

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 13, 2015 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Tom Donegan convened the meeting at 6:06PM noting the following:

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

Other attendees: Town Manager David Panagore, Asst. Town Manager David Gardner, Finance Director Dan Hoort, Police Chief Jim Golden, and Economic Development Committee members: Chairman Steven Latasa-Nicks, Vice-Chair Bryan Armstrong, Jeffrey Krainess, Michael Miller, and alternate member Karen Cappotto (Regina Cassidy – excused).

Recorder: Loretta Dougherty

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

- A. *Treasurer’s Transfer – Library Gift Fund – pay invoices totaling \$723.50; Ellen Battaglini for transcription services (\$87.50), and B-Xclusive for tote bags and tee-shirts for resale (\$636.00).*

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 \$723.50 from the Library 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 \$1,450.00.*

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$1,450.00, from the John A. Henry Trust Fund, for the payment of the attached invoice(s).

- C. *Acceptance of the MassDEP Recycling Dividends Program Grant Award, in the amount of \$2,900.00, and authorization for the Town Manager to enter into a contract with MassDEP, on behalf of the Town of Provincetown.*

MOTION: Move that the Board of Selectmen vote to accept the MassDEP Recycling Dividends Program Grant Award of \$2,900.00, and authorize the Town Manager to enter into a contract with MassDEP, on behalf of the Town of Provincetown.

Without objection Chairman Donegan moved that the reading of the consent agenda be waived and that the consent agenda be unanimously approved.

1. Public Hearings:

None

2. Public Statements:

No public statements.

3. Selectmen’s Statements:

Selectman Anthony had no comments.

Selectman Richter thanked everyone at the local and state level that participated in the Pilgrim Nuclear Power plant’s closing in 2019. He asked everyone to continue to stay involved; decommissioning is a lot harder than just closing it down.

Selectman Yingling agree with Selectman Richter. Erik stated that earlier today he had attend hearing at the State House in Boston relative to SB1022 which provides municipalities with the power to set their own minimum wage increases. He testified in favor of this Senate bill.

Selectman Andrews stated we have a new Town Manager; BOS supports him going out and meeting groups throughout the community. She asked residents to meet the Town Manager and get involved in town government. The citizens have to get involved again; it is not about agreeing but talking to each other respectfully. Come to Town Meeting – your votes mean more than ever.

Selectman Donegan is very pleased about Pilgrim's closing; nuclear energy to green energy is gratifying. Green power is economically viable and this is a great day in the history of New England. The Public Health Summit held today was very well attended. There were over 30 people in attendance and there were great work sessions. We need to provide as many resources as we can to those in the community who are usually overlooked.

4. **Joint meeting/Presentations:**

A. **Joint Meeting with the Economic Development Committee (EDC) to update the BOS on the Committee's objectives – EDC Chair Steven Latasa-Nicks:**

Committee members: Bryan Armstrong vice chair; Jeff crane; Karen co; mike miller (Regina could not join this evening).

Jeff stated they have met every week through the summer; focused on mission statement and objectives. Reached out to other organizations: Wellfleet; Cape Cod Development Partnership (training happening here jointly in Dec. with 2nd homeowners assn.); tourism office One thing was the need for housing; heard from businesses was a 2nd summer (take advantage of the shoulder season), New Commons Report has been helpful to them. (Dan will send the BOS copies of the report). He read the mission statement. They spent a few weeks and came up with five objectives. He highlighted them. He asked for input from the BOS.

Selectman Andrews is impressed with this committee. They took the focus off of the grants; wonderful way to support. She thanked them. The BOS created over 10 yrs. ago the Economic Development permit; certain properties were changing their use-what do we want to do with excess capacity- housing and economic development- she wants to look back over what they have done with this over the past. She wants input on what policies should be and how we manage the gallonage.

Selectman Richter is very exciting about all the hard work they are doing. He is excited that they are looking at the jobs and growing our economy of our town. He is impressed by the objectives they presented; they touch upon objectives that other boards are not doing. Most exciting is the non-traditional, non-tourist things. We talk about things like manufacturing and things of that ilk; internet is suffering from the COM-CAST chokehold on our community.

Selectman Yingling thanked them for all their hard work. He likes their mission driven approach. He asked them to focus on non-traditional jobs speaking to "nerds", IT community. Becoming less dependent on tourism we will become a better community. He encouraged them to focus on shoulder/off season; more in the winter (Jan.-Mar.) period. The community can change; New Year's eve sounds very exciting-put energy and money into season where nothing is happening.

Selectman Anthony thanked them and agreed with the other BOS. We have a dynamic EDC. He remembers the Provincetown Inn being very busy year round in times past. All people employed in the summer there they worked year round. We should tap into the Boston community; the arts, schools, any type of outreach. He acknowledged their commitment for meeting each and every week since they were appointed. He will attend their meetings.

Selectman Donegan is impressed by the mission/objective statements. He asked what is the linkage between water permits, sewer permits, and doing business in Provincetown. He stated that if this is impeding economic development we need to look at procedures and regulations and if any are identified to bring them to the Town Manager.

Jeff stated they will take the next steps and get on BOS schedule again. They will try to get on the first meeting in December.

B. **Cape & Vineyard Electrical Cooperative presentation on an additional net metering credit opportunity for Provincetown, as a CVEC offtaker through Power Sales Agreement –Joe Bayne, CVEC Treasurer and Director from Town of Eastham:**

Joe described the offer to buy additional net metering credit opportunities. The PowerPoint presentation may be found in its entirety at the following link: <http://www.provincetown-ma.gov/Archie.aspx?ADID=14548>. He explained that offtakers switch between communities; if Provincetown is in need they will offtake from Eastham or vice versa. He stated that CVEC needs to have a

vote by the BOS rather quickly as this is a time sensitive issue. After the BOS vote CVEC will work with the other towns.

Erik stated that this sounds like an excellent opportunity. He is in favor of this.

Cheryl asked if there is a down side.

David P. stated that he had a conversation with the CVEC and he found no down side.

MOTION: Move that the Board of Selectmen vote that the Town of Provincetown execute a PSA subject to the approval by the Town Manager, and Town Counsel's approval to form.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

5. **Appointments:**

None

6. **Requests:**

A. Police Report for the month of September 2015 – Police Chief Jim Golden:

Chief Golden gave a brief overview of the monthly police report for September 2015 and the BOS complimented he and his officers for the fine work they continue to do for our town. The police report can be found in its entirety on the Police Department's web page.

B. Water & Wastewater Status Update – DPW Director Richard Waldo & Water Superintendent Cody Salisbury:

Rich updated the BOS on the water/wastewater flow. He stated that we have had an uneventful four months and overall, in terms of wastewater flow, we have a slight decline. He stated that the operations, of the sewer team, have been exceptional.

Robert asked if we are still considering expansion of the plant.

David P. stated that we are; we are just in the study phase.

Tom expressed his concerns about spending a considerable amount of money for two days per year referencing the July 4th and Carnival days.

Cheryl wants more discussion on this.

Raphael and Erik want to know about the feasibility of having pumper trucks to pump out on the higher peak days.

Rich will give him numbers on that approach.

Tom wants to have more economic development; more housing. He would like see ways to quantify the expense and how to abate that expense- holding tanks; permission from DEP for exemption on three days per year, etc. Looking at the gap is more than our average usage Jan. – April. We need to make conscious decisions; it cannot impede economic development in the town.

Cheryl stated that the plant was not designed for 650,000. The original was 500,000.

The discussion continued with Water Superintendent Cody Salisbury giving a brief overview of the work being done at Mt. Gilboa. The tank is drained and the interior is cleaned. It should be back on line in about two weeks to start filling. Verizon has put up the antennas and we should be receiving better service from them in approximately 3 months. Our treatment facility operated very well this past summer; some minor failures but they have been rectified.

Tom stated that September is now larger than June for water usage. September is growing very quickly; June appears to be down. The shoulder season looks to be shifting into the fall.

There was a brief discussion held regarding earnings and retained earnings with agreement that we need greater retained earnings so the taxpayer is not overburdened.

David P. will work with staff to draft a rate study on a 10 year plan for the BOS.

C. Approval of Water System Miscellaneous Water & Sewer Fee Revisions – Water Superintendent Cody Salisbury:

MOTION: Move that the BOS vote to approve action taken by the Water & Sewer board, at a public hearing held September 17, 2015, pursuant to MGL c. 40 Section 22F, to adopt revisions to miscellaneous water-related fees, as presented.

Motion: Cheryl Andrews

Seconded: Raphael Richter

A brief discussion was held regarding the cost for doing business vs. private residents and the flow.
5/0/0 Motion passed.

D. Johnson Street Parking Lot AUL (Activity Use Limitation) – DPW Director Richard Waldo:

Rich stated that an Article was brought forward at Town Meeting last year. DPW installed a drainage system last year and they encountered contaminated soils. DPW notified DEP and the AUL must be submitted to DEP by Nov. 6th.

MOTION: Move that the Board of Selectmen review and approve the requested Activity and Use Limitation documents, in order to submit to the Massachusetts Department of Environmental Protection, prior to the November 6, 2015, deadline. Further information including Exhibit A and B will be added to the final AUL documentation and shall be presented to the Board for signatures, at a future date.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

7. Town Manager / Assistant Town Manager:

A. Recommendations on Articles for the October 26, 2015, Special Town Meeting:

STM-1 Cape Cod Greenhead Fly Control District Assessment.

STM-2 Zoning Bylaw Amendment-Article 2, Section 2440, Use Regulations Articles.

STM-3 Zoning Bylaw Amendment-Article 1, Definitions-Manufactured Home

STM-4 Zoning Bylaw Amendment-Article 4, Section 4028, Special Regulations.

STM-5 Zoning Bylaw Amendment-Article 2, Section 2320, High Elevation Protection District Regulations.

STM-6 Prior Year Bills.

MOTION: Move that the Board of Selectmen vote to recommend Articles STM-1 through STM-6 on the Consent Agenda.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

STM-7 Mental Health/Substance Abuse Case Work.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-7.

Motion: Raphael Richter

Seconded: Erik Yingling

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

STM-8 High School HVAC and Roof Replacement Project.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-8.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

STM-9 DPW Equipment-Sidewalk Maintenance Tractor.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-9.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

STM-10 Design Services Contract for a New Police Station.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-10.

Motion: Erik Yingling

Seconded: Cheryl Andrews

4/0/1 (Robert Anthony-Abstained) Motion passed.

STM-11 General Bylaw Amendment-Chapter 16-Condominium Conversion Bylaw. (RA-Recused himself).

There was a brief discussion held on the options being presented. Town Manager David Panagore gave a detailed explanation of each option. Chairman Donegan stated that it does contain a hardship exemption which a lot of people did not know.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-11.

Motion: Erik Yingling

Seconded: Raphael Richter

4/0/0 (Robert Anthony-Recused) Motion passed.

STM-12 An Act Authorizing the Provincetown Condominium and Cooperative Conversion Bylaw and Expand the Protections Provided under St. 1983, c.527. (RA-Recused himself).

A brief discussion was held and Selectmen Andrews stated that she is not ready to make a decision at this time based upon a lack of data.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-12.

Motion: Erik Yingling

Seconded: Raphael Richter

3/1/0 (Cheryl Andrews) (Robert Anthony-Recused) Motion passed.

STM-13 Upgrade of Software for Parking Equipment at MPL.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-13.

Motion: Erik Yingling

Seconded: Raphael Richter

5/0/0 Motion passed.

STM-14 Adoption of Small Personal Property Exemption.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-14.

Motion: Erik Yingling

Seconded: Raphael Richter

5/0/0 Motion passed.

STM-15 General Bylaw Amendment-Smoking Ban on Town-Owned Beaches.

A brief discussion was held with Selectman Yingling stating that cigarette butts are very bad for our wildlife. Selectman Donegan stated that the Board of Health has recommended this and he will not vote against their recommendation. Selectmen Andrews and Richter believe that it is a non-enforceable bylaw but will listen to rational.

MOTION: Move that the Board of Selectmen vote to not recommend Article STM-15.

Motion: Raphael Richter

Seconded: Cheryl Andrews

3/2/0 (Tom Donegan/Erik Yingling) Motion passed.

STM-16 General Bylaw Amendment-Chapter 4, Town Meeting and Town Elections.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-16.

Motion: Erik Yingling

Seconded: Cheryl Andrews

5/0/0 Motion passed.

STM-17 Zoning Bylaw Amendment-Article 2, Section 2440, Use Regulations Articles.

MOTION: Move that the Board of Selectmen vote to recommend Article STM-17.

Motion: Erik Yingling

Seconded: Raphael Richter

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

STM-18 Zoning Bylaw Amendment-Article 2, Section 2440, Use Regulations Articles.

Asst. Town Manager David Gardner stated that an error had been made when this Article was published so it needs to be indefinitely postponed.

MOTION: Move that the Board of Selectmen vote to Indefinitely Postpone Article STM-18.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

STM-19 Citizen's Petition Article-General Bylaw Amendment-Chapter 4-Town Meeting and Town Elections.

MOTION: Move that the Board of Selectmen vote to not recommend Article STM-19.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

B. Discussion of FY2017 budget guidance with Town Manager:

A discuss was held and Selectmen Anthony is asking for an overall percentage to be taken out of the budget across the board.

Selectman Andrews wants a clearer message regarding what is ok and what is not. Her main concern is livability for certain sections of town.

Selectman Donegan stated that our taxes are relatively modest versus the services we are receiving, with some very notable exceptions. We need to up social services spending and otherwise we are in pretty good shape. He wants to see more services related to those in our community who are not receiving the appropriate services they need. Especially when dealing with those in need of certain medications and/or treatment for drug or alcohol addictions.

Selectman Yingling agrees with Cheryl. We need to go through the exercise and see what is the fat; have a discussion and trim it. He is not in favor of picking a arbitrary percentage to cut across the board. He stated that the budget is in great shape. The guidance he would give is to really stay focused on how we can continue to deliver great services.

Tom stated it is a 5 hr. trip by bus to go to Hyannis for meds. Opiate drugs are not available other than in Hyannis.

Town Manager David Panagore recommended that any increase in a line item should have a proper detailed explanation to justify the increase. He stated that a percentage for union raises/health insurance is understandable; but he suggested looking at taxes first. Also he recommends looking at debt service; looking at the pace and flow related to the capital and impact on the budget. He recommended that over the course of time to attack the semi-list. He is not a fan of false cuts that look good. He is in favor of strategic action.

Selectman Richter is in favor of taking a long-term look at this issue. He does not want to support a specific cut across the board. He stated that it is all about breaking the curves now that don't have an immediate impact but will in the future. We do have some ability right now to make some progress on doing these things.

No action was taken on this item.

C. Town Manager's Report – Administrative Update(s):

Town Manager David Panagore stated that the New Year's Eve weekend preparations are going fairly well. There is a lot of good support from all of the stakeholders. There will be some good events taking place as well as galleries, restaurants, and inns remaining open. Any third party costs are being taken care of out of VSB. Rick Murray is doing fund raising on it as well and has asked the BOS for a gift fund for fireworks and related events instead of just fireworks.

Selectman Andrews asked for it to be put on an agenda before Town Meeting.

The Town Manager stated that 227R Commercial Street is on track. A social media policy memo will be posted online on the Town Manager's Facebook page. He will create a group and encourage civic discussion. He will monitor it constantly.

Tom is pleased to see a whistle blower policy.

8. **Minutes:** None.

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

Selectman Andrews asked about minutes to be approved on some of the meetings and requested a copy of those minutes still outstanding. The BOS Secretary will supply her with the list.

Selectman Yingling will be reviewing the minutes for approval.

The Board motioned to go into Executive Session at approximately 9:19pm.

MOTION: Move that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clauses 2, 3, 5, & 6 for the purposes 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. Potential sale of town-owned property adjacent to 34A Pearl Street. Votes may be taken.

Clauses 2, 3, 5, & 6 – To consider the approval and/or release of BOS Executive Session minutes for May 13, 2015, May 26, 2015, and June 8, 2015. Votes may be taken.

and not to convene in open session thereafter.

Motion: Erik Yingling

Seconded: Robert Anthony

Roll Call Vote:

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Raphael Richter: Yes

Robert Anthony: Yes

The Board went into Executive Session at approximately 9:21pm.

Minutes transcribed by: Loretta Dougherty