

Historic District Commission

Minutes

The Provincetown Historic District Commission Work Session of Thursday, February 24, 2022 at 2:30 PM in the Judge Welsh Room at Town Hall, 260 Commercial Street, Provincetown, MA 02657.

Members present: Laurie Delmolino (LD), Chair, Historical Commission Rep.; John Dowd (JD), Vice Chair, PGB Rep.; Hersh Schwartz (HS), Clerk, Chamber of Commerce Rep.

Members by remote: Chris Mathieson (CM), PAAM Rep.; Michela Murphy, Alternate; Anthony Iannucci (AI), Alternate.

Staff present: Thaddeus Soulé (TS), Town Planner and Moderator.

LD called the meeting to order at 3:35pm and gave roll-call. TS read the protocols per Town Meeting then handed the meeting over to LD who used her cell phone on speaker mode in order to patch in the remote members to the meeting following online issues. Former HDC Chair Thomas Biggert was in attendance for the first half of the meeting to make the continued case for his nomination to the HDC as PMPM Rep.

1. Discuss the Annual Town Meeting warrant article proposing to amend General Bylaw Chapter 15.

LD opened up a discussion on Article 34 per the proposal by the Select Board (SB) to make changes to the General Bylaw, Chapter 15, section 15-4-2. JD cited vague wording as such: "If within 30 days after submission of a written request for nominees to any of the organizations herein named, no such nominations have been made, the Board of Selectmen may proceed to make appointments as it desires."

LD said the protocol of nominating is still working, but that the part that is missing is what happens after a nominee is not voted on by the SB or the Moderator or the HDC, and the matter is reverted back to the nominating committee after 30 days to make a new nomination.

MM spoke of the political difficulties she had in earning a nomination as HDC representative to the Pilgrim Monument and Provincetown Museum based on her past view point of the funicular. CM reflected his own issues with local politics that, he said, played a part in initially preventing him from getting on the HDC and called for transparency in filling positions to the Town's boards. LD replied that CM might not have been nominated had his candidacy been in the hands of the SB; clarified that CM felt it should be the HDC which makes recommendation for appointees.

AI asked if Town Board representation is set up as such that different organizations are equipped within the Town structure to make qualified nominations. LD said it was but that what is at issue is the Appointing Authority – which AI said seems to have been set up so the boards would not become click-ish; spoke of the value in having different orgs put forth nominations. LD, HS agreed.

JD again addressed the wordage in item 15-4-2 and the confusion over the 30-day time frame. TS offered that there has been some overlap in today's discussion regarding guidance as relates to the General Bylaw or the Charter, but advised that these are separate governing authorities. Both articles were displayed on the screen and compared; Charter, Section 7, e). *Rules Specific to Appointed Town Boards.*

TB said that the immediate need is to fill the position to the HDC that has been left in void, and agreed that the HDC should not be the Appointing Authority; however, he said that in this instance, the HDC does have the choice to make a nomination; secondly, that while the HDC should not appoint its own members, he noted there are flaws no matter what or who is the Appointing Authority and suggested the current arrangement could be tweaked a bit, but not changed outright as this is the bylaw that came through vote at Town Hall.

LD asked TS about the system in place for bylaw amendments. TS related that bylaw amendment is done through Town Meeting while a Charter amendment is per State legislature and that such Charter changes are commonplace throughout the year for the various communities in the Commonwealth, including items such as living requirements for Town staff or sewer betterments.

Assistant Town Manager, David Gardner (DG), clarified by remote that in this HDC case, Town Consul found it requires not just General Bylaw and a home rule petition but also approval by the legislature through the Attorney General and that the VSB is the other board which is under review to move the Appointing Authority to the SB without rotation. MM asked why every other Board has a 30 day window as stated, which DG said is per the Charter and noted the rotation order as first the Moderator, and then the Board itself.

CM asked what the motivation is for the restructuring. DG replied that he could not speak to the SB's impetus and LD acknowledged that word has not been received back per the rationale – a condition which she expressed as worrisome. DG noted that these articles are merely drafts and that no article has been prepared for the Town Warrant as yet which is to be finalized by March 4; added that an order of intent needed to be filed prior to a vote.

HS offered that the HDC wait until the Warrant comes out and then hold a discussion at that time. LD said the alternative to that is to perhaps attend today's SB meeting to voice concerns, to which JD agreed and suggested a Board vote would help to establish the HDC's position prior to Town A poll was taken to not recommend any potential amendment to the Bylaw until more information can be obtained; LD, JD, HS, CM, in favor; AI, abstained. MM had lost connection to the meeting.

JD then suggested leaving things be as is since the system is not broken, and that what has happened in this case with the PMPM appointee can be considered an anomaly, to which HS concurred. AI also agreed, stated that this is the best way to move forward. CM, LD concurred.

LD made a motion to adjourn the meeting at 3:40pm. HS seconded the motion and it passed, 3-0-0; HS, JD, LD.

Respectfully Submitted,
Jody O'Neil