

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - REGULAR MEETING
MONDAY – JULY 25, 2016 – 6:00 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chairman Richter convened the open meeting at 6:00 p.m. noting the following attendees:

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

Other attendees: Town Manager David Panagore; Asst. Town Manager David Gardner, Housing Specialist Michelle Jarusiewicz, Chief of Police Jim Golden, DPW Asst. Director Eric Larsen, Cape Cod Commission Planners Martha Hevenor & Sarah Korjeff, Bicycle Committee member Rik Ahlberg, and Cape Cod National Seashore representative Lauren McKeen.

Recorder: Loretta Dougherty

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

- A. *Parade Permit Application submitted by Kimberly Rogers, 1935 Massasoit Road, Eastham, MA 02642, for the Rogers' Wedding Party with small brass band to be held on Saturday, August 6, 2016 from 8:00 p.m. to 8:30 p.m.*

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Kimberly Rogers, 1935 Massasoit Road, Eastham, MA 02642 requesting permission for the bridal party and guests accompanied by a four-piece brass band to walk along the public way and sidewalks, on Saturday, August 6, 2016, from 8:00 p.m. to 8:30 p.m.

- B. *Parade Permit Application submitted by Susan Pesaturo, 29 Summer Street, Andover, MA 01810, on behalf of the Pan Mass Challenge, 77 4th Avenue, Needham MA 02494, for the Annual Pan Mass Challenge bike ride to be held on Sunday, August 7, 2016 from 9:00 a.m. to 2:00 p.m.*

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Susan Pesaturo, 29 Summer Street, Andover, MA 01810, on behalf of Pan Massachusetts Challenge, 77 4th Avenue, Needham, MA 02494, for the 37th Annual Pan Massachusetts Challenge charity bicycling event to be held on Sunday, August 7, 2016, from 8:00 a.m. to 2:00 p.m.

- C. *Parade Permit Application submitted by Allie Cisterna, 18940 N. Pima Rd., #110, Scottsdale, AZ 85255, on behalf of The Foundation for AIDS Research, 120 Wall Street, Floor 13, New York, NY 10005, for the 7th Annual Kiehl's Life Ride for AMFAR to be held on Tuesday, August 9, 2016 from 10:50 a.m. to 11:00 a.m.*

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Allie Cisterna, 18940 N. Pima Road, #110, Scottsdale, AZ 85255, on behalf of The Foundation for AIDS Research, 120 Wall Street, Floor 13, New York, NY 10005, for the 7th Annual Kiehl's Life Ride for AMFAR to be held on Tuesday, August 9, 2016, from 10:50 a.m. to 11:00 a.m.

- D. *Parade Permit Application submitted by Joan A. Peters-Gilmartin, P.O. Box 998, Truro, MA 02666, on behalf of The Open Doorway of Cape Cod, Inc., P.O. Box 520, N. Eastham, MA 02651, for the Run for Recovery Purple Flag Relay event to be held on Sunday, September 25, 2016 from 3:00 p.m. to 5:00 p.m.*

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Joan A. Peters-Gilmartin, P.O. Box 998, Truro, MA 02666, on behalf of The Open Doorway of Cape Cod, Inc., P.O. Box 520, N. Eastham, MA 02651, for the "Run for Recovery" Purple Flag Relay to be held on Sunday, September 25, 2016, from 3:00 p.m. to 5:00 p.m.

- E. *Appoint Allan MacKinnon to Regular member from Alternate member of the Beautification Committee with a term to expire December 31, 2017.*

MOTION: Move that the Board of Selectmen vote to approve Allan MacKinnon's request to be moved to a Regular member position from an Alternate member position within the Beautification Committee with a term to expire December 31, 2017.

Raphael waived the reading of the Consent Agenda and without objection the Consent Agenda was passed.

1. **Public Hearings:** None.
2. **Public Statements:** None.
3. **Selectmen's Statements:**

Erik would like to talk about the VFW sometime in the near future.

Tom welcomed back the Town Manager from his vacation. He wants us to think about safety on Commercial Street; terrorist attacks; bicyclists and pedestrians.

Cheryl, Robert and **Raphael** did not have any statements this evening.

4. Joint meeting / Presentations:

A. Presentation by Representatives of the Outer Cape Bicycle & Pedestrian Master Plan Steering Committee - Cape Cod Commission Planners Martha H. Hevenor & Sarah Korjeff and Provincetown Representatives Eric Larsen & Roger Chauvette.

Martha gave a brief summary of the Master Plan. The Plan in its entirety may be found on the Town's website in the Board's agenda packet. The Project Steering Committee members for the Town of Provincetown are DPW Asst. Director Eric Larsen & Roger Chauvette. This Plan has been a partnership effort among the National Park Services, the Cape Cod National Seashore and the Cape towns. Many comments have been received through the website and from public workshops that have been held. During the four public workshops they identified through mapping exercises where they bike, walk, and where any trouble spots might exist. Participants were then asked what their preferences were such as multi use paths, shared routes, etc. MassDOT has been consulted regarding any new potential accommodations under consideration to be put on Route 6. They have also met with town staff, their police administrations, and their Town Planner in each town. Since October of 2014 they have been meeting each month. The Plan will be issued by September and they hope to seek funding through private/public partnerships. She focused on what was planned for Provincetown. From Truro using Route 6 west or south using multi separated paths all the way to Herring Cove Beach. An interim route would take the existing railroad bed from Snail Road to Howell Street. Bikers could go to Route 6 or through the cemetery and Standish Way. Another option would be to access through the Reilly parking lot to get downtown.

Sarah mentioned that the long-term goal is to get out to Herring Cove. They will also be considering alternative surfaces other than asphalt. She touched upon the routes; primary and secondary. She asked for the secondary routes to be approved by the Town. These routes are all laid out in the Plan found in the Board's agenda packet.

Tom is concerned about Bradford Street between Miller Hill, Bangs and Dyer. There is no room for pedestrians much less bikes.

Rik recommended the possibility of widening Bradford Street at those areas so bikes can get up the street with plenty of room for vehicles to pass easily.

Eric is concerned about the environmental impact around Snail Road as there are sensitive species along that route. He thinks it is a good idea to make the bike trail from Snail Road to Harry Kemp and then maybe to Baker Avenue; it is a wider avenue. He hopes the neighbors will be in favor of the secondary route through town. He believes that Route 6A is a little unsafe for bikers as it is not well laid out and the shoulders are in poor condition. He believes the primary route is the obvious choice and recommends getting with the state, if we want to work in that area.

Raphael likes the idea of the rail trail being utilized. He recommended holding joint meetings with both the Conservation Committee and Community Preservation Committee. He likes the idea of Reilly's being a partner, if possible. If we use secondary routes we will have to make improvements re: repaving. We could also hear complaints from motorists on Bradford Street; be sensitive to the way routes are being created by improving the safety of the hills, especially at the Prince Street hill.

The Bicycle Committee will be reaching out to each abutter of the rail trail and a Public Hearing will be held at some point in the future. Information on what federal and state resources have been looked at will be sent to Eric Larsen and the Bicycle Committee will taking the lead on this and keeping the Board updated.

No action was taken.

5. Appointments: None.

6. Requests:

A. Discussion on 26 Alden Street Affordable Units (Grace Gouveia Building):

Housing Specialist **Michelle Jarusiewicz** appeared before the Board. In February 2016 we were contacted by the developer who indicated that the Community Development Partnership (CDP) had issues with the title for the Grace Gouveia building. The developer has not signed the P&S due to these title issues even though there was legislation passed to help clear the title. In May 2016 the Provincetown Housing Authority showed interest in the acquisition of the three units in question and voted in favor of acquiring them. Town Counsel has been in contact with the developer so that the appropriate documents are passed on to whoever purchases the units. However, there was an agreement made between the CDP and the developer that would require an additional \$15,000 be paid for each unit. This was not in the original negotiations.

Tom stated that the property was cleared through eminent domain; three units at full purchase price and three units for affordable housing. This additional agreement is contrary to the initial agreement and he is not sure where the \$45,000 in additional fees is coming from. He wanted to know if there is truly a title problem, are we going to be able to give these units to anyone.

David P. believes there are two issues to be considered the financing scheme and the title. Local banks will not finance due to the title not being clear.

Tom wants to see three units given to affordable housing without any other fees noting we had to have 80% AMI.

Michelle stated that the Housing Authority is trying to get into the 80% AMI, which is a little higher than their income brackets. They are priced at 65% AMI, but require 80% AMI for tenant eligibility. Mass Housing Partnership met with the Housing Authority and it was discussed originally a couple of months ago and they were ok with the split 65%-80% AMI issue.

Raphael asked Michelle to keep the Board updated on the process.

Tom is against the \$45,000 fee.

Cheryl believes that as long as these units are occupied by income eligible residents, Boston Ventures is meeting their obligation to the town. Any entity that wants own and manage these, the Board will be happy to assist.

Erik agrees that the Housing Authority should take it over but he also does not agree with the additional \$45,000 fee. It was not part of the deal.

David G. stated that this was not a part of our deal nor were we privy to it. The Housing Authority can continue to negotiate with them.

Michelle will mention that the Board does not want any additional fees passed on to the buyer.

No action was taken.

B. Request for Letter of Support or Non-opposition for Heal Inc., to establish a Medical Marijuana Dispensing Facility located at 94 Harry Kemp Way in the Town of Provincetown – Attorney Katherine Adams; Heal, Inc. Director Patricia Faass & Chief Financial Officer James Bonaccorsi.

Katherine Adams called today and requested to postpone this item until a meeting in August. They did not feel they had all their answers for the Board at this time.

Raphael asked this to be put on the agenda in August.

No action was taken.

C. Police Report for the Month of June 2016:

Chief Golden brought the first quarterly report before the Board. He gave a summary of the report, which can be found on the Police Department's website.

Robert asked if the Chief could separate actual incoming calls for service from calls from a cruiser on Route 6 doing traffic enforcement and walk-n-talks and come up with a number of what service calls really are. He does not like to lump it all together and wants more clarity; these are not all calls for service.

The **Chief** asked the Board to please pick a format and he will give them any information they need.

Raphael feels that we have revised this report several times and this report is clear to him.

Tom agrees with the dual use of the word calls; the challenge is simultaneous calls from people who are calling directly in to the Police Dept. where the phone rings and other calls coming in as mentioned.

Cheryl asked the Town Manager, Chief Golden and Chairman Richter to discuss this and bring it back to the Board. She wants the Board to make a decision and not have this discussion any more.

Tom finds this report very helpful. The Police Dept. is doing a terrific job. He mentioned the cook out for the seniors and the basketball games, along with other outreach functions that the Police Department continues to offer. In terms of statistics there is a lot of history; he feels sure that we can get to a place where Robert is comfortable.

David P. believes that from a performance point of view the information provided is extremely helpful. He wants to know what the police officers are doing. This was supposed to be making the Chief's report easier.

Raphael wants to have calls for service, activities and add community outreach efforts to the report. We will try a quarterly report and will still have the monthly breakdown. He will meet with the Town Manager and the Chief to work on this. He will also meet with Robert to make sure his issues are taken care of.

Tom has had many compliments on the bicyclist police force. The visibility is good for public safety. He wants to look at Commercial Street in terms of risk assessment (vehicles/pedestrians/bicycles); especially dangerous areas around Lopes Square and Court Street. We should begin to address this as public safety so it makes the world safer.

The **Chief** stated that on Friday & Saturday nights during the months of July & August Commercial Street is closed off to all but pedestrians. People congregate in the streets and police officers are doing more public safety works. We should be urging drivers as well as bicyclists to slow down. We are keeping up constantly educating everyone new that comes into Town. Bicycle laws have evolved as bike use has evolved; enforcing them is tough. Bike accidents are a different story; very enforceable. Officers continue to try to calm the pedestrians, motorists and bicyclists.

Raphael agrees with Tom regarding the risk assessment as there is a safety factor when there is a certain volume of people on the streets.

Erik wants to continue to see the free flow of people around Town but is in favor of closing streets when necessary. He does not want to keep closing things off too often.

The **Chief** stated that the closing of Commercial Street was by a vote of the Board a number of years ago.

No action was taken.

D. Discussion regarding the Formation of the Stellwagen Visitor Center Feasibility Study Advisory Committee:

Raphael asked that the Board give the Town Manager general authorization to make appointments to this advisory committee.

MOTION: Move that the Board of Selectmen vote to authorize the Town Manager David B. Panagore to make appointments to the Stellwagen Visitor Center Feasibility Study Advisory Committee.

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

Seconded: Erik Yingling

E. Discussion regarding Frequency of Traffic Hearings:

Cheryl had requested the Board consider having only one Traffic Hearing a year in the fall.

Erik is on the fence about this request as these meetings can be very, very long. It is worth trying it; fall is desirable.

Cheryl stated that if something very important came along during the year we could take care of it and call another traffic hearing if needed.

MOTION: Move that the Board of Selectmen vote to approve that the Fall Annual Traffic Hearing be held in the fall and that date be on Tuesday, October 25, 2016.

Motion: Tom Donegan
5/0/0 Motion passed.

Seconded: Cheryl Andrews

Raphael asked that the public be informed that there will be no spring traffic hearing and David P. will take care of the request.

The Board took a break at 7:58 p.m.

The Board returned at 8:02 p.m.

F. Discussion of Town Manager's Contract Section 5. Performance Appraisal/Merit Increases:

Raphael read Section 5 for the people at home. This document may be found in its entirety on the Town's website in the Board's agenda packet.

Tom produced a series of goals for the Town Manager to give him an idea of what the Board would like to see him accomplish. These goals had been reviewed by the Town Manager already.

The Board went over all of the goals and agreed as follows: Management section A. - all accepted; Long Range Planning B. - as amended, and Professional Development C. - as amended.

MOTION: Move that the Board of Selectmen adopt the Town Manager Goals pursuant to Section 5 of the employment contract.

Motion: Tom Donegan
5/0/0 Motion passed.

Seconded: Robert Anthony

Raphael stated that if goals were met the standard 3% increase would apply; if goals are exceeded a 3.6% would apply, and a 2.4% if goals were not met. The Board will assign the terms: "does not meet," "meets" and "exceeds" with grading scores of one, two or three. The Board will average the grades out with 0.5 or higher being considered a round up to the figure.

MOTION: Move that the Board of Selectmen vote to adopt a gradable pay between .5 and 1.5 of the average merit pool.

Motion: Tom Donegan

Seconded: Erik Yingling

David P. feels that this system is very reasonable.

Cheryl has never been involved in giving a merit to someone who gets Fs on everything. She is not in favor of giving merit increases.

Raphael stated that there would be no increase without performance. The cost of living is 3% for both union and non-union workers. He proposed lowering the amount for not meeting the goals and raising the amount if the goals were exceeded; 50% of the standard merit of 3%, if not met and 150%, if exceeds. The motion was amended.

MOTION: Move that the Board of Selectmen vote to adopt a gradable pay between 50% of the standard merit of 3%, if goals are not met and 150% if the goals are exceeded.

Motion: Tom Donegan

Seconded: Erik Yingling

4/1/0 (Cheryl Andrews) Motion passes.

7. Manager / Assistant Town Manager:

A. Review and discussion of process regarding an RFP for the old Community Center at 46 Bradford Street:

David P. stated the Urban Land Institute panel believes that the old Community Center is not of the size and scale for a project that would attract a below market housing development; we would need to combine it with the VFW. This RFP will be comprised of two parts. First there would be a prequalification process in which developers would be asked to submit a two-page letter of intent stating what they want to do. We would work with staff to identify all permits that would need to be issued and then decide which proposal(s) is viable. If there were any earnest money (fee) we would need to decide on an appropriate amount. Is \$10,000 the right figure? The second part would be to put the price into the proposal. We have had two failed proposals and he is trying to figure out how to partnership with developers so no one wastes time, energy and effort and everyone wins.

Tom asked whether we should have a decision not to combine this with the VFW.

David P. wants to have both. If we get no viable proposal for the old Community Center then we combine them otherwise, if we do get one that works we go with that.

Erik supports this; when is this going to be kicked off. He would like this to get going.

David P. stated that the RFP is pretty much written but he wants to know an amount for the earnest money fee. He will talk to staff about a good schedule and see how quickly this can be done.

Erik would like to see it done by December 2016.

Raphael agrees with Erik and is in support of this also. He believes that \$5,000 seems like a fair fee although he does not have a lot of experience in this area. He asked for recommendations.

Erik believes that \$3,000 or \$5,000.

Tom and **Robert** are inclined to stay with \$10,000.

Cheryl believes that \$10,000 is a little high.

David P. suggested \$5,000.

The **Board** agreed with the \$5,000 fee amount.

David P. will put together the RFP and bring it to the Board.

Raphael asked that this be put on the August 8th agenda, if possible.

No action was taken.

B. Discussion of Potential Sites for the Police Station:

Raphael does not want to finalize a site this evening but to look at what options we have. The Board will not answer where it should be unless the full Board agrees to put it at the VFW.

DPW Director **Rich Waldo** discussed the three options for consideration. They are all oriented differently but on the same parcel of land indicated as 16 Jerome Smith. He indicated that there would be no impact to any of the water structures. He will work with the Chief regarding how the circulation route for getting in and out will be handled. He will reach out to those individuals who funded the skate park and get their input on moving it down; it can be easily moved. We can look for an impound yard; possibly Eastham. There is also a safety issue to be addressed at the Jerome Smith and Shank Painter intersection that will be incorporated into the project. There are some grade differentials. They have not scoped the land to see if there are any underground electrical conduits running through there but will do so. Everything else looks like it is a viable option.

Raphael was very pleased with this presentation.

David P. likes this site and wants to look at moving forward.

Tom wants to move forward.

Erik likes this location.

Robert thought this was an excellent alternative and wanted to hear from the Chief for his input.

Chief Golden believes that with the appropriate alterations allowing for access needed for their vehicles to safely get in and out and perhaps orienting it a little bit off to the east than depicted in the graphics would help create more space at the intersection. Make it a true T; on and off ramp. He believes that the footprint is fine but wants to see the circulation around the building addressed.

Raphael believes that the process being laid out is solid.

David P. would like to see, apart from the continued Board meetings, some public meetings on the outside (Town Manager meetings). He would like to try to get the town to agree where the police station goes and then look at whether housing can be put at the VFW. He would like to have all of this vetted by December.

MOTION: Move that the Board of Selectmen instruct the Town Manager to investigate putting the police station on the north side of Jerome Smith.

Motion: Tom Donegan

Seconded: Robert Anthony

5/0/0 Motion passed.

MOTION: Move that the Board of Selectmen instruct the Town Manager to begin the process to develop the VFW site for community and affordable housing.

Motion: Tom Donegan

Seconded: Robert Anthony

5/0/0 Motion passed.

C. Town Manager's Report – Administrative Updates:

David P. reported:

- Legislative updates; nothing to report at this time;
- Department bi-weekly updates are forthcoming;
- On his trip to Maine he visited a small community that is doing oversees sales of their lobsters of approximately \$20-\$30 million. They have the second largest lobster fleet, no organized tourist or Airbnb issues.
- He will be attending a conference being held in Maine, in October, regarding Broadband in remote communities and how to achieve it. There were many similarities in our towns; good comparisons. He will continue to go out and visit these places and gather information.
- We are starting this week to update the all Hazards Plan.

D. Others: None.

8. Minutes:

The Board reviewed the minutes.

MOTION: Move that the Board of Selectmen approve the minutes of May 23, 2016 (Regular), as presented; June 13, 2016 (Regular), as printed; July 11, 2016 (Special), as printed, and July 11, 2016 (Regular), as printed.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

9. Closing Statements/Administrative Updates: No statements. The Board reviewed all letters sent out.

- A. Letter to Congressmen Brian E. Dempsey, Thomas A. Golden, Jr., Bradley H. Jones, Jr., and Senator Benjamin Downing requesting their support of Amendment 103, to the Omnibus Energy Bill S.2400, regarding decommissioning of the Pilgrim Nuclear Power Plant – Chairman Raphael W. Richter.
- B. Thank you letter to Barrett Alley who is resigning from the Licensing Board and Personnel Board on July 29, 2016.
- C. Thank you letter to Kristin Hatch who resigned from the Licensing Board on July 19, 2016.
- D. Thank you letter to Donald Whitcomb who resigned from the Cultural Council on July 20, 2016.

Without objection the meeting was adjourned at 9:58 p.m.

Minutes transcribed by: Loretta Dougherty