

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES – REGULAR MEETING
MONDAY, FEBRUARY 26, 2018 6:00 PM
TOWN HALL – JUDGE WELSH ROOM

Acting Chair Erik Yingling convened the open meeting at 6:00 pm noting the following:

Board of Selectmen attending: Vice Chair Erik Yingling, Tom Donegan and Louise Venden

Excused: Chair Cheryl Andrews and Robert Anthony

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner and Board Secretary Elizabeth Paine

Recorder: Elizabeth Paine

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

- A. *Surplus Equipment – declare the list of equipment as surplus and authorize the Town Manager to dispose of same in the manner deemed most advantageous to the Town; 1996 Hummer/Fire Attacker*
- B. *Approve the increase in spending allotment of the John Henry Trust from \$15,000 to \$20, 000*
- C. *Approve the designation of the Building Committee, DPW Director, & Police Chief as the reviewing committee for the Police Station to conduct the designer selection process as defined in the Board of Selectmen’s Designer Selection Procedures.*
- D. *Refer Zoning Articles to the Planning Board*

Without objection Vice Chair Yingling waived the reading of the consent agenda and without objection it was approved unanimously by the Board of Selectmen

1. Public Hearings:

2. Public Statements:

3. Selectmen’s Statements:

- **Tom Donegan** – Attended the planning board meeting, I wanted to pass along my appreciation for people who sit on the boards and the degree in thought and care that they put into these meeting.
- **Louise Venden** – I would like to pass in a list of items that I have brought up for agenda items and put them into the public records. I want to continue us to move forward with these items.
- **Erik Yingling** – I am all set for now.

4. Joint meeting/Presentations:

A. Joint Meeting with the Provincetown Housing Authority: Appoint Housing Authority member: Frances Coco

Chair Elaine Anderson called the joint meeting to order, Nancy Jacobsen, Charlene Paris, and appointee Fran Coco were in attendance.

Ms. Coco, I have been a resident of Provincetown since 1983, I have recently retired and now feel that I have more time to dedicate to being on a board.

Move that pursuant to MGL Chapter 41, Section 11, the Board of Selectmen, in conjunction with the remaining members of the Housing Authority; vote to appoint Frances Coco as a member of the Provincetown Housing Authority with a term to expire on May 2, 2018.

Roll Call Vote:
Tom Donegan: Yes
Erik Yingling: Yes
Louise Venden: Yes
Elaine Anderson: Yes
Nancy Jacobsen: Yes
Charlene Parris: Yes

Chair Anderson, we are still in the process of hiring our new director. We have selected Kristen Hatch after two rounds of the application process. We are just waiting for the HDC to make the appointment. I am asking them to waive the three months difference from when Ms. Hatch resigned as a commissioner and being elected to a paid position.

5. Appointments:

6. Requests:

A. Encroachment in a Public Way – Donna Cooper – 26 Brewster Street

Acting Chair Yingling requested staff input on Ms. Cooper's application for Improvement in a Public Way. The staff overwhelmingly recommend that the wall gets removed.

Ms. Cooper, the wall was put in to prevent the washing out and erosion that is happening on Brewster Street. She is asking for a compromise with the wall, leaving the upper half of the wall and taper down the lower end.

LV – Rich, could you tell me where else in town there is an example of the erosion like this in town?

RW – If you look at the erosion that is going on, a lot of the erosion is caused by traction of people driving over it or walking. The water follow is mainly coming off the property, the property has no gutters to stop the water coming off the home and draining directly off the home.

DC – is it the home owner's responsibility to prevent the run off coming off the property or is it the responsibility of the town. The erosion is coming from Pearl Street, wrapping around Brewster Street and into the drain.

LV – Rich are you in agreement that if she were to move part of the wall off her property?

RW – if she wants to construct a wall, she can have built it on her property.

TD – did you hire someone to build this wall? Did you get a permit?

DC – I hired someone, I thought a piece of metal in the ground was on my property, the error was mine. I did not need a permit.

DP – the responses we got back from KP Law is the end of Pearl Street is a private way with public access. So it is owned by the abutters.

Selectman Donegan moved that the Board of Selectmen deny the application requested by Donna Cooper at 26 Brewster Street.

Selectman Venden seconded the motion.

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

TD – I would like the assistant Town Managers to look into some sort of repercussion for something like this being built. This is unfortunately for the homeowner and the town.

Selectman Donegan move that the Board of Selectmen declare the wall an obstruction in a public way.

Selectman Venden seconded the motion.

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

B. Review of Public Notice for proposed Parking Rate Fees

Town Manager Panagore presented the proposed public hearing notice for a change in the parking fees.

TD – I was hoping to just increase only the MPL and keep the other lots discounted.

EY – I like the idea of trying to transition the long term parking to the Grace Hall and other lots.

LV – I agree with trying to move the workers to the less used lots.

DP – this could turn the MPL into more of a turn over lot.

TD – with the new technology we would be able to track turnover rates.

DP – we will edit the public notice states - nonresidents including MPL \$350 and nonresidents excluding MPL decrease to \$175.

Selectman Donegan moved that the Board of Selectmen schedule a public hearing on March 26, 2018 to hear public input on proposed parking rate fee as discussed.

Selectman Anthony seconded the motion.

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

C. Board of Selectmen Financial Fiscal Policies Adoption

Finance Director Josee Cardinal Young, presented the fiscal policies. These policies are ones that we use but from what I can find, have not been approved by the Board. Once they have all been approved, we will create a manual.

TD – this is great. It will make real progress and everyone’s life easier when there are policies in place.

Selectman Donegan moved that the Board of Selectmen vote to adopt Financial Policies and Procedures Manuals 1, 2, 3, 6, 10, 14, 20, 21 & 22.

Selectman Venden seconded the motion

VOTED

In Favor: 3
Opposed: 0
Abstain: 0

D. Insertion of Articles into STM & ATM

Acting Chair Yingling asked if any Selectmen want to pull items to discuss. Why don’t we start with Special Town Meeting and then move on to the Annual Town Meeting Warrant.

Selectman Donegan moved that the Board of Selectmen vote to insert Articles # 1 – 8 to be requested by the Board of Selectmen and the Town Manager as presented by the Town Manager into the April 2, 2018 Special Town Meeting.

Selectman Venden seconded.

VOTED

In Favor: 3
Opposed: 0
Abstain: 0

Selectman Donegan moved that the Board of Selectmen vote to insert Article 10 to be requested by the Board of Selectmen and the Town Manager as presented by the Town Manager into the April 2, 2018 Special Town Meeting.

Selectman Venden seconded.

VOTED

In Favor: 3
Opposed: 0
Abstain: 0

Town Manager Panagore – in the Annual Town Meeting, are there any questions about the Articles being submitted by the Selectmen?

LV – what article deals with the Auditorium Chairs?

JY – Currently there is \$1,300 in the auditorium chair gift fund.

DG – we determined that we would use the revolving account for the auditorium rentals.

TD – I am looking at the change for the 70k for the police officer at the airport.

DP – there is no article for the chairs to attach it to a funding source. So the chairs would only come into it as a funding source. If the BOS decided to create an article, the funding source would be an appropriated fund from the Tourism Fund.

TD – If we funded the airport police officer through the tourism fund, would this allow us to use the difference to be applied to the universal preschool?

JY – we would have to change the wording on the article.

EY – I like the idea of finding the money, but I do not want to have to vote on this again.

Superintend Beth Singer – The first year to indicate this, the town voter understands what this means.

LV – the public has to know, that if we make a commitment.

EY – are there any petitioned articles yet?

DG – I have spoken to 5 people so far.

Selectman Donegan moved that the Board of Selectmen vote to insert #1-13, for the April 2, 2018, Annual Town Meeting as presented by the Town Manager into the April 2, 2018, Annual & Special Town Meeting Warrants forthwith.

Selectman Venden seconded the motion.

VOTED

In Favor: 3
Opposed: 0
Abstain: 0

EY – the only one I would like to discuss is article 19.

DP – in any of the projects I have worked on in the past has always had a consultant.

LV – I am in complete agreement with including the Selectmen’s support as I feel strongly that we should have a consultant to help us with this process. Are there uses for these properties that have a better use.

DP – we need a document storage plan. Right now that is where we are storing lot of our documents and records.

EY – Tom is the human resource expert your item?

DP – the charter as proposed will never be in the warrant, because that will come up in May.

TD – can we make this contingent on the charter passing?

Selectman Donegan moved that the Board of Selectman insert article 19 for the April 2, 2018 Annual Town Meeting as presented by the Town Manager into the April 2, 2018 Annual & Special Town Meeting Warrants forthwith.

Selectman Venden seconded the motion

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

Selectman Donegan moved that the Board of Selectman insert article 20 for the April 2, 2018 Annual Town Meeting as presented by the Town Manager into the April 2, 2018 Annual & Special Town Meeting Warrants forthwith.

Selectman Venden seconded the motion

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

Selectman Donegan moved that the Board of Selectman insert article 21 for the April 2, 2018 Annual Town Meeting with amendments discussed into the April 2, 2018 Annual & Special Town Meeting Warrants forthwith.

Selectman Venden seconded the motion

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

Selectman Venden moved that the Board of Selectman insert article 22 for the April 2, 2018 Annual Town Meeting as presented by the Town Manager into the April 2, 2018 Annual & Special Town Meeting Warrants forthwith.

Selectman Donegan seconded the motion

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

Selectman Donegan moved that the Board of Selectman insert articles # 35 through 41 for the April 2, 2018 Annual Town Meeting as presented by the Town Manager into the April 2, 2018 Annual & Special Town Meeting Warrants forthwith.

Selectman Venden seconded the motion

VOTED

**In Favor: 3
Opposed: 0**

Abstain: 0

Selectman Donegan Move to accept for inclusion in the warrants any additional articles received by petition or presented by the Town Manager, the Board of Selectmen, or Town boards pursuant to Sections 2-1-2 and 2-1-3 of the Charter provided that any such additional articles are received by the deadline of March 2, 2018 at 11:00 AM, at which time the warrant shall be closed.

Selectman Venden seconded

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

Selectman Donegan moved that the publication of final warrants shall be subject to approval by the Board of Selectmen, including any technical revisions to the warrants recommended by Town Staff and Town Counsel, at the Board of Selectmen meeting on March 2, 2018.

Selectman Venden seconded the motion.

VOTED

**In Favor: 3
Opposed: 0
Abstain: 0**

7. Town Manager / Assistant Town Manager:

A. KP Law Memo on proposed Charter

Town Manager Panagore – we did receive this today and as the Chair has requested to have this on the agenda going forward until the May vote. I do believe there is enough meat here that we invite John G and Lauren to our next meeting to discuss this. By the leave of the Board I would like to provide this to the Charter Commission.

TD – I am meeting with the editor of the Banner to discuss the Charter. The challenge for me, it is the operational aspect of things, and it seems to slow things down. My worry is that is is going to make governance harder.

LV – I look forward to seeing this. I am a little concern about term limits on Boards.

B. Town Forum Update: Wastewater

Town Manager Panagore – this is continued follow up from the Forum that occurred on February 3, 2018. We have released a public survey. If the option 1 is something the Selectmen want to consider, we are presenting an amendment for a contract change to study capacity.

Selectman Donegan that the Board of Selectmen vote to approve Contract Amendment #15-2 with AECOM in the amount of \$200,000 for planning and engineering support relative to further design of

a second equalization tank, evaluation of EDP & Public Health requests, preliminary work investigating grant/loan funding opportunities at the USDA and continued planning efforts to expand the existing wastewater facility.

Selectman Venden seconded the motion.

LV – would this extra tank help with storm water inundated during the storm?

RW – both the summer and new years were in the vacuum tank. having the additional tank would help handle the additional flow.

VOTED

In Favor: 3

Opposed: 0

Abstain: 0

C. Town Forum Update: Marijuana Regulations

TD – we have a fixed fee as an alternative, we are seeing other towns doing a percentage of sales. What are our legal options to make our host agreements more current? I would like to get opinion from Town Council. What do we have to do to make this right?

DP – we are taking into the accounts of the board, and looking into things.

LV – when are they going to finalize the regulations?

DG – March

D. Town Forum Update: Housing

Town Manager Panagore - The most heavily attended, there was a lot of discussion. The memo gives an update and recap of what we have done so far. The next steps are to take immediate action and create a plan. We have just entered into agreement with UMass Dartmouth to do a study for a housing need assessment. And the next step would be to look at a Housing Plan.

LV – it would be great to have some sort of memo put together to discuss some of the restraints that are in place. It is really important to focus on tools that we do have.

EY – I am all for changing zoning for helping residents, but Tiny Homes by design are more for transient populations.

TD – part of the other problem, is how do we get the current stock that already meets the definition Tiny Homes, to become residents for year round residents?

DP –if you ground lease, you can do the same amount of housing with a lower cost.

LV – I love the idea to do a soft second, we have to use the tools, and I am very much in support of ownership housing.

E. Town Manager’s Report – Administrative Updates

Town Manager Panagore gave a brief summary on the Town Manager’s report that included Staff bulletin points, calendar events and an update on the Town’s Implementation of Coastal Resilience Measures.

8. Minutes: Approve minutes of previous meetings.

Selectman Donegan moved that the Board of Selectmen approve the minutes of: February 12, 2018 6:00 pm (Regular), February 12, 2018 5:00 pm (Special), February 13, 2018 5:00 pm (Special), and February 13, 2018 6:15 pm (Special) as printed;

Selectman Venden seconded the motion.

VOTED

In Favor: 3
Opposed: 0
Abstain: 0

9. Closing Statements/Administrative Updates:

- Louise Venden –
- Tom Donegan –
- Erik Yingling –

9A:

Selectman Donegan moved that the Board of Selectmen will vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 1,2,3,4,5,6,7, & 8 for the purposes of:

Clause 1, 2, 3, 4, 5, 6, 7, & 8 – To consider the approval and/or release of Executive Session Minutes for 2017 & 2018

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

Roll Call Vote:

Erik Yingling: Yes
Tom Donegan: Yes
Louise Venden: Yes

The Board of Selectmen went into executive session at 8:06 pm

Without objection the meeting was adjourned at 8:44 pm

Minutes transcribed by: Elizabeth Paine