

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, NOVEMBER 25, 2013 6 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Austin Knight convened the meeting at 6:00 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:

Austin Knight and Tom Donegan recused themselves and leave the room.

Elaine Anderson chairs the meeting.

1. DISCUSSION OF THE REPORT OF THE INDEPENDENT INVESTIGATION

Elaine Anderson announces that the report will be posted on the website by **noon 11/26/2013**.

Frank Rudewicz gave a presentation on the Report and declared the following findings of the investigation:

SQUEALING PIG ON MAY 7, 2013

Finding 1: The song, "Fuck the Police", was not played intentionally at the Squealing Pig. It was one song contained in a sequence of nine songs that the bartenders did not realize was on the track before playing it.

Finding 2: While we conclude that the song was played unintentionally, we found that, at least at the moments after the song came on, Chief Jaran legitimately believed that he was the target for embarrassment or intimidation.

Finding 3: After leaving the Squealing Pig, Chief Jaran unnecessarily directed officers to obtain the names of the parties at the Squealing Pig. Additionally, he assigned a Detective to conduct a follow-up investigation. However, no investigation was ever initiated.

Finding 4: The parties at the Squealing Pig viewed the incident as closed by May 9, 2013. However, the issue was "kept alive" by others who were not involved.

MAY 7th ELECTION

Finding 5: Prior to the election of May 7, 2013, Chief Jaran held at least two meetings

with sworn officers and support staff where he had general discussions on who the parties should support in the upcoming election. On or about April 26, 2013, at the direction of Chief Jaran, election signs of Austin Knight were placed in the Provincetown Police Station for distribution to employees that wanted them.

Finding 6: Chief Jaran appears to have violated several Provincetown policies.

Finding 7: These alleged violations were known to members of the Provincetown Police Department as early as April 12, 2013, and by at least one Selectman shortly after the election on May 7, 2013. Even though the allegations concerned possible violations of law, no one brought the information forward to the proper authority, specifically the Town Manager. Corrective action could have occurred much earlier.

NO PLACE FOR HATE

Finding 8: The Provincetown No Place for Hate Committee (“NPFH”) did not initiate an inquiry on the MYPACC website. Actions of the committee progressed in good faith, relying upon false information provided by a former employee of the Anti-Defamation League (“ADL”).

Finding 9: Prior to Ms. Nagle’s appointment to the NPFH committee, Chief Jaran also was actively involved in working with Ms. Nagle directly after the filing of her initial complaints against the MYPACC website. Chief Jaran provided assistance in requesting action from outside entities.

- **MaryJo Avellar: ?**
- Anne Wood, Provincetown Banner, we were told we could get a copy of the report tonight if even in draft form, if not, why? Answer: One of the reasons why is that legal wants to be certain is the town is protected from litigation so we need to follow the recommended process. Sharon Lynn says we may be able to have the report to the press by 8:00 pm tonight.
- Duane Steele: If the investigation shows a hint of soft peddling the town would be outraged. Mr. Rudewicz definitely avoided saying how those campaign signs got at the police station and pardon me if I don’t take your word for your answer
- Clarence Walker, can Mr. Rudewicz provide the email information again.
- Jennifer Cabral: We all know the report was going to fall in the middle of the road. Very tricky as the town is in a precarious place with lawsuits. Things will be in the report but it will play out for a long time. We will all be watching you. Could Mr. Rudewicz not do the email thing and come back to another meeting with answers to questions. Sharon says before the meeting is premature and we need to weigh the findings and take actions. Unknown: I would like names and addresses of individuals that can be redacted. Answer: Very little is being redacted. Redactions have no impact on the chief.
- Michael Canizales: If you are going to go down this path there are other issues you could consider. At some point with lingering issues is there a process to handle the issues. It would also be great to know the process of revision/editing with the

lingering issues. Who was involved? Answer: there were zero revisions and no one considered making revisions.

- Marcene Marcoux: I was pleased this was placed on the agenda, this is public and the redactions are few

Further questions can be emailed to the investigator which is stated in the report.

Austin Knight and Tom Donegan returned to the room.

2. PUBLIC STATEMENTS

Mary Agnes McNulty – speaks to those who are fearful of speaking out. Sad day for the town that the town manager feels she needs to leave. Much has been accomplished in the last 6 years under her leadership. I admire her most for her integrity and the way she treats all people with respect. Everyone makes mistakes, it is important that we learn from mistakes. Intolerance is worst than mistakes. Have a strong desire that no blog in town should trash people or bully people.

Scott Caldwell – Province Landing request to increase should be denied. Freeman Street building should be placed on the market. The other two surplus buildings should also be sold.

MaryJo Avellar – Opposed to the Province Landing rent increase.

Rachel White – Much thank the town manager for all the positive things that have happened on her watch.

3. SELECTMEN STATEMENTS

Erik Yingling – Last 6 months have been very difficult, we are getting to a point where the town is starting to heal. Everything in government moves so slow. I agree with Ms White and Ms Agnes McNulty, the town manager has done a good job. I am also conflicted with the rent increase but will listen to the request. Surplus building is moving forward. The selectmen took the Marcum Report very seriously.

Tom Donegan – Happy Thanks Giving and Happy Hanukah. Tourism Summit was successful and I thank the Tourism Office. CIP site visit tomorrow will allow us to understand the need for the CIPs. Recused myself tonight on the Marcum Investigation, it was a difficult decision for me to make, but I have trust in my colleagues to do the right thing.

Elaine Anderson – We are all trying to move forward and do the right thing.

David McChesney – Commercial Street reconstruction is progressing well.

Austin Knight – Recusal tonight on the Marcum Report was a difficult decision, but the right decision. Town did a great job during the Veterans Day ceremony.

MOTION: Move that the Board of Selectmen vote to send a letter of thanks Richard Barr and Attorney Charles Dudley for all that they have contributed to the town.

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

4A1. VFW PURCHASE – ACCEPTANCE OF DEED

The property is due to close on December 23, 2013.

MOTION: Move that the Board of Selectmen vote to approve the Acceptance of Deed for 3 Jerome Smith Road, Provincetown, MA, commonly known as the Lewis A. Young VFW Post #312, Inc., pursuant to the vote taken under Article 6 of the October 21, 2013 Special Town Meeting.

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

4A2. UPDATE ON THE SALE OF TOWN OWNED PROPERTY – REQUEST FOR PROPOSALS FOR THE COMMUNITY CENTER AND GRACE GOUVEIA BUILDINGS

You have been provided copies of the Request for Proposals. Filings will be made with the Central Register for both the Grace Gouveia and the Community Center properties on December 4, 2013, and will be made available locally and on the town's website.

4B. ANNUAL JOINT MEETING: VISITOR SERVICES BOARD – FIVE YEAR PLAN.

Chair Mick Rudd, Richard Murray, Marian Peck, and Michael Peregon all present.

Anthony Fuccillo and Radu Luca

Presented the 5 Year Finance Plan which includes the budget for the upcoming year.

Some increase in budget from \$600,000 to \$650,000.

Municipal Budget does include a substantial increase for the fireworks increased \$25,000 and new trash and recycling containers for town hall \$5,000, as well as a contribution to the Bas Relief restoration.

Marketing Budget is mostly media, websites, and social media. We do a lot of regional work with radio and local newspapers, 18% goes co-op grants. For the next five years we will be putting aside \$15,000 to market and promote the 2020 migration. We now have 19% increase of Facebook fans.

Austin: How do we know who is using the IPTown App and how its working? Radu reports on the success of the *iptown* application. Radu will compile a report on click through rates for social media and online advertising.

MOTION: Move that the Board of Selectmen vote to approve the Visitor Services Board's recommended Five-Year Financial Plan for Tourism Fund Expenditures for

FY2015-FY2019 with amendments of the recommended Agreements for FY2015 Tourism Grants and FY2015 Enhancement Grants.

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

5. BOARD OF SELECTMEN APPOINTMENTS – None.

MOTION: Move that the Board of Selectmen vote to appoint Stephen Katsurinis as an Alternate Member of the Board of Health with a term to expire on December 31, 2015.

Motion by: Erik Yingling Seconded By: David McChesney Yea 5 Nay 0

Table the request of Anika Costa to sit on the Beautification Committee as she is employed by the Buildings and Grounds Department.

6A. PROVINCE LANDING RENT INCREASE REQUEST

Property Manager John Economos along with Housing Specialist Michelle Jarusiewicz. Description of the current rents, the proposed rents, & the maximum rents allowed. Nearly all rents are less than the maximum allowed.

Selectmen would like to see TCB come back next year to reevaluate the increase to ensure that it was effective and necessary.

MOTION: Move that the Board of Selectmen vote to approve Province Landing's /TCB's request for a 4% rent increase for 36 of 50 rental units at 90 Shank Painter Road and that they return in one year for review.

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

6B. EXECUTIVE OFFICE OF PUBLIC SAFETY GRANT REQUEST

Acting Police Chief Jim Golden. For personnel costs and equipment for the dispatchers. Annual grant available since 2008.

MOTION: Move that the Board of Selectmen vote to authorize the Acting Chief of Police to submit a Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grant application to the Executive Office of Public Safety in the amount of \$17,747 for Telecommunicator personnel costs and equipment.

Motion by: Tom Donegan Seconded By: Erik Yingling Yea 5 Nay 0

7A TOWN MANAGER SHARON LYNN FOLLOW-UP - None

7B. OTHER - None

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

9. CLOSING STATEMENTS

Erik Yingling – None.

Tom Donegan – Banner headline announces the exoneration of Rex McKinsey.

Elaine Anderson – None.

David McChesney – Have we received the Halloween party donations yet?

Austin Knight – None.

Motion to adjourn by Elaine Anderson at 8:40 PM.

Minutes transcribed by: David Gardner