

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES – REGULAR MEETING
MONDAY, APRIL 23, 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, Tom Donegan and Louise Venden

Excused:

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

Recorder: Elizabeth Paine

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

- A. *Approve Parade Permit submitted by Bill Sykes, 13 River Street, Plymouth, MA 02360, on behalf of the National MS Society-Greater New England Chapter, for the 33rd Annual Cape Cod Gateway MS Bike Ride Fundraiser, to be held on Sunday, June 26, 2016, from 8:00 a.m. to 2:00 p.m. (4:00 p.m., if it runs longer).*
- B. *Declare the following list of equipment as surplus, pursuant to M.G.L. c. 30B and Provincetown General By-law §6-4-6, and to authorize the Town Manager to dispose of same in the manner deemed most advantageous to the Town. 2005 Ford Ranger 4x4 pickup - VIN# 1FDWF37FOXEE72731*
- C. *Proclamation – Declare the month of May 2018 to be Bike Month*

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:

- A. Public input on allowing a designated Sightseeing/Trolley Vehicle parking space in front of Town Hall at 260 Commercial Street pursuant to Provincetown Parking Regulations 6-4-2

Vice Chair Yingling recused himself from the meeting at 6:03 pm

Selectmen Donegan read the public hearing notice.

Exhibits/Documents: Public Hearing notice and draft RFP

Assistant Town Manager presented the proposal for the draft RFP to allow a sightseeing/trolley vehicle in front of 260 Commercial Street. This proposal is being presented because the grandfathered business that was previously there has been out of business for over a year. What is being considered right now is whether or not the Board of

PUBLIC STATEMENT

N. Cabral – Provincetown resident for over 20 years.

Rik Alhberg – if a new operator applies, I would ask that the board to consider smaller vehicles or electric vehicles. I am all for the business but it makes it difficult to navigate.

Raphael Ritcher – Sightseeing is a core element for tourist to experience Provincetown. I think there is a misunderstanding of what makes a sightseeing business successful, and you rely on walk-ons. We were originally being granted a location at Standish Street. What we have learned is it is not a place that you get the walk on presence you get on commercial street. We have also had a location at the pier. The town hall parking spot is a rare unique part of town that would allow us to have the exposure. The current rate is low by a factor of 5 and it is a valuable location and should be priced appropriately.

SELECTMEN STATEMENTS

Selectmen Venden – I know at this agreement, we passed a non-discrimination clause that was passed at Town Meeting. I think the trolley at town hall is a fixture, it has been a fixture. I am in general in favor of putting out the RFP, as for the minimum,

DG – that has to be approved by the AG office, and it would be applied after that. Price is a consideration, the vendor that proposes the highest price would be viewed favorably.

Selectman Donegan – thank you for having the public hearing. I am all in favor of doing the RFP, I think the residence was around the concern of the abutters.

Selectman Anthony – the trolley has been there for a long time. I feel that it is one of those things in Provincetown that we have for tourism that shows tourists what the town is all about.

Move that the Board of Selectmen vote to approve the draft language of the Request for the Proposal for Trolley Parking at 260 Commercial Street according to the time schedule stated within the draft.

DG – Four years ago, the last bid amount that came back at \$3,000 to \$5,000.

Selectman Donegan moved that the Board of Selectmen vote to approve the draft language of the Request for Proposal for Trolley Parking for 260 Commercial Street according to the time schedule stated within the draft.

Selectman Venden seconded the motion.

For discussion

Chair Andrews – as I am in the minority, my concern is that I enjoy to sit and watch Commercial Street and not to have my view blocked by an idling vehicles.

Selectmen Donegan moved to amend the vote to include, amending the RFP to include no idling.
Selectman Anthony seconded the motion.

Vote

3/1(ca)/0

Vice Chair Yingling returned to the meeting at 6:24 pm.

- B. Consider amendments to the Regulations regarding the Public Use of Town Hall, including changes to the fee schedule.

Vice Chair Yingling read the public hearing notice.

Exhibits/Document – Public hearing notice and draft amended town hall rental fee schedule and use.

Assistant Town Manager David Gardner and Event Coordinator Tim Hess highlighted the changes presented

Public Comments

Rik Albberg – I am wondering if the changes effect the non-profit event, the Year Rounder's, ability to serve the alcohol at non-ticketed events.

Robin Lapidis – Executive Director of the PBG, feels really nervous about this because we haven't had a conversation about how this really impacts the non-profits individuals. We usually have events during carnivals, I now have to write a check for \$8,000 to reserve a two-day event. Last year at Carnival we had Betty Who, we lost money on the event, the event sold out and we didn't care that we lost money, because we brought in a huge talented women come and preform. These changes hit us where we live, I would have a fabulous events every night if I could. I really think we should have been having creative conservation about this. At these rates, it is less possible for do these events.

Roger Shevet – Taking in in itself, it sounds like good business proposition. But when you take it into consideration with everything is going, I don't think we should be playing into. This is a public building and should be used for the public good.

Shelly Jennings – I do a lot of work in town hall and provide lights and sound for a lot of the major events. I am a big supporter of town hall. I also work on the special event town hall lighting. Some of the big contributors in town have paid for the upgrades that have occurred. We have all tried to make it a better performance site. I think a hike like this is going to discourage use of the town hall during the summer months. To have a 9 month non refund is really prohibiting. Most places have a 30-day event. I was asked to read a statement from Mark ... he has been producing Broadway performances since 2015 – I am highly against the proposed hike.

Rick Murray – I have rented town hall since Eartha Kit days, more recently since 2013, to produce shows. Having a work session with the new staff person would have been beneficial. We have all tried to give back to town hall to make this a successful venue. I have donated dates in the past due to a vender cancelling. What if there had been an opportunity to have a discussion with Board of Selectmen about realistic conversation about the rental rate? I don't rent out Town Hall to make a profit, what is the rational to charge us \$4,000 a night when you just discussed charging only \$5,000 to a trolley company for the whole season. I am asking you to table this idea until we can have a workshop discussion. I think you need to rethink this and invite people in who have rented town hall. We should really be apart of the conversation before you make the change.

Christin Walker – Provincetown Film Society – the rate hikes don't effect the film festival; I do want to support the idea of separate the non-profits to profit organizations. Last year we went to Fisherman Hall and we were asked to come back to the Town Hall, and what it said to me was how important it is to hold events here. I agree with and support Rick and Robin, we would love to give imput in how town hall is used and the renovations.

Selectmen Comments

Selectman Donegan – one of my thoughts that drove this was the loophole what was discussed prior. The Provincetown Tax payer shouldn't be underwriting the incentive for for-profit businesses to give gifts. I think the Film Festival is excluded from this and I think these fees are well considered and we should adopt these.

Vice Chair Yingling – Could you give me the data on which weekends are booked this year? Could we amend this and make a weekday rental rate? I think we should provide a discount to multi day discount. I want us to find the right balance, to make sure the space is rented but allow the space to be rented. Adjust it to \$1,000 a day during the week, make it \$3000 a day for weekends. I am very much in favor to expand it to all alcohol.

TH – We have three weekends open in July and all of August booked.

TD – part of the issue in the summer is that we have to shut off the AC in the town hall to cool the upstairs.

Selectman Venden – we have spoken about this 2 or 3 times, we have talked numbers and we have also hear about how difficult it is to have the H-Vac system work, and the sitting. There are a number of issues that need to be address. Perhaps we should say that the rental fund goes to doing the renovations that need to get done. I certain agree that we could maintain the multiday event, I don't know enough about how they price these things at other venues. There are clearly other issues we haven't considered enough.

Selectman Anthony – I appreciate all the feedback that we have been getting at this public hearing. It gives from food for thought, I think it is important that there has been a lot of dialog that has happened at this public hearing. We have gone through a process of having staff give us multiple drafts, and here it is. I am at a point where I have a lot of important from staff and I am ready to move forward.

Chair Andrews – There are a number of changes in this proposal. The first change is the definition of the nonprogite.

Selectman Donegan moved that the Board of Selectmen adopt the regulation #3, as written.

Vice Chair Yingling seconded the motion
5/0/0.

Vice Chair Yingling moved that the Board of Selectmen to amend #16 of the public use of town from 9 months to 4 months

Selectmen Anthony seconded the motion
4/1(td)/0.

Chair Andrews – I am hearing a fair argument that the non-profits pay a different amount.

Chair Andrews moved that the Board of Selectmen amend the non-profit fee to \$3,000 for the first night and \$700 for each additional night during July and August

Vice Chair Yingling seconded
5/0/0

DG – the problem with the AC is the capacity of the land. We wanted to place the chillers behind the Bas Relief. It is not an issue of the system not working it is the space. Rich Waldo believes there are improvements that can be made. We have had situation where the employees have complained about working conditions due to the AC being turned on upstairs.

TD – The Town Hall is still being used during the day for committee meetings. The building is for town government and they should be given priority.

Vice Chair Yingling move that the board of selectmen put in place multiday discount for \$200 during May & June and \$100 for Nov – Apr.

Selectman Venden seconded the motion
5/0/0

Chair Andrews – When you add in allowing liquor, I feel that you are competing with other venues. I would love to maintain the status quo to maintain that is beer and wine only.

DG – the only entities that would be allowed to serve liquor are non-profit and private events.

EY – I think that we should allow the liquor to these events.

LV – I am all for non-profits like Coastal Studies being allowed to serve liquor in the hall.

TD – PAAM is a good event to look at, you can have liquor on the Bas Relief but you cannot have it at town hall. The police are directed to turn people around.

LV – could I have an update on the chairs?

DG – Tim is currently working on one option, of having the chairs restored, when David P returns we will bring that forward. Ultimately we need to choose a chair. The funds have several funding sources. Once we decide what chairs we want, we can identify the funding source.

EY - Approve the town hall rental fees as amended

TD - Seconded

2. Public Statements:

- **Raphel Ritcher** – I wanted to offer a word of caution to talk about the bike sharing agenda that is coming up. I have taken advantage of using this service in cities, and it is no joke that they take over the side walk. I want to talk about the comment of there is no cost of public service, and there is a cost and that is the space. It is a great service, but please approach this with caution. Wanted to give great credit to my cousin but longest sitting selectmen, Yingling. The town owes a deep debt of gratitude for the time you have put in.
- **Bill Meadows** – I own P-town Bikes. In the last couple of years we have gone from 3 – 5 shops. We have heard a lot of people complaining about the amount of bikes on commercial street. When I hear about an operation coming into town and dumping 100-200 bikes into town. you are going to see bikes every. When I was on the bike committee, we heard a lot of complaints about abanded bikes. The bike shops in this town are devoted to Provincetown, we are in the 24th year of business. I employ 10 employees, I built housing for staff. I really question if a dock less bike company. It is a big business model where people can put out app and people can share the bikes. Regulation, I have to conform to, how is this going to be regulated? I am afraid this is going to turn into a trial. What are the police thinking about this? At a minimum I am asking for you to take your time on this, hold public hearing and get public consideration.
- **Liz** – Bike Shack – submitted letter of opposition for the bike sharing as well.
- **Jeff Epstin** – Gale Force Bike – we have owned it for 18 years. My husband and I purchased the business in 2000 and have been running it ever since. Brining bike sharing to Provincetown, it will hurt local businesses. We employ 15 people because we also have a sandwich shop. We already have heard complaints of there being too many bikes in town. The 5 local shops keep, keep the money locally and bringing the bike sharing in will hurt local economy. There are also safety issues, we supply helmets to renters, can bike sharing companies ensure that helmets are being provided. Other cities have sited major issues with bikes being left everywhere.
- **Mike Riley** – Provincetown Bike Rentals – the only personal experience I would add; I want to speak

about bike sharing. There is a 10-minute ride from the airport into the city, in that ride I saw hundreds of bikes that have been thrown onto the side of the streets. I saw the same experience in France.

- **Morgan Wheeler** – I work in a bike shop in town and I urge you to google “abandoned bikes in Asian”. I do not think this is a good way to go.

3. Selectmen’s Statements:

- **Erik Yingling** – I appreciate everyone coming. I think the decision will be made after I am gone, I hear what you are saying, and I have concerns. If it comes to doing it, I don’t think we have the space and it should be done with caution. This will be my last meeting as a Selectmen, it has been a very interesting and rewarding experience. Feel very grateful to represent the town.
- **Robert Anthony** – about a week and half ago, a tragic event happened, a young officer gave the ultimate sacrifice, I would like to make a motion that the Board write a letter to the family and the Yarmouth PD to offer our condolences.

Vice Chair Seconded the motion.

5/0/0

It has been a journey, this will be my fourth year, Erik was here prior to my joining, it has definitely been a roller coaster. I have known Erik for a long time, Erik has always had the good of Provincetown in his heart. I wish you the best of luck, we are going to be seeing him sitting in the audience and sitting at town meeting and perhaps seeing him back on the bench.

- **Tom Donegan** – my son in-law is a town planner in Amherst. They have a horrible time with bike-sharing because there is no incentive for the renter to park the bike responsibly. Bike sharing is now being expanded to electrical bike, and I have a fear of electric scooters being ridden up and down the street. We have a lot of bike companies and I appreciate the owners and workers to come out and talk with us. I thank Bobby for talking about this, I appreciate the bravery that our Provincetown police officers committee to our town.

When I joined the Finance Committee, Erik had been here his whole life, and I had been here 7 months. There was a lot of discussion about OPEB and August came around and my mother was sick. The ferry was full, the airplane full and the trip getting off Cape Cod was going to be difficult. and I walked in to Spiritus and there was the guy from FINCOM wearing an apron and he asked me if everything was ok. I left there

- **Louise Venden** – I would like to second the comments made about the Yarmouth police officer. We are very lucky in this town to have a terrific group of people. It is truly an honor to be sitting up here, it is a honor to serve the public. Yes, you get criticized. I am sorry about the tone that has been taken with the current campaigning. My hope that we can tone down the rancor in this seasons race. I haven’t worked with Erik very long, but I have to say his patience and his youthful assurance, we are going to miss that level of assurance on this board and I wish you well with whatever you do.
- **Cheryl Andrews** – I did attend the Selectmen’s council. The Agenda was bridge construction but the discussion was assessor dwelling. I attended the Patriots ceremony last weekend. I want to acknowledge everyone who was involved. I did attend my first Cape Cod commission meeting and on Wednesday I will be in Boston for the 2020 planning and on Thursday attending the pilgrim monument task force for 2020. I did send an email to the police department on behalf of the board to express my condolences. I have never served with a Selectman different than me, what I learned watching you is how hard you work, that has been very impressive to watch. When I left the board in 2007, I am pretty sure the board thought they would never see me again, I was handed this coin, I am going to pass it on to you, because

look what happened to me, because maybe there is a little karma that you will come back.

4. Joint meeting/Presentations:

A. Joint Meeting with Bike Committee – Discuss Bike sharing concept.

Bicycle Committee Chair Rik Alhberg called themselves to order at 8:10 pm, was joined by members Roger Shevit and David Morman. Mr. Alhberg is present because he requested to make a brief presentation to the Selectmen to present the idea of Bike Share to the town of Provincetown. Recent activities that is happening on the cape is we are seeing these bike sharing companies coming to towns aggressively. I leave regulation comments to David Gardener. Currently we have 2 who have shown interest to coming into. Truro voted to consider a contract with V-Bikes. So even if we don't do anything, we will be seeing bikes coming into town. What I wanted to ask you, is whether or not you want to develop some sort of regulations for the town. As the bike committee, we think it is great in concept, but we are not sure how it would work. We need help in figuring out how to handle it. One thing I have heard is, is there are too many bikes in town. Currently we do not regulate the bikes in town, we don't know how many bikes these companies are currently rent. The idea that there are too many bikes shops, there are 5 bikes shop right now with a 6th coming in. we don't have a way to manage how many bikes we currently have. We know how many pedicabs we have, taxi cabs or trolleys.

RS – I got my first bike when I was 6 years ago. Over the year I have seen evolutions, and we are in the middle of a pyridine shift. We live in a tourist community, visitors get here somehow and once they are here, they get around somehow. We are not regulating or modernizing our whole transportation. We already have uber who do the same thing, we are in the beginning of driverless cars, if we look too narrowly at what we have, we look at the old pyridine, what we really need is a comprehensive look at how people get around once they get here. The town will not get bigger; we have to make options to manage the people to get around. If we give them a frame work, maybe we can make some head wind. 60% of people who use their bikes this time of year use their bikes out of necessity.

DM – it is going to happen, the bikes are going to come, it seems that it is going to be mistake to try and work with them ahead of time and to address it head-on before comes a problem. I think it could be a partnership instead of being a shift. This way the town has a sense of control over.

RA – the Bicycle committee is in support in the idea but we are not supporting a specific proposal.

Chair Andrews – what I am hearing is that you are asking us to be aware of what is going on. You mentioned on company that has been trying to come to Provincetown.

Town Manager Gardern – I was not aware of the earlier approach, I was approached during town meeting and when I replied I included Rik and was made aware of the earlier concept.

Selectman Donegan – it is amazing the amount of work that the Bike Committee has done in the last four years. It is a big change that has been going on. I think for me, it would be interesting in two way, first the dock-less sharing, I think it is very disrupted. The second is the dock system, which I think could be done in junction with the local business. The dockless, we just don't the sidewalk or bike rack space for that concept.

Selectman Venden – we have done a lot of work towards making the town safer for the bikes. I think in a bike city it is different than in a big city. Is there a demand for this? I am not sure, there are 5 bike

shops in town. I think part of the wonderful thing we do here is support local businesses and now you have me worried about people coming in from truro and leaving the bikes here in town. I think the bike shops have an investment in these bicycles and they make sure the safety issues are addressed. I like Tom's ideas and support his concerns about dock-less. I would like to see it made safer.

Selectman Anthony – thank you for your comments and the bike owners. Unless I have a proponent sitting in front of me and explaining exactly where the drop off are going to be and who is going to be taking care of the bikes, it is like a free enterprise system. Until I have them here telling me things, I cannot make a decision, it is just words at this point in time until I know what the plans are.

Vice Chair Yingling - ...

Chair Andrews – it seems that I have been hearing two different phrases over the weekend.

Selectman Donegan move that the Board of Selectmen vote to ask staff to prepare a staff report on recommendations on next steps from Board of Selectman and any other regulatory Boards.

Selectman Anthony seconded the motion.

4/1(ey)/0

DG – my understanding is that is commerce happening in the public way and they would need to have procurement with the town. The point of sale should not be made on town property. I asked town council and the legal thinks we could prohibit them.

RS – please get the input by law enforcement as well.

RA – adjourned their meeting at 8:46 pm.

5. Appointments: NONE

6. Requests:

A. Police Quarterly Report

Police Chief Golden was present at the meeting to present the quarterly police report.

Selectman Anthony – are you ready for the summer?

Chief – we generally hire 12 seasonal employees, we currently have hired 11. They will come in on the 14th of May, we are about 97% ready.

Selectman Venden – looking at page 7, I assume these are annual numbers and for 2018, they are three months?

Chief – Yes. As the year goes on the graphs become a bit for valuable.

Selectman Donegan – I think we all mentioned in our public statement our condolences of the event

in Yarmouth.

Chief – The law enforcement on the cape is a small group. Last week it was a very emotional week, I became the chief in 2013, the longer I do this, I say to myself, do we have the right people. Over the two days, we had a lot of shifting of our officers. I am very proud of who we have now.

TD – are you happy with the process of the approval with the selection of the architecture group for the police academy.

Chief – I am very pleased with the group who is getting chosen.

Chair Andrews – it is going to be a fascinating process, it is going to need to serve the needs of the town and the police. As a tax payer if I see something that reflects the town well verse saying money, I will pay the extra money.

Vice Chair Yingling – to make a point to your comment when you came on, you worked 2 positions for 8 months, your leadership is reflected in the people you have hired. I have been thinking about you guys a lot and very grateful to have you as our chief.

Selectman Anthony – I concur.

B. Request by Curaleaf Inc.,(previously Mass Organic Therapy) to amend their Letter of Non-Opposition and Community Host Agreement for Medical Marijuana Dispensary from 2 Harry Kemp Way to 170 Commercial Street – Patrik Jonsson

Formally known as Mass Organic, they have returned to ask to move their location based on the last town meeting. Patrik Jonsson is present to hope change locations, so that when the recreation is allowed we can apply for the state.

Chair Andrews – do you have a tax id? Applied to the state, do you still have the same id number?

Vice Yingling - Move that the Board of Selectmen vote to direct the Town Manager to amend a Community Host Agreement with Curaleaf, Inc. to locate a Medical Marijuana dispensary at 170 Commercial Street and to authorize the Chair to sign a letter of non-opposition form the Town of Provincetown after agreement has been executed.

Selectman Anthony seconded the motion.

TD – does this effect the percentage for sales agreement?

DG – if and when they get approved for the recreation, they will have to renegotiate a host agreement.

VOTE 5/0/0

C. Continued discussion of Charter Commission proposed changes to the Charter and role of the Board of Selectmen

D. Review and Discuss Property Tax Rate

Selectman Venden – I brought it up because I was looking for something that occurred that after I asked for this. You can find it now on the website under the treasurer's office, a very simply explanation of how the levy rate is broken down.

E. Zoning Changes, projects and housing units impacted by the inclusionary and accessory by-laws.

Selectman Venden – I asked for a very cute short explanation, and we have been presented with this. Is it on the website yet?

DG – We were waiting on the changes at town meeting and we need approval by the AG office.

Chair Andrews – if we could get this in a form to share on line and not just a link that would be great.

F. Current Status of Harbor Hill Property

Selectman Venden – I wanted to have an update on the process.

Selectman Donegan – we are currently waiting for Land Court to stamp the deed. We trying to find the balance to figure out what we need to spend now and what can be put off. We are working with David Panagore and Michelle on various things and David Gardner to take a 2 bedroom and make it into 2 one bedroom units and transform a garage until into another one bedroom. Some units we can put online very quickly and others are going to take more time. The challenge is we only have an iquirie list and until we have a date, we won't be able to get applications.

G. Storm Tide Pathway Mitigation Efforts

Selectman Venden – this is another topic that needs to be placed on the agenda once a month, and Tim gave us a updated memo. As with the beach nourishment, I don't think we should put this off.

DG – let me get back to you with a date but June or July so I have something new to report to you when we discuss it again.

H. Un-appropriated receipts & allocations of Tourism Funds

Selectman Venden – I had asked for an update and the Finance Director provide this memo.

I. Board of Selectmen Official Communication Title.

Selectman Donegan – this is a non-binding proposal. To create a policy change that the selectman can be referred by and known as the Select Board. I would like to adjust this, to remove Select

Member to just say, Member.

Selectman Donegan moved that the Board of Selectman approve the policy statement 2018-04-23 as amended.

Vice Chair Yingling seconded the motion.

Vote 4/1(ca)/0

J. Shank Painter Pond Trash Clean Up

Chair Andrews – I brought this forward and after my conversation with David Gardner, he believes that staff can address this.

David Gardner – I have spoken to the Deputy and they believe that this can be addressed in their budget.

7. Town Manager / Assistant Town Manager:

A. Town Manager's Report – Administrative Updates.

David Gardner – have nothing to add.

8. Minutes: Approve minutes of previous meetings.

9. Closing Statements/Administrative Updates:

- **Erik Yingling** –
- **Louise Venden** –
- **Tom Donegan** –
- **Robert Anthony** – Erik, next meeting, I want you to text Tom about your enjoyment you are having watching us.
- **Erik Yingling** – good night.
- **Cheryl Andrews** – I was also contacted by the super

Without objection the meeting was adjourned at 9:02 pm

Minutes transcribed by: Elizabeth Paine