



Meeting Agenda

The Provincetown Board of Selectmen will hold a public meeting on Wednesday, October 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. *Approval to Open the Shellfish Season – Public Shellfish Areas for the 2016-2017 Season.*
- B. *Parade Permit submitted by Dawn Walsh for Provincetown Day of the Dead Performing Arts Festival to be held on Wednesday, November 2, 2016 from 5:30 p.m. to 6:30 p.m.*
- C. *Treasurer's Transfer – John A. Henry Trust Fund – to pay for invoice from the Cape Cod Children's Place, Inc. for childcare, in the amount of \$3,087.00.*
- D. *Treasurer's Transfer – Library Gift Fund – to pay invoices from Ingram Library Services for books/videos, in the amount of \$181.41.*
- E. *Parade Permit submitted by Susan Talhouk for the 6th Annual 5K Pilgrim Trot to be held on Thursday, November 24, 2016 from 9:00 a.m. to 11:00 a.m.*

1. Public Hearings - Votes may be taken on the following items: None.
2. Public Statements – Three (3) minutes maximum. Selectmen do not respond to Public Statements.
3. Selectmen's Statements – Initial comments from the Selectmen. Discussion dependent- votes may be taken.
4. Joint meeting / Presentations - Votes may be taken on the following items:
 - A. PowerPoint Presentation regarding Eversource's Grid Modernization Plan for the Vineyard and Cape Cod - Cape Light Compact Administrator Maggie Downey.
 - B. Presentation of the Urban Land Institute (ULI) Report – Town Manager David B. Panagore.
5. Appointments - Votes may be taken on the following items:
 - A. Appoint Brenda L. Haywood as Provincetown's Representative to the Barnstable County Human Rights Commission.
6. Requests - Votes may be taken on the following items:
 - A. Discussion of Parking Policy for School Events – Chairman Raphael Richter.
 - B. Discussion and Approval to Support a Non-binding Resolution regarding Aid-in-Dying in Massachusetts – Compassion and Choices Volunteer David Garten.
 - C. Discussion on Provincetown becoming the Cape Light Compact's Fiscal Agent – Selectman Tom Donegan.

7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
 - A. Board of Selectmen Secretary Search Committee Appointments and Process.
 - B. Town Manager's Report – Administrative Updates.
 - i. Discussions on Fall Town Forum Update and Potential Survey.
 - ii. Discussion on RFQ Criteria for the former Community Center located at 46 Bradford Street, Provincetown, MA.
 - 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. *Thank you letter to Bryan Armstrong who resigned from the Economic Development Committee effective October 6, 2016*
 - B. *Thank you letter to Barbara Prato who resigned from the Conservation Commission effective October 7, 2016.*
 - C. *Letter to Governor Charles Baker, Jr. regarding the Pilgrim Nuclear Power Plant.*

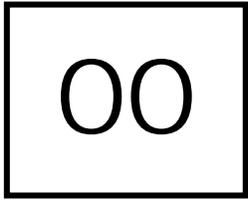
Posted by the Assistant Town Clerk: www.provincetown-ma.gov, 10/24/16 4:30 pm dv



Provincetown Board of Selectmen

AGENDA ACTION REQUEST

Wednesday, October 26, 2016



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. *Approval to Open the Shellfish Season – Public Shellfish Areas for the 2016-2017 Season.*
- B. *Parade Permit submitted by Dawn Walsh for Provincetown Day of the Dead Performing Arts Festival to be held on Wednesday, November 2, 2016 from 5:30 p.m. to 6:30 p.m.*
- C. *Treasurer’s Transfer – John A. Henry Trust Fund – to pay for invoice from the Cape Cod Children’s Place, Inc. for childcare, in the amount of \$3,087.00.*
- D. *Treasurer’s Transfer – Library Gift Fund – to pay invoices from Ingram Library Services for books/videos, in the amount of \$181.41.*
- E. *Parade Permit submitted by Susan Talhouk for the 6th Annual 5K Pilgrim Trot to be held on Thursday, November 24, 2016 from 9:00 a.m. to 11:00 a.m.*

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
Wednesday, October 26, 2016

00A

OPEN THE SHELLFISH SEASON – Public Shellfish Area

Requested by: Steve Wisbauer, Shellfish Constable on behalf of the Shellfish Committee

Action Sought: Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote, pursuant to MGL C.130, §52 and the Selectmen’s Recreational Shellfish Regulations, to approve opening the public shellfishing areas as follows:

On Sunday, November 6, 2016 the shellfish area, labeled on maps as CCB4.2 West End – Area in Provincetown Harbor from Captain Jack’s Wharf to Provincetown Inn will open to the public.

On Sunday, December 18, 2016 the shellfish area, labeled on maps as CCB4.4 East End – Area in Provincetown Harbor from Allerton St. to the Truro town line will open to the public.

On Sunday, January 1, 2017 the shellfish area, labeled on maps as CCB2.2 Hatches Harbor – Harbor located between Herring Cove Beach (New Beach) and Race Point Beach, will open to the public subject to testing.

Additional Information

At their meeting on September 13, 2016, the Shellfish Committee unanimously approved recommending the opening of the shellfish beds with the conditions stated above. See attached copy of the proposed notice and a copy of MGL C.130, §52. The proposed open dates of CCB2.2 are subject to the results of water quality testing due to the fact that is classified “Conditionally Approved” by the State. CCB4.2 and CCB4.4 meet all required safety standards and are not subject to the results of shellfish or water quality testing.

The days allowed are Sundays and Fridays through and including March 26, 2017, with a ten-quart limit per week. Licenses, gauges, and a copy of the regulations will be available at the Town Clerk’s office. Fees are \$15.00 for residents and \$50.00 for non-residents. Residents or taxpayers shall be issued a free shellfish permit at age 65 or older. Conditional on approval of revised recreational regulations, a weekly permit may be available for the fee of \$25.00. If bay scallops are abundant, the Shellfish Constable will post the days and location of their taking and the recreational limit shall be two pecks per week.

Board Action

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



Shellfish Department

Public Notice

The Provincetown Board of Selectmen will vote on Monday, October 24, 2016, at 6:00 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to Open Shellfish Areas for the 2016-17 Season

Proposed Dates and Locations:

On Sunday, November 6, 2016 the shellfish area, labeled on maps as CCB4.2 West End – Area in Provincetown Harbor from Captain Jack's Wharf to Provincetown Inn, will open to the public.

On Sunday, December 18, 2016 the shellfish area, labeled on maps as CCB4.4 East End – Area in Provincetown Harbor from Allerton St. to the Truro town line, will open to the public.

On Sunday, January 1, 2017 the shellfish area, labeled on maps as CCB2.2 Hatches Harbor – Harbor located between Herring Cove Beach (New Beach) and Race Point Beach, will open to the public subject to testing.

The days allowed are Sundays and Fridays through and including March 26, 2017, with a ten-quart limit per week. Licenses, gauges, and a copy of the regulations will be available at the Town Clerk's office. Fees are \$15.00 for residents and \$50.00 for non-residents. Residents or taxpayers shall be issued a free shellfish permit at age 65 or older. Conditional on approval of revised recreational regulations, a weekly permit may be available for the fee of \$25.00.

If bay scallops are abundant, the Shellfish Constable will post the days and location of their taking and the recreational limit shall be two pecks per week.

*Steve Wisbauer
Shellfish Constable*

Posted: Town Hall www.provincetown-ma.gov 9/30/16 9:15 am dj

Published: Banner: October 6, 2016 & October 13, 2016

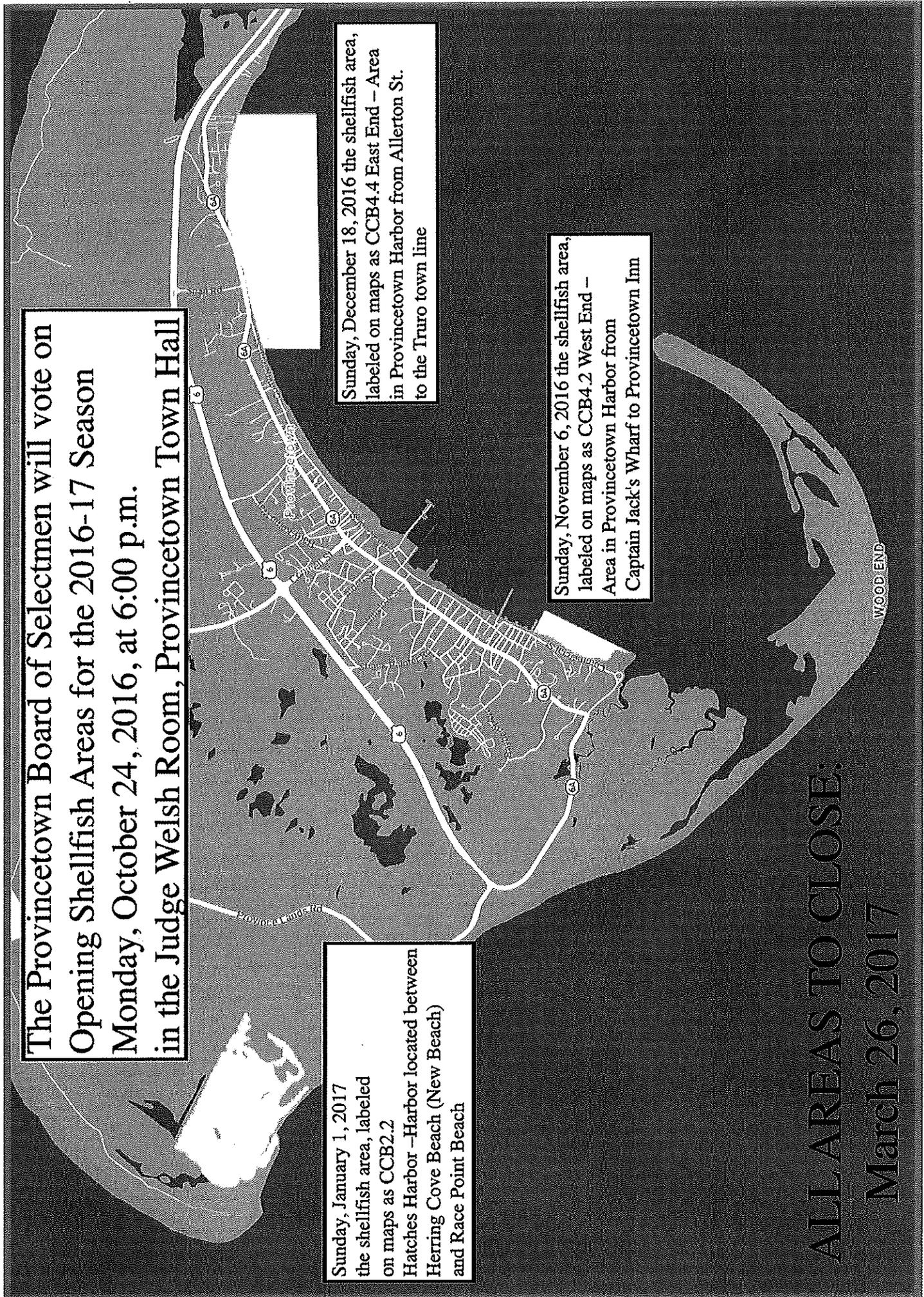
The Provincetown Board of Selectmen will vote on Opening Shellfish Areas for the 2016-17 Season Monday, October 24, 2016, at 6:00 p.m. in the Judge Welsh Room, Provincetown Town Hall

Sunday, January 1, 2017
the shellfish area, labeled on maps as CCB2.2
Hatches Harbor –Harbor located between Herring Cove Beach (New Beach) and Race Point Beach

Sunday, December 18, 2016 the shellfish area, labeled on maps as CCB4.4 East End – Area in Provincetown Harbor from Allerton St. to the Truro town line

Sunday, November 6, 2016 the shellfish area, labeled on maps as CCB4.2 West End -- Area in Provincetown Harbor from Captain Jack's Wharf to Provincetown Inn

ALL AREAS TO CLOSE:
March 26, 2017



PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XIX AGRICULTURE AND CONSERVATION

CHAPTER 130 MARINE FISH AND FISHERIES

Section 52 Taking of eels, shellfish and sea worms; areas in which commercial taking prohibited

Section 52. The selectmen of a town bordering upon coastal waters, if so authorized by their town, and the board of aldermen or the city council of any city so situated may control, regulate or prohibit the taking of eels and any or all kinds of shellfish and sea worms within such cities and towns and may, from time to time, without other or special authority therefor, make any regulations not contrary to law in regard to said fisheries as they deem expedient, including the times, places, methods, purposes, uses, sizes, quantities and any other particulars of such taking, and may grant permits, and establish the fees therefor, subject to any such regulation, then or thereafter in force. Any such authorizations to said selectmen hereunder shall continue in force until subsequent action of such town shall repeal the same. Any regulations made under authority of this section shall continue in force until the board of aldermen, city council, or selectmen, as the case may be, shall alter, amend, rescind or repeal the same, or the authority of the selectmen to make and enforce such regulations shall be repealed. No city or town shall require a person to be licensed to take shellfish who is accompanying or operating a boat for a person so licensed and who is not otherwise actively engaged in or assisting in such fishing.

Any regulations made hereunder shall take effect as therein stated, shall be published by posting a copy of the same in the office of the aldermen, city council or selectmen making the same, and in the office of the city or town clerk, and in three or more public places in said city or town, or by publishing the same once in a newspaper, if any, published in said city or town, and by sending a certified copy thereof to the director, twenty-four hours at least before the time set for the same to take effect; provided that the director may, if he deems it necessary for the protection of shellfish in emergency, authorize the making of such regulations effective immediately, in which case publication shall be made within forty-eight hours after the same shall take effect. The records of the aldermen, city council or selectmen, as to the contents of the regulations, and the method and time of publication thereof, or a copy thereof attested by their secretary, shall be prima facie evidence of such facts therein stated. The records of the town as to the instructions to the selectmen, or a copy thereof attested by the town clerk, shall be prima facie evidence of such instructions.

If any city or town bordering on the coastal waters neglects or refuses to take the control of the shellfish, sea worms or eels within its boundaries as provided in this section, such control shall be temporarily exercised by the director for the benefit of such city or town and such authority shall continue until such time as the aldermen or city council of such city or the selectmen under authority of a vote of such town shall take over such control. Nothing in this paragraph shall be construed as

authorizing the director to take control of or exercise the authority provided in this section over the taking of clams from any areas leased from the commonwealth by cities or towns in Essex county as provided in chapter seven hundred and ten of the acts of nineteen hundred and twelve and amendments thereto nor shall such authority extend to the issuance of private shellfish grants as provided in section fifty-seven.

Every city or town which exercises the authority over such coastal fisheries as provided in this section shall set aside an area or areas not then in private control or under municipal cultivation in which the commercial taking of shellfish shall be prohibited and from which shellfish may be taken, for his own family use, by any inhabitant of the commonwealth holding a permit therefor from such city or town. In any city or town issuing such permits to take shellfish for family use, any inhabitant of the commonwealth shall be issued such a permit upon payment of the fee, if any, established therefor. Such permits shall be uniform, and the regulations established in connection therewith shall make no distinction among different classes of permit holders except with respect to the amount of the fee therefor. Such permit shall not allow the taking of shellfish of a size at a season prohibited by law and the amount therefor taken for any family shall not exceed in any one week, one bushel of any or all kinds of shellfish, but the councilmen or selectmen, as the case may be, may, with the approval of the director, reduce the maximum amount of any or all of such shellfish taken for such purpose.

Nothing in this section shall be construed to authorize the aldermen, city council or selectmen to exercise any authority hereunder in areas declared under section seventy-four or under corresponding provisions of earlier laws to be contaminated unless such action is in accordance with a management plan developed by cities and towns with the assistance and approval of the director.

For purposes of this section and of section fifty-four, the term shellfish shall not include the commercial harvest of those species of shellfish known as sea clams (*spilosa solidissima*) and ocean quahogs (*artica islandica*); provided, however, that the director may authorize the commercial management of sea clams and ocean quahogs by regional management of cities and towns, if in his opinion regional management will be in the best interests of the commonwealth. Regional management shall be based upon a regional plan developed by the cities and towns concerned and approved by the director. The director is authorized to promulgate rules and regulations for the development, approval and implementation of all regional plans.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Wednesday, October 26, 2016

00B

PARADE PERMIT REQUEST

1st Annual Day of the Dead Procession

Requested by: Dawn Walsh

Action Sought: Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to approve the Parade Permit Application submitted by Dawn Walsh, 5 Meadow Road, Unit 5, Provincetown MA 02657 on behalf of the Provincetown Day of the Dead Performing Arts Festival, for the 1st Annual Day of the Dead Procession to be held on Wednesday, November 2, 2016, from 5:30 p.m. to 6:30 p.m.

Additional Information

See attached application and route information.

Board Action

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

Town of Provincetown

James F. Golden
Chief of Police
jgolden@provincetown-ma.gov



Police Department

26 Shank Painter Road
Provincetown, MA 02657
Phone: (508) 487-1213
Fax: (508) 487-4077
www.provincetown-ma.gov

To: Provincetown Board of Selectmen
From: Chief of Police James Golden 
Subject: Staff Report Procession Provincetown Day of the Dead Performing Arts Festival
Date: October 19, 2016

Please know that I have reviewed the parade application of Dawn Walsh for the 1st annual Provincetown Day of the Dead Performing Arts Festival November 02, 2016. They estimate between 75 and 125 attendees.

The event is scheduled from 5:30pm to 6:30pm and will navigate a route beginning at the Harbor Hotel complex and travelling down Commercial Street to Hancock Street crossing Bradford Street and ending at the Provincetown Theater at 238 Bradford Street.

- A police vehicle and special duty police officer will be needed to escort the bulk of the runners along the intended parade route. This special duty police detail officer will be needed and would cost them approximately \$203.00.
- Detail Officer is there to escort the procession per the approved parade permit and provide a public safety presence at the starting and finishing lines only. This event cannot be supported by the on-duty police shift.
- The petitioner must acknowledge that event users are not guaranteed exclusivity of any public way as a condition of their permit and that they may have to share the road with bikes, pedestrians and all local vehicles and any essential delivery traffic.

I have already asked them to contact Lisa Cook to arrange for the special duty police officer.

Even though this is a first-time event, it is recommended for inclusion to the consent agenda.

Please let me know what questions you may have.

RECEIVED
BOS
OCT 12 2016
CC: BOS/TM/ATM

Town of Provincetown Parade Permit Application

Note: This form must be submitted to the Board of Selectmen's office at least **six weeks** prior to the date of your event.

Applicant's Name: Dawn Walsh - Provincetown Day of the Dead Performing Arts Festival
Address: 5 Meadow Rd Unit 5 Phone: _____
City/Town: Provincetown State: MA Zip Code: 02657
Email: dawn.walsh@gm.slc.edu

Applicant is: Private Individual Business Non-Profit Corp

Individual Responsible: Name: Dawn Walsh
Address: 5 Meadow Rd Unit 5 Provincetown
Phone: 508.247.7556
Email: dawn.walsh@gm.slc.edu

Will charges or fees be collected? Yes No

Name & Purpose of Parade: Day of the Dead Procession - See Press Release Attached

Date of Parade: November 2, 2016 Rain Date (if any): November 3

Schedule: Start Time: 5:30p (line up 4:30) Finish Time: 6:30p

Number of Marchers: ≈ 75 - 100 - 125 Number of Vehicles: 0

Events with amplified sound, entertainment, alcohol or food service MUST obtain Licensing Department approvals. Noise bylaw waiver applications required minimum 60 days prior to your scheduled event.

(Please indicate actual or estimated.)

Note: Use the attached map, **highlight and provide a written plan of parade route** including assembly and disassembly locations, special parade features or events as well as stopping locations if any are requested.

The undersigned applicant agrees that the applicant and parade participants will conform with applicable laws, by-laws, and regulations as well as with special requirements that may be made a condition of the granting of a parade permit pursuant to this application. I/we agree to hold the Town of Provincetown harmless from any and all liability and will defend the Town of Provincetown in connection therewith

Signature of Applicant: _____

Date: Oct 11, 2016

Application received by: _____

Date: 10/12/2016

(Secretary to Board of Selectmen)

CONDITIONS and REQUIREMENTS

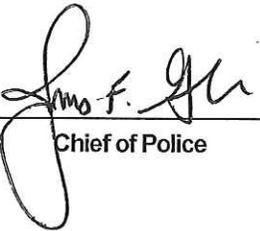
It is the obligation of applicants, organization(s) and responsible individuals to assure that their parade(s) is (are) orderly. Unless specifically authorized, there will be no parades held during the hours of darkness and no stopping of the parade to advertise or perform.

All parades will be assigned and will follow a police cruiser on the approved route. If the Chief of Police deems it necessary to assign additional officers as part of the parade permit, then the cost of such special duty officers will be borne by the applicant.

Any violation of applicable laws, by-laws, regulations, the above requirements, and/or special requirements made a condition of the granting of a Parade Permit will be grounds for immediate revocation of the Parade Permit, prosecution, and denial of future parade permissions.

PARADE ROUTE. SPECIAL CONDITIONS. REQUIREMENTS. ETC. (Please PRINT or TYPE and allow margin space)

APPROVALS



Chief of Police

Date 10-19-2016

Board of Selectmen

Chairman, Board of Selectmen

Selectman

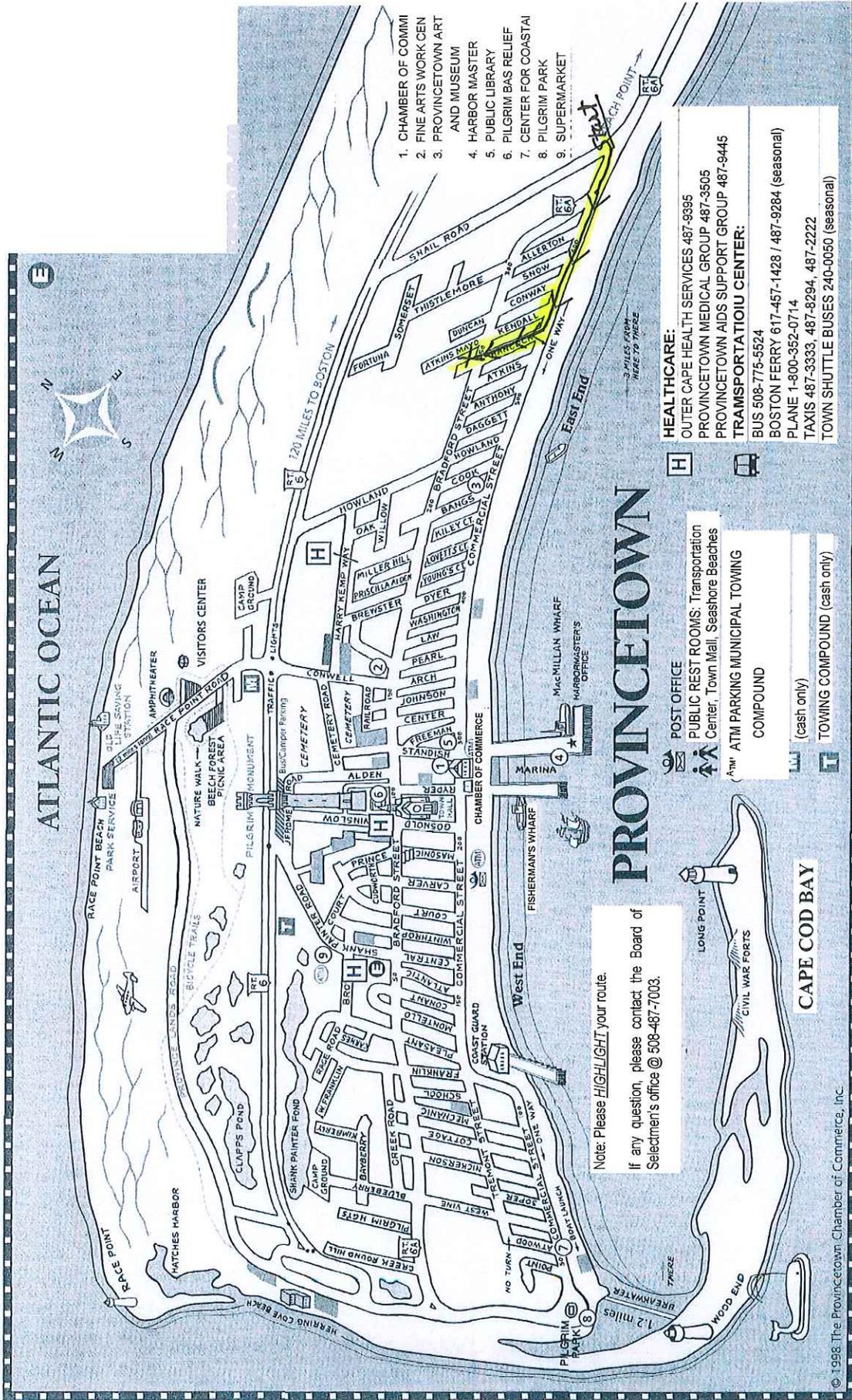
Selectman

Selectman

Selectman

Date: _____

Please highlight your Parade Route on the Map



Route: The Harbor Hotel to The Provincetown Theater
 Via Commercial Street, turning onto Hancock

Handwritten mark

Provincetown's 1st Annual Day of the Dead Performing Arts Festival 2016

Press Release

FOR IMMEDIATE RELEASE October 11, 2016

CONTACT **Dawn Walsh & Tristan DiVincenzo**
Festival Co-Founders
provincetowndayofthedead@gmail.com

WEBSITE www.provincetowndayofthedead.com

ABOUT

Provincetown's 1st Annual Day of the Dead Performing Arts Festival is a community event honoring life and death through art. Inspired by the traditions of El Día de los Muertos, the Festival includes art workshops, an ofrenda exhibition, a Day of the Dead procession and an evening of performance art.

The intention of the Festival is to recognize and honor the Mexican and Mesoamerican roots of El Día de los Muertos while simultaneously creating a community event that is unique to the lived lives of Provincetown residents and other Festival participants.

The Festival provides the Provincetown community with an opportunity to come together to celebrate the lives and honor the deaths of those we love. For in addition to our experiences of personal loss, to live in Provincetown is to share a communal history and experience of life and death.

When someone in Provincetown dies, we all mourn. Whether a fisherman is lost at sea, an AIDS or cancer patient dies, a teenager's life is cut short by addiction, or any resident – from artist to community worker to retired grandmother – dies of natural causes simply because it is their time, we all feel the loss. The Festival provides us with an artistic avenue to express our grief while simultaneously celebrating life and honoring death.

The Provincetown Day of the Dead Performing Arts Festival is a volunteer-run, not-for-profit community event.

ART WORKSHOPS

Various Dates in October

Mask Making with Gail Morrison, October 13, 20 & 27, 6:00-9:00pm at The Provincetown Theater

Cost: Sliding Scale \$10-\$20 per class, plus \$5 materials fee

Sugar Skull Decorating with Kate Wallace Rogers, October 22, 4:00-6:00pm at the UU Meeting House

Cost: Free, or suggested donation of \$10

Silkscreen Printmaking with Vicky Tomayko, October 23 & 30, 1:00-4:00pm at The Fine Arts Work Center

Cost: Sliding Scale \$20-\$25 per class

Literary Calaveras with Elizabeth Bradfield, October 25, 6:00-9:00pm at The Fine Arts Work Center

Cost: Free, or suggested donation of \$10

Making an Ofrenda with Dawn Walsh, October 26, 6:00-9:00pm at The Provincetown Theater

Cost: Free, or suggested donation of \$10

Skeleton Puppet Making with Amy Kandall, October 28 (7-9pm), 29 (3-5pm) & 30 (12-2pm) at Castle Hill

Cost: Sliding Scale \$10-\$20 per class, plus \$5 materials fee

To register for a workshop, email provincetowndayofthedead@gmail.com

Full workshop descriptions available at provincetowndayofthedead.com

DAY OF THE DEAD PROCESSION

Wednesday, November 2, 5:30pm – Line Up Begins at 4:30pm

Route: Begins at The Harbor Hotel, travels west on Commercial Street, turns onto Atkins Lane and ends at The Provincetown Theater.

The Procession, designed to remember and honor the dead through artistic expression, is an integral part of the Festival. At the heart of the Procession is a belief in the power of creativity to help grieve the loss of loved ones – whether friend, family member, partner, spouse, co-worker, animal companion or cultural hero.

The Procession is open to and encourages all art forms, such as face painting, wearing a mask and/or a costume, carrying skeleton puppets, playing music, singing, dancing, and/or carrying a banner, a work of art, candles or photos of loved ones.

In addition to Day of the Dead Procession traditions, folks are also encouraged to explore their own ancestry for traditions that can be included in the Procession.

Everyone is welcome to participate in the Procession.

No registration or pre-registration needed – but arrive early for free face-painting!

PERFORMANCE ART

Wednesday, November 2, 7:00pm at The Provincetown Theater

Tickets \$10 at provincetowntheater.org or at the door

Following the Procession, the Festival will conclude with an ofrenda exhibition and an evening of live performances ranging from performance art to music and song to dance to literary readings.

CALL TO PERFORMANCE ARTISTS

Provincetown's 1st Annual Day of the Dead Performing Arts Festival is now accepting Proposals for Performance. Performances can range from performance art to music and song to dance to literary readings. All proposals welcome. For more information and to submit a Proposal for Performance, please visit provincetowndayofthedeath.com or email provincetowndayofthedeath@gmail.com.

VOLUNTEERS

The Festival seeks volunteers. Volunteer opportunities may include but are not limited to: facepainters, ushers, ticket takers, workshop assistants, publicity distribution and drummers to lead the procession.

If interested in volunteering, please email provincetowndayofthedeath@gmail.com

SPONSORS

Sponsorship Levels: Undertaker-\$1000; Hospice-\$750; Ofrenda-\$500; Marigold-\$250; Sugar Skull-\$100

Benefits of sponsorship include logo and name recognition on Festival publicity materials and two complimentary tickets to the performing arts event on November 2. Sponsorship funds will be used solely for the operating costs of Provincetown's Day of the Dead Performing Arts Festival, a volunteer-run, not-for-profit community event.

Sponsors to Date: The Provincetown Theater, Artist Loft, The Fine Arts Work Center in Provincetown, Happy Camper, Sage Inn and Lounge, and Truro Center for the Arts at Castle Hill. For more information about becoming a sponsor, please email provincetowndayofthedeath@gmail.com

FOR MORE INFORMATION

Visit www.provincetowndayofthedeath.com or email provincetowndayofthedeath@gmail.com



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

00C

TREASURER'S TRANSFERS

John A. Henry Trust Fund

Requested by: John O'Buck, Treasurer

Action Sought: **Approval**

Proposed Motion(s)

MOVE that the Board of Selectmen vote, as Commissioners of the John A. Henry Trust Fund – (#1618), pursuant to MGL C44 § 53A, to approve the use of the funds in the John A. Henry Trust Fund- (#1618) to pay \$3,087.00 for the attached invoice from Cape Cod Children's Place Inc.

Additional Information

This Motion will allow the Town Treasurer to transfer money from the John A. Henry Trust Fund – (#1618) to pay for Tuition at the Cape Cod Children's Place, Inc. The John A. Henry Trust Fund will have a balance of \$502,927.72 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: October 26, 2016
To: Provincetown Treasurer
From: Board of Selectmen

As Commissioners of the John A. Henry Trust Fund – (#1618), permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of the John A. Henry Trust Fund (#1618), for the payment of \$3,087.00 for Tuition at the Cape Cod Children's Place, Inc.

The Honorable Board of Selectmen:

Raphael Richter, Chair

Erik Yingling, Vice Chair

Cheryl Andrews, Selectman

Tom Donegan, Selectman

Robert Anthony, Selectman

cape cod children's place, inc.

TO: Chris Hottle
Director of Public Health & Human Services

FROM: Kathy Fee
Fiscal Manager

DATE: September 30, 2016

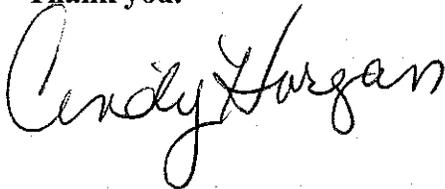
RE: John Henry Trust

INVOICE

Please reimburse Cape Cod Children's Place, Inc. for the following invoice paid on behalf of the John Henry Trust for the period of July 1 to September 30, 2016.

Date Paid	Invoice #	Purpose	Amount Paid
8/26/16	JHT 17-005AS&MS	Childcare	1,750.00
8/26/16	JHT 17-006 AV	Childcare	100.00
8/26/16	JHT 17-002 AS	Childcare	350.00
8/26/16	JHT 17-003DA & KF	Childcare	565.00
8/26/16	JHT 17-004EN	Childcare	325.00
Total Balance Due			\$3,087.00

Thank you.





Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

OOD

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 \$181.41 for the attached invoices from Ingram Library Services.

Additional Information

This Motion will allow the Town Treasurer to transfer money from the Library Gift Fund – (#1107) to pay for Ingram Library Services on 10/12/2016 . The Library Gift Fund will have a balance of \$62,206.40 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: October 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 the \$181.41 for Ingram Library Services on 10/12/2016.

The Honorable Board of Selectmen:

Raphael Richter, Chair

Erik Yingling, Vice Chair

Cheryl Andrews, Selectman

Tom Donegan, Selectman

Robert Anthony, Selectman



Fed-Id
62-1746696

INVOICE

REMIT TO

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE	MO	DAY	YEAR	BATCH
66722352	06	21	2016	

LB

ORDER/ENTRY	ACCOUNT	PAGE	TAX
N2DBH8EH	20E9117	1	

018

DUNS 12-159-9042

SOLD TO 20E9117
PROVINCETOWN PUBLIC LIBRARY
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

SHIP TO 20K2819
PROVINCETOWN PUBLIC LIBRARY
EMARC/GRANT ACCOUNT
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

TERMS: 1% 10 NET 30 EOM WE APPLY 1.5% SERVICE CHARGE TO PAST DUE INVOICES										
QUANTITY	T/C	TITLE				UNIT PRICE	% DISC	UNIT PRICE AFTER DISC	EXTENSION	
Ordered	Shipped	AUTHOR								
1	1	BROLIN	V-HALL CAESAR	G	H400 K	0025192287947	29.98	31.0	20.69	20.69
Items Below From P.O. 5.16.DVD										
		Retail:	29.98			SubTotal:	29.98			20.69
		Nashville	UPS Ground			Shipping/Handling:				.00
		#Ctns	1			Weight	.17	Lbs		
									** Total **	20.69



If prepaid, please disregard. If paying by Invoice, please cut along dotted line and return lower portion with payment.

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE DATE **6/21/2016**

OE # **N2DBH8EH**
ACCOUNT # **20E9117**
INVOICE # **66722352**
AMOUNT DUE **20.69**



Fed-Id
62-1746696

INVOICE

REMIT TO

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE	MO	DAY	YEAR	BATCH	
66722460	06	21	2016		LB
ORDER ENTRY	ACCOUNT		PAGE	TAX	
N2FPJVEH	20E9117		1		

DUNS 12-159-9042

018

SOLD TO 20E9117
PROVINCETOWN PUBLIC LIBRARY
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

SHIP TO 20K2819
PROVINCETOWN PUBLIC LIBRARY
B MARC/GRANT ACCOUNT
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

TERMS: 1% 10 NET 30 EOM
WE APPLY 1.5% SERVICE CHARGE TO PAST DUE INVOICES

QUANTITY	T/C	TITLE	UNIT PRICE	% DISC	UNIT PRICE AFTER DISC	EXTENSION
Ordered	Shipped	AUTHOR				
1	1	NOT AVAIL ONSALE				
		low From P.O. 5.16.DVD				
		V-WORKAHOLICS	19.99	31.0	13.79	13.79
		06-21-16				
		Retail:	19.99			13.79
		Nashville UPS-Ground				.00
		#Ctns	1			
		Weight:	.17			Lbs
** Total **						13.79



If prepaid, please disregard. If paying by Invoice, please cut along dotted line and return lower portion with payment.

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE DATE **6/21/2016**

OE # **N2FPJVEH**

ACCOUNT # **20E9117**

INVOICE # **66722460**

AMOUNT DUE **13.79**



Fed-Id
62-1746696

INVOICE

REMIT TO

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE	MO	DAY	YEAR	BATCH
61044922	06	21	2016	

LB

ORDER ENTRY	ACCOUNT	PAGE	TAX
C5PVC8EH	20E9117	1	

DUNS 12-159-9042

018

SOLD TO 20E9117
PROVINCETOWN PUBLIC LIBRARY
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

SHIP TO 20K2819
PROVINCETOWN PUBLIC LIBRARY
BMARC/GRANT ACCOUNT
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

TERMS: 1% 10 NET 30 EOM
WE APPLY 1.5% SERVICE CHARGE TO PAST DUE INVOICES

QUANTITY	T/C	TITLE			UNIT PRICE	% DISC	UNIT PRICE AFTER DISC	EXTENSION	
Ordered	Shipped	AUTHOR							
Items Below From P.O. 052716									
1	1	GALLAGHER ONSALE 06-28-16	HOW THE POST OFFICE CREATED AM	0872	R	1594205000	28.00	48.0	14.56
2	1	INGRAM 9999999 AUTO PROC W/O PKT-PRO		8899	C		.54	NET	.54
	1		Retail: 28.54				28.54		15.10
			Chambersburg UPS Ground I						.00
			#Ctns	1	Weight	1.05	Lbs		
			Product SubTotal:						14.56
			Processing SubTotal:						.54
** Total **									
									15.10



If prepaid, please disregard. If paying by Invoice, please cut along dotted line and return lower portion with payment.

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

OE # C5PVC8EH

ACCOUNT # 20E9117

INVOICE # 61044922

AMOUNT DUE 15.10

INVOICE DATE 6/21/2016



Fed-Id
62-1746696

INVOICE

REMIT TO

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE	MO	DAY	YEAR	BATCH
61047462	06	28	2016	

LB

ORDER ENTRY	ACCOUNT	PAGE	TAX
C5SX80EH	20E9117	1	

DUNS 12-159-9042

018

SOLD TO 20E9117
PROVINCETOWN PUBLIC LIBRARY
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

SHIP TO 20K2819
PROVINCETOWN PUBLIC LIBRARY
BMARC/GRANT ACCOUNT
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

TERMS: 1% 10 NET 30 EOM
WE APPLY 1.5% SERVICE CHARGE TO PAST DUE INVOICES

QUANTITY	T/C	TITLE	UNIT PRICE	% DISC	UNIT PRICE AFTER DISC	EXTENSION
Items Below From P.O. 021716JUV						
1	BROWN M	LOLA LEVINE & THE BALLET SCHEM	14.99	48.0	7.79	7.79
	ONSALE	07-05-16				
1	BROWN M	LOLA LEVINE DRAMA QUEEN	5.99	39.0	3.65	3.65
	ONSALE	07-05-16				
3	INGRAM	9999999 AUTO PROC W/O PCKT-CAT	.65	NET	.65	.65
3	INGRAM	9999999 AUTO PROC W/O PCKT-PRO	.54	NET	.54	.54
1	INGR	9999999 LAMINATED PB COVERS 5M	1.99	NET	1.99	1.99
2		Retail: 24.16				
		Chambersburg UPS Ground I				
		SubTotal:	24.16			14.62
		Shipping/Handling:				.00
		#Ctns 1 Weight .50 Lbs				
		Product SubTotal:	11.44			
		Processing SubTotal:	3.18			
		** Total **				14.62



If prepaid, please disregard. If paying by Invoice, please cut along dotted line and return lower portion with payment.

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

OE #

ACCOUNT #

INVOICE DATE

INVOICE #

AMOUNT DUE

6



Fed-Id
62-1746696

INVOICE

REMIT TO

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE	MO	DAY	YEAR	BATCH
66724758	06	28	2016	

LB

ORDER ENTRY	ACCOUNT	PAGE	TAX
N2PKNTEH	20E9117	1	

DUNS 12-159-9042

018

SOLD TO 20E9117
PROVINCETOWN PUBLIC LIBRARY
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

SHIP TO 20K2819
PROVINCETOWN PUBLIC LIBRARY
BMARC/GRANT ACCOUNT
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

TERMS: 1% 10 NET 30 EOM
WE APPLY 1.5% SERVICE CHARGE TO PAST DUE INVOICES

QUANTITY	T/C	TITLE	UNIT PRICE	% DISC	UNIT PRICE AFTER DISC	EXTENSION
Ordered	Shipped	AUTHOR				
1	1	Low From P.O. 4.1.16List				
		NOT AVAIL V-LAW & ORDER SPECIAL VICTI 5G	H400	K	0025192271885	39.98
						31.0
						27.59
		Retail: 39.98			SubTotal: 39.98	27.59
		Nashville UPS Ground			Shipping/Handling:	.00
		#Ctns 1	Weight .77	Lbs		
** Total **						27.59



If prepaid, please disregard. If paying by Invoice, please cut along dotted line and return lower portion with payment.

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE DATE **6/28/2016**

OE # **N2PKNTEH**

ACCOUNT # **20E9117**

INVOICE # **66724758**

AMOUNT DUE **27.59**

8



Fed-Id
62-1746696

INVOICE

REMIT TO

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE	MO	DAY	YEAR	BATCH
66725068	06	28	2016	

LB

ORDER ENTRY	ACCOUNT	PAGE	TAX
N2VB89EH	20E9117	1	

018

DUNS 12-159-9042

SOLD TO 20E9117
PROVINCETOWN PUBLIC LIBRARY
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

SHIP TO 20K2819
PROVINCETOWN PUBLIC LIBRARY
EMARC/GRANT ACCOUNT
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

TERMS: 1% 10 NET 30 EOM
WE APPLY 1.5% SERVICE CHARGE TO PAST DUE INVOICES

QUANTITY	T/C	TITLE	UNIT PRICE	% DISC	UNIT PRICE AFTER DISC	EXTENSION
Ordered	Shipped	AUTHOR				
1	1	Low From P.O. 5.16.DVD				
		BUTLER V-LONDON HAS FALLEN G H400 K 0025192302312	29.98	31.0	20.69	20.69
		Retail: 29.98	29.98			20.69
		Nashville UPS Ground				.00
		#Ctns 1 Weight .17 Lbs				
** Total **						20.69



If prepaid, please disregard. If paying by Invoice, please cut along dotted line and return lower portion with payment.

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE DATE **6/28/2016**

OE # **N2VB89EH**

ACCOUNT # **20E9117**

INVOICE # **66725068**

AMOUNT DUE **20.69**

9



Fed-Id
62-1746696

INVOICE

REMIT TO

Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

INVOICE	MO	DAY	YEAR	BATCH
66725090	06	29	2016	

LB

ORDER ENTRY	ACCOUNT	PAGE	TAX
N2RKM4EH	20E9117	1	

DUNS 12-159-9042

018

SOLD TO 20E9117
PROVINCETOWN PUBLIC LIBRARY
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

SHIP TO 20K2819
PROVINCETOWN PUBLIC LIBRARY
BMARC/GRANT ACCOUNT
356 COMMERCIAL ST
PROVINCETOWN, MA 02657-2322

TERMS: 1% 10 NET 30 EOM
WE APPLY 1.5% SERVICE CHARGE TO PAST DUE INVOICES

QUANTITY	T/C	TITLE	UNIT PRICE	% DISC	UNIT PRICE AFTER DISC	EXTENSION
1	1	MIRREN V-EYE IN THE SKY	29.98	31.0	20.69	20.69
		ONSALE 06-28-16				
1	1	NOT AVA V-FASTBALL	29.95	31.0	20.67	20.67
		ONSALE 06-28-16				
2		Retail: 59.93				41.36
		Nashville UPS Ground				.00
		SubTotal:	59.93			41.36
		Shipping/Handling:				.00
		#Ctns: 1				
		Weight: .34				
		Lbs				
		** Total **				41.36



Ingram Library Services
PO BOX 277616
ATLANTA, GA 30384-7616
1-800-937-5300 option 1

If prepaid, please disregard. If paying by Invoice, please cut along dotted line and return lower portion with payment.

OE #

ACCOUNT #

INVOICE DATE

INVOICE #

AMOUNT DUE

10



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Wednesday, October 26, 2016

OOE

PARADE PERMIT REQUEST

6th Annual 5K Pilgrim Trot

Requested by: Susan Talhouk

Action Sought: Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to approve the Parade Permit Application submitted by Susan Talhouk, 56B Marston Avenue, Portsmouth, NH 03801 for the 6th Annual 5K Pilgrim Trot to be held on Thursday, November 24, 2016 from 9:00 a.m. to 11:00 a.m.

Additional Information

See attached application and route information. All proceeds will go to P.A.A.M.

Board Action

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

Town of Provincetown

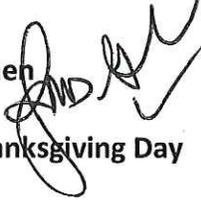
James F. Golden
Chief of Police
jgolden@provincetown-ma.gov



Police Department

26 Shank Painter Road
Provincetown, MA 02657
Phone: (508) 487-1213
Fax: (508) 487-4077
www.provincetown-ma.gov

To: Provincetown Board of Selectmen
From: Chief of Police James Golden
Subject: Staff Report Pilgrim Trot on Thanksgiving Day
Date: October 18, 2016



Please know that I have reviewed the parade application of Susan Talhouk for their 6th annual Pilgrim Turkey Trot 5K on Thanksgiving Day November 24, 2016. They estimate between 180 and 210 attendees. The event attendance has been growing steadily over the years.

The event is scheduled from 9am to 11am and will navigate a route beginning and ending at the Sandcastle on Commercial Street. This includes their request to reverse direction and walk/run against the one-way on Commercial Street for the return leg.

- A police vehicle and special duty police officer will be needed to escort the bulk of the runners along the intended parade route. This special duty police detail officer will be needed and would cost them approximately \$203.00.
- Detail Officer is there to escort the procession per the approved parade permit and provide a public safety presence at the starting and finishing lines only. This event cannot be supported by the on-duty police shift.
- Petitioner will work proactively with the police department to modify (if necessary) the parade in order to adjust for any hazards or detours created by the on-going Phase III Commercial Street reconstruction project.
- The petitioner must acknowledge that event users are not guaranteed exclusivity of any public way as a condition of their permit and that they may have to share the road with bikes, pedestrians and all local vehicles and any essential delivery traffic.

Would you kindly remind them to contact Lisa Cook at the Police Department about 2 weeks before the event?

This event is recommended for inclusion to the consent agenda.

Please let me know what questions you may have.

RECEIVED
BOS

SEP 16 2016

CC: BOS/TM/ATM

Town of Provincetown Parade Permit Application

Note: This form must be submitted to the Board of Selectmen's office at least six weeks prior to the date of your event.

Applicant's Name: SUSAN TALHOUK
Address: 56B MARSTON AVE Phone: 978 337 7265
City/Town: PORTSMOUTH State: NH Zip Code: 03801
Email: sue.talhok@gmail.com

Applicant is: Private Individual Business Non-Profit Corp

Individual Responsible: Name: SUSAN TALHOUK
Address: 56B MARSTON AVE PORTSMOUTH NH
Phone: 978 337 7265
Email: sue.talhok@gmail.com

Will charges or fees be collected? Yes No

Name & Purpose of Parade: 6th ANNUAL 5K PILGRIM TRAIL - TO P.A.A.M ALL PROCEEDS
Date of Parade: Thursday NOV 24 2016 Rain Date (if any): N/A
Schedule: Start Time: 9 AM Finish Time: 11 AM
Number of Marchers: 180-210 Number of Vehicles: 75

Events with amplified sound, entertainment, alcohol or food service MUST obtain Licensing Department approvals. Noise bylaw waiver applications required minimum 60 days prior to your scheduled event.

(Please indicate actual or estimated.)

Note: Use the attached map, highlight and provide a written plan of parade route including assembly and disassembly locations, special parade features or events as well as stopping locations if any are requested.

The undersigned applicant agrees that the applicant and parade participants will conform with applicable laws, by-laws, and regulations as well as with special requirements that may be made a condition of the granting of a parade permit pursuant to this application. I/we agree to hold the Town of Provincetown harmless from any and all liability and will defend the Town of Provincetown in connection therewith

Signature of Applicant: Susan Talhouk Date: 9/16/16

Application received by: Shirley Wagherty Date: 9.16.2016
(Secretary to Board of Selectmen)

CONDITIONS and REQUIREMENTS

It is the obligation of applicants, organization(s) and responsible individuals to assure that their parade(s) is (are) orderly. Unless specifically authorized, there will be no parades held during the hours of darkness and no stopping of the parade to advertise or perform.

All parades will be assigned and will follow a police cruiser on the approved route. If the Chief of Police deems it necessary to assign additional officers as part of the parade permit, then the cost of such special duty officers will be borne by the applicant.

Any violation of applicable laws, by-laws, regulations, the above requirements, and/or special requirements made a condition of the granting of a Parade Permit will be grounds for immediate revocation of the Parade Permit, prosecution, and denial of future parade permissions.

PARADE ROUTE. SPECIAL CONDITIONS. REQUIREMENTS. ETC. (Please PRINT or TYPE and allow margin space)

APPROVALS



Chief of Police

Date 10-18-2016

Board of Selectmen

Chairman, Board of Selectmen

Selectman

Selectman

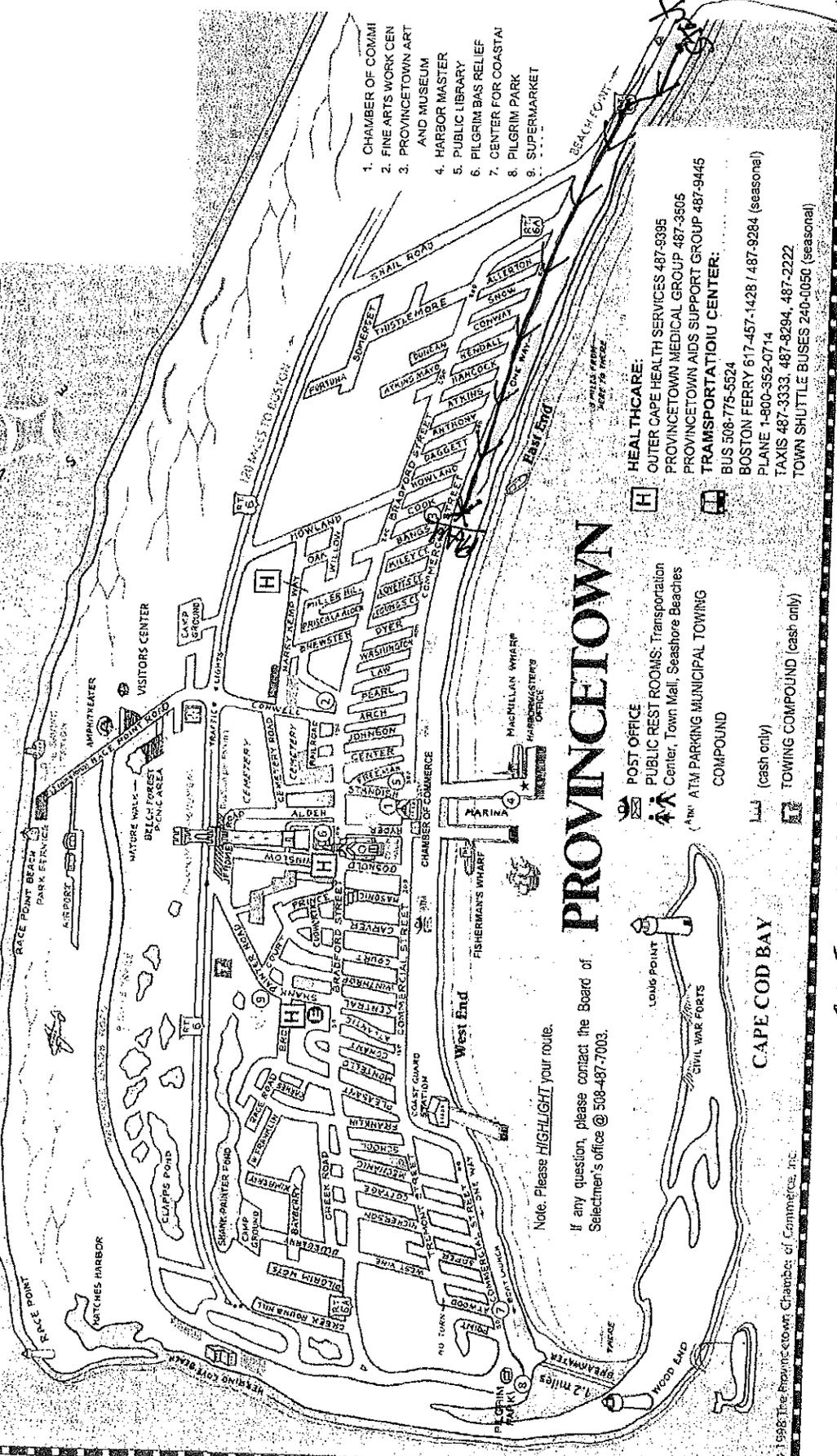
Selectman

Selectman

Date: _____

Please highlight your Parade Route on the Map

ATLANTIC OCEAN



1. CHAMBER OF COMMERCE
2. FINE ARTS WORK CENTER
3. PROVINCETOWN ART AND MUSEUM
4. HARBOR MASTER
5. PUBLIC LIBRARY
6. PILGRIM BAS RELIEF
7. CENTER FOR COASTAL
8. PILGRIM PARK
9. SUPERMARKET

PROVINCETOWN

POST OFFICE
PUBLIC REST ROOMS: Transportation Center, Town Mall, Seashore Beaches
ATM (ATM) PARKING MUNICIPAL TOWING COMPOUND

LL (cash only)
T TOWING COMPOUND (cash only)

HEALTHCARE:
 OUTER CAPE HEALTH SERVICES 487-8395
 PROVINCETOWN MEDICAL GROUP 487-3505
 PROVINCETOWN AIDS SUPPORT GROUP 487-9445
TRANSPORTATION CENTER:
 BUS 508-775-5524
 BOSTON FERRY 617-457-1428 / 487-8284 (seasonal)
 PLANE 1-800-552-0714
 TAXIS 487-3333, 487-8294, 487-2222
 TOWN SHUTTLE BUSES 240-0050 (seasonal)

Note: Please **HIGHLIGHT** your route.
 If any question, please contact the Board of Selectmen's office @ 508-487-7003.

RACE START: SANDCASTLE
CONTINUE UP COMMERCIAL
TO P.O. A.M. (460 Commercial)
TURN AROUND AND
CONTINUE BACK ALONG COMMERCIAL
AND END AT SANDCASTLE (929 Commercial)

START AT SANDCASTLE RESORT
 729
 4 of 4
 Commodore / Sr



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

1

PUBLIC HEARING

None

Requested by: Board of Selectmen

Action Sought: Discussion/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
Wednesday, October 2, 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

Wednesday, October 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.

Cheryl Andrews

Robert Anthony

Erik Yingling

Tom Donegan

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

Wednesday, October 26, 2016

4A

POWERPOINT PRESENTATION

Eversource's Grid Modernization Plan

Requested by: CLC Administrator Maggie Downey

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent. Votes may be taken.

Additional Information

See attached. PowerPoint presentation and correspondence.

Board Action

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

Eversource's Grid Modernization Plan: Does It Lay the Foundation We Need For Our Communities' Energy Future?

October 24, 2016

Maggie Downey, Cape Light Compact Administrator

**Cape Light
Compact**



Working Together Toward A Smarter Energy Future

Grid Modernization: What and why?



- What is “the grid”?
 - The electric grid is an infrastructure network designed to deliver electricity from suppliers to end users. Our grid was designed and built in an era when this simply meant delivering power from large, centralized generating plants to customers’ homes and businesses.
- Grid modernization is the process by which digital intelligence is incorporated in to our electric power grid to allow power to flow in two directions—to and from the consumer—transforming it into an interactive delivery network. This is being done in states all across the U.S. - Massachusetts is not leading the curve on this.

Grid Modernization

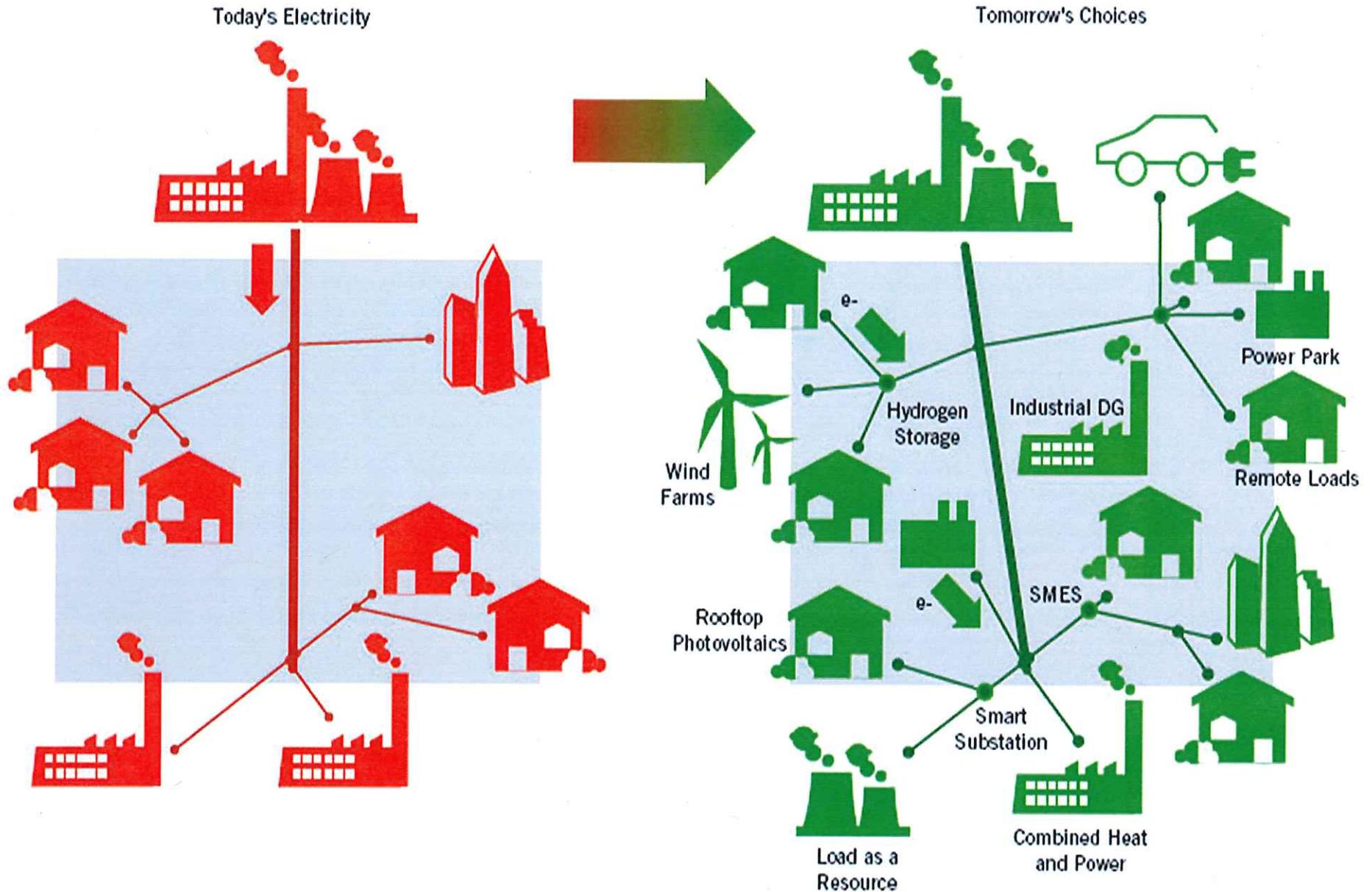


Fig. 1. The IEEE's version of the Smart Grid involves distributed generation, information networks, and system coordination, a drastic change from the existing utility configurations.

Why should you care?



- This is the first time that the DPU has mandated that the electric distribution companies (EDCs) like Eversource modernize our antiquated grid
- Choices made today will have dramatic impacts on Distributed Energy Resources, storage, energy efficiency for many years to come
- This is an opportunity for consumer empowerment
 - Could allow consumers to better understand their usage and make informed energy decisions
 - Could allow consumers to play in a role in stabilizing the grid and reducing infrastructure costs
 - Could better enable consumers to play a role in reducing emissions and mitigating climate change impacts
- ***You're paying for it!***



Cape Light
Compact

What could it do for us?

- Greater system stability and resiliency
- Expand renewable energy integration
- More opportunities for energy efficiency and demand management
- Encourage development of microgrids

Overall, more local control and a central role for consumers... *depending on what is put in place.*

DPU's Grid Modernization Goals:



The DPU set forth four primary goals in its order for all Massachusetts utilities to submit plans for grid modernization:

1. Reducing effects of outages
 - *Number of outages, length of outages, number of customers affected, including weather-related*
2. Optimizing demand, including reducing system and customer costs
 - *Don't pay lots of money for infrastructure you only need a few hours per year*
 - *Deploy technology that enables customers to optimize their demand*
3. Integrating distributed energy resources
 - *Allow customers with solar and/or storage (including EVs) to contribute to grid reliability and renewable energy goals*
4. Improving workforce and asset management
 - *Make our utilities operate more efficiently and reduce customer costs*

Smart metering



In its order on grid modernization, the DPU mandated that utilities achieve Advanced Metering Functionality (AMF) within 5 years of plan approval, or make a business case demonstrating that a longer timeframe is a superior approach.

AMF* (smart metering) includes four elements:

1. Collection of customers' interval usage data, in near real time, usable for settlement in the ISO-NE energy and ancillary services markets
2. Automated outage and restoration notification
3. Two-way communication between customers and the utility
4. Communication with and control of household appliances (with customers' permission)

*AMF is a specific set of functions. AMI (Advanced Metering Infrastructure) is a specific technology to achieve AMF

Eversource's proposal



- In August 2015, Eversource filed its five-year, \$496 million Grid Modernization Plan
- Claims consumers are at the center of the plan
- Conservative, grid-facing approach
 - Emphasizes incremental investments
 - “...a flexible foundation for the future”
 - Heavily focused on improving reliability & resiliency
- Downplays benefits of giving consumers greater access to information and pricing transparency
 - Most apparent through opt-in approach to advanced metering and time-varying rates
 - Takes position that customers are uninterested in TVR

Eversource spending proposals



Investment Category	5-year Capital + O&M (million)
Smart & Integrated Grid	\$171.9
Resilient Grid	\$150
Customer Engagement	\$108.2
Enabling Investments	\$66.3
TOTAL:	\$496.4

In summary...



Potential Benefits:

- Will provide system operators with much greater visibility in to real-time status of system
 - Leads to greater operation and, in theory, planning efficiencies
- Will improve reliability and resiliency of the grid
 - Less customer outages, shorter outages
- Concerns
 - Utility-centric
 - No universal AMI = limited customer engagement
 - No cost allocation according to benefits
 - Inclusion of core utility functions
 - Limits potential for smart metering and associated benefits
 - TVR program design does not appear to meet DPU requirements



A high-level comparison...

National Grid also filed a ~\$1 billion GMP that proposed a full deployment of advanced meters on an opt-out basis throughout their service territory

Eversource

- Focused on grid-facing technologies
- Emphasizes reliability
- Not convinced residential/small business customers will benefit from TOU/advanced metering

National Grid

- Says their plan is for the “utility of the future”
- More of an “all of the above” approach to technology deployment
- Used AMI deployment experience in Worcester to inform GMP
- Exploring battery storage

As the GMPs are currently proposed, five years from now:



A customer on Cape Cod or Martha's Vineyard...	A customer in National Grid service territory...
...may have increased grid reliability from grid fortification	...will have a more stable, demand-optimized grid and benefit from real-time outage and restoration notification to their utility through their meter
...will have minimal/no insight in to real-time energy usage patterns, seeing only their total usage on the monthly bill, like they do now	...will have deeper insight in to their usage patterns, enabling informed energy decisions
...will be unable to receive or respond to real-time pricing signals	...will receive real-time pricing and can adjust usage accordingly, with the help of smart/connected appliances
...will have few or no opportunities to reduce costs by shifting usage	...will be able to benefit from time-of-use pricing by shifting their usage to lower-priced periods of the day (possibly automatically, with the help of smart/connected appliances)

Smart grid in other states



- MA is not leading the curve – across the U.S. there are about 60 million smart meters already installed
- Baltimore Gas & Electric:
 - Began installing smart meters in 2012
 - \$2.50 in benefits for every \$1 spent
 - Have “Energy Savings Days,” ~700,000 participants, \$7.26 average bill credit
- Commonwealth Edison (Chicago)
 - 2.5 million smart meters installed
 - 2015 was best reliability year ever, largely due to automatic outage notification
 - Smart meters saved \$3 million in truck-rolls

As consumers...



Do we want to continue to interact with our utility only once-a-month, in the form of a bill?

Or do we want to have a more thorough understanding of our individual energy usage and be able to interact with our grid in real-time by:

- Managing our usage and demand
- Being incentivized (\$\$) to contribute to grid stability and lowering infrastructure costs
 - Example: charging your EV when real-time prices are low, then discharging (selling power back to the grid) when real-time prices are high
 - Example: Set your smart thermostat to pre-cool your house when demand/real-time prices are low in the morning, but then cut off during peak demand/price hours in the afternoon

Timeline Snapshot



- August 2015 – Utilities Filed GMPs
 - CLC and other parties began review
- May 2016
 - CLC Granted Intervenor Status
 - Procedural Schedule Issued
 - DPU Ruled Rate Design is Outside Grid Mod Scope
- June 2016
 - Utilities filed GMP updates
 - CLC filed first of 5 IR sets
- August 2016 – Procedural schedule suspended

Next Steps



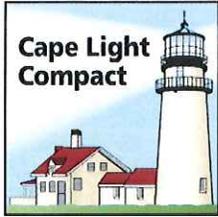
- Continue to get information from Eversource through Information Requests
- Continue to inform and engage consumers and communities on issues of concern
- Develop positions based on information received and consumer input
- Communicate consumer and community concerns to DPU
- Take our survey on Grid Modernization/Smart Grid:
www.surveymonkey.com/r/gridmodsurvey



Questions?

For more information:

- Visit our webpage on Grid Modernization at www.capelightcompact.org/smartgrid
- Contact us with questions:
info@capelightcompact.org
508-375-6644



Cape Light Compact
P.O. Box 427, Barnstable, MA 02630
1.800.797.6699 | Fax: 774.330.3018 | capelightcompact.org

August 5, 2016

Mr. Raphael Richter
Chair
Board of Selectmen
260 Commercial Street
Provincetown, MA 02657

Dear Mr. Richter:

In my March 29 letter, I brought to your attention a very important infrastructure issue for the Cape and Vineyard now before the Massachusetts Department of Public Utilities (DPU 15-122). I would like to give an update to the Board of Selectmen/Town Council at one of their September or October regular scheduled meetings on the status of the DPU proceeding.

The Eversource five-year \$496 million "Grid Modernization Plan" for transformation of electric system, is the largest change in more than a century. This plan is the first step into a new electric future known as the "Smart Grid." The transformation combines electric and information technologies that can allow two-way energy flows and enhanced energy efficiency, energy storage, increased local generation, and greater stability and reliability.

DPU decisions concerning this plan will have far-reaching impacts on economic development, costs to consumers, and security for our region for decades to come. At a recent meeting, Cape Cod Technology Council President Bert Jackson said, "the impact of what we're talking about is generational. This is something that is going to impact what's happening in our community, not just for the next five or ten years, but for our children and grandchildren."

The Compact is seeking to make sure that the Eversource plan delivers on the claim that it is centered on benefits to consumers. We also want to make sure that our region does not suffer delays and disadvantages in technological development.

In our letter to you on March 29 on this topic, we asked that each town send a request to the DPU to extend the time period for consideration and public review of the Eversource Plan. That effort was successful. Based on our past regulatory successes, the Compact has intervened in the Eversource DPU docket (DPU 15-122/123). The Compact's goals in this intervention are to:

**Ensure Cost Efficiency*

Under the plan, spending is pre-authorized and will appear on our bills for a long period of time. This means making sure the amounts being charged are fair, that costs are properly allocated. Much of the Eversource focus is on the Boston area and on large customers. As a region made up largely of small commercial and residential consumers, will we subsidize Boston area improvements and have only limited opportunities?

**Ensure Reliability at Problem Locations and at Desired Levels*

This turns in part to identifying critical areas that need upgrades. Inappropriate costs for standard maintenance (such as tree-trimming) should not be part of this plan. And possible overbuilding for minimal gains in reliability

Working Together Toward A Smarter Energy Future

[Aquinnah](#) | [Barnstable](#) | [Barnstable County](#) | [Bourne](#) | [Brewster](#) | [Chatham](#) | [Chilmark](#) | [Dennis](#) | [Dukes County](#) | [Eastham](#) | [Edgartown](#) | [Falmouth](#)
[Harwich](#) | [Mashpee](#) | [Oak Bluffs](#) | [Orleans](#) | [Provincetown](#) | [Sandwich](#) | [Tisbury](#) | [Truro](#) | [Wellfleet](#) | [West Tisbury](#) | [Yarmouth](#)

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should be evaluated.

**Ensure Continued Opportunities for Distributed Generation and Storage Development*

Technological capacity needed to accommodate more distributed generation such as solar needs to be evaluated, as well as the cost of proposed enhancements. There are a number of features of the Plan that need to be thoroughly examined. A primary concern is that opportunities and benefits for our region could be significantly delayed or diminished.

**Ensure Consumer Access to Smart Grid Technology at the Level Desired*

The Department of Public Utilities has taken an initial position that Eversource should install “smart meters” in all homes and businesses. Eversource has proposed that the installation of smart meters be upon request and that anyone wishing to have a smart meter leave the Cape Light Compact or other independent supplier and join the Eversource power supply. The Smart Grid platform to be paid for by consumers and created by Eversource should not be for the purpose of securing a monopoly position. This issue needs to be fully examined.

Other states have already undertaken Smart Grid development and fortunately, we can benefit from their experience. In some instances, utilities have used the transformation of their electric grid as an opportunity to entrench their monopoly operations and favor large customers rather than develop an open platform for new services for all customers. In other cases, innovative new opportunities for consumer savings and benefits have been developed—such as Baltimore Gas & Electric’s “Energy Savings Day,” or Green Mountain Power’s offer of “powerwall” electric storage technology for customers.

Over the next few months, the Compact will be working with the Cape Cod Technology Council and others to create greater public awareness about what is at stake for each of us.

As major customers, and as public bodies, our towns continue to have an important role to play in educating the public on this issue. In addition to a meeting, I also ask that you post a link to the Compact’s Smart Grid webpage to encourage the residents and business owners in your town to become more informed on this topic. The link is: www.capelightcompact.org/smartgrid.

Thank you for your on-going interest and support on this vital topic.

Sincerely,



Margaret T. Downey
Administrator

Cc: Compact Board Member



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

4B

PRESENTATION

Urban Land Institute Report

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent. Votes may be taken.

Additional Information

See attached ULI Report.

Board Action

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



Town of Provincetown

Urban Land Institute Highlights

ULI Report Process

ULI Technical Advisory Panel (TAP):

- 12 regional experts in the fields of real estate, design, housing and finance brought to Provincetown June 8-9.
- 27 small-group interviews
- 1 public session

ULI TAP team looked at:

- Housing development process in Town
- Housing trends

Median Home

- \$1,000,300 - first four months of 2016
- \$ 625,000 - first four months of 2005

Year Round Population

- Dropped 17% from 2000 to 2010
- From 3,200 to 2,642

ULI Report Process

Advice Sought:

- Next steps for Housing Playbook
- Implementation of the Year Round Rental Housing Trust
- Redevelopment of the VFW site and the Bradford St. Community Center.

Our Goals for the ULI process:

- Create a partnership with the State
- Develop recommendations and realistic options to move forward
- Establish a work plan

ULI Team Takeaways for the State

Confirms what we know, but they haven't known:

We're more than just a small town with challenges

- “Provincetown is fighting to maintain its viability as a vibrant, year-round community. “
- “Without viable year-round housing, the year round economy suffers and vice-versa.”
- and Regional Transportation all need to be part of the solution

Our past efforts prove us to be a solid partner

- Provincetown residents & leaders have a strong commitment to finding ways to address the housing crisis.

ULI Team Takeaways for the Town

Baby steps are productive, the direction is what matters

- No one particular proposal, change or development will not solve all the Town's housing issues
- Review each action on its own merits:

Does this proposal, change or development move us closer to our goal of providing more housing for year-round residents and seasonal workers in town ?

Communication, Permitting, Infrastructure

Stay Committed

- Solving the problem will take time and persistence; a long-term commitment is needed

Short-Term Recommendations:

Pursue the disposition of the two Town-owned properties for housing.

- *VFW- 29 two-bedroom cottages at cost of \$120k to \$150k/unit*
- *Community Center - 16 units at cost of \$275,000/unit*
- *Consider combining to develop sufficient scale to attract State funding and developer interest.*

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Zoning

- ***Bring an Inclusionary Bylaw to Town Meeting.***
- ***Assess Accessory Dwelling regulations for ease of use, then amend if necessary.***

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Zoning

- Bring an Inclusionary Bylaw to Town Meeting.
- Assess Accessory Dwelling regulations for ease of use, then amend if necessary.

Improve communication with deliberative communication strategies.

- ***Look into using the online platform "CoUrbanize"***
- ***Put the Housing Playbook online***
- ***Education and outreach about choices, trends and the impact housing has on the local economy***

Long-term Recommendations

Housing:

Develop a Master Plan that identifies parcels for housing development and increased density

Long-term Recommendations

Housing:

Develop a Master Plan that identifies parcels for housing development and increased density

Continue to make amendments to Zoning Bylaw to align with housing goals

- *Consider overlay district to spur development under certain guidelines*
- *Consider allowing artist studio live/work space*
- *Consider conversion of upper floors of commercial buildings converted into apartments*

Long-term Recommendations

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Permitting

- *Appoint a point person*
- *Investigate an expedited process for housing projects*

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Regional Thinking

- Identify potential sites (North Truro NPS/Base parcel)
- Transportation

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Permitting

- Appoint a point person
- Investigate an expedited process for housing projects

Regional Thinking

- Identify potential sites (North Truro NPS/Base parcel)
- Transportation

Identify and secure on-going Financing Sources

Long-term Recommendations

The Economy:

- Housing Development
- Arts and Tourism
- Revive Campus Provincetown
- Center for Coastal Studies
- Fisherman's Wharf/Provincetown Marina
- Aquaculture

“The danger is letting the perfect
get in the way of the good.”

For each decision: *Does this proposal, change or development
move us closer to our goal of providing more housing for year-
round residents and seasonal workers in town ?*

A TECHNICAL ASSISTANCE PANEL REPORT

Town of Provincetown

Provincetown, MA



June 8-9, 2016



**Urban Land
Institute**

Boston/New England



MASSDEVELOPMENT

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Executive Summary

The Provincetown TAP convened at the Harbor Hotel on June 8. Under the direction of the Urban Land Institute's Boston/New England District Council, a panel of real estate professionals met over the course of two days with town leaders, community residents, developers and business owners. The charrette focused broadly on Provincetown's growing affordable housing challenge as well as efforts to create more of a year-round economy. In particular, the TAP looked at expanding the town's Housing Playbook with new ways of spurring construction of affordable rentals. The panel also examined how two existing, town-owned lots might be used to meet Provincetown's housing goals, while also exploring potential financing sources and development partners, such as the planned Year-Round Rental Housing Trust.

During the panel's discussions and interviews with residents, town leaders and business owners, one thing became crystal clear: For Provincetown, a dearth of affordable housing is having a negative impact on the town's efforts to create a year-round economy as well as on its bread and butter tourism business. A dire shortage of affordable, year-round rentals has forced many working class families out of town, leaving business owners who want to stay open in the off-season with few people to hire. And a shortage of seasonal housing has forced business owners to buy up hotel rooms and year-round rentals alike in order to ensure their summer workers have a place to live. In addition, real estate speculators are buying up hotel rooms and apartments, lured by the high-prices they can fetch when converted to condos. The result has been a decline in hotel rooms on which the town's tourist economy is based, while also cutting further into Provincetown's dwindling supply of year-round housing.

Another clear takeaway for the panel was the strong commitment on part of Provincetown leaders and residents to finding ways to address the town's housing crisis. While there are differences in opinion as to the best approaches to deal with these issues, there was strong agreement that a lack of affordable housing is a big issue for Provincetown. Yet solving the problem will take both time and persistence, with

a long-term commitment needed in order to make a significant difference. The creation of new rental housing, from initial zoning to actual proposals and town reviews to opening, can take years. It will be important for Provincetown to keep moving ahead with housing plans even when the market turns and prices level off in order to be ready when the market inevitably heats up again. Finally, Provincetown should not be afraid to take small steps to boost the amount of affordable and seasonal housing even as it works towards larger goals and projects. The need for housing in the town is so great that immediate action is needed, provided it moves the town closer to meeting its housing goals and objectives.

Chapter 1: ULI and the TAP Process Offers an overview of the Urban Land Institute's Boston/New England District Council and its Technical Assistance Panels (TAPs), while also detailing the panel members and stakeholders who took part.

Chapter 2: Background and History Provincetown has undergone a number of transformations in its long history, from fishing village and whaling port to artists' colony and internationally known tourist destination.

Chapter 3: Challenges Provincetown faces a number of challenges, with a significant drop in its year-round population amid a housing crisis that is driving out middle and lower-income families.

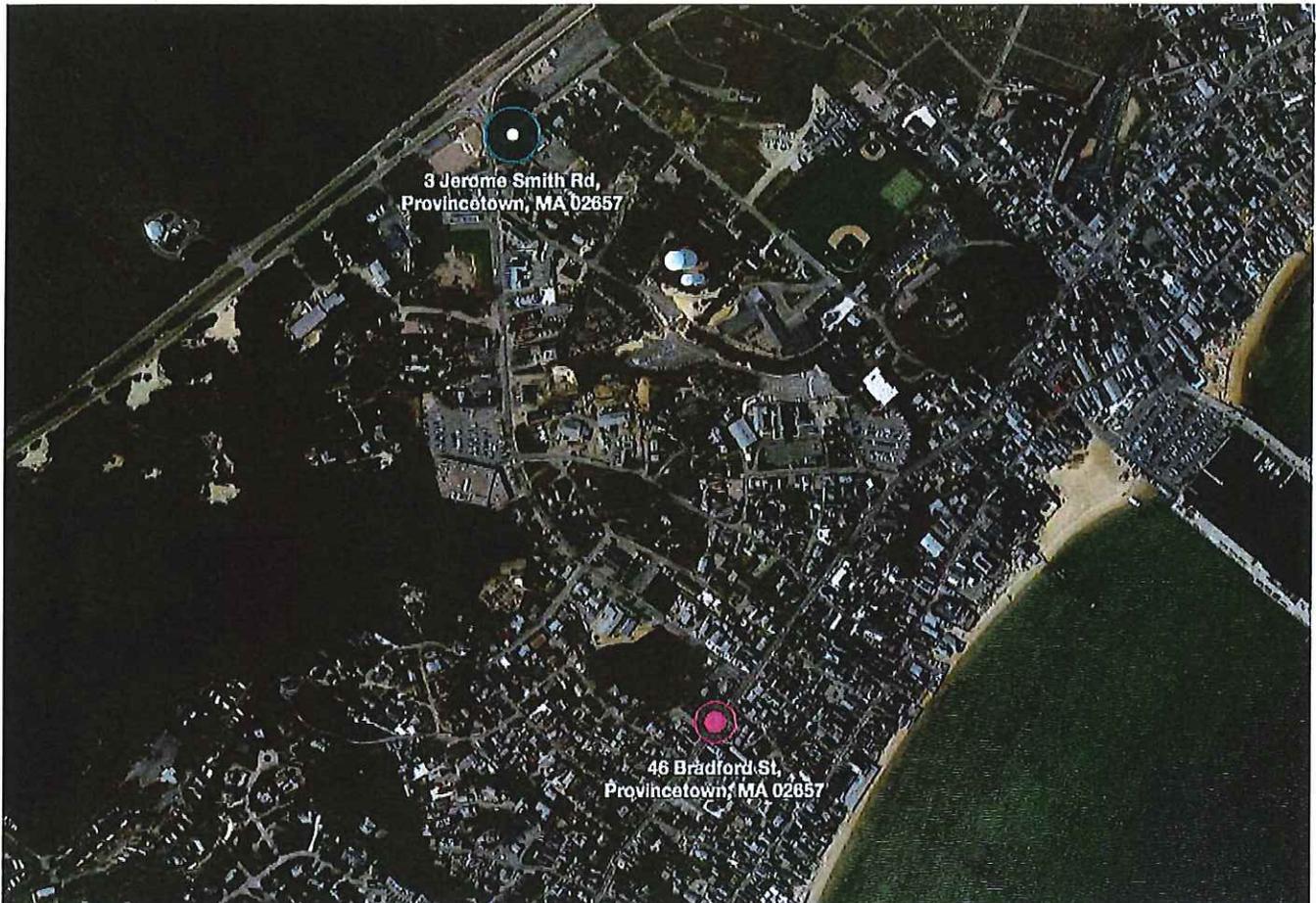
Chapter 4: Assets and Opportunities As Provincetown looks at ways of building affordable housing and creating a year-round economy, it has a number of strengths it can draw on, from strong community support and committed town leadership to a thriving arts community.

Chapter 5: Short-Term Recommendations and Next Steps There are a number of next steps and short-term solutions Provincetown can explore, from making its Housing Playbook more accessible to the public to pursuing housing development on town-

owned sites.

Chapter 6: Longer-Term Recommendations

Provincetown should explore ideas for attracting year-round businesses, such as educational institutions, while also looking at additional zoning changes to encourage new housing development.



Aerial of study site marked with locations of two town-owned parcels.

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ULI and the TAP Process

Urban Land Institute (ULI)

The Urban Land Institute is a 501(c)(3) nonprofit research and education organization supported by its members. Founded in 1936, the institute now has nearly 40,000 members worldwide representing the entire spectrum of land use and real estate development disciplines, working in private enterprise and public service, including developers, architects, planners, lawyers, bankers, and economic development professionals, among others.

As the preeminent, multidisciplinary real estate forum, ULI facilitates the open exchange of ideas, information, and experience among local, national, and international industry leaders and policy makers dedicated to creating better places. The mission of the Urban Land Institute is to provide leadership in the responsible use of land and to help sustain and create thriving communities. The Boston/New England District Council serves the six New England states and has over 1,300 members.

Technical Assistance Panels (TAPs)

The ULI Boston/New England Real Estate Advisory Committee convenes Technical Assistance Panels (TAPs) at the request of public officials and local stakeholders of communities and nonprofit organizations facing complex land use challenges who benefit from planning and development professionals providing pro bono recommendations. At the TAP, a group of diverse professionals specially assembled with expertise in the issues posed typically spends one to two days visiting and analyzing existing conditions, identifying specific planning and development issues, and formulating realistic and actionable recommendations to move initiatives forward in a way consistent with the applicant's goals and objectives.

MassDevelopment Support

MassDevelopment is the state's economic

A ULI Boston/New England Technical Assistance Panel

development and finance authority. The authority works closely with state, local and federal officials to boost housing and create jobs. With the power to act as both a lender and developer, MassDevelopment also works to fill in gaps in infrastructure, transportation, energy and other areas that may be holding back economic growth. MassDevelopment has worked with ULI since 2011 to help sponsor and support the TAP process in cities and towns across the Commonwealth. support the TAP process in cities and towns across the Commonwealth.

The Panel

ULI Boston/New England convened a volunteer panel of experts to examine the challenges and opportunities facing Provincetown.

Co-Chairs

Susan Connelly, Director of Community Housing Initiatives
Massachusetts Housing Partnership
Boston, MA

Ryan Pace, Partner
Anderson & Krieger
Cambridge, MA

Panelists

Fran DeCoste, Chief Operating Officer
TR Advisors
Boston, MA

Michael Lozano, Senior Project Manager
The Community Builders
Boston, MA

Scott Pollack, Principal
Arrowstreet
Boston, MA

Rob Shearer, Associate
DiMella Shaffer

MassDevelopment Staff

Anthony Fracasso, SVP of Housing Finance
MassDevelopment
Boston, MA

ULI Boston/New England Staff

Michelle Landers
Executive Director

Ileana Tauscher
Associate

Report Writer

Scott Van Voorhis
Natick, MA

Panelists have donated their time.

Stakeholders

Rob Anderson, Business Owner, P365
Mary-Jo Avellar, Town Moderator
Jay Colburn, Executive Director, Community
Development Partnership, and Town of Truro Board of
Selectmen member
Candy Collins-Boden, Executive Director,
Provincetown Chamber of Commerce
Sally Deane, Executive Director, Outer Cape Health
Services
Paul deRuyter, Owner/Developer, Coastal Acres
Campground
Patrick Flaherty, George's Path Association
Maggi Flanagan, Program Director, Homeless
Prevention Council
David Garten, Provincetown 365
Mark Hatch, Chair, Provincetown Finance Committee
Martha Hevenor, Planner, Cape Cod Commission
Steve Katsurinis, Business Owner, member of various
Town boards
Anne LeGasse, Owner/Developer, Provincetown
Marina
Chuck LeGasse, Owner/Developer, Provincetown
Marina
Bruce MacGregor, Owner/Developer, Coastal Acres
Campground
Ted Malone, President, Community Housing
Resource

Sheila McGuinness, Seashore Point
Bob O'Malley, Realtor
Sarah Peake, MA State Representative
Robin Reid, Attorney
Loic Rossignon, Business Owner, P365
Bob Sanborn, Business Owner
Gordon Seigel
Beth Singer, School Superintendent
Louise Venden, Member of Finance Committee
Chris Wise, Owner/Developer, 350 Bradford Street
Erik Yingling, Provincetown Board of Selectmen

TAP Process

The Provincetown TAP met June 8-9 at the Harborview Hotel in Provincetown. TAP members took a bus tour of the town on the afternoon of June 8, driving by or stopping at potential housing development sites, including the VFW site and the old community center. That evening, the panel met town residents and business owners at a reception downtown at the Harbor Lounge. The TAP reconvened the following morning, conducting interviews with residents, business owners and town officials. Following a working lunch, panel members spent the afternoon drafting a series of observations and recommendations. The TAP panel then made a presentation to town officials and the public that evening at Town Hall, followed by a question-and-answer session.

Background and History

Provincetown has reinvented itself more than a few times in its long history, which dates to 1620, when it became the first, albeit fleeting, stop for the Pilgrims. Originally part of Truro, Provincetown was incorporated in 1727. By the mid-19th century, it was one of the richest towns in America, flooded with wealth from the lucrative whaling industry and active fishing port. The discovery of oil in Pennsylvania in 1859 and the rise of kerosene led to a slow but steady decline in the whaling business.

By the early 20th century, Provincetown was well on its way to reinventing itself once again. While the town's fishing fleet continued to thrive, Provincetown became a destination for tourists and magnets for writers and artists of all types. Over the 20th century, Eugene O'Neill, Tennessee Williams, Norman Mailer, among many others, made Provincetown their home at one point or another in their careers. Provincetown also began to attract gay and lesbian vacationers and residents as early as the 1920s and 30s and by the 1970s had become known as an international mecca for the LGBT community. The town also retained much of its original character as well, with an active fishing community of Portuguese descent.

Provincetown today faces a new set of challenges. The town's year-round population has dropped, even as it balloons in the summertime. Once a year-round community, Provincetown is increasingly seasonal, with restaurants and other businesses shutting down during the off-season. The conversion of hotels, homes and apartments into vacation properties - earning far more in a few weeks during the height of the summer season than a 12-month rental would - has helped fuel this trend. Faced with a shrinking year-round housing market, middle and working class residents who staff the shops, restaurants and other businesses, have voted with their feet, moving to neighboring communities or off Cape altogether.

Provincetown now finds itself at another turning point. The town's civic and business leaders and an increasing number of residents recognize the threat the town's housing crisis poses to its long-term health

and viability. There is growing interest in spurring the development of affordable, year-round housing and badly needed seasonal housing for summer.

Objectives and Questions for Study

The Town of Provincetown's TAP submission problem summary, repeated below, describes a real estate challenge faced by many seasonal communities across the country. This study attempts to bring an additional perspective to the problem and the three proposed questions, while recognizing that Provincetown is truly unique amongst seasonal communities. It is not just unique because of its location on the 'very tip of Cape Cod', it is unique amongst many seasonal communities because of the commitment of the year-round community to Provincetown, existing economic opportunities to create year-round interest in Provincetown, and the amount of resources, outreach and focus the Town has invested over the years to promote more affordable housing production.

Although the Town's TAP proposal did not specifically ask the ULI Panel to address the community's economic assets and opportunities, the relationship between affordable and workforce housing and the Town's economy are so entwined, the panel has included some observations about potential growth of Provincetown's year-round economy. Providing housing is key to unlocking this potential.

We have also included highlights from our interviews and conversations with community members. All of the panel participants were moved by the level of commitment and concern residents have for their community, and were grateful to the people who took the time to share their experiences, ideas and concerns.

The Town of Provincetown's problem statement:

The severe shortage of year-round rental housing in the Town is a serious public emergency that threatens

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

The panel was asked three questions:

1. What are the next steps in refining the Provincetown Housing Playbook to identify effective tools to create new housing opportunities within the community?

The Housing Playbook is a complete summary of the Town's affordable housing efforts to date, parameters of the persistent housing challenges, and tools and funding to address these challenges.

2. How may the Town develop an effective strategy for the implementation and administration of the Provincetown Year-Round Rental Housing Trust (YRRHT)?

The Town has filed special legislation to allow the Trust to support the creation of housing for a wider range of incomes than allowed under the state's Municipal Affordable Housing Trust Fund Law (MGL c.44s.55C).

3. How may the Town take advantage of two existing real estate assets to produce a housing development plan to address the critical housing needs of the community?

The Town owns two sites: the Community Center at 46 Bradford Street and the VFW site at 3 Jerome Smith Road.



Aerial of former VFW site at 3 Jerome Smith Rd.

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Challenges

Loss of Year-Round Population

Provincetown is fighting to maintain its viability as a vibrant, year-round community amid some powerful trends that threaten to reshape it into an exclusive summer resort. Housing prices have more than doubled in the last 11 years, with the median price jumping to \$1.3 million during the first four months of 2016 compared to \$625,000 during the same period in 2005, according to The Warren Group, publisher of Banker & Tradesman. Higher prices, in turn, have weighed heavily on middle and lower-income families that have traditionally been the backbone of the year-round workforce, compelling many to leave. Provincetown's year-round population fell more than 17 percent from 2000 to 2010, dropping to 2,642 from nearly 3,200 at the turn of the century. The number of restaurants and other businesses open through the year has fallen off, while school enrollment has shrunk.

Housing, Local Economy Joined at Hip

At the heart of Provincetown's steady decline in population are two intertwined issues: (a) the cost of housing in Provincetown has become prohibitive for middle-class professionals, let alone blue collar workers (one fifty-something waitress told panelists at a reception downtown that after years of working three jobs and constantly being on the verge of homelessness, she was seriously considering leaving town and moving to Northern New England); and (b) businesses, in turn, cannot stay open because there are not enough year-round residents as customers, nor are there enough workers in the off-season. Without viable year-round housing, the year-round economy suffers and vice versa. One benefit of this link, however, is that increases in year-round housing should lead to increases in year-round economic activity. Town leaders recognize this; they also understand that because of the limit of available land that there has to be a focus on creating deed-restricted housing. Moreover, because the housing market is so skewed, the town needs the flexibility to create affordable, deed-restricted housing for those

with relatively higher-than-average median incomes who now also find themselves unable to afford to rent or buy in Provincetown. The Panel agrees with this assessment. If the town's downward housing and jobs spiral can be reversed, even if just slightly, it can be turned into an upward spiral that would result in a more vibrant year-round economy for all.

Seasonal Workforce Housing Needs

Provincetown increasingly has a one-season economy. The town's population swells to as many as 60,000 people during the summertime compared to 2,642 in wintertime. The town is almost wholly reliant on foreign workers on H-2B visas to keep its restaurants, bars, pubs, and shops open during the high season. This was certainly evident this summer when a delay by the federal government in processing visa applications meant some businesses on the Cape, including the Lobster Pot in Provincetown, had to delay opening or operated with skeleton crews this spring.

Panelists heard in many interviews and conversations that when a business is hiring for both year-round and season, one of the first questions they often ask is, "do you have housing?"

Communication

Faced with the housing challenges described above, town leaders have struggled to educate voters on affordable and workforce housing and to forge a consensus around possible solutions. However, these efforts have been undermined by inaccurate and skewed information on social media and a lack of trust about information coming from town hall. While Provincetown is covered by two local newspapers, local commentary on social media has emerged as a major source of information - at times misinformation and rumor - for a growing segment of the public. In addition, NIMBY-ism is also an issue, with some Provincetown residents arguing during the interview process that affordable housing should be pushed up

Cape.

This challenge is not unique to Provincetown town hall. Not many communities have the resources to be consistently providing data and research to support (or sometimes defend) its actions and/or to be clarifying misinformation. Town hall employees are also responding to the requests and concerns of elected officials.

All municipalities experience turnover or newly elected leaders, so pressures and concerns can change and momentum can be lost as a strategic approach that was once supported no longer is, causing staff to have to start again.

Still, there is a level of misinformation in the community that could make any feasible efforts to solve the town's housing challenges fail.

There is a need for a consistent and transparent communication strategy on the part of the town. We heard from numerous people that they want to be supportive and helpful to the Town's efforts. Creating partnerships between town hall and community members and gaining trust is key to a successful strategy.

Potential Loss of Preferential Treatment under Chapter 40B

Provincetown has relied on the preferential zoning treatment and consolidated permitting granted to developers under the state's Chapter 40B law to get new affordable housing built. But the town is nearing the point where 1.5 percent of its land is used for affordable housing. Once that threshold is reached, the preferential zoning treatment granted to affordable housing developments under 40B (as distinguished from consolidated permitting under 40B) will no longer automatically be applicable in Provincetown. This uncertainty is a major obstacle for developers who wish to build affordable and workforce housing developments and who may fear starting the permitting approval process for a project only to lose the preferential treatment to which a 40B development would have been entitled before Provincetown reached the 1.5 percent threshold.

Town officials need to determine when Provincetown might reach that threshold, if it hasn't already, to provide clarity to developers interested in building affordable housing.

Permitting and Infrastructure

Provincetown also has some significant permitting and infrastructure issues to deal with. The town now allows homeowners to add in-law apartments, but the process is criticized as overly complicated and that some of the requirements may not be reasonable given the scope of opportunities. It is important to note though that a number of people interviewed expressed interest in adding to their own properties if the zoning was amended.

New growth in Provincetown – whether it's commercial or residential – must also take into account limits in the town's water and sewer capacity, which, in turn, are reflected in the permitting process. The panel recognizes that this is a challenge, but also heard that there are viable solutions.

Transportation Issues

As housing grows ever more expensive in Provincetown, seasonal and year-round workers are looking to other Cape towns for housing. But commuting to work in Provincetown is no easy task, especially if you are a seasonal worker without a car. CCRT, the regional bus system servicing the Outer Cape, has a sporadic schedule that is not beneficial for workers. This lack of frequent and reliable public transportation makes it difficult for Provincetown and other Outer Cape towns to band together to provide regional housing solutions. While expanding the search for housing sites beyond Provincetown would certainly increase the number of possibilities - barring some creative alternatives, such as van share, bike share or zip car - the lack of transportation essentially cancels many of these out.

Assets and Opportunities

Provincetown's biggest asset is that it's Provincetown, a one-of-a-kind, internationally known destination for tourists, artists, the LGBT community and beyond. People are drawn to Provincetown from across the world for its spectacular physical beauty, vibrant community, world class arts scene, and wide array of restaurants and shops. Provincetown has considerable strengths to build on as it explores ways to add affordable and workforce housing and bolster year-round community and commercial activity.

Some Developable Sites

While available land for new housing production can be hard to come by, there are a handful of town-owned sites as well as a few privately-owned sites that could be used for new housing and other development. Provincetown also benefits from a commitment on the part of town government and community leaders to attempt to tackle some of the key challenges the town faces, particularly in housing. The town is also fortunate to have a proactive business community that is attempting to address some of these issues as well.

Thriving Arts Community

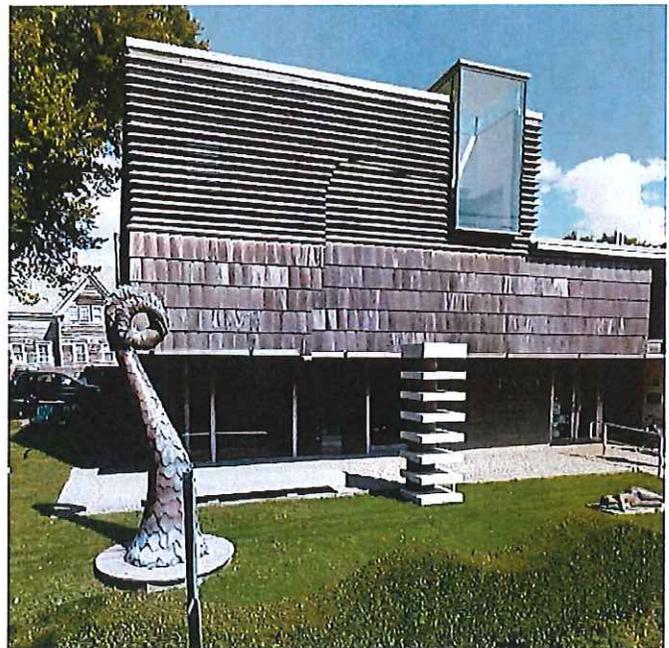
Provincetown has an arts community that most resort towns – and even fair-sized cities – would envy. Provincetown Art Association and Museum – affectionately known as PAAM – is the center of Provincetown's arts community. Launched in 1914 to provide a showcase for the work of artists on the Outer Cape, PAAM recently celebrated its 100th anniversary. It is the most visited museum on the Cape and holds a steady series of exhibitions, workshops and lectures throughout the year.

In addition to PAAM, Provincetown is home to the Fine Arts Work Center, a thriving nonprofit organization dedicated to "encouraging the growth and development of emerging visual artists and writers and to restoring the year-round vitality of the historic art colony of Provincetown." The Fine Arts

Work Center is flourishing, and interest currently outstrips capacity. That interest, if tapped, would bring more year-round visitor activity and residents to town.

Provincetown also boasts well more than 40 different galleries and museums, showcasing painting, photography, arts and crafts, tiles and other artistic mediums. The town is home to a thriving theater and cabaret scene as well.

As impressive as it is, Provincetown's arts community has the potential to be an even greater draw, particularly during the off-season, for art lovers, collectors, aspiring artists, art students, writers and even chefs.



Provincetown Arts Association and Museum.

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Center for Coastal Studies

The Center for Coastal Studies is expanding on Provincetown's waterfront as it pursues an ambitious goal of becoming the "leading center for coastal/marine science and education." The Center's research and education programs are focused on the "marine mammals of the western North Atlantic and on the coastal and marine habitats and resources of the Gulf of Maine." The Center has added staff in recent years, has an exciting new partnership with the University of Massachusetts Boston and is revamping its marine lab to include public meeting space and expanded exhibit areas. The Center has also added a large research vessel to its resources program.

Tourism

Tourism is a key economic driver for Provincetown. The town's population balloons to as many as 60,000 in the summertime, not counting the steady flow of vacationers and tourists coming in for a week, a weekend, or just the day.

That wide ranging interest can be seen in the number of hits the website of the town's tourism office receives – 15.65 million during the first ten months of 2015 alone.

Tourism, in turn, helps support dozens of restaurants, shops and galleries while playing a big role in financing town services as well. The room occupancy tax brought in nearly \$2 million in fiscal 2015, up from just over \$1.5 million in 2011.

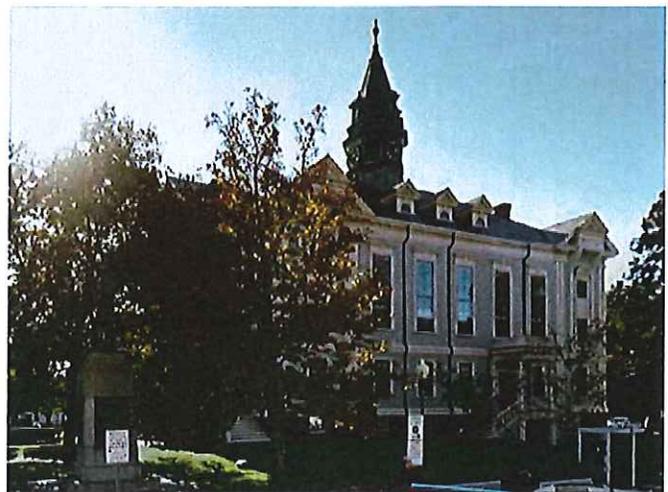
Meal tax revenue rose 5 percent in fiscal 2015 from the year before, to \$553,326. It has also increased substantially from 2011, when it was \$339,548. Parking revenue is also crucial, with the town taking in over \$2 million in fiscal 2015, up from just under \$1.6 million four years before.

But the long-term health of Provincetown's tourism sector may ultimately depend on whether the town can find ways to increase the amount of affordable housing – both seasonal and year round. The number of hotel rooms in Provincetown has dropped by

10 percent over the past few years as developers convert hotels and motels to condos or seasonal housing for workers.

Committed Town Leadership

Provincetown civic and business leadership has been exploring ways to ease the town's housing crunch and promote year-round commercial activity. There is an awareness of the interplay between housing and economic activity, with a lack of affordable housing creating a shortage of year-round workers for Provincetown restaurants, shops and galleries. The difficulty in addressing housing issues seems to be finding ways to build consensus around both the need for additional housing and what and where new housing should be built. Further complicating these decisions is the need for seasonal housing to support the more than 1,000 seasonal jobs necessary to support the summer economy.



Provincetown Town Hall.

Business Community Leadership

The housing shortage is a major issue for local businesses, who face the prospect of not having enough help during the crucial summer months if seasonal workers are unable to find a place to live. Businesses have stepped up to buy buildings around town for conversion into temporary housing,

demonstrating a willingness to participate in finding solutions to this significant problem.

Committed Residents

Panelists heard time and time again that residents are uniquely and deeply committed to Provincetown. Many people who live in Provincetown make a deliberate decision to move there, rather than just casually putting down roots. They come to the town because of its special qualities and offerings, and they generally want to see it succeed. One resident explained that he and his partner spent months deciding where to relocate to from New York City. They created spreadsheets with all of the qualities that they were looking for in the location for their new home, they crunched data and Provincetown came out on top. He stated that he wants the town to flourish, and that he wants to help with that goal now that he has committed to make it his home. Another resident, who is a key business owner, explained that Provincetown truly is a special place for him and the gay, lesbian and transgender community. He lives in Provincetown because it is the only place that he has

ever visited where he can be comfortable being who he is, without reservation. This type of dedication and commitment to a town is rare, and it is a special resource that could help to solve the housing challenges in town if it is channeled correctly.

Fisherman's Wharf Revival

There is justifiable excitement over the development plans put forth by the new owners of Fisherman's Wharf. Developer Chuck Lagasse is expanding the wharf so that it can accommodate a range of boats up to large yachts, while also building a pair of two-bedroom apartments for employees. The redevelopment is expected to create 25 to 30 jobs. There are also plans for a 10-foot-wide harbor walkway to connect the pier with downtown.

Aquaculture

There is the potential to expand aquaculture in Provincetown, with shellfishing growing in Provincetown, Wellfleet and Truro.

Short-Term Recommendations and Next Steps

Provincetown faces some significant challenges when it comes to its severe shortage of affordable and workforce housing and its shrinking, year-round workforce. However, as Provincetown looks to grapple with its increasingly urgent housing crisis, it may not have the luxury of waiting until all new zoning plans or larger strategic property plans are in place before taking action. The danger is letting the perfect get in the way of the good. A key question related to each new housing proposal, zoning change or development should be, "Does this proposal, change or development move us closer to our goal of providing more housing for year-round residents and seasonal workers in the town?" If the answer to that question is "yes," the town should seriously consider moving ahead with the proposal, change or development, even if one particular proposal, change or development does not solve all the town's housing problems. Baby steps are productive, as long as they are steps in the right direction.

There are steps Provincetown's municipal leadership can take in relatively short order to improve the way new housing proposals are debated and vetted. For instance, the town can improve communication related to major projects and initiatives. A more deliberate communications strategy combined with an online platform for getting reliable information out to the public on new projects and proposal will help build consensus. There are also changes that could be made to the Housing Playbook to make this important and foundational document more accessible to the public.

In addition, there are more concrete steps Provincetown can take to help ease its housing crunch and ensure local businesses have the workers they need to thrive. Provincetown has an opportunity to start making a dent in its housing shortage with two significant town-owned properties, the VFW site and the old community center. There are also potential short-term measures the town, in conjunction with the business community, may want to consider to ease the housing crunch for seasonal workers.

Making Playbook More Accessible

The Provincetown Housing Playbook is an excellent start by the town to put in one place the problem, history, and resources; previous efforts; and the potential solutions to the town's housing challenges. It is a strong, initial communication approach. To quote:

This Housing Playbook begins our work on a more comprehensive approach. It's a roadmap that builds upon the existing data and the work (283 units so far) that has already been accomplished. It establishes a one stop reference for all the programs, efforts and financial sources and tools currently available. It takes into consideration new opportunities, public and private properties and new initiatives identified since the 2014 Housing Summit.

The Playbook gives the Town a great opportunity to share a comprehensive strategy with short- and long-term goals.

It's a very dense document. It would be worthwhile to create a more accessible electronic format where the different sections can be divided by tabs for easy access, with links to other sources of data and information that are updated regularly. Also, we would suggest that the complete action item section (for all housing goals) be at the front to track short- and long-term goals.

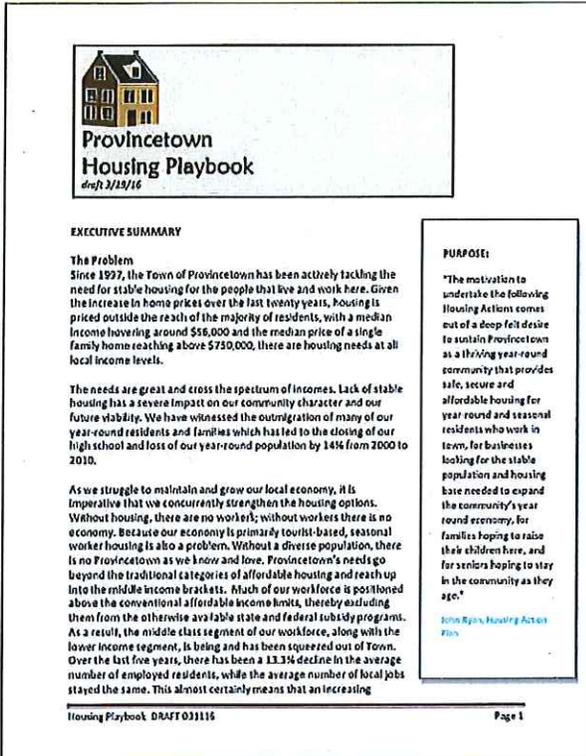
Specific action items to be included at the front of the Playbook include:

Short-term priorities:

- Disposition of the two town-owned sites to support affordable housing production
- Support for the evaluation of Provincetown Housing Authority property for expansion

- Passage of an inclusionary zoning by-law

officers, teachers, public works employees and the town clerk.



There was some discussion with community members that a possible action item for the Year-Round Rental Housing Trust would be to purchase housing on the market and hold it. This housing could then be rented out, generating income which could then fund further activity by the housing trust. At a surface level this does not appear to be the most effective use of funds and would have a very limited impact given the cost of housing. The housing trust public procurement requirements would also need to be taken into consideration and can be onerous when a municipal entity is managing a residential property. Any third-party management party would also be subject to MGL Ch. 30B since the requirement is triggered by the public status of the owner. With limited funds, the trust may have more success purchasing deed restrictions to preserve some rentals for year-round use. A third-party analysis, based on the economics of the community is recommended to help determine the best business plan for the Year-Round Rental Housing Trust.

The Provincetown Housing Playbook can be found online at <http://www.provincetown-ma.gov/>

Rethink Communications Strategy

Push Ahead with Housing Trust

The town's elected officials and professional staff should review the process under which major proposals – such as land purchases for housing – are presented to the general public. Proposals need to be thoroughly aired and questions and concerns need to be addressed in a variety of public forums – online and off – before a Town Meeting vote. In today's increasingly digital world, where people are getting information from a variety of sources, the town's municipal leadership can no longer rely primarily on traditional methods, such as public meetings and coverage in local newspapers, to do the job.

Town Meeting voters in 2015 approved plans to create a Year-Round Rental Housing Trust. Voters also agreed to seed it with an initial investment of \$1 million. The proposal is now pending at the State House, where it must be approved in order to take effect. The housing trust is designed to provide support for middle-income renters without regard to income, but targeted for households between 80 and 200 percent of area median income. Currently most subsidy programs top out at 80 percent AMI. A number of town employees currently fall through the cracks, making too much money to qualify for affordable housing programs but not earning enough to pay for an apartment in the super-heated Provincetown rental market where seasonal rentals bring in the biggest profits. These include patrol

The town manager's radio show is one method of reaching out to an expanded audience outside of the traditional meeting and newspaper approaches. The town should also explore ways to share information about major projects online. One possibility is a platform called coUrbanize, where local officials and developers can share information and answer questions about new projects and initiatives. The website's mission is to fill the void in

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public information about projects in an age when most people have difficulty attending the myriad government hearings and meetings where key details are hashed out.

Ongoing Public Education

There also needs to be an ongoing effort, maybe through workshops and forums, to remind the public of the close relationship between housing availability and the health of the local economy. Town leaders must make clear that confronting the housing challenge requires community support for a long-term effort and town leaders should make an effort to build on the community support that was clearly evident during the panel's meetings and discussions with residents. Identifying and fostering community partners is also important. For some communities these are business chambers, religious organizations, and different advocacy groups. The goal is to include groups that recognize community housing needs as part of their agenda and to encourage their input on potential strategies and opportunities.

Move Ahead with Housing on Town-Owned Sites

Provincetown is densely developed, and that is one of its many charms. The downside is that buildable lots are hard to come by, but the panel was actually surprised by the amount of opportunities that exist for additional development. The town has the opportunity to begin to address some of its housing needs on two sites, the former VFW hall and parking lot at 3 Jerome Smith Road and the town's old community center at 46 Bradford Street.

Provincetown voters agreed to acquire the VFW site for \$900,000 in October, 2013. In one scenario sketched out by the TAP panel, 29 Provincetown-style, two-bedroom cottages could be built on the VFW site. The cottages, in turn, could provide housing for 54 seasonal workers. The new housing, including land costs, weighs in at roughly \$120,000 to \$150,000 per "cottage." These would be less expensive, modular micro-units.

The town has owned the community center since it

acquired the property for \$125 in 1892, and there is the potential for new construction at the community center site as well. A new, two-story workforce housing apartment building might include 16 rental units at a cost to build of \$275,000 each.

The town should seriously consider combining the two sites as part of a single RFP package. This would create an economy of scale, and the TAP panel was told that this would make the development effort more attractive to developers. Combined, as many as three or four dozen housing units could be built on the two properties.

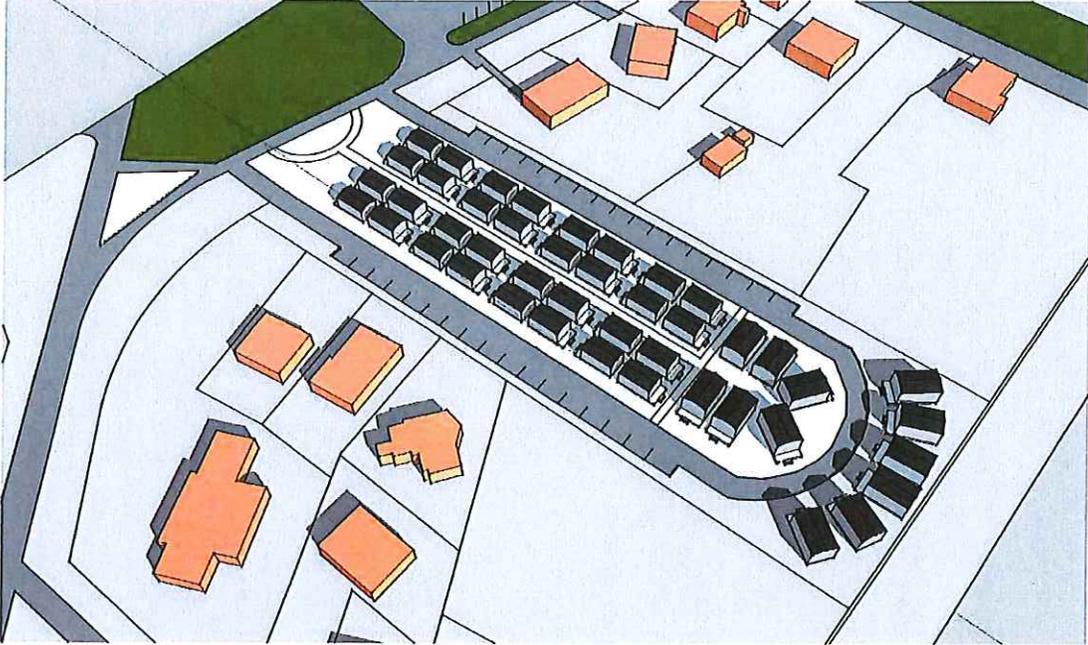
See proposed schematics on the next page.

Seasonal Workforce Housing

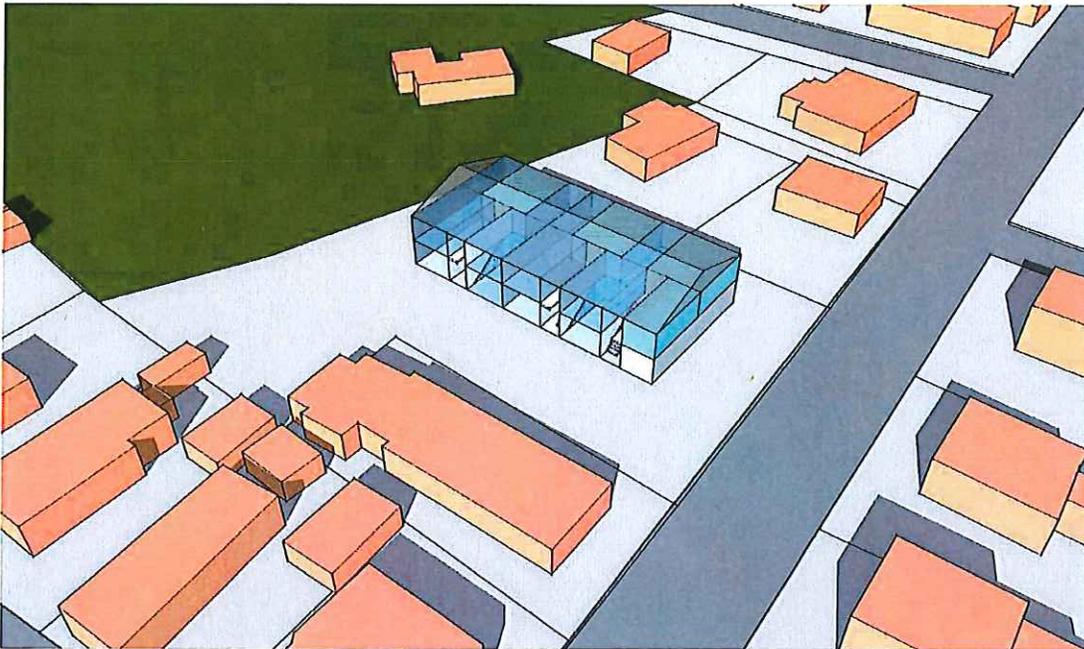
It will take time to build sufficient numbers of new, year-round apartments and homes. However, there are some steps town officials and local businesses can take relatively quickly to address the housing needs of seasonal workers. Faced with housing challenges, a number of Provincetown businesses have taken the initiative to provide housing for their seasonal workers by buying old homes and guest houses and housing workers at these sites. Provincetown officials should work closely with local businesses as they seek housing for their summer workers, encouraging solutions that work for both the businesses and the town. That might include assisting businesses that wish to team up on a larger project that could provide housing at one or two central locations for workers at a number of local establishments. The town might also consider licensing some parking lots to local businesses who want to bring modular micro-units or other forms of quick temporary housing to address immediate needs.

Inclusionary Zoning By-Law

The town should try again to present an inclusionary zoning by-law at town meeting. Inclusionary zoning, particularly in home ownership developments, may be one of the most effective ways to address the community housing needs. Requiring deed-restricted for-sale housing at 120% or 150% of AMI would have



A schematic of the VFW site sketched out by panelists showing Provincetown-style two-bedroom cottages. These would be less expensive, modular micro-units.



A schematic of the Community Center site sketched out by panelists showing a potential for new construction. A two-story workforce housing apartment building might include 16 rental units at a cost to build of \$275,000 each.

less of a fiscal impact on a project's economics so it would be more tolerable to developers and may work better with smaller scale developments. It also allows the town to focus using public funds towards standard levels of affordability (less than 100% AMI).

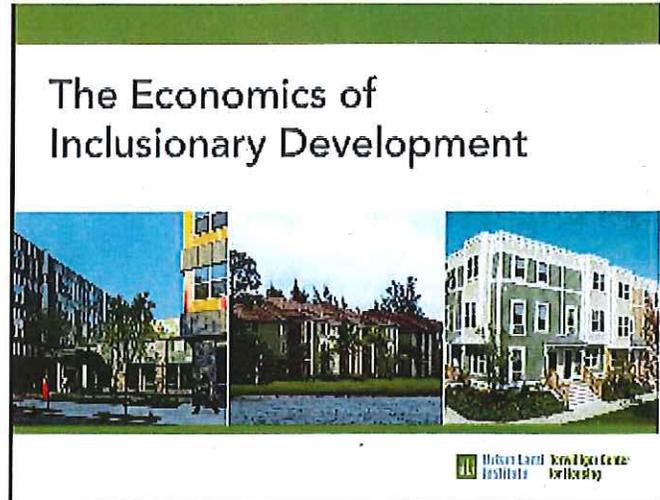
There are consultants that provide fiscal impact analyses of inclusionary zoning who can help structure a zoning by-law that is feasible and doesn't create loop holes for developers. There are also great resources that provide examples and good data about the long-term successes of inclusionary zoning that can help inform the community outreach to support this effort.

The ULI Terwilliger Center for Housing recently published *The Economics of Inclusionary Zoning* (uli.org).

The Lincoln Institute of Land Policy published a report last year on inclusionary zoning:

Through a review of the literature and case studies, this report details how local governments are realizing the potential of inclusionary housing by building public support, using data to inform program design, establishing reasonable expectations for developers, and ensuring long-term program quality.

Inclusionary housing is likely to play a more significant role in our national housing strategy in the coming decade. Faced with declining federal and state resources for affordable housing and growing populations, communities need to take full advantage of every potential tool. The evidence summarized here suggests that inclusionary housing programs produce a modest yet steady supply of new affordable housing resources. Because programs generally preserve long-term affordability, the pool of local inclusionary units can grow steadily into a significant share of an area's housing stock.



ULI Terwilliger Center for Housing's new report, *The Economics of Inclusionary Zoning*, can be found online at uli.org.

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Longer-Term Recommendations

Potential for Expanding Year-Round Economy

As its year-round population has dropped, Provincetown has also suffered from decline in the number of businesses open throughout the year as well. But of any community on the Cape, Provincetown may be uniquely equipped to rebuild a local economy that stays active throughout the year. In particular, Provincetown, with its impressive arts community, is well positioned to become a campus during the winter and spring months for aspiring artists, writers, filmmakers and other creative types. A similar idea was explored 15 years ago, but the timing now may be riper now for such an endeavor. Interest in the Fine Arts Work Center, for example, is outstripping its capacity.

The Center for Coastal Studies partnership with the University of Massachusetts Boston could provide yet another template for future endeavors.

Land Use Master Plan and Corresponding Zoning Changes

The panel is aware that the best solution is the most difficult one to accomplish. A master plan for the community, identifying parcels for housing development and increased density would create predictability and avoid a parcel-by-parcel approach to creating a long-term solution for housing needs. It would also help with the planning and management of infrastructure, in particular, water. The town could also create design guidelines to address aesthetic concerns that the community has about new development.

If this does not seem feasible, Provincetown may also want to consider creating a zoning overlay district to help spur new development in prime areas, such as the two town-owned properties that it is currently considering options for. The zoning overlay can function on top of all or a large portion of the underlying zoning in the town, and it can benefit any project/property that meets specified development

criteria. This would allow the town to seek a greater percentage of affordable and workforce housing units in a project in exchange for allowing the developer to create more density, such as by adding more apartments. A zoning overlay district would also allow the town the opportunity to craft guidelines to spell out clearly what it wants and does not want with new development in the new district. This thoughtful and proactive approach to new development should encourage new private and public proposals that were previously not considered. It should also provide developers, worried about the possibility Provincetown may soon no longer fall under 40B regulations, with certainty about the rules of the road that will enable them to move forward with new projects.

Other Zoning Items

Accessory Dwelling Unit - Assess why the accessory dwelling unit zoning hasn't produced more units. The Panel heard from a number of residents that the rules didn't reflect the physical realities of many potential opportunities and that the process was cumbersome. Now that the rules have been on the books for a while it could be a good moment to assess if there's an opportunity to relay the rules and streamline the accessory dwelling unit approval process.

Artist Live/Work Space - A number of artists are now living in their gallery space, something quite common in other arts centers, such as Boston's Fort Point neighborhood. However, since it is not an allowed use under the town's zoning rules, these key contributors to the town's vital arts scene are not able to convert part of their gallery space for residential living. The town should consider making artists live/work an acceptable use under its zoning code.

Mixed-Use - Assess the opportunity for upper floors of commercial buildings to be converted into new apartments.

Permitting

The town should consider the designation of a single point of contact for new housing developments.

This person would help to facilitate the permitting process for developers who wish to build housing in Provincetown. While developers say that many town officials are helpful and accommodating with respect to permitting requests, a single point of contact will provide a clear chain of communication and accountability that should result in even better communication between developers and town officials.

The town should also consider the creation of an expedited permitting process for housing developments that will provide affordable and workforce housing as well as seasonal worker housing. In the development world, time is money, and an expedited permitting process should encourage more developers to look hard at creating new housing stock in Provincetown.

Think Regionally

Provincetown and other Outer Cape communities to varying degrees share similar challenges. All face shortages of both seasonal and year-round workers amid years of steadily increasing real estate prices and a rental market in which seasonable demand trumps all. Through regional collaboration, Provincetown and its neighbors may be able to identify more and larger sites for new seasonal and year-round housing than they would otherwise. The Outer Cape towns also confront similar transportation challenges as well. A regional effort could help towns bring greater resources to bear on the issue. While expanding the existing bus service may not be realistic, there may be ways to creatively use services such as Van Share, Zip Car and Bike Share to achieve the same goals.

Expand Financing Sources

Provincetown is fortunate to have the Community Preservation Act, and have funding to launch the year-round market rate rental housing trust, when

approved. There is also the potential for a significant boost should the Legislature at some point approve long-standing home-rule petitions that would enable Provincetown to extend the hotel room tax to short-term rentals.

Conclusion

Provincetown is uniquely positioned to address its housing and year-round economic challenges. The town has a thriving arts community and budding aquaculture sector that could be leveraged to attract new investment and more year-around jobs. The town, through public purchases of land and changes in ownership in key privately-owned sites, has a number of potential development sites to work with as well as it looks to spur construction of additional affordable housing. Crucially, there is a growing consensus among town officials and residents as well that Provincetown's dearth of affordable housing is a keystone issue, one that threatens the very viability of the town's thriving tourism sector and the ability to maintain a vibrant, year-round economy.

However, in order to meet its goals, Provincetown's elected leaders and municipal officials will need to rethink the process of winning approval for major

housing proposals. That means finding ways to more effectively communicate major new initiatives and what's at stake for the town as well as building public support and consensus before a make-or-break Town Meeting vote. Yet that said, these are challenges municipal leaders are grappling with everywhere now and certainly not unique to Provincetown. As it moves forward with plans to deal with its growing affordability problem, Provincetown can count on some significant advantages as well, from dedicated local leadership to a committed citizenry. And that only bodes well for the town's efforts to ensure it has the housing it needs to continue to thrive and prosper for years to come.

HA



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

5A

BOARD OF SELECTMEN APPOINTMENT

Provincetown Representative to the Barnstable County Human Rights Commission

Requested by: Town Manager David B. Panagore

Action Sought: **Approval**

Proposed Motion(s)

Move that the Board of Selectmen vote to approve the appointment of Brenda Haywood, as Provincetown's Representative to the Barnstable County Human Rights Commission.

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>



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: REV. BRENDA L. HAYWOOD
Please type or print

Resident Address: 21 A BANGS STR. Provincetown, MA 02657

Mailing Address (if different): _____

Telephone #: 508. 487. 7923 Work # (508) 487-9344

Email address: brendalhaywood@yahoo.com

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

1. BARNSTABLE COUNTY HUMAN RIGHTS COMMISSION: TOWN REPRESENTATIVE
- _____
- _____

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

experience and background,, WORKING WITHIN VARIOUS HUMAN RIGHTS FORMATS: SOCIAL / RACIAL JUSTICE,, CURRENTLY COMMUNITY MINISTRY AND CHAIR, RACIAL JUSTICE PROVINCETOWN GRP. WITH COMMUNITY PARTNERSHIPS: WITHIN PTOWN. IB-WORLD SCH.; POLICE DEPART.; NAACP,, PTOWN. PUBLIC LIBRARY, BCHRC.

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

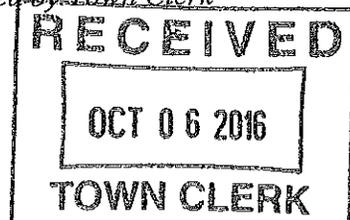
Rev. Brenda L. Haywood October 6, 2016
Signature of Applicant Date

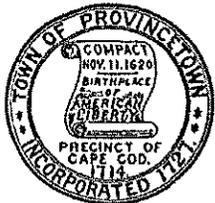
TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

Town Clerk Certification Applicant is a registered voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>D. Schastone</u> Name of Town Clerk	This application will remain on file in the Town Clerk's Office for 364 days from the date received. Application Termination Date: <u>10/6/17</u>
---	--

Date Received by Board of Selectmen

Date Received by Town Clerk





Board of Selectmen

Public Notice

Human Rights Commission Representative

The Provincetown Board of Selectmen is seeking applicants to serve as a Human Rights Commission Representative for the Town of Provincetown. Barnstable County Department of Human Services (BCHRC) is responsible for investigating complaints from the residents of the county who feel they have been discriminated against in housing, employment, health care, education or public accommodation. Applicants will need to be able to attend monthly meetings up Cape. Applications can be obtained in the Town Clerk's Office, 260 Commercial Street, Provincetown, MA 02657 and must be returned to that office by no later than 12 noon on Tuesday, October 18, 2016. You may go to the Barnstable County Department of Human Services web page at www.barnstablecounty.org for a detailed overview of the Commission's work.

Raphael W. Richter
Chairman, Board of Selectmen



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

6A

PARKING POLICY

For School Events

Requested by: Chairman Raphael Richter

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

6B

Wednesday, October 26, 2016

NON-BINDING RESOLUTION

Aid-in-Dying

Requested by: Compassion & Choices Volunteer David Garten

Action sought: Discussion/Approval

Proposed Motion(s)

Move that the Board of Selectmen vote to approve the Non-Binding Resolution for the Town of Provincetown on Aid-in-Dying [as presented] [as revised].

Additional Information

See attached drafted Non-Binding Resolution and fact sheet.

Board Action

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



Non-Binding Resolution

WHEREAS, all people are by nature free and independent and have inalienable rights; and

WHEREAS, advances in science and technology have created medical interventions that often prolong the dying process and increase suffering; and

WHEREAS, "aid in dying" describes a medical practice defined by established standards of care, which enables a mentally capable, terminally ill adult to obtain a prescription for medication, which the patient may choose to self-administer, in the face of unbearable suffering, to advance the time of an approaching death; and

WHEREAS, absent the availability of aid in dying, patients and loved ones in Massachusetts have become so desperate to relieve suffering caused by terminal illness that they turn to drastic means; and

WHEREAS, many find comfort and peace of mind in having access to options at the end of life, including aid in dying, even if they do not exercise those options; and

WHEREAS, 78% of Provincetown voters voted in favor of the 2012 Ballot Initiative authorizing aid in dying; and

WHEREAS, a 2014 public opinion poll by Purple Strategies found 70% of Massachusetts registered voters agree with the statement: The decision of a terminally ill adult to end their own life should be a private decision between the patient, their family, their faith, and their own doctor; and

WHEREAS, five states (Oregon, Washington, Montana, Vermont and California) now affirmatively authorize the medical practice of aid in dying, enabling terminally ill, mentally capable adult residents to receive a prescription for life-ending medication from their doctor; and

WHEREAS, aid in dying is only available to those terminally ill, mentally capable adults who have a prognosis of six months or less to live, as determined by their doctor and confirmed by a second medical doctor; and

WHEREAS, nineteen years of transparent reporting and study of aid-in-dying practice in Oregon demonstrates the utility and safety of the practice in upholding a patient's right to self-determination; and

WHEREAS, the nearly two decades of implementation in Oregon data shows "no evidence of heightened risk for the elderly, women, the uninsured, people with low educational status, the poor; the physically disabled or chronically ill, minors, people with psychiatric illnesses including depression; or racial or ethnic minorities;" and

WHEREAS, many people find significant relief in the legal right and medical means of control in bringing an end to the suffering caused by their terminal illness, and only a small minority of the adults who request a prescription for life-ending oral medication actually receive and use it; and

WHEREAS, well-respected health and medical organizations recognize aid in dying as a legitimate, necessary end-of-life option for eligible adults facing an imminent death from a terminal illness, including The American Public Health Association, The American Medical Women's Association, The American Medical Student Association, The American Academy of Legal Medicine, The Gay and Lesbian Medical Association; and

WHEREAS, the Board of Selectmen of the Town of Provincetown recognizes that the choices a person makes at the end of life are inalienably grounded in that individual person's life experience and values; and

WHEREAS, the Board of Selectman of the Town of Provincetown perceives that the Commonwealth of Massachusetts statute on "assisted suicide" does not encompass the rational judgment of a psychologically healthy, terminally ill individual facing end-of-life suffering, who asks his or her physician for the means to die in a humane and dignified manner;

THEREFORE BE IT NOW RESOLVED, that the Board of Selectmen of the Town of Provincetown respects the diversity of perspectives on end-of-life decisions; and

THEREFORE BE IT RESOLVED, that the Board of Selectmen of the Town of Provincetown supports equal protection within the diversity of perspectives on end-of-life decisions; and

THEREFORE BE IT RESOLVED, that the Board of Selectmen of the Town of Provincetown recognizes the practice of aid in dying as a desirable medical option for many terminally ill, mentally capable adults; and

THEREFORE, BE IT NOW RESOLVED, that the Board of Selectmen of the Town of Provincetown hereby calls on the Massachusetts State Legislature to pass An Act affirming a terminally ill patient's right to compassionate aid in dying; and

THEREFORE BE IT FURTHER RESOLVED, that this resolution shall be transmitted to the Commonwealth of Massachusetts Legislature, including state representatives and state senators who represent the Town of Provincetown.

The Honorable Board of Selectmen

Raphael Richter, Chairman

Erik Yingling, Vice Chair

Thomas Donegan

Cheryl Andrews

ATTEST: Town Manager David B. Panagore

Robert Anthony

Fact Sheet on Medical Aid in Dying

National Facts on Medical Aid in Dying

- A recent Gallup survey indicates nearly seven in 10 Americans (68%) agreed that “Individuals who are terminally ill, in great pain and who have no chance for recovery have the right to choose to end their own life.”
- Medical aid in dying allows terminally ill adults to receive a prescription for medication that will bring about a peaceful death. To qualify, one must have a prognosis of six months or less to live determined by two physicians, be mentally capable and able to self-administer the medication.
- Five states currently authorize medical aid in dying:
 - Oregon (since 1997) by ballot initiative
 - Washington (2008) by ballot initiative
 - Montana (2009) by judicial ruling
 - Vermont (2013) by the legislature
 - California (2015) by the legislature
- With the passage of the End of Life Option Act in California in 2015, **a total of 16% of the U.S. population has access** to a full range of end-of-life care options.
- Each state’s regulatory and procedural requirements are slightly different, but all the legislation requires the person be a mentally capable terminally ill adult with a prognosis of six months or less to live, and includes the following provisions, among others:
 - The person must be fully informed of all their options
 - The person must request the prescription from a physician and be free from undue influence or coercion
 - The person must be able to take and ingest the medication by themselves
 - The physician must offer the person multiple opportunities to take back the request for aid in dying medication
 - The person may rescind the request at any time

- Two witnesses must sign the request form confirming that the request is voluntary
- Wills, contracts, insurance and annuity policies are not affected by a person choosing aid in dying
- Aid in dying is not considered suicide or assisted suicide
- Medical aid in dying is **being considered by legislatures in more than 25 states** as well as the District of Columbia.
- In the more than 30 combined years of medical aid in dying in the authorized states **there has not been a single instance of documented abuse.**
- A growing number of national healthcare professional organizations have endorsed or take a neutral position on medical aid in dying, including:
 - The California Medical Association
 - The American Medical Student Association
 - American Public Health Association
 - American Medical Women's Association
 - The American Academy of Legal Medicine
 - American Academy of Hospice & Palliative Medicine
 - GLMA (Gay and Lesbian Medical Association)

Massachusetts History with Medical Aid in Dying

- Based on a February 2014 poll⁽²⁾ by the nonpartisan firm Purple Strategies, **70% of Massachusetts voters support the right of terminally ill, mentally competent adults to end their own lives.** More than half (53%) strongly supported it. Majorities across age groups support this right (<50 years: 72%, 50-64 years: 71%, 65 years+: 70%); 64% of Catholics and 61% of Republicans supported it.
- Adults living with disabilities feel much like Massachusetts voters overall on this issue. They support the right to a death with dignity, both broadly (75%) and for themselves (69%).⁽²⁾
- The Massachusetts "Death with Dignity" Initiative (Question 2) that would have authorized medical aid in dying was defeated in the November 6, 2012 general election ballot, **51.9% opposed to 48.1% in favor.** Polls between May and October 2012 showed that a solid majority, exceeding 60% of voters, favored the initiative. Support weakened, however, in the face of a \$5 million TV and radio ad campaign by the opposition in the final weeks before the vote.⁽³⁾ The **percentage voting in favor** in specific local communities is show below:

- Cambridge 67.9%
 - Brookline 66.7%
 - Somerville 64.1%
 - Newton 62.8%
 - Arlington 57.4%
 - Belmont 56.6%
 - Provincetown 78%
- In the next legislative session, as in recent years, there will be a medical aid-in-dying bill sponsored by 40 or more members of the Massachusetts House and Senate.

Very Few patients take advantage of medical aid in dying; but there is evidence that the availability of this option not only provides comfort and peace of mind to those who access it, but also improves end-of-life care more broadly.

- How many people use medical aid in dying? **Only a small number of people use the law to shorten their own dying process.** In Oregon in 2014, 155 people received prescriptions and 105 people ingested the medications to die peacefully. This corresponds to 31 deaths per 10,000 total deaths, or 0.31%. ⁽⁵⁾
- The Oregon data highlight the fact that **for some people simply having the prescription brings comfort whether or not they use it.** More than one third of those who qualify and obtain the medication prescribed under the law never take it.
- There is a palliative effect for individuals just knowing that they would be able to ask for medical aid in dying if they were eligible and decided to opt for this.
- There is strong evidence that the availability of medical aid in dying **enhances end-of-life care even when patients do not opt for this choice.**
 - Palliative care physicians report that a patient's question about medical aid in dying prompt in-depth conversations between doctors and patients about the full range of end-of-life care options, including hospice, pain management and emotional support in addition to aid in dying. ⁽⁶⁾
 - Adults in Oregon and Washington, where medical aid in dying is authorized are more knowledgeable about palliative, end-of-life and hospice care. ⁽⁷⁾
 - In Oregon, in-hospital death rates are the lowest in the nation and at-home death rates are the highest in the nation, and violent suicide among hospice patients has virtually disappeared. ⁽⁶⁾

(1) Dugan, A. In U.S., Support Up for Doctor-Assisted Suicide. Gallup. May 2015. Available from http://www.gallup.com/poll/183425/support-doctor-assisted-suicide.aspx?utm_sou

(2) 600-interview sample poll conducted by Purple Insights; margin of error for this sample size was +/- 4%. A 100-interview online survey of disabled adults was also conducted concurrently.

(3) How the "Death With Dignity" initiative failed in Massachusetts, *New York Times*, December 6, 2012.

(4) Bill H.1991: An Act affirming a terminally ill patient's right to compassionate aid in dying. <https://malegislature.gov/Bills/189/House/H1991>

(5)

<http://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/Documents/year17.pdf>

(6) Wang, S. Aldridge, MD, Gross, CP, Canavan, M, Cherlin, E, Johnson-Hurzeler, R, et al. (2015) Geographic Variation of Hospice Use Patterns at End of Life. *Journal of Palliative Medicine*, 18(9), p. 775-778.

(7) National Journal/Regence Foundation Poll, "Living Well at the End of Life," 2010-2011. Available from <http://syndication.nationaljournal.com/communications/NationalJournalRegenceToplines.pdf>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

6C

CAPE LIGHT COMPACT

Provincetown as Fiscal Agent

Requested by: Selectman Thomas Donegan

Action sought: Discussion

Proposed Motion(s)

Discussion dependent – Votes may be taken.

Or

Move that the Board of Selectmen vote to enter into discussions and negotiations with the Cape Light Compact to become its Fiscal Agent and, as the Fiscal Agent, the Town secure an agreement that would cover all costs and insure against any relevant liability to the Town.

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>



Board of Selectmen

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

To: Board of Selectmen, Town Manager and Assistant Town Manager
From: Selectman Tom Donegan
Date: October 24, 2016
Re: Cape Light Compact Fiscal Agent

I would like to propose Provincetown begin discussions and negotiations to become the fiscal agent for the Cape Light Compact. The Compact is a self governing organization that operates under authority of Massachusetts General Laws, as a result of the votes of the member's Town Meeting and Board of Selectmen/Councils. Acting as the Compact's fiscal agent would involve no Provincetown governance responsibility or authority. The terms of the fiscal agent agreement, would involve no Provincetown direct or indirect costs to the Town or taxpayer appropriations. The agreement would indemnify or otherwise insure against any liability issues.

Power to select a Fiscal Agent. The Compact was created by an act of the Massachusetts legislature (MGL ch. 164, s. 134, attached) as an entity of the 21 towns and 2 counties of Cape Cod and Martha's Vineyard. (It is not itself a municipality.) The Compact's foundational Inter-Governmental Agreement (IGA) is attached. Article II of the IGA specifies the powers of the Compact, which include the power to "contract with an agent, including, without limitation, a regional government or a member, to manage or accomplish any of its functions or objectives" and to "enter into agreements with state, quasi-state, county and municipal agencies; cooperatives and private entities, all as is convenient or necessary to manage or accomplish any of the Compact's functions or objectives."

These powers include contracting for a fiscal agent, a role currently served by municipal member Barnstable County; the Compact does not need to seek additional approval from its members to carry out these powers that are in the IGA.

The Compact, once funded by Barnstable County, became self-funding several years ago and has even set aside estimated OPEB amounts for all current employees. Compact expenses would not become the responsibility of Provincetown. The fiscal agency agreement may be structured such that the fiscal agent is responsible and liable solely for the general fiscal agent activities (e.g., maintenance of bank accounts, procuring administrative supplies, providing for the treatment of Compact staff as Town employees **in name only** for convenience in administering payroll management and benefit plans and providing other administrative support such as IT, etc.). It is in the interest of both Town and Compact to structure the agreement to limit the financial exposure of the fiscal agent to these activities.

The Compact would pay for the services provided by the Town of Provincetown at cost, budget for the appropriate OPEB funds, maintain independent insurance, etc. The Compact would not rely on its fiscal agent to monitor the Compact's compliance with applicable laws or seek legal guidance from the fiscal agent's Town attorney. The Compact would continue to maintain its own legal counsel and to undertake its own independent financial audits on an annual basis. The Compact would continue its independent relations with the Department of Public Utilities (DPU) and its work with and oversight by the DPU and various state and quasi-state agencies.

What is the Cape Light Compact?

The Cape Light Compact is a public entity formed in 1997 to advance the interests of consumers in the newly restructured electric industry. The 1997 Massachusetts Restructuring Act enabled towns and cities to establish municipal aggregators like Cape Light Compact that could:

- Purchase power on behalf of all customers in the municipality on an opt-out basis
- Implement energy efficiency programs instead of the local electric utility, ensuring that funds collected from Cape and Vineyard residents and businesses are spent to reduce the energy costs of Cape and Vineyard residents and businesses

The Compact offers a comprehensive approach to energy services,

- Competitive electricity rates with green energy options
- Effective consumer advocacy
- Proven energy efficiency programs
- Energy education

The Compact serves approximately 200,000 consumers from all 21 towns on Cape Cod and Martha's Vineyard. Each town and county is a municipal member and has a representative on the Compact's Governing Board to represent each member's interest. The Compact has been seen as a model for community choice aggregation programs across New England and nationally.

How is the Cape Light Compact Organized

Cape Light Compact is a nationally recognized award-winning energy services organization operated by the 21 towns and two counties of Cape Cod and Martha's Vineyard. Representatives to the CLC are appointed by each Town's Board of Selectmen/Town Council. Barnstable and Dukes County each have a representative on the Governing Board.

There are local and levels of oversight of the Cape Light Compact. Most directly, each member of the Compact appoints a representative to the Compact's Board. Through these representatives, each of the member towns and counties has a voice in overseeing the Compact's activities. Further, many of the Compact's programs are subject to oversight by state regulatory bodies, such as the Department of Public Utilities and the Department of Energy Resources, to whom the Compact makes extensive required reports.

If Provincetown became the Compact's fiscal agent, no governance responsibility or authority over Compact programs would transfer to the Town or Town Officials. By the

terms of the fiscal agent arrangement, Provincetown would not incur any direct or indirect costs, and the Compact would indemnify or otherwise insure against any relevant liability to the town.

Proposed Motion:

I move Provincetown enter discussions and negotiations with the Cape Light Compact to become its Fiscal Agent. And as the Fiscal Agent, the Town would secure an agreement that would cover all costs, and insure against any relevant liability to the Town.

The most recent annual audit by Clifton Allen can be found here:
<http://3jy14ha9u771r7qzn35g0s6c.wpengine.netdna-cdn.com/wp-content/uploads/2014/09/CLC-2014-Exit-Conference.pdf>

Attachments:

Inter-governmental Agreement
Cape Light Compact FAQs

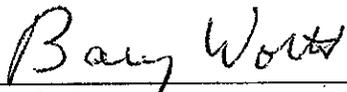
CAPE LIGHT COMPACT

Secretary's Certificate

The undersigned, Barry Worth, Secretary of the Cape Light Compact ("Compact"), an organization comprised of all 21 towns of Cape Cod and Martha's Vineyard, and Barnstable and Dukes counties and formed pursuant to the authority of Massachusetts General Laws Chapter 40, Section 4A, in such capacity and not individually, hereby certifies on behalf of the Compact, that:

1. Attached hereto as Exhibit A is a true and complete copy of the votes taken by the Cape Light Compact Governing Board dated November 18, 2015. Such votes have not been amended or rescinded, and are in full force and effect on the date hereof in the form adopted.
2. Attached hereto as Exhibit B is a true, correct and complete copy of the Sixth Amended and Restated Inter-Governmental Agreement of the Compact, dated as of November 18, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 29th day of November, 2015.



Barry Worth, Secretary

H

**SIXTH AMENDED AND RESTATED
INTER-GOVERNMENTAL AGREEMENT
OF THE
CAPE LIGHT COMPACT
(November 18, 2015)**

This Sixth Amended and Restated Inter-Governmental Agreement (“Agreement”) is dated as of November 18, 2015 and is entered into by and between the County of Barnstable, County of Dukes County and the municipalities legally joining therein, pursuant to the authority of Massachusetts General Laws Chapter 40, §4A.

WHEREAS, the Massachusetts Restructuring Act of 1997 (the “Act”) was enacted during a period where Federal Law allowed for the restructuring of existing electric utilities into separate generation, transmission and distribution companies and, accordingly, the Act set forth a framework for the competitive supply of electric generation service to Massachusetts electric customers and allowed electric customers to choose their electric power supplier; and

WHEREAS, the Cape Light Compact (“Compact”) was entered into with the County of Barnstable, County of Dukes County and the municipalities legally joining therein, pursuant to the authority of Massachusetts General Laws Chapter 40, §4A, through an original Inter-Governmental Agreement effective as of October, 1997; and

WHEREAS, the County of Barnstable, County of Dukes County and the municipalities legally joining therein, amended the original Inter-Governmental Agreement in June, 1999, September, 2006, November, 2010, February, 2011, April 11, 2012 and September 2012; and

WHEREAS, the Compact recognizes that local governments have a substantial stake in the restructuring of the Massachusetts electric industry and that local governments represent community interests and provide a “natural aggregator” function through which consumers may gain greater benefits and terms in contracts; and

WHEREAS, under the authority of G.L. c. 164, §134, G.L. c. 25A, §6 and pursuant to the original Inter-Governmental Agreement, adopted October, 1997, as amended, the Compact developed a municipal aggregation plan, setting forth the structure, operations, services, funding and policies of the Compact, approved in D.T.E. 00-47 (August 10, 2000) and approved as updated in D.P.U. 14-69 (May 1, 2015; May 18, 2015); and

WHEREAS, the Compact currently operates a municipal aggregation competitive supply program which provides electric power supply on an opt-out basis to customers across all customer classes located on Cape Cod and Martha’s Vineyard and the Compact also provides comprehensive energy efficiency services to Cape Cod and Martha’s Vineyard through the Cape

Light Compact Energy Efficiency Plan; and

WHEREAS, the Green Communities Act, St. 2008, c. 169, provided expanded authority to municipalities and other governmental entities to pursue energy efficiency, renewable energy development and other related activities; and

WHEREAS, the Compact continues to explore all available options for providing its customers with the best electrical supply and distribution rates and demand side management and renewable programs.

NOW THEREFORE, in consideration of the foregoing, and in order to reflect the current policies and purposes of the Compact, the County of Barnstable, the County of Dukes County and the municipalities legally joining therein hereby enter into this Agreement.

ARTICLE I: POLICY AND PURPOSE

The Compact's goals include, without limitation, the following:

- To provide the basis for aggregation of all consumers on a non-discriminatory basis;
- To negotiate the best terms and conditions for electricity supply and transparent pricing;
- To explore all available options for negotiating the best terms and conditions for electricity supply and the development of renewable energy resources, including, without limitation, the formation of and/or membership in a co-operative organization to purchase or produce energy or renewable energy certificates ("RECs") or both on a long-term, basis;
- To provide equal sharing of economic savings based on current electric rates and/or cost-of-service ratemaking approved by the Department of Public Utilities, or its successor;
- To provide and enhance consumer protection and options for service under contract provisions and to allow those consumers who choose not to participate to opt-out;
- To improve quality of service and reliability;
- To encourage environmental protection through contract provisions;
- To utilize and encourage renewable energy development to the extent practicable through contract provisions, demonstration projects and state mandated system benefit charges for renewable energy;

- To administer an energy efficiency plan that advances consumer awareness and the adoption of a wide variety of energy efficiency measures and that also utilizes and encourages demand side management, all through contract provisions, demonstration projects and the use of state mandated system benefit charges for energy efficiency and other related charges and funds;
- To advance specific community goals that may be selected from time to time, such as placing utility wires underground;
- To provide full public accountability to consumers; and
- To utilize municipal and other powers and authorities that constitute basic consumer protection to achieve these goals.

ARTICLE II: POWERS OF THE COMPACT

The Compact shall have the following powers:

- a) to plan projects;
- b) to implement projects and/or conduct research;
- c) to negotiate contracts and other agreements, provided, however, that any contract for the purchase of electric power supplies, distribution, transmission or metering, billing and information services or related to any of the foregoing, shall not impose direct financial obligations on any member municipality or county (except for *de minimis* impacts by virtue of such member's participation in the Compact) until approved by such individual member municipality or county, as the case may be;
- d) to adopt an annual budget and to direct the expenditure of funds made available to the Compact by grant or contribution from public and private sector entities, or on account of any contract negotiated or administered by the Compact;
- e) to acquire property by gift, purchase or lease;
- f) to construct equipment and facilities;
- g) to apply for and receive grants, contributions and other such financial assistance from public and private sector entities or to receive amounts derived as a portion of the savings on, or as a surcharge, dedicated mills/kilowatt hour fee or other such charge as part of any electric energy purchase or similar contract negotiated and/or administered by the Compact and, to the extent required herein, agreed to by each member municipality or county to be financially bound thereby;

- h) to apply for and receive funds derived from the state mandated system benefit charges and to use such funds in accordance with state law;
- i) to employ staff, consultants, attorneys, technical advisors and independent contractors;
- j) to adopt bylaws to govern its internal affairs;
- k) to reimburse persons who have advanced funds;
- l) to enforce agreements or otherwise prosecute claims on behalf of member municipalities and counties and coordinate their defense in any claim made against them relating to any agreement or other matter related to the Compact;
- m) to invest funds;
- n) to procure insurance;
- o) to obtain project-related financing through any mechanism such as the federal Clean Renewable Energy Bond program, and other financing options;
- p) to contract with an agent, including, without limitation, a regional government or a member, to manage or accomplish any of its functions or objectives;
- q) to enter into agreements with state, quasi-state, county and municipal agencies; cooperatives and private entities, all as is convenient or necessary to manage or accomplish any of the Compact's functions or objectives; and
- r) to perform generally all acts which are necessary or convenient to implement the powers which are expressly or by necessary implication conferred upon the Compact and are not otherwise prohibited under any other provision of law.

ARTICLE III: GOVERNING BOARD

A. Powers of the Community Representatives.

The Compact shall have a board of community representatives (hereafter a "Representative" or the "Representatives," as the case may be and collectively the "Governing Board") who shall be responsible for the general management and supervision of the business and affairs of the Compact except with respect to those powers reserved to the member municipalities or counties of the Compact by law or this Agreement. The Governing Board may from time to time, to the extent permitted by law, delegate any of its powers to committees, subject to such limitations as the Governing Board may impose. The Governing Board may delegate to the Executive Committee the powers to act for the Governing Board between regular, annual or special meetings of the board. The Governing Board may designate persons or groups

of persons as sponsors, benefactors, contributors, advisors or friends of the Compact or such other title as they may deem appropriate and as is consistent with applicable law.

B. Number, Qualifications and Term of Office.

The Governing Board shall consist of one Representative for each member municipality and one County Commissioner appointed by the Barnstable County Board of Commissioners and one Representative appointed by the Dukes County Board of Commissioners, and alternates therefor, in case any such Representative shall be unable to attend a meeting or otherwise participate in any matter regarding the Compact. In the absence of a Representative, his/her alternate shall be entitled to vote and otherwise exercise all of the powers of such Representative. The Representatives, and alternates, shall be selected by the Selectmen or Town Manager, as the case may be, for each member municipality. In the case of the County Representatives, such Representatives and his/her alternates shall be selected by the Board of Commissioners. Except as hereinafter provided, the Representatives (and alternates) shall hold office until the next selection of Representatives (and alternates) by each such member municipality or county and until his/her successor is selected.

C. Executive Committee.

There shall be an Executive Committee composed of no less than five (5) Representatives, at least one of whom shall be a Representative from Dukes County or a member town of Dukes County. The Executive Committee shall be selected by majority vote of all of the Representatives.

D. Manner of Acting and Quorum.

Provided there is a quorum present at the meeting, and except as specified elsewhere herein, the Governing Board shall act by vote of a majority of the Representatives present at the time of the vote. Unless altered by the Governing Board in accordance with this Agreement, each member municipality and county shall be entitled to select one Representative whose vote shall be equal in weight to the Representative of any other member municipality and county, except as expressly set forth in the succeeding paragraphs. Representatives may participate in meetings remotely in accordance with the regulations of the Office of the Attorney General governing remote participation, 940 C.M.R. 29.10. A quorum shall be deemed present if the combined population of the towns whose Representatives are present at a meeting is at least equal to 50% of the combined population of all of the member municipalities of the Compact; and provided further, that at least one Representative from one of the Towns in Dukes County or Dukes County and at least two-thirds of the Representatives for Barnstable County and the member municipalities of Barnstable County are physically present or participating remotely in accordance with 940 C.M.R. 29.10. In accordance with 940 C.M.R. 29.10 and the Open Meeting Law, M.G.L. c. 30A, §§ 18-25, a simple majority of the members of the public body must be physically present. While a quorum is present, unless another provision is made by law, this Agreement or by the Compact's own rules, all business shall be determined by a majority vote of all participating members.

Notwithstanding the foregoing, any vote involving a matter concerning issues which would or could bear in a direct and material fashion on the financial interests of the member municipalities shall be taken by a weighted vote in which the vote of each Representative shall be weighted in the same proportion as the population of the municipality such Representative represents bears to the whole population of the member municipalities of the Compact, such population as determined, in the case of Barnstable County, by the most recent federal census, or decennial census, and, in the case of Dukes County, by the most recent data available from the Martha's Vineyard Commission. In case of a dispute as to whether a vote shall be taken on a weighted basis as set forth in this paragraph or on a one town, one vote basis as set forth in the preceding paragraph of this subsection, the determination shall be made by weighted vote as set forth herein.

In taking any vote required to be taken by weighted vote hereunder, the votes of Barnstable County and Dukes County shall be tabulated last, with each county's Representative having one equal vote, and the vote of said counties may break a tie; otherwise the counties' votes shall not be accorded any percentage weight but shall be recorded nonetheless.

E. Rules and Minutes.

The Governing Board shall determine its own rules and order of business, unless otherwise provided by the Compact or statute or this Agreement. The Governing Board shall also provide for the keeping of minutes of its proceedings. All regular and Executive Committee meeting announcements shall be sent to all members of the Governing Board.

F. Voting.

If requested by any Representative, a vote of the body shall be taken by a roll call and the vote of each Representative shall be recorded in the minutes, provided, however, if any vote is unanimous only that fact need be recorded.

G. Resignation and Removal.

1. Resignation.

Any Representative (or alternate) may resign at any time upon written notice to the remaining Governing Board. A Representative may resign from the Executive Committee and still keep his or her position as a Representative. The resignation of any Representative (or alternate) or resignation from the Executive Committee shall take effect upon receipt of notice thereof or at such later time as shall be specified in such notice, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

2. Removal.

Any Representative (or alternate) may be removed at any time with or without cause by

their appointing authority. The Governing Board may remove a Representative from the Executive Committee or the Governing Board only with good cause.

H. Vacancies.

1. Vacancies on the Governing Board.

Continuing Representatives may act despite a vacancy in the Governing Board and shall for this purpose be deemed to constitute the full board. A vacancy in the Governing Board of a Representative shall be promptly filled, but in no case more than sixty days thereafter, by the appointing authority of the member municipality or county which originally selected such Representative. Each Representative chosen to fill a vacancy on the Governing Board shall hold office until the next annual selection of the Representatives and until his/her successor shall be appointed and qualify. Insofar as there is no Representative then in office representing a member municipality or county, the alternate shall act in his/her stead.

2. Vacancies on the Executive Committee.

Vacancies on the Executive Committee shall be filled in the same manner as the position was originally filled.

3. No Right to Compensation.

Unless the Governing Board in its discretion provides for compensation, no Representative or alternate resigning, and (except where a right to receive compensation shall be expressly provided in a duly authorized written agreement with the Compact) no Representative or alternate removed, shall have any right to any compensation as such Representative or alternate for any period following his/her resignation or removal, or any right to damages on account of such removal, whether his/her compensation be by the month or by the year or otherwise.

ARTICLE IV: MEETINGS OF THE GOVERNING BOARD

A. Place.

Meetings of the Governing Board, including meetings of the Executive Committee, shall be held at such place within Barnstable County or Dukes County as may be named in the notice of such meeting.

B. Annual and Regular Meetings.

The annual meeting of the Governing Board shall be held each year on the second Wednesday of September. In the event the annual meeting is not held on such date, a special meeting in lieu of the annual meeting may be held with all the force and effect of an annual meeting. Regular meetings may be held at such times as the Governing Board may fix but no

less frequently than quarterly.

C. Special Meetings.

Special meetings of the Governing Board may be called by the chair or any other officer or Representative at other times throughout the year.

D. Notice.

In addition to the personal notice to Representatives set forth in Article III(E), public notice of any regular or annual meeting shall be made in compliance with the Open Meeting Law and other applicable law. Forty-eight hours' notice to Representatives by mail, telegraph, telephone or word of mouth shall be given for a special meeting unless shorter notice is adequate under the circumstances, provided, however, that public notice of such special meeting has been made in compliance with applicable law. A notice or waiver of notice need not specify the purpose of any special meeting. Personal notice of a meeting need not be given to any Representative if a written waiver of notice, executed by him or her before or after the meeting, is filed with the records of the meeting, or to any Representative who attends the meeting without protesting prior thereto or at its commencement the lack of notice to him or her.

E. Vote of Interested Representatives.

A Representative who is a member, stockholder, trustee, director, officer or employee of any firm, corporation or association with which the Compact contemplates contracting or transacting business shall disclose his or her relationship or interest to the other Representatives acting upon or in reference to such contract or transaction. No Representative so interested shall vote on such contract or transaction, but he or she may be counted for the purpose of determining a quorum. The affirmative vote of a majority of the disinterested Representatives as set forth in Article III(D) hereof shall be required before the Compact may enter into such contract or transaction.

In case the Compact enters into a contract or transacts business with any firm, corporation or association of which one or more of its Representatives is a member, stockholder, trustee, director, officer, or employee, such contract or transaction shall not be invalidated or in any way affected by the fact that such Representative or Representatives have or may have interests therein which are or might be adverse to the interests of the Compact. No Representative or Representatives having disclosed such adverse interest shall be liable to the Compact or to any creditor of the Compact or to any other person for any loss incurred by it under or by reason of any such contract or transaction, nor shall any such Representative or Representatives be accountable for any gains or profits to be realized thereon.

Nothing contained herein shall affect the compliance of any Representative or the Governing Board or the Compact with G.L. c. 268A, as set forth in Article VI, below.

ARTICLE V: OPEN MEETING LAW; EXECUTIVE SESSIONS

The meetings of the Governing Board are subject to the Massachusetts law governing open meetings of governmental bodies and governmental boards and commissions, including the Open Meeting Law. The Governing Board is therefore required to maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions.

In accordance with the Open Meeting Law, the Governing Board may hold an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the purposes specifically enumerated in the Open Meeting Law, including, but not limited to, to discuss energy-related trade secrets or confidential information.

Matters discussed in executive sessions of the Governing Board must be treated as confidential. A violation of confidentiality may lead to disciplinary action as established by the Governing Board, including removal of a Representative in accordance with Article III(G)(2).

ARTICLE VI: G.L. c. 268A

The Governing Board, as it consists of county and municipal representatives is subject to the provisions of the Massachusetts Conflict of Interest Law, G.L. c. 268A, and shall act at all times in conformity therewith. Public employees who work for two or more public entities may find that each agency has an interest in a particular matter. Compact employees or Representatives may be asked to work on matters for the Compact and the Compact's affiliated organization, the Cape & Vineyard Electric Cooperative, Inc. (the "Cooperative"). In order to help employees and Representatives identify and properly address potential conflicts under the Conflict of Interest Law, employees and Representatives should consider the following: (i) the Cooperative's founding purpose is to develop renewable energy projects and otherwise procure generation and generation-related products (i.e., RECs); (ii) the Compact is a municipal aggregator and serves the complementary purposes of arranging for retail power supply, consumer advocacy and energy efficiency; (iii) the Cooperative seeks to finance and develop such projects and to provide generation to its members and the Compact (to be blended with its retail power supply); and (iv) the Compact is a member of the Cooperative and the Compact intends to purchase generation from the Cooperative and participate in projects developed by the Cooperative. Any employee or Representative may request free legal advice from the State Ethics Commission about how the Conflict of Interest Law applies to them in a particular situation. This process is explained at <http://www.mass.gov/ethics/commission-services/request-advice.html>.

ARTICLE VII: OFFICERS

A. Election.

At its first meeting of the calendar year, the Governing Board shall elect a chair, vice

chair, treasurer, secretary and officer at large and such other officers as the Governing Board shall determine. The term of office for those so elected shall be one year and until their respective successors are elected and qualified. Notwithstanding the foregoing, all officers must be a Representative and, upon selection of a successor Representative by such officer's appointing municipality or county, such officer shall immediately tender notice thereof to the Compact and the Governing Board shall select a replacement among the various Representatives for the remaining term of such officer.

B. Qualifications.

Two or more offices may be held by the same person, except the offices of chair and secretary.

C. Vacancies.

Any vacancy occurring among the officers, however caused, may be filled by the Governing Board, from among the Representatives for the unexpired portion of the term.

D. Removal and Resignation of Officers.

1. Removal.

Any officer of the Compact may be removed from their respective offices with or without cause by resolution adopted by a majority of the Representatives then in office at any annual or special meeting of the Governing Board or by a written consent by all of the Representatives then in office.

2. Resignation.

Any officer may resign at any time by giving his or her resignation in writing to the chair, treasurer, secretary or any other officer or Representative of the Compact. An officer may resign as officer without resigning from other positions in the Compact, including positions on the Executive Committee or as Representative.

E. Sponsors, Benefactors, Contributors, Advisors, Friends of the Compact.

Persons or groups of persons designated by the Governing Board as sponsor, benefactor, contributor, advisor or friend of the Compact or such other title as the Governing Board deems appropriate shall, except as the Governing Board shall otherwise determine, serve in an honorary capacity. In such capacity they shall have no right to notice of or to vote at any meeting, shall not be considered for purposes of establishing a quorum and shall have no other rights or responsibilities.

F. Chair.

The chair shall preside at all meetings at which he or she is present. Unless otherwise directed by the Governing Board, all other officers shall be subject to the authority and supervision of the chair. The chair also shall have such other powers and duties as customarily belong to the office of chair or as may be designated from time to time by the Governing Board.

G. Vice Chair.

The vice chair shall assist the chair and preside at meetings at which the chair is not present. The vice chair also shall have such other powers and duties as customarily belong to the office of vice chair or as may be designated from time to time by the Governing Board.

H. Treasurer.

The treasurer shall be the chief financial officer of the Compact and shall have such powers and duties as customarily belong to the office of treasurer or as may be designated from time to time by the chair or the Governing Board. The roles and responsibilities of the treasurer may be delegated or expanded. Pursuant to the Administrative Services Agreement between the Compact and Barnstable County, as such agreement may be amended from time to time, the County is the designated agent and fulfills the administrative role for the Compact.

I. Secretary.

The secretary shall arrange for the recording, consistent with applicable law, of all proceedings of the Governing Board, Executive Committee and any other such committee in a book or books to be kept therefor, shall have custody of the seal of the Compact, and have such powers and duties as customarily belong to the office of clerk or secretary or as may be designated from time to time by the chair or the Governing Board.

J. Other Officers.

The Governing Board shall have legal counsel for the Compact. The Compact's legal counsel may jointly represent the Compact's members or affiliates in accordance with a bylaw adopted by the Compact pursuant to Article II(j).

The Compact shall designate a Chief Procurement Officer, whose role, in accordance with G.L. c. 30B and other applicable provisions of law, shall be to select proposals for and facilitate the award of contracts on behalf of the Compact, with input from members of the Governing Board, Compact staff, counsel and others, as such Chief Procurement Officer sees fit. Notwithstanding the foregoing, the Governing Board may determine that the Compact, as long as consistent with applicable law, will select proposals and award contracts in another manner.

Other officers shall have such powers as may be designated from time to time by the Governing Board.

K. Compact Administrator.

In general, the Compact Administrator shall serve as the chief administrative and operating officer and supervise, direct and be responsible for the efficient administration of the business of the Compact.

More specifically, the Compact Administrator shall be responsible for:

- (i) Implementing the goals and carrying out the policies of the Compact Governing Board;
- (ii) Maintaining the complete and full records, reports and filings associated with the financial and administrative activity of the Compact;
- (iii) Planning and directing all administrative and operational functions of the Compact consistent with budgets approved by the Governing Board;
- (iv) Managing the hiring process, supervising and directing the work of all staff consistent with budgets and strategic goals approved by the Governing Board;
- (v) Consulting and advising the Governing Board as to the business, operational and strategic concerns of the Compact including fiscal affairs, legal and operational issues, and major program initiatives;
- (vi) Regularly attending all Compact Board meetings and answering all questions addressed to him/her;
- (vii) Managing the Compact's legal affairs, including directing the Compact's participation in regulatory and judicial proceedings, consistent with relevant budgets approved by the Governing Board;
- (viii) Managing the Compact's energy efficiency program in accordance with all applicable laws and the rules and regulations of the Department of Public Utilities, or any successor entity;
- (ix) Negotiating and executing contracts for power supply procurement, renewable energy certificates, energy efficiency contracts, contracts for professional services and legal services in order to achieve the strategic goals and business purposes of the governing board.
- (x) Perform such other duties as may be directed by the Governing Board from time to time, or as may be necessary or advisable to fulfill the Compact's objectives.

ARTICLE VIII: BUDGET; MAXIMUM FINANCIAL LIABILITY OF THE MEMBER MUNICIPALITIES AND COUNTIES

The Compact shall adopt an operating budget for each fiscal year and direct the expenditure of funds in accordance with applicable law. The operating budget and any amendments thereto shall be approved by a weighted vote of the Governing Board in accordance with Article III(D).

This Agreement is not intended to impose any independent financial liabilities on the members. Each member shall remain responsible for its own debts and other financial liabilities, except as specifically provided herein.

ARTICLE IX: COOPERATION

The member municipalities, Dukes County and Barnstable County agree to act in good faith and use their best efforts to effectuate the intent and purpose of this Agreement. All parties to this Agreement shall cooperate to the fullest extent possible.

ARTICLE X: ELECTRICITY AND OTHER AGREEMENTS

Pursuant to this Agreement, member municipalities, Barnstable County, Dukes County, and private consumers may enter into contracts for the distribution, transmission and/or supply of electricity, for the purchase of energy and RECs, and for project financing in support thereof, provided, however, that any contract for the purchase of electric power supplies, distribution, transmission or metering, billing and information services or related to any of the foregoing, shall not impose direct financial obligations on any member municipality or county (except for *de minimis* impacts by virtue of such member's participation in the Compact) until approved by such individual member municipality or county, as the case may be, and further, that any contract shall indemnify and hold harmless the Compact and its members from any financial liability or provide commercially reasonable indemnification with respect to the provision of such products or services.

ARTICLE XI: OTHER APPLICABLE LAWS

Nothing in this Agreement or in any negotiated contract for the supply of electricity shall be construed to supersede, alter or otherwise impair any obligation imposed on any municipality or county by otherwise applicable law.

ARTICLE XII: INDEMNIFICATION OF REPRESENTATIVES AND ALTERNATES

Each member of the Compact shall, to the extent legally permissible, indemnify the person(s) each such member chooses as set forth in Article III(A) to serve as a Representative for their service on the Governing Board and/or as a member of the Executive Committee and/or as an officer or who has served at any time as a Representative or officer or Executive Committee member of the Compact. All contracts negotiated or undertaken by the Compact shall also

include, to the maximum extent feasible, indemnification of the Representatives and the participating members.

ARTICLE XIII: AMENDMENT

This Agreement may be altered, amended, or repealed, in whole or in part, by the affirmative vote of Representatives of municipalities whose population is at least equal to 50% of the combined population of all of the member municipalities of the Compact; provided that at least two-thirds of the Representatives from all of Barnstable County vote in the affirmative; and further provided that at least one Representative from all of Dukes County also votes in the affirmative.

ARTICLE XIV: TERM AND WITHDRAWAL

Each member shall take such action as required under G.L. c. 40, §4A to make this Agreement effective. This Agreement shall be effective as of the date that the last of the members signs below, and shall continue in effect for a term not to exceed twenty-five years. At the conclusion of the term, taking into account any changed circumstances, the members shall in good faith negotiate a replacement intergovernmental agreement.

Any governmental member may voluntarily withdraw from the Compact at the end of each quarter of the fiscal year (i.e. June 30th, September 30th, December 31st, March 31st), upon thirty days prior written notice. Withdrawal of such member shall not affect any obligations entered into prior to the date of withdrawal which are binding by their terms on such member, including, without limitation, contracts directly entered into by such member and financial contributions to the Compact made or agreed to be made by such member.

If the purposes of the Compact are attained, or for any other reason duly voted upon by the Governing Board, the Compact may dissolve. Upon dissolution, an accounting of the assets owned by the Compact shall be performed and sold. The proceeds of the sale shall be distributed equitably to the then remaining members of the Compact according to their percent contribution.

ARTICLE XV: CONSTRUCTION AND SEVERABILITY

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence or provision of this Agreement is declared to be contrary to the constitution of any Massachusetts or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution or General Laws of Massachusetts, the Compact shall remain in full force and effect as to all severable matters.

ARTICLE XVI: MISCELLANEOUS

A. Principal Office.

The principal office of the Compact shall be located at the Barnstable County Commissioners' Office, P.O. Box 427, Barnstable, MA 02630. The Governing Board may change the location of the principal office in accordance with Article III.

B. Compact Records.

The original, or attested copies, of this Agreement and records of all meetings of the Governing Board and members shall be kept in Massachusetts at the principal office of the Compact. Said copies and records need not all be kept in the same office. They shall be available at all reasonable times for the inspection of any member or Representative for any proper purpose and as required by law. The records of the Compact shall be subject to the Massachusetts Public Records Act, G.L. c. 66, and shall be deemed public records, unless such records fall within the exemptions set forth in G.L. c. 4, §7, including exemptions for development of inter-agency policy and trade secrets or commercial or financial information.

C. Fiscal Year.

The fiscal year of the Compact shall begin on July 1st and end on June 30th, e.g. the same fiscal year as established by the General Laws for cities and towns in the Commonwealth.

D. Seal.

The seal of the Compact shall be a circular die with the name of the Compact around the periphery and the year and the date of establishment within.

E. Reports; Compliance with G.L. c. 40, §4A.

The Compact shall keep accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received. The Compact agrees that it will perform regular audits of such records separate and apart from audits conducted by the Compact's fiscal agent. Periodic financial statements shall be issued to all members. To the extent applicable, if at all, any reimbursement for or contribution toward the cost of any work related to this Agreement shall be made at such intervals as provided in the Administrative Services Agreement or other applicable agreements. The Compact will comply with all other applicable provisions of G.L. c. 40, §4A.

The Compact shall also prepare a written annual report, in the format required by the Massachusetts Department of Public Utilities ("DPU") regarding the expenditure of energy efficiency funds for the previous calendar year. Such reports shall be filed with the DPU no later than August 1, unless filing or reporting requirements established by the DPU necessitate a different date, and posted to the Compact's web site within thirty days of submission to the

DPU. In addition, the Compact shall periodically prepare written overviews of the Compact's program activities for each member for inclusion in its individual town annual reports.

F. Multiple Originals.

This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. In addition, this Agreement may contain more than one counterpart of the signature page and all of such signature pages shall be read as though one and shall have the same force and effect as though all of the parties had executed a single signature page.

G. No Partnership or Joint Venture in Contracts with Third Parties; Limitation of Responsibility.

In carrying out its purposes as described herein, and in entry into any third party contract for the purchase of electric power supplies, distribution, transmission or metering, billing and information services or related to any of the foregoing, neither the Compact nor any of its members shall be a partner or joint venturer with any third party. The relationship between the Compact (and/or its members) on the one hand and the other party(ies) to such contract on the other hand shall be that of buyer and seller or agent for the buyer and seller, as the case may be. Nothing therein contained shall be deemed to constitute the Compact (and/or its members) as a partner, agent or legal representative of any third party or to create a joint venture, agency or any relationship between the Compact (and/or its members) and any third party other than that of buyer and seller or agent for the buyer and seller, as the case may be. The Compact and its members have no responsibility to supply, distribute, transmit, meter, bill or otherwise provide electricity to any consumer and none is implied hereby or thereby. Nothing in this Article XVI(G) shall be construed as prohibiting the Compact from entering into a partnership or joint venture relationship with any organization in which it has a membership interest or affiliation, including the Cooperative.

H. Appendix.

The bylaws of the Compact shall be set forth in an appendix to this Agreement. The Compact's administrator may update and replace such appendix each time such bylaws are duly amended by the Governing Board without the necessity of further Governing Board approval.

AUTHORIZED AND AGREED TO BY:

Town of Barnstable

Town of Bourne

Town of Brewster

Town of Chatham

Town of Dennis

Town of Eastham

Town of Falmouth

Town of Harwich

Town of Mashpee

Town of Orleans

Town of Provincetown

Town of Sandwich

Town of Truro

Town of Wellfleet

Town of Yarmouth

Barnstable County

Town of Aquinnah

Town of Chilmark

Town of Edgartown

Town of Oak Bluffs

Town of Tisbury

Town of West Tisbury

County of Dukes County

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BYLAWS
OF
CAPE LIGHT COMPACT
Adopted March 25, 2009

**Bylaw 1. *Shared Legal Representation Involving Members or Other Public Entities;
Official Duties of Compact Counsel.***

The purpose of this bylaw is to allow the Compact from time to time to retain counsel who may also represent its Members or other public entities in matters in which the Compact has a direct or substantial interest without violating G.L. c. 268A, Section 11(a) and (c). Such dual or common representation allows the Compact to pool resources for a common purpose, develop mutual interests, and preserve scarce Compact funds. Pursuant to this bylaw, the official duties of Compact counsel include, but are not limited to, representing Members or other public entities in: (i) administrative and judicial proceedings in which the Compact is also a party; (ii) contract negotiations or project development matters in which the Compact or its Members have an interest, and (iii) other matters in which the Compact has a direct or substantial interest, provided that in each instance, such dual or common representation would not cause a violation of rules governing attorney conduct. Compact counsel shall discharge such duties only when requested in writing by the Compact's Governing Board. Prior to making such a request, the Compact's Governing Board shall determine whether the interests of the Compact would be advanced by such dual or common representation and shall evaluate if actual or potential conflicts of interest exist. If any conflicts are identified, they shall be described in the written request. Counsel shall then make its own determination whether such dual or common representation would not cause a violation of rules governing attorney conduct.

Background

Formation of Compact

1. What is the purpose of a municipal aggregation?

The 1997 Massachusetts Restructuring Act enabled towns and cities to establish municipal aggregators like Cape Light Compact that could:

- a. Purchase power on behalf of all customers in the municipality
- b. Implement the energy efficiency programs instead of the local electric utility
- c. Administer rate-payer funded surcharge. This charge appears on your monthly electric bill as the "Energy Conservation" charge and is one of the funding sources for Cape Light Compact's Energy Efficiency Programs, which are available to every resident and business on Cape Cod and Martha's Vineyard regardless of which electric supplier the ratepayer chooses.

2. What steps were taken to create Cape Light Compact?

The process of municipal aggregation for the Compact involved a multi-step public process that the Compact originally undertook from 1998 to 2001:

- 1.1 Vote of town meeting
- 1.2 Vote of selectmen, town council, or county commissioners
- 1.3 Town/county representative participates on Compact Governing Board
- 1.4 Planning process/development of policy including Aggregation Plan, RFPs, contracts
- 1.5 Development and release of Request for Proposals
- 1.6 Review of Aggregation Plan by citizens
- 1.7 Power supply contract to selectmen/town council for acceptance vote, conditioned on DPU approval and final signing
- 1.8 Power supply contract and Aggregation Plan submitted to DPU for approval
- 1.9 Final signing by each participating town
- 1.10 Notification of consumers of automatic enrollment
- 1.11 Administrative transfer of customers to Compact supplier(s)
- 1.12 180-day opt-out period begins on first day of service
- 1.13 File contract and report with state (DPU, DOER, Inspector General) within 15 days of signing contract

3. What is the Compact's relationship to Barnstable County?

In addition to being represented on the Compact's Governing Board, Barnstable County acts as the Cape Light Compact's fiscal agent and provides certain administrative services. While Barnstable County provided funds to help establish the Compact and for several years thereafter, the County has not provided any direct financial support to the Compact's Operating Fund since Fiscal Year 2012.

Structure

1. How is the Compact structured?

The Compact is a municipal aggregation, enabled by Massachusetts General Law Chapter 164, Section 134. The Compact is structured as an intergovernmental agreement, authorized by votes of town meeting, boards of selectmen, town council and county commissioners, similar to other entities such as regional school districts. The Compact consists of 21 towns and Barnstable and Dukes Counties. The Compact's Governing Board is made up of one representative appointed by each of the member municipalities and the two counties. The Compact Governing Board is responsible for

establishment of the policies and development of the Compact, except with respect to those powers reserved to the member municipalities of the Compact by law or the Inter-Governmental Agreement.

The Compact Governing Board elects officers at its first meeting following the end of each calendar year. The Board and its officers are responsive and responsible to consumers and the Board of Selectmen and Town Manager/Town Council at whose pleasure they serve.

2. Who makes the decisions at the Compact?

Cape Light Compact has a Governing Board, comprised of representatives from each of the 21 member towns and the 2 member counties. The Compact also employs a staff to administer its programs. Most of the day-to-day operations of the Compact are carried out by the staff, with the Governing Board providing policy direction to staff. The Governing Board also votes on the Compact's operating budget and Energy Efficiency Plan. These authorities are laid out in the Compact's Aggregation Plan and its Intergovernmental Agreement.

3. Who has oversight of the Compact?

There are many levels of oversight of the Cape Light Compact. Most directly, each member of the Compact appoints a representative to the Compact's Board. Through these representatives, each of the member towns and counties has a role in overseeing the Compact. Further, many of the Compact's programs are subject to oversight by various regulatory bodies, such as the Department of Public Utilities and the Department of Energy Resources.

Relationship with Barnstable County

1. Is the Compact part of Barnstable County?

Barnstable County serves as the Compact's procurement agent for all matters related to the procurement of basic goods and services as requested, i.e. office supplies and equipment. The Compact's Chief Procurement Officer ("CPO"), appointed by the Compact Governing Board, procures all other services for both the Compact's energy efficiency and power supply activities, except for certain energy efficiency contracts that are procured on a statewide basis. In addition, Barnstable County, under an Administrative Services Agreement, provides office and meeting space and administrative support to coordinate the Compact's operations contingent upon the Compact's approval.

Aggregation Plan

1. What is the aggregation plan?

Cape Light Compact developed its aggregation plan in compliance with Massachusetts law regarding public aggregation of electric consumers. It contains required information on the structure, operations, services, funding, and policies of the Compact. The Compact's original aggregation plan was approved by the Department of Public Utilities (DPU) then the Department of Telecommunications and Energy) in a proceeding that included the Massachusetts Attorney General and NSTAR.

2. How often does it get updated?

When the Compact prepared and submitted its original aggregation plan, its understanding was that the plan would not need to be updated, but, instead, served as a document needed only for approval at the inception of the aggregation. The Compact maintained and updated several times its Inter-Governmental Agreement. On August 27, 2013, the DPU, which approved the Compact's original plan, sent a letter to the

Compact, asking that the Compact review its plan and update it if there were elements that no longer accurately described the Compact's operations. The Compact found that there were elements that could be updated, and proceeded to file a revised plan. The DPU, in its order approving the City of Lowell's aggregation plan, clarified events that would trigger the need to file a revised aggregation plan in the future.

Inter-Governmental Agreement (IGA)

1. What is the IGA?

Under Massachusetts General Laws, cities and towns may enter into an Inter-Municipal Agreement to perform services, activities or undertakings authorized by law. The twenty one towns of Cape Cod and Martha's Vineyard and the two counties determined that municipal aggregation services were most effectively and efficiently delivered together through an Intergovernmental Agreement. This governing document was executed by all twenty one Cape and Vineyard towns and Barnstable and Dukes counties. Each municipality has a member who is appointed to the Cape Light Compact Governing Board.

2. Does this agreement change?

This agreement may change as needed, and has been updated five times. Any change is approved by the Compact Governing Board.

Governing Board

1. How are Board members appointed?

Board members are appointed by their respective town's or county's appointing authority.

2. When does the Board meet?

The Board's regularly scheduled meetings are on the 2nd Wednesday of every other month, starting in January. The Board may add or adjust additional meetings as needed.

3. Are their meetings, and any committee meetings, open to the public?

Yes, provided that the Board or Committee does not enter into Executive Session.

4. Where can I find meeting agendas and minutes from the Governing Board meetings?

Governing Board meeting agendas and minutes can be found on the Compact's website at www.capelightcompact.org/meetingcenter. Additionally the agendas are posted on the outside bulletin board at the Barnstable County Superior Court House.

5. What is the proper way to bring an issue before the Board?

Each town has a representative to the Board. If a citizen has a concern they would like addressed, they should present it to their respective town's board of selectmen or town manager, who will then notify the Town's representative to the Compact's Governing Board. If a member town has a concern that they would like addressed, the Town's representative to the Compact would bring the matter to the full Compact Board for consideration.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

7A

BOARD OF SELECTMEN

Secretary Search Committee Process

Requested by: Town Manager David B. Panagore

Action Sought: Discussion/Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to establish a Board of Selectmen Secretary Search Committee and appoint _____ as the Selectmen's Representative.

Additional Information

This meeting will be to review the attached Job Description, to appoint a Board member to the Search Committee and to determine how many candidates to recommend to the Board.

The Town Manager has selected Town Clerk Doug Johnstone and Town Manager Executive Assistant Elisabeth Verde as members to the Search Committee.

See attached Job Description, the 2016-2017 Timeline and Search Committee Protocol.

Board Action

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

**Job Description
Secretary to the Board of Selectmen
Provincetown, Massachusetts**

Definition

Skilled secretarial and administrative support work in assisting the Board of Selectmen to discharge its duties, and in managing the daily clerical duties of the office; all other related work as required.

Supervision

Works under the general direction of the Board of Selectmen, and is supervised by the Town Manager.

Performs varied and responsible duties requiring a thorough knowledge of departmental operations and the exercise of independent judgment and initiative in assisting citizens and town employees and in coordinating the activities of the Board of Selectmen's office, particularly in situations not clearly defined by precedent or established procedures.

Job Environment

Work is performed under busy office conditions.

Operates computers, calculators, and other office equipment.

Makes constant contact with the general public, other town departments and officials, and community organizations. Communication is by means of in-person discussions, telephone, and written correspondence.

Has access to a large amount of confidential information resulting from relationship with the Board of Selectmen including bid proposals, negotiating positions, and content of executive sessions.

Errors could result in significant delay or loss of services and adverse public relations.

Essential Functions

Answers questions and furnishes information to the general public concerning Town policies and procedures, rules and regulations, and functions of Town departments.

Receives and responds to complaints and makes appropriate referrals; keeps Board of Selectmen informed of public inquiries.

Manages the day-to-day activities of the Board of Selectmen's Office, sorts and reviews department mail; types notices, memos, reports, correspondence from the Board of Selectmen; maintains Board of Selectmen's schedule.

Assists in the preparation of the Board of Selectmen department budget.

Handles Board of Selectmen department accounts; orders supplies for the office.

Prepares and posts agendas and meeting notices; types, posts and advertises public hearings; prepares and compiles mailings and backup material for Board of Selectmen members; attends all Board of Selectmen meetings; takes and transcribes minutes; follows up on directives issued at Board of Selectmen meetings. Maintains and updates, as necessary, Board of Selectmen Rules and Procedures, and other duties as assigned by the Town Manager.

Updated 10-14-08 by Provincetown Board of Selectmen

DRAFT: Secretary to the Board of Selectmen Search Committee Timeline 2016-2017

- 10/24/16 BOS Regular Meeting- Review job description. Appoint members of the Search Committee and determine how many candidates to recommend to the BOS.
- Week of 11/7/16 Committee meets to establish procedures, advertising plan and “core questions” for interviews.
- 11/17/16 Submit advertisements to various publications/web sites (Legal requirement will be met by advertising in the Banner 11/24-12/8)
- 12/14/16 Deadline for applications
- Week of 12/19/16 Committee meets to review applications and select candidates
- Week of 1/16/17 Interviews commence, then finalists are selected
- 2/13/17 BOS Regular Meeting- Interview candidates in Open Session
- 3/20/17 New secretary’s first day of work (4 week overlap with Loretta)
- 4/14/17 Loretta’s last day of work



SEARCH COMMITTEE PROTOCOL

The following procedures may be used as a general guideline for conducting a search for a position to be filled by a committee:

General Guidance:

- All provisions of the Open Meeting Law (“OML”) apply to the search committee, including the requirements for posting detailed meeting notices, convening open sessions prior to going into executive session, making the statement required prior to convening executive session, taking a roll call vote for such purposes, and keeping detailed minutes of all open meetings and executive sessions.
- As a general rule, matters discussed in executive session may not be publicly discussed or disclosed except in accordance with a vote of the search committee, particularly where privacy rights of individuals may be implicated.
- Communications between or among members in person, or by telephone, e-mail or social media are strongly discouraged in consideration of the importance of the work of search committees and the privacy issues at stake, and communications initiated by members of the search committee must be limited to scheduling purposes only.
- All provisions of the Public Records Law (“PRL”) apply, subject to the exemptions contained therein, meaning that the materials created by or submitted to the search committee are subject to the law and are subject to disclosure unless falling within one of the limited exemptions to the law.
- Members of the search committee are Municipal Employees for purposes of the Conflict of Interest (“COI”) Law and should be aware of the restrictions and obligations of the law; unless designated as “special”, this fact can vastly limit the ability of members to appear on behalf of others in matters in which the Town has a direct and substantial interest.

Procedures:

The below suggested steps are meant as a guide; variations may be made to suit a particular hiring situation, provided that the applicable provisions of state law, and local charter or bylaws, are observed.

Step 1: Establish Parameters of the Search Process – Open Session (whether done by the appointing body or the search committee)

- Develop job criteria, minimum qualifications and application procedures.
- Establish a procedure for issuance and receipt of applications and deadlines for submissions and decision making.
- Determine how many candidates will be recommended to the appointing body as finalists, so that it is clear when the search committee's work is done. (Must be more than one; at least one court has concluded that using the preliminary screening process to winnow applicants down to only one finalist, all in executive session, violates the OML).

Step 2: Receive and Discuss Applications – Executive Session if OML Conditions are Met (Note - Step 2 and Step 3 may occur in reverse order or simultaneously)

- Pursuant to G.L. c. 30A, §21(a)(8), the search committee may meet in executive session to consider or interview applicants for employment if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants.
- Generally, the search committee may enter executive session if one or more candidates have stated that they wish their candidacy to be considered confidentially at the initial stages of the search process.
- At this initial stage, if confidentiality is invoked, the search committee may discuss in executive session each of the applications received and determine which candidates, if any, will be invited for the first round of interviews.

Step 3: Develop Interview Questions – Open Session

- Core questions should be developed by the search committee in open session prior to the interviews.
- It is generally recommended that each candidate be asked the same core questions.
- If there is interest in asking candidates questions for which they are required to provide an instinctive answer, each member of the search committee could be asked to prepare a single question for such purposes, and each candidate could be asked that question in executive session.

Step 4: First Round of Interviews – Executive Session if OML Conditions are Met

- The search committee may interview each candidate in executive session if the requirements of Purpose 8 of the Open Meeting Law are met, as described above.

- The search committee may discuss in executive session the merits of each candidate, and decide whether the candidate will be invited for a second round of interviews or named as a finalist to be recommended to the appointing body.

Step 5: Second Round of Interviews – If Applicable

- Additional candidates may be interviewed.
- Similarly, candidates previously interviewed may be called back for a second interview provided that number of eligible candidates has not dropped to the number of candidates the search committee has indicated will be recommended as finalists to the appointing body.

Step 6: Notify Finalists and Make Recommendation to the Appointing Body

- Once the search committee has recommended finalists to the appointing body, Purpose 8 of the Open Meeting Law no longer applies and the remainder of the process must be carried out in open session.
- Prior to making a recommendation, each finalist should be notified of the search committee's decision and given an opportunity to withdraw their name from consideration.
- If the process was conducted in executive session, only the names of the finalists who agree to be considered by the appointing body should be released publicly.

Step 7: Appointing Body Interviews Finalists – Open Session

- Once finalists have been recommended to the appointing body, such board or committee's consideration of such finalists must occur in open session, including interviews of the candidates identified as finalists.
- There is no limit on the number of times a particular candidate may be interviewed in open session.
- Executive session may only be used for strategy with respect to negotiations with non-union personnel, or to actually negotiate an employment contract; in our experience, the appointing body will often delegate this responsibility to a single member, and then have that person bring recommendations back to the entire board.
- If all interviews are unsuccessful, the search committee may be tasked to revisit the search process, starting as far back in the process as Step 1, or later in the process.

Open Meeting Law, Public Records Law, and Conflict of Interest Law Implications

As noted above, the Open Meeting Law, Public Records Law, and Conflict of Interest Law apply to screening committees and their members.

Open Meeting Law (“OML”) –

1. Meeting Notice - Screening committee meetings must be posted in accordance with the OML, and all meetings must first convene in open session. The screening committee must provide 48 hours posted notice of any meeting, Saturdays, Sundays, and legal holidays excluded. The agenda must include notice of an executive session (if one is to be held), and the general topics to be discussed.

For instance:

- “G.L. c.30A, §21(a)(8) - To review resumes of candidates as part of the preliminary screening process.”
 - “G.L. c.30A, §21(a)(8) - To conduct interviews of candidates as part of the preliminary screening process.”
 - “G.L. c.30A, §21(a)(8) - To screen candidates as part of the preliminary screening process.”
 - “G.L. c.30A, §21(a)(8) - To develop a short-list of candidates for further screening or to recommend to the Board of Selectmen.”
2. Determination of Chair - Where executive session is appropriate, both the Agenda and the motion to convene in executive session should state that the chairman has determined that an open meeting will have a detrimental effect in obtaining qualified applicants.
 - The chairman may only make this declaration if one or more candidates have stated that he or she wishes that their candidacy be considered during the preliminary screening stages only in executive session.
 - Candidates should be asked this question prior to the screening process. It is advisable to include this question on the application form.
 3. Roll Call Votes - Where an executive session is held, the vote to go into executive session and any votes taken during executive session must be by roll call. The vote to exit the executive session should also be by roll call. The vote to convene in executive session must state whether the screening committee will return to open session after the executive session.
 4. Detailed Minutes - Of course, detailed minutes of both open and executive session meetings must be kept. We recommend that the executive session minutes be kept separate and apart from the minutes of any open session. The names of candidates screened must be included in the minutes. Do not discuss any matters in executive

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session that do not relate directly to the screening of candidates or were not included in the agenda notice. The minutes must include detailed information sufficient to identify the questions asked and the answers provided.

5. Provided that the preliminary screening process was appropriately conducted in executive session, the names and identifying details of candidates considered during the screening process who were not identified as finalists may be kept confidential even after the selection is made, which includes redacting such information from the executive session meeting minutes in response to a public records request for same. (Protection of privacy rights under G.L. c. 214, s.1B and Exemption (7) of the OML – to comply with the provisions of any general or special law).
6. General OML principles govern email communications between screening committee members, and even communications between committee members and applicants, board of selectmen, town employees or officials, and the like. As such, avoid the use of email except for scheduling purposes. (The chair of the screening committee or a staff member may send an email to committee members scheduling meetings and distributing information.) Screening committee members should never email each other or engage in any discussions by email. Avoid sharing ideas, beliefs, reflections, or opinions in email communications, and never use “reply to all”.

Public Records Law –

1. Emails of screening committee members that relate to the business of the committee, even if exchanged through private email addresses, are public records and must be retained and disclosed if requested and if no exemption from disclosure applies.
2. Of note, as the privacy interests held by applicants who do not reach the finalist stage are significant, it may be that the executive session minutes of the screening committee meetings may be withheld from disclosure under the Open Meeting Law as it operates through exemption (a) of the Public Records Law and under the first and second clauses of exemption (c) of the Public Records Law. . The application of these exemptions requires case-by-case analysis.
3. Application materials, including resumes, of candidates that are never considered in open session, may be withheld from disclosure in response to a public records request. Resumes of finalists (but not other application materials), discussed in open session, are public records.

Conflict of Interest (“COI”) Law –

1. Members of a screening committee are considered municipal “employees” for purposes of the COI Law. G.L. c. 268A, §23(C) provides, in relevant part:

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(c) No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

(1) accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) improperly disclose materials or data within the exemptions to the definition of public records as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

2. As a result, it is a violation of the COI Law to reveal executive session information until the reason for the executive session no longer applies and the full committee votes to release the minutes.
3. Furthermore, a screening committee member may not participate in any matter in which the member or an immediate family member has a financial interest. Other prohibitions apply. If you are in doubt, contact the State Ethics Commission or Town Counsel (through the Town Manager's office.) If a screening committee member learns that an immediate family member, neighbor, friend, or business associate has applied for the position, the committee member should not participate any further in the screening process until an opinion has been issued with respect to the COI question.

Helpful Links

Attorney General's Open Meeting Law Website:

<http://www.mass.gov/ago/government-resources/open-meeting-law/>

Secretary of the Commonwealth Public Records Law:

<http://www.sec.state.ma.us/pre/preidx.htm>

State Ethics Commission Website:

<http://www.mass.gov/ethics>

Contact Information

Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110
(617) 556-0007
514190

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Reasons for Convening Executive Session (M.G.L. c.30A, Sec. 21(a) – Effective July 1, 2010)

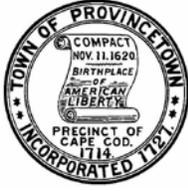
1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual. (*See Rights of Individuals – next page*)
2. To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.
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.
4. To discuss the deployment of or strategy regarding security personnel or devices, e.g., a sting operation.
5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
6. To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.
7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.
8. **To consider or interview applicants for employment by a preliminary screening committee, if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to any meeting regarding applicants who have passed a prior preliminary screening.**
9. To meet with a mediator regarding any litigation or decision; provided that (i) any decision to participate in mediation shall be made in open session and the parties disclosed and (ii) no action shall be taken with respect to the issues involved without deliberation and approval of the action at an open session.
10. To discuss trade secrets or confidential or proprietary information regarding activities by a governmental body as energy supplier, municipal aggregator or energy cooperative, if an open session will adversely affect conducting business relative to other entities making, selling or distributing energy.

Procedures for Convening Executive Session

1. **The meeting must be convened in an open posted session, with executive session listed on the agenda when reasonably anticipated by the chair.**
2. **The chair states the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose of the executive session (and, under exemptions 3, 6, and 8, makes the required declaration).**
3. **A majority must vote in a recorded roll call to go into executive session.**
4. **The chair announces whether the meeting will reconvene in open session.**
5. **Accurate minutes and other records of the executive session must be maintained, with all votes recorded by roll call.**

Rights of Individuals (Exemption 1)

1. **When a governmental body wishes to discuss: (a) the reputation, character, physical or mental health of an individual; or (b) the discipline or dismissal of or complaints or charges brought against a public officer, employee, staff member or individual, it must notify that person in writing at least 48 hours in advance of the meeting, not including Saturdays, Sundays or holidays.**
2. **Written notice may be waived by the individual.**
3. **The individual may request that the meeting be held in open session.**
4. **If an executive session is held, the individual has the right to be present for deliberations and to speak, and to have counsel or a representative of choice present for the purpose of giving advice but not for active participation.**
5. **The individual may have an independent record of the executive session created by audio recording or transcription, at the individual's expense.**



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 26, 2016

7B

TOWN MANAGER'S REPORT

Administrative Updates

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent – votes may be taken.

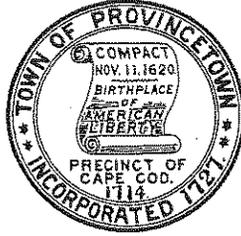
Additional Information

- i. Discussions on Fall Town Forum Update and Potential Survey.
- ii. Discussion on RFQ Criteria – former Community Center.
- 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



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

To: Chairman Raphael Richter
and Board of Selectmen

From: Town Manager David B. Panagore

Date: October 25, 2016

Re: Former Community Center & Potential Items for the Spring Town Meeting Warrant

Attached you will find a draft selection criteria for your review and input for the 46 Bradford Street RFP process. As the Town's Chief Procurement Officer, it is my responsibility to ensure a legal and fair process and, as the body authorized to dispose of the old Community Center, I have brought before you draft evaluation categories in detail. There are four categories and each carries the same scoring weight (25%). Staff has put these criteria together based on past Town RFPs and RFP criteria from other communities and our own experience in managing such selection processes.

I will be asking for your specific input on Wednesday night so that we can continue to craft the RFP and ensure the criteria is established before the process proceeds any further.

A major decision of the Board is whether the Board wishes to be the review committee itself or appoint another committee to recommend to the Board.

Second, you will find a draft itemization of potential items for the Spring Town Meeting Warrant for your review. I have provided them to help as we develop the presentations for a survey. The survey will be based around the survey distributed last spring for your review and will then be distributed at the Town Forums. They will also be available online for two to three weeks after the Town Forums. We have time to mull this over and no final decisions or edits will be required at this Board's meeting.

We are continuing to prepare the presentations for the Town Forums. In the past two weeks, we have started looking for group facilitators as well as reforming the civic engagement group to assist over the next two months.

We look forward to discussing these matters with you on Wednesday night.

DBP:ljd

Attachments: Draft town Meeting Survey for Town Forums
Potential Items - 2017 Spring Town Meeting Warrant

1st Draft Town Meeting Survey for Town Forum Use

[To build on the information from the April 2016 Town Meeting Survey]

Q1 How often do you attend Town Meeting?

	Always
	Sometimes
	Never
	Not a registered voter so do not attend.

Q2 If you attend Town Meeting Regularly, please explain why, and if you don't attend Town Meeting regularly, what is the main reason that you choose not to participate?

Q3 To encourage great participation in Town Meeting, which of the following do you feel are very important, somewhat important, or not very important?

	Very	Somewhat	Not Very
More comfortable chairs			
Take articles in random order			
Shorten presentations			
More articles on Consent Agenda			
Conduct Town Meeting on a Saturday			
Hold Town Meeting in May			
Provide Food/Daycare			

Q4 To provide voters with information they may need for informed decision making, which of the following are very important, somewhat important, or not very important?

	Very	Somewhat	Not Very
Better factual information earlier			
Town Forums to discuss issues			
Online information/dialogue			
PTV live stream/replays of meetings			

Q5 Other suggestions or comments?

Potential Items
2017 Spring Town Meeting Warrant

Special Town Meeting – Monday, April 3, 2017

1. FY 2017 Budget Adjustments.

Annual Town Meeting – Monday, April 3, 2017

Regular Agenda

1. To Hear Town Reports
2. FY 2018 Operating Budget.
3. FY 2018 Cape Cod Regional Technical High School Assessment.
4. FY 2018 Enterprise Funds.
5. Establish Parking Enterprise Fund
6. Fireworks Celebration.
7. Community Preservation Budget for FY 2018.
8. FY 2018 Capital Improvements Program.
9. Adoption of Workforce Housing Tax Assessment Plan (VFW)
10. Accept Veteran Assistance Fund Check-off
11. Housing Playbook Acceptance/adoption
12. Action on VFW Site (placeholder)

Petitioned Articles

1. Petitioned Articles

General By-Laws

1. Tree By-Law
2. Existing Revolving Account By-law(s) (codification)
3. Tree By-law Revolving Account
 - i. For tree by-law violation fines to be used to enhance trees throughout Town
4. Jet Ski By-law Revision
5. Adoption of "Good Standing Criteria" By-law
6. Local Historic District By-law: Procedures for Review of applications
7. Local Historic District By-law: Exemptions from Review, new section on Solar Panels
8. Local Historic District By-law: Siding

Zoning By-laws

1. Inclusionary and Incentive Zoning By-law
2. Sign Regulations, and Section 3420, Outside Display (these changes are related)
3. Zoning By-law Amendment: Chapter 2 Amendments to Section 2630 regarding roof configuration (dormers, kneewalls, percentage of floor area, etc...)
4. Zoning By-law Amendment: Accessory Dwelling Unit Bylaw
5. Zoning By-law Amendment: Chapter 4 Amendments to Section 4120 Density Schedule for Commercial Accommodations

Town Board Articles

1. Town Board Articles

Consent Articles

1. Cape Cod Greenhead Fly Control District Assessment.
2. Expenditures from the Tourism Fund.
3. Amendments to Personnel Bylaw/Classification and Compensation Plan
4. FY 2018 Human Services Grant Program
5. Room Occupancy Tax: A Home Rule Petition.
6. Expanding Residential Property Exemption - A Home Rule Petition.

Developer Selection Criteria

Comparative Evaluation

All proposals submitted by the due date will be evaluated for conformance with the below stated minimum criteria. Those proposals that meet the minimum criteria will then be evaluated by the comparative criteria described below. Proposers may be invited for an interview and will be scored by the (*review committee*). The Town reserves the right to select the proposal that best meets the needs of the community and that may not be the proposal that achieves the highest score.

Minimum threshold criteria

The following are **minimum criteria** for Proposal consideration. Proposals that do not clearly and fully convey these minimum criteria will not be considered.

1. Complete conformance with all submission requirements
2. Proposing Team must demonstrate availability to enter into and execute a Land Disposition Agreement within 90 days of selection; show sufficient staff resources and availability to perform required services
3. Completed required forms:
 - Certificate of non-collusion
 - Tax compliance
 - Disclosure of beneficial interests form as required by M.G.L. c. 7C, section 38

Comparative Evaluation Criteria

Projects meeting the minimum criteria will then be judged on the following additional comparative evaluation criteria:

EXPERIENCE: (25% of final score)

Development Team Experience and Capacity

1. Development experience: Outlines the development team experience; the prior track record in the proposed development of a similar scale and type, in particular the environmental and other issues found in a small town setting, and equally the experience of the development team with regard to the operations of the proposed type of development.
2. Staffing Plan: Identifies management team, their experience and roles and responsibilities for the project.
3. Project time line: Identifies the development team experience with completing similar scale projects on time and within budget.

CONCEPT: (25% of final score)

1. Development Objectives and Concept: The proposal details the project vision, objectives, and concepts, addressing Town of Provincetown goals and priorities and reflecting their understanding of project constraints.
2. Site Design: Submission of a conceptual site and landscaping plan reflecting identified needs, that creates density within the context of its surroundings, that reflects the local historical design vernacular provides adequate bike and vehicle parking, and limits the impact on the site to the greatest extent possible.
3. Building & Elevation Plan: Identification of known permitting requirements and submission of conceptual building plan identifying modifications to interior and exterior walls, roof lines, foundations, expansions and green design elements.

COMMUNITY & FINANCIAL BENEFITS: (25% of score)

1. Benefit: Proposal provides identifiable and measurable community benefit(s) both in the short and the long term including but not limited to community use, tax revenues, 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.
2. Proposal provides data and information substantiating these benefits, and provides long term strategies to protect and sustain the community benefit(s).
3. Offer Terms: Proposal provides details of the offer to purchase or enter into a long term lease. Identifies any public subsidy being requested, based on the real estate asset.

ABILITY TO PROCEED: (25% of final score)

1. Development Team Commitment: The Proposer's Staffing Plan demonstrates the capacity to take on the work within 90 days of award.
2. Budget: Submission of development and operating budget reflecting environmental, permitting issues, construction estimates, soft costs, proposed budgets that are based on current cost and market conditions, and operating budget reflects target population, reasonableness of management, administrative costs, and maintenance and utility costs.
3. Financial Feasibility: Extent to which the project is feasible financially and proposed resources are attainable, including any letter(s) from prospective lender(s). Proposal identifies funds, and/or financial commitments to proceed in a timely fashion.

Selection Process

The Town or its designee(s) (i.e. an evaluation committee) will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined herein. Evaluation of the proposals will be based on the information provided in the proposers' submission in accordance with the submission requirements of this RFP and any interviews, references, and additional information requested and/or gathered by the Town. The Town will select the developer it or its designees determines has deemed the most advantageous and responsive proposal. **The Town reserves the right to select the proposal that best meets the needs of the community and that may not be the proposal that achieves the highest score.**

The Town reserves the right to reject any or all proposals or to cancel this Request for Proposals if it is in the best interest of the Town. The Town will notify all proposers in writing of its decision.

DRAFT



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 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

Wednesday, October 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 vote to approve the minutes of

May 11, 2015 (Regular)

as printed with changes so noted

September 09, 2015 (Special)

as printed with changes so noted

Additional Information

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
REGULAR MEETING MINUTES
MONDAY, May 11, 2015 6:00 p.m.
TOWN HALL – JUDGE WELSH ROOM
DRAFT**

Chairman Donegan convened the meeting at 6:00 p.m. noting the following:

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

Other attendees: Acting Town Manager David Gardner, Acting Assistant Town Manager Michele Jarusiewicz, Acting Police Chief Jim Golden, Town Planner Gloria McPherson, and Cape Cod Commission Technical Services Director Glenn Cannon.

Recorder: Loretta Dougherty

Tom congratulated Erik Yingling on his reelection. The Board proceeded to elect the Chairman, Vice-Chairman and Board Liaisons.

Election of Officers:

MOTION: Move that the Board of Selectmen vote to elect Selectman Tom Donegan as Chairman of the Board of Selectmen for a term of one (1) year commencing immediately.

Motion: Erik Yingling

Seconded: Raphael Richter

Cheryl commented briefly on having not supported Tom last year but will do so this year. She does, however, have a few concerns dealing with making sure we have published as quickly as possible the items that the Board votes on at each of their meetings so the public can view them in a timely fashion. She would also like to see the Board only address those items that have been published on the agenda. She noted that there has been much progress and healing that has taken place between both the town and the Board. She would like to see the Board become somewhat better structured. She thanked Tom for his hard work this past year.

Erik would like to see the meetings be more concise and not have as much repetition from those speaking. He is happy to support Tom.

5/0/0 Motion passed.

MOTION: Move that the Board of Selectmen vote to elect Selectman Erik Yingling as Vice-Chairman for the Board of Selectmen for a term of one (1) year commencing immediately.

Motion: Raphael Richter

Seconded: Robert Anthony

5/0/0 Motion passed.

Tom listed a couple of the Liaisons needed: the Police Department and Pier Corp.

Cheryl wanted to talk about this at the end of the meeting or at another meeting. She would like to talk about what the Liaisons do at the next meeting.

No action was taken.

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

- A. *Approve a letter to the Division of Marine Fisheries re: Evaluation of Area near Johnson St. including MacMillan Pier to conditionally approve for shell fishing which is presently restricted.*

MOTION: Move that the Board of Selectmen vote to approve a letter written to the Division of Marine Fisheries regarding evaluation of the area near Johnson Street including MacMillan Pier to conditionally approve for shell fishing which area is presently restricted.

- B. *Approve a letter to the Division of Marine Fisheries re: Site Inspection of Eddie Ritter's 2 acre private Shellfish Grant east of the West End breakwater.*

MOTION: Move that the Board of Selectmen vote to approve a letter written to the Division of Marine Fisheries regarding a site inspection of Eddie Ritter's 2 acre private Shellfish Grant east of the West End breakwater.

- C. *Approve Certificate of Compliance and Discharge of Trust for property located at 951R Commercial Street, Provincetown, MA 02657, as presented and approved to form by Town Counsel.*

MOTION: Move that the Board of Selectmen vote to approve the Certificate of Compliance and Discharge of Trust for property located at 951R Commercial Street, Provincetown, MA 02657, as presented and approved to form by Town Counsel.

Tom waived the reading of the consent agenda and without objection the Selectmen unanimously approved the consent agenda.

1. **Public Hearings:** None.

2. **Public Statements:**

Rik Ahlberg (serves on the Bicycle Committee) – He supports what the Cape Cod Commission is going to propose this evening but asked if consideration could be given to bicycle parking as well.

3. Selectmen's Statements:

Raphael commended the Dept. of Public Works re: paving of streets. He has heard no complaints about the process. He extended his appreciation to all the business owners who opened their businesses this past week. It is very nice to have open doors for all of the people who want to be here at this time of year.

Erik thanked the people in Provincetown for reelecting him. Please feel free to stop him on the streets with any concerns. He spoke about someone who had just recently been injured by a bicycle and would like to have a discussion with the Bicycle Committee concerning bicycle safety. He also thanked those responsible for the Ragnar event that was held this past weekend. He noted that more than half of the cars in town were Ragnar event supporters and participants.

Cheryl thanked everyone who was here tonight. The more the Board hears from residents the better prepared they are to do whatever needs to be done. Now is the time to talk with the Board to bring forward everything for next fiscal year.

Robert asked to make a motion to have a letter of appreciation sent to John Silver. John sets up everything for the commencement held on Veterans Day.

MOTION: Move that the Board of Selectmen send a letter to John Mark Silva for his dedication to all of our veterans.

Motion: Robert Anthony
5/0/0 Motion passed.

Seconded: Erik Yingling

MOTION: Move that the Board of Selectmen send a letter to the LUSO American Foundation for their recognition of our appreciation and support of the Portuguese festival and Portuguese heritage we have in Provincetown.

Motion: Robert Anthony
5/0/0 Motion passed.

Seconded: Erik Yingling

Tom went to a Solarize Provincetown meeting this past Saturday. Provincetown was selected as one out of five towns in Massachusetts. The Historic Committee is working with homeowners and people can sign up to get three quotes. It is very cost effective and systems are set up. He picked up the BANNER this week and noticed an editorial about who was born where and how long they have lived here. Out of all the Board members he is the only one that was not born here. He wants to see everyone come together as people who love Provincetown. We respect those who have lived here for generations and were born here. This editorial is way out of line and he just wanted to comment on it.

4. Joint meeting/Presentations:

A. Building Committee Recommendation regarding Police Station Building Code Assessment – Contract with Carell Group, Inc. Architects – Building Committee Chairman Tom Coen.

Chairman Coen convened the meeting at 6:15 p.m. noting the following: Building Committee members: Chairman Tom Coen, Vice Chairman Richard Murray, Donald Murphy, Kevin Shea, and Sheila McGuiness. Excused Absentee: Leif Hamnquist.

Tom C. presented the Building Committee's recommendation for an architectural firm in response to the Town's Request for Qualifications (RFQ) for the Provincetown Police Station's existing conditions code assessment. He made reference to the October 23, 2014 Board of Selectmen's meeting minutes that set out the need to go forward with this assessment. The Committee decided to interview all four of the respondents. Interviews were very important in getting to know the architects and what their capabilities were. Two of them had gone to the Town's website and they had responded in much more detail. One impressed the Committee with their hands-on knowledge. He looked at the Police Station video and had some good questions. Kaestle Boos was not included in the finalists even though the town has a really good working relationship with them re: the new police station. The Committee felt that a new set of eyes would be best to look at this project.

Erik wanted to know what we are getting for our money. He was against the Town Meeting Article. He thought we had done a building assessment before on the police station.

Tom C. informed him that it was not assessed at that time.

Erik stated that we all know the problems and questioned what the study was going to give the Board.

David commented that it is a building code assessment not a building assessment. This study will tell us what thresholds might be triggers should we start improvements. For example, if we moved the 911 from the basement into an upper level would this then create the need for all new wiring. Specifically, we are looking at what improvements, in terms of public safety, need to be done so that this building can be used for a period of three to five years before we get a new police station.

Erik does not know what he is voting on re: pricing and he wants to know how much money we are putting towards this.

David stated that we do not make recommendations on pricing only on who will do the study.

Kevin stated that there are two thresholds: the building code and accessibility compliance. We are in need of good advice on how much money we need to spend to bring this building up to code because \$200,000 can become \$400,000 easily, if thresholds are kicked off.

Tom C. stated that we need to be very careful in selecting something we can live with longer. We do not want to trigger some of the other requirements.

Donald stated that the Building Committee was against the \$200,000. It was forced on them by the Finance Committee.



Rick stated that the Committee is responding to a Finance Committee proposal. We have spent four years, lots of time and energy and taxpayers dollars on this. The Committee wants to get direction from the Board before they spend a nickel more. The Committee has done good work over the past several years and does not want to spin their wheels for another five years. He wants to make a decision.

Robert's main concern is that if it takes another three to five years to get this done he wants the existing police station to be safe during that time. He knows we need a new police station. If we are going to do a study we need to set a timeframe. His feeling is that in 1985 a new police station was already needed. The money is not wasted to do the study. He understands that it is for code. We have a problem if it does not meet code.

Tom C. noted that for purposes of discussion with the architect the Board voted on the CIP to target 2019 for the new police station and the architects are willing to provide extensions, if needed.

Robert is concerned about code violations; it becomes a problem whether people can work there or keep the inmates there.

Tom D. wants to have another Joint Meeting and talk this through.

Kevin believes that the more intelligent approach is to create a matrix of problems to solve and look at the costs. It is beyond his scope to just wing it.

Sheila read the reports that most organizations have one expertise and they go out to subcontractors to do their particular area.

Rich does not want to spend \$200,000 and waste any more time.

Raphael believes we should be prepared for it to take up to five years. It will have to go before Proposition 2 ½. We should be ready for it to be a discussion with the community. He asked to plan for five years rather than three years. The voters will decide in the end.

Kevin stated that most of the repairs will last longer than five yrs. He wants to do nothing more than repairs.

Cheryl is happy to make a decision but not necessarily choose one of the firms to do the work tonight.

David stated that it passed at Town Meeting and we are tasked with giving the \$200,000. Staff needs to make the best types of decisions and in 2009 looked at many of these issues. The report has been ignored since then and we are still in the building doing the best we can. We need to move forward. Here we are in May and we still have some work to do.

Cheryl believes the correct procedure is to make a decision. She wants to look at the contract and see what the amount is and if the Board should sign it.

David stated that the step being taken tonight is to choose a designer and they will negotiate the contract with them.

MOTION: Move that the Board of Selection ratify the Building Committee recommendation to hire The Carell Group, Inc. for the Provincetown Police Station Existing Conditions Code Assessment.

Motion: Raphael Richter

Seconded: Robert Anthony

3/1/1 (Erik Yingling – Opposed /Tom Donegan - Abstained)

Tom will talk with Tom Coen regarding a date to come back and talk about the entire CIP, not just the police station but the entire CIP.

The Building Committee adjourned at 6:58 p.m.

5. Appointments:

A. Appointment of a Regular Member to the Licensing Board with a term to expire December 31, 2017 (Zachary Luster or Barrett Alley).

Raphael and **Erik** recused themselves and left the room at approximately 6:59 p.m.

Zachary just wants to be more involved in the town and this is the first step. He has a lot of family in town and is engaged by the Yinglings at present.

Cheryl knows him well and is glad he is willing to serve.

Tom asked if he was here year round or has any conflicts other than his restaurant.

David stated that Zachary has no conflicts.

Robert has known him for a long time.

Barrett Alley was the COO of the NY Stock Exchange Broadcasting Company and is a graduate of Michigan State. He was in the US Army Intelligence for many years. He has no conflicts.

Robert asked if he lives in town.

Barrett stated that he does other than a trip out-of-town here and there.

Cheryl thanked him for applying and believes what he brings to the table is just what we are looking for in the sense that not being in food service is helpful. She is certainly glad to support him.

MOTION: Move that the Board of Selectmen vote to appoint Barrett Alley as a Regular Member to the Licensing Board with a term to expire December 31, 2017.

Motion: Cheryl Andrews

Seconded: Robert Anthony

3/0/0 (Raphael Richter & Erik Yingling – Recused) Motion passed.

MOTION: Move that the Board of Selectmen vote to appoint Zachary L as a Regular Member to the Licensing Board with a term to expire December 31, 2017.

Motion: Tom Donegan

Seconded: Robert Anthony

12/31/15

3/0/0 (Raphael Richter & Erik Yingling - Recused) Motion passed.

6. Requests:

A. Parking and Traffic Circulation Study Cape Cod Commission by Technical Services Director Glenn Cannon.

Glenn gave a presentation to the Board on the Provincetown Parking and Circulation Study outlining the background, goals and objectives, research questions, study outline, data collection, timeline and budget, and answering any questions for the Board. Some of the items looked at included the significant traffic congestion during the peak season and any events held in Town, streets being very narrow with limited parking throughout Town as well as the need for delivery trucks and automobiles to be able to contribute to the economic vitality of the town. This study will help provide guidance on improvements to parking and efficiency of moving people and goods throughout Provincetown by offering recommendations for parking improvements, policies, potential roadway infrastructure improvements, and an analysis of current parking stock and utilization and overall traffic circulation in Town. He outlined the Parking and Circulation Study which may be found in its entirety in the Board's agenda packet on the Town's website. Data collection will include parking lot information such as number of spaces, ownership, pricing scheme, and utilization; traffic counts which include vehicles, bicyclists, and pedestrians on major roadways and intersections, and existing roadway configuration including available bicycle and pedestrian accommodations. A Bluetooth Travel-time Origin and Destination program (BlueTOAD) will be put in place that will read anonymous phone and vehicle Bluetooth signals, track vehicles as they enter and exit Town and reflect which points they pass while in Town. The cost will be \$25,000 for 25 location rentals for this program. It should take approximately 12 months to complete the study and the schedule will be driven by the data collection activities. Total approximate budget including BlueTOAD will be \$110,000.

Erik asked if they could look at the feasibility of less parking on the waterfront.

David stated that the parking on the waterfront is what causes most of the congestion. When the parking lot is full then people start looking for alternative spaces. If we can solve this problem it will solve some of the others.

Erik asked if the study will have recommendations for bike trails and sidewalks.

Glenn stated that they will not be doing a comprehensive bike study.

Raphael was pleased to see the BlueTOAD program. He would like to bring bikes into this equation right from the start giving a comprehensive understanding of what the data is in the end. Where are the bikes traveling, etc. He feels it is really important for all forms of transportation should be looked at.

Glenn is sure they can collect the data. He will find out and let the Board know.

Robert stated we had a traffic hearing this spring and discussed reversing the entrance/exit to the Monument. He gave a brief description as to what was discussed. He is aware that changing one roadway will affect others.

David stated that the Monument's Executive Director has already reached out to Glenn's office. The BlueTOAD should be very helpful in getting data.

Robert hopes the study will be so extensive so that the Board can make good decisions.

Glenn stated that they will be looking at roadways in and out of town, parking issues and bicycle issues. They are interested in giving the Board whatever data they need.

Cheryl asked about Cabral's parking lot. It is a private parking lot and in the past any hint to reduce this room for parking was met with a room full of downtown business owners.

Glenn stated that they are only talking about public parking spaces.

Tom appreciated Glenn coming out. Tom rides his bike to all meetings and he has Bluetooth. He pointed out that traffic is much slower on Commercial Street and bikes are much safer and faster. Bikes are the primary source of transportation during the summer not just by tourists but residents as well. He was surprised about the cost and commented that we ask so little of the county and is aware that the county has in budgetary needs, but questioned the amount for this study.

Glenn stated that this is the price for the report that will cost the CCC. We can negotiate it with the Town. It is the value but not the true cost.

David stated that we will negotiate the scope of work and price with the CCC.

Tom asked for an item to be placed on the May 26th agenda and thanked both Gloria and Glenn.

No action taken.

B. Police Reporting for Month of April 2015 – Acting Police Chief Jim Golden.

Acting Police **Chief Golden** presented the report to the Board and informed the public that they could read the entire report on the Police Department's web page.

Tom asked about how the mutual aid from Truro is working.

The **Chief** stated they had assisted about 6 times. He spoke about Turkey hunting season in the state park being from 6 a.m. until 12 noon. Today was the first day for seasonal police officers. They are full of energy and will start a week from Friday.

Tom asked how many seasonal officers were returning.

The **Chief** stated that we will get a second year out of them in different capacities and there are four new officers.

No action taken.

C. Proclamation for Peace Officers' Memorial Day to be observed on Friday May 15, 2015, during the National Police Week – Acting Police Chief Jim Golden.

Tom used to work near them while in DC.

MOTION: Move that the Board of Selectmen vote to proclaim Friday, May 15, 2015, as Peace Officers' Memorial Day in the Town of Provincetown in observance of National Police Week.

Motion: Raphael Richter

Seconded: Robert Anthony

Robert asked if we are doing anything in town.

Chief Golden stated they will do something at the Police station. The officers will wear their mourning bands, but nothing is scheduled for the town.

5/0/0 Motion passed.

D. Wastewater Status Update – DPW Director Richard Waldo.

Rich is gave his first quarterly report. He read off of a report noting the following:

- In order to more closely monitor and quantify local rainfall events, a permanent rain gauge has been installed at the WWTF. The gauge has been connected to the Plant SCADA system and information from this rain gauge will be used to monitor and evaluate the effects of various rainfall events on the sewer collection system.
- Visual inspections were performed during and after heavy rainfall events to identify areas of flooding and excessive stormwater runoff in the vicinity of the sewer collection system. As a result of these inspections several areas of the sewer collection system were identified that may be susceptible to varying degrees of inflow.
- Areas of the collections that were identified as being susceptible to inflow were evaluated for solutions to reduce surface water from entering the sewer collection system. As part of this effort several materials were evaluated for sealing of small openings in pump station hatches and manholes.

There was also included in the packet a month-to-month day flow for the Board's perusal. Most of the difference was due to businesses being closed during the winter season. August went down to levels that would be normal.

Cheryl thinks the rain gauge is a great idea and asked if she will get the rate as well as the amount.

Rich stated that there is a correlation between the rain event and what happens at the plant.

Tom suggested that every time we hear that second homeowners do not use the town's resources we need to look at this chart. The high volumes we are looking at suggest they are using our services. Infrastructure is so expensive around our peak season. We have to bill for every flush, turning on the water faucets, etc. We need to look at conservation issues that will help incent people to use devices that will limit the flow. The math does look to be on our side. He thanked the DPW for paving Conwell Street and believes that all the paving projects for Bradford Street, Commercial Street, and Conway as well as the patch works have been done really well. Our DPW employees do a great job. He would like to the water report that we receive quarterly to also be seen by the public.

No action taken.

E. Discussion re: the Local Comprehensive Planning Process and Establishing a Local Plan Committee with a Report from the Town Planner Gloria McPherson.

Gloria referred everyone watching to go online and read this plan. In order to get Provincetown headed in a direction we want in within the next ten to twelve years rather than the direction it is actually headed in now we need a Local Planning Committee. It is the local Planning Board that appoints the members. We fall under the Cape Cod Commission (CCC) and they have their own regulations. The CCC states that the Board of Selectmen designates the Local Planning Committee. The Planning Board said they did not want to be the Planning Committee themselves as they want a broader representation.

Tom asked what the next step is and when does it happen.

Gloria suggested to go to the Boards and ask for representatives or put it out into the public. We should have representatives from the community.

Tom asked her to give the Board a list of what she would like to see the Board do.

Cheryl stated that the Board just needs the list of who we want to ask.

Gloria stated that we could hash out committee members now, if the Board wants to do so.

Erik stated that he does not want anything too large.

Gloria recommended not getting more than 12 people.

Tom asked Gloria to put together a list of who might be willing to participate and how we would go about implementing the process.

Raphael agreed with Tom that Gloria should bring in a list to the Board.

Gloria suggested that members from the Housing Council; Economic Development Committee; Conservation Commission; Open Space Committee; Historical Commission or Historical District Commission; Dept. of Public Works; Water/Sewer Board, and perhaps the Bicycle Committee could be considered.

Tom asked more specifically for a list containing an outline of the process, a timeline and what the group will do.

Cheryl would like to see a timeline also.

Gloria will break everything down in terms of a timeframe. There will be work groups for each chapter.

Cheryl asked what she anticipates in terms of staff support for this. She also wanted to know if we will get support from the CCC.

Gloria will do mapping but is not really sure of all the particulars at this moment.

Cheryl asked if there is a budget for this.

Gloria told her that there is \$2,400. She hopes that the Town Meeting and BOS will adopt it.

No action was taken.

F. Discussion re: Coordination with the Planning Board and Potential Zoning Bylaw Amendments for Fall 2015 and Spring 2016 Town Meetings with a Report from the Town Planner Gloria McPherson.

Gloria explained what the Planning Board had discussed and what they would be looking at in the future. They will be discussing Zoning Bylaw amendments dealing with Urban Agriculture, Food Trucks, Site Plan Design and Performance Standards, the Inclusionary Housing bylaw, and Curb Cut Standards and Regulations. The General Bylaw Amendments to be discussed will be the Renewable Energy Bylaw, Conservation Easements rather than Restrictions for open space and the Outdoor Lighting Bylaw. Some projects that have come to fruition include the successful visit from the DART team in November 2014 and the unanimous votes at Annual Town Meeting 2015 to pass an Accessory Apartment Bylaw for year-round rentals in the Residential 1 Zoning District and an amendment to address the Deadrick versus ZBA of Chatham Decision regarding raising houses to FEMA requirements.

Raphael thanked her for the list and told her that he likes parts of all of the five bylaw amendments.

Erik thanked her. He thinks we should focus on one or two for the next Town Meeting. Inclusionary is very important to him.

Gloria stated that particular bylaw will take the longest to accomplish but thinks it will be well received at Town Meeting.

Erik would like to see this happened for the fall Town Meeting.

Gloria stated that they will try. They do have a good draft to start with. The official Public Hearing would be held before Town Meeting. She is happy to pursue it, aiming for fall Town Meeting. However, it is not easy from a writing perspective or having everyone understand it in such a short period of time. It requires a lot of vetting.

Tom wants to begin the process and recommended having a joint meeting with the Planning Board.

Cheryl does not want her name associated with food trucks until they go through it a little more. The existing business owners who have to supply bathroom facilities will be concerned about this item. She made a promise that she would not be interested in curb cuts until we cleared up last's year's problem with the bike shop.

The Board wants to discuss amongst themselves the issue of solar panels in the historic district. They will discuss not only solar and wind but include energy efficiency windows and doors. They do want to keep the building's character intact.

Tom wants to have a discussion with the Board of Fireman Engineers regarding incorporating artificial wood (party plank) onto homes. His house has them and the paint lasts a lot longer on them.

A Joint Meeting will be held on June 8th pending on whether the Planning Board can make it.

No action was taken.

G. 350 Bradford 40B Application Comments – Housing Specialist Michelle Jarusiewicz.

Tom recused himself and left the room at 8:53 p.m.

Erik asked how his colleagues felt about the letter to MassHousing 40B Specialist Michael Busby.

Raphael thought it was a great letter but suggested taking out the word "underground." His understanding is that it is not underground.

Cheryl thought the letter might say that it is out of scale for the neighborhood.

David suggested that we add a sentence about the HVAC being on the roof.

MOTION: Move that the Board of Selectmen vote to approve the letter to Michael Busby, MassHousing 40B Specialist, as revised.

Motion: Raphael Richter

Seconded: Cheryl Andrews

4/0/0 (Tom Donegan – Recused) Motion passed.

Tom returned to the meeting at 8:58 p.m.

H. Proclamation for Disability Awareness Day on Saturday, May 16, 2015, in front of the Fire House beside Town Hall at 10am.

Cheryl read the Proclamation.

MOTION: Move that the Board of Selectmen vote to proclaim Saturday, May 16, 2015 as Disability Awareness Day in the Town of Provincetown.

Motion: Cheryl Andrews

Seconded: Raphael Richter

5/0/0 Motion passed.

7. Town Manager / Assistant Town Manager:

A. Town Manager Search Update – Selectman Cheryl Andrews.

Cheryl stated that the Town Manager Search Committee will meet tomorrow and interviews will be set at that meeting. Most of the meeting will be held in Executive Session but they will reconvene in Open Session if any further calendaring needs to be announced.

David stated that applications for Police Chief will be reviewed by a committee made up of someone from the Chamber of Commerce, a member from the PBG, the Fire Chief, a member of the CEC, Michelle Jarusiewicz and himself. They will review applications when they are received. The MSBA project is starting to take shape. The engineers will be holding a public meeting next week with a time to be announced. The school will publish the particulars.

Cheryl asked how the formation of the 2020 is going.

David is looking to finalize that in a meeting tomorrow and Friday. He is meeting with Michelle and Anthony Fuccillo to brainstorm with them tomorrow.

No action was taken.

B. Other: None.

8. Minutes: None.

9. Closing Statements/Administrative Updates:

Erik asked about the Recycling Committee's concern regarding recycling bins being placed throughout Town.

David stated that when he was still Asst. Town Manager they did a full audit as to where they wanted to replace the bins. That was two years ago. In any case, we have more trash cans out there than we hope to have ultimately. At some locations we have two or three trash cans and one recycle bin. We will need to purchase more recycle bins. They cost \$300 to \$400 each and we have no budget for them. We will need to identify sources. We will inventory how many we need.

Cheryl stated that she was not born on Cape Cod. She was born in Buffalo. She was surprised that the editorial got the length attention that it has received. The CCC is separately budgeted from the county. They get funded from a tax we pay. \$80/\$90 dollars. They have a nice funding source. She was trying to be politically nice but stated that we are not getting our fair share of services from the CCC. We are putting in about 5 or 5 1/2% and we are not getting services because of our location.

Tom wants to make sure that everyone is ready to invite someone if we schedule the Economic Development Round Table discussions.

Erik wants to open up these Round Table meetings to the public at large. He is interested in these being more open. There are a lot of stakeholders.

Tom stated that these were envisioned to be conversations among the Board members and those they invite. We have advocates instead of people having a conversation.

Raphael would like to see the Board open it up and make it broader.

Robert thinks it will be different than the other Round Tables.

Tom wants to take a look at the Wellfleet model and then discuss how we would like to see it done in Provincetown.

No action was taken.

The Board motioned to go into Executive Session at approximately 9:21 p.m.

MOTION: MOVE that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A Section 21 (a) Clauses 3, 6 & 8 for the purposes of:

Clause 3 – To discuss strategy with respect to 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 (chair declared). Former Police Chief Jaran Arbitration/Appeals.

Clause 6 – To consider the purchase of, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and the chair so declares (chair declared). VFW Property, 3 Jerome Smith Road and Abutting Properties.

Clauses 3 & 8 – To consider the approval and/or release of Executive Session Minutes for August 29, 2014; September 5, 2014, September 10, 2014, September 12, 2014, September 19, 2014, and March 4, 2015.

and not to convene in open session thereafter.

Motion: Erik Yingling
(Roll Call)

Seconded: Tom Donegan

Tom Donegan: Yes

Erik Yingling: Yes

Cheryl Andrews: Yes

Raphael Richter: Yes

Robert Anthony: Yes

Yea: 5 Nay: 0 Motion passed

The Board went into Executive Session at approximately 9:23 p.m., meeting in the Town Manager's Conference Room.

Minutes transcribed by: Loretta Dougherty

7

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - SPECIAL MEETING (ROUND TABLE)
FRIDAY – SEPTEMBER 09, 2016 – 10:00 a.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET
DRAFT**

Chairman Richter convened the open meeting at 10:01 a.m. noting the following attendees:
Board of Selectmen members: Raphael Richter, Tom Donegan, Cheryl Andrews, and Robert Anthony.

Excused: Erik Yingling

Other attendees: Town Manager David Panagore, Asst. Town Manager David Gardner, Housing Specialist Michelle Jarusiewicz, Paul DeRuyter, Louise Venden FinCom, Mark Bjorstrom FinCom, Chris Mathisen FinCom, Acting Chair of Housing Authority & member of CHC Kristin Hatch. Recorder: Loretta Dougherty

1. Round Table Discussion – Update on the Year-Round Market Rate Rental Housing Trust Fund

Raphael believes this is going to pass this fall possibly in October or November. It was discussed as to how the money will be used in the Trust Fund. The Urban Land Institute is putting together a report that recommends a possible action for the Trust's use of money that would be to purchase housing on the market and hold it. The housing could be rented out to help generate income for future investments by the Trust. There would be some issues to work out taking this route such as the cost of housing, procurement requirements in order for a municipal entity to manage a residential property, and third party management issues. Other possible avenues to explore would be purchasing deed restrictions to preserve some rentals for year-round use and possible hybrid private/public partnerships. He referred to the chart comparison put together by Town Counsel which is included in the packet. The next step is the actual make-up of the five Trustees.

Cheryl wants to make sure that she understands the different models. One thing we have not done in Town yet, other than through the Grace Gouveia Agreement, is to have affordable units mixed in with market rate units. She believes it is important to analyze this type of agreement to see in what direction we want to go and what we have learned from this process. Is it still a viable option and if weaknesses exist can they be corrected. She wants to talk about this before getting the Trustees.

Tom believes that the strength is actually the model. One of the weaknesses would be that you would have to send someone to the condo association meetings. It should be a policy decision either by the Board of Selectmen, this group or the Trustees.

David P. wants to discuss where we are today and where the Board needs to go in terms of identifying issues of concern as deals get analyzed. An idea for discussion in the early phases would be to think about the needs of municipal employees such as teachers, firemen, and policemen, etc.

Louise believes that we need to have a clear idea of what the market demand is and what people can pay. People are staying for two or three days now not for weeks at a time anymore. AirBnBs are being used for weekly rentals. She believes that due diligence is essential regardless of what course we take. She suggested we get the kind of people that can help identify these issues.

Chris did sales and marketing in New York City and believes that by identifying the buyer or renter first to determine the demand would help everything else flow from that point on. He spoke about how financing would allow for "crowd funding" to help people in Provincetown become investors and part of our community involvement. Thinking about crowd funding of 20% from the Housing Trust and then financing through the bank would allow the Trust to put as little money as possible in and allow us to buy more.

Raphael reminded everyone that at this point in time this is only for year-round renters.

Kristin stated that a lot of places in Town have affordable units with market units such as Seashore Point, The Meadows and Stable Path.

Michelle stated that Seashore Point is for rentals only. All ownership properties have deed restrictions and Homeowner's Associations.

Tom spoke about setting up a task force by the Board of Health regarding having sober housing in Town. There are only 200 on the Cape and the closest is in Orleans. They are rented out by the bedroom with everyone using the common areas and are year-round rentals for about three to four people per house. The Trust could manage this with a house manager and the residents would take care of the housing tasks.

Mark stated that everything is in play at the very beginning.

Raphael believes that it is inevitable that at some point that the Trust would have to hire a management company.

Mark wants clarification as to what the role of the Trustees will be once elected.

Raphael stated that the Trustees will be appointed by the Board and they will have all of the control of the aspects of the Trust. The Board will have early on meetings and provide policy direction just like they do with the Provincetown Public Pier Corp.

Cheryl stated that when you have a management company they perform for a fee to keep the units full. You are paying them to perform.

Tom stated that it would be the same model as the Historic Deed Restrictions. A person could donate the property as a deed restriction and the owner would then be responsible for the maintenance. He stated that we are seeing more and more employers buying housing for their workforce to use, particularly for the non-profits.

Louise wants us to be able to foster a year-round economy that will draw other employers to our town.

Cheryl wants to help the Trust get off on the right foot.

David P. is in favor of asking KP Law about rewriting the growth management piece to help create an incentive. Let's look at workforce housing having zero taxes for the first two years and in the third year start to collect them.

Michelle mentioned that the average tax exemption is approximately \$800 per year and that deed restricted from market rate will be \$2,000 per year.

Raphael wants the taxpayers to be able to see what is being done so they will continue to put money into the Trust. The Board will potentially convene another Round Table on this at some point.

Legislation reads that appointments of the Trustees must be made within 60 days after the Trust is passed. The Board needs to talk about whether we want a sub-committee that will keep this discussion going or should we task staff to work with people who want to volunteer to look at individual properties. Section 133 states who will be appointed.

Louise recommended doing a survey to see who is out there and might be interested.

Tom believes that everyone knows that we have more demand than we have housing and feels that spending time to find it is less productive. We need to talk about leverage such as public/private partnerships. We need to put boundaries around the preferred mechanisms. What are we looking at? We have a very short time to show that it succeeds. We need to get going once it is passed.

Kristin believes this seems like an opportunity to work with the business community in a way we have not found an inlet for as in the past. Will the business community jump on this?

Paul suggested that it would be useful to go ahead and appoint the Trustees and actually start. It has advantages to help prime the pipeline. They could start talking with businesses and developers.

David P. stated that if you do things before they are official they take on a life of their own. Doing it methodically government wise is the best way. If we are going to do this, we need to have a business sense of what the community would agree to. Concerning revenue – does this discussion group think that we should pass a vote that creates dedicated funding using the Land Bank replacement model or have appropriations every year.

Paul stated that the Trust needs to be ready and flexible to move at opportunities as they present themselves. The Board needs to do a good job and not let happen to this Trust what happened with the Pier Corp.

Chris stated that it is very important to understand what types of units are needed; studios, one bedrooms, two bedrooms or more for bigger families. We need to identify what the demand is, know who the renters are and that would streamline the process.

Cheryl wants everyone to think about what kind of town we are going to leave behind. What is our vision in creating this Housing Trust?

At approximately 11:08 a.m. Under-Secretary of Housing Chrystal Kornegay, Representative Sarah K. Peake, and their aides stopped by on their way to a meeting.

2. Other: None.

Without objection Raphael adjourned the meeting at 11:10 a.m.

Minutes transcribed by: Loretta Dougherty



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Wednesday, October 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.

Cheryl Andrews

Robert Anthony

Erik Yingling

Tom Donegan

Raphael Richter

Additional Information

- A. *Thank you letter to Bryan Armstrong who resigned from the Economic Development Committee effective October 6, 2016*
- B. *Thank you letter to Barbara Prato who resigned from the Conservation Commission effective October 7, 2016.*
- C. *Letter to Governor Charles Baker, Jr. regarding the Pilgrim Nuclear Power Plant.*

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

October 11, 2016

Mr. Bryan Armstrong-Overby
8 Priscilla Alden Road
Provincetown, MA 02657

Dear Mr. Armstrong-Overby:

The Board of Selectmen has received notice of your resignation from the Economic Development Committee effective October 6, 2016. We want to extend our thanks to you for your dedicated service and expertise during the time that you served on the Economic Development Committee.

We wish you the very best in your future endeavors and want to thank you for your continued service on the Zoning Board of Appeals.

On behalf of the Board of Selectmen,

Raphael W. Richter, Chairman
Provincetown Board of Selectmen

RWR:ld

Bryan Armstrong-Overby

Doug Johnstone

From: Bryan Armstrong-Overby <bryanarmstrongoverby@gmail.com>
Sent: Thursday, October 06, 2016 3:40 PM
To: Doug Johnstone; Darlene Van Alstyne; Steven Baker; steven.nicks@icloud.com; Regina Cassidy; michael miller; Karen Cappotto; David Panagore
Subject: EDC Resignation

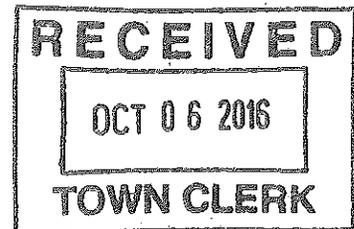
Doug, David & EDC Committee

I Bryan Armstrong-Overby need to resign from the Economic Development Committee and as Chair of the committee. I have taken on two new work projects and can no longer devote the time needed to be an affective board member of the Economic Development committee. Affective 10/6/2016 I hear by resign from the EDC. It has been a pleasure working with all my fellow board members and to be able to serve the town for the last 15 months

Sincerely

Bryan Armstrong-Overby

Sent from my iPhone





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October 11, 2016

Ms. Barbara Prato
P.O. Box 322
Provincetown, MA 02657

Dear Ms. Prato:

The Board of Selectmen has received notice of your resignation from the Conservation Commission and as the Conservation Commission's Representative to the Community Preservation Committee effective October 7, 2016. We want to extend our thanks to you for your dedicated service and expertise during the time that you served on both the Conservation Commission and their Representative to the Community Preservation Committee.

We wish you the very best in your future endeavors and hope should your circumstances change you may once again serve on one of Provincetown's boards or committees. We also want to thank you for your continued service as one of Provincetown's Constables.

On behalf of the Board of Selectmen,

Raphael W. Richter, Chairman
Provincetown Board of Selectmen

RWR:ld

Barbara Prato

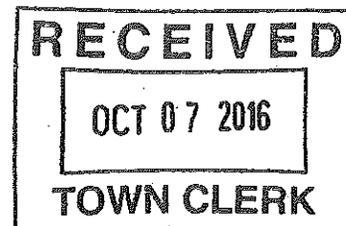
Doug Johnstone

From: gooselanetown@aol.com
Sent: Friday, October 07, 2016 8:40 AM
To: Doug Johnstone
Subject: Resigning from Con Com

Hi Doug,

I will be resigning from the Conservation Commission effective immediately. As I am resigning from the commission this will also mean I can no longer be the conservation representative to the CPC. Please forward this to whoever it needs to be sent to. I have contacted Dennis already.

Barbara
Sent from AOL Mobile Mail



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

October 12, 2016

Governor Charles Baker, Jr.
Massachusetts State House
Office of the Governor, Room 280
Boston, MA 02133

Re: Pilgrim Nuclear Power Plant

Dear Governor Baker:

We are writing to you to express our serious concerns about the degraded Pilgrim Nuclear Power Plant in Plymouth, MA. In a recent letter signed by Senators Edward J. Markey and Elizabeth Warren along with Representatives Michael E. Capuano, William R. Keating, Joseph P. Kennedy, III, Stephen F. Lynch, James P. McGovern, Seth Moulton, Richard Neal, and Niki Tsongas to the Nuclear Regulatory Commission they asked the Commission to deny Entergy's request for an extension for critical safety upgrades to the Pilgrim Nuclear Power Station. These safety upgrades had been initially requested by Entergy's own engineers right after the disaster at Fukushima Daichi in Japan in March of 2011.

Our Cape Cod communities are extremely vulnerable to any malfunction that would cause a radiological plume to be released. Our only evacuation route is Route 6 and there would be complete gridlock with everyone trying to exit the cape should this type of malfunction occur. Not only would it cause huge public health and safety issues, but the economic consequences of such a radiological event would result in the loss of billions of dollars of tourist expenditures not to mention the millions of dollars in state tax revenue.

We urgently request that you demand that the Nuclear Regulatory Commission close the Pilgrim Nuclear Power Plant immediately to protect not only our citizens on Cape Cod but the millions of tourists from around the world who come here to visit and help support our economy.

On behalf of the Provincetown Board of Selectmen,

Raphael W. Richter, Chairman
Provincetown Board of Selectmen

RWR:ld

Cc: Massachusetts U.S. Senators & Congressmen
Massachusetts State Senators & Representatives
Town Manager David B. Panagore
Barnstable County Commissioners