

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
MEETING MINUTES - REGULAR MEETING
TUESDAY – OCTOBER 11, 2016 – 6:00 p.m.
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chairman Richter convened the open meeting at 6:15 p.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, Police Chief James Golden, John Thomas, Esq., Cape Cod Commission Executive Director Paul Niedzwiecki, Barnstable County Administer Jack Yunits, Provincetown Assembly Delegate Dr. Brian O'Malley, US Army Corp of Engineers Lawrence Oliver and Michael Riccio.

Recorder: Loretta Dougherty

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

A. *Treasurer's Transfer – Library Gift Fund – to pay for invoices from Blackstone Audio, Inc., in the amount of \$359.97.*

MOTION: 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 \$359.97 for the attached invoice from Blackstone Audio, Inc.

B. *Appoint Steven Baker as a regular member of the Planning Board with a term to expire December 31, 2016. He is currently an alternate member of the Planning Board.*

MOTION: Move that the Board of Selectmen vote to appoint Steven W. Baker, as a regular member to the Planning Board with a term to expire on December 31, 2016.

C. *Appoint Stephen Wisbauer as Provincetown's Representative to the Barnstable County Coastal Resources Committee.*

MOTION: Move that the Board of Selectmen vote to approve the appointment of Stephen Wisbauer, as Provincetown's Representative to the Barnstable County Coastal Resources Committee (CRC).

D. *Appoint Andrea Lavenets as Provincetown's Representative to the Community Action Committee of Cape Cod & Islands, Inc. (CACCI).*

MOTION: Move that the Board of Selectmen vote to approve the appointment of Andrea Lavenets, as Provincetown's Representative to the Community Action Committee of Cape Cod & Islands, Inc. (CACCI).

Without objection the Consent Agenda was approved by unanimous consent by the Board.

1. Public Hearings:

A. Public Forum to Solicit Feedback regarding Street Performers and the Noise Bylaw:

Raphael believes this is a good opportunity to hear from everyone in the community. The Board listened and based upon what they heard would determine whether a new bylaw should be considered. Street Performers are well protected under the First Amendment of the United States Constitution and it was not the intent of the Board to limit the rights bestowed by the Constitution but to address the amount of noise within our community.

Public Comments:

Ann Stott is a resident and has played here for five summers. She follows the rules and stays within the law. It is a unique element of our culture in Provincetown to be able to be a street performer which does not exist in many places. She feels that there is a double standard; businesses create lots of noise in this town and are not asked to change. She does not think the street performers are creating the most noise in the town.

Judy Cicero recognizes people's rights regarding the First Amendment but is concerned about performers collecting a fee for their services. She does not believe that is in the First Amendment rights. She does not believe this authorizes people to have amplifiers and make them as loud as they possibly can. Free speech can take many forms. She asked about the face painters who charge \$30/\$40 dollars for their artwork. She does not believe this can be covered under the First Amendment rights.

Raphael stated that amplification is in our existing bylaw.

Cherie Mittenenthal lives on Commercial St. across from the library. She is a musician and an artist. She spoke about the opera singer who sang in front of the library for about three hours. It was extremely disrupted to the whole neighborhood. The singer was asked to move and the police were called. She would start singing at 7pm until 11pm and refused to leave.

Jackie Kelly believes that Street Performers who use small amplifiers have no sense of the poor quality of sound that comes out when they turn them up so high. They are distorted and loud with no quality. Some people play the same songs over and over again and they do not care that they are annoying people to "the depths of their soul." They should learn to be more respectful.

John C. is a resident now. He gave a shout out to the opera singer; he loved to hear her sing. People behind him play music all the time where he lives. He believes we all need to take a deep breath and close our windows. Street Performers make Provincetown special and he loves them.

Linda Tennyson the key is to walk by the street performers but if you are stuck with the opera singer for that long period of time customers in her shop leave. Another gentleman who plays the guitar came into her store and swore at her. The police told her that the street performers could do what they want in front of her store. Provincetown has always had respect between the street performers and the residents. There has to be some rules and the police need to be more helpful.

Joachim Sandbichler stated that the performers play right next to the restaurant (The Patio). He supports many seasonal workers. There are only about two or three performers in town who have no sense of community or of being civilized. This is an issue of civility. You must consider others needs and find out what that is all about. His restaurant depends on the food, plates, atmosphere so people will come back. In Chicago they have a street performer law which limits performing to certain areas, certain hours of the day, certain noise levels, and they must provide proof of residency and citizenship. They also pay a license fee. They can be fined, have their license rescinded and actually go to jail if they do not comply. He hopes we can come to a solution so everyone can remain in business. Hold them to the same standards of civility as everyone else.

Will Harrington is in his 7th summer as a street performer. He keeps his set to no longer than 1 ½ hours in one spot. There are very few spots in Town to perform and this does not help. It might cause more street performers to play for more hours in one spot. Most only play around 2 hours in one spot.

Damien Gorham is in his 4th summer playing here. He has played in a variety of different places around the USA. It is important to have street music and contribute to the ambience. Two hours or less and playing a variety of songs is key. He mostly plays acoustically. He always moves or turns down his sound, if requested. He works well with residents and businesses. It is important to have a good rotation and volume should be done considerably. He supports the arts.

Chief Golden addressed the issue from a Police Dept. standpoint. He has been in service to the Town for 27 years and this is an issue that comes up every 10 years or so. In Massachusetts you cannot revoke a permit or deny a permit. 97.9% of the street performers in Town are talented and civic minded individuals. A lot of the performers do conflict resolution amongst themselves. There are some bad street performers but they are the exception. Because it is a constitutional conducted activity, if the street performer does not comply we are threatened with civil liability issues. The average decibel was in the mid-nineties from a study. Noise on Commercial Street is higher than that on a dull night. In 2008 there was a noise decibel bylaw defeated at Town Meeting. If the community wants a decibel based bylaw it has to be employed in all areas such as for lawn mowers, crying babies, wine parties, restaurants, etc. Everybody must comply. The Police Dept. is willing to work on these issues; it is not a black and white issue. They do their best every single summer – 98% of the time they are successful.

Allen Groguskey thinks street performers are great. Because of amps used they go directly across the street and people walk out of his store. Town bylaws state please be reasonable with volumes. Consider no amplification or decibel control. He asked why Town Hall can ask that no one can play while Town Hall is in session.

(See Addendum 1 handout).

Closed Public Comments.

Selectmen Comments:

Cheryl remembers the issue of the bylaw relating to Town Hall business hours and thought it had been rescinded.

Chief Golden stated that we have not enforced it since 2012 as it had to do with Town Hall not having central air conditioning at the time and now it is climate controlled.

Tom believes that the challenge is going to be dealing with amplification. It will be interesting to see how this develops.

Robert does not believe there was an amplification aspect to the bylaw when it was first written. It is a difficult situation on Commercial Street regarding the decibel system. You have to identify the noise to talk to the violator. It just does not work in Provincetown.

John Thomas appeared before the Board. There was no restriction on the amplification in the original 1993 bylaw. It is the total volume of the sound. It is unconstitutional. He has volunteered his time over the past 20 years to help all the Chiefs of Police. We have to be careful in anything we have to do. If we go to a decibel system it will be a community issue. 97-98% of street performers are in compliance. Community respect is what we need for working with the other 3%.

Cheryl believes the issue is that someone refuses to move. We have people who did not want to move. We live in a noisy town in the summer. She recommended that the performers talk amongst themselves about the issue of people not moving. Everyone agreed to be courteous many years ago so let us talk about it again now.

Raphael does not know where the community should go. There should be continued education for street performers letting them know what the community values. He thanked everyone for their participation tonight.

Public Hearing is closed.

No action taken.

2. **Public Statements:** None.

3. **Selectmen's Statements:** None.

4. Joint meeting / Presentations:

A. Presentation to provide updates on Barnstable County and the Cape Cod Commission:

Paul, Jack & Brian appeared before the Board. Paul stated that they are in the midst of reviewing their policy plan. The focus is on two areas: Capital Planning - wastewater, 208 Plan, opportunism to Town regarding open roads and utilities. They now have access to federal economic development agency funds which will help lead to job creation. The capital planning pieces have been supported utilizing regional fly overs; metric data, multi-hazard mitigation and coastal resiliency plans. The other area is housing – wastewater has been at the top of the list for a number of years; having 15 towns headed in the same direction with regards to housing has filled the gap, not just for affordable housing. An effort is being made to look at the middle section. The Cape economy is different; seasonal homes are approximately 35% in 15 towns; 71% in Truro to 17% in Sandwich with 16% in Provincetown. This drives land values up and it is difficult to increase housing. UMass data collection is going on now and they are resetting projects and focusing on those concerns in Provincetown. He travels around the county with Jack Yunits who has a lot of government experience. They have also hired Heidi Harper who was the Asst. Town Manager in Falmouth for 20 years who has lots of experience in housing.

Jack spoke about the Cape Cod Commission's Home Program that helps a lot of seniors who struggle from time-to-time with needs for their homes. He referenced the Cape Light Compact (CLC) programs that have energy conservation savings in megawatts which can ultimately help take a power plant offline. The CLC has the Commission's full support. The Commission through their Health Services monitors the shellfish on Cape Cod making sure that everything remains clean and ready. They monitor over 1,000 beaches to make sure the water is safe. The Septic Betterment Program has \$35 million invested to help people who cannot upgrade and restore their septic systems to keep our water safe. They are getting their fiscal house in order to be able to supply the money needed for a number of projects. They are monitoring grants that work and looking at what they can do more in terms of collaborating with communities.

Barnstable Assembly of Delegates representative for Provincetown Brian O'Malley reported to the Board last February – working with Jack has been remarkable and refreshing. He confirmed that a lot of the change happening is in getting the fiscal house in order and looking at restructuring. He reported several items they had worked on: the Charter remains unchanged (four towns were against changes and 10 favored but a 2/3rds vote was required and did not pass), the budget was worked on to bring it in line by a passage in the county tax fees, and a number of delegates' efforts to stop herbicides along the power lines generated another resolution to petition Governor Baker which passed by a 67% vote, but nothing became of that at the state level. He supports the CLC.

Tom stated that the Commission's help at the town level is very much appreciated. He appreciates them tailoring a meeting for Selectmen so they can understand what is going on in the county. As a private citizen he checked his septic system. County employees have an impressive organization. We do not have the expertise to handle some of the bigger issues in our small towns and he appreciates the county.

He asked what does Provincetown pay as a percentage of the county budget; 5% of the county budget? Provincetown contributes a lot to the county. He would like to see some mental health and substance abuse assistance come out a bit further than Orleans. He encouraged grid modification as part of the progress to be made by the Assembly.

Cheryl is thrilled to see Jack in our town. The represents new changes in the County for doing new things. She welcomed him to Town. A lot of the Cape towns' rural way of life and thinking was not respected or understood in the past and now she feels that it will be so with his help. She asked them to continue to come and visit us.

Robert thanked them for coming and enjoyed the presentation. He asked how people would know they could get help with their Title 5 work.

Brian stated that the Health Dept. maintains a test site for alternative septic systems. They are tested at no expense to the county; under contract to whomever has developed the system.

Raphael thanked them for the hard work. Reaching out to the small towns means a lot. He hopes we can keep doing this on a regular basis.

No action taken.

B. PowerPoint Presentation by US Army Corp of Engineers on the Long Point Dike Modification Project:

Harbormaster Rex McKinsey and US Army Corp Engineers Larry Oliver and Mike Riccio appeared before the Board. Rex gave a brief history of the Long Point Dike. Mr. Oliver has been working on this project and now Mr. Riccio is taking over the project.

Mike stated that the proposed project will restore salt marsh and estuarine habitats for fish and wildlife in the area known as West End Marsh, or the Moors. Access to approximately 385 acres of salt marsh and intertidal flats will be restored for large fish and invertebrates. Impacts were analyzed for water resources, fish and wildlife, vegetation and wetlands, endangered and threatened species, land use and recreation areas, cultural resources, air quality, and floodplains. The determination of a Finding of No Significant Impact was based on the Environmental Assessment and a number of considerations listed in the finding. This document may be viewed in its entirety in the Board's agenda packet.

Cheryl asked why did they build it?

Mike stated that it was for the many different coastal storm energies that would impact the harbor and marina. If this section of the beach were to be breached you would have complete exposure of the system that would be coming from Cape Cod Bay. Larry also noted that it keeps sediment and wave action out of the town. Tom asked when they would need the local matching funds commitment from the town. Raphael asked about how this would work if our funding would not be available for another year. Larry simply needs a letter of support to begin the design. They cannot spend more than \$100,000 before getting the 25% from the town (\$160,000 for design). They will help the town with the grants. Cheryl asked what would be the life of the bridge. Larry stated that at approximately 50 years there would be an evaluation period and anything beyond that it would need to be replaced by the Town. Having an opening in the dike would have a positive affect if the beach would breach. It would help the beach to fill in more quickly. Mike will draft a Public Notice and try to have it out at the end of the month. The Town Manager will work with them to arrange for the Public Hearing timeframe. Tom would like to put this on the fast track so that the federal government has the money now. He believes it will be very popular. Larry request from town \$40,000 to make the plan to spec to keep the project moving forward. Rex project will help with coastal resilience; will help stabilize sea level rise. Raphael stated that the clam sites would be of interest to the community. Tom Center for Coastal Studies and Nat'l Park Services. It was posted on Facebook and have received no negative comments. Cheryl 2020 coming up. Barge goes out until it leaves. How long is it going to take. Mike it is a one season job. We would be done in three months.
No action was taken.

C. Presentation of the Urban Land Institute (ULI) Report:

Without objection 4C was postponed until the Board's next meeting on October 24, 2016.

5. Appointments:

A. Appoint Breton Alberti as an Alternate member to the Licensing Board with a term to expire December 31, 2017.

Raphael recused himself and left the room at 8:37 p.m.

Tom asked Breton to tell the Board why he is interested in serving.

Breton has been a business owner in the past. He believes the Licensing Board would be interesting. He is here in the wintertime.

Cheryl asked if he might have any conflicts of interest.

Breton does not believe that he does.

MOTION: Move that the Board of Selectmen vote to appoint Breton Alberti, as an Alternate member to the Licensing Board with a term to expire on December 31, 2017.

Motion: Cheryl Andrews

Seconded: Robert Anthony

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

Raphael came back into the meeting at 8:39 p.m.

B. Appoint Paul Kelly as an Alternate member to the Building Committee with a term to expire December 31, 2018.

MOTION: Move that the Board of Selectmen vote to appoint Paul Kelly, as an Alternate member to the Building Committee with a term to expire on December 31, 2018.

Motion: Tom Donegan

Seconded: Cheryl Andrews

He has been watching meetings over the past several years. He is aware of a lot of the facts the Building Committee has addressed and will be addressing in the future. He would like to be involved in the proposed Police Station especially if it is going to be across from the VFW. It will have three exposures and will have some challenging, interesting and exciting issues to be dealt with.

Tom thanked him for his contribution for his facts and not just opinions given in the past when Tom was on FinCom. Tom Coen recommends Paul highly.

4/0/0 Motion passed.

6. Requests:

A. Approve Contract Amendment #14-1 with AECOM in the amount of \$45,000 to install sewer stubs – Commercial Street Phase 3:

MOTION: Move that the Board of Selectmen vote to approve Contract Amendment #14-1 with AECOM in the amount of \$45,000 to cover costs associated with the installation of sewer stubs at various locations within the Commercial Street Phase 3 Reconstruction area.

Motion: Tom Donegan

Seconded: Cheryl Andrews

Rich stated we know what we want and have deliberated with the public. This is the time to do these connections and put in the new drainage system.

Raphael commended him for thinking ahead. He asked where the funding source would be coming from.

Rich stated the Enterprise Fund pays for everything. The properties are in betterment at this time and they are trying to eliminate costs in the long run. Cesspools are limited in size for Title 5 systems.

Robert asked if there were any more issues like this one?

Rich stated that there were not.

Cheryl asked if there were any manhole covers required for this work?

Rich stated that there are no manhole covers in these. This project will upgrade the old manhole frames. They are looking into a rubberized phalange.

4/0/0 Motion passed.

B. Review and discussion of House Bill No. 4216 regarding Provincetown's Home Rule Petition on expanding the residential property exemption:

The Board reviewed the recommended changes and voted as follows:

MOTION: Move that the Board of Selectmen vote to approve the language contained in H.4216, as amended in SECTION 1, by striking out, in line 5, the figure "20" and inserting in place thereof the following figure: "35"; and in SECTION 2, by striking out, in lines 24 and 25, the words "within 3 months after the date on which the bill or notice of assessment was sent" and inserting in place thereof the following words: "not later than April 1 of the year to which the tax relates or within 3 months after the bill or notice of assessment was sent, whichever is later."

Motion: Tom Donegan

Seconded: Robert Anthony

4/0/0 Motion passed.

(See Addendum 2 handout)

7. Town Manager / Assistant Town Manager:

A. Town Manager's Report – Administrative Updates.

i. Discussion on possible Joint Meeting topics with VSB:

David G. stated that the intent of this proposed meeting is to review with the VSB how funds are invested and hear from them on their upcoming market plan prior to the VSB providing the Five-Year Plan to the Board. The VSB will be looking for input from the Board of what they would like to see from the VSB prior to the meeting regarding the Five-Year Plan.

Raphael would like to hear what is important to the Board.

Cheryl wants to know how long will we keep doing this the way we have always done it. She would like to discuss other ways to try something different. The model has been in place about the last 15-20 years. Some people believe it is fine and other people say they want to see something different.

Raphael wanted to know if there has ever been any thoughts of changing the way it has been done or starting with a clean slate and if it is not changing why not?

Tom wants to have a discussion of the overall strategy: market developments, ecotourism, etc. How are we executing against that strategy and prioritizing how funds are spent or are we feeding what people want each year. How do we make a decision on spending for our social media.

The Joint Meeting with the VSB and Tourism will convene at 4:30 p.m. on November 14th.

No action taken.

ii. Fall Town Forum:

David G. asked for the Board's comments on the proposed agenda before them this evening.

Raphael agreed that it is a good agenda. He believes having the Inclusionary as the primary focus is best.

No action was taken.

B. Others: A letter from Provincetown's Representative to the Cape Cod National Seashore Advisory Commission Mary-Jo Avellar was handed out to the Board. She could not be present this evening but asked that the Board send a letter to Governor Baker requesting the shutdown of the Pilgrim Nuclear Power Plant (See Addendum 3). Raphael is interested in supporting this effort and a drafted letter to the Governor signed by him will be done.

MOTION: Move that the Board of Selectmen ask the Chairman to send a letter related to closing the Pilgrim Nuclear Power Plant.

Motion: Tom Donegan

Seconded: Robert Anthony

3/0/1 (Cheryl Andrews - Abstained) Motion passed.

8. Minutes:

MOTION: Move that the Board of Selectmen approve the minutes of: September 21, 2015 (Special),

as printed; September 26, 2016 (Special), as printed, and September 26, 2016 (Regular), as printed.

Motion: Tom Donegan

Seconded: Robert Anthony

4/0/0 Motion passed.

David G. asked that the September 26, 2016 (Special) minutes be changed to reflect in the heading that it was a Special not a Regular meeting. The motion was amended.

MOTION: Move that the Board of Selectmen amend the vote with regards to the September 26, 2016 Special Meeting minutes to reflect the requested change.

Motion: Cheryl Andrews

Seconded: Robert Anthony

4/0/0 Motion passed.

9. Closing Statements/Administrative Updates - Closing comments from the Selectmen:

Raphael requested that the Joint Meeting with FinCom on Tuesday, October 18, 2016 be more of an open type sitting arrangement such as we have at the Round Table meetings.

Tom passed out the Cape Light Compact Report to the Board members.

Without objection the meeting was adjourned at 9:16 p.m.

Minutes transcribed by: Loretta Dougherty

(Addendum 1)

1A

Loretta Dougherty

From: David Brody - Home <davidjbrody@verizon.net>
Sent: Thursday, October 06, 2016 9:32 PM
To: Loretta Dougherty
Subject: 10/11/16 Public Forum on Street Performers

To the Board of Selectmen,

With one limitation, I support having street performers in town. Most of the performers are talented. Some are somewhat talent-challenged, but we can't regulate talent. All of them are part of what makes Provincetown unique and, in the best sense of the word, eccentric.

My only concern is that the performers be restricted to the hubbub of the downtown area. This past season a performer positioned herself in front of the Public Library to sing opera arias in a very loud piercing voice. The Library is outside the downtown area and is relatively quiet, and her loud piercing voice was totally out of place. She happened to be a terrible singer, but her lack of talent was not the problem. The problem was the location. I suggest that all street performers be limited to the area between Freeman Street and Carver Street.

David Brody
Provincetown and Waltham

(Addendum 2)

From: "Clinton (Skip) Parker" <vze24jyp@verizon.net>

Date: October 8, 2016 at 15:34:34 EDT

To: <rrichter@provincetown-ma.gov>, <eyingling@provincetown-ma.gov>, <ranthony@provincetown-ma.gov>, <tdonegan@provincetown-ma.gov>, <candrews@provincetown-ma.gov>

Subject: Real Estate Residential Exemption

To: Provincetown Selectmen, and Others

From: Skip Parker, Year-round Property Owner

You know that Residential Exemption thing you'all passed? Well, I hear tell it ain't workin' out exactly like you'all intended. I'll give myself as an example:

I own an affordable housing condo assessed at around \$140,000 and my RE tax before your ResExemp thing was about \$1,200/year and I was billed around \$600 twice a year. Now after your ResExemp thing my tax is around \$300/year. So far, so good.

Now for a person with a minimum 4th grade education in arithmetic and has an IQ of at least approaching 3 digits you would now expect my tax bills to be around \$150 twice a year.

WRONG! The Provincetown Assessor doesn't figure it that way: I just received my half year preliminary billing and it was not for the new Tax of \$150 for a half year, it was for \$600, the same as it use to be when my tax was \$1,200 a year. No, it was not a mistake. This is how the Assessor's Office figures it: My ResExemp thing doesn't apply to the first half of the year. For the first half of the year I have to pay the old tax of \$600 for a half year. But then for the 2nd half of the year the ResExemp does apply and not only does it apply to the 2nd half of the year but it also applies, RETROACTIVELY, (I'm not making this up!) to the first half of the year. When I tell this to people I have to pause for a couple of minutes before going on waiting for them to stop laughing.

So, once you strip the Assessor's Office municipal accounting from the procedure you are left with the simple, clear, clean explanation of how your ResExemp works at the \$140,000 assessed value level which is,

At the time of the preliminary first billing, I pay my whole year's RE tax of \$300 in full, plus another \$300 as a loan to the Town, interest free of course. Then at the time of the second, final billing the Assessor's Office applies my ResExemp retroactively to the whole fiscal year and informs me that I have overpaid my RE tax by \$300 and returns the \$300 loan to me.

Is this the way you want it to work?

(Addendum 2)

LB

Loretta Dougherty

From: David Panagore
Sent: Tuesday, October 11, 2016 3:56 PM
To: Raphael Richter; Cheryl Andrews; Tom Donegan; Erik Yingling; Robert Anthony
Cc: Loretta Dougherty; David Gardner
Subject: RE: Real Estate Residential Exemption

RR et al.

RR asked me to provide you all with an explanation. (FYI- Mr, Parker bcc'd me) I spoke with Scott Fahle today who is out due to a doctor's appointment. Scott spoke with Mr. Parker last week and tried to explain how the billing operates in Provincetown. Currently, we send out bills on October 1st and April 1st. However, the October 1st bill is a preliminary bill, which has 1/2 of the estimated tax owed. The April 1st 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 1st and April 1st.

The Board of Selectmen vote on the tax rate and exemptions at the tax classification hearing which occurs after October 1st. 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 1st, it is not whether the BoS will adopt an exemption, and at what level. (The Assessor is not allowed to assume what the BoS will determine)

Contrary to Mr. Parker's assertion, the valuation between the Preliminary Bill, and the Actual bill is never the same. The values are frequently different and the tax rate always is (as the tax rate doesn't get actually set till the tax classification hearing).

Now, any time after July 1st, the Town/BoS can hold the tax classification hearing. However, we continue to labor under the legacy of the DOR watch list. In prior years we had to have the annual audit complete before we could set the tax rate, that meant the tax classification hearing would happen after October 1st. This in practice resulted in the need for a Preliminary Bill. As we no longer need to have DOR approve our audit prior to the tax rate being set, we are in position to change things for better.

While it is still a challenge for this year, working with Scott, I expect to bring forward a proposal for Town Meeting to vote to change from a semi-annual estimated/actual billing to a semi-annual actual billing of one half billed in the fall and the second in the spring, with the fall bill being is an actual bill with the actual tax rate, value and any exemptions. Scott promises me that he will have all the details/kinks worked out and a vote ready for Spring.

I have asked Scott to make sure he provides notice to folks of this circumstance that the exemption will apply to the second half bill.

He is currently preparing a memo for you all outlining the effort and the results of adopting the 20% exemption last December that went on the April tax bill, as well as his tax classification memo that will outline the impact of adopting an exemption anywhere from 20% to 35%, which I think you all will be interested in reading.

I am feeling very under the weather but as you have for tonight a vote on supplemental language for our Home Rule Petition that expands the residential exemption to owners renting to folks year round, I thought you needed to have this. I will be watching on TV.

Raphael please let us know if there is any follow up.

Sincerely,

David

10

(Addendum 3)

7A

100 Bradford St.
Provincetown, MA 02657
October 5, 2016

Re: Pilgrim Nuclear Power Plant

Dear Members of the Board:

Attached please find a letter from the Cape Cod National Seashore Advisory Commission to Governor Charles Baker regarding the dire conditions which continue to exist at the nuclear power plant in Plymouth.

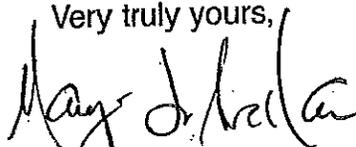
We have written to ask Gov. Baker to take immediate action to take steps to close this plant, a twin to the Fukushima plant in Japan which wreaked untold devastation to that island nation.

Not only is the health and safety of Cape Cod's residents at stake as long as Pilgrim continues to be operational, the entire economic life of the region and property values would be decimated by a failure such as that which happened in Japan. Tourism on Cape Cod is one of the Commonwealth's leading economic engines. Should a nuclear disaster occur in Plymouth, the economic loss to our residents and the state are immeasurable.

The governor has stated that he is relying on the Nuclear Regulatory Commission to manage the Pilgrim shut down. That is not sufficient given the devastating losses to the public health and well being of the citizens of Cape Cod. We deserve better and the governor needs urged to be more pro-active in asking for the immediate shut down of Pilgrim.

I will be unable to attend your meeting on Tuesday, October 11, but I urge you to make this an agenda item. Please write the governor with copies to our state and federal representatives, urging them to do the same.

Very truly yours,



Mary-Jo Avellar

Provincetown's Representative to the Cape Cod National Seashore Advisory Commission

Cape Cod National Seashore Advisory Commission
Cape Cod National Seashore Headquarters
99 Marconi Site Road
Wellfleet, Massachusetts
02667

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

Dear Governor Baker,

We, the members of the Cape Cod National Seashore Advisory Commission, represent the the towns of Orleans, Chatham, Eastham, Wellfleet, Truro and Provincetown, the county of Barnstable, your office and the Secretary of the Interior. We are appointed by the Secretary of the Interior of the United States.

The Cape Cod National Seashore Advisory Commission was authorized by Section 8 of PL 87- 126, part of the enabling legislation which created the Cape Cod National Seashore in 1961. We are one of the oldest National Park Service advisory bodies in the nation, and subject to The Federal Advisory Committee Act of 1972 (PL 92-463). Our charge is to "serve in various matters relating to the administration and development of the Seashore by the federal government as liaisons between the federal government on the one hand, and state and local governments on the other."

We, write to you to express our grave concerns about the degraded Pilgrim Nuclear Power Plant in Plymouth. We ask that in your role as chief safety officer of the Commonwealth you demand that the Nuclear Regulatory Commission closes Pilgrim now to protect the citizens of Cape Cod and the over 4 million visitors who come to our beautiful National Seashore each year. (1)

In 2015, the Nuclear Regulatory Commission (NRC) downgraded Pilgrim's performance to one of the three worst nuclear power plants in the country, declaring it one step away from a shutdown. We are aware that Entergy will be decommissioning Pilgrim in 2019, but despite a lengthy list of violations and unplanned shut downs it continues to operate. Over the past several months our concern about a potential radiological disaster at the plant has risen as we regularly learn of its myriad malfunctions.

Citizens of Cape Cod seem especially vulnerable to a radiological plume from Pilgrim because there is no evacuation plan for us, instead we would be told to shelter in place and await relocation to where?

In response to a question as to what the plan is for us post radiological disaster, MEMA director Kurt Swartz answered as follows:

"Over the next number of days, we would have mapped this area and once we had identified this area we would then issue a relocation order and order anyone within this area to leave the area. And we would enforce that order. This is not an evacuation. [emphasis added] An evacuation is an emergency quick get out of town order which says get in your car and get the hell out of town because there is an imminent danger. This is not an evacuation. This is a relocation." (Kurt Schwartz, Director of Massachusetts Emergency Management Agency, comments to the Barnstable County Regional Emergency Planning Committee on Oct. 3, 2012).

In our collective opinion, this is an unrealistic plan. Even the rumor of an accident in Plymouth would send people to their cars in an attempt to get off the Cape rather than sheltering in place. This would cause chaos and traffic jams on our only evacuation route, Route Six, and at the other side of the bridges, preventing the southward or westward evacuation of those in the 10 mile emergency zone around Pilgrim.

In addition to the public health and safety threat that the degraded Pilgrim plant poses, there is the looming threat of a major economic disaster for the Commonwealth of Massachusetts. On Cape Cod, tourism and real estate are the major economic engines. Both could be severely impacted for years, and house values would plummet should there be a radiological event at Pilgrim. Indeed Cape Cod towns could become uninhabitable and the economic losses would be incalculable.

In February of 2014, the Cape Cod National Seashore Advisory Commission released a study outlining the disastrous economic consequences of a radiological event at Pilgrim. (2) We have attached that paper for your review. Among its findings the report estimated that "a small-scale release of radioactive material at the plant could result in the loss of \$741 million to \$1.6 billion in tourist expenditures and \$23 million to \$63 million in state tax revenue over five years. A large scale disaster would likely increase the damage to \$2.2 to \$12.1 billion in tourist expenditure losses and cut overall economic output by \$45 to \$71 billion over 10 years". The study further predicts that the effects of a radiological accident at Pilgrim "could contract the the gross domestic product by up to 1.5%, possibly resulting in a recession."

Recently we learned that the Massachusetts congressional delegation sent a letter to the Nuclear Regulatory Commission (NRC) asking it to deny Entergy's request for an extension for critical safety upgrades to the Pilgrim Nuclear Power Station. These safety upgrades were recommended by a panel of Energy's own engineers after the March 2011 disaster at Fukushima Daichi in Japan. Pilgrim is the same design as the reactors in Fukushima and subject to the same vulnerabilities. Signing the letter were Senators Edward J. Markey and Elizabeth Warren, and Reps. Michael E. Capuano, William R. Keating, Joseph P. Kennedy, III, Stephen F. Lynch, James P. McGovern, Seth Moulton, Richard Neal, Niki Tsongas.

To quote from their letter to NRC chairman Stephen Burns:

"Notwithstanding its intention to shut down the plant, Entergy has a paramount responsibility to minimize the risk of catastrophic accidents similar to the one that occurred at Fukushima, exempting Pilgrim from the NRC's safety requirements would allow Entergy to abdicate that responsibility, unjustifiably exposing Massachusetts communities to danger."

The facts show that neither Entergy nor the Nuclear Regulatory Commission have demonstrated any concern for our citizens. We need your leadership in demanding that the Pilgrim nuclear reactor is shut down now rather than allowed to operate in an unsafe manner.

We thank you Governor for considering this serious matter.

1. U.S National Park Service < "Economic Benefits to our Local Communities from National Park Visitation.2011." http://www.nature.nps.gov/socialscience/docs/NPSS_SystemEstimates2011.pdf
2. An Analysis of the Impact of Disaster at the Pilgrim Nuclear power Plant on the Economy of Cape Cod www.nps.gov/caco/parkmgmt/upload/PilgrimreportfinalV7.pdf