



Meeting Agenda

The Provincetown Board of Selectmen will hold a public meeting on Monday, June 12, 2017, at 5:00 pm in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

1. Public discussion on the Petitioned Article for the June 19, 2017 Special Town Meeting. Open format.
2. **The Board of Selectmen will vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clauses 1, 2, 3, 4, 6, 7, & 8 for the purposes of:**

Clause 6 – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; Harbor Hill Acquisition Update and Potential Acquisition of 132, 134 Bradford Street and 10 Conwell Street.

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;

THE FOLLOWING LITIGATION MATTERS HANDLED BY TOWN COUNSEL MAY BE DISCUSSED

1. Aqua King Fishery, LLC v. Town of Provincetown Conservation Commission
2. Berarducci v. Provincetown Historic District Commission
3. Cynthia N. Binder, et al. v. Historic District Commission of the Town of Provincetown
4. Deckelbaum, Trustee of the Huey Trust v. Provincetown Zoning Board of Appeals and Siobhan Carew; and Lora Papetsas, Individually and as Trustee of the Jack Papetsas Revocable Living Trust
5. DeLaurentis v. Provincetown Historic District Commission, et al.
6. Trustees of Jones Locker Condominium Trust v. Gallagher, et al.
7. Frankel v. Provincetown Zoning Board of Appeals
8. In re: Harbor Hill At Provincetown Condominium Trust
9. NEBPA, Local 67 v. Town of Provincetown Police Department
10. Patten v. Town of Provincetown, et al.
11. Provincetown Board of Trade Land Court Registration
12. Sinaiko et al. v. Provincetown Zoning Board of Appeals
13. Town of Provincetown, by and through its Conservation Commission and Harbormaster v. Patricio A. Palacios, David L. Kelley, and Stephen F. Lozinak

14. Town of Provincetown, by and through its Conservation Commission and Harbormaster v. Stellwagen Bank Fisheries Corporation
15. Town of Provincetown v. H. Bradford Rose, Inc

MATTERS BEING HANDLED BY TOWN'S INSURANCE COMPANY
WITH OUTSIDE COUNSEL

16. Kimball v. Town of Provincetown, et al.
17. Poulin v. Provincetown Police Department

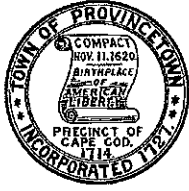
Clauses 1, 2, 3, 4, 6, 7, and 8 – To consider the approval and/or release of Executive Session Minutes for 2017.

3. Recommendation on the Article for the June 19, 2017 Special Town Meeting

Cheryl Andrews
Chair, Board of Selectmen

Approved:

Posted by the Acting Town Clerk: www.provincetown-ma.gov, 6/8/17 8:30 am dv



**Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, June 12, 2017**

1

SPECIAL TOWN MEETING – PETITION ARTICLE

Public Discussion and Comment

Proposed Motion(s)

Discussion dependent – votes may be taken.

Additional Information

Article 1: *Petitioned Article by Barbara Rushmore and Others -*

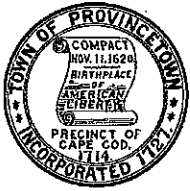
To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise four parcels of land located at 132, 134, and 136 Bradford Street and 10 Conwell Street, including the buildings and parking lot located on said parcels, for general municipal purposes including but not limited to the site for a new police station; and further identified as Parcel Nos. 12-1-77-0 consisting of 30,710 square feet, 12-1-77-A consisting of 62,160 square feet, 12-1-78-0 consisting of 7,520 square feet; and 12-1-82-0 consisting of 92,565 square feet; and further to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended under the direction of the Town Manager and the DPW Director, for said acquisition and for the design and construction of a new police station on said parcels, including costs incidental and related thereto; provided that said appropriation shall be contingent on a Proposition 2 and ½ debt exclusion ballot question; or to take any other action relative thereto.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

DRAFT MOTION

I move that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise ~~four~~ three parcels of land located at 132, and 134, and ~~136~~ Bradford Street and 10 Conwell Street, including the buildings and parking lot located on said parcels, for public parking purposes and for the site of a new Provincetown Police Station, and further identified as Parcel Nos. 12-1-77-0 consisting of 30,710 square feet, 12-1-77-A consisting of 62,160 square feet, ~~12-1-78-0 consisting of 7,520 square feet~~; and 12-1-82-0 consisting of 92,565 square feet, more or less; and further to appropriate the sum of \$ _____, to be expended under the direction of the Town Manager and the DPW Director, to (1) acquire the parcels identified in this vote, (2) to design and construct a new police station on said parcels, and (3) for making improvements on the parcels to accommodate a municipal public parking lot, including all costs incidental and related thereto; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$ _____ pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, and to issues bonds and notes therefor; provided that said appropriation shall be contingent on a Proposition 2 and ½ debt exclusion ballot question; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and provided further, that because the Town appropriated and authorized borrowing the funds necessary to construct a new Police Station at the Jerome Smith site under Article 8 of the 2017 Annual Town Meeting and a debt exclusion vote passed for that appropriation at the 2017 Annual Election, it is the intention of Town Meeting that the Board of Selectmen only proceed with the construction of one police station.



**Provincetown Board of Selectmen
AGENDA ACTION REQUEST**

Monday, June 12, 2017 @ 5:00 p.m

2

EXECUTIVE SESSION MOTION

MGL c30A, Sec. 21(a), Clause 1, 2, 3, 4, 5, 6, 7 & 8

Proposed Motion(s)

MOVE that the Board of Selectmen vote to go into Joint Executive Session with the Year-Round Rental Housing Trust Board of Trustees pursuant to MGL c30A, Section 21(a), Clause 6, Clause 3 and Clauses 1, 2, 3, 4, 6, 7, & 8 for the purpose of:

Clause 6 – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; Harbor Hill Acquisition Update and Potential Acquisition of 132, 134 Bradford Street and 10 Conwell Street.

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; Annual Litigation Update by Town Counsel.

LITIGATION MATTERS HANDLED BY TOWN COUNSEL

1. Aqua King Fishery, LLC v. Town of Provincetown Conservation Commission
2. Berarducci v. Provincetown Historic District Commission
3. Cynthia N. Binder, et al. v. Historic District Commission of the Town of Provincetown
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MATTERS BEING HANDLED BY TOWN'S INSURANCE COMPANY WITH OUTSIDE COUNSEL

16. Kimball v. Town of Provincetown, et al.
17. Poulin v. Provincetown Police Department

Clauses 1, 2, 3, 4, 6, 7, and 8 – To consider the approval and/or release of Executive Session Minutes for 2017.

Votes may be taken and not to convene in open session thereafter.

Roll Call Vote:

Cheryl Andrews:

Erik Yingling:

Tom Donegan:

Louise Venden:

Robert Anthony:

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, June 12, 2017

3

June 19, 2017 SPECIAL TOWN MEETING

Board of Selectmen's Recommendations on Articles

Requested by: Town Manager David Panagore

Action Sought: Procedural

Proposed Motion(s)

MOVE that the Board of Selectmen vote [to recommend / not to recommend / to reserve recommendation on] Article 1.

Additional Information

Charter §2-3-11 provides that "Prior to a vote on an article submitted by a town board, the town board shall state the numbers of its members in favor of and opposed to the article, and its chairman, or his designee, shall explain the view of the majority to the meeting."

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>