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A Section 21 (a) Clauses 1, 2, 3, 6 & 8:

Clause 8 - To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares (chair declared) that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening. Approval and/or Release of Executive Session Minutes from Town Manager Screening Subcommittee's meeting held on June 22, 2015. Votes may be taken, and not to convene in open session thereafter as well as **Clauses 1, 2, 3, & 6** To consider the approval and/or release of Executive Session Minutes for January 14, 2015, March 23, 2015, July 13, 2015, July 15, 2015, July 20, 2015, and July 27, 2015, and not to convene in open session thereafter.

**Motion: Tom Donegan
(Roll Call)**

Seconded: Erik Yingling

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 7:39pm.

Minutes transcribed by: Loretta Dougherty