



Meeting Agenda

The Provincetown Board of Selectmen will hold a public meeting on Monday, January 25, 2016, at 6:00 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

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

- A. *Treasurer's Transfer – John A. Henry Trust Fund – pay invoice for Cape Cod Children's Fund in the amount of \$6,275.00.*
- B. *Treasurer's Transfer – Holiday Lights Gift Fund – pay invoice from Sunderland Printing, in the amount of \$750.00.*
- C. *Treasurer's Transfer – Holiday Lights Gift Fund – pay invoice from Farland, in the amount of \$45.16.*
- D. *Treasurer's Transfer – Town Hall Gift Fund – pay invoice from New England Flag and Banner, in the amount of \$345.00.*
- E. *Approval of name change from Fishermen's Memorial Park to Fishermen's Waterfront Memorial Park.*
- F. *Approval of the 911 Equipment and Incentive Grant in the amount of \$17,747.00.*

1. Public Hearings - Votes may be taken on the following items: None
2. Public Statements – Three (3) minutes maximum. Selectmen do not respond to Public Statements.
3. Selectmen's Statements – Initial comments from the Selectmen. Discussion dependent- votes may be taken.
4. Joint meeting / Presentations - Votes may be taken on the following items:
 - A. Joint Meeting with Library Board of Trustees to appoint Stephen Borkowski as a Library Board Trustee with a term to expire May 3, 2016.
 - B. Joint Meeting with Provincetown Public Pier Corp. – Follow-up discussions on CIP, Rent Abatement, and Pier Corp. Budget.
5. Appointments - Votes may be taken on the following items:
 - A. Appoint Fred Latasa-Nicks as an alternate member to the Board of Health, with a term to expire on December 31, 2018.
6. Requests - Votes may be taken on the following items:
 - A. Approval of Draft Policy Statement 2016-01-25A – Amendments to the Curb Cut Guidelines and Procedures.
 - B. Approval of Draft Policy Statement 2016-01-25B - License Agreement - Permitted Improvements within the Public Way - Guidelines and Procedures.
 - C. License Agreement request – 281 Commercial Street – request to install an awning over the public way of Ryder Street.
 - D. Approval of Refinance Request – 6 Sand Hill Lane, #4 (DeGruttola) – Housing Specialist Michelle Jarusiewicz.

- E. Discussion to appoint a Selectman to work with Staff regarding the National Marine Sanctuary Feasibility Study.
- 7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
 - A. Review of Proposed By-laws for the April Town Meeting including discussions of the Inclusionary Zoning By-law and Condo Conversion By-law et al.
 - B. Discussion of Draft Intermunicipal Agreement with the Town of Truro.
 - C. Discussion of Potential Town Meeting Articles.
 - D. Town Manager's Report – Administrative Updates.
 - E. Other – Other matters that may legally come before the Board not reasonably anticipated by the Chair 48 hours before the meeting. Votes may be taken.
- 8. Minutes – Approve minutes of previous meetings. Votes may be taken.
- 9. Closing Statements/Administrative Updates - Closing comments from the Selectmen. Discussion dependent; motions may be made; votes may be taken.

Motion by the Board of Selectmen to vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 6 for the purpose of:

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. VFW (3 Jerome Smith Road) and related parcels. Votes may be taken.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

00A

TREASURER'S TRANSFERS

John A. Henry Trust Fund

Requested by: Treasurer Constance Boulos, 01/05/2016

Action Sought: **Approval**

Proposed Motion(s)

MOVE that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$6,275.00 from the John A. Henry Trust Fund for the payment of the attached invoice(s).

Additional Information

This payment is supported by an annual contract between the Town and the Cape Cod Children's Place for FY16 of \$19,000.00 to be expended from the John A. Henry Trust to assist less fortunate children. This will leave a remainder of \$497,335.09 in the Estate of John A. Henry.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



TOWN OF PROVINCETOWN

REQUEST OF TRANSFER OF FUNDS

Date: January 25, 2016
To: Constance Boulos, Treasurer
From: Board of Selectmen

As Commissioners of the John A. Henry Trust Fund permission is hereby granted to you, the Treasurer of Provincetown, to pay the following award(s):

\$ 6,275.00 Cape Cod Children's Place, Inc.
10/01/15 – 12/15/15 Invoice

\$ 6,275.00 Total

The Honorable Board of Selectmen:

Thomas N. Donegan, Chair

Erik Yingling, Vice Chair

Cheryl Andrews, Selectman

Raphael Richter, Selectman

Robert Anthony, Selectman

cape cod children's place, inc.

TO: Chris Hottle
Director of Public Health & Human Services

FROM: Kathy Fee
Fiscal Manager

DATE: December 18, 2015

RE: John Henry Trust

INVOICE

Please reimburse Cape Cod Children's Place, Inc. for the following invoices paid on behalf of the John Henry Trust for the period of October 1 to December 31, 2015.

Date Paid	Invoice #	Purpose	Amount Paid
10/22/15	JHT16-006-RB	Tuition	800.00
10/30/15	JHT16-007-DC	Tuition	200.00
11/13/15	JHT16-008-NC	Tuition	750.00
11/20/15	JHT16-003-EN	Tuition	325.00
11/20/15	JHT16-009-SC	Groceries	200.00
11/20/15	JHT16-010-JCE	Groceries	200.00
11/20/15	JHT16-011-RC	Assistance	250.00
11/20/15	JHT16-012-AS	Assistance	250.00
12/11/15	JHT16-013-JB	Tuition	500.00
12/11/15	JHT16-014-DT	Rent	1,000.00
12/11/2015	JHT16-015-DMF	Rent	1,800.00
Total Balance Due			\$ 6,275.00

Thank you.



Ballwic Road • Post Office Box 1935 • N. Eastham, MA 02651
Phone (508) 240-3310 • (800) 871-9535 • Fax (508) 240-2352



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

00B

TREASURER'S TRANSFERS

Holiday Lights Gift Fund

Requested by: Treasurer Constance Boulos, 01/11/2016

Action Sought: **Approval**

Proposed Motion(s)

MOVE that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$750.00 from the Holiday Lights Gift Fund to pay for the attached invoice(s).

Additional Information

Attached are the authorized Voucher(s) to Pay this request totaling **\$750.00** from the Holiday Lights Gift Fund leaving a balance of **\$4,507.60**.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



TOWN OF PROVINCETOWN

REQUEST FOR TRANSFER OF FUNDS

Date: January 25, 2016
To: Constance Boulos, Treasurer
From: Board of Selectmen

As Commissioners of the Town of Provincetown Gift Funds, permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of **\$750.00** from the Holiday Lights Gift Fund for the payment of the attached invoice(s):

\$ <u>750.00</u>	Sunderland Printing Invoice #24517, 12/21/15
\$ 750.00	TOTAL

The Honorable Board of Selectmen:

Thomas N. Donegan, Chair

Erik Yingling, Vice Chair

Cheryl Andrews, Selectman

Raphael Richter, Selectman

Robert Anthony, Selectman



Radu Luca
 Provincetown Tourism Office
 330 Commercial Street
 Provincetown MA 02657

Please pay from this
INVOICE

No. **24517**

Date 12/21/15

Customer P.O. No.

QUANTITY	DESCRIPTION	AMOUNT
5,000	FIRST LIGHT BROCHURE, 9 x 12 White 100# Garda Gloss Text, printed, 4 colors front in process ink, 4 colors back in process ink	\$ 750.00 <i>Gift Fund</i>
5,000	CALENDAR BROCHURE, 9 x 12 White 100# Garda Gloss Text, printed, 4 colors front in process ink, 4 colors back in process ink	\$ 750.00 <i>pd By Tourism</i>
		SUB \$ 1,500.00
		TAX
		SHIPPING \$ 0.00
		TOTAL \$ 1,500.00

Received by _____

Date _____

Dan Hoort

From: Radu Luca
Sent: Tuesday, January 05, 2016 10:36 AM
To: Dan Hoort
Cc: Anthony Fuccillo
Subject: Emailing: Sunderland FLP Invoice.pdf
Attachments: Sunderland FLP Invoice.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hello Dan,

Sunderland Printing sent us an invoice for the First Light Provincetown tri-folds, as well as our calendar brochures.

The VSB approved the calendar brochures, but the \$750 for the FLP tri-folds will have to come out of the gift fund..

Just passing along.

Thank you,
Radu

Your message is ready to be sent with the following file or link attachments:

Sunderland FLP Invoice.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

00C

TREASURER'S TRANSFERS

Holiday Lights Gift Fund

Requested by: Treasurer Constance Boulos, 01/12/2016

Action Sought: **Approval**

Proposed Motion(s)

MOVE that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$45.16 from the Holiday Lights Gift Fund to pay for the attached invoice(s).

Additional Information

Attached are the authorized Voucher(s) to Pay this request totaling **\$45.16** from the Holiday Lights Gift Fund leaving a balance of **\$4,462.44**.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



TOWN OF PROVINCETOWN

REQUEST FOR TRANSFER OF FUNDS

Date: January 25, 2016
To: Constance Boulos, Treasurer
From: Board of Selectmen

As Commissioners of the Town of Provincetown Gift Funds, permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of **\$45.16** from the Holiday Lights Gift Fund for the payment of the attached invoice(s):

\$ <u>45.16</u>	Farland – Food for rescue/standby crew Invoice #1360, 01/02/2016
\$ 45.16	TOTAL

The Honorable Board of Selectmen:

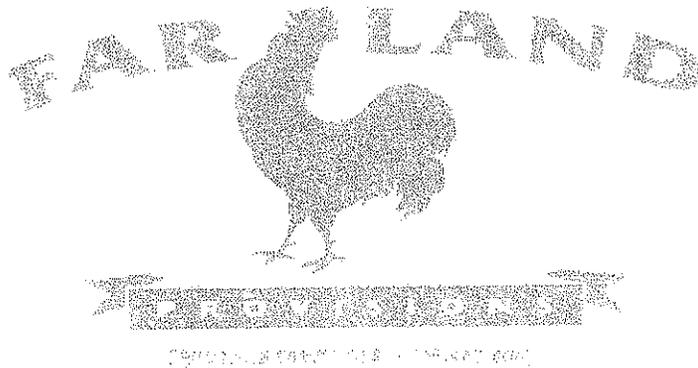
Thomas N. Donegan, Chair

Erik Yingling, Vice Chair

Cheryl Andrews, Selectman

Raphael Richter, Selectman

Robert Anthony, Selectman



Invoice

150 Bradford Street
 Provincetown, MA 02657

Date	Invoice #
1/2/2016	1360

Bill To
 Mike Trovato
 Provincetown Fire Department
 25 Shank Painter Road
 Provincetown, MA 02657

Project
 Assorted Sandwiches
 Saturday, January 2, 2016

Description	Amount
Assorted Sandwiches	45.16
Massachusetts Meals Tax	0.00
Total	\$45.16

FAR LAND at the beach
Provincetown, Ma. 02657
[508] 487-0045

DATE 01/02/2016 SAT TIME 13:16

SANDWICH TX		\$25.50
189X	@ 0.03	
GROCERY		\$5.67
BOTTLE DEPOSIT		\$0.05
BOTTLE DEPOSIT		\$0.05
BOTTLE DEPOSIT		\$0.05
149X	@ 0.03	
GROCERY		\$4.47
GROCERY		\$3.79
GROCERY		\$3.79
SUBTOTAL		\$45.16
	344.00xITEMS	
TAX2	EXT	\$1.79
TOTAL		\$45.16
HSE CHG	EXT	\$45.16
CLERK 1	000040	33333

FAR LAND at the beach
Provincetown, Ma. 02657
[508] 487-0045

DATE 01/02/2016 SAT TIME 13:16

SANDWICH TX		\$25.50
189X	@ 0.03	
GROCERY		\$5.67
BOTTLE DEPOSIT		\$0.05
BOTTLE DEPOSIT		\$0.05
BOTTLE DEPOSIT		\$0.05
149X	@ 0.03	
GROCERY		\$4.47
GROCERY		\$3.79
GROCERY		\$3.79
SUBTOTAL		\$45.16
	344.00xITEMS	
TAX2	EXT	\$1.79
TOTAL		\$45.16
HSE CHG	EXT	\$45.16
CLERK 1	000040	33333



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

00D

TREASURER'S TRANSFERS

Town Hall Gift Fund

Requested by: Treasurer Constance Boulos, 01/19/2016

Action Sought: **Approval**

Proposed Motion(s)

MOVE that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$345.00 from the Town Hall Gift Fund to pay for the attached invoice(s).

Additional Information

Attached are the authorized Voucher(s) to Pay this request totaling **\$345.00** from the Town Hall Gift Fund leaving a balance of **\$19,360.27**.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



TOWN OF PROVINCETOWN

REQUEST FOR TRANSFER OF FUNDS

Date: January 25, 2016
To: Constance Boulos, Treasurer
From: Board of Selectmen

As Commissioners of the Town of Provincetown Gift Funds, permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of **\$345.00** from the Town Hall Gift Fund for the payment of the attached invoice(s):

\$ <u>345.00</u>	New England Flag and Banner Invoice #13957, 01/07/2016
\$ 345.00	TOTAL

The Honorable Board of Selectmen:

Thomas N. Donegan, Chair

Erik Yingling, Vice Chair

Cheryl Andrews, Selectman

Raphael Richter, Selectman

Robert Anthony, Selectman



165 Dexter Avenue
Watertown, MA 02472

Inc. *VENDOR*
12420

Invoice

Date 1/7/2016 Invoice # 13957

1-888-922-1892 Fax # 617-393-1960 www.NewEnglandFlagandBanner.com

Bill To

Provincetown Police Dept.
Kevan Spoor
26 Shankpainter Road
Provincetown, MA 02657

Ship To

Provincetown Police Dept.
Kevan Spoor
26 Shankpainter Road
Provincetown, MA 02657

P.O. No.	Ship Date	Due Date	Rep	Account #	Ship Via	Terms	FOB
	11/27/2015	1/7/2016	RL		FEDX Grou...	Due on receipt	
Item	Description	Ordered	Prev. Inv...	Backor...	Invoiced	Rate	Amount
Custom	3'x5' hand-sewn applique parade flag with Provincetown logo on and fringe	1	0	0	1	345.00	345.00T

Thanks For Your Order
Ricky Lajoie
888-922-1892 x113

Subtotal \$345.00

Sales Tax (0.0%) \$0.00

Total \$345.00

Payments/Credits \$0.00

Balance Due \$345.00

Visa, Mastercard, American Express and Discover Cards Accepted

Credit Card Number	
Expiration Date	Security Code
Signature	

email: khunt@newenglandflagandbanner.com



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

OOE

NAME CHANGE

Fishermen's Memorial Park

Requested by: Town Manager David Panagore

Action Sought: Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to approve a name change from Fishermen's Memorial Park to Fishermen's Waterfront Memorial Park.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

OOF

EXECUTIVE OFFICE OF PUBLIC SAFETY

Public Safety Answering Point and Regional Emergency Communication Center Support I and Incentive Grant

Requested by: COP James Golden, 1/15/16

Action Sought: Approve Application

Proposed Motion(s)

MOVE that the Board of Selectmen vote to authorize the Chief of Police to submit a Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grant application to the Executive Office of Public Safety in the amount of \$17,747 for Telecommunicator personnel costs and equipment.

Additional Information

See attached grant application from Chief of Police James Golden. This grant does not require matching funds.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Commonwealth of Massachusetts

**Executive Office of Public Safety and Security
State 911 Department**



State 911 Department

**Public Safety Answering Point and Regional Emergency Communication Center
Support and Incentive Grant Application**

Fiscal Year 2016

All applications shall be mailed or hand delivered.

All applications must be received by 5:00 P.M. on Friday, April 1, 2016.

1

Application Checklist

- Signed and Dated PSAP and RECC Support and Incentive Grants Application Page
- Completed Budget Summary Page
- Completed Budget Narrative

Personnel: include name(s), hourly rate(s), and overtime rate(s)

HVAC: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

CAD: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Radio Console: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Console Furniture/Chairs: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Fire Alarm Receiving & Alerting Equipment: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Other Equipment: Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

- Quotes
- Appendix A – Personnel Costs, if applicable

Regional PSAPs and RECCs only:

- Detailed Departmental Budget, including all salary costs.
- Public Safety Radio Systems:** Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).

Regional Secondary PSAPs only:

- CPE Maintenance:** Provide detailed narrative to justify expense in compliance with grant guidelines; attach quotes or estimates (with supporting documentation from the vendor).
- Completed Authorized Signatory Listing Page
- Completed and Notarized Proof of Authentication of Signature Page for each Signatory
- Signed and Dated Standard Contract Page

All applications with original signatures shall be submitted to:

State 911 Department
 1380 Bay Street, Building C
 Taunton, MA 02780

2

Type of PSAP: (please check one)

- Primary Regional Regional Secondary
 Regional Emergency Communication Center

1. Name of City/Town/Municipality	TOWN OF PROVINCETOWN
Address	260 COMMERCIAL STREET
City/Town/Zip	PROVINCETOWN, MA 02657
Telephone Number	508-487-7000
Fax Number	508-487-9560
Website	www.provincetown-ma.gov
2. Name of Applicant	PROVINCETOWN POLICE DEPARTMENT
Name /Title of Authorized Signatory	CHIEF JAMES. F. GOLDEN
Address (if different from above)	26 SHANK PAINTER ROAD
Telephone Number	508-487-1212
Fax Number	508-487-4488
Email Address	jgolden@provincetown-ma.gov
3. Name/Title of Program/Contract Manager	Paige Perry
Telephone Number	508-487-1212
Fax Number	508-487-4488
Email Address	pperry@provincetown-ma.gov

4. Total Grant Program funds requested. \$ 17,747.00

5. Goal and Desired Outcome

Through its submission of this application to the State 911 Department, the applying governmental entity affirms that the primary goal of the State 911 Department PSAP and RECC Support and Incentive Grant Program is to assist PSAPs and RECCs in providing enhanced 911 service and to foster the development of regional PSAPs, regional secondary PSAPs and RECCs.

6. Sign below to acknowledge having read and agreed to the grant conditions and reporting requirements listed in the application packet.

Signed under the penalties of perjury this _____ day of _____, 20 _____



ORIGINAL SIGNATURE OF AUTHORIZING SIGNATORY
(in blue ink)

Primary PSAP, Regional PSAP, Regional Secondary PSAP, & RECC	
CATEGORY	AMOUNT
A. Enhanced 911 Telecommunicator Personnel Costs	\$ 16,727.04
B. Heat, Ventilation, Air Conditioning, and Other Environmental Control Equipment	\$
C. Computer-Aided Dispatch Systems	\$
D. Radio Console	\$
E. Console Furniture and Dispatcher Chairs	\$
F. Fire Alarm Receiving and Alerting Equipment Associated with Providing Enhanced 911 Service	\$
G. Other Equipment	\$ 1,019.96

*Total amount must exactly match amount requested on application page

4

REGIONAL PSAP and RECC ONLY	
CATEGORY	AMOUNT
H. Public Safety Radio Systems	\$
TOTAL*	\$ 17,747.00

*Total amount must exactly match amount requested on application page

REGIONAL SECONDARY PSAP ONLY	
CATEGORY	AMOUNT
I. PSAP Customer Premises Equipment Maintenance	\$
TOTAL*	\$

*Total amount must exactly match amount requested on application page

**PRIMARY PSAP, REGIONAL PSAP, REGIONAL SECONDARY PSAP, & RECC
DETAIL NARRATIVE**

Please make sure that every item listed in the above Budget Worksheet is listed in below narrative with a detailed description including category of item, price per unit, quantity, brand, model and any other pertinent and available information. Please include any and all quotes to support the budget narrative. For personnel costs, please note for each individual to be funded, the anticipated hourly rate, cost of benefits if applicable, and anticipated overtime rate if applicable. Please use additional pages if needed.

A. Enhanced 911 Telecommunicator Personnel Costs – to defray the costs of salary for enhanced 911 telecommunicator personnel, including enhanced 911 telecommunicators who are emergency communications dispatchers or supervisors. In order to be eligible for such funding, a grantee shall show that the personnel costs to be reimbursed: (1) cover only personnel who are trained and certified as an enhanced 911 telecommunicator in accordance with the requirements of the State 911 Department or are in the process of obtaining such certification, in accordance with the requirements of the State 911 Department; and (2) except as otherwise approved by the State 911 Department are solely for hours in which such personnel are working in the capacity of an enhanced 911 telecommunicator as their primary job function. Reimbursement for personnel costs related to training may be allowed only for training courses that have been approved by the State 911 Department under the Fiscal Year 2016 State 911 Department Training Grant. Reimbursement for personnel costs for individuals who have other primary job duties not directly related to enhanced 911 service, such as firefighters or police officers who may occasionally be assigned PSAP enhanced 911 telecommunicator duty, may be allowed only for the documented hours in which the employee is acting primarily in the capacity of an enhanced 911 telecommunicator. For example, if a police officer or firefighter is assigned to work as an enhanced 911 telecommunicator 1 day a week, funding from these grants may only be used to cover the portion of such firefighter or police officer’s salary for the 1 day a week that he or she is assigned to enhanced 911 telecommunicator duty. Funding awarded through these grants shall be assigned to specific identified personnel, and the funding shall be applied to the personnel costs associated with such specific identified personnel.

All wage reimbursements authorized under this Program shall be allocated by the grantee in adherence with applicable collective bargaining agreements. However, the State 911 Department is not bound by or required to adhere to grantee collective bargaining agreements when determining allocations or reimbursements.

Attach Appendix A

Total Category A

\$16,727.04

B. Heat, Ventilation, Air Conditioning and Other Environmental Control Equipment – to defray costs associated with the acquisition and maintenance of heat, ventilation and air-conditioning equipment and other environmental control equipment. Such funds may only be used to purchase, install, replace, maintain, operate and/or upgrade such equipment used in the physical space used for the provision of enhanced 911 service.

B. Heat, Ventilation, Air Conditioning and Other Environmental Control Equipment

Description:

Vendor:

Attach Quote and mark with letter B

Total Category B

\$ _____

X

C. Computer-aided Dispatch Systems – to defray costs associated with the purchase, installation, replacement, maintenance and/or upgrade of CAD hardware and software used by emergency communication dispatchers, call takers, and 911 operators in primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs to initiate public safety calls for service and dispatch, and to maintain the status of responding resources in the field. Funds may be used for mobile devices that are linked to a CAD system. Primary PSAPs may not use funding for records management systems, whether or not part of a CAD system. Regional PSAPs and RECCs may apply for funding for records management systems.

C. Computer-aided Dispatch Systems

Description:

Are the requested items linked to CAD?
Where will the requested items be located?
What will be displayed on monitors, if requested?

Vendor:

Attach Quote and mark with letter C

Total Category C

\$ _____

D. Radio Consoles – to defray costs associated with the purchase, installation, replacement, maintenance, and/or upgrade of radio consoles to be used at primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs. Such funds may only be used to purchase, install, replace, maintain, and/or upgrade such radio consoles used in the physical space used for the provision of enhanced 911 service. All radio systems shall comply with SIEC special conditions, as may be amended from time to time. The SIEC special conditions are available at:

<http://www.mass.gov/eopss/docs/ogr/homesec/sdsiecspecialconditionsradiofrequenciesdec09.pdf>.

The State 911 Department will submit requests for such funding to the SIEC for review and confirmation that the requested item(s) comply with the SIEC special conditions. Questions relating to the SIEC special conditions should be directed to the SWIC, Steve Staffier, who can be reached by email at steve.staffier@state.ma.us.

D. Radio Consoles

Description:

Vendor:

Attach Quote and mark with letter D

Total Category D

\$ _____

E. Console Furniture and Dispatcher Chairs – to defray costs associated with the purchase, installation, replacement, maintenance, and/or upgrade of console furniture and dispatcher chairs necessary for enhanced 911 telecommunicators working at primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs to perform their jobs effectively and in an ergonomically appropriate manner. Such funds may only be used to purchase, install, replace, maintain, and/or upgrade such console furniture and dispatcher chairs, including shelving, storage cabinets, and rotary resource files, used in the physical space used for the provision of enhanced 911 service.

E. Console Furniture and Dispatcher Chairs

Description:

Have you previously applied for funding for dispatcher chairs?
If so, what year?
Are they under warranty?

Vendor:

Attach Quote and mark with letter E

Total Category E

\$ _____

F. Fire Alarm Receiving and Alerting Equipment Associated with Providing Enhanced 911 Service – to defray costs associated with the purchase, installation, replacement, maintenance, and/or update of fire alarm receiving and alerting equipment used at primary PSAPs, regional PSAPs, regional secondary PSAPs, and RECCs. Funding may be used to purchase, install, replace, maintain, and/or update systems used by such PSAPs to alert remote station personnel of emergency responses, including hardware and components installed within remote station locations. Funding for street or structure based cable or radio fire alarm boxes and related hardware is not permitted.

F. Fire Alarm Receiving and Alerting Equipment Associated with Providing Enhanced 911 Service

Description:

Vendor:

Attach Quote and mark with letter F

Total Category F

\$ _____

G. Other Equipment and Related Maintenance Associated with Providing Enhanced 911 Service – to defray costs associated with the purchase, installation, replacement, and/or maintenance of other equipment used in the physical space used for the provision of enhanced 911 service, except as otherwise approved by the State 911 Department, based on supporting documentation that the physical space used for the provision of enhanced 911 service is inadequate to house the equipment, or except as otherwise approved by the State 911 Department based on supporting documentation. Funding may be used for, but is not limited to: support technology (such as printers, headsets, and call recorders); supplies (such as disc and printer cartridges); hardware and support costs (excluding monthly recurring telephone service costs) for telephones; acoustic wall coverings; ESD-resistant flooring; lighting; and security equipment used for securing access to the PSAP to prevent entry by the public or unauthorized personnel.

G. Other Equipment and Related Maintenance Associated with Providing Enhanced 911 Service

Description: 2 each of **HP304A Color Toner Cartridge Combo Pack** and 2 each of **HP304A Black Toner Cartridge Twin Pack**. These ink cartridges will be solely used in the HP Color Laser Jet printer located in the 911 Dispatch Center area and is connected to the computers at our dispatch consoles #1 and #2. This specific printer was previously obtained through the same grant in FY2012. (Color: \$331.99 x 2 = \$663.98 + Black: \$177.99 x 2 = \$355.98 – TOTAL: \$1,019.96)

Please include **use and location** of the requested item(s).

Vendor: **WB Mason Co., Inc.**

Attach Quote and mark with letter G

Total Category G

\$ 1,019.96

REMINDER: Disposal of Equipment Purchased with Grant Funding: Grantees may replace and/or dispose of equipment purchased with funds under the State 911 Department grant programs only if such equipment has reached the end of its useful life, in accordance with the manufacturer's warranty or industry expected useful life, whichever is longer. Disposal shall be in compliance with municipal guidelines, and equipment may be transferred to public entities for public municipal purposes only.

All goods and/or services shall be received on or before June 30, 2016 to be eligible for reimbursement under the Fiscal Year 2016 State 911 Department Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grants.

Welcome, Paige Perry of Provincetown Police Department
(C1057406) [Logout](#)



SHOPPING CART
0 Items \$0.00
[QUICK ORDER](#) [CHECKOUT](#)

Federal Government Customers [Click Here](#)

Enter Keyword Submit Query

[SHOP](#) | [SERVICES](#) | [SUPPORT](#) | [ORDERS](#) | [ACCOUNT CENTER](#) | [FAVORITES](#)

Selected List
[Association](#)

[< return to search results](#)



\$177.99
BX



HP HP 304A, (CC530A-D) 2-pack Black Original LaserJet Toner Cartridges,3500 Yield

Item: HEWCC530AD

- Crisp output.
- Professional-quality printing.
- Carefully engineered for great performance.

QTY [ADD TO CART](#)

[Add To List](#)

Note

Availability: [Next Day](#)



[enlarge image](#)



[View product tour](#)

Key specs

Cartridge color Black	Page yield Per cartridge: 3,500 pages ^{m1}	Number of Cartridges 2	Part Number CC530AD	304A
--------------------------	--	---------------------------	------------------------	------

Compatible printers

- | | |
|--|---|
| HP Color LaserJet CM2320n Refurbished Multifunction Printer | HP Color LaserJet CM2320fxi Refurbished Multifunction Printer |
| HP Color LaserJet CP2025n Printer | HP Color LaserJet CP2025dn Printer |
| HP Color LaserJet CM2320nf Refurbished Multifunction Printer | HP Color LaserJet CM2320n Multifunction Printer |
| HP Color LaserJet CP2025x Printer | HP Color LaserJet CM2320fxi Multifunction Printer |
| | HP Color LaserJet CP2025n Refurbished Printer |
| | HP Color LaserJet CM2320nf Multifunction Printer |
| HP Color LaserJet CP2025dn Refurbished Printer | |
| HP Color LaserJet CP2025x Refurbished Printer | |

11

Welcome, Paige Perry of Provincetown Police Department (C1057406) [Logout](#)



SHOPPING CART
 0 Items \$0.00
[QUICK ORDER](#) [CHECKOUT](#)

Federal Government Customers [Click Here](#)

Enter Keyword [Submit Query](#)

[SHOP](#) [SERVICES](#) [SUPPORT](#) [ORDERS](#) [ACCOUNT CENTER](#) [FAVORITES](#) [Selected List Association](#)

[< return to search results](#)



HP HP 304A, (CF340A) 3-pack Cyan/Magenta/Yellow Original LaserJet Toner Cartridges

Item: HEWCF340A9AZ

- Crisp output.
- Professional-quality printing.
- Carefully engineered for great performance.

\$331.99
BX

1 [ADD TO CART](#)

[Add To List](#)

Note

Availability: [Next Day](#)



[enlarge image](#)



[View product tour](#)

Key specs

Cartridge color Cyan, magenta, yellow	Page yield Per cartridge: 2,800 pages cyan, 2,800 pages magenta, 2,800 pages yellow ^{ms1}	Number of Cartridges 3
Part Number CF340A	304A	

Compatible printers

- | | |
|--|---|
| HP Color LaserJet CP2025n Refurbished Printer | HP Color LaserJet CP2025dn Refurbished Printer |
| HP Color LaserJet CM2320nf Multifunction Printer | HP Color LaserJet CP2025x Refurbished Printer |
| HP Color LaserJet CM2320n Refurbished Multifunction Printer | HP Color LaserJet CM2320fxi Refurbished Multifunction Printer |
| HP Color LaserJet CP2025n Printer | Printer |
| | HP Color LaserJet CP2025dn Printer |
| HP Color LaserJet CM2320nf Refurbished Multifunction Printer | HP Color LaserJet CM2320n Multifunction Printer |
| | HP Color LaserJet CM2320fxi Multifunction Printer |
| HP Color LaserJet CP2025x Printer | |

12

**REGIONAL PSAP & RECC ONLY
DETAIL NARRATIVE**

Please make sure that every item listed in the above Budget Worksheet is listed in below narrative with a detailed description including category of item, price per unit, quantity, brand, model and any other pertinent and available information. Please include any and all quotes to support the budget narrative. Please use additional pages if needed.

H. Regional PSAPs and RECCs ONLY:

Public Safety Radio Systems – to defray costs associated with the acquisition and maintenance of radio systems (including circuit costs for connectivity) used for police, fire, emergency medical services, and/or emergency management communications. Only Regional PSAPs and RECCs are eligible for funding in this category. All radio systems shall comply with SIEC special conditions, as may be amended from time to time. The SIEC special conditions are available at:

<http://www.mass.gov/eopss/docs/ogr/homesec/sdsiecspecialconditionsradiofrequenciesdec09.pdf>.

The State 911 Department will submit requests for such funding to the SIEC for review and confirmation that the requested item(s) comply with the SIEC special conditions. Questions relating to the SIEC special conditions should be directed to the SWIC, Steve Staffier, who can be reached by email at

steve.staffier@state.ma.us.

Description:

Vendor:

Attach Quote and mark with letter H

Total Category H

\$ _____

REMINDER: Disposal of Equipment Purchased with Grant Funding: Grantees may replace and/or dispose of equipment purchased with funds under the State 911 Department grant programs only if such equipment has reached the end of its useful life, in accordance with the manufacturer's warranty or industry expected useful life, whichever is longer. Disposal shall be in compliance with municipal guidelines, and equipment may be transferred to public entities for public municipal purposes only.

All goods and/or services shall be received on or before June 30, 2016 to be eligible for reimbursement under the Fiscal Year 2016 State 911 Department Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grants.

**REGIONAL SECONDARY PSAP ONLY
DETAIL NARRATIVE**

Please make sure that every item listed in the above Budget Worksheet is listed in below narrative with a detailed description including category of item, price per unit, quantity, brand, model and any other pertinent and available information. Please include any and all quotes to support the budget narrative.

I. Regional Secondary PSAPs ONLY:

Regional Secondary PSAP 911 Customer Premises Equipment Maintenance – to defray costs associated with maintaining PSAP 911 customer premises equipment. ONLY regional secondary PSAPs are eligible for funding in this category.

(The Department assumes the responsibility of all costs for maintenance of CPE at all primary PSAPs and regional PSAPs and RECCs). Note: Regional Secondary PSAPs are eligible for the purchase, installation and/or upgrade of CPE equipment under the State 911 Department Regional PSAP and Regional Secondary PSAP and RECC Development Grant.

Description:

Vendor:

Attach Quote and mark with letter I

Total Category I

\$ _____

REMINDER: Disposal of Equipment Purchased with Grant Funding: Grantees may replace and/or dispose of equipment purchased with funds under the State 911 Department grant programs only if such equipment has reached the end of its useful life, in accordance with the manufacturer's warranty or industry expected useful life, whichever is longer. Disposal shall be in compliance with municipal guidelines, and equipment may be transferred to public entities for public municipal purposes only.

All goods and/or services shall be received on or before June 30, 2016 to be eligible for reimbursement under the Fiscal Year 2016 State 911 Department Public Safety Answering Point and Regional Emergency Communication Center Support and Incentive Grants.

14

**COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING**

Contractor Legal Name: TOWN OF PROVINCETOWN
Contractor Vendor/Customer Code: VC6000191950

INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
JAMES F. GOLDEN	CHIEF OF POLICE

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

_____ Date:
 Signature

Title: TOWN MANAGER

Telephone: 508-487-7002

Fax: 508-487-9560

Email: dpanagore@provincetown-ma.gov

[Listing cannot be accepted without all of this information completed.]
 A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Contractor Legal Name: TOWN OF PROVINCETOWN
Contractor Vendor/Customer Code: VC6000191950

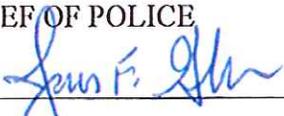
PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures. It is recommended that Departments obtain authentication of signature for the signatory who submits the Contractor Authorized Listing. **STATE 911 DEPARTMENT REQUIRES THIS FORM FOR EACH AUTHORIZED SIGNATORY LISTED ON THE PREVIOUS PAGE.**

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): JAMES F. GOLDEN

Title: CHIEF OF POLICE

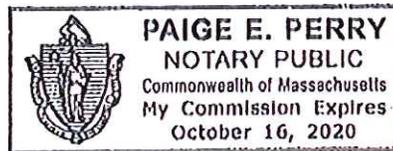
X 

Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, PAIGE E. PERRY (NOTARY) as a notary public certify that I witnessed the signature of the aforementioned signatory above and I verified the individual's identity on this date:

January 15, 20 16.



My commission expires on: October 16, 2020

AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's authority as an authorized signatory for the Contractor on this date:

_____, 20 _____.

AFFIX CORPORATE SEAL

Exhibit "A"

RATES PER UNION CONTRACT FOR FY16

	7-3 (DAY)	3-11 (EVE)	11-7 (MID)	SWING
ALLEN, DOUGLAS				
HOUR	\$25.63	\$26.14	\$26.40	\$26.27
OT RATE	\$38.45	\$39.21	\$39.60	\$39.41
BARTHOLOMEW, SARAH				
HOUR	\$29.55	\$30.14	\$30.44	\$30.29
OT RATE	\$44.33	\$45.21	\$45.65	\$45.43
COOK, LISA				
HOUR	\$27.85	(DAY SHIFT ONLY)		
OT RATE	\$41.77			
MICHAEL, RACHAEL				
HOUR	\$27.87	\$28.43	\$28.71	\$28.57
OT RATE	\$41.81	\$42.64	\$43.06	\$42.85
NOLETTE, JENNIFER				
HOUR	\$27.30	\$27.85	\$28.12	\$27.98
OT RATE	\$40.95	\$41.77	\$42.18	\$41.97
RIBAS, ANDREIA				
HOUR	\$24.07	\$24.55	\$24.79	\$24.67
OT RATE	\$36.11	\$36.83	\$37.19	\$37.01



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

1

PUBLIC HEARING

Requested by: Board of Selectmen

Action Sought: Public Hearing/Discussion

Proposed Motion(s)

None

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

2

PUBLIC STATEMENTS

Requested by: Board of Selectmen

Action Sought: Open

Proposed Motion(s)

Three (3) minutes maximum. Selectmen do not respond during Public Statements.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

3

SELECTMEN'S STATEMENTS

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

Motions may be made and votes may be taken.

Raphael Richter

Erik Yingling

Cheryl Andrews

Robert Anthony

Tom Donegan

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

4A

JOINT MEETING – LIBRARY BOARD OF TRUSTEES

Appointment of Stephen Borkowski as a Library Board Trustee

Requested by: Library Board of Trustees

Action Sought: Discussion/Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to appoint Stephen Borkowski, as a Trustee to the Library Board of Trustees, with a term to expire on May 3, 2016.

Additional Information

See attached application.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: Stephen Borkowski
Please type or print

Resident Address: 4 W. How Drive #16 Provincetown, MA 02657

Mailing Address (if different): _____

Telephone #: 774-722-3087 Work # () _____

Email address: STEPHEN BORKOWSKI@AOL.COM

Please consider this as my application for membership reappointment on the following Town Board(s).
(Please list order of preference.)

- Library BOT
- _____
- _____

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

PAST LIBRARY TRUSTEE

PAST ART COMMISSION MEMBER

CURRENTLY HISTORICAL COMMISSION

I hereby certify that I am a resident of the Town of Provincetown.

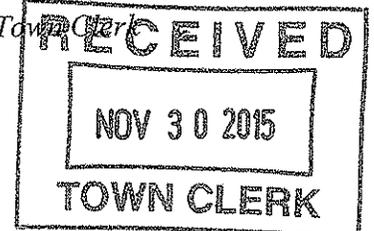
[Signature] 11/13/15
Signature of Applicant Date

TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

Town Clerk Certification: Applicant is a registered voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>[Signature]</u> Name of Town Clerk	This application will remain on file in the Town Clerk's Office for 364 days from the date received. Application Termination Date: <u>11/30/16</u>
---	---

Date Received by Board of Selectmen

Date Received by Town Clerk



Library Board of Trustees				
	First	Last	Position	Term End
1	DV 1/19/16			May-18
2	BdC 11/4/15			May-18
3	James	Johnson	Chair	May-17
4	Stephen	Desroches		May-17
5	Laura	Shabott		May-16

S. Borkowski

on May 3, 2016



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

4B

JOINT MEETING – PROVINCETOWN PUBLIC PIER CORP.
Follow-up discussions on CIP, Rent Abatement, and Pier Corp. Budget

Requested by: Board of Selectmen

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent. Votes may taken.

Additional Information

See attached documents.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



PROVINCETOWN PUBLIC PIER CORPORATION

OFFICE OF THE HARBORMASTER

Provincetown Board of Selectmen
Town of Provincetown
260 Commercial Street
Provincetown, MA 02657
Tom Donegan, Chairman

January 25, 2016

Dear Tom:

As you will recall, the Memorandum of Understanding (MoU) approved by the Board of Selectmen (BoS) at its meeting on August 10, 2015, includes a provision for the abatement of the rent that the Pier Corporation (Pier Corp) has been paying to the Town, contingent upon its approval. The MoU currently states that the rent abatement should begin in FY2017 (lines 220 to 239):

Section 3 of the Lease permits the BoS, at their discretion, to abate all or part of the rent Pier Corporation is required to pay the Town for the purpose of compensating Pier Corporation for subsidies it grants to the fishing industry in the form of lower-than-market dockage fees.

Since the Lease was signed in 2005, Pier Corporation has kept dockage rates to the fishing industry below the fair market value. The value of this subsidy is estimated to have been between \$50,000 and \$100,000 per year over the last 10 years. It should be noted that in the years since 2005 the Pier Corporation has never asked for, nor received any abatement in the rent. Even in years when Pier Corporation sustained financial losses, it provided subsidies to the fishing industry and it paid the rent required by the Lease -- in full, on time, every year.

The initial logic of a rent payment was that the pier revenues should be used to fund the repayment of the debt the Town incurred to finance its share of the cost of rebuilding the Pier in 2002-2003. Because there are now very few debt payments remaining and because the Pier Corporation has been subsidizing the fishing industry for many years without any compensation from the Town, we have agreed that the rent should be abated in the future, but only at the discretion of the Board of Selectmen as provided in Section 3 of the Lease.

As the FY 2016 Town budget was finalized at the Town Meeting prior to the signing of this agreement, the abatement of rent will start in FY 2017, or sooner if funding allows.

The MoU and Section 3 of the Lease between the Town and Pier Corp state that the intent of a rent abatement would be to compensate the Pier Corp for its subsidy of the Provincetown-based fishing fleet. The MoU requires the Pier Corp to provide the BoS with its best estimate of the value of the current subsidy at least once a year.

The purpose of this letter is to inform you of the results of that analysis and to request an abatement of the FY2017 rent.

The MoU agreed to and signed by both parties in July outlines the mission of the Pier Corp. Key elements of the mission include the requirement to manage the operations of the Pier in a "business-like fashion", to cover the costs of maintenance and operations with revenues generated by rents and fees charged to users of the Pier, and to build our Maintenance Reserve to cover the cost of unforeseeable future maintenance requirements.

Fishing Industry Subsidy

Since the original agreement between the Town, ProFish and Pier Corp in 2005, the Pier Corp's subsidy of the local fishing industry has been contingent upon the rates charged for commercial dockage at MacMillan Pier relative to the fair market value of similar berthing arrangements across the region. The subsidy is the difference between the average market rate for dockage and the rate the local commercial fishers pay for dockage at the Pier. Based upon our research of these rates, we estimate that the total value of the current subsidy for the local fishermen, estimated to support over 100 jobs, is approximately \$117,410 in 2015.

By way of background, the initial rates charged to commercial fishers for dockage on MacMillan Pier were set during negotiations involving ProFish, the Town and the Pier Corp. All dockage rates on the Pier are adjusted annually based upon the consumer price index (CPI). The recent annual percentage changes in the CPI have varied between 1% and 2%. For 2015, floating dock berths were \$60.64 per foot and fixed pier berths were \$43.68 per foot. This compares to the average of regional ports in the survey of \$106 for floating docks and \$94 for fixed pier berths. This gives a difference of \$117,410 between the commercial fisher's rates on MacMillan and market average. Market survey data sheets are attached.

Since 2005, the Pier Corp has provided subsidies to the fishing industry in an amount ranging from \$50,000 to \$117,410 in 2015 without requesting any rent abatement. In many of those years, the Pier Corp has sustained significant financial losses due to both the subsidy and the extraordinary maintenance costs incurred to repair the Pier after winter storm damage.

Request for Rent Abatement

As mentioned above, Section 3 of the Lease states:

At the beginning of each fiscal year, the Board of Selectmen may in its discretion notify the Pier Corporation of a rent reduction for the purpose of subsidizing the fees charged in respect of Provincetown-based commercial fishing vessels. The Corporation shall use the rent returned to reduce the fees paid by those Provincetown-based vessels.

Based on discussions with the BoS of the MoU, which was approved and signed by both parties in July of 2015, the Pier Corp had assumed that the rent for FY2017 would be fully abated. Attachment A is a financial forecast of our FY2017 operating results based on that assumption. Revenue assumptions used in this forecast are based on the following rate increases for the coming season:

- a projected increase in all commercial fisher, excursion and ferry rates by 2%. The CPI for 2014 as provided by the Bureau of Labor Statistics was 1.7%. The 2015 CPI has not been published yet;
- an increase in the transient commercial dockage rate from \$1 to \$1.50 per ft. last year; and
- the excursion fleet embarkation fee that was instituted last season.

Should we operate as forecast in Appendix A, Pier Corp will generate an operating surplus of \$71,000. The MoU requires that the first \$50,000 of any operating surplus be allocated to the Maintenance Reserve, which you will recall is used to cover future unanticipated maintenance costs due to storms, accidents and other unpredictable events. The Pier Corp will use any operating surpluses generated in FY2017 in a manner consistent with what was agreed to in the MoU.

The key to achieving the financial results outlined in Appendix A is the assumption that the FY2017 rent will be abated in full. Should the BoS choose not to do so, Pier costs will rise by \$118,000 and the bottom line will move from a surplus of \$71,000 to a deficit of \$46,000, without any contribution to the Capital Reserve and nothing for continuing maintenance deferrals.

Should the BoS choose not to abate the rent for FY2017, and in order to maintain the bottom line financial results shown in Appendix A, the Directors of the Pier Corp have voted to take the following pricing actions. In our view these actions are necessary if we are to operate the Pier in a manner consistent with the mission agreed to in the MoU. The following actions taken together will only result in a restoration of \$117,000:

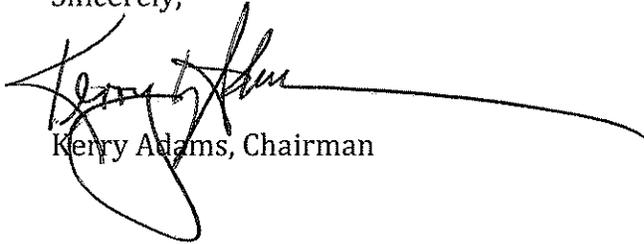
- raise dockage rates charged to Provincetown and Truro based fishing vessels by approximately 50%;
- eliminate subsidies provided to non-Provincetown based commercial fishing vessels entirely, in effect raising the dockage charged to these vessels to their fair market value;
- institute a new \$0.50 embarkation fee for passenger ferry departures in addition to the current \$0.50 fee collected by the Town;
- raise trap shed rentals by 10%; and
- raise embarkation fees charged to excursion vessel passengers from the current \$0.50 to \$0.60 and to collect fees on vessels embarking passengers using the Pier to reach their embarkation point (i.e. passengers embarking from the Wydah Museum facility).

These pricing actions are summarized in the financial forecast shown in Appendix B.

The preference of the Pier Corp would be for the BoS to act in a manner consistent with what we understood in July – that is, to abate the rent for FY2017. If the financial circumstances of the Town have changed since then, to the extent that the \$118,000 revenue to the Town generated by the rent payment is necessary, please understand that in order to protect the proper operation of the pier we will move forward with the revenue generating actions outlined above to compensate for the increased cost.

We look forward to discussing these matters with you at our upcoming meeting on January 25th and with the Finance Committee at a time of their choosing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Adams", with a long horizontal line extending to the right. The signature is written over the printed name below it.

Kerry Adams, Chairman

7



Appendix A

		FY 2016	FY 2017	FY 2018
		Rolling Three-year Budget		
Operating Expenses				
A Personnel Services				
A-1	511001 Department Head	58,538	59,709	61,201
A-2	511002 Professional/Tech	53,040	54,101	55,453
A-3	511002 Clerical	48,880	49,858	51,104
A-4	512500 Part-time Seasonal	136,908	144,269	147,876
A-5	513100 Overtime	9,000	9,180	9,410
A-6	514500 Longevity	700	714	732
A-7	519999 Benefits-Health Insurance	36,000	36,720	37,638
	519999 Medicare	5,000	5,100	5,228
A-8	OPEB/Retirement	25,875	26,393	27,052
A	Personnel Services	373,941	386,043	395,694
B Expenses				
B-1	542005 Office Expenses	10,225	10,430	10,690
B-2	527301 Insurance (Liability & D&O)	59,000	60,180	61,685
B-3	530010 Accounting/Legal and Other Vari	29,507	30,097	30,850
B-4	527495 Harbor Operating Assets Expense	5,000	18,500	18,500
B-5	527490 Pier Operating Assets Expenses	31,500	38,950	35,950
B-6	Planned Maintenance for Existing	-	69,666	65,157
B-7	527500 Utilities Expenses (11)	60,000	61,200	62,730
B-8	Bad Debt (12)	15,971	-	-
B-9	580010 Capital Exp. (affects Maint. Reserve)	-	-	-
B-11	527100 Lease Payment to Town	118,263	-	-
B-12	Depreciation	30,000	30,000	30,000
B-13		-	-	-
B-14	Prior Year Encumbrance	-	-	-
B	Expenses	359,466	319,023	315,561
TOTAL Operating Expense		733,407	705,065	711,255
Operating Revenues				
R-1	438000 Docks-Commercial Fisheries	165,904	169,222	173,453
R-2	438005 Docks-Excursion Floats	151,850	154,887	158,759
R-3	438010 Docks-Transportation	81,995	83,635	85,726
R-4	438015 Docks-All Other	20,450	20,859	21,380
R-5	459000 Permits	10,225	10,430	10,690
R-6	438020 Ice Sales	29,653	30,246	31,002
R-7	438025 Events	2,000	2,040	2,091
R-8	450500 Grant Revenues	-	-	-
R-9	438030 Trap Shed Rental	38,800	39,576	40,565
R-10	485000 Other Income	20,450	20,859	21,380
	Net other income- Insurance net	-	-	-
R-11	295 HM budget contract to PPPC	195,000	195,000	198,900
	Embarkation Fees	50,000	50,000	50,000
TOTAL Revenues		766,327	776,754	793,947
Surplus/(Deficit)				
	Surplus (Deficit)	32,920	71,688	82,692
Allocation of Surplus Revenue				
	Capital Reserve Contribution	32,920	50,000	50,000
	Available for Acquisition of New Assets		21,688	32,692
	Balance	0	0	0
	Budgeted for new assets		30,000	60,000
	CPI %	2.00%	2.50%	2.50%

DRAFT

Appendix B 14Jan16

		FY 2016	FY 2017	FY 2018
		Rolling Three-year Budget		
Operating Expenses				
A Personnel Services				
A-1	511001 Department Head	58,538	59,709	61,201
A-2	511002 Professional/Tech	53,040	54,101	55,453
A-3	511002 Clerical	48,880	49,858	51,104
A-4	512500 Part-time Seasonal	136,908	144,269	147,876
A-5	513100 Overtime	9,000	9,180	9,410
A-6	514500 Longevity	700	714	732
A-7	519999 Benefits-Health Insurance	36,000	36,720	37,638
	519999 Medicare	5,000	5,100	5,228
A-8	OPEB/Retirement	25,875	26,393	27,052
A	Personnel Services	373,941	386,043	395,694
B Expenses				
B-1	542005 Office Expenses	10,225	10,430	10,690
B-2	527301 Insurance (Liability & D&O)	59,000	60,180	61,685
B-3	530010 Accounting/Legal and Other Vari	29,507	30,097	30,850
B-4	527495 Harbor Operating Assets Expens	5,000	18,500	18,500
B-5	527490 Pier Operating Assets Expenses	31,500	38,950	35,950
B-6	Planned Maintenance for Existing	-	69,666	65,157
B-7	527500 Utilities Expenses (11)	60,000	61,200	62,730
B-8	Bad Debt (12)	15,971	-	-
B-9	580010 Capital Exp. (affects Maint. Reserve)	-	-	-
B-11	527100 Lease Payment to Town	118,263	118,263	118,263
B-12	Depreciation	30,000	30,000	30,000
B-13		-	-	-
B-14	Prior Year Encumbrance	-	-	-
B	Expenses	359,466	437,286	433,824
TOTAL Operating Expense		733,407	823,328	829,518
Operating Revenues				
R-1	438000 Docks-Commercial Fisheries	165,904	227,476	233,163
R-2	438005 Docks-Excursion Floats	151,850	154,887	158,759
R-3	438010 Docks-Transportation	81,995	83,635	85,726
R-4	438015 Docks-All Other	20,450	20,859	21,380
R-5	459000 Permits	10,225	10,430	10,690
R-6	438020 Ice Sales	29,653	30,246	31,002
R-7	438025 Events	2,000	2,040	2,091
R-8	450500 Grant Revenues	-	-	-
R-9	438030 Trap Shed Rental	38,800	42,900	43,973
R-10	485000 Other Income	20,450	20,859	21,380
	Net other income- Insurance net	-	-	-
R-11	295 HM budget contract to PPPC	195,000	195,000	198,900
R-12	Embarkation Fees	50,000	85,000	85,000
TOTAL Revenues		766,327	873,331	892,065
Surplus/(Deficit)				
	Surplus (Deficit)	32,920	50,003	62,547
Allocation of Surplus Revenue				
	Capital Reserve Contribution	32,920	50,000	50,000
	Available for New Asset Acquisition		3	12,547
	Balance	0	0	(0)
	Budgeted for new assets		30,000	60,000
	CPI %	2.00%	2.50%	2.50%

Commercial Fisheries Resident Finger Piers

Port	2002 PPPC Expanded Survey		2008 PPPC Survey		2011 PPPC Survey		2014 PPPC Survey	
	Linear ft. Rate	60 ft. Model	Linear ft. Rate	60 ft. Model	Linear ft. Rate	60 ft. Model	Linear ft. Rate	60 ft. Model
Provincetown MacMillan Pier	\$11 per LF/year	\$680	\$38.47/ft./yr.	\$3,206	\$40.63/ft./yr.	\$2,437.80	\$42.95	\$2,577
Bismore Park-Hyannis	\$135 per LF/year	\$9,064	\$176/ft./yr.	\$10,660	\$181/ft./yr. (30' min.)	\$10,960	\$181/ft./yr. (30' min.)	\$10,860
Fall River	\$59 per LF/year	\$3,528	\$94.95/ft./yr.	\$5,697	\$94.95/ft./yr.	\$5,697	\$70.80/ft./yr.	\$4,248
Gloucester	\$66/ft./yr.	\$3,960	\$86.16/ft./yr.	\$5,170				
St. Peter's (42' max.) Harbor Cove (42' max.) Jodrey State Fish Pier								
Hanwich	\$86/ft./yr.	\$5,141	\$116/ft./yr.	\$7,140	\$7.85/sq. ft./yr.	\$8,007	\$112/ft./yr. (40')	check this
Chatham	N/A	\$0	N/A	\$0	N/A	\$0	Fish Pier Docking permit \$200-\$3/ft. (res.)	
Plymouth	\$10/ft./yr.	\$600	\$20/ft./yr.	\$1,200	\$20/ft./yr.	\$1,200	\$20/ft./yr. (res.)	\$1,200
Portland	\$109/ft./yr.	\$6,480	\$109/ft./yr.	\$6,480	\$109/ft./yr.	\$6,480	\$114/ft./yr.	\$6,840
Rock Harbor, Orleans			N/A	N/A	N/A		\$10/ft. (res.)	
Barnstable Harbor	\$112/ft./yr.	\$6,720	\$161/ft./yr.	\$9,660	\$166/ft./yr.	\$9,960	\$46/ft. (res. back-in) (perpendicular to floats)	
Sandwich							\$166 ft./yr. (25' min.) res. or taxpayer	\$9,960
Nantucket	\$83/ft./yr.	\$4,975	N/A	N/A	\$100/ft./yr.	\$6,000	\$40/ft./yr.	\$6,000
New Bedford	\$350/yr.	\$350	\$1000/yr.	\$1,000	\$1500/yr.	\$1,900	\$1000/yr. (up to 50') \$1500/yr. (>50') plus \$500/yr. unloading permit fee	\$2,000
Portsmouth, NH	\$23/ft./yr.	\$1,380	\$50/ft./yr.	\$3,000	Inside - \$12.50/ft./quarter* Outside - \$8/ft./quarter*	\$3,000	Inside - \$50/ft./yr.* Outside - \$32/ft./yr.*	\$3,000
Average Annual Fee for 60 ft. vessel		\$4,719.80		\$5,645.19		\$5,539.24		\$5,640.26
Average Rate per Linear Foot		\$68.66		\$92.42		\$92.32		\$94.00
Port								
Provincetown MacMillan Pier	Provincetown not used in averages.							
Bismore Park-Hyannis	50 Slips (Ball Park Figure)							
Fall River	Borden Light Marina (Private)							
Gloucester	Previous surveys used one facility, the state pier in Gloucester. 2011 expands to the available facilities.							
Hanwich	Rates changed per sq. ft., assumes 17' beam.							
Chatham	Chatham has no dockage and does not allow 60 ft. boats.							
Plymouth	Plymouth comparable to MacMillan Pier prior to construction.							
Rock Harbor, Orleans	60 ft. too large for port							
New Bedford	Harbor Development Commission mandate requires low rates for							
Portsmouth, NH	*Annual permits of \$100/LF/year required for dockage							

Commercial Fisheries Floating Docks

Port	2002 PPPC Expanded Survey		2008 PPPC Survey		2011 PPPC Survey		2014 PPPC Survey		
	Linear Ft. Rate	40 Ft. Model	Linear Ft. Rate	40 Ft. Model	Linear Ft. Rate	40 Ft. Model	Linear Ft. Rate	40 Ft. Model	
Provincetown MacMillan	N/A		\$53.43 per LF/year	\$2,137	\$56.43 LF/year	\$2,257.20	\$59.630LF/yr.	\$2,365.20	
Bismore Park-Hyannis	\$135 per LF/year	\$5,376	\$178 per LF/year	\$7,040	\$181 per LF/year	\$7,240	\$181/LF/year	\$7,240	
Fall River	N/A	\$0	\$94.95 per LF/year	\$3,798	\$94.95 per LF/year	\$3,798	\$70.80/LF/year	\$2,832 2015 \$14.95	
Gloucester	\$68 per LF/year	\$2,640					\$3.76/LF/month (St. Peter's)		
							\$4/LF/month (Harbor Cove)		
							\$32.50/month (Jedrey Fish Pier)	\$3,990	
Henwich	\$76 per LF/year	\$3,024	\$105 per LF/year	\$4,200	\$7.85 per sq. ft./year	\$5,338	\$112/LF/year	\$4,480 (check this)	
Chatham	N/A	\$0	N/A	\$0	N/A	\$0	Fish Pier		
							\$200 + \$3ft. (res.) N/A		
							\$300 + \$3ft. (non-res.)		
Plymouth	\$10 per LF/year	\$400	\$20 per LF/year	\$800	\$20 per LF/year	\$800	\$20 per LF/year (res.)	\$1,200	
Portland	\$108 per LF/year	\$4,320	\$108 per LF/year	\$4,320	\$108 per LF/year	\$4,320	\$114/LF/yr (Fish Pier)	\$6,840	
Rock Harbor, Orleans			\$62 per LF/year*	\$2,480	\$62 per LF/year	\$2,480	\$62 per LF/year (non-res.)	\$2,480	
Barnstable Harbor	\$112 per LF/year	\$4,480	\$161 per LF/year	\$6,440	\$166 per LF/year	\$6,640	\$166 per LF/year (res.)	\$6,640 not used in average	
							\$191 per LF/year (non-res.)	\$7,640	
Bourne - Monument Beach	\$107 per LF/year	\$4,275	\$110 per LF/year	\$4,400	\$110 per LF/year	\$4,400	\$110 per LF/year (electric & water)	\$4,400	
Bourne - Pocasset River	\$82 per LF/year	\$3,275	\$85 per LF/year	\$4,400	\$85 per LF/year	\$3,400	\$85 per LF/year (non-electric)	\$3,400	
Nantucket	\$84 per LF/year	\$3,375	N/A	N/A	\$100 per LF/year	\$4,000	\$100 per LF/year	\$4,000	
Portsmouth, NH - Commer	\$100 per LF/year	\$4,000	\$100 per LF/year	\$4,000	inside - \$12.50/LF/quarter*	\$1,500	inside - \$12.50/LF/quarter*	\$1,500	
Yarmouth	\$63 per LF/year	\$3,300	\$105 per LF/year	\$4,200	\$120 per LF/year	\$4,800	\$130 per LF/year	\$5,200	
Average Annual Fee for 40ft. vessel		\$3,496.82	Average Rate per Linear Foot		\$4,422.22	\$3,946.86	Average Rate per Linear Foot		\$4,246.31
		\$87.42			\$110.56	\$98.67			\$106.16
Port	Comments								
Provincetown MacMillan	Floating Docks added to MacMillan Pier in 2004, not used in averages.								
Bismore Park-Hyannis	Border Light Marina (private)								
Fall River	rates charged on Sq. Ft., assumes 15' Beam								
Gloucester	Chatham has no docks.								
Harwich	Plymouth comparable to MacMillan Pier prior to construction.								
Chatham									
Plymouth									
Portland	Back in to floating dock								
Rock Harbor, Orleans									
Barnstable Harbor									
Bourne- Monument Beach	\$75 town permit included								
Bourne- Pocasset River	\$75 town permit included								
Nantucket									
Portsmouth, NH	*Annual pier use permit of \$10/LF/year required for dockage								
Yarmouth	30 Ft. Minimum								



**Memorandum of Understanding v7
Regarding the Management, Operations and Maintenance
of MacMillan Pier**

1 **Purpose of the Memorandum.** This memorandum reflects understandings and agreements reached by
2 the Town of Provincetown (hereinafter referred to as the "Town"), acting by and through its Board of
3 Selectmen and Town Manager, and the Provincetown Public Pier Corporation (hereinafter referred to as
4 "Pier Corporation"), acting by and through its Board of Directors regarding the management, operation
5 and maintenance of MacMillan Pier.
6

7 In accordance with the requirements of Chapter 13 of the Acts of 2000 (as amended, hereinafter
8 referred to as the "Act") the Town and the Pier Corporation entered into a twenty year lease on March
9 29, 2005, (hereinafter referred to as the "Lease") that provides that the Pier Corporation manages,
10 operates and maintains MacMillan Pier on behalf of the Town. Both the Act and the Lease outline the
11 general responsibilities and authorities of the Town and Pier Corporation with regard to the Pier. Our
12 collective experience in the years since signing of the Lease indicates that amplification and clarification
13 of key elements of Pier Corporation's stewardship of the Pier and the Board of Selectmen's supervision
14 of Pier Corporation would be helpful to both parties.
15

16 The purpose of this memorandum is to provide needed clarification as well as to specify certain
17 processes by which the Town and Pier Corporation can pursue their responsibilities and mutual
18 interests. In addition, the memorandum spells out the Town's expectations of the Pier Corporation in
19 key areas of its management of an iconic and economically vital asset of the Town.
20

21 **Mission of Pier Corporation.** The Town expects the following of the Pier Corporation:

- 22 • The pier should be managed in a business-like fashion. The directors and management of the
23 Pier Corporation are expected to use good commercial judgement in their decisions regarding
24 the generation of revenue, the deployment of financial and human resources, and the
25 protection of assets. They are to exercise prudence in assuming and managing risk.
26
- 27 • To the fullest extent possible, the Pier Corporation should maintain and operate the pier from
28 the revenues of the pier. The directors should strive to ensure that the pier is economically self-
29 sufficient and that those entities that operate for-profit businesses on the pier pay their full and
30 fair share of the costs of operation and maintenance. Taxpayers of the town should be called
31 upon to fund routine operations and maintenance of the pier only as a last resort.
32
- 33 • In addition to providing for the routine maintenance of the pier, pier revenues should also fund
34 a maintenance reserve to be used for emergency repairs due to storm damage, accidents or
35 other unforeseeable events. The primary purpose of these retained earnings is to enable rapid
36 repair of key elements of the infrastructure so as to maintain, to the fullest extent possible, the
37 continuity of operations of tenants of the pier.
38
- 39 • The pier should be operated and maintained to a standard that ensures:
 - 40 ○ safe access to the pier by the general public and tenants of the pier,
 - 41 ○ the structural integrity and functionality of the pier and related structures, and
 - 42 ○ the optimization the useful life of core elements of the pier infrastructure.
43
- 44 • Pier Corporation should support the local fishing industry, with special emphasis on
45 Provincetown-based vessels. Any subsidies provided to the fishing industry should be quantified
46 and reported annually to the Selectmen.
47

MacMillan Pier MOU v7
June 2015

- The Corporation shall attempt to expand its customer base and shall assist in the economic development of the town by supporting the development and growth of marine excursion industries, maritime transportation, tourism, commercial fishing, mariculture, recreational boating and other marine-related activities.
- The Corporation should conduct its operations in a fully transparent manner consistent with federal and state law, the Town Charter and other local regulations.

Governance Structure. The authorities and responsibilities of Pier Corporation directors are outlined in the Act and the Lease. We believe the authorities granted by these governing documents are adequate for the Pier Corporation directors to effectively discharge their duties.

The Town also has responsibilities and authorities under the Act, which principally involve the oversight of the activities of the Pier Corporation. Key elements of the governance structure enabling the Town to supervise and control the actions of the Pier Corporation are the following:

- The Selectmen appoint the Directors of Pier Corporation and have power remove them for cause.
- The Selectmen and Town Manager have power to initiate the process by which Pier Corporation is dissolved.
- Prior approval by the Board of Selectmen and/or Town Meeting is required for large expenditures and capital transactions by Pier Corporation.
- Town government holds Pier Corporation funds, bank accounts and reviews all financial transactions with third parties.
- The Act requires annual independent audits of Pier Corporation financial statements.
- Selectmen have total control over terms of the Lease.
- Requirements for financial reporting and public disclosure ensure transparency of Pier Corporation operations and finances.

We have agreed that no changes are required in the overall governance structure outlined in the Act and Lease. Rather, we believe that certain changes in the governance processes and methods are appropriate in light of past operating experience. These modifications to past practices are premised on the belief that a partnership exists between the Town and Pier Corporation that is based on mutual goals, objectives and interests. This partnership was implied in Section C of the Lease where it states:

"....There exists a unique relationship between Landlord (the Town) and Tenant (Pier Corporation), whose interests, by statute (and) by using simple common sense, are directly aligned."

Changes in governance practice have been agreed in five areas:

- A. The need for improved communications and more frequent formal interactions between the Town and Pier Corporation
- B. Greater involvement of town government in maintenance planning and budgeting
- C. Integration of Pier Corporation maintenance and asset management planning with the Town's CIP processes

10

MacMillan Pier MOU v7
June 2015

- 99 D. Improvements in financial control and transaction processing
100 E. Improvements in operational and financial reporting
101

102 **A. Improved Communications and Regular Formal Interactions.**
103

- 104 1. We have agreed that the Board of Selectmen and the Directors of Pier Corporation should meet
105 in formal joint sessions at least twice times a year, in May and September, for review of Pier
106 Corporation performance and future plans relative to operations and maintenance of the pier.
107

- 108 • The agenda of the first joint meeting in May will focus on a review of Pier Corporation's
109 financial statements and the operating results of the prior financial year, and on the
110 maintenance plan and budgets for the current year. This meeting will also review the status
111 of the Maintenance Reserves and any other issues related to Pier Corporations operational
112 planning for the summer season just ahead.

- 114 • The agenda of the September joint meeting will focus on reporting of operations and events of
115 the prior summer season. At this meeting Pier Corporation will present its forecasts of the
116 financial results for the year ending in December, and present for review a preliminary forecast
117 of revenues and costs for the operating year beginning in January. Another key aspect of this
118 meeting will be an in-depth review of Pier Corporation's long range (3-5 year) Facilities
119 Maintenance Plan. The objective of this review is to align Pier Corporation's maintenance
120 activities and plans with the Town's CIP program for pier-related capital projects, and major
121 asset replacement or refurbishment programs.
122

123 (NOTE: the Third meeting in November is now required by the HM Agreement.)
124

- 125 2. In recent years the Board of Selectmen has appointed one of their members to act as the liaison
126 to Pier Corporation. We agree that this practice should continue and that it be viewed as a
127 relatively "long term" assignment so that the person acting as liaison can become familiar with
128 Pier Corporations operations, accounts, business practices, customer segments and the
129 challenges and issues that are coming before the Pier Corporation board.
130
- 131 3. We have agreed that from time-to-time informal "round table" discussions should be held to
132 discuss major issues and the strategy of Pier Corporation for dealing with them. These meetings
133 could focus on specific topics of concern and importance to either the Town or the Pier
134 Corporation and provide guidance to Pier Corporation in setting priorities and in developing
135 plans.
136
- 137 4. We have agreed that the Pier Corporation should meet annually with the Town's Finance
138 Committee in February (or at another mutually convenient time). This meeting is intended to
139 give the Finance Committee an opportunity to review the Harbormasters 295 Budget for the
140 coming fiscal year, the Pier Corporation's financial and operating performance for its prior
141 financial year, and its budgets for the current financial year.
142

143 **B. Town Involvement in Pier Corporation's Maintenance Planning and Budgeting.**
144

- 145 1. MacMillan Pier is of significant economic and cultural importance to the Town. It is vital to the
146 Town's economic wellbeing in that it supports key elements of the local economy, specifically
147 tourism and, to a lesser extent, the fishing industry. The pier serves as a major transportation

148 hub and is one of the gateways to the Town.

149
150 It is critically important to the Town, its citizens and to the businesses that operate from the pier
151 that it be kept in a fully operational and functional condition at all times. Effective maintenance
152 programs and capabilities, and in particular preventative maintenance, is vital in this regard.

153
154 Overall, the Pier Corporation has done an excellent job of maintaining this Town asset. But as
155 the pier ages, the costs of maintenance will escalate and we must be certain that our spending
156 has been appropriately directed and prioritized. To that end, we have agreed that it would be
157 appropriate for the Town to increase its involvement in the planning and budgeting of future
158 pier maintenance activities. We have agreed that the Pier Corporation staff will review the
159 annual engineer's reports on the facility with the Director or the Deputy Director of Public
160 Works Department and consult them on the long range planning and budgeting of maintenance
161 activities on the pier.

162
163 **C. *Integration of Maintenance and Asset Management with Town's CIP Processes.***

164
165 Pier Corporation employs a process for maintenance planning and asset refurbishment /
166 replacement that is based on the Town's CIP process. We have agreed to align Pier Corporation
167 and Town long range facilities planning processes. The agreed division of responsibilities and
168 processes to be employed are outlined in Appendix A in this memorandum.

169
170 **D. *Improved Financial Accounting, Control and Transaction Processing.***

171
172 The Pier Corporation is required by the Act to maintain records and accounts of its financial
173 activities. The nature of Pier Corporation's business is not conducive to reporting its financial
174 activities using the Town's fiscal year (01 Jul – 30 Jun) because the start and end of the town's
175 fiscal year falls in the middle of Pier Corporation's normal business cycle. Pier Corporation
176 revenues and costs are best understood and evaluated, and comparisons from year-to-year are
177 facilitated when Pier Corporation financial results are reported on a calendar year basis (Jan 01-
178 Dec 31).

179
180 We have agreed that henceforth, Pier Corporation will use a calendar year accounting for its
181 internal management controls and budgeting and for report financial results. In addition, Pier
182 Corporation will provide the Town with audited financial statements using the Town's fiscal year
183 for integration of Pier Corporation results with the Town's accounts.

184
185 Pier Corporation uses a small business accounting software package (QuickBooks) to record its
186 financial transactions and to prepare its accounts. The software is relatively simple, economical
187 to own and operate and entirely adequate for a business the size and complexity of the Pier
188 Corporation. The Town uses a municipal government accounting package (Munis) that is
189 appropriate for an entity of its size and complexity. Because the Town acts as Pier Corporation's
190 financial agent in controlling all of the Corporation's bank accounts and in making payments to
191 third parties, there is a periodic need to reconcile the two accounting systems. In the past
192 attempts to reconcile the two systems has been difficult and disputes between the parties have
193 arisen as to the size of cash balances held by the Town on Pier Corporation's behalf. The
194 inability of Pier Corporation's auditors to reconcile differing reports of cash balances has led
195 them to conclude that changes must be made before they can issue an opinion on Pier
196 Corporation's financial statements.

MacMillan Pier MOU v7
June 2015

197
198 We have agreed that Pier Corporation shall continue to keep its own financial records, as it is
199 required to do by the Act. Further, we have agreed recent revisions to the account
200 reconciliation processes seem to have eliminated discrepancies between the QuickBooks and
201 Munis accounting systems. We have agreed to submit the revised practices and the results of
202 recent accounts reconciliations to Pier Corporation's auditors for review and approval. We have
203 agreed to document these improved processes so that they may be correctly followed in the
204 future.

205
206 **E. Improved Operational and Financial Reporting.**

207
208 Pier Corporation agrees to develop and publish an annual report in April of each year covering
209 its activities and results from the prior calendar year. This report will be made in addition to the
210 reporting Pier Corporation now provides to the Town for inclusion in the Town's Annual Report.
211 The purpose of this annual report is to inform the public of Pier Corporation's activities and
212 plans for the future as well as report its financial results at a greater level of detail than is
213 possible in the Town's annual reporting.

214
215 **The Financial Relationship between the Town and Pier Corporation.** We have agreed to the following
216 changes in the financial relationship between the Town and Pier Corporation. We note that these
217 changes are consistent with terms of the Lease and require only changes in how we implement the
218 terms of the Lease.

- 219
220 1. Section 3 of the Lease permits the BoS, at their discretion, to abate all or part of the rent Pier
221 Corporation is required to pay the Town for the purpose of compensating Pier Corporation for
222 subsidies it grants to the fishing industry in the form of lower-than-market dockage fees.

223
224 Since the Lease was signed in 2005, Pier Corporation has kept dockage rates to the fishing
225 industry below the fair market value. The value of this subsidy is estimated to have been
226 between \$50,000 and \$100,000 per year over the last 10 years. It should be noted that in the
227 years since 2005 the Pier Corporation has never asked for, nor received any abatement in the
228 rent. Even in years when Pier Corporation sustained financial losses, it provided subsidies to the
229 fishing industry and it paid the rent required by the Lease -- in full, on time, every year.

230
231 The initial logic of a rent payment was that the pier revenues should be used to fund the
232 repayment of the debt the Town incurred to finance its share of the cost of rebuilding the Pier in
233 2002-2003. Because there are now very few debt payments remaining and because the Pier
234 Corporation has been subsidizing the fishing industry for many years without any compensation
235 from the Town, we have agreed that the rent should be abated in the future, but only at the
236 discretion of the Board of Selectmen as provided in Section 3 of the Lease.

237
238 As the FY 2016 Town budget was finalized at the Town Meeting prior to the signing of this
239 agreement, the abatement of rent will start in FY 2017, or sooner if funding allows.

- 240
241 2. In 2003, the Legislature passed the Passenger Ferry Embarkation Fee Law (Chapter 55 of the
242 Acts of 2003) which permitted towns in the Commonwealth to levy a fee on ferry passengers
243 boarding passenger ferry vessels in their harbors. Provincetown approved the fee and has been
244 collecting these fees from ferry companies embarking passengers in Provincetown for many

MacMillan Pier MOU v7
June 2015

245 years. In recent years the fees collected has been approximately \$30-35,000 per year.

246

247

248

249

250

251

252

253

254

255

256

Passenger ferries operating from Provincetown embark their passengers from the Ferry Terminal on MacMillan Pier. The terminal was built with grant funding and is operated and maintained by the Pier Corporation at its expense. In recent years the cost associated with the Ferry Terminal has risen significantly.

We have agreed that in the future the fees collected by the Town from passenger ferry operators should be passed through to Pier Corporation to offset the costs of operating and maintaining the Ferry Terminal. Town By-laws require that the assignment of Ferry Passenger Fee revenue to the Pier Corporation be approved annually by Town Meeting.

257

258

259

260

261

262

263

3. The Act charges Pier Corporation with maintaining the pier in "a fully operational state". While it leaves this term undefined, the Act does indicate the scope of Pier Corporation's maintenance activities should include both "routine and non-routine maintenance and the maintenance of any and all improvements". It is clear from the language of the Act that the Legislature intended Pier Corporation to be responsible for all routine maintenance, and that it should build reserves to permit timely execution of unusual or emergency (or "non-routine") maintenance activities.

264

265

266

267

What is not entirely clear is whether Pier Corporation or the Town should be responsible for refurbishment of capital assets should they be severely damaged by accident or storm, or who should fund the replacement of assets at the end of their useful life.

268

269

270

271

In the past the Pier Corporation has assumed responsibility for all maintenance and asset refurbishment on the MacMillan Pier. It wasn't until a winter storm in 2012 almost totally destroyed the floating docks that the issue of who should fund capital asset replacement arose.

272

273

274

275

276

We have agreed that the Town, as owner of the pier, should be financially responsible for all major capital projects undertaken to either refurbish pier infrastructure or to replace pier assets at the end of their useful life. Likewise, we agree that any major capital expansions or the purchase of additional infrastructure in the harbor should be financed by the Town.

277

278

279

280

We agree that it will be Pier Corporation's responsibility to maintain the assets of the Pier in a "fully operational state". A working definition of this term can be found in lines 30-42 on page 1 (Mission of Pier Corporation).

281

282

283

284

285

286

287

288

We have agreed that the implication of this division of responsibilities is that the Pier Corporation should set aside maintenance reserve funds that will be adequate to fund both "routine" maintenance activities, including preventative maintenance, and "non-routine" or emergency repairs to elements of the pier infrastructure pursuant to the Act and the Lease. It is agreed that the Town will seek appropriations from Town Meeting for major foreseeable pier infrastructure refurbishment projects, asset replacement and new capital additions to the pier.

289

290

291

292

293

4. We have agreed that the Pier Corporation should seek to build Maintenance Reserve of at least \$500,000. That annual contribution to the reserve should be at least \$50,000 once the maintenance lines in the operating budget are fully funded and then only until the reserve is fully funded.). Expenditures from the Maintenance Reserve will be in accordance with January 2008 Policy whereby the Directors are presented with all the pertinent information regarding

MacMillan Pier MOU v7
June 2015

294 the proposed expenditure and if approved a separate G/L code will be created for each
295 instance of expenditure and named accordingly (i.e. Storm of April 07).

296
297

298 5. We have agreed the first \$50,000 of any operating surpluses earned by Pier Corporation be set
299 aside in a restricted use account for the Maintenance Reserve as noted in 4 above. (We define
300 "operating surplus" as pier revenues minus operating costs and cost accruals

301

302 Further, we have agreed that the use of any annual operating surplus (retained earnings)
303 remaining after funding of Pier Corporation's Maintenance Reserve shall be for the acquisition
304 of new assets Pier Corporation may require to fulfill its mission. Any amounts remaining after
305 fully funding the Maintenance Reserve and the acquisition of new assets will accrue to the Pier
306 Corporation Maintenance Reserve. When the reserve has been fully funded, any excess
307 operating surplus will accrue to the Town.

308

309 **Conclusion.** Hopefully, the agreements outlined herein will clarify how the Town and Pier Corporation
310 will work together and how we can align the incentives of the parties to pursue our common goals with
311 a renewed sense of partnership.

312

313 Agreed this the 10 day of August
day of June, 2015:

314

315

316 TOWN OF PROVINCETOWN

317

318

319

320 Chair Tom Donegan

321

Erik Yingling

322

Vice-chair Erik Yingling

323

Cheryl Andrews

324

Raphael Richter

325

Robert Anthony

326

David Gardner

327

Acting Town Manager David Gardner

328

329

330

331

PROVINCETOWN PUBLIC PIER CORPORATION

Kerry Adams

Vice-chair

Vice-chair

John Han

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

APPENDIX A

Integration of Town and Pier Corporation CIP and Maintenance Planning Processes

Purpose. This appendix outlines the processes we will use in the planning and budgeting of Pier Corp's maintenance activities and processes for the integration of these activities with the town's CIP.

Overview of Pier Corp Maintenance Planning Process.

The starting point of Pier Corp's maintenance planning and budgeting process is the survey of pier infrastructure conducted annually by independent consulting engineers. Since 2011 we have contracted with Bourne Engineering to perform surveys of pier infrastructure above the waterline each year and below the waterline every fifth year.

The output of these engineering surveys is a document that evaluates and grades (A – F) individual elements of the pier infrastructure noting the current condition, rate of deterioration, priorities for repair/replacement. Working with the consulting engineers, Pier Corp staff estimate the costs of each repair/replacement activity identified in the engineering survey. The engineering survey and cost elements are key inputs into the development of Pier Corp's long range pier maintenance program.

Facilities Maintenance Plan (FMP)

Developed annually, the FMP is the long-range maintenance plan of Pier Corp. The FMP is developed using a five-year planning horizon (rolling forward each year) and identifies the specific maintenance projects required to correct issues identified in the engineering survey. The plan defines specific maintenance projects, categorizes and prioritizes them and provides an estimate of the timing and resources required for completion. Examples of projects: fender pile replacement, upkeep of floating docks and minor repairs to pier structures, replacement of the board walk, replacement of electrical outlets on docks, painting trap sheds and the HM office. Details of the FMP planning process are provided below.

The FMP also identifies the major capital asset refurbishment and replacement projects Pier Corp believes will be required over the five-year planning horizon. These capital projects will normally be much larger in scope and will entail higher levels of expenditures than planned routine and preventive maintenance of the existing infrastructure. Pier Corp will identify and recommend capital projects for inclusion in the Town's CIP planning process. Normally, the implementation of these major capital asset refurbishment/replacement projects and/or acquisition of new pier infrastructure are to be funded by the town and may involve expenditures of more than \$XX,000.

Grading of the condition and classification of pier infrastructure. As mentioned above, the report of our consulting engineers grades individual elements of pier infrastructure on a scale A to F. A grade of "A" indicates the element of infrastructure is in "good" condition and no action is needed at this time; "B" indicates a "satisfactory condition", again requiring no immediate remedial actions; "C" indicates "fair" condition and implies that remedial action may be warranted at this time; "D" signifies "poor" condition and implies immediate action should be taken; and, "E" signifies "serious deterioration" that requires immediate attention.

16

50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77

Working with the engineers Pier Corp staff then assign a classification to the maintenance of each component of the pier infrastructure. The classifications are as follows:

- Maintenance of Structural Integrity of Core Assets seeks either to maintain the structural integrity of major components of the pier (e.g., pier piles, decking) or maintenance action to protect the structural integrity of core assets (e.g., fender piles that protect concrete pilings).
- Maintenance of Functionality of Core Assets -- these are things that effect the functionality of pier infrastructure, (e.g., power pedestals on the floating docks, or water and sewage lines)
- Public Safety -- maintenance issues that have an impact on public safety (e.g., buckling of wooden decks, life rings, railings, gangways)
- Operational Asset Maintenance -- things that impact Pier Corp's ability to operate and serve our customers and/or to generate incremental revenues (e.g., marine one, pump-out boat, office computers, ice machine, davits, cranes, barge, etc.)
- Cosmetic Maintenance (e.g., trap shed painting, office interior maintenance)

Developing Priorities among Individual Maintenance Projects. We use the letter grades and the classification scheme outlined above to develop a matrix that can then be used to prioritize individual maintenance projects as either "Essential", "Deferrable", or "Optional". See Figure 1 below.

Figure 1 - Maintenance Priorities Matrix

	Essential	Deferrable	Optional
Maintenance of Structural Integrity of Core Assets	C D E	B	A
Maintenance of Functionality of Core Assets	C D E	B	A
Public Safety	C D E	B	A
Operational Asset Maintenance	D E	B	A
Cosmetic Maintenance	E	C D	A B

78
79
80
81

17

82 Project priorities can be developed from the above classifications. Obviously, "E" grade projects and
83 most "D" grade projects in the "Essential" column would receive first priority in the coming year's
84 maintenance plan. Other projects could be scheduled depending on resource availability.

85
86 Pier Corp's Annual Maintenance Plan and Budget. Using the gradings, costs, classification and
87 priorities of individual projects, Pier Corp staff will each year outline a maintenance plan using a five
88 year rolling planning horizon. The plan will spell out the maintenance projects to be undertaken in
89 each year and the total estimated cost of each project to include materials, outside contractors, and
90 labor. For those projects to be undertaken in the next operating year, the month-by-month
91 schedule of the projects will be estimated so that staffing can be matched to total maintenance
92 requirements for that year.

93
94 The consolidation of maintenance project costs for materials and outside contractors will become
95 the annual maintenance budget line item in Pier Corp's financial plan. Itemized labor cost estimates
96 for each project will be included in the annual personnel budgets of Pier Corp.

97 98 Timing of the FMP Planning Process and Integration with the Town's CIP.

99
100 The process used to develop the long range FMP and annual Maintenance Plans and Budget will also
101 yield future requirements for major capital asset replacement and/or refurbishment programs.
102 Funding of these programs will normally be the responsibility of the town, although in some
103 instances grant monies may be available from the state or federal government. Pier Corp's role will
104 be to identify project priorities and resource requirements and advise the town on options available
105 for implementation. If grant funding is available, Pier Corp will assist the town in grant proposal
106 development and submission.

107
108 Because the town begins development of its CIP budgets in late September each year, the Pier Corp
109 staff must complete its annual FMP revisions prior to consideration of the CIP by the Board of
110 Selectmen. This means the annual engineering surveys must be completed each year sometime
111 during August.

112
113 Once the Selectmen have defined pier projects to be included in the CIP, Pier Corp staff will begin
114 development of the budget for preventive maintenance for the next operating year. Pier Corp's
115 annual maintenance plans and budgets will be finalized during December each year.

116 117 Pier Corp Capital Budget.

118
119 Pier Corp's capital budget will be prepared annually to plan, justify and fund the acquisition of new
120 assets required to conduct of its business. Normally, items included in the capital budget will be
121 physical assets having a useful life of more than one year (e.g. a new hydraulic pack for the barge,
122 new ice machine compressor). Also included will be small asset or facilities additions to the Pier
123 (e.g. building new Trap Sheds, radar speed display). Assets that are expected to be acquired via
124 grant funding should also be included in the capital budget (e.g., security camera system).



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

5A

BOARD OF SELECTMEN APPOINTMENT

Board of Health

Requested by: Town Clerk Doug Johnstone

Action Sought: **Approval**

Proposed Motion(s)

Move that the Board of Selectmen vote to appoint Fred Latasa-Nicks as an alternate member to the Board of Health with a term to expire on December 31, 2018.

Additional Information

See attached application.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: Fred Latasa-Nicks

Please type or print

Resident Address: 14 Brewster Street Provincetown, MA 02657

Mailing Address (if different): _____

Telephone #: 917.689.0311 Work # (____) _____

Email address: fred@latasanicks.com

Please consider this as my application for [] membership [] reappointment on the following Town Board(s). (Please list order of preference.)

1. Board of Health

2. _____

3. _____

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

Founding member and 15 year senior executive with WebMD, the largest source of health information, tools for managing consumer health, and support. Roles at WebMD included Editorial Director and SVP of Marketing. Extensive understanding of Change Behavior Modeling, Consumer Health Behavior (chronic and acute), Public Health Literacy, Mobile Application Development and Online Learning. Additional experience include: BS in Psychology, Graduate work in Public Relations and Journalism; also, 10 year exp in Consumer Trade and Reference book publishing - editor and art director (Simon & Schuster, Prentice Hall Press, Abbeyville Press, Country Inns Magazine and Digital Diner)

I hereby certify that I am a resident of the Town of Provincetown.

Signature of Applicant

1/20/16

Date

TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

Town Clerk Certification: Applicant is a registered voter:

Yes No

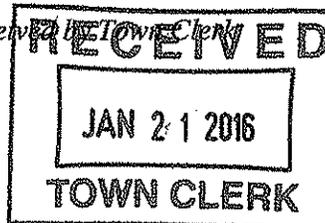
Name of Town Clerk

This application will remain on file in the Town Clerk's Office for 364 days from the date received.

Application Termination Date: 1-20-17

Date Received by Board of Selectmen

Date Received by Town Clerk



Board of Health			<i>Appointing Auth</i>	
	First	Last	Position	Term End
1	Stephen	Katsurinis	Regular	12/31/18
2	Elizabeth	Williams, Clerk	Regular	12/31/16
3	Janet	Whelan	Regular	12/31/16
4	Elise	Cozzi	Regular	12/31/17
5	Mark	Phillips, Chair	Regular	12/31/17
Alt	Joseph	Freitas	Alternate	12/31/18
Alt	Vacant		Alternate	12/31/18

*F. Watasa-Nicks **



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

6A

SELECTMEN'S POLICY STATEMENT 2016-01-25A

Curb Cut

Requested by: Asst. Town Manager David Gardner

Action Sought: Discussion/Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to approve Policy Statement 2016-01-25A as drafted.

Additional Information

See attached amendments to the existing policy statement regarding the Curb Cut Permit Guidelines and Procedures.

The amendments are proposed as an update to the guidelines, and are intended to address the inclusion of gates and pedestrians ways into the consideration.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

Policy Statement

~~2010-05-10~~ 2016-01-25A

Curb Cut Permit Guidelines and Procedures

These procedures are to be used in conjunction with the Provincetown General Bylaws Section 11-6-2 Curb Cuts:

No person shall break or dig up the ground or surface of a town or public way or sidewalk, to create a new access way to any property which would alter existing parking and traffic patterns, without the express permission of the Board of Selectmen after a duly advertised hearing.

A curb cut permit shall be required for any new parking space or driveway with access from a public road that can not clearly demonstrate having previously existed on a plan recognized by the Planning Board or on file with the Barnstable County Registry of Deeds. It may also include any pedestrian walkway or gate if it is determined that the walkway or gate would impact or alter existing parking and traffic patterns in the public way or negatively impact public safety within the public way.

The intent of a curb cut permit is: 1) to protect the edge of the roadway pavement and prevent debris from entering the road; 2) to allow for proper or improved stormwater drainage; and 3) to ensure adequate public safety and access for both vehicles and pedestrians within the public right-of-way.

Pursuant to Zoning Bylaw, a *parking space shall mean a space adequate to park a standard automobile, plus means of access and shall be not less than 8' x 18'.*

Evaluation Criteria:

- The Selectmen shall review curb cut requests to ensure that the location of any curb cut or driveway is suitably located so as to preserve public safety and convenience.
- Where feasible, curb cuts should be avoided on Route 6.
- Where feasible, curb cuts should be favored on side streets over Bradford Street and Commercial Street or other high traffic streets or congested areas.
- Curb cuts should accommodate a legal parking space outside of the public right-of-way and have sufficient backup clearing to avoid disruption to existing traffic patterns and public safety.
- Curb cuts should ensure sufficient sight lines for backup into traffic and pedestrian ways.
- Curb cuts should be considered in relation to existing on-street parking patterns and should not reduce the number of available parking spaces.
- Curb cuts should not exceed 18 feet in width except to meet a roadway standard.
- Curb cuts or driveways should not be permitted that increase stormwater flow onto any public sidewalk or way without drainage systems that adequately mitigate stormwater incorporated into the design.

Curb cuts shall be reviewed on a case by case basis and shall not be considered precedent setting.

Curb cuts that serve a project requiring site plan review shall meet the minimum standard as set forth by the Planning Board and approved by the Fire Chief.

Fee:

A curb cut request shall be accompanied by a fee of \$200.00. The fee is based on the cost of Town staff to review and evaluate the requests and the cost associated with the public hearing.

Application Procedure:

Step 1: Applicant requests an abutters' list from the Assessor's Office.

Step 2: Curb Cut Application is filed with the Department of Community Development and must be accompanied by:

- Abutters list provided by the Assessor's Department
- Certified to-scale plot plan indicating both the existing or proposed conditions identifying the actual location of the proposed curb cut and abutting areas (including all structures, trees, landscaping, fences, power poles, utility equipment, Title V septic system, propane or oil tanks).
- Any supporting documentation provided by the applicant (letters of support from abutters, pictures, etc.)

Step 3: Once the application is deemed complete, the Permit Coordinator will schedule a public hearing with the Selectmen's Secretary.

Step 4: The Permit Coordinator will prepare a legal notice that will be posted in the Town Hall and printed in the newspaper not less than fourteen (14) days prior to the public hearing. ~~This legal notice will be provided to the applicant. The applicant must.~~ The Secretary will mail the notice to abutters ~~via certified mail~~ not less than fourteen (14) days prior to the public hearing. ~~Applicant shall retain return receipts of the certified mail to abutters, and shall present them to the Board of Selectmen at the public hearing.~~

Step 5. Prior to the public hearing, the Permit Coordinator will distribute individual copies of the application and plans to the Assistant Town Manager, Chief of Police, DPW Director, Fire Chief, Building Commissioner and Town Planner for their review and comments.

Step 6. The applicant or his/her representative must be present at the public hearing. Public input in support of and in opposition to the application will be heard at the hearing.

Step 7. The Selectmen reserve the right to alter the proposed layout or place conditions on the approval of any curb cut request at the public hearing. The Permit Coordinator will forward a letter the approved permit with conditions confirming the motion and vote of the Board of Selectmen to the applicant.

Step 8. Once the curb cut and driveway are installed, the applicant shall schedule a final inspection with Local Building Inspector.

Adopted

In favor:

Opposed:

Curb Cut Application

Location: _____	Parcel Number: _____
Applicant: _____	Property Owner: _____
Applicants Mailing Address: _____	
Applicant's Phone number: _____	email: _____

Pursuant to General Bylaw Section 11-6-2, I hereby request permission of the Board of Selectmen to establish a curb cut as per the attached plans showing existing conditions and proposed curb cut: (Please attach certified to-scale plot plan showing existing conditions, the actual location of the proposed curb cut , and the immediate area, including nearest adjacent curb cuts, public parking spaces, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also Include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.)

Applicant's signature

Date

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: _____



TOWN OF PROVINCETOWN
Community Development Department
260 Commercial Street, Provincetown MA 02657
Phone: 508 487-7020 Fax: 508 487-0032

CURB CUT PERMIT

Location: _____
Applicant: _____
Applicants Mailing Address: _____
Applicant's Phone number: _____ Applicant's Email: _____

This Curb Cut Permit is issued pursuant to Provincetown General Bylaws Section 11-6-2 and in accordance with Board of Selectmen Policy Statement 2016-01-25A.

The Board of Selectmen held a public hearing on _____ and approved your Curb Cut request with the following conditions:

1. The applicant shall grade and place erosion control devices as needed to prevent storm water and debris from flowing onto the Town road and into drainage structures during construction.
2. Upon Completion of the project, the applicant shall ensure that the edge of the paved road is supported and not undermined and that disturbed areas are restored and/or re-vegetated. Any construction damage to the Town road shall be repaired by the applicant.
3. Dig-safe must be contacted as required by state law.
4. Contact the Police Department at 508-487-1212 if a police detail will be required for work within the right-of-way.
5. Other: _____

Board of Selectmen:

_____	_____
_____	_____

All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified above. These plans and specifications are incorporated into the conditions of this permit.

This permit is granted upon the condition that the work authorized herein is commenced within one year after the date of the approval noted above. If the work authorized by this permit is not commenced within one year or if such work is suspended in significant part for a period of one year after the time the work is commenced, this permit shall expire and be of no further effect; provided that, for reasonable cause, one or more extensions of time, for periods not exceeding ninety days each, may be allowed. Such authorization shall be provided in writing by the Building Commissioner.

Final Inspection Sign-off: _____ Date: _____
--



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

Monday, January 25, 2016

6B

SELECTMEN'S POLICY STATEMENT 2016-01-25B

License Agreement – Permitted Improvements within the Public Way – Guidelines and Procedures

Requested by: Asst. Town Manager David Gardner

Action Sought: Discussion/Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to approve Policy Statement 2016-01-25B as drafted.

Additional Information

See attached draft policy statement regarding the guidelines and procedures for consideration of license agreements for improvements within the public way.

As Commissioners of the Public Way, the Board of Selectmen has the authority to grant permission to private property owners to install improvements within the public way subject to a license agreement and conditions.

This policy defines guidelines and procedures for the consideration of such request.

Having a policy in place would allow the Town the ability to evaluate these requests and condition those improvements through the license process.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

Policy Statement

2016-01-26B

License Agreement - Permitted Improvements within the Public Way - Guidelines and Procedures

These procedures are established by the Board of Selectmen as Commissioners of the Public Way.

A license shall be required for any improvement that encroaches within the public way.

The intent of a License Agreement is to protect the integrity of the public way and prevent unauthorized encroachments so as to ensure adequate public safety and access for both vehicles and pedestrians within the public right-of-way.

Evaluation Criteria:

- The Selectmen shall review license requests to ensure that the location of any improvement is suitably located so as to preserve public safety and convenience.
- Where feasible, any improvement should be considered in relation to existing on-street traffic patterns for vehicles, bikes and pedestrians
- Where feasible, any improvement should ensure sufficient sight lines for backup into traffic and pedestrian ways.
- Where feasible, any improvement should preserve public parking within the public way.
- Where feasible, any improvement should be designed to adequately mitigate stormwater flow into or within the public way.

Improvements shall be reviewed on a case by case basis and shall not be considered precedent setting.

Improvements that serve a project requiring site plan review shall meet the minimum standard as set forth by the Planning Board and approved by the Public Works Director or Fire Chief as applicable.

Fee: A License request shall be accompanied by a fee of \$100.00. The fee is based on the cost of staff to review and evaluate the requests and the cost associated with the administering the license.

Application Procedure:

Step 1: Application is filed with the Community Development Department and must be accompanied by:

1. Certified to-scale plot plan indicating both the existing or proposed conditions identifying the actual location of the proposed improvement and abutting areas (including all structures, trees, landscaping, fences, power poles, utility equipment, Title V septic system, propane or oil tanks).
2. Any supporting documentation provided by the applicant

Step 2: Once the application is deemed complete, the Permit Coordinator will schedule a meeting with the Selectmen's Secretary.

- Step 3:** Prior to the meeting, the Permit Coordinator will distribute individual copies of the application and plans to the Assistant Town Manager, Chief of Police, DPW Director, Fire Chief, Building Commissioner and Town Planner for their review and comments.
- Step 4.** The applicant or his/her representative must be present at the meeting.
- Step 5.** The Selectmen reserve the right to alter the proposed layout or place conditions on the approval of any improvement request at the meeting. The Permit Coordinator will forward the approved license with conditions confirming the motion and vote of the Board of Selectmen to the applicant.
- Step 6.** Once the improvements are installed, the applicant shall schedule a final inspection with Local Building Inspector.

Adopted
In favor:
Opposed:

Improvement within the Public Way Requiring a License Agreement Application

Location: _____
Applicant: _____
Applicants Mailing Address: _____
Applicant's Phone number: _____ email: _____

Pursuant to General Bylaw Section 11-6, I hereby request permission of the Board of Selectmen to install improvements within the public way.

Please attach certified to-scale plot plan showing existing conditions in the immediate area as well as the proposed improvements, including any adjacent public parking spaces or curb cuts, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also Include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.

Applicant's signature

Date

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: _____



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

6C

License Agreement

281 Commercial Street – Awning within the Public Way

Requested by: Asst. Town Manager David Gardner

Action Sought: Discussion/Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to approve the request by Mark Birnbaum to install an awning at 281 Commercial Street which will encroach into the public way of Ryder Street pursuant to the attached license agreement.

Additional Information

See attached draft license agreement along with proposed site plan and elevations and details of the awning. The draft license agreement was approved to form by town counsel.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

Commissioners of the Public Way
Town Hall
Provincetown, MA, 02657

Mark Birnbaum
POB 387
N. Truro, MA, 02652

Paul Endich
POB 461
Provincetown, MA, 02557

Dear Commissioners:

11/26/15

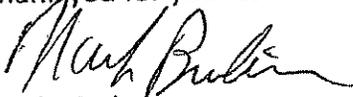
We are writing you to request permission to put up a temporary awning over the Town Way on Ryder ST. Extension, bordering 281 Commercial St. At present, there is a pre-existing non-conforming roof over the sidewalk on one of the stores. We have been before the Historic Review twice and they have approved a similar roof along Ryder St and wrapping around the corner to the front of the building. We have subsequently found out that the Town owns the sidewalk on the Ryder St. side and we could not put up a permanent structure. We have then asked to put up an awning, which is considered a temporary structure. Over the years, every store on Ryder St. had awnings, which were taken down in the 1990's and never replaced. Not only did they protect pedestrians in the rain, they created much need shade for the store windows in the heat of the Western sun during summer months.

The former owner of the building, Abe Saada, told me that when the Town made the Parking Lot, he gave them the sidewalks. Although we have not researched the old deeds, I do believe he did give the town land, to put in a sidewalk and parking spaces. The result is now that the sidewalk runs up against the building, which now constitutes the lot line, even though the soffit of original building, built in 1890, projects over that sidewalk.

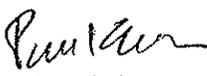
We feel that a covered walkway would provide protection for pedestrians, much needed shade from the sun, energy conservation, and lighting in the evening. Also, by replicating the look that the Historic commission has already approved, create a much enhanced look to the building. It would adhere to the requirements of the Chapter 32 paragraph 3202.2.3 of the Building Code, which is entitled 'Encroachments into the Public Right-Of-Way'.

We feel that this proposal does provide a desirable relief both to the occupants of the stores and the public, and that it does not create a substantial detriment to the public good. And, in fact, would be an enhancement of the Public Good does conform to the intent and purpose of the Zoning by-law.

Thank you for your consideration.


Mark Birnbaum

Date 12/14/15


Paul Endich

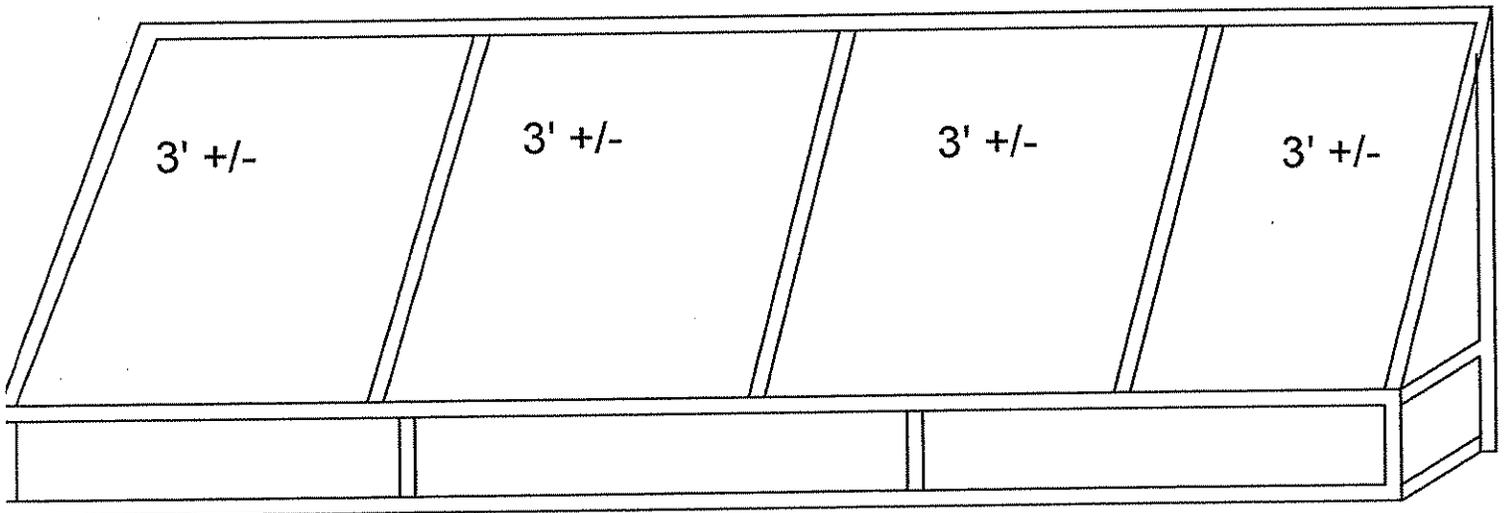
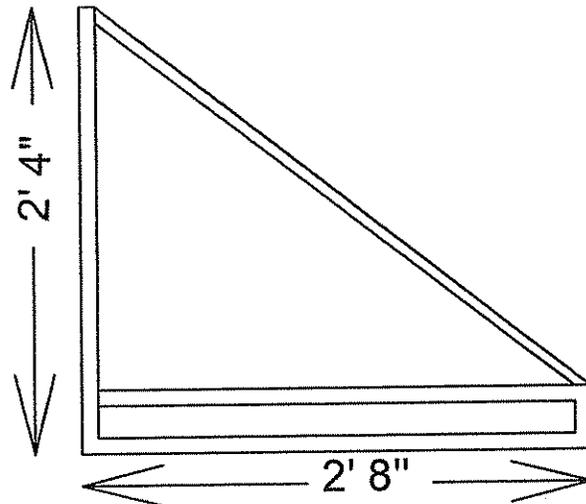
Date 12/16/15

The proposed awning would run along the whole building on Ryder St. Ext., for a total of 66 feet. It would not wrap around the corner, as pictured in the rendering of the solid roof as approved by the Historic Committee. It would also run along the front of the building for about 20 feet.

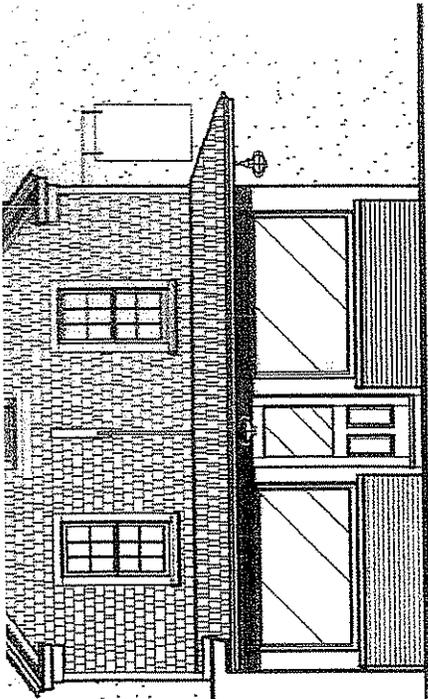
The elevation of lowest point would be 7 feet off the sidewalk. It would be 32" wide. The existing pre-existing, non-conforming roof which is presently attached is 36" will be taken down, if we get permission to put up the awning. If at all possible, we would like to make the new awning 4" wider than the allotted $\frac{2}{3}$ the distance of the sidewalk or 32", as 36" provides perfect shade in the summer for the display windows.

The awning would be constructed of Galvanized Steel Frames. Lower frames would be 1x2" and Side Rails and Rafters 1x1". The Fabric would be Firesist. See enclosed drawing and speck sheet on fabric. The Awning company will supply more detailed drawing for building permit.

1x1 Galvanized Steel Side Frame and Rafters



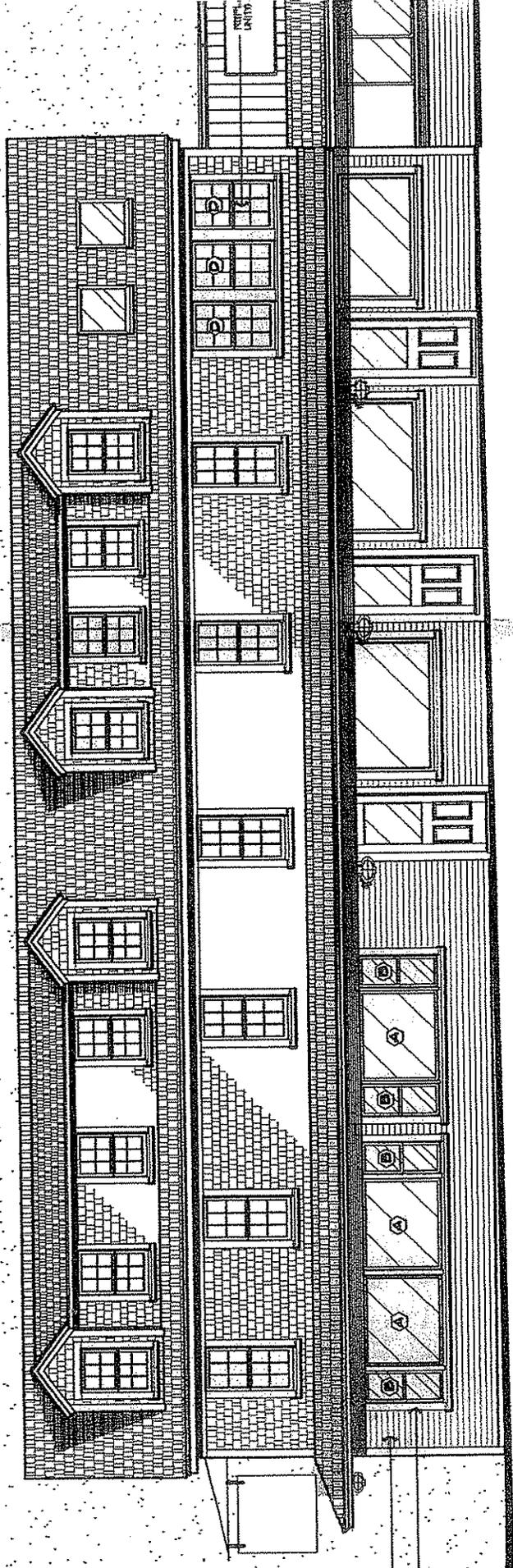
Fabrica Sumbrella Firesist
removable for off season



203 COMMERCIAL STREET
(NOT PART OF PROPOSAL)

PROPOSED NORTH ELEVATION

APPROVED BY HISTORIC COM. 2 JUNES
11/18/15



WEST ELEVATION WITH PROPOSED AMENDMENTS

201 COMMERCIAL STREET
PROVINCETOWN, MASSACHUSETTS

X



281
COMMERCIAL STREET
283
STREET

AREA
5,347± SF
(0.12± AC.)

RYDER STREET
AREA OF PROPOSED ADDING
STREET EXTENSION

FIRST FLOOR
EL. 10.7'

SLAB
EL. 10.2'

EXISTING BUILDINGS

281
FIRST FLOOR
EL. 10.8'

FIRST FLOOR
EL. 11.6'

FIRST FLOOR
EL. 11.8'

MATO'S

EXISTING STRUCTURE

EXISTING STRUCTURE

BENCHMARK
PK NAIL SET
EL. 11.4' NGVD

PROPOSED LEACH
1000 S.F. = 740
INVERT = EL. 9.7'
COVER = EL. 10.8'

ALLS NOT SHOWN EXCEED 200' FROM LOCUS SEWAGE.
ZONING AND UTILITY SETBACK DIMENSIONS PRIOR TO CONSTRUCTION.
PLAN IS FOR SEWAGE DESIGN ONLY AND IS NOT INTENDED TO BE A SURVEY PLOT PLAN.

FEL
ENGINEERING
P.O. BOX 13E
(508) 255-1

5

Improvement within the Public Way Requiring a License Agreement

Location:	281 COMMERCIAL STREET
Applicant:	MARK BIRNBAUM / PAUL ENDICH
Applicants Mailing Address:	PO BOX 387 N TRURO, MA 02652
Applicant's Phone number:	508-221-8052 email: _____

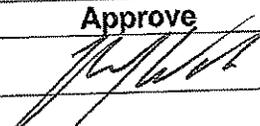
Pursuant to General Bylaw Section 11-6, I hereby request permission of the Board of Selectmen to install improvements within the public way.

Please attach certified to-scale plot plan showing existing conditions in the immediate area as well as the proposed improvements, including any adjacent public parking spaces or curb cuts, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.

Applicant's signature

Date

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			1/20/16
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: No portion of the awning shall overhang the sidewalk
a no portion shall be less than 7'-0" in clearance.

Improvement within the Public Way Requiring a License Agreement

Location:	281 COMMERCIAL STREET
Applicant:	MARK BIRNBAUM / PAUL ENDICH
Applicants Mailing Address:	PO BOX 387 N TRURO, MA 02652
Applicant's Phone number:	508-221-8052 email:

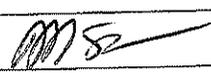
Pursuant to General Bylaw Section 11-6, I hereby request permission of the Board of Selectmen to install improvements within the public way.

Please attach certified to-scale plot plan showing existing conditions in the immediate area as well as the proposed improvements, including any adjacent public parking spaces or curb cuts, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.

Applicant's signature

Date

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			01/20/2016
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: _____

7

Improvement within the Public Way Requiring a License Agreement

Location:	281 COMMERCIAL STREET
Applicant:	MARK BIRNBAUM / PAUL ENDICH
Applicants Mailing Address:	PO BOX 387 N TRURO, MA 02652
Applicant's Phone number:	508-221-8052 email: _____

Pursuant to General Bylaw Section 11-6, I hereby request permission of the Board of Selectmen to install improvements within the public way.

Please attach certified to-scale plot plan showing existing conditions in the immediate area as well as the proposed improvements, including any adjacent public parking spaces or curb cuts, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.

Applicant's signature

Date

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief	OK <i>[Signature]</i>		07/21/2016
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: _____

Improvement within the Public Way Requiring a License Agreement

Location:	281 COMMERCIAL STREET		
Applicant:	MARK BIRNBAUM / PAUL ENDICH		
Applicants Mailing Address:	PO BOX 387 N TRURO, MA 02652		
Applicant's Phone number:	508-221-8052	email:	

Pursuant to General Bylaw Section 11-6, I hereby request permission of the Board of Selectmen to install improvements within the public way.

Please attach certified to-scale plot plan showing existing conditions in the immediate area as well as the proposed improvements, including any adjacent public parking spaces or curb cuts, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.

Applicant's signature _____ Date

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner	✓ Howard		15 January 2016
Town Planner			
Assistant Town Manager			

Comments: Howard - application meets 780 CMR MASSACHUSETTS STATE Bldg Code Chap 32E.33 1B.

9

Improvement within the Public Way Requiring a License Agreement

Location:	281 COMMERCIAL STREET		
Applicant:	MARK BIRNBAUM / PAUL ENDICH		
Applicants Mailing Address:	PO BOX 307 N TRURO, MA 02652		
Applicant's Phone number:	508-221-8052	email:	

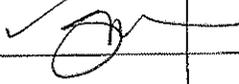
Pursuant to General Bylaw Section 11-6, I hereby request permission of the Board of Selectmen to install improvements within the public way.

Please attach certified to-scale plot plan showing existing conditions in the immediate area as well as the proposed improvements, including any adjacent public parking spaces or curb cuts, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.

Applicant's signature

Date

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			1-21-16
Assistant Town Manager			

Comments: _____

10

Improvement within the Public Way Requiring a License Agreement

Location:	281 COMMERCIAL STREET
Applicant:	MARK BIRNBAUM / PAUL ENDICH
Applicants Mailing Address:	PO BOX 387 N TRURO, MA 02652
Applicant's Phone number:	508-221-8052 email: _____

Pursuant to General Bylaw Section 11-6, I hereby request permission of the Board of Selectmen to install improvements within the public way.

Please attach certified to-scale plot plan showing existing conditions in the immediate area as well as the proposed improvements, including any adjacent public parking spaces or curb cuts, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.

Applicant's signature

Date

For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager	Egardner		1.15.16

Comments: APPROVED SUBJECT TO LICENSING AGREEMENT

LICENSE AGREEMENT
PERMITTED WORK IN THE PUBLIC WAY

This License Agreement (this "License") is entered into on January 25, 2016 between Town of Provincetown ("Town"), of 260 Commercial St, Provincetown, Massachusetts 02657 and MOPEX Mark Birnbaum, Trustee, of P O Box 387, N. Truro, Massachusetts 02652 ("Licensee").

Whereas, Licensee owns/operates property located at 281 Commercial Street, Provincetown ("Licensee's Property");

Whereas, Licensee's Property abuts Ryder Street Extension, a Town way;

Whereas, Licensee requests the Town's to allow Licensee to maintain an awning ("Permitted Work") which extends over the sidewalk within the right of way of Ryder Street Extension, as shown on the sketch plan attached hereto as Exhibit A (the "License Premises"), and the Town is amenable to granting such license.

Now, therefore, the Town grants Licensee a license to use the License Premises to install and maintain an awning attached to 281 Commercial Street as shown on Exhibit A, Licensee agrees to use said License Premises in compliance with, the following terms and conditions:

1. *Use, Purpose, Term.* Entry and use are non-exclusive, are limited to the License Premises, and are granted to Licensee and its contractors, employees and agents, for the sole purpose of installing and maintaining an awning at the License Premises as depicted on Exhibit A and as it presently exists in the right of way for Ryder Street Extension (the "Permitted Use"). Such entry and use may be exercised from January 25, 2016 (the "Commencement Date") and shall continue unless terminated in accordance with this License.

2. *License Fee.* The consideration for this License shall be a fee of \$100.

3. *Use of Premises.* Licensee shall maintain the Licensed Premises **only** as permitted. Licensee shall not make any alterations or improvements upon the License Area except to undertake the Permitted Use. Licensee shall at all times conduct itself so as not to interfere in any way with the operation of the Property or Property by the Licensor.

Licensee shall comply with any and all applicable laws, rules and regulations and with the Town's rules and regulations, including the signs regulations within the Zoning Bylaw. In the event Licensee fails to comply with its obligations to maintain the License Premises and such failure is not cured within seven (7) days from the date that the notifies Licensee of the same in writing, the Town may, at its sole option, access the License Premises and perform or cause to perform all maintenance of the License Premises deemed reasonably necessary, in its sole discretion, and Licensee shall

reimburse the Town for all reasonable costs and expenses incurred by the Town therefor. Licensee shall promptly repair, and restore to any damage to Ryder Street Extension, including the License Premises, and/or any improvements thereon caused by or arising directly or indirectly due to the acts or omissions of Licensee, its contractors, employees, agents, invitees or persons acting by or through Licensee (with Licensee, the "Licensee Parties"), at its sole cost and expense. The provisions of this Section shall survive the termination of this License.

4. *Insurance.* Licensee shall obtain and maintain during the term of this License and for so long as Licensee uses or occupies the License Premises, at its sole cost and expense, comprehensive general liability insurance with a minimum coverage amount of \$1,000,000 per occurrence and \$2,000,000 aggregate with respect to loss of life, bodily or personal injury, and damage to property. Licensee shall choose an insurer licensed in Massachusetts having an A or better financial rating from a recognized insurance accreditation institution (such as A.M. Best Company). The Town shall be named as an additional insured on all such policies, and Licensee shall provide for a thirty (30) day written notification to the Town in the event of cancellation or modification of the policy or policies. Licensee shall provide the Town with certificates of insurance prior to entering the Premises for any reason, and annually, on the anniversary of the Commencement Date and at such other times as the Town may reasonably require.

5. *Indemnification.* Licensee shall defend, indemnify, and hold harmless the Town, its agents, employees, and representatives from and against any and all claims, demands, liabilities, expenses, suits, actions, costs, judgments, whatsoever, including reasonable attorneys' fees, which may be imposed upon, incurred by, or asserted against the Town, its agents, employees and representatives by reason of, or in consequence of (a) any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee under this License, (b) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, fault, negligence or misconduct of any of the Licensee Parties on or about the License Premises or relating in any way to Licensee's exercise of its rights hereunder, or (c) arising or related to a breach of the provisions of Section 6 (including, without limitation, any and all liabilities, clean-up costs and penalties). The provisions of this Section shall survive the termination of this License.

6. *Hazardous Materials.* Licensee shall strictly comply with all environmental laws affecting the License Premises and shall not bring, place, store, release or otherwise dispose of at or near the License Premises any oil, hazardous materials, hazardous substances, and/or toxic substances as such terms may be used or defined under federal, state or local law under any existing or future arising statutory or common law, including but not limited to Comprehensive Environmental, Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c. 21E, and all applicable rules and regulations promulgated thereunder (collectively, the "Hazardous Materials").

7. *Risk of Loss.* Licensee accepts the License Premises in its AS-IS condition, and agrees that to use the License Premises at its own sole risk, without any representations or warranties, express or implied. The Town shall not be responsible for the condition of the License Premises, including, without limitation, the security thereof, and shall not be liable to Licensee or any of the other Licensee Parties for any injury or death to persons entering the License Premises pursuant to this License, or loss or damage to vehicles, equipment or other personal property of any of the Licensee Parties that are brought upon the License Premises pursuant to this License, except if caused directly by gross negligence of the Town or its agents, employees, or representatives. The provisions of this Section shall survive the termination of this License.

8. *Termination.* This License may be revoked by either party for any reason upon at least thirty (30) days prior written notice to the other. Notwithstanding the foregoing, the Town shall have the right to terminate this License upon five (5) days' notice to Licensee if Licensee fails to comply with the terms of this License. Upon the termination of this License, Licensee shall promptly remove the awning from the Licensed Premises and any and all other improvements made to the License Premises, repair any damage caused thereto, and restore the License Premises to their condition prior to the installation of the improvement, all at Licensee's sole cost and expense; however, removal shall occur only after notice of the removal is given to the Director of the Town's Department of Public Works and under the Director's supervision or under the supervision of the Director's designee, so that any damage to the infrastructure within the right of way is safeguarded against. The provisions of this Section shall survive the expiration or termination of this License.

9. *Miscellaneous.*

(a) This License shall not be construed as creating or vesting in Licensee any estate in the License Premises, but only the limited right of use as hereinabove stated.

(b) This License contains the entire agreement of the parties and there are no other agreements or understandings between the parties regarding the subject matter of this License.

(c) Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

(d) Licensee is not authorized to bind or involve the Town in any contract or to incur any liability for or on the part of the Town.

(e) The Town reserves the right and Licensees shall permit the Town and its employees, contractors, agents and invitees to enter upon and use the Premises at any time for any and all purposes at Town's sole discretion, provided that Town's use shall not interfere unreasonably with Licensee's Permitted Uses.

(f) If any portion of this License is declared to be illegal, unenforceable or void, then all parties to this License shall be relieved of all obligations under that portion; provided, however, that the remainder of this License shall be enforced to the fullest extent permitted by law.

(g) The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.

(h) All appropriate terms and provisions relating to indemnification and the restoration of the property affected hereby, shall survive the expiration or termination of this License.

(i) This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

(j) The Licensee shall maintain the awning is a safe and acceptable condition throughout the period of the license agreement. It shall be required to replace or remove the awning if the Board of Selectmen declares the awning to not be maintained in an acceptable manner. Failure to maintain or replacement the awning within a reasonable period after such a determination shall be deemed cause to terminate the license.

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed and effective as of the date first above written.

Licensee

Licensor:
TOWN OF PROVINCETOWN,
By its Board of Selectmen

Mark Birnbaum, Trustee

525332/PROV/0001

15



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

6D

6 Sandy Hill Lane, Unit #4

Refinance Request

Requested by: Housing Specialist Michelle Jarusiewicz 1/19/16

Action sought: Authorization

Proposed Motion(s)

MOVE that the Board of Selectmen vote to approve the refinance request for 6 Sandy Hill Lane, Unit #4 by Daniel P. DeGruttola, Jr., Provincetown, and any and all other documents necessary or convenient to accomplish the foregoing, and that Chairman Thomas Donegan may sign on behalf of the Board of Selectmen.

Additional Information

See attached request and memo. The Housing Specialist recommends approval.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Memo

To: Board of Selectmen, Town Manager David Panagore
From: Michelle Jarusiewicz, Community Housing Specialist
Date: January 19, 2016
Re: Refinance Request 6 Sandy Hill Lane Unit #4

The owner of a median income condominium that is deed restricted as part of the Sandy Hill Lane development has requested approval for refinancing. Refinancing requires approval from the Town in accordance with the deed restriction. The refinancing will provide the owner a reduced interest rate.

I recommend approval of the request as it meets the standards for such including term, rate, and total amount to be refinanced is well within the value.

Owner: Daniel DeGruttola, Jr.
6 Sandy Hill Lane Unit #4

Purchased: 10/17/08 for \$155,000; deed restriction for 99 years through 2107.

Refinance amount: \$114,000 for 15 years fixed at 3.5%

Appraised value: \$290,000 [9/26/15] and FY '15 assessed value \$158,000

If sold today in accordance with the formula in the deed restriction, the maximum resale price would be \$169,433.

I have attached the request to refinance from the owner and the information from the bank including appraisal. Please let me know if you have any questions.

December 08, 2015.

To whom it may concern:

I am requesting approval from the Provincetown Community Housing Council to refinance my deed-restricted property at 6 Sandy Hill Lane, Unit 4, Provincetown, MA with Cape Cod Five Cents Savings Bank at PO Box 10, Orleans, MA in order to obtain a lower mortgage interest rate. The loan amount is \$114,000.00 and the closing attorney is Karen R DePalma of 2 Harry Kemp Way, Provincetown, MA. Her contact number is 508-487-3727.

If there are any questions, please contact me at 617-838-3221.

Sincerely,



Daniel P DeGruttola, Jr.

Town of Provincetown



Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Facsimile (508) 487-9560
Telephone (508) 487-7000

Consent of Town of Provincetown to Refinance

The Town of Provincetown hereby consents to allow Daniel P. DeGruttola, Jr. to refinance his property at 6 Sandy Hill Lane Unit #4 for \$114,000 for 15 years in accordance with Section 4 of a deed restriction imposed by the Town of Provincetown recorded on 10/17/2008, at Barnstable County Registry of Deeds, Book #23218, Page 192. See attached Vote of Selectman.

Provided, however that nothing contained in this written consent shall be deemed to modify or amend any of the terms and conditions of the original restriction or affect its standing.

By: Thomas Donegan, Chairman
Provincetown Board of Selectmen

Date

Commonwealth of Massachusetts
County of Barnstable

On this ___ day of January, 2016 before me, the undersigned notary public, personally appeared Thomas Donegan, Chairman as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and who swore and affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it as his free act and deed.

Notary Public,
My commission expires:



Fax

To: Jasmine Hadley **From:** Seamen's Bank Loan Servicing

Fax: 508-487-3604 **Pages:**

Phone: 508-487-3727 **Date:** 12/28/15

Re: DeGruttola **Phone** 508-487-0033 (FAX) 774-638-3770

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

Account Name(s): Daniel P. Degruttola Jr.

Payoff information follows for property location: 6 Sandy Hill Lane, Unit 4, Provincetown, MA 02657

Account No.: 29244/101

Current principal: \$107,992.13

Daily accrual of \$18.3736

Interest: \$1,103.07

Late charges: 0.00

Total payoff: \$109,095.20

Payoff Date as of: January 31, 2016

IF PAID AFTER *January 16, 2016* ADD LATE FEE OF \$25.43.

Please be advised Seamen's Bank will prepare the discharge documents; however, you are responsible for recording the discharge. But if you prefer for us to record the discharge, please be advised you must include \$76.00 recording fee.

Please forward payoff to:
Seamen's Bank
Attn: Loan Department
346 Route 6
P.O. Box 74
North Truro, MA 02652

CONFIDENTIALITY NOTE

The information contained in this facsimile message and attachment is privileged and confidential information intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, dissemination or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you.

H

Daniel P Degruttola Jr
29244-101 Note - 30 Year Mortgage FTHB Fixed
Rate

Change Quote

Payoff Summary

Total payoff: 109,095.20
As of: 01/31/2016
Total daily accrual: 18.3736610

Payoff Detail

Current principal: 107,992.13
Interest to 01/31/2016: 1,103.07 Daily accrual of 18.3736610
Late charges: 0.00
Total payoff: 109,095.20

Excluded Balances

Escrow interest 0.04 Daily accrual of 0.0007874
Escrow balance 287.43

Note Information

Category: M - Mortgage Transactions allowed: - All transactions
TLC: No Teller activity: 0.00
Participation: No Quote issued: No

Interest type: S - Simple, in arrears Loan status: A - Accruing
Accrual basis: 3 - 30/360 Interest accrual: 496.7388559
Earn/rebate method: 1 - Accruing (simple interest) Interest paid to: 12/01/2015
Collateral description: 6 Sandy Hill Lane, Unit 4, Provincetown, MA 02657

5



Community Banking Since 1855

P.O. Box 10, Orleans, MA 02653-0010
(508) 240-0555

MORTGAGE LOAN COMMITMENT

DECEMBER 23, 2015

Daniel Patrick DeGruttola JR
6 Sandy Hill Lane, Unit 4
Provincetown, Massachusetts 02657

Dear Borrower(s):

We are pleased to inform you that your application for a residential mortgage loan has been approved subject to the terms and conditions contained in this commitment letter. This Commitment is effective for thirty (30) days from the date of this letter or your rate lock expiration date as shown below, and must be signed by all Borrowers and returned to us within ten (10) calendar days from the date of this letter.

The terms of your mortgage loan commitment are as follows:

Subject Property: 6 Sandy Hill Lane Unit #4, Provincetown, Massachusetts 02657	
Purchase Price:	
Loan Amount: \$114,000.00	
Loan Type: Conventional	
Loan Product: Retained - 15 YRFXD Conforming - Portfolio	
Interest Rate: 3.500%	Rate Lock Expiration: FEBRUARY 9, 2016
Points: 0.000%	Term: 180 Mos
P & I Payment: \$614.97	Loan-to-Value: 39.310%

Should your loan close after your rate lock expiration date, your interest rate will be the higher of either your expired interest rate or the interest rate in effect fourteen (14) business days prior to your scheduled loan closing.

LENDER CLOSING ATTORNEY

The closing attorney we have assigned to your loan closing, on our behalf, is indicated below. You may wish to obtain an attorney to protect your interest with regard to this transaction.

Karen DePalma
2 Harry Kemp Way
Provincetown, Massachusetts 02657
(508) 487-3727



6

Conditions which must be fulfilled and reviewed to the satisfaction of The Cape Cod Five Cents Savings Bank are listed below. All conditions must be completely satisfied prior to closing.

Borrower(s) to provide:

- Please provide evidence of a hazard/homeowners insurance with coverage in the amount of full replacement cost as determined by the property insurer, showing yearly premium naming us as first mortgagee with a mortgagee clause in favor of The Cape Cod Five Cents Savings Bank, its successor and/or assigns, as their interests may appear. Attention: Insurance Servicing Department, P.O. Box 5241, Norwell, MA 02061. For MassHousing loans, the deductible requirement on hazard/homeowners insurance may not exceed \$2,500.00 for all 1-4 family units. For Guaranteed Rural Housing loans, the deductible requirement on hazard/homeowners insurance may not exceed \$1,000.00.
- Subject to Bank Closing Attorney obtaining Town approval of the refinance.

7

Cape Cod Five to obtain:

- 4506-T (Request for Tax return) must be executed at closing.
- Satisfactory receipt of all third party verifications of income are required.
- Satisfactory verbal verification of employment is required within 10 days of closing.
- Borrowers have the responsibility to provide accurate and complete information regarding their loan application and to inform the bank of any changes to their employment, income, existing or new debt obligations during the loan application process, including the time from approval until loan closing.
- The Bank is required to account for any change in circumstances. If new and/or additional debts or obligations are identified prior to closing the mortgage loan, The Cape Cod Five Cents Savings Bank will be required to re-underwrite the application to assess whether or not loan program qualification requirements are met. The Cape Cod Five Cents Savings Bank reserves the right to amend or rescind its loan approval based on the re-underwriting results.
- This commitment is subject to title which is free and clear of all encumbrances, except those approved by us and is, in the opinion of our counsel, a good and clear record and marketable title. We must be furnished with a mortgage policy of title insurance written in the amount of the mortgage loan. This policy will be obtained by our closing attorney at your expense.
- Cash back to borrower at closing cannot exceed 2% or \$2,000.00 whichever is less.
- You will have the right to cancel the transaction (rescind) during the first three (3) business days after closing. Please note that no funds may be disbursed during this period.
- Payoff and discharge of Seamen's Bank #2924400101 will be required at closing.
- Real Estate Tax Escrows - Monthly payments of real estate taxes will be required to cover the cost of annual real estate tax bills.

If you have any questions regarding any information contained in this commitment letter, please feel free to contact your Loan Officer, Barbara E Knapp
NMLS # 423206 or me at 1-800-678-1855. We appreciate you choosing The Cape Cod Five Cents Savings Bank for your financing needs.

Sincerely,

Jean Viola
Residential Mortgage Underwriter

I/We have read this commitment letter and agree to accept the terms stated.

Borrower Daniel Patrick DeGruttola Date Borrower Date
JR

Borrower Date Borrower Date

Borrower Date Borrower Date

9

**IMPORTANT NOTICE
REGARDING FLOOD
INSURANCE**

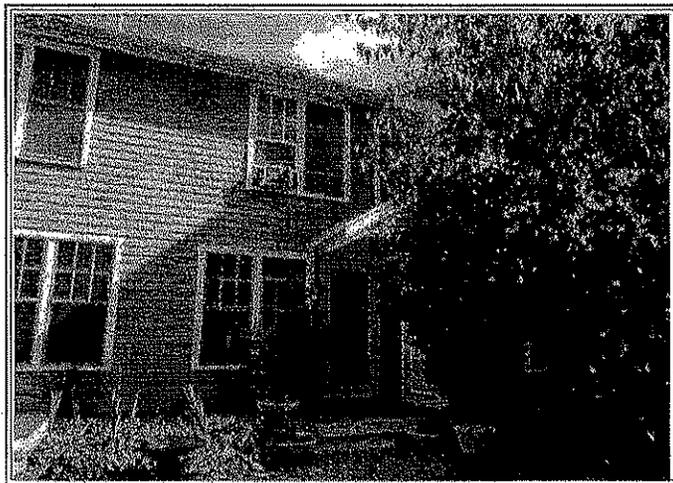
The Federal Emergency Management Agency (FEMA) is currently updating its flood maps in accordance with the Flood Insurance Reform Act of 2012. In some cases, this may affect a homeowner's flood insurance rates due to a FEMA map revision indicating that the property is now in a different flood zone than it is on previous maps. In addition, properties not currently in a flood zone may be also be impacted by the new map revisions.

Please note that flood insurance rates are set by FEMA and are the same regardless of what insurance company you purchase it from. Federal law mandates whether or not flood insurance is required, it is not a requirement set by The Cape Cod Five; however as a lender, we are mandated to ensure compliance with the regulatory requirements.

Additional information may be found at www.FloodSmart.gov, or by calling the National Flood Insurance Program Help Center at (800) 427-4661. Your insurance agent or current provider of homeowner's insurance may also be able to assist you.

10

APPRAISAL OF



A Residential Condominium

LOCATED AT:

6 Sandy Hill Lane
Provincetown, MA 02657

FOR:

Cape Cod Five
19 West Road
Orleans, MA 02653

BORROWER:

Daniel P. DeGruttola

AS OF:

September 26, 2015

BY:

Mary Galney
MA Cert. Res. Appraiser Lic. #4288

10/05/2015

Cape Cod Five
19 West Road
Orleans, MA 02653

File Number: 15091502RIS

Dear Cape Cod Five Cents Savings Bank:

In accordance with your request, I have appraised the real property at:

6 Sandy Hill Lane
Provincetown, MA 02657

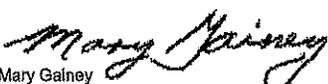
The purpose of this appraisal is to develop an opinion of the market value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the market value of the property as of September 26, 2015 is:

\$290,000
Two Hundred Ninety Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.

Very truly yours,


Mary Galney
MA Cert. Res. Appraiser Lic. #4288

Individual Condominium Unit Appraisal Report

File No. 15081602RIS

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address 6 Sandy Hill Lane Unit # 4 City Provincetown State MA Zip Code 02657
Owner Daniel P. DeGruttola
Legal Description Barnstable Cty Reg of Deeds Book-23218 Page-189 and Master Deed Book-22656 Page-202
Project Name Gullis Nest Condominium Phase # 1 Map Reference Plan 623-80 Census Tract 0101.00
Occupant [X] Owner [] Tenant [] Vacant [] Special Assessments \$ 0.00 HOA \$ 90 [] per year [X] per month
Property Rights Appraised [X] Fee Simple [] Leasehold [] Other (describe)
Assignment Type [] Purchase Transaction [X] Refinance Transaction [] Other (describe)
Lender/Client Cape Cod Five Address 19 West Road, Orleans, MA 02653
Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? [] Yes [X] No
Report data source(s) used, offering price(s), and date(s). CCIMLS

I [] did [] did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed.

Contract Price \$ Date of Contract Is the property seller the owner of public record? [] Yes [] No Data Source(s)
Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? [] Yes [] No
If Yes, report the total dollar amount and describe the items to be paid.

Table with columns: Location, Built-Up, Growth, Neighborhood Boundaries, Neighborhood Description, Market Conditions. Includes data for Urban/Suburban, Built-Up Over 75%, Growth Rapid/Stable, and Neighborhood Description See Addendum.

Topography Level Size 28852 SF Density Typical for Area View N, Res;
Specific Zoning Classification R3 Zoning Description 5,000 SF Minimum Lot Size
Zoning Compliance [X] Legal [] Legal Nonconforming - Do the zoning regulations permit rebuilding to current density? [X] Yes [] No
Is the highest and best use of the subject property as improved (or as proposed per plans and specifications) the present use? [X] Yes [] No If No, describe.

Utilities Public Other (describe) Water Public Other (describe) Off-site Improvements - Type Public Private
Electricity [X] Gas [X] Propane Sanitary Sewer [X] Private Septic Street Paved Alley None
FEMA Special Flood Hazard Area [] Yes [X] No FEMA Flood Zone CX FEMA Map # 25001C0112J FEMA Map Date 07/16/2014
Are the utilities and off-site improvements typical for the market area? [X] Yes [] No If No, describe.
Are there any adverse site conditions or external factors (assessments, encroachments, environmental conditions, land uses, etc.)? [] Yes [X] No If Yes, describe. Level site with good landscaping including stone driveway and stone parking areas.

Table with columns: # of Stories, Exterior Walls, # of Units, # of Phases, # of Elevators, Roof Surface, # of Units Completed, # of Units, # of Units For Sale, # of Units For Sale, Ratio (spaces/units), # of Units Sold, # of Units Sold, Year Built, Type, # of Units Rented, # of Units Rented, Effective Age, Guest Parking, # of Owner Occupied Units, # of Owner Occupied Units.

Project Primary Occupancy [X] Principal Residence [] Second Home or Recreational [] Tenant
Is the developer/builder in control of the Homeowners' Association (HOA)? [] Yes [X] No
Management Group - [X] Homeowners' Association [] Developer [] Management Agent - Provide name of management company.
Does any single entity (the same individual, investor group, corporation, etc.) own more than 10% of the total units in the project? [] Yes [X] No If Yes, describe
Was the project created by the conversion of an existing building(s) into a condominium? [] Yes [X] No If Yes, describe the original use and the date of conversion.
Are the units, common elements, and recreation facilities complete (including any planned rehabilitation for a condominium conversion)? [X] Yes [] No If No, describe
Is there any commercial space in the project? [] Yes [X] No If Yes, describe and indicate the overall percentage of the commercial space.

13

Individual Condominium Unit Appraisal Report

Describe the condition of the project and quality of construction. The subject project is average quality construction and the condition of the project is good. The condo project is one building with 12 units. The subject condo unit 4 is an interior unit. The project was built as a green building and is LEED certified. The green items include bamboo floors and solar panels on the roof for solar electric.

Describe the common elements and recreational facilities. Common elements consist of the grounds and walkways.

Are any common elements leased to or by the Homeowners' Association? Yes No If Yes, describe the rental terms and options.

Is the project subject to a ground rent? Yes No If Yes, \$ _____ per year (describe terms and conditions)

Are the parking facilities adequate for the project size and type? Yes No If No, describe and comment on the effect on value and marketability.

I did did not analyze the condominium project budget for the current year. Explain the results of the analysis of the budget (adequacy of fees, reserves, etc.), or why the analysis was not performed. The budget was not made available to the appraiser. Lender may wish to review.

Are there any other fees (other than regular HOA charges) for the use of the project facilities? Yes No If Yes, report the monthly facility charges and describe.

Compared to other competitive projects of similar quality and design, the subject unit charge appears High Average Low If High or Low, describe.

Are there any special or unusual characteristics of the project (based on the condominium documents, HOA meetings, or other information) known to the appraiser? Yes No If Yes, describe and explain the effect on value and marketability.

Unit Charge \$ 90.00 per month X 12 = \$ 1,080 per year Annual assessment charge per year per square foot of gross living area = \$ 2.49

Utilities included in the unit monthly assessment None Heat Air Conditioning Electricity Gas Water Sewer Cable Other (describe)

FEATURE/DESCRIPTION	INTERIOR	EXTERIOR	APPLIANCES	CONTRACT	REMARKS
Floor # <u>1st and 2nd</u>	Floors <u>Bamboo/Avg</u>	Fireplace(s) # <u>0</u>	<input checked="" type="checkbox"/> Refrigerator	<input type="checkbox"/> None	
# of Levels <u>2</u>	Walls <u>Drywall/Avg</u>	Woodstove(s) # <u>0</u>	<input checked="" type="checkbox"/> Range/Oven	<input type="checkbox"/> Garage <input type="checkbox"/> Covered <input checked="" type="checkbox"/> Open	
Heating Type <u>FHA</u> Fuel Gas	Trim/Finish <u>Wood/Painted/Avg</u>	<input checked="" type="checkbox"/> Deck/Patio Deck	<input type="checkbox"/> Disp <input type="checkbox"/> Microwave	# of Cars <u>1</u>	
<input type="checkbox"/> Central AC <input type="checkbox"/> Individual AC	Bath <u>Wainscot Tile/Avg</u>	Porch/Balcony <u>None</u>	<input checked="" type="checkbox"/> Dishwasher	<input checked="" type="checkbox"/> Assigned <input type="checkbox"/> Owned	
<input checked="" type="checkbox"/> Other (describe) <u>None</u>	Doors <u>Wood/Avg</u>	Other <u>None</u>	<input checked="" type="checkbox"/> Washer/Dryer	Parking Space # <u>1</u>	
Finished area above grade contains:	<u>2</u> Rooms	<u>1</u> Bedrooms	<u>1.0</u> Bath(s)	<u>433</u> Square Feet of Gross Living Area Above Grade	

Are the heating and cooling for the individual units separately metered? Yes No If No, describe and comment on compatibility to other projects in the market area.

Additional features (special energy efficient items, etc.). See addendum.

Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). C3: No updates in the prior 15 years; The subject condo unit was built in 2008. No updates. The unit is in average condition for it's age.

Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? Yes No If Yes, describe

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? Yes No If No, describe.

I did did not research the sale or transfer history of the subject property and comparable sales. If not, explain

My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.
Data source(s) Deed

My research did did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.
Data source(s) Deed

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

ITEM	SUBJECT	COMPARABLE SALE NO. 1	COMPARABLE SALE NO. 2	COMPARABLE SALE NO. 3
Date of Prior Sale/Transfer	<u>10/17/2008</u>			
Price of Prior Sale/Transfer	<u>\$155,000</u>			
Data Source(s)	<u>BCRD/Assessor</u>	<u>Registry of Deeds</u>	<u>Registry of Deeds</u>	<u>Registry of Deeds</u>
Effective Date of Data Source(s)	<u>10/05/2015</u>	<u>10/05/2015</u>	<u>10/05/2015</u>	<u>10/05/2015</u>

Analysis of prior sale or transfer history of the subject property and comparable sales The subject sold on 10/17/2008 for \$155,000 and was an affordable housing sale. There have been no sales or transfers of the subject property in the past 3 years from the date of inspection. None of the 3 comparable sales have sold or transferred within one year of their sale date.

14

Individual Condominium Unit Appraisal Report

There are 3 comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ 312,000 to \$ 350,000									
There are 7 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ 270,000 to \$ 311,000									
FEATURE		SUBJECT		COMPARABLE SALE NO. 1		COMPARABLE SALE NO. 2		COMPARABLE SALE NO. 3	
Address and Unit #		6 Sandy Hill Lane Unit # 4, Provincetown, MA 02657		20 Race Road 2, Provincetown, MA 02657		8 Atlantic Avenue G, Provincetown, MA 02657		22 Alden Street 4, Provincetown, MA 02657	
Project Name and Phase		Guils Neel Condominium Phase 1		Race Road 1		Atlantic Breeze 1		Monument View 1	
Proximity to Subject		0.83 miles SW		0.78 miles SW		0.39 miles SE			
Sale Price		\$ 311,000		\$ 307,500		\$ 286,000			
Sale Price/Gross Liv. Area		\$ 730.05 sq. ft.		\$ 627.55 sq. ft.		\$ 739.02 sq. ft.			
Data Source(s)		CCIMLS #21505142;DOM 6		CCIMLS #21505726;DOM 86		CCIMLS #21404609;DOM 304			
Verification Source(s)		BCRD/Assrs/ExtView		BCRD/Assrs/ExtView		BCRD/Assrs/ExtView			
VALUE ADJUSTMENTS		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION	
Sale or Financing Concessions		Armlth Conv;0		Armlth Conv;0		Armlth Conv;0		Armlth Conv;0	
Date of Sale/Time		s06/15;c05/15		s09/15;c07/15		s03/15;c02/15			
Location		N;SeashorePark; N;North West;		N;West End;		N;North Central;		0	
Leasehold/Fee Simple		Fee Simple		Fee Simple		Fee Simple		0	
HOA Mo. Assessment		\$90		\$110		\$120		0	
Common Elements and Rec. Facilities		Grounds and Walkways		Grounds and Walkways		Grounds and Walkways		Grounds and Walkways	
Floor Location		1st and 2nd		2nd		1st		2nd	
View		N;Res;		N;Res;		N;Res;		N;Res;	
Design (Style)		O2L;Townhouse		O1L;Apartment		O1L;Apartment		O1L;Apartment	
Quality of Construction		Q4		Q4		Q4		Q4	
Actual Age		7		165		115		165	
Condition		C3		C3		C3		C3	
Above Grade Room Count		Total Bdrms: 2, Baths: 1, 1.0		Total Bdrms: 2, Baths: 1, 1.0		Total Bdrms: 2, Baths: 1, 1.0		Total Bdrms: 2, Baths: 1, 1.0	
Gross Living Area		433 sq. ft.		426 sq. ft.		490 sq. ft.		387 sq. ft.	
Basement & Finished Rooms Below Grade		0sf		0sf		0sf		0sf	
Functional Utility		Satisfactory		Satisfactory		Satisfactory		Satisfactory	
Heating/Cooling		FHA/None		Electric/None		Electric/None		FHW/None	
Energy Efficient Items		None		None		None		None	
Garage/Carport		1op;Assigned		1op;Assigned		1op;Assigned		1op;Assigned	
Porch/Patio/Dock		Deck		Deck		Deck		Deck	
Net Adjustment (Total)		+ \$ 15,500		+ \$ 15,375		+ \$ 0		0	
Adjusted Sale Price of Comparables		Net Adj. -5.0% Gross Adj. 5.0%		Net Adj. -5.0% Gross Adj. 5.0%		Net Adj. -5.0% Gross Adj. 5.0%		Net Adj. 0.0% Gross Adj. 0.0%	
<p>Summary of Sales Comparison Approach: Sales 1 and 2 adjusted downward at 5% of sale price for superior locations in the "West End" where properties typically sell higher than the subject area due to closer proximity to town center and harbor. No GLA adjustments required as the market for condos typically responds to the number of bedrooms.</p> <p>The appraiser analyzed the best and most recent sales of 1 bedroom condos in the area. All 3 sales are within 1 mile and are recent sales. Although the 3 sales are antique dwellings all 3 sales have had recent renovations and updating and are similar in condition and in quality to the subject unit.</p> <p>Indicated Value by Sales Comparison Approach \$ 290,000</p>									
<p>INCOME APPROACH TO VALUE (Not required by Fannie Mae)</p> <p>Estimated Monthly Market Rent \$ _____ X Gross Rent Multiplier = \$ 0 Indicated Value by Income Approach</p> <p>Summary of Income Approach (including support for market rent and GRM) _____</p> <p>Indicated Value by: Sales Comparison Approach \$ 290,000 Income Approach (if developed) \$ 0</p> <p>Primary emphasis was placed on the Sales Comparison Approach as it reflects typical buyer motivation. The Income Approach was considered but not utilized as the typical purchaser is an owner occupant. The Cost Approach was not developed as this is not an appropriate approach to value for attached condominiums.</p>									
<p>RECONCILIATION</p> <p>This appraisal is made <input checked="" type="checkbox"/> "as is," <input type="checkbox"/> subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, <input type="checkbox"/> subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or <input type="checkbox"/> subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair: _____</p> <p>Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is \$ 290,000 as of 09/26/2015, which is the date of inspection and the effective date of this appraisal.</p>									

13

Individual Condominium Unit Appraisal Report

File No. 15091502RIS

This report form is designed to report an appraisal of a unit in a condominium project or a condominium unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject unit, (2) inspect and analyze the condominium project, (3) inspect the neighborhood, (4) inspect each of the comparable sales from at least the street, (5) research, verify, and analyze data from reliable public and/or private sources, and (6) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an Identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

16

Individual Condominium Unit Appraisal Report

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
11. I have knowledge and experience in appraising this type of property in this market area.
12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

17

Individual Condominium Unit Appraisal Report

22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.

24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

- 1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER

Signature [Handwritten Signature]
Name Mary Galney
Company Name Appraisal Services of Cape Cod & the Islands
Company Address 923 Route 6A Unit AA Suite One
Yarmouth Port, MA 02676
Telephone Number 508 394 9257
Email Address ascc@cape.com
Date of Signature and Report 10/06/2015
Effective Date of Appraisal 09/26/2015
State Certification # MA C.R.R.E. Appraiser #4288
or State License #
or Other (describe) State #
State MA
Expiration Date of Certification or License 03/24/2017

ADDRESS OF PROPERTY APPRAISED
6 Sandy Hill Lane Unit # 4
Provincetown, MA 02657

APPRAISED VALUE OF SUBJECT PROPERTY \$290,000

LENDER/CLIENT
Name SIR
Company Name Cape Cod Five
Company Address 19 West Road
Orleans, MA 02653
Email Address

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature
Name
Company Name
Company Address
Telephone Number
Email Address
Date of Signature
State Certification #
or State License #
State
Expiration Date of Certification or License

SUBJECT PROPERTY
Did not inspect subject property
Did inspect exterior of subject property from street
Date of inspection
Did inspect interior and exterior of subject property
Date of inspection

COMPARABLE SALES
Did not inspect exterior of comparable sales from street
Did inspect exterior of comparable sales from street
Date of inspection

Uniform Appraisal Dataset Definitions

Condition Ratings and Definitions

C1 The improvements have been very recently constructed and have not previously been occupied. The entire structure and all components are new and the dwelling features no physical depreciation.*

**Note: Newly constructed improvements that feature recycled materials and/or components can be considered new dwellings provided that the dwelling is placed on a 100% new foundation and the recycled materials and the recycled components have been rehabilitated/re-manufactured into like-new condition. Recently constructed improvements that have not been previously occupied are not considered "new" if they have any significant physical depreciation (i.e., newly constructed dwellings that have been vacant for an extended period of time without adequate maintenance or upkeep).*

C2 The improvements feature no deferred maintenance, little or no physical depreciation, and require no repairs. Virtually all building components are new or have been recently repaired, refinished, or rehabilitated. All outdated components and finishes have been updated and/or replaced with components that meet current standards. Dwellings in this category either are almost new or have been recently completely renovated and are similar in condition to new construction.

**Note: The improvements represent a relatively new property that is well maintained with no deferred maintenance and little or no physical depreciation, or an older property that has been recently completely renovated.*

C3 The improvements are well maintained and feature limited physical depreciation due to normal wear and tear. Some components, but not every major building component, may be updated or recently rehabilitated. The structure has been well maintained.

**Note: The improvement is in its first-cycle of replacing short-lived building components (appliances, floor coverings, HVAC, etc.) and is being well maintained. Its estimated effective age is less than its actual age. It also may reflect a property in which the majority of short-lived building components have been replaced but not to the level of a complete renovation.*

C4 The improvements feature some minor deferred maintenance and physical deterioration due to normal wear and tear. The dwelling has been adequately maintained and requires only minimal repairs to building components/mechanical systems and cosmetic repairs. All major building components have been adequately maintained and are functionally adequate.

**Note: The estimated effective age may be close to or equal to its actual age. It reflects a property in which some of the short-lived building components have been replaced, and some short-lived building components are at or near the end of their physical life expectancy; however, they still function adequately. Most minor repairs have been addressed on an ongoing basis resulting in an adequately maintained property.*

C5 The improvements feature obvious deferred maintenance and are in need of some significant repairs. Some building components need repairs, rehabilitation, or updating. The functional utility and overall livability is somewhat diminished due to condition, but the dwelling remains useable and functional as a residence.

**Note: Some significant repairs are needed to the improvements due to the lack of adequate maintenance. It reflects a property in which many of its short-lived building components are at the end of or have exceeded their physical life expectancy but remain functional.*

C6 The improvements have substantial damage or deferred maintenance with deficiencies or defects that are severe enough to affect the safety, soundness, or structural integrity of the improvements. The improvements are in need of substantial repairs and rehabilitation, including many or most major components.

**Note: Substantial repairs are needed to the improvements due to the lack of adequate maintenance or property damage. It reflects a property with conditions severe enough to affect the safety, soundness, or structural integrity of the improvements.*

Quality Ratings and Definitions

Q1 Dwellings with this quality rating are usually unique structures that are individually designed by an architect for a specified user. Such residences typically are constructed from detailed architectural plans and specifications and feature an exceptionally high level of workmanship and exceptionally high-grade materials throughout the interior and exterior of the structure. The design features exceptionally high-quality exterior refinements and ornamentation, and exceptionally high-quality interior refinements. The workmanship, materials, and finishes throughout the dwelling are of exceptionally high quality.

Q2 Dwellings with this quality rating are often custom designed for construction on an individual property owner's site. However, dwellings in this quality grade are also found in high-quality tract developments featuring residences constructed from individual plans or from highly modified or upgraded plans. The design features detailed, high-quality exterior ornamentation, high-quality interior refinements, and detail. The workmanship, materials, and finishes throughout the dwelling are generally of high or very high quality.

Q3 Dwellings with this quality rating are residences of higher quality built from individual or readily available designer plans in above-standard residential tract developments or on an individual property owner's site. The design includes significant exterior ornamentation and interiors that are well finished. The workmanship exceeds acceptable standards and many materials and finishes throughout the dwelling have been upgraded from "stock" standards.

Q4 Dwellings with this quality rating meet or exceed the requirements of applicable building codes. Standard or modified standard building plans are utilized and the design includes adequate fenestration and some exterior ornamentation and interior refinements. Materials, workmanship, finish, and equipment are of stock or builder grade and may feature some upgrades.

Q5 Dwellings with this quality rating feature economy of construction and basic functionality as main considerations. Such dwellings feature a plain design using readily available or basic floor plans featuring minimal fenestration and basic finishes with minimal exterior ornamentation and limited interior detail. These dwellings meet minimum building codes and are constructed with inexpensive, stock materials with limited refinements and upgrades.

Q6 Dwellings with this quality rating are of basic quality and lower cost; some may not be suitable for year-round occupancy. Such dwellings are often built with simple plans or without plans, often utilizing the lowest quality building materials. Such dwellings are often built or expanded by persons who are professionally unskilled or possess only minimal construction skills. Electrical, plumbing, and other mechanical systems and equipment may be minimal or non-existent. Older dwellings may feature one or more substandard or non-conforming additions to the original structure.

Definitions of Not Updated, Updated, and Remodeled**Not Updated**

Little or no updating or modernization. This description includes, but is not limited to, new homes. Residential properties of fifteen years of age or less often reflect an original condition with no updating, if no major components have been replaced or updated. Those over fifteen years of age are also considered not updated if the appliances, fixtures, and finishes are predominantly dated. An area that is "Not Updated" may still be well maintained and fully functional, and this rating does not necessarily imply deferred maintenance or physical/functional deterioration.

Updated

The area of the home has been modified to meet current market expectations. These modifications are limited in terms of both scope and cost. An updated area of the home should have an improved look and feel, or functional utility. Changes that constitute updates include refurbishment and/or replacing components to meet existing market expectations. Updates do not include significant alterations to the existing structure.

Remodeled

Significant finish and/or structural changes have been made that increase utility and appeal through complete replacement and/or expansion. A remodeled area reflects fundamental changes that include multiple alterations. These alterations may include some or all of the following: replacement of a major component (cabinet(s), bathtub, or bathroom tile), relocation of plumbing/gas fixtures/appliances, significant structural alterations (relocating walls, and/or the addition of square footage). This would include a complete gutting and rebuild.

Explanation of Bathroom Count

The number of full and half baths is reported by separating the two values by a period. The full bath is represented to the left of the period. The half bath count is represented to the right of the period. Three-quarter baths are to be counted as a full bath in all cases. Quarter baths (baths that feature only toilet) are not to be included in the bathroom count.

ADDENDUM

Borrower: Daniel P. DeGuttola	File No.: 16091602RIS
Property Address: 6 Sandy Hill Lane	Case No.: Loan# 0010020496
City: Provincetown	State: MA Zip: 02667
Lender: Cape Cod Five	

Legal Description
See page 1.

Comments on the Basis of a Hypothetical Condition
This appraisal is made on the basis of a "hypothetical condition" that the property rights being appraised are without resale or other restrictions that are terminated automatically upon the latter of foreclosure or the expiration of any applicable redemption period, or upon recordation of a deed-in-lieu of foreclosure.

The subject condo project is and an affordable housing project. As stated in the subject deed the subject unit is subject to the terms of the Affordable Housing Deed Restriction.

Neighborhood Description
Neighborhood located just off Rt 6, the main highway in the area. Bradford Street and Commercial Street, are the other two main roads in the area. This Seashore Park neighborhood is comprised of mostly single family homes and condominiums. Next door to the condo project is the Casas Animal Shelter. There is privacy fencing at the rear of the condo project which shields the view of the animal shelter. Within .5 mile is Commercial Street, downtown, and Provincetown Harbor. Within a short drive is Herring Cove and Race Point for saltwater recreation. Rt 6 is the main highway that links the neighborhood to other Cape Cod towns. Provincetown is a world famous community at the tip of Cape Cod. Area presents good appeal owing to its saltwater/coastal amenities. Subject has good location features including proximity to Provincetown Harbor, art galleries, restaurants, and it is a short walk to town center and Provincetown Pier. Area is served by air travel, ferry, and public bus transportation.

Comments on Features of Condo Unit
Bamboo flooring, slider to deck, kitchen with granite counters and stainless steel appliances, and second floor bedroom with vaulted ceiling and skylight.

Final Reconciliation
See below

Appraisal Report:
This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2a of the Uniform Standards of Professional Appraisal Practice and stated Scope of Work. As such this report represents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation that is not provided with the report concerning the data, reasoning, and analysis is retained in the appraiser's file. The depth of the discussion contained in this report is specific to the needs of the client and for the intended use stated in the report. The appraiser is not responsible for the unauthorized use of the report.

Scope of Work:
The appraiser is not a home inspector, environmental inspector or zoning agent. The appraiser provides an opinion of value. The appraisal does not guarantee that the property is free of defects, environmental problems or zoning issues. The appraiser performs an inspection of visible and accessible areas only, as is consistent for market valuation purposes. If the client is concerned about structural, environmental or zoning issues with this property, an inspection by a qualified professional is recommended.

This report is not a home inspection, only a visual inspection of readily accessible areas was performed. This report is not to be relied on to disclose conditions and/or defects in the property. Simply because a borrower or third party "may" receive a copy of this appraisal, they should not be relying on it to disclose any conditions or defects. That is the job of a qualified home inspector.

The value of the subject property as developed by this appraiser per the date of value includes all the improvements inspected by the appraiser on the date of value and described in this appraisal report. This includes updates, renovations, attic finish, basement finish, over garage finish and/or any detached structure. Information from the assessor's field cards, real estate sales person, owner, and/or mls pages are relied upon as credible. Determining the status of building permits per town records goes beyond the scope of this appraisal.

21

ADDENDUM

Borrower: Daniel P. DeGruotola	File No.: 15091602RIS
Property Address: 6 Sandy Hill Lane	Case No.: Loan# 0010028496
City: Provincetown	State: MA Zip: 02657
Lender: Cape Cod Five	

This is a condominium residential appraisal report which reports the market value of the subject property as of a given date. A physical inspection is made of the subject property, including actual measurements of the perimeter of the unit. Depending on the assignment, an interior inspection is made or if assignment is an exterior only, information on our analysis is based on public records.

Extensive research is conducted in the immediate and surrounding areas to determine the most comparable sales which are the most similar to the subject property for the sales comparison approach. A market analysis is determined along with aspects of the site are analysed and reported to the best of our knowledge. Information is obtained from a number of sources including MLS, assessor's records, registry of deeds, owners, brokers, builders, national, state and local real estate services and publications. Information not available to the appraiser is documented in the report. The sales and listing presented in this report are deemed to be the most similar to the subject in location, utility and appeal.

The appraisal is based on information gathered by the appraiser from public records, other identified sources, inspection of the subject property and neighborhood, and selection of comparable sales within the subject market area. The original source is presented first. The sources and data are considered reliable. When conflicting information was provided the source deemed most reliable has been used. Data believed to be unreliable was not included in the report nor used as a basis for the value conclusion.

Scope of Work Regarding UAD Compliant Reports:

At the request of the client, this appraisal report has been prepared in compliance with the uniform appraisal dataset (UAD) from Fannie Mae and Freddie Mac. The UAD requires the appraiser to use standardized responses that include specific formats, definitions, abbreviations, and acronyms. The appraiser attempted to obtain an adequate amount of information in the normal course of business regarding the subject and the comparable properties. Some of the standardized responses required by the UAD, especially those in which the appraiser has not had the opportunity to verify personally or measure, could mistakenly imply greater precision and reliability in the data than is factually correct or typical in the normal course of business. Consequently, this information should be considered an "estimate" unless otherwise noted by the appraiser.

DEFINITION OF EXPOSURE TIME: The estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.

EXPOSURE AND MARKETING TIME: The exposure time for the subject falls into a range of 3-6 months due to the number of buyers in this value range and the current supply of competing properties in this value range. Property priced homes sell within a reasonable time frame. Overpriced homes generally take longer to sell. Marketing time is estimated at 3-6 months if realistically priced for the subject market.

COMMENTS ON MARKET CONDITIONS:

Based on the Cape Cod & Island MLS for the 1st half of 2015 for the Town of Provincetown versus the same time period in 2014:

The median sale price for residential condominiums increased by .9% in 2015. In 2014 the median sale price was \$426,000 versus \$430,000 in 2015.

There were 9.8% more sales in 2015.

There are 20.8% more current listings in 2015.

The average days on market was 171 days in 2015 versus 193 days in 2014.

Based on this first quarter 2015 MLS information stable values are indicated for residential condominiums.

At the request of the Client, this Appraisal Report has been prepared in compliance with the Uniform Appraisal Dataset (UAD) from Fannie Mae and Freddie Mac. The UAD required the Appraiser to use standardized responses that include

22

ADDENDUM

Borrower: Daniel P. DeGuitola	File No.: 16091502RIS
Property Address: 6 Sandy Hill Lane	Case No.: Loan# 0010028496
City: Provincetown	State: MA Zip: 02657
Lender: Cape Cod Five	

specific formats, definitions, abbreviations, and acronyms. The Appraiser attempted to obtain an adequate amount of information in the normal course of business regarding the Subject and the Comparable Properties. Some of the standardized responses required by the UAD, especially those in which the Appraiser has not had the opportunity to verify personally or measure, could mistakenly imply greater precision and reliability in the data than is factually correct or typical in the normal course of business. Consequently, this information should be considered an "Estimate" unless otherwise noted by the Appraiser.

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

Neighborhood Description

See above.

Final Reconciliation

The Sales Comparison Approach is given primary emphasis as it is the most reliable approach and reflects the actions of buyers and sellers. The Cost and Income Approaches are not relevant to the valuation of this type property.

All 3 sales considered in final value and are well-supported. All 3 sales are similar 1 bedroom condo units of similar quality and in similar condition. Based on this data, the appraiser has concluded on the market value of \$290,000 for the subject property.

There is another condo complex located proximate to the subject complex located at Seashore Park Drive and known as "Seashore Pines" condominiums. Seashore Pines condos has only 2 bedroom units, and there are no 1 bedroom units in the complex.

Only the Sales Comparison approach was researched and analyzed in this report. This approach was relied upon to produce credible assignment results based on the intended use of the appraisal. The Cost Approach is not appropriate for attached condominiums and the Income Approach was not developed as most units are owner occupied.

This report is intended for use by Cape Cod Five only for lending purposes. Use of this report by others or for other uses is not intended by the appraiser. This appraisal is based on the information gathered by the appraiser from public records, other identified sources, inspection of the subject property and neighborhood, and selection of comparable sales within the subject market area. The original source is presented first. The sources and data are considered reliable. When conflicting information was provided, the source deemed most reliable has been used. Data believed to be unreliable was not included in the report nor used as a basis for the value conclusion.

SIGNATURE AUTHORIZATION: Mary Galway, Massachusetts Certified Residential Real Estate Appraiser #4288 has authorized Peter Slovak, MA Certified General Real Estate Appraiser #70876 to affix his signature to this appraisal report after making minor changes. This is being done in order to expedite the transmittal of the report to the client. The written authorization to affix the appraiser's digital signature to this report has been included in the work file for this assignment.

23

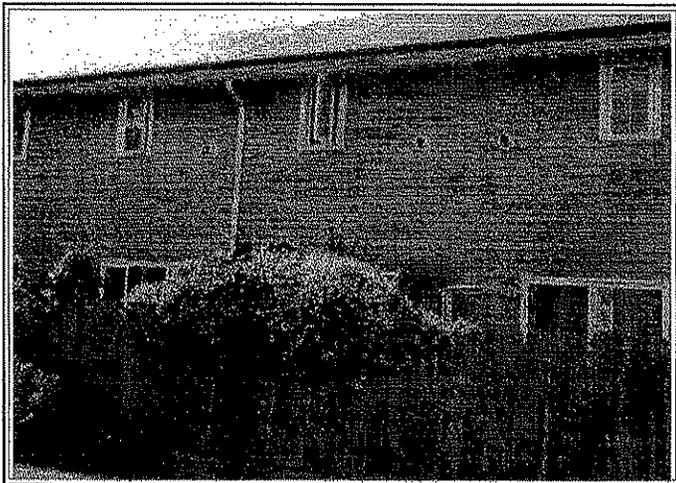
SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: Daniel P. DeGruttola	File No.: 16091602RIS	
Property Address: 6 Sandy Hill Lane	Case No.: Loan# 0010028496	
City: Provincetown	State: MA	Zip: 02657
Lender: Cape Cod Five		

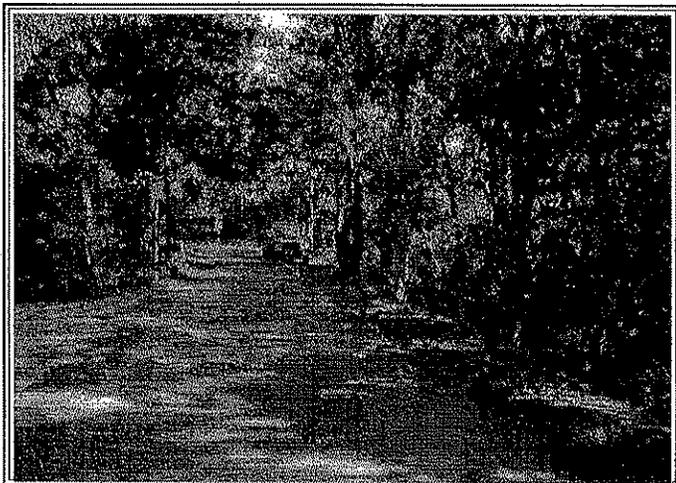


**FRONT VIEW OF
SUBJECT PROPERTY**

Appraised Date: September 26, 2015
Appraised Value: \$ 290,000



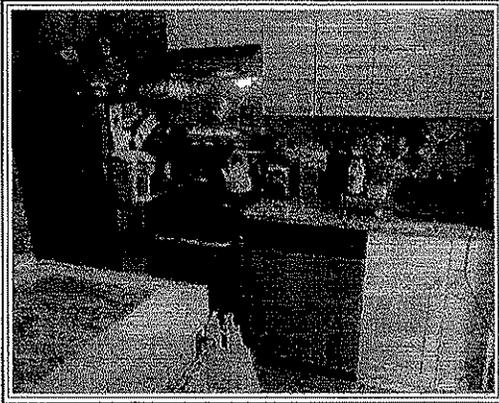
**REAR VIEW OF
SUBJECT PROPERTY**



STREET SCENE

SUBJECT PHOTOS

Borrower: Daniel P. DeGruttola	File No.: 15091502RIS
Property Address: 6 Sandy Hill Lane	Case No.: Loan# 0010028496
City: Provincetown	State: MA
Lender: Cape Cod Five	Zip: 02667



KITCHEN



LIVING ROOM AND DINING AREA



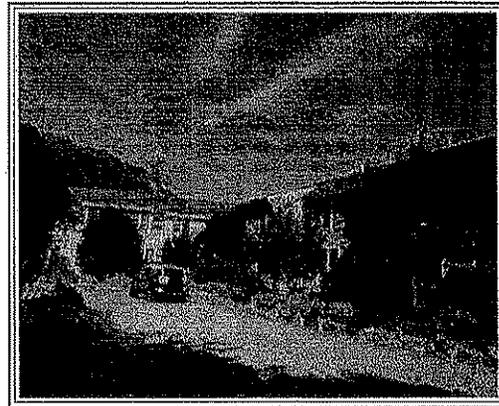
SECOND FLOOR BEDROOM



SECOND FLOOR BATH



DECK

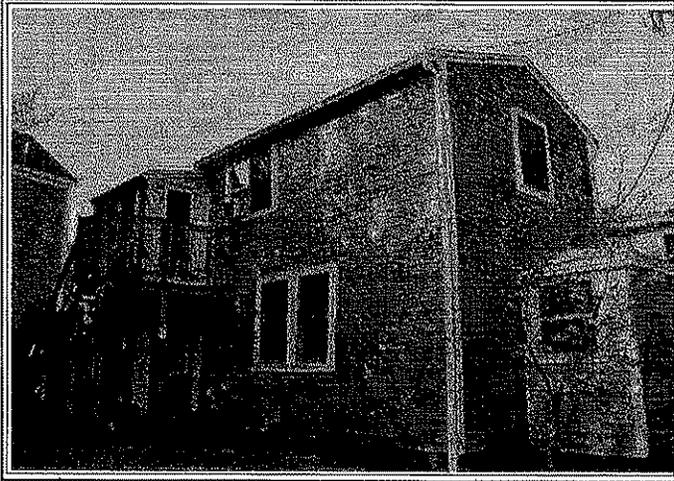


VIEW OF CONDO COMPLEX

25

COMPARABLE PROPERTY PHOTO ADDENDUM

Borrower: Daniel P. DeGruttola	File No.: 15091502RIS
Property Address: 6 Sandy Hill Lane	Case No.: Loan# 0010028496
City: Provincetown	State: MA
Lender: Cape Cod Five	Zip: 02657



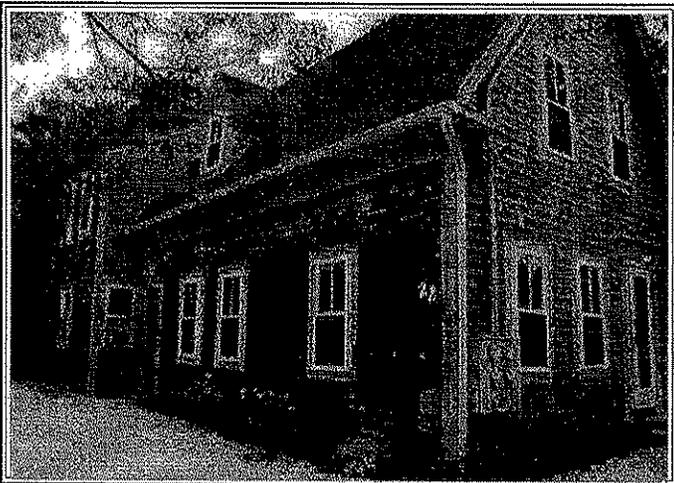
COMPARABLE SALE #1

20 Race Road
2, Provincetown, MA 02657
Sale Date: s06/15;c05/15
Sale Price: \$ 311,000



COMPARABLE SALE #2

8 Atlantic Avenue
G, Provincetown, MA 02657
Sale Date: s09/15;c07/15
Sale Price: \$ 307,500



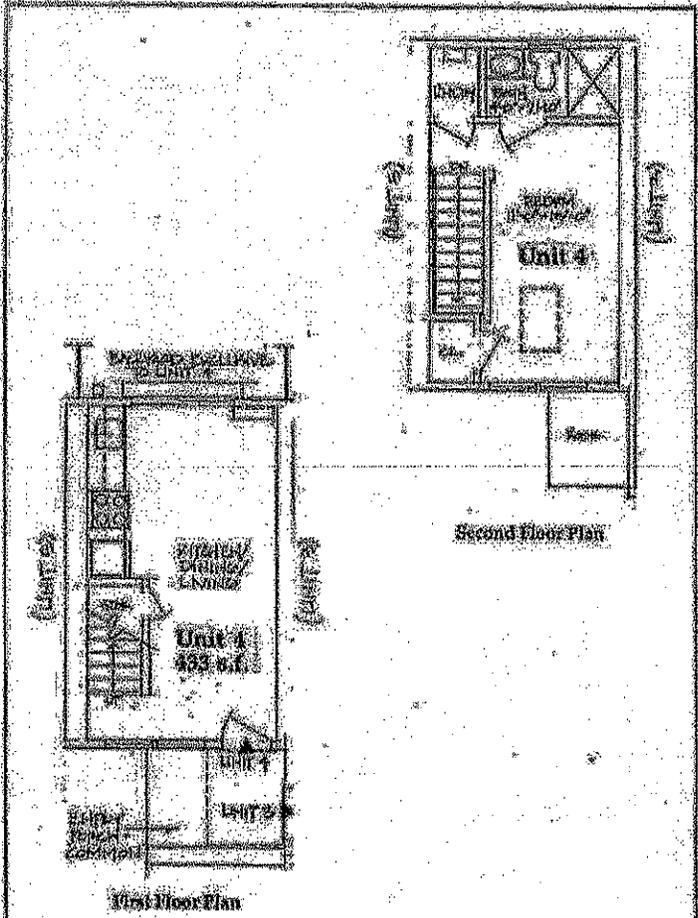
COMPARABLE SALE #3

22 Alden Street
4, Provincetown, MA 02657
Sale Date: s03/15;c02/15
Sale Price: \$ 286,000

UNIT FLOOR PLAN

Borrower: Daniel P. DeGruttola
Property Address: 6 Sandy Hill Lane
City: Provincetown
Lender: Cape Cod Five
File No.: 16091602RIS
Case No.: Loan# 0010028496
State: MA
Zip: 02657

66-23218-99-104 (033743)



Gulls Nest Condominium
6 Sandy Hill Lane, Provincetown, MA

Unit 4, Floor Plans
1022

January 29, 2008 Scale: 1/8" = 1'-0"

Drawn by: [Name]

This plan conforms with the rules and regulations of the Registry of Deeds of the Commonwealth of Massachusetts.

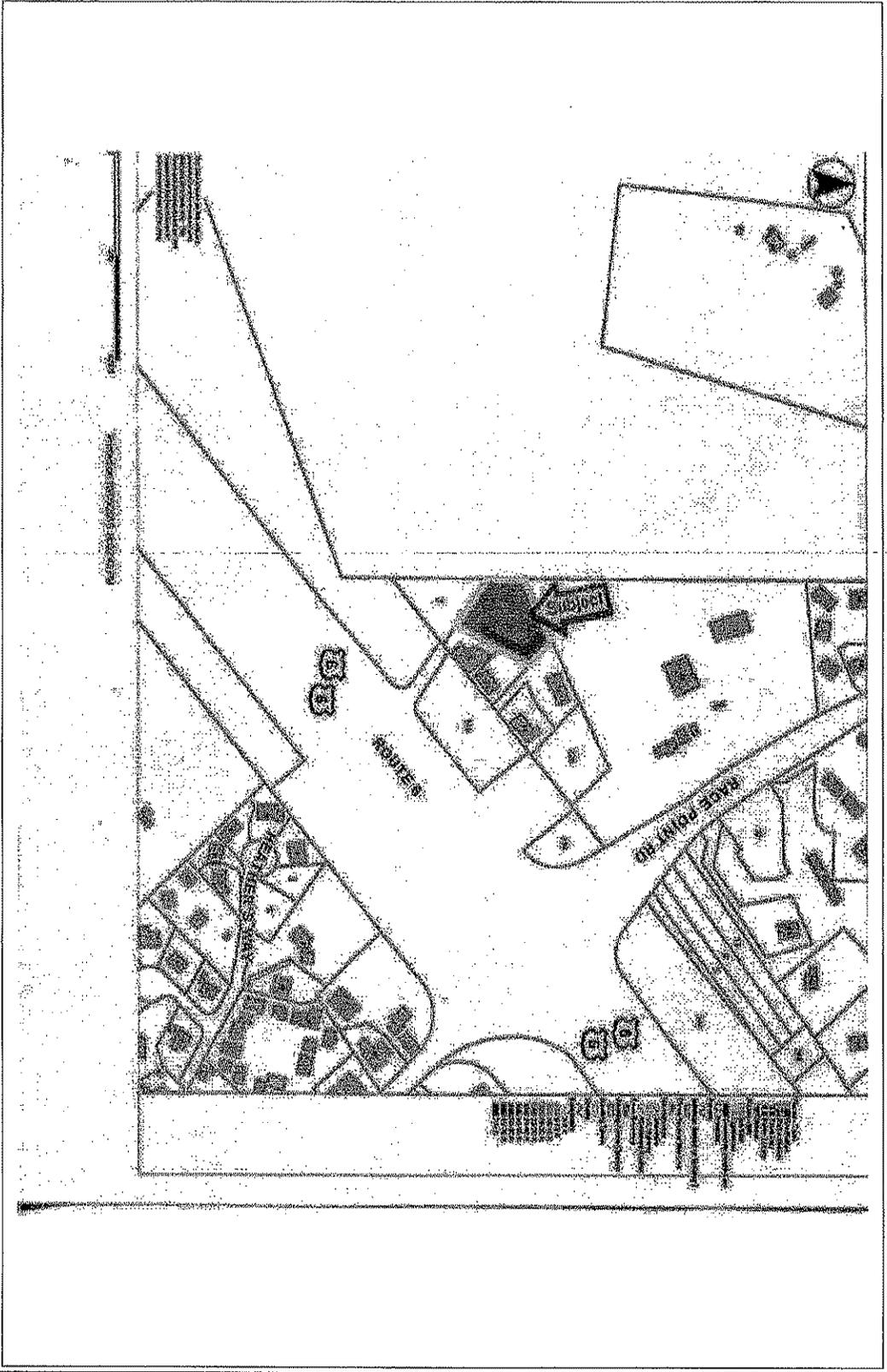
This plan shows the unit designated of the unit being conveyed and of the immediately adjoining walls, and fully and accurately depicts the location, dimensions, and boundaries of the unit, and any other information necessary to identify the unit as a bulk unit.



REGISTERED PROFESSIONAL ARCHITECT

ASSESSOR MAP

Borrower: Daniel P. DeGruttola	File No.: 15091502RIS
Property Address: 6 Sandy Hill Lane	Case No.: Loan# 0010028496
City: Provincetown	State: MA
Lender: Cape Cod Five	Zip: 02657



Borrower: Daniel P. DeGruttola
 Property Address: 6 Sandy Hill Lane
 City: Provincetown
 Lender: Cape Cod Five

File No.: 15091502RIS
 Case No.: Loan# 0010028496
 State: MA
 Zip: 02657

Appraisal Independence Certification

Loan Number: AC1002496
 Effective Date of Appraisal: 3/26/2015
 Borrower's Name: Daniel DeGruttola
 Property Address: 6 Sandy Hill Lane Cape Provincetown MA 02657
 Legal Description: 744-23018 Pg-187

This certifies that the preparing and delivering of the above referenced appraisal report was completed using the policies and procedures which are in compliance with the Appraisal Independence Requirements (AIR) and the USPAP standards.

The undersigned appraiser(s) responsible for preparing the above referenced appraisal report hereby certifies that the report was completed and the opinion of value developed in accordance with USPAP standards and at no time did any employee, director, officer, or agent of the lender or any third party acting as third vendor partner, independent contractor, appraisal company, appraisal management company or otherwise on behalf of the lender, influence or attempt to influence the development, reporting, reach, or review of the report.

The undersigned certifies the appraisal report is in compliance with the Appraisal Independence provisions.

Appraiser: <u>Mary Conway</u>	Supervisory Appraiser (If Applicable):
Signature: <u>Mary Conway</u>	Signature:
Appraiser:	Supervisory Appraiser:
License/Certification Number: <u>100000000</u>	License/Certification Number:
Date of Report Signature: <u>10/25/2015</u>	Date of Signature:

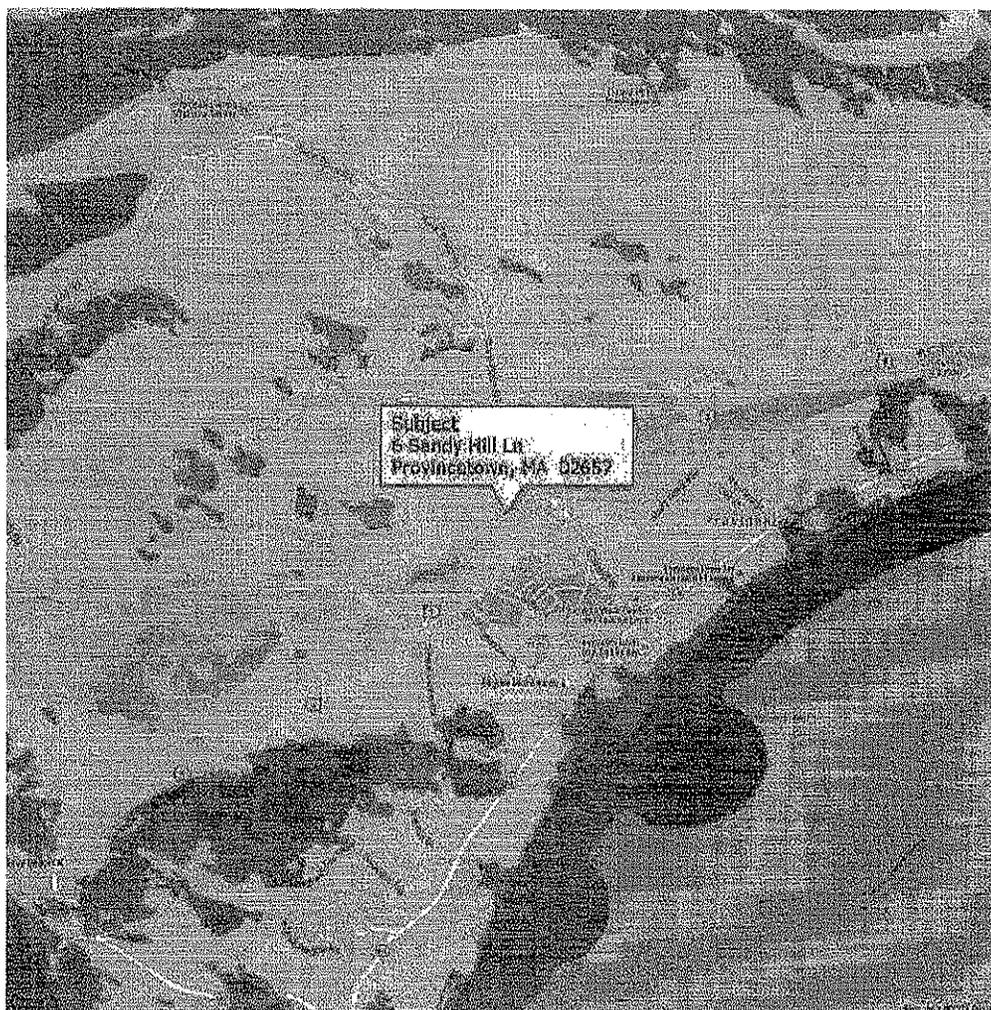
Note: This form must accompany all appraisals.

Approved for Release by NSA on 05-08-2014 pursuant to E.O. 13526

Form 100
 10/2014

FLOOD MAP

Borrower: Daniel P. DeGruttola
Property Address: 6 Sandy Hill Lane
City: Provincetown
Lender: Cape Cod Five
File No.: 15091502RIS
Case No.: Loan# 0010028496
State: MA
Zip: 02657



FLOOD INFORMATION

Community: TOWN OF PROVINGETOWN
Property is NOT in a FEMA Special Flood Hazard Area.
Map Number: 25001G0112J
Panel: 0112J
Zone: X
Map Date: 07-16-2014
FIRM: 25001
Source: FEMA DFIRM

LEGEND

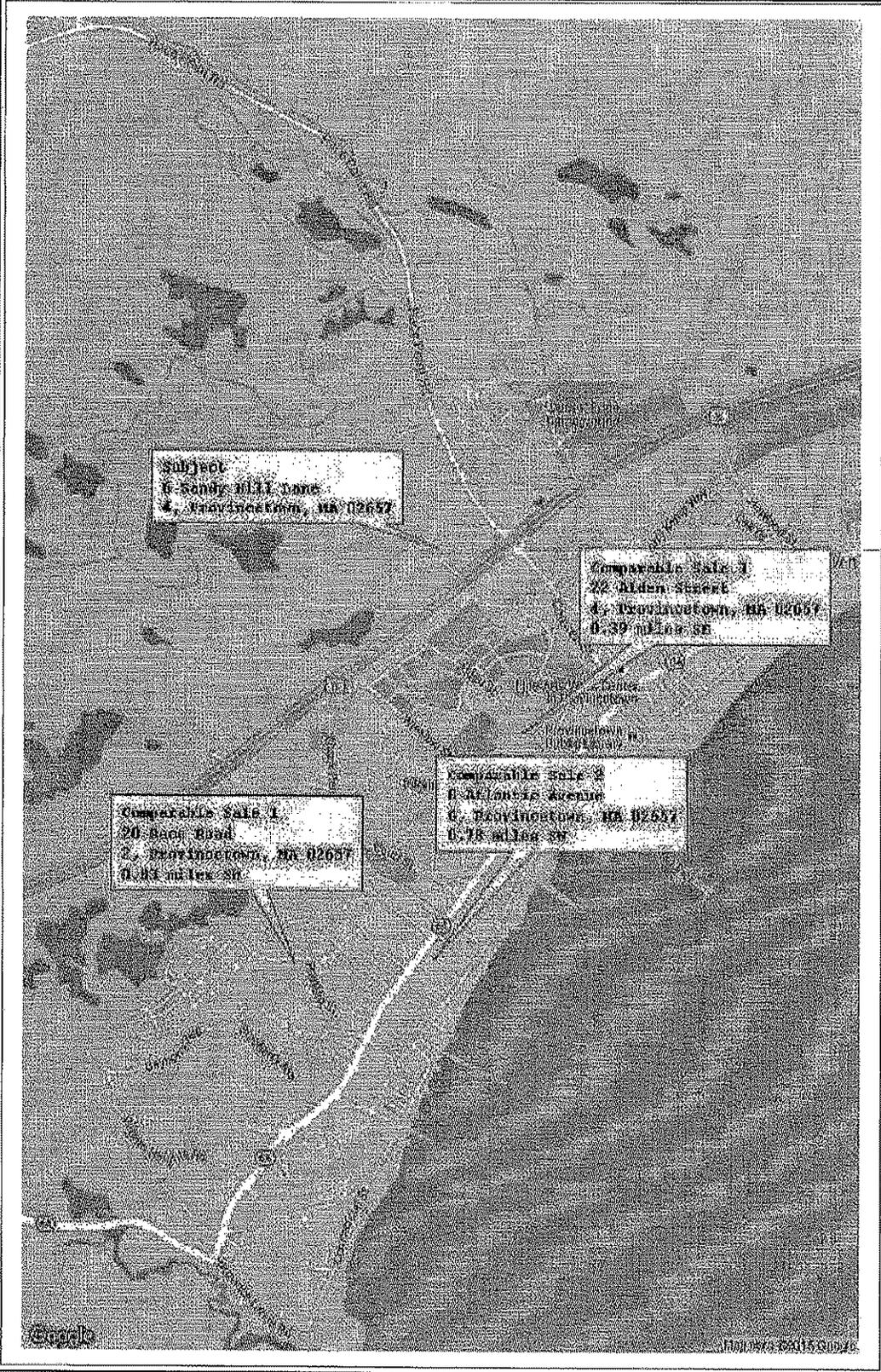
-  FEMA Special Flood Hazard Areas - High Risk
-  Moderate and Minimal Risk Areas
- Road View:**
-  Forest
-  Water

Sky Flood™

This information is provided for informational purposes only. It is not intended to be used as a basis for any insurance policy. The information is provided as a service to our customers and is not a guarantee of any kind. The information is provided as a service to our customers and is not a guarantee of any kind. The information is provided as a service to our customers and is not a guarantee of any kind.

LOCATION MAP

Borrower: Daniel P. DeGruttola	File No.: 16091602RIS
Property Address: 6 Sandy Hill Lane	Case No.: Loan# 0010028496
City: Provincetown	State: MA
Lender: Cape Cod Five	Zip: 02657



Market Conditions Addendum to the Appraisal Report

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address **6 Sandy Hill Lane** City **Provincetown** State **MA** Zip Code **02675**

Appraiser **Daniel P. DeGruttola**

Instructions: The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

Inventory/Analysis	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
				Increasing	Stable	Declining
Total # of Comparable Sales (Settled)	3	2	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Absorption Rate (Total Sales/Months)	0.5	0.7	0.7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Total # of Comparable Active Listings	3	2	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Months of Housing Supply (Total Listings/Ab. Rate)	4.0	2.9	1.4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Median Sale Price (DOM) Sale/Listing	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Median Comparable Sale Price	286,000	290,500	292,250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Median Comparable Sales Days on Market	39	21	77	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Median Comparable List Price	209,000	327,000	325,000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Median Comparable Listings Days on Market	38	97	86	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Median Sale Price as % of List Price	94.1%	95.3%	95.6%	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seller (developer, builder, etc.) paid financial assistance prevalent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 6%, increasing use of buydowns, closing costs, condo fees, options, etc.). **Based on a review of the comparable sales in MLS over the past twelve months in the subject's market, there does not appear to be a significant increase in reported sales concessions. Typically the most common concession found in this market is the seller offering to contribute to the buyer's closing costs.**

Are foreclosure sales (REO sales) a factor in the market? Yes No If yes, explain (including the trends in listings and sales of foreclosed properties).

The subject is located in an area where there is not a significant number of foreclosed properties that would effect the marketability of the other homes on the market.

Cite data sources for above information. **The data source for the above information are Cape Cod & Island MLS and Banker & Tradesman online services.**

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions.

The above information pertains to the subject property's market area and not necessarily the immediate neighborhood. The subject's market area only includes properties that are similar in style, living area, and other features that would appeal to the same buyer. Since this analysis is based on a small sample of sales (7) and active listings (3) over the past 12 months its conclusions are somewhat inconclusive. Refer to the addendum page for a more concise description of the general market conditions for the Town of Provincetown for the 1st half of 2015 versus the same time period in 2014.

If the subject is a unit in a condominium or cooperative project, complete the following: **Condominium** Project Name: **Gull's Nest Condominium**

Subject Project Data	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
				Increasing	Stable	Declining
Total # of Comparable Sales (Settled)	0	0	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Absorption Rate (Total Sales/Months)	0.0	0.0	0.0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Total # of Active Comparable Listings	0	0	0	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Months of Unit Supply (Total Listings/Ab. Rate)	0.0	0.0	0.0	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are foreclosure sales (REO sales) a factor in the project? Yes No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.

At the time of inspection, there have been few if any REO or bank short sales.

Summarize the above trends and address the impact on the subject unit and project. **There have been no sales in the past year in the subject complex. Due to the lack of supply of sales and listings, a trend cannot be accurately reported at this time. The subject condo project is an affordable housing complex.**

APPRaiser

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature *Mary Galney*
 Name Mary Galney
 Company Name Appraisal Services of Cape Cod & the Islands
 Company Address 923 Route 6A Unit AA Suite One
Yarmouth Port, MA 02675
 State License/Certification # C.R.R.E. Lic. #4288 State MA
 Email Address ascl@cape.com

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 State License/Certification # _____ State _____
 Email Address _____



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

6E

NATIONAL MARINE SANCTUARY Feasibility Study

Requested by: BOS Chairman Thomas Donegan

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent. Votes may be taken.

Additional Information

See attached email from Richard F. Delaney, President and C.E.O. of the Center for Coastal Studies.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

From: Richard Delaney <delaney@coastalstudies.org>
Date: Jan 8, 2016 11:45 AM
Subject: National Marine Sanctuary feasibility study
To: Tom Donegan <tdonegan@provincetown-ma.gov>, David Panagore
<dpanagore@provincetown-ma.gov>
Cc:

Hello Tom and David;

I have mentioned to both of you in recent months my role as chair of the Stellwagen National Marine Sanctuary Advisory Council and our interest in the potential for establishing a Visitor's Center in Provincetown. And I appreciate that it is a priority item for the Board this year as well.

The next step from the NOAA process would be to commission a feasibility study. They view the creation of a VC as a partnership project with the host community and other partners in every aspect including funding.

So I will be with the Sanctuary's leadership team next week in Annapolis for other reasons, but it will be an opportunity to further this discussion. In my last informal discussion, they mentioned having about \$10-15,000 in their capital budget available for a feasibility study which is estimated to cost \$30-40K.

It would be great, if I could informally convey that Provincetown is ready to contribute funds to the study. And if that is so, I could arrange a NOAA / Provincetown meeting to figure out the details.

Given the news about the Whydah museum in Yarmouth (and the possibility that the MacMillan site might become available as one of several) and the high priority that the Provincetown 350 Harbor and Waterfront group has for this concept, it seems like the right time to move ahead.

Any thoughts? I am around all day today and can drop in this afternoon...or call 617-851-4510.

Thanks and sorry for the short notice,

Rich --

Richard F. Delaney, President & C.E.O.
Center for Coastal Studies
115 Bradford Street
Provincetown, MA, 02657 USA
508-487-3622 X 111
617-851-4510 (cell)

delaney@coastalstudies.org
www.coastalstudies.org



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

7A

PROPOSED BY-LAWS

Review of Drafted By-Laws for April Town Meeting

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

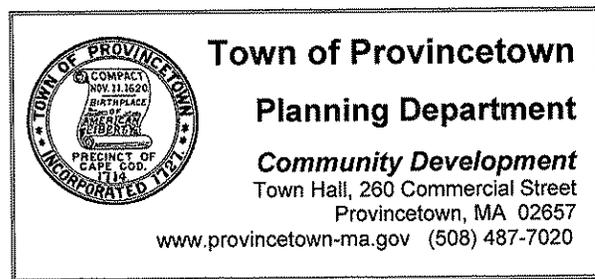
Discussion Dependent. Votes may be taken.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

To: Town Manager David Panagore
From: Gloria McPherson
Town Planner
Date: January 21, 2016
Subject: Proposed Bylaw Amendments



Background

At the regularly scheduled work session of the Planning Board on January 14th, and in preparation for the upcoming joint meeting with the Board of Selectmen on February 16th, the Planning Board members discussed several potential Zoning Bylaw amendments for Annual Town Meeting. The Planning Board also discussed potential future ZBL amendments, with the hope that the two Boards could discuss and agree upon Bylaw amendment priorities for the upcoming year, anticipating proposed amendments will be brought forward at Fall Town Meeting 2016, as well.

Discussion

Below is an updated list of proposed changes/additions to the Zoning Bylaw and General Bylaws:

Zoning Bylaw amendments:

1. New Inclusionary Housing Bylaw:
 - Draft bylaw attached
 - Needs to be more Provincetown-specific and integrated with draft bylaw staff and the Planning Board have been working on
2. Amendments to the Growth Management Bylaw:
 - New Category 2 line item for deed-restricted, year-round rentals, to reflect prior zoning amendments that allowed accessory rentals in Res1 and Res 2 Zoning Districts
 - Amend Category 2 to correspond with Inclusionary Bylaw percentages (TBD)
3. New Food Truck Bylaw:
 - Conduct survey to determine how food trucks can be introduced in a way that doesn't provide an unfair advantage to them over our existing brick and mortar restaurants
 - Amend definition of "Outdoor Food Dispensing Machine"
4. Amendments to the Use Table that would allow the following uses by Special Permit from the ZBA so that new uses could be allowed, and more importantly, existing uses can change or expand without needing a Variance:
 - Hotels/motels/inns in Res 1 and Res 2 Zoning Districts
 - Campgrounds in Res1, Res 2 and Seashore Zoning Districts
 - Transportation Terminals in the Seashore Zoning District

General Bylaw amendments:

1. Condominium Conversion Bylaw
2. Removal of Snow and Ice on Sidewalks
3. Renewable Energy Bylaw
 - Wind
 - Solar
4. Exemption of solar panels from HDC review provided certain criteria are met

MEMORANDUM

TO: David B. Panagore, Town Manager
FROM: Judi Barrett, Director of Municipal Services
DATE: January 19, 2016
SUBJECT: Inclusionary Zoning Review

This is a follow-up to my earlier memorandum about your interest in an inclusionary zoning bylaw for Provincetown.

You have requested technical assistance and advisory services concerning a proposal to amend Provincetown's Zoning Bylaw by adding a new Section 4810, Inclusionary Housing. The proposed amendment would absorb two existing affordable housing provisions in Provincetown, e.g., affordable accessory dwelling units and conversions of nonresidential space to multifamily housing (Sections 4800 and 4170, respectively).¹ As we understand it, Provincetown officials hope that instituting an IZ bylaw will facilitate the creation of affordable housing without relying on Chapter 40B comprehensive permits.

Through this memo, we offer the benefit of our experience with zoning for affordable housing. RKG is currently working nationally on economic studies for local governments that seek to increase the effectiveness of their existing affordable housing requirements. Invariably, the impetus for these studies is concern about sluggish production of affordable housing in the face of rapidly escalating housing prices. At issue is that sometimes, imposing more stringent affordable housing requirements on residential development can lead to unintended and unwanted consequences.

I. INCLUSIONARY ZONING: OVERVIEW

Inclusionary Zoning (IZ), as it is usually called, exists in many counties, cities, and towns throughout the U.S. The oldest and arguably one of the most successful IZ ordinances is that of Montgomery County, MD, which has produced over 14,000 affordable housing units since its inception in 1974. Here in Massachusetts, the cities of Cambridge and Somerville have also enjoyed considerable success with their IZ ordinances. Cambridge is often considered a national model among IZ experts. Whether one looks at Cambridge,

¹ We refer here to a draft we received from the Town, dated Sept. 14, 2015.

Montgomery County, MD, Fairfax County, VA, or the variety of ordinances found in California, New Jersey, New York, Florida, and Illinois, IZ is a tool for leveraging the private market to increase the supply of affordable housing through mixed-income development. The mixed-income feature of IZ cannot be overlooked. The ideological roots of IZ lie in the rejection of the postwar era's large low-income housing developments that geographically concentrated the poor. Though "all-affordable" developments have sometimes been created under IZ ordinances, they are not the norm. The over-arching objective of IZ ordinances and bylaws is socioeconomic diversity.

IZ ordinances and bylaws almost always include the following core components:

- 1) A threshold number of market-rate units that triggers the affordable housing requirement;
- 2) A percentage of units that must be affordable, which may be the same town-wide or different by zoning district or housing type;
- 3) One or more affordability targets (income limits), or percentages of area median income (AMI);
- 4) Long-term affordability;
- 5) Overall comparability, i.e., requiring affordable units to be comparable to the market-rate units in quality, design, and energy efficiency; and
- 6) Incentives or "cost offsets" to help developers create the affordable units, e.g., a density bonus, reduced off-street parking requirements, expedited permitting, or fee waivers, or some combination thereof.

In Massachusetts and throughout the country, the most common income limit for IZ units is 80 percent of AMI: the federal definition of low or moderate income. This is the maximum household income for eligibility to purchase or rent most Chapter 40B units.

Some ordinances and bylaws also include hardship waivers (special permit relief), and many give developers more than one way to provide affordable housing. While the preferred approach is to include affordable units within the developer's project ("on-site units"), providing the required affordable units in other locations ("off-site units") or through land donations are very common alternatives. Paying a fee in lieu of building affordable housing has been a common option in the past, but it is less so today.

In addition to zoning for affordable housing, communities with housing trust funds, federal grants, and other financial resources often provide subsidies to increase the number of affordable units in a project (above the number required by ordinance) or buy down units to make them more deeply affordable. The award of subsidies is discretionary, it depends on a voluntary request from developers, and the decision is usually made by bodies other than the special permit or site plan review authority that approved the project. When these methods of helping to create affordable housing exist, they operate in conjunction with

zoning; they are not part of the zoning ordinance or bylaw. Zoning regulates land use; it does not regulate the administration of public subsidies.

II. FEATURES OF SUCCESSFUL IZ ORDINANCES AND BYLAWS

The table at the end of this memo captures what we have observed about IZ that actually works, i.e., that increases the supply of low- or moderate-income housing. The information in the table is from a representative sample of IZ ordinances we have researched and/or worked with directly. The most successful ordinances we are familiar with have the following characteristics:

- 1) A high enough threshold to capture developments that can reasonably be expected to create affordable units. It is difficult for very small projects to absorb the financial loss associated with affordable housing because there are so few units over which the project's fixed costs can be distributed. Small mixed-income projects can be made feasible with a subsidy, though.
- 2) The required number of affordable units needs to be financially feasible, given the size of the project (number of units), the total cost to develop the site – acquisition, soft costs, and construction – and the anticipated income from sales or rents. If the percentage of affordable units is set too high, it discourages development. Keeping the percentage reasonable also gives the developer more resources to accommodate high-quality design features.
- 3) There needs to be some flexibility for the developer to comply. Density bonuses really matter (without them, it isn't feasible to create affordable housing), but sometimes developers cannot take full advantage of a density incentive because of site constraints. In these cases, offering options for developers to comply can make the difference between getting affordable units and getting no development whatsoever.
- 4) Tailoring the affordable housing requirement to location usually makes a significant difference in the productivity of inclusionary zoning. If the land values in one part of town are quite a bit lower than another part of town, that can have an impact on how many affordable units a reasonably sized project can absorb.
- 5) The permitting process needs to be predictable and efficient. Communities that want to deal with developers fairly and make inclusionary zoning work usually institute administrative procedures that help to accelerate the approval process (even for special permits). Expedited reviews and fee waivers help to offset the reduced income from the affordable units.

III. ISSUES WITH IZ ORDINANCES AND BYLAWS

Economics. Measuring success with IZ ordinances and bylaws is difficult because local governments do not always have the same goals for affordable housing development. In our experience, the most effective IZ regulations come out of a collaborative process

H

between local officials and private developers, both for-profit and non-profit. There are at least two reasons for this:

- 1) IZ without a basis in economic reality does not work. People sometimes believe that when developers have to provide affordable housing, they simply make up the loss by charging more for the market-rate units. However, there is only so much the market will bear. If the asking price of market-rate units is too high, the units will not sell and the asking price will have to be adjusted. There is virtually no incentive for an experienced developer to spend time and effort marketing new housing units, only to have to lower the asking price in order to move the product. The more likely solution is that the anticipated loss of income from selling or renting an affordable unit will be passed on to the landowner, i.e., the individual selling the property to the developer.

Example: if the total development cost of an attached single-family dwelling (like a townhouse) is \$262,240 for a two-bedroom unit, the market sale price is \$310,000 and the maximum affordable purchase price is only \$180,000, the \$82,240 "loss" from the affordable unit has to be made up either by selling more market-rate units or providing a cash subsidy to the project. If it has to be made up through market-rate sales, the developer needs to build at least two more market-rate units for each affordable unit the project is required to provide.

- 2) Some developers have less trouble than others working with the many obligations that come with IZ. At the risk of oversimplifying, developers of small-scale projects tend to find the "bureaucracy" of affordable housing more challenging than developers of large-scale projects. Communities need to understand who their partners will be in order to implement an IZ bylaw.

Small towns often hesitate to work closely with developers, fearing that people will say the ordinance or bylaw was written to maximize profits. Even if local officials are reluctant to meet with developers, they could contact local or regional banks in order to understand conditions that make a project unbankable.

Income Limits. Some communities have experimented with redefining "affordable housing" to mean housing for people whose incomes are too high for Chapter 40B affordable units. For example, we have seen (and written) IZ ordinances that allow some "affordable" rental units to be priced for households with incomes up to 120 percent AMI if at least half of the affordable apartments are rented to very low income households (below 50 percent AMI). However, we have not seen this approach work for homeownership developments. We are aware, anecdotally, that about fifteen years ago, a non-profit organization on Cape Cod hoped to sell some affordable units in a development to households with incomes at 110 percent AMI. Despite an extensive marketing effort, the developer had great trouble moving the "median income" units and ultimately reduced

the asking prices. If Provincetown is interested in pursuing this approach, you may want to conduct a market study first and determine what the demand might be. At the very least, the idea should be vetted with some local developers.

Capacity. Communities need to consider both the financial feasibility of creating affordable housing and whether the organizational capacity exists to utilize the provisions of the ordinance or bylaw. In rural communities where the only housing is single-family dwellings and development happens on a lot-by-lot basis, IZ rarely produces affordable units. It may work if the developer has an adequate incentive – e.g., a density bonus of two market-rate units for one affordable unit – but there has to be enough market demand to make the density bonus actually function as a cost offset. It also has to be possible to accommodate additional density on the parcels available for development.

Chapter 40B SHI. In Massachusetts, most communities with IZ ordinances want to create units that “count” on the Subsidized Housing Inventory (SHI). Cities with community development departments usually have affordable housing experts on staff, and they handle the procedures for adding units to the SHI as well as monitoring for compliance. This is not always the case in suburbs and small towns. Local government capacity is critically important for IZ to succeed. Adding units to the SHI involves preparing an application, assembling documentation, and getting the affordable housing deed restriction in place. All of this seems fairly straightforward, yet it can be quite time consuming. While IZ units may qualify for the SHI under the state’s Local Initiative Program (LIP), they become eligible for listing only when they are built and a certificate of occupancy has been issued. Thus, there can be a considerable lag between zoning approval of an IZ project and the actual addition of units to the SHI. Furthermore, there are ongoing monitoring requirements that need to be met in order to keep the units on the SHI once they have been approved. Provincetown has a Community Housing Office, so all of these procedural requirements are probably not an issue. Still, the Town needs to be aware of the responsibilities it will inherit as the steward of IZ units.

IV. CONSIDERING PROVINCETOWN

By Massachusetts standards, Provincetown’s existing zoning is fairly liberal on the surface. In various districts, the Town allows single-family and two-family dwellings by right and also allows multiple dwellings on a single lot by right. (Curiously, accessory apartments are allowed only by special permit and they are subject to an affordable housing requirement). Despite provisions for a variety of residential uses by right – and in some districts, up to four units on a lot by right – the growth management bylaw may limit a developer’s ability to build the number of units that Provincetown’s use regulations allow. What is also clear in Provincetown’s zoning is that housing affordability has been a significant concern for many years. We say this because the growth management bylaw specifically classifies affordable housing as a priority for Growth Management Allocation Permits. The problem is, the creation of affordable units hinges on generating adequate

income from sales or rents to offset or partially compensate for the loss from the affordable units.

We understand from your town planner and the developers we met with on Dec. 6, 2015 that for the most part, development in Provincetown consists of very small projects – often one unit at a time. Though it may be tempting to craft an IZ bylaw that “triggers” at any application to build one or more units, the Town needs to consider the potential impact of a requirement like that on the ordinary flow of housing production. Fundamentally, the shortage of affordable housing in Provincetown stems from a shortage of housing at all market levels. In work we have done recently on Nantucket, where development also tends to consist of lot-by-lot housing construction, we noted that year-round and seasonal households are all competing for the same inadequate supply. Unless the Town is willing to consider some bold ways to incentivize housing growth, we question whether an IZ bylaw will be successful in your community. It could be successful for projects like commercial-to-residential conversion, but the Town may want to consider setting a higher threshold for the special permit requirement, e.g., allow conversions up to six units by right, subject to site plan review, and the inclusion of 12.5 percent of the units as affordable (rounding up to the nearest whole number).

For your consideration, we have attached a suggested framework for an IZ bylaw in Provincetown. We strongly recommend that local developers and other interested parties be asked to review and comment on the draft in order to make it as workable as possible for Provincetown.

Typical Inclusionary Zoning Features by Type of Community			
IZ Component	Urban	Suburban	Small Town
Threshold	8 to 10 units	6 to 10 units	6 or more units
Applicability (Projects Covered by Ordinance or Bylaw)	<ul style="list-style-type: none"> ○ Residential and mixed-use developments ○ Residential conversions ○ Commercial development (e.g., over 10,000 sq. ft.) ○ Any Transfer of Development Rights (TDR) project 	<ul style="list-style-type: none"> ○ All multifamily developments ○ Any residential development requiring a special permit ○ Residential conversions 	<ul style="list-style-type: none"> ○ Village center district (not town-wide) ○ All multifamily development ○ OSRD with mixed housing types
Percent Affordable Units	<ul style="list-style-type: none"> ○ 12.5% citywide ○ 12.5% some districts, 20-25% in higher-density districts ○ Percentage tied to affordability targets (smaller % for low-income units) ○ Allowance for workforce units in exchange for some very-low-income units 	<ul style="list-style-type: none"> ○ 10% to 12.5% ○ 20% in higher-density areas or for residential conversion projects 	<ul style="list-style-type: none"> ○ 10% to 12.5%
Affordability Targets	<ul style="list-style-type: none"> ○ Low (50% AMI) ○ Moderate (80% AMI) ○ Middle-Income (120% AMI) 	<ul style="list-style-type: none"> ○ Usually 80% AMI 	<ul style="list-style-type: none"> ○ Usually 80% AMI
Term of Affordability	<ul style="list-style-type: none"> ○ In perpetuity ○ Sometimes term-limited for homeownership units (30 years) 	<ul style="list-style-type: none"> ○ In perpetuity 	<ul style="list-style-type: none"> ○ In perpetuity
Compliance Options	<ul style="list-style-type: none"> ○ On-site units required ○ Fee in lieu allowed as of right for projects with <8 units ○ Fee in lieu for hardship cases by special permit 	<ul style="list-style-type: none"> ○ On-site units preferred ○ Off-site units considered ○ Land donations considered ○ Fee in lieu of units considered 	<ul style="list-style-type: none"> ○ On-site units preferred ○ Off-site units allowed ○ Fee in lieu of units allowed for 6-10 units
Procedures	<ul style="list-style-type: none"> ○ Special permit w/ site plan review ○ Site plan review (no special permit) for small projects with on-site units, e.g., <11 units 	<ul style="list-style-type: none"> ○ Site plan review for small projects with on-site units ○ Special permit for options other than on-site units 	<ul style="list-style-type: none"> ○ Special permit w/ site plan review

Typical Inclusionary Zoning Features by Type of Community

IZ Component	Urban	Suburban	Small Town
Incentives and Cost Offsets	<ul style="list-style-type: none"> o Density bonus: 2 or 3 market-rate units per 1 affordable unit by right for on-site units (no density bonus for off-site units) o Flexible setbacks, building height o Project can mix on-site, off-site units, land donations, fee in lieu o Expedited permitting for small projects with on-site units o Parking reductions o City handles affirmative marketing, lottery, and monitoring 	<ul style="list-style-type: none"> o Density bonus: 2-3 market-rate units per 1 affordable unit o Parking reductions o Fee waivers 	<ul style="list-style-type: none"> o Additional density inherent in multifamily housing o 2 additional market-rate units for 1 affordable unit
Relationship to Chapter 40B	<ul style="list-style-type: none"> o Low- or moderate-income units count on SHI o City handles SHI paperwork o Middle-income units not eligible for the SHI 	<ul style="list-style-type: none"> o Low- or moderate-income units count on SHI o Developer responsible for SHI paperwork (except in towns with a housing coordinator or regional housing office) 	<ul style="list-style-type: none"> o Low- or moderate-income units count on SHI o Developer responsible for SHI paperwork (except in towns with a housing coordinator)
Other Matters Covered in IZ Regulations	<ul style="list-style-type: none"> o Phasing of affordable units and/or timing of fee payments o Comparability of units (usually the same inside and out) o Location of affordable units in multi-story buildings o Affordable housing restriction 	<ul style="list-style-type: none"> o Phasing of affordable units and/or timing of fee payments o Comparability of units o Affordable housing restriction o Affirmative marketing and lottery 	<ul style="list-style-type: none"> o Phasing of affordable units and/or timing of fee payments o Comparability of units o Affordable housing restriction o Affirmative marketing and lottery
Useful Massachusetts Examples	<ul style="list-style-type: none"> o Cambridge o Somerville 	<ul style="list-style-type: none"> o Beverly o Shrewsbury 	<ul style="list-style-type: none"> o Groton

Section 4810. Inclusionary Housing

1. Purpose and Intent

The purposes of this Section 4810 are to:

- (a) Encourage the creation of housing opportunities for households of all incomes, ages, and sizes in order to support a strong, stable, and diverse year-round community and a viable and healthy local workforce, and to prevent the displacement of Provincetown residents;
- (b) Protect the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land;
- (c) Provide a mechanism by which residential development can contribute to increasing the supply of affordable and middle-income housing in exchange for a greater density or intensity of development than is otherwise permitted as a matter of right;
- (d) Ensure that such affordable housing is made available on a non-discriminatory basis to all eligible households in accordance with the federal Fair Housing Act of 1968, as amended;
- (e) Support the goals of the most recent Provincetown Housing Plan as approved by the Planning Board; and
- (f) Create affordable units that qualify for listing in the Chapter 40B Subsidized Housing Inventory.

2. Definitions

- (a) **Affordable Housing Restriction.** A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of affordable housing units to income-eligible purchases or renters, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law, and be entered into and enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.
- (b) **Affordable Housing Unit.** A dwelling unit that is affordable to and occupied by an Income-Eligible Household and meets the requirements for inclusion in the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory, except as provided hereunder.
- (c) **Area Median Income (AMI).** The median family income for the metropolitan area that includes the Town of Provincetown, as determined by the U.S. Department of Housing and Urban Development.

- (d) Income-Eligible Household.²
 - i) Very Low Income. A household with income that does not exceed 50 percent AMI, adjusted for household size.
 - ii) Low Income. A household with income between 51 and 80 percent AMI, adjusted for household size.
 - iii) Moderate Income. A household with income between 81 and 100 percent AMI, adjusted for household size.
 - iv) Middle Income. A household with income between 101 and 120 percent AMI, adjusted for household size.
- (e) Local Initiative Program (LIP). A program administered by DHCD to encourage cities and towns to create low-income housing through means other than a comprehensive permit under Chapter 40B.³
- (f) Redevelopment. Development that results in the creation of 4 or more new dwelling units in, or added to, an existing building.

3. Applicability

- (a) This Section 4810 shall apply to any development that requires a Special Permit from the Planning Board and results in the creation of 4 or more dwelling units, whether new construction, redevelopment of existing structures, or conversion of nonresidential building to residential use. Developments shall not be segmented to avoid compliance with this Section. "Segmentation" shall mean development that cumulatively results in a net increase of 4 or more dwelling units above the number existing 24 months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this Section.
- (b) This Section 4810 shall not apply to the following:
 - i) A subdivision of land under G.L. c. 41, §§ 81K-81GG;
 - ii) Accessory dwelling units; or
 - iii) Rehabilitation of any building or structure wholly or substantially destroyed or damaged by fire or other casualty; provided, however, that no rehabilitation or repair shall increase the number of dwelling units on the lot as existed prior to the damage or destruction thereof, except in conformance with this Section.

4. Basic Requirements

- (a) In any development subject to this Section 4810, at least 12.5 percent of the dwelling units shall be affordable housing units. Fractions shall be rounded up

² The Town should consider consolidating all of the various affordable housing and household income definitions that are currently in the Zoning Bylaw.

³ Including the reference to DHCD's Local Initiative Program obviates the need for many of the prescriptive details in Provincetown's existing affordable housing definitions.

to the next whole number. Nothing shall preclude an applicant from providing more affordable housing units than the number required herein.

- (b) The distribution of affordability for Income-Eligible Households shall be as determined by the Planning Board following consultation with the Applicant and the Provincetown Community Housing Council, and made a condition of the Special Permit under this Section 4810.
- (c) Maximum affordable purchase prices and rents for affordable units created under this Section 4810 shall be determined in accordance with the Planning Board's rules and regulations. Units for very-low and low-income households shall also comply with DHCD's Local Initiative Program (LIP) Guidelines for units not created under a comprehensive permit.
- (d) Affordable housing units shall be constructed or otherwise provided in proportion to market-rate units. Proportionality shall be determined by the number of building permits issued for affordable and market-rate units. Affordable units shall not be the last units to be built in any development covered by this Section 4810.

5. Submission Requirements and Procedures

- (a) Special permit application, review, and decision procedures shall be in accordance with this Bylaw and the Planning Board's rules and regulations.
- (b) No building permit shall be issued for any units in the development until the Planning Department receives evidence that the affordable housing restriction has been approved by DHCD and Town Counsel and the affirmative fair housing marketing plan under Subsection 8 below has been approved by DHCD.
- (c) No certificate of occupancy shall be issued for any units in the development until the Planning Department receives evidence that the affordable housing restriction has been executed and recorded with the Barnstable Registry of Deeds.

6. Affordable Unit Location and Comparability

- (a) Affordable housing units shall be dispersed throughout a development and shall be situated so as not to be in less desirable locations than the development's market-rate units.
- (b) Affordable housing units shall be comparable to and indistinguishable from market-rate units in exterior building materials and finishes and energy efficiency.
- (c) Affordable housing units shall be similar to the proposed market-rate units in size, measured in floor area and number of bedrooms.
- (d) Affordable housing units may consist of any type of dwelling unit allowed under this Bylaw as long as the unit type is allowed as of right or by special permit in the district where such units shall be located.

- (e) Owners and tenants of affordable housing units and market-rate units shall have the same rights and privileges to access and use any of the development's amenities and facilities.

7. Methods of Providing Affordable Housing Units.

- (a) Construction of affordable units on the locus of the development ("on-site units") is the preferred method of providing affordable housing units under this Section 4810.
 - i) For each on-site unit in a development, the applicant shall be permitted to build one additional market-rate unit, and the Planning Board shall have authority to waive any lot or dimensional regulations necessary to accommodate the additional unit(s) on the site. For example, a proposed development of 4 units, including 1 on-site affordable unit, shall be permitted to have an additional market-rate unit, bringing the total development to 5 units.
 - ii) If the Applicant requests, the Planning Board may approval two additional market-rate units as part of the Special Permit process. For example, a proposed development of 4 units, including 1 on-site affordable unit, may be permitted to have two additional market-rate units, bringing the total development to 6 units.
 - iii) In either case, the number of units that could be built on the site without any density bonus shall be the maximum number that could be built under a conventional plan that conforms to the density and dimensional requirements of the district in which the site is located.
 - iv) Projects with on-site affordable units shall be exempt from Article V of this Bylaw.⁴
- (a) The Planning Board may, in its discretion, approve one of the following alternatives or a combination thereof. In granting a Special Permit for such alternatives, the Planning Board may impose any conditions it deems necessary to ensure compliance with this Section 4810. No additional market-rate units shall be approved for alternatives to on-site units.
 - v) "Off-site units," or the provision of comparable affordable housing units on another site in the Town of Provincetown. Off-site units need not be located in the same zoning district as the proposed development, but the alternative location shall be as desirable as the location of the proposed development, as determined by the Planning Board. The off-site units shall be subject to an affordable housing restriction in the same manner as on-site units.
 - vi) Donation of developable land to the Provincetown Affordable Housing Trust or a non-profit housing development organization approved by the

⁴ This requires a significant policy decision. We include it here mainly to emphasize the importance of making the Inclusionary Zoning bylaw attractive to developers.

Planning Board, provided the receiving organization agrees in writing to accept the land and the applicant demonstrates to the Planning Board's satisfaction that the land is developable for an equivalent number of affordable units in conformance with the Provincetown Zoning Bylaw. Donated land need not be located in the same zoning district as the development, but shall be as desirable as the location of the proposed development, as determined by the Planning Board. The donated land shall be subject to a deed restriction limiting its use to mixed-income or affordable housing, and such restriction shall be recorded with the Barnstable Registry of Deeds prior to the issuance of any building permits for the development.

8. Affirmative Fair Housing and Marketing

The selection of income-eligible purchasers or renters shall be carried out under an affirmative fair housing marketing and tenant selection plan ("affirmative marketing plan") that complies with LIP Guidelines. To the extent allowed by law, the resident selection process shall give preference to Provincetown residents and others with a connection to the Town, subject to DHCD approval.

9. Monitoring and Enforcement

- (a) Affordable housing units shall be subject to an affordable housing restriction that contains limitations on use, occupancy, resale and rents, and provides for periodic monitoring to verify compliance with and enforce said restriction.
- (b) Affordable housing units shall be monitored by the Town or a qualified third party in order to verify compliance with the affordable housing restrictions. Monitoring and reporting thereof shall be performed annually unless LIP approval has been granted for a different timeframe. Affordable homeownership units shall be monitored upon resale by the Town, DHCD, or a qualified third party for compliance with the affordable housing restriction's resale provisions.

10. Hardship

In its discretion, the Planning Board may waive the affordable housing requirements of this Section 4810 if an applicant requests an exemption by Special Permit and submits credible, documented evidence that strict compliance will result in a significant hardship, rendering development of the site infeasible. Any waiver granted hereunder shall be subject to a condition requiring the applicant to pay a fee in lieu of units to the Provincetown Affordable Housing Trust. The fee shall be determined in accordance with the Planning Board's affordable housing rules and regulations.

11. Administration



In accordance with G.L. c. 40A, Section 9, the Planning Board shall adopt and may periodically revise affordable housing rules and regulations to administer this Section 4810.

Section 4810 Inclusionary Housing By-Law

1. Purpose and Intent

The primary purpose of this bylaw is to:

1. Encourage the creation of a range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year round community and a viable and healthy local workforce and to prevent the displacement of Provincetown residents;
2. Mitigate the impact of residential development on the availability and cost of housing;
3. Provide a mechanism by which residential development can contribute in a direct way to increasing the supply of affordable and middle income housing in exchange for a greater density or intensity of development than is otherwise permitted as a matter of right;
4. Support the goals of Provincetown's December 2006 Affordable and Community Housing Action Plan and its January 2014 Update.

A secondary purpose is to create dwelling units eligible for inclusion in the Town's Subsidized Housing Inventory.

2. Applicability

This inclusionary by-law shall apply in all zoning districts to the following uses:

- (a) *Except as identified under Section 2(c) below*, any development that results in an increase in the number of dwelling units, whether by new construction or alteration, expansion, reconstruction, or change of existing residential or non-residential space or use; and
- (b) Any subdivision of land resulting in at least one additional lot;
- (c) Any health care-related development that includes 6 (?) or more independent living units.

(Delete Section 4170 - appropriate sections were rolled into this bylaw; Roll section 4800 into this bylaw; Align Section 8 of this bylaw with definitions in 4800(2) with Article 1, Definitions.)

3. Special Permit

The development of any project as identified in Section 2(a)-(d) above shall require the granting of a Special Permit from the Planning Board. The application procedure and requirements for the special permit shall be as defined in Section 5300 of the zoning bylaw.

Additionally, the project must comply with the provisions of Article 4, Sections 4000 and 4100.

None of the above shall relieve the applicant of complying with other provisions of these Bylaws.

4. Mandatory Provision of Affordable Units for all Development

As a condition of approval for a Special Permit, the applicant shall contribute to the local stock of affordable, median and middle income housing in accordance with the following requirements:

(a) For projects consisting of a total of 5 dwelling units or more, at least 20% of the units created shall be established as affordable housing units in any one or combination of methods provided for below. *(add language for a payment-in-lieu for a percentage of a unit rather than rounding up to nearest whole number)*

- (1) The affordable housing units shall be constructed or rehabilitated on the locus subject to the special permit (see Section 5); or
- (2) (3) In lieu of providing such units as specified above, an applicant may provide a payment of equivalent value to the Housing Trust Fund in accordance with Section 4b, below. *(providing a payment-in-lieu of providing affordable units on site does not allow an applicant to increase the number of market rate units on site).*

Or, under special circumstances, the Planning Board may consider

- (3) The affordable housing units shall be constructed or rehabilitated on a locus other than the one subject to the special permit (see Section 6); or
- (4) Land dedication (or land dedication with permitting in place for affordable units)

(b) For projects consisting of between 1 and 4 dwelling units, a Housing Contribution to the Housing Trust Fund in the form of a payment in-lieu of creating a partial unit shall be made accordance with the following:

1 unit	20%
2 units	40%
3 units	60%
4 units	80% of the average cost of a dwelling unit <i>(containing the average number of bedrooms for the units in the particular development)</i> in that sold in Provincetown in the calendar year prior to the date the first building permit is pulled, the average cost to be determined on an annual basis in January by the Provincetown Assessor based on the average sale price of all 1BR, 2BR, 3BR, 4BR... dwelling

units.

(add language that a full unit could be built – incentive of being able to build the unit smaller and/or with fewer bedrooms than other units in development)

5. Provisions Applicable to Affordable Housing Units On-Site

- (a) Siting of affordable units: All affordable units constructed under this by-law shall be situated within the development so as not to be in less desirable locations than market rate units in the development and shall, on average, be no less accessible to public amenities as the market-rate units.
- (b) Minimum design and construction for affordable units: Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in exterior design and interior features, appearance, construction and quality of materials with other units. *The number of bedrooms in each affordable unit shall be made a part of the Special Permit and shall be based on local need as determined in consultation with the Community Housing Counsel for each project.*
- (c) Timing of construction or provision of affordable units or lots: The development of affordable housing units shall take place at the same rate and timeframe as the development of market rate units.
 1. Building permits for any phase shall be issued at a ratio of 4 (four) market rate units to 1 (one) affordable unit. Building permits for subsequent phases will not be issued unless all the required affordable units in the preceding phase are constructed and the affordable housing restrictions recorded. The last unit permitted, constructed and occupied shall be a market rate unit.
 2. The project may also be constructed in its entirety with all permits issued at once provided that the occupancy permits are issued at a ratio of 4 (four) market rate units to 1 (one) affordable unit. The last occupancy permit to be issued shall be for a market rate unit and shall not be issued unless all affordable units are occupied and the affordable housing restrictions recorded. *(Tighten up/combine 1 and 2)*
 3. The Building Commissioner may grant a modification to the rate and timeframe requirements so long as the last unit permitted, constructed and occupied is a market rate unit.

6. Provision of Affordable Housing Units Off-Site

In lieu of providing such units on site, an applicant subject to the bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 4 off-site. All requirements of this bylaw that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an integral element of the special permit review and approval process. Providing affordable units off-site does not allow an applicant to increase the number of market rate units on site.

7. Distribution

Distribution of affordability for rental or ownership units as Low Income Community Housing or Moderate Income Community Housing or Middle Income Community Housing shall be set as determined by the Planning Board in consultation with and recommendation of the Provincetown Community Housing Council, and made a condition of the Special Permit under this Bylaw.

8. Maximum Incomes and Selling Price; Affordable Housing Inventory

Maximum incomes and sales prices and rents are set forth in Article 1 Definitions. *(The Affordable Housing definition currently doesn't have anything about Middle Income Community Housing, which will have to be added to be consistent with revisions to Section 7. However, Middle Income units will not count toward the SHI).*

9. Preservation of Affordability; Use Restrictions

(a) Affordable housing units created in accordance with this by-law shall use affordable housing restrictions that are recorded at the Barnstable County Registry of Deeds and that require the units to remain affordable in perpetuity. Such affordable housing restriction shall grant, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

(b) The Planning Board shall require, as a condition for special permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the affordable housing restriction noted in Section 9(a) above.

10. Segmentation

Developments may not be phased or segmented to avoid compliance with conditions or provisions of this by-law.

11. Conflict with Other Bylaws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

12. Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Provincetown's zoning bylaw.

DRAFT CONDO CONVERSION BY-LAW

Article 11. General Bylaw Amendment – Chapter 16 - Condominium Conversion Bylaw. (Deletions shown in strike through and new text shown as underlined)

To see if the Town, under St. 1983, c.527, §2, and all of the authority provided under Amended Article 89 of the Massachusetts Constitution, will vote to adopt the following General Bylaw to ~~prohibit for two years and then, thereafter, to further~~ control and regulate the conversion of residential rental property to the condominium or cooperative form of ownership, through a conversion permitting process:

Chapter 16. CONDOMINIUM AND COOPERATIVE CONVERSION BYLAW SECTION 1. PURPOSE.

The Town declares, as provided for under St. 1983, c.527, §2, that local conditions constitute an acute rental housing emergency that requires local action, on account of the aggravating impact of the facts set forth in section one of c.527 (including lack of sufficient new rental housing production, prolonged increases in housing costs at a rate substantially exceeding increases in personal income, housing abandonment, increased costs of new housing and construction and finance and the effect of conversion of rental housing into condominiums or cooperatives) and unless the available rental housing stock and the tenants who reside in them receive further protection from the consequences of conversion, the rental housing shortage will generate serious threats to the public health, safety, and general welfare of the citizens of the Town, including, particularly, the elderly, the handicapped, and persons of low and moderate income and employees in the tourism and other service industries, and for municipal employees. The Board of Selectmen annually shall review the status of the year round rental housing emergency to determine whether additional action should be proposed to Town Meeting.

As of the effective date of this Bylaw, the Town has approximately 4,383 housing units and approximately 50% of the housing units are condominium units, 20% are single-family dwellings, and 30% are multi-family units.

The Town estimates that the vacancy rate for year-round rental units in the Town is less than 1%, creating a severe housing crisis that threatens the Town's economy.

Market conditions encourage conversion of existing residential rental units to condominiums in the Town, to serve the second home ownership demand and this has caused a shortage of year-round rental units. The desirability of the Town as a second home market, combined with the high density that is allowed by the Town's zoning regulations and the limited amount of land available to develop new housing, has driven up the value of housing accommodations and resulted in the conversion of existing rental units and single-family and guest units into condominium units, thereby eliminating year-round rental housing. The rapid conversion to the condominium form of ownership and the increase in the value of those condominiums on the second home ownership market is making it difficult to the point of impossibility for low, moderate and median income families, which includes service industry and municipal employees, as well as elderly

residents, who have limited and fixed incomes, to obtain or maintain year-round rental housing in the Town.

The severe shortage of year-round rental housing in the Town is a serious public emergency that threatens the Town's tourism-based economy and is a serious threat to the public health, safety, and general welfare of the citizens of the Town as substandard housing is becoming a resort as persons desiring to locate in Provincetown cannot locate year-round rental accommodations and existing residents are being displaced and are unable to find new year-round rental accommodations.

The effects of condominium and cooperative conversions on the availability of year-round rental units cannot be dealt with solely by the operation of the private housing market and, unless the removal of year-round rental units from the market is regulated and controlled, the housing emergency which presently exists in the Town and the inflationary pressures on and displacement of residents, the service industry work force, elderly, handicapped and those living on limited and fixed incomes resulting therefrom will continue to produce serious threats to the public health, safety, and general welfare of the citizens of the Town.

In order to protect the public health, safety, and general welfare of the citizens of the Town, and to prevent the worsening of the current severe shortage of year-round rental housing that is available to service industry and municipal employees and the elderly and the public emergency resulting therefrom, it is necessary to regulate and control the conversion of housing units to the condominium or cooperative form of property ownership and the removal of housing from the rental market while the Town studies, plans and then develops and implements programs to regulate and manage the housing crisis.

SECTION 2. DEFINITIONS.

As used in this Bylaw the following terms shall have the following meanings:

- a) "Board": The Board of Selectmen for the Town of Provincetown.
- b) "Condominium Unit": a unit of a condominium, as defined in G.L. c .183A.
- c) "Cooperative Unit": a residential dwelling space in a building owned by a corporation, the shareholders of which have organized on a cooperative basis for the purpose of leasing such dwelling space to themselves.
- d) "Condominium Conversion": the conversion of a rental housing unit to a condominium form of ownership.
- e) "Cooperative Conversion": the execution of a lease, of a cooperative unit in a building, with an owner of shares of stock in the corporation which owns the building which would convert a rental housing unit to a cooperative unit.
- f) "Housing Unit:" a rental housing unit that is a "housing accommodation" as defined under St. 1983, c.527, §3.
- f) "Removal from market" as applied to a Housing Unit, shall include, but not be limited to:

- (1) The filing of a condominium master deed, pursuant to G.L. c.183A, for any housing accommodation any part of which was most recently occupied as a rental unit;
 - (2) The demolition of a rental unit;
 - (3) The rehabilitation, repair, or improvement of a rental unit, other than as required by the laws of the Commonwealth or by the Town, in such a way as to prevent residential occupancy during the course of the rehabilitation, repair, or improvement, and
 - (4) The conversion of all or part of any building to a condominium or cooperative form of ownership.
- g) "Town": the Town of Provincetown.

SECTION 3. APPLICABILITY.

This Bylaw shall apply to all Housing Units (which under St. 1983, c.527, excludes buildings containing fewer than four units and excludes units in hotels, motels, inns, tourist homes, and rooming and boarding houses which are occupied by transient guests staying for a period of fewer than fourteen consecutive calendar days and excludes units in hospitals, and public and educational institutions, and nursing homes and excludes units lawfully constructed after November 30, 1983, or lawfully converted from a non-housing to a housing use after November 30, 1983, and excludes housing accommodations constructed or substantially rehabilitated under a federal mortgage insurance program and housing accommodations financed through the Massachusetts Housing Finance Agency, with an interest subsidy attached thereto).

~~SECTION 4. TWO YEAR PROHIBITION ON CONVERSIONS.~~

~~No condominium or cooperative conversion and no removal from market of a rental housing unit shall be permitted in the Town for two years from the effective date of this Bylaw, to allow the Town time to study, plan and then develop and implement programs, including, but not limited to, the regulations in Section 5, to deal with the year-round rental housing crisis in the Town.~~

SECTION 5. REGULATIONS.

A) No condominium or cooperative conversion and no removal from market of a Housing Unit that is subject to this Bylaw shall be permitted in the Town, except pursuant to a conversion permit granted under this section.

~~B) When the Vacancy Rate for year-round market rate rental units in the Town exceeds 5%, a building owner may apply to the Board for a permit to convert rental housing units to a condominium or cooperative form of ownership. When the Vacancy Rate is equal to or lower than 5%, a building owner may not apply for a permit to convert said building to condominiums or cooperatives unless the financial or other circumstances for the owner are such that prohibition of a conversion would constitute unconstitutional confiscation of the owner's property. When such an application is made, the Board, before granting a permit, shall be required to make an explicit finding that denial of a conversion permit would constitute such confiscation.~~

B) The Board may grant a conversion permit, provided that the Board shall consider and apply ~~consider~~ at least the following factors in determining whether to grant or deny a ~~the~~ conversion permit:

- 1) the impact of the proposed conversion upon the tenants sought to be protected by this Bylaw and upon the availability of year-round market rate rental housing of comparable type, quality and cost in the town and upon the overall availability of year-round rental housing in the town;
- 2) the ease or difficulty with which the affected tenants could find alternative year-round market rate rental housing in the town of comparable type, quality and cost;
- 3) any efforts to mitigate the impact of the proposed conversion upon the affected tenants, including but not limited to, guaranteed rights to remain as tenants for a fixed period, full or partial reimbursement of moving expenses and other costs of finding alternative year-round rental housing, and the procurement by the building owner for the tenants of alternative year-round rental housing in the town of comparable type, quality and cost and any agreement made to allow the tenant or tenants to purchase a unit on favorable terms than those offered to the general public;
- 4) the physical condition of the housing involved, and the financial viability to maintain the building as year-round market rate rental housing;
- 5) whether and for how long and why a unit or units in the building have been vacant;
- 6) the age, financial status, and health of the affected tenants, and the length of their tenancies;
- 7) whether the conversion permit can be conditioned in such a manner so as to fulfill the purposes and intent of this bylaw, through, for example, the recording of a restrictive covenant by the owner in favor of the Town that allows the conversion to take place but restricts the use of one or more of the converted units as a year round rental unit for a reasonable period of time, including especially if the unit is restricted as an affordable year round rental unit;
- 8) whether the denial of the conversion permit, taking into account all of the factors listed in this section, would be manifestly unjust; and
- 9) the Board shall grant a conversion permit if the Board finds that the financial or other circumstances for the owner are such that prohibition of a conversion would constitute unconstitutional confiscation of the owner's property. When such an application is made, the Board, before granting a permit, shall be required to make an explicit finding that denial of a conversion permit would constitute such confiscation

D) The Board shall have the power to issue such orders and enact such regulations as it may deem necessary to effectuate the purposes of this Bylaw, and to prescribe the

procedure for filing applications for conversion permits, giving notice of applications, holding public hearings upon applications, and rendering decisions upon applications. The Board may impose a reasonable filing fee for applications.

E) The Board shall determine the Vacancy Rate for year-round rental units in the Town, using what source or sources of statistical data the Board determines to be appropriate and shall declare a state of public emergency if the Vacancy Rate is equal to or lower than 5% of the overall housing stock. Once a declaration is made, an applicant may ask the Board to reconsider the determination by providing the Board with data that demonstrates, to the Board's satisfaction, that the Vacancy Rate exceeds 5%.

F) Tenants shall have all of the rights provided for under St. 1983, c.527; and, in addition, those rights shall not begin to run until the date of the granting of a conversion permit.

G) It shall be unlawful to commit any acts of harassment against tenants, to fail to make necessary repairs or provide required services, or to seek unreasonable increases in rents, for or during said period for the purpose of seeking to induce tenants to vacate units.

H) An application for a conversion permit shall be accompanied by a written plan setting forth an orderly process for the conversion, and a description of the governing process by which the owners' association or cooperative corporation shall exercise its responsibilities during and after the conversion.

I) An application for a conversion permit shall cover all units in a building; however, the Board may in the exercise of its discretion hereunder condition the grant of the conversion permit upon the building owner making special provisions for certain units and tenants thereof.

J) No conversion permit shall be granted unless the building has been certified by an independent licensed engineer or architect to meet all applicable building and health codes of the Town and Commonwealth.

~~K) This section shall not be in effect during the two-year moratorium provided hereunder or any extension thereof.~~

SECTION 6. SEVERABILITY.

Should any provision of this Bylaw or its application to any person or circumstance, be determined to be invalid, that invalidity shall not affect the validity of any other provision or application hereof.

SECTION 7. PENALTIES AND ENFORCEMENT.

Any person who violates this Bylaw shall be punished by a fine of three hundred dollars (\$300) per offense under G.L. c.40, §21D. Each day during which a unit is illegally converted or occupied and each day after which an illegal conversion takes place, shall constitute a separate offense, and the conversion of multiple units in a building shall

constitute multiple offenses. The Board or its designee may enforce this Bylaw in a court of competent jurisdiction, and may seek and obtain appropriate injunctive relief to enforce the Bylaw in a civil action.

SECTION 8. EFFECTIVE DATE.

This Bylaw shall take effect as provided for under G.L.c.40, §32.

24200/PROV/533832v2



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

7B

INTERMUNICIPAL AGREEMENT DRAFT

Town of Provincetown and Town of Truro

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

For Discussion Only.

Additional Information

See attached drafted Intermunicipal Agreement.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

INTERMUNICIPAL AGREEMENT

This Intermunicipal Agreement (hereinafter "Agreement"), dated _____, 2015, by and between the Town of Provincetown, acting through its Board of Selectmen (hereinafter "Provincetown"), and the Town of Truro, acting by and through its Board of Selectmen (hereinafter "Truro"), is entered into pursuant to G.L. c. 40 §4A, upon the following terms and conditions:

WHEREAS, the Towns of Provincetown and Truro are adjoining municipalities;

WHEREAS, the Towns have determined that the sharing of personnel and equipment under certain circumstances will increase their ability to provide adequate and professional public services for their communities; and

WHEREAS, the Towns desire to enter into an agreement which sets forth mutually agreeable terms and conditions for the sharing of public employees and equipment.

NOW, THEREFORE, in consideration of these promises and the mutual covenants herein contained, Provincetown and Truro agree as follows:

I. Scope of Coverage

Either party may propose regionalizing services or make a request for assistance from the other party for any public purpose, including but not limited to services performed by or through the departments of public works, health, human services, animal control, harbormaster, recreation, community development and/or inspectional services.

Each "Request" shall be initiated and approved by the Town Manager in Provincetown and by the Town Administrator in Truro, or their designees, who shall hereinafter be referred to as the "Town Managers", who shall then inform their respective Boards of Selectmen within seven (7) days.

Each Request shall be reduced to writing and include all pertinent information such as the nature, location, and expected duration of the event or situation giving rise to the request; the number and type of employees requested; the type of equipment and logistical support needed; the financial terms and method of allocating costs, the location to which the employees are to report; and the name of supervisor, and any other pertinent information. Each Request shall take effect upon signature of the Town Managers.

The provisions of this Agreement shall not be construed as imposing an obligation on either Town to respond to a request for assistance by the other Town or to provide services within the borders of the other Town. The extent of assistance to be furnished under this Agreement shall be determined solely by the Town Managers, on a case-by-case basis, and it is understood and agreed that the assistance furnished under this Agreement may be recalled upon reasonable notice at the sole discretion of the Town Manager of the Town providing the employees or equipment.

II. Command and Control

All public employees rendering services in the other Town pursuant to this Agreement, shall report to the identified supervisor, and carry out the assigned responsibilities, however they shall remain subject to the command and control of their employer. The Town Managers will work together to coordinate the allocation of personnel to maximize efficiency and to avoid duplicate or conflicting commands.

Any equipment furnished shall, to the extent possible, be operated by the public employees of the Town providing the equipment .

All employment rights, compensation and benefits of public employees rendering services pursuant to this Agreement shall be the responsibility of the Town by which the public employee is regularly employed and such employees shall not be considered employees of the other Town for any purpose.

Each Town shall assume and be responsible for all of its own equipment costs, including but not limited to damage or loss of its own equipment and the use of fuel or other expendable supplies, provided, however, that the parties may agree to provide reimbursement under the circumstances of a particular request.

III. Liability and Immunity

All immunities from liability enjoyed by the public employees of each Town within their own jurisdiction shall extend to their participation in rendering services under this Agreement outside its boundaries and such public employees shall maintain any rights of indemnification granted by law for any claims arising out of the actions taken within the scope of their employment.

Each Town agrees to assume its own liability for services provided under this Agreement and, to the extent permitted by law, each Town shall indemnify, defend and hold harmless the other Town from and against all claims, demands, liabilities, actions, causes of action, costs and expenses, including attorneys' fees, arising out of the actions of its public employees while performing services in the other Town.

Each Town shall provide and maintain throughout the term of this Agreement appropriate insurance coverage for liability for personal injury or property damage and all insurances for its employees and equipment, including health and workers' compensation.

IV. Term

This Agreement shall take effect on the date first written above and continue in effect for a period of twenty-five (25) years unless sooner terminated.

V. Miscellaneous

This Agreement is not intended to substitute or preclude any other agreements that may now or hereafter be in effect among the Towns with respect to the provision of mutual aid, nor does it supersede any other means of providing mutual aid.

This Agreement may only be amended or modified by written document signed by the Board of Selectmen in each Town.

This Agreement may be terminated by either party upon thirty (30) days written notice to the other party.

All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered or mailed, postage prepaid, certified mail, return receipt requested or by electronic mail to:

The Town of Provincetown
Town Manager
260 Commercial Street
Provincetown, MA 02657
dpanagore@provincetown-ma.gov

Town of Truro
Town Administrator
24 Town Hall Road
Truro, MA 02666
rpalmer@truro-ma.gov

This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts and any dispute hereunder shall be directed to the appropriate court within Barnstable County.

If any provision, section, phrase or word contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, Section 4A of the General Laws, as amended, then it is the intention of the parties that, for public purposes, the remaining provisions thereof shall continue in full force and effect.

Executed as a sealed instrument as of the day and year first written above.

TOWN OF PROVINCETOWN
By its Board of Selectmen

TOWN OF TRURO
By its Board of Selectmen



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

7C

POTENTIAL TOWN MEETING ARTICLES

Discussion

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion Dependent – votes may be taken.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

7D

TOWN MANAGER'S REPORT

Administrative Updates

Requested by: Town Manager David Panagore

Action Sought: Discussion

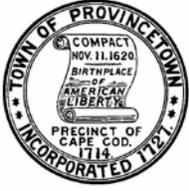
Proposed Motion(s)

Discussion dependent – votes may be taken.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

7E

OTHER

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion Dependent. Votes may be taken.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

Monday, January 25, 2016

8

MINUTES OF BOARD OF SELECTMEN'S MEETINGS

Requested by: BOS Secretary

Action Sought: Approval

Proposed Motion(s)

Move that the Board of Selectmen approve the minutes of:

- March 25, 2014 (Special) as printed with changes so noted
- January 05, 2016 (Budget) as printed with changes so noted
- January 06, 2016 (Budget) as printed with changes so noted
- January 12, 2016 (Budget) as printed with changes so noted

Additional Information

See attached minutes.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

**SPECIAL MEETING – MONDAY - MARCH 25, 2014
COUNCIL ON AGING TOWN MEETING FORUM
Veterans Memorial Community Center**

Chairman Austin Knight convened the meeting at 10:30 AM noting the following Board of Selectmen attending: Elaine Anderson, Erik Yingling, David McChesney and Tom Donegan

Excused Absence: Austin Knight

Other attendees: Acting Town Manager David Gardner, Municipal Finance Director Dan Hoort and COA Director Chris Hottle

Recorder: None

The following are meeting minutes, in brief:

1. SENIOR TOWN MEETING OPEN FORUM

Open discussion on upcoming Special and Annual Town Meeting Articles.

No motions made.

Minutes transcribed by: David Gardner, 1-21-15

1

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES
FISCAL BUDGET MEETING
TUESDAY - JANUARY 05, 2016 – 6:00 PM
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Donegan convened the open meeting at 6:00 PM noting the following attendees:
Board of Selectmen members: Thomas Donegan, Erik Yingling, Cheryl Andrews, Raphael Richter, and Erik Yingling.

Other attendees: Town Manager David Panagore, Assistant Town Manager Gardner, and Finance Director Dan Hoort, Principal Assessor Scott Fahle, DPW Director Richard Waldo, DPW Deputy Director Eric Larsen, DPW Operations Director Sherry Prada, and Water Superintendent Cody Salisbury.

Recorder: Loretta Dougherty

Without objection Item 2 was taken out of order.

2. Public & Selectmen Statements:

Elizabeth Brooke is a resident and is opposed to using the toxins presented in the Shorebird Management Plan. She listed the possible predators that will be affected. She stated that a little risk does not equal no risk. She was concerned about the effect on the song birds and contact with dogs or humans. She asked where is the science that shows this will make a difference. The poison DRC1339 usually takes between 12-72 hours for the birds to die and they suffer greatly over this three day period. She wants to find ways to create non-lethal deterrents; such as, removing fence posts to keep the predators away, building Tern shelters, and using oyster shells which would provide camouflage and habitat for the birds. She asked the BOS to protect our environment and make Provincetown a cruelty free zone for animals today, tomorrow, and in the future.

1. Letter to CCNS regarding the Shorebird Management Plan.

Tom had edited the original letter (Version A) from John Thomas omitting paragraphs 5 & 6 as not being directly related to the issue at hand.

Cheryl asked that the date be corrected in Version A from January 2015 to January 2016.

Raphael agreed that paragraphs 5 & 6 should be included.

MOTION: Move that the Board of Selectmen approve letter [Version A], to CCNS Superintendent George Price regarding the Shorebird Management Plan, as submitted.

Motion: Raphael Richter

Seconded: Erik Yingling

Tom agrees with not using poison.

5/0/0 Motion passed.

3. Town Manager's FY2017 Budget Message and Revenue Expenditure Overview.

Tom complimented the staff on the way the presentation was put together.

David Panagore recommended that everyone read the introduction. Pages 13 & 14 give an overall breakout of the increases to the budget by department; description, and the page you can turn to in the book to find it. A brief overview was given with a PowerPoint presentation. A copy of this presentation can be found on the town's web page at www.provincetown-ma.gov. He stated that projections are based on last year's numbers plus inflation. The total revenue

growth for FY2017 is \$658,981 which includes property tax growth of \$588,981 and local receipts of \$70,000 and are, depending on the source, established and regulated by the State and/or the Town. All CIP items are put before Town Meeting. The FY2017 Operating Revenue is as follows: \$19,685,798-property taxes (75.6%); \$5,113,353-local receipts (19.6%); \$537,705-state aid (2.1%); \$254,398-other funds (1.0%), and \$467,062-enterprise indirect (1.8%). The overall total is \$26,058,316.

The FY2017 Operating Expenses for public education increased very little (0.82%); the increase in payroll (3.70%) was driven by mandated increases, and the pay class study that was done; the increase in benefits and other insurance (5.86%) is about average, and both the excluded and non-excluded debt service is at -4.05%. The benefits and insurance is the biggest driver for the increase and will, in the course of time, be reviewed to make sure we are getting the proper returns on our investments. Most increases in expenses are ongoing expenses that will carry to the following fiscal year. Our town does excellent work on the Other Post-Employment Benefits (OPEB). We are doing the right things and are very much ahead of the curve on managing this.

Tom asked if we are projecting growth for the benefits/insurance.

Dan stated that he has used a 7% increase for this next year. We have not gotten the actual estimate yet.

David P. stated that there will be an employee hired as a Code Compliance Officer (\$20,000 in Community Development Support budget) who will be utilized to check for any compliance violations. The certificate fees created will pay for this position; an example of how the expenditure offsets revenue. We will also have a Parking Business Manager for next year that will move on business matters to help tighten up our self-service. Dan Hoort will be the Business Manager for the parking system. Expenditure transfers from other areas are Building and Grounds seasonal workers to contracted services, and Public Health Programming from Human Services to the Board of Health. He gave an overview of the long term forecast from FY2017-FY2020 stating that for FY2017 we are in the black at \$158,000. He noted that we do have some work ahead of us next year but if the Room's Tax Equalization legislation passes that could get us an estimated \$900,000 or so to the town. We will also be reviewing our fee structure, as well as looking into regionalization. Our next real comprehensive update on the FY2018 budget will come in September 2016 when we are doing our financial forecast.

Robert asked if the Compliance Officer is an existing employee or are we hiring another person, and will this turn into a full-time position.

David P. stated that this will be a new hire for a seasonal position with no benefits.

Tom stated that the Baker administration will be moving forward with the residential legislation and, hopefully, it will bring in not only the AirBnBs but the owner to occupant also. We will be keeping an on this issue.

Cheryl complimented staff for the very well put together budget information. She asked what would be a quick way to compare last year's numbers to this year's numbers for residents to understand. Cheryl asked Dan whether the new growth estimated at \$140,000 was a trend up or down.

Dan stated that it was up. He has used \$120,000 or \$125,000 in the past.

Raphael complimented the staff on the presentation of the budget.

Erik complimented the staff on the presentation of the budget.

Tom stated that on the revenue side compared to other cape towns our property taxes are very low. He wants to look at the numbers again regarding automobiles getting registered based on their being garaged in Provincetown. He wants to see the rate of average value; could it be decreased in year-round residents. There are a whole variety of fees that we can talk about; mooring and marine fees for example.

Erik is willing to discuss raising fees.

4. Overall FY2017 Budget Review Inclusive of the following:

A. Consent Budget Review and Approval:

Please know the following budgets were reviewed on consent last year and have not been invited to attend at this time as there are no substantive changes:

<i>131 Finance Committee</i>	<i>265 Board of Health</i>
<i>157 Land Bank</i>	<i>294 Harbor Committee</i>
<i>174 Housing Office</i>	<i>296 Shellfish Constable</i>
<i>181 Building Committee</i>	<i>432 Recycling and Renewable Energy</i>
<i>254 Licensing</i>	<i>543 Veterans Services</i>
<i>260 Conservation Commission</i>	<i>545 Disability Commission</i>
<i>261 Planning Board</i>	<i>550 Animal Welfare Committee</i>
<i>262 Zoning Board of Appeals</i>	<i>560 Bicycle Committee</i>
<i>263 Historical Commission</i>	<i>672 Art Commission</i>
<i>264 Historic District Commission</i>	<i>673 Cultural Council</i>

Finance Director Dan H. stated that these budget items are put on the consent agenda when they are level funded.

Cheryl would like to see all town boards bring their minutes up-to-date.

A brief discussion was held concerning the need for on-call secretaries, and it was noted that there have been very few applications for this position which may be a reflection of the declining year-round population. On-call secretaries earn a rate of \$35 per hour with a two hour guaranteed minimum. Town Manager David P. will review this issue and report back to the Board with recommendations.

MOTION: Move that the Board of Selectmen ask the Town Manager to review this issue and bring back to the Board a recommendation.

Motion: Cheryl Andrews

Seconded: Raphael Richter

5/0/0 Motion passed.

B. Division II Budget Review:

Finance:

141 Board of Assessors – Principal Assessor (\$250,338):

Principal Assessor Scott Fahle stated that the Board of Assessor's FY2017 "B" budget is level funded. There is a slight increase in the "A" budget of \$5,222 due to contractual raises in pay for personnel. There may be some software programming charges in the future with regards to implementing the new residential tax exemption but will be dealt with appropriately should the need arise.

4

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Dept. 141 in the amount of \$250,338.

Motion: Raphael Richter

Seconded: Cheryl Andrews

5/0/0 Motion passed.

C. Enterprise Funds: *Director, Director of Operations and Water Superintendent*

6001 Water Enterprise Fund (\$2,522,437):

The overall 6001 budget increased 3%. Cody stated that the "B" budget increased by 1 1/2 %, which includes an emergency reserve of \$150,000. A 7% increase in the "A" budget for personnel services is attributed to scheduled wage increases and an allocation of \$10,000 to hire and transition a Grade 6 Administrative Assistant due to retirement which will help to guarantee for a smooth and seamless transition.

A brief discussion was held regarding retained earnings. Because of retained earnings capital improvements were made without having to borrow money. There are no written policies in place. Staff will look at putting some policies in place. Staff will also be doing a rate structure study. DPW is very aggressive where leaks are concerned. 30% of unaccounted for water is what has been estimated now.

Tom wants answers about these things for the meeting in Truro next month; moving monies from the operating budget into the enterprise budget.

David P. will follow up with Town Counsel re: assigning unrelated income back out if the enterprise fund will allow it re: (T-mobile; AT&T, etc.) regarding moving Cell Towers into the General Fund.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Dept. 6001, in the amount of \$2, 522,437.00, with a request to report back to the Board of Selectmen on the issue of unaccounted for water with a 10 year look back and a plan to achieve compliance with DEP's mandate within the next 5 years.

Motion: Cheryl Andrews

Seconded: Raphael Richter

5/0/0 Motion passed.

6002 Wastewater Enterprise Fund (\$4,474,751):

The 6002 budget increased by 9.12% due to increase in plant capacity by 19%. With additional plant capacity we can expect \$240,000 more in user fees each year. There will be a transfer from retained earnings of \$892,000 to balance the budget. This will drop down after the 5 year pro forma. Rate payers pay the operation and maintenance. The target is to make sure that our operating cost and users fees match up. Number of Red dot delays that are remaining will be given to the BOS by DPW/staff.

MOTION: Move that the Board of Selectmen adopt the Town Manger's recommended budget for Dept. 6002 in the amount of \$4,474,751.

Motion: Erik Yingling

Seconded: Raphael Richter

5/0/0 Motion passed.

Tom and David P. will be working to set up a meeting with the Water & Sewer Boards regarding rate structures.

Break at 8:19pm. Back in session at 8:23pm.

D. Division IV Budget Review:

Public Works – Director, Deputy Director and Director of Operations:

192 Buildings & Grounds (\$1,384,922):

The overall 192 budget has a decrease of 0.5% mainly due to an 8.2% reduction in building expenses. There will also be discontinued the contracted services for the cemetery maintenance. These funds will then be transferred to the personnel budget to hire two additional seasonal staff that will cover the cemetery maintenance and allow support of the building maintenance duties of the skilled staff at a reduced cost to the budget. This provides more efficient use of manpower in peak season and does not limit staff to only maintain the cemetery grounds; we will be providing a higher level of service for less money.

MOTION: Move that the Board of Selectmen adopt the Town Manger’s recommended budget for Dept. 192 in the amount of \$1,384,922.

Motion: Raphael Richter

Seconded: Cheryl Andrews

A brief discussion was held on various topics from making sure the new generator which was voted on in the past had been purchased and is ready for use in case of any emergency situations; making sure that all new tools that are being purchased are appropriately logged in and marked for identification; that we are staying on top of any third barrel pick up problems with regards to personnel and over-time pay, and finally the Board asked staff to look into opportunities to use both wind and solar energy for all our town buildings. Some of the buildings for consideration are the VMCC, fire station, library, police station, and even a micro solar panel on the shack at the cemetery.

5/0/0 Motion passed.

421 Administration (\$374,652):

The overall 421 budget increased by 10%, mainly due to incurred fuel costs for the Police Dept., Fire Dept., and Council on Aging. These costs are anticipated to be redistributed into each department’s budget in the future. Fuel costs for the Water Dept. have been segregated to the Water Enterprise Fund for FY2017. There was an approximate cost savings of \$20,000 due to the installation of LED lighting replacements. BOS requested staff look at putting LED lighting throughout the town.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Dept. 421 in the amount of \$354,652.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

422 Highway (\$591,630):

The overall 422 budget increased by 1.3%, with personnel expenses down 0.5% and related service expenses increasing 8.6%. The need for maintenance and road materials contributed to this increase.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Dept. 422 in the amount of \$591,630.

Motion: Cheryl Andrews

Seconded: Raphael Richter

5/0/0 Motion passed.

423 DPW Snow & Ice (\$167,700):

There were no changes to this budget. The DPW has been working with MassDOT to remove snow. If we do not have another winter like 2015, we will have a surplus. The FEMA

6

reimbursement received for the January 2015 snow storm was \$52,802. Staff will check into whether the state sent us any reimbursement monies for the January 2015 snow storm.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Dept. 423 in the amount of \$167,700.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

431 DPW Solid Waste (\$655,627):

The overall 431 budget increased by 11.4% as a direct result of the single stream disposal cost increase and labor costs. We will be paying a \$40/ton disposal fee for recycling opposed to \$0 right now. Staff will be looking at ways to decrease costs in the future for our solid and recycling waste. The personnel budget increased 3.3% due to negotiated labor union agreements and longevity costs.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Dept. 431 in the amount of \$655,627.

Motion: Erik Yingling

Seconded: Raphael Richter

5/0/0 Motion passed.

439 DPW Solid Waste Disposal (\$251,500):

The 439 budget increased by 2% pursuant to the contractual agreement with New Bedford Waste Services, LLC.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Dept. 439 in the amount of \$251,500.

Motion: Raphael Richter

Seconded: Robert Anthony

We are up 300 tons of solid waste; 200 tons of recycle materials. 40% of all our materials are recyclables.

5/0/0 Motion passed.

Public Works Capital Improvement Program:

Rich stated that there are no changes in the CIP at present. DPW will pull the \$525,000 re: Ryder St. Outfall, if we do not receive the grant. We should know before the next Town Meeting.

5. Other – None.

Motion to adjourn at 9:25pm by: Erik Yingling

Seconded: Raphael Richter

Without objection Tom adjourned the meeting at 9:25pm.

Minutes transcribed by: Loretta Dougherty

7

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES
FISCAL BUDGET MEETING
WEDNESDAY - JANUARY 06, 2016 – 6:00 PM
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Thomas Donegan convened the open meeting at 6PM noting the following attendees: Board of Selectmen members: Tom Donegan, Erik Yingling, Cheryl Andrews, Raphael Richter, and Robert Anthony.

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner, Finance Director Dan Hoort, Fire Chief Michael Trovato, John Thomas CEO and Treasurer Steven Roderick of Outer Cape Ambulance Services, Harbormaster Rex McKinsey, Interim Building Commissioner Anne Howard, Town Planner Gloria McPherson, Police Chief Jim Golden, and Director of Health & Environment Morgan Clark.

Recorder: Loretta Dougherty

1. Public & Selectmen Statements – No statements.

2. FY2017 Overall Budget Review Inclusive of the following:
Division III Budget Review:

A. Public Safety– Fire:

220 Fire – Fire Chief (\$750,866):

Fire Chief Mike Trovato stated that the biggest increase is in the “A” budget due to contractual personnel raises. They have kept it as conservative as possible trying to make it fair for everyone.

Raphael stated that the budget looks strong and asked if the volunteer force is still strong.

Mike stated we have good people for at least six years; hopefully more.

There was a brief discussion held concerning the training academy and the pollutants that had been found there. The pollutants found were in the ground, not the equipment. The training academy is still open at present. If the academy were to close it would be a hardship on those in need of training as they would have to attend another facility for one whole month. Most would not be able to stop their employment for that period of time. The BOS would like to have staff look into the costs for a full-time fire department, as well as possible regionalization efforts.

David Panagore stated that this is a complex situation taking into consideration the need for response times, facilities needed, and areas to be covered. He and the Fire Chief will look into this issue together.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Dept. 220, in the amount of \$750,866.

Motion: Raphael Richter

Seconded: Cheryl Andrews

5/0/0 Motion passed.

Fire Capital Improvement Program:

Finance Director Dan Hoort stated that the CIP has not changed since the last time the BOS saw it.

David Panagore stated he has received no definite answer regarding the forward movement for the replacement of the radios. This request is just asking for an authorization; not a definite expenditure.

Tom stated that the replacement of the radios should be a Fall Town Meeting issue instead of a Spring Town Meeting

Mike stated that the Fire Deputy is working on a grant for this.

Robert wanted to know what we will be buying.

Police Chief Golden stated that Motorola is recommending that a community should be buying radios that are able to be flashed. The existing radios are operating at analog now which is scheduled to be turned off at some point and all radios will then go digital. E.F. Johnson and Motorola are the only two companies offering the digital equipment. The public safety radios are very sophisticated; they have inter-operability. These radios will be needed within the next three years for sure.

Cheryl asked if BOS approves the CIP, as presented, would the entire amount be bonded.

Dan stated that \$1.5 million will be bonded.

Robert stated that he is in favor of anything we need for public safety. However, he does not want to go out and buy the radios and have it change in two or three years due to new technology.

231 Ambulance Service –Treasurer, Lower Cape Ambulance (\$830,239):

John Thomas CEO and Steven Roderick, Treasurer of the Lower Cape Ambulance Service appeared before the Board. Mr. Roderick stated that there is a 2.4% increase. They will be replacing both of the ambulances, and electric stretchers which are mandated must be purchased.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Dept. 231, in the amount of \$830,239.

Motion: Raphael Richter

Seconded: Robert Anthony

A brief discussion was held looking at the history of the budget; they have increased their crew of 4 to 5; housing all people at the station in order to maintain 24 hour a day coverage. They hope to be collecting 85% to 90% of what they charge. It has been consistently going up even though they respond to a lot of situations that do not require transports. It is a 70/30 split for allocating between Provincetown and Truro.

5/0/0 Motion passed.

B. Public Safety – General:

295 Marine – Harbormaster (\$195,000):

Harbormaster Rex McKinsey stated that the budget is level funded for FY2017 based upon the amount approved by the Board last year. There was a brief discussion regarding the Pier’s rent abatement for \$118,000 as stated in the approved MOU. Rex asked that this issue be kept separate from the Harbormaster’s budget. It was determined that the abatement was included in the MOU for the FY2017 budget. The vote by the Board is just to approve the 295 budget.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Dept. 295, in the amount of \$195,000.

Motion: Cheryl Andrews

Seconded: Raphael Richter

5/0/0 Motion passed.

250 Community Development Support – Assistant Town Manager (\$84,127):

Asst. Town Manager David Gardner stated that this budget is different this year due to the reorganization within departments and divisions. This reorganization was done late in the

Tom is interested in having fewer seasonal employees and more of the officers live in our community; keeping the money earned here in the winter.

The Chief gave a brief overall view to the Board of what the seasonal officers do stating that it is an incredibly difficult job to do, and this is how a number of full-time officers started out. He highly recommends keeping these seasonal officers.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Dept. 210, in the amount of \$2,563,936 .

Motion: Raphael Richter

Seconded: Robert Anthony

5/0/0 Motion passed.

299 Parking – Chief of Police, Parking Administrator (\$492,549):

Parking Administrator Domenic Rosati and Chief Golden appeared before the Board. Chief Golden stated that the overall 299 budget is level funded with the exception of an increase in salaries which is contractual; a \$9,000 increase for the Business Parking Manager position as discussed at last night's budget meeting; an \$8,000 increase for software licenses for the parking kiosks, and a \$10,000 increase for bank charges due to those people who use credit cards. The MPL and Grace Hall have now opened up for credit card use.

Tom stated that we have more resident parking stickers out than we have residents. He would like to have a conversation on the number of resident parking stickers.

Cheryl would like to see parking spots back on the corner of Winthrop & Bradford on both sides. There was a brief discussion held on making sure that parking enforcement is carried out for anyone parking in a no parking area; no preferential treatment for anyone. There is a difference between unloading and parking. We are business friendly, but need to have legal enforcement. Domenic stated that through education and training this can and will be done.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Dept. 299, in the amount of \$492,549.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

Police and Parking Capital Improvement Program

Dan stated that the only changes are the moving of the server's (MIS budget) and asking to repurpose funds in the Water Enterprise Fund; nothing in the police budget CIP has changed.

3. Other – None.

Motion to adjourn at 9:27pm by Erik Yingling

Seconded: Raphael Richer

5/0/0 Motion passed.

Minutes transcribed by: Loretta Dougherty

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES
FISCAL BUDGET MEETING
TUESDAY - JANUARY 12, 2016 – 6:00 PM
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Donegan convened the open meeting at 6PM noting the following attendees:

Board of Selectmen members: Thomas Donegan, Erik Yingling, Cheryl Andrews, Raphael Richter, and Robert Anthony.

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner, and Finance Director Dan Hoort, Town Clerk Douglas Johnstone, Airport Manager Arthur "Butch" Lisenby, Human Services Director Morgan Clark, Council on Aging Director Chris Hottle, Library Director Matt Clark, Recreation Director Brandon Motta, MIS Director Beau Jackett, and Treasurer Connie Boulos.

Recorder: Loretta Dougherty

1. Public & Selectmen Statements:

No public statements.

Cheryl asked what the revision was to the agenda meeting notice.

Tom stated that the 122 Board of Selectmen item was added. It was an oversight that it was left off.

2. FY2017 Overall Budget Review Inclusive of the following:

Division I Budget Review:

General Government

113 Elections & Town Meetings – Town Clerk (\$14,298):

Town Clerk Doug Johnstone stated that this is the budget where the number goes up or down depending on the number of elections and Town Meetings held within the year. Only one Town Meeting is budgeted for in April for six nights and to date this has also covered the expense of a special fall Town Meeting without the need to budget specifically for that event. We will have a State Primary Election on September 8, 2016, a State Election on November 8, 2016, and an Annual Town Election on May 3, 2017.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Department 113, in the amount of \$14,298.

Motion: Raphael Richter

Seconded: Erik Yingling

A brief discussion was held regarding the chairs being replaced in the Auditorium. Dan Hoort stated that it was recommended that they be entirely replaced at some point. Tom wants to see this issue resolved; one of our goals is to improve our Town Meeting experience for town residents.

5/0/0 Motion passed.

161 Town Clerk – Town Clerk (\$124,779):

This is the budget that actually runs the Town Clerk's office and there is no increase in the "B" budget from last year, and the "A" budget increased only by contractual personnel raises.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Department 161, in the amount of \$124,779.

Motion: Erik Yingling

Seconded: Raphael Richter

5/0/0 Motion passed.

122 Board of Selectmen – Chairman (\$108,441):

This budget is being increased so that Selectmen can receive insurance [\$38,423 (B-1)], and the BOS stipends would be increased by \$5,500 (A-1).

Raphael thinks that the Chairman should receive more than an additional \$500; either lower the regular Selectmen by \$500 or increase the Chair by \$500. This would be most appropriate phased in over the election cycle. He does not feel comfortable voting for this to be put in place in the middle of a cycle.

Tom recommended that it be referred to the Finance Committee for their recommendation.

Erik feels very strongly that this is very fair considering the number of meetings the Board has to attend.

Cheryl recommends moving forward with this. She spoke about being mandated to carry insurance and she wants to bring it before Town Meeting.

Robert asked the BOS to consider that there may be five board members needing insurance when reelections are held. He does not take the insurance himself.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 122, in the amount of \$108,441.

Motion: Erik Yingling

Seconded: Robert Anthony

It was noted that there will need to be a Warrant Article presented to change Chapter 5-1-4 of the Provincetown General By-laws.

4/0/1 (Raphael Richter-abstained) Motion passed.

123 Town Manager – Town Manager (\$336,047):

There is a \$20,000 increase (B-2) for professional contracted services that will allow the Town to expand its economic development efforts including, but not limited to grant writing efforts, demographic analysis, etc., and a \$3,500 increase (B-2) that will allow the Town Manager to employ an outside technical consultant as may be needed. The Town Manager stated that the Economic Development Committee has been doing great work and this increase would be done in conjunction with assisting them to further their commitments. The BOS agrees with the proposed budget recommended.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 123, in the amount of \$336,047.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

151 Legal Services – Town Manager (\$230,000):

The Town Manager stated that he is not able to represent the town as legal counsel, but works closely with our Town Counsel. There were two significant legal issues that raised the cost last year; the hiring of both the Town Manager and Chief of Police. It is level funded for FY2017. The Town Manager would like to see it go down; he has taken the conservative point of view. A letter of agreement for each sub-matter may be an option to use in the future on the major matters.

Kopelman & Paige will send a breakdown for the Board’s review.

Tom asked that the government compliance costs be given a line item so we can keep an eye on the costs.

There was a brief discussion regarding the cost and personnel responsible for the preparation of meeting minutes for all boards within the town. The Town Manager stated that he has asked the Town Clerk Doug Johnstone to give him a list of who is doing the minutes for each board and how many minutes are outstanding.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 151, in the amount of \$230,000.

Motion: Raphael Richter

Seconded: Cheryl Andrews

5/0/0 Motion passed.

14

156 General Government – Town Manager (\$59,590):

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 156, in the amount of \$59,590.

Motion: Erik Yingling
5/0/0 Motion approved.

Seconded: Robert Anthony

182 – Economic Development – Town Manager (\$26,000):

This is level funded for this year.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 182, in the amount of \$26,000.

Motion: Raphael Richter
5/0/0 Motion approved.

Seconded: Robert Anthony

482 Airport Commission – Airport Manager (\$99,100):

Airport Manager Arthur “Butch” Lisenby and Airport Commission Chairman Michael Valenti appeared before the Board. Butch stated that the budget is pretty much level funded; the bulk is funded through federal and state grants. This budget is for maintenance. Overall it is less than ½ of 1% of last years. The slight decrease is in utility costs due to LED lighting. The Cape Air contract expires July 13, 2017. The income from Cape Air is similar from year-to-year over the last few years. Cape Air leases the terminal and hanger. Butch is a Cape Air employee and gets paid by them. For special projects that Butch works on he gets paid by the town. Cape Air pays the 70% for his town benefits and Butch pays the rest.

Tom is concerned about any possible conflicts that this may bring up. We are going into a new lease and this is the time to bring it up. Town staff will be present for the new negotiations for the lease.

Long term parking during the winter at the airport is still an issue. One of the projects is to increase the parking area. Tom wants to see a month long limit on parking.

Butch stated that we don’t have a problem with month long parking, just simply week to week. A management problem is the issue. Cape Air is against paid parking to assure that a greater number of people use the airport.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 482, in the amount of \$99,100.

Motion: Raphael Richter
5/0/0 Motion passed.

Seconded: Erik Yingling

Division V Budget Review:

Public Services:

512 Human Services – Director (\$41,292):

Director Chris Hottle stated that the public health tasks were moved to the Board of Health. The “A” budget is unchanged. The “B” budget was decreased. The overall budget was decreased by \$7,387

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 512, in the amount of \$41,292.

Motion: Erik Yingling
5/0/0 Motion passed.

Seconded: Robert Anthony

541 Council on Aging – Director (\$242,009):

The “A” budget has increased by \$3,237 to cover two additional hours per week for the Program Coordinator position. The “B” budget is unchanged.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 541, in the amount of \$242,009.

Motion: Erik Yingling
5/0/0 Motion passed.

Seconded: Robert Anthony

15

Dan asked to take 630 out of order:

630 Recreation – Director (\$181,782):

The “A” budget increases were contractual changes. There was no change to the “B” budget. No new staff added in the summer.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 630, in the amount of \$181,782.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

The Director for the 610 budget was not present so it was held until later in the meeting.

Division II Budget Review:

Finance:

135 Town Accountant – Director of Finance (250,606):

The “A” budget increased for personnel following the employee compensation plan. The “B” budget was level funded with the exception of the request for the general billing module. Finance Director Dan Hoort would like to see everything in-house under one system. The \$5,697 increase is for a one time purchase of \$5,400 for the MUNIS module, and the annual license of \$297 that will be ongoing and will be included in the MIS budget in future years.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 135, in the amount of \$250,606.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

The 910 Budget was taken out of order.

910 Retirement/Benefits/Insurance – Finance Director (\$6,738,006):

Dan stated that he has put in the budget a 7% increase for benefits. The actual charges proposed by the Cape Cod Medical Health Group have not come in as yet. The OPEB contribution for FY2017 was increased 2.5% over the FY2016 contribution. The retirement assessment has gone up significantly this year.

David P. will be reviewing the investment portfolio to see how we are managing our pension funds.

Cheryl quoted an article in the Barnstable Patriot which stated a 15% increase is possible for benefits.

Tom asked when we may expect to find out the correct number.

Dan will make some phone calls and bring the information back.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 910, in the amount of \$6,738,006.

Motion: Erik Yingling

Seconded: Raphael Richter

5/0/0 Motion passed.

Budgets for 145, 710, & 820 were taken out of order.

145 Treasurer/Collector – Treasurer (\$207,694):

The “A” budget was increased due to a change in Grade status for an employee being trained to take over the Treasurer’s position, if needed. The “B” budget decreased and is level funded. The overall budget increase is \$8,400.

Erik would like to see about hiring companies closer to home for our payroll services. He asked the Treasurer to get some estimates.

Robert asked about the status of making online payments for the Police Dept.

Connie is trying to integrate permit processing and will have a conversation with the vendor to see how this can be done.

MOTION: Move that the Board of Selectmen adopt the Town Manager’s recommended budget for Department 145, in the amount of \$207,694.

Motion: Raphael Richer

Seconded: Erik Yingling

5/0/0 Motion passed.

710 Debt Service – Treasurer (\$1,980,031):

The general fund debt service cost of \$1,980,031 is 7.82% of the total projected FY2017 general fund revenues of \$25,319,356, which include property taxes, local receipts, and state aid.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Department 710, in the amount of \$1,980,031.

Motion: Raphael Richter

Seconded: Robert Anthony

Connie will send the BOS a breakdown of the debt.

5/0/0 Motion passed.

820 Tax Title – Treasurer (\$19,000):

The budget is level funded for FY2017.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Department 820, in the amount of \$19,000.

Motion: Erik Yingling

Seconded: Robert Anthony

5/0/0 Motion passed.

610 Library – Director (\$325,695):

The Library Director Matt Clark appeared before the Board. The "B" budget is level funded. The "A" budget increased for contractual increases. The hours for the circulation staff were increased with the money that paid for Matt's previous position with the Library.

Tom asked if we could increase the Library's hours with the extra money.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Department 610, in the amount of \$325,695.

The Board congratulated Matt for the good job he is doing.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

136 Information Systems – MIS Director (\$524,288):

MIS Director Beau Jackett stated the "A" budget increases are for the ongoing contractual plan, and the "B" budget was increased at line B-8 for \$9,000 for Acella. We will be going live next week with the board members on all regulatory boards, the chairman on other Boards and the Finance Committee. Other boards may be added subject to funding. Beau has a social media policy for all to sign.

Raphael asked about being completely cloud based in the future.

Beau stated that the majority may be in the cloud within a 10 year time period but we will always have a need to have some infrastructure in-house. The Town's website has been in the cloud the last 6-7 years; email will follow and then perhaps others.

A brief conversation was held regarding Xfinity; routers in the houses throughout Provincetown are being used by anyone in town who uses the Wi-Fi.

MOTION: Move that the Board of Selectmen adopt the Town Manager's recommended budget for Department 136, in the amount of \$524, 288.

Motion: Raphael Richter

Seconded: Erik Yingling

5/0/0 Motion passed.

MOTION: Move that the Board of Selectmen ask the Town Manager to study the feasibility and costs of installing a downtown public Wi-Fi network, as well as potential associated revenue sources and return a report to the Board of Selectmen within six months.

Motion: Raphael Richter

Seconded: Robert Anthony

A brief discussion was held regarding a location to install a fiber network system which would also include capabilities for a public Wi-Fi network. A possible location would be down the middle of Commercial Street that would serve not only our businesses but would be a viable network system for all visitors both national and international. The previous motion was amended.

MOTION: Move that the Board of Selectmen ask the Town Manager to study the feasibility and costs of installing a downtown a fiber network and downtown public Wi-Fi network, as well as potential associated revenue sources and return a report to the Board of Selectmen within six months.

Motion: Raphael Richter
5/0/0 Motion passed.

Seconded: Robert Anthony

MIS Capital Improvement Program:

Beau stated that the CIP approved last fall was just for server replacements. He is requesting \$50,000 for projected costs of relocating the servers. The Board is very pleased that the servers are being moved. No action taken since the CIP vote will be taken one time at the end of the CIP review.

3. Review & Approval of CIP Budget:

The Board agreed to add a CIP line item for new seats in the auditorium.

MOTION: Move the Board of Selectmen add a Capital Improvement Project to replace or repair seats in the auditorium with \$50,000 allocated in FY2019 and \$50,000 allocated in FY2021.

Motion: Raphael Richter

Seconded: Robert Anthony

Erik believes that the amount may be too high and Raphael stated that if the Board wanted to start with a smaller number it is fine with him. He just wanted to get the discussion moving. It was agreed that perhaps the initial amount was too great and the motion was revised.

MOTION: Move the Board of Selectmen add a Capital Improvement Project to replace or repair seats in the auditorium with \$25,000 allocated in FY2019 and \$25,000 allocated in FY2021.

Motion: Raphael Richer

Seconded:

Asst. Town Manager David Gardner stated that there is an existing gift fund to purchase chairs. Dan stated that the gift fund has \$1,325 in it.

3/2/0 (Erik Yingling & Cheryl Andrews)

Cheryl stated that there was a study done in the past to let us know what shape our buildings were in. There was at one time a book that contained sections for each building that showed what work needed to be done. She would like to get a presentation from staff of what needs to be done in our buildings as she is hearing about leaks still happening, especially when it rains as hard as it has recently.

The last town-wide building assessment was done around 2008 but did not include the Town Hall, the Library, the Police Station, or the school as projects were being done in those buildings at the time.

David P. recommended that, if we have the money, outsourcing the assessment to an engineering firm for a thorough study would be better than putting together something quickly in-house.

Cheryl wants a quick update rather than nothing.

Tom stated that we have a building maintenance plan; the 192 budget. Eric Larsen and his team update this yearly. The question to be asked is does the roof at the VMCC still leak; which is the one he keeps hearing about? Whenever we have a problem that needs to be fixed that isn't surfacing; how do we need to help it surface. Tom feels confident that the issues are being updated yearly as reflected in the budget.

David P. will supply a report to the Board on where the leaks are, the condition of the building, and what is our plan is to deal with it.

On another topic, Tom stated that he is not in favor of going to Town Meeting this spring and spending the \$464,000 [FY2017 CIP line item 57, Police Station] to find out that we do not want to spend \$7.7 million [FY2018] on a police station.

David P. stated that we are half way through the process and still trying to figure out the sites, the cost, and how to get the building under 12,000 square feet. At the same time, we are looking at

what the relative cost is to rehab the existing building. Those figures are being developed and he would like to be back in a month in terms of conversation, if possible. He does know that he cannot be any further along in getting the answers.

Tom thinks we should not go to Town Meeting with any amount of money until we have those answers; perhaps in time for the fall Town Meeting. He would like to see the all-in costs rather than having two sets of numbers.

We will not be taking a number to the spring Town Meeting.

MOTION: Move that the Board of Selectmen on line item 57, in the Capital Improvement Requests Summary "Police Station", combine the \$464,747 for FY2017 with the figure of \$7,736,541 from FY2018 so that the FY2017 number is zero and the FY2018 number is \$8,201,287.

Motion: Raphael Richter

Seconded: Robert Anthony

Cheryl asked if the idea would be to ask for the \$8 million in one vote.

Raphael explained that this motion has been made so that we do not have any number to take to the spring Town Meeting; the particulars will be worked out prior to the fall Town Meeting and it will be determined whether to have one number or two numbers to bring at that time for the FY2018 budget.

5/0/0 Motion passed.

MOTION: Move that the Board of Selectmen approve as revised the Town Manager's recommended CIP for FY2017 et seq., and refer the Plan to the Finance Committee pursuant to Provincetown's Charter 9-2-3.

Motion: Raphael Richter

Seconded: Erik Yingling

This budget has been a two-step process and has worked out great.

5/0/0 Motion passed.

The budget meeting scheduled for tomorrow night was cancelled.

4. Other – None

Without objection the meeting was adjourned at 9:18pm.

Minutes transcribed by: Loretta Dougherty



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016

9

CLOSING SELECTMEN'S STATEMENTS

Administrative Updates

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

Motions may be made and votes may be taken.

Raphael Richter

Erik Yingling

Cheryl Andrews

Robert Anthony

Tom Donegan

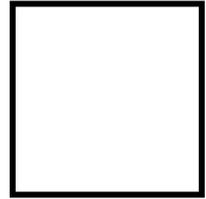
Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, January 25, 2016



EXECUTIVE SESSION MOTION

MGL c30A, Sec. 21(a), Clause 6

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

MOVE that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 6 for the purpose of:

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. VFW (3 Jerome Smith Road) and related parcels. Votes may be taken.

and not to convene in open session thereafter.

Roll Call Vote:
Tom Donegan:
Erik Yingling:
Cheryl Andrews:
Raphael Richter:
Robert Anthony:

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>