

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
MONDAY, JUNE 25, 2018 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chair Venden convened the open meeting at 6:06 pm noting the following:

Board of Selectmen attending: Chair Venden, Vice Chair Tom Donegan, Robert Anthony, Cheryl Andrews and Lise King

Excused:

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner, and Temporary Secretary Linda Fiorella

Recorder: Linda Fiorella

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

- A. *Authorize Town Manager to issue RFQ for NOAA Proposed Stellwagen Bank Visitor Information Center*
- B. *End of Fiscal Year '18 Reappointments;*
 - 1) *Economic Development Committee: Rita “Hersh” Schwartz*
 - 2) *Harbor Committee: Laura Ludwig, David Flattery & Elise Cozzi*
 - 3) *Human Services Committee : Joseph Murphy*
- C. *Approve the appointment of Trevor A. McCarthy to the Economic Development Committee from alternate member to a regular member with a term to expire on June 30, 2020*
- D. *Award the RFP for Sightseeing Vehicle / Tour Opportunity at 260 Commercial Street and Approve a License Agreement with Mayflower Trolley.*
- E. *Accept Massachusetts Executive Office of Energy and Environmental Affairs’ Municipal Vulnerability Preparedness planning grant in the amount of \$27,500 for resiliency planning*
- F. *Authorize Town Manager to submit FY19 LAND grant application to the Mass. Division of Conservation Services reimbursement programs for the potential open space purchase of rear portion of 264-268 Bradford Street*
- G. *Treasurer’s Transfer – Approve as Commissioners of the John Henry Trust Fund (#1618), pursuant to MGL C44 § 53A, to use gifted funds to pay \$6,148.00 to Cape Cod Children’s Place for rent and childcare expenses*
- H. *Treasurer’s Transfer – Approve the use of gifted funds to pay Ray Dunetz Landscape Architecture for landscaping expenses*
- I. *General obligation bond – Authorize borrowing – Harbor Hill*
- J. *Bond Anticipation Notes – Authorize borrowing – End of Year 2018*
- K. *Approval of FY19 Marketing Grant - Provincetown 400 Events*

Without objection Chair Venden waived the reading of the consent agenda and without objection it was approved unanimously by the Board of Selectmen.

1. Public Hearings:

- A. **Continued Joint Public Hearing with Harbor Committee – Amended Harbor Plan**

Chair of the harbor committee David Flattery introduce harbor committee member Bryan Legare, Kristin Uiterwyk of Urban Harbors Institute, Harbormaster Rex McKinsey, and harbor committee member Elise Cozzi. Their updated plan takes into account input from public comments and Select Board comments.

Kristin Uiterwyk explained that the new plan updates previous two plans and addresses new challenges such as climate change. In working on the new plan they clarified terms, highlighted sailing program in town, and challenges affecting commercial fishing in town. This plan is meant to be a tool and included an implementation matrix which can be edited and sorted. They strengthened language for public access and safety. Added something for access for people with disabilities about what the town has done and made some recommendations. They also stressed the importance of harbor safety and aquaculture in the year round economy.

Public Input: none

Select Board Input:

Select Member Andrews –At one point there was a large number of wharves out there. Property owners may wonder about rebuilding wharves that are gone.

Kristin Uiterwyk -- State usually does that on a case by case basis. If you have a historic one you may have a better case.

Select Member Anthony – Are we gaining accessible property from Commercial street to the water.

Harbormaster McKinsey –More effort is needed in that area and it is one of the recommendations in the plan.

Kristin Uiterwyk -- we documented the licenses and how they can be identified and issued and we've done so in a way that can be mapped.

Vice Chair Donegan – is that map ready?

Kristin Uiterwyk -- not yet

Vice Chair Donegan -- we are less connected now than even 10 years ago. The chap 91 access is even more important.

Harbormaster McKinsey – chap 91 is a state license and there's challenges to ensure those access points stay open.

Select Member King –What specifically can we do to access to the harbor for community recreation and tourism recreation.

Kristin Uiterwyk –We didn't get into the specifics other than the need for more access.

Chair Venden-- I recommend this to the public who wants to know the basics especially the aquaculture piece because we're focused on economic development.

Vice Chair Donegan MOVE to submit the 2018 Harbor Plan Amendment to the Executive Office of Environmental Affairs pursuant to 301 CMR 23.06 for review and approval.

Select Member Andrews seconded the motion.

For Discussion:

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Public hearing closed at 630

2. Public Statements:

- Candy Collins – Representing the Provincetown Chamber of Commerce. We market Provincetown and take care of people once they are here. We concentrate on social media marketing and customer service. We provide maps guides distributed locally and internationally. We hired a webmaster. We create a weekly newsletter that includes helpful notices. We spend over \$100k annually. Grateful for the grant offered to us. We are careful to stay in the guidelines. We work with the disability commission to help people get around town. Every event makes us what we are and contributes to the town. Perhaps the Board of Select should be more involved in the grant process.
- Elizabeth Sykes – I’m known as Calvin I know Brenda Heywood is a representative on Barnstable Human Rights Commission but I think we need a local one due to incidents like the Black Lives Matter sign at the UU was defaced, sexual harassment of foreign workers, and some people are afraid to go to the police.
- Robin Lapidus – I’m the executive director of Provincetown Business Guild and the Shack LGBTQ welcome center. Good time to discuss how we can work together and maximize our towns. We were Successful with our first pride. I welcome this grant conversation, if there are questions we can be helpful in providing answers.
- Donna Flax – I’m in favor of local Human Rights Commission. It has been tried here before and was unsuccessful. Maybe we can learn from the past. The basic idea seems timely – nationally incidents are on the rise so it’s time to revisit the issue.

3. Select Board Member’s Statements:

- **Cheryl Andrews -- Congratulations to the Portuguese festival committee and the Cultural Committee that helped with the dedication. Folks noticed the missing banners over Commercial Street. I think the municipality can help. I’m confused about the information I’m receiving. Should it be an agenda item or can staff give us a mini report now or in two weeks. We’re all getting older and it’s not just of people saying no but I think we need to put some muscle behind this and mitigate it.**

- **Robert Anthony – concur with Cheryl Andrews**
- **Tom Donegan I got a lot of -- Congratulations to the people involved in the Portuguese festival. I got a lot of feedback on the flag issue. We need to get a sense of what's the current state and what's the role of the town.**

Town Manager Panagore-- do we own those? My understanding is that is all private. I've heard that the PBG is interested in taking an active role. Brandon expressed that Recreation is interested in helping.

Vice Chair Donegan – There may be the possibility of a fee for service for groundspeople to work an hour or two.

Select Member Andrews -- Once the town gets involved there is more complexity because of the way things get hung. We need to ask for staff to bring us a recommendation.

Vice Chair Donegan – It's not entirely ours to fix. If staff could get us a brief on an agenda and any partners who should be involved. Old era of bicycling need to be addressed. A bicyclist swore at me to get out of the way. The resident and visitor experience is diminished by that behavior. We need to sort out with what we need to do as policy makers to encourage enforcement of these rules. I was very glad to participate in parade.

- **Lise King – The flag issue should be addressed sooner rather than later. I have a great appreciation for the folks who put on the fest every year I want to relay a couple of the messages I got while in attendance as an invited speaker at the Provincetown Part Time Taxpayers Association meeting. They are a diverse group from part time and summer homeowners, from folks who've owned for generations and are here full time in the summer to those who are buying as investment and renting out. Their interests are diverse. Some are clear and heartfelt about wanting to participate in more town hall activities where appropriate – while I was there their organization president Steve Fossella announced intention to coordinate with other towns to collect a fund to lobby the state directly to gain the right to vote in town.**
- **Louise Venden – I'd like to thank the people involved in organizing the Portuguese festival. Everyone had a great time. I want to address the flag issue. What other organizations want this kind of flag display. If we are going to offer this as a service we need to know who else might want it. We could jointly approach prop owners. I'd also like to get an update on wee care. There is a lot of misinformation out there. We don't know how many children are out there. In order to expand we need to know the numbers in order to go to the town.**

Town Manager Panagore – I'll make the request. Should not be a problem to have a further update by August.

Select Member Andrews –I'd like to mention the AIDS Memorial dedication again and share that it was completely taped and it's available. We met before and adopted a proclamation. The emotions were out that day it's not something I will ever forget. Taking care of each other is what we should be proudest of and that's what the memorial is all about.

4. Joint meeting/Presentations:

A. Provincetown Community Resource Navigator Biannual Report of the Program – Health Director Morgan Clark, Forest Malatesta and Leo Blandford.

The six month report shows that the program continues to grow in its third year and they have increased integration with Cape Cod Hospital as well as collaboration with the Provincetown Police Department and they expect those services will become more successful and integrated. They are working with other agencies and one major challenge is inadequate housing as the waitlist is a minimum of two years. There was further discussion with the Select Board about continuing to partner with Cape Cod Hospital and to engage clients about a suicide program. Concerns were raised about links to domestic violence, drunk driving, age limits on the program specifically outreach to younger clients and the housing issue including the possibility of working with other municipalities to come up with a regional housing approach.

Select Member Anthony – A follow up on Cape Cod Hospital, did you meet with them?

Leo Blandford-- We meet on a weekly basis.

Vice Chair Donegan – Appreciate you proactively keeping us and the taxpayers informed. Sgt. Spore sent a note talked about the Police doing a good job in terms of crisis management and working with you. Glad to see you are working so well together. On Suicide contagion issues – good job getting out there, but maybe if you have more of a Facebook presence.

Select Member King – We do have a need with younger population. Once you're 17 you don't need parental permission, I know this is outside of my and your jurisdiction but I want to take this opportunity to point out that there is a need. If you're going to do outreach to the school if you would include all the schools that Provincetown students attend. My understanding is the counselors are not aware.

Chair Venden --You don't want these people conveyed by ambulance and once one is called they have to be taken to Hyannis. Our own people can't take people to outer cape by ambulance. I would hope that outer cape tries to get the waiver from the state.

B. Provincetown 400 Update on Planning and Progress– K. David Weidner

Dr. Weidner executive director of the Pilgrim Monument and the Provincetown Museum introduced task force member: Christine Walker, Candy Collins Boden, Daniel Gomez Llate, and Steven Hooper.

Dr. Weidner described the Provincetown 400 task force, fundraising and sponsorship opportunities and the variety of people involved from a diverse group from business people to town administrators and artists to members of the Wampanoag tribe. They hope to have an event schedule by September. Task force members described their organizations possible plans including the Masons, PBG, Chamber of Commerce, Provincetown Film Society and a vide message from Steven Peters of Wampanoag tribe.

Chair Venden – Could you follow up with the dates? It’s easier for us if we have things before us we can look at before you arrive.

Select Member Andrews –Looking forward to more of the town becoming aware of the framework you’ve created.

Select Member Anthony - I’m fine

Vice Chair Donegan - Thank you for coming. The Town has put up about 1 million for the two parks. Is the funicular part of that.

Dr. Weidner - No it is not related to the Provincetown 400

Select Member King -- This is helpful to get a clear picture. If the funicular doesn’t happen is there an alternate plan in place to get more people up the hill.

Dr. Weidner - we would definitely plan for that

C. Joint Meeting with the Year Round Rental Housing Trust – Harbor Hill Update Presentation. Power Point Presentation

Chair of Year Round Rental Housing Trust Kevin Mooney Community Housing Specialist Michelle Jarusiewicz, Nathan Butera, Rob Anderson present.

A powerpoint presentation update on Harbor Hill revealed they expect construction to begin soon. Items discussed included operating expenses and monthly revenue projections as well as comparison between rents versus mortgage payments.

Select Member Andrews - This is the most interesting and exciting thing I’ve seen since I’ve been here. Rent vs mortgage: I’m surprised that anyone needs to address that anymore. Not everyone is ready to buy a house. We wanted apartments. My message to you is the goal should be census get as high as you can as quick as you can. Be creative so we get the census numbers as high as possible.

Select Member Anthony – Anything under 500k is not much available. If you can’t afford a mortgage how can you afford rent if you don’t have good credit. What is the process going to be in regards to screening the tenants in regards to FICO score. Just a comment.

Vice Chair Donegan –This is the most stamina requiring two years of board work I’ve done. When we look at traditional credit people in hospitality have real trouble with FICO scores.

Select Member King - I’m impressed and grateful. This is a piece of the solution that we’re all dealing with. I’d like to see incentives for people to take a roommate and double up rather than rent a room out in the summer. If that’s the best option, I get it, but if we can get them to double up will be housing more year round people.

Kevin Mooney –We’ve tabled that discussion until we have occupancy.

Vice Chair Donegan – If you advertise on Airbnb or similar places you will be evicted immediately.

Kevin Mooney – As part of the lottery process appropriate sized households will get a priority.

Chair Venden – I will continue to advocate for using a piece of things like marijuana revenue to be allocated to helping people buy places of their own.

Vice Chair Donegan – One of the things we’ve looked at looking ahead is a rent to own program that is within the existing mission.

5. Appointments: Votes may be taken on the following items:

A. Visitor Services Board – Chamber of Commerce Representative – Susan Avellar.

Susan Avellar – It’s a learning experience and you’re never too old to learn. I finished out a term for the Chamber of Commerce when a representative left the area for a job offer. I’d like to continue in that position. It’s interesting. My sister and I grew up here when the community was supportive of each other and sometimes you feel like it’s time to give back.

Vice Chair Donegan Moved that the Select Board vote to approve the re-appointment of Susan Avellar, as the Chamber of Commerce Representative to the Visitor Services Board expiring on June 30, 2021.

Select Member King seconded the motion.

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

6. Requests:

A. Development of Community Interest – Next Steps

Assistant Town Manager Gardner introduced the page for the development of community interest which is currently filled with information about the Funicular project which is the test case for the page/process. The page includes information about regulatory board dates, process and progress as well as links to supporting documents.

MIS Analyst Lynne Martin presented the permitting and Acela portion of the presentation describing how to navigate to access permit history reports and how anybody can do it from home to find records, applications, plans, permits and they will eventually expand to include maps and increase transparency.

Vice Chair Donegan –This addresses about 90 percent of what we’re talking about. What I’m worried about is a developer makes a lot of promises and neighbors think it’s an okay project or the

town body as a whole does, how do we catalogue the promises and commitments presented in the building so that the various departments can follow the promises.

Select Member Andrews - I think people understand unless something is signed people are just saying what they're going to say. I think we have the interest from the community but don't have a way to help them follow the project.

Chair Venden- We want to make sure that the neighbors know those concerns will be addressed and that promises made will be kept as the process goes through.

Vice Chair Donegan Moved to take 6G out of order.

Select Member Anthony seconded.

VOTED

In Favor: 4
Opposed: 1 (lk)
Abstain: 0

G. FY19 Tourism Grant un-awarded funds & grant process for unawarded grant funds.

Vice Chair Donegan – These are marquee events that need to be funded but the way to maintain transparency is to open the funds up again and have an abbreviated process so those who may have missed the deadline has an opportunity to step up again.

Vice Chair Donegan MOVE that the Select Board vote to request the Town Manager to work with the Tourism Department staff and the Visitor Services Board to create a Tourism Promotional Grant process for unawarded grant funds.

Select Member Andrews seconded the motion

Discussion revolved around the timing of the process of receiving applications for grants and choosing and notifying those who are to get the grants. Updating the process for the following year and moving forward, Select Members concerns about other applicants missing the deadline for this round of grants, and the timing of this shorter process for the remaining grant funds for FY19 was discussed.

Select Member King Seconded

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Chair Venden Recessed for a minute break at 9:08 pm

Chair Venden called the Meeting back to order at 9:14 pm

Town Manager Panagore recused at 9:14

B. Bike Rental Businesses: Licensing

Vice Chair Donegan Moved that the Select Board refer a request to the Licensing Board and Town Staff to create a new Bike Rental Business License with the requirement for bike rental businesses to provide lights for all rental bikes.

Select Member Anthony seconded the motion

Vice Chair Donegan noted that the in rental bike situations the onus is on the renter to get a light which is unreasonable to expect them to buy lights to put on. The discussion involved the options of creating a bylaw or an additional license to require bike rental businesses to supply lights on all rental bikes and concerns were raised by Select Member King and Select Member Andrews whether it was possible to make this a condition on existing licenses. Assistant Town Manager Gardner stated that the licensing board doesn't review the licenses annually.

VOTED

In Favor: 4
Opposed: 1(ca)
Abstain: 0

C. Schedule Traffic Hearing – Reconsideration of Traffic and Parking Regulations regarding Motorized Bicycle Regulations

It was noted that this issue has a lot of public interest and therefore a properly noticed public hearing was needed. Discussion also covered where motorized bicycles should park and the need for registration in order to write tickets or otherwise enforce parking.

Select Member King - The laws need to be fair and they need to be enforceable. I just don't imagine that we're going to have our parking folks or our police department scanning bike racks to issue tickets. It seems untenable. We should allow them to park on bike racks at least until we have the Fall Traffic Hearing.

Select Member Andrews - I'd rather meet in executive session with town counsel one more time before we reconsider the regulations. I have one department head calling this a vehicle and another department head saying it's not a vehicle. In order to write a regulation that's clear I'd like to meet with town counsel so the regulation we write does what we intend it to.

Vice Chair Donegan – The definitions of scooter and bike is based on cc’s and for those based on battery power that is not working.

Chair Venden I think we have a more immediate issue to deal with. We need to make a decision that we’re going to do something that satisfies the use of these things. The issue is still out there and we need to come up with something for right now.

Select Member Anthony – To allow them to park on a bike rack I think we need to speak to town counsel or we need to come up with a designated space.

Vice Chair Donegan Moved that the Select Board vote that all registered motorized vehicles must park in designated parking spaces and unregistered motorized vehicles (including motorized bicycles and scooters which are not required to be registered by the Mass Registry of Motor Vehicles) will park in bike racks and other areas allowed for bicycle parking.

Select Member King seconded the motion

VOTED

**In Favor: 4
Opposed: 1 (ca)
Abstain: 0**

Vice Chair Donegan Moved that the Select Board vote to schedule a special traffic hearing on July 23, 2018 and to request Town Staff to amend the regulations to address the issues related to the safe use of motorized bicycles and the counterflow of traffic along Commercial Street.

Select Member Anthony seconded

VOTED

**In Favor: 4
Opposed: 1 (ca)
Abstain: 0**

Vice Chair Donegan Move that the Select Board request staff to arrange an executive session to discuss motorized bicycles and motorized scooters so we go in fully informed on July 23rd.

Select Member King seconded

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

Vice Chair Donegan--Move that the Select Board vote to direct the Town Manager and Police Chief to do enhanced enforcement of speeding and dangerous bike traffic on Commercial Street during the upcoming season.

Town Manager Panagore returned at 10:06

VOTED

In Favor: 4
Opposed: 1(ca)
Abstain: 0

D. Consideration of Draft Community Host Agreements for Marijuana Dispensaries

Discussion of negotiation process for the Community Host Agreements for Marijuana Dispensaries which are intended to provide benefits to the town. One benefit is local sales tax. Another is the ability to charge a community impact fee. Each is up to three percent of gross sales. Further discussion of where to allocate those funds to including police and the Navigator program for people with substance abuse issues.

Staff reported that the Town currently has nine applicants and that we have the ability to limit the number and brought up the issue of setting conditions and legal issues and also seasonality, i.e. how many establishments will be year round versus seasonal businesses.

Discussion included ways to evaluate proposed establishments for benefits in various ways such as volunteer efforts, providing product for low-income and/or uninsured people, and providing year round jobs, as well as a desire to incentivize the businesses.

Select Member King Moved that the Select Board approve the draft language of the community host agreements for marijuana dispensaries for use in all pending and future applications and direct the town manager to commence negotiation of host agreements with individual applicants.

Select Member Anthony seconded

VOTED

In Favor: 5
Opposed: 0
Abstain: 0

E. Discussion of the formation of a Human Rights Commission

Select Member King discussed the importance of having a local Human Rights Commission in Provincetown to hear complaints of civil and human rights violations, provide education and serve as an example and proposed a working group be created to to develop a proposal.

Discussion included ways a commission could be created, a purpose of involving the International community, the advisory versus enforcement role of the potential commission, and the facilitation of diversity. Select Member Anthony noted that mechanisms that are already in place to handle civil and human rights complaints. Select Board Members requested a more concrete proposal.

Select Member King offered to come back with a written proposal for the creation of the commission.

Vice Chair Donegan Moved the Select Board stay to stay until 11:10 to hear the Town Manager's Report.

Chair Vended seconded

7. Town Manager / Assistant Town Manager:

A. Town Manager's Report – Administrative Updates

Town Manager Panagore reported that the New England Association of the Chiefs of Police has awarded Provincetown first prize for towns under 15 thousand for it's community policing. There will be an awards ceremony.

FEMA declared the March 2nd and 3rd storm an emergency which resulted in \$40,000 damages for which the town will seek reimbursement.

The Town got notice from the State about the Grants for Sustainability to produce a better hazard mitigation plan.

The packet for Wednesday night will include a cover memo, a memo of goals and action items and a chart breaking down the estimated time frame for accomplishing the goals and action items. These incorporated the recommendations from housing round table as well, plus creation of new categories. Town Manager Panagore suggested the Select Board consider finding the items they agree on first and then pulling out items that need further discussion.

The Town received three quotes for an economic development RFP and selected Comoin Associates who have experience working for resort towns in coastal New England. They will help create a baseline discussion for economic development on a year round basis and what are the next things we need to do.

Without objection the meeting was adjourned at 11:06 pm

Minutes transcribed by Linda Fiorella