

**TOWN OF PROVINCETOWN – SELECT BOARD  
MEETING MINUTES – REGULAR MEETING  
NOVEMBER 13, 2018 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

Chair Donegan convened the open meeting at 6:07 pm noting the following:

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

Excused:

Other attendees: Town Manager David B. Pangore, Assistant Town Manager/Finance Director Josee Cardinal Young, and Secretary Linda Fiorella

Recorder: Linda Fiorella

*Swearing in Ceremony of newly appointed Police Sergeant Christopher Landry. Police Chief Golden shared Chris Landry's journey from seasonal officer to his promotion to Sergeant. Town Clerk Darlene Van Alstyne swore Sergeant Landry in and Mts. Landry presented him with the badge.*

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

- A. Treasurer's Transfer – Historical Commission to approve the use of gifted funds to pay \$240.00 to Geoff Semonian for the second half payment for the production of wooden signs for Town Hall.*
- B. Treasurer's Transfer – History Project Gift Fund - to approve the use of gifted funds to allocate \$317.59, plus any additional accrued interest, to expenses incurred related to the production of the Rose Dorothea brochure, and further, to close the History Project Gift Fund.*
- C. Treasurer's Transfer – John Anderson Francis Scholarship Fund – to approve the use of gifted funds to issue a scholarship in the amount of \$5,000.00 to Patricia Sendao.*
- D. Treasurer's Transfer – Captain Joseph Oliver Scholarship Fund - to approve the use of gifted funds to issue a scholarship in the amount of \$3,000.00 to Patricia Sendao.*
- E. Treasurer's Transfer –Captain Joseph Oliver Scholarship Fund - to approve the use of gifted funds to issue a scholarship in the amount of \$5,000.00 to Brendan Kaeslau.*
- F. Treasurer's Transfer – Captain Joseph Oliver Scholarship Fund – to approve the use of gifted funds to issue a scholarship in the amount of \$5,000.00 to Patrick Silva.*
- G. Treasurer's Transfer - Special Purpose Gift Fund - to approve the use of gifted funds to pay \$10,438.73 to Deering Wood Floors for the installation of a dance floor at the Provincetown Recreation Department.*
- H. Treasurer's Transfer - Recreation Gift Fund (#1102), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay \$3,301.27 to Deering Wood Floors for the installation of a dance floor at the Provincetown Recreation Department.*
- I. Approve the parade permit application for Robin Lapidus on behalf of the Provincetown Business Guild's Jingle Bell Run to be held on Saturday, December 1, 2018*

**Without objection Chair Donegan waived the reading of the consent items and without objection they were approved unanimously by the Select Board.**

1. **Public Hearings:** None

2. **Public Statements:** None

3. **Select Board Member's Statements:**

Chair Donegan changed the published order of Select Member Statements.

- **Louise Venden** – Thank you to so many people who have reached out to support me during the shocking and painful public experience. I believe most Townspeople respect and acknowledge the work I have done and for six and a half years on boards and committees and that is why I will continue to serve. Many of you share my personality and style traits making you more outspoken in your statements perhaps failing to hesitate and choose better words and impatient with change that comes too slowly and does not benefit everyone. I am one of you. I naively thought that the November 7<sup>th</sup> meeting was an opportunity for Board members to air concerns about my style and recent Facebook post's aggressive tone. I have been told that I should step down for a few months and advised not to have PTV videotape the meeting. I wanted a public discussion and a vote and got a performance evaluation that went far beyond the boundaries of any performance review I have given or received in my public or corporate career. Nor would this performance review be condoned by any human resources professional. I was admonished for interfering with personal issues with town staff who had not spoken to me directly with their concerns. Select Board Member Cheryl Andrews confined her comments to my lack of readiness to serve as the Chair which I found respectful. The others commented on my emotional health, personal family struggles, ethnicity, I am Norwegian, and complaints that I micromanage the Town Manager. The meeting displayed an orchestrated effort by Board members to prove why I should be removed, each taking a part. This focus on perceived errors, missteps was narrow and unfair and ignored anything I might have done well. This type of action does little to strengthen trust among Board members, between Board members and Town staff. Can we agree that trust openness and transparency between Board members and Town staff are critical to making decisions on important policies? I believe the Select Board's public review of my leadership, although duly authorized, creates more divisiveness, increases disrespect for the Select Board and will further deter people from running for office. Will this change in leadership help us as a divided Board collaborate better, achieve consensus more than we did when I chair? I doubt it. In August I had asked the Town Manager to find a consultant to help the Select Board listen, work together and collaborate more effectively. Instead we were presented three weeks ago with a \$31,000 contract for Town wide forums to discuss the state of civil discourse especially on social media. My impatient and demanding tone is not a stress related mental condition. As Lady Gaga said, "I was born that way." I was dubbed "Wildcat" by my father before he died in 1953 when I was five years old. I was a tomboy, enjoyed vigorous debates and entered a graduate school class with 50 members, two women, and had a career in real estate finance dominated by men where my more direct clear and perhaps strong voice allowed me to be heard, understood, and achieve goals. Many women of my era adopted these behaviors to survive or be effective in their roles. And yes, I am demanding. I demand a lot of myself, I prepare for meetings, I propose issues and push on issues like storm inundation preparedness, revision and uniform enforcement of permitting and license bylaws and procedures to help our small businesses and preserve the character of residential neighborhoods. The development of an actual housing plan especially for the development of the VFW site. I spent my career in private business where aggressively meeting targets is rewarded. The Commonwealth and Towns move slowly by design. I had served on the Finance Committee with six men for three years, had robust discussions and voiced my concerns, and walked away good friends with those I served with. As Board members we

are expected to ask questions request information, and hold members of Town staff accountable for carrying out activities that achieve Town goals. As was discussed, clearly my perceived aggressive style makes me unsuitable to lead this Board. The November 7<sup>th</sup> meeting made clear to me that anyone choosing to lead should carefully evaluate boundaries imposed by the Bureaucracy and ambitions fellow Board Members. This first ever removal of a Provincetown Select Board Chair by Board vote will set a precedent for future leaders. While all of us have leadership styles influenced by our past experiences the act of voting a Board Chair out telegraphs the notion that there is a preferred style. Austin Knight resigned for politically engaging with the embattled Police Chief at the time. I was voted out based on my personality and style. I will continue to ask questions, demand full and transparent explanations from Town staff about proposals and I will reach out to the people whom I serve in this remarkable and bold Town. This is what we are elected to do. I now have more time to attend Town meetings, meet with you privately and hear your concerns directly. As part of my ongoing push for better public information and communication I am starting my own Facebook page which I understand is authorized. It's called Louise Venden Provincetown Select Board where I have chosen to post memos and reports that are buried in this voluminous packet we get every week and put them out there for public information. I will no longer be doing any debating on Facebook and this will be simply for information purposes. I also hope to set up Town Hall coffee hours, if that's allowed, where you may talk with me directly and I would also encourage you to call me at 617.694.1389 or email me at my Town email: [lvenden@provincetown-ma.gov](mailto:lvenden@provincetown-ma.gov). Thank you for electing me to serve on the Select Board and my sincere apologies to those of you who feel my behavior has demeaned or disrespected this Town or Town leadership. Thank you.

- **Lise King** – I wanted to say what a great experience I had standing up with other Town board members and members of the community for Veterans Day yesterday. It was a moving experience to be part of. I want to thank those who came out to honor our veterans and those who put on the event. I appreciate that on behalf of my father and grandfather who both served and both passed away. Thank you to the soup kitchen volunteers who have now come back together and the soup kitchen is now open for those who would like to gather. I want to remind everyone that it's open to the whole community. You can make a donation if you like or just go and have a meal and it's a nice gathering place. It's happening every Monday through Friday at the Methodist church. We have some snow coming this week so one last thing is to remind everyone to check on neighbors who might need a little extra help for the coming winter. Thank you.
- **Cheryl Andrews** – I'm going to ask you to turn attention to imagine 398 years ago a pilgrim or a sinner and out in a very cold, wet, stinky wooden ship anchored in the cold of our harbor probably half-starved and exhausted but you've finished a 67 day journey from England. As we get nearer to 2020 it's helpful for someone like me who's someone involved in putting the program together and colleagues and staff to remind ourselves how long there were here. That's the part that's easy to miss. The Mayflower dropped anchor in our harbor, using the calendar we're using now, on November 11. What I have been doing for the last couple of years is putting a post on my Facebook page every day from the day they dropped anchor until the left on December 18. It was about five weeks and a lot of things happened and it's an interesting way of learning your history differently. The joke I've made for many years is it's a very good thing I don't have a lot of money because I'd probably have built a replica for us to have out there now and we'd be having our meeting out there now and freezing. We talk about snow and the weather and yes, weather has changed, and that winter was kind of brutal for them. If you're interested in history feel free to check in with my page, it's a public page and every day I will put a post-up of what was going on Cape Cod 398 years ago. November 13<sup>th</sup> in 1620 was a Monday and all the dirty laundry was dragged off the ship and brought to shore and boiled. That particular post gets more

comments every year than any other post. While I have your attention on things 2020 I was wondering if for the next agenda we could put back on our role in the commemoration. We had talked about being a sponsor and we haven't really had a chance to take that to the next step.

- **Robert Anthony** – I have one thing I'd like to bring to board and staff attention is Standish street intersection. Citizens have approached me and the fire chief has concerns on fire trucks going from West to East and making the right hand turn on Standish. What I understand is that area is going to be even narrower because at the pumps of the gas station there will be sidewalks. I know on the 19<sup>th</sup> we have a traffic hearing and a lot of these issues might be coming up on the 19<sup>th</sup>. I'd like to have a rehashing of the public safety.

Chair Donegan noted that he would put it on the Agenda for November 26<sup>th</sup>.

Mr. Panagore stated that he has been in frequent conversation with the Fire Chief and others about the subject.

- **Tom Donegan** – I want to thank the Finance Committee for starting up the conversation we just had on insurance. It is the fastest growing line item. It is one of the things that keeps us over the 2 ½ threshold even in a low inflation environment. I was impressed and I think we have a lot more opportunity to dig around and find solutions. I look forward to next version and as I said at that meeting I still have some questions. I want to alert you to some things that are going to be on the agenda coming up – we have a proposal for some inclusionary housing on Shank Painter. The challenge was that we wrote the inclusionary bylaw by committee and that always means that it's open to interpretation and we may need to bring some changes to it while keeping the spirit that was passed by Town Meeting. I'm for anything that brings housing to the market without costing taxpayers. I have shared emails with the Town Manager and Assistant Town Manager and wanted to keep you all informed. Veterans Day this year was unusually nice. We didn't get windswept and didn't get pummeled with sleety ice. The speech was nice by Chaplain of the Coast Guard. Between the veterans showing up and the selling of the poppies and the luncheon that follows a lot of people get involved. I think one of the reasons it feels so special is that it represents what our town does so well which is gather together as a community. I think of my grandfather 100 years ago this week. He was finding his way to a supply shed in a hostile unit on his way back to Dorchester. We have to remember. I didn't serve but I'm able to serve in this seat because he served in a trench in France. We have a full agenda. I want to thank everyone who has been part of the Select Board for the last couple of weeks.

#### **4. Joint meeting/Presentations:**

##### **A. by Stop and Shop Manager Melinda McCarthy – Emergency Management and Food Security**

Select Member King introduced Ms. McCarthy and the importance of food security in emergency management and climate change. Ms. McCarthy shared her experiences during Hurricane Sandy in New York City and the levels of emergency response in place at the Stop and Shop on Shank Painter Road. Ms. McCarthy explained the processes in place for monitoring food safety during power outages, a generator supplied by the corporation, safety concerns for the store's customers and staff, and the role the store has played during recent power outages. She noted the aid she has received from the Police Department and described how the generator and refrigerated/freezer truck help the store maintain food quality. The Board expressed their thanks to Ms. McCarthy for the information and suggested she be part of an upcoming Round Table discussion on emergency preparedness and response procedures on the Cape.

##### **B. Joint Meeting with Building Committee – Police Station Presentation**

Building Committee Chair Tom Coen stated that the Building Committee was in session. Mr. Coen

introduced Building Committee members Sheila McGuinness, Paul Kelly, and Linda Fiorella. Ms. Fiorella stepped away from her role as recording secretary to join the Building Committee. DPW Director Richard Waldo introduced the Owner's Project Manager Paul Millett and Jorge Cruz and Madeleine Le from Flansburgh Architects and noted that Chief Golden and the new Town engineer were also in attendance.

Mr. Cruz led the presentation which covered the design of the proposed police station, the revised estimated budget, steps the Building Committee had taken to reduce costs and options looked at for cost reductions. The presentation also listed causes for the higher cost including higher costs for materials and labor and a premium for projects on the Outer Cape and the next steps the Building Committee would like to take.

The Select Board expressed concerns over the increased cost and the need for a more detailed explanation of the reasoning behind the higher projected budget. The Board further discussed the materials used in the project, the process moving forward, and the design of the building.

**MOVE that the Select Board vote to concur and authorize the Building Committee to proceed with further design, regulatory approvals and bidding of the Police Station project with the understanding that supplemental funding may be required to move forward with construction.**

**Motion: Select Member King      Seconded: Select Member Anthony**

**VOTED**

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

5. **Appointments:** none this meeting

6. **Town Manager / Assistant Town Manager:**

**A. October 29, 2018 Special Town Meeting Follow Up**

Mr. Panagore discussed the follow up procedures including that the Town Clerk and John Giorgio are putting together the items on the Charter for submission to the Legislature, the strategy for not slowing down the process and the timeline on the date change of the election.

The Board discussed potential changes to procedures for keeping the Select Board informed of properties in arrears, concerns about the speed of Town Meeting, the discomfort of the seats, and building height for structures on piers.

Without objection Chair Donegan moved to take 7A out of order.

7. **Requests:**

**A. Purchase and Sale Agreement – 387-395A Commercial Street - Hall Property-Conservation Planner  
Tim Famulare and Dennis Minsky presenting**

Mr. Famulare presented a brief history of the purchase and sale agreement.

**MOVE that the Board of Selectmen vote to authorize the Town Manager, in consultation with Town counsel, to finalize the draft Purchase and Sale Agreement by and between Elena C. Hall, as Seller, and the Town of Provincetown, as Buyer, for the purchase in fee simple of the approximately 13,127 square-foot parcel located at 387-395A Commercial Street for a total purchase price of \$1,400,000.00 and return the P&S to the Select Board for execution.**

**Motion: Vice Chair Andrews                      Seconded: Select Member King**

**VOTED**

**In Favor:        5**  
**Opposed:        0**  
**Abstain:        0**

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

Mr. Panagore noted the information in the packet including the battery project, staff report, and calendar. He announced he would be attending a conference later in the week. He further noted a contract report in the packet and Camoin Associates returning to discuss economic planning and development on November 28<sup>th</sup> and 29<sup>th</sup>, and an expected ceremony in December for Provincetown Commons.

Mr. Panagore also stated that the Town had filed suit on the Artemis to recover our costs.

Chair Donegan asked the Town Manager to investigate the Town’s options for joining a lawsuit being filed to challenge a State aid formula.

Updates on the wave attenuator and Facebook workshop were discussed as well as economic development grants, social media advertising and tourism market research. Vice Chair Andrews and Select Member King will prepare an agenda for the meeting with the Tourism Department and the VSB and Select Member Venden will prepare a request for research to the VSB.

**C. Contract Report**

The policy of the Town Manager signing contracts was discussed and it was determined that the Board would like to review the policy.

**7. Requests:**

**B. Response to Regional Policy Plan**

**MOVE that the Select Board vote to authorize Cape Cod Commission Representative Cheryl Andrews to send a letter to the Cape Cod Commission in response to the draft regional policy plan.**

**Motion: Vice Chair Andrews                      Seconded: Select Member Andrews**

**VOTED**

**In Favor: 5**  
**Opposed: 0**  
**Abstain: 0**

**C. Discuss Pilgrim Monument and Provincetown Museum Funicular Project**

The Board discussed concerns about the site plan and its effects on the Bas Relief Park, Bradford Street, and

the hill behind the Bas Relief were discussed. Someone representing the Project asked to speak but was not on the agenda. An upcoming agenda item was proposed to discuss with the Pilgrim Monument and Provincetown Museum present.

**D. Discussion of By-Law Proposed for Annual Town Meeting**

**a. A local Anti SLAPP Bylaw**

Chair Donegan described SLAPP laws and proposed investigating a local bylaw triggered by the threat of a lawsuit against Town staff and board members who rule against them. The bylaw would immediately suspend any permits related to the project until the matter has been adjudicated. The Board discussed the need for the bylaw, the desire to protect staff and members of Town boards.

**MOVE that the Select Board vote to direct staff to begin drafting a bylaw that would protect members of the Town staff as well as members of town boards from lawsuits in any Court designed to limit their participation or deliberation on public matters.**

**Motion: Select Member King                      Seconded: Select Member Anthony**

**VOTED**

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

**b. Revision to the HDC regulations to include mitigate fire risks, alleviate financial hardships, promote energy efficiency and FEMA**

The Board discussed a desire to hear from the Historic District Commission and invite them to a joint meeting with the Select Board to work with them on what the current rules are an potential for changes to regulations and requirements.

**c. Notifying abutters on postponed and/or continued items on regulatory boards.**

The Board discussed altering the process of notifying abutters when agenda items on regulatory boards continue and/or postpone agenda items. The Town Manager was tasked with investigating options for notifying abutters.

**E. Town Manager's Goal Setting**

Town Manager's Goal Setting was postponed and the Chair and Vice Chair discussed when they could meet to prepare.

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

**Move that the Select Board approve the minutes of:**

**October 22, 2018 6:00 pm (Regular) as printed**  
**October 25, 2018 3:00 pm (Special) as printed**  
**October 29, 2018 5:30 pm (Special) as printed**

The minutes of November 7<sup>th</sup> were removed for consideration.

**Motion: Vice Chair Andrews**

**Seconded: Select Member Anthony**

**VOTED**

**In Favor: 5**

**Opposed: 0**

**Abstain:**

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

- **Robert Anthony – None**
- **Lise King – None**
- **Cheryl Andrews – None**
- **Louise Venden – None**
- **Tom Donegan – None**

Without objection the meeting was adjourned at 9:45 pm

Minutes transcribed by: Linda Fiorella