



Meeting Agenda Revised

The Provincetown Board of Selectmen will hold a public meeting on Monday, September 26, 2016, at 6:00 p.m. in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

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

- A. *Treasurer Transfer – Library Gift Fund – to pay invoices from Staples Credit Plan, Inc. for office supplies and printing purchases, in the amount of \$565.42.*
 - B. *Treasurer Transfer – Historic Gift Fund – to pay an invoice from Conservation Framing for print reframing and restoration, in the amount of \$600.00.*
1. Public Hearings/Public Forums - Votes may be taken on the following items:
 - A. Request from NStar d/b/a Eversource to install one FO pole labeled 33/1 in Law Street to supply service to customer at 386B Commercial Street, Provincetown, MA 02756 – NStar Right-of-Way Agent Jessica Elder.
 - B. Discussion on the Commercial Street Re-Paving Parking Plan associated with the Phase 3 Reconstruction Project (Howland Street to Johnson Street – DPW Director Richard Waldo and GHD Representatives Jessica Janney & James Fosdick.
 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 the Planning Board – Update on the Inclusionary Housing Bylaw and other Potential Zoning & General Bylaws – Town Planner Gloria McPherson & Planning Board Members.
 5. Appointments - Votes may be taken on the following items: None.
 6. Requests - Votes may be taken on the following items:
 - A. Update on Cape Light Compact and Potential Fiscal Sponsor Opportunities – Selectman Tom Donegan.
 - B. Discussion on Province Road Paving Request – Jay Gurewitsch.
 7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
 - A. Review and Sign the Grace Hall Parking Lot Lease Agreement with the Roman Catholic Bishop of Fall River, a Corporation Sole.
 - B. Town Manager’s Report – Administrative Updates.
 - i. RFQ Update on former Community Center, 46 Bradford Street.
 - ii. Proposed Process for Civic Engagement and Fall Town Forum
 - iii. Other Town Manager updates and administrative matters.

- C. Others – 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.
 - A. *Letter to Senator Daniel A. Wolf regarding House Bill No. 3742 – An Act Establishing a Year-Round Market Rate Rental Housing Trust, to make changes to language.*

The Board of Selectmen will vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clauses 1, 2, 3, 4, 6, 7 & 8 for the purposes of:

Clause 3 – To discuss strategy with respect to collective bargaining or litigating position of the public body and the Chair so declares. (Collective Bargaining – Police & ASFCME).

Clauses 1, 2, 3, 4, 6, 7, & 8 – To consider the approval and/or release of Executive Session Minutes for September 19, 2014, February 29, 2016, April 11, 2016, and June 27, 2016. Votes may be taken.

Posted by the Assistant Town Clerk: www.provincetown-ma.gov, 9/22/16 4:50 pm dv
REVISED: 9/23/16 9:05 am dv



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, September 26, 2016

00

CONSENT AGENDA

Approval required for the following items:

Requested by: BOS Chair Tom Donegan

Action Sought: Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to approve items listed on the consent agenda as submitted.

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

- A. *Treasurer Transfer – Library Gift Fund – to pay invoices from Staples Credit Plan, Inc. for office supplies and printing purchases, in the amount of \$565.42.*
- B. *Treasurer Transfer – Historic Gift Fund – to pay an invoice from Conservation Framing for print reframing and restoration, in the amount of \$600.00.*

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 Board of Selectmen
AGENDA ACTION REQUEST

00A

Monday, September 26, 2016

TREASURER'S TRANSFERS

Library Gift Fund

Requested by: John O'Buck, Treasurer

Action Sought: **Approval**

Proposed Motion(s)

MOVE that the Board of Selectmen vote, as Commissioners of the Library Gift Fund – (#1107), pursuant to MGL C44 § 53A, to approve the use of the funds in the Library Gift Fund (#1107) to pay \$565.42 for the attached invoices from Staples Credit Plan, Inc.

Additional Information

This Motion will allow the Town Treasurer to transfer money from the Library Gift Fund – (#1107) to pay for office supplies and printing purchases. The Library Gift Fund will have a balance of \$62,747.78 in the expendable account after this invoice is paid.

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: September 26, 2016
To: Provincetown Treasurer
From: Board of Selectmen

As Commissioners of the Library Gift Fund – (#1107), permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of the Library Gift Fund (#1107), for the payment of \$565.42 for office supplies and printing purchases.

The Honorable Board of Selectmen:

Raphael Richter, Chair

Erik Yingling, Vice Chair

Cheryl Andrews, Selectman

Tom Donegan, Selectman

Robert Anthony, Selectman

Town of Provincetown, Massachusetts
Provincetown Public Library
356 Commercial Street
Provincetown MA 02657
12-Sep-16

713-6

Voucher to Pay FY 2017

To: #11535 Staples Credit Plan ****9711
 Dept. 11 - 0006219711
 PO BOX 183174
 Columbus, OH 43218-3174

| Charge Acct | Item | Inv # - Acct # | Total |
|-----------------|--|----------------|-----------------|
| 11070200-520000 | Office & program supplies and printing 7/21/16 | 13144 | \$95.98 |
| | Office & program supplies and printing 8/4/16 | 557 | \$36.25 |
| | Office & program supplies and printing 8/10/16 | 65221 | \$113.70 |
| | Office & program supplies and printing 7/18/16 | 85019 | \$143.02 |
| | Office & program supplies and printing 7/25/16 | 85846 | \$101.59 |
| | Office & program supplies and printing 8/1/16 | 86547 | \$74.88 |
| | | | |
| | | | |
| | <i>The invoice has tax added to it incorrectly, which was subtracted for this voucher. SM.</i> | | |
| | | | |
| | | Total: | \$565.42 |



 Signature of Library Director

 Date 8/12/16

BILL TO:
 Acct: 6011 1000 6219 711
 PROVINCETOWN LIBRARY

| Amount Due: | Trans Date: | DUE DATE: | Invoice #: |
|-------------|-------------|---------------------------|------------|
| \$101.98 | 07/21/16 | 09/15/16 | 13144 |
| PO: | | Store: 100011162, ORLEANS | |

| PRODUCT | SKU # | QUANTITY | UNIT PRICE | TOTAL PRICE |
|---------------------------|---------|-----------|------------|-------------|
| HP564XL564 HY BLK/STD CMY | 1989983 | 1.0000 EA | \$61.99 | \$61.99 |
| CUSTOMER BASED PRICING | 1989983 | 1.0000 EA | \$1.00 | \$1.00 |
| ZAGG INVISIBLE GLASS FOR | 1596837 | 1.0000 EA | \$34.99 | \$34.99 |

| | |
|----------|----------|
| SUBTOTAL | \$95.98 |
| TAX | \$6.00 |
| SHIPPING | \$0.00 |
| TOTAL | \$101.98 |

BILL TO:
 Acct: 6011 1000 6219 711
 PROVINCETOWN LIBRARY

| Amount Due: | Trans Date: | DUE DATE: | Invoice #: |
|-------------|-------------|---------------------------|------------|
| \$36.25 | 08/04/16 | 09/15/16 | 557 |
| PO: | | Store: 100011162, ORLEANS | |

| PRODUCT | SKU # | QUANTITY | UNIT PRICE | TOTAL PRICE |
|---------------------------|---------|-----------|------------|-------------|
| CRZRT RED WASH KIDS PAINT | 1560671 | 1.0000 EA | \$2.49 | \$2.49 |
| CRAYOLA WSHBLE METALLIC P | 570760 | 1.0000 EA | \$7.99 | \$7.99 |
| CRAYOLA WASHABLE GLITTLR | 570222 | 1.0000 EA | \$6.99 | \$6.99 |
| CRAYOLA 10CT 2OZ WASH KID | 582366 | 1.0000 EA | \$7.99 | \$7.99 |
| CRAYOLA 3TC 8OZ FINGERPAI | 1227257 | 1.0000 EA | \$10.79 | \$10.79 |

| | |
|----------|---------|
| SUBTOTAL | \$36.25 |
| TAX | \$0.00 |
| SHIPPING | \$0.00 |
| TOTAL | \$36.25 |

BILL TO:
 Acct: 6011 1000 6219 711
 PROVINCETOWN LIBRARY

| Amount Due: | Trans Date: | DUE DATE: | Invoice #: |
|-------------|-------------|---------------------------|------------|
| \$120.87 | 08/10/16 | 09/15/16 | 65221 |
| PO: | | Store: 100011162, ORLEANS | |

| PRODUCT | SKU # | QUANTITY | UNIT PRICE | TOTAL PRICE |
|------------------------|--------|-----------|------------|-------------|
| 1-50 CLR CARD LDGR | 893601 | 1.0000 EA | \$119.00 | \$119.00 |
| CUSTOMER BASED PRICING | 893601 | 1.0000 EA | \$23.80 | \$23.80 |
| TRIMMING | 517639 | 1.0000 EA | \$2.97 | \$2.97 |
| CUSTOMER BASED PRICING | 517639 | 1.0000 EA | \$0.59 | \$0.59 |
| 1-50 CLR CRD | 387215 | 1.0000 EA | \$20.23 | \$20.23 |
| CUSTOMER BASED PRICING | 387215 | 1.0000 EA | \$4.05 | \$4.05 |

| | |
|----------|----------|
| SUBTOTAL | \$113.76 |
| TAX | \$7.11 |
| SHIPPING | \$0.00 |
| TOTAL | \$120.87 |

BILL TO:
 Acct: 6011 1000 6219 711
 PROVINCETOWN LIBRARY

| Amount Due: | Trans Date: | DUE DATE: | Invoice #: |
|-------------|-------------|---------------------------|------------|
| \$151.96 | 07/18/16 | 09/15/16 | 85019 |
| PO: | | Store: 100011162, ORLEANS | |

| PRODUCT | SKU # | QUANTITY | UNIT PRICE | TOTAL PRICE |
|---------------------------|---------|-----------|------------|-------------|
| CRA-Z-ART GLITTER GLUE 9C | 1558826 | 1.0000 EA | \$4.99 | \$4.99 |
| CRAYOLA WASHABLE GLITTLR | 570222 | 1.0000 EA | \$6.99 | \$6.99 |
| CRAYOLA WASHABLE GLITTLR | 570222 | 1.0000 EA | \$6.99 | \$6.99 |
| CRAYOLA 10CT 2OZ WASH KID | 582366 | 1.0000 EA | \$7.99 | \$7.99 |

continued →

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8400655

PAGE 0005 OF 0006



moreACCOUNT

Permit payment and make checks payable to:
STAPLES CREDIT PLAN
DEPT. 11 - 0006218711
PO BOX 9001036
LOUISVILLE, KY 40290-1036

INVOICE DETAIL

Invoice #:
85019
continued

| PRODUCT | SKU # | QUANTITY | UNIT PRICE | TOTAL PRICE |
|---------------------------|---------|-----------|------------|-------------|
| MULTICOLOR STARS STICKERS | 1561445 | 1.0000 EA | \$2.99 | \$2.99 |
| MULTICOLOR HEARTS STICKER | 1561500 | 1.0000 EA | \$3.29 | \$3.29 |
| 51-100 CLR2 STD | 382072 | 1.0000 EA | \$117.00 | \$117.00 |
| CUSTOMER BASED PRICING | 382072 | 1.0000 EA | \$23.40 | \$23.40 |
| 1-50 CLR LDGR | 381556 | 1.0000 EA | \$20.23 | \$20.23 |
| CUSTOMER BASED PRICING | 381556 | 1.0000 EA | \$4.05 | \$4.05 |

| | |
|-----------------|----------|
| SUBTOTAL | \$143.02 |
| TAX | \$8.94 |
| SHIPPING | \$0.00 |
| TOTAL | \$151.96 |

BILL TO:
Acct: 6011 1000 6219 711
PROVINCETOWN LIBRARY

| Amount Due: | Trans Date: | DUE DATE: | Invoice #: |
|-------------|-------------|---------------------------|--------------|
| \$107.94 | 07/25/16 | 09/15/16 | 85846 |
| PO: | | Store: 100011162, ORLEANS | |

| PRODUCT | SKU # | QUANTITY | UNIT PRICE | TOTAL PRICE |
|---------------------------|---------|-----------|------------|-------------|
| CRA-Z-ART 25CT ARTIST BRU | 2103785 | 1.0000 EA | \$7.99 | \$7.99 |
| 51-100 CLR2 STD | 382072 | 1.0000 EA | \$117.00 | \$117.00 |
| CUSTOMER BASED PRICING | 382072 | 1.0000 EA | \$23.40 | \$23.40 |

| | |
|-----------------|----------|
| SUBTOTAL | \$101.59 |
| TAX | \$6.35 |
| SHIPPING | \$0.00 |
| TOTAL | \$107.94 |

BILL TO:
Acct: 6011 1000 6219 711
PROVINCETOWN LIBRARY

| Amount Due: | Trans Date: | DUE DATE: | Invoice #: |
|-------------|-------------|---------------------------|--------------|
| \$79.56 | 08/01/16 | 09/15/16 | 86547 |
| PO: | | Store: 100011162, ORLEANS | |

| PRODUCT | SKU # | QUANTITY | UNIT PRICE | TOTAL PRICE |
|------------------------|--------|-----------|------------|-------------|
| 101-500 CLR STD | 381513 | 1.0000 EA | \$93.60 | \$93.60 |
| CUSTOMER BASED PRICING | 381513 | 1.0000 EA | \$18.72 | \$18.72 |

| | |
|-----------------|---------|
| SUBTOTAL | \$74.88 |
| TAX | \$4.68 |
| SHIPPING | \$0.00 |
| TOTAL | \$79.56 |

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PAGE 00006 OF 00006





Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Monday, September 26, 2016

00B

TREASURER'S TRANSFERS

Historical Commission Gift Fund

Requested by: John O'Buck, Treasurer

Action Sought: **Approval**

Proposed Motion(s)

MOVE that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Historical Commission Gift Fund – (#1132), pursuant to MGL C44 § 53A, to approve the use of the funds in the Historical Commission Gift Fund (#1132) to pay \$600.00 for the attached invoice from Conservation Framing.

Additional Information

This Motion will allow the Town Treasurer to transfer money from the Historical Commission Gift Fund – (#1132) to pay for print reframing and restoration. The Historical Commission Gift Fund will have a balance of \$10,671.00 in the expendable account after this invoice is paid.

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: September 26, 2016
To: Provincetown Treasurer
From: Board of Selectmen

As Commissioners of the Town of Provincetown Historical Commission Gift Fund (#1132), permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of the Historical Commission Gift Fund (#1132), for the payment of \$600.00 for print reframing and restoration.

The Honorable Board of Selectmen:

Raphael Richter, Chair

Erik Yingling, Vice Chair

Cheryl Andrews, Selectman

Tom Donegan, Selectman

Robert Anthony, Selectman

081661

CONSERVATION FRAMING
P.O. Box 388
8 Truro Center Rd.
Truro, MA 02666

349.0133

| | | |
|---|-------|---------------|
| CUSTOMER'S ORDER NO. | DEPT. | DATE: 8-26-16 |
| NAME: Stephen Borowski | | |
| ADDRESS: Provincetown Historical Commission | | |
| CITY, STATE, ZIP: 774 722 3087 | | |

| | | | | | | |
|----------|------|--------|--------|----------|-----------|----------|
| SOLD BY: | CASH | C.O.D. | CHARGE | ON ACCT. | MDSE RTD. | PAID OUT |
|----------|------|--------|--------|----------|-----------|----------|

| QUANTITY | DESCRIPTION | PRICE | AMOUNT |
|----------|-----------------|-------|--------|
| 1 | 20 3/8 X 38 3/8 | | 554 |
| 2 | Frame # 302 QC | | |
| 3 | U.V. Plexi | | |
| 4 | (P. Town Print) | | |
| 6 | | | |
| 7 | 14 X 18 | | 46 |
| 8 | Flip Art Work | | |
| 9 | Dr. Fit Fit | | |
| 10 | (1922 Etching) | | |
| 11 | | | |
| 12 | | | |
| 13 | Total | | 600 |
| 14 | | | |
| 15 | | | |

RECEIVED BY:



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, September 26, 2016

1A

PUBLIC HEARING – NSTAR d/b/a EVERSOURCE ENERGY

Installation of One FO Pole

Requested by: NStar Right-of-Way Agent Jessica Elder

Action Sought: Public Hearing/Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote, pursuant to MGL C.166,§22, to approve the request of EverSource Energy to install one new FO pole labeled 33/1 in Law Street to supply service to customer at 386B Commercial Street, Provincetown, MA 02657.

Alternate Motion:

MOVE that the Board of Selectmen vote to continue the hearing pending presentation of alternatives to the proposed location.

Additional Information

A copy of Eversource Energy’s petition is attached. Eversource is requesting permission to locate poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by our petitioners, along and across the public way or ways as mentioned above. Also to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with the poles and buildings as each may desire for distributing purposes.

Staff recommends Eversource engineers provide alternatives to the existing pole location.

Board Action

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



Board of Selectmen

Public Hearing

Proposal by Eversource Energy to Install One FO Pole to Supply Customer at 386B Commercial Street (via Law Street), Provincetown, MA 02657

The Provincetown Board of Selectmen will hold a public hearing on Monday, September 26, 2016, at 6:00 p.m. in the Judge Welsh Room, 260 Commercial Street, Provincetown, MA 02657, pursuant to MGL Chapter 166, Section 22, at the request of NStar d/b/a Eversource Energy to:

Install one new FO pole labeled 33/1 in Law Street to supply service to customer at 386B Commercial Street, Provincetown, MA 02657. Eversource is requesting permission to erect and maintain poles, wires, and cables, with such sustaining and protecting fixtures as they may find necessary; said poles to be erected substantially in accordance with the plan filed marked as Plan No. 103922, dated July 8, 2016. Eversource is also requesting permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with the poles and buildings as each may desire for distributing purposes.

The public is encouraged to submit any written comments by Tuesday, September 20, 2016, by 12:00 noon to selectmen@provincetown-ma.gov, to the office of the Board of Selectmen at Town Hall, 260 Commercial Street, Provincetown, MA 02657, or in person at the hearing.

Raphael W. Richter
Chairman, Board of Selectmen

Posted: Town Hall, <http://www.provincetown-ma.gov>

Published Banner: September 8, 2016 and September 15, 2016

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RECEIVED
BOS

Town of Provincetown

AUG 01 2016

Improvement within the Public Way Requiring a License Agreement Application

Location: 386-B Commercial Street, Provincetown, MA 02657
 Applicant: INSTAR Electric & Tele
Eversource Energy (Jessica Elder, Right-of-way Agent)
 Applicants Mailing Address: 484 Willow Street, W. Yarmouth, MA 02673
 Applicant's Phone number: 508.490.9022 email: jessica.elder@eversource.com

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

8/2/16
Date

For Office use Only

| Public Safety Official | Approve | Disapprove | Date |
|------------------------|---------|------------|---------|
| DPW Director | ✓ | | 9/14/16 |
| Fire Chief | | | |
| Police Chief | | | |
| Building Commissioner | | | |
| Town Planner | | | |
| Assistant Town Manager | | | |

Comments: Pole must be located outside of paved roadway surface.

* It should be noted that Eversource has several double Pole around Town that we have requested to be removed. Consideration should be given for the removal of double poles prior to the installation of any new poles.

Please return to Board of Selectmen by September 15, 2016

1

Sep 20 16 05:24p

p.1

Handwritten notes:
7/1/16
P. 1

RECEIVED
2016

AUG 01 2016

Town of Provincetown

Improvement within the Public Way Requiring a License Agreement Application

Location: 386-B Commercial Street, Provincetown, MA 02657
 Applicant: INSTATE Energy (Jessica Elder, Right-of-Way Dept)
 Applicant's Mailing Address: 434 Willow Street, W. Yarmouth, MA 02643
 Applicant's Phone number: 508.790.9022 email: jessica.elder@instate.com

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.

[Signature]
Applicant's signature

8/2/16
Date

For Office use Only

| Public Safety Official | Approve | Disapprove | Date |
|------------------------|--------------------|------------|----------|
| OPW Director | | | |
| Fire Chief | <i>[Signature]</i> | | 09/20/16 |
| Police Chief | | | |
| Building Commissioner | | | |
| Town Planner | | | |
| Assistant Town Manager | | | |

Comments: _____

Please return to Board of Selectmen by September 13, 2016

[Handwritten asterisk mark]

Improvement within the Public Way Requiring a License Agreement Application

Location: 386-B Commercial Street, Provincetown, MA 02657
 Applicant: INSTAR Electric & Gas
EverSource Energy (Jessica Elder, Right-of-way Agent)
 Applicants Mailing Address: 484 Willow Street, W. Yarmouth, MA 02673
 Applicant's Phone number: 508.790.9022 email: jessica.elder@eversource.com

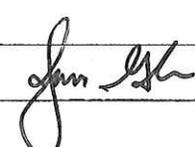
Pursuant to General Bylaw Section 11-6, I hereby request permission of the Board of Selectmen to install improvements within the public way.

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

8/2/16
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: _____

Please return to Board of Selectmen by August 15, 2016.

AUG 01 2016

Improvement within the Public Way Requiring a License Agreement Application

BOS/TM/ATM

Location: 386-B Commercial Street, Provincetown, MA 02657
 Applicant: INSTAR electric & gas
Eversource Energy (Jessica Elder, Right-of-way Agent)
 Applicants Mailing Address: 484 Willow Street, W. Yarmouth, MA 02673
 Applicant's Phone number: 508.790.9022 email: jessica.elder@eversource.com

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.

[Signature]
Applicant's signature

8/2/16
Date

For Office use Only

| Public Safety Official | Approve | Disapprove | Date |
|------------------------|----------|------------|-------------|
| DPW Director | | | |
| Fire Chief | | | |
| Police Chief | | | |
| Building Commissioner | Howard ✓ | | 13 AUG 2016 |
| Town Planner | | | |
| Assistant Town Manager | | | |

Comments: site visit 9:40 AM SAT 13 AUGUST '16 OVERCAST
LAW ST IS NARROW FROM BRADFORD TO COM'L @ PROPOSED LOCATION IS APPROX
11' WIDE - WILL BE SITED B/W EXISTING GRANITE POSTS - IS OPPOSITE
DIAGONAL PARKING OF GUEST HOUSE -
PROPOSED LOCATION DOES NOT INCREASE THE HAZARDS TO VEHICLES USING LAW ST.

Please return to Board of Selectmen by August 25, 2016.

RECEIVED
BOS

Town of Provincetown

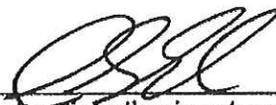
AUG 01 2016

Improvement within the Public Way Requiring a License Agreement Application

Location: 386-B Commercial Street, Provincetown, MA 02657
 Applicant: INSTAR Electric & Gas
EverSource Energy (Jessica Elder, Right-of-way Agent)
 Applicants Mailing Address: 484 Willow Street, W. Yarmouth, MA 02673
 Applicant's Phone number: 508.490.9022 email: jessica.elder@eversource.com

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

8/2/16
Date

For Office use Only

| Public Safety Official | Approve | Disapprove | Date |
|------------------------|---------|--|---------|
| DPW Director | | | |
| Fire Chief | | | |
| Police Chief | | | |
| Building Commissioner | | | |
| Town Planner | |  | 9-15-16 |
| Assistant Town Manager | | | |

Comments: Can we explore why 386 was denied a service upgrade + why that prohibits VG service for 386 R?
I can't approve a pole 50' from another pole on a narrow, residential street. We already have too many poles around town, and this particular location is especially egregious. Make them figure out a way to go underground.

Please return to Board of Selectmen by September 15, 2016

Improvement within the Public Way Requiring a License Agreement Application

Location: 386-B Commercial Street, Provincetown, MA 02657
 Applicant: INSTAR ~~Electrowild~~ EverSource Energy (Jessica Elder, Right-of-way Agent)
 Applicants Mailing Address: 484 Willow Street, W. Yarmouth, MA 02673
 Applicant's Phone number: 508.490.9022 email: jessica.elder@eversource.com

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

8/2/16
Date

For Office use Only

| Public Safety Official | Approve | Disapprove | Date |
|------------------------|-----------|------------|----------------|
| DPW Director | | | |
| Fire Chief | | | |
| Police Chief | | | |
| Building Commissioner | | | |
| Town Planner | | | |
| Assistant Town Manager | <u>sy</u> | | <u>9-14-16</u> |

Comments: _____

Based on no other viable alternatives.
according to everSource.

Please return to Board of Selectmen by September 15, 2016

**PETITION FOR POLE LOCATIONS
WO#2145483**

**Provincetown, Massachusetts
To the Board of Selectmen Provincetown, Massachusetts.**

July 23, 2016

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

request permission to locate poles, wires, cables and fixtures, including the necessary sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Install 1 new FO pole labeled 33/1 in Law Street to supply service to customer at 386B Commercial Street, Provincetown

Wherefore we pray that after due notice and hearing as provided by law, we be granted locations for permission to erect and maintain poles, wires, and cables, with such sustaining and protecting fixtures as we may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. 103922 Dated July 8, 2016.

Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with the poles and buildings as each may desire for distributing purposes.

Your petitioner agrees to reserve space for one crossarm at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

By  _____
Jessica Elder - RIGHT OF WAY AGENT

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS
WO#2145483**

To the Board of Selectmen Provincetown, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED that:

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

be and they are hereby granted permission to erect and maintain poles and respective wires and cables to be placed thereon, with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 23rd day of July, 2016.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber and reasonably straight, and shall be set substantially at the points indicated upon the plan marked Plan No. 103922 Dated July 08, 2016 filed with said petition. There may be attached to said poles by said NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY necessary wires, cables and fixtures and all said wires and cables shall be placed at a height of not less than 18 feet from the ground at highway crossings, and not less than 16 feet from the ground elsewhere.

The following are public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Law Street, -install 1 new pole labeled 33/1 to
Provide electric service to customer at 386B Commercial Street.

Also that permission be and hereby granted to said company to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as may be desired for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen for the Town of Provincetown, Massachusetts held on the _____ day of _____ 2016

Clerk of Selectmen.

We hereby certify that on _____ 2016, at _____ o'clock,
_____ M. at _____ a public hearing was held on the
petition of the

NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY

for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

**Board of Selectmen
The Town of Provincetown,
Massachusetts**

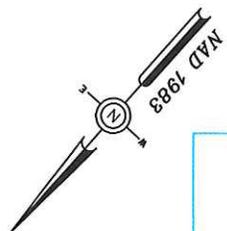
CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen for the Town of Provincetown, Massachusetts, on the _____ day of _____ 2014, and recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

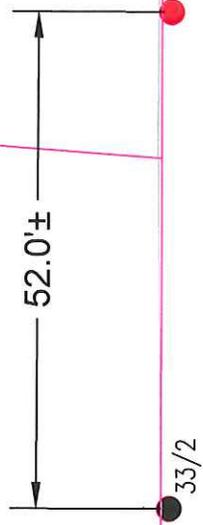
Attest:

Town Clerk.

Plan to accompany petition of EVERSOURCE ENERGY
To install pole 33/1 to provide electric service for
customer at #386 B Commercial St.



12-2-50-0
6 WASHINGTON AVE.
ISTVANKO MICHAEL J ET AL,
STEPHEN E ALVES



12-2-48-0
396 COMMERCIAL ST.
DERIAN JOHN

LAW ST

1/72

12-2-45-0
6 LAW ST.
STANGEL THERESA K.

12-2-44-0
394 COMMERCIAL ST.
HUDSON HARBOR LLC, RE PROPERTIES
LLC

#386 B

#386

COMMERCIAL ST

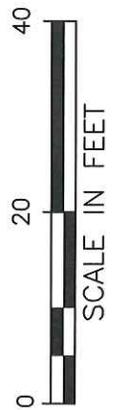
LEGEND

- ⊕ Proposed Hand Hole
- ⊖ Existing Hand Hole
- Proposed Conduit
- - Existing Conduit
- Proposed Pole
- Existing Pole
- Pole with Riser
- Ⓜ Proposed Multitap
- Ⓜ Proposed Manhole

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW
REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233



| | |
|----------------------|----------------|
| Plan # | |
| Ward # | |
| Work Order # | 2145483 |
| Surveyed by: | |
| Research by: | |
| Plotted by: | JF |
| Proposed Structures: | JF |
| Approved: | A DEBENEDICTIS |
| P# | |

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Plan of LAW ST., PROVINCETOWN

Showing PROPOSED POLE LOCATION

Scale 1"=20'
SHEET 1 of 1

Date JULY 8, 2016
REVISED: 8/30/2016

NSTAR EVERSOURCE
ELECTRIC
d/b/a

JF

Michael Istvanko (1)

Loretta Dougherty

From: Michael Istvanko <mistvank@starbucks.com>
Sent: Friday, September 16, 2016 1:49 PM
To: Loretta Dougherty
Subject: Proposal by Eversource Energy to Install One FO Pole to Supply Customer at 386B Commercial Street
Attachments: Utilitily Service to 386 Commercial Street - 2.jpg

Dear Selectmen,

I am writing to express my concern over the addition of a utility pole to service 386B Commercial Street. The property is currently served via the extensive utility network on Commercial Street ([please see attached photo](#)) and the current configuration was able to support the addition of individual HVAC units to each guestroom approximately five years ago. Given the goal of preserving the unique aesthetic of our community, it would seem a simpler and less expensive solution to upgrade the current connections rather than add another unsightly pole to our beautiful landscape. Given how narrow Law Street is, the pole would significantly disturb a beautiful and unique living sculpture, Provincetown's only mature hornbeam hedge located in the backyard of 396 Commercial Street.

Thank you for your consideration.

Respectfully,
Michael Istvanko
6 Washington Avenue

John Derian

Loretta Dougherty

From: john derian <johnderian@me.com>
Sent: Wednesday, September 14, 2016 9:45 AM
To: Loretta Dougherty
Subject: Plan 103922

Hello,
My name is John Derian I own the property of 396 Commercial at the corner of Law.
It has come to my attention that Eversource is wanting to put and maintain a pole on Law street (pole 33/1) for service for 386b along my yard.
I am opposed to this.
It is directly on my property and is that even allowed?

I planted a hedge behind my house 9 years ago to create some privacy it's now 10' tall and very beautiful and recently part of the garden tour. A pole with wires would obstruct everyone's view.
I know water views are held in high esteem but I think all views are important.
Being on commercial street is defiantly stressful and noisy and finding solace in the summer can be hard and my back yard is important to me.

Law street is very narrow and this placement possibly will obstruct my neighbors parking as well.
Could someone please let me know if there is someone in town like a service or lawyer I could ask to try and help me address this?
Much appreciated.

Thank you
Sincerely
John

PS I am planning on being at the meeting



2

Michael Sotomayor

13

John Derian (1)

Loretta Dougherty

From: john derian <johnderian@me.com>
Sent: Wednesday, September 21, 2016 12:26 AM
To: Loretta Dougherty
Subject: Opposing utility pole for 386b 103922 pole 33/1
Attachments: IMG_6487.JPG; ATT00001.txt; IMG_6471.JPG; ATT00002.txt

Dear Selectperson,

I sent an email on September 14th opposing an Eversource utility pole being put in my back yard for service to 386b (I am assuming it is referring to the address on Commercial St.) There are already enough existing poles on this very narrow street to accommodate these news lines.

Here are photos of my back yard and the now 10' hedge I planted and views it will obstruct.
Please if possible include these with my previous email.

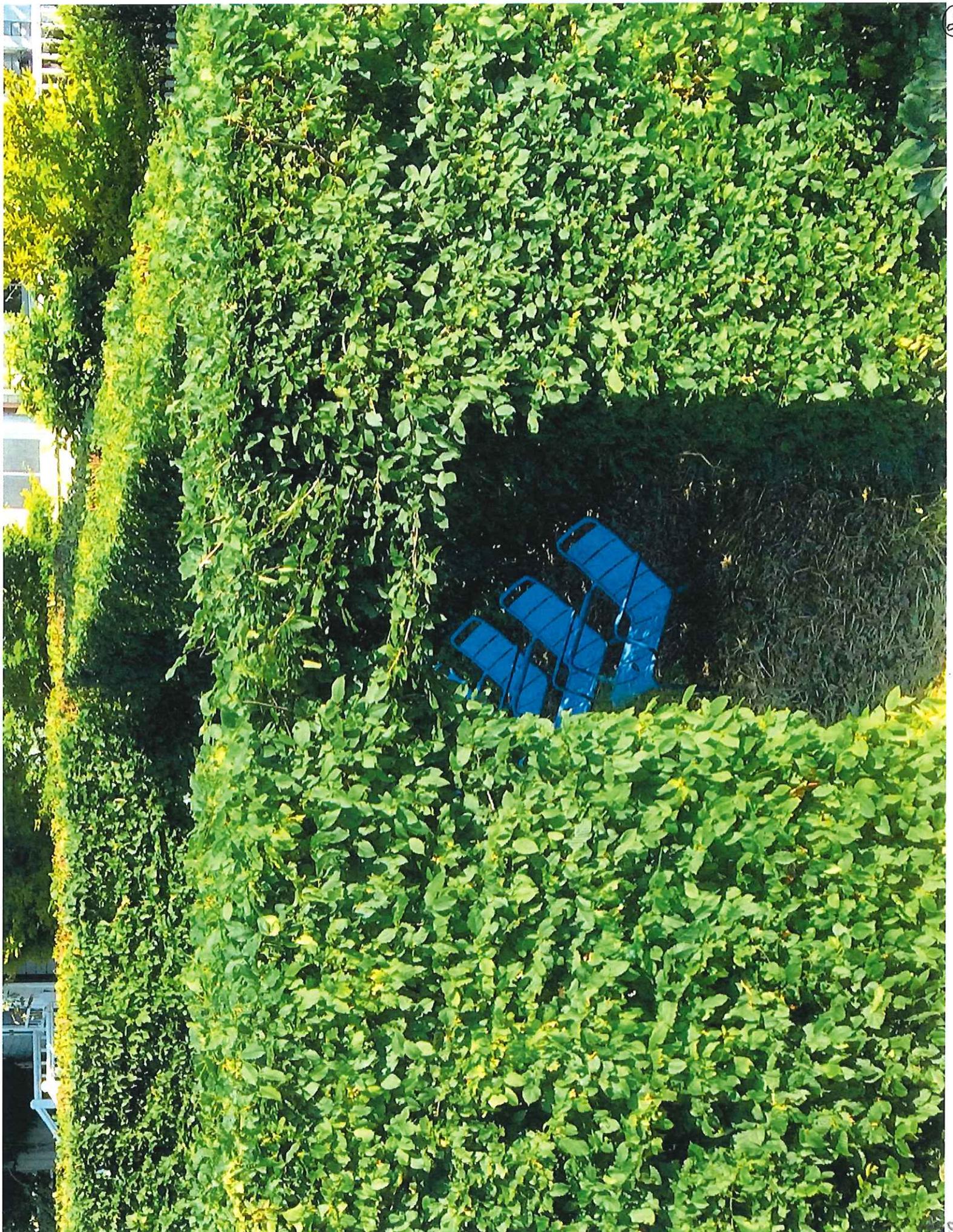
Pole 33/1 386b

Thank you for your consideration

Best

John Derian

396 Commercial St.







Loretta Dougherty

From: Stangel, Terry <Terry.Stangel@hnhco.com>
Sent: Tuesday, September 20, 2016 10:21 AM
To: Loretta Dougherty
Cc: Terry Stangel
Subject: Response to: New FO Pole (via Eversource Energy) on Law street

Importance: High

Dear Selectmen-

I am writing this letter for both my concern and objection to the proposed installation of a new FO Pole (via Eversource Energy) on Law street. I am also curious if other options have been considered?

- **Possible options:**

- **Existence of power cables on Commercial Street to 386B.** Currently there are power cables that run from Commercial Street (in front of Utilities) that run to 386, why can't these additional power cables be added here at this location as well?
- **Existence of a FO pole in front of 5 Law.** There already exist a FO pole on Law street, with wires running from 394 Commercial Street. Is there no possibility, having this proposed power source connect from 394 to 386B, especially since it's a much shorter distance?

The addition of another pole/structure to Law street, in such a close proximity to the existing pole, will greatly dampen the charm that so many of us have strived to maintain and add to the area.

- **Some of my concerns:**

- **Take away the integrity/beauty of the street.** John Derian's Hornbeem garden has been a welcome improvement to the overall beauty of the street, let alone, one of the only existing garden structures of its kind located in Provincetown. The addition of a pole will disrupt and interfere with this living sculpture Mr. Derian has nurtured over the past five+ years.
- **Obstruction to the road.** Law street is already a tight street to navigate in route to Commercial street. It receives an extensive amount of traffic during season. Many times, the stone wall near the end of my driveway has been hit, causing damage, by cars passing in the exact spot where the new pole is proposed to be set. This pole will only exasperate cars to swerve closer towards my wall, increasing the chance of further damage. I have spent much money to beautify my surroundings, installing this wall, in addition to daily maintenance from the unnecessary damage caused by tight car passage.
- **Obstruction to air space.** Currently there are many wires that are criss crossing across Law street. I understand the necessity, yet adding others is unsightly, can we not practice excess in control?

- **Waterford's existing issues** that should have been addressed at the sale of the property and are still pending:
 - **Concern of Waterford's own maintenance/HVAC.** Currently 386B has a number of Hvac systems that are exposed, both on the east/south side of it's exterior. Not only have been improperly installed(exposed parts/wires) that run over the gutters, it's very unsightly and violates Historic's, being visible from Law street. This was pointed out to me by **Eric Meads** (owner of Meads Heating A/C & Refrigeration) , when I queried about the installation of my Hvac, having to pay additional for covers so my systems cables would not be visible from street view. I feel 386B should address these current issues and prevent further unsightly measures in requesting the installation of this pole and obstructive wires.
 - **Concern of Waterford's own maintenance/obstructive tree.** The trees located on the east/south side of 386B are overgrown and needs to be maintained. It's branches are obstructing the structure and provide access to rodents, which have infested the back east/south corner of 386B. In addition, many of it's branches are an encroachment to my property, at 6 Law.

I mention all the above for I fear that 386 will continue to make changes/improvements without taking into consideration of the damage that is/has been caused in it's surroundings and to their neighbors.

I am thrilled to see the restaurant/establishment succeed, yet not at the expense of us, their neighbors and the beauty of Law street.

Thank you for your time.

Terry

Terry Stangel
Sr Design Architecture
HMH Studios: **Design**

Houghton Mifflin Harcourt
222 Berkeley Street
Boston, MA 02116
Office: 617.351.3271
Mobile: 617.522.0241
hmhco.com



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Monday, September 26, 2016

1B

COMMERCIAL STREET ROAD RECONSTRUCTION

Phase III - Parking Line and Roadway Striping Plan

Requested by: Richard J. Waldo, Public Works Director, 9/19/2016

Action Sought: Discussion

Proposed Motion(s)

Take comments regarding the proposed Parking Line and Roadway Striping Plan design.

Discussion dependent – votes may be taken.

Additional Information

Please see attached proposed parking line and roadway striping plan. A Public Hearing on this matter has been set for October 25, 2016 at the Traffic Hearing.

Board Action

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



Board of Selectmen

Public Hearing

Commercial Street Re-Paving Parking Plan

The Provincetown Board of Selectmen will hold a **Public Hearing** on **Monday, September 26, 2016 at 6:00 p.m.** in the Judge Welsh Room, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657 to review the Parking Plan associated with the Phase 3 Commercial Street Reconstruction Project (Howland Street to Johnson Street). Staff and Project Engineers will make a presentation on the Parking Plan which Plan will be available for review prior to the meeting starting at 5:30 p.m., or online on the Town's website at www.provincetown-ma.gov

Members of the public are encouraged to submit their comments in writing to selectmen@provincetown-ma.gov; the Board of Selectmen's office, 260 Commercial Street, Provincetown MA 02657 by noon on Tuesday, September 20, 2016 or in person at the hearing.

Raphael W. Richter
Chairman, Board of Selectmen

Posted: Town Hall, www.provincetown-ma.gov 8/29/16 3:45 pm dj
Published BANNER: September 8th & September 15th, 2016

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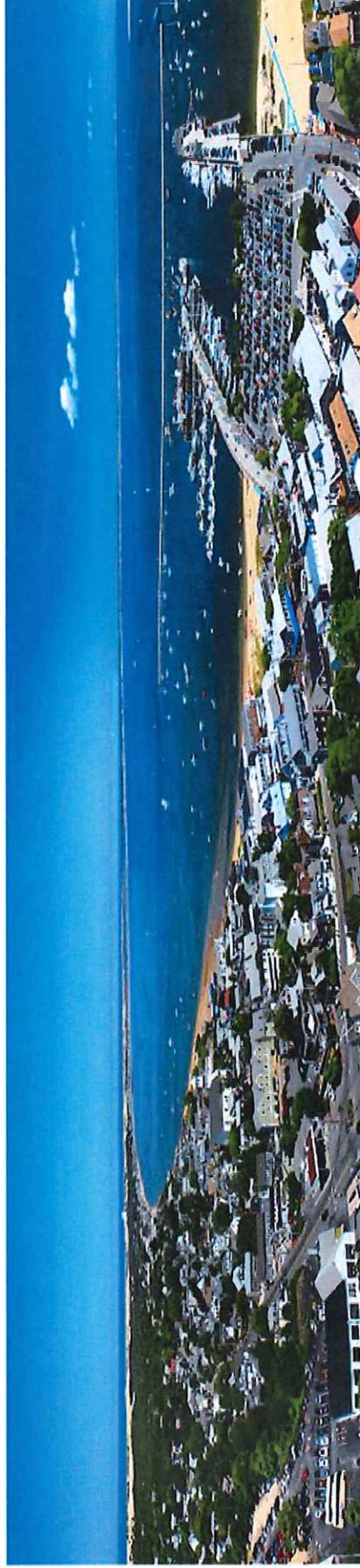


Commercial Street Improvements Project - Phase III

Public Hearing - September 26, 2016

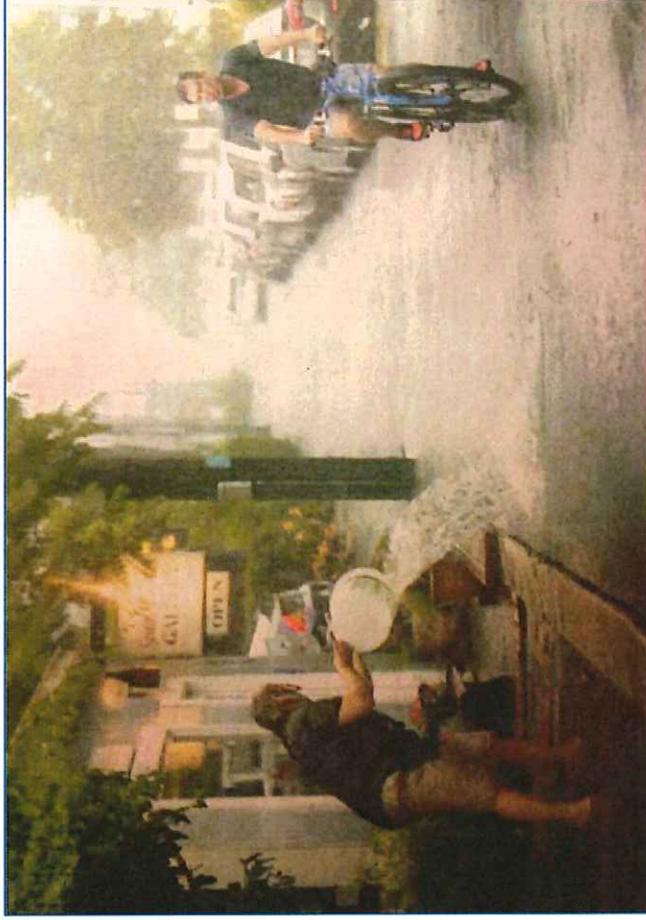
Richard J. Waldo, P.E. | Director of Public Works

Jessica Janney | Project Engineer



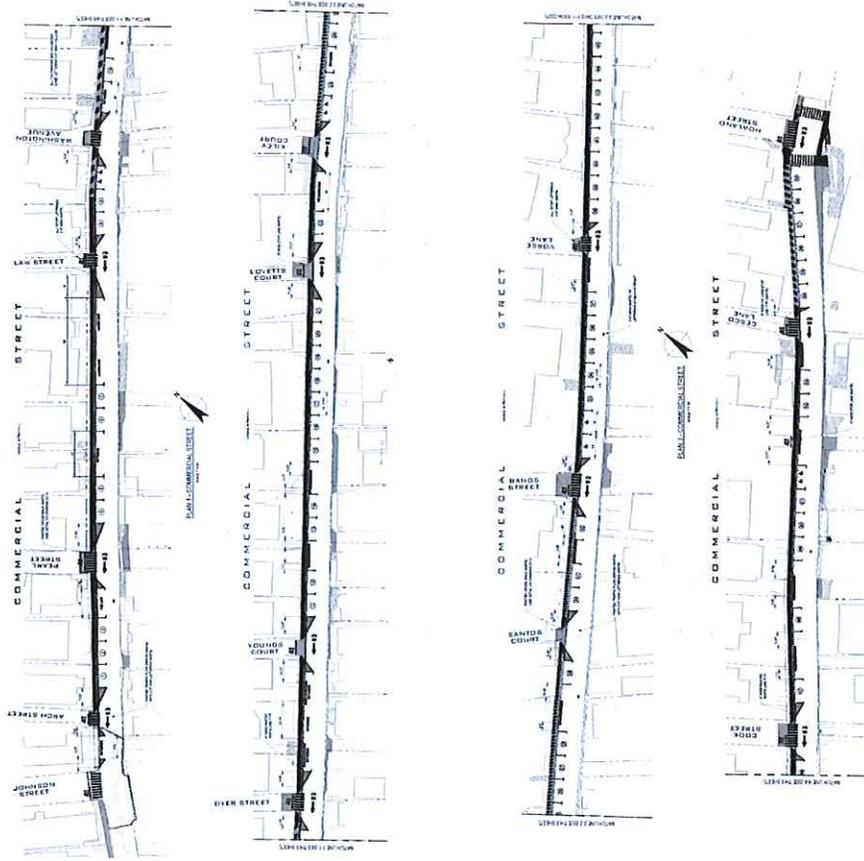
Agenda

- Parking Plan Development
- Public Participation
- Mark-up / Comment
- Next Steps



Parking Plan Development

- No proposed removal of any pre-existing parking areas
- Painted spots 18' x 8'
- Provide turning radius at side streets for emergency vehicles
- Accommodate resident concerns (within limits of design standards)
- Maintain handicap parking areas
- 18' x 2' stop bars at driveways to prevent "blocking-in"



Public Feedback

Mark-up / Comments

- Full plans will be available for review and mark-up at each public hearing (9/26/16 and 10/4/16).
- We will make every attempt to fulfill “reasonable” comments



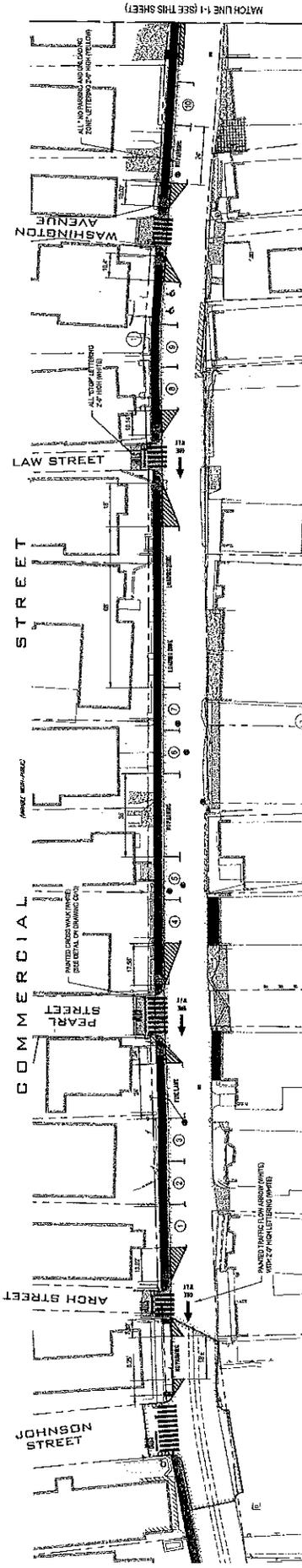
Next Steps

- Additional parking plan workshop 10/4/16 at St. Mary's of the Harbor.
- Traffic hearing on 10/25/16 seeking approval.

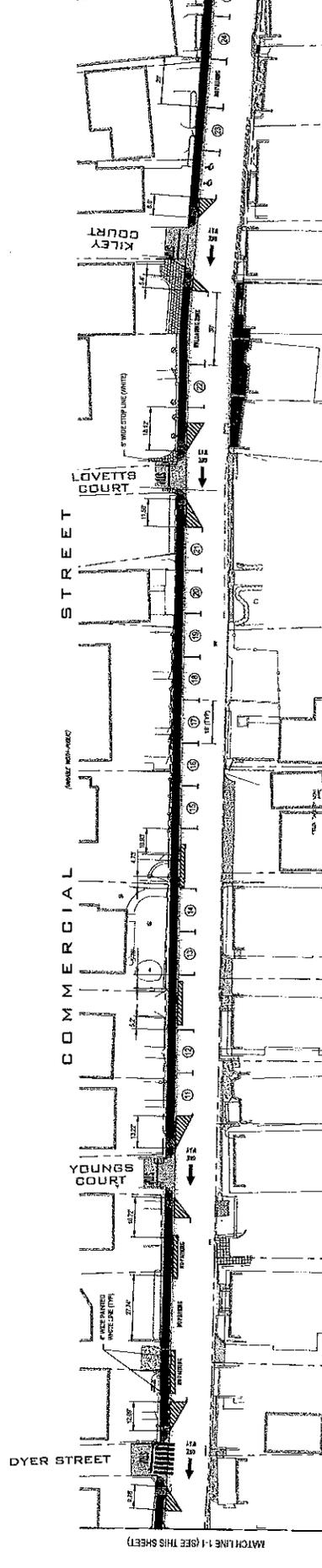




www.ghd.com



PLAN 1 - COMMERCIAL STREET
SCALE 1" = 30'



PLAN 2 - COMMERCIAL STREET
SCALE 1" = 30'

STRIPING LEGEND

| | |
|--|--|
| | CROSSWALK - 4 FT WIDE STRIPES AT 2' O.C., WHITE |
| | STOP LINE - 4 FT WIDE STRIPES - WHITE |
| | STOP LINE - 4 FT HIGH LETTERS - WHITE |
| | ONE WAY - 8 FT LONG 4 FT WIDE ARROW WITH 4 FT HIGH LETTERS - WHITE |
| | PARKING SPACE - 4 FT WIDE STRIPES - YELLOW |
| | FIRE LANE STOP - 3 FT HIGH LETTERS - YELLOW |
| | NO PARKING STOP - 3 FT HIGH LETTERS - YELLOW |
| | LOADING ZONE - 4 FT HIGH LETTERS - YELLOW |
| | HANDICAP STOP - 8 FT HIGH LETTER 'H' - WHITE |
| | NO PARKING AT DRIVEWAY - 18 FT LONG 18 FT WIDE STRIPES - YELLOW |
| | HANDICAP PARKING - HANDICAP RULE |
| | NUMBER OF PARKING STALLS - FOR PLANNING ONLY NOT TO BE PAINTED |

NOTE:
STRIPING PLAN IS SCHEMATIC AND FOR BIDDING PURPOSES ONLY. THE CONTRACTOR TO SUBMIT FINAL STRIPING PLAN AS SUBMITTING. CONTRACTOR'S RECORD SHALL BE THE STRIPING.

| | | | |
|---|--|--|-------------------------------|
| | | PROVINCETOWN DEPARTMENT OF PUBLIC WORKS COMMERCIAL STREET IMPROVEMENTS - PHASE III STRIPING PLANS 1 AND 2 - COMMERCIAL STREET | |
| Date: 11/11/2011 Project: COMMERCIAL STREET IMPROVEMENTS - PHASE III Title: STRIPING PLANS 1 AND 2 - COMMERCIAL STREET Contract No.: 2010-P-1 | Designer: JLF Checker: EJK Approving Engineer: Michael Amodeo Date: 11/11/2011 Scale: AS SHOWN | | 111-10934-C026 Drawing No. |
| NOTES: 1. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND INCHES. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. | | | |



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Monday, September 26, 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, September 26, 2016

3

SELECTMEN'S STATEMENTS

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Motions may be made and votes may be taken.

Erik Yingling

Tom Donegan

Cheryl Andrews

Robert Anthony

Raphael Richter

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, September 26, 2016

4A

INCLUSIONARY & POTENTIAL ZONING BYLAWS

Review

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent. Votes may be taken.

Additional Information

See attached materials.

Board Action

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

Section 4180 Inclusionary Housing By-Law

1. Purpose and Intent

The primary purpose of this bylaw is to:

- (a) 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;
- (b) Mitigate the impact of residential development on the availability and cost of housing;
- (c) Protect the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land;
- (d) Provide a mechanism by which residential development can contribute in a direct way to increasing the supply of Affordable and Community Housing in exchange for a greater density or intensity of development than is otherwise permitted as a matter of right;
- (e) 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 Chapter 40B Subsidized Housing Inventory.

2. Definitions

The term "Housing Fund" as used in this section of the Zoning Bylaw shall refer to any affordable or community housing fund that has been duly established by the Town to promote Affordable or Community Housing at the time that a payment in lieu of creating Affordable or Community Housing units as described hereunder is made.

3. Applicability

This inclusionary bylaw shall apply in all zoning districts to the following uses:

- (a) Except as identified under Sections 3(b) and 3(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;
- (b) Any health care-related development that results in 6 or more independent living units.
- (c) This inclusionary bylaw shall not apply to the following:

- (1) Accessory Dwelling Units
- (2) A subdivision of land under G.L. c. 41, section 81K-81GG;

4. Mandatory Provision of Affordable Units for all Development

In any development identified in Section 3(a)-(b) above, the applicant shall contribute to the local stock of Affordable and Community Housing in accordance with the following requirements:

(a) For development consisting of between 1 and 5 dwelling units, a Housing Contribution shall be made to the Housing Fund in the form of a payment in-lieu of creating a fractional unit.

(1) Payment shall be made accordance with the following:

| | |
|---------|--|
| 1 unit | 1/6 of the payment in lieu fee for a single unit |
| 2 units | 1/3 of the payment in lieu fee for a single unit |
| 3 units | 1/2 of the payment in lieu fee for a single unit |
| 4 units | 2/3 of the payment in lieu fee for a single unit |
| 5 units | 5/6 of the payment in lieu fee for a single unit |

(2) The payment shall be payable to the Housing Fund at and upon the sale or certificate of occupancy of the final unit, whichever occurs sooner.

- i. Year-round rental unit development: When the development consists of year-round rental units, a lien shall be filed against the property which states that the payment-in-lieu shall be deferred until such time as the year-round rental use ceases, with the full balance due upon change of use. (proportional, to the percentage of units developed changed, if not all of them?)
- ii. One time exemption for primary residence of lot owner: When the development consists of one single-family home on its own lot and is continuously occupied by an owner who has legally declared domicile at the same location, a lien shall be filed against the property which states that the payment-in-lieu shall be deferred for a period of up to five years with the full balance due upon the sale of the dwelling. After being occupied continuously for no less than five years immediately following the issuance of a certificate of occupancy, the payment-in-lieu shall be forgiven. No person or household shall be permitted to use the exemption set forth in this subsection more than one time.

(3) The developer shall enter into a binding written agreement with the Town of Provincetown, before the issuance of the first Building Permit

and with appropriate payment surety arrangements, to provide the required payment(s) to the Housing Fund, and with a notice of the required payments to be recorded against the property before any certificate of occupancy is issued if full payment has not been made when the certificate of occupancy is applied for.

- (4) The in-lieu payment shall be made into the Housing Fund, as defined hereunder, and the Board of Selectmen shall determine which fund shall receive the deposit.

- (b) Development consisting of a total of 6 dwelling units or more shall require the granting of a Special Permit by the Planning Board and at least 15% of the units created shall be established as Affordable or Community Housing units in any one or combination of methods provided for below.

When the 15% calculation results in a fractional unit of .7 or greater, the developer shall provide a whole unit.

When the 15% calculation results in a fractional unit of less than .7, the developer shall provide a whole unit or make a housing contribution payment in lieu of the fractional unit in accordance with Section 3(a) above.

- (1) The Affordable or Community Housing units shall be constructed or rehabilitated on the locus subject to the Special Permit, in accordance with Section 7; or

- (2) The Affordable or Community Housing units shall be constructed or rehabilitated on a locus other than the one subject to the Special Permit, in accordance with Section 7, provided justification is provided that on-site development of units is not feasible and off-site development of units is beneficial to the Town, and Special Permits are granted contemporaneously for both developments; or

- (3) Payment in lieu contribution. In lieu of providing such units either on or off-site, an applicant may satisfy the inclusionary housing requirement by making a contribution to the Housing Fund. The cash contribution shall be calculated by the Town Manager annually as follows:
 - i. Developments with 6 or more units: the payment in lieu contribution for each required inclusionary dwelling unit for FY18 shall be \$###,000.

 - ii. Developments with 5 or fewer units: the payment in lieu contribution for each required inclusionary dwelling unit for FY 18

shall be \$###,000.

- iii. These amounts shall be reduced for developments where the average floor area of all dwelling units in the development is less than 1,000 sf [average sf of units in Provincetown] in a proportionate manner such that the amount for a unit 10 percent smaller is 10 percent lower.
 - iv. [Should there be an adjustment up for waterfront property?]
 - v. These amounts shall be adjusted annually by the Town Manager, so that the payment in lieu contribution amount is equal to [50?]% of the affordability gap using the most recent housing data for developments with 5 or fewer units, [75?]% of the affordability gap for developments with 6-9 units, and [100?]% of the affordability gap for developments with 10 or more units.
 - vi. Affordability gap means the difference between the market purchase price of a dwelling unit and the amount affordable to a household earning the HUD low-income limit for the Barnstable MSA. The Town Manager shall calculate the affordability gap each year.
 - vii. A payment-in-lieu of providing affordable or community housing units shall not allow an applicant to take advantage of any of the incentives in Section 5 below; or
- (1) In lieu of providing such units either on- or off-site, an applicant may provide a donation of land to the Provincetown Affordable Housing Trust or a non-profit housing development organization approved by the Planning Board, provided that the receiving organization agrees in writing to accept the land and the applicant demonstrates to the Planning Board's satisfaction that the land serves the development of Affordable and Community Housing. The value of donated land shall be equivalent to or greater than the value of an in-lieu payment. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit an appraisal of the land in question that was prepared by a licensed appraiser using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Planning Board may obtain expert peer review of the appraisal at the applicant's expense. Closing on the land donation shall occur before the issuance of the first building permit.

Land donation instead of providing affordable or community housing units shall not allow an applicant to take advantage of any of the

incentives in Section 5 below.

5. Incentives

Density Bonus

(a) The allowable density for an eligible project:

- Located in any Zoning District except Res1
- Of which 20% or more of the dwelling units are affordable or community housing units

Shall be based on the number of bedrooms able to be served by a non-varianced septic system contained on the same parcel, so that the project may have up to as many dwelling units as bedrooms that can be supported.

(b) For developments consisting of 6 dwelling units or more, the Planning Board may provide a density bonus, which shall be made part of the Special Permit, to increase the number of dwelling units allowed on the parcel beyond the maximum number allowed under the Dimensional Schedule, the Density Schedule and Section 2550 of this Zoning Bylaw, as follows:

- (1) For every deed restricted unit of Affordable Housing constructed or rehabilitated either on or off the site subject to the Special Permit, two market rate dwelling units may be added as a density bonus.
- (2) For every deed restricted unit of Community Housing constructed or rehabilitated either on or off the site subject to the Special Permit, one market rate dwelling unit may be added as a density bonus.

(c) To facilitate the objectives of a density bonus, the Planning Board shall have the authority to modify or waive any lot or dimensional regulations and parking regulations appropriate and necessary to accommodate the additional unit(s) on the site as part of the Special Permit relief.

(d) Developments of 1-5 units that exceed the requirements of Section 4 above may receive the same density bonus as specified above, provided the development is approved by the Planning Board through the Special Permit process.

(e) In the Res1 Zoning District, any net increase in housing units through a density bonus shall not exceed 50% 200% (for a total of three units on a lot) OR 100% (for a total of two units on a lot) of the base number of units allowed under this Zoning Bylaw.

Building Height Bonus

The maximum building height for an eligible project building:

- Located in Zoning District (GC, Res3, Res B? or new overlay district? Specific streets? But NOT the High Elevation Protection District?)
- That contains 6 or more dwelling units
- Of which 20% or more of the dwelling units are affordable or community housing units

Is an additional 10 feet above the maximum structure height that would otherwise be allowed under this ZBL.

[potential language: any additional height allowed shall be limited to coverage of 50% of the area of the floor below AND/OR under certain circumstances the Planning Board may require that the additional story be stepped back to minimize the appearance of mass]

Growth Management Bonus

Growth Management Category #, for an eligible project of which 20% or more of the dwelling units are affordable or community housing units

Growth Management Category #, for an eligible project of which 10-20% of the dwelling units are affordable or community housing units

Fee Reduction Bonus

Permit fees

Building fees

[different percentage reduction for different percentages of affordable/community units, as above]

6. Submission Requirements and Procedures

(a) Special Permit application, review and decision procedures shall be in accordance with this Zoning Bylaw and the Planning Board's rules and regulations. Additionally, the project must comply with the provisions of Article 4, Section 4000 and 4100.

(b) Affordable and Community Housing units created in accordance with this bylaw shall use deed restrictions that require the units to remain income restricted in perpetuity or the longest period allowed by law and for so long as any such unit does not conform to the underlying as-of-right zoning requirements. Such restriction shall also grant the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

(c) 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, or the Community Housing restriction has been approved by Town Counsel.

(d) No certificate of occupancy shall be issued for any units in the

development until the Planning Department receives evidence that the housing restriction has been executed and recorded at the Barnstable County Registry of Deeds.

7. Provisions Applicable to Affordable and Community Housing Units Located both On-Site and Off-Site

- (a) Affordable and Community Housing units constructed under this by-law shall be situated within the development or off-site as approved by the Planning Board, so as not to be in less desirable locations than market rate units and shall, on average, be no less accessible to public amenities as market-rate units.
- (b) Affordable and Community Housing units shall be integrated with the rest of the development or with the off-site location, and shall be comparable to and indistinguishable from market rate units in exterior design and interior features, appearance, construction and quality of materials, and energy efficiency.
- (c) The number of bedrooms in each Affordable or Community Housing 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.
- (d) Owners and tenants of Affordable and Community 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.
- (e) The development of Affordable and Community 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 5 (five) market rate units to 1 (one) Affordable/Community Housing unit. Building permits for subsequent phases shall not be issued unless all the required Affordable/Community Housing units in the preceding phase are constructed and the deed 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 5 (five) market rate units to 1 (one) Affordable/Community Housing unit. The last certificate of occupancy to be issued shall be for a market rate unit and shall not be issued unless all Affordable/Community Housing units are occupied.

8. Distribution of Affordability

Distribution of affordability for rental or ownership units as Extremely Low, Low or Moderate Income Affordable Housing or Median or Middle Income Community Housing shall be determined by the Planning Board in consultation

with the Community Housing Council and set as follows, being made a condition of the Special Permit under this Bylaw:

- (a) When the number of the Town's SHI eligible affordable housing units is below 10%, the units created shall be Extremely Low, Low or Moderate Income Affordable Housing units, unless otherwise approved by the Planning Board if adequate justification is provided that the development of Affordable Housing units is not feasible and it is beneficial to the Town that Community Housing units are provided instead, and the exception is made a part of the Special Permit.
- (b) When the number of the Town's SHI eligible affordable housing units is at or above 10%, it is encouraged that units created be Median or Middle Income Community Housing units.

[Encourage community housing units and encourage home-ownership for middle-income residents with the goal of enhancing the year-round community]

9. Maximum Incomes and Selling Price; Affordable and Community Housing Inventory

Maximum incomes and sales prices and rents shall be as set forth in Article 1, Definitions, of this Zoning Bylaw.

10. Segmentation

Developments shall not be phased or segmented to avoid compliance with conditions or provisions of this bylaw. "Segmentation" shall mean development that cumulatively results in a net increase of dwelling units above the number existing 36 months earlier on any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section 4180.

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.

Joint meeting with the Board of Selectmen to discuss:

- i. Inclusionary and Incentive Zoning Bylaw

- ii. Other potential Zoning Bylaw amendments:
 - a. Section 4120 Density Schedule, for changes to the Commercial Accommodations section
 - b. Section 3200 Sign Regulations, and Section 3420 Outside Display (these changes are related)
 - c. Section 2630 regarding roof configuration (dormers, kneewalls, percentage of floor area, etc...) and corollary changes to 2560 Dimensional Schedule, and definitions of story, floor area and dormer
 - d. ZBL potential clarification of the scale bylaw depending on the results of the appeal at 294 Bradford
 - e. ZBL TIF District (associated with Inclusionary)
 - f. ZBL Seasonal Housing Density Overlay Zone (associated with a TIF?)
 - g. Urban Agriculture (chickens, beekeeping, community gardens, edible landscaping, municipal composting)
 - h. Food Trucks (only allowed at certain times, in certain locations; Farmer's Market Saturday, Food Trucks Sunday; monthly Food Truck Festival)



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

Monday, September 26, 2016

5

BOARD OF SELECTMEN APPOINTMENT

Requested by: Town Clerk Doug Johnstone

Action Sought: **Approval**

Proposed Motion(s)

None.

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, September 26, 2016

6A

CAPE LIGHT COMPACT

Update

Requested by: Selectman Thomas N. Donegan

Action sought: Discussion

Proposed Motion(s)

Discussion Dependent. Votes may be taken.

Additional Information

See attached memo.

Board Action

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

Memo

To: Jack Yunits, County Administrator
From: Robert S. Troy, County Counsel *RST*
Date: September 13, 2016
Re: Cape Light Compact

The Cape Light Compact has proposed a revision of a 2000 "Administrative Services Agreement" that was agreed to by Barnstable County. Analysis of the proposed revision raises serious concerns that must be addressed by both organizations. While the Cape Light Compact and the County can work cooperatively to address these issues, the proposed revision of the current document is fraught with problems that must be analyzed before decisions are made by the respective parties as to how to move forward.

This Memorandum addresses the myriad of issues that have developed between the Cape Light Compact and Barnstable County since the inception of an Inter-Governmental Agreement between Barnstable and Dukes Counties and all of the twenty-one municipalities that comprise these two Massachusetts Counties. In order to properly ascertain what is required to address the issues regarding the modification of the current "Administrative Services Agreement," some fundamental starting points need to be highlighted.

First, Barnstable County is governed by its Charter (hereinafter "Charter"), and to the extent that the provisions of the Charter are consistent, by its Administrative Code.

Second, the Cape Light Compact is currently governed by its Sixth Amended and Restated Inter-Governmental Agreement of the Cape Light Compact, dated November 18, 2015 (Hereinafter, "IGA"). The sole authority supporting the IGA is the legislature enactment fund in M.G.L. Chapter 40, Section 4A.

Third, to the extent that the Charter and the IGA conflict, the provisions of the Charter supersede and nullify the terms of the IGA.

ANALYSIS

These precepts guide us to the following conclusions:

- 1) The Barnstable County Charter and the Administrative Code of Barnstable County do not recognize the Cape Light Compact (hereinafter "CLC") as a Department of Barnstable County.
- 2) Barnstable County is authorized to enter into the IGA pursuant to Sections 1-5 and 1-6 of the County Charter as well as M.G.L. Chapter 40, Section 4A. Moreover, Section 1-5 of the Charter authorizes the County to enter into agreements with other governmental units and to become "the agent for any other unit or units of government... in the performance of any and all functions, services, activities and undertaking for which the contracting unit determines to employ the county as its agent."
- 3) CLC is not organized as a distinct corporation but exists solely as a result of contractual agreements between its constituent parts. CLC has not Federal or state corporate status.
- 4) CLC does not have a Federal Tax Identification Number.
- 5) CLC's authority to enter into contracts is ambiguous.

- 6) The Legislature has not recognized CLC in any legislative enactment.
- 7) Barnstable County has acted as the "Fiscal Agent" for CLC as a result of an Agreement executed by the County Commissioners and CLC in April of 2002.
- 8) CLC has proposed a "First Amended and Restated Administrative Services Agreement between Barnstable County and Cape Light Compact" that includes additional provisions relating to employee benefits and liabilities related to CLC's operations and a plethora of other issues
- 9) Although Barnstable County's current role is purportedly limited to acting as the "Fiscal Agent" for CLC, it currently includes the employees of CLC as County employees for employee benefits and retirement purposes.

These conclusions require that CLC act to clarify its legal status and bring the organization into compliance with federal and state law. Some, although not all, of potential remedies include:

- 1) CLC could seek to amend its IGA and subsequently seek to become a Department of Barnstable County through the Ordinance process under the Barnstable County Charter. Section 6-2 of the Barnstable County Charter establishes guidelines for circumstances where "Any unit of local government may contract with the Cape Cod regional government to provide for any local service function which the unit of local government is authorized to perform, provided that such contract shall first be ratified or approved by the legislative body of such unit of local government." Section 6-3 of the Charter provides that "Whenever two or more units of local government in Barnstable county shall determine, by the adoption of substantially similar resolutions of their legislative bodies, that the operations, procedures or functions of such units can more effectively and efficiently be exercised or provided as a consolidated activity performed by a single office or agency in which to consolidate any or all of the operations,

procedures, functions performed or carried out by such individual offices or agencies."

- 2) CLC could seek legislative approval for recognition as a regional entity providing specific services; and subsequently seek recognition as a distinct governmental entity under state health and retirement agencies as well as seek its own federal tax ID.

The terms of Chapter 40, Section 4A require that any IGA created under its authority enable a governmental entity or more than one governmental entity to carry out "operations, procedures or functions" that a governmental entity is "authorized to perform." Since the County Charter expressly provides for implementation of regional services and includes authorization for the County to act as a "Fiscal Agent," the County appears to be an appropriate vehicle for CLC. This decision, however, is within the authority of CLC's governing board and the County Commissioners and I defer to these bodies the decision as to how to proceed.

DISCUSSION

Analysis of the Proposed "First Amended and Restated" Administrative Services Agreement contrasted with its April 5, 2000 predecessor reveals a startlingly different document. The original document includes a list of services that the Compact could lawfully seek under the IGA and the County could properly grant under the provisions of its Charter. The proposed document's scope far exceeds its predecessor, ostensibly proposing the CLC reimburse the County for costs related to various federal and state regulations governing health insurance, retirement eligibility and employee unemployment, retirement and OPEB liability and various other issues. These issues could be successfully negotiated by the County and CLC but only after CLC clarifies its relationship with the County.

This requires analysis of MGL Chapter 40, Section 4A. This statute, which is the predicate of an IGA, confers authority on governmental units to "*enter into an agreement with another governmental unit to perform jointly or for that unit's services,*

activities or undertakings which any of the contracting units is authorized by law to perform..." (Italics added). The statute proceeds to enumerate the requirements on an IGA: "All agreements put into effect under this section shall provide sufficient safeguards for all participants, including, but not limited to: Accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received; the performance of regular audits of such records; and provisions for officers responsible for the agreement to give appropriate performance bonds.

A review of the Proposed Agreement against the initial statutory requirements of MGL Chapter 40, Section 4A requires the conclusion that the Proposed Document does not comport with Legislative mandates. Each criteria should be analyzed:

- 1) "Accurate and comprehensive records of services performed." This task should be the responsibility of CLC and it should be reflected in the any agreement with the County.
- 2) "Costs incurred." This too, should be recorded as a responsibility of CLC in the any agreement with the County.
- 3) "Reimbursements and contributions received." Similarly, any agreement between CLC and the County should include a provision requiring CLC to transmit this information to the County.
- 4) "Performance of regular audits" should be required in any agreement and in a form satisfactory to the County Director of Finance.
- 5) "Performance Bonds" similarly should be included in any agreement and in amounts satisfactory to the County Director of Finance.

The statute provides additional requirements for an IGA: "The agreement shall also require that periodic financial statements be issued to all participants....All bills and payrolls submitted for work

done under any such agreement shall be plainly marked to indicate that the work was done under authority thereof. Any reimbursement for or contribution toward the cost of such work shall be made at such intervals as the agreement provides. The amount of reimbursement received under any such agreement by any governmental unit shall be credited on its books to the account of estimated receipts, but any funds received under the provisions of section fifty-three A of chapter forty-four for contribution toward the cost of such work may be expended in accordance with the said provisions. The equipment and employees of a governmental unit while engaged in performing any such service, activity or undertaking under such an agreement shall be deemed to be engaged in the service and employment of such unit, notwithstanding such service, activity or undertaking is being performed in or for another governmental unit or units."

Analysis of this portion of MGL Chapter 40, Section 4A suggests that any Agreement under this statute include:

- 1) "All bills and payrolls submitted for work done under any such agreement shall be plainly marked to indicate that the work was done under authority thereof." I interpret this obligation to fall on the CLC. In my Opinion, this statutory provision should be reflected in an Agreement between the County and CLC.
- 2) "Any reimbursement for or contribution toward the cost of such work shall be made at such intervals as the agreement provides." My review of the proposed Agreement does not include a provision defining the "intervals" at which time reimbursement or contribution shall be made.
- 3) "The amount of reimbursement received under any such agreement by any governmental unit shall be credited on its books to the account of estimate receipts, but any funds received under the provisions of section fifty-three A of chapter four-four for contribution toward the cost of such work may be expended in accordance with the said provisions." The

proposed Agreement does not include this provision that is required by state law.

- 4) "The equipment and employees of a governmental unit while engaged in performing any such service, activity, or undertaking under such an agreement shall be deemed to be engaged in the service and employment of such unit, notwithstanding such service, activity or undertaking is being performed in or for another governmental unit or units."

- 5) This provision of the statute that enables Intergovernmental Agreements such as the IGA establishing CLC is the most problematic in assessing the current structure of the CLC. As I read the statute, it allows qualifying governmental units to enter into contracts with other governmental units "to perform jointly or for such other unit or units, services that "any of the contracting units is authorized by law to perform." This authorization is tantamount to permitting a governmental unit to either jointly perform or delegate to another governmental unit authority to provide services, but it does not authorize the creation of an entity that is distinct from either of the governmental units. In short, this requires that CLC be a jurisdictional subordinate of one of the governmental units. The language in the proposed Agreement fails to track the statute. Indeed, the problem is more pervasive: CLC cannot act as an independent entity based on the authority in this statute. This leads to the ultimate conclusion that CLC must take steps to include itself under the aegis of Barnstable County government as a County Department (through the Ordinance process, as outlined in the Charter and through amendment of its IGA) or seek legislative approval from the General Court to seek recognition as a separate and distinct governmental entity outside the scope of MGL Chapter 40, Section 4A.

I conclude that the proposed "First Amended and the Restated Administrative Services Agreement" does not satisfy the statutory requirements of M.G.L. Chapter 40, Section 4A.

It is therefore my Opinion, the County is constrained from entering into the Proposed Agreement unless CLC initiates action to clarify its legal status. If the County and CLC's intended goal is to include CLC under the aegis of its Charter, CLC must initiate action in some manner similar to those suggested herein. Otherwise, CLC must seek legislative approval for its functions as the current configuration appears to be outside of the requirements of MGL Chapter 40. Section 4A.

If you have any questions, please do not hesitate to contact me.
Thank you.

RST:geo

Cc: County Commissioners
Finance Director



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

6B

Monday, September 26, 2016

PROVINCE ROAD PAVING

Request

Requested by: Jay Gurewitsch

Action sought: Discussion

Proposed Motion(s)

Discussion Dependent. Votes may be taken.

Additional Information

See attached materials.

Board Action

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

September 19, 2016

Jay Gurewitsch
35 Province Road
Provincetown, MA 02657
917-885-1506

To the Selectmen:

As owners of the land beneath Province Landing (90 Shank Painter Road), the town is an abutter to Province Road, a private unpaved road which has deteriorated significantly over many years and has become increasingly difficult to drive, bike or even walk on. The dust from the road has become an increasingly severe issue for the entire neighborhood, especially for health compromised tenants of Province Landing. Mosquitoes breed in the pot holes that develop in the road which fill after every rain, while ruts and pot holes become dangerous ice slicks in wintertime.

Repeated regrading by DPW in the past year has, at best, temporarily delayed the continuing deterioration of the road – the most recent and most significant regrading of just last month has already given way once again to pot holes and dips after only two minor rains.

A significant majority (12) of property owners abutting Province Road, Ships Way and Ships Way Extension have banded together voluntarily to raise funds to pay for paving Province Road. Because the town is also an abutter to the road, we ask that the Selectmen, in their position as representatives of the property owners of 90 Shank Painter, join the other 12 property owners in paying for the paving of Province Road.

Based on previous discussions with individual Selectmen, town staff and town staff's consultation with Town Counsel, the following is our proposal:

- The Town will contribute 50% of the cost of paving Province Road from Shank Painter Road to the Ships Way turn, including the cost of engineering, surveying, and drainage as requested by DPW. (see attached)
- The property owners agree to contribute 50% of total costs as well
- DPW will plow the paved portion of Province Road in the wintertime and maintain the road surface

The cost breakdown is as follows:

- Bid#767 from Dirtworks, Inc. for paving Province Road = \$21,060
- Bid#766 from Dirtworks, Inc. for "worst case scenario" drainage plan = \$18,000
- East Cape Engineering for "worst case scenario" engineering & surveying = \$5,500

Total budget equals \$44,560, of which the town would contribute 50% = \$22,280

We look forward to meeting with you as soon as possible to discuss this proposal in detail.

Sincerely,

Jay Gurewitsch, owner 35 Province Road (abutter)

on behalf of

Charles Silva Sr, owner 70-74 Shank Painter Road (abutter)

Rod Howe & Mark Pedersen, owners 43 Province Road (abutter)

Robert Enos II, owner 20 Province Road (abutter)

David M. Sanford, owner 52 Ships Way (abutter)

John Brady, owner 12 Ships Way Extension

Steve Katz, owner 4 Ships Way Extension

Allan Cosimi, owner 32 Ships Way

Nichola Vichert & Sonia Vallianos, owners 16 Ships Way

Tom O'Grady & John Stafford, owners 11 Ships Way

Katherine Baltivik, owner 15 Ships Way

Shaun Sutcliffe & Fred Munichello, owners 21 Ships Way



Site Work

Paving

Excavation

Asphalt Services

Jay Gurewitsch
35 Province Road
Provincetown, MA 02657

9/19/16

Bid 2016 767

M.C.E. Dirtworks, Inc. proposes to furnish all labor and any materials noted below for the following site services at the referenced location.

Pave Roadway at Province Road, Provincetown, MA 02657 (approx. 4,680 SF)

- Sawcut existing asphalt
- Excavate and haul away excess materials to make room for new
- Machine grading to establish proper subgrade
- Haul in and spread recycled base as needed
- Finish grading of subbase
- Compact base with vibratory roller
- Pave 2" Binder Hot Mix Asphalt
- Pave 1.5" Topcoat HMA
- Total compacted asphalt thickness of 3.5"
- General clean up of all areas disturbed by the above work

\$21,060.00

Note: Any manhole covers to be adjusted at ...\$800.00 per cover

Thank you for the opportunity afforded us in offering this proposal. This estimate may be withdrawn by us if not accepted within 30 days. Payment schedules will be agreed upon before commencement of work; to include a \$100.00 non-refundable deposit.

M.C.E. Dirtworks, Inc. is hereby authorized to furnish all materials and labor required to complete above stated work, for which the undersigned agrees to pay the amount specified in said proposal.

Respectfully Submitted,

Acceptance:

Michael C. Escher
President
M.C.E. Dirtworks, Inc.

THIS ESTIMATE IS FOR COMPLETING THE JOB AS DESCRIBED ABOVE. IT IS BASED ON OUR EVALUATION AND DOES NOT INCLUDE MATERIAL PRICE INCREASES (LAPA) OR ADDITIONAL LABOR AND MATERIALS WHICH MAY BE REQUIRED SHOULD UNFORESEEN PROBLEMS OR ADVERSE WEATHER CONDITIONS ARISE AFTER THE WORK HAS STARTED. CUSTOMER ALSO AGREES TO PAY ALL REASONABLE COSTS OF COLLECTIONS INCLUDING ATTORNEY FEES AND COURT COSTS AND ALL OTHER EXPENSES INVOLVED IN THE COLLECTION OF CONTRACTED BALANCES OWED TO M.C.E. DIRTWORKS, INC.

Ph: 508.240.5541 Fax: 508.240.5527 www.dirtworkscapecod.com Info@dirtworkscapecod.com
3 Main Street, Unit #5, Eastham MA 02642

3



Site Work

Paving

Excavation

Asphalt Services

Jay Gurewitsch
35 Province Road
Provincetown, MA 02657

9/19/16

Bid 2016 766

M.C.E. Dirtworks, Inc. proposes to furnish all labor and any materials noted below for the following site services at the referenced location.

Install Drainage at Province Road, Provincetown MA

- Excavate and install two (2) catch basins and one (1) 1000 Gallon leach pit with 2 Ft of 1.5" washed stone surrounding at two (2) different locations on Province Road, Provincetown. One drainage set at entrance and one where road turns toward's Ships Way.

\$9,000.00 each set \$18,000.00 total job cost

Thank you for the opportunity afforded us in offering this proposal. This estimate may be withdrawn by us if not accepted within 30 days. Payment schedules will be agreed upon before commencement of work; to include a \$100.00 non-refundable deposit.

M.C.E. Dirtworks, Inc. is hereby authorized to furnish all materials and labor required to complete above stated work, for which the undersigned agrees to pay the amount specified in said proposal.

Respectfully Submitted,

Acceptance:

Michael C. Escher
President
M.C.E. Dirtworks, Inc.

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Ph: 508.240.5541 Fax: 508.240.5527 www.dirtworkscapcod.com Info@dirtworkscapcod.com
3 Main Street, Unit #5, Eastham MA 02642

H

east cape engineering, inc.

44 Route 28
P.O. Box 1525
Orleans, MA 02653

508-255-7120 PHONE
508-255-3176 FAX

WEB SITE: www.eastcapeengineering.com

May 9, 2016

Revised May 11, 2016

Mr. Jay Gurewitsch

Via email to: jay@arcadianyc.com

Re: Province Road, Provincetown

Dear Jay,

Thanks for your patience regarding paving Province Road. I met on site last week with Richard Waldo to review your area and discuss drainage design and possible complications at the site. Based on our discussion, I propose to prepare a road plan that shows the area to be paved and shows drainage systems at the beginning and end of the road and a high point in the middle of the road to direct the water to the catch basins. The complications in the drainage design come from the runoff from areas further down the road that will not be paved yet will continue to direct storm water to the area.

My proposal is:

| | |
|---|-----------------|
| Field measurements to establish survey control; Locate existing roadway area and site features; Topo area for road design; Prepare road plan and profile showing proposed road layout and grades and drainage systems | \$2,500-\$3,000 |
| Stake out proposed road for construction | \$1,200-\$1,500 |

In order to establish survey control, it is necessary to find property corner monuments in the area. I'm assuming that there are some property corner monuments available in your subdivision. I understand that you had some survey work done recently at your property. Even though these new stakes are on the opposite side of your property from the road, they will be helpful in establishing survey control. If, for some reason, we are not able to locate monuments in the area, it will be necessary to extend our survey to other portions of your subdivision. Additional survey costs will just be based on the time spent and should not exceed \$1,000.00.

CIVIL ENGINEERING
WATER RESOURCES
ENVIRONMENTAL
SANITARY
STRUCTURAL
WATERFRONT

LAND SURVEYING
LAND COURT
SITE PLANNING
CERTIFIED PLANS

If you would like to proceed, please forward a retainer of *One Thousand Dollars* (\$1,000.00) and a signed copy of the enclosed contract. If you have any questions, please feel free to contact me any time.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Brady". The signature is written in a cursive style with a large, prominent initial "T".

Timothy J. Brady, PE/PLS
President

TB/cb

Subject: Jay Gurewitsch Proposal
From: Christine <christineb@eastcapeengineering.com>
Date: 5/11/2016 12:07 PM
To: meika@dirtworkscapecod.com

Dear Meika,

As part of the work at Province Road in Provincetown it is going to be necessary to install a drainage system. Jay has asked that you modify your proposal to include the drainage systems. They are trying to decide whether they can afford the project or just make more temporary repairs.

I anticipate that there will be a drainage system at the beginning and the end of the road. This drainage system will consist of 2 catch basins with frames and grates and a 6x6 leaching pit with 2' of stone at each end of the road.

I trust that this information will be sufficient for modifying the proposal. If you have any questions, please feel free to contact me.

Sincerely,
Tim

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Assistant Town Manager

TO: Board of Selectmen
David Panagore, Town Manager
FROM: David Gardner, Assistant Town Manager
DATE: September 22, 2016
RE: Province Road – Paving Request

Attached is Town Counsel's opinion issued in 2010 of the Town's rights and obligations regarding Province Road as owners of the 90 Shank Painter property.

Based on discussions with Town Counsel regarding the proposed request to have the town participate in the paving of a private road, the following information is also provided:

1. Public Procurement Laws:

Since there are public funds involved, this contract would be subject to public bidding and construction laws (G.L. c. 30, §39M) and the prevailing wage statute (G.L. c. 149, §26).

If the Selectmen are interested in seeing the road improved, one way to proceed would be for the other owners to retain the contractor in compliance with G.L. c. 30, §39M and G.L. c. 149, §26 to perform the work. Alternatively, the Town may retain the contractor itself, which may be preferable as the Town has more experience with procurement and the Town can oversee the expenditure of the funds, rather than depending on others to do so. The owners should contribute a little more than the estimated costs to cover unanticipated expenses. Of course, no bids should be issued until the Town has received the other 50% of the cost from others. To determine the timing of the project, the Town must assess how it will pay for its share of the expense.

Before the Town proceeds with the project, Counsel recommends that the owners enter into an agreement with the Town, releasing the Town from liability for defects in the contractor's work and from any obligation to maintain or repair the private way in the future. Town Counsel can help prepare the agreement.

2. Town's percent of contribution:

It is counsel's opinion that the Town is neither required to limit its contribution or obligated to pay a certain percentage (ordinarily, we would divide the cost among the number of contributing owners, or base the cost on the percent of frontage, or intensity of use), and may contribute 50% of the cost if the Selectmen are of the opinion that access to Town property is of such value.

As funds for this project are not currently appropriated, they would have to be paid out of an existing line item within the DPW budget or be obtained through a direct appropriation from town meeting.

January 19, 2010

Jeanne S. McKnight
jmcknight@k-plaw.com

Ms. Sharon Lynn
Town Manager
Provincetown Town Hall
260 Commercial Street
Provincetown, MA 02657

Re: Province Road – Town’s Rights and Obligations as Owner of 90 Shank Painter Road

Dear Ms. Lynn:

At your request, we arranged for a title search to confirm the Town’s rights to use Province Road by virtue of the Town’s acquisition of the land located at 90 Shank Painter Road. This land also has frontage on Province Road, a private way. In my opinion, and as indicated by the enclosed title report, the Town’s ownership of the 90 Shank Painter Road lot (noted as “Lot 2” in said title report), includes ownership of the fee interest in the portion of Province Road on which the lot has frontage, to its centerline, and includes an appurtenant right to use the full length of Province Road for roadway purposes, subject to the rights of others who are also entitled to use Province Road.

You also asked what obligations the Town has for maintenance of Province Road as the owner of land abutting this private way and having rights of access over Province Road. Based on my review of the title report and abstract, there is no recorded agreement or covenant obliging the owner of 90 Shank Painter Road to maintain, or contribute to the cost of maintenance of Province Road. In the absence of such an agreement, the Town has no obligation to repay others with a right to use Province Road who choose to undertake such maintenance, in my opinion. Popponeset Beach Association, Inc., v. Marchillo, 29 Mass. App. Ct. 586, 593 (1996).

The other property owners having ownership interests in Province Road and rights to use and occupy the road (the “proprietors”), however, may avail themselves of the provisions of G.L. c.84, §§12–14 by making application in writing to a clerk of the district court or to the Town Clerk or to a justice of the peace to call a meeting of the proprietors to determine what repairs are necessary and the proportion of the cost to be to be furnished by each proprietor for such repairs or may choose assessors to determine such proportion, and may choose a “surveyor.” The meeting or such assessors may assess each proprietor for its proportion of the amount of repairs and the surveyor may levy and collect such “taxes” in the same manner as collectors of taxes are empowered to collect municipal taxes. While I have found no case applying this statute to a town as a landowner, it is likely, in my opinion, that the surveyor would at least have a contract action if not a right to levy and collect a proportionate share of repair costs from the Town.

Ms. Sharon Lynn
Town Manager
January 20, 2010
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Furthermore, as one of the persons in control of a private way, the Town, like other abutters and part owners of Province Road, owes to persons lawfully using Province Road a duty of reasonable care to maintain the private way. Marsden v. Eastern Gas & Fuel Associates, 7 Mass. App. Cit. 27, 29 (1979).

Please contact me if you have any questions regarding this matter.

Very truly yours,

Jeanne S. McKnight

JSM/lem
Enc.

390121v.2/PROV/0297

Provincetown Street Listing

| Street Name | Private Way | Trash Pick-Up | Snow Removal | Has Addresses | Paved | Street Name | Private Way | Trash Pick-Up | Snow Removal | Has Addresses | Paved |
|------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| ALDEN ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | DAGGETT LN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ALLERTON ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | DEWEY AVE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ANTHONY ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | DUNCAN LN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ARCH ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | DYER ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ATKINS LN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | FISHBURN CT | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ATKINS MAYO RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | FORTUNA RD | <input checked="" type="checkbox"/> |
| ATLANTIC AVE | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | FOSS RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ATWOOD AVE | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | FRANKLIN ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| AUNT SUKEY WY | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | FREEMAN ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| BAKER AVE | <input checked="" type="checkbox"/> | FRITZ'S WAY | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| BANGS ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | GARFIELD ST | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| BAYBERRY AVE | <input checked="" type="checkbox"/> | GEORGE'S PATH | <input checked="" type="checkbox"/> |
| BAYVIEW AVE | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | GOOD TEMPLAR PL | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| BERRY LN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | GOSNOLD ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| BLUEBERRY AVE | <input checked="" type="checkbox"/> | HANCOCK ST | <input checked="" type="checkbox"/> |
| BRADFORD ACRES RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | HARBOR HILL RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| BRADFORD ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | HARBOUR DR | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| BRADFORD ST EXT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | HARRY KEMP WY | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| BREWSTER ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | HEATHERS WAY | <input checked="" type="checkbox"/> |
| BRIGGS LN | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | HENSCH LN | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| BROWNE ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | HIGH POLE HILL RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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| CAPT BERTIES WY | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | HOLWAY AVE | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CARNES AVE | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | HOWLAND ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CARNES LN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | ICE HOUSE RD | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CARVER CT | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | JEROME SMITH RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CARVER ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | JOHNSON ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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| CENTER ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | KILEY CT | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CENTRAL ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | KIMBERLY LN | <input checked="" type="checkbox"/> |
| GESCO'S LN | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | KINGS WAY | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CLEVELAND ST | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | LAW ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| COLLYER ST | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | LEIF ERICSSON AVE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| CONANT ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | MAPLE CT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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| CONWELL ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | MAYFLOWER AVE | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| COOK ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | MAYFLOWER ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| COTTAGE ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | MEADOW RD | <input checked="" type="checkbox"/> |
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| CREEK RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | MERCANTILE WY | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| CREEK RND HILL RD | <input checked="" type="checkbox"/> | MERMAID AVE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CUDWORTH ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | MILLER HILL RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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| Street Name | Private Way | Trash Pick-Up | Snow Removal | Has Addresses | Paved | Street Name | Private Way | Trash Pick-Up | Snow Removal | Has Addresses | Paved |
|--------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|----------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| MONTELLO ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | STANDISH WY | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| MOZART AVE | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | STEARNS AVE | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| MT GILBOA RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | TELEGRAPH HILL RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| NELSON AVE | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | THISTLEMORE RD | <input checked="" type="checkbox"/> |
| NICKERSON ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | THISTLEMORE WY | <input checked="" type="checkbox"/> |
| OAK DR | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | TINYS WY | <input checked="" type="checkbox"/> |
| OFF CEMETERY RD | <input checked="" type="checkbox"/> | TREMONT ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| OFF CONWELL ST | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | UPPER MILLER HILL RD | <input checked="" type="checkbox"/> |
| OLD ANN PAGE WY | <input checked="" type="checkbox"/> | VORSE LN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| OLD COLONY WY | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | WAREHAM ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| OPPEN LN | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | WARREN AVE ? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PEARL ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WASHINGTON AVE | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| PILGRIM HGTS RD | <input checked="" type="checkbox"/> | WATSONS CT | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PILGRIMS LANDING | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | WEBSTER AVE | <input checked="" type="checkbox"/> |
| PLEASANT ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WEBSTER PL | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| POINT ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WEST FRANKLIN ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| PRINCE ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WEST VINE ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| PRISCILLA ALDEN RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WHORFS CT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| PROVINCE LANDS RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WILEY ST ? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| PROVINCE RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | WILLOW DR | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| RACE POINT RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WINSLOW ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| RACE RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WINSTON AVE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| RAILROAD AVE | <input checked="" type="checkbox"/> | WINSTON CT | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ROUTE 6 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WINTHROP PL | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| RYDER ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | WINTHROP ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| RYDER ST EXT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | YOUNGS CT | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ? SANCTUARY RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| SANDY HILL LN | <input checked="" type="checkbox"/> | | | | | | |
| SANTOS CT | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| SCHOOL ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | |
| SCHUELER BLVD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| SEASHORE PK DR | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| SHANK PAINTER RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | |
| SHIPS WAY RD | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | |
| SHIPS WAY RD EXT | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | |
| ? SHORT ST | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | |
| SILVA WY | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| SMALLS CT | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| SNAIL RD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | |
| SNOW ST | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| SNOWS LN | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | |
| SOMERSET RD | <input checked="" type="checkbox"/> | | | | | | |
| SOPER ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | |
| SPINNAKER LN | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | |
| STANDISH AVE | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | |
| STANDISH ST | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | |

Private Road = 77
Paved Private Roads = 34

* Note: Roads partially paved are marked as being Paved.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Monday, September 26, 2016

7A

GRACE HALL PARKING LOT LEASE AGREEMENT

Approval

Requested by: Town Manager David B. Panagore

Action Sought: Discussion/Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to approve the Grace Hall Parking Lot Lease Agreement between the Town of Provincetown and The Roman Catholic Bishop of Fall River, Massachusetts for a term commencing December 19, 2016 and ending on December 18, 2026 [as presented] [as revised].

Additional Information

See attached memo and Lease Agreement.

Board Action

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

Memo

To: Raphael Richter, Chair of the Board of Selectmen
Cc: Board of Selectmen
From: David B. Panagore, Town Manager
Date: September 20, 2016
Re: Proposed Lease Extension for the Grace Hall Parking Lot

Attached please find a proposed lease extension for the Grace Hall Parking Lot, pursuant to which the Town will lease the Diocese's property for a 10-year period, commencing on December 19, 2016 (our prior lease ends on December 18, 2016). The terms of the lease remain the same as the existing lease except for the Base Rent provision which are described below.

The Current lease expires on Dec 17, 2017:

Under the current lease we are paying the church \$35,000/yr. (The lease also carries the term "or 11.5% of revenues" but we have always paid them the flat \$35,000). We raised the rates last in 2014, but the rent was not increased.

On July 28th, the Church's attorney proposed:

The Town pays the Church the higher of the base rent (\$35,000) or 11.5% of the Net Revenues. They propose to change the base as follows:

| | |
|----------|------------------------|
| \$37,500 | Years 1 through 4 |
| \$40,000 | Years 4 through 8, and |
| \$42,000 | Years 9 and 10. |

On August 8th, we countered with:

| | |
|----------|-------------------|
| \$37,500 | Years 1 through 5 |
|----------|-------------------|

In the event the Town raises the parking fees in years 3 to 5, then the rent would increase another \$2,500 to \$40,000.

\$40,000

Years 5 to 10

In the event the Town raises the parking fees in years 8 to 10, then the rent would increase another \$2,500 to \$42,000.

As the Church is in the better negotiating position. I believe we have done a decent job in modestly lowering the rent structure. As the rental income increased 2 years ago. It seemed only fair to agree to the \$2,500/yr increase which equals 100 cars parking all day in a lot that has 354 parking spaces.

The Diocese requests that the Town provide 3 originals of the attached Lease, signed by the Board of Selectmen. The Selectmen also need to sign the Notice of Lease (pages 9 and 10 of the attachment), and a notary needs to acknowledge the signature of at least one of the Selectmen.

We ask your consideration and approval.

2

LEASE

1. PARTIES:

The Roman Catholic Bishop of Fall River, a corporation sole, with an address of 450 Highland Avenue, Fall River, Massachusetts (the "Diocese"), which expression shall include its successors and assigns, where the context so admits, does hereby lease to the Town of Provincetown, a body corporate and politic, acting by and through its Board of Selectmen, having an address of Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts (the "Town"), which expression shall include its successors and assigns, where the context so admits, and the Town hereby leases the following described premises:

2. PREMISES:

A parcel of land in Provincetown, Massachusetts, which parcel is shown as "Parcel 1 Area = 17,629 ± Sq.Ft." on a plan of land entitled "Plan of Land in Provincetown as Surveyed for Town of Provincetown, dated September, 2006, prepared by William N. Rogers, Civil Engineers & Land Surveyors (the "Plan"), and described in a deed recorded with the Barnstable County Registry of Deeds in Book 21620, Page 1.

3. TERM:

The Term of this Lease shall be for ten (10) years, commencing on December 19, 2016 (the "Commencement Date") and ending on December 18, 2026 (the "Termination Date"). The initial "Lease Year" of the Term of this Lease shall begin on the Commencement Date and shall end on the last day of the twelfth consecutive calendar month thereafter. During the Term of this Lease, each successive Lease Year shall be each successive period of twelve consecutive calendar months after the initial Lease Year.

4. RENT:

4.1. Payment of Rent. For the years one through five of this Lease, the Town shall pay to the Diocese annual rent in the amount of (a) \$37,500.00 (the "Base Rent"), or (ii) 11.11 % of the Net Revenues (defined below) (the "Additional Rent") generated from the operation of a parking lot on the Premises and on the abutting property owned by the Town and shown as "Town of Provincetown" on the Plan (the "Town Parking Lot"), whichever is greater. The Premises and the Town Parking Lot are referred to, together, as the "Parking Lot." Rent shall be paid at the rate \$3,125.00 per month, prorated for any partial month of occupancy during the term hereof.

For the years six through ten of this Lease, the Town shall pay the Diocese annual rent in the amount of (a) \$40,000.00 (the "Base Rent"), or (ii) 11.11 % of the Net Revenues (defined below) (the "Additional Rent") generated from the operation of a parking lot on the Premises and on the abutting property owned by the Town and shown as "Town of Provincetown" on the Plan (the "Town Parking Lot"), whichever is greater. The Premises and the Town Parking Lot are referred to, together, as the "Parking Lot." Rent shall be paid at the rate \$3,333.33 per month, prorated for any partial month of occupancy during the terms hereof.

It is further agreed that should the Town raise the rate charged for parking during the years three through five inclusive, the Base Rent would change from \$37,500.00 to \$40,000.00. Should the Town raise the rate during the years eight through ten inclusive, the Base Rent will be raised to \$42,000.00.

The Town shall no later than sixty (60) days from the end of each Lease Year, deliver to the Diocese, without prior notice or demand, a written statement showing in reasonable detail the Net Revenues (defined below) generated by the Parking Lot over the preceding Lease Year (each, an "Annual Statement"). If the amount of the Additional Rent for the preceding Lease Year exceeds the Base Rent paid by the Town to the Diocese over the same period (with the difference between the two being referred to herein as the "Excess"), the Town shall deliver, with each Annual Statement, a check in the amount of said Excess, made payable to the Diocese. With respect to the last Lease Year of the term of this Lease, the provisions of this Section shall survive the Termination Date.

4.2. Definition of "Net Revenues." (a) "Net Revenues" shall mean the dollar amount calculated by subtracting the Operating Costs from Gross Revenues for each Lease Year. "Gross Revenues" shall mean the total dollar amount of fees charged and collected each Lease Year by the Town from the operation of the Parking Lot. "Operating Costs" shall mean the total amount of costs and expenses incurred by the Town for the operation of the Parking Lot, including, without limitation, all charges, costs and expenses related to: (A) landscaping and making other improvements to the Parking Lot, including, without limitation, hot-topping, restriping and repaving the Parking Lot and otherwise making the Parking Lot suitable for parking purposes; (B) making improvements to the Parking Lot in order to comply with any law now or hereafter promulgated by any governmental authority; (C) utilities, including electricity, furnished to the Parking Lot; (D) cleaning, sweeping, and removing snow and ice from the Parking Lot; (E) the insurance premiums paid by the Town for the Parking Lot; (F) all assessments and governmental charges, whether federal, state, county or municipal, and any other taxes, charges and assessments attributable to the Parking Lot (or its operation); (G) all supplies and materials used in the operation and maintenance of the Parking Lot; (H) service or maintenance contracts with independent contractors for the operation and maintenance of the Parking Lot; (I) routine security of the Parking Lot; and (J) if the Town's own employees participate in the operation and management of the Parking Lot, then wages and salaries, including taxes, insurance and benefits relating thereto, of all such employees, but only to the extent such employee is engaged in the operation and/or maintenance of the Parking Lot.

(b) Notwithstanding any other provision of this Lease, Operating Costs shall not include (i) expenses arising out of a breach or violation of law, lease or other obligation by the Town or its agents, employees or contractors, including fines, penalties, and attorneys' fees; (ii) expenses to the extent directly and solely caused by the reckless or willful misconduct of the Town or its agents, employees or contractors (provided such negligence or willful misconduct is proven in a court of law); (iii) costs or expenses for which the Town is entitled to reimbursement from any source (other than costs reimbursable to the Town by the Diocese as an Operating Cost); and (iv) damages and repairs attributable to condemnation, fire or other casualty.

4.3. Maintenance of Books and Records. Increase in Gross Sales Upon Tax Audit. The Town shall keep and maintain full, true and accurate books of account and records from which Net Revenues for each Lease Year can be determined including, but not limited to, all computer records, sales books, books of account, journals, bank statements, and the like, and all which shall be conveniently segregated from the other business matters of the Town.

4.4. Inspection of Town's Books and Records. Any Annual Statement furnished by the Town shall be binding and conclusive upon the Diocese unless the Diocese shall notify the Town that the Diocese disputes the correctness of such Annual Statement within sixty (60) days after submission thereof by the Town. The Diocese shall have the right, at the Diocese's sole expense, after not less than fifteen (15) days' advance notice to the Town, during regular business hours, to inspect and audit all items referred to in Section 4.3 hereof, and such books and records and all other papers and files of the Town relating in any manner to Net Revenues which would normally be examined by an independent accountant pursuant to generally accepted auditing standards. The Town shall produce its books and records on request of the Diocese, and, upon the Diocese's request, shall make all of such items available for examination at Town's record keeping location. If any such audit shows that the amount of Net Revenues stated on any Annual Statement was understated by more than five percent (5%), then the Town shall pay to the Diocese the cost of its audit and investigation, and, in addition, shall pay promptly to the Diocese any deficiency in the rent with interest thereon from the date such payment should have been made to the date of payment. Any examination and audit of the Town may be made by any representative of the Diocese designated in writing by the Diocese from time to time. Any information obtained by the Diocese as the result of any such audit shall be held in confidence by the Diocese and shall not be divulged by the Diocese to any person or used for any purposes except that the Diocese shall be permitted to divulge such information (i) when necessary in connection with the trial of any action, proceeding or arbitration between the Diocese and the Town, and (ii) pursuant to a subpoena duly and validly served upon the Diocese.

4.5 Notice of Changes to Parking Fees. The Town agrees to notify the Diocese if at any time during this Lease the Town shall increase the charges for parking at this lot. The Town shall disclose the charges for parking in effect at the beginning of the term of this Lease, and it will notify the Parish/Diocese if at any time during the term of the Lease the charge for parking has been increased.

5. UTILITIES:

The Town shall pay, as they become due, all bills for electricity and other utilities that are furnished to the Premises and presently separately metered. The Diocese shall have no obligation to provide utilities or equipment other than the utilities and equipment within the Premises as of the Commencement Date. In the event the Town requires additional utilities or equipment, the installation and maintenance thereof shall be the Town's sole obligation, provided that such installation shall be subject to the Diocese's reasonable consent.

6. USE OF LEASED PREMISES:

The Town shall use the Premises only for the purposes of providing public parking, and for no other purpose (the "Permitted Uses").

7. MAINTENANCE, CONDITION OF PROPERTY:

7.1. General Maintenance. The Town agrees to maintain the Premises in the condition it exists in on the first date of occupancy, reasonable wear and tear and damage by fire and other casualty only excepted. The Town shall not permit the Premises to be overloaded, damaged, stripped, or defaced, nor suffer any waste. The Diocese shall not be responsible for removing ice and snow from the Premises.

7.2. Hazardous Materials. The Town agrees that it shall not maintain, generate, allow or bring on the Premises or transport or dispose of on or from the Premises any Hazardous Waste, Hazardous Material, Oil or radioactive material. As used herein, the terms "Hazardous Waste", "Hazardous Material", and "Oil" shall be defined "as provided in Section 2 of Chapter 21C, Section 2 of Chapter 21D, and Section 2 of Chapter 21E of the General Laws of Massachusetts, and the regulations promulgated thereunder, as such laws and regulations may be amended from time to time. The Town, to the extent permitted by law, hereby agrees to indemnify and hold harmless the Diocese, and those claiming by, through and under the Diocese, from and against any and all liability, loss, damage, costs, expenses (including, without limitation, reasonable attorneys' fees and expenses), causes of action, suits, claims, demands or judgments of any nature in any way suffered, incurred, or paid as a result of any release or threatened release of oil or hazardous material as defined under federal, state or local law on or from the Premises caused directly by the Town, its agents, employees, contractors or representatives. The provisions of this Section 7.2 shall survive the termination or expiration of this Lease.

8. ALTERATIONS-ADDITIONS:

The Town may make structural and/or non-structural alterations or additions to the Premises, provided the Diocese consents thereto in writing, which consent shall not be unreasonably delayed, conditioned or withheld. All such allowed alterations shall be at the Town's expense and shall be in quality at least equal to the present construction. The Town shall not permit any mechanic's liens, or similar liens, to remain upon the Premises for labor and material furnished to the Town or claimed to have been furnished to the Town in connection with work of any character performed or claimed to have been performed at the direction of the Town and shall cause any such lien to be released of record forthwith without cost to the Diocese. Any alterations or improvements made by the Town shall become the property of the Diocese at the termination of occupancy as provided herein unless, at the time the Diocese gives its approval to an alteration, the Town notifies the Diocese that the alteration is to be removed by the Town at the end of the Term hereof.

9. ASSIGNMENT - SUBLEASING:

The Town shall not assign or sublet the whole or any part of the Premises without the Diocese's prior written consent, which consent shall not be unreasonably conditioned, delayed or

withheld.

10. INDEMNIFICATION AND LIABILITY:

The Town shall indemnify the Diocese, to the extent permitted by law and only to the extent of its insurance coverage, against all liabilities, damages and other expenses, including reasonable attorneys' fees, which may be imposed upon, incurred by, or asserted against the Diocese by reason of (a) any failure on the part of the Town to perform or comply with any covenant required to be performed or complied with by the Town under this Lease, or (b) any injury to person or loss of or damage to property sustained or occurring on the Premises resulting from the Town's activities on the Premises.

12. INSURANCE:

12.1. General Requirements. The Town agrees to keep its fixtures, equipment and other personal property from time to time located in, on or about the Premises insured by responsible companies qualified to do business in Massachusetts. The Town represents that it shall throughout the term of this Lease maintain general liability insurance coverage for the Premises.

12.2. Insurance Coverage. The Town shall maintain with respect to the Premises comprehensive public liability insurance in the amount of \$1,000,00.00/occurrence, \$2,000,000.00/aggregate in responsible companies qualified to do business in Massachusetts and in good standing therein insuring the Diocese (as an "additional insured") and the Town against injury to persons or damage to property as provided. The Town shall deposit with the Diocese certificates for such insurance at or prior to the commencement of the term, and thereafter within thirty (30) days prior to the expiration of any of such policies. All such insurance certificates shall provide that such policies shall not be cancelled without at least thirty (30) days' prior written notice to each insured named therein.

12.3. Blanket Insurance. Any insurance required to be provided by the Town under this Section may be provided by blanket insurance covering both the Premises and other properties of the Town if (i) such blanket insurance complies with all of the other requirements of this Lease, and (ii) the amounts payable to the Diocese and those claiming by, under and through the Diocese under such blanket insurance shall at all times be no less than the face of such blanket insurance. If the Town shall provide blanket insurance in conformity with the foregoing, then the requirements herein for delivery of insurance policies by the Town shall be deemed satisfied by the Town's delivery to the Diocese of certificate of such blanket insurance (in a form reasonably satisfactory to the Diocese) with respect to the insurance involved.

13. FIRE, CASUALTY - EMINENT DOMAIN:

13.1. "Substantial Part". (a) If a substantial part of the Premises is taken by any entity other than the Town of Provincetown by right of eminent domain, then the Diocese and the Town shall each have the right to terminate this Lease by providing the other with written notice thereof. Any such termination shall be effective sixty (60) days after the date of notice thereof. For the purposes of this section, "substantial part" shall be defined as that portion of the Premises which if taken by

eminent domain would materially affect the use of the Premises for the Permitted Uses.

13.2. Rights of Recovery. In the event of a taking by eminent domain, the Diocese shall have, and hereby reserves and excepts, and the Town hereby grants and assigns to the Diocese, all rights to recover for damages to the Premises and the leasehold interest hereby created, and to compensation accrued or hereafter to accrue by reason of such taking or damage. The Town covenants to deliver such further assignments and assurances thereof as the Diocese may from time to time request, hereby irrevocably designating and appointing the Diocese as its attorney-in-fact to execute and deliver in the Town's name and behalf all such further assignments thereof.

14. DEFAULT AND BANKRUPTCY:

In the event that:

- (a) The Town shall default in the payment of any installment of rent or other sum herein specified and such default shall continue for thirty (30) days after written notice thereof; or
- (b) The Town shall default in the observance or performance of any other of the Town's covenants, agreements, or obligations hereunder and such default shall not be corrected within sixty (60) days after written notice; or
- (c) The Town shall be declared bankrupt or insolvent according to law, or, if any assignment shall be made of Town's property for the benefit of creditors,

then the Diocese shall have the right thereafter, while such default continues, to re-enter and take complete possession of the Premises, to declare the term of this Lease ended, and remove the Town's effects, without prejudice to any remedies which might be otherwise used for arrears of rent or other default.

15. NOTICE:

Any notice relating to the Premises or to the occupancy thereof shall be in writing and shall be deemed duly served when mailed by registered or certified mail, postage prepaid, addressed to the other party at the addresses listed above or at such other addresses as the parties may from time to time designate by written notice to the other party, provided that if notice is given to the Town, a copy of each such notice shall also be served to the Town's counsel at Kopelman and Paige, P.C., 101 Arch Street, Boston, MA 02110, Attention: Shirin Everett, Esquire, and if notice is given to the Diocese, a copy of each such notice shall also be served to the Diocese's counsel at Gay & Gay, P.C., 73 Washington Street, P.O. Box 988, Taunton, MA 02780, Attention: David T. Gay, Esquire.

16. MISCELLANEOUS:

16.1 Changes in Lease. None of the covenants, agreements, provisions, terms and conditions of this Lease shall in any manner be changed, altered, waived or abandoned except by a written instrument signed, sealed and mutually agreed upon by all the parties hereto, and approved as required by law. Such instrument shall not be void for want of consideration.

16.2 Yield Up at Termination of Lease. The Town shall, at the expiration or other termination of this Lease, remove all of the Town's effects from the Premises. The Town shall deliver the Premises to the Diocese in the condition in which the Town is required to maintain the same as set forth in this Lease, reasonable wear and tear excepted and fire and other casualty excepted.

16.3 Quiet Enjoyment; Access to Premises. The Diocese hereby warrants and covenants that the Town shall have peaceful and quiet use and possession of the Premises without hindrance or interruption on the part of the Diocese, or by any other person(s) for whose actions the Diocese is legally responsible.

The Diocese or its agents may, at reasonable times and without interfering with the Town's operations, enter the Premises to inspect for compliance with the terms hereof.

16.4 Severability. If any provision of this Lease is declared to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under that provision provided, however, that the remainder of the Lease shall be enforced to the fullest extent permitted by law.

16.5 Force Majeure. In any case where either party hereto is required to do any act, delays caused by or resulting from war, fire, flood or other casualty, unusual regulations, unusually severe weather, or other causes beyond such party's reasonable control shall not be counted in determining the time during which such act shall be completed, whether such time be designated by a fixed date, a fixed time or "a reasonable time," and such time shall be deemed to be extended by the period of the delay.

16.6 Binding Agreement; Covenants and Agreements; Governing Law; Personal Liability. This Lease shall bind and inure to the benefit of the parties hereto and their respective representatives, successors and assigns. All covenants, agreements, terms and conditions of this Lease shall be construed as covenants running with the land. This Lease contains the entire agreement of the parties and may not be changed or modified except by a written instrument in accordance with the provisions herein. This Lease shall be governed by the laws of the Commonwealth of Massachusetts. The provisions of those laws shall not be deemed waived by any provision of this Lease. The failure of either party to seek redress for violation or to insist upon the strict performance of any covenant or condition of this Lease shall not prevent a subsequent act, which would have originally constituted a violation, from having all the force and effect of a violation. No provision of this Lease shall be deemed to have been waived by either party unless such waiver is in writing and signed by the party to be bound thereby. No mention in this Lease of any specific right or remedy shall preclude the Diocese or the Town from exercising any other right, or from having any other remedy, or from maintaining any action to which it may otherwise be entitled either in law or in equity. No official, employee or consultant of the Town shall be personally liable to the Diocese or any successor in interest or person claiming through or under the Diocese, in the event of any default or breach, or for or on account of any amount which may be or become due, or on any claim, cause or obligation whatsoever under the terms of this Lease or any amendment or extension entered into pursuant hereto.

16.7. Notice of Lease. As soon as practicable after the Lease Commencement Date, the Diocese and the Town shall execute a Notice of Lease in recordable form, and the Town shall record such Notice with the Barnstable County Registry of Deeds.

16.8. Headings and Captions for Convenience Only. The captions and headings throughout this Lease are for convenience of reference only and the words contained therein shall in no way be held or deemed to define, limit, explain, modify, amplify or add to the interpretation, construction or meaning of any provisions of, or the scope or intent of this Lease, nor in any way affect this Lease, and shall have no legal effect.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seal this _____ day of _____, 2016.

ROMAN CATHOLIC BISHOP
OF FALL RIVER, A CORPORATION SOLE

By: _____
Name: (Most Rev.) Edgar M. da Cunha, S.D.V., D.D.
Title: Bishop

TOWN OF PROVINCETOWN,
By and through its Board of Selectmen

NOTICE OF LEASE

In accordance with G.L. c.183, §4, notice is hereby given of a Lease dated as of _____, 2016 (the "Lease") by and between the **Roman Catholic Bishop of Fall River**, a corporation sole, with an address of 450 Highland Avenue, Fall River, Massachusetts, as Lessor, and the **Town of Provincetown**, a body corporate and politic, acting by and through its Board of Selectmen, having an address of Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts, as Lessee.

The premises leased to the Lessee is located off Mozart Avenue, Provincetown, and shown as "Parcel 1 Area = 17,629 + Sq.Ft." (the "Property") on a plan of land entitled "Plan of Land in Provincetown as Surveyed for Town of Provincetown, dated September, 2006, prepared by William N. Rogers Professional Civil Engineers & Land Surveyors, recorded with the Barnstable County Registry of Deeds in Plan Book 614, Plan 62, which Property is described in a deed recorded with said Deeds in Book 21620, Page 1.

The term of the Lease is ten (10) years, commencing on Dec. 19, 2016.

Executed as of this _____ day of _____, 2016.

Lessor: Roman Catholic Bishop of Fall River, a Corporation Sole

By: _____
Name: (Most Rev.) Edgar M. da Cunha, S.D.V., D.D.
Title: Bishop Title: Bishop

Lessee: Town of Provincetown,
By its Board of Selectmen

THE COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this ____ day of _____, 2016 before me, the undersigned notary public, personally appeared Edgar M. da Cunha, S.D.V., D.D., Roman Catholic Bishop of Fall River, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed above and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires: _____

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ____ day of _____, 2016 before me, the undersigned Notary Public, personally appeared _____, Selectman of the Town of Provincetown, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

Notary Public:
My Commission Expires: _____
(Official Signature and Seal of Notary)



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, September 26, 2016

7B

TOWN MANAGER'S REPORT

Administrative Updates

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent – votes may be taken.

Additional Information

- i. RFQ Update on former Community Center, 46 Bradford Street, Provincetown, MA (see attachments).
- ii. Proposed Process for Civic Engagement and Fall Town Forum
- iii. Other Town Manager updates and administrative matters.

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 SUBMISSIONS

PHASE 1 – REQUEST FOR QUALIFICATIONS

Sale of Former Provincetown Community Center

1. REQUEST FOR QUALIFICATIONS

The Town of Provincetown (the “Town”), acting by and through its Board of Selectmen (the “Board”), is offering for sale, through a two-phased selection process and in accordance with Massachusetts General Laws Chapter 30B, a parcel of land, comprising approximately 19,689 square feet, more or less, located at 46 Bradford Street, Provincetown, MA.

This Request for Qualifications (“RFQ”) represents Phase I of the Town’s two-phased process to determine the most advantageous respondents to acquire and redevelop the Premises. In Phase I, the Town is requesting short, concise submissions in order to determine which respondents are eligible to receive, and submit a proposal pursuant to, a Request for Proposals (“RFP”) which the Town will issue in Phase II. The Town will review the qualifications of all respondents submitting timely qualification statements in accordance with the criteria provided herein. Only respondents who meet the minimum prequalification criteria will receive the RFP.

The Town’s purpose for selling the Premises is to restore a vacant property to viable use, reflecting the community’s values and evidencing community benefit. We are seeking redevelopment proposals for business and economic development or housing development or both. Each project must clearly identify the community benefit created. All costs and expenses of purchasing and developing the Premises, including without limitation, all costs of permitting and improvements, shall be the sole responsibility of the successful respondent. Any proposed development must conform to the Provincetown Zoning Bylaws.

While the Town believes that the information provided in this RFQ, including all exhibits and addenda, if any, is accurate, the Town makes no representation or warranty, express or implied, as to the accuracy and completeness of the information in this RFQ. The respondent assumes all risk in connection with the use of the information, and releases the Town, the Board, their representatives, agents, boards and commissions, from any liability in connection with the use of the information provided by the Town. Further, the Board makes no representation or warranty with respect to the Premises, including without limitation, the value, quality or character of the Premises or its fitness or suitability for any particular use and/or the physical and environmental condition of the Premises. The Premises will be sold in “AS IS” condition.

Statements of Qualifications are due at the Office of the Town Manager at Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts 02657 by 4:00 p.m. EST on Monday, September 26, 2016.

Respondents to this RFQ must submit an earnest money deposit of \$5,000. Deposits will be returned promptly to Respondents that are not responsive or not prequalified in accordance with the terms set forth herein. The Town will otherwise hold the deposits until an award of the sale of the building is made during the second phase of this procurement, or in the event the Town cancels the procurement.

After receipt of qualification statements in Phase I, Town Staff will schedule one or more confidential meetings with Respondents who meet the minimum pre-qualification criteria set forth in this RFQ for the purpose of further understanding and refining redevelopment proposals. Town Staff will be available to each Respondent regarding their respective redevelopment proposals including but not limited to, questions regarding their financing, their permitting, exploring options for streamlining permitting, and other appropriate elements.

Each respondent shall in Phase II be responsible for their own review and analysis (due diligence) concerning the physical and environmental condition of the Premises, applicable zoning and other land use laws, required permits and approvals, and other development, ownership, and legal considerations pertaining to the Premises, and the use of the Premises. All required statutory submission requirements will be deferred to Phase II. Phase II submissions shall be evaluated on the basis of Experience, Concept, Community Benefit, Financial Benefit, and Ability to Proceed. The Town reserves the right to reject any and all qualification submissions, or to cancel this procurement at any time if it is in the Town's best interest to do so.

2. DESCRIPTION OF PREMISES

The Premises consists of the Town-owned property located at 46 Bradford Street, Provincetown, Massachusetts containing approximately 19,689 square feet of land, more or less, and shown on Assessor Map 7-2, Parcel 62, and described in a deed recorded with the Barnstable Registry of Deeds at Book 201 and Page 173, 186, and 534. The Premises are shown on a plan attached to this RFQ as Exhibit A and incorporated herein. A structural evaluation dated October 2014 has also been included as Exhibit B.

3. SUBMITTAL PROCESS AND SCHEDULE OF EVENTS

Availability of RFQ Packages: The RFQ will be available on the town website at www.provincetown-ma.gov as of 8/25/2016.

Submission Deadline. Sealed Qualification Statements must be received at the Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts 02657, **by 4:00 p.m. EST on Monday, September 26, 2016. Late, faxed or e-mailed submissions will not be accepted.** The envelope and front page of the submission package must be clearly marked with the words "Town of Provincetown RFQ for Disposition of Former Community Center."

Opening of Submissions: All submissions shall be opened, and shall become public, by the Town Manager at Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts 02657 at 4:00 p.m. EST on September 26, 2016.

4. SUBMISSION REQUIREMENTS

Each respondent shall submit five (5) paper copies of the submission (one of which shall be the original), complete with all supporting materials.

All submissions shall not be longer than **four pages** and shall include the following materials in order to qualify:

- A. Cover Letter. A letter signed by the respondent, or, if the respondent is an entity, a principal(s) of the respondent who is authorized to submit its RFQ response,

including a statement of interest, the identity of the respondent, the name of the potential purchaser of the Premises (if other than respondent) and the name, address and contact information of all interested parties.

- B. Project Description. Respondents shall provide a one page project narrative describing the redevelopment concept and intended uses. Each Respondent shall identify the community benefit their project shall provide including but not limited to community use, tax benefit, business development, job creation, seasonal housing, year-round housing, support of the arts, support of local non-profits, as well as its correspondence with the existing Local Comprehensive Plan.
- C. Qualification Statement. Respondents shall provide qualification statements that demonstrate respondent's relevant experience, financial capacity, familiarity with development and redevelopment in the region and other qualifications the Town will consider for prequalification purposes as set forth below as Minimum Prequalification Criteria. Each respondent is required to address each of the four Minimum Prequalification Criteria individually, numbering as below. Each respondent should include sufficient information to allow a meaningful evaluation of their qualifications related to the acquisition and future redevelopment. The Town reserves the right to disqualify any submission or response due to insufficient supporting or explanatory information, or to request additional supporting information. The Town may request additional information of one or more respondents relative to qualifications. Requests shall be in writing with the expectation of a written response within a specified time.
- D. Submission Security. Submission security in the form of a certified check or cashier's check payable to the "Town of Provincetown" in the amount of \$5,000.00 must accompany the submission package. The submission security of parties not prequalified will be returned within a reasonable time after the date of an award. Submission packages which fail to include security, or those of responding parties who fail to provide the aforementioned security by the submission deadline, will be rejected as non-responsive. In the event that a prequalified respondent is not selected by the Town during Phase II of the process, the security will be returned within 45 days after a purchase and sale agreement is executed with the selected respondent.

5. MINIMUM PREQUALIFICATION CRITERIA

The Town will consider proposals for the redevelopment of the former Community Center building for the following purposes: business/economic development, or housing development, or both. Submittals received by the Town will be evaluated for prequalification based on the minimum criteria provided below.

1. The identification of a redevelopment team including but not limited to engineers, landscape architects, architects and/or builders who are qualified to undertake projects of the scope and magnitude being proposed.
2. Demonstrated experience by one or more individuals on the redevelopment team in at least one redevelopment project similar in scale and scope.
3. Suitable evidence that the respondent has the financial ability to accomplish the proposed redevelopment.
4. A demonstrated ability to complete redevelopment projects in accordance with pre-determined schedules.

After evaluating a submission on the foregoing factors, the evaluators will determine whether the respondent meets the Minimum Prequalification Criteria and is thus prequalified and will be eligible to receive the RFP.

6. RESERVATIONS BY THE TOWN

A. This RFQ does not represent any obligation or agreement whatsoever on the part of the Town to sell the Premises described in this RFQ.

B. The Town reserves the right, in its sole discretion, to reject at any time any or all submissions or to withdraw the RFQ. The Town also reserves the right, at any time, to waive strict compliance with the terms and conditions of this RFQ or to entertain reasonable modifications or additions to selected submissions provided the same are not materially different from the terms set forth herein.

C. The Town makes no representations or warranties, express or implied, as to the accuracy and/or completeness of the information provided in this RFQ. This RFQ (including all attachments and supplements) is made subject to errors, omissions, prior sale, or financing, withdrawal without prior notice, and changes to, additions to, and different interpretations of laws and regulations.

D. Prequalification of a respondent will not create any rights on the respondent's part, including, without limitation, rights of enforcement, equity or reimbursement.

E. All determinations as to the completeness or compliance of any submissions, or as to the qualifications and rankings thereof, will be within the sole discretion of the Town.

TOWN OF PROVINCETOWN
REQUEST FOR QUALIFICATIONS

Town of Provincetown Disposition of Former Community Center

EXHIBIT A
DESCRIPTION OF PREMISES

The Premises consist of the Town-owned parcel of land with the building known as the "Former Community Center" and other improvements thereon, located at 46 Bradford Street, Provincetown, containing 19,689 square feet of land, more or less, and shown on Assessors Map 7-2 as Parcel 62. The Premises are described in deeds recorded with the Barnstable County Registry of Deeds in Book 201, Pages 173, 186, and 534.

The building on the Property is a single-story wood structure with full basement and brick foundation that was originally built in 1930 and has an area of 9,166 square feet. It was originally a school and then used as a Community Center and Recreation Center.

A. Property Information

Address: 46 Bradford Street

Lot Size: 19,689 square feet

Lot coverage:

- Front lawn: approximately 1060 square feet
- Building footprint: approximately 4838 square feet
- Parking: approximately 12 parking spaces existing

Vehicle circulation: Driveway access from Bradford Street serves the parking area

B. Building Statistics

Square Footage: 9,166 square feet, more or less, of gross floor area

Stories: 1 story with full basement

Mechanical Systems:

- Electrical: 110-V Outlet with single 220-V outlet in Kitchen
- Phone, CATV, Networking: Yes
- Fire & Security System: Fire Alarm
- Heat: Oil-Fired Hot Water Boiler System
- Oil Tank: (2) 330 Gal. Tank Inside Building
- Air Conditioning: None
- Domestic Water: Town Water
- Sewer: Town Sewer
- Sprinkler System: No
- Elevator: Yes, Passed Inspection

The Premises, including any and all buildings and other improvements thereon, shall be conveyed in their "AS IS" condition, without any representations or warranties of any kind whatsoever. The Town shall have no obligation to make any repairs or improvements to the Premises or to deliver it in broom-clean condition. With technical assistance from the Massachusetts Housing Partnership, a structural analysis was completed by Coastal Engineering Co., Inc. in October 2014 and the report is attached as Exhibit B.

D. Site Utilities

| <i>Utility</i> | <i>Provider</i> | <i>Location</i> |
|----------------|------------------------------------|-----------------|
| Water | Town of Provincetown | Bradford Street |
| Wastewater | Town of Provincetown | Bradford Street |
| Electric | Eversource | |
| Gas | no gas utility serves Provincetown | |
| Telephone | various local providers | |
| Cable | various local providers | |

Availability of Utilities is as follows:

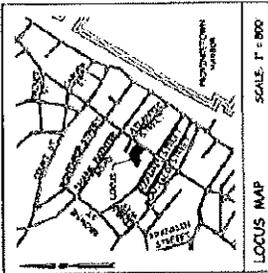
- *Water Service* - The Town, through an enterprise accounting system, operates a Water Department serving all of Provincetown and parts of Truro. The 46 Bradford Street property is served by an existing 12" AC water main on Bradford St. and 2" water service to the building. Fire flow test must be performed for a current fee of \$75.00. If, due to proposed building use, a fire service is necessary, any service greater than 2" in size is performed by a private contractor at the expense of the Owner. Current water rate charges and schedule of miscellaneous fees are posted on the Town website. The successful Proposer WILL NOT be exempt from bi-annual water usage charges nor exempt from charges associated with the purchasing of water meter(s). Rates for both are available on the Town's website.
- *Electrical Service* – Eversource [formerly NStar] is the electric service provider in our area and should be contacted as to needed service timeframes and usage charges. The Proposer is to have direct contact with Eversource regarding this project.
- *Sewer Service* - The Town, through an enterprise accounting system, operates a limited wastewater collection area to include 46 Bradford Street. The Town utilizes the uniform method of assessing betterments based on DEP's Title 5 code gallonage allocations. The betterment rate of \$45/gallon/day is in place as voted on by the Water & Sewer Board and as approved by the Board of Selectmen which is payable in equal payments over a 20-year period and amortized at an approximately 2% borrowing rate. The Proposer IS NOT EXEMPT from betterment charges nor exempt from bi-annual sewer usage charges. You are urged to contact the Dept. of Public Works should you have questions after first garnering information from the Town's website on this important matter. The Property is currently connected to the municipal sewer system and has 600 gallons allocated to the Property.

D. Zoning

The Premises are located in zone Residential 3 (RES 3), which is primarily a multifamily residential zone with some limited institutional, neighborhood commercial or commercial accommodations also permitted. The successful proposer will be responsible for acquiring all necessary permits and zoning relief/changes. The development standards are set forth in the Town's Zoning Bylaws available on the Town's website, www.provincetown-ma.gov. It should not be relied upon without independent verification by any proposed developer. Current zoning for this parcel allows for up to 7 residential units. It is anticipated that should the developer seek to develop more than 7 residential units, a Chapter 40B permit or other applicable process for zoning relief would be required.

E. Town Meeting Approval

Provincetown Town Meeting authorized the Board of Selectmen to convey the Premises pursuant to the vote taken under Article 5 of the April 4, 2011 Special Town Meeting and under Article 8 of the April 1, 2013 Special Town Meeting.



SCALE: 1" = 800'

NOTE: ALL BUILDING OFFSETS ARE INDICATED PERPENDICULAR TO THE PROPERTY LINES.

REFERENCE: DEED BOOK 201 PAGE 174
DEED BOOK 201 PAGE 175
DEED BOOK 201 PAGE 173



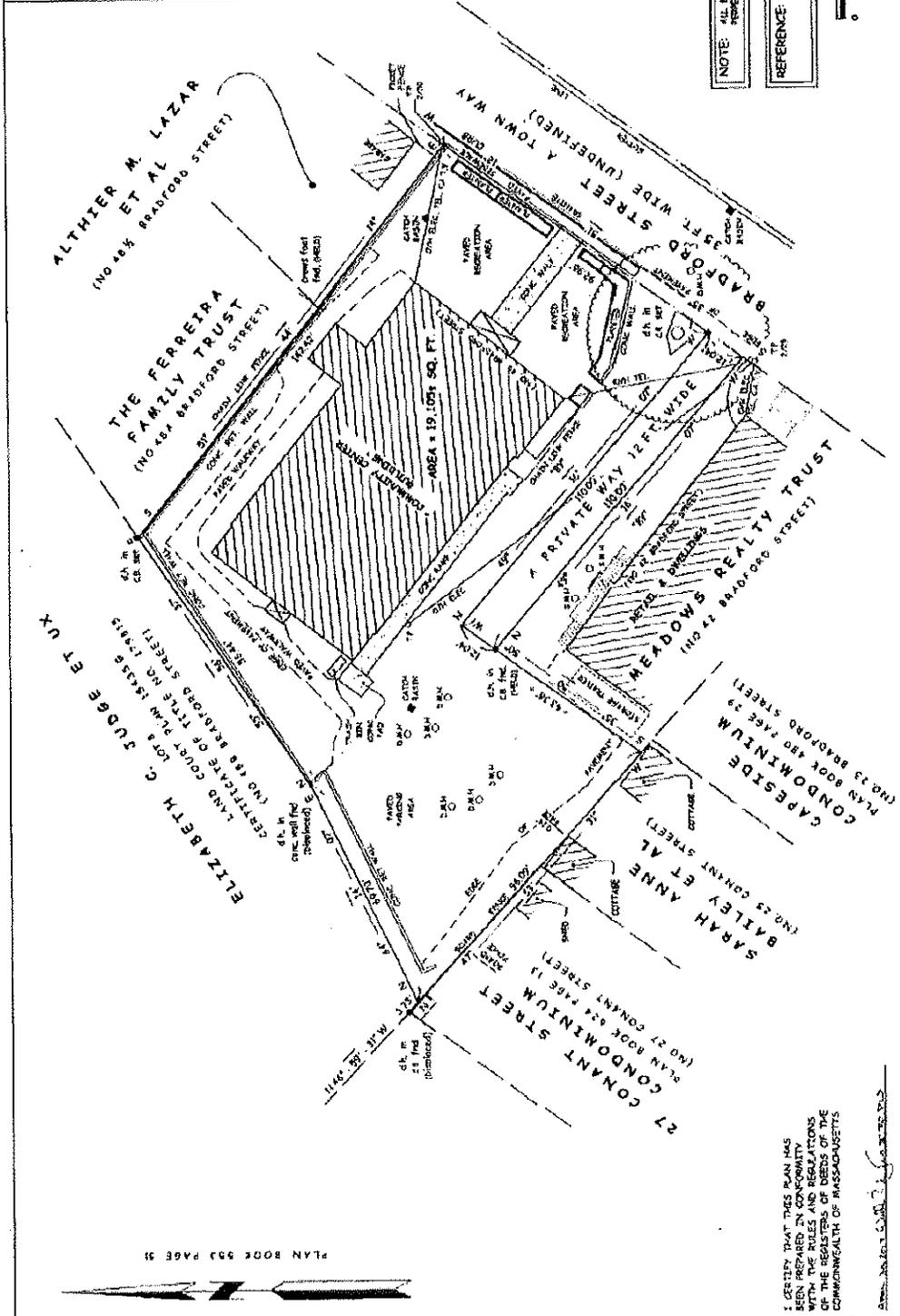
PLAN OF LAND
IN

PROVINCETOWN
AS SURVEYED FOR

TOWN OF PROVINCETOWN
SCALE: 1 IN. = 20 FT. APRIL, 2013

WILLIAM N. ROGERS
PROFESSIONAL
CIVIL ENGINEERS & LAND SURVEYORS
41 OFF CEMETERY ROAD, PROVINCETOWN, MASS.
508.487.2515 / 508.587.2869 FAX

P-13-1982



LEGEND:

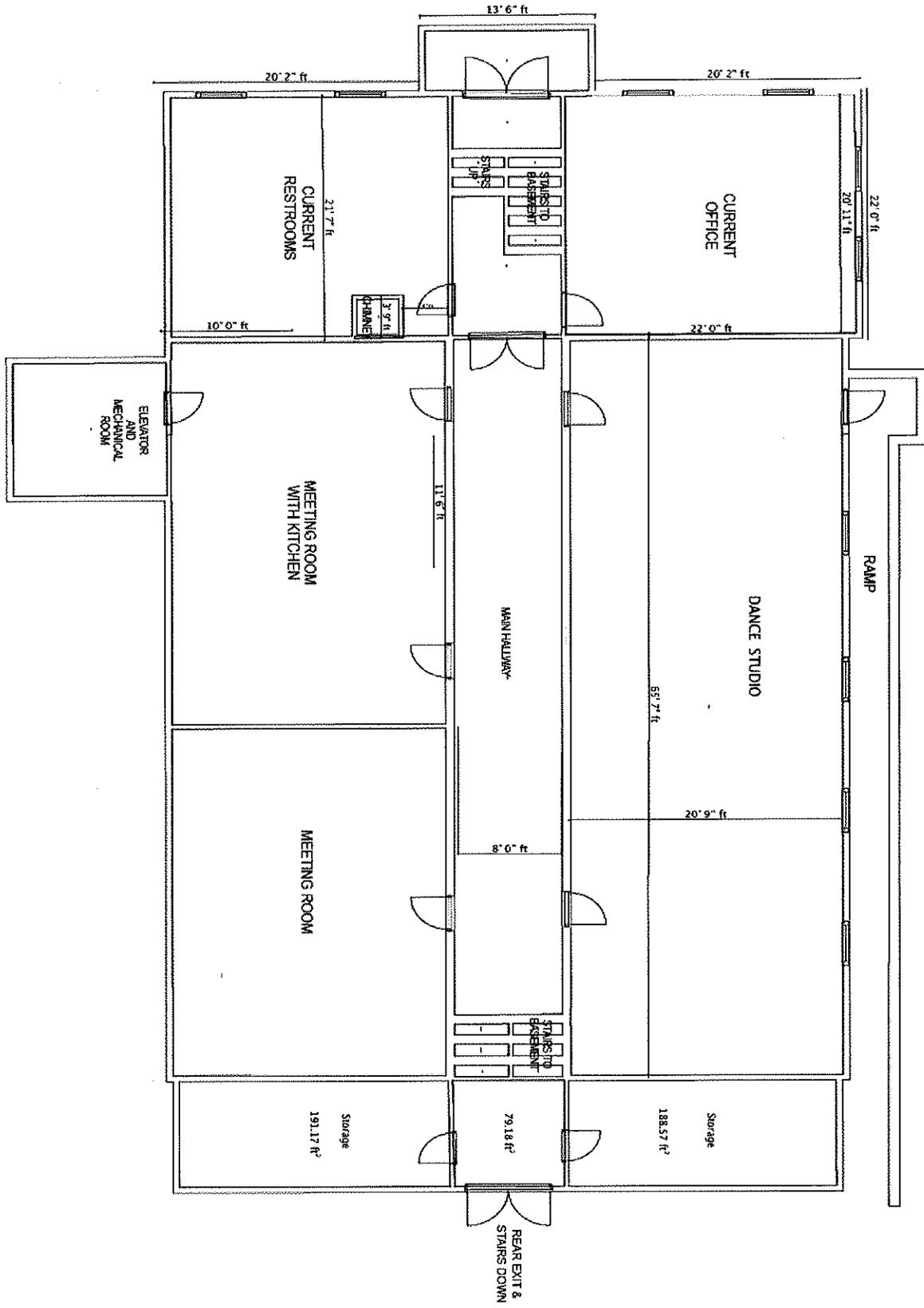
| | |
|--------|-----------------|
| D.M.K. | SEWERAGE MAINS |
| S.M.H. | SEWER MAINS |
| W.P. | WATER MAINS |
| U.V.G. | UNDERGROUND |
| L.F. | LIQUID PIPELINE |

I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON THE RECORDS OF THE REGISTERED OWNERSHIP AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERED OWNERSHIP OF THE COMMONWEALTH OF MASSACHUSETTS.

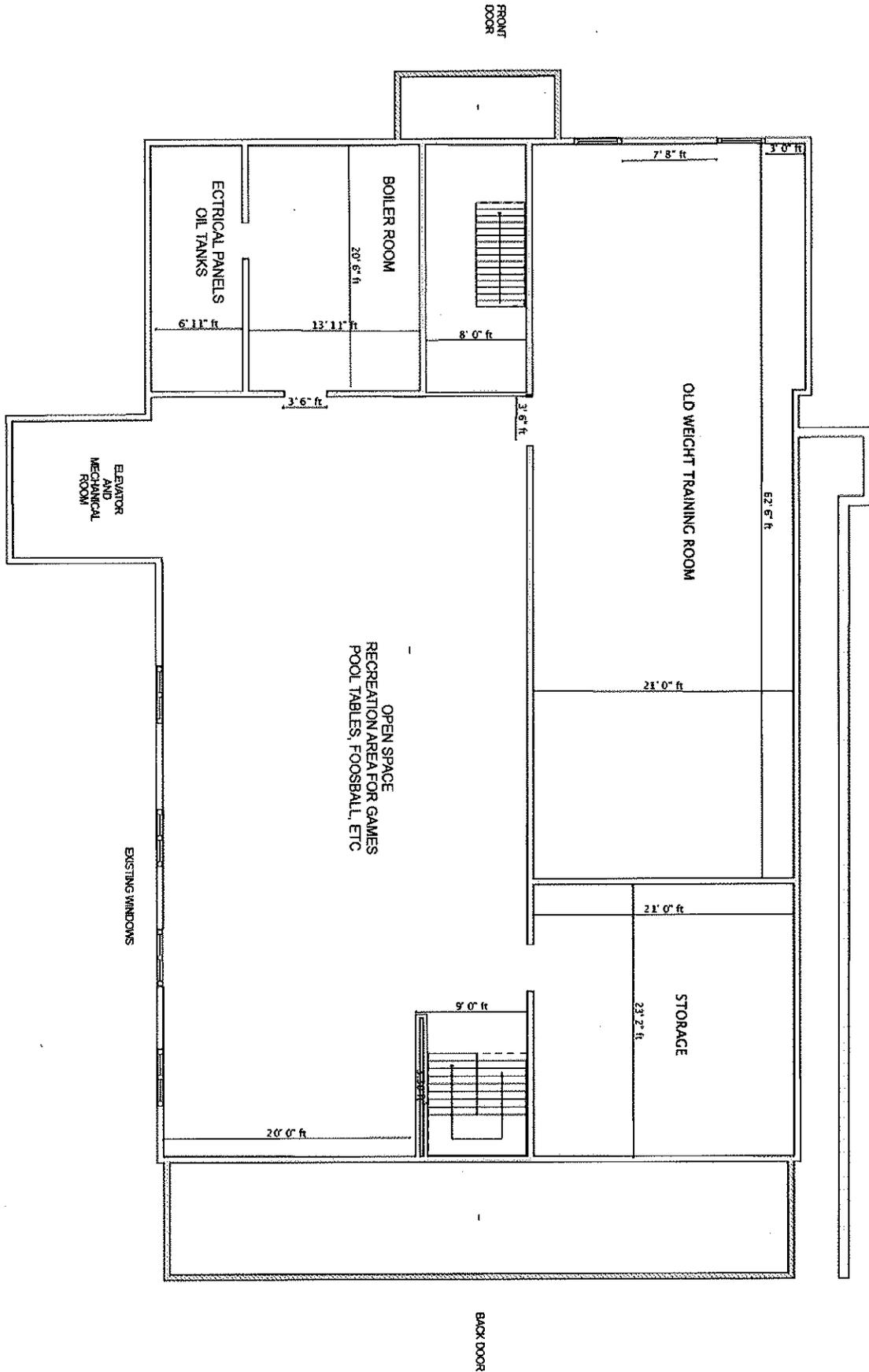
PLAN BOOK 553 PAGE 31

FRONT OF BUILDING
BRADFORD STREET



OVERVIEW OF EXISTING STRUCTURE
MAIN FLOOR

1



OVERVIEW OF EXISTING STRUCTURE
BASEMENT LEVEL

EXHIBIT B
Structural Evaluation October 2014



260 Cranberry Highway, Orleans, MA 02653
508.255.6511 ■ Fax 508.255.6700 ■ coastalengineeringcompany.com

Ms. Laura Shufelt
Community Assistance Manager
Massachusetts Housing Partnership
160 Federal St.
Boston, MA 02110

October 24, 2014

Subject: Proposed Structural Evaluation and Rehabilitation of the
Existing Old Community Building
44 Bradford Street
Provincetown, MA 02657
CEC Project No. C18219.00

Dear Ms. Shufelt:

You have requested this office to assess the structural condition of the primary frame and foundation within the referenced building with respect to adding another second story and floor by utilizing the present structural frame and footprint of this facility.

This investigation was completed with respect to maintaining the two longitudinal interior bearing partitions that support the existing first floor and the newly proposed second floor proposed for this building. The new roof replacing the existing roof frame was considered to be supported along the existing exterior building and foundation walls to lessen superimposed live loads along the existing interior bearing walls and the substructure supporting these walls.

Description of the existing building: Based on field measurements and observations obtained by this office along this building a brief structural description of the primary frame is as follows:

- Roof: two directional A-frame pitched timber roof rafter system of which are seated on exterior walls and a portion of the interior bearing walls.

Old Community Building
44 Bradford Street, Provincetown, MA

October 24, 2014
Page 1 of 3

- First Floor: elevated timber floor joists which span to the outer exterior foundation walls and interior concrete unit masonry walls and tubular columns of which expands over an interior living area of approximately ±5,206 sq. ft.
- There were no visible signs of distress along the existing structural members within the primary frame supporting the roof and other areas of this facility such as significant plaster cracks and wood cracks and/or checks enveloping the living space within this building during the course of our evaluation in the field.
- Basement: comprises of exterior concrete masonry walls and floors of which expands over an interior living area of approximately ±4,669 sq. ft. There were no visible signs of distress such as vertical settlement and/or shrinkage cracks along all the existing foundation walls examined during our field evaluation.

Scope of Rehabilitation: If the referenced building were to be retrofitted with an additional second floor over the entire area of the first floor the following live loads cited in the Massachusetts State Building Code shown below were considered in this evaluation and may need to be used in all or in part when final design of the second floor within this facility.

The following are the live loads as cited in MSBC:

- Apartments: private rooms and corridors: 40 psf
- Assembly areas for fixed seats: 60 psf
- Assembly area for movable seats: 100 psf
- Corridors and decks: 100 psf
- Fire escapes: 100 psf
- Snow Load: ±25 psf (varies)
- Deck and Interior Handrails: 50 plf and 200 lb. concentrated load (all directions along top rail)

A superimposed live load of 50 psf was selected and used during the course of this structural evaluation.

Results: Based on our field evaluation and visual inspection of the present condition of the existing structural frame within this building this structure can be retrofitted with one additional floor provided the recommendations noted below are adhered to during the final design of such a retrofit along the primary building frame and foundation.

Recommendations: In order to add one additional floor and thus increase the useable habitable building floor area noted by approximately 5,000 sq. ft. and for these areas to be in compliance with MSBC the following is recommended:

Old Community Building
44 Bradford Street, Provincetown, MA

October 24, 2014
Page 2 of 3

- Four test pits should be executed along the four exterior corners of the building to reveal and confirm the size of the existing footing supporting this building. This footing should be confirmed to be at least 21 inches wide and 8 inches deep of which were used in this investigation when field measurements were recorded along the exposed interior portion of the footing along the exterior walls of this facility.

If this footing is found to be less than the dimensions noted above permanent underpinning may be needed along the perimeter of the existing outer building foundation. This item may increase the final cost of for an additional second floor by \$20,000 to \$25,000. However, at this time it appears these additional supports in all likelihood will not be required based on our field data collected to date.

Additionally, it's our judgment that the final distribution and extent of the superimposed live loads used during the course of a final design of a second floor and other factors, such as soil type and density may found to be higher of which will negate any need of such underpinning supports during the course of final design.

Limitations of investigation: The recommended structural repairs outlined above are conceptual in nature and shall not be construed or used as final construction specifications. The evaluation contained herein was based on observed measurements, conditions and a preliminary analysis; that was revealed and conducted when a field reconnaissance and tactile inspection was completed by the engineer not on existing engineering data, plans and tests performed by the provided by others. If additional engineering data, plans and tests are brought to the engineers attention in the future the analyses, results, recommendations and restoration repairs presented herein may be altered as determined by the engineer.

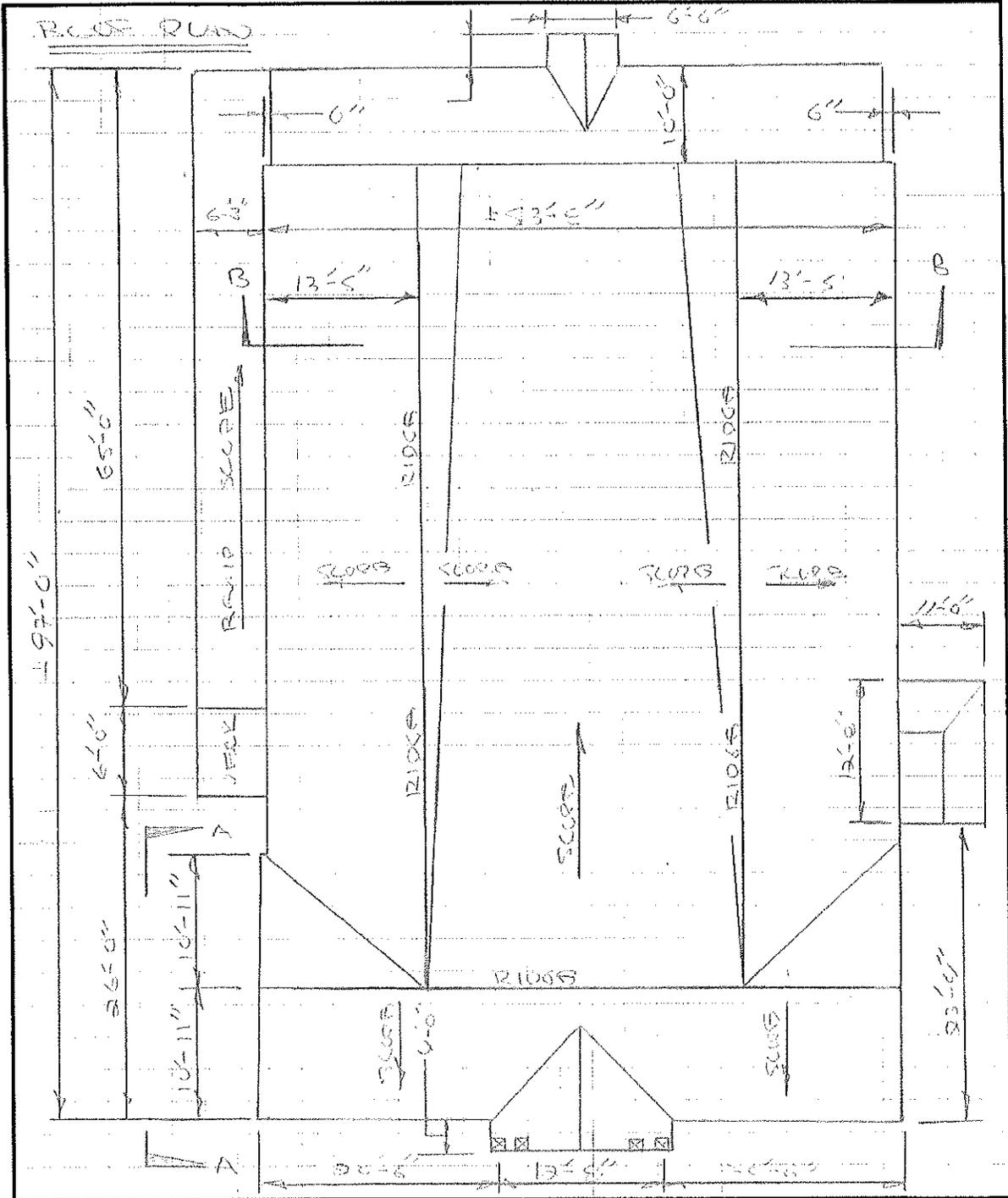
Respectfully submitted,

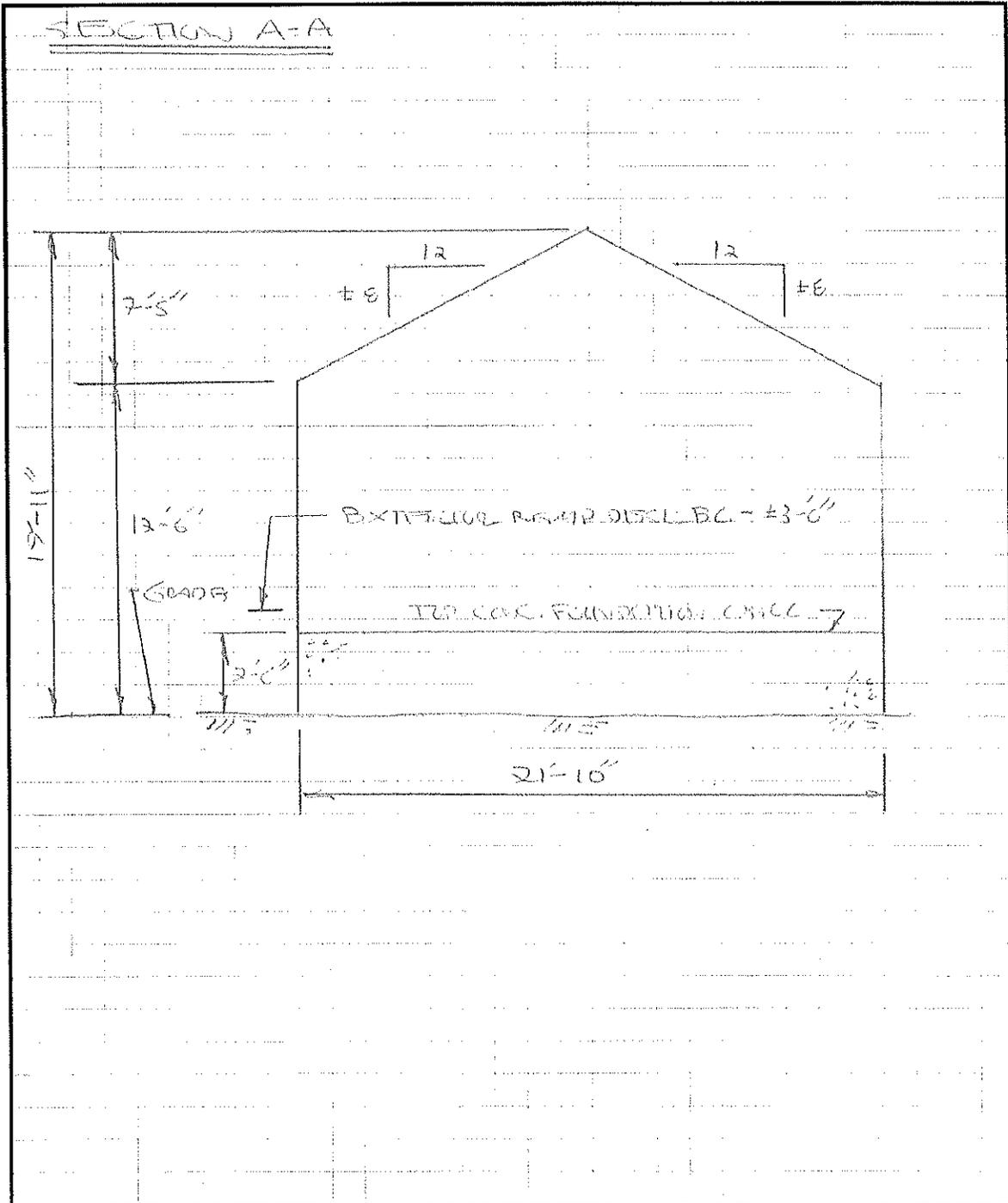
Joseph D. Bianchi, P.E.

Enclosures: Field Sketches 3 of 3 and Preliminary Computations 5 of 5

Old Community Building
44 Bradford Street, Provincetown, MA

October 24, 2014
Page 3 of 3





Project: Old Community Building - 44 Bradford Street, Provincetown, MA

Date: Oct. 21, 2014

1.0 Compression of timber walls and bearing pressure on existing footing - interior building partitions removed:

Member designation: Column 1-2"x 4" @ 16" o.c.- Hem-Fir (Grade 2 or better)

■ INPUT DATA-Exterior Walls:

Applied axial compressive load - P (lbs.);
 Allowable compressive stress - F_c (psi);
 Effective column length (unbraced beam length) - l_e (ft.);
 Minimum column width - d (in.);
 Modulus of elasticity - E_w (ksi);
 Area of column - A (in²);

$$In[1] := P = \frac{1}{lbs} \left(\left(\frac{53.666 \text{ ft}}{2} \times 1.333 \text{ ft} \times \left(\frac{25 \text{ lbs}}{1.15 \text{ ft}^2} \right) \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1.333 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1.333 \text{ ft} \times 50 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1.333 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1.333 \text{ ft} \times 50 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1.333 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) \right)$$

Out[1]= 5212.85

In[2] := $F_{cc} = 405$

Out[2]= 405

In[3] := $l_e = 2$

Out[3]= 2

In[4] := d = 1.5

Out[4]= 1.5

In[5] := $E_w = 1400$

Out[5]= 1400

$$\text{In}[6] := A = \frac{1}{\text{in}^2} (3.5 \text{ in} \times 1.5 \text{ in})$$

$$\text{Out}[6] = 5.25$$

■ SOLUTION:

Allowable stresses:

Compression:

$$\text{In}[7] := k = \frac{l_w \times 12}{d}$$

$$\text{Out}[7] = 16.$$

$$\text{In}[8] := K = N \left[0.671 \sqrt{\frac{1000 \times E_w}{F_{cc}}} \right]$$

$$\text{Out}[8] = 39.4511$$

$$\text{In}[9] := F_{ct} = F_{cc} \left(1 - \left(\frac{1}{3} \right) \left(\frac{\frac{12 l_w}{d}}{K} \right)^4 \right)$$

$$\text{Out}[9] = 401.348$$

$$\text{In}[10] := F_{c2} = \frac{0.3 E_w (1000)}{\left(\frac{12 \times l_w}{d} \right)^2}$$

$$\text{Out}[10] = 1640.63$$

$$\text{In}[11] := F_1 = \text{If}[k > 11, F_{ct}, F_{cc}]$$

$$\text{Out}[11] = 401.348$$

$$\text{In}[12] := F_c = \text{If}[k > K, F_{c2}, F_1]$$

$$\text{Out}[12] = 401.348$$

Applied stresses:

Compression:

$$\text{In}[13] := f_c = N \left[\frac{P}{A} \right]$$

$$\text{Out}[13] = 992.925$$

■ SUMMARY:

Compressive stress (upper case allowable, lower case applied) - (psi)

$$\text{In}[14] := F_c$$

$$\text{Out}[14] = 401.348$$

$$\text{In}[15] := f_c$$

$$\text{Out}[15] = 992.925$$

2.0 Existing concrete footing - interior building partitions removed:

■ INPUT DATA- Soil bearing stress along exterior footing with interior building partitions removed:

Width of footing - b_s (ft.);

Live load - P_{LL} (kips);

Dead load - P_{DL} (kips);

Allowable soil bearing pressure - q_a (ksf);

$$\text{In}[16] := b_s = 1.75$$

$$\text{Out}[16] = 1.75$$

$$\text{In}[17] := P_{LL} = \frac{1}{\text{lbs}} \left(\left(\frac{53.666 \text{ ft}}{2} \times 1 \text{ ft} \times \left(25 \frac{\text{lbs}}{\text{ft}^2} \right) \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1 \text{ ft} \times 50 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1 \text{ ft} \times 50 \frac{\text{lbs}}{\text{ft}^2} \right) \right) \frac{1}{1000}$$

$$\text{Out}[17] = 3.35413$$

$$\text{In}[18] := P_{DL} = \frac{1}{\text{lbs}} \left(\left(\frac{53.666 \text{ ft}}{2} \times 1 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(\frac{53.666 \text{ ft}}{2} \times 1 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(9.5 \text{ ft} \times 0.95 \text{ ft} \times 0.95 \text{ ft} \times 150 \frac{\text{lbs}}{\text{ft}^3} \right) \right) \frac{1}{1000}$$

$$\text{Out}[18] = 1.93005$$

$$\text{In}[19] := f_c = 3000$$

$$\text{Out}[19] = 3000$$

$$\text{In}[20] := f_y = 60000$$

$$\text{Out}[20] = 60000$$

$$\text{In}[21] := q_a = 2$$

$$\text{Out}[21] = 2$$

■ SOLUTION:

$$\text{In}[22] := q_u = \frac{P_{LL} + P_{DL}}{b_s}$$

$$\text{Out}[22] = 3.01953$$

■ SUMMARY:

Bearing stress (q_a allowable, q_u applied) - (ksf)

$$\text{In}[23] := q_a$$

$$\text{Out}[23] = 2$$

$$\text{In}[24] := q_u$$

$$\text{Out}[24] = 3.01953$$

3.0 Existing concrete footing - interior building partitions not removed:

■ INPUT DATA- Soil bearing stress along exterior footing without interior building partitions removed:

Width of footing - b_s (ft.);

Live load - P_{LL} (kips);

Dead load - P_{DL} (kips);

Allowable soil bearing pressure - q_a (ksf);

$$\text{In}[25] := b_s = 1.75$$

$$\text{Out}[25] = 1.75$$

$$\text{In}[26] := P_{LL} = \frac{1}{\text{lbs}} \left(\left(\frac{53.666 \text{ ft}}{2} \times 1 \text{ ft} \times \left(25 \frac{\text{lbs}}{\text{ft}^2} \right) \right) + \left(11 \text{ ft} \times 1 \text{ ft} \times 50 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(11 \text{ ft} \times 1 \text{ ft} \times 50 \frac{\text{lbs}}{\text{ft}^2} \right) \right) \frac{1}{1000}$$

$$\text{Out}[26] = 1.77082$$

$$\text{In}[27] := P_{DL} = \frac{1}{\text{lbs}}$$

$$\left(\left(\frac{53.666 \text{ ft}}{2} \times 1 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(11 \text{ ft} \times 1 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(11 \text{ ft} \times 1 \text{ ft} \times 8 \frac{\text{lbs}}{\text{ft}^2} \right) + \left(9.5 \text{ ft} \times 0.95 \text{ ft} \times 0.95 \text{ ft} \times 150 \frac{\text{lbs}}{\text{ft}^3} \right) \right) \frac{1}{1000}$$

$$\text{Out}[27] = 1.67673$$

In[28]:= $f_c = 3000$

Out[28]= 3000

In[29]:= $f_y = 60000$

Out[29]= 60000

In[30]:= $q_a = 2$

Out[30]= 2

■ SOLUTION:

In[31]:= $q_u = \frac{P_{LL} + P_{DL}}{b_s}$

Out[31]= 1.97003

■ SUMMARY:

Bearing stress (q_a allowable, q_u applied) - (ksf)

In[32]:= q_a

Out[32]= 2

In[33]:= q_u

Out[33]= 1.97003

ADDENDUM No. 1

Dated September 22, 2016

to

**REQUEST FOR SUBMISSIONS
PHASE 1 – REQUEST FOR QUALIFICATIONS
Sale of Former Provincetown Community Center
46 Bradford Street**

This Addendum No. 1 amends and supplements the above-referenced Request for Qualifications only as indicated below:

1. Clarifies that the Board of Selectmen would consider a long term lease in-lieu of outright sale of the property if the proposal provided a significant public purpose and otherwise met the goals and intent of the Board of Selectmen.
2. The estimated date for issuance of the second phase (Request for Proposals) is projected to be 6 to 8 weeks from the deadline for submissions, with proposals due 60 days thereafter.
3. Extension of Due Date: This addendum alters the due date. The due date for the receipt of Request for Qualifications is now no later than **Monday, October 3, 2016 at 4:00 p.m.**

END OF ADDENDUM NO. 1

Community Center Town Meeting Authorization

April 2011 Special Town Meeting Article 5. Sale of the Community Center Building. To see if the Town will transfer the care, custody, control, and management of the following described parcel of land from the board or officer that currently has custody of the land to the Board of Selectmen to be held for the purpose of sale; and further to authorize the Board of Selectmen to sell said parcel, pursuant to the procedures set forth in General Laws Chapter 30B, on such terms and conditions as the Board of Selectmen shall determine to be in the best interests of the Town; the land being all or a portion of Assessors Map No.7-2, Parcel No. 62, located at 46 Bradford St., and commonly known as the Community Center Building; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-1

2/3rd's Vote Required

F. John Santos moved that the Town transfer the care, custody, control, and management of the following described parcel of land from the board or officer that currently has custody of the land to the Board of Selectmen to be held for the purpose of sale; and further to authorize the Board of Selectmen to sell said parcel, pursuant to the procedures set forth in General Laws Chapter 30B, on such terms and conditions as the Board of Selectmen shall determine to be in the best interests of the Town; the land being all or a portion of Assessors Map No.7-2, Parcel No. 62, located at 46 Bradford St., and commonly known as the Community Center Building.

Stephen Cohen moved to indefinitely postpone Article 5.

Motion to Indefinitely Postpone Does Not Pass.

Motion Passed. (2/3rd's Vote Declared)

Proposed Process for Civic Engagement and Fall Town Forum

The Problem.

The Town has been unable to develop the consensus needed for Town Meeting voters to approve the proposed solutions for important and controversial zoning, real estate, housing, economic development and infrastructure issues in recent years. Attendance at Town Meeting has decreased, opportunities for dialogue on these issues before Town Meeting are insufficient - particularly since fewer voters are in town during the winter - and the answers that voters want so that they can make an informed decision are not available soon enough.

Providing more comfortable seating in the Auditorium, changing the order of Town Meeting articles so that the voters will know that the important issues will be brought up first, shortening the presentation at the beginning of each article, setting a higher bar for requiring a vote on a consent agenda item, and providing better factual information about each article months earlier are all important steps for solving this problem.

In addition, the Town should launch a year-long civic engagement process for voters and other interested community members that focuses on the major challenges brought to and identified by the Board of Selectmen and encourages two-way Town government and community dialogue designed to build consensus for how to solve these important issues.

A Recommended Solution.

To encourage this two-way dialogue and to draw more voters into the process of building consensus to solve the important and controversial issues, the Town Manager proposes to implement a civic engagement process that includes a Town Forum this November.

Like the more informal format of a Selectmen's Roundtable, as compared to the format of a Selectmen's Meeting, a Town Forum can encourage two-way dialogue on the issues with others who may have a different viewpoint, provide an opportunity for people to ask questions and to clear up misunderstandings, encourage participation by both voters and other interested community members in a way that Town Meeting cannot, and begin the process of building consensus so that voters can understand the benefits of the proposed solution to the problem, support the solution, and then encourage others to support it too.

The key components of the proposed civic engagement process plan:

- The Town Manager will form a civic engagement process advisory committee of Town employees, volunteers and community members – a public-private partnership – that can recommend the best ways to go out to the community and help to encourage people to participate in the Town Forum and to create other opportunities for dialogue on the issues.
- Town government will distribute the scripts prepared by the sponsors of important and controversial articles months earlier, will provide more reader-friendly financial forecast and problem and solution descriptions, and will coordinate all of the more traditional ways of communicating information including the face-to-face meetings, Public Hearings and formal mailings with enhanced online tools, including PTV live streaming of meetings, Town Talk Facebook and online dialogue forums, and Survey Monkey and other survey tools designed to respond to those people who rely upon digital communication.
- Hold a Town Forum in mid-November in place of a Fall Town Meeting so that voters can understand the important issues they will need to vote on next Spring. The issues aren't ready for a vote this Fall, which gives the voters more time to reach consensus on solutions.

Proposed Process for Civic Engagement and Fall Town Forum

Town Forum

A Dialogue on Important Topics for Town Meeting Voters

November ____, 2016 at Town Hall Auditorium

3 to 3-1/2 hour Town Forum, similar in length to a Town Meeting, open to both voters and all other interested participants. There are three parts to the Town Forum:

1. 1 hour of presentations with a brief overview to provide a "big picture" context for the discussions, followed by "script" presentations by article sponsors for the important and controversial topics to be discussed by the participants in small groups. Handouts for each discussion topic will also be available.
2. 1 hour of facilitated dialogue in small groups at tables, led by a "neutral" facilitator, with a staff or board member familiar with the topic as a resource.

Each participant will select two of the five or six topics and participate in a ½ hour discussion for each of those topics. This format allows those who are interested in more than one topic to engage in dialogue for two topics, while those who only have an interest in one topic will have an opportunity to hear about an issue they may not have thought about.

Questions will include (1) what more do you need to know in order to make an informed decision, (2) what questions do you have that staff should research, (3) do people agree or disagree on the definition of the problem, (4) what are your suggestions for solutions, and (5) would you like to stay involved.

A tentative list of the most important topics for discussion for review by the Board:

- Housing: Inclusionary By-Law
- Zoning, Planning, and Density
- VFW site use
- A new Police Station
- Financial Forecast and options for the next several years

3. 1 hour or more as needed for brief presentations on the key points from the small group discussions by their facilitators, followed by a general discussion and any additional comments that the participants would like to make.

Participants will also be asked to fill out a survey questionnaire that includes questions on Town Meeting attendance, format, and seating, and their interest in staying involved in the process of building consensus for one or more of the topics that have been discussed.

The Town Forum will be recorded by PTV for replay throughout the winter prior to the 2017 Town Meeting. In the spring, the Town should continue to hold one or more similar forums a month or so before Town Meeting, as some other towns do as an information session. One or more of these forums could be live-streamed so that voters who are not in town can be more fully informed when they return to Provincetown prior to the Annual Town Meeting. The process advisory committee may have other follow up suggestions.

Draft Checklist to Prepare for Forum

| Dates | Town government responsibilities | Public information |
|--|--|---|
| Week of Sept. 26 th (~7 weeks to Forum) | 9/26 BoS Mtg. to set date & affirm program Confirm logistics with venue, PTV 9/27-2 PM Update Staff Group on Plan Select Advisory Committee members Draft templates for overviews & topics Draft templates for handouts | 9/26 Board discussion for PTV coverage |
| Week of October 3 rd (~6 weeks to Forum) | Decide presenters for overviews & topics Confirm resource people for topics Decide facilitators and contact them Convene Advisory Committee | Initial publicity website, Banner, Town Talk 10/7 Radio Show with Nantucket, Eastham |
| Week of October 10 th (~5 weeks to Forum) | | 10/11 Update Board if requested re: topics |
| Week of October 17 th (~4 weeks to Forum) | Review 1 st draft scripts, presentations & handouts and suggest any revisions | Meetings with interested groups to get their feedback? |
| Week of October 24 th (~3 weeks to Forum) | Provide facilitators & resource people with draft table questions & instructions and get feedback from them | 10/24 Board update for PTV coverage? More detailed information available online Publicity thru all media & group channels |
| Week of October 31 st (~2 weeks to Forum) | Finalize Town Meeting Article scripts Finalize Forum presentations & do dry runs Finalize handouts 2 nd Meeting of Advisory Team? | Banner article 11/4 Radio Show on the Forum subjects |
| Week of November 7 th (~1 week to Forum) | Facilitator training | |



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Monday, September 26, 2016

7C

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, September 26, 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:

August 22, 2016 (Special)

[] 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
MEETING MINUTES - REGULAR MEETING
MONDAY – AUGUST 22, 2016 – 6:00 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Richter convened the open meeting at 6:00 p.m. noting the following attendees:

Board of Selectmen members: Raphael Richter, Erik Yingling, Tom Donegan, Cheryl Andrews, and Robert Anthony.

Other attendees: Town Manager David Panagore; Asst. Town Manager David Gardner; DPW Director Richard Waldo with GHD Project Engineer Russell Kleekamp; MIS Director Beau Jackett with Executive Director of OpenCape Corp Steven Johnston; Katherine B. Adams, Esquire, President & CEO Alex Oliphant, CFO James Bonaccorsi & Director Trish Faas of Heal, Inc., and Tourism Director Anthony Fuccillo.

Recorder: Loretta Dougherty

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

- A. *Approve Re-appointment of LeRoy “Scott” Fraser to the Provincetown Public Pier Corp. Board of Directors with a term to expire July 29, 2021.*

MOTION: Move that the Board of Selectmen vote to approve LeRoy “Scott” Fraser be reappointed to the Board of Directors of the Provincetown Public Pier Corp. with a term to expire on July 29, 2021.

Raphael waived the reading of the consent agenda and without objection the consent agenda was unanimously passed.

Raphael waived the reading of the Consent Agenda and without objection the Consent Agenda was unanimously approved.

1. Public Hearings:

- A. Economic Development Permit 16-03 – 9 Ryder Street Extension – Provincetown Marina by Chuck Lagasse (applicant), o.b.o. Provincetown Marina LLC (property owner), to increase the assigned Title 5 flow to the property by 1205 gallons per day to increase the number of float spaces on the marina by 35 slips and to install public restrooms at the end of the pier.

Erik read the Public Hearing Notice.

Chuck Lagasse and Kent Fields appeared and requested the Board to approve the additional gallons due to expansion of the project. They are increasing the number of float spaces on the marina by 35 which are rated at a flow of 10 gallons each per day. The floats will reduce the moorings by 29 which are rated at 5 gallons each per day Title 5. They will have two public restrooms and there has been no assigned flow for public restrooms. Chapter 91 allows parking on the pier. They are estimating with 100 auto spaces using two trips a day that would equal 200 at a rate of 5 gallons per use Title 5. All of this totals the requested 1,205 gallons per day. They are creating a harbor walk expanded beyond the harbor plan. This will make it wider and extend along Ryder Street Extension. It will be a much safer condition for walking on the harbor walk rather than down the parking lot.

David G. evaluates the current request based upon the Board's Policy Statement of 2009. The flow determination came from the description just given. This is a unique request that involves more structure improvements and has been vetted by the Sewer & Water Departments. Their input and conditions have been incorporated into the permit (pg. 18, condition 14). The Board has the ability to place additional conditions on the applicant as they see fit.

Erik asked if this would be the wave attenuator on the west side of the marina.

Chuck confirmed that it would go off the west side and be the wave attenuator that will protect the marina from the southwest wind. The dock is being constructed in Sweden and will be dropped off by ship in the far harbor and brought in when the piles are put in place.

There were no public comments.

MOTION: Move that the Board of Selectmen vote to approve Economic Development Permit 16-03 for 9 Ryder Street Extension, Provincetown Marina LLC, by Chuck LeGasse (applicant), o.b.o. Provincetown Marina LLC (property owner), based on findings that the proposed use is consistent with the criteria set forth in Selectmen's Policy 2009-02-09, specifically:

- Support year-round incomes and/or
- Create or enhance employment opportunities and/or
- Provides a measurable public benefit e.g. public restrooms and/or
- Help to diversify Provincetown's economic base

subject to the attached permit with conditions as submitted.

Motion: Erik Yingling

Seconded: Robert Anthony

Erik asked if the public restrooms will be available year-round or seasonal.

Chuck has employees on a year-round basis and is hoping to have enough use by the public to stay open year-round. He has no problem keeping the restrooms open all year.

Erik asked if he would be open to adding that condition to the permit.

Chuck has no problem with that request and assured the Board that they would definitely have snow removal there as the harbor walk will be open year-round. They want it to be viewed as a true amenity to the Town not just the marina.

Revised motion adding, "the public restrooms will be open year-round."

Motion: Erik Yingling

Seconded: Robert Anthony

Cheryl stated that this is a one-of-a-kind project. How much does one business get to enjoy out of a finite resource; water use is still a concern. Someone has asked her how the marina can do all of this and they cannot add a bedroom. She suggested again talking about the Economic Development Permit (EDP) process. She will abstain again.

Chuck is expanding the shower facility; it is brand new. They are not expanding beyond what the Cabral's had; they are just updating and meeting all the codes. Everything is state of the art. The pump out facility does not use water. It will use a vacuum system. Nothing will be discharged into the water. The marina and entire pier will be self-sufficient. They will produce their own water and treat their own sewer. It is novel to do it in an east coast town. They could easily get off the water system, if it is good for everyone, as it would be similarly priced to do it that way. He asked how the Town wants them to move forward.

Robert has looked at the facility; it is top notched.

Raphael feels this project is a great enhancement for the town and is grateful for the year-round public restrooms. He is also looking forward to having the discussion of EDP.

4/0/1 (Cheryl Andrews – Abstained) Motion passed.

2. Public Statements:

KiKi Harold of 76 Commercial Street spoke about the need for more dark skies and is hoping that Provincetown might become a member of the International Dark Sky Association. There is still a lot of light pollution happening. It is getting harder and harder to see the meteor shower each year. She would like to see more people educated. The squidding is also going on in the harbor with their lights shining toward the town and there is a lot of noise at the west end parking and loading area.

Victor Seltsam of 83 Shank Painter Road would like to see a Kayak Committee formed and asked the Board to consider organizing a Kayak Committee. (See Addendum 1 – Handout)

No action was taken.

3. Selectmen's Statements:

Cheryl spoke on KiKi's concern and related a story that she had gone out to watch the August 11th meteor shower and the airport was lite up until near midnight. She asked what the policies are in keeping the airport lite up at night; is it all night or just when needed as in the past. She congratulated everyone for the Carnival. All the feedback was very positive. Hillary Clinton was in Town yesterday and she mentioned that the first landing of the Pilgrims was here offshore. There is a pamphlet put out by the 2020 that is very informative. It lists the first baby who was born here and a lot of other nice information in it. The Governor has rescheduled the swearing in slated for September 20th; Governor's commission to commemorate the 2020 first landing of pilgrims.

Robert thanked David P. for putting the Carnival together. He believes that leadership starts from the top – kudos to Town staff also. He thanked the DPW and Fire Department for all the clean-up.

Erik remembers when the Planning Board brought forth an article at Town Meeting asking residents to have LEDS put on their properties and it did not go over very well. He would like to see LEDS being replaced throughout Town, if that is not already happening.

Tom thanked DPW Director Rich Waldo and Police Chief Golden for the wonderful job in cleaning up all the glitter that was all over Town during Carnival and then gone the next day. He received favorable comments from the public regarding the police car and bicycle patrols that were helping with control and safety prevention. He mentioned that the spotlights at the pier do not have dark sky lighting and that it would also be difficult to have churches and monuments go to dark sky. We have had a very successful season thanks to good leadership and good employees.

Erik wanted to acknowledge how well the residential tax exemption is working. One resident received \$1,000 back so the exemption is doing exactly what it is supposed to do.

Raphael received a good amount of positive feedback on the residential tax exemption as well. He believes we did a great job over Carnival. He recommended that doing something with our town policy may help others get on board with Dark Sky. The pilots in the air key the lights to come on at the airport.

David P. will check and see how long the lighting stays on at the airport once keyed.

4. Joint meeting / Presentations: None.

5. Appointments:

A. Approve Appointment of Guy Barbarulo as a Regular Member to the Licensing Board with a term to expire on either December 31, 2016 or December 31, 2017.

Raphael recused himself and left the room at approximately 6:44 p.m. at the advice of Town Counsel.

Erik tabled this item and will come back to it when the applicant arrives.

No action was taken, as Mr. Barbarulo did not appear before the Board.

6. Requests:

A. Approval to Execute the Construction Contract for the Phase III Commercial Street Reconstruction Project:

Rich thanked the Town for the new street sweeper which had been approved at Town Meeting.

GHD Representatives Russ Kleekamp and Jessica Janney appeared before the Board and gave a brief update on the status of the design and the amount of public participation that has occurred. There have been three public participation events and discussions with private owners has gone very well. The changes that need to be made to three of the private properties have been met with positive attitudes and will be great improvements to both public and private properties. They will have porous asphalt by a qualified contractor put down. They went back to review the project and see what could be reduced. The goal is a 10% contingency; the town had carried \$50,000 and \$30,000 can be eliminated. The lower quantity items are usually bid high so they can be adjusted which would save approximately \$25,000. Removal of the temporary trench path that would be there for only eight weeks could save approximately \$77,000. Residents in the east end may oppose this but concrete can be put under the sidewalk with a \$138,000 savings. The total overall budget is \$3.26 million and with the \$111,000 in the budget as a contingency adding in the \$138,000 brings us to where we need to be.

Robert wanted to know a little more about the temporary trench path; the adjustment to save the \$77,000.

Rich stated that when they are putting in the new water main they will fill the entire section of the road with a backfill of processed gravel and instead of paving it they will be left with a smooth surface that may produce some potholes. They will get the pavement down usually around December on a moderate temperature day. The pavement company will fire things up for us to get the pavement down.

David P. wanted to know if we would be able to button it up if something happened with the paving not being in place.

Rich is comfortable with this process as the mix is more clay based and holds up better with the rain.

Tom was very pleased with the clear, helpful presentation. Trench paving with compacted gravel works very well in the spring during the rainy season. As long as it does not go over the winter and they make it smooth enough for people to walk. If it gets to be over winter, we may need to look at an exchange order.

MOTION: Move that the Board of Selectmen vote to award and execute a construction contract to Robert B. Our, Inc. of Harwich MA in the amount of Two Million Six Hundred Seventy Eight Thousand Sixty Seven Dollars and Fifty Cents (\$2,678,067.50) for the Commercial Street Reconstruction Project – Phase III as the low bidder of record for bids received and opened publically on August 11, 2016.

Motion: Tom Donegan

Seconded: Erik Yingling

5/0/0 Motion passed.

B. Status Update on Broadband for Provincetown:

MIS Director Beau Jackett and OpenCape Executive Director Steven Johnston appeared before the Board.

Steve asked that residents and businesses go to the online and record their interest in having the broadband in Provincetown at OpenCape.CrowdFiber.com. They are at the very beginning stages of this process. Wellfleet is behind this initiative and Levette, MA has a 92% interest at this point. This is a wonderful opportunity for Provincetown residents and businesses.

Beau stated that Provincetown has been broken down into zones by OpenCape so you can actually see what sections of Town are most interested.

Steve stated there are 5 zones which reflect the 5 fire zones. He assigned individual zone goals of a flat number of 500. He is not sure how many homes are in each particular zone.

Steve wants to extend the fiber into communities as soon as they can. They are a non-profit and they own the fiber and electronics; this is the initial phase. They are looking to see what the demand looks like. They have been to several citizens' meetings to talk about what type of infrastructure they were interested in and broadband was top on this list. He wondered whether people from NYC and DC would be more apt to move here if Provincetown offered better speed through broadband.

No action taken.

C. Discussion of the Necessity for a Fall Town Meeting and Open Warrant for October 24, 2016, Special Town Meeting, if necessary

David P. stated that today we would need to open the warrant if we are to hold the fall Town Meeting on October 24th. There are no financial or state legislation needs that would call for us to hold a fall town meeting at this time.

MOTION: Move that the Board of Selectmen vote to open the Monday, October 24, 2016, Special Town Meeting warrant forthwith; and to close it on Friday, September 23, 2016, at 11:00 a.m., in accordance with Charter Section 2-1-7.

Motion: Erik Yingling

Seconded: Tom Donegan

Erik fears that we will create a backlog and have a very long town meeting in the spring; two meetings have a lot of virtue to them. He believes fall offers a lot.

Robert does not see any necessity to have a fall town meeting. He will vote no.

Cheryl wants us to go upstairs with more consensuses of the voters and that takes more time. She wants staff to have enough time to prepare if we are asking people to weigh in on some very complex ideas. She is happy to take the fall off and do the leg work.

Tom is concerned that we not get bottled up. We have some zoning bylaw clean-up work that needs to be done and articles take time to put together. We need to bring together all of things we need to do for the spring. It gets complicated to go into a 5th night. He does not want to see us get to the spring meeting and have 69 warrant articles. It is a risky strategy but he will go along with it this time.

David P. believes that when you look at it objectively it is good to have more time; it is smarter. We can have a round table discussion on the public process. He wants to reach a confidence level with the town and he will look at how other towns are able to do it. He will own it if it is a failure but it will only be a one year failure if so.

1/4/0 (Erik-yea) Motion does not pass.

There is a Round Table meeting scheduled for Friday, Sept. 16th on Civic Engagement and Town Meeting matters.

D. Discussion with Heal, Inc. to consider a Registered Marijuana Dispensary (RMD) facility to be located at 94 Harry Kemp Way in the Town of Provincetown

Cheryl is an abutter to 94 Harry Kemp Way and left the room at 7:36 p.m.

Legal counsel for Heal, Inc. **Katherine Adams** appeared before the Board to request a letter of support or non-opposition from them. (See Addendum 2) They have two facilities; one in Warren, MA and one in Sturbridge. Heal is a non-profit governed by a four person board. Provincetown is a great geographic; 30 miles away from Brewster which is the closest dispensary at present. She identified each person involved in the project: Jim Bonaccorsi (CFO); Trish Faas (Director); Gary Einsidler (COO); Brad Malo (Engineer); Sinead Barry O'Brian (Netwatch-security firm), and Bill Gately (Owner/Operator of Gately Funeral Home) and gave a brief background of each which is contained in the addendum.

James "Jim" wants to build an RMD for people in Provincetown. It would be a facility to hire residents to work there. He believes strongly in medical marijuana and believes there are many people in Provincetown that could benefit from it. The RMD is a professional looking building. The process would be to meet the individual, do an intake and give them guidance and then Heal, Inc. would be able to make deliveries to residents and others who need it, if they do not want to come to the facility. They would be open year-round with a limited time schedule during the winter. It is something that is going to happen and he would like to do it in Provincetown.

Sinead O'Brien gave a brief overview of the Irish based security company that Heal, Inc. will be using. They are based across four continents. They are experts in crime prevention and their systems are built for remote visual monitoring which helps deter any activity before anything happens. They verify all alarms following a strict protocol before calling the local police for assistance.

Tom wanted to know if the abutters were notified.

David G. stated that the Planning Board will send notices to the abutters.

Raphael stated that many communities are already drafting agreements including conditions such as Chief Golden outlined in his memo. This is a public benefit to Provincetown and he wants to see any necessary services provided to the town. A Host Agreement is the best place to lay out these terms which would also include the monetary figures.

Tom would like for the Board to authorize the Chairman to send a letter of support.

MOTION: Move that the Board of Selectmen authorize the Chair to send a letter of support from Provincetown to Heal Inc. and authorize the Town Manager to negotiate a Community Benefit Agreement.

Motion: Tom Donegan

Seconded: Robert Anthony

Erik sees a benefit for it all the way around.

4/0/0 Motion passed.

Cheryl returned to the meeting at 8:00 p.m.

E. Proclamation to Declare September 5-11, 2016 Suicide Prevention Week in the Town of Provincetown, as requested by the Cape & Islands Suicide Prevention Coalition.

Tom read the Proclamation.

MOTION: Move that the Board of Selectmen vote to proclaim the week of September 5-11, 2016, as Suicide Prevention Week, in recognition of the National Suicide Prevention Month of September, as requested by the Cape & Islands Suicide Prevention Coalition.

Motion: Tom Donegan

Seconded: Erik Yingling

5/0/0 Motion passed.

7. Town Manager / Assistant Town Manager:

X

A. Informational Presentation on the Tourism Office's Educational Program, "Where in the World did the Pilgrims Land:"

Tourism Director **Tony Fuccillo** gave a brief PowerPoint presentation which may be found in its entirety on the town's website in the Board's agenda packet. The VSB and the Tourism Office are working on an educational project as part of their marketing efforts for Provincetown as the First Landing Place of the Mayflower Pilgrims. The Provincetown schools participated in the process and assisted in the vetting of the project as an educational tool. The pilgrims first landed here and the first democratic document was signed here (Mayflower Compact). The majority of people believe that the pilgrims landed in Plymouth and this is a chance to correct it. The design will bring awareness to media and participants who will learn important lessons about the United States and how they might participate in the 400 year commemoration in 2020. The "WHERE" project is an engaging and fun way for participants to reach into their past to learn more about the role of Provincetown in the birth of our nation and American Democracy. Individuals, classrooms, school-wide teams, families or community organizations with mixed-grade teams sponsored by museums, libraries, local businesses, and local civic organizations may participate.

Cheryl likes the project and she also has an interest in knowing when everything happened during this period.

Tom would like to continue to focus on the fact that the Mayflower Compact was signed here and it continues to be a unique proposition for Provincetown. We are the birthplace of liberty; the first democratic document was signed here. The first landing was here and not in Plymouth. The LGBTQA community, the Portuguese community, our architecture, and the artists all become a part of the heritage message.

No action was taken.

Town Manager's Report – Administrative Updates:

David P. reported:

- When Cher came on stage before Hillary spoke the applause could be heard all the way to the Police Station. He is very happy of how safely everything ran. The Chief did a very good job. The coordination among the Police, Fire and Dept. of Public Works was excellent.
- The Board of Selectmen's Board & Commission Revised Email Policy Statement Update was reviewed along with a memo regarding the Electronic Communications Policy that stated the rules that govern the Policy.

MOTION: Move that the Board of Selectmen approve Policy Statement 2016-08-22, as presented.

Motion: Cheryl Andrews

Seconded: Robert Anthony

Cheryl hopes that everyone agrees on this policy. Use them when you are acting in your official capacity. She likes this; it is down to the basics. She would like to see the privacy issue debated in the future.

Raphael and **Tom** appreciate the outcome.

5/0/0 Motion passed.

- Financial Department Study Update (Abrahams Financial Group) - He will have something to bring before the Board after his questions to the group have been answered. There should be nothing to stop us from proceeding. The advertising for the position of Finance Director should take place sometime next week.
- He has spoken with Town Counsel and Representative Sarah Peake's office and H.4126 is still pending. He asked the Board for authorization to work with Town Counsel to make sure the language will comply with the Municipal Modernization Act.

MOTION: Move that the Board of Selectmen authorize the Town Manager to work with Town Counsel to provide language to ensure H.4126 complies with the Municipal Modernization Act.

Motion: Raphael Richter

Seconded: Tom Donegan

5/0/0 Motion passed.

- Kayak Rack Update – A joint memo from David P. and Rex McKinsey (Harbormaster) was presented to the Board which showed the number of Berths and Permits Available (132), the number of Berths and Permits Issued (85) and the remaining number of Berths and Permits (47) at the various locations throughout Provincetown. It was determined at a previous meeting with the Board that any future locations on Town property would be subject to a Public Hearing by the Board.

Raphael asked for a Joint Meeting with the Harbor Committee to be held on September 27th.

B. Other: None.

8. Minutes:

The minutes were reviewed and the votes taken as follows:

MOTION: Move that the Board of Selectmen approve the minutes of November 12, 2014 (Special), as printed; November 13, 2014 (Special), as printed; November 23, 2015 (Regular), as printed, and December 15, 2015 (Special), as printed.

Motion: Tom Donegan

Seconded: Erik Yingling

5/0/0 Motion passed.

9. Closing Statements/Administrative Updates:

Tom stated that the Stellwagen Bank Advisory meeting will be held on Wednesday walking tour feasibility study.

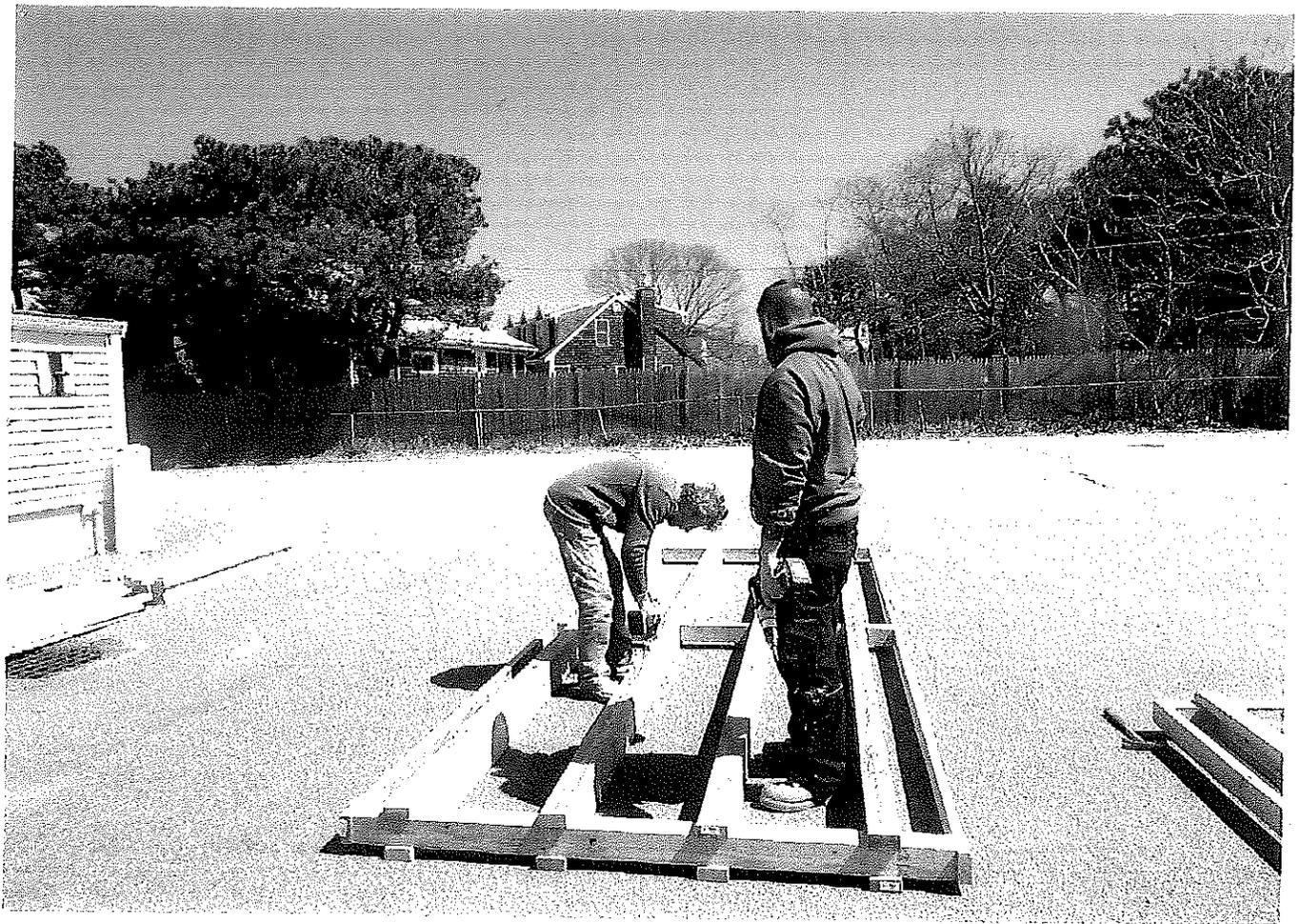
Without objection the meeting was adjourned at 8:35 p.m. Minutes transcribed by: Loretta Dougherty

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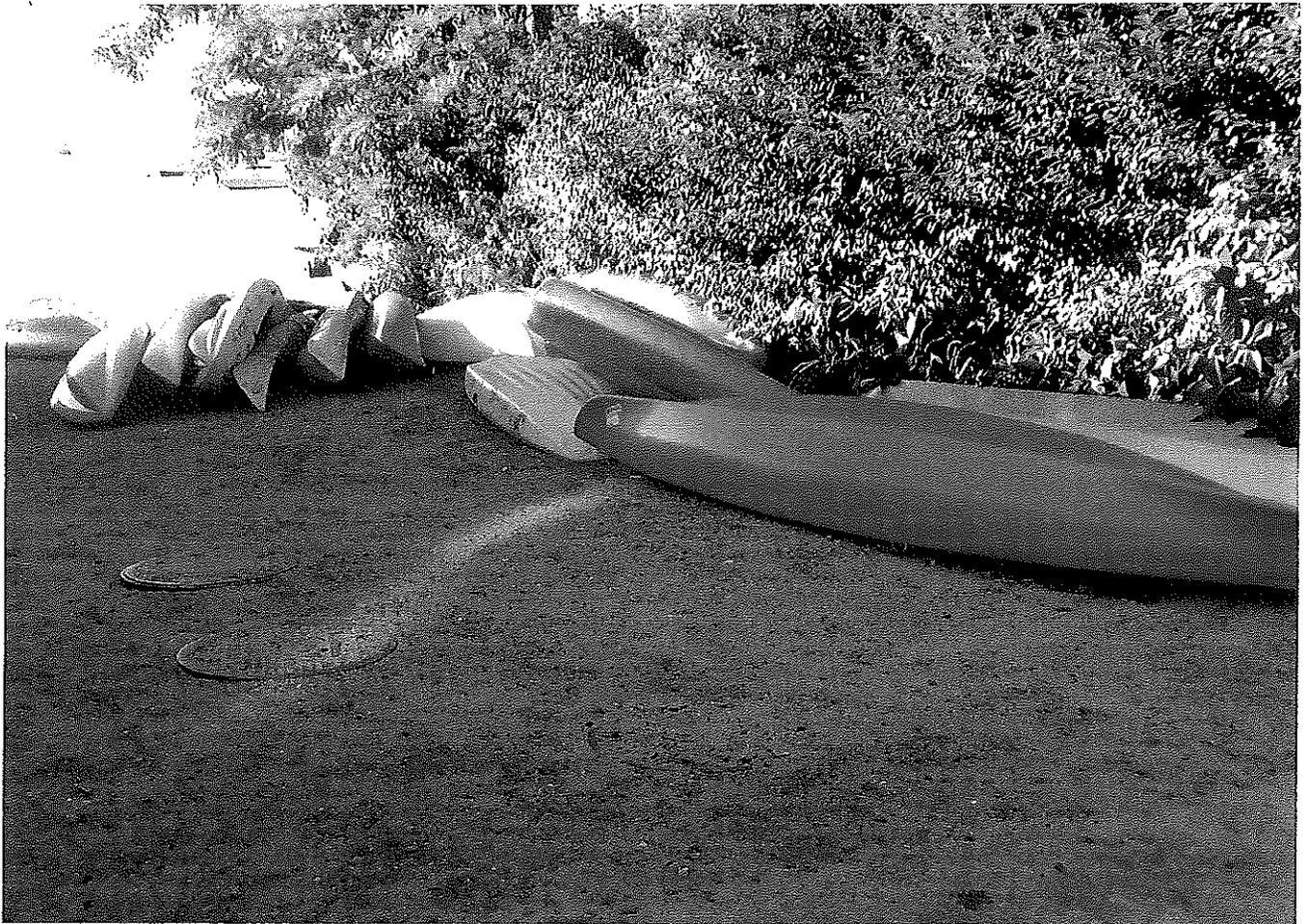
BOS Mtg. 8.22.16

Addendum 1





The men here and other's
saved The Town over
\$ 6,000.00 with help & Labor
Sal's Place @ Harbor Lounge
Thank you victor



Capt Jacks

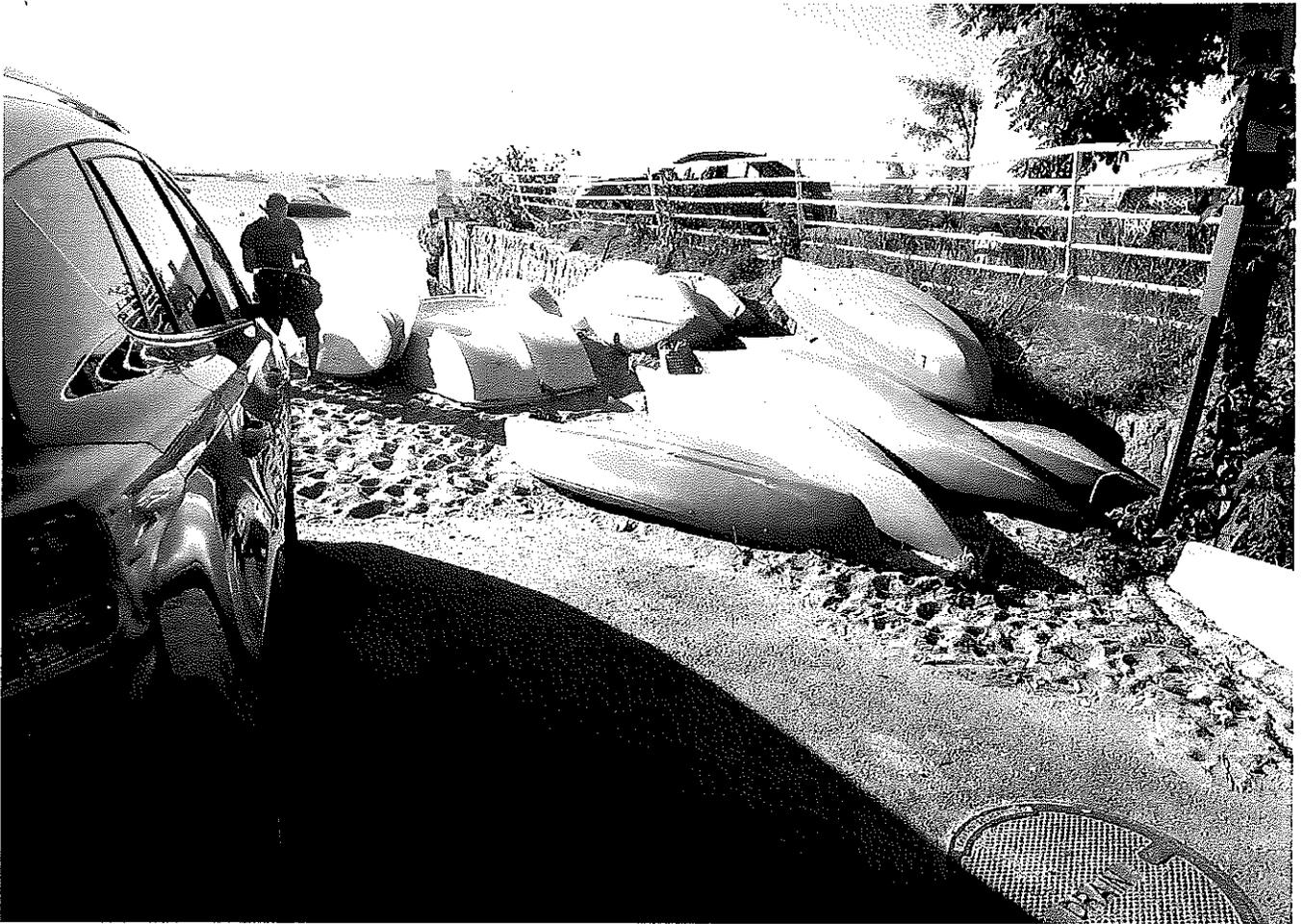
No Racks

Commerical Street



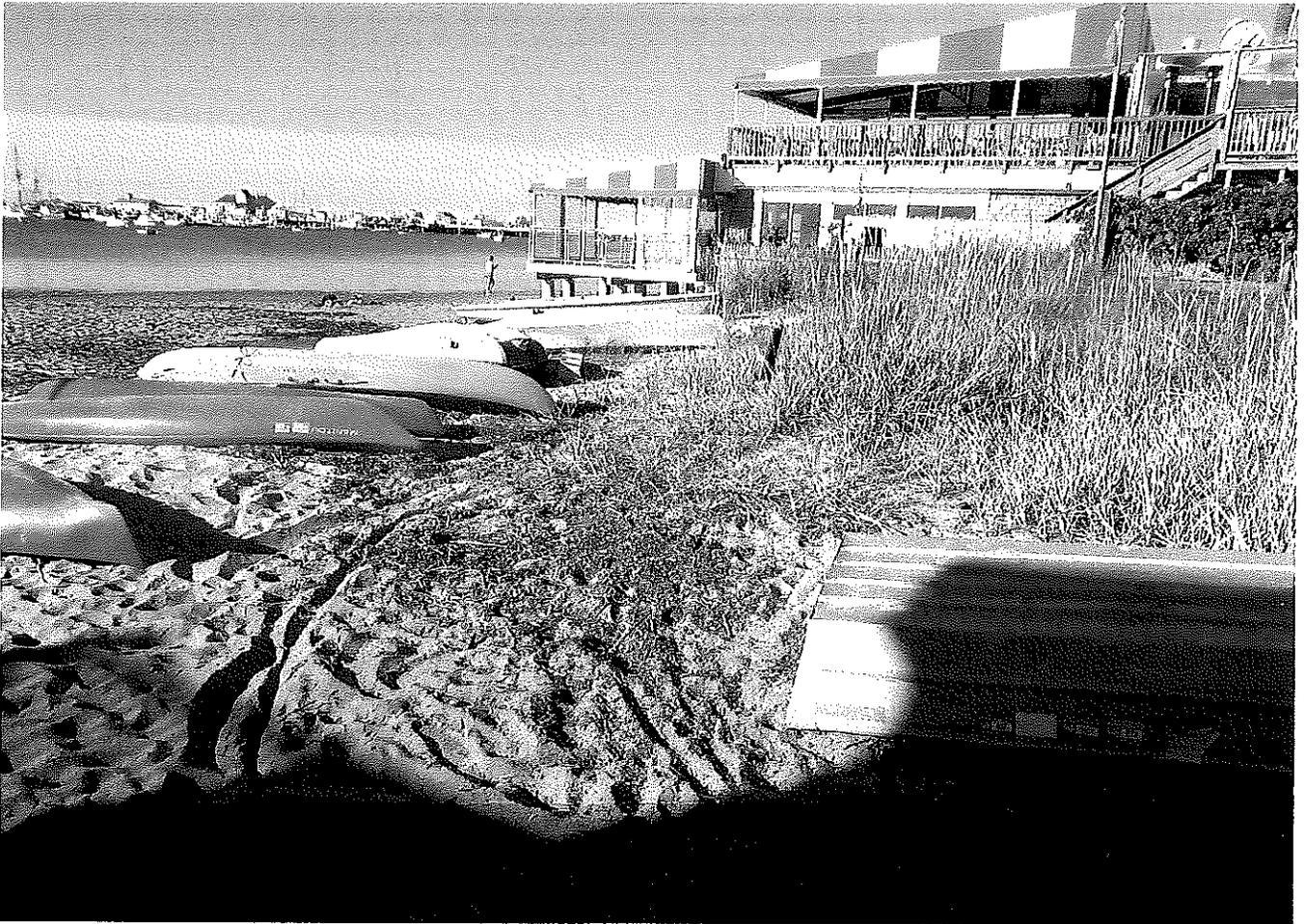
Coast Guard St.
Commerical Street

No Rack's



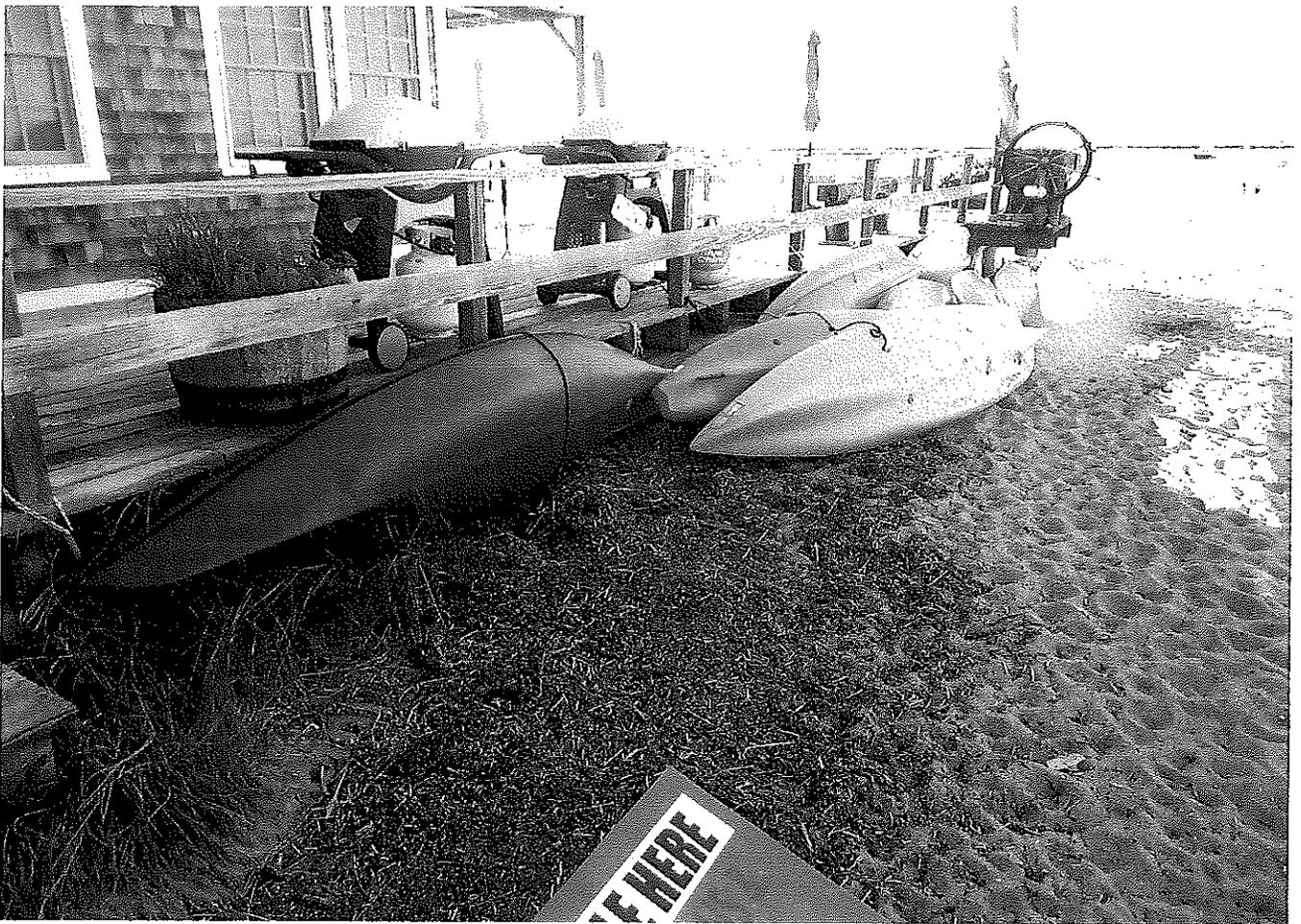
Rest Rooms
Commerical Street

No Racks



Bull ~~Pen~~ Ring
Commerical ST.

NO RACKS



Bull ~~pen~~ Ring
Commerical St.

no Racks

BOS Mtg. 8.22.16

Addendum 2

**OUTLINE OF PRESENTATION
HEAL, INC.
PROVINCETOWN MEETING
MONDAY, AUGUST 22, 2016**

- Good evening.
- For the record, my name is Katherine Adams.
- I am an attorney with the law firm of Schlesinger and Buchbinder with offices at
1200 Walnut Street in Newton.
- I am here tonight on behalf of Heal, Inc.
- Heal, Inc. has applied for licensure from the Department of Public Health (“DPH”) as a Registered Marijuana Dispensary (“RMD”).
- With me tonight are:
 - Jim Bonaccorsi, the company’s CFO;
 - Trish Faass, a director with the company;
 - Gary Einsidler, the company’s COO;
 - Bill Gately, the owner and operator of the Gately McHoul Funeral Home;
 - Brad Malo, a civil engineer from Coastal Engineering and
 - Sinead Barry O’Brian from Netwatch, the company’s security firm.
- We are here this evening to introduce ourselves and our proposal, as well as requesting a letter of support or non-opposition to accompany Heal’s application to the DPH.

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- The DPH requires applicants to submit these letters, which operate as zoning certifications, along with evidence of site control, as a component of the state licensing process.
- I would note that Heal has already received letters of support from the towns of Warren and Sturbridge.
- Heal will be cultivating and processing its medical marijuana at a 52,000 square foot facility in Warren, and operating a dispensary in nearby Sturbridge.
- The proposed dispensary in Provincetown would be Heal's second dispensary.

Heal

- I would like to start by telling you a bit about Heal, Inc. and its founders.
- I will then go on to outline our proposal to operate an RMD in Provincetown, and conclude with highlighting some of the benefits that Heal would bring to town.
- Heal is organized as a non-profit entity pursuant to Massachusetts General Law Ch. 180.
- Heal is governed by a four-person board, all of whom are with us this evening, and are longtime residents of Massachusetts.
- Heal is entirely self-funded, and does not answer to any outside investors.
- The founders of Heal, Inc. came together due to a shared belief in the healing properties of medical marijuana.
- They believe that Provincetown would be a great geographic location for a dispensary, as the closest proposed dispensary is 30 miles away in Brewster.

- Heal would welcome the opportunity to serve the residents of Provincetown and the Outer Cape.
- Alex Oliphant, President and CEO of Heal, is unable to join us tonight.
- Alex runs a very successful dog care business in West Newton, MA.
- The Dog Scoop has won Best of Boston awards for several years.
- Alex is also a former Marine and a veteran of the Gulf War.
- Jim Bonaccorsi, Heal's CFO, has been a self-employed financial advisor in Dedham, Massachusetts for over thirty years.
- Jim owns a home in Provincetown.
- Trish Faass, a director with Heal, is an information technology specialist at Live Nation, a ticketing company.
- Trish has an MBA as well as a degree in chemistry.
- Her professional focus has been in software engineering, IT, and working with startups.
- Her role at Heal, Inc. will be overseeing the build-outs of the cultivation and dispensary sites, and as well as managing the IT and tracking side of the business.
- Trish and her children spend significant time in Provincetown during the summer months.
- Gary Einsidler, Heal's COO, owns and operates the Tremont Pharmacy, an independent pharmacy in Boston's South End.

- Gary will bring his many years of experience running a pharmacy, counseling patients and dispensing medication to patients, to Heal, Inc.
- He will be responsible for training the dispensary's staff, and for counseling patients about the proper strains for their illnesses.
- I would like to ask Jim to speak for a moment about his vision for Heal, Inc.

[Jim Speaks]

- All four principals have witnessed friends and family members benefit from medical marijuana as a treatment for a variety of serious illnesses.
- When the DPH re-opened the application process for RMDs a year ago, they formed Heal, Inc., and have now applied for licenses to cultivate and dispense medical marijuana.
- Heal has retained a national consulting firm, 4Front, to assist the group in preparing its application to the DPH.
- 4Front is also going to be helping the company develop responsible practices for the dispensing of medical marijuana.
- 4Front's operating procedures have been used in over sixty dispensary sites around the country, and are extremely well-respected within the industry.
- Heal has also retained the security firm Netwatch to design and implement state of the art security monitoring at their sites.
- Netwatch provides constant, live video surveillance of its monitored sites and works closely with local law enforcement agencies to develop action protocols.

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- Sinead Barry O'Brien is here from Netwatch today and at this point, I would like to ask her to speak briefly about Netwatch's product.

[Sinead Presentation]

- As I explained in the memo I sent you on July 21, Heal proposes to lease a portion of 94 Harry Kemp Way to use as an RMD.
- 94 Harry Kemp Way is located in the Residential B zone.
- Medical Marijuana Treatment Centers are permitted by special permit in the Res B zone, provided they are not located within 100 feet of a school or a daycare center.
- We have confirmed that the site complies with this restriction.
- I would note that Heal has attended two meetings with Provincetown officials, who include Assistant Town Manager David Gardner, Town Planner Gloria McPherson, Police Chief Jim Golden, Permit Coordinator Ellen Battaglini and Conservation Agent Deb Albenberg.
- Heal is proposing to operate out of a building located at 94 Harry Kemp Way.
- The site contains the Gately McHoul Funeral Home, and Heal has carefully crafted a proposal to enable both the existing funeral business and the RMD to share the same site, so that both companies can serve the residents of Provincetown.
- The buildings are separate and apart from each other on the site, and there is enough room on the site to accommodate separate entrances and separate parking areas for the two businesses.

- I have asked Bill Gately, who has known Jim for over 30 years, and owns and operates the Gately McHoul Funeral Home, to join us this evening in case there are any questions regarding this business proposal and how he feels it would benefit both businesses.
- The dispensary would need approximately 2,000 square feet of space, ideally on one level, to operate efficiently.
- We retained Coastal Engineering to help us explore whether we would be able to expand the existing footprint of the garage building to accommodate additional space.
- We are aware that most of the land at 94 Harry Kemp lies within the wetland buffer zone.
- We would propose to construct an addition in a portion of the site which is already disturbed and impervious, and understand that we would need to file a notice of intent and file with the Provincetown Conservation Commission.
- Access to the RMD would be strictly limited to registered patients and their caregivers.
- Patients would first need to obtain a medical certification from a doctor based on their medical condition.
- They would take this certification to the DPH, who would issue them a medical marijuana identification card.

- This card, and a photo ID, would be presented before they would be admitted into the dispensary.
- Once patients make at least one trip to the RMD to register as patients, they would be eligible for home delivery of the product.

Community Benefit

- Assistant Town Manager Gardner informed me that the Board would be interested in exploring a Community Benefit Agreement.
- To that end, I sent him a letter and a Community Benefit Agreement template on Friday for preliminary review.
- I would note that we have not yet executed Community Benefit Agreements in either Warren or Sturbridge, but anticipate doing so as a component of the Planning/Special Permit process.
- As I highlighted in the letter I sent on Friday, there are two elements to our proposal worth highlighting in the framework of Community Benefits.
- The first is that Heal will commit to operating its dispensary on a year-round basis.
- This means that Heal would continue to incur operational costs, including rent, utilities, state of the art security monitoring, delivery, and staffing costs, during the late fall, winter and early spring months when Provincetown's population, and potential patient base, are more limited.

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- Not having to travel great distances to obtain medication will be an enormous benefit to patients in the area, who may also elect to have medication delivered year round.
- Secondly, I want to point out that Heal is endeavoring to share the site at 94 Harry Kemp Way in such a way that both the existing funeral home – the only one operating in Provincetown - and the RMD can thrive.
- It is our sense that both of these businesses can provide important caretaking services to the residents of Provincetown.
- Other, more minor benefits to the town include the elimination of hardship cultivation.
- Under the current regulations, patients who have a verified financial hardship, or do not have transportation to an RMD or an RMD nearby, can be approved to cultivate a limited amount of medical marijuana for their own use.
- Heal’s application to the state includes a proposal for reduced cost medication to patients who income qualify for it.
- If Heal opens a dispensary in Provincetown, with delivery services, residents will no longer be eligible to cultivate at home under the current program, and this should be noted as a potential public safety benefit to the town.
- Finally, I would note that the template Agreement includes a local hiring preference.
- In conclusion, we believe that our proposal to operate an RMD here in Provincetown, on a compliant site, would provide tremendous benefits to registered

patients living in Provincetown and we hope that you will vote in favor of issuing a letter of non-opposition to allow Heal to continue pursuing this location.

- I want to thank you for the opportunity to come in this evening to introduce ourselves.
- At this point, I would be happy to answer any questions.

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BoS Mtg. 8.22.16

Addendum 2

6D



1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267

STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
SHERMAN H. STARR, JR.
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
PAUL N. BELL
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
RACHAEL C. CARVER

TELEPHONE (617) 965-3500
FACSIMILE (617) 965-6824
OF COUNSEL
ROBIN GORENBERG

E-Mail: kadams@sab-law.com

August 19, 2016

BY EMAIL

David Gardner
Assistant Town Manager
260 Commercial Street
Provincetown, MA 02657

Re: Heal, Inc./94 Harry Kemp Way
Draft Community Benefit Agreement

Dear David,

Heal, Inc. ("Heal") is eager to provide organic, medical grade marijuana to the eligible residents of Provincetown and looks forward to discussing its vision and proposed operations with the Board of Selectmen on Monday evening. Heal thanks the Board for this opportunity and respectfully requests that the Board issue a letter of support or non-opposition to Heal on Monday night.

As a follow up to our discussion earlier this week, I enclose a Community Benefit Agreement (Agreement) template for review by you, Town Manager Panagore, and the Board of Selectmen prior to Monday evening's meeting. This Agreement template contains the types of terms and conditions which Heal would propose to include in a final Agreement once the financial terms of the same have been agreed upon.

In addition to the contributions anticipated by the Agreement template, Heal will demonstrate its civic and financial commitment to Provincetown and its residents in two significant additional ways. Heal is pleased to offer such commitments as important elements of its contributions within the Community Benefits Agreement framework.

First, Heal will commit to operating its Provincetown dispensary on a year-round basis. This means that Heal would continue to incur operational costs, including rent, utilities, state of the art security monitoring, delivery, and staffing costs, during the late fall, winter and early spring months when Provincetown's population, and potential patient base, are more limited.

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SCHLESINGER AND BUCHBINDER, LLP

Mr. David Gardner
August 19, 2016

Page 2

Secondly, Heal is proposing to operate its dispensary out of a building to be located at 94 Harry Kemp Way. The site also includes the Gately McHoul Funeral Home. Heal has carefully crafted a proposal to enable both the existing funeral home business and the dispensary to operate, in different buildings, on the same site so that both companies can serve the residents of Provincetown. Heal has already met, on a preliminary basis, with town officials to ensure that all Provincetown regulatory and policy concerns are recognized and addressed in the dispensary siting planning.

These commitments and the attendant costs clearly demonstrate Heal's intention to contribute to the social well-being and the economic vitality of Provincetown.

I look forward to a further discussion of this matter on Monday evening. Thank you for your assistance.

Sincerely,

Katherine Braucher Adams

Katherine Braucher Adams

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PROVINCETOWN, MASSACHUSETTS

AND HEAL, INC.

COMMUNITY BENEFIT AGREEMENT

THIS COMMUNITY BENEFIT AGREEMENT (“AGREEMENT”) is entered into as of this ___ day of August, 2016 by and between Heal, Inc. (“Heal”), a Massachusetts not-for-profit corporation with a principal office address of 12 Cross Street, Newton, MA 02465 (“the Company”) and the Town of Provincetown, a Massachusetts municipal corporation with a principal address of _____ (“the Town”), acting by and through its Board of Selectmen.

WHEREAS, the Company seeks to locate a Registered Marijuana Dispensary (“RMD”) dispensing facility in the Town in accordance with regulations issued by the Commonwealth of Massachusetts Department of Public Health (“DPH”); and

WHEREAS, the Company intends to provide certain benefits to the Town in the event that it receives a license from the DPH to operate an RMD dispensing facility (the “DPH License”), and receives all required local permits and approvals;

NOW THEREFORE, in consideration of the provisions of this Agreement, the Company offers and the Town accepts this Agreement in accordance with G.L. c.44, §53A, and the Company and the Town agree as follows:

1. The Company agrees to make a donation or donations to the Town, in the amounts and under the terms provided herein (the “Funds”). The Treasurer of the Town shall hold the Funds in a separate gift account, to be expended by the Board of Selectmen without further appropriation pursuant to G.L. c.44, §53A, for the purposes of addressing the potential health, safety, and other effects or impacts of the RMD dispensing facility on the Town and on municipal programs, services, personnel, and facilities. The Funds shall be used at the Town’s sole discretion, as determined by the Board of Selectmen.

2. The Company shall pay to the Town the following sums:

(a) In the pre-opening phase of operation of an RMD dispensing facility:

(i) The sum of _____, consisting of two payments of \$ _____ each at the following milestones: (1) the issuance of the DPH Provisional License; and (2) the receipt of all required local permits and approvals from the Town.

(b) In the first and second years of operation of an RMD dispensing facility:

(i) The sum of _____ per year, consisting of four payments of _____ each, to be paid at three month intervals.

(c) In the third and succeeding years of operation of an RMD dispensing facility:

(i) The sum of \$_____ per year, consisting of four payments of \$_____ each, to be paid at three-month intervals.

3. While the purpose of this gift is to assist the Town in addressing any public health, safety, and other effects or impacts the RMD dispensing facility may have on the Town, the Town may expend the above-referenced payments at its sole and absolute discretion.

4. The provisions of this Agreement shall be applicable as long as the Company operates an RMD dispensing facility in the Town, pursuant to a license issued by DPH, subject to the provisions of Paragraph 8, below.

5. The Company, in addition to any funds specified herein, shall annually contribute to public charities in the Town an amount no less than \$5,000, said charities to be determined by the Company in its reasonable discretion.

6. The Company will make efforts to hire qualified employees who are Town residents.

7. The Company agrees that the value of the real property of the RMD dispensing facility shall be treated as taxable and the Company shall not object to or otherwise challenge the taxability of such real property, but reserves any rights it might have with respect to the valuation of same. The Company, to the extent that it maintains its classification as a non-profit organization pursuant to applicable Massachusetts law, shall be exempt from the payment of taxes on personal property to the same extent as similar organizations and facilities operating within the Town.

8. The obligations of the Company and the Town recited herein are specifically contingent upon the Company obtaining the DPH License for operation of an RMD dispensing facility in the Town, and the Company's receipt of any and all necessary local approvals to locate, occupy, and operate an RMD dispensing facility in the Town.

9. In the event that the Town enters into a community benefit agreement with another RMD, the parties shall reopen this Agreement and negotiate an amendment only as it pertains to the impact on the amounts outlined in Section 2.

10. This Agreement does not affect, limit, or control the authority of Town boards, commissions, and departments to carry out their respective powers and duties to decide upon and to issue, or deny, applicable permits and other approvals under the statutes and regulations of the Commonwealth, the General and Zoning Bylaws of the Town, or applicable regulations of those boards, commissions, and departments, or to enforce said statutes, Bylaws, and regulations. The

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Town, by entering into this Agreement, is not thereby required or obligated to issue such permits and approvals as may be necessary for the RMD dispensing facility to operate in the Town, or to refrain from enforcement action against the Company and/or its RMD dispensing facility for violation of the terms of said permits and approvals or said statutes, Bylaws, and regulations.

11. The Company shall not assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the Town, and shall not assign any of the monies payable under this Agreement, except by and with the written consent of the Town.

12. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the Town nor the Company shall assign or transfer any interest in the Agreement without the written consent of the other.

13. The Company agrees to comply with all laws, rules, regulations, and orders applicable to the RMD dispensing, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required for the performance of such work.

14. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand; if so mailed, when deposited with the U.S. Postal Service; or if sent by private overnight or other delivery service, when deposited with such delivery service.

15. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

16. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts, and the Company submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

17. This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the Company and the Town with respect to the matters described herein. This Agreement supersedes all prior agreements, negotiations, and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

18. This Agreement shall also be null and void in the event that the Company shall not locate an RMD dispensing facility in the Town or shall relocate such RMD dispensing facility out of the Town. In the case of any relocation out of the Town, an adjustment of funds due to the Town hereunder shall be calculated based upon the period of occupation of the RMD dispensing facility within the Town, but in no event shall the Town be responsible for the return of any funds already provided to it by the Company.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

TOWN OF PROVINCETOWN

HEAL, INC.

By: _____
[print name]

By: _____
Alexander Oliphant

Its: TITLE

Its: President and CEO



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Monday, September 26, 2016

9

CLOSING SELECTMEN'S STATEMENTS

Administrative Updates

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Motions may be made and votes may be taken.

Erik Yingling

Tom Donegan

Cheryl Andrews

Robert Anthony

Raphael Richter

Additional Information

A. *Letter to Senator Daniel A. Wolf regarding House Bill No. 3742 – An Act Establishing a Year-Round Market Rate Rental Housing Trust, to make changes to language.*

Board Action

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



Board of Selectmen
Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

September 15, 2016

The Honorable Senator Daniel A. Wolf
Massachusetts State Senate
State House, Room 511C
Boston, MA 02133

Re: House Bill No. 3742 - An Act Establishing a Year-Round Market Rate Rental Housing Trust

Dear Senator Wolf:

At a meeting held by the Provincetown Board of Selectmen on Monday, September 12, 2016, a vote was taken regarding the above referenced as follows:

"Move that the Board of Selectmen hereby vote to amend the previously submitted special act legislation on behalf of the Town of Provincetown, which seeks to establish a year-round market rate rental housing trust fund known as House Bill No. 3742, by inserting after the word 'trust' in line 68, the following words: 'in accordance with Chapter 44', and by inserting after the word 'any' in line 69, the following words: 'capital related.'"

Motion: Erik Yingling

Seconded: Robert Anthony

Yea: 5 Nay: 0 Motion passed.

Enclosed is a certified copy of the vote. Please let us know if there is anything else that may be needed. The Board would like to thank you and Representative Peake for all of the hard work you continue to do for the Town of Provincetown.

Sincerely on Behalf of the Board of Selectmen,

David B. Panagore, Town Manager
Town of Provincetown

DBP:ld

Enclosure

CC: Provincetown Board of Selectmen
The Honorable State Representative Sarah K. Peake



**Provincetown Board of Selectmen
AGENDA ACTION REQUEST**

Monday, September 12, 2016



TOWN MANAGER'S REPORT

Administrative Updates – Legislative Updates

Requested by: Town Manager David B. Panagore

Action Sought: Discussion/Approval

Proposed Motion(s)

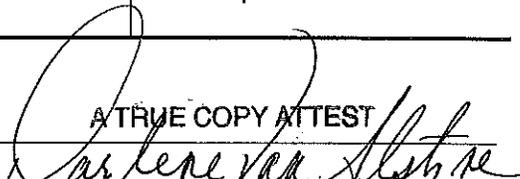
- ii. Move that the Board of Selectmen hereby vote to amend the previously submitted special act legislation on behalf of the Town of Provincetown, which seeks to establish a year-round market rate rental housing trust fund known as House Bill No. 3742, by inserting after the word "trust" in line 68, the following words: "in accordance with Chapter 44", and by inserting after the word "any" in line 69, the following words: "capital related."

Additional Information

Upon review by Senate Counsel and upon referral to the Dept. of Revenue, the DOR expressed the concern that the bill as currently drafted is unclear as to whether the usual procedures under M.G.L. Chapter 44 would apply to debit issues and that the general prohibition against using bond proceeds to pay for non-capital related costs would apply. I have reviewed this language with KP Law and we are both of the opinion that as the application of normal statutory construction tenants should result in the same interpretation as the proposed language, we therefore do not see that this language alters the intent or practice of the proposed legislation and so recommend that the Board of Selectmen vote to adopt this language.

Board Action

| <i>Motion</i> | <i>Second</i> | <i>Yea</i> | <i>Nay</i> | <i>Abstain</i> | <i>Disposition</i> |
|---------------|----------------|------------|------------|----------------|--------------------|
| Erik Yingling | Robert Anthony | 5 | 0 | 0 | Motion passed. |

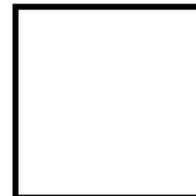
ATRUE COPY ATTEST

 TOWN CLERK, PROVINCETOWN



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

Monday, September 26, 2016



EXECUTIVE SESSION MOTION

MGL c30A, Sec. 21(a), Clauses 1, 2, 3, 4, 6, 7, & 8

Requested by: Town Manager David B. 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), Clauses 1, 2, 3, 4, 6, 7, & 8 for the purposes of:

Clause 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. (Collective Bargaining – Police & AFSCME). Votes may be taken.

Clauses 1, 2, 3, 4, 6, 7, & 8 – To consider the approval and/or release of Executive Session Minutes for September 19, 2014, February 29, 2016, April 11, 2016, and June 27, 2016. Votes may be taken.

and not to convene in open session thereafter.

Roll Call Vote:

Raphael Richter:

Erik Yingling:

Tom Donegan:

Cheryl Andrews:

Robert Anthony:

Additional Information

Board Action

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