

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - REGULAR MEETING
MONDAY – AUGUST 08, 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; Georgia Hollister Isman, Government Analytics Consultant, and DPW Director Richard Waldo and James Fitzgerald, P.E. for Environmental Partners Group.

Recorder: Loretta Dougherty

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

- A. *Parade Permit submitted by Paul Curley, on behalf of the American Lung Association for the 32nd Annual Autumn Escape Bike Trek to be held on Sunday, September 25, 2016, from 10 a.m. to 3 p.m.*

MOTION: Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Paul Curley, 96 Partridge Circle, Taunton, MA 02780, on behalf of the American Lung Association, 260 W. Exchange Street, Suite 102B, Providence, RI 02903, for the 32nd Annual Autumn Escape Bike Trek to be held on Sunday, September 25, 2016, from 10:00 a.m. to 3:00 p.m.

- B. *Appoint Jennifer Rumpza (Recycling & Renewable Energy Committee) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*

MOTION: Move that the Board of Selectmen vote to appoint Jennifer Rumpza (Recycling and Renewable Energy Committee) to the Local Comprehensive Planning Committee, with a term to expire on September 14, 2017.

- C. *Appoint Thomas Coen (At-Large) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*

MOTION: Move that the Board of Selectmen vote to appoint Thomas Coen (At-Large) to the Local Comprehensive Planning Committee, with a term to expire on September 14, 2017.

- D. *Appoint Regina Binder (At-Large) to the Local Comprehensive Planning Committee, with a term to expire September 14, 2017.*

MOTION: Move that the Board of Selectmen vote to appoint Regina Binder (At-Large) to the Local Comprehensive Planning Committee, with a term to expire on September 14, 2017.

Raphael waived the reading of the Consent Agenda and it was passed by unanimous approval by the Board.

1. **Public Hearings:** None.

2. **Public Statements:** None.

3. **Selectmen's Statements:**

Raphael, Tom, Cheryl and Robert had no comments.

Erik asked the Town Manager if he had spoken with anyone regarding the status of the Year-round Market Rate Rental Trust Fund.

David P. stated that only the Residential Tax Exemption legislation had been engrossed by the House and has now gone to the Senate.

4. **Joint meeting / Presentations:**

- A. **Update on Performance Metrics from the Collins Center for Public Management at the University of Massachusetts Boston – Georgia Hollister Isman, Government Analytics Consultant.**

Georgia gave a brief overview of the kinds of projects which the Collins Center helps large cities and smaller towns; such as, data and performance management, data sharing across municipalities and trainings on performance management. The plan is to interview department heads about the types of data they are collecting and how they are using that data; getting a sense of what work people are doing. There will be training on data collection, sources, and cleaning with a focus on identifying data that will contribute to useful performance measures. The project team recommends two three-hour sessions in the morning and afternoon tracked by level of existing data work. An analyst would create a few graphs after looking at the data within up to six departments and use it in the training. An analyst would work with one or two departments that are motivated to conduct a more in-depth analysis for real and immediate use. This analysis would also serve as a case study for the following training. The final step in the project would have two analysts prepare training for the department heads, including examples from Provincetown's own data and an in-depth look at the work done for the one or two departments. The focus would be on refining performance

measures to begin using them in management.

David P. stated that in September, October, and November one-half hour sessions would be held for training and additional follow-up with departments. Data information will be compiled and coordinated within departments, if necessary. He is hopeful to get all of this done prior to setting up the budget.

Cheryl wanted to know whether the permitting process we use would be a part of the study. We have new business owners who are concerned about the amount of regulations that they have to deal with. Is assessing any part of this outside of the scope?

Georgia stated that it depends on what type of data will be going into making an analysis. They will start compiling the data and compare over the course of a year how is it going. The goal is to get every department thinking and measuring what they are doing better and how they can improve the performance more.

Tom stated that the Acela program would begin doing reports in July for permitting. He believes a good applicant process will come out of the Acela reporting.

David P. stated that there is a pre-permitting process where you will be able to view what is in the permitting que before it comes before any of the boards. It will allow for inter-departmental coordination.

Lynn (MIS Dept.) stated that as an applicant or Board member you would be able to do a search by address that will show what permits apply to that particular address.

Robert wanted to know if we were going to have a public discussion on the results.

David P. stated that it should be in the budget process but we can have a wrap up meeting if the Board would like.

5. Appointments:

A. Appointment of Curtis Balom as an Alternate member of the Beautification Committee with a term to expire December 31, 2018.

Curtis appeared before the Board and gave a brief statement as to why he wanted the position. He wants to know how the Town runs and already knows three people on the Committee. He lives in Town year- round.

MOTION: Move that the Board of Selectmen vote to approve Curtis Balom be appointed as an Alternate Member to the Beautification Committee with a term to expire on December 31, 2018.

Motion: Tom Donegan

Seconded: Robert Anthony

Tom thanked him for his application; great place to start and looks forward to further involvement.

5/0/0 Motion passed.

6. Requests:

A. Shank Painter Road Design Contract – DPW Director Richard Waldo & James Fitzgerald, P.E. for Environmental Partners Group:

The PowerPoint presentation may be found on the Town's website in the Board's agenda packet. The project is anticipated to begin at Shank Painter Road's intersection with Bradford Street (Route 6A) and extend northerly up to and including its intersection with Route 6, a distance of approximately 2,900 linear feet (0.55 miles).

Jim stated that this is a multi-faceted project looking at what the Town envisions for the roadway and getting input from businesses to discuss what their thoughts are on the project. A lot of public outreach is planning to be done showing a design that everyone is familiar with and is able to understand how the design was formulated. The end product will be a pleasant drive down Shank Painter Road in addition to safe accommodations. The preferred concept for the design, what the cost will be and what the funding opportunities are will be decided. Collaboration with the entire team of town officials, stakeholders, business owners, and engineers at the beginning of the process will help gain consensus. Future phases will be dictated by funding and what the Town wants to pursue. Some available funding sources to be considered are MassWorks, Complete Streets, Transportation Improvement Program (TIP), and local funds.

David P. would like to move forward with the TIP and then go after everything else.

Robert asked whether they would discuss Shank Painter being the main road into Provincetown.

Rich stated that in the overall circulation study they tried to get west/east off at Shank Painter and Snail Road. It will be considered as well as emergency vehicles.

Cheryl would like to know if we could get rid of the utility poles.

Jim stated that this comes up very often and it comes down to money.

David P. can come up with a number of how much it would cost.

Cheryl congratulated staff for putting this together.

Tom wanted to consider changing the signage for coming to downtown from Conwell and placing it on Shank Painter and made a motion.

MOTION: Move that the Board of Selectman vote to place an item on the Traffic Hearing to propose changing the "Center of Town" signage.

Motion: Tom Donegan

Seconded: Cheryl Andrews

Robert stated that rerouting traffic from Conwell to Shank Painter seems a bit premature at this point as it is such a big project to divert traffic at this early date.

David P. believes that it may not be too soon to consider changing the signs. The project may not start until 2022 unless something happens. It is unknown how much drivers' behavior will change. He recommended doing a pilot test and see what the behavior would be. One intersection is signalized and one not signalized.

Robert cannot support this and asked that it be brought to the Traffic Hearing. It is very hard to make turns at Bradford & Shank Painter Roads.

4/1/0 (Robert Anthony) Motion passed.

Tom asked if will this cover storm water and run off and all issues for the entire low-lying areas.

Jim stated that all of those issues will be covered.

Erik is glad to see this moving along; we started this conversation about five years ago. Business owners will realize it will make their businesses operate better.

Raphael believes it will meet everyone's needs.

MOTION: Move that the Board of Selectmen vote to approve design Contract with Environmental Partners Group Inc. in the amount of \$130,700.00 for a concept development and preliminary design of Shank Painter Road.

Motion: Tom Donegan

Seconded: Robert Anthony

5/0/0 Motion passed.

B. Performance Review of Town Manager David B. Panagore:

Erik, Tom and **Robert** all thanked him for his work and look forward to his continuing with the Town. The other Board members congratulated him and want to see him stay at least another two years.

Robert congratulated the staff, as well.

Cheryl stated that it is hard to believe it has been a year already. It has been fun. She remembers when she had asked him whom he represents and he told her that when he speaks, he speaks for everyone. She thanked him and stated that the first year had been fun and she plans to get very grey haired with him.

MOTION: Move that the Board of Selectmen vote to establish Town Manager David B. Panagore's annual performance appraisal score as 4.5.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

C. Discussion and Approval of the FY2017 Performance and Compensation Process for Town Manager David B. Panagore:

Raphael read the specific letter of agreement and stated that the Board will increase the base salary by 3% that is the standard for all staff in general.

Cheryl was not clear on the 3% standard.

Raphael stated that basically everyone in past years has received a 3% increase. Pursuant to the contract, it is the option that the Board put this 3% in as a good baseline; it is mix between the cost of living and merit increase. The FY2017 will be a lot clearer as the Board has created a merit and rating structure that will be entered into each year and an agreement will be attached as an addendum to the contract.

MOTION: Move that the Board of Selectmen execute a letter dated August 6, 2016, between the Board of Selectmen and the Town Manager pursuant to GL Chapter 41.

Motion: Tom Donegan

Seconded: Erik Yingling

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

MOTION: MOVE that the Board of Selectmen vote to grant a 3% increase in base salary to David B. Panagore effective September 1, 2016, pursuant to the contract for employment.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

D. Review and discussion of Town Business Calendar:

David P. pointed out the changes made in the calendar reflecting current conditions. A copy of the calendar in its entirety may be found on the town's website in the Board agenda packet. The color-coding indicated the types of actions needing to be taken such as the color blue denoting straightforward Board of Selectmen meetings, red denoting action items needing to be taken care of for Town Meetings, and green for budgeting items.

Erik asked for an agenda item to discuss the number of Town Meetings to be held each year. He requested August 22nd.

Raphael wants to continue updating the Board once every month and monitoring the progress of the calendar.

No action was taken.

E. Proclamation for Kieh's LifeRide for the amfAR Day to be held on Tuesday, August 9, 2016 with the ceremony to be held from 9:00 a.m. to 12:00 p.m. at 200 Commercial Street, Provincetown, MA.

Tom read the Proclamation that may be found in the Board's agenda packet.

MOTION: Move that the Board of Selectmen vote to proclaim Tuesday, August 9, 2016, as Kiehl's LifeRide for amfAR Day in celebration of the 7th Annual Kiehl's LifeRide for amfAR.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

F. Summary Update on the Board of Selectmen's Round Table Meeting held on Friday, July 29th regarding the Year-round Market Rate Rental Housing Trust Fund:

Raphael gave a summary update of the Board's Round Table discussion regarding the Year-Round Market Rate Rental Trust Fund. The participants looked at how they might begin to identify what paths can be taken by the Trust such as looking into purchasing deed restricted properties, privately owned properties, purchasing of units but may or may not be owned by the Trust and working with private developers in public/private partnerships. Town Counsel John Giorgio presented the legal framework of the Trust discussing what it looks like. It is similar in some ways to other trusts, but is unique in that it has never been done before to his knowledge. The Round follow-up will be held on Friday, September 9th at 10 a.m. The discussion will be with the same group of participants and a few others to discuss what the process will be to start appointing the trustees. The Board is hoping for a positive vote from the Senate. This is a unique tool we will have to address the housing issues in Provincetown. We will continue to discuss this and have a meeting once a month and hopefully a majority of the Board will attend due to policy discussions.

Cheryl stated that it was a great meeting.

7. Town Manager / Assistant Town Manager:

A. Update regarding the Barnstable County Fire Training Academy:

David P. shared with the Board a 21E; Environmental Contamination letter that had been received by him. The legal purpose of the letter is to alert a Town that if they were found to have caused the contamination at the Barnstable County Fire Academy, they would be brought into the legal suit. The Town of Barnstable is suing the County over the contamination that was found. Fire Chief Trovato will come before the Board when he has more information to provide after talking to the county, his peers and has a better sense of things. We do know that we did not use any of the contaminants ourselves. We are keeping a file; these things can take years to remediate or rectify unless funds are found. David sent the letter to our insurance company. If contaminations occur in training or in an active fire, our long-term fire insurance covers it. A file has been created with our insurance company as well.

Cheryl asked to whom else this letter was sent.

David P. stated that it was sent to every town administrator on the Cape, as a form letter. This is a 21E letter that should have gone out to everyone that could have done training. The fire academy is open.

B. Review and Discussion of the Process regarding an RFP for the Old Community Center at 46 Bradford Street:

David P. gave an overview of Phase I – Request for Qualifications. This phase represents a two-phase process to determine the most advantageous respondents to acquire and redevelop the old Community Center premises. In Phase I, the Town is requesting short concise submissions in order to determine which respondents are eligible to receive and submit a proposal pursuant to a Request for Proposal (RFP), which the Town will issue in Phase II. Only respondents who meet the minimum prequalification criteria will receive the RFP. The Request for Submission in its entirety may be found in the Board's agenda packet. He also pointed out that the earnest money deposit had been changed to \$5,000 at the Board's request.

Raphael asked that the typo of the address be corrected.

Erik wants the Town to be a part of the process.

MOTION: Move that the Board of Selectmen vote to approve the Request for Submissions (RFQ) for Disposition of the old Community Center located at 46 Bradford Street, Provincetown, MA, as revised.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

C. Town Manager's Report – Administrative Updates.

David P. reported:

- the Commercial Street construction bids are due August 11th and will be back before the Board on August 22nd;
- the Library roof repairs are going out to bid per Town Meeting;
- the Bas Relief bids are also going out;
- staff is working to prepare for Carnival;
- the Police Chief is working to identify funding resources and the approaches to be taken for an increase visibility regarding bike patrols; coordinating with PBG;
- Hillary Clinton is coming to Provincetown on August 21st, and
- the newly drafted Email Policy will be brought before the Board on August 22nd.

Cheryl asked about volunteers to help with crowd control through the PBG; this always helps to keep people out of the streets. She asked if the Police Department has coordinated with volunteers.

David P. does not have an update on the number of volunteers. Everyone will come together and it will be organized. The Chief will keep everyone on task.

i. Contract Extension of Interim Finance Director Ruth Lewis.

David P. asked for another six-week extension for the Interim Finance Director. She has been digging in without a guidebook. Dan could not leave everything the way he wanted to but he will meet with Ruth this week and answer any questions. David expects at least two six-week engagements and possibly a three or four-week engagement. The financial study being conducted by the Abraham Group is well under way. He should have a status report to the Board in about a week or two. He negotiated this contract extension for a small increase in salary to \$90/hour plus mileage for this six-week period.

MOTION: Move that the Board of Selectmen vote to affirm the contract extension for Interim Finance Director Ruth Lewis, commencing on August 2, 2016, for an additional six-week period ending September 12, 2016.

Motion: Erik Yingling

Seconded: Robert Anthony

Erik asked when we are advertising for this position.

David P. would like to have that conversation with the Board at the August 22nd meeting, if not before. He has asked the Abrahams Group to get the conceptual report to him by August 15th.

Cheryl is glad Ruth is willing to do this for us.

5/0/0 Motion passed.

D. Other: None.

8. Minutes:

The Board reviewed the minutes and there was a small correction to June 27th minutes.

MOTION: Move that the Board of Selectmen approve the minutes of February 29, 2016, as printed; March 14, 2016, as printed; March 15, 2016, as printed, and June 27, 2016, as revised.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

9. Closing Statements/Administrative:

David P. thanked each Board member for their support and stated that it has been a privilege to work with them.

Cheryl asked for an update on the 2020 Committee's hiring of an Executive Director.

David P. stated they are in negotiations with the lead candidate at the moment.

Robert wished David G. a speedy recovery and stated that we need him back soon.

Tom had no statements.

Cheryl agreed with Robert and stated that everyone is thinking about him.

David P. wanted everyone to know that David G. had been sent an orchid from all of us.

Raphael stated that when the Airport Commission comes before the Board on September 26th in Executive Session at 5:30 p.m. he will be recused and Vice-Chair Yingling will take the lead.

The Board reviewed the letters that had been sent out.

- A. *Thank you letter to Saverio M. Fato for donation given to the Fireworks Gift Fund.*
- B. *Thank you letter to Shepard G. Schwartz for donation given to the Fireworks Gift Fund.*
- C. *Thank you letter to Carrie Notaro who resigned from the Recreation Committee effective July 26, 2016.*
- D. *Letter to Governor Charles Baker, Jr. regarding the Economic Development Bill.*
- E. *Letter to Lt. Governor Karyn Polito regarding the Economic Development Bill.*

Without objection the meeting was adjourned at 7:51 p.m.

Minutes transcribed by: Loretta Dougherty