

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES – REGULAR MEETING  
MONDAY, JANUARY 22, 2018 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

Vice Chair Yingling convened the open meeting at 6:05 pm noting the following:

Board of Selectmen attending: Vice Chair Erik Yingling, Members Robert Anthony, Tom Donegan and Louise Venden

Excused: Chair Andrews

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner and Board Secretary Elizabeth Paine

Recorder: Elizabeth Paine

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

- A. *Treasurer Transfer – that the Board of Selectmen vote, as Commissioners of the John Henry Trust Fund (#1618), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay \$7,447.50 to Cape Cod Children’s Place for services provided between October 1, 2017 and December 31, 2017.*
- B. *Treasurer Transfer – that the Board of Selectmen vote, as Commissioners of the Council on Aging Gift Fund (#1151), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay an amount not to exceed \$5,000.00 annually for the operation of the transportation programs offered through the Provincetown Council on Aging.*
- C. *Treasurer Transfer – that the Board of Selectmen vote, as Commissioners of the Council on Aging Gift Fund (#1151), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay an amount not to exceed \$20,000.00 annually for the operation of the meals programs offered through the Provincetown Council on Aging.*
- D. *Treasurer Transfer – that the Board of Selectmen vote, as Commissioners of the AIDS Memorial Gift Fund (#1144), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay \$25,000.00 to Lauren Ewing as the second payment pursuant to Article 3 of the contract executed on April 4, 2017.*
- E. *Approve the appointment of Jonathan Sinaiko from an alternate member to a regular member on the Water and Sewer Board with a term to expire on December 31, 2020.*

**Without objection Vice Chair Yingling waived the reading of the consent agenda and without objection it was approved unanimously by the Board of Selectmen**

**1. Public Hearings:**

- A. **Continued Hearing from 1/8/18 - Amendment to Economic Development Permit 17-03 – 20 Province Road – J&E Produce by William Rogers (applicant) Robert A. Enos II (business representative) o.b.o. Enco Realty Inc. was approved on April 13, 2017 to increase the assigned Title 5 flow to the property by 1,100 gallons per day to add ten employee housing bedrooms. The property is currently served by an onsite septic and they are requesting to hook-up the entire property to the sewer.**

Selectman Donegan read the legal notice: A public hearing notice for an amendment to an Economic Development Permit.

**EXHIBITS/DOCUMENTS: Draft changes to Regulations for Public Use of Town Hall Public Notice.**

Mr. Enos was present for the meeting. After finding difficulties with the expanding the Title 5 system that is on the property. The cottage that are being placed on the property are season, and the employee housing put on top of the warehouse would be year-round housing.

TD – in the memo, it is saying it would be approved if they moved forward. Who is the they?

MC – because it is a mixed use lot, they cannot move forward with a Title 5 system.

**Selectman Donegan moved that the Board of Selectmen vote to approve the amended Economic Development Permit 17- 03 for 20 Province Road, by William Rogers and designate the entire property a public use for the purposes of hooking up to the sewer.**

**Selectman Anthony seconded the motion**

**VOTED**

**In Favor:                   4**  
**Opposed:                   0**  
**Abstain:                    0**

**2. Public Statements:**

- Lenny Enos Jr. – heard the comments with the sewer system. in the mid 90’s I put in a title 5 system at the surf club, I cannot remember off hand when the sewer come in, we where told we had to hook up, every system with expansion of the JE property, all the went on the system. Right now with the fire and everything going on, I cannot expand further because the sewer system is holding me up. I appold you guys for moving forward.

**3. Selectmen’s Statements:**

- **Louise Venden** – I appreciate the town sending us to the MMA work shop. It gave us an opportunity to hear from other towns having similar problems to use. I learned a lot about what the opportunities might be to make specific plans for land use to really be more proactive.
- **Robert Anthony** – none.
- **Tom Donegan** – I thought the public statement was a great summary and appreciate Lenny Enos for coming in. I am glad this process is coming. I spent 2-3 hours learning about marijuana laws that are now being called adult use in home and adult social. Adult social is what will be coming to Provincetown. The challenge is if we have to take a bylaw it has to be in effect before July 1. If we need a bylaw, we probably need to do this based on the draft regulation; we need to begin to think pretty quickly about this. I think I was the only one who was interested in the encouraging side of things. Very admit that it not be mixed in a place that sells alcohol. It is an accessory use to massage but not to alcohol use. We need to understand it better. Do we as a board wish to take public comment? I appreciate the town sending me to this convention and it would fascinating.
- **David G** – they start accepting application April 1, under the zoning. We have a forum on Feb 3, I am hoping the bylaw will be influenced by this discussion.
- **Erik Yingling** – I think we should submit formal comments.

**4. Joint meeting/Presentations:**

**A. Joint Meeting with the Visitor Services Board; update on Visitor Survey, preparing for Town meeting and discussion of VSB composition.**

Members of the VSB present, Susan Avellar, Lesley M and Jay G, along with Tourism Director Tony F were present for the meeting.

Lesley M – we wanted to use this as an informal discussion on the visitor survey and move on the survey and hoping for some feedback or responses that you might have.

Tony F – the survey that was done 10 years ago was done on the streets on Provincetown and we used similar questions to see how they align.

LV – thank you for doing this. At looking at data here, this is awfully long, there are 50 questions, I think your return rate is going to be diminished by the length of this. Do you feel that you have had the professional guidance you feel you needed?

LM – personally I think it does provide us with a lot of data, but I agree with you, that perhaps we need to look at questions that can be combined and as it is 2018, we might need to reduce down to fewer questions. I am thinking in a broad sense, we are trying to capture all of that information and narrow it down as we move forward.

JG – there is definitely some fat that needs to be cut. We have a billion questions that we would love to get answered. I guess the questions that will we get a high enough response rate to get enough data. We may need to go back and ask for them to assist with helping with us prioritize the question.

TD – thank you all for coming, I think we talked about this is summer, one of the things that strikes me, is to survey who visits now. To speak to the inn keeper, shop keepers and gather data. We want to retain repeat visitors in the peak season, and grow the visitors in the off season. Fall is the number one tourism in new England for fall foliage. This feels to be premature. What would be fascinating, would be to get the billing zip codes, to see where are these folks coming from. What I would suggest, is you think about a process to tell each other, what you think the best costumer is and who you want to target, and then who do you want to target to make the fall season grow.

JG – MTI is going to set this up as a preset link that we are going to provide to local restaurants, inn keepers and shop owners. We will also be setting this up on social media, and regional advertisement. The more way we put it in front of them, as most people won't reply to an add unless they have heard it more than 3 times. Until you identify the globe, you cannot start separating who to send it too.

LV – there are people who come here that are more preferred. To the extent that you are going to slice and dice it after it comes back. It is too bad that you cannot narrow it down before we send it out globally.

TD – we need to have the data of who our core visitors are.

LV – this is too broad of an approach to take, and I am questioning the professional option that you

have received.

TD – as I understand it, AirBNB will give a fair amount of data.

LM – it seems that we are talking about two different surveys. It is very valuable to have this broad based survey to conduct so that we can also see who is not coming and why.

RA – people forgot about that we are neighbor to the Cape Cod National Seashore, they bring in large numbers of visitors. I will bet if anyone would contact the CCNS they would have this data. It is not just what happens down town, but what happens down at the pier and people who come to the park.

**TD moved that BOS recommend to the VSB that we conduct a two prong approach. 1<sup>st</sup> senses of current visitors. 2<sup>nd</sup> a prospecting survey to be done online to target future marketing.**  
**RA 2<sup>nd</sup>.**

LV – I don't want to negate on the work you have done, but this vehicle you have created, this is such a broad approach; it doesn't feel like you are going to be informed. I don't want to disregard the work you have done, but I don't think this hits the concerns we have been discussing for the last few years.

TD – I think the first one should be done internally. As a recommendation, so not to discount anything that you have done, just an idea that the process will be clearer after the first part is done.

**Vote – 4.0.0**

TF – we would like to come back for a joint meeting to discuss available carryover funds as well as un-appropriated funds.

LM – we are hoping to speak at the joint meeting about changing the composition of the VSB seats and the proper language to move this forward at town meeting.

**TD move that the Board of Selectmen schedule a joint meeting with the VSB for February 13, 2018**

**LV seconded the motion**

**4/0/0**

**B. Presentation of proposed Shank Painter Road Plans and Improvements – Jim Fitzgerald – Environmental Partners Group**

DPW Director Richard Waldo was joined by James Fitzgerald and Benny Hung from Environmental Partners Group to present the Shank Painter Road Improvements. The funding would be funded by TIP for the cost of construction. The town would be responsible for funding the design. Mr. Fitzgerald went gave a brief summary of the project, and future stages of the project.

RA – in regards to Jerome Smith and Shank Painter, I know you are going to alter the intersections, are you taking into account for the emergency vehicles? How far down the sides streets are you going?

JF – one of the things we are considering is a roundabout, so there is no cue in front of Jerome Smith.

Right now everything is all in preliminary plans.

EY – one thing I would add, that I really like to see complete streets. I believe there is enough road of way to have sidewalks and vehicle access.

JF – our preferred configuration right now is to have side walk on either side of the road with a two way bike path on one side separated by trees.

EY – we are in the TIP cue so we are about 5 years out for funding?

JF – to start construction. This gives us time for planning and public input.

TD – we have talked about in the past, shank painter/route 6 intersections, with a rotary similarly to the one in Orleans. Are we looking at the parking lot that is between Days and Cumbies?

JF – we have gone through all available information. We prefer a roundabout for this intersection. Not only is esthetically pleasing but it processes traffic a lot more efficiently.

RW – right now we are looking at what conceptually the public works, and next would be to look at the drainage.

TD – this road has how much right away? We find it is very hard to get people to give up encroachment. Are we monitoring encroachments?

JF – the road has 60 feet right away.

RW – we are monitoring new encroachment. It is a sensitive subject. This is why it takes 5 years to approach this project.

TD – when we avoid a difficult conversation when encroachment comes up, the balance is shifting, and that is going to cause the encroachments to become points of contentions. We have to come together and get a policy statement to deal with these encroachments. These points to what we have to do. And what we have to do well.

LV – I think this presentation is wonderful. The question I have is; would the fire trucks be able to maneuver through these bike lanes.

JF – the fire chief attended that public hearing and we spoke at length about his needs. As a result of that we have taken another look at the corridor and widen the width of the road to try and accommodate his needs. This is with the separated bike lane. The widths we are proposing are a couple of feet wider of the narrowest section of current shank painter.

## **5. Appointments:**

### **A. Licensing Board – Carol D. Santos**

Carol Santos, full time resident of the town. My business experience can be an asset to the board.

TD – thank you for apply. It is a great board, and I know the business community appreciates.

**Selectman Donegan moved that the Board of Selectmen vote to appoint Carol D. Santos as an alternate member to the Licensing Board effective immediately and expiring on December 31, 2020.**

**Selectman Venden seconded the motion.**

**VOTED**

**In Favor: 4**  
**Opposed: 0**  
**Abstain: 0**

**6. Requests:**

**A. Owner’s Project Manager Services for the Police Station Contract - DPW Director Rich Waldo & Building Chair Tom Coen**

DPW Director Richard Waldo was joined by Building Chair Tom Coen. Mr. Waldo presented the OPM they chose after the review of candidates. They are recommending Environmental Partners Group.

**Selectman Donegan moved that the Board of Selectmen vote to approve an Owners Project Manager contract with Environmental Partners Group in the amount of \$277, 780 for OPM services related to the design and construction of a new Police Station facility.**

**Selectman Anthony seconded the motion.**

EY – are they able to bid on the design?

LV – you had an OPM when you did the school project as well? Is there any flexibility to change or renegotiating?

TC – the oversight is an important part. There are decisions that need to be made on regular bases.

RA – do you have a time frame on when you will be break ground?

RW – we are hoping to break ground in 2 years.

**4/0/0**

**B. Police Quarterly Report- Lt. Greg Hennick**

Lt. Hennick was present to give the Police Quarterly report.

TD – when Erik and I were at the MMA we were able to participate in the Police simulator, the one comment that the instructor stated is that they were very impressed by Provincetown.

**C. Continued discussion of Charter Commission proposed changes to the Charter and the role of the Board of Selectmen**

Acting Chair Yingling – we will hear this at our next hearing when the Chair has returned.

**D. Special Town Employees**

Selectman Donegan moved that the Board of Selectman vote that all the members of each elected or appointed board or committee in the Town of Provincetown is hereby confirmed as and expressly classified as “special municipal employee” as defined by MGL 268a.

Selectman Venden seconded the motion.

4/0/0

**E. Policy set on requests for Medical Marijuana letters of Non Opposition**

**7. Town Manager / Assistant Town Manager:**

**A. Vote and execute Town Manager’s Contract**

Selectman Donegan moved that the Board of Selectmen approve and execute a contract with David B. Pangore for Town Manager as previously voted on in Executive Session.

Selectman Anthony seconded the motion.

**VOTED**

**In Favor: 4**

**Opposed: 0**

**Abstain: 0**

**B. Town Manager’s Report – Administrative Updates.**

**8. Minutes: Approve minutes of previous meetings.**

Selectman Donegan moved that the Board of Selectmen approve the minutes of: January 2, 2018 5:00 pm (Special), January 3, 2018 5:00 pm (Special), January 8, 2018 6:00 pm (regular), and January 10, 2018 5:00 pm (regular) as printed;

Selectman Venden seconded the motion.

**VOTED**

**In Favor: 4**

**Opposed: 0**

**Abstain: 0**

**9. Closing Statements/Administrative Updates:**

Without objection the meeting was adjourned at 8:21 pm

Minutes transcribed by: Elizabeth Paine