

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
MONDAY, JUNE 11, 2018 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Vice Chair Donegan convened the open meeting at 6:05 pm noting the following:

Select Board Members attending: Chair Louise Venden, Vice Chair Donegan, Members Robert Anthony, Cheryl Andrews and Lise King

Excused:

Other attendees: Town Manager David B. Panagore, and Board Secretary Elizabeth Paine, Temporary On-Call Secretary Linda Fiorella

Recorder: Linda Fiorella

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

- A. *Approve the parade permit application for James Morgrage on behalf of the Harbor to the Bay's 16th Annual AIDS Bike Ride to be held on Saturday, September 15, 2018.*
- B. *Approve the parade permit application for Paul Curley on behalf of the American Lung Association's Annual Autumn Escape Bike Trek to be held on Saturday, September 30, 2018*
- C. *Approve the reappointment of Lynne Martin, Ginny Binder, Tom Coen, Stephen Latasa-Nicks, Steve Katsurinas, Max Cliggott-Perit and Elaine Anderson to the Local Comprehensive Planning Committee, with term ending July 1, 2020*

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

Chair Venden joined the meeting at 6:10 pm

1. Public Hearings:

- A. **Curb Cut - Application by Mark Sellers and Najjia Mahmoud, requesting approval to install an 18 foot curb cut for a driveway for 1 parking spaces on the front of the property located at 25 Cottage Street, Provincetown, MA in order to access the property for parking. (Assessor's Map 6-4, Parcel 53).**

Select Member Andrews read the public hearing notice.

Exhibits/Documents: Public Hearing notice, application dated May 15, 2018, and staff comments

The attorney for the applicant stated there is limited parking on the street so they propose the creation of an 8ft by 18ft parking space running parallel to the building off the street in front of the house for one vehicle. No street parking would be removed.

Staff report – Assistant Town Manager Gardner reported that staff reviewed and supports off street parking where parking is not otherwise available. Selectmen's guidelines suggest the space should be no more than 18 feet but he feels because the space would be surrounded by retaining walls on three sides

lengthening it would allow them to get in more seamlessly. He said staff would support either lengthening the space or angle the south end of it at a 45 degree angle to allow the car to just drive in.

Public Input - none

Select Board Input

- Select Member Andrews –The application is for a curb cut – but the notice says driveway. But from my vantage point if you want to do something different you’d have to re-notice.
- Vice Chair Donegan – asked if Assistant Town Manager Gardner supports approval as is or to modify the proposal. Assistant Town Manager Gardner supports the 45 degree angle because although it would add an additional four feet it would not remove any parking spaces.
- Chair Venden – asked for a suggested remedy. Assistant Town Manager Gardner responded that he considered the application properly noticed.

Vice Chair Donegan MOVED that the Select Board vote, pursuant to Provincetown General By-Law Section 11, § 6-2, to approve the request of Mark Sellers and Najjia Mahound, for a curb cut at 25 Cottage Street as amended with a submission of a certified plan. (Assessor’s Map 6-4, Parcel 53)

Select Member King second the motion

VOTED

In Favor: 4

Opposed: 1(ca)

Abstain:

- 2. Pole Hearing – Utility Pole #20/2 Nearest 8 Court Street - Application by Tim Whalen on behalf of AT&T requesting permission to construct and maintain telecommunications wires and wireless attachment appurtenances, including fiber cables(s), remote nodes and pole top antennas, to be attached to existing Eversource utility poles, located upon, along and under the public ways within the Town of Provincetown, as substantially shown on the plans filed with said Petition. In addition AT&T is requesting permission to install conduit or direct bury fiber cable(s) as depicted on the plans submitted**

Vice Chair Donegan read the public hearing notice.

Exhibits/Document – Public hearing notice, Policy Statement, A copy of ATT’s petition, Staff Comments

Michael Dolan, the lawyer representing ATT explained that they are requesting to install a small cell antenna and cabinet on an existing Eversource pole.

Staff Report: Assistant Town Manager Gardner reported that staff had reviewed the request and supports it.

Public Comments

- None

Selectmen Comments

Vice Chair Donegan MOVED that the Select Board vote, pursuant to MGL C.166,§22, to approve the requesting permission to construct and maintain telecommunications wires and wireless attachment appurtenances, including fiber cables(s), remote nodes and pole top antennas, to be attached to existing Eversource utility poles, located upon, along and under the public ways within the Town of Provincetown, as substantially shown on the plans filed with said Petition. In addition AT&T is requesting permission to install conduit or direct bury fiber cable(s) as depicted on the plans submitted. At the following locations:

Utility Pole #20/2 Nearest 8 Court Street

Select Board Member Anthony seconded the motion.

VOTED

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

Town Manager David Panagore recuses at 6:23 p.m.

- C. Special Traffic Hearing – Two-wheeled Motorized Vehicles/Electric Bicycles - to consider traffic regulations related to the proliferation of the use of two-wheeled motorized vehicles or electric bicycles within the Town of Provincetown.**

Vice Chair Donegan read the public hearing notice.

Exhibits/Document – Public hearing notice, draft Regulations provided by Town Counsel John Giorgio.

Assistant Town Manager David Gardner introduced proposed regulations for the safe use of motorized bicycles that address previously raised concerns including travel on commercial in both directions, driving without helmets, and while impaired, enforcement of the rules of the road, the use of bike racks on town property, insurance and licensing. He read into the record highlights of the proposed regulations based on existing state definitions of types of motorized bicycles, scooters, etc.

The highlights included; where business transactions may take place, flow of traffic, storage, parking, licensing targeted toward the business activity, age requirements, requirements to provide demonstrations for operation and explanation of local rules of the road.

Public Comments

Bill Meadows Owner of P-Town Bikes – Whatever decision is made regarding motorized bikes is meaningless unless it is enforced by police. They aren't enforcing speed limits and the use of lights at night.

Dave Fournier – I sell bikes. Helmets are mandatory. You have to understand the tech of the vehicles. Take the tech coming along and get down on the safety.

Heather Baker Co-owner of Coast – It is stamped by the federal government as a class two electric bicycle. The Massachusetts legislature doesn't have the language yet to recognize it. We should not park in a regular parking spot. The new regulations seemed focused on our bikes.

Joseph Centrello – Disputed an opposition letter point by point.

Mike Reilly - I rent pedal assist bikes. Been doing this 3 years no complaints. Customers are told the same things a normal bike rental would be subject do.

John Swanson- They are smaller. Take up less space. No emissions. If you park in a space it's a waste.

Robert Beaton, Arnold's Bike Shop - Concerned about safety, congestion, rules of the road, and taking them on the national seashore

Paul Melanson, Co-owner of Tin Pan Alley – The bikes are small and harmless. Shouldn't have to take up a regular parking space.

Kaliope – Good for people who need help getting around.

Deborah Kerr –The URB-E site makes no reference to electric bike or scooter. 18 miles an hour down Commercial Street is accidents waiting to happen. The lower levels go much slower.

Penny – Rode one and wasn't offered a helmet. Seems like people were racing. I thought it was unsteady and was told to go faster.

Selectmen Comments

Vice Chair Donegan read into the record a 14 point opposition letter by Liz Athineos and a letter by Dr. Elise Cozzi regarding safety concerns.

Select Member King - Discussed concerns related to parking and speed and proliferation of the new vehicle. Appreciates the green aspect and the entrepreneurial spirit of the company but feels that the

motorized bike in question is a throttle induced vehicle and should follow the rules that a moped would follow including not going against the traffic. What new type of license.

David Gardner -- Currently services that do not have a storefront are not required to get license. What is being proposed is a new type that relates to motorized bicycles and that businesses would be required to get a license specific to the conditions in your packet.

Select Member Andrews – Proposes including Town Council be present to explain definitions, considering regulations regarding bicycle lights and parking options.

Select Member Anthony – expressed concerns about one way traffic on Commercial Street and the throttle and speed against traffic and bikes being dropped all over town because it is a concierge service.

Vice Chair Donegan – would like to see inclusion of bicycle lights be a part of the licensing.

David Gardner – I will add this to licensing requirements.

Chair Venden – I would like to move it along but I have concerns about parking issues and what is possible for enforcement to enforce and traffic going both ways on streets that weren't even designed for cars.

Select Member King-- Policy making is looking down the road. The congestion on Commercial Street warrants a larger discussion.

Select Member Andrews Moved that the Select Board vote to approve the proposed amendments to the Provincetown Traffic and Parking Regulations relating to the Operation of Motorized Bicycles and Scooters.

Select Member Anthony seconded

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Select Member Moved to refer the attached draft Licensing Regulations to the Licensing Board for consideration and approval at their next available meeting.

Select Member Anthony seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Town Manager David Panagore returned at 6:42 pm

2. **Public Statements:** none

3. **Select Member's Statements:**

- Lise King -- I appreciate that entrepreneurship is key to our sustainability.
- Cheryl Andrews – DCI, Development of Community Interest. They need to hear from us in terms of the next step.

Select Member Andrews Moved that the Select Board ask staff to prepare a model on the parking for the motorized scooters.

Vice Chair Donegan Seconded

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

- Vice Chair Donegan -- Public discourse has taken a turn for the worse: voice, in person, Facebook. We need to remind ourselves that tomorrows ally is today's foe, we all agree and disagree.
- Chair Venden-- I support the review of the select board role in establishing policies that board members are informed of and the scope of their roles.
- Elizabeth Paine-- Staff has been working on new pending requests and follow up. The first has a list of 9 pending topics and dates where the topics will be discussed. The next is what have been moved. These are things that haven't been scheduled yet but if we have a date that gives staff enough to time to prepare for.
- Chair Venden -- I support that were keeping track of this. I think we will be taking up this issue to understand the scope of our authorities and how we deal with the boards and what their scope is as well.

4. **Joint meeting/Presentations:**

A. Presentation by Tourism Director: FY2019 Institutional Matching Marketing Grants & FY2019 Co-op Marketing Grants –Chamber, PBG

Exhibits/Document – Memo from the Tourism Director

Tourism Director Anthony Fuccillo discussed cooperative marketing grants with Provincetown Business Guild and the Chamber of Commerce which were originally \$10,000 matching grants. They were increased to \$15,000 and then for the past few years they've been \$20,000. Requested the Board approve these two grants to the Provincetown Business Guild and the Chamber of Commerce for Fiscal

Year 2019.

The Board and staff discussed concerns about providing more detail going forward about the process of grant applications etc., and that will be addressed in a Select Board meeting on July 9, 2018.

Further discussion included matching grants, how much say Boards have in how money is spent, what is done with unspent grant money, and how some grantees spend the grant money.

Cheryl Andrews MOVED that the Select Board vote to approve the FY 2019 co-operative marketing grant agreements with the Provincetown Chamber of Commerce for up to \$20,000 and the Provincetown Business Guild for up to \$20,000 as recommended by the Visitor Services Board.

Robert Anthony seconded the motion

Vice Chair Donegan – Not that I don't support the work of the organizations but giving \$20,000 grants to someone who doesn't want it seems a poor policy.

Cheryl Andrews – Does the grant applicant actually request a specific amount?

Tony Fuccillo – They've been granted without an application and we are going to propose in the new process that they will be submitting an application and sharing how they intend to spend the money.

VOTED

In Favor: 4
Opposed: 1(td)
Abstain:

Vice Chair Donegan – I vote to divide the question.

Cheryl Andrews MOVED that the Select Board vote to approve the FY 2019 matching Institutional marketing grant agreements with the following Four (4) Provincetown Institutions: Center for Coastal Studies (CCS), Provincetown Art Association and Museum (PAAM), Pilgrim Monument and Provincetown Museum (PMPM) and Provincetown Theater (PT) for up to \$5,000 each as recommended by the Visitor Services Board.

Robert Anthony seconded the motion

Vice Chair Donegan - my question is all of the rest of the grants that we've looked at with the exception of the two 20 [thousand dollar]s those 34 grants that we've approved have had an inflation factor. How come these didn't have inflation factor?

Anthony Fuccillo- This was how it was put into the 5 year plan and no one discussed increasing it.

Cheryl Andrews – You're talking about potentially asking your two marketing partners to do applications. Would you also be doing applications for these? For example to give \$5000 to an institution that has a huge fundraising arm and I think these all do. The distinction between these 5 that

have staff that do fundraising and the PBG and the Chamber which are membership organizations and then comparing them to a lot of small groups that are fighting for every penny to breathe to keep their events going-

Chair Venden —The Center for Coastal Studies and the Provincetown Theater do not have a robust fundraising arm. Whether these five the grants are sufficient. What these organizations represent for pulling in tourism I think should be taken up by the VSB.

Rick Murray – What happened when I was on the board the other entities went through the grant process. We put it into a guarantee of 5k. I would be open to changing that guaranteeing 5k every year. Some have paid staff and raise a lot of money and others don't have that capability. That would be a dialogue between you as our appointing authority so you can give us some direction on how you want us to go.

Lise King—If we are going to set a precedent that a member org filled with for profit businesses and these are our key nonprofit organizations that are the soul of Provincetown and the diversity of our tourism industry as well. Maybe we should be encouraging them to make an organization like the PBG and the Chamber.

Anthony Fuccillo -- Of the 5k some received less. This is first year they all got 5k. Last year they 4k. This year they got 5 as a match.

Vice Chair Donegan recused himself at 8:48 pm

Cheryl Andrews MOVED that the Select Board vote to approve the FY 2019 matching Institutional marketing grant agreements with The Fine Arts Work Center (FAWC) for up to \$5,000 each as recommended by the Visitor Services Board.

Lise King seconded the motion

VOTED

In Favor: 4

Opposed: 0

Abstain:

Vice Chair Donegan returned at 8:49

5. Appointments:

A. Zoning Board of Appeals – Peter H. Okun

Chair Venden asked Peter H. Okun his reason for wanting to be on the Zoning Board of Appeals.

Peter H. Okun - Business Owner in town and I keep ignoring all the calls to volunteer and I'm a full-

time resident and I finally decided it is time to give back.

Select Member Andrews Moved that the Select Board vote to appoint Peter H. Okun as an alternate member to the Zoning Board of Appeals effective immediately and expiring on December 31, 2020.

Select Member Anthony seconded

Vice Chair Donegan-- Do you anticipate any conflicts?

Peter H. Okun - from what I understand I have to recuse from any abutters as a resident or business owners.

VOTED

In Favor: 5

Opposed: 0

Abstain:

B. Provincetown Business Guild Represented on the Historic District Commission – Michela Carew-Murphy and John Dowd

Michela Carew-Murphy – Shared her background as a current alternate on the Historic District Commission, willingness to learn, educational background, examples of her work on the Historic District Commission and her approach to application processes and guidelines and concerns about developing and moving too quickly.

John Dowd – Described his history as an artist in Provincetown and his place in the community, his education in historic preservation and architecture, and his previous service on the Historic District Commission.

Vice Chair Donegan Moved that the Select Board vote to approve the appointment of John Dowd to the Historic District Commission as Provincetown Business Guild’s Representative, with a term to expire on December 31, 2018.

Select Member Anthony.... Seconded

Vice Chair Donegan- This way we get to keep both and Alternate and a new member. The Historic District Commission needs John’s experience. Michela has enthusiasm.

Select Member King -- We need more women. Architecture has lots of men. Don’t let your spirit get dampened.

Select Member Andrews-- it’s a rare day when we can’t appoint everybody. John is a proven leader.

Chair Venden-- as former chair of the Historic District Commission I hope that the board will work together. John understands the changes and the balancing act. I’ll support the vote of the majority.

VOTED

In Favor: 5
Opposed: 0
Abstain:

6. Requests:

A. Charter Revision Suggestions - Discussion of KP Law memo on suggested amendments to the Revised Charter to address Legal Risks

Town Manager Panagore summarized the KP Law memo regarding suggested amendments to the revised Charter and presented options for scheduling a special town meeting to address the items or waiting until the Annual Town Meeting and the options for amending the revised Charter.

Vice Chair Donegan -- I would advocate for a fall town meeting. We have civic engagement workshops of what we think are important things. If they bring us a reasonable item because it's a special town meeting it requires 100 signatures but if we have a charter fixing session as expansive.

Select Member Andrews-- neat and simple would be better. Let people do a survey and tell us what they're interested in.

Chair Venden the whole charter was too much for people to understand and focus on. If we know there are things that would make a big impact on how we move forward we should focus on those.

Select Member King -- if people want to add something they can get signatures.

Town Manager Panagore --I prefer late October. Staff would need to be spending early September for financial review. Doing it well takes time and effort. You want a good education process.

Vice Chair Donegan Moved the Select Board request the staff begin the process of calling a Special Town Meeting during the last week of October and a Civic Engagement Process starting in September.

Select Member Anthony seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Town Manager Panagore-- I can come back with some draft language on the time sensitive ones

Vice Chair Tom Donegan – some equally important are the ones where we have liability.

Select Member Andrews—I'd like us to have a Charter Enforcement Commission.

B. Appointment of Select Board Liaisons.

Vice Chair Donegan – The Stellwagen Bank is back on. There’s a lot of work to do. Had a chance to talk to NOAA people funding is less secure but the process is moving forward.

Elizabeth Paine—You’re looking for reappointment to that board.

Vice Chair Donegan – yes.

Select Member Andrews MOVED that the Select Board vote to appoint Tom Donegan as Liaison to Stellwagen Bank, for a term ending July 1, 2019.

Select Member Anthony seconded the motion

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

C. Discuss and review Select Board Rules and Procedures Annual Review Process

Vice Chair Donegan MOVED that the Select Board vote to schedule adoption of the Rules of Procedure at its regular meeting on Monday, June 25, 2018, with any proposed amendments to be submitted in writing to the Select Board’s Secretary by 12 Noon on Tuesday, June 19, 2018.

Select Member Anthony seconded

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

D. 2020 Update/Town Sponsored Events Provincetown 400 Update from State Commission Member Andrews

Select Member Andrews shared that the signature events are being listed as Plymouth 400 events and doesn’t want to miss out on an opportunity to include Provincetown in some of the events by having events that coincide with Plymouths and with having our own at our own time as well. What role does the Town of Provincetown want to play? Plymouth is eliminating Thanksgiving. We should do the fireworks on Thanksgiving either Thursday night or Friday. Harvest feast for kids shindig at monument Would we be willing to sponsor those two events one in April upstairs and fireworks on Thanksgiving.

Select Member King-- There’s been a movement of Native American tribal leaders to have Friday after Thanksgiving become Native American Heritage Day and we could take ownership of that. We could get the tribe involved.

Vice Chair Donegan -- I love Native American day

Town Manager Panagore - I do see this as a big lift. Work with you guys how we.. our focus is too divided. Depending on how this rolls out. I want somebody who is dedicated to make this work.

Select Member King Moved that the Town of Provincetown sponsor or co-sponsor the following events in support of the 2020 Commemoration

- a. Ribbon –cutting at the Bas Relief : date TBD**
- b. Ribbon-cutting at the First Landing Park: date TBD**
- c. Opening Ceremony- April 24, 2020 Town Hall**
- d. Thanksgiving Fireworks –date TBA November 25,26,27 and recognition of Native American Heritage Day Friday November 26, 2020.**
- e. Closing Ceremony December 18, 2020**

Select Member Anthony seconded

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

E. May 21, 2018 Lower Cape Meeting follow up from Chair Venden

Chair Venden—I'd like to send a thank you letter of the six town group and invite a broader group of people from the select board.

Vice Chair Donegan Moved that the Select Board authorize the Chair to send the attendees of the May 21st, 2018 meeting a thank you letter.

Select Member Andrews seconded

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

F. Schedule Meeting - VSB Tourism Grant's policies, procedures and criteria.

Vice Chair Donegan Moved that the Select Board request the Town Manager to work with the Tourism Department Staff to prepare a presentation for the July 9, 2018 regular Select Board meeting on the process, procedures and criteria of the Visitor Services Grants.

Select Member Anthony seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

7. Town Manager / Assistant Town Manager:

A. Town Manager's Report – Administrative Updates.

Town Manager Panagore discussed upcoming memos on the revised Charter and a planned meeting with Rae Ann Palmer on shared services with Truro.

8. Minutes: Approve minutes of previous meetings.

Board suggested minor typo corrections and wording changes to minutes.

Select Member Andrews moved that the Select Board approve the minutes of: April 9, 2018 5:30 pm (Special) April 24, 2018 4:00 pm (Special), May 14, 2018 6:00 pm (Regular), May 15, 2018 5:00 pm (Special), and May 15, 2018 6:30 pm (Special) as amended.

RA seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

9. Closing Statements/Administrative Updates:

- **Lise King – nothing**
- **Cheryl Andrews – the word I was thinking of before was prototype**
- **Robert Anthony –**
- **Vice Chair Tom Donegan –**
- **Chair Louise Venden –**

9B. Executive Session Motion:

No Action Taken

Without objection the meeting was adjourned at 10:58 pm

Minutes transcribed by: Linda Fiorella