

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MONDAY, JANUARY 11, 2016 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chairman Donegan convened the open meeting at 6:00PM noting the following:

Board of Selectmen attending: Thomas Donegan, Erik Yingling, Cheryl Andrews, Raphael Richter, and Robert Anthony.

Other attendees: Town Manager David Panagore, Asst. Town Manager David Gardner, Housing Specialist/Grant Administrator Michelle Jarusiewicz, Town Clerk Douglas Johnstone, Police Chief Jim Golden, Harbormaster Rex McKinsey, and Provincetown Representative to the CCNS Mary-Jo Avellar.

Recorder: Loretta Dougherty

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

- A. *Treasurer's Transfer – Library Gift Fund – to pay for an invoice from GateHouse Media, in the amount of \$734.15.*

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$734.15 from the Library Gift Fund to pay for the attached invoice(s).

- B. *Parade Permit for Martin Luther King, Jr. Community Celebration, submitted by Rev. Brenda Haywood, for the UU Meeting House at 236 Commercial Street, Provincetown, MA, to be held on Monday, January 18, 2016, 12 noon to 1:15pm.*

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Reverend Brenda Haywood, on behalf of the UU Meeting House, 236 Commercial Street, Provincetown, MA, to be held on Monday, January 18, 2016, starting at 12:00pm to 1:15pm.

Board of Selectmen Reappointment of Martin Risteen as an alternate member of the Historic District Commission, with a term to expire on December 31, 2018.

MOTION: Move that the Board of Selectmen vote to consider reappointment of Martin Risteen as an alternate member of the Historic District Commission, with a term to expire on December 31, 2018.

- C. *Approval to switch appointed positions of Economic Development Committee members Jeff Krainess (regular) and Karen Cappotto (alternate) to Jeff Krainess (alternate) with a term to expire June 30, 2016, and Karen Cappotto (regular) with a term to expire June 30, 2017.*

MOTION: Move that the Board of Selectmen vote to switch existing EDC members as follows: Jeff Krainess from a regular member to an alternate member with a term to expire on June 30, 2016, and Karen Cappotto from an alternate member to a regular member with a term to expire on June 30, 2017.

- D. *Board of Selectmen Reappointment of Loretta Santos as a regular member of the Shellfish Committee, with a term to expire on December 31, 2018.*

MOTION: Move that the Board of Selectmen vote to consider reappointment of Loretta Santos, as a regular member of the Shellfish Committee with a term to expire on December 31, 2018.

Without objection Tom waived the reading of the consent agenda and without objection it was approved unanimously by the BOS.

1. **Public Hearings:** - None

2. **Public Statements:** None

3. **Selectmen's Statements:**

Cheryl wished everyone a "Happy New Year". She complimented the staff for the success of First Light Provincetown; she really enjoyed the fireworks. She would like to see it done every year. She briefly spoke about the residential tax exemption and is excited about all the conversation that is being held by all concerned.

Robert wished everyone a Happy New Year and stated that he had a fantastic weekend; we had a lot of people in town and hopes that this is the start of something big.

Raphael wished everyone a Happy New Year and stated that he & Erik did the Polar Plunge this year. First Light Provincetown was an amazing celebration; everyone was in a positive mood and enjoying themselves. He thanked everyone for helping put it together and hopes we keep riding the good energy we have through 2016.

Erik wished everyone a Happy New Year and agreed with his colleagues that everyone worked so hard putting the First Light Provincetown together and it was great. It was the best time he has had in a long time.

Tom stated that First Light Provincetown was the end to a great fall season. The season looks like it is coming back in terms of the tourist and year-round economy. He congratulated David Panagore, Selectmen Yingling, and all the many others who worked so hard to make it such a success. He stated that the new Residential Tax Exempt just passed was not about the second homeowners; it was about the year-round residents to help them to be able to stay in our town. He has spoken with a number of second homeowners who understand what the Board is trying to do and are in support of it. He wished everyone a Happy New Year.

4. **Joint meeting/Presentations:** - None

5. **Appointments:**

A. Appointment of John Krajovic as a regular member to the Beautification Committee, with a term to expire on December 31, 2017.

John has been coming to Provincetown since 1977 and has owned a home for over 10 years. He switched his residence from Boston to Provincetown so he could participate in the community he loves so much. He took early retirement this summer. He considers himself an urban planner and wants to give back. He has a broad skill set and sees the potential for helping the committee.

Erik spoke about his background being well suited for this committee and asked if he will be available for all of the meetings.

John has no problems being here for all of the meetings.

MOTION: Move that the Board of Selectmen vote to appoint John Krajovic, as a regular member to the Beautification Committee with a term to expire on December 31, 2017.

Motion: Erik Yingling

Seconded: Raphael Richter

5/0/0 Motion passed.

B. Appointment of Christopher Busa as a regular member to the Cultural Council, with a term to expire on December 31, 2018.

Christopher Busa has been on the Art Commission for several years and is now the Chairman and is very involved. He has published the magazine "Provincetown Arts" for 31 years and is deeply involved with the cultural community. He is very familiar with writing grants and is in a position to judge grants of great merit. He stated that he is grateful to have the residential tax exemption put in place.

Cheryl asked him about the grants; would he be writing any in the future.

Christopher will not be participating in grant writing. He is very aware of conflicts of interest and ethics violations.

MOTION: Move that the Board of Selectmen vote to appoint Christopher Busa, as a regular member to the Cultural Council with a term to expire on December 31, 2018.

Motion: Raphael Richter

Seconded: Cheryl Andrews

5/0/0 Motion passed.

C. Reappointment of Marcene Marcoux as a regular member of the Historic District Commission, with a term to expire on December 31, 2018.

Cheryl stated that she knows we are going through a change within the boards, as well as staff, and from time-to-time we are going to hit bumps in the road. She offered Marcene any support she needs whenever a bump is hit. Cheryl is very grateful for Marcene's service.

Erik encouraged her to work very closely with staff.

Marcene feels that there is a consensus and the Commission is heading in the same direction in which the town is headed.

Tom has asked for a Joint Meeting with the Historic District Commission to address concerns of some applicants who feel that they have been poorly treated when appearing before the Commission. The joint meeting will also look at issues on going green.

Marcene agrees that a joint meeting with the Board of Selectmen is a great idea. She spoke briefly about how many solar panels have been approved so far and that in three out of five cases are approved.

MOTION: Move that the Board of Selectmen vote to reappoint Marcene Marcoux, as a regular member of the Historic District Commission with a term to expire on December 31, 2018.

Motion: Cheryl Andrews

Seconded: Robert Anthony

3/1/1 (Erik Yingling-Nay; Tom Donegan-Abstained) Motion passed.

6. Requests:

A. Discussion of 2015 community development strategy and participation in FY2016 Regional Massachusetts Community Development Block Grant Application with the Town of Truro for housing rehabilitation program and childcare program

Housing Specialist Michelle Jarusiewicz stated that there are two parts to the Community Development Block Grant Program (CDBG). Part one is the community development strategy and was approved by the Board last year and was accepted by the Department of Community Housing and Development. The second part is participation in the Regional Community Development Block Grant allocation. One of the thresholds for the CDBG is that you must have an accepted community development strategy and talk about it at least once a year. Our strategy is a summary of our planning activities and is good until 2018. She touched upon the highlights of our strategy: Annual Town-wide Policy Goals that establish the priorities for the upcoming fiscal year and determine the primary focus of board members and staff; Capital Building Needs Assessment; Economic Development Planning; Affordable Housing which is a common thread through all of planning activities. She stated that the inclusion of minutes and the sign-in sheet signed by those who want to sign it will be included. She then spoke to the strategy of our Sustainable Development Principles: Concentrate Development and Mix Uses noting that we have concentrated development based upon our geographic location; Advance Equity where we have open planning processes and encourage everyone to participate; Protect Land and Ecosystems in which Provincetown participates in such activities as open-space acquisition and the use of solar panels; Using Natural Resources Wisely; Expanding Housing Opportunities in which we work on that in every direction; Provide Transportation Choices which is a little tougher for us but we do support seasonal ferry services, expanded bus route service, and any way we can help people move around better; Increase Job and Business Opportunities is another difficult nut to crack, but we do make our best efforts; Promoting Clean Energy with the solar panels, and Plan Regionally by working with the Lower Cape Cod Community Development Partnership, the

Cape Cod Commission, and neighboring communities to try to seek some efficiencies in that way. The key connection between the community development strategy and the grant application is that whatever you apply for has to link back in some way. The regional grant application is for the housing rehabilitation program and childcare subsidies. We have participated in that application for a couple of decades. Michelle included in the BOS packet the request from Alice Boyd (Bailey Boyd Associates, Inc.) that outlined the various housing rehab grants and childcare subsidies over the last 10 years. The housing rehab program provides a 15 year deferred payment grant to income eligible properties for code corrections such as a new heating system, a new roof, etc. It is not for cosmetic things. The Community Housing Council has voted to submit a letter of support for this grant application should we participate. Michelle asked for the Board's approval to participate in the Regional application.

Michelle stated that the grant is going to be approximately \$800,000, and one-third of the program money should be somewhere around \$250,000.

MOTION: Move that the Board of Selectmen vote to approve participation in the regional Massachusetts Community Development Block Grant application through the Town of Truro for housing rehabilitation and childcare subsidies under the Community Development Fund through the Massachusetts Department of Housing & Community Development.

Motion: Raphael Richter

Seconded: Robert Anthony

5/0/0 Motion passed.

B. 2015 Town Report Dedication – Doug Johnstone.

Doug Johnstone appeared before the Board to present the 2015 Annual Town Report - Dedication for the Board's review and approval. Listed were employees and members who passed away in 2015 both living in Provincetown or elsewhere?

MOTION: Move that the Board of Selectmen vote to dedicate the 2015 Annual Town Report to those current and former Town board members and employees who died during calendar year 2015, as contained in the list of names submitted by Town Clerk Douglas Johnstone.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

Tom requested that item F be taken out of order.

F. Discussion on the Cape Cod National Seashore's (CCNS) meeting regarding the Shorebird Management Plan and the next steps required, if any.

Mary-Jo Avellar, Representative to the CCNS for Provincetown, gave a brief overview of the meeting that was held at 1pm today in Wellfleet regarding the Shorebird Management Plan ("Plan"). There were over 2,000 comments received including the letter from the Board of Selectmen regarding the Plan. No vote was taken to endorse any of the proposals; the proposals were deemed to be too vague. The CCNS will be compiling all of the data so it will take some time for them to present any information. Mary-Jo stated that the pavement at Herring Cove beach collapsed again around Christmas. Supt. Price has applied for funding again to make repairs. Another issue discussed was the use of drones within the national parks and on beaches due to the harassment to animals and privacy concerns. There are exceptions: if the project is of benefit to the park or seashore, individuals can go through an application process for approval. Cheryl asked about whether the CCNS will build a wall at Herring Cove.

Mary-Jo stated they will not be building a wall but they will move the strip back 120 feet and raise it up giving us a parking lot with a bigger beach area. It should have a 50 year life span before the sea will rise and it will be gone. It is unknown when this process will start to take place.

No action was taken on this item.

C. Police Report for the Month of December 2015 – Police Chief Jim Golden.

Chief Golden gave an outline of the Police Operation Report. This report in its entirety may be found on the Police Department's Facebook page at <https://www.facebook.com/Provincetown-Police-Department-420530558035924/?fref=ts>.

Robert asked the Chief how many of the alarm calls were repeats, and who won the basketball game between the Police and Fire departments.

Jim stated that from July through December there were seven repeat alarms. There were three tickets issued totaling \$600. The new bylaw has only been in place for six months.

Tom asked if the problems were fixed on the repeat alarms.

The Chief thinks that we are seeing the overall desired benefit.

Cheryl asked for direction regarding painting the crosswalks downtown so they are completely solid on Standish and Bradford Streets, the two at the Municipal Parking Lot, and the one across the street from Town Hall.

David P. has this item on his list to review. He believes it is a public safety and tourism matter, and when the season starts wants to have a fresh coat of paint that will not disappear in three weeks.

Chief Golden stated that the solid painting done in years past was found to be unsafe; it was very slippery.

Cheryl stated that the seashore paints them in; there must be a paint that is not slippery.

David P. will come back to the Board with his recommendation.

D. Proclamation for Lina (Fleischer) Berry proclaiming Thursday, January 14, 2016, as Lina (Fleischer) Berry Day in celebration of her as the new recipient of the "Boston Post Cane".

Cheryl requested that the motion be changed to read differently, and to correct Linda's birth date, in the motion.

MOTION: Move that the Board of Selectmen vote to approve the request of Director Chris Hottle, Council on Aging, to proclaim Thursday, January 14, 2016, as Lina (Fleischer) Berry Day, in celebration of Lina (Fleischer) Berry, born on November 8, 1916, becoming the recipient of the "Boston Post Cane."

Motion: Cheryl Andrews
5/0/0 Motion passed.

Seconded: Raphael Richter

E. Discussion on mooring and other marine related fees:

Harbormaster Rex McKinsey presented the Board with three years of comparative data of various towns on Cape Cod. The excel spreadsheet provided gave the permit year of 2015 mooring fees by class, rate, number of permits issued, actual revenue received, and senior discounts. The Harbor Committee is meeting this Thursday and will put together some recommendation for the Board to review.

Raphael stated that the chart is helpful. He noted that the model for Provincetown did not differentiate the resident and non-resident fees, and that most places have raised their rates since 2005 to 2015. He asked Rex to see if it would be feasible to raise the rates for Provincetown. He will support a modest increase.

Rex stated we cannot change the rates between residents/non-residents based upon the 2004 Morrissey Amendment. The Harbor Committee is working on potential recommendations next Thursday, and will bring it forward as a Public Hearing. He stated that we are a seaside village and the senior citizens and town's people are not in a position to pay a lot. The majority of citizens using the smaller boats are senior citizens.

Cheryl asked why Rex did not give statistics on Hyannis.

Rex stated that mooring fees are the same in Hyannis as they are in Barnstable which is listed.

Erik believes that it is time to raise the rates.

Tom agrees that the smaller boat rates should be modest although we do have more room to increase our mooring and Anchorage fees on the bigger boats. There was some discussion on whether we should consider charging an overnight anchorage fee for charter boats which could add revenue. Tom thinks our fees are too low for the bigger boats and that they should be paying a bigger percentage.

Cheryl will attend the Harbor Committee meeting. She agrees that there should be an increase in the mooring fees but not for the small boats.

David P. will get together with staff, look into some answers and come back to the Board with recommendations.

7. Town Manager / Assistant Town Manager:

A. First Light Provincetown Report:

Town Manager David Panagore stated that from the First Light Provincetown Committee's point of view the Town was able to be the convener of the planning group which they found very helpful. The event in its entirety was promoted rather than just a particular aspect. All the way through the approximately 100 days of planning people were coming in individually with an amazing amount of initiative and follow through throughout the whole program. The fireworks lasted for about 22 minutes and we only paid for 12 minutes. The Police Dept. estimated conservatively that we had around 15,000 people in town for the fireworks. The Committee wants to continue with this event, but not only as a first night celebration but a first light celebration weekend event. We will have the fireworks later in the weekend when we will not be in competition with any other towns. We will likely get a better deal on the prices, and due to the lack of competition with other towns will draw more people to town. Nantucket has already contacted our Assistant Town Manager David Gardner asking how we did this. The Town Manager pointed out the overall cost to the town was \$60,000 but that \$23,000 was already annualized through marketing for promoting the New Year's Eve celebration; the fireworks expenses were voted by the VSB out of their Tourism Fund; a number of businesses made donations to the fund that the BOS had authorized for this event totaling \$5,000 which was used for some of the lights and the Town Hall wash; the DPW was able to meet their expenses through their budget, and the Fire and Police Depts. will need some assistance for approximately \$10,000 which our Finance Director Dan Hoort believes can be met, otherwise we may need to take this the spring Town Meeting to move some funds that were left over from the Fourth of July that were not spent. He stated that Chief Golden had said that the no parking ban on Commercial Street went really smoothly. Also, keeping the bathrooms open was a huge hit as well. The Polar Plunge on Johnson Street was attended by approximately 250-300 people. We want to look at more children's events making them earlier in the day. Looking ahead we need to be prepared for the fact that we may not always have good weather for fireworks are looking at other things that we may be doing. Perhaps a concert in Town Hall after the fireworks (even if they do not happen); we will continue to look for other events.

Raphael asked about a temporary skating rink.

David P. stated that it would be too warm without refrigeration which would be very costly.

Cheryl stated that Town Hall looked fantastic. Also, the Police Department's instructions regarding the parking were very easy to post. She saw everyone using social media to do this and was pleased that social media was being used in this fashion.

Erik stated that perhaps making Ryder Street into a Holiday Market would be a good idea.

Tom mentioned that possibly a Holiday Market year-round upstairs.

B. Town Manager's Report – Administrative Update:

David P. gave updates to the Board of Selectmen:

- The litigation relative to the hydraulic dredging for clams. We have a temporary restraining order in place regarding the two pending cases on hydraulic dredging for clams. The judge is now taking into consideration issuing permanent injunctions.
- The Board of Health Director Morgan Clark went to the Finance Committee with an application for funds in the amount of \$17,000 to help with whatever enforcement is needed to protect the housing for the tenant located at 199 Bradford Street.
- The Local Comprehensive Plan's vision session is scheduled for Saturday, March 19, 2016; no set time as yet.

- We are continuing to work on the housing roadmap and we are preparing for review an Inclusionary Zoning Bylaw.

C. Discussion of Potential Town Meeting Articles:

Cheryl asked the Town Manger if there was another date set for the 2020 meeting as the one in December had been cancelled.

The Town Manager stated that the Chairs had a meeting where they confirmed the Mission Statement and will get the dates to the Board.

Erik would like to see articles on the room's tax; Inclusionary bylaw; and condo moratorium (the lighter version). Erik would like to meet with the Planning Board regarding the Inclusionary bylaw.

Raphael voiced his concerns over the problem with the spillage "garbage juice" from commercial garbage trucks, especially noticeable in the summer. He would like for the town to do whatever is necessary, as far as regulations are concerned, to alleviate the problem; a bylaw perhaps.

MOTION: Move that the Board of Selectmen refer the issue of "trash juice" to the Board of Health for review and potential regulatory changes.

Motion: Raphael Richter

Seconded: Cheryl Andrews

5/0/0 Motion passed.

Cheryl asked if the LCP plan supplants the original master plan from the late 1980's that Town Meeting had voted on.

David G. stated that the LCP plan has become the master plan.

Cheryl asked if there was a way to create a new category in our Growth Management Bylaw where you could go for a permit to create a new year-round rental unit.

David stated that the bylaw does not make a distinction between a for sale or rental unit, but does include both affordable and community. It goes up to 150% AMI. We would have to think about how to deed restrict the property for rental.

Tom asked what happens for the condo conversion side of it; any property change of use. Do the gallons travel with the deed or with the use whether it is from a hotel to a hotel or a motel to a house. If we are asking people to stand in line and the way to get in front of line is to buy a property; should we make a more conscience decision when there is a change of use.

David G. stated that properties are already assigned gallons for use on their property; growth management is only for properties that want to grow. It does not talk about how properties that change get reused.

Tom stated that he wants to talk about this at a future meeting. A holistic evaluation needs to be done.

Tom would like to see the residential tax exemption across the board. He also would like us to look at the use of engineered wood; 90% made out of sand and 10% out of concrete. It works better than wood.

D. Other: None.

8. Minutes:

Cheryl asked that the language be changed for item 1. Public Hearings to reflect that the Public Hearing was opened and then continued to February 9, 2015.

MOTION: Move that the Board of Selectmen approve the minutes of January 26, 2015 (Regular) meeting with changes so noted.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

9. Closing Statements/Administrative Updates:

A. Thank you letters to members who did not wish to be reappointed: Darin Janoplis & Clinton Parker (Airport Commission); William Erlandson (Bicycle Committee); Mark Weinress (Planning Board), and Peter Page (Zoning Board of Appeals).

- B. Thank you letters to members who termed out: Grace Ryder-O'Malley (Cultural Council); Olympia Ciliberto (John A. Francis Scholarship Committee); Sacha Richter (Water & Sewer Board), and Jonathan Sinaiko (Water & Sewer Board).
- C. Thank you letter to Neil Anderson who resigned from the Board of Registrars effective December 22, 2015.
- D. Thank you letter to Peter Petas who resigned from the Art Commission effective December 31, 2015.
- E. Letter to Undersecretary Chrystal Kornegay in support of the Dept. of Housing & Community Development Housing Rehabilitation Application for FY2016.
- F. Thank you letter to Donna Szeker who resigned from the Local Comprehensive Planning Committee effective January 5, 2016.

The Board motioned to go into Executive Session at approximately 8:36pm.

MOTION: Move that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clauses 6 & 3 for the purposes of:

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares (chair declared) that an open meeting may have a detrimental effect on the negotiating position of the public body. VFW (3 Jerome Smith Road) and related parcels. Votes may be taken.

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares (chair declared) that an open meeting may have a detrimental effect on the negotiating position of the public body. Old Community Center (46 Bradford Street). Votes may be taken.

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares (chair declared) that an open meeting may have a detrimental effect on the negotiating position of the public body. (132-136 Bradford Street). Votes may be taken.

Clause 3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (chair declared). Votes may be taken.

and not to convene in open session thereafter.

**Motion: Raphael Richter
(Roll Call Vote)**

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Raphael Richter: Yes

Robert Anthony: Yes

Seconded: Erik Yingling

Yea: 5 Nay: 0 Motion passed.

The Board went into Executive Session at approximately 8:40pm.

Tom stated that anything the Board members want to see included in the Town Report should be submitted to him no later than this Friday, January 15th.

Minutes transcribed by: Loretta Dougherty