

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY, JANUARY 26, 2015 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

Chairman Donegan convened the meeting at 6:02 PM 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 and Acting Assistant Town Manager Michelle Jarusiewicz, and Finance Director Dan Hoort.

Recorder: Loretta Dougherty

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

A. *Appoint Lori Arnott (alternate) as a Regular Member of the Recreation Commission with a term to expire on December 31, 2017.*

**MOTION: Move that the Board of Selectmen vote to approve Lori Arnott be appointed as a regular member to the Recreation Commission with a term to expire on December 31, 2016. She is currently an alternate member of the Recreation Commission.**

B. *Appoint Stephen A. Katsurinis (alternate) as a Regular Member of the Board of Health with a term to expire on December 31, 2017.*

**MOTION: Move that the Board of Selectmen vote to approve Stephen Katsurinis be appointed as a regular member to the Board of Health with a term to expire on December 31, 2015. He is currently an alternate member of the Board of Health.**

C. *Airport Commission – Execute a Grant in the amount of \$14,450 from the MassDOT Aeronautics Division for the Replace Floodlight Project.*

**MOTION: Move that the Board of Selectmen vote to execute a grant in the amount of \$14,450.00 from the MassDOT Aeronautics Division for the Replace Floodlighting Project for the Provincetown Municipal Airport.**

Without objection Tom waived the reading of the consent agenda and without objection the Selectmen approved the consent agenda.

**1. Public Hearings**

**A. Curb Cut – 594 Commercial Street (Continued from January 12, 2015):**

Tom called the Public Hearing to Order and asked Erik to read the Public Hearing Notice. Tom asked for comments and there being none the meeting was continued to February 9, 2015, and the Public Hearing closed.

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

**2. Public Statements: None**

**3. Selectmen's Statements:**

The BOS, the Moderator Mary-Jo Avellar, and members of the Finance Committee recently attended the Massachusetts Municipal Association (MMA) Conference in Boston.

Erik commented that he found it very helpful to be able to compare Provincetown with other towns and see that our problems are very similar.

Cheryl complimented the Acting Town Manager for doing an excellent job in keeping the residents informed about the winter storms. She reminded the residents to keep up-to-date with the winter parking regulations and other winter related issues by visiting the Town's website, and listening to the telephone messages sent out by the Acting Town Manager. She attended the MMA conference and was glad to see her colleagues, the Moderator, and

members of FinCom participating.

Robert had no comments.

Raphael hopes everyone is safe and asked them to keep their fingers crossed that we do not lose power even for a second. He attended the MMA Conference for the first time and thought it was very interesting. In talking among the attendees at the MMA he noted while we have common threads of similarity within our towns we have to keep in mind that Provincetown is unique to the state.

Tom thought the MMA Conference was very interesting and thanked the members of FinCom, the Moderator, and his colleagues for devoting their time to attend. He would like to see the Cape Cod Commission advocate more for Provincetown. He stated that we have done a great job getting federal resources and would like to concentrate on any county resources that may be available.

4. **Joint meeting / Presentations:** None

5. **Appointments**

A. **Board of Health (Alternate) with Term to Expire December 31, 2017. (Elise Cozzi and Joe Freitas )**

This agenda item was not heard this evening.

B. **Planning Board (Alternate) with Term to Expire December 31, 2017. (Ryan Campbell and James Woods)**

**Ryan Campbell:**

Ryan and his partner own the KoHi Coffee Company in town. He is a trained architect and has worked in both the United States and Europe. He has never served on a board before, but is very active in his neighborhood. He is familiar with what the Planning Board does and understands the coding and zoning language. He does live here year round and presently sits on DART.

Cheryl asked if Ryan planned to do any architectural work for clients in Provincetown. She commented about how important it is to match up the right person with the right board.

Ryan is focused on building his business. At the moment, he is not a practicing architect.

Raphael thanked Ryan for applying and asked if there was anything that stands out to him as being a particular challenge. He asked if he had watched any of the meetings on PTV, and what focus he would bring to the board.

Ryan moved into their home in 2006, and over the years has watched the neighborhood go through some changes. He noted land values, streets, and the quality of development as some of the challenges. He has been watching meetings and finds affordable housing for year-round residents as one very important issue to be focused upon.

Robert thanked him for applying and wanted to know had he attended any of the board meetings. He commented that Provincetown is a unique town in the way it is shaped and comingled and believes that it is important in keeping with that type of uniqueness.

Ryan has attended some of the board meetings.

Tom stated that it is very exciting to have two qualified people apply for this board and wanted to know if this would fit with Ryan's schedule. Tom asked Ryan if he would consider serving on the Zoning Board, as there are also vacancies available right now.

Ryan stated that he would be interested in the Zoning Board.



**Proposals for the redevelopment of the old Provincetown Community Center at 10-12 units for 25% at affordability minimums/maximums under a long-term (99 year) lease.**

**Motion: Raphael Richter**

No second to the motion was made and after a brief discussion Raphael withdrew his motion and another motion was made.

**MOTION: Move that the Board of Selectmen vote to request technical assistance from the Massachusetts Housing Partnership [MHP], in the development of a Request for Proposals, for the redevelopment of the old Provincetown Community Center at 46 Bradford Street, for a range of 11-15 units at approximately 1/3 of the units at affordable income levels 0-60%; 1/3 at 60%-80% AMI levels, and 1/3 at 80%-110% AMI levels under a long-term 99 year lease.**

**Motion: Cheryl Andrews**

**Seconded: Raphael Richter**

**5/0/0 Motion passed**

**C. Approval of the Grace Gouveia Property, 26 Alden Street Closing Documents:**

**MOTION: Moved, pursuant to the vote taken under Article 4 of the April 4, 2011 Town Meeting, to approve of the sale of the property at 26 Alden Road, and the parcel adjacent thereto, to 26 Alden LLC, and to approve and execute the deed, the Land Development Agreement, and the Regulatory Agreement in the form presented to us by Town Counsel as of this date, which such non-substantive changes as may be made thereto with the approval of the Acting Town Manager and Town Counsel, and, further, to authorize Thomas N. Donegan, as Chairman, and Vice-Chair Erik Yingling to execute, on behalf of the Board of Selectmen, any and all documents, affidavits, and other closing documents as may be necessary or convenient to effectuate the foregoing conveyance.**

**Motion: Erik Yingling**

**Seconded: Raphael Richter**

Michelle stated that the extra vote needed is due to the storm and is asking for an extension of the closing date. The extension will ensure that we have enough time to get all of the signed documents properly completed.

The money received from this sale will be put into a special fund which the BOS has previously voted to go towards affordable housing.

**5/0/0 Motion passed.**

**MOTION: Move that the closing for the sale of the Grace Gouveia property to 26 Alden Street, LLC, be moved from January 30, 2015, to a date no later than February 6, 2015, to allow the parties time to finalize closing arrangements, including obtaining the Department of Housing and Community Development's approval of the Regulatory Agreement.**

**Motion: Raphael Richter**

**Seconded: Robert Anthony**

**5/0/0 Motion passed.**

**D. Room's Tax: Short Term Rentals – Update FY2015 Goal:**

Dan stated that the goal is to have a lodging establishment license. A bed and breakfast which rents out a room by the night or by the week is required to collect the room occupancy tax while a private residence that rents out a room by the night or by the week is not required to collect the room occupancy tax. He stated that this will have to go through the legislative process.

Cheryl stated that all over Cape Cod we are seeing less and less motels and bed and breakfasts and more and more weekly rentals; condo rentals. This is a funding source everyone is keeping an eye on. She would like to see this issue on the agenda more often.

Tom stated that he recently attended a panel discussion which included Rep. Peake and other officials and his take on this issue is that it has been positioned as a new tax; relative to Gov-

ernor Baker's "no new taxes." Tom believes that this issue needs to be repositioned as an expansion of overnight taxing. The Cape Cod Realtors lobby is not worried about it. We do not have all 15 Cape towns in agreement as some of them are just starting to experience what we have been experiencing in Provincetown for the last 5 years. Rep. Peake was clear that she needs more towns on board for this to move forward.

Cheryl would like to talk about this briefly on a quarterly basis. She would also like to ask Rep. Peake to meet with us.

**MOTION: Move that the BOS send a letter to state Representative Sarah Peake to convene a meeting of all the towns in her district of the Boards of Selectmen regarding this issue and possible ways to collect the tax.**

**Motion: Cheryl Andrews**

**Seconded: Robert Anthony**

**5/0/0 Motion passed**

**MOTION: Move that the Board of Selectmen take F. out of order.**

**Motion: Cheryl Andrews**

**Seconded: Raphael Richter**

**5/0/0 Motion passed**

**F. MIS Policy Issues regarding Emails for Board Members and Process to Implement Cloud Servers:**

Beau stated that the additional \$15,000 requested by the MIS Dept. in its FY2016 budget was to support the addition of email accounts for town board members. Beau stated that the most towns on the Cape do not issue email addresses to volunteer board members. He noted several reasons for this, and cost was only one of them. He asked the BOS to consider the other implications, such as how we ensure these email accounts will be utilized; the need to establish an acceptable use policy to be signed by board members when they are sworn in; what level of service is expected from the MIS Dept. to support any problems board members may encounter, and how we can ensure the users are being responsible by having current anti-virus and anti-spam protection, as well as how to mitigate the town's risk as the result of irresponsible email usage. Beau included several comparisons for reference but felt that Microsoft and Google were the two having the most similar value; feature-by-feature. After giving an overview of detailed cost comparisons of these two companies, he recommended Microsoft.

Tom wants to see this moved forward and asked Beau to check into the specifics for moving to the cloud.

Erik is in favor of the cost savings by using the Microsoft product. He asked the BOS what their thoughts were on just having the chairs of the regulatory boards using these emails.

Cheryl stated that if staff is just asking to extend the town policy to include the boards for their emails, she has no problem with that.

Raphael believes there will be a cost savings for going to the cloud and asked Beau to work with the Finance Director and develop a cost analysis for a five year period in terms of what the cost savings will be.

**MOTION: Move that the Finance Director adjust the budget for the Board of Selectmen to reflect the MIS Director's recommendation.**

**Motion: Tom Donegan**

**Seconded: Cheryl Andrews**

**4/1/0 (Raphael Richter) Motion passed.**

**E. Provincetown Public Pier Corp - Elements of Renegotiations – Tom Donegan**

Tom stated that we have never really talked about the Pier or had a joint meeting with them in regards to their proposed budget.

David stated that senior staff held a meeting on Friday, January 23<sup>rd</sup> and formulated some recommendations in regards to the future of the MacMillan Pier contract negotiations. The Administration supports the goal to simplify the existing relationship between the Pier Corp and the Town. He stated that we need to break the mindset that underlies many of our public conversations about the Provincetown Public Pier Corp. (PPPC) and the management of MacMillan Pier. The PPPC has been saddled with an unrealistic fiscal model to date that can only be dealt with by recognizing the Pier as a Town asset in need of a commitment of public funds for maintenance and investment. We are looking for more comprehensive planning and management of all our marine resources, including the pier, harbor, shellfish, and beach management assets. From the Finance Department's viewpoint staff recommends the Pier's finances be changed to an Enterprise Fund. Some of the reasons stated for this recommendation are: the auditor's comments in their management letter recommended the Pier have a single set of books; it would provide complete transparency and eliminate the "us vs. them" mindset that currently exists; there would be an annual review of the budget, and it would contain the Pier's operating budget and capital improvements would go through the Capital Improvements Program to name a few. Presently, we are looking at the same terms as we approved last year.

Tom has some concerns about the appearance of a lack of transparency and wants to work with the PPPC in moving forward to complete whatever revisions are necessary to help clearly define expenses and revenues. This would make things clearer for everyone to understand. He stated that we have a dynamic CIP and would like to fully bake the Pier into it. He stated that the Pier is a stand-alone viable enterprise.

Erik believes that an Enterprise Fund might be a good route to take. He would like to get more information on this.

Raphael would like to get some definitive answers from the PPPC. He stated that staff's recommendations lean so little on the past; they are not talking about what happened 10 years ago. We need to use our financial authority now.

Cheryl stated that she is unclear about what is being asked tonight. She was just handed the memo tonight and has not had a chance to think about it. She spoke briefly about how the original legislation was set up. She wants to review this further.

Robert will support this for another year as is.

**No action was taken.**

#### **G. Schedule A and C pay rates – Employee Classification Plan Report:**

The rate schedule in its entirety can be viewed online at the following link:

<http://www.provincetown-ma.gov/Archive.aspx?ADID=13445>.

Dan gave a brief overview of the schedule A and C pay rates stating that there was a 2% increase this year.

A brief discussion was held concerning some of the lowest paid employees and the importance of making sure that all employees are honored for their service with a living wage. Dan recommended taking a look at our trash pickup employees noting that this is a very hard job and perhaps we could consider raising the pay. Further discussion was held on the various part-time and seasonal positions within the Library, Parking Dept., Recreation Dept., and Police Dept. Dan will do some research on wages and send the BOS his numbers.

**No action was taken.**

#### **H. Public use of the Provincetown Town Hall Auditorium:**

The BOS reviewed the current rates being charged for the use of Town Hall and after a brief discussion asked the Town staff to bring them recommended revisions to the regulations. The

BOS asked staff to take into consideration possible adjustments to the rates, making sure that we are being properly compensated for both non-profit and for profit events; cancellation fees being nonrefundable, and changes to the time limit required for cancellations to be made.  
**No action was taken.**

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

**A. Draft of Proposed Timeline for Town Manager Search Process**

David stated that there needs to be more time spent on formulating this process. He believes this will be more of a screening committee process rather than a search committee. Staff will work out the particulars with the BOS and bring back a timeline in early February.  
**No action was taken.**

**B. Requests for Proposed Articles for the April Special or Annual Town Meetings**

Erik suggested that we look at room's tax; real estate transfers, and schedule C pay raises.

Cheryl suggested that we consider changing the residency town requirements to include Provincetown and Truro; this would require a change to the Charter.

Dan stated that there had been some discussion at one point about the discontinuation of the Land Bank.

Raphael suggested that we look at some other towns and see what their framework looks like concerning the Land Bank. He also requested that the BOS consider bringing forth the legalization of marijuana. If there is enough support he will do further research and be happy to present it.

A brief discussion was held concerning the seating in the Auditorium being very uncomfortable for residents who attend the Town Meetings. The BOS wants to have some serious discussions as to how to resolve this situation. Staff will look into possible funding sources, and consider ideas such as using benches, storage possibilities for individual chairs, and replacing existing chairs with new chairs.

Tom wants to see a residential tax exemption for year-round residents.

Robert would like to see some work done on the Zoning Bylaws.

**No action was taken.**

**C. Town Manager and Assistant Town Manager Follow-up: None**

**D. Other: None**

**8. Minutes: None**

**9. Closing Statements/Administrative Updates - Closing comments from the Selectmen:**

A. *Thank you letter to Mark Juairé – resigned from Charter Enforcement Commission and Bicycle Committee effective January 12, 2015.*

B. *Thank you/congratulations letter to Laurie Delmolino – resigned from Board of Health and was appointed to the Historic District Commission.*

Without objection meeting was adjourned at 10:00pm.

Minutes transcribed by: Loretta Dougherty