

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MONDAY, NOVEMBER 23, 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: Town Manager David Panagore, Asst. Town Manager David Gardner, Housing Specialist Michelle Jarusiewicz, Police Chief Jim Golden.

Recorder: Loretta Dougherty

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

A. *Treasurer's Transfer – John Anderson Francis Scholarship Fund – to pay for scholarship(s) in the amount of \$4,750.00.*

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$4,750.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).

B. *Treasurer's Transfer – John Anderson Francis Scholarship Fund – to pay for scholarship(s) in the amount of \$2,000.00.*

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$2,000.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).

C. *Treasurer's Transfer – John Anderson Francis Scholarship Fund – to pay for scholarship(s) in the amount of \$1,000.00.*

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$1,000.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).

D. *Treasurer's Transfer – Captain Joseph F Oliver Scholarship Fund – to pay for scholarship(s) in the amount of \$2,250.00.*

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$2,250.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).

E. *Treasurer's Transfer – Captain Joseph F Oliver Scholarship Fund – to pay for scholarship(s) in the amount of \$1,000.00.*

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$1,000.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).

F. *Treasurer's Transfer – Captain Joseph F Oliver Scholarship Fund – to pay for scholarship(s) in the amount of \$500.00.*

**MOTION:** Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$500.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).

G. *Parade Permit submitted by Kathleen Henry and Richard Kapler, on behalf of the UU Meeting House of Provincetown, to be held on Sunday, November 29, 2015, from 12:30pm to 2:30pm.*

**MOTION:** Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Kathleen Henry & Richard Kapler, on behalf of the UU Meeting House, 236 Commercial Street, Provincetown, MA, be held on Sunday, November 29, 2015, starting at 12:30pm to 2:30pm.

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

**1. Public Hearings:**

**A. To perform work within a public way along Winslow Street and in front of 48 Winslow Street, submitted by R.W. Bryant Contracting for COMCAST.**

Erik read the Public Hearing notice. There were no public comments. The Public Hearing was continued until December 15, 2015s.

**MOTION:** Move that the Board of Selectmen vote to continue the public hearing until December 15, 2015.

**Motion:** Tom Donegan

**Seconded:** Raphael Richter

5/0/0 Motion passed.

**2. Public Statements: - None.**

3. **Selectmen's Statements:** the Board wished everyone a Happy Thanksgiving. There were no other comments.

4. **Joint meeting / Presentations:**

A. **Joint Meeting with Visitor Services Board (VSB) – Tourism Office marketing overview and proposed five year plan for Tourism Fund expenditures.**

Tourism Director Anthony Fuccillo, Deputy Tourism Director Radu Luca, Cathy Nagorski, Rita Schwartz, James Bakker, and Robert Costa were called into session at 6:05 p.m.

**Anthony** gave a brief overview with a PowerPoint presentation. We have been rated as the #1 most expensive town to visit on the Cape which also includes the Boston area; we have marketing and advertising strategies in place to help stimulate interest in our town. Provincetown is a cultural destination and many people are using different forms of media to find out about us. Print media conveys a higher level of trust by people who are planning their trips. Almost 50% of people use print media and bring it with them on vacation. He touched upon the use of digital print media stating that Ad blocking software use has increased. The LGBTQA community remains very important to our town; they have great buying power. They spend 57% more than their heterosexual counterparts. Provincetown also has a large number of weddings each year.

**Radu** gave a brief overview of the social media portion of the presentation. The internet and social media networks are very important to advertising. Seventy-one percent (71%) of online adults use Facebook. The Board was shown the large binder which contained numerous ads for them to view. Tony pointed out the print and digital combinations used; news releases, radio stations, trade shows, and ads.

**Robert** wanted to know why we do not advertise in some other surrounding states not mentioned by the Tourism Office. **Tony** stated that some states are cost prohibitive. The Tourism Office will be supporting marketing for the upcoming 2020 celebration also.

**Tom** asked how they judge success when looking at the metrics for the different types of media.

**Tony** stated that it is very difficult but he does know that we have a much higher click through rate than the Google average. In print, we do not know who views. Our events are listed and then directed to the Provincetown Business Guild (PBG) and Tourism's websites.

**Tom** wanted to know are we beginning to evolve in the LGBTQA market.

**Tony** stated that we have a grant program that helps to promote our town; whether it is eco-tourism, LGBT, etc. We need to address the 35+ who can afford to stay here; this is the first destination. In order to stay in our town one must have spending power. He feels the outreach and plan they have in place now is very well balanced. They advertise in magazines where more edgy ads are appropriate to reach those who read certain magazines. Change is inevitable, and in ten years we will see a new Provincetown.

**James** stated we are trying to keep a balance. We are not shying away from large gay audiences, but we are keeping a balance even though we have moved to some edgier advertising. The Visitor Services Board is working hard to keep the balance.

**Rita** stated that it is extremely important that everything is considered. The gay community is very important, but there is so much more.

**Robert** owns a business and wants all types of clients. He wants to see us unify and promote each other. He complimented the Tourism office.

**Raphael** feels that the marketing in our town is in good hands. He appreciates their efforts but wants to make sure that efforts among Tourism, the PBG and the Chamber of Commerce spending are not being duplicated. He liked the billboards when they were up this past summer. It is a general theme when we use it on the billboard. He complemented them on where they are placing certain types of ads; very appropriate. He wants to see more billboards, but make sure they are general in nature.

**Tony** does not know what the PBG and Chamber budgets are but the PBG's focus is the LGBT community and the Chamber is on everyone.

**Erik** is happy to see the binder with all of the ads, and asked them to think about reaching all communities.

**Cheryl** saw things online and people were calling her; the minority voice in town call her to speak for them. They are not use to the more edgy ads. When town government is paying for the billboard, you have to be careful.

**Tony** gave an overview of the Five Year Plan.

**Cheryl** wanted to know why there was a reduction in the grants across the board.

**Tony** stated that people received less money because there were new events and the money was trimmed. They added money to FY2017 to restore money.

**Cathy** stated they had not received their grants as yet; they are coming up shortly. It is hard to say to an organization they can keep the same amount when you do not as yet know the amount you will have. It is a timing issue; we do not know how many applicants we have at the time we do the budget.

**Raphael** asked if there was going to be a staff person designated the leader for the 2020 project now or in the future.

**Tony** stated that their professional fund raising person will help to get the funds to hire a staff person. He feels that we need to get someone that is looking at the big picture; with the Town Manager we need to figure a way to get this in the budget.

David P. stated that they have met three times (Provincetown 400). They are in the process of getting an organized committee with an appointed Chair. In 3-4 months they will be in the position to get the seed money and start moving forward. David G. stated that the Tourism Fund gets populated every quarter. Town Meeting is based on the projection of what will be used. The challenge Tourism has is that they encumber funds for a season not the fiscal year. Excess funds from marketing go to marketing; advertising goes to advertising. Any receipts in addition of projection go to Tourism.

**MOTION: Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended Five-Year Financial Plan for Tourism Fund Expenditures for FY2017-FY2021 with amendments of the recommended Agreements for FY2017 Tourism Grants and FY2017 Enhancement Grants.**

**Motion:** Erik Yingling

**Seconded:** Robert Anthony

5/0/0 Motion passed.

The VSB adjourned at 7:47 p.m.

**B. Joint Meeting with the Provincetown Public Pier Corp. – 295 Marine budget and seasonal recap.**

The Pier Corp. was called into open session 7:49 p.m. Present were Kerry Adams, Regina Binder, Carlos Verde, Chairman Scott Fraser, Herbert Hintze and Harbormaster Rex McKinsey.

Scott spoke about the majority of their budget being for personnel costs. The matrix of hours for departments is hourly rates not including benefits. It cost \$224,173 to execute the Harbormaster contract and asked to leave the estimate as it now exists at \$195,000.

Rex covered the season's activities and results. Most employees are seasonal. He gave an overview of the workings of the ferries and the services given by personnel. He spoke about pump outs of boats; this is up from last year. Now they are 20, 35, 50 and larger yachts at 150 holding tanks. Moorings fees are holding steady. Squid season was more manageable this year. There were 330 beach permits issued and there are less than 100 boats left on the beach; phone calls have been made and most people are coming here for Thanksgiving and will get their boats. The Harbormaster's office helps with many other areas outside of the actual Harbormaster's duties.

Scott stated that the auditor finished with the audit for 2012 earlier this year and 2013-2015 audits will be finalized and signed off on and representation letters are expected to be wrapped up this week. Revenues and Expenses broke even without putting anything into the reserve. Without any more big storms, the rent abatement in FY2017 will allow them to fund the reserve.

Tom pointed out they have an operational profit.

Scott told the Board that the FY2015 cash reconciles perfectly. All past problems have been taken care of with the new process. He will take the bank statements and look at what is in MUNIS; it is very much like reconciling a bank statement. One issue does need resolution; the FSAB requires that certain analytical processes be used regarding pension programs. The auditors would like to have the Pier's employees broken out and a report done separately on them. PPPC will cover the cost for doing this to comply with the FSAB requirements. PPPC requested staff to get this done for them. He made reference to the PPPC Expense/Revenue from Operations sheet in the packet.

Bobby asked where the embarkation fees go.

Scott told the Board that the fees from the embarkation of excursion fleets, the charter fishing and sailing goes to them.

Tom congratulated the Pier Corp on their presentation.

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

The PPPC adjourned at 8:32 p.m.

**5. Appointments:**

**A. Appoint Ronald Irwin, as a member to the Community Housing Council, with a term to expire on June 30, 2016.**

Mr. Irwin came before the Board. He lives in Province Landing. He has worked as a hairdresser for many years. He is very concerned about housing in Provincetown. He is the head of the tenants association at the Province Landing. He loves living at Province Landing; everyone cares for one another. It is a very close community.

**MOTION: Move that the Board of Selectmen vote to appoint Ronald Irwin as a regular member to the Community Housing Council, with a term to expire on June 30, 2016.**

**Motion:** Raphael Richter

**Seconded:** Robert Anthony

5/0/0 Motion passed.

**6. Requests:**

**A. Review and discussion of existing regulations regarding street performers and the noise bylaw – Police Chief Jim Golden and John Thomas.**

Police Chief Golden and John Thomas appeared before the Board.

Cheryl had asked for this topic to come before the Board to address concerns relating to noise, especially the street performers permitting process, free-speech, what actually happens in Town, and discuss our present Noise By-law.

John thanked Robert Anthony for helping put the bylaw together originally. He realizes that it is not perfect but it is a good document and has been very workable. There are the fringe groups that will always have their particular concerns, but the majority believes that it is working. We are the Bourbon Street of New England; you have to do whatever needs to be done

across the board. The Town is very much at risk for a law suit re: First Amendment rights. The "50 ft. bylaw" has to be enforced in every situation.

**Cheryl** wanted to know if we can change the bylaw or take it out. The art galleries are concerned about the increasing noise. She wanted to know if the bylaw requires street performers to move around every two hours.

**John** stated that is not in the bylaw and would be a huge task to try and enforce it. Most street performers do move around. Noise levels based upon decibels can be done; it is an option.

**Raphael** stated that noise bylaws that exist currently do not recognize the decibel level. The Noise By-law does appear to be working so far.

**Chief Golden** stated that 97% of all complaints are from businesses. There were 61 complaints in 2013 and 66 in 2014. When the police are called to a location they talk to the complainant and then the street performer. There is never any enforcement action taken.

**Erik** stated that there needs to be mutual respect among all parties. We are a town that has a lot of creativity.

**Tom** stated that the amplification will need to be addressed, at some point in the future. He stated that noise coming from houses is being heard more also.

**No action was taken.**

#### **B. General discussion of seasonal workforce housing – Housing Specialist Michelle Jarusiewicz.**

**Michelle** stated that multiple agencies on the Cape sponsor these workers (J1 students) and there are not too many towns in MA that do providing housing for them. Nantucket has invested approximately \$1.5 million to just start looking at this issue. H2B visa changes are happening as well. J1 and H2B visas may impact our shoulder seasons with the changes that are being considered.

**Erik** suggested that the Boston universities have many students willing to work but we still do need housing for them. We have some home grown solutions; some of our business community is able to offer seasonal housing although the smaller businesses need help.

**Raphael** stated that it is important to get this moving forward; there are unique ideas that we can create units. We can be more flexible with the housing looking into tiny houses and dormitories. He recommended putting together a report outlining what other communities are doing and what they are spending in order to get it done.

**Cheryl** does not like to build housing that is going to be empty for nine months out of the year. She wants to hear more about a cruise ship and pods at the campground.

**Robert** wants to have a discussion with the Cape Cod National Seashore to discuss promoting seasonal housing for the J1 students.

**Tom** stated it is very hard to solve seasonal workforce housing before you solve the year-round housing needs. Town government cannot solve this problem; there is just no real estate here.

**David P.** will pull together information while putting together the road map. This is just another impact of the housing situation we are facing.

**MOTION: Move that the Board of Selectmen vote to schedule a Roundtable discussion regarding seasonal workforce housing or take other action at the chair's discretion.**

**Motion: Raphael Richter**

**Seconded: Robert Anthony**

**4/0/1 (Erik Yingling - Abstained) Motion passed.**

#### **C. Proclamation for Senior Citizen Day, requested by Robin Reid, to be held on Sunday, December 13, 2015, beginning at 12 noon at the Veteran's Memorial Community Center.**

**MOTION: Move that the Board of Selectmen vote to approve the request by Robin Reid of Provincetown, MA, to proclaim Sunday, December 13, 2015, as Senior Citizen Day in the Town of Provincetown.**

**Motion: Erik Yingling**

**Seconded: Raphael Richter**

**Raphael** read the proclamation.

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

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

#### **A. Town Manager's Report – Administrative Updates.**

David P. touched upon the following issues:

- he is going to Plymouth, MA to meet with the Plymouth 400 people
- the New Year's planning is going well
- lights being put up by the DPW staff.
- the DPW received a \$6,000 grant for the mattress program for the cost of processing any discarded mattresses.
- Mass Development is coming to Town next Thursday; details to follow. He will be talking with them about the water front; solid waste facilities; general strategies and get them invested in a short demographic study. The more the state puts money into an effort the more they are committed to solving any problems they discover.
- the budget meetings began today.
- the Community Compact from the state was in their packet. This is Phase II of the MA Gateway Cities Program. They are focusing first on urban core areas (Hyannis) and second on municipal best practices. They have chosen

a variety of areas to work in: regionalization, housing and environment. Agreements will be brought to the Board regarding working with Truro and Wellfleet within the next month along with a motion for the Board's vote. Tom thanked David P. for his work and asked him to think about getting someone who has the ability to harness resources around us and can dealing directly with those individuals about these issues; current staff cannot do it. He spoke about the Blue Economy Program; Hyannis has received \$4-5 million out of it. David P. stated that we have to get involved in the Blue Economy conversation. We are presently not at the table.

**B. Other:** – None.

**8. Minutes:** - None.

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

**A. Thank you letter to Bruce de Ste. Croix who resigned from the Board of Library Trustees on November 4, 2015.**

**Cheryl** will bring Executive Session minutes from the last meeting held for hiring of the Town Manager for approval at a future Executive Session meeting.

**Raphael** would like to have someone help organize the Board's getting information to and from the state legislature on issues of interest to the Town.

A brief discussion was held concerning the article in the Cape Cod Times regarding the firemen's training program being cancelled due to toxic materials that were found in the training tools. It is unknown when the program will start up again. Also discussed was the possibility of creating a core of paid full-time firemen or supplemented payments taking into consideration the cost for their training and the level of training they would require. David P. will look into this and get back to the Board.

The Board motioned to go into Executive Session at approximately 9:49 p.m.

**MOTION: Move that the Board of Selectmen go into Executive Session pursuant to MGL c30A, Section 21(a), Clauses 3 & 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. VFW (3 Jerome Smith Road) and related parcels. Votes may be taken.

**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. Old Community Center (46 Bradford Street). Votes may be taken.

**Clause 3** – To discuss strategy with respect to collective bargaining or 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 (chair declared). 227R Commercial Street. Votes may be taken.

**Clauses 1, 2, 3, 4, 6, 7, & 8** – To consider the approval and/or release of Executive Session Minutes for April 2, 2015. and not to convene in open session thereafter.

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

**Seconded: Tom Donegan**

**Tom Donegan: Yes**

**Erik Yingling: Yes**

**Cheryl Andrews: Yes**

**Raphael Richter: Yes**

**Robert Anthony: Yes**

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

The Board went into Executive Session at approximately 9:53 p.m.

**Minutes transcribed by: Loretta Dougherty**