



# Meeting Agenda – Revised

The Provincetown Board of Selectmen will hold a public meeting on Monday, November 14, 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. *Appoint Steven Baker as a regular member of the Economic Development Committee with a term to expire June 30, 2019. He is currently an alternate member of the Economic Development Committee.*
  - ~~B. Treasurer Transfer – John Anderson Francis Scholarship Fund – for several awarded scholarships totaling an amount of \$10,500.~~
  - ~~C. Treasurer Transfer – Captain Joseph Oliver Scholarship – for several awarded scholarships totaling an amount of \$5,000.~~
  - D. *Treasurer Transfer – Library Gift Fund – to pay an invoice from Blackstone Audio, Inc., for audiobook purchases in the amount of \$74.99.*
  - E. *Treasurer Transfer – Library Gift Fund – to pay an invoice from Library Director Matt Clark for reimbursement on items ordered from “Things Remembered” for an Obelisk Award in the amount of \$151.94.*
1. Public Hearings - Votes may be taken on the following items:
    - A. Tax Rate Classification Hearing – FY2017 Property Tax Rate-Provincetown Principal Assessor Scott Fahle.
    - B. Curb Cut Application submitted by James Wormuth requesting approval to remove a portion of the fence on the front of the property in order to access the property for parking located at 48 Pleasant Street, Provincetown, MA 02657.
    - C. Aquacultural Grant Revised Applications for relocation of two existing grants and a Renewal of one existing Aquaculture License – Shellfish Constable Steve Wisbauer.
    - D. Shellfish Recreational Regulation Changes regarding surf clams and creating a weekly Shellfish Permit and associated fee – Shellfish Constable Steve Wisbauer.
  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. Cape & Vineyard Electrical Cooperative presentation on an additional net metering credit opportunity for Provincetown, as a CVEC offtaker through Power Sales Agreement - Programs & Administration Manager Liz Argo.
  5. Appointments - Votes may be taken on the following items:
    - A. Appoint Richard Capelli as an alternate member of the Economic Development Committee with a term to expire June 30, 2019.

6. Requests - Votes may be taken on the following items:
  - A. Quarterly Police Report – Police Chief Jim Golden.
  - B. Present recommendations to the Board regarding Province Road Paving – Asst. Town Manager David Gardner and DPW Director Richard Waldo.
  - C. Approval of the Preservation Restriction Agreement with Lower Cape Communications, Inc. for the property at 494 Commercial Street (WOMR) – Housing Specialist Michelle Jarusiewicz.
  - D. Proclamation for Senior Citizen's Day, requested by Robin Reid, to be held on Sunday, December 11, 2016, beginning at 12 noon at the Veteran's Memorial Community Center.
  - E. Approval of a letter to Governor Charles Baker regarding support for raising the MassHealth reimbursement rates at The Wellness Center at Seashore Point in Provincetown – Town Manager David B. Panagore & Chairman Raphael Richter.
  - F. Treasurer Transfer – John Anderson Francis Scholarship Fund – for several awarded scholarships totaling an amount of \$10,500.
  - G. Treasurer Transfer – Captain Joseph Oliver Scholarship – for several awarded scholarships totaling an amount of \$5,000.
7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
  - A. Discussion on the Year-Round Market Rate Rental Housing Trust regarding appointments and process.
  - B. Final Discussion on the Secretary to the Board of Selectmen's Job Description.
  - C. Town Manager's Report – Administrative Updates.
    - i. Update on FEMA - \$93,970 approved for the 2013 Storm.
    - ii. Discussion of potential articles before the 2017 Spring Town Meeting.
    - iii. Other Town Manager updates and administrative matters.
  - D. 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.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

00

## CONSENT AGENDA

Approval required for the following items:

Requested by: BOS Chair Tom Donegan

Action Sought: Approval

### Proposed Motion(s)

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

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

- A. *Appoint Steven Baker as a regular member of the Economic Development Committee with a term to expire June 30, 2019. He is currently an alternate member of the Economic Development Committee.*
- B. *Treasurer Transfer – Library Gift Fund – to pay an invoice from Blackstone Audio, Inc., for audiobook purchases in the amount of \$74.99.*
- C. *Treasurer Transfer – Library Gift Fund – to pay an invoice from Library Director Matt Clark for reimbursement on items ordered from “Things Remembered” for an Obelisk Award in the amount of \$151.94.*

### 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**

Monday, November 14, 2016

00A

## BOARD OF SELECTMEN APPOINTMENT

### Economic Development Committee – Steven W. Baker

Requested by: Town Clerk Doug Johnstone

Action Sought: **Approval**

#### Proposed Motion(s)

**Move that the Board of Selectmen vote to appoint Steven W. Baker, as a regular member to the Economic Development Committee with a term to expire on June 30, 2019.**

#### Additional Information

See attached application. Steven is currently an Alternate member of the Economic Development Committee

#### 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: Steven Baker  
Please type or print

Resident Address: 15 Somerset Road Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 508 413 9955 Work # (508) 487 9550

Email address: swellsbaker@gmail.com

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

1. Economic Development Committee
2. \_\_\_\_\_
3. \_\_\_\_\_

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

I am currently an alternate on the  
committee

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

[Signature]  
Signature of Applicant

10/26/16  
Date

**TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK**

<p>Town Clerk Certification (Applicant is a registered voter):  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <u>[Signature]</u>  Name of Town Clerk</p>	<p>This application will remain on file in the Town Clerk's Office for 364 days from the date received.  Application Termination Date: <u>10.25.17</u></p>
---	--

Date Received by Board of Selectmen

Date Received by Town Clerk  
**RECEIVED**  
**OCT 26 2016**  
**TOWN CLERK**

Economic Developmet Committee				
	First	Last	Position	Term End
1	Steven	Latasa-Nicks		06/30/18
2	Michael	Miller		06/30/18
3	Regina	Cassidy	V. Chair	06/30/17
4	Karen	Cappotto		06/30/17
5	BA 10/6/16			06/30/19
6	Steven	Baker	Alt.	06/30/19

\* Regular

## Loretta Dougherty

---

**From:** Doug Johnstone  
**Sent:** Wednesday, October 26, 2016 3:57 PM  
**To:** David Panagore  
**Cc:** Loretta Dougherty  
**Subject:** Applications to Join Economic Development Committee  
**Attachments:** Baker Application.pdf; Capelli Application.pdf; ed.xls

FYI – Attached please find an application to become a regular member of the Economic Development Committee submitted by Steven Baker, who is currently an alternate. Also attached is an application submitted by Richard Capelli to join the Economic Development Committee. As the Chair of the Committee requested, it would be ideal if the Selectmen moved the alternate – Steven Baker – up to regular, and appointed Richard to serve as alternate once the vacancy is created by Steven moving to the regular member vacancy. Currently there is one regular member vacancy, which the Selectmen have the authority to appoint until 12/6/16 (highlighted in yellow on the roster attached) should they choose to do so.

Please add to the Selectmen's agenda for their consideration when possible.

Thank you.  
dj



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

00B

## 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 \$74.99 for the attached invoice from Blackstone Audio, Inc.**

#### Additional Information

This Motion will allow the Town Treasurer to transfer money from the Library Gift Fund – (#1107) to pay for Audiobook purchases on 09/24/2016 . The Library Gift Fund will have a balance of \$62,131.41 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: November 14, 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 \$74.99 for audiobook purchases on 09/24/2016.

The Honorable Board of Selectmen:

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Raphael Richter, Chair

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Erik Yingling, Vice Chair

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Cheryl Andrews, Selectman

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Tom Donegan, Selectman

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Robert Anthony, Selectman





31 Mistletoe Rd. Ashland OR, 97520  
 P: (800) 729-2665 / F: (541) 482-9294

Page	Customer ID	Invoice ID
1	123607	860627
Ref Date	Invoice Date	Ship Date
	9/24/2016	00/00/00

Ship To ID: 123607

\*860627\*

**INVOICE**

**Sold To:** Provincetown Public Library \*  
 356 Commercial St  
 Provincetown, MA 02657

**Ship To:** Provincetown Public Library  
 356 Commercial St  
 Provincetown, Massachusetts 02657

Customer PO #	Payment By	Rep	Shipped Via	Terms	Ordered By
			Media Mail-FREE	Net 30 Days	

ProdCode	Title	List Price	Ordered	Shipped	BO	Disc	Net Price	Extension
30c2b1	Great Reckoning, A Gr	86.9900	1	1		48.27%	45.0000	45.00
30c3bs	Commonwealth	39.9900	1	1		25.00%	29.9900	29.99

30c3zd "Six, The " is backordered. Reason: Out of Stock Due: 9/12/2016

Product Total	Sales Tax	Shipping	Invoice Total	Pre-Paid	Paid With Order	Balance Due
\$74.99	\$0.00	\$0.00	\$74.99	\$0.00	\$0.00	\$74.99



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

00C

## 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 \$151.94 to reimburse Matt Clark per the attached invoice from Things Remembered at the request of the Board of Library Trustees.

#### Additional Information

This Motion will allow the Town Treasurer to transfer money from the Library Gift Fund – (#1107) to reimburse Matt Clark per the attached invoice from Things Remembered. The Library Gift Fund will have a balance of \$61,979.47 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: November 14, 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 \$151.94 to reimburse Matt Clark per the attached invoice from Things Remembered at the request of the Library Board of Trustees.

### The Honorable Board of Selectmen:

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Raphael Richter, Chair

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Erik Yingling, Vice Chair

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Cheryl Andrews, Selectman

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Tom Donegan, Selectman

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Robert Anthony, Selectman

**Town of Provincetown, Massachusetts  
 Provincetown Public Library  
 356 Commercial Street  
 Provincetown MA 02657  
 18-Oct-16**

To pay Fiscal Year 2016

To: **Matt Clark #9569**  
 Provincetown Library  
 356 Commercial St  
 Provincetown, MA 02657

		Inv # - Acct #	Total
<b>11070600 483000</b> <i>GIFT FUND</i>	Matt Clark ordered an Obelisk Award from Things Remembered at the request of the Board of Library Trustees using his debit card. The award was used at the 2016 Rose Dorothea Award Ceremony.	Dated 8/22/16	\$151.94
<b>01610200-573200</b> <i>PAID ON W17-16</i>	October-Mailchimp Subscription.	<del>MC03389277</del>	<del>\$25.00</del>
	Valley of the Dolls YouTube Video Rental	<del>YGP.YM3K- WH7J-4RLC- VPXG</del>	<del>\$2.99</del>
	(Reimbursements)		
<b>Total:</b>			<b>\$179.93</b>

*\$ 151.94*

*mcc*  
 \_\_\_\_\_  
 Signature of Library Director

\_\_\_\_\_  
 \_\_\_\_\_

*10/18/16*  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 \_\_\_\_\_



**THINGS  
REMEMBERED**  
Personalized Gifts That Inspire

**FREE SHIPPING ON ALL ORDERS OF \$100 OR MORE**

Personalization | Look Books | Rewards Club | Special Offers | TR Blog

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SEARCH

BACK TO SCHOOL OCCASIONS HIM HER BABY + KIDS HOME + BAR WEDDING BUSINESS PICK UP IN-STORE CLEARANCE

**TIME IS RUNNING OUT!**

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BUY ONE, GET ONE

**50% OFF ENTIRE SITE**

Billing Address > Shipping Address > Shipping Method & Gift Wrap > Order Review & Payment > Order Completed

## Thank You

Thank You for placing your Order with Things Remembered. You should receive a confirmation email from us shortly. Your order number will be included in the email confirmation. Things Remembered registered members may track orders in My Account or anyone may go to Order Status to track orders.

**Join Our REWARDS CLUB!**  
Get a \$10 Reward Check for every \$100 you spend at Things Remembered and thingsremembered.com.  
[Already a Member? Log In ▶](#)

Order placed on 08/22/2016

Order Summary	Billing Information
Merchandise: \$143.00 Shipping: FREE Sales Tax: \$8.94 Order Total: \$151.94	Matthew Clark Provincetown Public Library 165 Scudder Ave. Hyannis, MA 02601 5088166373 5088166373 mpclark@provincetown-ma.gov Payment Method: Visa: *****9366

### Matthew, 356 Commercial Stree..., Provincetown

**Shipping Address:**

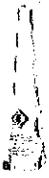
Matthew Clark  
 Provincetown Public ...  
 356 Commercial Stree...  
 Provincetown, MA 02657

**Shipping Method:**

Standard Delivery (FREE)  
 Estimated Arrival Date:  
 Friday, 09/02/2016

**Gift Message to appear on packing slip:**

No Gift Message

QUANTITY	ITEM DESCRIPTION	PERSONALIZATION	GIFT WRAP & CARD	TOTAL PRICE
1		<b>AWARD</b> 2016 Rose Dorothea Award Josephine Del Deo Font: Lucida Sans TOTAL PERSONALIZATION PRICE: \$28.00	Gift wrapping is not available for this item.	\$143.00
	Obelisk Award Item No. 747716 In stock \$115.00			

Matthew, 356 Commercial Stree..., Provincetown

Merchandise: \$143.00  
 Shipping: FREE  
 Sales Tax: \$8.94

Shipment Total: \$151.94

Billing To:  
Matthew Clark  
Provincetown Public Library  
165 Scudder Ave.  
Hyannis, MA 02601  
5088166373

Merchandise: \$143.00  
Shipping: FREE  
Sales Tax: \$8.94  
Order Total: \$151.94

ORDER SUMMARY ▶



Newton Apple Award  
Online Exclusive



Sophia Crystal Toasting  
Flute Set  
Pick Up in Store Today



Waffle Weave Cosmetic  
Bags

Includes FREE Gift!



Girls Heart Locket  
Pick Up in Store Today



Teacher Snow Globe  
Pick Up in Store Today

CUSTOMER SERVICE

866.902.4438  
Contact Us  
FAQ  
Delivery Options & Costs  
Order Status  
Satisfaction Guaranteed  
International Shipping  
Shipping to Military APO/FPO

GIFT RESOURCES

Gift Personalization  
Message Ideas  
Order Online Pickup in Store  
Request a Wedding Catalog  
Gift Wrap  
Business Services

BUSINESS SERVICES

866.428.0475  
Business Account Specialists  
Large Order Discount  
Fast Turnaround  
Request a Business Catalog  
Request a Contact  
Your Company Logo, Our Gifts

COMPANY INFORMATION

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Read More on our Blog  
Store Locator  
Privacy & Security  
Employment Opportunities  
Press Room  
Things Remembered Canada  
California Supply Chains Act  
Product Recalls

GET TO KNOW US



Holidays: Father's Day | Graduation | Mother's Day | Easter | Valentine's Day | Christmas  
Other Ways to Shop: Occasions | Categories | Recipients

**Board of Library Trustees  
Minutes of Public Meeting September 21, 2016**

**Provincetown Public Library**

**Members Present:** Laura Shabott, Stephen Desroches, James Johnson, and Stephen Borkowski

**Members Absent:** None.

**Others Present:** Matt Clark (Library Director), Brittany Taylor (Recording Secretary), Mary Alice Wells, and David Mazochi (Friends and Supporters of the Provincetown Public Library).

**Call to Order:** Chair Laura Shabott called the meeting to order at 6:00 P.M.

**1. Public Statements:** David Mazochi announced that the Friends and Supporters of the Provincetown Public Library's fundraising event "Dead Silence" is in full production and on track to start on October 7<sup>th</sup> with the help of 50-60 volunteers. "Dead Silence" will feature a brand new story written by Michael Soldier.

Mary Alice Wells expressed concern that the video surveillance system at the Library has not been operational. The Board agreed with this sentiment and indicated that the Library's video surveillance system would be restored as soon as possible to ensure both staff and patron safety. Ms. Shabott also mentioned the Library's intention for a police officer to attend a staff meeting in order to give the staff information about safety concerns and about dealing with potentially difficult patrons.

**2. Agenda Order:** Laura Shabott stated that the agenda would be followed in the order published.

**3. Approval of Minutes:** *After a minor edit, James Johnson made a motion to approve the August 17, 2016 minutes as amended. Laura Shabott seconded the motion, and it was so voted, 4-0.*

**4. Director's Report:** Mr. Clark reviewed the highlights of the Director's Report:

- Collected and deposited \$4,980.46 into the Library Gift Fund since August 17, 2016
- Matt will attend the MLS Reference Techniques class in Springfield, MA on September 20 and 22.
- Matt submitted a CIP request of \$20,000 for the reconstruction/re-engineering of the Library lawn. This request will be reviewed by David Panagore and Ruth Lewis at 11:00am on September 28.
- Matt will take paternity leave October 5 to October 12. He will then work reduced hours (estimated 15-20 per week) until October 19. Nan Cinnater and Brittany Taylor have both met with Matt and been briefed on their duties in his absence. Matt will be available by phone and email after October 12.

- Tech and Member Services Coordinator, Brittany Taylor has been organizing the data from the first edition of the Library's space use study which was completed on August 31<sup>st</sup> and has been conferring with Anna Popp about the initial observations this study has generated.
- Lead Librarian, Nan Cinnater scheduled the final Provincetown Book Festival program comprising five featured events with 10 featured authors; 8 local author readings; 17 exhibitors for author signings and book sales.
- Nan also publicized the Festival, along with the Rose Dorothea Award, online and in print (*Cape Cod Times, Boston Globe, The Banner, Provincetown Magazine*)

Program report (since August 17):

- August Art on the Lawn (3 sessions): **Total attendance – 89**
- August Free Movie Nights (4 sessions): **Total attendance – 85**
- 2016 Rose Dorothea Award Ceremony: **Total attendance – 170**
- 2016 Provincetown Book Festival: **Total attendance – 185**

Stephen Borkowski requested that Mr. Clark list the funds raised from book sales separately in his director's reports so that the Board could get a better understanding of how funds were generated by the Library.

Ms. Shabott also stressed that she and the rest of the Board would be available for additional support to the Library staff during Mr. Clark's paternity leave.

#### **5. Rose Dorothea Award Review:**

The entire Board was very happy with the Rose Dorothea Award and felt that the event went smoothly and was successful, despite the adversity and the distractions that occurred during the Award's initial planning stages. James Johnson felt that having the Award in conjunction with the first annual Provincetown Book Festival elevated the success of all of the weekend's events. The Board expressed thanks to the Friends and Supporters of the Library group for providing the food and beverages and to the Finance Committee for its overall support of both the Rose Dorothea Award and the Book Festival. In addition, the Board was pleased to have all of its members in attendance at the event.

Mr. Clark requested a motion that he be reimbursed for the purchase of the Rose Dorothea Award itself, which totaled \$151.94. Laura Shabott made the motion to reimburse Matt in full for this purchase. Stephen Borkowski seconded the motion, and it was so voted 4-0.

#### **6. Provincetown Book Festival Review:**

The Board of Trustees was also very happy with the first annual Provincetown Book Festival and felt that the events that comprised the festival were interesting, well organized, and

well attended. Ms. Shabott was pleased with the amount of social media coverage, both by the Library's own accounts and by participating authors' accounts. Mr. Borkowski indicated that the Provincetown Book Festival, in conjunction with the Rose Dorothea Award, is a great addition to the Library's annual calendar, which also features the Moby Dick Marathon Reading and Heritage Day.

#### **7. Letter to Berta Walker re: Status of Donation from Moby Dick Marathon:**

Small edits were made to a letter to Berta Walker that intends to garner information about the status of a \$2000 pledge Ms. Walker made to the Library. This pledge stems from her sponsorship of the 2016 Moby Dick Marathon and from a portion of the proceeds from the fundraising Whale Show that occurred during the Marathon. The letter will be sent, with edits by the end of September.

#### **8. Any Other Business:**

Mr. Borkowski indicated that it would be beneficial to have signed copies of books from authors who have presented at the Library available for purchase to benefit the Library. Ms. Shabott indicated that adding a request for a signed copy to author contract and confirmation letters might be the best way to obtain such copies.

Ms. Shabott informed the Board that she will be meeting with Town Manager, David Panagore, on September 23 to go over a space planning report and will share the results of this meeting next month.

Ms. Shabott also notified the Board that she would be meeting with John O'Buck and Ruth Lewis of the Finance Committee to go over the Library's renovation debt. The renovation bond loan for the Library totals approximately \$350,000. The Library's annual payment is around \$11,000, which is included in a \$240,000 yearly payment the Town of Provincetown makes. Laura intends to determine from which account the Library's portion of the payment stems and, once this is discerned, the amount will be transferred from the Library Gift Fund back to where it was originally taken. Matt Clark presented Mrs. Shabott with a list of account numbers and their amounts as of 2012 to help with the process.

Additionally, Ms. Shabott discussed a plan to gather information about the Library's funds and debt, with the intention of proposing that the responsibility for the Library's renovation debt be taken away from the trustees and given to the town. Ms. Shabott aims for this proposal to be brought before Town Meeting in April 2017. The rest of the Board agreed that a transfer was in order and would be beneficial to the Library and to the community moving forward. The Library Board of Trustees have continued to be faithful in raising payments to reduce the Library's debt, but this Board is also the only board of a town institution solely responsible for paying this type of debt. The Board feels that this is an unreasonable burden for a Board of a public service institution as its priority should be on serving the community, and not

on debt. Director Matt Clark suggested that the Board be thorough in its argument and that it may benefit from having a third party present the proposal so that the argument is as clear as possible.

In other business, Mr. Borkowski introduced the idea of engraving the granite steps in the front of the Library with the Library's history in either ascending or descending order, potentially using funds from an account once dedicated to the Heritage Museum.

Finally, Mr. Johnson announced that the October Board meeting will be his last meeting and he will be resigning his position shortly thereafter as he plans to move to New York.

The next meeting will be on Wednesday, October 19, 2016.

**Motion to Adjourn:** Laura Shabott moved to adjourn the meeting. Stephen Desroches seconded the motion. The meeting was adjourned at 7:06 P.M.

Respectfully submitted,  
Brittany Taylor





31 Mistletoe Rd. Ashland OR, 97520  
P: (800) 729-2665 / F: (541) 482-9294

Page	Customer ID	Invoice ID
1	123607	860626
Ref Date	Invoice Date	Ship Date
	9/24/2016	00/00/00

Ship To ID: 123607

\*860626\*

**INVOICE**

*10-7-16*  
*OK*

**Sold To:** Provincetown Public Library \*  
356 Commercial St  
Provincetown, MA 02657

**Ship To:** Provincetown Public Library  
356 Commercial St  
Provincetown, Massachusetts 02657

Customer PO #	Payment By	Rep	Shipped Via	Terms	Ordered By
			Media Mail-FREE	Net 30 Days	

ProdCode	Title	List Price	Ordered	Shipped	BO	Disc	Net Price	Extension
30bl4l	Razor Girl	86.9900	1	1		48.27%	45.0000	45.00
30bssl	Hero of the Empire	95.9900	1	1		53.12%	45.0000	45.00
3781441708922	Monticello	59.9900	1	1		25.00%	44.9900	44.99
30c0cx	Eleanor and Hick	95.9900	1	1		53.12%	45.0000	45.00

Product Total	Sales Tax	Shipping	Invoice Total	Pre-Paid	Paid With Order	Balance Due
\$179.99	\$0.00	\$0.00	\$179.99	\$0.00	\$0.00	\$179.99



# PACKING SLIP

**Customer:** #43500  
**Date:** 09/27/2016  
**Email:**

**Questions?**  
 1-800-621-0182  
 libraryservices@blackstoneaudio.com

**Ship To** Provincetown Public Library  
 356 Commercial St  
 Provincetown, Massachusetts 02657

**Bill To** Provincetown, MA

## Order #100029862 — 09/23/2016

**FREE Shipping**

Product	Title	Price	Ordered	Shipped	Invoice	PO	Ship Date	Location
60C0CX	Eleanor and Hick	\$45.00	1	1	860626		9/28/2016	21-a3b 60c0cx
60BSSL	Hero of the Empire	\$45.00	1	1	860626		9/28/2016	17-c1c 60 bssl
ZPC2SH	Monticello	\$44.99	1	1	860626		9/28/2016	13-A4A ZPC2SH
60BL4L	Razor Girl	\$45.00	1	1	860626		9/28/2016	13-d3a 60 bl4l
60C2B1	A Great Reckoning	\$45.00	1	Future Shipment	860627			
60C3BS	Commonwealth	\$29.99	1	Future Shipment	860627			13-f6a 60c3bs
60C3ZD	The Six	\$45.00	1	Future Shipment	860627			

<b>Amt</b>	<b>Units</b>
\$179.99	4



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

Monday, November 14, 2016

1A

# PUBLIC HEARING: TAX RATE CLASSIFICATION

## FY 2017 Property Tax Rate

Requested by: Board of Assessors

Action Sought: Conduct Hearing

### Proposed Motion(s)

**MOVE that the Board of Selectmen vote, pursuant to MGL C.40,§56, as follows relative to the FY 2017 property tax:**

1. ***[Establish] [Not establish] a residential factor of "1" - Establishing a residential factor of "1" would keep the tax rate the same for all classes of property; or***
2. ***[To adopt] [Not to adopt] a split tax rate - Voting for a split tax rate would tax Commercial Property at a higher tax rate; or***
3. ***[To adopt] [Not to adopt] a "residential exemption" of \_\_\_ % - An exemption of up to 35% may be adopted, to shift the tax burden from residents to non-residents, within the residential class; or***
4. ***[To adopt] [Not to adopt] a "small business exemption" of \_\_\_% - An exemption of up to 10% may be adopted, which shifts the tax burden from certain qualifying small businesses to all other commercial and industrial property, and***
5. ***To identify \$17,776.14 in unused property tax levy capacity.***

### Additional Information

A copy of the public hearing notice is attached. On September 15, 2016, the Board of Assessors voted on the following:

- Not to establish a Residential Factor of "1" (4-1-0)
- Not to recommend adoption of a Split Tax Rate for Fiscal Year 2015. (5-0-0)
- To recommend adoption of a Residential Exemption for Fiscal Year 2017. (4-1-0)
- Not to recommend adoption of a Small-Commercial Exemption for Fiscal Year 2017. (5-0-0)

### Board Action

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



## Board of Selectmen

# Public Hearing

## FY2017 Property Tax Rate Classification

The Provincetown Board of Selectmen will hold a public hearing on **Monday, November 14, 2016, at 6 p.m.** in the Judge Welsh Room, Provincetown Town Hall, 260 Commercial Street, Provincetown MA 02657, pursuant to MGL c. 40, §56, for the purpose of determining the percentages of the local tax levy to be borne in Fiscal Year 2017 by each class of real and personal property: residential, open space, commercial, and industrial.

The public is encouraged to submit any comments in writing to the office of the Board of Selectmen, Town Hall, 260 Commercial Street, Provincetown, MA 02675 or by email to [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) no later than 12 noon on Tuesday, November 8, 2016, or in person at the hearing.

*Raphael W. Richter*  
*Chairman, Board of Selectmen*

Posted: [www.provincetown-ma.gov](http://www.provincetown-ma.gov) 10/21/16 9:05 am dj

Published - Provincetown Banner: October 27, 2016 & November 3, 2016

Town of Provincetown  
 260 Commercial Street  
 Provincetown, MA 02657  
 Telephone: (508) 487-7017  
 Email: sfahle@provincetown-ma.gov



**Department of Municipal Finance  
 Assessor's Office**

To: Provincetown Board of Selectmen  
 Through: David B. Panagore, Town Manager  
 From: Scott Fahle, MAA, Principal Assessor  
 Date: October 12, 2016

**SUMMARY:  
 DEVELOPMENT, IMPLEMENTATION AND PROCESSING  
 OF THE RESIDENTIAL EXEMPTION**

**Application Process**

On January 6, 2016, the Assessor's Office mailed 1,290 Residential Exemption Applications to all residents who had a Provincetown mailing address as of January 1, 2015. A resident owning more than one property received only one application, which was sent to the property with a common mailing address. The original application deadline was February 5, but due to bad weather on the 5<sup>th</sup> and again on the 8<sup>th</sup>, the deadline was extended to February 12, 2016. Of the 1,290 applications mailed, over 98% reached the intended party since only 22 were returned by the Post Office with address issues.

**Application Quantities**

The Assessor's office received and processed 642 applications, of which 629 were complete. The Assessor's Office received 13 incomplete applications and subsequently contacted the property owners and requested the missing documentation. (See Standard Application Review process below.) Six of these applicants supplied the missing information needed and were approved. The remaining seven applications were never completed and therefore did not receive the exemption. Ultimately, 604 applications were approved with the exemption applied to the Spring 2016 tax bill. The chart on the following page breaks down the initial 604 approved and billed parcels by property type.

**APPROVED RESIDENTIAL EXEMPTIONS BY PROPERTY TYPE**

	Mixed-Use	Single-Family	Res. Condo	2-Family	3-Family	Multi-Dwelling	4-8 Units	Over 8 Units	Total Qualified Billed
<b>Qualified &amp; Billed</b>	33	211	247	68	11	22	11	1	604
<b>% of total class</b>	17.55	24.88	11.07	32.69	20.75	21.15	19.64	14.29	

- **Qualified and Billed:** the number of parcels receiving the Residential Exemption as part of the Spring 2016 tax bill.

*8*

- **% of total Class:** the number of qualified parcels divided by the total number of parcels in the class as reported on the 2016 LA-4 report.

Twenty-one applications did not qualify because either:

- a) The applicant received a Residential Exemption in another city or a Homestead Exemption in another state, or
- b) There were multiple owners of the property and not all of them qualified.

### **Applications Not Included on Tax Bill**

Thirty-five additional applications were received between February 17th and April 15, 2016. These applications were too late to be applied to the tax bill and were processed as personal exemptions in May. As with any personal exemption, taxpayers have 90 days from the date the Actual Tax Bill was mailed (April 15) to apply for a residential exemption. During the 90-day period from April 15, 2016 and July 15, 2016, the Assessor's office approved an additional 56 applications. As of July 27, 2016, all exemptions had been processed by the Assessor's Office and forwarded to the Collector's Office for refund disbursement.

### **Standard Application Review**

Applications were accepted by the entire Assessing staff. The majority of the standard applications were processed by the Assessor's Administrative Clerk. However, many, if not most of the applications were either initially incomplete or incorrect. The information required was prominently displayed on the front of the application, but the instructions were often overlooked. These applications were put "on hold". The applicants were contacted and told what information was needed to complete/correct the application. Having to put these applications "on hold" significantly slowed down the review process. The Application form for FY2017 will be slightly modified to make it easier to understand (Contingent upon a vote by the Board of Selectmen to adopt). Applicants were notified when their applications were complete.

### **Complex Application Review**

Applications that listed multiple properties owned and/or those properties in a trust took substantially longer, depending on the length and complexity of the Trust documents. These applications were reviewed by the Principal Assessor. Properties in a Trust must pass two specific requirements in order to qualify. First, the applicant must be a Trustee of the Trust. Secondly, the applicant must have a beneficial interest in the Trust. In most cases, the entire trust document needs to read to determine if the application qualifies. Often additional information such as a Schedule of Beneficiaries must be provided. Applications listing additional properties owned needed to be researched to ensure they are not already receiving a residential or homestead exemption in another municipality or state. Verification involved contacting the town or county Assessor's office or utilizing an on-line database if available. When the application review was finished, the Principal Assessor would notify the taxpayer concerning the disposition of the application.

### **Exemption Processing: Assessor's Office**

Once the applications were approved, they were coded in the Assessor's database so they would receive the exemption as part of the Spring 2016 tax billing. Qualifying properties received a \$107,674 reduction off their assessed value before the tax rate was applied. Applications that were

received after the tax bills were processed as any other exemption under Chapter 59, section 5. Several taxpayers who received the Residential Exemption also qualified for and received another exemption such as an Elderly, Veteran's or Senior Work-off. Under Chapter 59, section 5C, no exemption or combination of exemptions can reduce a property tax to less than 10% of the original tax. That means that taxpayers receiving a residential exemption and who qualified for an additional exemption had their tax amount calculated by hand by the Assessor's Clerk, with the second exemption amount reduced if the amount of the full exemption would reduce the adjusted tax to less than 10% of the original tax. This is a time-consuming process when there are multiple exemptions to process.

### **Exemption Processing: Tax Collector's Office**

Once the Assessor's Office posted the exemptions in Munis, the Tax Collector processed the refund, with each one done separately. Next, refund invoices stating the reason for the refund were generated. Finally, the checks were printed, stuffed and mailed. The Tax Collector estimates this process took about 16.5 hours in total. A total of 41 accounts with low assessments received a Residential Exemption which resulted in an overpayment. A separate seven-step process had to be used on each individual overpayment. The Tax Collector estimates each account took around 25 minutes to process for an estimated 17 hours total.

### **Residential Exemption Effect on the Assessor's and Tax Collector's Offices' Functions**

In order to apply the 604 Residential Exemption Applications to the spring tax bill, the FY2016 Assessor's database remained open until the 1<sup>st</sup> week in March. Implementation of the residential exemption meant that other important functions of the Assessor's office usually started in January were delayed. Functions included:

1. Building Permit input
2. Input of changes due to Cyclical and Sales review
3. Tax map changes

These processes are handled by the Assistant Assessor. Additionally, Condo conversions were delayed. This process involves the Principal Assessor, who creates the new accounts and apportions any sewer betterments, and the Assistant Assessor who completes the addition of pertinent data to the property record card, including photos. For FY 2017, there were over 100 new condo units created. Many of these new condos also had active betterment accounts that needed to be apportioned. All of the new condos and their respective betterments had to be created prior to July 1 in order to create the Betterment Fiscal Year End reports required by the auditors.

The Tax Collector's Office was affected by the Residential Exemption because the required modifications to the CAMA Bridge were not completed until March 28, 2016. Several additional days were spent working with the tax billing file in Munis to resolve issues that needed to be corrected with the bridge. The spring tax bills were mailed on April 15 instead of April 1.

### **Direct Cost of Implementation**

The direct cost to implement the Residential Exemption as of 7/22/2016 was \$6,914.06. These expenditures were pre-approved by the former Finance Director and paid for within proper budget line items of postage, supplies, contracted services-professional, and payroll. There was a budget

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transfer between the “A” Budget and “B” Budget to address a shortage in payroll. This adjustment was handled by the Acting Finance Director with Finance Committee approval.

The breakdown is as follows:

- a) \$1,200 for postage (2 mailings) (one mailing was stopped after postage had been added)
- b) \$64.50 for envelopes (2,580 Total)
- c) \$2,550 for Tyler Technologies to modify the CAMA import bridge between PK and Munis
- d) \$2,782 to one of our seasonal property inspectors, who performed various tasks such as preparing applications for mailing, initial application reviews, notification of taxpayers as to the disposition of their applications, filing of paperwork, etc.
- e) \$317.56 paid to the Assessor’s Administrative Clerk as a one-time overtime expenditure approved by the former Finance Director and needed to timely post residential exemption adjustments in Munis along with her regular abatement and personal exemption postings.

### **Indirect Costs of Implementation**

Indirect costs, such as man hours devoted to the Residential Exemption are more difficult to quantify. The Assessor’s Office estimates 500 man hours were spent on the following:

- The development of the application form and associated FAQ’s
- Printing and mailing of the applications
- CAMA bridge modification (working with Munis development and end product testing)
- Reviewing of over 700 applications
- Processing the exemptions in Munis.
- Answering of the phone calls concerning the Residential Exemption over a seven-month period (December-July)

The Collector of Taxes, estimates his office spent about 50 man hours on the following:

- Processing exemption refunds
- Processing overpayments.
- Answering of the phone calls concerning the Residential Exemption over a three-month period (April-July)

### **Administrative Footnote**

Although the residential exemption was calculated correctly on the tax bill, the quick turn-around time of implementing the entire change did not allow for changes to be made to the standardized bill format. Thus, the specific line item of the residential exemption amount did not appear on the standard tax bill. This resulted in confusion from some taxpayers who wondered if they had received their exemption. Once the Assessor’s Office explained that the exemption had been applied and walked the taxpayer through the math, they understood. The Tax Collector and Principal Assessor will work with the tax billing company to ensure that the exemption amount shows on the spring 2017 tax bill.

### **Future Changes**

Implementing a Residential Exemption is incompatible with Provincetown’s current Tax Billing Cycle. Currently, bills are issued on October 1<sup>st</sup> and April 1<sup>st</sup>. The amounts for the two bills are not the same. The October 1<sup>st</sup> bill is a preliminary bill, which is for ½ of the estimated tax owed, based on the actual amount due the previous year. The April 1<sup>st</sup> bill is the actual bill for the

second half and incorporates the actual tax rate as adopted, any modification in value and any exemptions or other adjustments that needed to be made between October 1<sup>st</sup> and April 1<sup>st</sup>.

The Board of Selectmen vote on the tax rate and exemptions at the tax classification hearing which occurs after October 1<sup>st</sup>. At this hearing the Selectmen adopt the tax rate (including whether it single or split) and vote to deny or adopt a residential exemption for the current year. Therefore, when the preliminary bills go out on October 1<sup>st</sup>, it is not known whether the Board of Selectmen will adopt an exemption, and at what level.

The Town Manager and the Assessor's Office expect to bring forward a proposal for the spring Town Meeting to vote to change from a semi-annual "estimated/actual" spring/fall billing to a semi-annual "actual/actual" fall/spring billing, where both halves being an actual bill with the actual tax rate, value and any exemptions already applied.

### **Summary**

The Residential Exemption was implemented in Provincetown for FY 2016. The Selectmen adopted the Exemption to provide tax relief to current year-round residents and to encourage seasonal residents to become year-round. Many hours were spent in the development, implementation and processing of the applications. The staffs of the Assessor's and Collector's offices should be commended for their hard work to ensure that the process was successful.

- A total of 691 residents received a Residential Exemption.
- 679 properties received the full exemption of \$839.86.
- Twelve properties received partial exemptions averaging \$765.06.
- The total exemption amount was \$579,443.79.

## BOARD OF ASSESSORS

# Memo

**To:** Board of Selectmen  
**Through:** David B. Panagore, Town Manager  
**From:** Scott Fahle, Principal Assessor  
**cc:** Ruth Lewis, Interim Finance Director  
John O'Buck, Treasurer  
**Date:** October 12, 2016  
**Re:** Fiscal Year 2017 Property Tax Rate Classification Hearing

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## OVERVIEW

During Tax Rate Classification Hearings, the Selectmen are asked to consider several statutory exemptions. Each exemption reallocates the tax burden among and within the major classes of property. Chapter 59, §2A(b), of the General Laws establishes four classes of real property: residential, open space, commercial, and industrial. To these is added the personal property class under Chapter 59, §18. Since Provincetown has no property classified as open space and only four parcels classified as industrial, the focus of the annual classification hearing is on the allocation of the tax burden between and/or within the residential and commercial classes.

When setting a tax rate there are five options to be considered:

- (A) **Residential Factor of 1** where all classes of property are taxed at the same rate.
- (B) adoption of a **Split Tax Rate** using a residential factor of less than 1, the effect of which would be to tax commercial property at a higher rate than that for residential property,
- (C) adoption of a **Residential Exemption**, which can shift up to 20% of the resident/domiciled properties' tax burden to non-resident/non-domiciled residential properties,
- (D) adoption of a **Small-Commercial Exemption**, which would grant a tax reduction up to 10% to commercial properties assessed at less than \$1 million and fewer than 10 employees, and finally,
- (E) adoption of an **Open Space Exemption**, which involves Open Space properties. This option is not currently before us as Provincetown has no Open Space properties.

The Board of Selectmen may choose to remain with the current option or to adopt some, all, or none of the available exemptions identified above and further detailed below on the next page. In this memo, I will go through each option. These options were discussed by the Board of Assessors at their September 15, 2016 meeting, and they voted to recommend adoption of a **Residential Exemption**, with a shift of no more than 20 percent.

# DISCUSSION

Classifying the tax rate means applying a different tax rate to different classes of property, as opposed to maintaining a single tax rate for all properties.

## Adopting a Residential Factor of 1 - (A)

With this option, all properties would be taxed at one rate. If the Town wishes to maintain a single tax rate for all classes – and thereby keep each class at 100% of its full value tax share – the vote should be to adopt a Residential Factor of 1. The single tax rate is calculated according to the following formula:

$$\text{Tax Levy} / \text{Total Assessed Valuation} = \text{Tax Rate}$$

For the sake of convenience, the tax rate is usually expressed in dollars and cents by multiplying the resulting fraction by 1,000. Applying this formula for Fiscal Year 2017 yields the following:

$$(\text{Tax Levy} / \text{Total Assessed Valuation}) * 1000 = \text{Tax Rate}$$

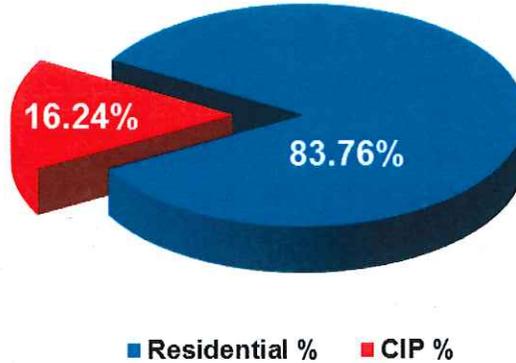
	Tax Levy	Total Assessed Valuation	Proposed Tax Rate (per thousand)
<b>FY 2017</b>	\$20,200,078.86	\$2,712,397,070	\$7.45
<b>FY 2016</b>	\$18,919,292.68	\$2,587,438,370	\$7.31

The distribution of the tax burden using a single tax rate is shown in the following chart. It shows the trend of residential values versus CIP values (Commercial/Industrial/Personal Property) since FY2000:

<u>Fiscal Year</u>	<u>Residential %</u>	<u>CIP %</u>
2017	83.76%	16.24%
2016	83.21%	16.79%
2015	82.83%	17.17%
2014	82.58%	17.42%
2013	82.24%	17.76%
2012	82.19%	17.81%
2011	81.94%	18.06%
2010	81.80%	18.20%
2009	81.71%	18.29%
2008	81.51%	18.49%
2007	81.35%	18.65%
2006	80.38%	19.62%
2005	78.69%	21.31%
2004	77.32%	22.68%
2003	76.66%	23.34%
2002	74.03%	25.97%
2001	73.12%	26.88%
2000	72.17%	27.83%

The current distribution of the tax burden using a single tax rate for FY 2017 is shown in the following chart:

### FY 2017 Share of Tax Levy



### Adopting a Split Tax Rate - (B)

If the Board elects to classify the tax rate, it does so by choosing a residential factor of less than 1, thereby establishing one tax rate for residential property and a separate, higher tax rate for the CIP class. This option, which is commonly referred to as a split tax rate, effectively shifts some of the tax burden from the residential property owners to the owners of commercial, industrial, and personal property. Using FY17 data, the maximum shift allowable by law is calculated by multiplying single tax rate, \$7.45 by the minimum residential factor (MRF), 90.31%, (this factor is determined annually by procedures promulgated by the Department of Revenue). If the MRF is chosen, the single tax rate must be multiplied by 150% to determine the tax rate for the commercial classes. The calculation is as follows:

$$\text{Single tax rate} \times \text{MRF} = \text{Residential tax rate}$$

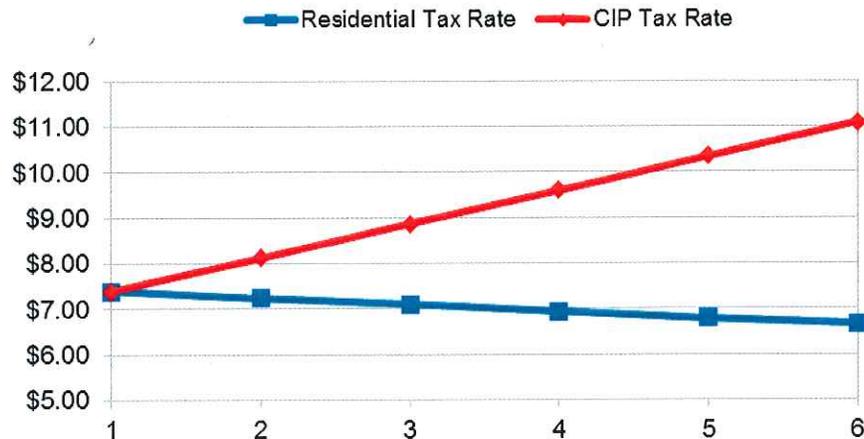
$$\text{Single tax rate} \times 150\% = \text{CIP tax rate}$$

Applying these formulas, using FY17's proposed single tax rate of \$7.45, would yield a residential rate of \$6.58 and a CIP rate of \$10.97. The impact that adoption of the MRF would have on various types of properties is shown in the table on the following page:

Property Class	FY 2017 Median Value	FY 2017 Tax with current single tax rate	FY 2017 Tax with maximum split rate (Res/CIP)	Difference in Taxes Owed	
		0.00745	0.9031 1.5000		
<b>Single-Family</b>	\$730,800	\$5,444.46	\$4,916.89	<b>-\$527.57</b>	<b>Residential</b>
<b>Condominium</b>	\$384,700	\$2,866.02	\$2,588.30	<b>-\$277.72</b>	
<b>Two-Family</b>	\$751,050	\$5,595.32	\$5,053.14	<b>-\$542.19</b>	
<b>Three-Family</b>	\$824,150	\$6,139.92	\$5,544.96	<b>-\$594.96</b>	
<b>Commercial Condo</b>	\$234,200	\$1,744.79	\$2,617.19	<b>\$872.40</b>	<b>Commercial</b>
<b>Small Retail</b>	\$1,140,300	\$8,495.24	\$12,742.85	<b>\$4,247.62</b>	
<b>Guest House</b>	\$1,095,600	\$8,162.22	\$12,243.33	<b>\$4,081.11</b>	
<b>Restaurant</b>	\$1,121,800	\$8,357.41	\$12,536.12	<b>\$4,178.71</b>	

Of course, shifts other than the maximum are possible. In fact, the town could choose any factor between the Minimum Residential Factor and 100%. The following table and corresponding graph shows the split tax rates that would result from adoption of some other residential factor splits.

Commercial (CIP) Factor	Residential Factor	Residential Tax Rate	% Residential Change	CIP Tax Rate	% Commercial (CIP) Change
100.00%	100.00%	\$7.45	-	\$7.450	-
110.00%	97.89%	\$7.30	-2.01%	\$8.195	10.00%
120.00%	95.78%	\$7.15	-4.03%	\$8.940	20.00%
130.00%	93.67%	\$7.00	-6.04%	\$9.685	30.00%
140.00%	91.56%	\$6.85	-8.05%	\$10.430	40.00%
150.00%	90.31% (MRF)	\$6.67	-10.47%	\$11.175	50.00%



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When choosing an annual classification option, many factors are considered. The ability to choose an annual classification option was originally designed to offset any recent redistribution of the tax burden, including any drastic changes in class valuation.

Provincetown's CIP class currently comprises 16.24% of total assessed valuation. According to DOR for FY16, 112 out of 351 (or 32%) of Massachusetts' cities and towns have a split tax rate. Of these, most have either a large percentage of businesses (CIP) in their town or a single large business (such as a major mall) that makes the split advantageous.

When considering the use of a Split Rate, Department of Revenue (DOR) officials have indicated that municipalities don't typically consider splitting the rate until the commercial percentage reaches 20%-25% of total valuation. Provincetown's current rate is less than 17%. Historically, one concern in a decision to split the tax rate in a town with a relatively low commercial percentage has been that the move might be seen as sending an anti-business message. The Town of Provincetown has an insufficient commercial base to support a split tax rate.

### **Adopting a Residential Exemption - (C)**

Adoption of a residential exemption (up to a maximum 20%) will shift the tax burden solely within the residential class between legal domicile properties and non-domicile properties.

All residential properties would be taxed at the same rate, but when a residential exemption is in effect domiciled residents would be taxed at less than 100% of their fair market value. Since the tax levy collected must remain the same, residential properties would be taxed at a higher rate to make up the difference.

The effect of the residential exemption is similar to the homestead exemption that exists in Florida and other states. A person may have a residential property in more than one community, but they can only have one legal domicile. If a taxpayer domiciled in Provincetown owns more than one property in Provincetown, only the domicile would be eligible for the residential exemption. Legal domicile must be proven by Federal/State income tax returns. If Federal/State tax returns are not required to be filed, then alternative identification will be used, including valid driver's license, passport, census records, utility bills, bank statements.

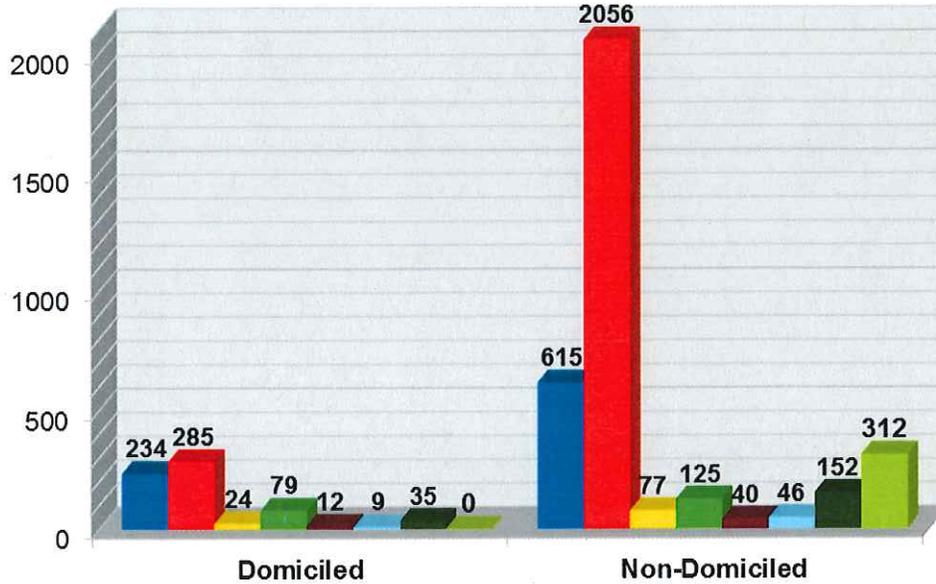
Also, all applicants for a residential exemption on a domicile placed in a trust must have status both as  
(1) a trustee and  
(2) a beneficiary of that trust.

Trust & Beneficiary documents along with the documents stated above must be submitted to prove eligibility.

There are approximately 700 residential properties that we expect to qualify and approximately 3,400 residential properties we expect will not. The chart on the following page shows the number of properties (approximated) by Domiciled / Non-Domiciled parcels by class.

## Domiciled / Non-Domiciled by Class (approximated)

■ Single Family 
 ■ Condo-Res 
 ■ Multi-Bldg 
 ■ 2 Family 
 ■ 3 Family 
 ■ 4+ Units 
 ■ Mixed-Use 
 ■ Others



The following charts display the change in tax dollars both with and without a residential exemption by property type, using FY 17 data and based on a tax rate of \$7.45. The exemption is for owners of domiciled properties only. If a resident owns more than one property in town, only the domiciled property receives the exemption.

DOMICILED					
PROPERTY TYPE	MEDIAN VALUE	ORIGINAL TAX	RES ADJ	NEW TAX AFTER RESIDENTIAL ADJUSTMENT	PERCENTAGE CHANGE IN TAX AFTER RESIDENTIAL ADJUSTMENT
	<b>Ave Assessed Value:</b>	<b>\$554,010</b>	<b>20% \$7.71</b>		
Condo	\$384,700	\$2,866.02	(\$754.26)	\$2,111.75	-26.32%
Single-Family	\$730,800	\$5,444.46	(\$664.28)	\$4,780.18	-12.20%
2-Family	\$751,050	\$5,595.32	(\$659.01)	\$4,936.31	-11.78%
3-Family	\$824,150	\$6,139.92	(\$640.00)	\$5,499.91	-10.42%
Multi-Bldg	\$850,300	\$6,334.74	(\$633.21)	\$5,701.53	-10.00%
4 - 8 Unit	\$880,300	\$6,558.24	(\$625.41)	\$5,932.83	-9.54%
8+ Units	\$1,348,150	\$10,043.72	(\$503.76)	\$9,539.95	-5.02%

NON-DOMICILED					
PROPERTY TYPE	MEDIAN VALUE	ORIGINAL TAX	NON-RES ADJ	NEW TAX AFTER RESIDENTIAL ADJUSTMENT	PERCENTAGE CHANGE IN TAX AFTER RESIDENTIAL ADJUSTMENT
	<b>Ave Assessed Value:</b>	<b>\$554,010</b>	<b>20%</b> <b>\$7.71</b>		
Condo	\$384,700	\$2,866.02	\$100.02	\$2,966.04	3.49%
Single-Family	\$730,800	\$5,444.46	\$190.01	\$5,634.47	3.49%
2-Family	\$751,050	\$5,595.32	\$195.27	\$5,790.60	3.49%
3-Family	\$824,150	\$6,139.92	\$214.28	\$6,354.20	3.49%
Multi-Bldg	\$850,300	\$6,334.74	\$221.08	\$6,555.81	3.49%
4 - 8 Unit	\$880,300	\$6,558.24	\$228.88	\$6,787.11	3.49%
8+ Units	\$1,348,150	\$10,043.72	\$350.52	\$10,394.24	3.49%

For example, with a 20% Residential Exemption, a resident in a Condo with a median value of \$384,700 and annual taxes of \$2,866.02 would see a decrease in their taxes of \$754.26, or a 26.32% decrease while a non-resident would see an increase of \$100.02 or 3.49% increase.

Under the Municipal Modernization Act, cities and towns can vote to increase the exemption cap from 20% up to a maximum of 35%. The chart below illustrates the differences.

PROPERTY TYPE	MEDIAN VALUE	TAX DOLLARS	Res Adj	Non-Res Adj	Res Adj	Non-Res Adj	Res Adj	Non-Res Adj
(at 700 qualifiers)			<b>25%</b>		<b>30%</b>		<b>35%</b>	
	<b>Ave Assessed Value:</b>	<b>\$554,010</b>	<b>\$7.78</b>		<b>\$7.85</b>		<b>\$7.92</b>	
Condo	\$384,700	\$2,866.02	<b>\$950.60</b>	\$126.95	<b>\$1,150.81</b>	\$153.88	<b>\$1,354.91</b>	\$180.81
Single-Family	\$730,800	\$5,444.46	<b>\$836.39</b>	\$241.16	<b>\$1,012.37</b>	\$292.32	<b>\$1,192.24</b>	\$343.48
2-Family	\$751,050	\$5,595.32	<b>\$829.70</b>	\$247.85	<b>\$1,004.27</b>	\$300.42	<b>\$1,182.72</b>	\$352.99
3-Family	\$824,150	\$6,139.92	<b>\$805.58</b>	\$271.97	<b>\$975.03</b>	\$329.66	<b>\$1,148.37</b>	\$387.35
Multi-Bldg	\$850,300	\$6,334.74	<b>\$796.95</b>	\$280.60	<b>\$964.57</b>	\$340.12	<b>\$1,136.07</b>	\$399.64
4 - 8 Unit	\$880,300	\$6,558.24	<b>\$787.05</b>	\$290.50	<b>\$952.57</b>	\$352.12	<b>\$1,121.97</b>	\$413.74
8+ Units	\$1,348,150	\$10,043.72	<b>\$632.66</b>	\$444.89	<b>\$765.43</b>	\$539.26	<b>\$902.09</b>	\$633.63

13

There are fourteen (14) Massachusetts communities that have adopted a residential exemption in FY16. The towns of Barnstable and Provincetown are the only towns in Barnstable County that have a residential exemption. Of the island counties, only the towns of Nantucket and Tisbury have a residential exemption.

City/Town	% Residential Exemption
Boston	30.00%
Barnstable	20.00%
Brookline	20.00%
Cambridge	30.00%
Chelsea	35.00%
Everett	20.00%
Malden	30.00%
Nantucket	20.00%
Provincetown	20.00%
Somerset	10.00%
Somerville	35.00%
Tisbury	18.00%
Waltham	20.00%
Watertown	30.00%

### **Adopting a Small Commercial Exemption - (D)**

Chapter 110 of the Acts of 1993 permits, under certain circumstances, local officials to give preferential treatment to commercial properties occupied by small businesses, having 10 or fewer employees. To qualify for Fiscal Year 2017, these small businesses must have reported an annual average employment of ten or fewer employees for calendar year 2015 (certified in a list prepared by the Department of Employment and Training), and the parcels they occupy must be valued at less than \$1 million. If there is more than one business on a parcel, all the businesses on the parcel must qualify in order for the parcel to receive the exemption. The statute allows the Board of Selectmen to exempt up to ten percent (10%) of the value of such parcels.

The small commercial exemption lowers taxes on parcels occupied by small businesses and shifts those taxes to other commercial and industrial parcels. If a business is a sole proprietorship or partnership, the assessors may now determine eligibility. Previously, a sole proprietorship or partnership could not receive the exemption unless the Department of Labor and Workforce Development (formerly called the Department of Employment and Training) had certified that the business met the employment criterion in the annual list provided to local assessors. G.L.Ch. 51A §64A. In many cases, however, otherwise eligible sole proprietorships and partnerships do not appear on that list because they are not legally required to file the reports used by the Department to determine annual average employment.

The tax burden shift created by the small-commercial exemption occurs solely within the CIP class. If adopted, it would have the effect of reducing property taxes on parcels occupied by qualified small businesses by exempting a certain portion of the property's value from taxation. The taxes so exempted would then be shifted to all other properties in the C&I class in the form of a higher tax rate for the C&I class. Because properties not receiving the exemption would be taxed on their full value, they would end up paying higher taxes than would be the case with a single tax rate.

For FY 17, there were 370 Commercial and Industrial Parcels in Provincetown. For FY 17, the Assessor's office was provided with a list by the Department of Employment and Training listing 182 businesses as having

had an average annual employment of ten or fewer people at all locations during the prior calendar year. An initial review of these businesses showed that 103 appear to qualify.

The following illustrates the application of a small commercial exemption:

<b>Tax Levy</b>	\$20,200,078.86
<b>Full and Fair Cash Valuation</b>	
Residential	\$2,271,996,437
Open Space	\$0
Commercial	\$408,879,463
Industrial	\$2,038,600
Personal Property	\$29,482,570
<b>Eligible Commercial Parcels</b>	
Full and Fair Cash Values	\$77,507,500
Exemption Percentage	10%
Exempt Valuation	\$7,750,750
Taxable Assessed	\$69,756,750

**Tax Rate Computation Without a Small Commercial Exemption**

<u>Class</u>	<u>Levy %</u>	<u>Levy</u>	<u>Valuation</u>	<u>Tax Rate</u>
R & O	83.76%	\$16,926,373.46	\$2,271,996,437	\$7.45
CIP	16.24%	\$3,280,984.72	\$440,400,633	\$7.45

**Tax Rate Computation With a Small Commercial Exemption**

<u>Class</u>	<u>Levy %</u>	<u>Levy</u>	<u>Valuation</u>	<u>Tax Rate</u>
R & O	83.76%	\$16,926,373.46	\$2,271,996,437	\$7.45
C* & I	15.15%	\$3,060,039.91	\$403,167,313	\$7.59
P	1.09%	\$219,645.15	\$29,482,570	\$7.45

$$*408,879,463+2,038,600-7,750,750=\$403,167,313$$

**Tax Impact on Eligible and Non-eligible Parcel  
Full and Fair Cash Value \$500,000 (Example)**

	<u>Without Exemption</u>	<u>With Exemption</u>
Eligible	\$500,000 x \$7.45 / 1,000 = \$3,725.00	\$450,000 x \$7.59 / 1,000 = \$3,415.50
Non-Eligible	\$500,000 x \$7.45 / 1,000 = \$3,725.00	\$500,000 x \$7.59 / 1,000 = \$3,795.00

The following table shows the communities (10) that granted a small-commercial exemption in FY 2016.

CITY / TOWN	
Auburn	New Ashford
Avon	Seekonk
Bellingham	Somerset
Braintree	Westford
Dartmouth	Wrentham

Many businesses rent rather than own, there is no guarantee that the savings conferred by a small-business exemption would be passed on to the tenants in the form of lower rents.

### **COMBINATION**

A combination of classification and the residential exemption and/or the small commercial exemption is also possible. If the town chooses to exercise any of these options, tax rates would first be calculated according to classification, and then the residential rate and/or the CIP rate would be adjusted for the exemption(s) enacted.

### **ADDITIONAL CONSIDERATIONS**

As mentioned previously, the Municipal Modernization Act now allows communities who adopt a Residential Exemption and wish to adjust the cap from 20% up to a maximum of 35% to do so.

It is important to note that under MGL Chapter 59 section 5C, the application of exemptions under section 5 may not result in the taxable valuation of a property being reduced below 10% of its full and fair cash valuation. Thus, when applying the Residential Exemption to properties with a sufficiently low assessed valuation, some are unable to receive the full Residential Exemption. Last year, 10 properties fell into this category and received an adjusted (lesser) Residential Exemption.

The higher the valuation threshold, the more properties will be affected.

- For FY' 17, the valuation threshold is \$122,650. There are 48 parcels valued at or below this assessment that would be unable to fully utilize the Residential Exemption. Of that 48, 12 properties are currently receiving the exemption.
- If the exemption percentage was increased to 25%, the valuation threshold increases to \$153,170 and could affect 70 properties. Of that 70, 25 properties are currently receiving the exemption.
- If the exemption percentage was increased to 30%, the threshold becomes \$183,630 and could affect 93 properties. Of that 93, 32 properties are currently receiving the exemption.
- If the exemption percentage was increased to 35%, it would generate a threshold of \$214,037. This would affect 38 properties which will receive the residential exemption and would potentially effect an additional 80 for a total of 118.

An additional consideration is that, for some residents, the Residential Exemption may be combined with other exemptions such as Elderly, Veteran's, and Senior Work off. The abovementioned 10% minimum assessed value rule applies to the combination of exemptions, not just the Residential Exemption itself. Last year, seven properties receiving the Residential Exemption were unable to fully benefit from additional exemptions. As the exemption percentage increases, more properties receiving additional exemptions will be unable to utilize them completely.

## SUMMARY

The Board of Assessors voted their recommendations during their September 15, 2016 meeting. During the Tax Rate Classification Hearing, the Board of Selectmen will decide between four main options as to how to allocate the tax burden. The choices are via the adoption of:

- A) a residential factor of "1" which would keep the tax rate the same for all classes of property;
- B) a split tax rate using a residential factor of less than 1, the effect of which would be to tax commercial property at a higher rate than that for residential property;
- C) a residential exemption, which would redistribute up to 20% of the average assessed residential value from domiciled properties to non-domiciled properties;
- D) a small-commercial exemption which would lower taxes on parcels occupied by small businesses (assessed at less than \$1 million) and shifts those taxes to other commercial and industrial parcels.

**A) Adoption of a residential factor of "1"** – The Board of Assessors voted 4-1 not to recommend adoption of a residential factor of "1".

**B) Adoption of a split tax rate** – The Board of Assessors voted 5-0 not to recommend splitting the tax rate. The Board believes that, in order to support a split rate, there needs to be a sufficiently large commercial base +/- 25% and/or a large Industrial Park that can absorb the large increase in commercial taxes (up to 50%). If approved, some businesses would probably move to an adjacent town, others would subsidize the tax increase by raising the cost of goods or services.

**C) Adoption of a residential exemption** – The Board voted 4-1 to recommend adopting a residential exemption, at a percentage not to exceed 20%.

**D) Adoption of a small-commercial exemption** – This option was also reviewed by the Board which voted 5-0 not to recommend. This exemption was written over 20 years ago and its mandated threshold of \$1 million means little in today's real estate market. In Provincetown, the average assessed value for commercial parcels is over \$750,000. Of the 374 commercial and industrial properties in Provincetown, only 7 are assessed for \$3 million or more. There is no mall, large shopping center, or power plant to absorb the higher tax rate that would affect non-qualifying parcels and/ or those over \$1 million in assessed value.

Town of Provincetown  
260 Commercial Street  
Provincetown, MA 02657  
Telephone: (508) 487-7017  
Email: sfahle@provincetown-ma.gov



**Department of Municipal Finance**  
**Assessor's Office**

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Date: October 13, 2016  
To: Board of Selectmen  
Thorough: David B. Panagore, Town Manager  
From: Board of Assessors  
Re: September 15, 2016 Vote to Adopt a Residential Exemption

On September 15, 2016, The Board of Assessors voted their recommendations for the Classification Hearing to be held October 24, 2016.

The Assessors broke with their long-standing position opposing the Residential Exemption and voted 4-1-0 to adopt. The Board wishes to clarify their vote.

The Board of Assessors feels that because the Selectmen approved the Residential Exemption at 20% last year, the Board believes it would do greater harm to "undue" the exemption. The Board of Assessors do not support a percentage increase beyond 20% because there will be a marginal rate of return for those that benefit the most from this exemption.

MGL Chapter 59, §5C states in part "that in no instance shall the taxable valuation after all applicable exemptions be reduced below 10% of its full and fair cash valuation". Bringing the maximum Residential Exemption percentage higher than 20% would affect certain taxpayers, not allowing those with the lowest valuations to take full advantage of the Exemption. For FY' 17, the valuation threshold is \$122,650. There are 48 parcels that would potentially meet the qualifications, valued at or below this assessment that will be unable to fully utilize the Residential Exemption.

Residential Exemption %	Valuation threshold	# Parcels
20%	\$122,650	48
25%	\$153,170	70
30%	\$183,630	93
35%	\$214,037	120

In addition, properties that receive additional personal exemptions (number varies every year) such as Senior Work-off, Elderly, Veteran's and Blind Exemptions in combination with the Residential Exemption most likely will have some or all of the personal exemption benefit extinguished in order to comply with the provisions of Chapter 59, §5C (as above) if the residential exemption percentage is increased. The exemptions are income and asset based and benefits the neediest of Provincetown residents.

**CLASSIFICATION TAX ALLOCATION**  
**Fiscal Year 2017**

1. The selected Residential Factor is 1.000000

If you desire each class to maintain 100% of its full values tax share, indicate a residential factor of "1" and go to question 3.

2. In computing your residential factor, was a discount granted to Open Space?

Yes  No

If Yes, what is the percentage discount? 0

3. Was a residential exemption adopted?

Yes  No

If Yes, please complete the following:

<u>Class 1 Total Assessed Value</u>	=	<u>2,271,996,437</u>	X	<u>20</u>	=	<u>110,802</u>
Class 1 Total Parcel Count *		4,101		Selected Res. Exemption %		Residential Exemption

\* Include all parcels with a Mixed-Use Residential designation

Applicable number of parcels to receive exemption 700

Net value to be exempted 2,194,435,037

4. Was a small commercial exemption adopted?

Yes  No

% Selected 0

If Yes, please complete the following:

No. of parcels eligible	
Total value of parcels	<u>0</u>
Total value to be exempted	<u>0</u>

5. The following information was derived from the LA-7. Please indicate in column D percentages (accurate to 4 digits to the right of the decimal point) which result from your selected residential factor. (If a residential factor of "1" has been selected, you may leave Column D blank.)

A Class	B Certified Full and Fair Cash Value Assessments	C Percentage Full Value Shares of Total Tax Levy	D New Percentage Shares of Total Tax Levy
Residential	2,271,996,437.00	83.7634%	83.7634%
Open Space	0.00	0.0000%	0.0000%
Commercial	408,879,463.00	15.0745%	15.0745%
Industrial	2,038,600.00	0.0752%	0.0752%
Personal Property	29,482,570.00	1.0869%	1.0869%
<b>TOTALS</b>	<b>2,712,397,070.00</b>	<b>100.0000%</b>	<b>100.0000%</b>

NOTE : The information is preliminary and is subject to change.

**CLASSIFICATION TAX ALLOCATION**  
**Fiscal Year 2017**

6. Notice was given to taxpayers on 10/27/2016 (date), (time), at Provincetown Town Hall (place), by Legal Notice, Provincetown Banner (describe type of notice) that a public hearing on the issue of adopting the tax levy percentages for fiscal year 2017 would be held on 11/14/2016 (meeting date).

7. We hereby attest that on 11/14/2016 (date), 6:00 (time), at Provincetown Town Hall (place) in a public hearing on the issue of adopting the percentages for fiscal year 2017, that the Board of Assessors presented information and data relevant to making such determination and the fiscal effect of the available alternatives, and that the percentages set forth above were duly adopted in public session on 11/14/2016 (date).

8. The LA-5 excess capacity for the current fiscal year is calculated as 17,776.14

The LA-5 excess capacity for the prior fiscal year is calculated as 112,267.32

For cities : City Councilors, Aldermen, Mayor

For towns : Board of Selectmen

For districts : Prudential Committee or Commissioners

**Signatures**

**Clerk**

I hereby attest that notice was given to taxpayers that a public hearing on the issue of adopting the tax levy percentages on the date and time stated above.

Douglas Johnstone, Town Clerk, Provincetown, djohnstone@provincetown-ma.gov 508-487-7013 | 10/13/2016 10:18 AM

Comment:

**Board of Assessors**

Scott Fahle, Principal Assessor, Provincetown, sfahle@provincetown-ma.gov 508-487-7017 | 10/20/2016 6:37 PM

Comment:

Leslie Parsons, Board of Assessors, Provincetown, leslie@acrossthebay.com 508-487-7017 | 10/20/2016 2:22 PM

Comment:

Robert Sanborn, Board of Assessor, Provincetown, bsdallas@aol.com 508-487-7017 | 10/20/2016 3:10 PM

Comment:

**Authorized Signature**

Signatures for LA5 Certification

For cities: City Councilors, Aldermen, Mayor

For towns: Board of Selectmen

For districts: Prudential Committee or Commissioners

We hereby attest that on the hearing date above the Board of Assessors presented information and data relevant to making such determination and the fiscal effect of the available alternatives at the hearing and that the percentages set forth above were duly adopted in public session on date stated above.

\_\_\_\_\_  
Raphael W. Richter, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Erik Yingling, Vice-Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Thomas N. Donegan, Selectman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Andrews, Selectman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Anthony, Selectman

\_\_\_\_\_  
Date

20



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

Monday, November 14, 2016

1B

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## PUBLIC HEARING

Curb Cut Application 48 Pleasant Street, Provincetown, MA 02657

Requested by: Board of Selectmen

Action Sought: Conduct Public Hearing

### Proposed Motion(s)

**MOVE that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2 of the General By-Laws, to approve the request of James Wormuth requesting approval to remove a portion of the fence on the front of the property in order to access the property for parking located at 48 Pleasant Street, Provincetown, MA 02657 (Assessor's Map 4-1-48-1-002) (Res 3 zone).**

### Additional Information

See Original Public Hearing Notice, Policy Statement, and Application.  
The requested curb cut is compliant with the Policy and satisfies the Evaluation Criteria (please see memo on page 8).

### Board Action

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

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## Board of Selectmen

# Public Hearing

## Curb Cuts: 48 Pleasant Street

The Provincetown Board of Selectmen will hold a Public Hearing on **Monday, November 14, 2016 at 6:00 p.m.** in the Judge Welsh Hearing Room, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657 pursuant to General Bylaws Section 11-6-2, for the following application:

*Application by James Wormuth, requesting approval to remove a portion of the fence on the front of the property located at 48 Pleasant Street, Provincetown, MA in order to access the property for parking. (Assessor's Map 7-1, Parcel 48), in the Res 3 Zoning District.*

The public is encouraged to submit any written comments by Tuesday, November 8, 2016, by 12:00 noon, to [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) and/or Board of Selectmen, Town Hall, 260 Commercial Street, Provincetown, MA 02657, or in person at the hearing.

*Raphael W. Richter, Chairman  
Board of Selectmen*

Posted: [www.provincetown-ma.gov](http://www.provincetown-ma.gov) 10/21/16 9:00 am dj  
Published - Provincetown Banner: October 27<sup>th</sup> & November 3<sup>rd</sup> of 2016

# Policy Statement

2016-01-25A (Supersedes Policy 2010-05-10)

## Curb Cut Permit Guidelines and Procedures

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

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

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

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

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

### Evaluation Criteria:

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

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

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

2



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

07-1-048-1-2

# CURB CUT PERMIT

Location:	48 PLEASANT STREET
Applicant:	JAMES WORMUTH
Mailing Address:	48 Pleasant St, Provincetown, MA 02657
Phone number:	959-336-3933
Email:	jameswormuth@bellsouth.net

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

The Board of Selectmen held a public hearing on OCT 24, 2016 and approved your Curb Cut request with the following conditions:

1. The applicant shall grade and place erosion control devices as needed to prevent stormwater and debris from flowing onto the Town road and into drainage structures during construction.
2. Upon Completion of the project, the applicant shall ensure that the edge of the paved road is supported and not undermined and that disturbed areas are restored and/or re-vegetated. Any construction damage to the Town road shall be repaired by the applicant.
3. Dig-safe must be contacted as required by state law.
4. Contact the Police Department at 508-487-1212 if a police detail will be required for work within the right-of-way.
5. Once the curb cut and driveway are installed, the applicant shall schedule a final inspection with Local Building Inspector at 508-487-7020.
6. Other: \_\_\_\_\_

Board of Selectmen:

_____	_____
_____	_____
_____	_____

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

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

Final Inspection Sign-off:	Date: _____
_____	_____

3A

## NARRATIVE

LOCATION: 48 PLEASANT STREE      PARCEL NUMBER: 07-1-048-1-002

Applicant is seeking to remove a portion of the fence on the front of the property (10' 9") in order to access to the property for parking (9' wide x 36' long). A tree stump will be removed and the land graded as necessary. The excavator will deliver and spread hardening material and  $\frac{3}{4}$  stone on the parking area to prevent any erosion onto the Town road.

Currently there is no parking on either side of this section of Pleasant Street so no current street parking would be affected.

REMOVE THIS SECTION OF  
FENCE  
10'9"



PARKING IN THIS SPACE  
9' WIDE

JK

4



REMOVE THIS SECTION OF FENCE

10'9"

104

5



10

6



# Memo

**To:** Board of Selectmen; David Panagore, Town Manager

**From:** David Gardner

**Date:** October 19, 2016

**Re:** Curb Cut Request 48 Pleasant Street

---

The request is to remove a portion of fence in the front yard along Pleasant Street to install a 9 foot wide driveway opening 36 feet in length to accommodate two additional vehicles.

There is currently no public parking on this stretch of Pleasant Street. The neighborhood is primarily residential and developed with a mix of single and multifamily units.

This property does currently have a driveway, which is not properly indicated on the site map. The property is however, a three unit condominium and the space would allow for additional off-street parking for the existing residents.

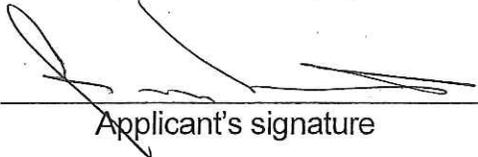
The request minimally meets the Selectmen's criteria pursuant to Policy Statement 2016-01-25A and therefore is recommended for approval.



## Town of Provincetown Curb Cut Application

Location: 48 PLEASANT STREET Parcel Number: 07-1-048-1-002  
 Applicant: JAMES WORMUTH Property Owner: JAMES WORMUTH  
 Applicants Mailing Address: 48 Pleasant Street, Provincetown, MA 02657  
 Phone number: (954) 336-3933 email: JAMES.WORMUTH@BELLSOUTH.NET

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

  
 Applicant's signature

9-14-16  
 Date

**For Office use Only**

Public Safety Official	Approve	Disapprove	Date
DPW Director	✓		9-21-16
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: Driveway apron should be installed to prevent gravel from spilling into Pleasant Street.

It should be noted that another curb cut exists on the property.

Please return to Board of Selectmen by Sept. 22, 2016.

www.provincetown-ma.gov  
selectmen@provincetown-ma.gov  
508.487.7003

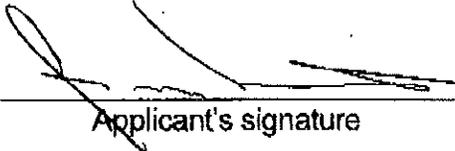


Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657

# Town of Provincetown Curb Cut Application

Location: 48 PLEASANT STREET Parcel Number: 07-1-040-1-002  
 Applicant: JAMES WORMUTH Property Owner: JAMES WORMUTH  
 Applicants Mailing Address: 48 Pleasant Street, Provincetown, MA 02657  
 Phone number: (954) 336-3933 email: JAMES.WORMUTH@BELLSOUTH.NET

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Applicant's signature

9-14-16  
Date

### For Office use Only

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			<u>10/17/16</u>
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Please return to Board of Selectmen by Sept. 22, 2016.

10



## Town of Provincetown Curb Cut Application

Location: <u>48 PLEASANT STREET</u>	Parcel Number: <u>07-1-048-1-002</u>
Applicant: <u>JAMES WORMUTH</u>	Property Owner: <u>JAMES WORMUTH</u>
Applicants Mailing Address: <u>48 Pleasant Street, Provincetown, MA 02657</u>	
Phone number: <u>(954) 336-3933</u>	email: <u>JAMES.WORMUTH@BELLSOUTH.NET</u>

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

[Signature]  
 Applicant's signature

9-14-16  
 Date

**For Office use Only**

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief	<u>✓ [Signature]</u>		<u>09-19-2016</u>
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: AREA IS 29' Feet in my opinion. Property on other side of street has existing fence so turning to circulate when backing will be a challenge but possible. Property is proximate to problem intersection onto Brown Street. NO APPARENT HAZARD TO TRAFFIC, NEIGHBORHOOD AND NO LOSS OF ON-STREET PARKING.

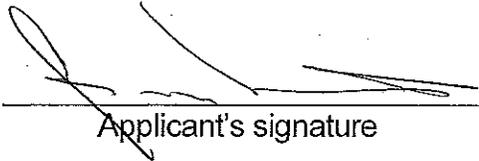
Please return to Board of Selectmen by Sept. 22, 2016 <sup>11</sup>



## Town of Provincetown Curb Cut Application

Location: <u>48 PLEASANT STREET</u>	Parcel Number: <u>07-1-048-1-002</u>
Applicant: <u>JAMES WORMUTH</u>	Property Owner: <u>JAMES WORMUTH</u>
Applicants Mailing Address: <u>48 Pleasant Street, Provincetown, MA 02657</u>	
Phone number: <u>(954) 336-3933</u>	email: <u>JAMES.WORMUTH@BELLSOUTH.NET</u>

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 Applicant's signature

9-14-16  
 Date

**For Office use Only**

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner		<u>Approved</u>	<u>22 Sept 2016</u>
Town Planner			
Assistant Town Manager			

Comments: BASED ON THE CRITERIA IN Policy Statement 2010-05-10,  
proposed cut accommodates legal parking space <sup>outside</sup> of the public right-of-way  
does not reduce on street parking spaces - proposed driveway is approx 40' from BROWNE/PLEASANT  
 INTERSECTION, STRUCTURE IS A 3 FAMILY. PROPOSED IS 18' WIDE. RADIUS FOR VEHICLE EXIT MANEUVER  
APPEARS TO SHORT FOR TOWAY STREET ⇒ THIS WOULD CREATE A 2ND <sup>DRIVEWAY ACCESS</sup> FROM PLEASANT  
TO THE PROPERTY AT 48 PLEASANT ST. ←

Site visit  
9/22  
7AM

Please return to Board of Selectmen by Sept. 22, 2016



## Town of Provincetown Curb Cut Application

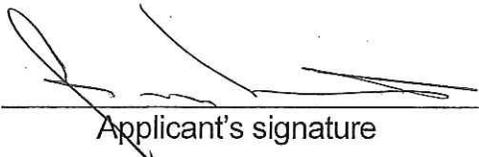
Location: 48 PLEASANT STREET Parcel Number: 07-1-048-1-002

Applicant: JAMES WORMUTH Property Owner: JAMES WORMUTH

Applicants Mailing Address: 48 Pleasant Street, Provincetown, MA 02657

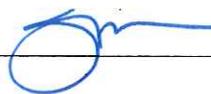
Phone number: (954) 336-3933 email: JAMES.WORMUTH@BELLSOUTH.NET

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

  
 Applicant's signature

9-14-16  
 Date

**For Office use Only**

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

Comments: I see no issues w/ this

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Please return to Board of Selectmen by Sept. 22, 2016 <sup>13</sup>



## Town of Provincetown Curb Cut Application

Location: <u>48 PLEASANT STREET</u>	Parcel Number: <u>07-1-048-1-002</u>
Applicant: <u>JAMES WORMUTH</u>	Property Owner: <u>JAMES WORMUTH</u>
Applicants Mailing Address: <u>48 Pleasant Street, Provincetown, MA 02657</u>	
Phone number: <u>(954) 336-3933</u>	email: <u>JAMES.WORMUTH@BELLSOUTH.NET</u>

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[Signature]  
 Applicant's signature

9-14-16  
 Date

**For Office use Only**

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

Comments: CURB CUT WIDTH 10' FT

TWO TANDDEM SPACES 9 x 36 IS CONSISTENT WITH SELECTMAN'S POLICY

Please return to Board of Selectmen by Sept. 22, 2016 14

James Lucey  
Jean Lucey

**Loretta Dougherty**

---

**From:** James Lucey <James.Lucey@comcast.net>  
**Sent:** Tuesday, October 18, 2016 10:52 AM  
**To:** Loretta Dougherty  
**Cc:** jean.lucey@hotmail.com; 'Michael Kaplan'  
**Subject:** Curb Cuts: 48 Pleasant Street

We are abutters to 48 Pleasant at 48A Pleasant Street.

We do **not** support the application for the curb cut at 48 Pleasant Street.

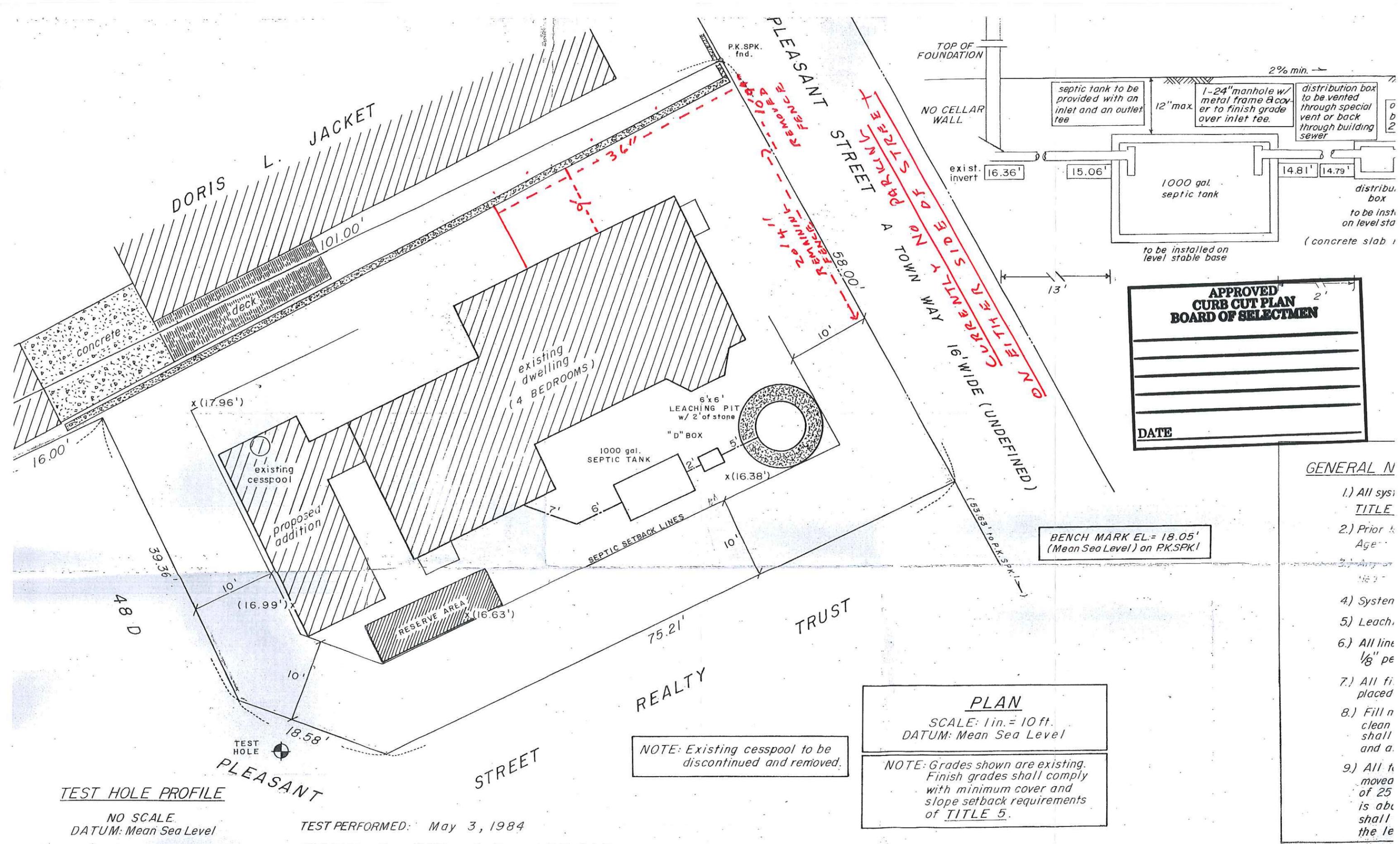
We have no problem with the removal of some, or all, of the fence at the front of the property.

We do **not** support moving existing parking so close to our building at 48A Pleasant Street. We do **not** support increasing total parking capacity at 48 Pleasant Street. Our reasons include proximity to our living and sleeping space; drainage and snow removal issues; and safety issues given limited egress visibility and the proximity to the intersection of Brown and Pleasant Streets.

Over the years we've always valued our cordial relations with the condo owners at 48 Pleasant Street and expect that cordial relations will continue with the current owners.

James Lucey  
Email: [James.Lucey@comcast.net](mailto:James.Lucey@comcast.net)  
Mobile: 617-797-4641

Jean Lucey  
Email: [Jean.Lucey@hotmail.com](mailto:Jean.Lucey@hotmail.com)



**APPROVED CURB CUT PLAN BOARD OF SELECTMEN**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE \_\_\_\_\_

- GENERAL NOTES**
- 1.) All systems to be installed in accordance with the current code.
  - 2.) Prior to installation, the system shall be inspected and approved by the local health department.
  - 3.) Any changes to the system shall be approved by the local health department.
  - 4.) System shall be installed in accordance with the current code.
  - 5.) Leaching pits shall be installed in accordance with the current code.
  - 6.) All lines shall be installed in accordance with the current code.
  - 7.) All fixtures shall be installed in accordance with the current code.
  - 8.) Fill in clean shall be used and shall be placed in accordance with the current code.
  - 9.) All fixtures shall be installed in accordance with the current code.

BENCH MARK EL. = 18.05'  
(Mean Sea Level) on P.K.SP.K.1

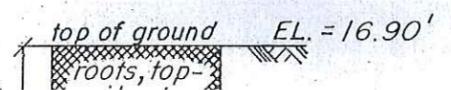
**PLAN**  
 SCALE: 1 in. = 10 ft.  
 DATUM: Mean Sea Level

NOTE: Grades shown are existing. Finish grades shall comply with minimum cover and slope setback requirements of TITLE 5.

NOTE: Existing cesspool to be discontinued and removed.

**TEST HOLE PROFILE**  
 NO SCALE  
 DATUM: Mean Sea Level

TEST PERFORMED: May 3, 1984  
 WITNESSED BY: William N. Rogers, P.E., R.L.S.

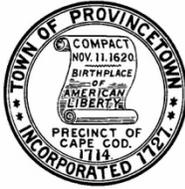


It is the opinion of the Engineer that the soil profile



48 PLEASANT ST

16



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

Monday, November 14, 2016

1C

# PUBLIC HEARING:

## Aquaculture Grant Revised Applications and Renewal

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 to approve revisions to grant application #106 Loretta Stewart to reflect a change of location to the following GPS coordinates:**

- +42° 2.020', -70° 11.150'
- +42° 2.050', -70° 11.120'
- +42° 2.020', -70° 11.090'
- +42° 1.990', -70° 11.120'

**MOVE that the Board of Selectmen vote to approve revisions to grant application #108 David Flattery to reflect a change of location to the following GPS coordinates:**

- +42° 2.06166', -070°11.14' (+42° 2' 3.7", -070°11' 8.4")
- +42° 2.050', -70° 11.120'
- +42° 2.020', -70° 11.150'
- +42° 2.050', -70° 11.180'

**MOVE that the Board of Selectmen vote to renew the existing aquaculture license #47 Alex Brown for five (5) years as per Town regulations.**

### Additional Information

At their meeting on September 13, 2016, the Shellfish Committee unanimously approved recommending the motions stated above. Due to the existence of eelgrass, the MA Division of Marine Fisheries requires the above revisions to applications #106 and #108. By statute these revisions must repeat the public process. The license holder of grant #47 has shown activity toward production and met all requirements outline in the Town's aquaculture regulations.

### Board Action

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



## Board of Selectmen

# Public Hearing

### Aquaculture Grant Revised Applications and Renewal

The Provincetown Board of Selectmen will hold a Public Hearing on **Monday, November 14, 2016, at 6:00 p.m.** in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to receive comments from the public on the following requests:

Aquaculture license requests:

Revisions to grant application #106 Loretta Stewart to reflect a change of location to the following GPS coordinates:

+42° 2.020', -70° 11.150'

+42° 2.050', -70° 11.120'

+42° 2.020', -70° 11.090'

+42° 1.990', -70° 11.120'

Revisions to grant application #108 David Flattery to reflect a change of location to the following GPS coordinates:

+42° 2.06166', -070°11.14' (+42° 2' 3.7", -070°11' 8.4")

+42° 2.050', -70° 11.120'

+42° 2.020', -70° 11.150'

+42° 2.050', -70° 11.180'

Renew the existing aquaculture license #47 Alex Brown for five (5) years as per Town regulations.

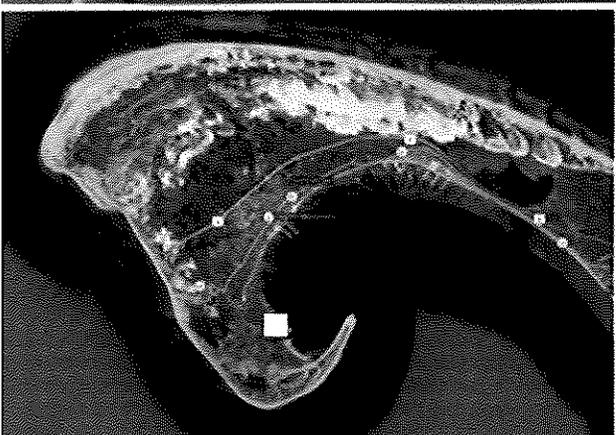
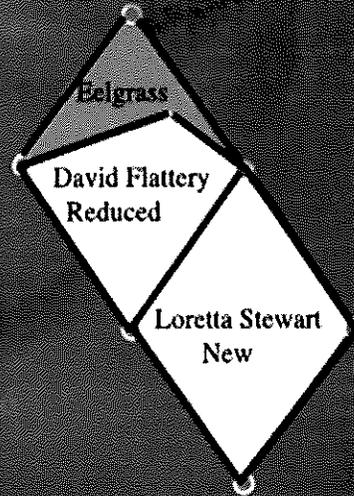
Comments may be submitted in writing to the Office of the Board of Selectmen, 260 Commercial Street, Provincetown, MA 02657 or [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) by Tuesday, November 8, 2016, or in person at the hearing.

*Raphael W. Richter*  
Chairman, Board of Selectmen

Posted: [www.provincetown-ma.gov](http://www.provincetown-ma.gov) 10/21/16 9:05 am dj  
Published: Banner: October 27, 2016 & November 3, 2016

**Provincetown Board of Selectmen  
AGENDA ACTION REQUEST  
October 24, 2016  
PUBLIC HEARING:  
Aquaculture Grant Revised  
Applications and Renewal Map**

Alex Brown #37  
Existing Grant Renewal





## ***Town of Provincetown***

260 Commercial Street  
Provincetown, MA 02657  
Direct Line (508) 246-5756  
swisbauer@provincetown-ma.gov

### **Office of the Shellfish Constable**

---

To: Town Manager David B. Panagore

From: Shellfish Constable Stephen Wisbauer

Date: October 20, 2016

Re: Explanation – Aquaculture Grant Revised Applications and Renewal Item for October 24, 2016

Three (3) proposed motions are brought before you tonight requesting approval. As a matter of clarity, please find further explanation contained herein.

The first motion requests revisions to a previously approved license. This license is in the process of being permitted on State and Federal levels. The state, after a biological survey, has determined the area is not viable for farming due to eelgrass coverage. A change of location to an adjacent site is requested. By State statute, these revisions must repeat the town's licensing process. With the proposed revised license, a new biological survey from the state is necessary before moving forward. Please see the attached memo regarding this request.

The second motion requests revisions to a previously approved license. This license is in the process of being permitted on State and Federal levels. The state, after a biological survey, has determined the area to be viable for farming. This permission is contingent upon the dimensions being reduced due to the proximity of eelgrass. By State statute, these revisions must repeat the town's licensing process. With the proposed revised license, this grant will move forward to the federal level and does not require a new biological survey.

The third item is a Town aquaculture license renewal for an existing grant that is operating and in good standing. This third item does not require any additional process beyond tonight's proceeding.



Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657  
[www.provincetown-ma.gov](http://www.provincetown-ma.gov)  
508-487-7003

**Board of Selectmen**

### AQUACULTURE LICENSE(Revised)

Number 106

We, the Provincetown Board of Selectmen, in accordance with the provisions of Chapter 130 of the General Laws, and all other powers thereto enabling, do grant Loretta Stewart of Provincetown, Massachusetts, for the term of 2 years, beginning October 24<sup>th</sup>, 2016 a license to plant, grow, cultivate and harvest shellfish at all times during the term of this license in and upon the flats and water situated in Cape Cod Bay, on a certain parcel of land bounded and described as follows:

- +42° 2.020', -70° 11.150'
- +42° 2.050', -70° 11.120'
- +42° 2.020', -70° 11.090'
- +42° 1.990', -70° 11.120'

The parcel, described above, contains an area of 1 acres(s), more or less.

This license is granted under the provisions of MGL Chapter 130 and in accordance with the aquaculture regulations of the Town of Provincetown, which are made a part hereof by reference.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board of Selectmen  
Town of Provincetown

\_\_\_\_\_  
Date

H



Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657  
[www.provincetown-ma.gov](http://www.provincetown-ma.gov)  
508-487-7003

**Board of Selectmen**

**To:** J. Michael Hickey  
Chief Marine Biologist  
MA Division of Marine Fisheries  
1213 Purchase Street  
3<sup>rd</sup> Floor  
New Bedford, Massachusetts 02740

**From:** Provincetown Board of Selectmen

**Copy:** Thomas Shields, Senior Biologist  
Christopher Schillaci, Area Biologist

**Date:** October 24, 2016

The Town of Provincetown would like to request a new biological survey of one (1) private shellfish grant located in the intertidal area east of the west end breakwater. Eelgrass was found during the first survey for this grant number. The grant remains assigned #106 and a revised location has been approved. The new specific latitude and longitude of the above-mentioned acre can be found on the enclosed conditional town license.

Thank you,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town of Provincetown  
Board of Selectmen



Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657  
[www.provincetown-ma.gov](http://www.provincetown-ma.gov)  
508-487-7003

**Board of Selectmen**

**AQUACULTURE LICENSE (Revised)**

Number 108

We, the Provincetown Board of Selectmen, in accordance with the provisions of Chapter 130 of the General Laws, and all other powers thereto enabling, do grant David Flattery of Provincetown, Massachusetts, for the term of 2 years, beginning October 24<sup>th</sup>, 2016 a license to plant, grow, cultivate and harvest shellfish at all times during the term of this license in and upon the flats and water situated in Cape Cod Bay, on a certain parcel of land bounded and described as follows:

- +42° 2.06166', -70° 11.14'
- +42° 2.050', -70° 11.120'
- +42° 2.020', -70° 11.150'
- +42° 2.050', -70° 11.180'

The parcel, described above, contains an area of 1 acres(s), more or less.

This license is granted under the provisions of MGL Chapter 130 and in accordance with the aquaculture regulations of the Town of Provincetown, which are made a part hereof by reference.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board of Selectmen  
Town of Provincetown

\_\_\_\_\_  
Date



Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657  
[www.provincetown-ma.gov](http://www.provincetown-ma.gov)  
508-487-7003

**Board of Selectmen**

## AQUACULTURE LICENSE RENEWAL

Number 37

We, the Provincetown Board of Selectmen, in accordance with the provisions of Chapter 130 of the General Laws, and all other powers thereto enabling, do grant Alex Brown of Provincetown, Massachusetts, for the term of 5 years, beginning October 24<sup>th</sup>, 2016 a license to plant, grow, cultivate and harvest shellfish at all times during the term of this license in and upon the flats and water situated in Cape Cod Bay, on a certain parcel of land bounded and described as follows:

+42° 2.175', -70° 11.338'  
+42° 2.164', -70° 11.326'  
+42° 2.133', -70° 11.419'  
+42° 2.120', -70° 11.408'

The parcel, described above, contains an area of 1 acres(s), more or less.

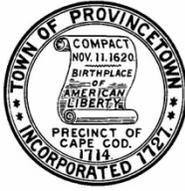
This license is granted under the provisions of MGL Chapter 130 and in accordance with the aquaculture regulations of the Town of Provincetown, which are made a part hereof by reference.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board of Selectmen  
Town of Provincetown

\_\_\_\_\_  
Date

17



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

1D

Monday, November 14, 2016

# PUBLIC HEARING:

## Revisions to Recreational Shellfishing Regulations

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 to approve revisions to the Recreational Shellfishing Regulations as submitted.**

### Additional Information

At their meeting on September 13, 2016, the Shellfish Committee unanimously approved recommending revisions to the Board of Selectmen's Recreational Shellfishing Regulations. The substance of these changes is as follows [or revised]:

- Clarification of regulations concerning surf clams (*Spisula Solidissima*).
- An addition of a weekly permit at the cost of \$25.00.
- Mandatory re-burying of undersize shellfish

Possession of a Town permit would allow the holder to harvest surf clams at a quantity of 20 quarts per week (2 pecks) and be allowed all year, any day from approved and open waters designated on MA Division of Marine Fisheries maps. Additionally, the revisions make available, to anyone, a weekly permit at the cost of \$25.00.

### Board Action

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



## Board of Selectmen

# Public Hearing

### Shellfish Recreational Regulations Changes

The Provincetown Board of Selectmen will hold a Public Hearing on **Monday, November 14, 2016, at 6:00 p.m.** in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to receive comments from the public on the following proposed changes to the Provincetown Recreational Shellfishing Regulations and associated fee:

- 1) The Provincetown tidelands shall be closed to the taking of quahogs, soft-shelled clams, oysters, and mussels except in areas designated by the Board of Selectmen under the conditions herein imposed.
- 2) The Town Clerk, to any legal resident or real estate taxpayer, upon receipt of a \$15.00 annual fee shall issue a family permit for the non-commercial recreational taking of shellfish. Residents or taxpayers shall be issued a free shellfish permit at age 65 or older. The fee for a non-resident shellfish permit is \$50.00 and the fee for a weekly permit is \$25.00.
- 3) Quahogs must be one inch thick, soft-shelled clams must be two inches long, ~~and~~ oysters and razor clams must be three inches long and sea clams must be five inches long. Possession of a gauge is required or you will be denied access to the tidal flats.
- 4) The weekly limit for recreational permit holders for any combination of quahogs, soft-shelled clams, and oysters is either one level 10 quart pail or a peck shellfish basket. No other containers are allowed ~~on the tidal flats.~~ The sea surf clam limit is ~~one bushel~~ 2 pecks per week and may be taken any day with no time of year restrictions. 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.
- 5) Certain days of the week may be specified for the recreational taking of quahogs, oysters and soft-shelled clams. This information will be posted in the Town Clerk's office. Harvesting is limited to daylight hours, sunrise to sunset.
- 6) No permit is required for sea worms, moon snails, periwinkles and mussels, which may be taken year round.
- 7) Upon leaving the flats, all recreational shellfish harvesters must report to the Shellfish Constable who maintains a record of the town's yearly harvest.
- 8) Violations of the above regulations shall be punishable by a fine of no less than \$50 and no more than \$300 and/or revocation of license or permit.
- 9) All persons harvesting shellfish are ~~asked to~~ must re-bury undersize shellfish to protect them from both the weather and predators, ~~such as crabs and seagulls.~~ ~~It takes about two years for a soft-shelled clam to reach legal size and three or four years for a quahog to reach legal size.~~  
*(Moved from preamble to numbered regulation)*

Comments may be submitted in writing to the Office of the Board of Selectmen, 260 Commercial Street, Provincetown, MA 02657 or [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) by Tuesday, November 8, 2016, or in person at the hearing.

*Raphael W. Richter*  
*Chairman, Board of Selectmen*

Posted: [www.provincetown-ma.gov](http://www.provincetown-ma.gov) 10/21/2016 9:05 am dj  
Published: Banner: October 27, 2016 & November 3, 2016



# Town of Provincetown Recreational Shellfishing Regulations

(Edited September 13, 2016)

Recreational shellfish regulations are designed to both promote and protect shellfish supplies for recreational harvesters, giving them the opportunity to enjoy this natural resource. They will tell you how, when, what to harvest, and how many to keep. Shellfish areas are rotated to allow juveniles time to develop into legal size. Provincetown's rotating recreational shellfish areas are east and west of the West End breakwater, the East End of town, and Hatches Harbor. Recreational harvesters are not allowed to rake in the designated shellfish aquaculture areas.

- 2) All persons harvesting shellfish ~~are asked to~~ must re-bury undersize shellfish to protect them from both the weather and predators, ~~such as crabs and seagulls.~~ It takes about two years for a soft-shelled clam to reach legal size and three or four years for a quahog to reach legal size. *(Move to from preamble to numbered regulation)*

~~We ask that dog owners keep their pets on leashes, as dogs can have an effect on the shellfish such as: Fecal materials contain high levels of fecal coliform bacteria. Federal water testing procedures test for this bacteria. Results of these tests may result in the closure of areas for shellfish harvesting or in extreme cases, swimming. Dogs can inadvertently tear shellfish aquaculture netting. Unplanned encounters with fecal material deposits on the beach can be very unpleasant and unsanitary. We expect dog owners to be prepared to scoop the poop.~~

The town's shellfish constable is on the flats both, to assist shellfishers, and to enforce these regulations.

- 1) The Provincetown tidelands shall be closed to the taking of quahogs, soft-shelled clams, oysters, and mussels except in areas designated by the Board of Selectmen under the conditions herein imposed.
- 2) The Town Clerk, to any legal resident or real estate taxpayer, upon receipt of a \$15.00 annual fee shall issue a family permit for the non-commercial recreational taking of shellfish. Residents or taxpayers shall be issued a free shellfish permit at age 65 or older. The fee for a non-resident shellfish permit is \$50.00 and the fee for a weekly permit is \$25.00.
- 3) Quahogs must be one inch thick, soft-shelled clams must be two inches long, ~~and oysters~~ and razor clams must be three inches long and sea clams must be five inches long. Possession of a gauge is required or you will be denied access to the tidal flats.
- 4) The weekly limit for recreational permit holders for any combination of quahogs, soft-shelled clams, and oysters is either one level 10 quart pail or a peck shellfish basket. No other containers are allowed ~~on the tidal flats.~~ The sea surf clam limit is ~~one bushel~~ 2 pecks per week and may be taken any day with no time of year restrictions. 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.
- 5) Certain days of the week may be specified for the recreational taking of quahogs, oysters and soft-shelled clams. This information will be posted in the Town Clerk's office. Harvesting is limited to daylight hours, sunrise to sunset.
- 6) No permit is required for sea worms, moon snails, periwinkles and mussels, which may be taken year round.
- 7) Upon leaving the flats, all recreational shellfish harvesters must report to the Shellfish Constable who maintains a record of the town's yearly harvest.
- 8) Violations of the above regulations shall be punishable by a fine of no less than \$50 and no more than \$300 and/or revocation of license or permit.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

2

## PUBLIC STATEMENTS

Requested by: Board of Selectmen

Action Sought: Open

Proposed Motion(s)

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

Additional Information

Board Action

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



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

Monday, November 14, 2016

3

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## SELECTMEN'S STATEMENTS

Requested by: Town Manager David Panagore

Action Sought: Discussion

### Proposed Motion(s)

**Motions may be made and votes may be taken.**

**Robert Anthony**

**Erik Yingling**

**Tom Donegan**

**Cheryl Andrews**

**Raphael Richter**

### Additional Information

### Board Action

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

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

Monday, November 14, 2016

4A

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## POWERPOINT PRESENTATION

Cape & Vineyard Electrical Cooperative – Additional Net Metering Credit

Requested by: Programs & Administration Manager Liz Argo

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>



## Cape & Vineyard Electric Cooperative, Inc.

23H2 White's Path, Suite 2, South Yarmouth, MA 02664

774-722-1812 [www.cvecinc.org](http://www.cvecinc.org)

11.9.16

David Panagore  
Provincetown Town Hall  
Town of Provincetown

Dear David,

The Cape & Vineyard Electric Cooperative, Inc. (CVEC) Is looking forward to an opportunity to address the Provincetown Board of Selectmen on a number of items. We appreciate that your agenda is full and we will make our presentation extremely brief as we address several items with the SelectBoard Monday night:

1. CVEC is returning to CVEC members to request the same Round 1 Adder that Provincetown approved for FY17. The Adder was not instituted before the end of budgeting for FY17 and now CVEC returns for the approval of the R1 Adder for FY18, with a change from last year's request of \$0.01 per kilowatt hour to only \$0.005 per kilowatt hour. CVEC will give a 6 slide Powerpoint.
2. CVEC wishes to address the SelectBoard to assess interest in a contemplated CVEC Round 3 Initiative to provide PV for the Provincetown High School building. The Initiative would depart from past practices wherein CVEC paid development, administrative and legal costs up-front. For a Round 3, CVEC would seek to share up-front costs with the other 9 participants. One slide will provide the info needed for a discussion.
3. Last, CVEC would like to discuss taking over the monitoring, tracking and dispensing of Provincetown's Net Metering Credit financial transactions departmentally. At this time there is a large outstanding amount debt to CVEC while delayed accounting is attempted by town staff. The completion of the accounting work is rather critical now, because CVEC is revising the contracts with the utility for net metering credit distribution (Schedule Zs). The town must assess the electric accounts involved to ensure that no stranding is occurring with a resultant buildup of credits. A consultancy proposal was provided by CVEC and I believe Rich Waldo reported that the town was determining how to best fund CVEC's taking on the work. I suggested that CVEC might be able to charge the costs against the annual cash-out revenue of about \$21,000 currently sent to Provincetown from CVEC's cash-out projects. It is my understanding that only a quick discussion on this subject is requested by the town for Monday night.

Yours Truly,

Liz Argo  
Manager, Programs & Administration  
The Cape & Vineyard Electric Cooperative, Inc.



## Cape & Vineyard Electric Cooperative, Inc.

### Round 3

#### - Currently Assessing Interest -

- Eight members have requested CVEC install PV—  
*includes Provincetown Treatment Plant and the Elementary School*
- CVEC proposes to use legal firm with prior CVEC experience -  
*includes using already existing template RFPs and contracts*
  - Estimated upfront costs for 9 projects = \$99,000 -  
*includes all administration and legal costs through commissioning*
- Adder for ongoing Administration of O&M and NMC transactions -  
*\$0.005 per kilowatt (about \$830 annually from each project)*
  - **If there is interest, a non-binding LOI will allow  
CVEC to pursue a Round 3**



# Cape & Vineyard Electric Cooperative, Inc.

23H2 White's Path, Suite 2, South Yarmouth, MA 02664

774-722-1812 [www.cvecinc.org](http://www.cvecinc.org)

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10.14.16

## *Re: CVEC PV Initiative Round 3*

Dear CVEC Project Participant,

As you know, the Cape and Vineyard Electric Cooperative (CVEC) is an intergovernmental electric cooperative that was created to provide the municipalities of Cape Cod and Martha's Vineyard a way to work together to develop clean, renewable energy on the Cape and Vineyard. To date, in two CVEC photovoltaic (PV) Initiatives, PV Initiative Round 1 & PV Initiative Round 2, CVEC has installed over 28.5 megawatts of PV across the Cape and Vineyard. By the end of FY16 those two PV Initiatives had provided over \$5M in financial benefits to CVEC's members and offtakers.

To develop Rounds 1 & 2, CVEC was able to pay the upfront costs associated with procurement and construction (primarily legal and administrative) on behalf of the members. Now, and for the life of the Round 2 power purchase agreements (PPA), CVEC will recover those costs through an Operational Administrative Adder. The Adder is \$0.01 per kilowatt hour (kWh) for member projects and \$0.015 per kWh for non-member projects. Towards recovering costs associated with Round 1, CVEC is seeking an Operational Administrative Adder of \$0.005.

Despite the large amount of PV already installed, CVEC continues to receive requests from towns and other municipal entities for further assistance in deploying smaller-scale PV systems on municipally-owned rooftops ready for solar installation. As further renewable energy development embodies the Cooperative's mission, CVEC would like to serve these requests. Thus the CVEC Board of Directors and several subcommittees have discussed the possibility of bringing about a third round of PV projects in order to utilize CVEC's aggregating advantage which reduces costs for the towns/schools. Clearly, one of the primary benefits of procuring projects through CVEC is CVEC's ability to aggregate multiple projects in order to deliver the best contract terms with the most competitive power purchase price.

However, there is a clear understanding on all sides that CVEC can no longer afford to pay the up-front costs associated with PV development. For this reason, last month the CVEC Directors instructed staff to estimate costs for a PV Initiative Round 3, with the aggregation limited to nine smaller-scale PV systems on municipally-owned rooftops, in order to propose a PV Initiative wherein the upfront costs are shared by the participants.

To derive an estimate of up-front costs for a Round 3, CVEC staff reached out to the law firm responsible for CVEC's PV Initiatives Round 1 and 2 and added a 10% CVEC administrative overhead cost, based on historic overhead costs from CVEC's management of procurement and installation of Rounds 1 and 2.

Based on the total estimated costs, CVEC can now approach the towns/schools with an estimated up-front cost for a Round 3 PV Initiative, broken down into a per project cost of between \$5,000 to \$15,000 per participant. These funds would need to be appropriated by each project host town or school on an as-billed basis. It is important to understand that this is a preliminary estimate only – the final costs to each participant would be determined by the size of their project, the length of contract negotiations, and any unpredictable factors such as permitting obstacles.

The financial benefit to be derived from each project is not currently predictable, as the PV market awaits the next iteration of incentives from the Massachusetts regulators. Any effort towards a Round 3 would be on hold until the regulations for incentives are enacted. Meanwhile CVEC seeks to be ready for a Round 3 once the incentives are established and the market returns.

While the above shared up-front costs approach to a Round 3 PV Initiative allows CVEC to bring forward a PV Initiative without CVEC carrying significant up-front costs, CVEC knows from experience that a small allowance is necessary to provide CVEC's ongoing administration over the 20 year contract as well. To support the ongoing management activities associated with any new CVEC PV systems over the 20 years lifetime, CVEC would need to collect a reduced adder of \$0.005 cents per kWh for the lifetime of the project power purchase agreement(s) from CVEC members, and \$0.0075 per kWh from non-members. This funding stream would cover the ongoing administrative costs associated with ongoing interface with and management of the local utility and system owner, as well as the management of the net metering credits and project billings transactions.

At this time CVEC has a request from your town or school to include your specified roof-mounted PV project as a project in a possible CVEC PV Initiative Round 3. The CVEC Board of

Directors would ask that a conversation be started between the CVEC Manager and your appropriate representative to determine whether your town or school's interest in a CVEC PV Initiative Round 3 would continue with the procurement and construction costs shared by the participants.

Replies can be made in writing to:

Cape and Vineyard Electric Cooperative  
Attn: Liz Argo  
Manager, Projects & Administration  
23H2 White's Path, Suite 2  
S. Yarmouth, MA 02664

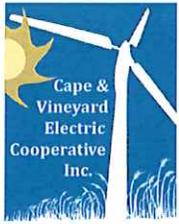
by phone to Liz at 774-722-1812,

or by email to [largo@cvecinc.org](mailto:largo@cvecinc.org).

Yours Truly,



Liz Argo  
Manager, Programs & Administration  
The Cape & Vineyard Electric Cooperative, Inc.



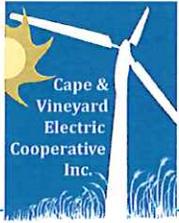
# Cape & Vineyard Electric Cooperative, Inc.

## Town of Provincetown

11.14.16



Liz Argo, Manager, Programs & Administration



# Cape & Vineyard Electric Cooperative, Inc.

## Municipal Net Metered Power

### Cape & Vineyard Electric Cooperative Past - Present - Future

- Three PV Initiatives totaling 28.5MW are now producing power
  - The largest block of Cooperative PV power in New England
  - At end of FY16 – Total distribution of net metering benefits = **\$5,599,000 at no capital cost to participants!**
  - **No liability and no O&M responsibility!**
- Potential Future PV Initiatives - based on 3 previous initiatives' successes. Solar Carport and Roof Top Initiatives being considered.
- Battery Back-up - CVEC currently awarded a \$1.5 million grant for a battery back-up system at DY High School Regional County Emergency Shelter
- Potential Future Battery Initiatives
- Net Metering Credit purchase opportunities (Dartmouth Solar, Future Generation Wind)



# Cape & Vineyard Electric Cooperative, Inc.

## CVEC Financial & Operations Management Services

*in addition to leading further PV and Battery development in Region*

- Maintain Schedule Z database for all projects - host & offtaker (needed for accurate distribution of net metering credits)
- Calculate monthly net metering credit activities: Expense, Revenue, Net
- Provide professional third party annual audit reports
- Provide monthly and annual reports; showing costs and net benefits
- Verify achievement of production expectations (GAO) and assure shortfall compensation
- Interface with Utility and PV system owner to assure proper compensation, proper maintenance and repairs.
- Provide annual reports to Mass DOER
- Provide legal services associated with management of systems
- Provide assistance with tax assessment, insurance, emergency response, etc.



# Cape & Vineyard Electric Cooperative, Inc.

## The “Ask”

- In 2010 the CVEC Board voted not to impose the typical Administrative Operational Adder of \$0.01 on the 8 Round 1 projects under construction in Barnstable, Harwich, Chatham, Brewster, Eastham, Edgartown & Tisbury.
- In 2011 the Board voted to impose the typical Administrative Operational Adder on the Round 2 projects nearing completion; \$0.01 for members and \$0.015 for non-members was added to the PPA costs. Round 2 included PV projects in Orleans, West Tisbury, Barnstable and at DYRSD sized comparably to Round 1.
- Still meeting final debt associated with the Round 1 installation, in late 2014 CVEC recognized it couldn't maintain financial and operations services for all participants at the current level.
- To continue services for all members, in 2015 the CVEC Board voted to propose an Adder of \$0.01 on the Round 1 projects, similar to the Adder on its Round 2 projects.
- **In 2016, following a year of reduced CVEC activities and spending, the CVEC Board voted to reduce the Round 1 Adder request to \$0.005. The \$0.005 Adder will provide an annual revenue to CVEC of just over \$100,000.**



## Cape & Vineyard Electric Cooperative, Inc.

### The Adder to Provincetown in dollars and cents as an Offtaker of Round 1 projects

	Net Benefit
Year One Net Actual Benefit from R1 and R2 to Provincetown as Host & Offtaker	\$52,933
Apply adder of \$0.0025 per kWh to R1 (Applied only to Provincetown's R1 Offtaker Projects)	<b>\$1,312</b>
Adjusted Net Estimated Benefit from R1 and R2 to Provincetown as Host & Offtaker	\$51,621
Percentage Year One Income Reduced	2.5%

\*\*\* The NMC used in the calculations is the actual NMC over the course of FY16. In the future the NMC will adjust up or down over the life of the project, with a net rise expected as the cost of electricity is expected to rise.



# Cape & Vineyard Electric Cooperative, Inc.

## The Need in dollars and cents

### CVEC FY17 Budgeted Income and Expenses

	Annual Income	Annual Expenses	Net Income (Loss)
Projected TOTALS	\$188,200	\$238,750	(\$50,548)

An adder of \$0.005 on Round 1 projects will provide an additional approximate annual revenue of **\$100,000**, with which CVEC can continue to operate at current levels and establish a necessary operational reserve.



# Cape & Vineyard Electric Cooperative, Inc.

- SUMMARY

- In FY16, Provincetown's annual savings from CVEC's projects totaled over \$52,933
- CVEC seeks a \$.005 per kilowatt hour Operational Adder (\$.0025 to system offtakers) on the Round 1 systems for approximate annual revenue to CVEC of \$106,000
- With a Round 1 Adder, the cash-outs that CVEC sends Provincetown will be approximately \$1,313 less over the course of a year
- The annual revenue from the Adder on all 8 CVEC Round 1 projects will close the gap in CVEC's operational revenue and expenses, allowing CVEC to continue to manage its current projects as well as continue to bring forward more regionally beneficial projects

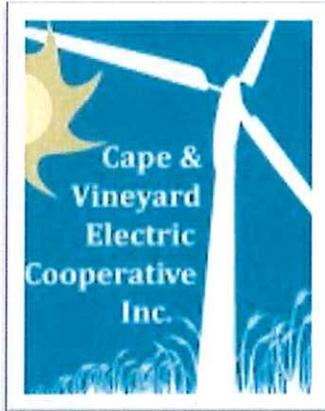


# Cape & Vineyard Electric Cooperative, Inc.

## Assurances

- CVEC will revisit the adder on Round 1 at year two to determine whether it is recommended that the adder be discontinued, continued, or reduced





Cape & Vineyard Electric Cooperative, Inc.  
PROPOSAL TO MANAGE NET METERING CREDIT  
TRANSACTIONS FOR THE TOWN OF  
PROVINCETOWN  
September 15, 2016

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Cape & Vineyard Electric Cooperative, Inc.  
23H2 White's Path, Suite 2  
South Yarmouth, MA 02675  
774-722-1812  
[www.cvecinc.org](http://www.cvecinc.org)



## I. SUMMARY

CVEC is a non-profit energy cooperative established in 2007. The Cape & Vineyard Electric Cooperative, Inc. (“CVEC” or the “Cooperative”) goals and objectives are to develop and/or own renewable electric generation facilities and to procure and/or sell long term electric supply or other energy-related goods or services at competitive prices to help stabilize electric rates for CVEC member communities.

In some cases, CVEC has taken on a further role for CVEC members and offered consultant services relative to managing the complexities of the net metering credit sales and costs.

## II. PROPOSAL

### A. Background

CVEC now has a portfolio of 32 PV projects representing a capacity of 28.5 megawatts (MW). CVEC’s success with local siting of photovoltaics has meant focused benefits for Cape Cod and Martha’s Vineyard.

The savings from Net Metering Credits (NMC) are the basis of the benefits now being realized by CVEC’s participating municipalities, counties and districts. The NMC is a Massachusetts mandated incentive, distributed by the local utility after gathering a small adder on every rate-payers’ electric bill. For every green kilowatt hour produced by the solar projects, the utility pays out a NMC.

Essentially, the towns then “buy” these net metering credits from the third party owner/operators of the solar systems. Each net metering credit is then applied in the fashion of a coupon to reduce electric costs by as much as \$0.10 per kilowatt hour.

While the benefits to the municipalities since the solar projects’ coming on line in 2014 have been tremendous, handling the internal distributions of the net metering credit benefits and costs has proven challenging for already over-taxed municipal staff unfamiliar with the complexities of net metering credits. CVEC’s ability to manage the complex transactions has been recognized by some towns as a valuable resource, and, at this time, CVEC manages the NMC transactions for the Town of Dennis.



## B. Proposal

CVEC proposes to manage the monthly Net Metering Credit (NMC) transactions on behalf of the Town of Provincetown. The chart below lists the eight PV projects from which Provincetown now derives NMC along with two projects about to come online with NMC. CVEC would manage the NMC transactions on behalf of the town.

<i>Project Name</i>	<i>System Host</i>	<i>Benefit Type</i>	<i>Number of Electric Accounts Associated with Transactions</i>
Provincetown Transfer Station	Provincetown	Behind-the-meter offsetting of Transfer Station electric costs as well as excess NMC to other town accounts	2
Barnstable Fire District	Barnstable FD	Allocated NMC posted to town accounts	1
Eastham Capped Landfill	Eastham	Allocated NMC posted to town accounts	1
Harwich Capped Landfill	Harwich	Cashed-out net benefit sent to town	2
Nunnepog Well Site	Edgartown	Cashed-out net benefit sent to town	1
Tisbury Capped Landfill	Tisbury	Cashed-out net benefit sent to town	2
West Tisbury Capped Landfill	West Tisbury	Allocated NMC posted to town accounts	1
Wixon School	DY School District	Allocated NMC posted to town accounts -	1 (SEASONAL)
Nexamp*	Dartmouth	Cashed-out net benefit sent to town	TBD
Future Generation Wind (FGW)*	Plymouth	Cashed-out net benefit sent to town	3

\* Nexamp PV and FGW are yet to send their cashed-out NMC. The first check from FGW is expected at end September. The first check from Nexamp is expected in January 2017.



The FY16 net revenue and savings from the above CVEC projects (excluding Nexamp & FGW not yet online) totaled approximately \$53,212. \$25,827 in savings from the Transfer Station PV system and another \$27,385 savings and cash from the seven PV systems from which Provincetown now receives benefits as an offtaker of NMC.

The challenge to the town lies in tracking three aspects of each transaction; 1) the appearance of allocated NMC's on each department's electric bills, 2) the department's paying of related costs per kilowatt hour for each kilowatt hour of NMC received, and 3) the identification and appropriation of the shared cashed-out net benefit to the proper department. Tracking and monitoring these aspects on a monthly and annual basis comprises the management service that CVEC proposes.

In addition, CVEC will provide the financial management service retroactively, bringing the town up to date on the status of past transactions and departmental shares of costs and benefits from system start-up in 2014 to the present.

### III. COSTS

#### A. Management Service

##### One-Time Fees:

- Set-up Fee \$2,000
- Review and bring up to date FY15 & FY16 transactions \$2,500

##### Monthly Fees:

- Monthly tracking, monitoring, and directing of distributions of benefits & costs at individual electric account level with directions for departmental allocations \$ 530  
(\$6,360 annual cost)





Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

5A

## BOARD OF SELECTMEN APPOINTMENT

Economic Development Committee – Richard Capelli

Requested by: Town Clerk Doug Johnstone

Action Sought: **Approval**

### Proposed Motion(s)

**Move that the Board of Selectmen vote to appoint Richard Capelli, as an Alternate member to the Economic Development Committee with a term to expire on June 30, 2019.**

### Additional Information

See attached application. He will be taking Steven Baker's alternate member position as he has moved to a regular member position.

### 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: Richard Capelli  
Please type or print

Resident Address: 19 Court St 2nd Floor Provincetown, MA 02657

Mailing Address (if different): PO Box 699

Telephone #: 508 487 4335 Work # (508) 487 8299

Email address: CHIP@CHIPCAPELLI.COM

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

1. Economic Development Committee
2. \_\_\_\_\_
3. \_\_\_\_\_

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

Accountant (clients include economic development agency in Philadelphia)

Masters in Nonprofit Management

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

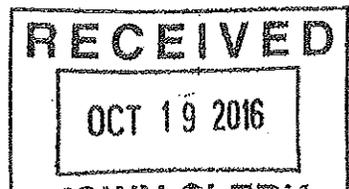
[Signature] 10/19/16  
 Signature of Applicant Date

### TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

Town Clerk Certification: Applicant is a registered voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>[Signature]</u> Name of Town Clerk	This application will remain on file in the Town Clerk's Office for 364 days from the date received. Application Termination Date: <u>10/19/17</u>
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Date Received by Board of Selectmen

Date Received by Town Clerk



Economic Developmet Committee				
	First	Last	Position	Term End
1	Steven	Latasa-Nicks		06/30/18
2	Michael	Miller		06/30/18
3	Regina	Cassidy	V. Chair	06/30/17
4	Karen	Cappotto		06/30/17
5	BA 10/6/16			06/30/19
6	Steven	Baker	Alt.	06/30/19

*Richard - Alternate*

## Loretta Dougherty

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**From:** Doug Johnstone  
**Sent:** Wednesday, October 26, 2016 3:57 PM  
**To:** David Panagore  
**Cc:** Loretta Dougherty  
**Subject:** Applications to Join Economic Development Committee  
**Attachments:** Baker Application.pdf; Capelli Application.pdf; ed.xls

FYI – Attached please find an application to become a regular member of the Economic Development Committee submitted by Steven Baker, who is currently an alternate. Also attached is an application submitted by Richard Capelli to join the Economic Development Committee. As the Chair of the Committee requested, it would be ideal if the Selectmen moved the alternate – Steven Baker – up to regular, and appointed Richard to serve as alternate once the vacancy is created by Steven moving to the regular member vacancy. Currently there is one regular member vacancy, which the Selectmen have the authority to appoint until 12/6/16 (highlighted in yellow on the roster attached) should they choose to do so.

Please add to the Selectmen's agenda for their consideration when possible.

Thank you.  
dj



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

Monday, November 14, 2016

6A

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## THIRD QUARTER POLICE REPORT

Requested by: Police Chief Jim Golden

Action sought: Discussion/Approval

Proposed Motion(s)

**Discussion Dependent. Votes may be taken.**

Additional Information

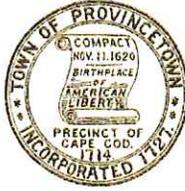
See attached Third Quarter Police Report.

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) 487-1212  
Fax: (508) 487-4077  
www.provincetown-ma.gov

To Provincetown Board of Selectmen  
From Police Chief James F. Golden   
Subject: Police Operational Report  
Date: October 19, 2016 (Third Quarter 2016)

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## Activity Synopsis

All police activity (daily call volume, arrest and dispatch logs) is maintained and published weekly and archived on our website.

The Police Department tracks every call a police officer is called to, including all self-initiated field activity or (SIFA). As there have been some questions, I have attempted to highlight the distinction for you.

The Provincetown Police Department strives to engage in community policing efforts to ensure that our residents and visitors receive quality services and have a safe community in which to live, work and play.

It is no secret that many crimes are crimes of opportunity. The opportunity could be presented as an unsecured business, an unlocked vehicle, or an open door. Many criminals only look for that small opportunity to make someone a victim. To deter these threats, our officers proactively seek out crime and nuisance issues in the community year-round.

During the year, officers consistently check closed town buildings and property to ensure they are secure, walk into open businesses to see if there are any issues, walk through the skate and dog parks to speak with those present, and they also are present at the start and stop of each school day to speak with young adults. The department documents these self-initiated activities that officers engage in during their shift. These SIFA activities can be separated into different categories which all have the same general purpose: prevent and solve crime, increase citizen safety, and encourage officer/citizen interaction. Some of the categories of SIFA fall into the enforcement action section which includes traffic observation and traffic stops. Another category is community security which includes closed town building and property checks, residential vacation checks, public parks and green space checks, and foot

patrols. Another category would be community presence and interaction which covers park, walk and talks, foot patrol, and certain citizen assist calls.

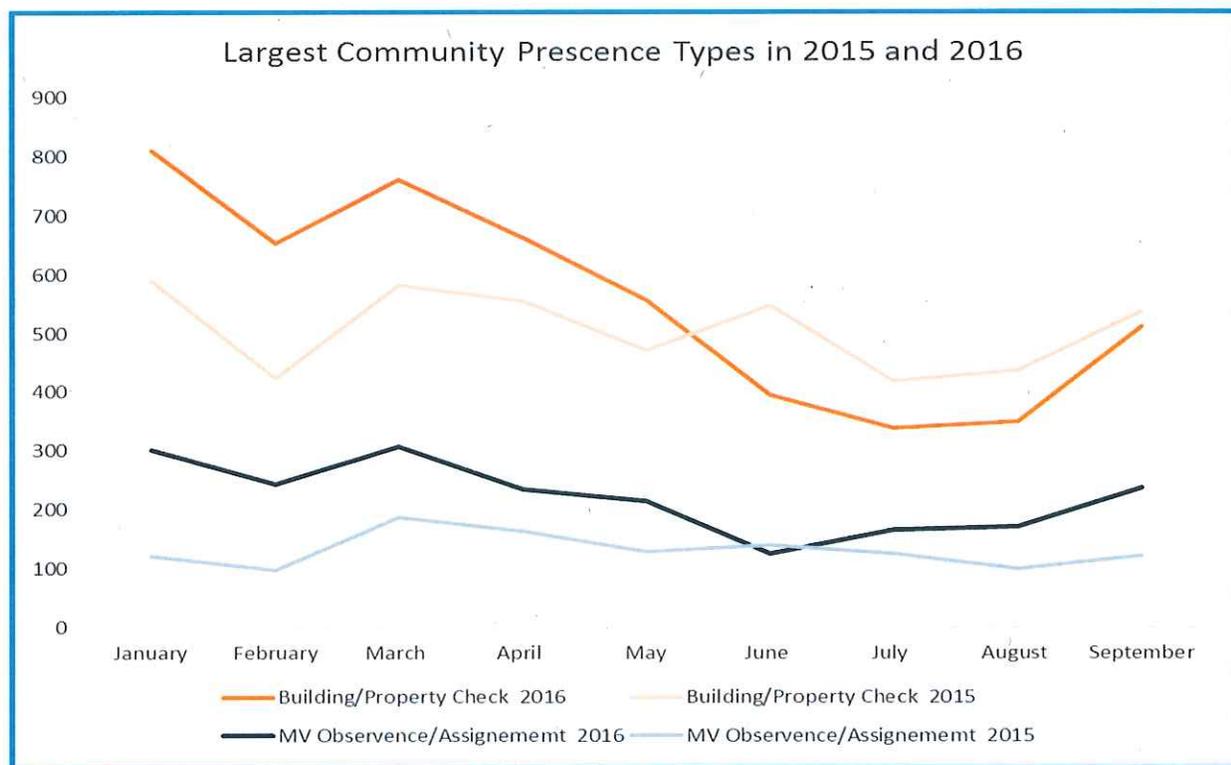
**Calls for Police Service:**

Residents and visitors ask for police service by calling the police dispatch center – either through 911 or on a non-emergency line, in person by hailing an officer in the field, or by making an appearance at the police facility.

**Self-Initiated Field Activity (SIFA):**

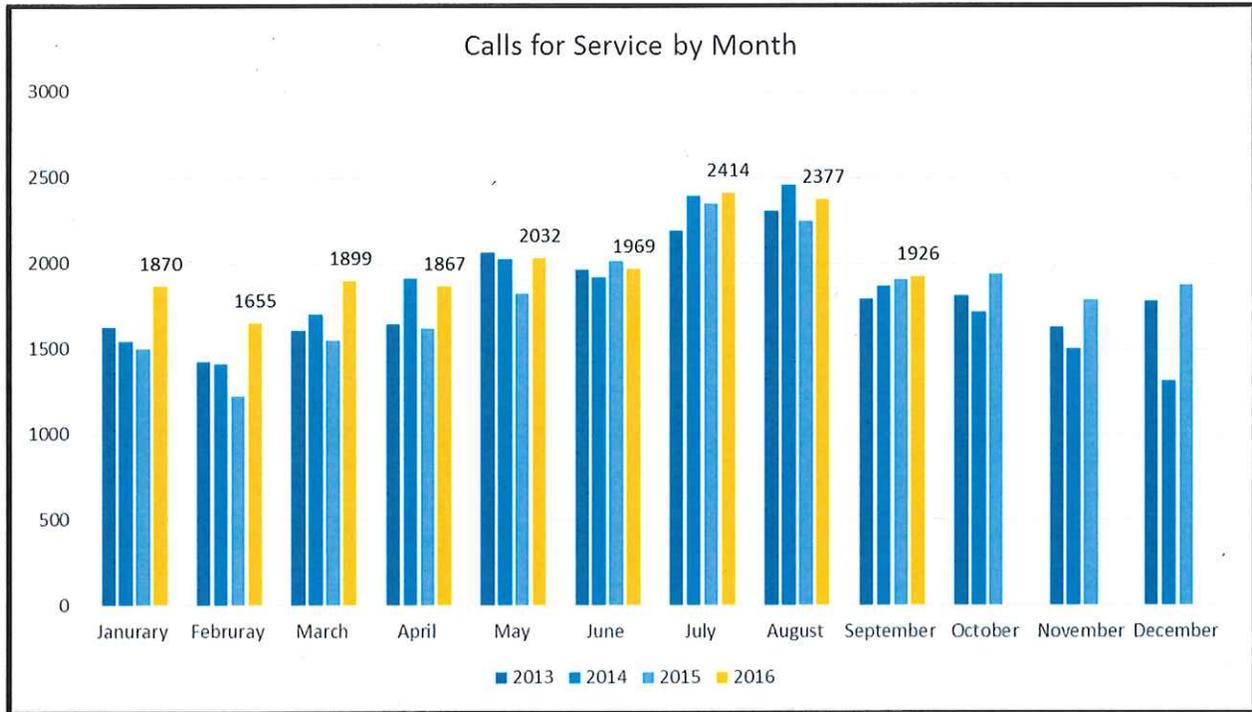
Police officers self-initiate an action because they see something out of place or disturbed; observe a traffic violation, etc. The officer decides when and where to begin these encounters.

I will try to highlight for you all recorded police activity for you.



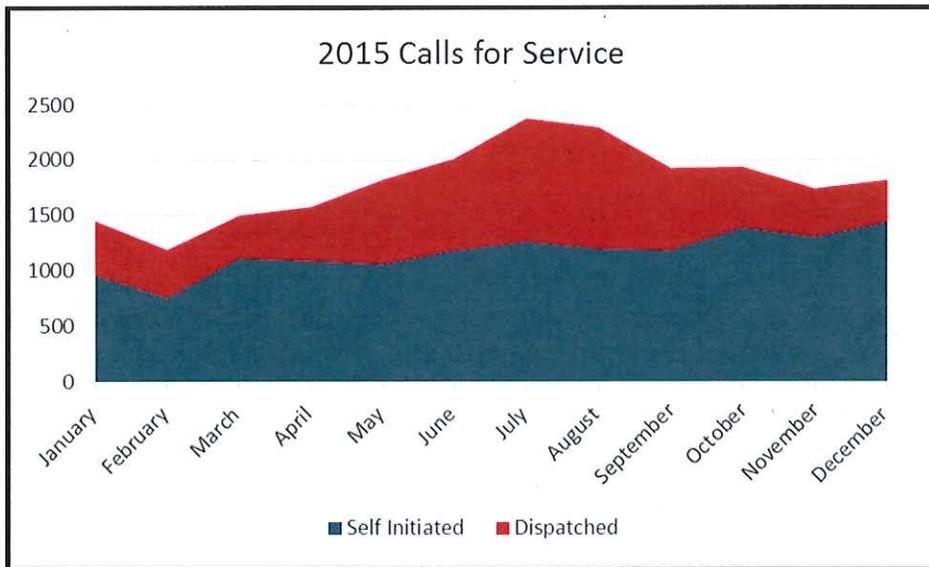
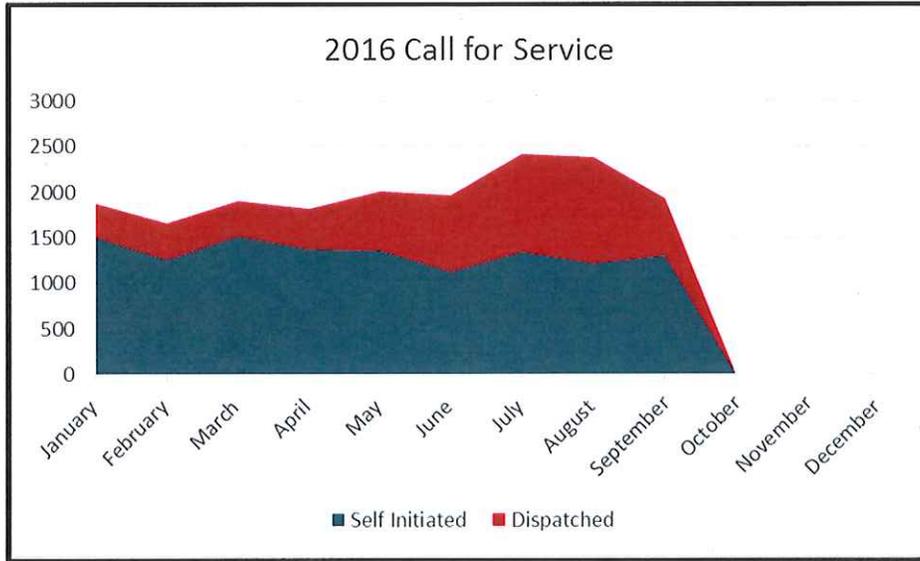
I trust you will agree that our police officers self-initiated activity indicates a proactive community police force.

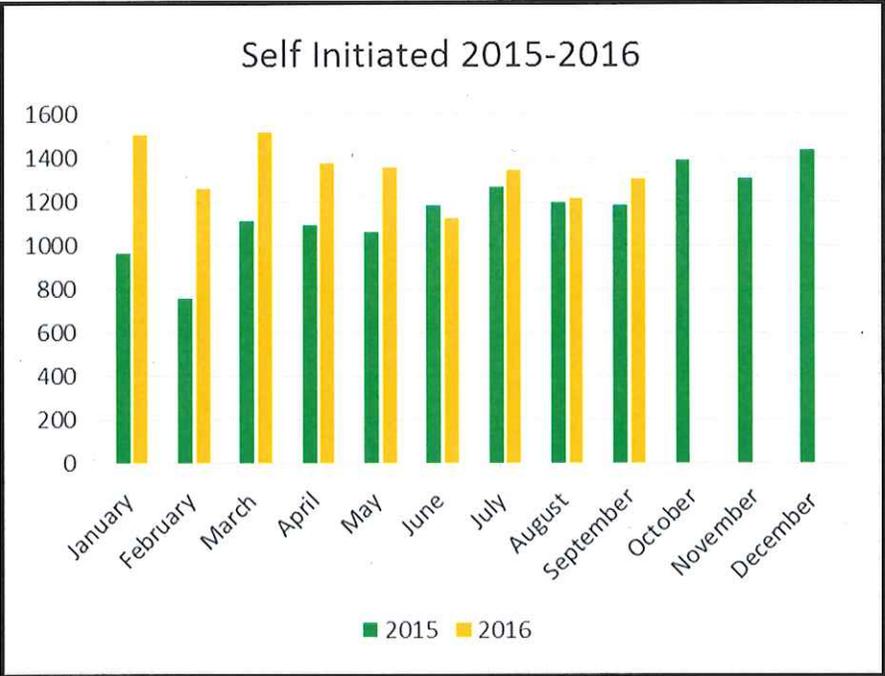
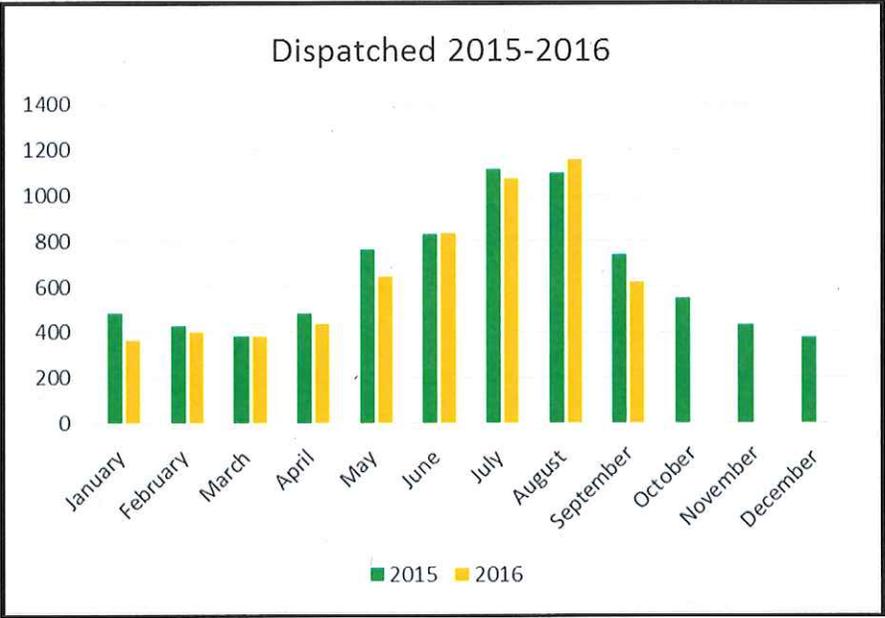
The response to officer's proactive activity from local businesses and individuals remain positive.

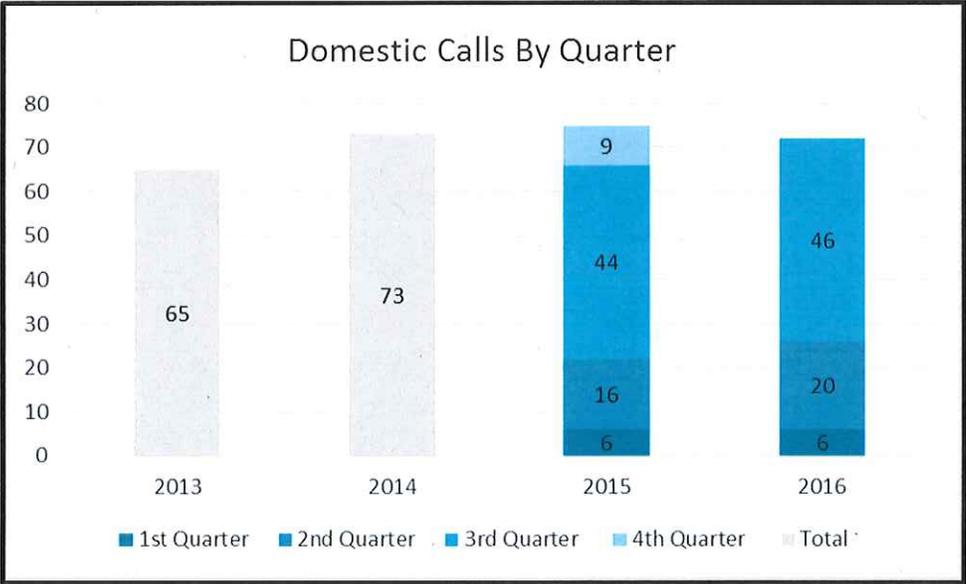
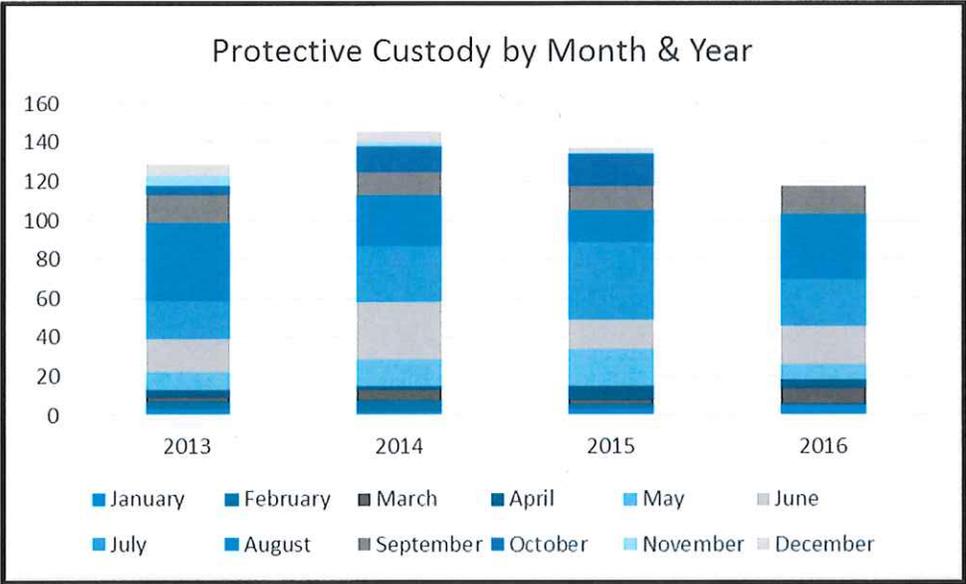


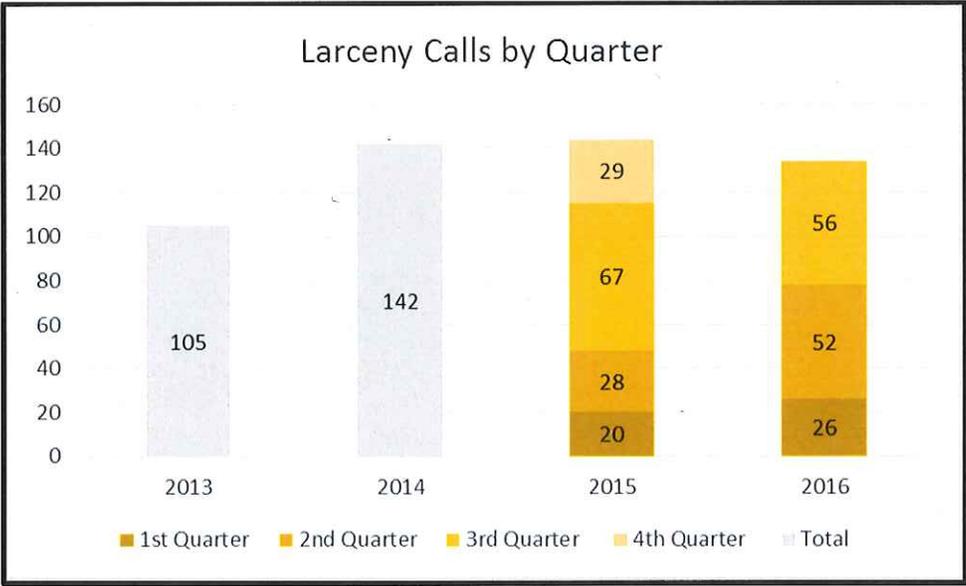
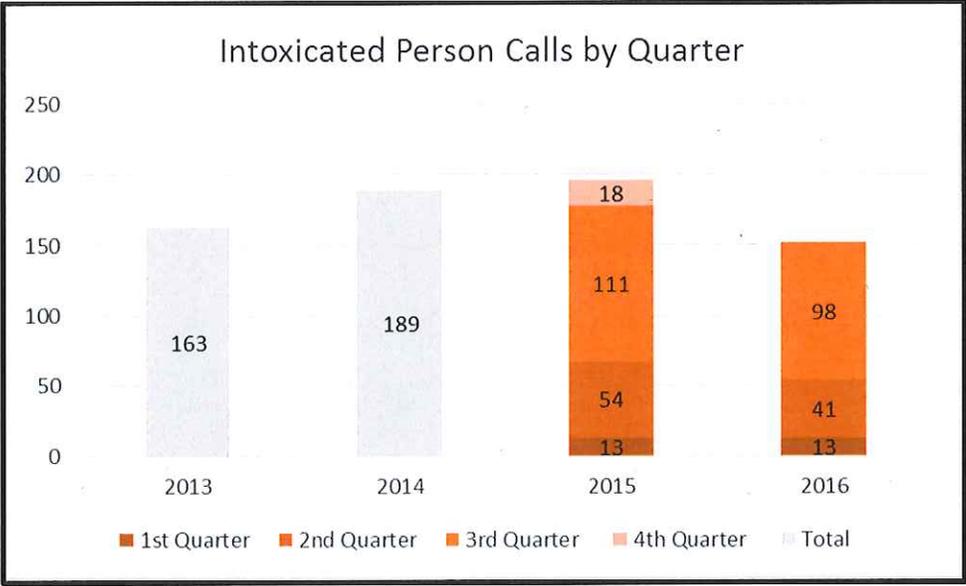
### Calls for Service

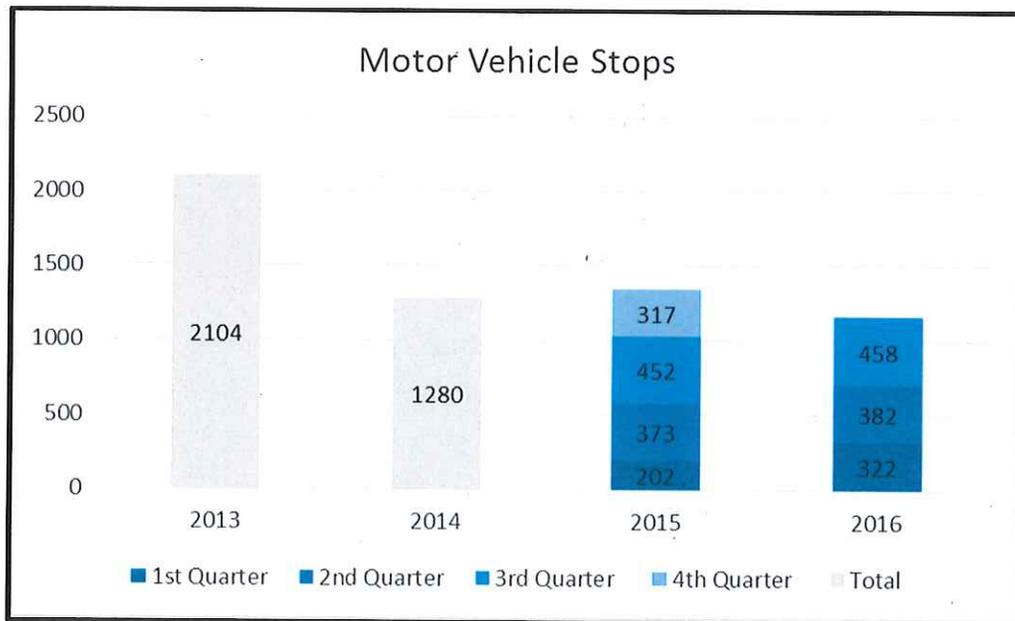
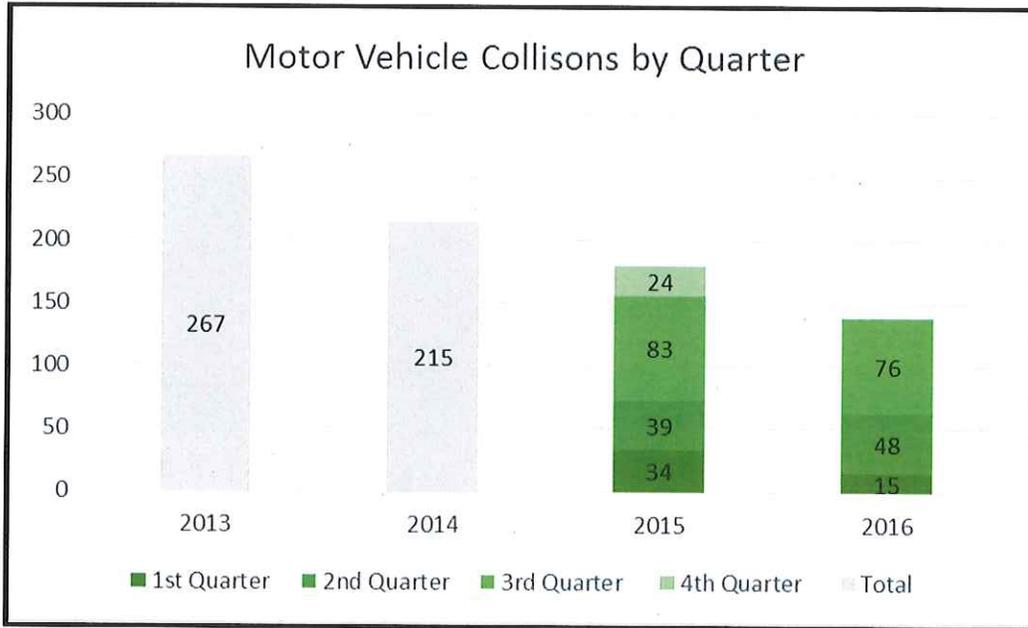
	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
January	1627	1543	1503	1870
February	1427	1409	1223	1655
March	1607	1706	1549	1899
April	1649	1910	1624	1867
May	2064	2029	1824	2032
June	1963	1920	2013	1969
July	2190	2393	2352	2414
August	2303	2456	2247	2377
September	1789	1868	1909	1926
October	1814	1719	1939	
November	1628	1503	1785	
December	1777	1308	1874	











**There were 73 arrests:**

**July 2016: 29**

**August 2016: 27**

**September 2016: 17**

**Please know that we received 98 reports of intoxicated persons yet 72 persons were detained for being incapacitated from alcohol.**

**July 2016: 24**

**August 2016: 33**

**September 2016: 15**

**There were 76 motor vehicle accidents reported during this time period.**

**July 2016: 27**

**August 2016: 36**

**September 2016: 13**



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

6B

## PROVINCE ROAD PAVING

### Recommendations

Requested by: **BOS Chairman Raphael Richter**

Action Sought: Discussion

Proposed Motion(s)

**Discussion dependent. Votes may be taken.**

Additional Information

See attached materials.

Board Action

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



## Assistant Town Manager

TO: Board of Selectmen  
David Panagore, Town Manager  
FROM: Assistant Town Manager David Gardner and DPW Director Richard Waldo  
DATE: November 1, 2016  
RE: Province Road – Paving Request

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This is a follow-up to the Province Road Paving request heard by the Selectmen on September 26, 2016.

1. Potential sources of funds for Province Road paving:

- a. The project was not considered and there is no appropriation within the existing FY2017 Budget.
- b. Chapter 90 Funds would not be available for improvements to a private road.
- c. 2016 ATM Article 18. FY 2017 Capital Improvements Program:
  - ~ 18-8. DPW Street and Sidewalk Maintenance and Repair - \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance and repair of streets and sidewalks, and costs related thereto;

These funds are approved by Town Meeting annually to fill pot holes and to make minor road, sidewalks, bike lane repairs, and most importantly line painting throughout the year. Paving Province Road would eliminate the ability to make these needed repairs and would not be an appropriate use of these funds.

18-10. Roadway Paving Plan - \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue additional roadway maintenance, as outlined in the Town-wide paving plan, and costs related thereto;

These funds are approved by Town Meeting annually to implement to the Town Wide Paving Management Plan adopted by the Board of Selectmen in 2012. The purpose of the management plan is to develop a long-term paving and road resurfacing plan that would evaluate the condition of the current roadways infrastructure, develop costs of maintenance and rehabilitation, and provide a tool to track repairs and expenditures, under the premise that it is far less expensive to maintain a road in good condition than it is to allow a road to deteriorate before repairing. Under the plan, all public roads were evaluated and prioritized. Paving Province Road above other higher priority public roads would be contrary to the intent of this Plan and would not be an appropriate use of these funds.

- d. Spring 2017 Town Meeting CIP article or one time appropriation within the FY2018 DPW Highway budget. Staff recommends town meeting CIP article, perhaps on the Special Town Meeting to allow the project to move forward more quickly.

2. The Selectmen need to agree upon the level of contribution towards the paving so that we can determine an appropriate budget. Proponents are proposing 50% Town contribution. The Town only owns 38% of frontage on the road, and Province Landing does not take access to Province Road, so staff recommends a lower percentage of contribution, perhaps that equal to our percent of frontage.

Estimated costs as submitted by the proponents (*Note: Not based on Prevailing Wage Rate*):

Engineering and Design:	\$ 5,500
Paving:	\$21,060
Drainage:	<u>\$18,000</u>
Total	\$44,560
50% cost	\$22,280
38% cost	\$16,933

### 3. Public Procurement Question:

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

a. One way to proceed would be for the other owners to retain the contractor in compliance with G.L. c. 30, §39M and G.L. c.149, §26 to perform the work.

b. Alternatively, the Town may retain the contractor itself, which may be preferable as the Town has more experience with procurement and the Town can oversee the expenditure of the funds, rather than depending on others to do so. The owners should contribute a little more than the estimated costs to cover unanticipated expenses. Of course, no bids should be issued until the Town has received the other 50% of the cost from others. To determine the timing of the project, the Town must assess how it will pay for its share of the expense.

c. Engineering Cost should be identified in advance of the proposed article to provide Town Meeting with a true public cost of the project.

In order for us to obtain realistic cost estimates prior to Town Meeting, we would need to agree to have the engineer services and design done in advance to allow for a proper price proposal which takes into account stormwater requirements and prevailing wage. This should occur prior to the warrant so that it reflects in any proposed article. Staff recommends the proponents pay the full amount of the engineering cost upfront until such time that we have approval from Town Meeting to appropriate money to this project. Otherwise, the Selectmen or the Town manager would have to agree to authorize an expenditure from the existing Streets and Sidewalks account.

### 4. Agreement between the owners and the Town.

Before the Town proceeds with the project, Counsel recommends that the owners enter into an agreement with the Town, releasing the Town from liability for defects in the

contractor's work and from any obligation to maintain or repair the private way in the future. Town Counsel can help prepare the agreement on the Town's behalf.

The Selectmen will need to provide direction to the Town staff in terms of what additional conditions they would like included into the agreement.

#### 5. Ongoing Maintenance Responsibilities

It would be difficult to commit to ongoing maintenance when we know that we are under funding our existing Paving Management Program for public roads. It is also difficult to commit to future expenditures when we don't know what the budget situation will be like or whether Town Meeting will continue to fund the Capital Improvement Program at existing levels.

6. The alternative to all above would be to submit an article to Town Meeting to accept the road as a public way and incorporate improvements into our overall Pavement Management Plans.

# Town of Provincetown, Massachusetts

## Pavement Management Program

### Town Streets Sorted by Name and Segmentation with PCI Rating

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
<b>ALDEN STREET</b>									
ALDEN STREET-1	JEROME ROAD	CEMETERY STREET	22	1,143	Town	42	BC	Reclamation	\$ 117,367.36
ALDEN STREET-2	CEMETERY STREET	BRADFORD STREET	22	738	Town	36	BC	Reclamation	\$ 75,797.02
			22 Avg	1,881 Ft			39.0 Avg		
							0.36 Miles		
<b>ALLERTON STREET</b>									
ALLERTON STREET-1	BRADFORD STREET	COMMERCIAL STREET	20	352	Town	97	BC	Defer Maintenance	\$ 0.00
			20 Avg	352 Ft			97.0 Avg	\$ 0.00	
							0.07 Miles		
<b>ANTHONY STREET</b>									
ANTHONY STREET-1	BRADFORD STREET	COMMERCIAL STREET	12	242	Town	72	BC	Mill and Overlay	\$ 9,019.27
			12 Avg	242 Ft			72.0 Avg	\$ 9,019.27	
							0.05 Miles		
<b>ARCH STREET</b>									
ARCH STREET-1	BRADFORD STREET	COMMERCIAL STREET	10	463	Town	38	BC	Reclamation	\$ 21,609.72
			10 Avg	463 Ft			38.0 Avg	\$ 21,609.72	
							0.09 Miles		
<b>ATLANTIC AVENUE</b>									
ATLANTIC AVENUE-1	BRADFORD STREET	COMMERCIAL STREET	16	351	Town	54	BC	Reclamation	\$ 26,180.86
ATLANTIC AVENUE-2	BRADFORD STREET	COMMERCIAL STREET	16	165	Town	54	BC	Reclamation	\$ 12,347.50

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Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
			16 Avg	516 Ft		54.0 Avg			\$ 38,528.36
				0.10 Miles					
AUNT SUKEYS WAY									
AUNT SUKEYS WAY-1	CIRCLE	HARRY KEMP WAY	22	582	Town	11	BC	Reconstruction	\$ 96,675.54
AUNT SUKEYS WAY-2	CIRCLE	DEAD END	22	567	Town	11	BC	Reconstruction	\$ 94,316.87
			22 Avg	1,149 Ft		11.0 Avg			\$ 190,992.41
				0.22 Miles					
BAKER AVENUE									
BAKER AVENUE-1	BRADFORD STREET	PEARL STREET	12	204	Town	73	BC	Mill and Overlay	\$ 7,600.62
			12 Avg	204 Ft		73.0 Avg			\$ 7,600.62
				0.04 Miles					
BANGS STREET									
BANGS STREET-1	DEAD END	BRADFORD STREET	14	386	Town	92	BC	Crack Seal	\$ 359.80
BANGS STREET-2	BRADFORD STREET	COMMERCIAL STREET	14	352	Town	60	BC	Mill and Overlay	\$ 15,322.69
			14 Avg	737 Ft		76.0 Avg			\$ 15,682.49
				0.14 Miles					
BRADFORD STREET									
BRADFORD STREET-1	ALLERTON STREET	KENDALL LANE	22	1,542	Town	93	BC	Crack Seal	\$ 2,261.28
BRADFORD STREET-10	NICKERSON STREET	TELEGRAPH HILL ROAD	22	717	Town	98	BC	Defer Maintenance	\$ 0.00
BRADFORD STREET-13	PLEASANT STREET	#26 BRADFORD STREET	22	209	Town	75	BC	Mill and Overlay	\$ 14,323.91
BRADFORD STREET-14	PRINCE STREET	CARVER STREET	26	355	Town	98	SF		
BRADFORD STREET-15	STANDISH STREET	#106 BRADFORD ST	26	682	Town	47	BC	Reclamation	\$ 82,708.47
BRADFORD STREET-2	KENDALL LANE	HOWLAND STREET	22	1,086	Town	91	BC	Crack Seal	\$ 1,592.34
BRADFORD STREET-3	HOWLAND STREET	BANGS STREET	20	889	Town	94	BC	Crack Seal	\$ 1,185.09

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
BRADFORD STREET-4	BANGS STREET	PEARL STREET	22	1,172	Town	63	BC	Mill and Overlay	\$ 80,181.86
BRADFORD STREET-5	PEARL STREET	STANDISH STREET	24	1,077	Town	100	BC	Defer Maintenance	\$ 0.00
BRADFORD STREET-6	#106 BRADFORD ST	PRINCE STREET	26	603	Town	98	BC	Defer Maintenance	\$ 0.00
BRADFORD STREET-7	CARVER STREET	SHANK PAINTER ROAD	26	646	Town	68	BC	Mill and Overlay	\$ 52,273.11
BRADFORD STREET-8	SHANK PAINTER ROAD	PLEASANT STREET	26	703	Town	60	BC	Mill and Overlay	\$ 56,854.61
BRADFORD STREET-9	FRANKLIN STREET	NICKERSON STREET	22	489	Town	95	BC	Crack Seal	\$ 716.49
BRADFORD STREET-9A	#26 BRADFORD STREET	FRANKLIN STREET	22	171	Town	98	BC	Defer Maintenance	\$ 0.00
			23 Avg	10,339 Ft			84.1 Avg	\$ 292,097.18	
							1.96 Miles		

**BRADFORD STREET**

BRADFORD STREET EXT-10	NICKERSON STREET	TELEGRAPH HILL ROAD	22	717	Town	98	BC	Defer Maintenance	\$ 0.00
BRADFORD STREET EXT-11	TELEGRAPH HILL ROAD	HARBOR HILL ROAD	20	925	Town	98	BC	Defer Maintenance	\$ 0.00
BRADFORD STREET EXT-12	HARBOR HILL ROAD	PROVINCE LAND ROAD	20	1,266	Town	98	BC	Defer Maintenance	\$ 0.00
			21 Avg	2,909 Ft			98.0 Avg	\$ 0.00	
							0.55 Miles		

**BREWSTER STREET**

BREWSTER STREET-1	HARRY KEMP WAY	BRADFORD STREET	20	916	Town	39	BC	Reclamation	\$ 85,535.41
			20 Avg	916 Ft			39.0 Avg	\$ 85,535.41	
							0.17 Miles		

**BROWNE STREET**

BROWNE STREET-1	WINTHROP STREET	PLEASANT STREET	22	770	Town	50	BC	Reclamation	\$ 79,060.76
			22 Avg	770 Ft			50.0 Avg	\$ 79,060.76	
							0.15 Miles		

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
<b>CAPTAIN BERTIES</b>									
CAPTAIN BERTIES ROAD-1	SHANK PAINTER ROAD	DEAD END	22	1,425	Town	87	BC	Crack Seal	\$ 2,089.39
			22 Avg	1,425 Ft		87.0 Avg			\$ 2,089.39
				0.27 Miles					
<b>CARNES AVENUE</b>									
CARNES AVENUE-1	PLEASANT STREET	CARNES LANE	8	114	Town	79	BC	Preventative	\$ 1,011.19
			8 Avg	114 Ft		79.0 Avg			\$ 1,011.19
				0.02 Miles					
<b>CARNES LANE</b>									
CARNES LANE-0	RACE ROAD	DEAD END	10	370	Town	94	BC	Crack Seal	\$ 246.82
CARNES LANE-1	RACE ROAD	DEAD END	10	238	Town	94	BC	Crack Seal	\$ 158.38
			10 Avg	608 Ft		94.0 Avg			\$ 405.20
				0.12 Miles					
<b>CARVER STREET</b>									
CARVER STREET-1	BRADFORD STREET	COMMERCIAL STREET	14	414	Town	65	BC	Mill and Overlay	\$ 18,044.89
			14 Avg	414 Ft		65.0 Avg			\$ 18,044.89
				0.08 Miles					
<b>CEMETERY STREET</b>									
CEMETERY STREET-1	CONWELL STREET	OFF CEMETERY ROAD	13	327	Town	78	BC	Preventative	\$ 4,728.49
CEMETERY STREET-2	OFF CEMETERY ROAD	ALDEN STREET	13	846	Town	79	BC	Preventative	\$ 12,215.83
			13 Avg	1,173 Ft		78.5 Avg			\$ 16,944.32
				0.22 Miles					
<b>CENTER STREET</b>									

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Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
CENTER STREET-1	RAIL ROAD AVENUE	BRADFORD STREET	20	296	Town	51	BC	Reclamation	\$ 27,586.26
CENTER STREET-2	BRADFORD STREET	COMMERCIAL STREET	20	468	Town	63	BC	Mill and Overlay	\$ 29,131.53
			20 Avg	764 Ft			57.0 Avg	\$ 56,717.79	
									0.14 Miles

CENTRAL STREET

CENTRAL STREET-0	COMMERCIAL STREET	BRADFORD STREET	12	496	Town	71	BC	Mill and Overlay	\$ 18,523.49
			12 Avg	496 Ft			71.0 Avg	\$ 18,523.49	
									0.09 Miles

COMMERCIAL

COMMERCIAL STREET-1	ALLERTON STREET	KENDALL LANE	22	1,621	Town	0	BC	Reconstruction	\$ 269,476.77
COMMERCIAL STREET-11	TRURO TOWN LINE	PROVINCE LAND ROAD	22	868	Town	94	BC	Crack Seal	\$ 1,272.38
COMMERCIAL STREET-12	TRURO TOWN LINE	PROVINCE LAND ROAD	22	692	Town	94	BC	Crack Seal	\$ 1,015.66
COMMERCIAL STREET-13	TRURO TOWN LINE	PROVINCE LAND ROAD	22	186	Town	94	BC	Crack Seal	\$ 273.30
COMMERCIAL STREET-2	KENDALL LANE	HOWLAND STREET	22	1,066	Town	0	BC	Reconstruction	\$ 177,191.12
COMMERCIAL STREET-3	HOWLAND STREET	BANGS STREET	22	842	Town	38	BC	Reclamation	\$ 86,425.99
COMMERCIAL STREET-4	BANGS STREET	PEARL STREET	22	1,477	Town	30	BC	Reconstruction	\$ 245,574.26
COMMERCIAL STREET-5	PEARL STREET	STANDISH STREET	22	811	Town	98	BC	Defer Maintenance	\$ 0.00
COMMERCIAL STREET-6	STANDISH STREET	CARVER STREET	22	1,483	Town	100	BC	Defer Maintenance	\$ 0.00
COMMERCIAL STREET-7	CARVER STREET	FRANKLIN STREET	22	1,666	Town	100	BC	Defer Maintenance	\$ 0.00
COMMERCIAL STREET-8	TREMONT STREET	MECHANIC STREET	22	453	Town	96	BC	Defer Maintenance	\$ 0.00
COMMERCIAL STREET-9	MECHANIC STREET	POINT STREET	22	1,052	Town	96	BC	Defer Maintenance	\$ 0.00
COMMERCIAL STREET-9A	MECHANIC STREET	POINT STREET	22	171	Town	40	BC	Reclamation	\$ 17,581.49
			22 Avg	12,390 Ft			67.7 Avg	\$ 798,810.96	
									2.35 Miles

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
<b>CONANT STREET</b>									
CONANT STREET-2	MONTELLO STREET	BRADFORD STREET	18	403	Town	63	BC	Mill and Overlay	\$ 22,572.25
CONANT STREET-3	BRADFORD STREET	COMMERCIAL STREET	18	487	Town	44	BC	Reclamation	\$ 40,881.55
			18 Avg	890 Ft			53.5 Avg		
							0.17 Miles		
<b>CONWAY STREET</b>									
CONWAY STREET-1	BRADFORD STREET	COMMERCIAL STREET	11	255	Town	98	BC	Defer Maintenance	\$ 0.00
			11 Avg	255 Ft			98.0 Avg		
							0.05 Miles		
<b>CONWELL STREET</b>									
CONWELL STREET-1	HARRY KEMP WAY	RAIL ROAD AVENUE	20	285	Town	95	BC	Crack Seal	\$ 380.52
CONWELL STREET-2	RAIL ROAD AVENUE	BRADFORD STREET	16	155	Town	93	BC	Crack Seal	\$ 165.58
CONWELL STREET-3	ROUTE 6	BRADFORD STREET	22	174	Town	70	BC	Mill and Overlay	\$ 11,937.28
CONWELL STREET-4	ROUTE 6	BRADFORD STREET	22	344	Town	70	BC	Mill and Overlay	\$ 23,559.71
CONWELL STREET-5	ROUTE 6	BRADFORD STREET	22	320	Town	70	BC	Mill and Overlay	\$ 21,934.86
CONWELL STREET-6	ROUTE 6	BRADFORD STREET	22	152	Town	70	BC	Mill and Overlay	\$ 10,397.29
			21 Avg	1,432 Ft			78.0 Avg		
							0.27 Miles		
<b>COOK STREET</b>									
COOK STREET-1	BRADFORD STREET	COMMERCIAL STREET	16	328	Town	60	BC	Mill and Overlay	\$ 16,333.92
			16 Avg	328 Ft			60.0 Avg		
							0.06 Miles		
<b>COTTAGE STREET</b>									
COTTAGE STREET-1	CREEK STREET	BRADFORD STREET	16	406	Town	72	BC	Mill and Overlay	\$ 20,226.50

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
COTTAGE STREET-2	BRADFORD STREET	TREMONT STREET	16	387	Town	66	BC	Mill and Overlay	\$ 19,266.30
COTTAGE STREET-3	TREMONT STREET	COMMERCIAL STREET	12	320	Town	61	BC	Mill and Overlay	\$ 11,946.17
			15 Avg	1,113 Ft			66.3 Avg	\$ 51,438.97	
							0.21 Miles		
COURT STREET									
COURT STREET-1	SHANK PAINTER ROAD	BRADFORD STREET	25	1,398	Town	27	BC	Reconstruction	\$ 264,158.47
COURT STREET-3	CARVER COURT	COMMERCIAL STREET	25	457	Town	70	BC	Mill and Overlay	\$ 35,506.76
			25 Avg	1,855 Ft			48.5 Avg	\$ 299,665.23	
							0.35 Miles		
CREEK STREET									
CREEK STREET-1	FRANKLIN STREET	NICKERSON STREET	14	428	Town	66	BC	Mill and Overlay	\$ 18,643.33
CREEK STREET-2	NICKERSON STREET	DEAD END	14	166	Town	1	BC	Reconstruction	\$ 17,551.53
			14 Avg	594 Ft			33.5 Avg	\$ 36,194.86	
							0.11 Miles		
CUDWORTH									
CUDWORTH STREET-1	PRINCE STREET	COURT STREET	19	452	Town	23	BC	Reconstruction	\$ 64,857.75
			19 Avg	452 Ft			23.0 Avg	\$ 64,857.75	
							0.09 Miles		
DYER STREET									
DYER STREET-1	BRADFORD STREET	COMMERCIAL STREET	12	421	Town	100	BC	Defer Maintenance	\$ 0.00
			12 Avg	421 Ft			100.0 Avg	\$ 0.00	
							0.08 Miles		
FRANKLIN STREET									

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
FRANKLIN STREET-1	PLEASANT STREET	RACE ROAD	14	375	Town	72	BC	Mill and Overlay	\$ 16,350.16
FRANKLIN STREET-2	RACE ROAD	CREEK STREET	14	673	Town	69	BC	Mill and Overlay	\$ 29,324.36
FRANKLIN STREET-3	CREEK STREET	BRADFORD STREET	14	364	Town	97	BC	Defer Maintenance	\$ 0.00
FRANKLIN STREET-4	BRADFORD STREET	TREMONT STREET	14	459	Town	71	BC	Mill and Overlay	\$ 20,010.53
			14 Avg	1,872 Ft			77.2 Avg		
							0.35 Miles		
FREEMAN STREET									
FREEMAN STREET-1	STANDISH STREET	COMMERCIAL STREET	16	398	Town	59	BC	Reclamation	\$ 29,752.13
			16 Avg	398 Ft			59.0 Avg	\$ 29,752.13	
							0.08 Miles		
FRITZS WAY									
FRITZS WAY-1	BROWN STREET	KINGS WAY	12	203	Town	80	BC	Preventative	\$ 2,711.84
FRITZS WAY-2	BROWN STREET	COMMERCIAL STREET	18	252	Town	80	BC	Preventative	\$ 5,038.75
			15 Avg	455 Ft			80.0 Avg	\$ 7,750.59	
							0.09 Miles		
GOOD TEMPLAR									
GOOD TEMPLAR PLACE-1	COMMERCIAL STREET	Dead end	18	130	Town	96	BC	Defer Maintenance	\$ 0.00
			18 Avg	130 Ft			96.0 Avg	\$ 0.00	
							0.02 Miles		
GOSNOLD STREET									
GOSNOLD STREET-1	BRADFORD STREET	COMMERCIAL STREET	14	210	Town	96	BC	Defer Maintenance	\$ 0.00
			14 Avg	210 Ft			96.0 Avg	\$ 0.00	
							0.04 Miles		

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
<b>HANCOCK STREET</b>									
HANCOCK STREET-1	BRADFORD STREET	COMMERCIAL STREET	10	244	Town	68	BC	Mill and Overlay	\$ 7,604.41
			10 Avg	244 Ft		68.0 Avg			\$ 7,604.41
				0.05 Miles					
<b>HARRY KEMP WAY</b>									
HARRY KEMP WAY-1	HOWLAND STREET	AUNT SUKEYS WAY	27	1,566	Town	85	BC	Preventative	\$ 46,982.53
HARRY KEMP WAY-2	AUNT SUKEYS WAY	CONWELL STREET	27	950	Town	86	BC	Crack Seal	\$ 1,709.84
			27 Avg	2,516 Ft		85.5 Avg			\$ 48,692.37
				0.48 Miles					
<b>HIGH POLE HILL</b>									
HIGH POLE HILL ROAD-1	WINSLOW STREET	BRADFORD STREET	20	974	Town	45	BC	Reclamation	\$ 90,947.76
			20 Avg	974 Ft		45.0 Avg			\$ 90,947.76
				0.18 Miles					
<b>HOLWAY AVENUE</b>									
HOLWAY AVENUE-1	DEAD END	COURT STREET	14	300	Town	57	BC	Reclamation	\$ 19,612.22
			14 Avg	300 Ft		57.0 Avg			\$ 19,612.22
				0.06 Miles					
<b>HOWLAND STREET</b>									
HOWLAND STREET-1	ROUTE 6	HARRY KEMP WAY	26	726	Town	95	BC	Crack Seal	\$ 1,258.51
HOWLAND STREET-2	HARRY KEMP WAY	WILLOW DRIVE	26	779	Town	93	BC	Crack Seal	\$ 1,350.51
HOWLAND STREET-3	WILLOW DRIVE	BRADFORD STREET	26	536	Town	48	BC	Reclamation	\$ 65,080.12
HOWLAND STREET-4	BRADFORD STREET	COMMERCIAL STREET	16	272	Town	59	BC	Reclamation	\$ 20,317.34

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
			24 Avg	2,314 Ft		73.8 Avg			\$ 88,006.49
				0.44 Miles					
JEROME SMITH									
JEROME SMITH ROAD-1	ALDEN STREET	WINSLOW STREET	20	742	Town	89	BC	Crack Seal	\$ 989.40
JEROME SMITH ROAD-2	WINSLOW STREET	SHANK PAINTER ROAD	22	620	Town	94	BC	Crack Seal	\$ 909.66
			21 Avg	1,362 Ft		91.5 Avg			\$ 1,899.07
				0.26 Miles					
JOHNSON STREET									
JOHNSON STREET-1	BRADFORD STREET	COMMERCIAL STREET	20	453	Town	52	BC	Reclamation	\$ 42,298.24
			20 Avg	453 Ft		52.0 Avg			\$ 42,298.24
				0.09 Miles					
KENDALL LANE									
KENDALL LANE-1	BRADFORD STREET	COMMERCIAL STREET	12	270	Town	60	BC	Mill and Overlay	\$ 10,091.85
			12 Avg	270 Ft		60.0 Avg			\$ 10,091.85
				0.05 Miles					
KINGS WAY									
KINGS WAY-1	CONANT STREET	PLEASANT STREET	13	281	Town	19	BC	Reconstruction	\$ 27,559.90
			13 Avg	281 Ft		19.0 Avg			\$ 27,559.90
				0.05 Miles					
LAW STREET									
LAW STREET-1	BRADFORD STREET	COMMERCIAL STREET	10	444	Town	98	BC	Defer Maintenance	\$ 0.00
			10 Avg	444 Ft		98.0 Avg			\$ 0.00
				0.08 Miles					

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
LOPES SQUARE									
LOPES SQUARE-1	COMMERCIAL STREET	COMMERCIAL STREET	28	466	Town	91	BC	Crack Seal	\$ 869.04
			28 Avg	466 Ft		91.0 Avg			\$ 869.04
				0.09 Miles					
MACMILLAN WHARF									
MACMILLAN WHARF-1	LOPES SQUARE	DEAD END	0	1,324	Town	6			
			0 Avg	1,324 Ft		6.0 Avg			
				0.25 Miles					
MAPLE COURT									
MAPLE COURT-1	OAK DRIVE	CUL_DE_SAC	20	423	Town	91	BC	Crack Seal	\$ 564.30
			20 Avg	423 Ft		91.0 Avg			\$ 564.30
				0.08 Miles					
MASONIC PLACE									
MASONIC PLACE-1	DEAD END	COMMERCIAL STREET	13	302	Town	96	BC	Defer Maintenance	\$ 0.00
			13 Avg	302 Ft		96.0 Avg			\$ 0.00
				0.06 Miles					
MECHANIC STREET									
MECHANIC STREET-1	CREEK STREET	BRADFORD STREET	12	424	Town	97	BC	Defer Maintenance	\$ 0.00
MECHANIC STREET-2	BRADFORD STREET	TREMONT STREET	12	408	Town	98	BC	Defer Maintenance	\$ 0.00
MECHANIC STREET-3	TREMONT STREET	COMMERCIAL STREET	12	312	Town	22	BC	Reconstruction	\$ 28,299.50
			12 Avg	1,144 Ft		72.3 Avg			\$ 28,299.50
				0.22 Miles					
MILLER HILL ROAD									

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
MILLER HILL ROAD-1	WEBSTER AVENUE	BRADFORD STREET	20	439	Town	60	BC	Mill and Overlay	\$ 27,287.28
			20 Avg	439 Ft		60.0 Avg			\$ 27,287.28
				0.08 Miles					
MONTELLO STREET									
MONTELLO STREET-1	DEAD END	BRADFORD STREET	17	384	Town	60	BC	Mill and Overlay	\$ 20,314.95
MONTELLO STREET-2	BRADFORD STREET	COMMERCIAL STREET	17	266	Town	74	BC	Mill and Overlay	\$ 14,062.49
MONTELLO STREET-2A	BRADFORD STREET	COMMERCIAL STREET	17	229	Town	24	BC	Reconstruction	\$ 29,445.59
			17 Avg	879 Ft		52.7 Avg			\$ 63,823.03
				0.17 Miles					
MOZART AVENUE									
MOZART AVENUE-1	DEAD END	PRINCE STREET	10	182	Town	76	BC	Preventative	\$ 2,025.76
MOZART AVENUE-2	DEAD END	PRINCE STREET	10	16	Town	76	BC	Preventative	\$ 176.50
			10 Avg	198 Ft		76.0 Avg			\$ 2,202.26
				0.04 Miles					
NELSON AVENUE									
NELSON AVENUE-1	RACE POINT ROAD	CUL_DE_SAC	20	1,813	Town	5	BC	Reconstruction	\$ 273,901.26
			20 Avg	1,813 Ft		5.0 Avg			\$ 273,901.26
				0.34 Miles					
NICKERSON									
NICKERSON STREET-1	CREEK STREET	BRADFORD STREET	16	421	Town	53	BC	Reclamation	\$ 31,430.62
NICKERSON STREET-2	BRADFORD STREET	TREMONT STREET	16	368	Town	52	BC	Reclamation	\$ 27,504.68
NICKERSON STREET-3	TREMONT STREET	COMMERCIAL STREET	16	338	Town	34	BC	Reconstruction	\$ 40,893.88

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
			16 Avg	1,128 Ft		46.3 Avg			\$ 99,829.19
				0.21 Miles					
OAK DRIVE									
OAK DRIVE-1	HARRY KEMP WAY	MAPLE COURT	22	378	Town	60	BC	Mill and Overlay	\$ 25,890.91
OAK DRIVE-2	MAPLE COURT	WILLOW DRIVE	22	427	Town	76	BC	Preventative	\$ 10,427.90
			22 Avg	805 Ft		68.0 Avg			\$ 36,318.80
				0.15 Miles					
OFF CEMETERY									
OFF CEMETERY ROAD-1	DEAD END	CEMETERY STREET	15	369	Town	95	BC	Crack Seal	\$ 368.73
			15 Avg	369 Ft		95.0 Avg			\$ 368.73
				0.07 Miles					
PEARL STREET									
PEARL STREET-1	BREWSTER STREET	BRADFORD STREET	22	846	Town	20	BC	Reconstruction	\$ 140,672.46
PEARL STREET-2	BRADFORD STREET	COMMERCIAL STREET	22	493	Town	38	BC	Reclamation	\$ 50,568.99
			22 Avg	1,339 Ft		29.0 Avg			\$ 191,241.45
				0.25 Miles					
PLEASANT STREET									
PLEASANT STREET-1	KINGS WAY	RACE ROAD	16	24	Town	62	BC	Mill and Overlay	\$ 1,184.85
PLEASANT STREET-2	CARNES AVENUE	BRADFORD STREET	18	467	Town	61	BC	Mill and Overlay	\$ 26,144.46
PLEASANT STREET-3	BRADFORD STREET	COMMERCIAL STREET	18	499	Town	60	BC	Mill and Overlay	\$ 27,919.64
			17 Avg	989 Ft		61.0 Avg			\$ 55,248.95
				0.19 Miles					
POINT STREET									

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
POINT STREET-1	COMMERCIAL STREET	DEAD END	8	654	Town	59	BC	Reclamation	\$ 24,401.94
			8 Avg	654 Ft		59.0 Avg			\$ 24,401.94
				0.12 Miles					
PRINCE STREET									
PRINCE STREET-1	HOLWAY AVENUE	BRADFORD STREET	20	359	Town	25	BC	Reconstruction	\$ 54,242.30
PRINCE STREET-2	HOLWAY AVENUE	BRADFORD STREET	20	265	Town	25	BC	Reconstruction	\$ 40,054.62
			20 Avg	624 Ft		25.0 Avg			\$ 94,296.92
				0.12 Miles					
PRISCILLA ALDEN									
PRISCILLA ALDEN ROAD-1	WEBSTER AVENUE	BRADFORD STREET	23	457	Town	60	BC	Mill and Overlay	\$ 32,667.65
			23 Avg	457 Ft		60.0 Avg			\$ 32,667.65
				0.09 Miles					
RACE ROAD									
RACE ROAD-1	DEAD END	FRANKLIN STREET	17	162	Town	98	BC	Defer Maintenance	\$ 0.00
RACE ROAD-2	FRANKLIN STREET	PLEASANT STREET	17	367	Town	58	BC	Reclamation	\$ 29,126.94
			17 Avg	529 Ft		78.0 Avg			\$ 29,126.94
				0.10 Miles					
RAIL ROAD AVENUE									
RAIL ROAD AVENUE-1	CENTER STREET	CONWELL STREET	12	265	Town	78	BC	Preventative	\$ 3,535.83
			12 Avg	265 Ft		78.0 Avg			\$ 3,535.83
				0.05 Miles					
ROUTE 6									
ROUTE 6-1	TRURO TOWN LINE	SNAIL ROAD	22	4,392	Town	88	BC	Crack Seal	\$ 6,442.12
ROUTE 6-10	SHANK PAINTER	PROVINCE LAND	22	6,115	Town	95	BC	Crack Seal	\$ 8,968.87

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
	ROAD	ROAD							
ROUTE 6-2	SNAIL ROAD	CONWELL STREET	22	7,676	Town	86	BC	Crack Seal	\$ 11,257.29
ROUTE 6-3	CONWELL STREET	SHANK PAINTER ROAD	22	2,469	Town	85	BC	Preventative	\$ 60,345.40
ROUTE 6-4	SHANK PAINTER ROAD	PROVINCE LAND ROAD	22	6,144	Town	85	BC	Preventative	\$ 150,172.94
ROUTE 6-5	TRURO TOWN LINE	MAYFLOWER AVENUE	22	1,005	Town	84	BC	Preventative	\$ 24,566.42
ROUTE 6-6	MAYFLOWER AVENUE	SNAIL ROAD	22	3,361	Town	84	BC	Preventative	\$ 82,152.07
ROUTE 6-7	SNAIL ROAD	HOWLAND STREET	22	5,128	Town	85	BC	Preventative	\$ 125,359.64
ROUTE 6-8	HOWLAND STREET	CONWELL STREET	22	2,489	Town	83	BC	Preventative	\$ 60,834.28
ROUTE 6-9	CONWELL STREET	SHANK PAINTER ROAD	22	2,475	Town	75	BC	Mill and Overlay	\$ 169,370.93
			22 Avg	41,253 Ft			85.0 Avg	\$ 699,469.95	
									7.81 Miles

RYDER STREET

RYDER STREET-1	BRADFORD STREET	COMMERCIAL STREET	37	268	Town	95	BC	Crack Seal	\$ 660.89
			37 Avg	268 Ft			95.0 Avg	\$ 660.89	
									0.05 Miles

RYDER STREET

RYDER STREET EXTENSION-1	COMMERCIAL STREET	DEAD END	24	314	Town	56	BC	Reclamation	\$ 35,139.65
RYDER STREET EXTENSION-2	COMMERCIAL STREET	LOPES SQUARE	24	308	Town	68	BC	Mill and Overlay	\$ 22,967.98
RYDER STREET EXTENSION-3	COMMERCIAL STREET	DEAD END	24	265	Town	93	BC	Crack Seal	\$ 424.25
			24 Avg	887 Ft			72.3 Avg	\$ 58,531.88	
									0.17 Miles

SCHOOL STREET

SCHOOL STREET-1	BRADFORD STREET	TREMONT STREET	12	428	Town	60	BC	Mill and Overlay	\$ 15,978.88
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Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
			12 Avg	428 Ft		60.0 Avg			\$ 15,978.88
				0.08 Miles					
SHANK PAINTER									
SHANK PAINTER ROAD-1	ROUTE 6	COURT STREET	28	2,059	Town	86	BC	Crack Seal	\$ 3,843.61
SHANK PAINTER ROAD-2	COURT STREET	BRADFORD STREET	24	1,361	Town	68	BC	Mill and Overlay	\$ 101,642.72
			26 Avg	3,420 Ft		77.0 Avg			\$ 105,486.33
				0.65 Miles					
SOPER STREET									
SOPER STREET-1	TREMONT STREET	COMMERCIAL STREET	12	337	Town	79	BC	Preventative	\$ 4,498.09
			12 Avg	337 Ft		79.0 Avg			\$ 4,498.09
				0.06 Miles					
STANDISH AVENUE									
STANDISH AVENUE-1	RAIL ROAD AVENUE	STANDISH STREET	16	530	Town	61	BC	Mill and Overlay	\$ 26,357.57
			16 Avg	530 Ft		61.0 Avg			\$ 26,357.57
				0.10 Miles					
STANDISH STREET									
STANDISH STREET-1	CEMETERY STREET	STANDISH AVENUE	18	420	Town	76	BC	Preventative	\$ 8,392.12
STANDISH STREET-2	STANDISH AVENUE	BRADFORD STREET	18	303	Town	72	BC	Mill and Overlay	\$ 16,971.75
STANDISH STREET-3	BRADFORD STREET	COMMERCIAL STREET	34	446	Town	36	BC	Reclamation	\$ 70,685.29
STANDISH STREET-4	BRADFORD STREET	FREEMAN STREET	34	133	Town	12	BC	Reconstruction	\$ 34,222.40
STANDISH STREET-5	CEMETERY STREET	COMMERCIAL STREET	34	86	Town	12	BC	Reconstruction	\$ 22,121.25
			28 Avg	1,388 Ft		41.6 Avg			\$ 152,392.81
				0.26 Miles					

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
TINYS WAY									
TINYS WAY-1	OFF CEMETERY ROAD	CUL_DE_SAC	16	210	Town	39	BC	Reclamation	\$ 15,708.96
			16 Avg	210 Ft		39.0 Avg			\$ 15,708.96
				0.04 Miles					
TRANSFER STATION									
TRANSFER STATION-1	RACE POINT ROAD	DEAD END	28	1,427	Town	88	BC	Crack Seal	\$ 2,663.52
			28 Avg	1,427 Ft		88.0 Avg			\$ 2,663.52
				0.27 Miles					
TREMONT STREET									
TREMONT STREET-1	FRANKLIN STREET	SOPER STREET	18	631	Town	98	BC	Defer Maintenance	\$ 0.00
			18 Avg	631 Ft		98.0 Avg			\$ 0.00
				0.12 Miles					
WAREHAM ROAD									
WAREHAM ROAD-1	CEMETERY STREET	STANDISH AVENUE	14	416	Town	66	BC	Mill and Overlay	\$ 18,121.98
			14 Avg	416 Ft		66.0 Avg			\$ 18,121.98
				0.08 Miles					
WASHINGTON									
WASHINGTON AVENUE-1	BRADFORD STREET	COMMERCIAL STREET	8	434	Town	60	BC	Mill and Overlay	\$ 10,792.71
			8 Avg	434 Ft		60.0 Avg			\$ 10,792.71
				0.08 Miles					
WEST FRANKLIN									
WEST FRANKLIN STREET-1	FRANKLIN STREET	DEAD END	14	215	Town	48	BC	Reclamation	\$ 14,028.89

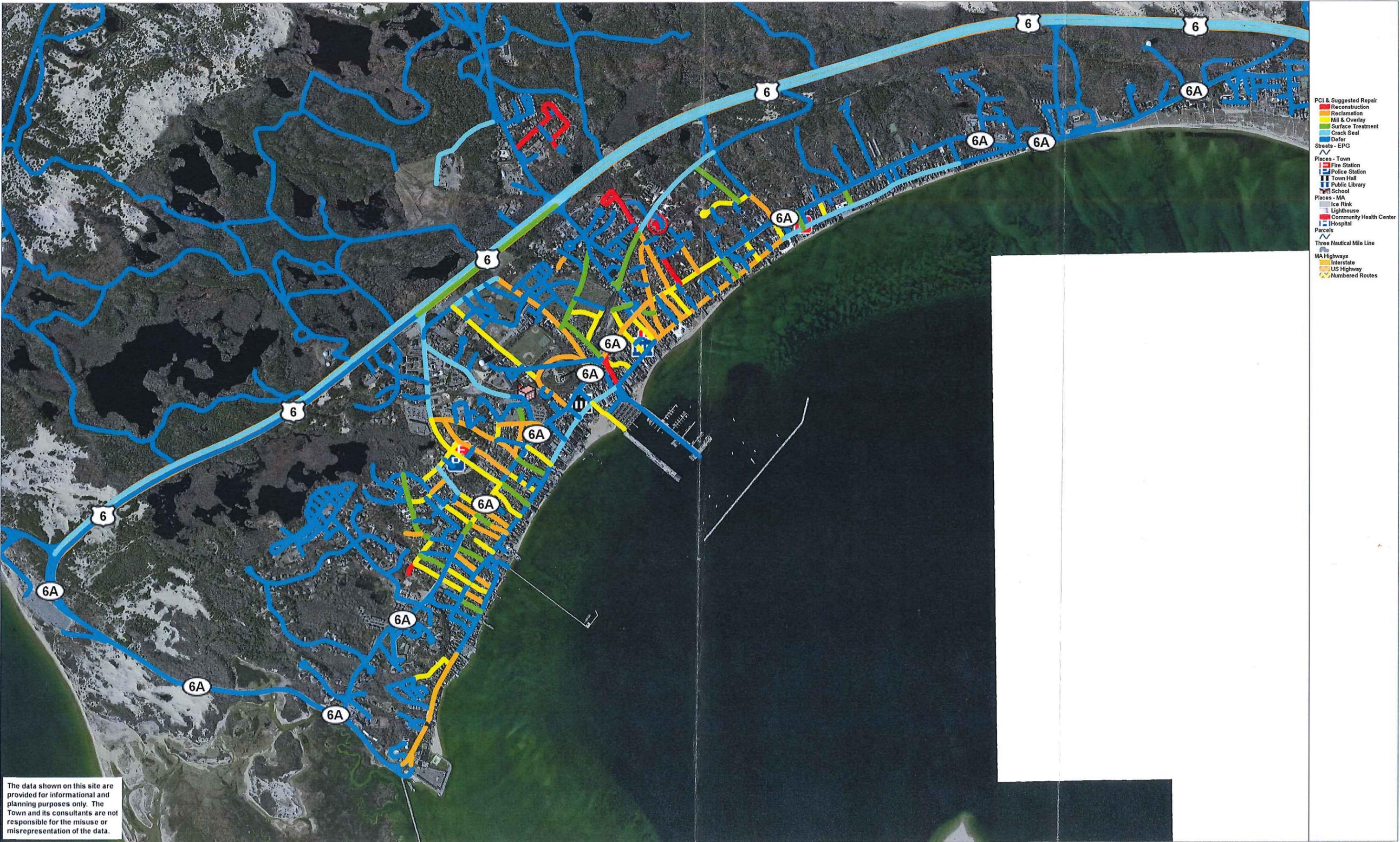
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Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
			14 Avg	215 Ft		48.0 Avg			\$ 14,028.89
				0.04 Miles					
WEST VINE STREET									
WEST VINE STREET-1	BRADFORD STREET	TREMONT STREET	16	587	Town	93	BC	Crack Seal	\$ 626.61
WEST VINE STREET-2	TREMONT STREET	COMMERCIAL STREET	16	341	Town	94	BC	Crack Seal	\$ 363.31
			16 Avg	928 Ft		93.5 Avg			\$ 989.92
				0.18 Miles					
WHORFS COURT									
WHORFS COURT-1	DEAD END	COMMERCIAL STREET	8	298	Town	59	BC	Reclamation	\$ 11,124.48
			8 Avg	298 Ft		59.0 Avg			\$ 11,124.48
				0.06 Miles					
WILLOW DRIVE									
WILLOW DRIVE-1	HOWLAND STREET	CUL_DE_SAC	13	892	Town	76	BC	Preventative	\$ 12,882.87
			13 Avg	892 Ft		76.0 Avg			\$ 12,882.87
				0.17 Miles					
WINSLOW STREET									
WINSLOW STREET-1	JEROME ROAD	HIGH POLE HILL ROAD	24	1,567	Town	56	BC	Reclamation	\$ 175,468.65
WINSLOW STREET-2	HIGH POLE HILL ROAD	BRADFORD STREET	20	602	Town	76	BC	Preventative	\$ 13,375.64
			22 Avg	2,169 Ft		66.0 Avg			\$ 188,844.29
				0.41 Miles					
WINTHROP STREET									
WINTHROP STREET-1	COURT STREET	BRADFORD STREET	14	1,204	Town	35	BC	Reconstruction	\$ 127,312.86
WINTHROP STREET-2	BRADFORD STREET	COMMERCIAL STREET	14	481	Town	60	BC	Mill and Overlay	\$ 20,963.51

Street Name	From Street	To Street	Width	Length	Owner	PCI	Pavement Type	Repair Method	Repair Cost
			14 Avg	1,685 Ft 0.32 Miles		47.5 Avg			\$ 148,276.37

**Town of Provincetown, Massachusetts**  
**Pavement Management Program**  
**Backlog Summary of Town Owned Streets**

Repair Method	Length (Miles)	Estimated Cost
Crack Seal	6.97	\$ 54,987
Defer Maintenance	2.85	\$ 0
Mill and Overlay	3.84	\$ 1,175,622
Preventative Maintenance	5.12	\$ 631,434
Reclamation	2.90	\$ 1,426,279
Reconstruction	2.50	\$ 2,048,528
	<b>24.19</b>	<b>\$ 5,336,851</b>



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

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Printed on 09/28/2016 at 07:53 AM

# Provincetown Streets

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

6C

## PRESERVATION RESTRICTION

494 Commercial Street [WOMR]

Requested by: Grant Administrator Michelle Jarusiewicz 11/7/16

Action sought: Authorization

### Proposed Motion(s)

**Move that the Board of Selectmen vote to approve the Preservation Restriction Agreement with Lower Cape Communications, Inc. for 494 Commercial Street, Provincetown, as approved by the Provincetown Historical Commission.**

### Additional Information

See attached documents. The Preservation Restriction [PR] is a requirement for the Community Preservation Act grant of \$50,000 for preservation repairs to the building [April 2013 ATM]. The Preservation Restriction has been approved by the Massachusetts Historical Commission; see attached letter dated 10/13/16. It has also been approved by the Provincetown Historical Commission on 10/26/16.

### Board Action

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



**Housing Specialist &  
Grant Administrator**

## Memo

To: Board of Selectmen  
cc: Town Manager David Panagore  
From: Michelle Jarusiewicz, Community Housing Specialist/Grant Administrator  
Date: November 7, 2016  
Re: Preservation Restriction WOMR

A handwritten signature in black ink, appearing to be 'MJ', is written over the 'From' line of the memo header.

Attached you will find two original copies of a Preservation Restriction Agreement between the Town of Provincetown and Lower Cape Communications, Inc. [WOMR], 494 Commercial Street. The Preservation Restriction [PR] is a requirement for the Community Preservation Act grant of \$50,000 for preservation repairs to the building [April 2013 ATM]. The Preservation Restriction has been approved by the Massachusetts Historical Commission; see attached letter dated 10/13/16. This approval required months of back and forth editing by MHC, the Town, and WOMR. It has also been approved by the Provincetown Historical Commission on 10/26/16. These originals have been signed by Lower Cape Communications and Seamen's Bank.

Once approved, each signature must be notarized. Once all signatures and notaries are in place, please return both originals to me to return to MHC for their signature approval.



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

October 13, 2016

Michelle Jarusiewicz  
Community Housing Specialist &  
Grants Administrator  
Town of Provincetown  
260 Commercial St  
Provincetown MA 02657

RE: Preservation Restriction Agreement, 494 Commercial Street (aka Eastern Schoolhouse), Provincetown, Massachusetts

Dear Michelle:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the revised draft preservation restriction agreement for the above-referenced property dated 8/25/2016 and corresponding exhibits. The revised draft substantially addresses MHC's comments provided in its letter of August 22, 2016. The MHC is prepared to approve the preservation restriction agreement conditional upon the following comments, provided under the MHC's approval authority for preservation restrictions under M.G.L. Chapter 184, Section 32:

The final preservation restriction agreement will incorporate as Exhibit A-2, the reformatted and corrected MHC Inventory Form B forwarded to Justine Alten September 30, 2016. Please also note that the red annotations and place holders of the August 22 draft document should be removed, and the exhibit pages incorporated as appropriate.

Once fully executed by the Grantor, Mortgagee, Provincetown Historical Commission, and Provincetown Selectmen, please forward the complete original agreement (or multiple originals if they have been created) including all exhibits to the MHC for signature approval. Before submitting, please confirm that all notary signature verifications have been fully and correctly completed, as errors and omissions by notaries are common. The notary must indicate the form of identification used to verify the identity of the signatory. The MHC will not approve the agreement with any irregularities in any signature verification.

We will return the approved document to you for recording at the Registry of Deeds. Once recorded, we ask that you return a registry facsimile copy of the complete agreement, showing book-and-page and date-received stamps, to the MHC for our records. Please don't hesitate to contact me with any questions regarding the above comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Steinitz".

Michael Steinitz  
Deputy State Historic Preservation Officer  
Director Preservation Planning Division  
Massachusetts Historical Commission

Xc (by email): John Braden, Justine Alten  
220 Morrissey Boulevard, Boston, Massachusetts 02125  
(617) 727-8470 • Fax: (617) 727-5128  
[www.sec.state.ma.us/mhc](http://www.sec.state.ma.us/mhc)

**PRESERVATION RESTRICTION AGREEMENT**

between

THE TOWN OF PROVINCETOWN,  
acting by and through the Provincetown Historical Commission

and

LOWER CAPE COMMUNICATIONS, INC. (WOMR 92.1/WFMR 91.3)

THIS PRESERVATION RESTRICTION AGREEMENT (this "Restriction") is made on this 1st day of November, 2016, by and between **Lower Cape Communications, Inc.** ("Grantor"), a Massachusetts nonprofit corporation, having an address of 494 Commercial Street, Provincetown, Massachusetts, and the **Town of Provincetown**, a Massachusetts municipal corporation, acting by and through the Provincetown Historical Commission pursuant to G.L. c. 40, § 8D (the "Town"), having an address of Provincetown Town Hall, 260 Commercial Street, Provincetown, Massachusetts.

WITNESSETH:

WHEREAS, Grantor is owner in fee simple of certain real property located at **494 Commercial Street**, Provincetown, Barnstable County, Massachusetts, and described in a deed dated 12/31/2003 and recorded with the Barnstable County Registry of Deeds (the "Registry") in Book 18082, Page 192 (the "Property"), on which the building, the Eastern Schoolhouse, so-called, is located (the "Building"); said Property, including the Building, is described more particularly in Exhibits A, B, and C, attached hereto and incorporated herein;

WHEREAS, the Building is a two-story wood frame structure, constructed in 1844 as the Eastern Schoolhouse and operated as such for nearly 90 years; subsequently it has been utilized as a community center, a Servicemen's Center during World War II, an American Legion Hall, an art school, a gallery, a cultural center, and a non-profit community radio station.

WHEREAS, because of its architectural, historic and cultural significance, including its important local associations with the development of the Town of Provincetown, the Building and Property were listed in the State and National Registers of Historic Places as a contributing resource to the Provincetown Historic District on August 30, 1989. The Building and Property were subsequently included with the Provincetown Historic District established by the Town of Provincetown on April 7, 2003. The historic schoolhouse Building was constructed c. 1844, and subsequent to its use as a school, served as an American Legion Post among other uses over time. The Building and Property were acquired by Grantee in 2003 and is presently functions as a radio station, meeting hall, and art gallery.

WHEREAS, Grantor and the Town recognize the architectural, historic, and cultural values (“preservation values”) and significance of the Building and Property, and have the common purpose of preserving the aforesaid preservation values and significance of the Building and Property;

WHEREAS, the Building and Property’s preservation values are documented in Exhibits A, B, C, and D (collectively, the “Baseline Documentation”) attached hereto and incorporated herein by reference, which Baseline Documentation the parties agree provides an accurate representation of the Building and Property as of the date of this Restriction. The Baseline Documentation shall be used for purposes of reference in design and construction and for assistance in review. In the event of any discrepancy between the two counterparts produced, the counterpart retained by the Town shall control;

WHEREAS, the Baseline Documentation includes the following:

1. Copy of deed of the Property (Exhibit A1);
2. Property Description and Description of the Building (Exhibit A2);
3. Provincetown Assessors Map 15-1-33-X (Exhibit B);
4. Photographs as prepared in September 20014 and April 2016 (Exhibit C); and
5. Drawings of Building in December 1996 by Top Floor Design House (Exhibit D).

WHEREAS, Grantor is going to undertake work to renovate and rehabilitate the Building, which renovation and rehabilitation will include the work set forth in Grantor’s Application for Community Preservation Funding (the “Work”), as set forth more particularly in the Grant Agreement between Grantor and the Town;

WHEREAS, the Grantor wishes to impose certain restrictions, obligations and duties upon it as the owner of the Building and Property and on its heirs, successors and assigns, to its right, title and interest therein, with respect to maintenance, protection, and preservation of the Building and Property in order to protect the architectural, archaeological and historical heritage of the Building and Property and so that said restrictions, obligations and duties shall serve the public interest in a manner consistent with the purposes of G.L. Chapter 184, Sections 31, 32 and 33 (the “Act”) and under G.L. Chapter 40, Section 8D;

WHEREAS, the Town is a municipality and is interested in the preservation and conservation of sites, buildings, and objects of local, state and national significance in the Town of Provincetown and is authorized to accept and hold preservation restrictions under the Act;

WHEREAS, the Town has designated the Provincetown Historical Commission to administer, manage, and enforce preservation agreements;

WHEREAS, the Provincetown Historical Commission (the "Commission") is a governmental body whose purposes include the preservation and protection of buildings, structures, vessels, real property, documents or artifacts that are listed or eligible for listing on the State Register of Historic Places or have been determined by the Commission to be significant in the history, archeology, architecture or culture of the Town; and

WHEREAS, the Grantor and the Town together agree to preserve the Building in accordance with "*The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*" (36 CFR 67 and 68), as these may be amended from time to time (the "Secretary's Standards"), and in accordance with the "Restriction Guidelines" (the "Guidelines"), said Guidelines attached hereto and made a part hereof as Exhibit E.

NOW, THEREFORE, in consideration of Fifty Thousand and 00/100 Dollars (\$50,000.00), the receipt of which is hereby acknowledged, Grantor does hereby irrevocably grant and convey unto the Town a Preservation Restriction in gross and in perpetuity over the Property and the Building described in Exhibits A, B, C and D.

#### PURPOSE

1. Purpose. It is the purpose of this Restriction to ensure that the features and characteristics that embody the architectural, historic and cultural significance of the exterior of the Building and Property will be forever retained and maintained substantially in their current condition and to prevent any use or change in the Building that will significantly impair or interfere with the Building or Property's preservation values (the "Purpose").

#### GRANTOR'S COVENANTS

2.1 Covenant to Maintain. Grantor agrees at all times to maintain the exterior of the Building and Property in as good structural condition and sound state of repair as that existing on the date of this Restriction (subject to the last sentence of this Paragraph) in accordance with all federal, state and local laws, codes and by-laws applicable to the Property and/or the Building and Property (the "Legal Requirements"), including, without limitation, the Secretary's Standards and the Guidelines (collectively, the "Preservation Requirements"). If the Secretary's Standards are revoked, then the most recent version of the Secretary's Standards shall apply to this Restriction as

if such version had not been revoked, unless the revoked Secretary's Standards are replaced by successor guidelines or standards, in which such guidelines or standards shall apply. The Town does not assume any obligation for maintaining, repairing or administering the Property. Subject to the casualty provisions of Paragraphs 6 and 7, Grantor's obligation to maintain shall require replacement, rebuilding, repair and reconstruction of the Building and Property whenever necessary in accordance the Preservation Requirements. Once the Work has been completed in accordance with the Grant Agreement to the Town's satisfaction (the "Project Completion Date") and pursuant to the requirements of this Restriction, Grantor agrees to maintain the Building and Property in as good structural condition and sound state of repair as that existing on the Project Completion Date and in accordance with the Legal Requirements and the Preservation Requirements.

## 2.2. Prohibited Activities.

The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this Paragraph or set forth otherwise:

- (a) The Building shall not be moved, demolished, removed or razed except as described in Paragraphs 6 and 7;
- (b) No barrier or other obstruction shall be constructed, erected or allowed to grow on the Property which would impair the visibility from the street of the Property or the Building without the prior approval of the Town;
- (c) No other buildings or structures, including camping accommodations or mobile homes, shall be erected or placed on the Property hereafter except for temporary structures required for the maintenance or repair of the Property, such as construction trailers, and as may be permitted under the Legal Requirements;
- (d) The dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property, except as reasonably required on a temporary basis for the proper repair and maintenance of the Property or the Building;
- (e) No above ground utility transmission lines, except those reasonably necessary for the existing Building, may be created on the Property, subject to utility easements already recorded; and

## GRANTOR'S CONDITIONAL RIGHTS

3.1 Conditional Rights Requiring Approval by the Town. Without prior express written approval of the Town, which approval shall not be unreasonably withheld but which may be subject to such reasonable conditions as the Town in its discretion may determine, Grantor shall not:

- (a) Increase or decrease the height of, make additions to, change the exterior construction materials or colors, or move, improve, alter, reconstruct or change the facades (including fenestration) and roofs of the Building. With regard to color and finishes, the goal of the Town is to insure that historically appropriate colors and materials are used;
- (b) Make permanent substantial topographical changes, such as, for example, excavation for the construction of roads and recreational facilities;
- (c) Change the use of the Property to any other use. The current use of the Building and Property includes a radio station, meeting room, and art gallery. The Town may consider any request for a change in use of the Property that is permitted under then-existing planning and zoning regulations, provided the Town determines that the proposed use: (i) does not impair the significant conservation and preservation values of the Building and the Property; and (ii) does not conflict with the Purpose of this Restriction;
- (d) Conduct Major Maintenance activities, as identified in the Guidelines; or
- (e) Conduct Minor Maintenance activities, as identified in the Guidelines, that might reasonably be expected to make material changes to the appearance, materials, or workmanship of exterior of the Building.

Notwithstanding the foregoing, changes to the exterior of the Building in accordance with alterations named "Minor" in the Guidelines, which are considered part of ordinary maintenance and repair, may be made without the Town's prior approval.

3.2 Review of the Grantor's Request for Approval. Whenever approval of the Town is required under this Restriction, Grantor shall request such approval not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question. A request for such approval by the Grantor shall be reasonably detailed to serve as a basis for the Town to approve or disapprove the request. Grantor shall submit to the Town with such request two (2) copies of materials (including plans, specifications and designs where appropriate) describing the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Town to make an informed judgment as to its consistency with the Purpose of the Restriction. Within sixty (60) days of receipt of Grantor's request for said approval, the Town shall, in writing, grant or withhold its approval, or request additional information relevant to the request and necessary to provide a basis for its decision. The Town shall have sixty (60) days from receipt of the additional information requested, assuming it is complete, in which to approve or disapprove the request. The Town's approval shall not be unreasonably withheld or conditioned, and shall be granted upon a reasonable showing that the proposed activity shall not be inconsistent with the Purpose of this Restriction. Failure of the Commission to make a

decision within sixty (60) days from the date on which the request is accepted as complete by the Commission shall be deemed to constitute approval of the request as submitted, so long as the request sets forth the provisions of this Paragraph relating to deemed approval after the passage of time, provided that nothing herein shall be construed to permit Grantor from undertaking any of the activities prohibited hereunder.

3.3 Conditional Rights Requiring the Approval of the Massachusetts Historical Commission. The conduct of archeological activities on the Property, including without limitation, survey, excavation and artifact retrieval, may occur only following the submission of an archeological field investigation plan prepared by Grantor and approved in writing by Town and State Archeologist of the Massachusetts Historical Commission (G.L. Ch.9, Section 27C, 950 CMR 70.00).

#### 4. STANDARDS FOR REVIEW

The Town shall apply the Preservation Requirements whenever (a) exercising any authority created by this Restriction to inspect the Building; (b) reviewing any construction, alteration, repair or maintenance; (c) reviewing casualty damage or (d) reconstructing or approving reconstruction of the Building following casualty damage.

#### GRANTOR'S RESERVED RIGHTS

5. Grantor's Rights Not Requiring Further Approval by the Town. Subject to the provisions of Paragraphs 2.1, 2.2, and 3.1, the following rights, uses, and activities of or by Grantor on, over, or under the Building are permitted by this Restriction without further approval by the Town:

- (a) The right to engage in all those acts and uses that: (i) are permitted by governmental statute or regulation; (ii) do not substantially impair the conservation and preservation values of the Building; and (iii) are not inconsistent with the Purpose of this Restriction;
- (b) Pursuant to the provisions of Paragraph 2.1, the right to maintain and repair the Building strictly according to the Preservation Requirements; and
- (c) The right to make changes of any kind to the interior of the Building, provided such changes do not: (i) affect the structural integrity of the Building, or (ii) impair those characteristics that contribute to the architectural, archeological, or historical integrity of the exterior of the Building.

#### CASUALTY DAMAGE OR DESTRUCTION; INSURANCE

6. Casualty Damage or Destruction. In the event that the Building or any part thereof shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement or other casualty, Grantor shall notify the Town in writing within fourteen (14) days of the damage or destruction,

such notification including what, if any, emergency work has been completed. No repairs or reconstruction of any type other than temporary emergency work to prevent further damage to the Building and to protect public safety shall be undertaken by Grantor without the Town's prior written approval of the work. Within thirty (30) days of the date of damage or destruction, Grantor at Grantor's expense shall submit to the Town a written report prepared by a qualified restoration architect and an engineer who are acceptable to the Town, which report shall include the following: (a) an assessment of the nature and extent of the damage; (b) a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and (c) a report of such restoration and/or reconstruction work necessary to return the Building to the condition existing at the date thereof.

7. Review After Casualty Damage or Destruction. If, after reviewing the report and assessing the availability of the insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 8, the Town determines that restoration/reconstruction of the Building is impractical or impossible, or that the Purpose of this Restriction would not be served by such restoration/reconstruction, Grantor may, with prior written consent of the Town, alter, demolish, remove or raze the Building and/or construct new improvements on the Property. Under such circumstances, Grantor and the Town may agree to seek to extinguish this Restriction in accordance with the laws of The Commonwealth of Massachusetts and Paragraph 21 hereof. If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 8, Grantor and the Town are unable to agree that the Purpose of this Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to mediation.

8. Insurance. Grantor shall keep the Building insured by an insurance company rated "A1" or better by Best's for the full replacement value against loss from the perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death and property damage. Property damage insurance shall include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Building without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver to the Town, within ten (10) business days of the Town's written request therefore, certificates of such insurance coverage. Provided, however, that whenever the Property is encumbered with a mortgage or deed of trust nothing contained in this Paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

#### INDEMNIFICATION; TAXES

9. Indemnification. Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend at its own cost and expense, the Town, its agents, directors, employees and independent contractors from and against any and all claims, liabilities, expenses, costs, damages, losses and expenditures (including reasonable attorneys' fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person on or about the Property; physical

damage to the Property or the Building; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed or otherwise classified pursuant to any law, ordinance or regulation as a hazardous, toxic, polluting or contaminating substance; or other injury or damage occurring on or about the Property, unless such injury or damage is caused by the reckless conduct of the Town or agent, employee or contractor of the Town. In the event that Grantor is required to indemnify the Town pursuant to the terms of this Paragraph, the amount of such indemnity until discharged shall constitute a lien on the Property with the same effect and priority as a mechanic's lien, provided, however, that nothing contained herein shall jeopardize the priority of any recorded first priority mortgage given in connection with a promissory note secured by the Property.

10. Taxes. Grantor shall pay all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Property.

#### ADMINISTRATION AND ENFORCEMENT

11. Written Notice. Any notice Grantor or the Town may desire or be required to give to the other party shall be in writing and shall be mailed, first class, postage prepaid or sent by overnight courier, confirmed facsimile transmission, registered or certified mail with return receipt requested, or hand delivered; if to Grantor, at 494 Commercial Street, Provincetown, MA 02657, and if to the Town, at Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657 Attention: Provincetown Historical Commission.

Each party may change its address set forth herein by a notice to such effect to the other party given pursuant hereto.

12. Evidence of Compliance. Upon request by Grantor, the Town shall promptly furnish Grantor with certification that, to the best of the Town's knowledge, Grantor is in compliance with the obligations of Grantor contained herein, or that otherwise evidences the status of this Restriction to the extent of the Town's knowledge thereof.

13. Inspection. With the consent of Grantor as to date and time, representatives of the Town shall be permitted at all reasonable times to enter the Property for the purpose of inspecting the Building, including the interior of the Building. Grantor covenants not to unreasonably withhold consent in determining dates and times for such inspections.

14. The Town's Remedies. The rights hereby granted shall include the right to enforce this Restriction by appropriate legal proceedings and to institute suit(s) to enjoin any violation of the terms of this Restriction by ex parte, temporary, preliminary and/or permanent injunction, including without limitation prohibitory and/or mandatory injunctive relief and to require the restoration of the Property and/or the Building to the condition and appearance required under this Restriction (it being agreed that the Town may have no adequate remedy at law), which

rights shall be in addition to, and not in substitution of, all other legal and other equitable remedies available to the Town to enforce Grantor's obligation hereunder.

In the event Grantor is found to have violated any of Grantor's obligations, Grantor shall reimburse the Town for any costs or expenses incurred in connection with the Town's enforcement of the terms of this Restriction, including all reasonable court costs, and attorney's, architectural, engineering and expert witness fees, together with interest thereon at the prime lending rate.

Exercise by the Town of one remedy hereunder shall not have the effect of waiving or limiting the use of any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

By its acceptance, the Town does not undertake any liability or obligation relating to the condition of the Property or the Building, including with respect to compliance with hazardous materials or other environmental laws and regulations. Nothing herein shall impose upon the Town any affirmative obligation or liability relating to the condition of the Property or the Building.

15. Notice from Government Authorities. Grantor shall deliver to the Town copies of any notice of violation or lien relating to the Property or the Building received by Grantor from any government authority within five (5) days of receipt by Grantor. Upon request by the Town, Grantor shall promptly furnish the Town with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

16. Notice of Proposed Sale. Grantor shall promptly notify the Town in writing of any proposed sale of the Property or the Building and provide the opportunity for the Town to explain the terms of this Restriction to potential new owners prior to sale closing.

17. Liens. Any lien on the Property created pursuant to any paragraph of this Restriction may be confirmed by judgment and foreclosed by the Town in the same manner as a mechanic's lien, provided, however, that no lien created pursuant to this Restriction shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

#### BINDING EFFECT; ASSIGNMENT

18. Runs with the Land. Except as provided in Paragraphs 7 and 21, the rights and obligations created or imposed by this Restriction shall be in effect in perpetuity and shall be deemed as a binding servitude upon the Property. This Restriction shall extend to and be binding upon Grantor and the Town, their respective successors in interest and all persons hereafter claiming under or through Grantor or the Town, and the words "Grantor" and the "Town" when used herein shall include all such persons. Any right, title or interest herein granted to the Town shall be deemed granted to each successor and assign of the Town and each such following successor and assign thereof, and the word the "Town" shall include all successors and assigns.

Notwithstanding anything contained herein to the contrary, an owner of the Property shall have no obligation pursuant to this instrument where such owner shall cease to have any ownership interest in the Property by reason of bona fide transfer. The restrictions, stipulations and covenants contained in this Restriction shall be inserted by Grantor, verbatim or by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Property or any part hereof, including by way of example but not limitation, a lease of all or a portion of the Property, but the failure to refer to this Restriction shall in no event impair the validity of this Restriction.

19. Assignment. The Town may, at its discretion without prior notice to Grantor, convey, assign or transfer this Restriction to a unit of federal, state or local government or to a similar local, state or national organization that is a "qualified organization" under the Act, as amended, whose purposes, inter alia, are to promote preservation of historical, cultural or architectural resources, provided that any such conveyance, assignment or transfer requires that the Purpose for which this Restriction was granted will continue to be carried out.

20. Recording and Effective Date. The Town shall do and perform at its own cost all acts necessary to the prompt recording of this Restriction in the land records of the Barnstable Registry of Deeds. Grantor and the Town intend that the restrictions arising under this Restriction take effect on the day and year this instrument is executed by Grantor and the Town.

## EXTINGUISHMENT

21.1. Extinguishment. Grantor and the Town hereby recognize that an unexpected change in conditions affecting the Property or the Building may make impossible the continued ownership or use of the Building for the Purpose of this Restriction and necessitate extinguishment of this Restriction. Such a change in conditions may include, but is not limited to, partial or total destruction of the Building resulting from casualty. Such an extinguishment must be the result of a judicial proceeding and shall meet the requirements of the Act for extinguishment including approval by the Massachusetts Historical Commission following a public hearing to determine extinguishment is in the public interest.

21.2 Condemnation. If all or any part of the Property is taken under the power of eminent domain by public, corporate or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and the Town shall join in appropriate proceedings at the time of such taking to recover the full value of the Property that is subject to the taking and all incidental and direct damages from the taking. All expenses reasonably incurred by Grantor and the Town in connection with such taking shall be paid out of the recovered proceeds. Such recovered proceeds shall be paid to Grantor.

## INTERPRETATION

22. Interpretation. The following provisions shall govern the effectiveness, interpretation and duration of this Restriction:

- (a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of property shall not apply in the construction or interpretation of this Restriction and this instrument shall be interpreted broadly to effect its Purpose and the transfer of rights and the restrictions on use herein contained.
- (b) This instrument is executed in two counterparts, one of which is to be retained by the Grantor and the other, after recording, to be retained by the Town. In the event of any disparity between the counterparts produced, the recorded counterpart retained by the Town shall in all cases govern. Except as provided in the preceding sentence, each counterpart shall constitute the agreement of the parties.
- (c) This instrument is made pursuant to the Act, but the invalidity of such Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors and their assigns in perpetuity to each term of this instrument whether this instrument is enforceable by reason of statute, common law or private agreement either in existence now or at any time subsequent hereto.

(d) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods or use. In the event of any conflict between any such ordinance or regulation and the terms hereof Grantor promptly shall notify the Town of such conflict and shall cooperate with the Town and the applicable government entity to accommodate the purpose of both this Restriction and such ordinance or regulation.

#### AMENDMENT

23. Amendment. If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and the Town may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualifications of this Restriction or the status of the Town under the Act, or any applicable laws, including any other laws of The Commonwealth of Massachusetts. Any such amendment shall be consistent with the protection of the preservation values of the Building and Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural, historic, natural habitat, and open space values protected by this Restriction. Any such amendment shall comply with the provisions of the Act and shall be recorded in the land records of the Barnstable Registry of Deeds. Nothing in this Paragraph shall require Grantor or the Town to agree to any amendment or to consult or negotiate regarding any amendment.
24. Additional Changes; Attorney-in-Fact. Grantor agrees to make such changes to this Restriction as are reasonably necessary to obtain the approval of the Massachusetts Historical Commission under Section 32 of Chapter 184 of the General Laws of the Commonwealth of Massachusetts. The Town is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Restriction; Grantor on behalf of itself and its successors and assigns appoints the Town as its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, Grantor and its successors and assigns agree to execute any such instruments upon request.
25. Mortgage Subordination. At the time of the conveyance of this Restriction, the Property is subject to mortgages held by Seamen's Bank (the "Mortgagee") and recorded with Barnstable District Registry of Deeds in Book 20644, Page 224 and in Book 24971, Page 241 (the "Mortgages"). The Mortgagee joins in the execution of this Restriction to evidence its agreement to subordinate the Mortgages to this Restriction under the following conditions and stipulations:
- (a) The Mortgagee and its assignees shall have a prior claim to all insurance proceeds as a result of any casualty, hazard or accident occurring to or about the Property and all proceeds of condemnation proceedings, and shall be entitled to same in preference to the

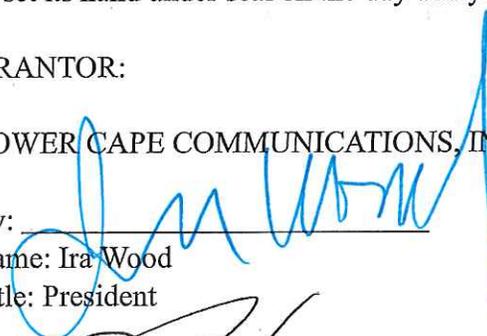
Commission until the Mortgages are satisfied in full and discharged, notwithstanding that the Mortgages are subordinate in priority to this Restriction;

- (b) If the Mortgagee receives an assignment of the leases, rents, and profits of the Property as security or additional security for the loan secured by the Mortgages, then the Mortgagee shall have a prior claim to the leases, rents, and profits of the Property and shall be entitled to receive same in preference to the Commission until the Mortgagee's debt is paid off or otherwise satisfied, notwithstanding that the Mortgages are subordinate in priority to the Restriction;
- (c) The Mortgagee or purchaser in foreclosure shall have no obligation, debt, or liability under this Restriction until the Mortgagee or a purchaser in foreclosure under it obtains ownership of the Property. In the event of foreclosure or deed in lieu of foreclosure, this Restriction shall not be extinguished; and
- (d) Nothing contained in this paragraph or in this Restriction shall be construed to give any Mortgagee the right to violate the terms of this Restriction or to extinguish this Restriction by taking title to the Property by foreclosure or otherwise.

IN WITNESS WHEREOF, Grantor has set its hand under seal on the day and year first set forth below.

GRANTOR:

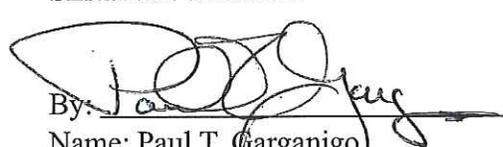
LOWER CAPE COMMUNICATIONS, INC.

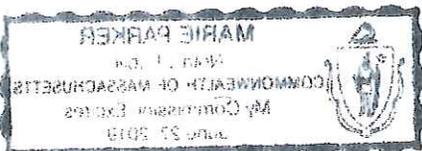
By:   
Name: Ira Wood  
Title: President

By:   
Name: Edward McManus  
Title: Treasurer

MORTGAGEE:

SEAMAN'S BANK

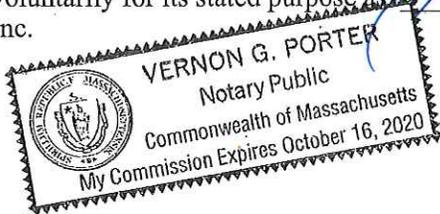
By:   
Name: Paul T. Garganigo  
Title: Vice President Commercial Lending



COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 1st day of November, 2016, before me, the undersigned Notary Public, personally appeared James Wood, who proved to me through satisfactory evidence of identification, which was known to me, to be the person whose names are signed on the preceding or attached document and acknowledged to me that he/she signed it voluntarily for its stated purpose as President of Lower Cape Communications, Inc.

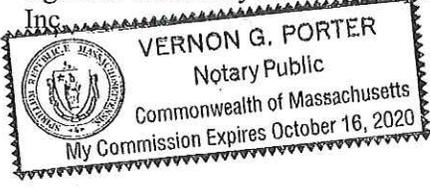


Vernon G. Porter  
(Official Signature and Seal of Notary)  
My term expires: Oct 16, 2020

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 1st day of November, 2016, before me, the undersigned Notary Public, personally appeared Edward M. Jones, as aforesaid, who proved to me through satisfactory evidence of identification, which were known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as President of Lower Cape Communications, Inc.



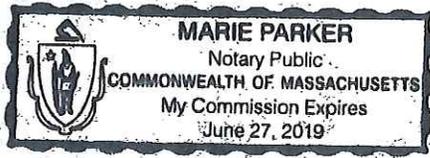
Vernon G. Porter  
(Official Signature and Seal of Notary)  
My term expires: Oct 16, 2020

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 2nd day of November, 2016, before me, the undersigned Notary Public, personally appeared Paul Gorganigo, as aforesaid, who proved to me through satisfactory evidence of identification, which were driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Vice President of Seamen's Bank.

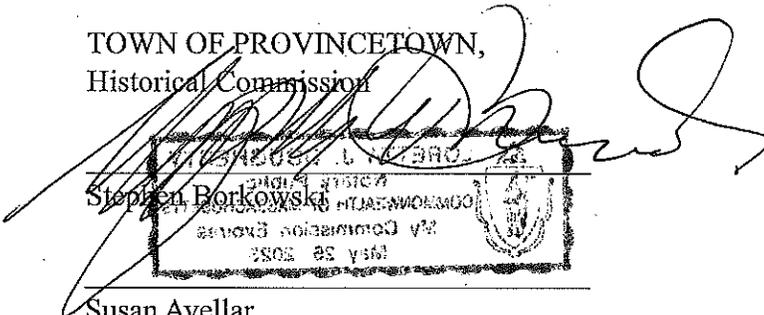
Marie Parker  
(Official Signature and Seal of Notary)  
My term expires:

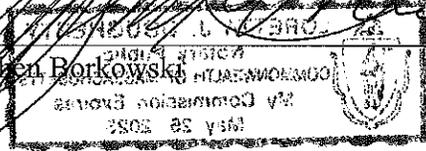


ACCEPTANCE OF PRESERVATION RESTRICTION

Acceptance of this Preservation Restriction Agreement by the Town of Provincetown, acting by and through its Historical Commission pursuant to the authority granted to said Commission under G.L. c.40, § 8D, is acknowledged this 1<sup>st</sup> day of November, 2016.

TOWN OF PROVINCETOWN,  
Historical Commission

  
Stephen Borkowski



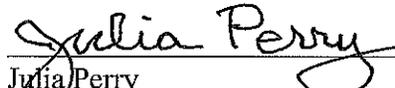
Susan Avellar

\_\_\_\_\_  
Polly Burnell

\_\_\_\_\_  
Deborah Minsky

  
Anika Costa

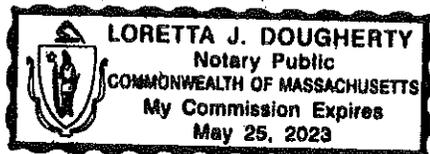
\_\_\_\_\_  
Martin Risteen

  
Julia Perry

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 7th day of November, 2016, before me, the undersigned Notary Public, personally appeared Stephen Borkowski, member of the Provincetown Historical Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which were MA Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.



*Loretta J. Dougherty*  
(Official Signature and Seal of Notary)  
My term expires: May 25, 2023

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Historical Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

\_\_\_\_\_  
(Official Signature and Seal of Notary)  
My term expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Historical Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

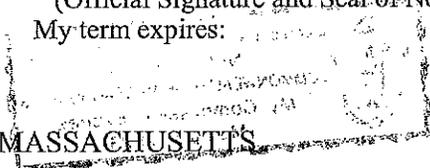
\_\_\_\_\_  
(Official Signature and Seal of Notary)  
My term expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Historical Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

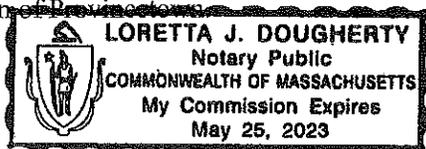
(Official Signature and Seal of Notary)  
My term expires:



COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 7<sup>th</sup> day of November, 2016, before me, the undersigned Notary Public, personally appeared Anika Costa, member of the Provincetown Historical Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which were MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.



Loretta J. Dougherty  
(Official Signature and Seal of Notary)  
My term expires May 25, 2023

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Historical Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

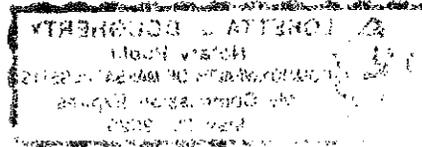
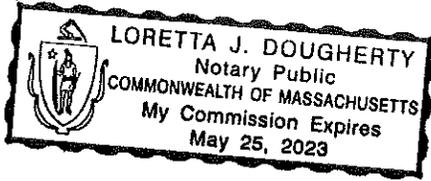
(Official Signature and Seal of Notary)  
My term expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 8<sup>th</sup> day of November, 2016, before me, the undersigned Notary Public, personally appeared Julia Perry, member of the Provincetown Historical Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which were MA Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

*Loretta J. Dougherty*  
(Official Signature and Seal of Notary)  
My term expires: May 25, 2023



28

APPROVAL OF ACCEPTANCE BY PROVINCETOWN BOARD OF SELECTMEN

The undersigned, being a majority of the Provincetown Board of Selectmen, hereby approve the acceptance of the foregoing Preservation Restriction from Lower Cape Communications, Inc. to the Town of Provincetown on this day of \_\_\_\_\_, 2016.

TOWN OF PROVINCETOWN,  
By its Board of Selectmen

\_\_\_\_\_  
Raphael Richter

\_\_\_\_\_  
Erik P. Yingling

\_\_\_\_\_  
Thomas N. Donegan

\_\_\_\_\_  
Cheryl Andrews

\_\_\_\_\_  
Robert Anthony

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

My term expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

My term expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

My term expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

My term expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Provincetown Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Provincetown.

\_\_\_\_\_  
(Official Signature and Seal of Notary)

My term expires:

APPROVAL BY THE MASSACHUSETTS HISTORICAL COMMISSION  
COMMONWEALTH OF MASSACHUSETTS

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that the foregoing Preservation Restriction Agreement to the Town of Provincetown, acting by and through the Provincetown Historical Commission, has been approved by the Massachusetts Historical Commission in the public interest pursuant to G.L. Chapter 184, Section 32.

MASSACHUSETTS HISTORICAL COMMISSION

By: \_\_\_\_\_  
Brona Simon, Executive Director and Clerk

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned Notary Public, personally appeared Brona Simon, Executive Director and Clerk of the Massachusetts Historical Commission, as aforesaid, who proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of the Massachusetts Historical Commission.

\_\_\_\_\_  
(Official Signature and Seal of Notary)  
My commission expires:

**COPY**

**Bk 18082 Pg 192 \$144769  
12-31-2003 @ 08:42a**

*Property address: 494 Commercial Street, Provincetown, Massachusetts 02657*

**Deed**

I, **Howard G. Davis, III**, Trustee of the Schoolhouse Realty Trust, under Declaration of Trust dated **November 20, 1997**, and recorded in the Barnstable County Registry of Deeds in Book 11073 Page 159, and having a mailing address of Post Office Box 1308, Provincetown, Massachusetts,

in consideration of

One Million and 00/100 Dollars (\$1,000,000.00), paid,

grant to

**Lower Cape Communications, Inc.**, a Massachusetts non-profit corporation,

with its principal office located at 14 Center Street, Post Office Box 975, Provincetown, Massachusetts 02657

with *Quitclaim Covenants*

the land together with the buildings thereon, in Provincetown, Barnstable County, Massachusetts, known and numbered as 494 Commercial Street, bounded and described as follows:

Bounded Southerly by Commercial Street fifty-three (53) feet, more or less;

Bounded Westerly by other land now or formerly of the Town of Provincetown and also by land now or formerly of M. F. Patrick Associates one hundred seventy-eight and two-tenths (178.2) feet, more or less;

Bounded Northerly by other land now or formerly of the Town of Provincetown fifty-four and sixty-six one-hundredths (54.66) feet;

Bounded Easterly by Howland Street one hundred seventy and six-tenths (170.6) feet, more or less;

Containing an area of 8,388 square feet, more or less, from the parcel formerly occupied by said Town as the Eastern School.

Being the same premises set forth in the deed from Morris-Light Post No. 71, American Legion, dated November 20, 1997 and recorded with the Barnstable County Registry of Deeds in Book 11073 Page 163, to which reference should be made for Grantor's title.

3  
85

**COPY**

**Bk 18082 Pg 192 #144769  
12-31-2003 @ 08:42a**

*Property address: 494 Commercial Street, Provincetown, Massachusetts 02657*

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**Containing an area of 8,388 square feet, more or less, from the parcel formerly occupied by said Town as the Eastern School.**

**Being the same premises set forth in the deed from Morris-Light Post No. 71, American Legion, dated November 20, 1997 and recorded with the Barnstable County Registry of Deeds in Book 11073 Page 163, to which reference should be made for Grantor's title.**

26 \$

Deed  
494 Commercial Street  
Page 2

Witness my hand and seal this 12<sup>th</sup> day of December 2003.

  
Howard G. Davis, III, Trustee

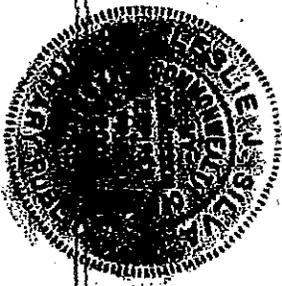
Commonwealth of Massachusetts

Barnstable County

December 12, 2003

Then personally appeared the above named Howard G. Davis, III, Trustee, and acknowledged the foregoing instrument to be his free act and deed as Trustee, before me

  
Notary Public Leslie J. Silva  
My Commission Expires: 4/10/09



BARNSTABLE COUNTY  
REGISTRY DEEDS  
COUNTY EXCISE TAX

DATE: 12/31/03 WED  
TOTAL \$2280.00  
CASH \$2280.00  
CLERK 1 NO. 04569B  
TIME 09:21 1111

**CANCELLED**

REG OF DEEDS  
REG # 01  
BARNSTABLE

12/31/03 9:50 AM 01  
000000 #9959  
FEE \$3420.00  
CASH \$3420.00

**CANCELLED**

27

EXHIBIT A-2

FORM B – BUILDING

MASSACHUSETTS HISTORICAL COMMISSION  
MASSACHUSETTS ARCHIVES BUILDING  
220 MORRISSEY BOULEVARD  
BOSTON, MASSACHUSETTS 02125

Assessor's Number USGS Quad Area(s) Form Number

15-1/33

PRO.A

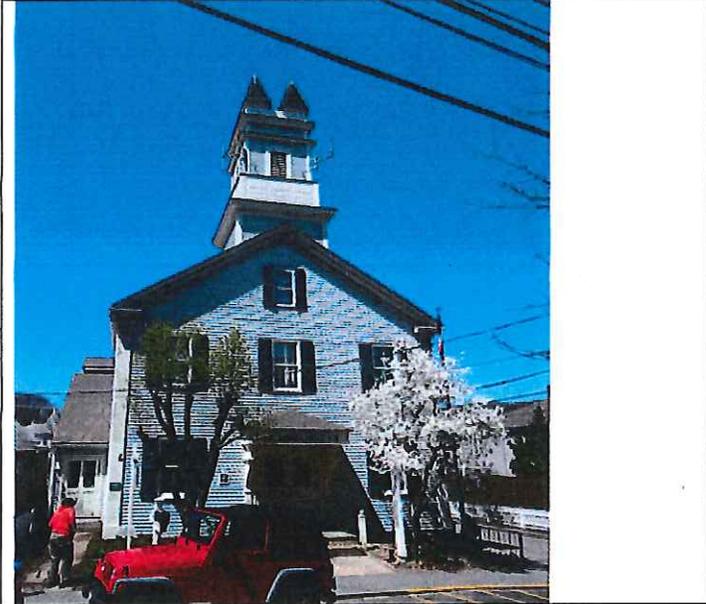
PRO.333

NRDIS 8/30/1989; LHD 4/7/2003

Town/City: Provincetown

Place: (neighborhood or village): East End

Photograph



Address: 494 Commercial Street

Historic Name: Eastern Schoolhouse

Uses: Present: Radio Station / Art Gallery / Open Use

Original: School

Date of Construction: 1844

Source: Local Histories

Style/Form: Greek Revival

Architect/Builder:

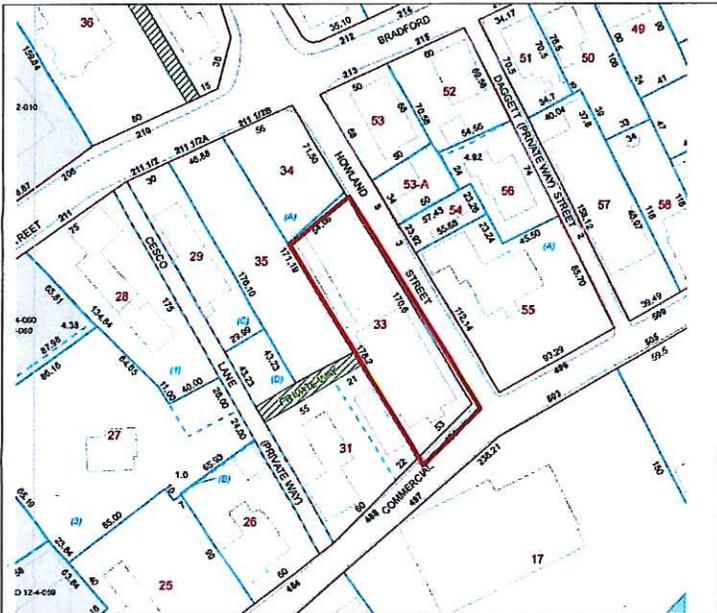
Exterior Material:

Foundation: Brick

Wall/Trim: Wood

Roof: Asphalt shingle

Locus Map



Outbuildings/Secondary Structures: Title 5 raised septic on the west boundary of the parking lot

Major Alterations (with dates): Front door installed (mid-1940s); belltower removed (1957); siding, window and door replacement (1960s); exterior renovations (1997); New belltower (1998). See Architectural Description for details

Condition: Fair

Moved: no  yes  Date:

Acreeage: less than 1/4 acre

Setting: Situated on the corner of Commercial and Howland Streets, in a primarily residential area with the Icehouse Condos (very large residential building) directly across the street

Recorded by: Justine Alten

Organization: Lower Cape Communications, Inc.

Date (month / year): May 2016

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**INVENTORY FORM B CONTINUATION SHEET**

PROVINCETOWN

494 COMMERCIAL ST

MASSACHUSETTS HISTORICAL COMMISSION

Area(s) Form No.

220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

PRO.A

PRO.333

 Recommended for listing in the National Register of Historic Places.*If checked, you must attach a completed National Register Criteria Statement form.**Use as much space as necessary to complete the following entries, allowing text to flow onto additional continuation sheets.***ARCHITECTURAL DESCRIPTION:***Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.*

The Eastern Schoolhouse is a high example of Greek Revival which is prevalent throughout the town in residential and commercial architecture. This two-story, gable-end, rectangular school is the only one surviving of three built at the same time (1844). There are three bays on the Commercial Street Facade (S) with the side elevations (E, W) at a depth of five bays. Originally, all the walls were clapboard and changed to wood shingles between 1946 and 1967. In 1997 the building went under major revelations changing the Commercial Street (S); the Howland Street (E); and South-west corner facades to wood clapboard and the remaining of the building to cedar shingle with wood trim. The foundation is brick and roof is clad in asphalt shingle. The facade (S) corner boards are squared pilasters with simple bases and simple, Doric capitals. The rear elevation (N) corner boards are flat and wide with no bases or capitals. The side elevations (E, W) have wide entablatures with architraves, frieze and cornices. The centered entry on Commercial St. (S) has a replaced surround and replacement double doors with windows and wood awning. In 1997 a second Commercial St. (S) entry was added--single wood door with windows. The centered Howland St. (E) entry, with handicap ramp (built in 1997) has replacement double, flush doors with seven light transom. The second floor has double-hung, 2/2 windows throughout. There are paired windows on the East elevation at the northeast corner. The attic story has broken pediment gable ends with rake molding. The original bell tower was removed sometime around 1957. In 1998 a new bell tower was erected. The clap-board, corner boards, pilasters, and Doric capitals remain in the Greek Revival style. The chimney is located at the center of the building and in the western slope of the roof. The rear (N) elevation has no windows at the first floor and an added first floor single door with stairs, a small porch, and wood awning. The second floor has four window and a wood fire stair rising from the ground to the second story with single door with three light transom on Western elevation. An elevator shaft added in 1997 has a single shuttered window (W).

**PROPERTY DESCRIPTION:**

The Eastern Schoolhouse is situated on the corner of Commercial and Howland Streets, in a primarily residential area with the Icehouse Condos (very large residential building) directly across the street. The property is less than ¼ acre with a ten-car parking lot on the North side of the building. Along the west boundary of the parking lot there is a 8½ foot by 73 foot leach field and retaining wall for our septic. The South side (entrance) of the building landscaped with two deciduous trees and a small amount of lawn and plants.

**HISTORICAL NARRATIVE***Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.*

In 1844 the Eastern Schoolhouse was constructed as one of three schoolhouses and remained a school until 1931. The abandoned building became a community center in 1936 and later a Servicemen's Center in 1943. As a Servicemen's Center the building served about 1,000 service members until the end of World War II. In 1946, the American Legion (Morris-Light Post No. 71) occupied the building until 1957 when artist Leo Manso (1914-1993) and Victor Candell (1903-1977) established the Provincetown Workshop in the building. The damaged bell tower was removed in 1957. The Long Point Gallery, an artists' cooperative gallery opened in the schoolhouse in 1976 and ran until Howard G. "David" Davis III purchased the property from the Morris-Light Post in 1997. Davis opened the schoolhouse as the Schoolhouse Center -- a cultural complex for photography, painting and other visual arts. It was 1998 when the building underwent extensive restoration, including a new bell tower, accessibility ramp, and elevator. In 2003 Lower Cape Communications (WOMR) purchased the schoolhouse from Davis. Today (2016), the second floor serves as WOMR's studios/office and the first floor is home to the Schoolhouse Gallery.

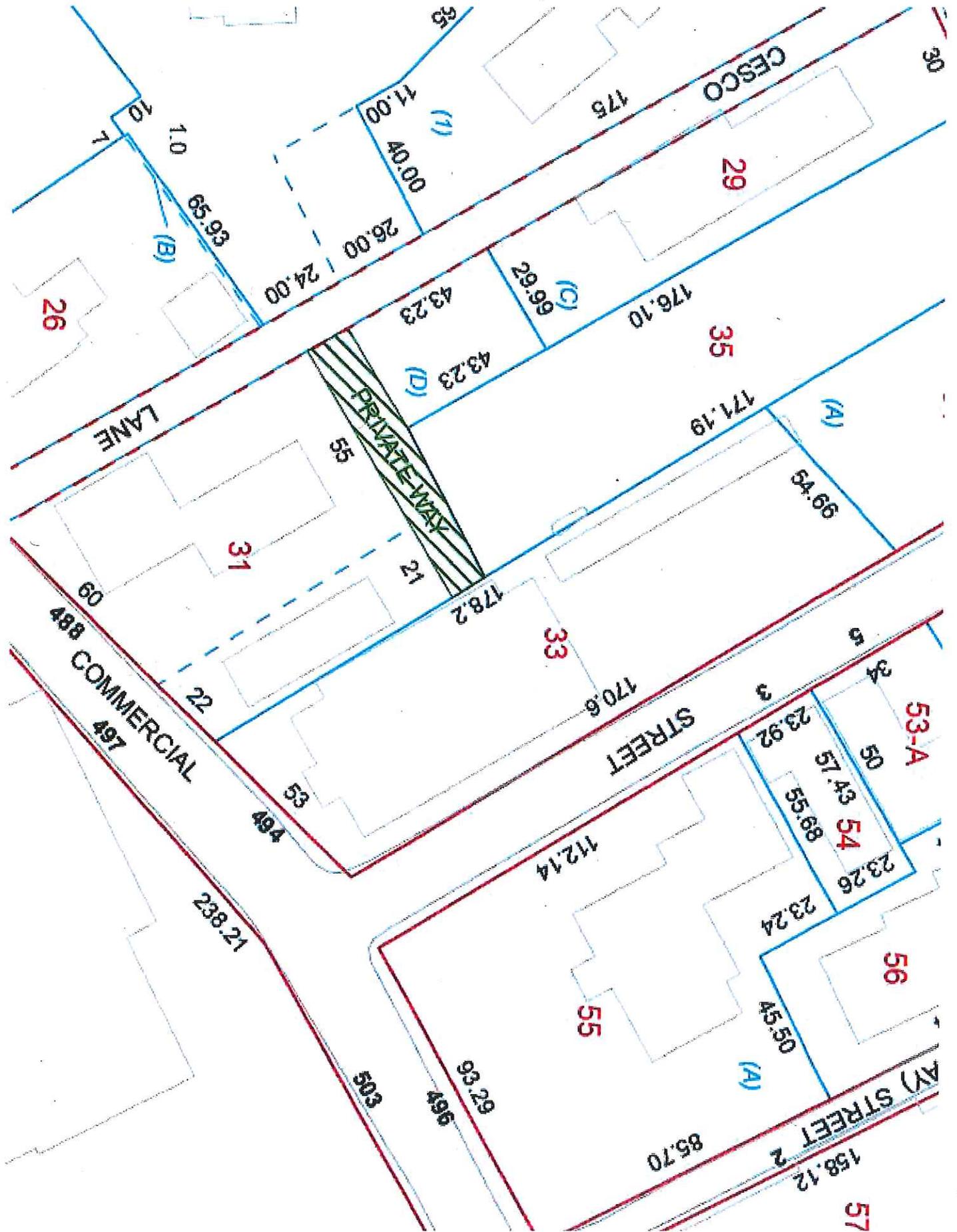
**BIBLIOGRAPHY and/or REFERENCES**

Dunlap, David W. "492-494 Commercial Street." Building Provincetown. Wordpress. 7, January 2010.  
[buildingprovincetown.wordpress.com/tag/450-to-499-commercial-street/](http://buildingprovincetown.wordpress.com/tag/450-to-499-commercial-street/)

Provincetown History Preservation Project. Town of Provincetown. [provincetownhistoryproject.com](http://provincetownhistoryproject.com)



EXHIBIT B



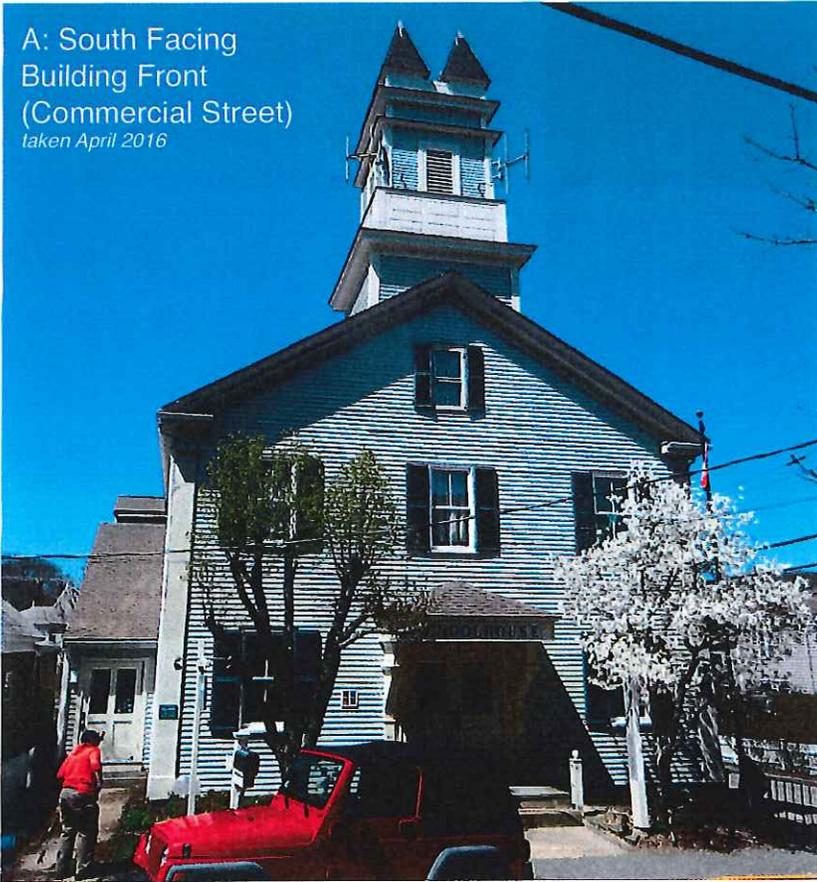
**EXHIBIT C**  
List of Photographs

*Photographs taken April 2016 and September 2013*

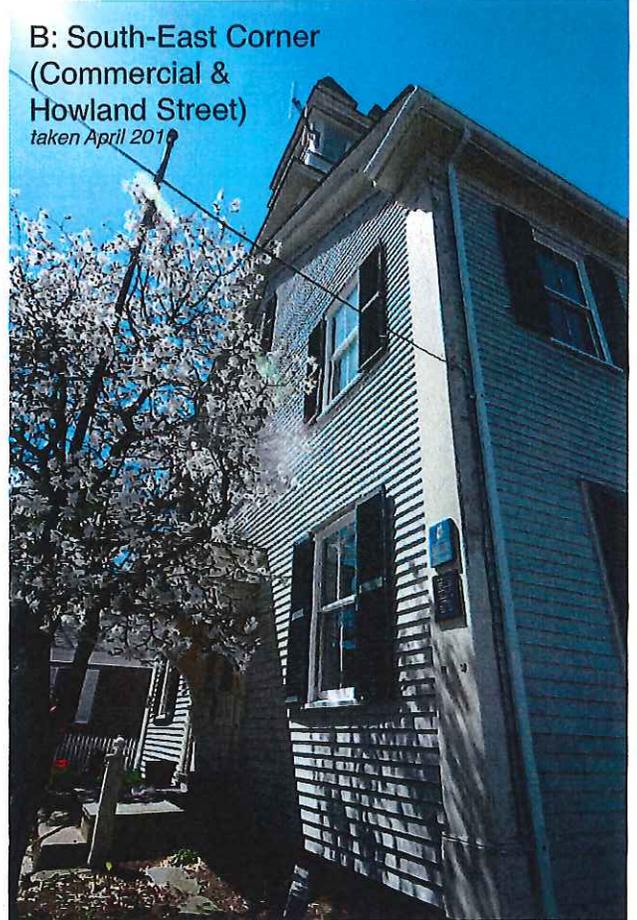
1. South Elevation
  - a. South Facing Building Front (Commercial Street)
  - b. South-east Corner (Commercial & Howland Street)
  - c. South Facing Upstairs Entry
  - d. South Facing Downstairs Entry
2. East Elevation
  - a. East Facing (Howland Street)
  - b. East Facing (Howland Street)
  - c. East Facing (Howland Street)
3. North Elevation
  - a. North Facing Handicap Ramp
  - b. North Facing
  - c. North Facing Building, Rear Parking Lot, and Septic Leach Field
  - d. Parking Lot and Septic Leach Field
4. West Elevation
  - a. South-west Corner with Upstairs Entry
  - b. West Facing Fire Escape Stairs
  - c. North-west Corner Fire Escape Stairs
  - d. North-west Facing Fire Escape Stairs
  - e. West Facing

EXHIBIT C  
SOUTH ELEVATION - 494 COMMERCIAL STREET

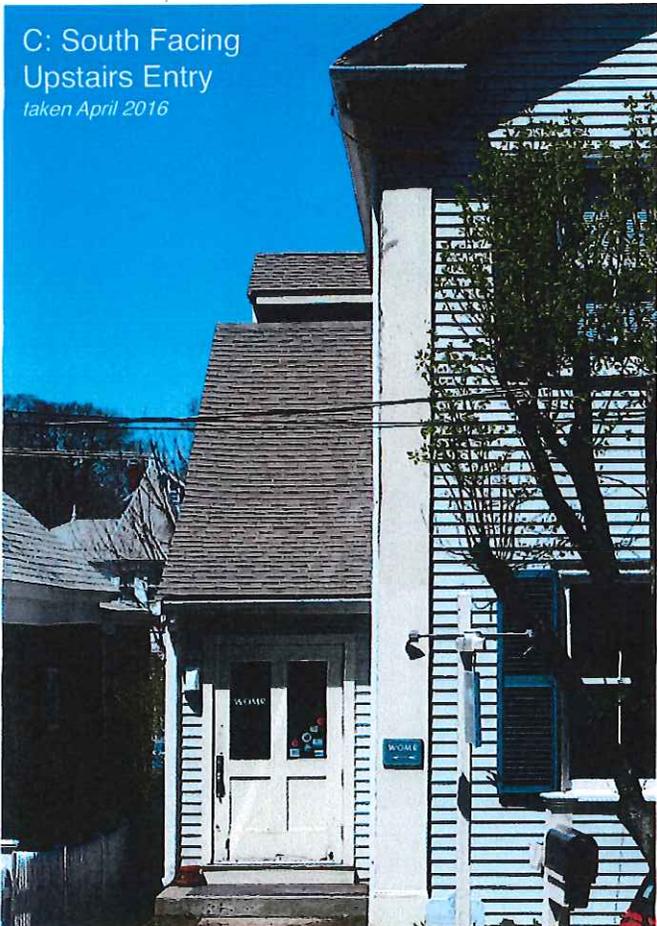
A: South Facing  
Building Front  
(Commercial Street)  
*taken April 2016*



B: South-East Corner  
(Commercial &  
Howland Street)  
*taken April 2016*



C: South Facing  
Upstairs Entry  
*taken April 2016*



D: South Facing Downstairs Entry  
*taken April 2016*

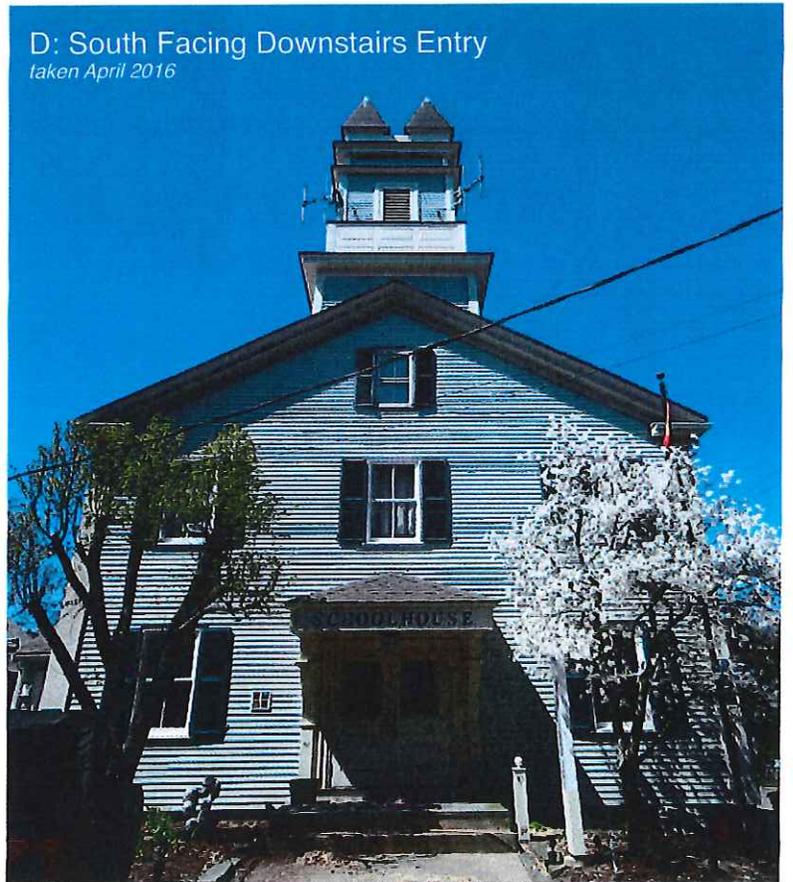
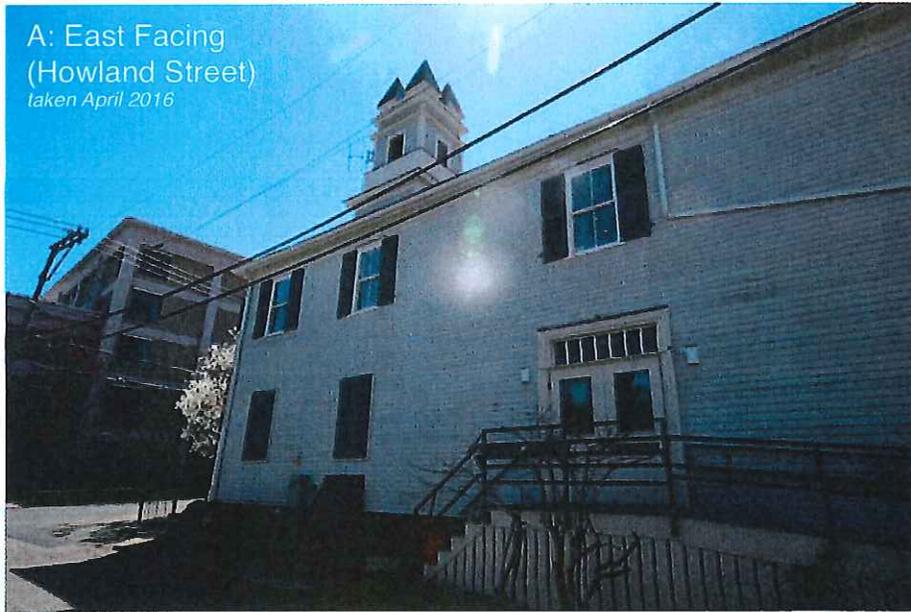
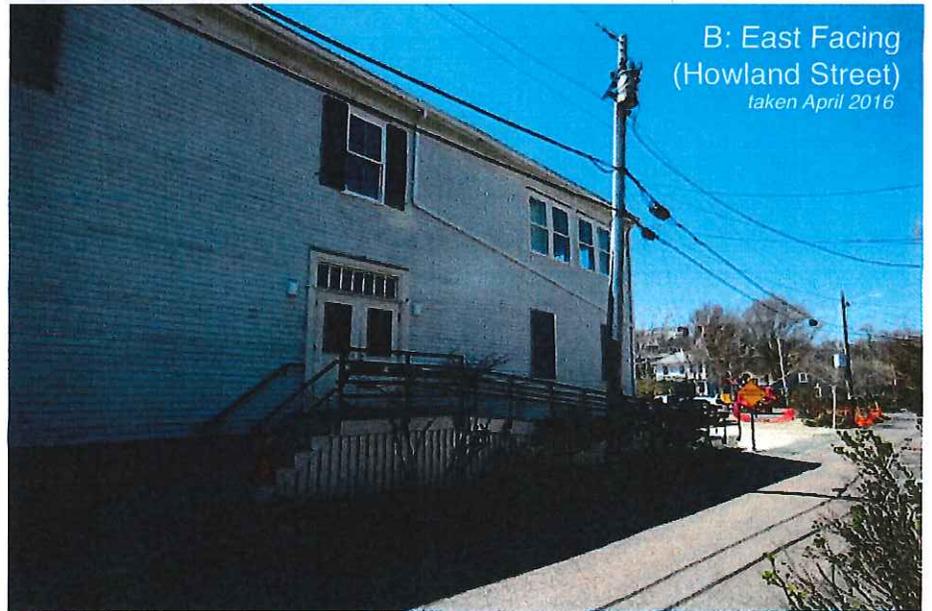


EXHIBIT C  
**EAST ELEVATION - 494 COMMERCIAL STREET**



A: East Facing  
(Howland Street)  
*taken April 2016*



B: East Facing  
(Howland Street)  
*taken April 2016*



C: East Facing  
(Howland Street)  
*taken April 2016*

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EXHIBIT C  
**NORTH ELEVATION - 494 COMMERCIAL STREET**

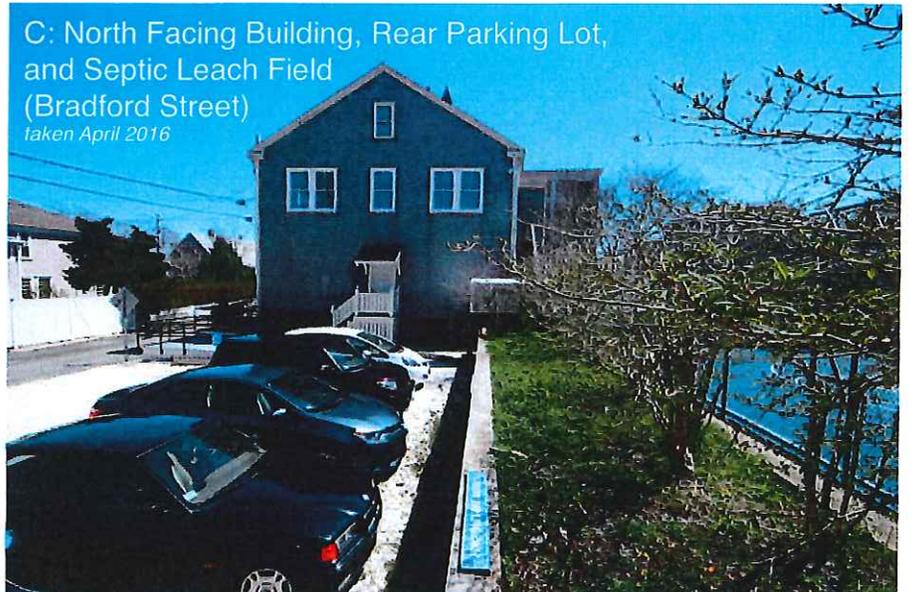
**A: North Facing  
Handicap Ramp**  
*taken April 2016*



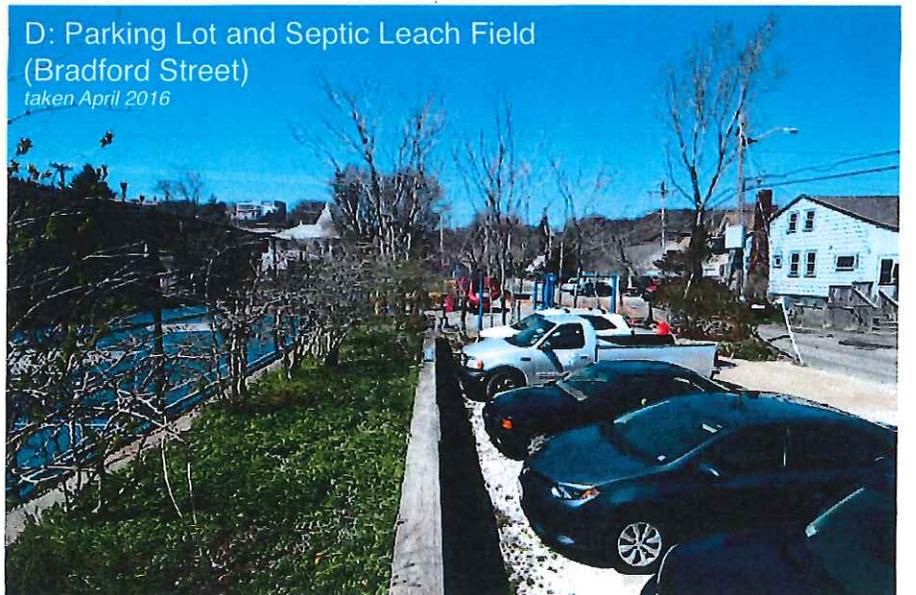
**B: North Facing**  
*taken April 2016*



**C: North Facing Building, Rear Parking Lot,  
and Septic Leach Field  
(Bradford Street)**  
*taken April 2016*



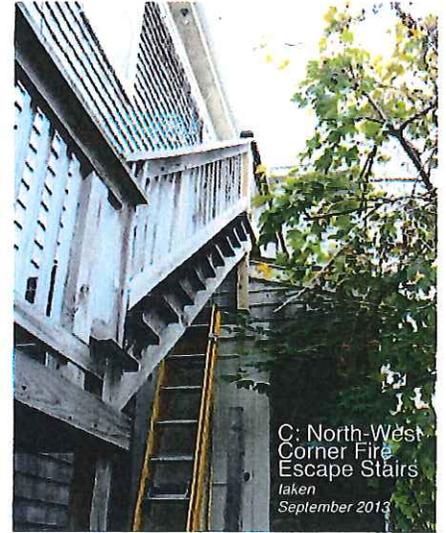
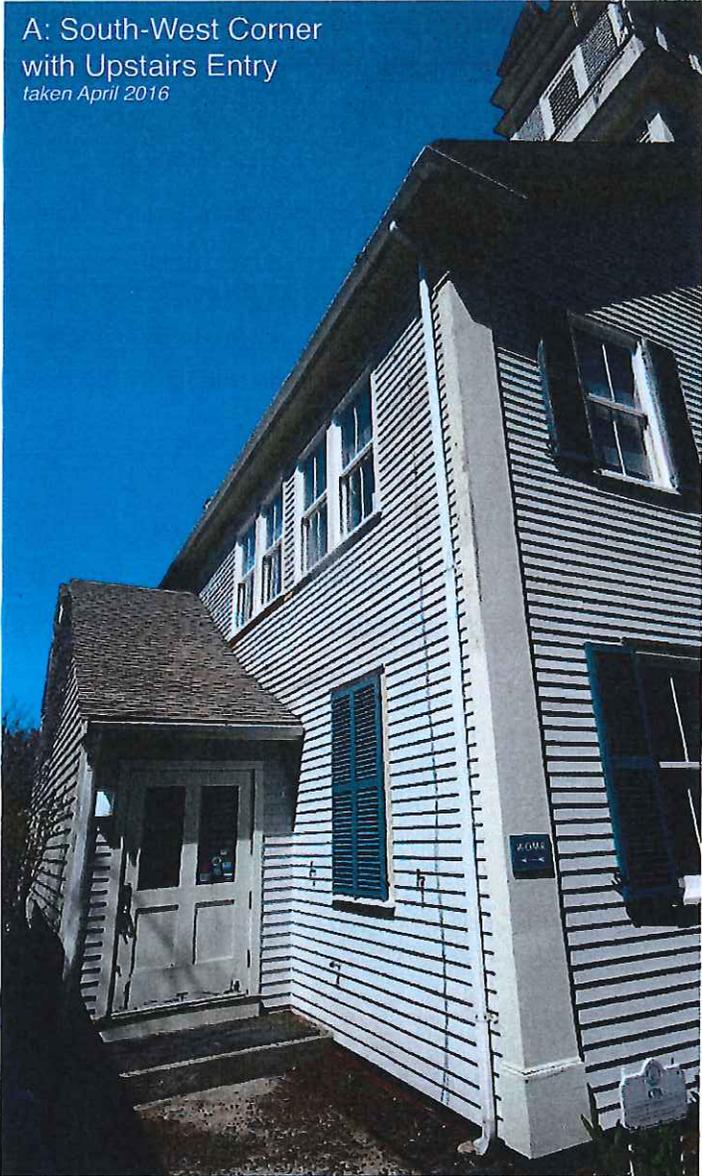
**D: Parking Lot and Septic Leach Field  
(Bradford Street)**  
*taken April 2016*



35

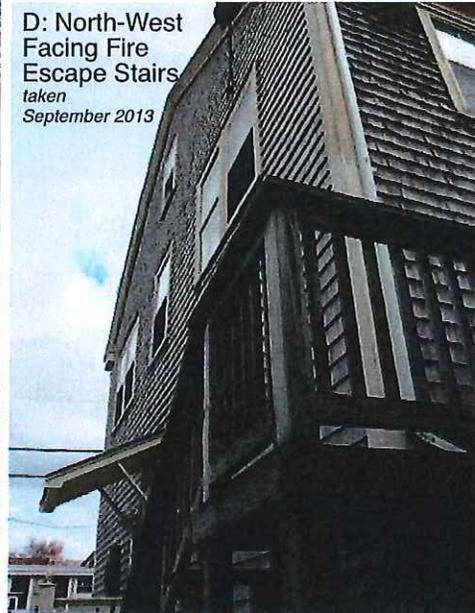
EXHIBIT C  
**WEST ELEVATION - 494 COMMERCIAL STREET**

**A: South-West Corner  
with Upstairs Entry**  
*taken April 2016*

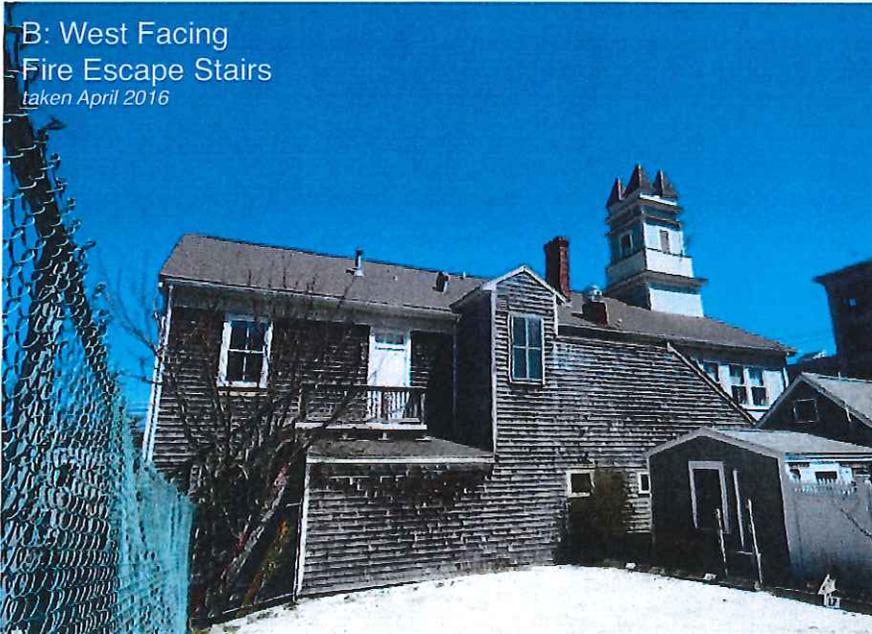


**C: North-West  
Corner Fire  
Escape Stairs**  
*taken  
September 2013*

**D: North-West  
Facing Fire  
Escape Stairs**  
*taken  
September 2013*



**B: West Facing  
Fire Escape Stairs**  
*taken April 2016*



**E: West Facing**  
*taken April 2016*

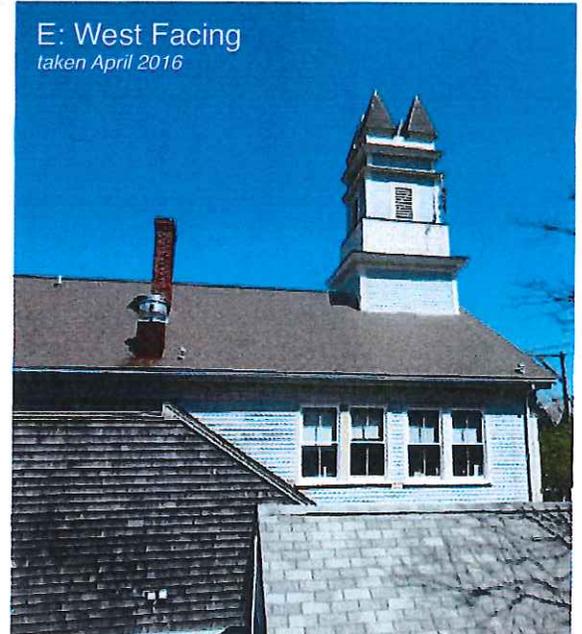
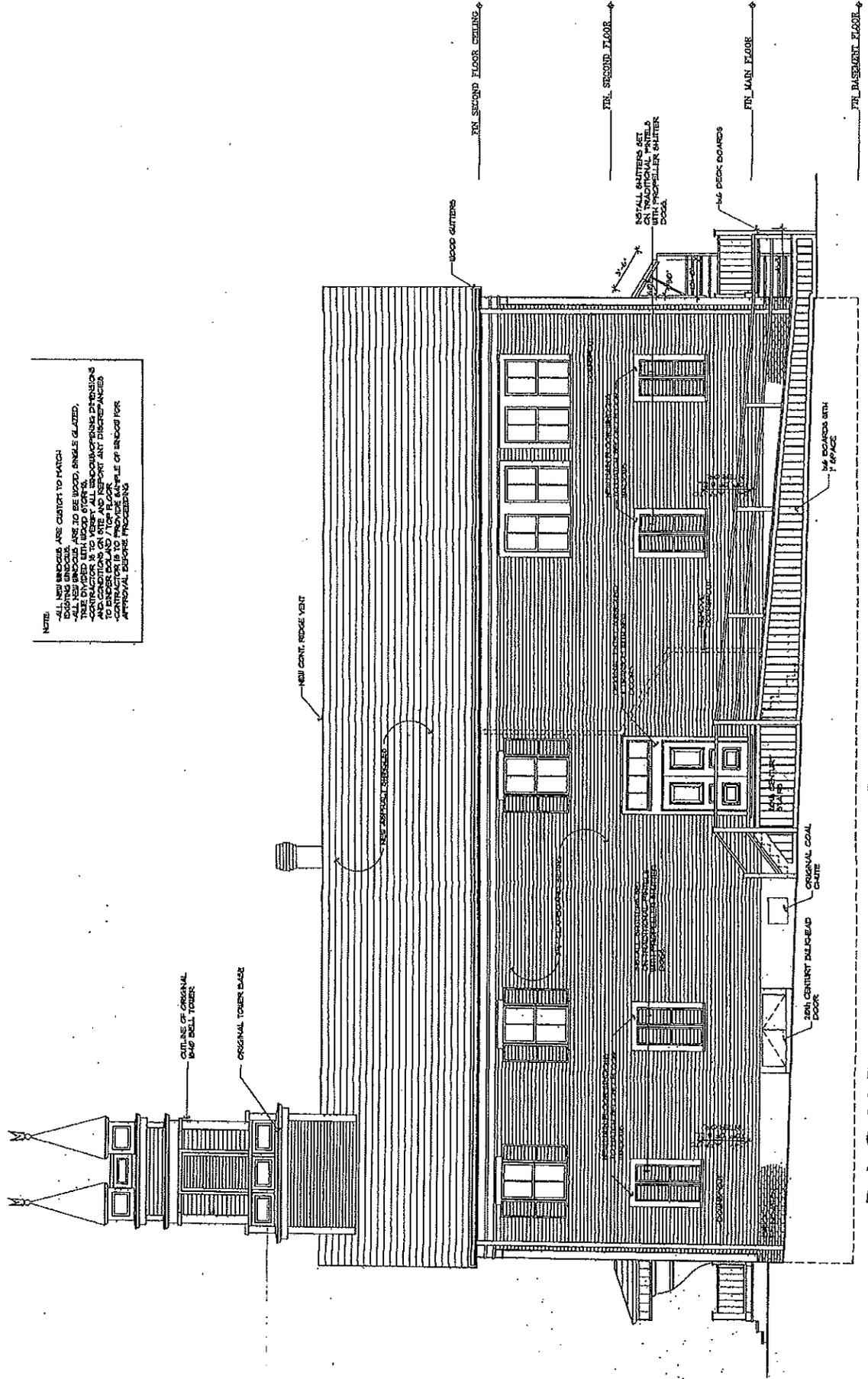




EXHIBIT D

Prepared by TOP FLOOR DESIGN HOUSE, PROVINCETOWN in 1996



NOTE:  
 -ALL NEW WINDOWS ARE CUSTOM TO MATCH EXISTING WINDOWS. ALL TO BE WOOD, SINGLE GLAZED, TRIPLE DIVIDED WITH WOOD STAINS.  
 -CONTRACTOR IS TO VERIFY ALL DIMENSIONS OF EXISTING WINDOWS AND DOORS TO ENSURE PROPER FIT AND TO PROVIDE SAMPLES OF MATERIALS FOR APPROVAL BEFORE PROCEEDING.

RIGHT ELEVATION RENOVATIONS

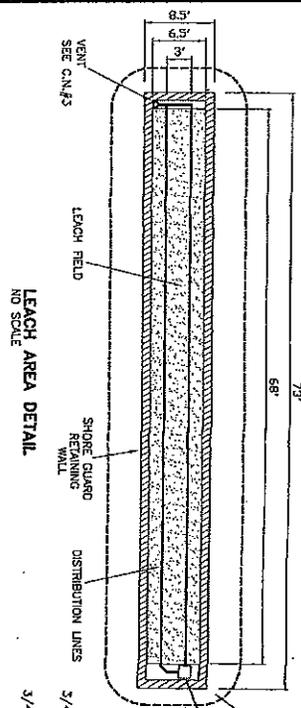
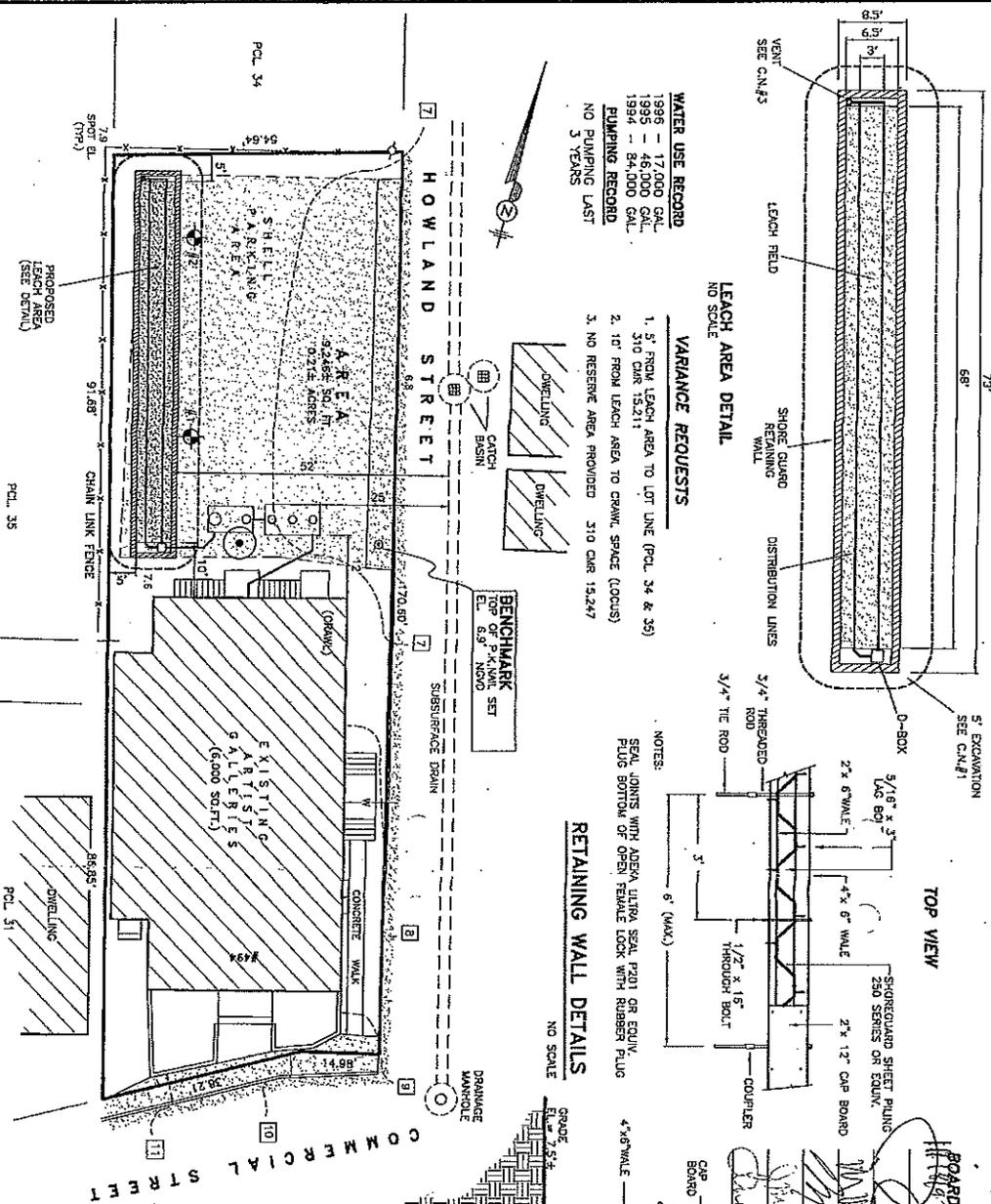


EXHIBIT D

PLAN REFERENCE: PLAN BOOK 509 PAGE 41  
 ALL WELLS NOT SHOWN EXCEED 200' FROM LOCUS SEWER.  
 VERIFY ZONING AND UTILITY SETBACK DIMENSIONS PRIOR TO CONSTRUCTION.  
 THIS PLAN IS FOR SEWAGE DESIGN ONLY AND IS NOT INTENDED TO BE A SURVEY PLOT PLAN.

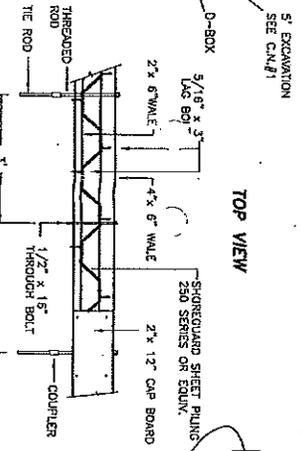
**FELT?, INC.**  
 ENGINEERING - LAND SURVEYING  
 P.O. BOX 1386 ORLEANS, MA 02653  
 (508) 255-8141 (FAX) 255-2954

REVISIONS			
REFERENCE ASSR'S MAP	15-1	PARCEL	35
SCALE: 1" = 20'	DATE: 10/22/97	SHEET No. 1	OF 2
		JOB No.	97381

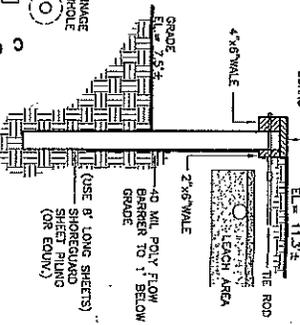


**WATER USE RECORD**  
 1989 - 17,000 GAL.  
 1990 - 48,000 GAL.  
 1991 - 48,000 GAL.  
 1992 - 54,000 GAL.  
 1993 - 54,000 GAL.  
 NO PUMPING RECORD  
 NO PUMPING LAST  
 3 YEARS

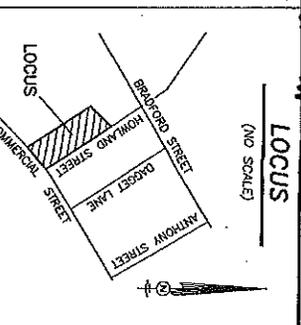
- VARIANCE REQUESTS**
1. 5' FROM LEACH AREA TO LOT LINE (PCL. 34 & 35)  
 310 CMR 15.211
  2. 10' FROM LEACH AREA TO CRANK SPACE (LOCUS)  
 310 CMR 15.247
  3. NO RESERVE AREA PROVIDED



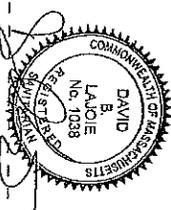
**RETAINING WALL DETAILS**  
 NO SCALE



BOARD OF HEALTH APPROVAL  
*[Signature]*  
 Date: 10/22/97



**SITE & SEWAGE PLAN**  
 LOCUS: 494 COMMERCIAL STREET  
 PROVINCETOWN, MA  
 PREPARED FOR: LARRY BOYD  
 2 ARNOLD CIRCLE  
 MEDWAY, MA 02055



494 Commercial St.

HA

## EXHIBIT E

### Restriction Guidelines

The purpose of these Restriction Guidelines is to clarify the terms of this Preservation Restriction Agreement that deal with maintenance and alteration to the Building and Property. Under Paragraph 3, prior permission from the Town is required for any Minor Maintenance that is reasonably expected to materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance and for any Major Maintenance.

Minor Maintenance that is part of ordinary maintenance and repair and does not materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance does not require Town review and approval. In an effort to explain what constitutes Minor Maintenance and Major Maintenance, the following list is provided. The list is by no means comprehensive. It is a sampling of common alterations.

#### **PAINT**

##### Minor:

- Exterior or interior scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

##### Major:

- Painting or fully stripping of decorative surfaces or distinctive stylistic features including murals, stenciling, ornamental woodwork, stone, masonry, decorative or significant original stucco or plaster.

#### **WINDOWS AND DOORS**

##### Minor:

- Regular maintenance including caulking and painting of all windows and doors, as well as necessary reglazing of non-stained glass windows.
- Repair or in-kind replacement of existing individual decayed window parts on non-stained glass windows.

##### Major:

- Installation of Plexi or Lexan on the stained glass windows. Installation must have prior review and approval to assure necessary ventilation is included and that existing window frames/casings are not substantially altered.
- Restoration and/or reglazing of stained glass windows.
- Wholesale replacement of other window units and doors, change in fenestration or materials, and alteration of profile or setback of windows and doors.
- The addition of storm windows is also considered a major change; however with notification it is commonly acceptable.

## **EXTERIOR**

### Minor:

- Spot repair of existing cladding and roofing including in-kind replacement of clapboard, shingles, slates, etc.
- Minor repair of decorative features (brackets, mouldings, etc.)

### Major:

- Reintroduction of original architectural detail (with historical basis) which was previously removed.
- Large scale repair or replacement of cladding or roofing.
- If needed, rebuilding of decorative features (brackets, mouldings, etc.).
- Change involving inappropriate removal or addition of materials or building elements (i.e., removal of chimneys or cornice detailing; installation of architectural detail which does not have a historical basis).
- Structural stabilization of the Building.
- Altering or demolishing building additions; spot repointing masonry.

## **LANDSCAPING**

### Minor:

- Routine maintenance of landscape including lawn mowing, pruning, planting, painting, and repair.

### Major:

- Moving or subdividing Building or Property; altering or removing significant landscape features such as gardens, vistas, walks, plantings, walls, fences; ground disturbance affecting archaeological resources.

## **WALLS/PARTITIONS**

### Minor:

- Making fully reversible changes (i.e. sealing off doors in situ, leaving doors and door openings fully exposed) to the spatial arrangement of a non-significant portion of the Building.

### Major:

- Creation of new openings in walls or permanently sealing off existing openings.
- Addition of permanent partitions which obscure significant original room arrangement.
- Demolition of existing walls.
- Removal or alteration of stylistic features.
- Alteration of primary staircases.

## **HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS**

### Minor:

- Repair of existing systems.

Major:

Installing or upgrading of systems which will result in major appearance changes (i.e. exterior ducts, piping, ventilators, HVAC units); the removal of substantial quantities of original materials in the course of construction.

**OVERVIEW:**

Changes classified as Major Maintenance are not necessarily unacceptable. Under the Preservation Restriction Agreement, such changes must be reviewed by the Town in order to assess their impact on the historic integrity of the Property, the Building, and its protected features.

It is the responsibility of Grantor to notify the Town in writing when any Minor Maintenance that is reasonably expected to materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance or any Major Maintenance is contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of this Preservation Restriction Agreement is to enable the Town to review proposed alterations and assess their impact on the integrity of the Property, the Building, and other structures, not to preclude future change. The Town will attempt to work with Grantor to develop mutually satisfactory solutions which are in the best interests of the Property.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

6D

# PROCLAMATION: SENIOR CITIZEN DAY

Sunday, December 11, 2016

Requested by: **Robin Reid**

Action Sought: **Approval**

## Proposed Motion(s)

**MOVE that the Board of Selectmen vote to approve the request by Robin Reid of Provincetown, MA, to proclaim Sunday, December 11, 2016, as Senior Citizen Day in the Town of Provincetown.**

## Additional Information

See attached copy of proclamation. This is an annual proclamation, to be read at the David Asher Senior Citizen's Dinner, organized by Robin Reid and her committee.

## Board Action

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



# PROCLAMATION

*Be It Hereby Proclaimed by the Provincetown Board of Selectmen that;*

WHEREAS, the Town of Provincetown has traditionally honored its Senior Citizens for generations, and

WHEREAS, Senior Citizens make a significant contribution to the social fabric of the Community to set an example for residents of all ages, and

WHEREAS, the Senior Citizens have set aside a day of celebration among themselves and with friends in a festive holiday observance sponsored by the Provincetown Business Guild and the Council on Aging.

NOW, THEREFORE, the Board of Selectmen in the Town of Provincetown, in the County of Barnstable of the Commonwealth of Massachusetts, does hereby proclaim

**SUNDAY, DECEMBER 11, 2016**

*as*

**SENIOR CITIZEN DAY**

*in the Town of Provincetown.*

and encourages our citizens to express their gratitude, honor, and continued support of our Senior Citizens, and to pay tribute on this day as an expression of our commitment to their general well being and participation in community activities.

The Honorable Board of Selectmen

*Raphael W. Richter, Chairman*

*Erik Yingling, Vice-Chairman*

*Thomas Donegan*

*Cheryl Andrews*

*Robert Anthony*

ATTEST: *David B. Panagore, Town Manager*





Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

6E

## DRAFT LETTER – GOVERNOR CHARLES BAKER

### Raising MassHealth Reimbursement Rates

Requested by: **BOS Chairman Raphael Richter**

Action Sought: Approval

#### Proposed Motion(s)

**Move that the Board of Selectmen vote to approve the draft letter to Governor Charles Baker in support of raising the MassHealth reimbursement rates to be equal to those granted to the skilled nursing facility on Martha's Vineyard with copies to those individuals as indicated [as presented] [as revised].**

#### Additional Information

See attached draft letter.

#### 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

November 14, 2016

Governor Charles Baker  
Massachusetts State House  
Office of the Governor - Room 280  
Boston, MA 02133

Re: The Wellness Center at Seashore Point

Dear Governor Baker:

Please accept this letter in support of the nursing home at Seashore Point in Provincetown, Massachusetts. As we work to strengthen our year-round economy, we know that a full complement of healthcare services remains vital to serving the needs of the residents of Outer Cape Cod.

The Wellness Center at Seashore Point serves over 500 residents each year and supports over 70 jobs as the largest private year-round employer. As healthcare dynamics change and costs increase, we support their request to raise the MassHealth rates to be equal to those granted to the skilled nursing facility on Martha's Vineyard. This would stem the operating losses and strengthen the future prospect for long-term care on the Outer Cape. With our closest hospital almost 50 miles away, this nursing home serves a unique role in our community and we look to support its ongoing success.

Once our municipal nursing home, known as "Cape End Manor," this facility has never sought additional town, state or federal aid despite its rural status. We respectfully ask that you consider this request.

Sincerely,

David B. Panagore  
Town Manager

Raphael W. Richter, Chairman  
Board of Selectmen

DBP/RWR:ev/ld

cc: Marylou Sudders, Secretary of Health and Human Services  
Jay Ash, Secretary of Housing and Economic Development  
Monica Bharel, Commissioner of the Massachusetts Department of Public Health  
Provincetown Board of Selectmen  
Christopher Sintros, President of Deaconess Abundant Life Communities



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2015

6F

## TREASURER'S TRANSFERS

### John Anderson Francis Scholarship Fund

Requested by: John O'Buck, Treasurer

Action Sought: Approval

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$10,500.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).**

#### Additional Information

Attached are the minutes and payment authorization from the John Anderson Francis Scholarship Committee in support of this request totaling \$10,500.00 leaving a remaining balance in the John Anderson Francis Scholarship Fund of \$1,162,397.04.

#### 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: November 14, 2016  
To: John O'Buck, Treasurer  
From: Board of Selectmen

As Commissioners of the John Anderson Francis Scholarship Fund permission is hereby granted to you, the Treasurer of Provincetown, to pay the following award(s).

\$10,500.00 Attached awarded scholarships

The Honorable Board of Selectmen:

---

Raphael Richter, Chair

---

Erik Yingling, Vice Chair

---

Cheryl Andrews, Selectman

---

Tom Donegan, Selectman

---

Robert Anthony, Selectman

**John Anderson Francis Family Scholarship Committee  
and Town Scholarship Committee  
Joint Meeting Minutes of Tuesday, October 25, 2016  
Provincetown High School**

The meeting convened at 4:00 PM noting the following members present: Mary Beck, Olympia Ciliberto, Eleanora Irving, Julia Perry, Robert Speiser.

Absent: Mary Cabral, excused prior to meeting

**Public Comments:** None

**New Business:**

1. The committees discussed the advisability of merging, and the possibility of taking on additional responsibility for other scholarships and other public charities, administering each in accordance with the instructions of the grantor, testator or, in the event that circumstances require subsequent amendment, the Board of Selectmen.
2. The committees agreed that merger and/or expanded responsibility would necessitate renaming the committee. The committees suggested retaining reference to scholarships, calling the new entity the Scholarship and Trust Administration Committee.
3. Discussion with Town Counsel suggests that it might be necessary to revise eligibility for the Captain Joseph Oliver Scholarship. Direction is expected from the Board of Selectmen.
4. Fewer than half of scholarship applications are sent to the JAFFSC's post office box. The majority are delivered directly to Town Hall. It was decided to save the cost of the post office box by eliminating it. This will require revision to the scholarship application, which lists that as a mailing address.
5. As of September 30, 2016, the John Anderson Francis Family Scholarship had accumulated retained earnings of \$27,532.49. The Captain Joseph Oliver Scholarship fund had accumulated retained earnings of \$11,962.42. The committee considered that these balances were higher than they would have been because there were no eligible graduating seniors for either of the last two years. This is expected to change this year.
6. Town Counsel has advised that student privacy laws enable the committees to preserve confidentiality by going into executive session prior to deliberation regarding scholarship awards. There being no members of the public present at this meeting, however, the JAFFSC did not adjourn and reconvene in executive session on this occasion.
7. Scholarship applications were considered from the following students:

Coleen Curley, 7 Norton Court, Easthampton, MA 01027

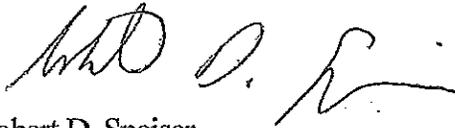
Mairead Hadley, 10 Bolster Street, Apartment 1, Jamaica Plain, MA 02130

Dylan F Kaeselau, 213 Bradford Street, Provincetown, MA 02657

Carol J. Leonard-LaDuke, 9 Carlton Road, West Yarmouth, MA 02673  
Nathaniel Mayo, 560 Commercial Street, Provincetown, MA 02657  
Dylan Nelson, 803 Commercial Street, Provincetown, MA 02657  
Paula Pisani, 5426 Lake Murray Blvd., La Mesa, CA 91942  
Kaitlyn Silva 39 Bayberry Avenue, Provincetown, MA 02657  
Molly E. Stinson, 803 Commercial Street, Provincetown, MA 02657  
Bezie Tesson-Legnine, PO Box 627, Wellfleet, MA 02667  
Lydia Tesson-Legnine, PO Box 627, Wellfleet, MA 02667  
Michael J. Trovato, 73 Shank Painter Road, Provincetown, MA 02657

One applicant had previously been awarded scholarships for four undergraduate years, and was deemed ineligible for more, although will be eligible for scholarships for up to two years of graduate studies. The other applicants were granted a total of \$15,500.

The meeting was adjourned at 5:20 PM.



Robert D. Speiser  
Chair, Acting Secretary

October, 2016 Suggested Scholarship Awards

	JAFF	Oliver
Coleen Curley, 7 Norton Court, Easthampton, MA 01027	\$1000	\$500
Mairead Hadley, 10 Bolster Street, Apartment 1, Jamaica Plain, MA 02130	\$1000	\$500
Dylan F Kaeselau, 213 Bradford Street, Provincetown, MA 02657	\$ 500	\$250
Nathaniel Mayo, 560 Commercial Street, Provincetown, MA 02657	\$1000	\$500
Dylan Nelson, 803 Commercial Street, Provincetown, MA 02657	\$1000	\$500
Paula Pisani, 5426 Lake Murray Blvd., La Mesa, CA 91942	\$1000	\$500
Kaitlyn Silva 39 Bayberry Avenue, Provincetown, MA 02657	\$1500	\$500
Molly E. Stinson, 803 Commercial Street, Provincetown, MA 02657	\$1000	\$500
Bezie Tesson-Legnine, PO Box 627, Wellfleet, MA 02667	\$1000	\$500
Lydia Tesson-Legnine, PO Box 627, Wellfleet, MA 02667	\$1000	\$500
Michael J. Trovato, 73 Shank Painter Road, Provincetown, MA 02657	( \$ 500	\$250
Totals	\$10,500	\$5000



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2015

6G

## TREASURER'S TRANSFERS

### Captain Joseph F. Oliver Scholarship Fund

Requested by: John O'Buck, Treasurer

Action Sought: Approval

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$5,000.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).**

#### Additional Information

Attached are the minutes and payment authorization from the John Anderson Francis Scholarship Committee in support of this request totaling \$5,000.00 leaving a remaining balance in the Captain Joseph F. Oliver Scholarship Fund of \$510,801.58.

#### 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: November 14, 2016  
To: John O'Buck, Treasurer  
From: Board of Selectmen

As Commissioners of the Captain Joseph F. Oliver Scholarship Fund permission is hereby granted to you, the Treasurer of Provincetown, to pay the following award(s).

\$5,000.00 Attached awarded scholarships

The Honorable Board of Selectmen

---

Raphael Richter, Chair

---

Erik Yingling, Vice Chair

---

Cheryl Andrews, Selectman

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---

Robert Anthony, Selectman

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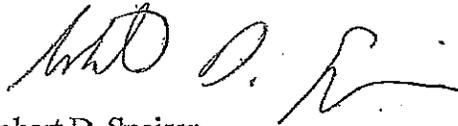
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Robert D. Speiser  
Chair, Acting Secretary

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Kaitlyn Silva 39 Bayberry Avenue, Provincetown, MA 02657	\$1500	\$500
Molly E. Stinson, 803 Commercial Street, Provincetown, MA 02657	\$1000	\$500
Bezie Tesson-Legnine, PO Box 627, Wellfleet, MA 02667	\$1000	\$500
Lydia Tesson-Legnine, PO Box 627, Wellfleet, MA 02667	\$1000	\$500
Michael J. Trovato, 73 Shank Painter Road, Provincetown, MA 02657	\$ 500	\$250
 Totals	 \$10,500	 \$5000



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

Monday, November 14, 2016

7A

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YEAR-ROUND MARKET RATE RENTAL HOUSING TRUST FUND

Discussion – Appointments and Process

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

**Discussion dependent – votes may be taken.**

Additional Information

See attached materials.

Board Action

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

---

## Chapter 305 of the Acts of 2016

### An Act Establishing a Year-Round Market Rate Rental Housing Trust Fund in the Town Of Provincetown.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. There shall be a municipal trust to be known as the Provincetown Year-round Market Rate Rental Housing Trust. The trust is established to create and preserve year-round rental units in the town of Provincetown including, but not limited to, market rate units, for the benefit of residents of the town.

SECTION 2. (a) The trust shall be managed by a 5 member board of trustees. In selecting members of the board of trustees, the board of selectmen shall:

- (i) designate 1 of its members to serve on the board of trustees;
- (ii) appoint at least 1 member of the public at large, preferably a resident who lives in year-round market rate rental housing in the town, to serve on the board of trustees; and
- (iii) consider a broad range of expertise, including education and experience in real estate development and financing, in appointing the remaining 3 members to the board of trustees.

(b) Members of the board of trustees shall be sworn to the faithful performance of their official duties. A majority of the 5 members shall constitute a quorum for the transaction of any business. The board of trustees shall elect from among its members a chairman, vice-chairman, clerk and other officers as it finds necessary and determine their duties.

(c) The original members of the board of trustees shall be appointed within 60 days following the effective date of this act. Of the members of the board of trustees first appointed, 1 member shall be appointed to serve for a term of 1 year, 2 members for a term of 2 years and 2 members for a term of 3 years. The initial appointments may be adjusted to coincide with the regular appointment cycle of the town. All terms thereafter shall be for 3 years. In the event of a vacancy on the board of trustees, a successor member shall be appointed to complete the unexpired term.

(d) Any member of the board of trustees may be removed by the board of selectmen for cause after reasonable notice and a public hearing by the board of selectmen, unless the notice and hearing are expressly waived in writing by the member subject to removal.

(e) The members of the board of trustees shall not receive compensation for the performance of their duties, but each member shall be reimbursed by the trust for expenses incurred in the performance of the member's duties. Documentation related to such reimbursement shall be open to public inspection from and after the requisition thereof.

SECTION 3. (a) There shall be a trust fund to be known as the Year-round Market Rate Rental Housing Trust Fund. The fund shall be separate and apart from the General Fund of the town of Provincetown.

(b) The town treasurer shall be the custodian of the trust fund.

(c) The trust fund shall receive and hold all gifts and grants made to the trust fund as well as money appropriated by the town to the trust. The trust fund shall also receive all revenues from the sale or lease of trust property and any rental income generated from properties in the custody of the trust.

(d) Money in the trust fund shall be available for expenditure by the trust for the purposes set forth in this act without the need for further appropriation by town meeting.

(e) By a 2/3 vote, the town may borrow money in aid of the trust, in accordance with chapter 44, to be used by the trust for any capital related purpose consistent with this act and for which the town is authorized to borrow.

(f) Funds previously appropriated by the town for the creation of year-round rental housing prior to the effective date of this act shall, by operation of law, be automatically transferred into the trust fund.

SECTION 4. (a) The trust, by and through its board of trustees, may:

(i) accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity or any other source;

(ii) purchase and retain real or personal property including, but not limited to, investments that yield a high rate of income or no income;

(iii) sell, lease, exchange, transfer or convey personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(iv) execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to a transaction in which the board engages for the accomplishment of the purposes of the trust;

(v) employ advisors and agents, such as accountants, appraisers and lawyers, as the board deems necessary;

(vi) pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(vii) apportion receipts and charges between incomes and principal as the board deems advisable, amortize premiums and establish sinking funds for such purpose and create reserves for depreciation depletion or otherwise;

(viii) participate in reorganization, recapitalization, merger or similar transactions, give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest and consent to a contract, lease, mortgage, purchase or sale of property, by or between a corporation and another corporation or person;

(ix) deposit any security with a protective reorganization committee and delegate to that committee such powers and authority with relation thereto as the board may deem proper and pay, out of trust property, the portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(x) carry property for accounting purposes other than acquisition date values;

(xi) borrow money on such terms and conditions and from such sources as the board deems advisable, and mortgage and pledge trust assets as collateral;

(xii) make distributions or divisions of principal in kind;

(xiii) comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, accept any property, either in total or partial satisfaction of any indebtedness or other obligation and, subject to this act, continue to hold the same for such period of time as the board may deem appropriate;

(xiv) manage or improve real property and abandon any property which the board determines is not worth retaining;

(xv) hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(xvi) extend the time for payment of any obligation to the trust.

(b) General revenues appropriated into the trust become trust property and may be expended without further appropriation. All money remaining in the trust at the end of a fiscal year, whether or not expended by the board within 1 year of the date the money was appropriated into the trust, shall remain trust property.

(c) The trust is a public employer and the members of the board are public employees for the purposes of [chapter 258 of the General Laws](#).

(d) The trust shall be deemed a municipal agency and the trustees special municipal employees, for the purposes of [chapter 268A of the General Laws](#).

(e) The trust is exempt from [chapters 59 and 62 of the General Laws](#), and from any other General Law concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or a political subdivision of the commonwealth.

(f) The books and records of the trust shall be audited annually by an independent auditor in accordance with generally accepted accounting practices.

(g) The trust is a public body for the purposes of sections 18 to 25, inclusive, of [chapter 30A of the General Laws](#).

(h) The trust is a board of the town for the purposes of [chapters 30B](#) and [section 15A of chapter 40 of the General Laws](#); provided, however, that agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said chapter 30B.

(i) The trust may procure insurance against loss in connection with its properties and other assets and operations in such amount and from such insurers as it deems desirable.

(j) The trust may act and do things necessary or convenient to carry out the powers expressly granted in this act.

(k) The board of trustees shall be considered a town board subject to the charter and by-laws of the town except as may be otherwise expressly provided in this act. The members of the board of trustees shall be considered municipal employees for the purposes of the General Laws.

SECTION 5. A year-round market rate rental housing project shall not be undertaken by the trust until a public hearing relating to the project has been held by the board of trustees after due notice. Further, after due notice, the board of trustees shall hold at least 1 public hearing annually to receive comments about its management and operations. Due notice of public hearings shall be given by the trust to the general public through a legal notice in 2 newspapers having a general circulation in the town published not later than 2 weeks prior to the hearing date.

SECTION 6. The financial records of the trust shall be subject to control and oversight by the town's finance department and subject to yearly audits by the accounting firm employed by the town for the purposes of the regular town audit.

SECTION 7. Year-round market rate rental units shall be rented giving the maximum preference allowed by law to: (i) current residents of the town of Provincetown; (ii) municipal employees; (iii) employees of local businesses; and (iv) households with children attending schools in the town of Provincetown. If there are more eligible applicants than available year-round market rate rental units, the trust shall utilize a lottery system to select tenants. The trust may enact regulations establishing additional preference criteria based on income eligibility. For the purposes of this act, the term "market rate" shall mean rental housing that is not restricted to occupancy by low or moderate income households, as those terms are defined in [section 38D of chapter 121B of the General Laws](#); provided, however, that market rate housing may be available for occupancy by households without regard to income and may also include housing subject to maximum income limits to be occupied by households with gross income greater than 80 per cent but not more than 200 per cent of the area median household income as most recently determined by the United State Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing alternative or additional definitions for "market rate".

SECTION 8. This act, being necessary for the welfare of the commonwealth and the town of Provincetown and its inhabitants, shall be liberally construed to effect its purpose.

SECTION 9. This act shall take effect upon its passage.

*Approved, November 3, 2016*

## Chapter 305 of the Acts of 2016

# An Act Establishing a Year-Round Market Rate Rental Housing Trust Fund in the Town Of Provincetown.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. There shall be a municipal trust to be known as the Provincetown Year-round Market Rate Rental Housing Trust. The trust is established to create and preserve year-round rental units in the town of Provincetown including, but not limited to, market rate units, for the benefit of residents of the town.

SECTION 2. (a) The trust shall be managed by a 5 member board of trustees. In selecting members of the board of trustees, the board of selectmen shall:

- (i) designate 1 of its members to serve on the board of trustees;
- (ii) appoint at least 1 member of the public at large, preferably a resident who lives in year-round market rate rental housing in the town, to serve on the board of trustees; and
- (iii) consider a broad range of expertise, including education and experience in real estate development and financing, in appointing the remaining 3 members to the board of trustees.

(b) Members of the board of trustees shall be sworn to the faithful performance of their official duties. A majority of the 5 members shall constitute a quorum for the transaction of any business. The board of trustees shall elect from among its members a chairman, vice-chairman, clerk and other officers as it finds necessary and determine their duties.

(c) The original members of the board of trustees shall be appointed within 60 days following the effective date of this act. Of the members of the board of trustees first appointed, 1 member shall be appointed to serve for a term of 1 year, 2 members for a term of 2 years and 2 members for a term of 3 years. The initial appointments may be adjusted to coincide with the regular appointment cycle of the town. All terms thereafter shall be for 3 years. In the event of a vacancy on the board of trustees, a successor member shall be appointed to complete the unexpired term.

(d) Any member of the board of trustees may be removed by the board of selectmen for cause after reasonable notice and a public hearing by the board of selectmen, unless the notice and hearing are expressly waived in writing by the member subject to removal.

(e) The members of the board of trustees shall not receive compensation for the performance of their duties, but each member shall be reimbursed by the trust for expenses incurred in the performance of the member's duties. Documentation related to such reimbursement shall be open to public inspection from and after the requisition thereof.

SECTION 3. (a) There shall be a trust fund to be known as the Year-round Market Rate Rental Housing Trust Fund. The fund shall be separate and apart from the General Fund of the town of Provincetown.

(b) The town treasurer shall be the custodian of the trust fund.

(c) The trust fund shall receive and hold all gifts and grants made to the trust fund as well as money appropriated by the town to the trust. The trust fund shall also receive all revenues from the sale or lease of trust property and any rental income generated from properties in the custody of the trust.

(d) Money in the trust fund shall be available for expenditure by the trust for the purposes set forth in this act without the need for further appropriation by town meeting.

(e) By a 2/3 vote, the town may borrow money in aid of the trust, in accordance with chapter 44, to be used by the trust for any capital related purpose consistent with this act and for which the town is authorized to borrow.

(f) Funds previously appropriated by the town for the creation of year-round rental housing prior to the effective date of this act shall, by operation of law, be automatically transferred into the trust fund.

SECTION 4. (a) The trust, by and through its board of trustees, may:

(i) accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity or any other source;

(ii) purchase and retain real or personal property including, but not limited to, investments that yield a high rate of income or no income;

(iii) sell, lease, exchange, transfer or convey personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(iv) execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to a transaction in which the board engages for the accomplishment of the purposes of the trust;

(v) employ advisors and agents, such as accountants, appraisers and lawyers, as the board deems necessary;

(vi) pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(vii) apportion receipts and charges between incomes and principal as the board deems advisable, amortize premiums and establish sinking funds for such purpose and create reserves for depreciation depletion or otherwise;

(viii) participate in reorganization, recapitalization, merger or similar transactions, give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest and consent to a contract, lease, mortgage, purchase or sale of property, by or between a corporation and another corporation or person;

(ix) deposit any security with a protective reorganization committee and delegate to that committee such powers and authority with relation thereto as the board may deem proper and pay, out of trust property, the portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(x) carry property for accounting purposes other than acquisition date values;

(xi) borrow money on such terms and conditions and from such sources as the board deems advisable, and mortgage and pledge trust assets as collateral;

(xii) make distributions or divisions of principal in kind;

(xiii) comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, accept any property, either in total or partial satisfaction of any indebtedness or other obligation and, subject to this act, continue to hold the same for such period of time as the board may deem appropriate;

(xiv) manage or improve real property and abandon any property which the board determines is not worth retaining;

(xv) hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(xvi) extend the time for payment of any obligation to the trust.

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(f) The books and records of the trust shall be audited annually by an independent auditor in accordance with generally accepted accounting practices.

(g) The trust is a public body for the purposes of sections 18 to 25, inclusive, of [chapter 30A of the General Laws](#).

(h) The trust is a board of the town for the purposes of [chapters 30B and section 15A of chapter 40 of the General Laws](#); provided, however, that agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said chapter 30B.

(i) The trust may procure insurance against loss in connection with its properties and other assets and operations in such amount and from such insurers as it deems desirable.

(j) The trust may act and do things necessary or convenient to carry out the powers expressly granted in this act.

(k) The board of trustees shall be considered a town board subject to the charter and by-laws of the town except as may be otherwise expressly provided in this act. The members of the board of trustees shall be considered municipal employees for the purposes of the General Laws.

SECTION 5. A year-round market rate rental housing project shall not be undertaken by the trust until a public hearing relating to the project has been held by the board of trustees after due notice. Further, after due notice, the board of trustees shall hold at least 1 public hearing annually to receive comments about its management and operations. Due notice of public hearings shall be given by the trust to the general public through a legal notice in 2 newspapers having a general circulation in the town published not later than 2 weeks prior to the hearing date.

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SECTION 8. This act, being necessary for the welfare of the commonwealth and the town of Provincetown and its inhabitants, shall be liberally construed to effect its purpose.

SECTION 9. This act shall take effect upon its passage.

*Approved, November 3, 2016*

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES - SPECIAL MEETING (ROUND TABLE)  
FRIDAY – JULY 29, 2016 – 10:00 a.m.  
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chairman Richter convened the open meeting at 10:03 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, Town Counsel John Giorgio, Town Planner Gloria McPherson, Housing Specialist Michelle Jarusiewicz, Finance Committee Chairman Mark Hatch, Douglass Cliggott, Paul DeRuyter, and Abigail Chapman from the Community Development Partnership.

Recorder: Loretta Dougherty

**1. Round Table discussion on the Year-round Market Rate Rental Housing Trust Fund:**

**Raphael** stated that the bill has passed the House but will most likely not be voted on until after the elections. A copy of the bill may be found at the Town's website under the Board's agenda packet.

**John Giorgio** worked with the Finance Committee and the document in its proper legal form was sent in. It is winding its way through the legislative process now. The idea is to create a structure in Provincetown that would help with year-round market rate housing. It is modeled after the affordable housing general legislation. It is declared to be a valid public purpose and you can expend money for this purpose. It creates a five-member Board of Trustees and the concept is this entity would have authority to identify various opportunities to create market rate rental housing. Town Meeting has appropriated funds for the benefit of the Trust to create year round units. The funds would be transferred by operation of law into the Trust as soon as it is signed into law.

**Raphael** wants the goal for today to be talking about organization. What is it going to look like? How will we use the \$1.5 million given by the Town for this trust?

**David P.** put this question to members of the Urban Land Institute (ULI) panel and asked how best to make this happen. The members will put their ideas into their draft and he will update the Board as soon as the ULI gives him the report.

**Tom** stated that it does not address issues of revenue; should it operate with some amount of reserves? What is the expectation; costs of units; affordability of the occupant; how the rent will be set; condo units handled one way for maintenance, etc. These things need to be more clearly defined.

**John** stated that the Trustees will determine what types of expenditures there will be. The Trust can borrow money and acquire property. In the beginning there may be a need for additional revenue outside of what the Trust can actually raise.

**Cheryl** stated that this is cutting edge; the concept of this being public purposed.

**John** agreed that no other town is doing this; it is cutting edge. This has been discussed with the Dept. of Revenue. The bill contains that it is a valid public purpose.

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**Cheryl** wondered if we could lay out a chart that would compare the Provincetown Public Pier Corp and Housing Authority and this Trust so she can compare what the similarities and differences are. How do you dissolve this Trust?

**John** stated that the PPPC has a process to dissolve through a town meeting vote. This would have to be done by another act of the Legislature. Where do the funds and assets go if it were dissolved? Any alternate use would have to go through the legislative process. This bill is similar more to the Housing Authority.

**David P.** suggested that this is a publicly chartered entity; a trust with powers and duties of the municipality to appoint the Board.

**Paul** is concerned as is how we would identify the path to be taken by this Trust; its use or the monies. He wants to ensure a level of productivity and have it engaged as a public/private partnership.

**John** believes that in using these dollars wisely consistent with the legislation the Trust could acquire a restriction on a piece of property maintained as a rental unit with a formula as to rents could be charged. Still privately owned but held by the Town by restriction.

**David P.** stated that if the Trust can do that then it can purchase a fractional interest in real estate or new real estate. He asked if there was any clear definition of what it could not do regarding real estate.

**John** stated that there are no restrictions.

**Doug** pointed out that a lot of time was spent on who this is for, what did they want and what they can afford and then we witnessed what happened at town meeting. One class of individuals' hope to target this for people who work for the Town and who cannot afford to live here such as our firemen, policemen, teachers, and town workers. He wants to survey all town employees asking them about what kind of housing they are interested in having and what they can afford. He believes that this trust is to provide good living space to people we want to live here year round. Other ideas the FinCom had when he was a member was that the Town seemed to be biased against buying existing units rather than being in new investment properties. From an investment standpoint it is a good idea to have a diversified portfolio such as buying some housing so that over time they will be paid for. It may take 20 years. Another was the financial structure; how much should be borrowed; pay someone for the debt services. Buy at the lowest possible prices for people who want it.

**Tom** stated that at the end of 40 years the Town will have an asset.

**Mark** stated that FinCom calculated that if the town purchased property it was equity; they tried to level debt out of it. What is the operating cost of the Trust on an ongoing basis regarding rent? It is pure operating costs?

**David P.** stated that it is equity for the Trust and revenue for the Town. The Town might have to get debt on something else because the Town only has so much cash.

**Paul** stated that it is not just equity; it is equity, debt and private capital. Private capital can go a long way. The Trust must be defined in a transparent and clear way. Where is the justification when you give this property to one person but another does not get it? Investment and return can be massaged. The Trust needs to be able to defend itself.

**John** believes that in terms of the Town providing funds to the Trust using free cash would be no problem. The Town can appropriate it through town meeting. If you want to borrow using general obligation bonds you will have to go through a number of steps, but the town could acquire an interest in the property and it would be deal specified; joint interests held by both the Town and the Trust.

**Mark** stated that it is not a problem with income but rather market failure. The only way to correct it is to go into the market and try to undo the distortion to some degree. On the affordable end we have it covered.

**Paul** believes that time is an issue. The issue of time is such high risk for Provincetown. Private capital and how it might play a significant role in subsidizing should be considered. There is pool of private capital in the form of employers who have a vested interest in having people available year round to help the economy work.

**Raphael** stated that we only have \$1.5 million and we can talk about strategy. He believes that the Trust can do both as it relates to deed restrictions and a public/private basis of operation. We can use multiple approaches.

**Doug** stated that the goal would be a line item in the Town's budget; like contributions to police payroll. A fixed dollar amount was not the point. We are looking at a long time to get out of this market debacle.

**Raphael** asked for the next Round Table to be scheduled for Friday, September 9<sup>th</sup> at 10:00 a.m. The ULI report should be digested by then. At this point, the panel will consist of: Chairman Raphael Richter, Selectman Thomas Donegan, Selectman Cheryl Andrews, Selectman Robert Anthony, Town Manager David Panagore, Assistant Town Manager David Gardner, Town Planner Gloria McPherson, Housing Specialist Michelle Jarusiewicz, FinCom Chairman Mark Hatch, former FinCom member Douglas Cliggott, Town Counsel John Giorgio, Paul DeRuyter, and Abigail Chapman from the Community Development Partnership.

**David P.** will be putting together the process for moving forward.

**Cheryl** wants to see comparisons of the Provincetown Public Pier Crop., the Provincetown Housing Authority and the Year-round Market Rate Rental Housing Trust Fund.

**Raphael** wants to just have a small concise summary of the comparison.

**John** will put together the comparisons and also add the Affordable Housing Trust.

**Raphael** asked Mark Hatch to be the Board Liaison and an email string of all panel members will be sent to both Raphael and Mark.

The Board will be looking at setting some policies and goals for this Board along with a Mission Statement as to what exactly the goals will be.

**2. Other:** None.

Without objection Raphael adjourned the meeting at 11:41 a.m.

Minutes transcribed by: Loretta Dougherty

**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**

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**

Monday, November 14, 2016

**7B**

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## BOARD OF SELECTMEN

### Secretary Search Committee Process

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

#### Proposed Motion(s)

**Discussion dependent. Votes may be taken.**

#### Additional Information

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, 12<sup>th</sup> 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**

Monday, November 14, 2016

7C

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## TOWN MANAGER'S REPORT

### Administrative Updates

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

#### Proposed Motion(s)

**Discussion dependent – votes may be taken.**

#### Additional Information

- i. Update on FEMA - \$93,970 approved for the 2013 storm.
- ii. Discussion of potential articles before the 2017 Spring Town Meeting.
- 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>

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INTEROFFICE MEMORANDUM

TO: DAVID PANAGORE, TOWN MANAGER

FR: REX MCKINSEY, HARBORMASTER; PETER O'CONNOR, CONSULTANT

DATE: (~~NOVEMBER~~ UPDATE) **DRAFT FOR POLICY DEVELOPMENT & DISCUSSION**

Deleted: SEPTEMBER

RE: SUMMARY OF FEMA CLAIMS FOR 2013 and 2015 STORMS

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Attached are status summaries for project funding claims to FEMA, for work on McMillan Pier related to the 2013 and 2015 storms. There are five separate claims (Project Worksheets). Three related, smaller, claims have been combined on a single summary sheet.

The steps in the FEMA process are as follows:

- 1.) The Project Worksheet is completed by FEMA for each claim, with information about the project design and cost provided by the Town.
- 2.) Environmental and Historic Resource Review is begun by FEMA. This review is coordinated with any Army Corps environmental review.
- 3.) Form 90-91 (Summary Sheet) is completed for the project and the Form and Project Worksheet backup undergo review by FEMA and MEMA. The types of review include: Initial Review, Insurance Review, QAQC Review, Mitigation Review (is the project resilient and is it cost effective), Environmental and Historic Preservation Review, Final Review. Projects designed to protect against future damage also undergo a Cost-Benefit Analysis.
- 4.) An Obligation Letter and MEMA Contract are issued obligating funds for the project, with terms between the Grantee (MEMA) and the Sub-grantee (Town). FEMA pays 75% of eligible project costs, with the Town responsible for the remainder.
- 5.) The Town executes the MEMA Contract.

6.) The Town submits paperwork showing funds expended (or obligated, in some cases where forward funding is allowed) to FEMA and MEMA for reimbursement.

7.) FEMA remits funds to MEMA, who in turn remits funds to the Town.

## Status of Project Worksheets 887-888-889 (2013 Storm).

### Description and Estimated Cost of Work:

PW 887 describes repair and replacement of pilings. The total estimated cost of the work was \$88,467.

PW 888 describes the emergency repair of docks. The total estimated cost of the work was \$36,231.

PW 889 is for dredging. The total estimated cost of the work was \$23,125.

### FEMA/MEMA Grant Status:

1.) The Project Worksheet is complete.

2.) Environmental Review (EHP) review is complete. At the September 13 meeting of the Town and FEMA, it was decided that the Army Corps "maintenance permit" for the Pier covered the work under these Project Worksheets and FEMA would accept evidence that the work had been done in accordance with that permit as adequate EHP review. The Town provided the necessary "self-verification" forms to FEMA on September 15.

3.) Form 90-91 (Summary Sheet) is complete.

4.) Obligation Letter and MEMA Contract is not complete:

FEMA has not issued an obligation letter for these PW's. FEMA would not give a firm time line for issuing the letters, but indicated in July that it was imminent. In a call on August 12, FEMA expected an obligation letter to be issued for PW 888 by the end of September. At the September 13 meeting, it was agreed that the EHP Review would be satisfied for PW 887 and 888 upon the Town's provision of the permitting forms referred to in Paragraph 2, above, which has been completed. In a call on Sept. 28, Bill Chase of FEMA indicated that these were in "final" review, and MEMA would be authorized to issue the commitment letter and begin the contracting process with the Town "within days, if not hours." This was confirmed in a call with Fred Vanderschmidt, FEMA Region 1 Deputy Director, also on Sept. 28.

5.) MEMA Contract has been executed for PW 887 and 888. PW 889 has not yet been permitted, and is part of the Army Corps permit application for the larger pier construction and wave attenuator project, so has not yet been approved or have a MEMA Contract.

Deleted: not

Deleted: :

6.) Reimbursement paperwork has been submitted.

Deleted: MEMA has not provided the Town with a draft contract. After FEMA give its final approval (imminently, see above) MEMA does its review and sends a contract to the Town. The next step is to obtain MEMA's approval and execute the contract.

7.) Reimbursement has not been received, but should be received shortly. The amount of reimbursement from FEMA/MEMA for PW 887 and PW 888 is 75% of eligible costs, which equals \$93,946.08.

Deleted: not

Environmental Permitting Status:

All necessary permits have been obtained, except for PW 889, which is tied up with the permitting for the larger project.

Progress of Work:

The work has been completed.

## Status of Project Worksheet 722 (2015 Storm).

### Description and Estimated Cost of Work:

PW 722 describes fender piles, floating finger piers, and water lines, damaged in the 2015 blizzard. The total estimated cost of the work is \$296,795.

### FEMA/MEMA Grant Status:

- 1.) The Project Worksheet is complete.
- 2.) Environmental Review (EHP) review is complete – no adverse impacts found.
- 3.) Form 90-91 (Summary Sheet) is complete.
- 4.) Obligation Letter and MEMA Contract is not complete:

FEMA has not issued an obligation letter. FEMA would not give a firm time line for issuing the letter, but indicated in July that it was imminent. This one has not gone to “final” review, unlike PW 887 and 888, but Bill Chase indicated in a call on September 28 that there was no reason it could not advance to final review. FEMA Region Deputy Director Fred Vanderschmidt confirmed that everything has been provided to FEMA for this Project Worksheet, the EHP review is complete and it can advance to final approval.
- 5.) MEMA Contract has not been completed.
- 6.) Reimbursement paperwork has not been submitted.
- 7.) Reimbursement has not been received

### Environmental Permitting Status:

All necessary permits have been obtained.

Progress of Work:

The finger piers and water line work has been completed at a cost of \$21,060.  
The remainder of the work is expected to be complete in September of 2016.

## Status of Project Worksheets 767 (2013 Storm).

### Description and Estimated Cost of Work:

**PW 767** describes the vast majority of the work related to the 2013 storm. The estimated cost of the work is \$1.7M for the floating docks and \$2.9M for the wave attenuator.

### FEMA/MEMA Grant Status:

- 1.) The Project Worksheet was expected to be complete by the end of August although it has not been completed as of today's date. In a call with Bill Chase, FEMA project manager, on Sept. 28, he indicated that he had additional questions based on the site visit of Sept. 13, and would add those to the spreadsheet he recently provided, listing all open questions about the proposal. He did also raise for the first time the question of whether the steel piles, which apparently were not damaged in the event but are proposed to be replaced with larger piles will qualify as "replacements" or are more property "improvements." He promised an updated, comprehensive list of open questions that must be addressed before FEMA review can be completed. The Town and its representatives will need to meet with FEMA to get through this list so the review can proceed. The wave attenuator portion, in particular, will undergo a Cost Benefit Analysis because it is intended to prevent future damage and not a replacement of damaged facilities.
- 2.) Environmental Review (EHP) review is under way but not complete.

This project requires an Army Corps permit. A site visit was held at the Pier on September 13, 2016, at which Army Corps representatives as well as representatives from other federal agencies expected to comment on the application were present. The Harbormaster, Rex McKinsey, and the Town's consulting engineer, Russ Titmuss of Bourne Engineering, were present to walk people through the plans and answer their questions about the proposal. In the discussion that was held at Town Hall afterwards, the

Army Corps indicated that generally the Town could expect the permitting process to be completed within six months to one year, but the lead staff person for the Army Corps stressed that she expected it to be completed "closer to six months."

3.) Form 90-91 (Summary Sheet) is not complete. FEMA has many outstanding questions about the proposal.

4.) Obligation Letter and MEMA Contract is not complete. In a call with FEMA Region 1 Deputy Director Vanderschmidt on September 28, he indicated that in a "best case" scenario, final FEMA approval might be granted for this work in about nine months from today. He indicated that, once FEMA has everything they need to do their review (including a complete EHP review), they generally take 60 days to grant final approval (see Paragraph 1, above).

5.) MEMA Contract has not been executed.

6.) Reimbursement paperwork has not been submitted.

7.) Reimbursement has not been received.

Progress of Work:

The work is at the 90% design stage.

**Potential Items**  
**2017 Spring Town Meeting Warrant**

***Town Meeting is both an event and an entity. As an event, it is a gathering of a town's eligible voters. As an entity, it is the legislative body for Town. Town Meeting decides two major things:***

- 1. It votes to appropriate money to run the town.***
- 2. It votes on the town's local statutes, which are called by-laws.***

**Special Town Meeting – Monday, April 3, 2017**

1. FY 2017 Budget Adjustments.
2. Charter Commission Expenses
3. MacMillan Pier Floating Docks and Wave Attenuators

**Annual Town Meeting – Monday, April 3, 2017**

**Regular Agenda - Reoccurring Items**

1. To Hear Town Reports
2. FY 2018 Operating Budget.
  - Move Grants & Housing Specialist into the 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.

**New or Proposed Articles**

1. Adoption of Workforce Housing Tax Assessment Plan (VFW)
2. Housing Playbook Acceptance/adoption
3. Action on VFW Site (placeholder)
4. Adopt local option tax for Marijuana
5. Proposed Adjustment to Tax Billing Cycle
6. Veteran Assistance Fund Check-off local acceptance for property tax or motor vehicle excise
7. Establish a Parking Enterprise Fund (cost allocation/accounting )

**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
9. Solar Energy Betterment (Chapter 188 of Acts of 2016)
10. Condo Conversion By-law

## **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 Food Trucks
6. Zoning By-law Urban Farming
7. 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.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, November 14, 2016

7D

## OTHER

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

**Discussion Dependent – votes may be taken.**

Additional Information

Board Action

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



Provincetown Board of Selectmen

**AGENDA ACTION REQUEST**

Monday, November 14, 2016

8

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## MINUTES OF BOARD OF SELECTMEN'S MEETINGS

Requested by: BOS Secretary

Action Sought: Approval

### Proposed Motion(s)

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

- |                              |                          |            |                          |                       |
|------------------------------|--------------------------|------------|--------------------------|-----------------------|
| January 13, 2015 (Budget)    | <input type="checkbox"/> | as printed | <input type="checkbox"/> | with changes so noted |
| September 16, 2016 (Special) | <input type="checkbox"/> | as printed | <input type="checkbox"/> | with changes so noted |
| September 27, 2016 (Regular) | <input type="checkbox"/> | as printed | <input type="checkbox"/> | with changes so noted |

### Additional Information

See attached minutes.

### Board Action

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

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES  
FISCAL BUDGET MEETING  
TUESDAY - JANUARY 13, 2015 – 4:30 PM  
JUDGE WELSH ROOM - 260 COMMERCIAL STREET  
DRAFT**

Chairman Tom Donegan convened the meeting at 4:30 PM noting the following attendees:

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

Other attendees: Acting Town Manager David Gardner, Acting Assistant Town Manager Michelle Jarusiewicz, and Finance Director Dan Hoort.

Recorder: Loretta Dougherty

Finance Committee Vice Chairman Doug Cliggot convened the meeting at 4:30pm noting the following attendees: FinCom members: Doug Cliggott, Mark Hatch, Duane Steele, Clarence Walker, Louise Venden, and Stanley Sikorski.

Excused absentee: Michael Canizales

**1. Joint Meeting with Finance Committee to Review the FY2016 Budget:**

The following are meeting minutes, in brief:

**GENERAL GOVERNMENT**

**113 Elections & Town Meetings – Town Clerk – (\$12,369):**

This budget covers elections and Town Meetings and can go up and down depending on the number of elections and Town Meetings held within the year.

Erik asked to look into electronic voting for Town Meetings. He believes this could make our meetings faster and more efficient.

Doug Johnstone, Town Clerk wrote a memo to the Board last May which reflected estimates from other towns similar to Provincetown at approximately \$34,000.

Cheryl wants to have an agenda item looking at seating in the auditorium and how that might impact attendance.

**MOTION: Without objection the Board approved 113 as part of the BOS budget, as presented.**

**161 Town Clerk – Town Clerk – (\$118,420):**

Expenses to cover printed copies of documents went up from \$2,000 to \$2,400. Otherwise the budget was only increased by the yearly payroll raises.

**MOTION: Without objection the Board approved 161 as part of the BOS budget, as presented.**

**123 Town Manager – Acting Town Manager – (\$308,665):**

The Town Manager's salary was changed to \$140,000 from the recommended \$149,003. The Board discussed the cost of living and how expensive it is to live in Provincetown. The Finance Committee members were listening and will make their own decisions on the budget when they meet.

**MOTION: Move that the Board of Selectmen reduce the number in A1 to \$140,000.**

**Motion: Cheryl Andrews**

**Seconded: Robert Anthony**

Tom asked to move the \$9,000 originally included in this A Budget into the B6 Budget.

Raphael agreed with Tom's proposal.

Cheryl has never heard of anyone getting a bonus in the first year. If an increase is given it should be put in the next year's budget.

**5/0/0 Motion passed.**

**MOTION:** Move that the Board of Selectmen increase line B6 by \$9,000.

**Motion:** Tom Donegan

**Seconded:** Raphael Richter

Dan stated that he will add a separate line entitled A5 Other Compensation.

**Amended MOTION:** Move that the Board of Selectmen add to line A5 Other Compensation the amount of \$9,000.

**Motion:** Tom Donegan

**Seconded:** Raphael Richter

Tom believes that our Town Manager has a much bigger job than most other towns on the Cape.

Cheryl wanted to know if this line would be in the budget every year.

Tom stated that future increases will be on a merit base to be established by the Board.

**4/1/0 (Cheryl Andrews) Motion passed.**

Erik left the room at 5:40 p.m.

**MOTION:** Move that the Board of Selectmen add 123 as part of the BOS budget, as amended.

**Motion:** Raphael Richter

**Seconded:** Robert Anthony

**3/1/0 (Cheryl Andrews) Motion passed.**

Erik returned to the meeting at 5:43 p.m. The Board explained the vote they had taken without Erik and then the Board reconsidered the vote so Erik could vote on it.

**Reconsidered MOTION:** Move that the Board of Selectmen approve 123 in the amount of \$308,662 as part of the BOS budget, as amended.

**Motion:** Raphael Richter

**Seconded:** Robert Anthony

**4/1/0 (Cheryl Andrews) Motion passed.**

**151 Legal Services – Acting Town Manager – (\$230,000):**

There was a decrease of \$6,609. The Board agreed that \$230,000 is appropriate.

Tom believes that we do call our attorneys quite frequently and would like to see lower legal fees and perhaps bargaining agreements considered for each issue.

Cheryl would like to know when we last received a report from Town Counsel.

David believes the last report received was in June of 2014.

Erik believes our track record with them is very solid.

**MOTION:** Without objection the Board approved 151 as part of the BOS budget, as presented.

**156 General Government – Acting Town Manager – (\$59,590):**

This provides for certain town-wide activities such as postage, legal and classified advertising and for the Town Hall photographer, fax machine, folding machine and office supplies. This is level funded.

Tom asked where MIS is budgeted.

Dan answered under Finance 136.

**MOTION:** Without objection the Board approved 156 as part of the BOS budget, as presented.

**482 Airport Commission – Airport Manager, Airport Commission – (\$98,450):**

Butch stated that there were no major changes. Line item B3 was increased by \$5,000 for ongoing maintenance of the generator, heating, air conditioning, and electrical systems, grounds clearance, and having a reserve for unanticipated repairs to airport buildings, the hangar and equipment due to aging and wear and tear to same. Line item B4 for contractor services was increased by \$500 for wages for snow plowing, operations, maintenance and safety personal when needed. This is largely driven by the amount of snowfall. Line item B6 for airport security was decreased by \$5,000. There were no further changes.

There were conversations on who is responsible for covering the costs for the different types of maintenance done at the airport. The Board was told that TSA requirements require a sworn police officer with the ability to make arrests must be present at the airport during the boarding/unboarding of passengers. The Board asked the Finance Committee to look a little closer at the reimbursements from the federal government for projects that are done at the airport and the monies being paid directly to the Provincetown airport for those projects.



**610 Library – Acting Library Director – (\$315,994):**

Acting Library Director Matt Clark noted two changes in the A Budget due to payroll increases. No major changes to the budget.

A brief discussion was held regarding the part-time employee hours of work being mostly done by those individuals who are supplementing their retirement. The library is open seven days per work and there are a number of shifts. Everyone is really pleased with the job that Matt is doing at the library as the Acting Library Director. Some discussion was held regarding the possible need for a master's level experienced librarian. It was noted since our population is fewer than 10,000 we would not lose any state funding should we not have a master's level librarian.

Tom noted that our library is getting a lot of good media coverage and would like to discuss other issues concerning the library at a later date and focus on the budget before the Board.

**MOTION:** Move that the Board of Selectmen approve 610 as part of the BOS budget, as presented.

**Motion:** Cheryl Andrews

**Seconded:** Robert Andrews

4/1/0 (Erik Yingling) Motion passed.

Tom asked Dan to bring Schedule C tomorrow for budget review and Dan said that he would.

**630 Recreation - Recreation Director – (\$174, 125):**

Recreation Director Brandon Motta appeared before the Board. The A budget reflects the Schedule C Plan increases for raises. The B budget was level funded. Since moving to the VMCC their programs have taken off. This past summer 167 children showed up for their programs. You do not need to be a Provincetown resident to participate in the programs being offered. The Board congratulated him on the success of the programs.

Erik was concerned that the hourly employees were not being paid enough and asked that an increase for them be considered in the future.

**MOTION:** Move that the Board of Selectmen approve 630 in the amount of \$174,125 as part of the BOS budget.

**Motion:** Raphael Richter

**Seconded:** Robert Anthony

4/1/0 (Erik Yingling) Motion passed.

**DIVISION II. FINANCE**

**135 Town Accountant – Director of Finance – (\$238,509):**

Budget A was increased according to the Schedule C Plan raises.

**MOTION:** Without objection the Board moved to make 135 part of the BOS budget, as presented.

**136 Information Services – MIS Director - (\$511,955):**

Beau Jackett MIS Director FY2016 stated that the MIS budget is unchanged for the most part. The A budget was set by the Schedule C Plan. The line item B8 was increased to support the goal of adding email accounts for board members and to support our email infrastructure being moved to the cloud in a hosting environment. There was a lengthy discussion regarding the possibility of moving to Goggle applications from Microsoft. Beau will bring back comparisons so that there is no probability that two disjointed systems would be used, with the staff using one system and the board members using another system. There will be further discussions regarding use of the internet and how to conduct business along with any policies that may need updating.

**MOTION:** Move that the Board approve 136 in amount of \$511,555, as presented.

**Motion:** Erik Yingling

**Seconded:** Raphael Richter

3/2/0 (Cheryl Andrews Tom Donegan) Motion passed.

**141 Board of Assessors – Principal Assessor – (\$245,116):**

Scott Fahle the Principal Assessor appeared before the Board. Budget A increased based on the contractual obligations for payroll. Line B1 Contractual Services – Professional increased by \$2,025 with everything else remaining the same in the B budget

Tom asked if this is the GIS.

Scott told the Board that the GIS is in the IT budget.

**MOTION: Without objection the Board moved to approve 141 as part of the BOS budget, as presented.**

**145 Treasurer-Collector – Treasurer – (\$199,294):**

Treasurer Connie Boulos and Collector Jim Denietolis appeared before the Board.

Connie stated that the budget is somewhat similar to past years but there are some changes in the personnel services. The A2 clerical position increased by \$1,000 based on the union contract. Line B1 for bookbinding increased by \$1,000. Line B4 for postage increased by \$500. It goes up every year. Line B8 for miscellaneous travel decreased by \$250. They are trying to promote online payment services for residents to pay their taxes.

Raphael is excited about online payments. He wanted to know if it takes off will parking permits and other permits be added for online payments.

Connie stated that it would be possible.

Tom would also like to see parking tickets come through this department.

Dan stated that in 2014 630 payments were done online. There are two billing cycles; one for property taxes and one for water/sewer.

**MOTION: Without objection the Board moved to approve 145 as part of the BOS budget, as presented.**

**710 Debt Services – Treasurer – (\$2,063,551):**

Treasurer Connie Boulos stated that there has been an increase in debt services from last year because in FY2016 we will be going out for bond. The general fund debt service cost of \$2,063,551 is 8.32% of the total projected FY2016 general fund revenues (\$24,784,796).

**MOTION: Without objection the Board moved to approve 710 as part of the BOS budget, as presented.**

**820 Tax Title Treasurer – (\$19,000):**

This is basically the same as 2014. Town Counsel gets involved from time-to-time and then a list is prepared and letters sent out to residents asking them to get current or come to Town Hall and set up a payment plan.

**MOTION: Without objections the Board moved to approve 820 as part of the BOS budget, as presented.**

Dan wants to have a meeting with the Board of Selectmen and Finance Committee to discuss what to do regarding the outstanding tax titles. We do not foreclose on residents at the moment and some of them are on payment plans. Residents know that we do not foreclose.

Cheryl wants an Executive Session on this issue. She would like to see the tax title list.

Tom asked to hold an Executive Session on March 9<sup>th</sup> re: litigation regarding the tax title issue.

**910 Retirement/Benefits/Insurance – Finance Director – (\$6,362,952):**

Finance Director Dan Hoort appeared before the Board. Line B1 for health insurance is a major part of the budget. Preliminary estimate from CCMHG is a 15% increase from FY2015 premiums. We adjusted down to a 10% increase. The requested OPEB contribution in FY2015 was increased by 2.5%. They are looking at other insurance companies to determine if the town can get the same benefits at better rates. Line item B8 for the retirement assessment was increased by 7%.

Erik wanted to know what employee bonds were.

Dan explained that it is for anyone who handles money. They are required to be bonded.

Raphael wanted to know how many vehicles we insure and why the amount goes up every year.

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Dan did not know the exact number of vehicles but due to the fleet having newer vehicles the premiums are higher.

Tom would like to see the Board of Selectmen added to the town's health insurance plan. Other towns do this and it is a good incentive for future boards.

Erik stated that he is employed and has to move his work schedule around in order to be a Selectman. He believes that having insurance would make it more attractive to other people.

Raphael has often thought about this. He feels that the Selectmen are expected to put in a lot of time. In order to have this position more attractive to a wider range of individuals from all walks of life this seems like a good incentive.

Cheryl stated that the Assembly of Delegates offered health insurance. The county split the cost at 75%-25%. She lost her health insurance when she left the county. She believes that at one point the Selectmen did receive insurance and she is not sure when and why it was stopped.

Robert remembers when the Board of Selectmen received a \$5,000 per year stipend and also received insurance. He will support this and believes it will be a good incentive for any new people who are interested in becoming a Selectman.

**MOTION: Move that the Board of Selectmen approve 910 in the amount of \$6,362,952 as part of the BOS budget, as presented.**

**Motion: Raphael Richter  
5/0/0 Motion passed.**

**Seconded: Erik Yingling**

**2. Other: None.**

Without objection meeting was adjourned at 8:42 pm.

Minutes transcribed by: Loretta Dougherty

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**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES - SPECIAL MEETING (ROUND TABLE)  
FRIDAY – SEPTEMBER 16, 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, Town Clerk Doug Johnstone, Town Planner Gloria McPherson, DPW Director Rich Waldo, John Golden, Rick Murray, Steve Katsurinis, John Goodrich, Gail Cohen, and Chris Snow.

Recorder: Loretta Dougherty

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

A. *Letter to Governor Charles Baker to recommend the appointment of Francine Coco as the State Representative to the Provincetown Housing Authority.*

B. *Reconfirming vote of the Provincetown 400 – First Pilgrims' Landing Park Grant Agreement.*

**MOTION:** Move that the Board of Selectmen reconfirm the vote to approve the Agreement with the Pilgrims' First Landing Park, acting as fiduciary of Provincetown 400, in the amount of \$47,188.00, for the purpose of employing a part-time Executive Director for Provincetown 400.

C. *Reconfirming vote of the MassDEP Water Management Act Grant Program Application. (See Addendum 1-Handout).*

**MOTION:** Move that the Board of Selectmen reconfirm the vote to approve the Town's participation in the MassDEP Water Management Act Grant Program in the requested amount of \$94,500 for unaccounted for water reduction and water main assessment.

Without objection the Board approved the Consent Agenda unanimously.

**1. Round Table Discussion on Civic Engagement and Town Meeting Attendance:**

David P. gave a brief overview of the year-long civic engagement process that is designed to inform citizens early on concerning complex issues along with potential solutions that will be on the Warrant for Town Meetings. The hope is to address any problems that have been identified during the civic engagement meetings to better clarify and improve the issues being brought to the Town Meetings. He stated that Nantucket starts their planning early in the fall. The Board of Selectmen and voters determine what goes into that process. There was proposed a Town Forum to be held sometime in mid-November that will provide attendees with brief presentations and allow for small group discussions on the more controversial or complex items being considered for the upcoming Town Meeting. Public dialogue and feedback between now and Town Meeting will enhance the traditional pre-Town Meeting communications that already exist. There will also be new social media and online dialogue tools made available. We are trying to be creative in the context of known traditions and to distinguish between the discussion and solution by putting before the public as many facts, data and information.

John Goodrich stated that this first year-long civic engagement process will be a much shorter process as we have started later. This meeting will be one designed for feedback, engaging, informing and involving participants leading up to the Town Meeting. The Town Manager will form an Advisory Committee who will coordinate the Civic Engagement Forums. At the Town Forum presentations individual tables will be assigned so that each table will talk about different items. Controversial issues gets people engaged and any modifications that can be offered will help build a strong consensus so that more people can be informed at the Town Meeting. After the small group discussions there will be open mike discussions that may be recorded for replay throughout the winter. A month or so before Town Meeting you can hold other forums and perhaps live stream those forums. This would help those voters who are not in Town right before Town Meeting is held to be more informed. There will be people attending the Town Meeting who do not know about an article until they get there and the people who are informed can stand up and be supportive of the articles. We are modifying some of the old ways that outreach has been done in the past. If there is an interest we will provide remediation training for staff and anyone who would be giving presentations.

David P. pointed out that this is not a mini- town meeting. Questions will be directed to what is not understood about an issue or what pieces might be missing. If there is something missing, it would be determined what change could be made in order to make an informed decision.

The complete proposed plan brought before the Board tonight may be viewed in its entirety in the Board of Selectmen's agenda packet.

Robert wanted to know what issues would be discussed at the Town Forum and David P. directed the Board to page six which listed the town government categories, topic categories, possible town meeting articles and what would be discussed at the Town Forum.

Tom would like to see a better process around the CIP and budget. We have never had any conversations on the budgets and the CIP is discussed as a curiosity. What has engaged Town Meeting has been zoning and the housing crisis.

Cheryl wants to be clear on everything before we hold a Round Table on what items we are going to be discussing. She wants to talk about what is unsuccessful, how we can do a better job of informing the public and determine if we have enough of a consensus before any article is put on the warrant. The concept of having ambassadors appeals to her. She wants to have people come to the town meeting who support articles other than just the Board of Selectmen and Board Chairs. She wants to know how we get the people who are always talking at Town Meeting to meet with staff so that complicated questions are answered before Town Meeting.

David P. views his role as not imposing just one solution on anyone. When people ask questions it changes the way we move forward. He views this as a set of problems with a draft conception; what needs to be changed to make it more acceptable to people at Town Meeting.

Erik agreed with Cheryl. We need to focus to what we are not good at; zoning articles and real estate transactions. He wants to be more specific on what is coming to Town Meeting. We have to go to where people are to educate them well beforehand so people can digest what is being brought before them. Some people are good at persuading others. He wants to work on our tactics.

Steve K. believes that problems happen between the drafting of the warrant and the preparation period. He likes the idea of doing an earlier process. Between this and warrant being drafted there needs to be things written on paper and questions can then be answered.

Rick M. agreed with everyone who has spoken. He wanted to know if we have considered moving the Town Meeting to May. He thanked the Board for inviting the public to this meeting. He believes the earlier you start the process the better it is for everyone. Press releases and newsletters sent out at the first of the year, after the holidays would be a good way to get people's attention. The lay person does not understand a Bylaw. Tackle things more strategically and be as transparent as soon as possible. Maximize the back and forth at Town Meeting. There will always be those individuals who will try to sabotage an article.

Gloria stated they had a visionary forum that was successful. She did flyers and brochures and mailed them to licensing addresses obtained from our Licensing Agent. She suggested doing one big push. At their meeting on March 15<sup>th</sup> they had 150 people in attendance.

Gail knows many people who stay here in the summer but have their primary residence elsewhere. They care very deeply about Provincetown. She would like part-time, second homeowners sent notices and newsletters to at least keep them informed. This affects them as well even though they do not have their primary residence here. She thinks this is really a good idea and much needed. She believes it will produce results.

Raphael likes the idea of having ambassadors. The idea of a Town Forum is a way to draft the ambassadors to be invested from the beginning. He supports the idea of the Forum and having controversial issues focused on.

Tom would like to get a survey from people regarding their thoughts on our last Town Meeting. He would also like to see us look at getting comfortable chairs and recommended that we discuss it during the budget process. It is really something that needs to be addressed.

Cheryl believes that people will show up if they know what they are going to get for what is being presented. She notices that more and more people are going digital and if three of the most controversial items happen at 6 p.m. they would be more apt to come.

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Doug J. noted that other towns get everything done in one night with over 100 articles. He has attended events at Town Hall and was so uncomfortable due to the chairs. He believes the more informed the public is the shorter will be our Town Meetings.

There was a discussion on ways to make the seating more comfortable such as bringing pillows from home or renting pillows from the Film Festival and even putting a notice in the BANNER letting everyone know that pads would be provided.

Doug J. spoke about the summary he included in the Board's agenda packet regarding electronic voting at Town Meeting. It is very expensive. It needs to be determined whether this would be cost effective. Eastham budgeted \$21,000 per year for electronic voting for their meeting held in April for one evening.

Cheryl would love to see this included in the survey. She believes this is not a good idea. She hopes it would not go forward until we see what the survey says.

Chris Snow joined the meeting at 11:24 a.m.

Gloria stated that Provincetown 365 had an idea that when someone is making a presentation the public can hold up either a green or red paddle to indicate what they are feeling about the issue. With a majority of one color being noted this would be a mechanism to help determine whether the conversation needs to continue moving forward or not.

Chris Snow is not in favor of electronic voting. He is not in favor of anonymity for a small town. There is far too great a cost for negative returns.

Erik agrees with Chris. People want to have their vote noticed publically.

Raphael believes this is not a high priority at this point.

There was a discussion held as to what days would be best to hold the Town Forums. Tom felt that Saturday would not be good for people who are employed in the community on Saturdays.

Raphael wants to do it at 5:30 or 6 p.m. on a week night. He believes that a week night evening will engage the people we want to engage. There will be a topic at the next Board of Selectmen meeting on this.

Chris believes an evening during the week would be best. He feels that more people are civically involved during the week than on a weekend. If there is fallout perhaps a Saturday could be set for one of the meetings.

Some of the topics that will be discussed are: Inclusionary Bylaw; Police Station; DPW Garage; VFW site; Planning Articles; Zoning Articles; and Town Meeting Attendance (chairs, electronic voting).

**2. Minutes:**

The Board reviewed the minutes and voted as follows:

**MOTION: Move that the Board of Selectmen approve the minutes of August 8, 2016 (Regular), as printed.**

**Motion: Tom Donegan  
4/0/0 Motion passed.**

**Seconded: Robert Anthony**

**3. Other: None.**

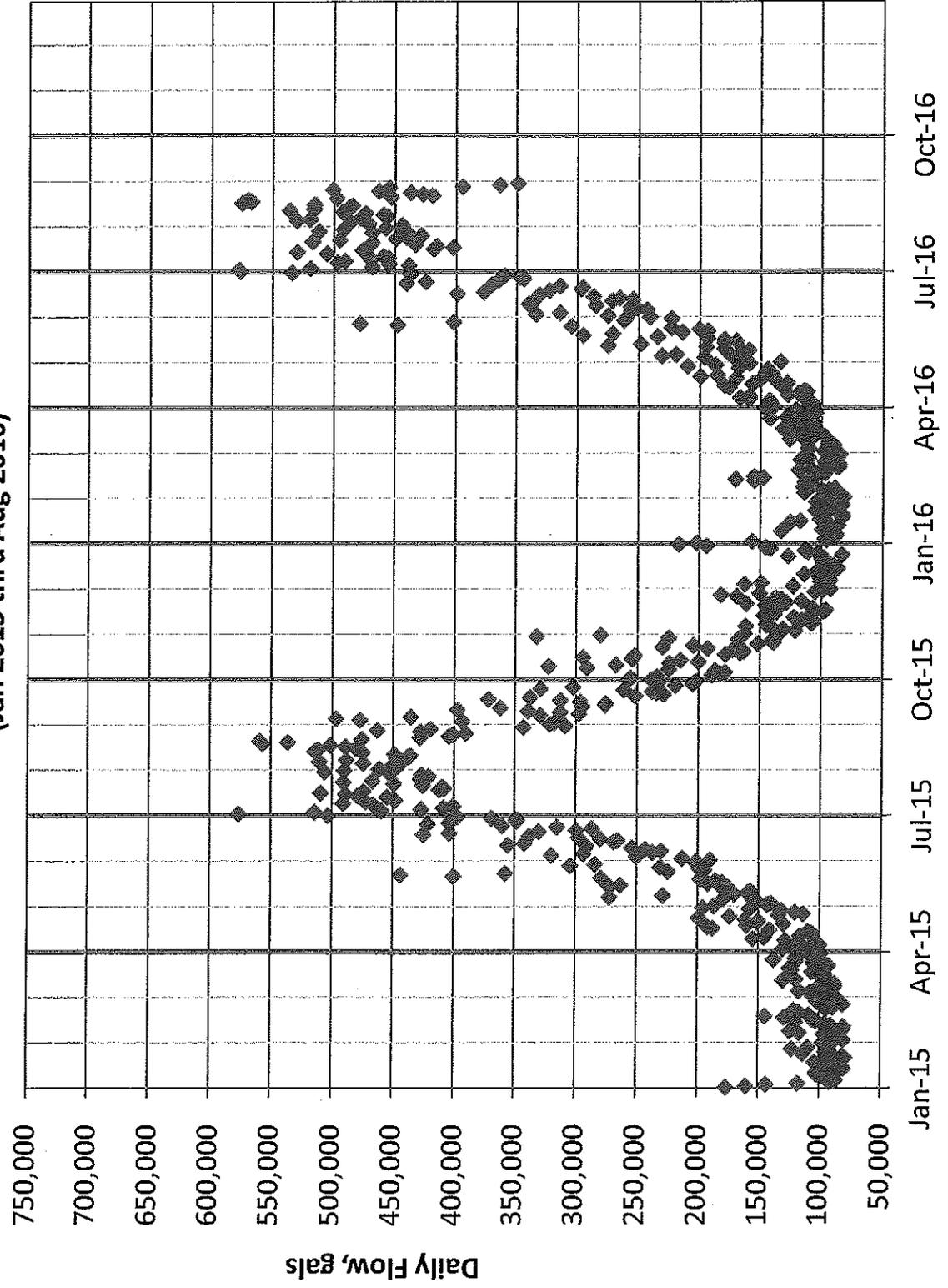
Without objection Raphael adjourned the meeting at 11:52 a.m.

Minutes transcribed by: Loretta Dougherty

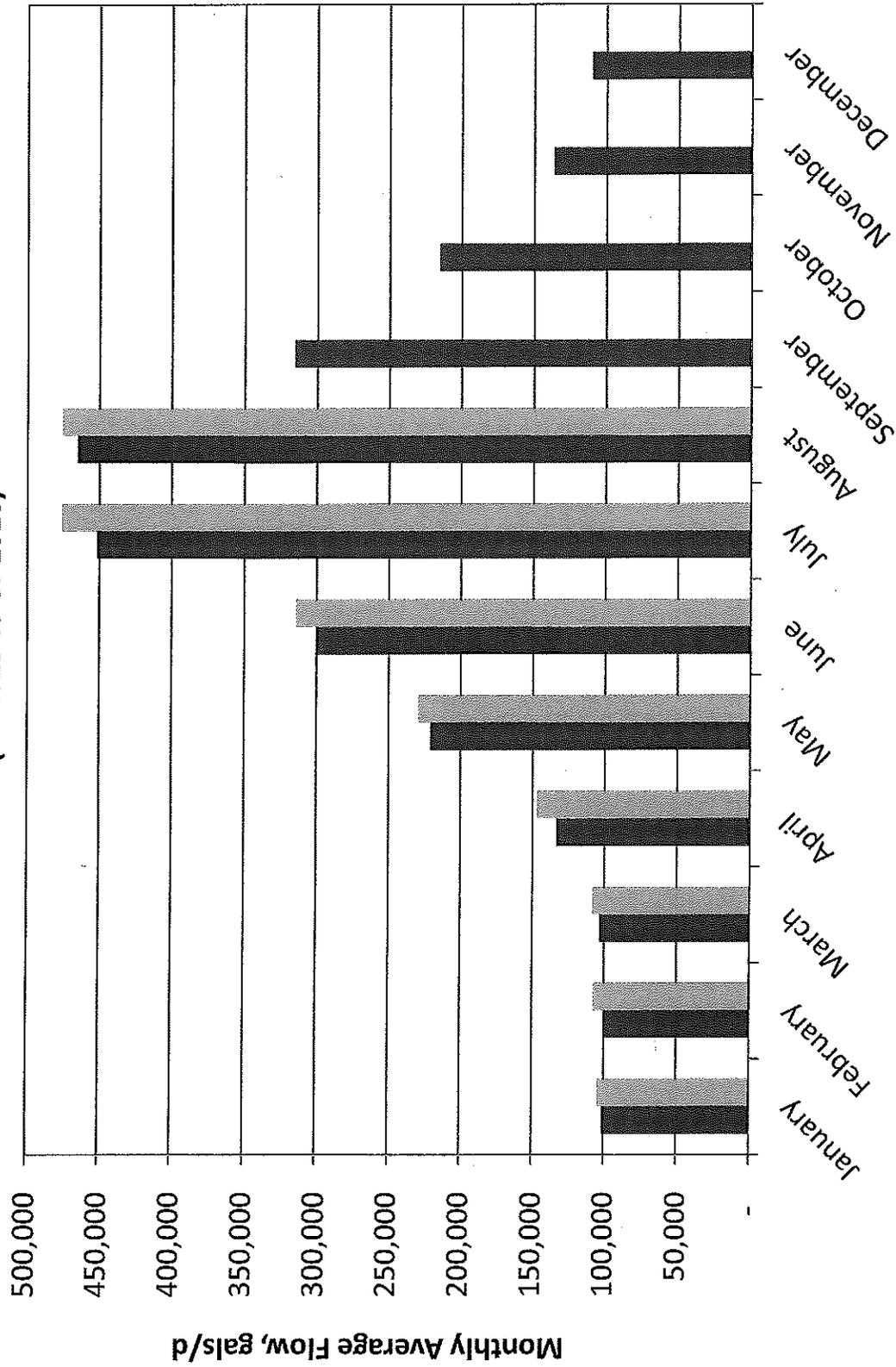
9

Addendum 1

**Provincetown WWTF  
Daily Plant Influent Flow  
(Jan 2015 thru Aug 2016)**

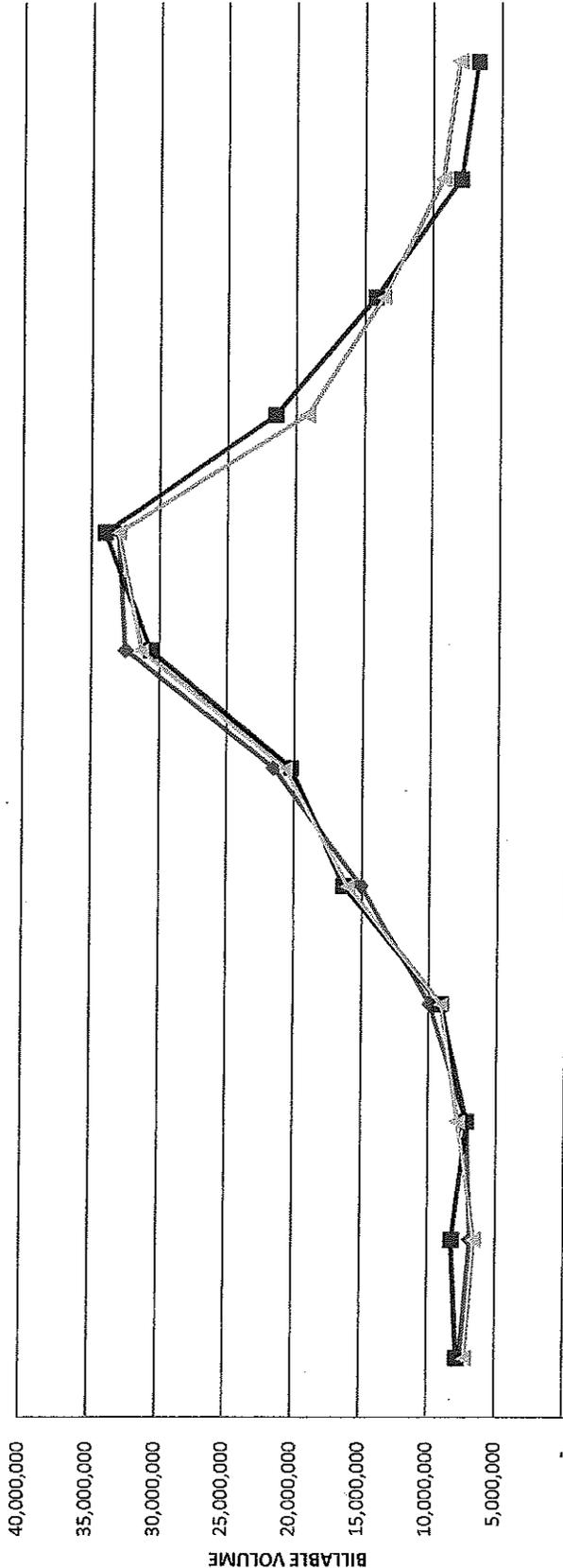


# Provincetown WWTF Monthly Average Flow Comparison (CY 2015 vs CY 2016)



■ Calendar Year 2015    ■ Calendar Year 2016

# BILLABLE GALLONS BY MONTH



	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2016	7,632,000	6,958,000	7,225,000	9,967,000	15,058,000	21,544,000	32,484,000	32,978,000				
2015	7,855,000	8,264,000	7,236,000	9,121,000	16,330,000	20,209,000	30,660,000	33,991,000	21,495,000	14,176,000	7,993,000	6,718,000
2014	7,328,000	6,634,000	7,876,000	9,108,000	16,058,000	20,656,000	31,337,000	33,003,000	19,147,000	13,594,000	9,253,000	8,108,000

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
MEETING MINUTES - REGULAR MEETING  
TUESDAY – SEPTEMBER 27, 2016 – 6:00 p.m.  
JUDGE WELSH ROOM - 260 COMMERCIAL STREET  
DRAFT**

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

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

Other attendees: Town Manager David Panagore; Asst. Town Manager David Gardner, Provincetown Public Pier Corp members: Kerry Adams and Scott Fraser, Harbormaster Rex McKinsey, Harbor Committee members: Chair David Flattery and Victor Seltsam.

Recorder: Loretta Dougherty

**1. Meeting with the Provincetown Pier Corp.:**

**A. Yearly Reporting (MOU):**

Kerry Adams read a prepared summary to the Board (See Addendum 1). Thus far, the 2016 season has been a very good one. One of three scheduled small cruise ships has just today visited Provincetown. Smaller passenger lines will be their focus that typically cruise our eastern seaboard. They are working with the Provincetown Chamber of Commerce and the Tourism Office to coordinate activities to help keep these visitors in Provincetown when they arrive. Kerry thanked the Town Meeting voters for their support on three articles: STM Article 10 for the funding to complete badly needed repairs, STM 11 for the funding to replace the two motors on the patrol boat with Honda engines, and STM 12 for \$250,000 with which they hired engineers from Bourne Engineering to perform a thorough survey of the pier so that maintenance and capital improvements to the pier could be made.

Tom wanted to know if there was some way to encourage more Provincetown residents to put their boats here.

Rex pointed out that they would need a place to live. This is the only deep-water harbor on the outer cape. Provincetown and Truro together has been the definition of the Provincetown fleet. We are starting to have many aquacultural programs in our area that is going very well.

Tom complimented them on the new floating docks. The boats are in the right places, the inflatables are where they are supposed to be, it is level and everything looks good. It makes the lives of those people who use the pier a lot easier. There is also a new icemaker.

Robert asked for an update on the wave attenuator.

Rex stated that they recently had a site visit by the US Army Corp regarding the permitting process. The Environmental Protection Agency (EPA), Marine Fisheries and FEMA were all present. The DEP Chapter 91 license and 404 Water Quality Certification should be finished by the middle of next month. FEMA's entire process may take a couple of years (\$3 million grant). They have a process that must be gone through. We have received no reimbursements from FEMA at this point for the 2013 storm.

David P. expects to have an update on FEMA at the October 11<sup>th</sup> Board of Selectmen meeting.

Erik does not understand why the report says the pier is in good condition but then says we need to have immediate repairs.

Rex explained that the untreated oak piles have a six to eight year life span. This year they put in composite piles on the outside of the pier. They want to replace the piles one section at a time and are looking at a product called alternative green heart that is a tropical, dense heavy wood that can withstand abrasions from vessels and has a 15-20 year life span.

David P. agrees that immediate means crisis to us. They are not saying they are failing but that they are problematic. He does not see that we need to replace everything in this report; this is measured activity. It looks as though \$70,000 a year is for maintenance and would include some pile replacements (\$20,000 from PPPC) per year. The engineer will be here to speak directly to this issue at a future meeting.

Raphael likes to see separating capital improvements from maintenance. The pier will be a part of the Capital Improvements Plan moving forward to avoid conflicts among boards.

David P. wants to know how to equalize the flow over a number of years; equal payments every year in bonding. He asked the Board's direction.

Tom wants this to be part of the CIP over a five-year or 10-year process.

Kerry will have the engineer come out and answer all of the Board's questions. He believes that considering it is mostly for pilings they could be spread out over three or four years.

Tom believes that Bourne is very competent. The Board of Selectmen and Finance Committee both would like to have a very clear map of what this is going to cost. He wanted to know how the \$250,000 is to be used.

David P. stated that it is solely for the capital items. If there is money received from FEMA in November, it will free up the \$250,000 for the smaller things.

Erik wants to see a five or 10 year plan and figure out what is critical and what can be done further down the road.

Cheryl asked if the small cruise ships are paying the same kind of embarkation fee.

Kerry stated they pay \$1 more. They want to break even for the cost of their staff.

Tom is skeptical about the rent abatement.

**No action was taken.**

### **B. Creating an Outdoor Fish Market and/or a Shellfish Factory on the Pier:**

Shellfish Constable Stephen Wisbauer joined the meeting at 6:55 p.m. and brought a Shellfish Factory Update for the Board to review (See addendum 2).

Rex believes that the infrastructure costs for a full-blown hatchery would be very high. It takes a lot of electricity for heat and running the pumps as well as a lot of water consumption. The needs for fishermen are changing and we want to support the types of services to help them better do their jobs, increase the value of their product and perhaps make the town some revenue as well.

Steve broke down the steps that would be needed to move forward with this idea: a hatchery, upwelling/nursery, culling/sorting workspace, primary buyers, and wholesale/retail sales. Each of these phases has a different impact with respect to need, usefulness and economic benefit. Dealing with shellfish is different in that there is a greater risk for health hazards if it is not treated properly. It has to go directly to a primary buyer.

Erik believes this is exciting. He sees many job opportunities to help in growing our community.

David P. believes we need to start slowly. We will need to have enough products to sell. We have enough product in terms of lobsters but not shellfish, at this point. If you build something on the pier, there is no guarantee that we will have product to fill it every day. He wants us to keep having the conversation. After we get the appropriate permits in place, we could possibly open up a small stand and see what happens. He would like to see us form a working group.

Steve told the Board there are three shellfish operations that are bringing in small amounts of shellfish now. Five years out we will start to have some significant numbers.

Scott has worked with several cooperatives in the past. Co-ops get started when they need capital or facilities resources when they cannot afford them on their own. Private/public partnerships for economic development can be considered while making sure farmers have input. The Pier Corp would be behind it 100%. The coast of Spain has aquaculture piles for growing mussels that are 6 to 8 feet long. In Europe, this is an industry that is very well developed.

David P. will go through and look at all of these options. He would like to get a larger group together and look at shellfish producing on a larger scale (permitting aside). It sounds very doable.

Kerry believes that we could use the Pavilion for a raw bar. This might be something that could be utilized to help get the project off the ground.

Raphael wants to look at something like a farmers' market. A smaller stand to start out with seems viable and then we could look at a bigger picture with the farmers' market.

Raphael would like to see us look at existing space so that we could start small. He congratulated them on all of the operations on the pier this year.

**No action was taken.**

### **2. Meeting with the Harbor Committee-Kayak Racks & Other Concerns:**

David Flattery Chair, Victor Seltsam member and Harbormaster Rex McKinsey appeared before the Board.

John Santos has stepped down as Chair but plans on continuing to be a part of the Committee. The Committee is recommending three new locations this year for placement of the racks: Court Street, West Vine Landing (Capt'n

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Jacks) and One Commercial Street. They would also like to see the name changed from kayak racks to boat racks, as there are other types of vessels that can fit in the racks. This will continue to help relieve some of the congestion on the beach. The Court Street and West Vine Landing locations would require smaller versions of the racks so the DPW would be able to move their equipment around that area as needed. The Committee is recommending changing the permit fee from \$100 to \$75 for each or maybe a family permit for \$150. Next year there will need to be an amendment to the Harbor Plan and they are requesting the Town Manager to get a consultant to help move them through the amendment process. They will pay for this out of the Harbor Committee's Gift Fund. They would like to see about getting a location where people can launch their skimobiles. These machines now have a much larger range and they are much quitter. These are day-trippers who want to come to Provincetown, have lunch and do a bit of shopping and they need a place to land their vessels. Any of the marine based businesses would be a part of the corridor system.

Victor had hoped to have all the racks in by now but they had to stop building them. He wants to have an overall price for storage on the racks. He would like to see these built as soon as possible.

Raphael has no objection in allowing the use for other types of vessels on kayak racks. The fee sounds high to him. He would like to see the fee set around \$50 to encourage people to use the racks.

Rex will suggest holding a Public Hearing to get public comments regarding lowering the fee. They had \$15,000 in the Harbor Access Gift Fund and have spent \$5,000. They can use the revenue to build more racks.

Cheryl wanted to know where the rack located at One Commercial Street would go when 2020 gears up.

Raphael stated that the area at end of Commercial Street before you get to the rotary might work. It is town property that is not in the scenic district.

David P. stated that the racks are easily moveable, so if they are not working we can move them.

Victor would like to see the Parking Dept. enforcement carried out when needed.

Raphael believes enforcement is a very important component.

Tom wants to make sure the Bicycle Committee is aware of the Court Street option.

The Board supports updating the Harbor Plan.

Rex believes we will need to change our Bylaw and the Harbor Regulations. We can hold a Public Hearing and then go to Town Meeting for a vote.

Raphael believes that freedom of navigation is a right and a part of our tradition. Restricting that is not good.

David P. is planning for 2017 and will follow up with Rex to look at a potential article for the warrant to be presented at Town Meeting.

Rex was not ready to present information on liability and houseboat insurance items.

Raphael is not in favor of creating houseboat regulations. He would like to see this on the agenda at the Joint Meeting with the Harbor Committee in November or the next Joint Meeting after that.

Cheryl believes it is needed, as does Tom.

Robert asked about a charge for anchorage. He would like to see if it is viable.

Rex stated that nowhere on the east coast charges for anchorage. The time may be limited but no one charges for anchorage.

Tom would like to have more information about the Oyster Restoration Program.

Raphael would like to have an agenda item to discuss ways to consolidate the Shellfish Committee and Harbor Committee. He believes this would help make processes more efficient.

**3. Others: None.**

Without objection the meeting was adjourned at 8:19 p.m.

Minutes transcribed by: Loretta Dougherty

Addendum 1

**Good evening members of the Board and TM Panagore...**

**Introduction of PPPC Members & Rex**

**As agreed in the M.O.U. that we would meet with you in Sept., we are here tonight to update you on the season at MacMillan Wharf as well as our current activities this year. The 2016 season was a very good one that has not quite finished! Today, we welcomed the first of 3 scheduled small cruise ships, the 500 passenger Europa II, followed next Tuesday, October 4, by the 600 passenger Azamara Quest and finally, on October 15, we welcome the Victory One, a smaller cruise line carrying 200 passengers. Working in concert with Candy at the Chamber of Commerce and Tony ~~Fucillo~~ and Radu ~~Luca~~ at the Provincetown Tourism office, we have learned a great deal about cruise ships and the pitfalls to avoid. We have learned that the larger cruise lines are simply not a good fit for Provincetown. We have decided to keep our focus on the smaller passenger lines that typically cruise the eastern US seaboard. We have found that these tours are a much better fit for our demographics, which show that these cruise passengers are much more likely to return to Provincetown for a longer stay after they enjoy their initial visit here. With the Chamber of Commerce and town Tourism office, we work directly with the tour coordinators to plan these visits with an emphasis on keeping these visitors right here in Provincetown, enjoying the local tours in the morning and then getting them downtown and on to Commercial Street to take advantage of our local shopping and dining experiences! I'd personally like to thank Candy and her wonderful staff at the Chamber of Commerce as well as Tony and Radu at the town Tourism office for the exceptional job they all do and the wonderful working relationship we enjoy with them!**

**Today's visit from the Europa II went very smoothly and her passengers enjoyed a wonderful day here in town! I personally had an opportunity to speak with several of the passengers today while I awaiting my lunch at John's Foot longs. They told me that Provincetown was wonderful and beautiful and they were very much enjoying their time here in our town!**

**Keeping our focus on the smaller cruise lines, next year, we have 10 separate scheduled arrivals of the smaller 300' cruise ship American Constellation with a capacity of 200 passengers. Rex will be happy to provide more detailed information for you if needed as well as answers to any questions that you may have.**

**I would like to take this opportunity to sincerely thank the Town Meeting voters for their overwhelming support of the three Articles that Pier Corp. requested at the 2016 Spring Town Meeting with your board's sponsorship. STM Article 10 gave us the funding to complete the badly needed repairs to our two gangways on the transportation float. These repairs were accomplished and we expect them to lengthen the overall life of these gangways. STM Article 11 providing us with the funds to replace the 2 motors on the patrol boat. We have replaced our motors with brand new Honda engines that are performing as expected and still under warranty! Finally, STM Article 12 in the amount of \$250,000 was approved and we owe an enormous debt of gratitude to the voters for their overwhelming and wholehearted support! With a portion of these funds, we hired our engineers from Bourne Engineering to perform a thorough survey of the pier with anticipated costs for maintenance and capital improvements.**

**We originally began our working relationship with Bourne Engineering, hiring them in 2010 when they initiated annual surveys of the pier with a more thorough and comprehensive survey performed every 5 years. Letter grades A through F are assigned to each of the areas of the pier surveyed.**

**Tonight we are pleased to introduce the Bourne Engineering Report to you. The cost of deferring maintenance, something our two boards has discussed many times in previous meetings, is clearly revealed in this report. We look forward to laying out a clear path forward with you that considers how we can work cooperatively to address these maintenance and capital improvement items, paying particular attention to the issues that require the most urgent attention. As you will see from the Executive Summary and Condition Report, the appropriate long term annual maintenance budget should be \$75,000 - \$100,000 and an additional immediate need for \$64,000 of maintenance repairs. There are also immediate capital repairs needed of \$800,000 in the near future. We hope that you will all have an opportunity to read this comprehensive report and schedule a follow-up joint meeting with us so that we can all discuss it in greater detail. We would like to have the Engineer present with us to answer any questions.**

**I am pleased to announce that we have started the process for hiring a Business Manager who will work in concert with Rex, while taking some of the more detail oriented workload from him and handling the financial data and reporting. Presently, we have interviewed 3 well qualified candidates and are in the process of scheduling follow-up interviews which will be held with Town Manager Panagore participating. We expect to bring this new position on board with no**

**change to the A Budget. We look forward to introducing our new Business Manager to you at our next Joint Meeting!**

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**We continue to support our fishing partners, working cooperatively with them to find solutions to potential issues and assisting them wherever and whenever possible. Several of our fishers have requested that we update and increase our capacity for ice production beyond our current yield. They have also requested that we convert our present fresh water ice production system to a salt water ice system which would be supremely better for their products, particularly their live seafood products that needs to be kept chilled at lower temperatures. Salt water ice production will help prevent mortality and make their harvested products much more appealing to buyers. We believe that grant funding may be available to assist us with this conversion to a larger salt water ice system.**

**As the aquaculture program matures, the PPPC is well positioned to be an excellent resource for the harvesters and we look forward to lending our support to them wherever needed. Rex and Steve Wisbauer are able to provide more information on this if you wish.**

**Establishing an Embarkation Fee to our passenger carrying tenants was initially met with concerns from our tenants. I am pleased to announce that this program, now in its second season is generating revenue for the pier and has been accepted by our tenants who are all paying the required fee. We closely monitor this program with our camera system and counts by our staff.**

**The Pier Corp's trap shed program continues to be a huge success! Our trap shed tenants are extremely pleased with this program, which continues to be available to artists and craftsmen upon their completion of a required application and approval by the Trap Shed Subcommittee. We plan to add 1 additional trap shed per year over the next 2 years, pending Army Corp. approval.**

**Finally, I would like to take this opportunity to thank your Board for making our meetings with Town Manager Panagore possible. David has been an exceptional source of guidance and information to us. We look forward to continuing this outstanding working relationship and welcome David's continued input!**

**Thank you for allowing me to provide you with information and we look forward to your comments, questions and suggestions.**

# Addendum 2



## **Town of Provincetown**

260 Commercial Street  
Provincetown, MA 02657  
Direct Line (508) 246-5756  
swisbauer@provincetown-ma.gov

**Office of the Shellfish Constable**

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### **Shellfish Factory Update**

The term "shellfish factory" is an abbreviation describing a facility that supports aquaculture from the point of hatching thru to the point of sale. The investment necessary to realize the full scope of this would be infrastructure. Specifically, space in a waterfront building that contains floor drains, bathroom and other sanitation.

As Shellfish Constable, I am gauging how the different parts of this support concept might feather into possible projects suggested for Provincetown's larger waterfront.

The breakdown of steps is as follows: hatchery, upwelling/nursery, culling/sorting workspace, primary buyer, wholesale and retail sales. Each of these phases has a different impact with respect to need, usefulness and economic benefit.

The upwelling/nursery stage and the culling/sorting workspace would be immediately useful to growers but don't necessarily need a building. They are logistical and can be solved with PPPC support.

The stage of the process that would allow growers to brand and differentiate their product would be a fixed land-based space permitted to be a primary buyer. This business model works especially well with oyster marketing. Established oyster farmers often become their own "primary buyer" to expand rather than increasing production. As local aquaculture develops so might a desire to pool resources.

The remaining steps of hatchery and point of sale fall more into the categories of tourism, education and science. This could play a role as Provincetown's waterfront develops if larger municipal projects are realized.

MacMillan Pier does need a winter workshop and seasonally some of this space could be utilized. After discussing Pier needs with the community, the increased footprint of the original "shellfish factory" concept would be counterproductive.

The Rose's Wharf project at 221R Commercial Street might include a landing point for shellfish. How this might develop is unknown but full of possibilities.

I am continuing to watch for opportunities as I listen to needs. Provincetown is actively encouraging aquaculture with permitting groundwork and logistical assistance. By the time that this industry matures the support needed will be in place.

Steve Wisbauer, Provincetown Shellfish Constable



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**

Monday, November 14, 2016

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## 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.**

**Robert Anthony**

**Erik Yingling**

**Tom Donegan**

**Cheryl Andrews**

**Raphael Richter**

#### Additional Information

- A. Letter to Representative Sarah K. Peake with the Non-Binding Resolution regarding the medical practice known as "Aid In Dying."
- B. Letter to James Johnson who resigned from the Board of Library Trustees effective October 20, 2016.
- C. Letter to Bryan Armstrong who resigned from the Zoning Board of Appeals effective October 20, 2016.
- D. Letter to Elizabeth Williams who is resigning from the Board of Health effective November 17, 2016.

#### Board Action

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

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

November 8, 2016

The Honorable State Representative Sarah K. Peake  
Massachusetts State House  
State House, Room 163  
Boston, MA 02133

Re: Non-Binding Resolution regarding Aid-in-Dying

Dear Representative Peake:

At a meeting held by the Provincetown Board of Selectmen on Monday, October 26, 2016, a vote was taken by the Board of Selectmen in unanimous support of the attached Non-Binding Resolution regarding the medical practice known as "Aid in Dying."

As stated in the resolution this option would only be available to individuals who are 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. It is very stressful dealing with terminal illness and many individuals in the past have opted for means of controlling their suffering by submitting themselves to illegal and unsafe life-ending procedures.

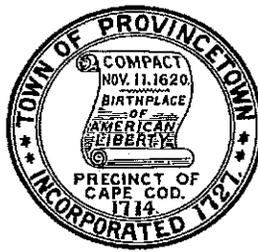
We ask for your consideration and support of any legislation brought before you concerning this very important matter. And, as always, we thank you for all that you have done and continue to do for the residents of Provincetown and our beautiful Cape Cod.

Sincerely on Behalf of the Board of Selectmen,

Raphael W. Richter, Chairman  
Provincetown Board of Selectmen

RWR:ld

Attachment: Non-Binding Resolution  
Cc: The Honorable State Senate President Stanley C. Rosenberg  
The Honorable House Speaker Robert A. DeLeo  
The Honorable State Senator Daniel A. Wolf  
Provincetown Board of Selectmen  
Town Manager David B. Panagore



## ***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 who voted on the 2012 Ballot Initiative were in favor of 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; and

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.

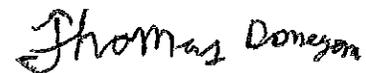
**The Honorable Board of Selectmen**



**Raphael Richter, Chairman**



**Erik Yingling, Vice Chair**



**Thomas Donegan**

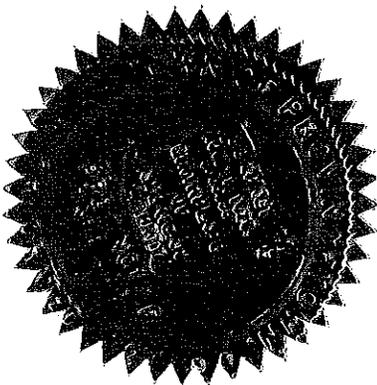
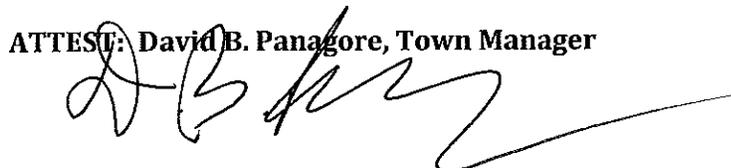


**Cheryl Andrews**



**Robert Anthony**

**ATTEST: David B. Panagore, Town Manager**





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

October 26, 2016

Mr. James Johnson  
434 Commercial Street  
Provincetown, MA 02657

Dear Mr. Johnson:

The Board of Selectmen has received notice of your resignation from the Board of Library Trustees effective October 20, 2016. We want to extend our thanks to you for your dedicated service and expertise during the time that you served on the Board of Library Trustees.

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.

On behalf of the Board of Selectmen,

Raphael W. Richter, Chairman  
Provincetown Board of Selectmen

RWR:ld



Douglas Johnstone  
Town Clerk  
Provincetown MA.

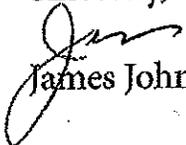
Dear Doug,

Please accept this notification as my resignation from my seat on the Board of Library Trustees, effective immediately.

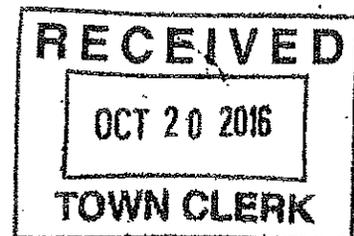
While I had hoped to be able to complete the final 6 months of my term, family considerations compel me to return to New York state.

I would like to thank you for all your assistance especially during the two years when I served as Chairman.

Sincerely,

  
James Johnson

cc David Panagore





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

October 26, 2016

Mr. Bryan Armstrong  
8 Priscilla Alden Road  
Provincetown, MA 02657

Dear Mr. Armstrong:

The Board of Selectmen has received notice of your resignation from the Zoning Board of Appeals effective October 20, 2016. We want to extend our thanks to you for your dedicated service and expertise during the time that you served on the Zoning Board of Appeals.

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.

On behalf of the Board of Selectmen,

Raphael W. Richter, Chairman  
Provincetown Board of Selectmen

RWR:ld

**Doug Johnstone**

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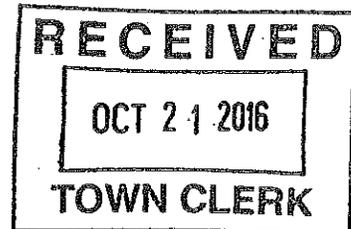
**From:** Bryan Armstrong <rugbydude@gmail.com>  
**Sent:** Friday, October 21, 2016 8:55 AM  
**To:** Gloria McPherson; Ellen Battaglini; David Panagore; Doug Johnstone; David Nicolau  
**Subject:** ZBA Resignation

Hello All,

It is with a heavy heart that I must tender my resignation as an alternate to the Zoning Board of Appeals of Provincetown effective 10/20/2016. It has been a joy to serve Provincetown and to be a part of the Zoning Board of Appeals this last 2 years, but due to upcoming conflicts and taking one a. Ew work endeavor I can no longer give the time necessary to be an affective board member.

Sincerely

Bryan Armstrong  
Sent from my iPhone



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

October 26, 2016

Ms. Elizabeth A. Williams  
44 Harry Kemp Way, #34  
Provincetown, MA 02657

Dear Ms. Williams:

The Board of Selectmen has received notice of your resignation from the Board of Health effective November 17, 2016. We want to extend our thanks to you for your dedicated service and expertise during the time that you served on the Board of Health.

We wish you the very best in your future endeavors and want to thank you for your continued service on the Charter Commission.

On behalf of the Board of Selectmen,

Raphael W. Richter, Chairman  
Provincetown Board of Selectmen

RWR:ld

To: Morgan Clark, Health Department

Date: October 20, 2106

Re: Resignation from Board of Health

I would like to submit my resignation notification from the Board of Health effective November 17, 2106.

My term expires the end of November.

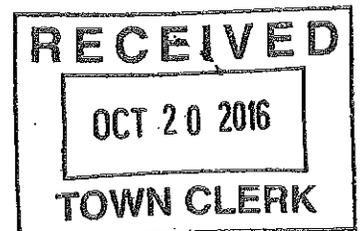
It has been a great pleasure to serve on the board for the past six years and I commend the Health Department and the board for the continuing good work everyone does to benefit Provincetown.

Sincerely,



Elizabeth A. Williams

cc: Mark Philips, Chair BOH  
Doug Johnstone, Town Clerk ✓



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