

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES – REGULAR MEETING
MONDAY, April 9, 2018 6:00 PM
TOWN HALL – JUDGE WELSH ROOM

Chair Andrews convened the open meeting at 6:00 pm noting the following:

Board of Selectmen attending: Chair Andrews, Vice Chair Erik Yingling, Robert Anthony and Tom Donegan

Excused: Louise Venden

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

Recorder: Elizabeth Paine

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

- A. *Treasurer’s Transfer – Approve as Commissioners of the Auditorium Lights and Sound Gift Fund (#1145), pursuant to MGL C44 § 53A, to refund \$2,000.00 in gift fund donations to Shawn Nightingale as the intended use of the gift fund cannot be achieved due to the historical nature of the Provincetown Town Hall auditorium.*
- B. *Treasurer’s Transfer – Approve as Commissioners of the Auditorium Lights and Sound Gift Fund (#1145), pursuant to MGL C44 § 53A, to refund \$2,500.00 in gift fund donations to Cape Air as the intended use of the gift fund cannot be achieved due to the historical nature of the Provincetown Town Hall auditorium.*
- C. *Treasurer’s Transfer – Approve as Commissioners of the Auditorium Lights and Sound Gift Fund (#1145), pursuant to MGL C44 § 53A, to close the gift fund and return all interest earnings to the general fund, as the intended purpose of the fund cannot be achieved due to the historical nature of the Provincetown Town Hall Auditorium*
- D. *Treasurer’s Transfer – Approve as Commissioners of the Library Gift Fund to approve the use of gifted funds to pay \$450.00 to Genevieve Morin for payment of Library programming costs associated with offering classes to the public of Provincetown.*
- E. *Treasurer’s Transfer – Approve as Commissioners of the Library Gift Fund to approve the use of gifted funds to pay \$100.00 to Kim Ramsey-Winkler for payment of Library programming costs associated with offering presentations to the public of Provincetown.*
- F. *Treasurer’s Transfer – Approve as Commissioners of the Historical Commission Gift Fund to approve the use of gifted funds to pay \$750.00 to David Colombo for the restoration of a Walling Map of the counties of Barnstable, Dukes, and Nantucket.*
- G. *Approve the Parade Permit for Mike Dionne on behalf of RAGNAR Cape Relay Race to be held Sunday, May 13, 2018.*
- H. *Approve and authorize the Town Manager to execute contract with AGM Marine Contractors Inc. for MacMillan Pier Fender Pile Replacement.*

Vice Chair Yingling asked to pull A, B and C. Chair Andrews waived the reading of the consent agenda and without objection D, E, F, G and H was approved unanimously by the Board of Selectmen

1. Public Hearings: NONE

2. Public Statements:

- **Mary Jo Avellar** – here as the Provincetown Representative on the Cape Cod National Seashore Advisory Commission. The commission will be expiring in September this year; I have received numerous emails from someone claiming Provincetown has not done enough. From what I have heard from Kathy Tevyaw that everything the Town of Provincetown could do has been done, and I thank you for all your effort.
- **Rev Kate Wilkinson from the UU** – hear tonight because I see the 4th of July parade is on the agenda tonight and we were demined entry because of our t-shirts “racial justice” were considered too political. We would like to be able to march in this year’s parade. Our signs are red, white, and blue, they celebrate community values. We appreciate line 3 but we would like the board to look at line 4 again and reconsider this.
- **Pastor Brenda Hayward** – Community Minister at the UU and Chair of the Racial Justice group. We have been engaged over the past 5 years to engage in human rights, so that all of our visitors can have a safe haven. I strongly agree with the statement made by Rev. Kate Wilkinson. The board of selectmen will continue to stand for value stated in their human rights proclamations. We seem to be striving for the same goals. We request the racial justice Provincetown be included in the 2018 4th of July parade and future parades. “we may all have arrived in different ships but we are in the same boat now”
- **Channing Willroy** – I am here to voice something that bothers me greatly. On Monday night the opening of the town meeting, was opened with the flag ceremony, followed by the children signing patriotic songs.
- **April Baxter** – I am here in support of including racial justice Provincetown in the 4th of July Parade. On the day of parade, we got a lot of signatures and the response we received from them was shocked that this was not allowed.

3. Selectmen’s Statements:

- **Erik Yingling** – I appreciate all of the comments about the Racial Justice group and I whole heartily agree; we will be discussing this later tonight. I look forward to the discussion on that this evening.
- **Robert Anthony** – I want to thank everyone to be here, in regards to the equal rights, I agree with Erik. Hopefully we will have a very good discussion later on.
- **Tom Donegan** – Provincetown values diversity and if you can bring the metaphor of a chain, a chain is defined only as its weakest link. In Provincetown the weakest link is racial justice. We have a lot of work to do. We have to as a community honor all the links in the chain, racial justice, immigration, national origin, gender identity and sexual orientation. I want to thank the people who do the hard work and the heavy lifting. Cape light Compact update, the AG has approved a settlement with Viridian, they will be in contact with people who signed with Viridian, for reimbursement. So if you signed up with a 6 month office, please watch the banner that is going to run some articles on contacts for the AG’s office. I have been asked on the power supply for the 21 town’s to be one of the representatives along with Chatham, Bourne and Barnstable, will be advising. Town meeting – thank staff for all that they have done. This year, we are now talking about where free cash should go; it has been a remarkable improvement with David Panagore, David Gardner and particular to the Finance Director.
- **Cheryl Andrews** – I went back and read the act from 1961 Cape Cod National Seashore Advisory Commission, the original was only for 10 years, it will be expiring this year. We will be having a 6 Town meeting this summer and a presetting meeting in May to set an agenda. With regards to Town

Meeting, I appreciate very much the comments of Town Meeting, I felt the same way about all the praying that use to happened when I first arrived. If folks have strong feelings about such things, please express them. A number of organizations that had parades that we still deal with this today, those were difficult times, one-year carnival parade was cancelled, and one year someone was shot at. My perception has been that the 4th of July parade is a kid's parade. It is a bunch of trucks, kids and getting candy thrown at you. To the extent that the town wants to have a different kind of parade, I am open to that, I am very interested in that discussion, if it turns out that we have a problem in the future, we will be looking to you folks to help us deal with that.

4. Joint meeting/Presentations:

A. Bas Relief Restoration design and project presentation

Michelle Jarusiewicz was present with Ray Dunetz with Ray Dunetz Landscape Architecture, from Boston, to give a presentation on the Bas Relief and Bas Relief Park Master Conservation Plan. The Bas Relief Committee consisted of Assistant Town Manager David Gardner, Public Works Deputy Director Steven Wlodkowski, Historical Commission Members Julia Perry and Stephen Borkowski, K David Weidner, Pastor Brenda Hayward and Tourism Director Anthony Fuccillo. During the site analysis, there were several initial areas of concerns; encroachment on neighboring property, invasive species. In our final schematic design, we have solved the major issues of encroachment by moving the brick walk way and the memorials. In the planting plan we have tried to highlight the Bas Relief. We have put in a low post fence along the street and a commemorative plaque for 2020. Condition of the stone, will all be cleaned up and repaired all of the cracking. The Christmas lights are actually damaging the Bas Relief, and an alternative option will be given. When the casting was put in, there are large gaps, we will be packing this material with oakum, which is water right and then the joint will be leaded in. there is a lot of damage to the bronze when it was painted and then sandblasted. Surfaced will be cleaned and waxed. Site furnishes will be updated and historic. Brick paving will be replaced with in-kind paving that is ADA accessible, with a few interruptive signs.

MJ – the original idea for the Wampanoag memorial, we are still considering options for where to locate this memorial. We are also discussing the fencing options for the encroachment on the left.

TD – In the front, I don't think it has been only once that there has been a car parked along there. What is the reason for putting a fence on the front?

RD – the intent, is because there are cow paths, were people are walking directly though the lawn, it would be a nice subtle way to direct them to the entrances.

TD – on the west sides, would a building serve as a fence, I don't know if we need to provide another barrier.

RD – the intent is defining the town's property line. The fence would be something you can see through.

RA – my choice on the westerly side is the plantings. I have a question to the monument's proposal to the funicular, would there be any conflict.

RD – our intent is to make them complimentary to each other.

EY – I don't really have question, the fence in the front, I guess I would have to see a markup, would flora be better? Are you planning to add more trees?

RD – the fence gives it a little bit of formality. I wouldn't say more trees, but more native while framing the Bas Relief.

MJ – there are events that are historically held on the lawn and we are trying to maintain the ability to use this lawn still. Our goal is to start work after Labor Day of 2019 and be completed by spring 2020.

RD – our intent is to make the trees as native as possible.

CA – the idea putting a fence on the left side, I don't know how a fence works there. I get the problem with cow path, but maybe the idea of two separate fences. I am thrilled that you mentioned interpretive signs. If you put one or two out at the side walk, that would be super. Is the path now balanced? I think putting the Wampanoag memorial should be front and centered with the 2020 commemorative. It sounds like you are closed to getting to final design stage; I think we should do a public hearing with green cards and hold a public meeting for comments.

Selectman Donegan moved that the BOS schedule a public hearing on the Bas Relief and Bas Relief Park, date to be determined.

Selectman Anthony seconded

VOTE

In Favor: 4
Oppose: 0
Abstain: 0

00A, 00B and 00C – Vice Chair Yingling, can we bring this back and re-schedule to have staff discuss of what the historical nature of the building makes this update not possible.

5. Appointments: None

6. Requests:

A. Schedule Harbor Plan Public Hearing

Harbor Master and Macmillan Pier Manager Rex McKinsey was present at the meeting. The memo request is for the scheduling of a public hearing. The harbor plan is a planning document we use to inform DEP in regards to chapter 91. With this process we used urban harbor institute to go through this process. 301 CMR 23 will have to be approved by the Executive Office of Environmental Affairs. This would be the second Amendment; this is close to final draft. The plan that we are working with now incorporates ideas and uses of the harbor to bring something that is actionable with a fair representation of people's ideas.

CA – I remember upstairs at town meeting that we voted on this, do we have to do to town meeting to vote on this?

RM – No, we originally went to Town Meeting in 1990, that plan focused on the reconstruction of McMillian Pier. We do not need to get the Town Meeting vote for this amendment.

Vice Chair Yingling move that the Board of Selectmen schedule a joint public hearing with the Harbor Committee on May 14, 2018 to hear public input on Harbor Plan Amendment

Selectman Donegan seconded the motion

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

B. Airport Lease Extension.

Town Manager is requesting another 90-day extension. The auditors are currently reviewing the contract, who is gathering information from both parties to figure out what the rent amount would be. If you have concerns about the contract, I am recommending the Board to have a meeting with the Airport Commission during executive session to have a contract discussion.

Selectman Donegan – we haven't seen the contract that is under review by the auditors. I think that we should be mindful that the residents of Provincetown are still subsidizing these tickets and we have to be mindful of what that looks like relative to the contract.

Vice Chair Yingling move that the Board of Selectmen vote to approve the temporary extension of the current lease between the Town of Provincetown and Cape Air for 90 days.

Selectman Anthony seconded the motion

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

C. 4th of July Parade Policies

Recreation Commission Chair David Oliver and Recreation Director Brandon Motto were present for the meeting.

Selectman Donegan – a couple of things that have cause us to think about what we want from this. First is from the last process, that I gathered from this is the immigration group was being told to put away signs to compromise with the parade policies. I suspect this puts the town employee in an awkward spot. I think there are two sections to this parade. One is entertainment and the other commercial speech. I believe, as long as we provide commercial speech, the right thing to do is to allow groups that what to have political speech into the parade. Why I keep bringing it up, is because I want to have some clarity by the time the applicants submit their applications.

Chair Andrews – the opposition is line 4; do you think the recreation commission would be willing to strike that?

Chair David Oliver – I think what we were looking for, as an advisory committee, is the direction from the Board of Selectmen.

Selectman Donegan moved that the BOS approve the amended changes with rule 4 stricken and renumber as appropriate.

Vice Chair Yingling seconded the motion

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

D. Follow up Discussion - Parking on Province Lands Road

Selectman Donegan – I asked this added as a follow up discussion from public comment at our last regular meeting. Folks had parked while clamming, some were ticketed. I went back and looked the Winslow Farm history because I feel like we have been through this once before and have attached the minutes. I understand one of the appeals was rejected. What I would like to do is I believe the folks feel they were parking as they had been and were involved in a clamming off season ritual, I think these tickets should be dismissed and talk about how to changes those parking regulations for that area when we have the authority to do so.

Vice Chair Yingling – think the solution is pretty easy, like the chief said; take the signs away during the off season, as we do all over town. I think that I recall this meeting and they were at an important community event, which you could argue clamming is as well, and they ticketed as well.

Town Manager Panagore – Winslow was a revenue location not a public safety issue, these were legal parking spaces, and the board had the authority to take action. This is a different situation. There is a big difference with these two events; we do not have authority to change the parking regulations as this portion of the road is owned by the state.

Chair Andrews - Would there be any legal impediment to the Board of Selectman using our funds in our budget to pay for these tickets.

EY – That I would be very much against.

DP – Hypothetically and again I am not town council, but one settle a potentially claim for wrongful for the face of the ticket and settle it for litigation. There is an appeal process for tickets through the courts.

CA – I am trying to settle this in a way that gets you want you want.

DP – there is no other spot in town that someone could say this.

CA – we do not have the authority to change the road way.

RA – I am not going to micromanage the chief and his patrol officers. Those cars were ticketed because of instruction of the road way. There were 9 tickets issues in regards to obstruction of the public way. There are alternative means for people who are issued tickets, the hearing system or you pay it. For us to supersede in what the police department is getting paid to do, and the Chief is getting paid to run a police department and then Board wants to supersede his authority to issue tickets. I am not going to vote for this.

Selectman Donegan moved that the Board of Selectmen vote to direct staff to dismiss any tickets issued during the event at Province Land Road.

Vice Chair Yingling seconded the motion.

VOTED

In Favor: 2
Opposed: 2 (ca/ra)
Abstain: 0

Motion failed.

Vice Chair Yingling moved that the Board of Selectmen direct staff to return with a proposed traffic hearing agenda item.

Chair Andrews seconded the motion.

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

E. Review and Discuss Property Tax Rate

Chair Andrews – this is Selectman Venden’s item, so we will bring this back next meeting.

Selectmen Donegan – can we ask staff to pull together a communication plan?

Town Manager Panagore – I have asked staff to prepare something. I can bring it to the next meeting.

F. Proclamation – Provincetown Revolutionary War Patriots

Chair Andrews - I was contacted by Amy Whorf McGunna, who took it upon herself to research residents who would have been in the Revolutionary war and so far she has found 7. I wanted to present her with this proclamation for the ceremony to recognize the patriots of the revolutionary war.

Vice Chair Yingling move that the Board of Selectmen vote to proclaim Monday, April 16, 2018 as Provincetown Patriots Day.

Selectman Anthony seconded the motion

VOTED

In Favor: 4
Opposed: 0
Abstain: 0

G. Continued discussion of Charter Commission proposed Revised Charter and role of the Board of Selectmen

Town Manager Panagore – we did update the Charter Commission page to include the AG letter and all of KP Law memos.

7. Town Manager / Assistant Town Manager:

A. Tourism Economy Report CY2017

Tourism Director Tony Fuccillo was present at the meeting. We wanted to know how we really are doing, we so wanted to do economic indicators. Not all indicators are reported the same way, this will now be an annual report and do this on a calendar year. The four topics that are looked at are transportation, accommodations, attractions & activates and other indicators. We had a very strong 2017, our lodging and meal tax was up. In embarkation there was a 36.8% increase, a lot of this is the ferry increase. In 2017, we saw a % drop13 in flights, most of this is due to the pilot shortage. Parking is constant, with a small decrease from last year. The entire year of licensed lodging was up 8.2%. We don't know if it is an increase in rates or head & beds. There has been a drop in number of rooms collecting room tax but there still an increase in revenue happening. Food is very important in Provincetown; restaurant business has increased 4.3%, seeing 22% over a five-year period. Beach traffic is down 35.2% at Herring Cove Beach while Race Point Beach has had a 16.7% increase. Water consumption is showing a decrease in use, a lot of the hotels, inn and lodging encourage water reduction. Retail spending, we currently only have until 2015, to really understand what retails means Provincetown, we have to understand that apparel isn't taxed when the apparel is under \$125. In summary tourism in Provincetown is a \$200+ million industry annually.

B. Town Meeting Follow-Up

Town Manager Panagore – in the packet is the minutes from town meeting. Does anyone have any questions?

Selectman Donegan I propose at our next meeting a discussion on official communication.

Chair Andrews – regarding the VSB composition.

Town Manager – I think having the town manager run through them in groups helped. Doing the outreach close to the meeting helped. Town meeting times could be improved. I will be moving the staff changes along.

Chair Andrews – I think having the staff work with the petitioners helped as well.

C. Town Manager's Report – Administrative Updates.

Town Manager – one of the items as a goal, is to increase our Bond Rating, this afternoon, we had our rating from AA to AA+. That is a nice to make.

8. Minutes: Approve minutes of previous meetings.

Vice Chair Yingling moved that the Board of Selectmen approve the minutes of: March 20, 2018 5:00 pm (Special), April 2, 2018 5:00 pm (special), and April 3, 2018 5:30 pm (Special) as amended;

Selectman Anthony seconded the motion.

VOTED

**In Favor: 5
Opposed: 0
Abstain: 0**

9. Closing Statements/Administrative Updates:

- **Erik Yingling** –
- **Louise Venden** –
- **Tom Donegan** – I was elected as treasurer of fine arts work center, as a disclosure.
- **Robert Anthony** –
- **Cheryl Andrews** –

Without objection the meeting was adjourned at 9:02 pm

Minutes transcribed by: Elizabeth Paine