

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING - MONDAY – SEPTEMBER 9, 2013 6 PM

TOWN HALL – JUDGE WELSH ROOM

Chairman Austin Knight convened the meeting at 6:05 PM, noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, David McChesney, Erik Yingling and Tom Donegan.

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Finance Director Dan Hoort

Recorder: Assistant Town Manager David Gardner

The following are meeting minutes, in brief:

1. **PUBLIC HEARINGS None**
2. **PUBLIC STATEMENTS**

Jim King – Opposes the Marine Patrol Program and requests that the program be defunded.

Peter Petas – Crisis of leadership. Complaints of the police department go unaddressed. Renewed focus on community policing. Establish a Police Citizen Review Board.

Rachael White – concerned about people speaking up and criticizing individuals without all the facts.

Jennifer Cabral – Seeks accountability of complaints. I am not anti-police, but anti-abuse of power and anti-intimidation. Wants the Town Manager and Selectmen to hold the Chief accountable.

Eric Roberts – Lost all faith in the Provincetown Police Chief. Town management failed to take the sexual harassment complaint serious.

Howard Burchman – Need to have confidence in the Police Department in order to undertake an investigation, consider the appropriate level of police services, location of the police station, etc. Unable to make decisions on these issues until the conversation regarding the police department is resolved.

Maria Lopez – People are fearful of completing the survey as they are concerned about reprisal.

Erin Barrepski – frustrated in the town’s refusal to address concerns of the residents. Hold the Selectmen and administration responsible for the discord in the community.

Rich Keeling – agree with previous statements. Emphasize accountability. Feels the intimidation from officers of the police department.

Shawn Nightingale – Need to have a town forum with the Town Manager and Police Chief.

Valerie Martin – Have a petition to ask the Police Chief to resign.

Steve Roderick – Need to talk about Andrea Poulin, who brought the sexual harassment complaint forward. Does not deserve this. I am appalled that nothing was done. Would like to see the Police Chief suspended pending an investigation. The leadership in the police department needs to be addressed.

Barbara Rushmore – Agrees with solution of Community Policing. Thinks the police officers are rude and harassing, which is the fault of the Police Chief. The Police Chief is loyal but blind to all sides. There should be a Selectmen who is the liaison to the Police Department.

Michael Canizales – The root of the problems is that the Community needs to decide what it wants from a Police Department and at what cost. This passion needs to be referred to the Public Forum. We have the worst human resource department and policy then any organization I have ever witnessed. We need a human resource manager. Criticized the three Selectmen for giving the Town Manager a good performance evaluation. Neglecting the fiduciary responsibility of the town. FinCom's job will be to hold the Selectmen accountable.

James Goss – Does not trust or feel safe in Provincetown because of what has happened in the Police Department.

Ginny Ross – Something has gone astray in Provincetown. The leadership in Provincetown has lost its way. The Police Chief is just not a good fit. Town Manager deserves a lot of accolades, please don't let us down.

Eric Engstrom – Had a very bad experience during the election when he put out a political sign. As a result is fearful of the Police Department. Has never witnessed this degree of abuse of power.

Adam Jenkewicz – Pulled over for speeding on Route 6, the officer was abusive and insulting. Accused him of being drunk and smoking pot. Heartened that many people are coming together to resolve these concerns.

Charles Mayo – Came tonight because he had heard that some people are fearful to speak out because of fear of reprisal. We cannot afford intimidation or recrimination. We need to feel comfortable with our police force.

MaryJo Avellar – Originally became a Selectman because the existing Selectmen refused to act and be responsive to the citizens. Does not feel that town employees should be telling town boards what their jobs should be.

Clarence Walker - Feels the dismissal of community concerns has lead to tonight and the outrage being express by the public. Feels members of the Fincom are being followed by the Police Department as reprisal for not supporting the police station.

3. **SELECTMEN STATEMENTS**

Elaine Anderson – Thank you all for coming, we are listening. I know you all want to see action. We need to consider what the appropriate course of action will be.

Wanted to thank all those who participated in the Swim for Life.

Businesses have done well over the summer. We have continuing issues concerning safety of bicycles on Commercial Street as well as concerns for speeding on Bradford Street.

I feel so heavy inside and have the urge to say so much.

David McChesney – Thank you all for coming and speaking. We are listening. We have no tolerance in this community for sexual harassment and cannot tolerate fear and reprisal.

Erik Yingling – Appreciates those who came out tonight. Do think that we can do better, need to do more with Community Policing. Commits to supporting Police Advisory Board.

MOTION: *Move that the Board of Selectmen vote to pursuant to town charter, 10-4-2, to direct Sharon Lynn to suspend Chief Jaran with pay until such time that the investigation can be complete.*

Motion by: Erik Yingling **Seconded By:** Tom Donegan **Motion withdrawn. Refer to a special meeting on Thursday, September 12, 2013.**

Tom Donegan – We will fight for a safe comfortable environment for all who work and live in this town.

Will bring forward an article to town meeting to support community policing and the establishment of a Police Advisory Board.

Austin Knight - Thank you all for coming. We are working through a process. On tonight's agenda is the independent investigation. We will be starting community policing. It's not about being like or dislike, but about doing the job. We need to move forward.

MOTION: *MOVE that the Board of Selectmen vote to take Item 6F out of order.*

Motion by: Austin Knight **Seconded By:** Elaine Anderson **Yea 5 Nay 0**

6F SEXUAL HARRASMENT POLICY

The attached Sexual Harassment Policy is a part of the Town's Personnel Rules (included in part) Adopted by the Personnel Board and Approved by the Town Manager in accordance with §6-11-2 of the Provincetown Charter, last updated in August 2012.

The Town of Provincetown has scheduled Sexual Harassment training for all staff and supervisors on November 6 and 13th. Town Board and Committee members will be invited and are encouraged to

also attend.

Sharon Lynn read a statement into the record reaffirming the Town's commitment to not tolerate sexual harassment within the workforce.

Board took a five minute recess.

**4 JOINT MEETING/PRESENTATIONS –
INDEPENDENT INVESTIGATION OF THE SQUEALING PIG INCIDENT**

As not all of the proposals received were able to be present on the same day, this will be round one of the interviews, the remainder of the interviews will occur at Special Meeting on Wednesday, September 11, 2013 at 5:00 pm.

Interviewed John Ford, Licensed Private Detective. Former Board of Selectmen, career police officer, served as Police Chief for 18 years, educator, private investigator, and expert witness on police services.

5. BOARD OF SELECTMEN APPOINTMENTS - None.

MOTION: MOVE that the Board of Selectmen vote to take Item 6C out of order.

Motion by: Austin Knight Passed without objection

6C BEACH BOAT REMOVAL PROGRAM

Marine Patrol Officer Scott Chovanec and Harbormaster Rex McKinsey. The beach boat removal regulations are in the Harbor Regulations and have been on the books for several years. The program of boat removal has been done the same for a number of years. The boat sticker program is important as it allows us to know who the boat belongs to and are able to contact them rather than removing the boat as abandoned.

Policy discussion regarding amendments to the Harbor Regulations should be referred to the Harbor Committee.

MOTION: MOVE that the Board of Selectmen vote, to three individuals who lost a boat and came forward be given replacement boats from the abandoned pile.

Motion by: Elaine Anderson Seconded By: Tom Donegan Yea 5 Nay 0

Direct town staff to move forward with the boat removal on the West Wnd prior to season's end.

6A CHANGE ORDERS FOR THE NORTH UNION FIELD WELL SITE PROJECT

The Board of Selectmen awarded and executed a contract to Robert B. Our, Inc of Harwich, MA on August 13, 2012 to perform the construction associated with the North Union Field Well Site. The North Union Field site has been online since just prior to Memorial Day. Please see attached packet for description of each change order item.

MOTION: *Move that the Board of Selectmen vote, to approve the project close-out change orders for the North Union Field Well Site Project totaling \$22,297.86.*

Motion by: David McChesney **Seconded By:** Elaine Anderson Yea 5 Nay 0

6B1 POLICE DEPARTMENT MONTHLY UPDATE - AUGUST 2013

Police Chief Jeff Jaran present. Report of Police Activity for month of August. Supports Community Policing policies. Also supports a staffing analysis for the Police Department.

6B2 POLICE DEPARTMENT: STATIC SPEED ADVISORY SIGN LOCATIONS

Lt. Jim Golden present.

Erik Yingling stepped out of the room.

MOTION: *MOVE that the Board of Selectmen vote to approve the following locations for the deployment of the Static Speed Advisory Signs: Conwell St at Cemetery Rd, adjacent to 258 Bradford St and adjacent to 8 Bradford St.*

Motion by: Tom Donegan **Seconded By:** Elaine Anderson Yea 4 Nay 0

6B3 POLICE DEPARTMENT: DECLARE SURPLUS VEHICLE

Lt. Jim Golden present. Withdrawn and transferred the surplus vehicle to the Water Department.

Request to take 6E out of order. Approved without objection.

Erik Yingling returned.

6E WOUNDED WARRIOR PROGRAM DAY

Shelia Osborn and Kim Hurd. Last year we brought in 23 soldiers. This year we expect 51 participants.

The Wounded Warrior Project is returning for the day on September 19th. They will be here for lunch at The Central House at the Crown, with a whale watch to follow. The size of the group has doubled. Sadly, the need is there. This year I will have two buses of wounded.

I can report that I have received amazing amounts of support already, including the Provincetown Chamber of Commerce. I hope the town will once again support me in my efforts in encouraging our citizens to recognize the sacrifices and dedication of these extraordinary men and women who have served our Nation.

MOTION: *MOVE that the Board of Selectmen vote, to approve a proclamation to declare September 19, 2013 Wounded Warrior Day in Provincetown.*

Motion by: Elaine Anderson **Seconded By:** David McChesney Yea 5 Nay 0

6D ORDER OF TAKING FOR 26 ALDEN STREET AND A PORTION OF COLLYER

STREET

MOTION: MOVE that the Board of Selectmen vote, to approve the order of taking for 26 Alden Street and a Portion of Collyer Street as approved to form by town counsel.

Motion by: David McChesney Seconded By: Elaine Anderson Yea 5 Nay 0

7A SET DATES FOR OPENING AND CLOSING OF WARRANT FOR THE OCTOBER 21, 2013 SPECIAL TOWN MEETING

Pursuant to Charter § 2-3-1, the Annual Town Meeting shall be held on the first Monday in April every year. The Board will be asked to insert articles at its September 16, 2013 regular meeting or at a special meeting called for that purpose. Charter §2-1-7 provides that the warrant "shall be closed thirty days prior to the date of the town meeting." Articles may be submitted onto the warrants at the request of the town manager, selectmen, any town board, or 10 registered voters in the case of the annual [§2-1-3], or 100 registered voters in the case of the special [§2-1-4].

MOTION: MOVE that the Board of Selectmen vote, to open the Monday, October 21, 2013 Special Town Meeting warrant forthwith; and to close them on Friday, September 20, 2013 at 11:00 a.m., in accordance with Charter §2-1-7.

Motion by: Elaine Anderson Seconded By: Erik Yingling Yea 5 Nay 0

7B TOWN MANAGER FOLLOW-UP

VMCC Open House will occur sometime in November.

7C OTHER - None

8. MINUTES OF BOARD OF SELECTMEN'S MEETINGS - None

9. CLOSING STATEMENTS

Elaine Anderson – Excellent letter in the Banner by Silvia Glick. We should catch up with the planning of the 2020 Committee on a future agenda.

David McChesney – Great to see Commercial Street West End Phase 2 reconstruction start.

Erik Yingling - none.

Tom Donegan – Would like to see the VSB, Monument, Seashore, etc to meet with us to decide how best to plan the 2020 Celebration. Hope that we can as group practice what we preach, we need to move on.

Austin Knight - Joint meeting with the Finance Committee will be held on October 15, 2013.

Motion to adjourn by Elaine Anderson at 1000 PM.

Minutes transcribed by: David Gardner