

Annual Town Meeting – Monday, April 3, 2017

Meeting Called to Order. Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 6:00 p.m. on Monday, April 3, 2017 in the in the Town Hall Auditorium and hearing no objection decided to hold the Special Town Meeting first.

Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 6:29 p.m. on Monday, April 3, 2017.

Preliminary motions:

Raphael Richter moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Raphael Richter moved that the Town vote to grant permission to speak at the April 3, 2017 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: John W. Giorgio, Esq., and other attorneys of the firm of KP Law, P.C., *Town Counsel*; Amy Davies, *Provincetown Community Television*; Gisele Gauthier, *Affordable Housing Consultant*; Peter Hocking; *Provincetown Commons*; Richard Hoffmann, *Board Member & Former Superintendent of Nauset School District*; Bob Jones, *Board President of Cape Cod Village*; Margaret Murphy, *Trees Provincetown*; Carlos Verde, *Pier Corporation*; Josee Cardinal Young, *Finance Director*; Matt Clark, *Library Director*; Morgan Clark, *Director of Health*; Scott Fahle, *Principal Assessor*; James Golden, *Chief of Police*; Beau Jackett, *Director of Management Information Systems*; Michelle Jarusiewicz, *Housing Specialist & Grant Administrator*; Eric Larsen, *Deputy Director of Public Works*; Laura Marin, *Health Agent*; Elizabeth Paine, *Secretary to the Board of Selectmen*; Rex McKinsey, *Pier Manager/Harbormaster*; Brandon Motta, *Recreation Director*; Sherry Prada, *Operations Director of Public Works*; Domenic Rosati, *Parking Administrator*; Cody Salisbury, *Water Superintendent*; Beth Singer, *Superintendent of Schools*; Elisabeth Verde, *Executive Assistant to the Town Manager*; Alex Williams, *Treasurer* Steve Wisbauer, *Shellfish Constable*.

Motion Passed.

Raphael Richter moved that on all matters to come before the April 3, 2017 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

Motion Passed.

Article 1. To Hear Town Reports. To see if the Town will vote to hear the reports of the Town Officials and Committees and to act thereon.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Raphael Richter moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon: Beth Singer – Provincetown School Building Committee report on the restoration of the Provincetown School Building.

Motion Passed.

Article 2. FY 2018 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,887,352 to fund operating budgets for the several Town departments for Fiscal Year 2018 in accordance with Chapter 9, Section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2017	FY 2018	17-18%
I. General Government	\$1,130,635	\$1,096,663	-3.01%
II. Finance	10,168,853	10,670,832	+5.98%
III. Public Safety	5,649,505	5,931,957	+5.00%
IV. Public Works	3,403,781	3,506,738	+3.02%
V. Public Services	855,056	871,998	+1.98 %
Sub-total, I-V	\$21,107,848	\$22,078,188	+4.60%
VI. Public Schools	3,718,719	3,809,164	+2.43%
Total, I-VI	\$24,826,639	\$25,887,352	+4.27%

or to take any other action relative thereto.

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

Article 2. FY 2018 Municipal Operating Budget.

Division I. General Government

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of \$965,059 and transfer \$3,000 from Wetlands Protection Fund, and transfer \$128,604 from the Land Bank Fund for a total of \$1,096,663 to fund operating budgets for the several Town departments for Fiscal Year 2018 under budget Division I, General Government, as recommended by the Board of Selectmen.

Motion Passed.

Article 2. FY 2018 Municipal Operating Budget.

Division II. Finance

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

I move that the Town vote to raise and appropriate the sum of \$10,640,832 and transfer \$30,000 from Title V Revolving fund for a total of \$10,670,832 to fund operating budgets for the several Town departments for Fiscal Year 2018 under budget Division II, Finance, as recommended by the Board of Selectmen.

Motion Passed.

Article 2. FY 2018 Municipal Operating Budget.

Division III. Public Safety

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of \$5,831,957, to transfer \$40,000 from the Ferry Embarkation fund, and transfer \$60,000 from Municipal Waterways fund for a total of \$5,931,957 to fund operating budgets for the several Town departments for Fiscal Year 2018 under budget Division III, Public Safety, as recommended by the Board of Selectmen.

Motion Passed.

Article 2. FY 2018 Municipal Operating Budget.

Division IV. Public Works

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum \$3,506,738 to fund operating budgets for the several Town departments for Fiscal Year 2018 under budget Division IV, Public Works, as recommended by the Board of Selectmen.

Motion Passed.

Article 2. FY 2018 Municipal Operating Budget.

Division V. Public Services

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum \$871,998 to fund operating budgets for the several Town departments for Fiscal Year 2018 under budget Division V, Public Services, as recommended by the Board of Selectmen.

Motion Passed.

Article 2. FY 2018 Municipal Operating Budget.

Division VI. Public Schools

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

School Committee Recommends: 3-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of \$3,140,218 to fund the local Provincetown Public School System Budget for Fiscal Year 2018. And further, to raise and appropriate the sum of \$668,946 to fund the tuition assessment for students who attend the Nauset Regional High School for a total of \$3,809,164.

Motion Passed.

Article 3. FY 2018 Cape Cod Regional Technical High School Assessment. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Town of Provincetown's assessment for the CCRTHS FY2018 operating budget; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0
School Committee Recommends: 3-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of \$110,000 for its assessment for Cape Cod Technical Regional High School for FY 2018.

Motion Passed.

Article 4. FY 2018 Enterprise Funds. To see if the Town will vote to raise and appropriate or transfer from available funds the following amounts for enterprise funds of the Town of Provincetown for Fiscal Year 2018:

6001 Water Enterprise Fund	FY 2017	FY 2018	% change
Enterprise Fund Costs	\$2,194,720	\$2,302,098	
General Fund Costs	<u>327,717</u>	<u>360,489</u>	
TOTAL COSTS	\$2,522,437	\$2,662,587	5.6%

6002 Wastewater Enterprise Fund	FY 2017	FY 2018	% change
Enterprise Fund Costs	\$4,335,406	\$4,468,393	
General Fund Costs	<u>139,345</u>	<u>142,132</u>	
TOTAL COSTS	\$4,474,751	\$4,610,525	3.0%

or to take any other action relative thereto.

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

Article 4. FY 2018 Enterprise Funds.

6001 Water Enterprise Fund.

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

David Panagore moved that the Town vote that \$2,662,587 be appropriated to operate the Water Enterprise Fund, \$1,908,427 to come from Water Enterprise Fund revenues and \$393,671 from Retained Earnings, and further, \$360,489 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 4. FY 2018 Enterprise Funds.

6002 Wastewater Enterprise Fund.

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

David Panagore moved that the Town vote that \$4,610,525 be appropriated to operate the Wastewater Enterprise Fund, \$3,983,317 to come from Wastewater Enterprise Fund revenues and \$485,076 from reserved for debt service, and further, \$142,132 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

Article 5. Fund Collective Bargaining Agreement. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items contained in the first year of a collective bargaining agreement commencing in Fiscal Year 2018 reached between the Town and NEPBA; or to take any other action relative thereto. *[Requested by the Board of Selectmen and the Town Manager]*

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

David Panagore moved that the Town vote to transfer \$38,881 from Free Cash to fund the collective bargaining agreement with the New England Police Benevolent Association for FY2018.

Motion Passed.

Article 6. Fund Collective Bargaining Agreement. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items contained in the first year of a collective bargaining agreement commencing in Fiscal Year 2018 reached between the Town and AFSCME; or to take any other action relative thereto. *[Requested by the Board of Selectmen and the Town Manager]*

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-0

David Panagore moved that the Town vote to transfer the sum of \$83,783 from Free Cash to fund the collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME) for FY2018.

Motion Passed.

Article 7. Community Preservation Budget for FY 2018. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2018 Community Preservation Budget, to appropriate or reserve for future spending the following amounts as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves: Part 1
 - A. \$63,242 for Open Space;
 - B. \$379,451 for Community Housing;

- C. \$63,242 for Historic Resources;
- 2. Debt Service Appropriations: Part 2
 - A. \$224,550 for Community Housing debt service;
 - B. \$53,312 for Open Space debt service;
 - C. \$166,192 for Historic Preservation debt service;
- 3. Grant Requests Appropriations: Part 3
 - A. Recreation - \$18,273 for the installation of bicycle racks and bike repair stations at various locations across town, and said funds to be spent under the direction of the Town Manager in consultation with the Bicycle Committee.
 - B. Historic - \$50,000 for the implementation of Bas Relief Monument and Bas Relief Park Conservation Plan, and said funds to be spent under the direction of the Town Manager.
 - C. Historic - \$100,000 for exterior restoration of 46 Bradford Street, the former Community Center, including the repair or replacement of the roof, exterior trim, siding, windows, and door, and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the lessee.
 - D. Historic - \$51,000 for the implementation of the conservation of priority stones at the Alden Street Cemetery Phase 2, and said funds to be spent under the direction of the Town Manager in consultation with the Cemetery Commission.
 - E. Community Housing - \$50,000 for the development of Cape Cod Village, a housing development for autistic adults, and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the owner.
 - F. Community Housing - \$50,000 for a Housing Down Payment Assistance Program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.
 - G. Community Housing - \$122,541 for the Community Housing Office, including a full-time Housing Specialist and CPA administration along with pro-rated benefits and expenses.
 - H. Administrative Expenses - \$20,000 for CPA administrative expenses; or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Article 7. Community Preservation Budget for FY 2018.

1 & 2. Reserves and Debt Service

Community Preservation Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Kristin Hatch moved that the Town vote to set aside from Community Preservation Act estimated annual revenue the sum of \$63,242 for the Open Space reserve fund, the sum of \$379,451 for the Community Housing Reserve Fund and the sum of \$63,242 for the historic resources reserve fund.

And further to appropriate the sum of \$444,054 to fund debt service for Fiscal Year 2018 as follows: the sum of \$224,550 from Affordable Housing reserves, the sum of \$53,312 from Open Space reserves, and the sum of \$166,192 from Historic Preservation reserves.

Motion Passed.

Article 7. 3A Community Preservation Budget for FY 2018.

\$18,273 Bicycle Racks & Repair Stations

Community Preservation Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Alfred Famiglietti that the Town vote to appropriate under the Community Preservation Act the sum of \$18,273 from Community Preservation Open Space Reserves to be used for the installation of bicycle racks and bike repair stations at various locations across town, said funds to be expended under the direction of the Town Manager in consultation with the Bicycle Committee.

Motion Passed.

Article 7. 3B Community Preservation Budget for FY 2018.

\$50,000 Bas Relief Monument Restoration

Community Preservation Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Historical Commission Recommends: 4-0-0

Judith Cicero moved that the Town vote to appropriate under the Community Preservation Act the sum of \$50,000 from Community Preservation Undesignated Fund Balance to restore the Bas Relief tablet, structure and grounds, and said funds to be spent under the direction of the Town Manager.

Motion Passed.

Article 7. 3C Community Preservation Budget for FY 2018.

\$100,000 46 Bradford Street, former Community Center Preservation

Community Preservation Committee Recommends: 4-2-1

Board of Selectmen Recommends: 4-0-0

Finance Committee Recommends: 4-0-0

Historical Commission Does Not Recommend: 3-0-1

Brandon Quesnell moved that the Town vote to appropriate under the Community Preservation Act the sum of \$100,000 from Community Preservation Undesignated Fund Balance to be used for exterior restoration of 46 Bradford Street, the former Community Center, including the repair or replacement of the roof, exterior trim, siding, windows, and door, and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the lessee.

Gordon Siegel moved to postpone article 7, item 3C until after article 17.

Motion to Postpone Does Not Pass (2/3rd's Vote Required and not obtained: 167 For

114 Against).

Motion Passed.

Article 7. 3D Community Preservation Budget for FY 2018.

\$51,000 Alden Street Cemetery Stone Conservation Plan

Community Preservation Committee Recommends: 6-1-0

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Historical Commission Recommends: 4-0-0

Brandon Quesnell moved that the Town vote to appropriate under the Community Preservation Act the sum of \$51,000 from Community Preservation Undesignated Fund Balance to be used for the implementation of the conservation of priority stones at the Alden Street Cemetery Phase 2, and said funds to be spent under the direction of the Town Manager in consultation with the Cemetery Commission.

Motion Passed.

Article 7. 3E Community Preservation Budget for FY 2018.

\$50,000 Cape Cod Village Housing for Autistic Adults

Community Preservation Committee Recommends: 5-2-0

Board of Selectmen Recommends: 3-0-2

Finance Committee Recommends: 5-0-0

School Committee Recommends: 3-0-0

Dennis Minsky moved that the Town vote to appropriate under the Community Preservation Act the sum of \$50,000 from Community Preservation Community Housing Reserves to be used for the development of Cape Cod Village, a housing development for autistic adults, and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the owner.

Motion Passed.

Article 7. 3F Community Preservation Budget for FY 2018.

\$50,000 Housing Down Payment Assistance Program

Community Preservation Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Community Housing Council Recommends: 4-0-0

Kristin Hatch moved that the Town vote to appropriate under the Community Preservation Act the sum of \$50,000 from Community Preservation Community Housing Reserves to be used for a Housing Down Payment Assistance program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.

Motion Passed.

Article 7. 3G Community Preservation Budget for FY 2018.

\$122,541 Community Housing Office

Community Preservation Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Community Housing Council Recommends: 4-0-0

Kristin Hatch moved that the Town vote to appropriate under the Community Preservation Act the sum of \$63,271 from Community Preservation Community Housing Reserves to be used for the Community Housing Office, including a full-time Housing Specialist and CPA administration along with pro-rated benefits and expenses.

Motion Passed.

Article 7. 3F Community Preservation Budget for FY 2018.

\$50,000 Housing Down Payment Assistance Program

Community Preservation Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Community Housing Council Recommends: 4-0-0

Kristin Hatch moved that the Town vote to appropriate under the Community Preservation Act the sum of \$50,000 from Community Preservation Community Housing Reserves to be used for a Housing Down Payment Assistance program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.

Motion Passed.

Article 7. 3H Community Preservation Budget for FY 2018.

\$20,000 CPA General Administration

Community Preservation Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Kristin Hatch moved that the Town vote to appropriate the sum of \$20,000 from estimated annual revenue to be used for CPA general administration, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 8. FY 2018 Capital Improvements Program. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the following sums to defray the costs of the Fiscal Year 2018 Capital Improvements Program submitted in accordance with Chapter 9, Section 2 of the Provincetown Charter as follows, provided that one or more of the appropriations listed below shall be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question:

1. Police Station - \$8,625,000 to be expended under the direction of the Town Manager and the Director of Public Works for the design and construction of the Provincetown Police Station on the site located at 16 Jerome Smith Road, and costs related thereto;
2. Police Livescan Automated Fingerprint Identification System - \$25,479 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of Livescan Automated Fingerprint Identification System, and costs related thereto;
3. Storm Water Management - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the Town's drainage system in conjunction with applying for various grants that may become available, and costs related thereto;
4. Shank Painter Road Design Phase - \$55,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund concept development and preliminary design for the rehabilitation of Shank Painter Road, and costs related thereto;
5. Pavement Management Plan - \$225,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue additional roadway paving maintenance as outlined in the Town-wide Pavement Management Plan, and costs related thereto;
6. Bas Relief Restoration and Park Improvements - \$750,000 to be expended under the direction of the Town Manager for the restoration of the Bas Relief Monuments and for improvements to the Bas Relief Park, and costs related thereto;
7. Long Point Dike Improvement Project - \$51,000 to be expended under the direction of the Town Manager for the engineering and design of the restoration of the Long Point Dike, and costs related thereto;
8. Police Fleet Upgrade Plan - \$78,520 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police sedan interceptor vehicles, and costs related thereto;
9. 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;
10. Public Works Fleet Replacement - \$270,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of a Highway Department loader and a sanitation trash trailer, and costs related thereto;
11. Public Works Building Maintenance - \$60,000 to be expended under the direction of the Town Manager and the Director of Public Works for the repair or replacement of all rubber roofing at the Veterans Memorial Community Center, and costs related thereto;
12. Public Works Facility - Highway Garage - \$125,000 to be expended under the direction of the Town Manager and the Director of Public Works for the development of final design plans and bid specifications for the Phase I Highway Garage on the site located at 24 Race Point Road, and costs related thereto;
13. Use of Parking Funds for Parking Kiosk - \$20,000 from the Parking Fund to be expended under the direction of the Town Manager for the purchase and installation of one parking kiosk, and costs related thereto;
14. MUNIS Payroll Software - \$59,634 to be expended under the direction of the Town Manager for the acquisition of the MUNIS Payroll system software, and costs related thereto;

15. Fire Department Air Pack Replacement - \$45,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of air pack replacement units, and costs related thereto;
16. Fire Department Ambulance Equipment - \$62,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of one new power stretcher and other ambulance equipment, and costs related thereto;
17. Water Department Security Upgrades - \$75,000 to be expended under the direction of the Town Manager for enhanced security at the Knowles Crossing Water Treatment Facility, and cost related thereto;

or to take any other action relative thereto.

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

Article 8. FY 2018 Capital Improvements Program.

8-1. Police Station

2/3rd's Vote Required

Board of Selectmen Recommends: 3-2-0

Finance Committee Recommends: 6-1-0

Building Committee Recommends: 5-0-0

Raphael Richter moved that the Town vote to appropriate the sum of \$8,625,000 to be expended under the direction of the Town Manager and the Director of Public Works for the design and construction of the Provincetown Police Station on the site located at 16 Jerome Smith Road, and costs related thereto, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$8,625,000 pursuant to General Laws Chapter 44, sections 7 and 8, or any other enabling authority and to issue bonds and notes therefor; provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ debt exclusion by the voters of the town in accordance with General Laws Ch. 59 section 21C(m); and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

Motion Passed by 2/3rd's (For 206 Against 35).

Article 8. FY 2018 Capital Improvements Program.

8-2. Police *Livescan* Automated Fingerprint Identification System

8-3. Storm Water Management

8-4. Shank Painter Road Design Phase

8-5. Pavement Management Plan

8-6. Bas Relief Restoration and Park Improvements

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Cheryl Andrews moved that the Town vote to transfer **\$1,105.479** from Free Cash to fund the following Capital Improvement Program articles:

2. [Police Livescan Automated Fingerprint Identification System](#) - \$25,479 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of Livescan Automated Fingerprint Identification System, and costs related thereto;
3. [Storm Water Management](#) - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the Town's drainage system in conjunction with applying for various grants that may become available, and costs related thereto;
4. [Shank Painter Road Design Phase](#) - \$55,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund concept development and preliminary design for the rehabilitation of Shank Painter Road, and costs related thereto;
5. [Pavement Management Plan](#) - \$225,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue additional roadway paving maintenance as outlined in the Town-wide Pavement Management Plan, and costs related thereto;
6. [Bas Relief Restoration and Park Improvements](#) - \$700,000 to be expended under the direction of the Town Manager for the restoration of the Bas Relief Monuments and for improvements to the Bas Relief Park, and costs related thereto.

Motion Passed.

Article 8. FY 2018 Capital Improvements Program.

8-7. Long Point Dike Improvement Project

Board of Selectmen Recommends Indefinite Postponement: 3-2-0

Conservation Commission Does Not Recommend: 3-1-1

Harbor Committee Recommends Indefinite Postponement: 3-0-0

Raphael Richter moved that the Town vote to indefinitely Postpone Article 8-7.

Motion to Indefinitely Postpone Passed.

10:05 p.m. Raphael Richter moved to adjourn Annual Town Meeting until tomorrow, April 4, 2017 at 6:00 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:02 p.m. on Tuesday, April 4, 2017.

Article 8. FY 2018 Capital Improvements Program.

- 8-8. Police Fleet Upgrade Plan
- 8-9. DPW Street and Sidewalk Maintenance and Repair
- 8-10. Public Works Fleet Replacement
- 8-11. Public Works Building Maintenance
- 8-12. Public Works Facility - Highway Garage

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0
Building Committee Recommends Articles 8-10 & 8-11: 5-0-0

Tom Donegan moved that the Town vote to transfer \$583,520 from the Capital Improvement Stabilization Fund to fund the following Capital Improvement Program articles:

8. [Police Fleet Upgrade Plan](#) - \$78,520 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police sedan interceptor vehicles, and costs related thereto;
9. [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;
10. [Public Works Fleet Replacement](#) - \$270,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of a Highway Department loader and a sanitation trash trailer, and costs related thereto;
11. [Public Works Building Maintenance](#) - \$60,000 to be expended under the direction of the Town Manager and the Director of Public Works for the repair or replacement of all rubber roofing at the Veterans Memorial Community Center, and costs related thereto;
12. [Public Works Facility - Highway Garage](#) - \$125,000 to be expended under the direction of the Town Manager and the Director of Public Works for the development of final design plans and bid specifications for the Phase I Highway Garage on the site located at 24 Race Point Road, and costs related thereto.

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

Article 8. FY 2018 Capital Improvements Program.

8-13. Use of Parking Funds for Parking Kiosk

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

Cheryl Andrews moved that the Town vote to transfer \$20,000 from the Parking Fund to be expended under the direction of the Town Manager for the purchase and installation of one parking kiosk, and costs related thereto.

Motion Passed.

Article 8. FY 2018 Capital Improvements Program.

8-14. MUNIS Payroll Software

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

Cheryl Andrews moved that the Town vote to transfer

- \$132.14 in unused funds from April 2014 Annual Town Meeting Article 11, DPW Fleet;
- \$10,289.48 in unused funds from April 2011 Annual Town Meeting Article 24 Cemetery Improvement;
- \$33,966.00 in unused funds from April 2015 Special Town Meeting Article 7, Mental Health Advocate; and

- \$15,246.38 from Free Cash
- for a total of \$59,634 to be expended under the direction of the Town Manager for costs associated with the acquisition of the MUNIS Payroll Module.

Motion Passed.

Article 8. FY 2018 Capital Improvements Program.

8-15. Fire Department Air Pack Replacement

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Board of Fire Engineers Recommends: 4-0-0

Tom Donegan moved that the Town vote to transfer

- \$7,098 in unused funds from April 2012 Special Town Meeting Article 5, GIS Flyover;
- \$164 in unused funds from October 2015 Special Town Meeting Article 10 Police Station Design;
- \$3,913.43 in unused funds from April 2016 Special Town Meeting Article 10, Pier Ferry Gangway;
- \$2,040.40 in unused funds from April 2016 Special Town Meeting Article 11, Pier Motor Replacement;
- \$8,505.82 in unused funds from April 2014 Annual Town Meeting Article 11-15, Library Carpet;
- \$5,334.04 in unused funds from October 2012 Special Town Meeting Article 7, High School Repair; and
- \$17,944.31 in unused funds from April 2014 Special Town Meeting Article 6, MSBA Feasibility Study

for a total of \$45,000 to be expended under the direction of the Town Manager for the purchase of air pack replacement units, and costs related thereto.

Motion Passed.

Article 8. FY 2018 Capital Improvements Program.

8-16. Fire Department Ambulance Equipment

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Board of Fire Engineers Recommends: 4-0-0

Tom Donegan moved that the Town vote to transfer

- \$6,970 in unused funds from April 2014 Annual Town Meeting Article 11-8, School Stairway Replacement;
- \$2,418.82 in unused funds from April 2016 Annual Town Meeting Article 18-2 Police Fleet Replacement;
- \$339.83 in unused funds from April 2015 Annual Town Meeting Article 18-2 Mechanical CPR Machine;
- \$6,434.80 in unused funds from April 2015 Annual Town Meeting Article 18-9, Parking Kiosks;

- \$6,641.00 in unused funds from April 2016 Special Town Meeting Article 5, Parking Kiosks; and
- \$4,937.86 in unused funds from April 2014 Annual Town Meeting Article 11-11 DPW Fleet Replacement; and
- \$34,257.69 in unused funds from April 2014 Special Town Meeting Article 6, MSBA Feasibility Study

for a total of \$62,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of one new power stretcher and other ambulance equipment, and costs related thereto.

Motion Passed.

Article 8. FY 2018 Capital Improvements Program.

8-17. Water Department Security Upgrades

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 5-0-0

Tom Donegan moved that the Town vote to appropriate from Water Enterprise Fund Retained Earnings the sum of \$75,000 to pay for enhanced security at the Knowles Crossing Water Treatment Facility, and cost related thereto.

Motion Passed.

Article 9. Change Date of Annual Town Meeting and Annual Town Election - A Home Rule Petition / Charter Change. To see if the Town will vote to instruct its senator and representative in the General Court to file a home rule petition for a special act to read as follows; provided however, that the General Court shall be authorized to make ministerial, clerical, and editorial changes of form only to said bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and to authorize the Board of Selectmen to approve such amendments:

AN ACT RELATIVE TO THE CHARTER OF
THE TOWN OF PROVINCETOWN

SECTION 1. Section 2-3-1 of the Charter of the Town of Provincetown, which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, is hereby amended as follows:

“The annual town meeting shall be held on the first Monday in ~~April~~ May of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the annual town meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.”

SECTION 2. Section 2-4-2 of the Charter of the Town of Provincetown, which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, is hereby amended as follows (*Deletions shown in strike-through and new text shown as underlined*):

“The regular elections to any office shall be by official ballot held on the ~~first~~ second Tuesday in ~~May~~ June of each year.”

SECTION 3. This act shall take effect upon its passage.

or to take any other action relative thereto.
[Requested by the Board of Selectmen]

Board of Selectmen Recommend Indefinite Postponement: 3-2-0

Erik Yingling moved that the Town vote to indefinitely postpone Article 9.
Motion to Indefinitely Postpone Does Not Pass.

Raphael Richter moved to approve article 9 as printed in the warrant.
Motion Does Not Pass.

Article 10. General Bylaw Amendment: Change Date of Annual Town Meeting and Annual Town Election. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown General Bylaws by amending the following sections to read as follows (said amendment to take effect in accordance with General Laws Chapter 40, Section 32 and upon enactment of the special act requested by the Home Rule Petition in Article 9):

4-1-1. Date. The Annual Town Meeting shall be held on the first Monday in ~~April~~ May of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the Annual Town Meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.

4-5-1. Annual Election. Beginning at 7:00 a.m. and ending at 7:00 p.m. on the first ~~second~~ Tuesday in ~~May~~ June of every year, there shall be held that part of the Annual Town Meeting devoted to the election of officers and to such other matters as, by law, must be determined by a ballot.

or to take any other action relative thereto.
[Requested by the Board of Selectmen]

Board of Selectmen Recommend Indefinite Postponement: 5-0-0

Erik Yingling moved that the Town vote to indefinitely postpone Article 10.
Motion to Indefinitely Postpone Passed.

Article 11. Mandatory Retirement Age of the Fire Chief - A Home Rule Petition.

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the enactment of special legislation entitled "An Act Authorizing the Town of Provincetown to Continue the Employment of Michael Trovato" as set forth below, provided however that the General Court shall be authorized to make ministerial, clerical, and editorial changes of form only to said bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and to authorize the Board of Selectmen to approve such amendments.

AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN
TO CONTINUE THE EMPLOYMENT OF MICHAEL TROVATO

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. Notwithstanding any general or special law to the contrary, Michael Trovato, a member of the fire department of the town of Provincetown, may continue to serve in such position until May 31, 2024, until the date of his retirement, or until the date he is relieved of his duties by the Board of Fire Engineers, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The town may, at its own expense, require that Michael Trovato be examined by an impartial physician designated by them to determine such capability.

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Board of Fire Engineers Recommends: 5-0-0

Robert Anthony moved that the Town vote to approve Article 10 as printed in the warrant.
Motion Passed.

Article 12. Commercial Street Security Improvements. *(A non-binding resolution)* To see if the Town would like the Town Manager to investigate and return to the next town meeting with a funding request for permanent safety installations throughout Commercial Street intersections that will protect the public from vehicular danger during peak pedestrian times. Such installations would be permanently installed in the street and would be able to raise and lower easily and temporarily by public safety officials or other designated persons to allow the system to be deployed at appropriate times and to be minimally noticeable when not in use, as well as to provide access to authorized vehicles such as residents of the temporarily closed areas, public conveyances, and others deemed appropriate by public safety officials; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 3-2-0

Raphael Richter moved that the Town vote to approve Article 12 as printed in the warrant.
Motion Does Not Pass.

Article 13. Zoning Amendment Regarding Detached Structures. *(A non-binding resolution)* To see if the Town shall instruct the Planning Board to work with all other relevant boards and committees to develop zoning and other related bylaw changes, additions, or deletions and return to the next town meeting with articles that allow for detached structures to be used as detached bedrooms for workforce housing, and/or find other ways that bylaws can be modified to allow for workforce housing use both seasonal and year-round; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 3-2-0

Planning Board Has No Recommendation: 4-0-0

Raphael Richter moved that the Town vote to approve Article 13 as printed in the warrant.
Motion Passed (125 For 102 Against).

Article 14. Petitioned Article - Province Road Paving. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$75,000 to be expended under the direction of the town manager for costs associated with paving and storm water improvements to Province Road, a private road in which the Town is a 38% abutter. Total costs to the Town will be reduced by 62% from funding as agreed on in the Province Road Repair Agreement, signed by the Board of Selectmen on January 23, 2017; or to take any other action relative thereto. *[Submitted by Jay Gurewitsch and others]*

Board of Selectmen Recommends: 3-1-0
Finance Committee Recommends: 5-0-0

Jay Gurewitsch moved that the Town vote to transfer \$28,500 from Free Cash (38% of the total project cost) to fund Article 14 as printed in the warrant.

Patrick Patrick moved to amend article 14 by adding after the words improvements to Province Road, the following “pursuant to and dependent on road owners permission.”
Motion to Amend Does Not Pass.
Motion Passed.

Article 15. Petitioned Article - To Fund An Additional Egress For Maushope Housing. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$90,000 (ninety thousand dollars) to build 3 back decks (or porches) with stairs at the rear of Maushope, 44 Harry Kemp Way, at the rear of the units on the 1st, 2nd and 3rd floors and to replace one window of each unit facing north with an outward opening door so that each resident has a second way out in case of fire. All renters in Provincetown, both year round and seasonal, must have two exits as our local building code requires; or to take any other action relative thereto.
[Submitted by Barbara Rushmore and others]

Board of Selectmen Reserves Recommendation: 5-0-0
Finance Committee Does Not Recommend: 5-0-0

Barbara Rushmore moved that the Town vote to raise and appropriate \$90,000 to fund Article 15 as printed in the warrant.

Mark Hatch moved to indefinitely postpone article 15.
Motion to Indefinitely Postpone Passed.

Article 16. Petitioned Article - Non-Binding Public Advisory Question For The 2017 Spring Annual Town Meeting To Protect Public Health And Safety: Move Spent Fuel At Pilgrim Nuclear Power Station To Secure Dry Casks As Soon As Possible. *(A non-binding resolution)* To see if the town will vote to approve the following non-binding resolution:

Whereas, the original design for the Pilgrim Nuclear Power Station (PNPS) spent fuel pool was for 880 assemblies and now holds over 2,822 densely racked and tightly packed assemblies, and;

Whereas, the PNPS spent fuel pool holds over 11 times the amount of cesium released at Chernobyl, and:

Whereas, the MA Attorney General's Office 2006 report cited an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas, 885 Boraflex panels, which prevent criticality and fire, will be susceptible to unacceptable levels of deterioration by September, 2017, and;

Whereas, the PNPS spent fuel pool is vulnerable to terrorist and cyber-attack, and;

Whereas, citizens of the Town of Provincetown find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner.

Therefore, should the people of the Town of Provincetown direct the town's government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interest of the Town of Provincetown and its inhabitants and visitors? or to take any other action relative thereto. *[Submitted by Richard Kapler and others]*

Board of Selectmen Recommends: 5-0-0

[Richard Kapler moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 16.](#)

Motion Passed Unanimously.

Article 17. *Petitioned Article - Sale of the Community Center Building.* To see if the Town will vote to, as the sovereign authority, direct that the Board of Selectmen uphold and implement all terms and conditions of the April 4, 2011 Special Town Meeting, Article 5, titled "Sale of the Community Center Building," and order them to rescind, void, and, or nullify, any and all leases or other agreements awarded, or attempted to be awarded, pursuant to a bidding process that did not adhere to the requirement that the premises be sold and not leased, and to further authorize the Board of Selectmen to sell said parcel, pursuant to the procedures set forth in General Laws Chapter 30B, on such terms and conditions that promote the ideals as articulated in the Provincetown Housing Playbook; the land being all or a portion of Assessors Map No.7-2, Parcel No. 62, located at 46 Bradford St., and commonly known as the Community Center Building; or to take any other action relative thereto. *[Requested by Gordon J. Siegel and others]*

Board of Selectmen Recommends Indefinite Postponement: 5-0-0

Finance Committee Has No Recommendation: 4-0-0

[Gordon Siegel moved that the Town vote to approve Article 17 as printed in the warrant.](#)

[Raphael Richter moved to indefinitely postpone article 17.](#)

Motion to Indefinitely Postpone Passed (109 For 60 Against).

Article 18. Establishment of The Scholarship and Trust Administration Committee.

To see if the Town will vote to establish the Scholarship and Trust Administration Committee as an advisory board comprising of three members and one alternate member appointed by the Board of Selectmen, and two regular members and one alternate member appointed by the School Committee to administer the John Anderson Francis Family Scholarship Fund, the Captain Joseph F. Oliver Scholarship Fund, the Town Scholarship Fund and such other public trusts as the Committee may be assigned by the Board of Selectmen. Such administration shall be in accordance with the terms of each trust, as amended, or, if changed circumstances necessitate amendment, by agreement of the Board of Selectmen and, in the case of Scholarship Funds, the School Committee. Investment of the principal of each trust shall be determined by the Town, unless otherwise provided by the creator of such trust; or to take any other action relative thereto.

[Requested by the Provincetown Town Scholarship Committee and the John Anderson Francis Family Scholarship Committee]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

School Committee Recommends: 3-0-0

John Anderson Francis Family Scholarship Committee Recommends: 3-0-0

Town Scholarship Committee Recommends: 4-0-0

Robert Speiser moved that the Town establish a single Scholarship and Trust Administration Committee, on the terms and conditions and for the purposes as specified in the warrant, which committee shall replace the existing John Anderson Francis Family Scholarship Committee and the Town Scholarship Committee, with the existing members of the John Anderson Francis Family Scholarship Committee and the Town Scholarship Committee to serve as interim members of the newly-established Scholarship and Trust Administration Committee until such time as regular members of the Scholarship and Trust Administration Committee are appointed in the manner set forth in the article.

Motion Passed.

Article 19. Fully Fund Pier Maintenance. To see if the Town will, pursuant to the Memorandum of Understanding between the Selectmen and Pier Corporation and as recommended in the Comprehensive Survey of MacMillan Pier by Bourne Engineering funded by STM 2016 Article 12, raise and appropriate or transfer from available funds the sum of \$23,000 to fully fund the fiscal year 2018 pier maintenance account under the direction of the Town Manager and PPC; or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation]

Provincetown Public Pier Corporation Recommends: 5-0-0

Board of Selectmen Does Not Recommend: 3-2-0

Finance Committee Does Not Recommend: 5-2-0

Visitor Services Board Recommends: 7-0-0

LeRoy Fraser moved that the Town vote to transfer \$23,000 from Free Cash to fund the Fiscal Year 2018 pier maintenance account under the direction of the Town Manager and Provincetown Public Pier Corporation.

Motion Passed.

10:00 p.m. Raphael Richter moved to adjourn Annual Town Meeting until tomorrow, April 5, 2017 at 6:00 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:04 p.m. on Wednesday, April 5, 2017.

Article 20. Reduce Pier Corporation Rent to \$1. (A non-binding resolution) To see if the town will vote to approve the following non-binding resolution:

Whereas the requirement for the Pier Corp to pay rent to offset a \$2.8 million local match for \$16 million in grant funding was proposed by consultants preparing a business plan for grant applications; and at that time, their financial analysis relied on general predictions of future performance and maintenance costs of a yet to be designed new pier, and the rent was an estimated number to secure funding from various state and federal agencies;

Whereas the Pier Corp has paid the Town over \$1.8 million in rent since inception and these payments have undermined the pier's ability to maintain the facility;

Whereas compounding the negative impact of the rent payment on operations, the below market rates charged to commercial fishermen for dock space have never been subsidized by the Selectmen as agreed to by the ProFish MOU of 2001, the enabling legislation, and the 20-year lease;

Whereas the economic benefits to the Town from Pier Corporation operation of the Town Wharf such as the ferries, whale watch and other excursions, artist studio trapsheds and the Provincetown based commercial fishing fleet far exceed the rent and embarkation fees the town receives from the pier;

Whereas the Comprehensive Survey of MacMillan Pier funded by STM 2016 Article 12 recommends annual maintenance work that is not currently fully funded due to a requirement to pay rent;

Whereas Pier Corporation has had to defer maintenance to fund its obligations for rent to the Town and that deferred maintenance is outlined in the Bourne report; and

Whereas MacMillan Pier and the Pier Corporation itself are assets of the Town of Provincetown;

Now therefore, the Town Meeting Body directs the Board of Selectmen to reduce rent for MacMillan Pier to \$1 starting in FY 2019, with funds to be used for the maintenance and operation of the pier and for any excess revenue for the operation be returned to the Town as specified in the MOU dated August 10, 2015; or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation]

Provincetown Public Pier Corporation Recommends: 4-0-1

Board of Selectmen Does Not Recommend: 3-2-0

Finance Committee Does Not Recommend: 5-2-0

Herbert Hintze moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 20.

Motion Passed.

Article 21. Visitor Services Board – Amendments to Board Composition. To see if the Town will vote to amend its previous vote under Article 64 of the April 5, 1999 Annual Town Meeting relative to the composition of the seven-member Visitor Services Board as follows:

Change one member nominated from the Arts Community to read, one member nominated from the Arts, Culture and Heritage Community, which shall be filled after inviting nominations from the following arts and cultural organizations in Provincetown: 1) Provincetown Art Association and Museum, 2) Pilgrim Monument and Provincetown Museum, 3) Provincetown 400, 4) Provincetown Historic Celebrations, 5) Fine Arts Work Center, and 6) Provincetown Theater;

Change one member nominated by the Women Innkeepers of Provincetown to one member nominated by Innkeepers, which shall be filled after nominations from the following organizations: 1) Women Innkeepers of Provincetown, 2) Distinctive Inns of Provincetown, 3) Provincetown Chamber of Commerce Innkeeper Members and 4) Provincetown Business Guild Innkeeper Members;

Change one at-large member to one member nominated from restaurants, which shall be filled after inviting nominations from the following organizations: 1) Provincetown Chamber of Commerce Restaurant Members and 2) Provincetown Business Guild Restaurant Members;

Change one at-large member to one member nominated from retail establishments, which shall be filled after inviting nominations from the following organizations: 1) Provincetown Chamber of Commerce Retail Shop Members and 2) Provincetown Business Guild Retail Shop Members;

Therefore, the Visitor Services Board representative composition will be as follows: 1) Arts, Culture and Heritage, 2) Provincetown Chamber of Commerce, 3) Provincetown Business Guild, 4) Inn keepers, 5) Restaurants, 6) Retail Shops, and 7) At-Large Member; or to take any other action relative thereto. *[Requested by the Visitor Services Board]*

Visitor Services Board Recommends: 6-1-0

Board of Selectmen Recommends Indefinite Postponement: 5-0-0

Rita Schwartz moved that the Town vote to approve Article 21 with the following addition: Add the sentence “One Provincetown business shall not have more than one representative on the Visitor Services Board” at the end of the article.

Cheryl Andrews moved to indefinitely postpone article 21.

Motion to Indefinitely Postpone Does Not Pass.

Motion Does Not Pass.

Article 22. Finance Committee Request to Fund Health Insurance Consultant. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$45,000, to be expended under the direction of the Town Manager, for costs associated with health care consulting services to assist the Town in evaluating its health care costs;

or to take any other action relative thereto. *[Requested by the Finance Committee]*

Finance Committee Recommends: 5-0-0

Board of Selectmen Recommends: 5-0-0

Louise Venden moved to that the Town vote to transfer \$45,000 from Free Cash to fund Article 22 as printed in the warrant.

Motion Passed.

Article 23. General Bylaw Amendment: Chapter 13, Section 13-4-2 Personal Watercraft in Provincetown Harbor. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown General Bylaws by amending section 15-7 as follows:

13-4-2-2. Except as provided in §13-4-2-3 below, the operation of personal watercraft is prohibited in the waters of the Town of Provincetown in the following areas:

(a) Within the boundaries of the Cape Cod National Seashore as set forth in Public Law 87-126, 7 August 1961, 75 Stat. 293, and as most recently surveyed by the U.S. Department of Interior.

(b) On the tidal waters of Provincetown Harbor and any adjoining river, inlet, cove, pond, embayment or harbor westerly of a line running from the Provincetown Truro town line to Long Point Light, with the exception of a marked channel in which personal water craft may pass through Provincetown Harbor operating at ~~headway~~ lawful speed. Said marked channel shall ~~begin at the Good Templar Landing thence~~ be the Federal Channel between red #4 marker on the west end of the breakwater to Long Point Buoy marker green #3 within Provincetown Harbor, as shown on a plan on file in the office of the Town Clerk. Personal watercraft shall traverse at headway speed only between the red #4 mark at the west end of the breakwater and the boat ramp, boatyard, fuel dock, marina or boat rental business. On departure, personal watercraft must depart Provincetown Harbor by the Federal Channel from red #4 to green #3 at Long Point.

13-4-2-3. No personal watercraft shall be launched from any location or vessel in Provincetown Harbor except the above listed marine facilities ~~boat-launching ramp at Good Templar Landing~~, and any personal watercraft using said boat-launching ramps shall be registered with Provincetown Harbormaster. Or to take any other action relative thereto.

[Requested by the Provincetown Harbor Committee]

Harbor Committee Recommends: 3-0-0

Board of Selectmen Recommends: 5-0-0

Provincetown Public Pier Corporation Recommends: 3-0-2

Rex McKinsey moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 23.

Motion Passed.

Article 24. General Bylaw Amendment: Chapter 15. Local Historic District, Section 15-9 Exclusions and Section 15-11. Appendices. (Solar Exclusions) (*Deletions shown*

in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown General Bylaws by amending section 15-7 as follows:

15-9. Exclusions.

15-9-1 Categorical Exclusions: The Commission shall exclude from its purview the following:

15-9-1-1 Maintenance and repairs that do not alter or replace material, as defined in Section 9.2.

15-9-1-2 The color of paint.

15-9-1-3 Exterior lighting.

15-9-1-4 Gutters and downspouts.

15-9-1-5 Signage.

15-9-1-6 Storm windows and window air conditioners.

15-9-1-7 Satellite antennae, or similar equipment, provided they are located to minimize visibility from a Public Way.

15-9-1-8 Temporary Buildings or Structures subject, however, to conditions pertaining to the duration of existence and use, as the Commission may reasonably specify.

15-9-1-9 Terraces, walks, sidewalks and similar structures, provided that any such Structure is substantially at grade level.

15-9-1-10 Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, house numbers, and garden furniture.

15-9-1-11 Buildings that are less than 50 years old are exempt from review, with the following conditions: Alterations which affect more than 25% of a façade must comply with the Guidelines. Additions which increase such Building by more than 25% must conform with Guideline 15 New Construction and Additions.

15-9-1-12 Piers/Wharves: Additions and alterations to piers and wharves, including all mechanical and maritime-related Structures and equipment, are exempt from review.

15-9-1-13 Cemeteries: All cemetery Structures are exempt except Buildings and fences.

15-9-1-14 Plant material and trees.

15-9-1-15 Solar panels, provided that (1) panels are low profile and mounted no higher than 3 inches above the roof surface, (2) panels are set back from the edge of the roof, (3) the array is parallel to the edges of the roof, and is aligned in a regular and rectangular pattern with no missing panels, and (4) the panel frames and cells, pipes, and wires are dark or match the surrounding roof in color; otherwise, an administrative review shall be required.

And

15-11 Appendices

APPENDIX 1. PROVINCETOWN HISTORIC DISTRICT GUIDELINES

3. EXEMPTIONS FROM REVIEW. The following items shall be exempt from review by the Commission:

o. Solar Panels, provided that (1) panels are low profile and mounted no higher than 3 inches above the roof surface, (2) panels are set back from the edge of the roof, (3) the array is parallel to the edges of the roof, and is aligned in a regular and rectangular pattern with no missing panels, and (4) the panel frames and cells, pipes, and wires are dark or match the surrounding roof in color; otherwise, an administrative review shall be required.

Or to take any other action relative thereto. *[Requested by the Board of Selectmen]*

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Historic District Commission Does Not Recommend: 4-0-0

Erik Yingling moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 24.

Motion Passed by 2/3rd's Vote (97 For 36 Against).

Article 25. General Bylaw Amendment: Chapter 6, Section 2: Employment.

(Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 6-2-1 as follows:

6-2-1. Solicitation of candidates. No employee shall be hired by any agency of the town without there first being solicitation of candidates for the position in a newspaper of general circulation in the town at least two consecutive weeks. Except, however, where the Town Manager determines that an internal candidate exists who exhibits qualification, ability, and reliability, and is worthy of consideration and promotion; or to take any other action relative thereto. *[Requested by the Town Manager]*

Board of Selectmen Recommends: 5-0-0

Personnel Board Has No Recommendation

David Gardner moved to indefinitely postpone Article 25.

Motion to Indefinitely Postpone Passed.

Article 26. General Bylaw Amendment: Chapter 16. Tree Bylaw. *(Deletions shown in strike-through and new text shown as underlined)* To see if the Town will vote to amend the Provincetown General Bylaws by adding Chapter 16 in its entirety as follows:

16. TREES

16-1. Purpose

Trees contribute to the health and well-being of the Town of Provincetown (the "Town") and its residents and wildlife. Trees also help define the Town's ambience and streetscape and enhance property values. The purpose of this bylaw is to preserve and protect public shade trees in Provincetown in accordance with the provisions of Massachusetts General Law Chapter 87, and to provide standards for the proper care of town trees.

16-2. Definitions

16-2-1. "Public shade tree" means any tree within or on the boundaries of a public right-of-way except for a state highway, including any tree planted by or on behalf of the Tree Warden on any adjoining land, upon the written consent of the owner of such land, at a distance of 20 feet or less from the layout of such public way, all in accordance with the provisions of G. L. c. 87, s. 7.

16-2-2. "Town tree" means any tree in a public park or other place owned, controlled or leased by the Town of Provincetown except trees on conservation lands managed by, or

resource areas or their buffer zones under the jurisdiction of, the Provincetown Conservation Commission.

16-2-3. "Public right-of-way" means the strip of land controlled or owned by the Town within which a public street or road lies. Typically the public right-of-way is wider than the road surface and often includes curbs, sidewalks, utilities, public shade trees and grass strips.

16-2-4. "Person" means any individual or entity as defined by Section 1-2-5 of the Provincetown General Bylaws.

16-2-5. "Drip line" means a vertical line running through the outermost portion of the crown (i.e., the outer branch tips) of a tree and extending to the ground.

16-2-6. "Tree removal" means the cutting down of any public shade tree and any other act that will cause such a tree to die within a three-year period, including but not limited to improper or excessive pruning and construction, demolition and excavation activities.

16-2-7. "Excessive pruning" means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree.

16-2-8. "DBH (Diameter at Breast Height)" means the diameter of the trunk of a tree 4 ½ feet above the existing grade at the base of the tree.

16-2-9. "Tree fund" means a fund to be established hereunder as a revolving fund pursuant to G.L. c. 44, s. 53E1/2, for use by the Tree Warden for the purchase, planting, protection and care of public shade trees and town trees.

16-3. Jurisdiction

16-3-1. Tree Warden

This bylaw applies to all public shade trees and town trees in the Town. The Tree Warden shall have jurisdiction over all trees to which this bylaw applies and as set forth in G.L. c. 87, s. 2.

16-3-2. Coordination With Other Town Regulators

If any public shade tree or town tree may be impacted by construction, demolition or excavation activities under the jurisdiction of the Town's Building Department, Planning Board, Zoning Board of Appeals, or other Town Department or Board, such regulatory agency shall (1) require the owner of the affected property and any person engaging in such activities to comply with the provisions of this bylaw and (2) notify the Tree Warden of such activities.

16-3-3. Planning Board

For projects that require Planning Board Site Plan Review or Special Permit, the provisions of Sections 16-4-2 and 16-5 of this bylaw shall be waived and all tree and landscape requirements shall be made part of the Planning Board Site Plan Approval or Special Permit. The Planning Department shall forward Site Plan Review and Special Permit applications to the Tree Warden for review and comment. No Site Plan Approval or Special Permit shall be issued without written comments from the Tree Warden, unless such written comments are not received by the Planning Board within 30 days of the date the application is submitted.

16-4. Activities Requiring a Permit

16-4-1. A public shade tree or town tree may not be trimmed, pruned or removed by any person other than the Tree Warden until and unless the Tree Warden issues a written permit pursuant to this bylaw.

16-4-2. Such a permit shall also be required of any person for (1) planting a public shade tree or town tree, (2) engaging in construction or demolition activities within the drip line of a

public shade tree or town tree, and (3) engaging in excavation activities that may disturb a public shade tree or town tree, including but not limited to the installation of utility lines.

16-5. Tree Planting

The Tree Warden shall issue standards for planting public shade trees and town trees for which a permit is required under Section 16-4-2. Such standards shall include (1) listing of trees acceptable for planting, (2) site selection, (3) priorities for tree planting locations, (4) spacing of street trees, and (5) planting guidelines.

16-6. Prohibited Activities

It shall be unlawful for any person to engage in any of the following activities relating to public shade trees or town trees: (1) topping tree branches, (2) stubbing tree branches, (3) girdling tree trunks, (4) cutting or poisoning tree roots, (5) causing any other kind of injury, and (6) pollarding the top and branches of a tree if done by any person other than a certified arborist.

16-7. Permit Application Procedures

16-7-1. A person who wishes to initiate any activity affecting a tree for which a permit is required under this bylaw shall submit an application to the Tree Warden in accordance with application requirements issued by the Tree Warden. Application forms shall be available at the office of the Town Clerk and the office of the Tree Warden. There shall be no fee for filing an application.

16-7-2. The permit issued by the Tree Warden may specify schedules, terms, and conditions as deemed appropriate by the Tree Warden. For activities except removal, the Tree Warden shall issue or deny the permit within fourteen (14) calendar days of receipt of a completed application. A permit shall be valid for one hundred twenty (120) days from issuance unless the permit specifies otherwise.

16-8. Public Hearing

16-8-1. Except as provided in G. L. c. 87, s. 5, the Tree Warden shall not remove a public shade tree, or grant an application to any person for the removal of a public shade tree, without first conducting a public hearing. Where a public hearing is required, the Tree Warden shall, in accordance with the provisions of G. L. c. 87, s. 3, issue a notice of the time and place of the hearing, which notice shall identify the size, type and location of the tree to be cut down or removed. The Tree Warden shall also post the notice in two or more public places in Provincetown, including the Town's website, and in public view upon the tree at least seven (7) days before such hearing and publish it in a newspaper of general circulation in Provincetown once in each of two successive weeks, the first publication to be not less than seven (7) days before the day of the hearing, or if no such local newspaper exists then in accordance with the provisions of G. L. c. 4, s. 6. The costs of notice, posting and publication shall be borne by the applicant.

16-8-2. When a public hearing must be held under the provisions of this bylaw and also under G. L. c. 40, s. 15(c), Scenic Roads Designations, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board.

16-8-3. When the public shade tree to be removed is on conservation lands managed by, or resource areas or their buffer zones under the jurisdiction of, the Provincetown Conservation Commission, the public hearing required under the provisions of this bylaw shall be consolidated into a single public hearing before the Tree Warden and the Conservation Commission.

16-9. Approval Criteria

The Tree Warden shall approve removal of a public shade tree or town tree under this bylaw upon a determination that one of the following criteria is satisfied:

16-9-1. The tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements for which there is no alternative;

16-9-2. The tree is dead, diseased, terminally injured, in danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way, or posing a threat to pedestrian or vehicular safety;
or

16-9-3. There is no alternative to removal of the tree as determined by the Tree Warden.

16-10. Mandatory Applicability of State Standard

In accordance with the provisions of G. L. c. 87, s. 4, the Tree Warden shall not remove or grant a permit for the removal of a public shade tree if, at or before the public hearing required by this bylaw, objection in writing is made by one or more persons, unless such removal is approved by the Board of Selectmen.

16-11. Appeals

Any decision of the Tree Warden under this bylaw may be appealed to the Board of Selectmen. The appeal must be in writing and must be received by the Board of Selectmen within thirty (30) calendar days of the issuance of the Tree Warden's decision. The Board of Selectmen shall make a final decision within thirty (30) calendar days from the date of receipt of the appeal request.

16-12. Tree Replacement

Any person who removes a public shade tree or a town tree, including the driver of any vehicle that knocks down or severely injures such a tree, shall be required to replace it, within twelve (12) months of the date of its removal, at such person's cost, and in accordance with the permit application procedures set forth in Section 16-7, as follows:

16-12-1. The replacement tree shall be purchased from a certified tree nursery professional approved by the Tree Warden. Such professional shall plant and ensure the health of the tree for three years.

16-12-2. The replacement tree shall be of the same or similar species or such other species as deemed advisable by the Tree Warden and shall have the same or equivalent size as measured in DBH inches as that of the tree that was removed.

16-12-3. If a tree of equivalent size cannot be obtained or is not appropriate, the Tree Warden shall determine a suitable alternative including planting two or more smaller replacement trees that are the largest available and appropriate for transplanting, and payment to the tree fund for the value of the tree that was removed, as determined by a certified arborist based on standards in the industry.

16-13. Emergencies

16-13-1. Pruning or removal shall be allowed without a permit for any public shade tree or town tree that is determined by emergency response officials to create a public hazard so as to immediately endanger public safety or cause an immediate and severe disruption of public services. Such officials shall complete a written record of any such determination and submit it to the Tree Warden within fourteen (14) calendar days of such determination.

16-13-2. The Tree Warden may waive the provisions of this bylaw as an emergency response to a hurricane, windstorm, flood or other act of nature.

16-14. Enforcement

16-14-1. Any person who violates any provision of G. L. c. 87, s. 3-5, relating to the trimming, cutting or removal of public shades trees shall be subject to fines of up to \$500 for

each separate offense, as provided by G. L. c. 87, s. 6. Where any person violates any provision of this bylaw but not the provisions of G. L. c. 87, the person shall be subject to fines of up to \$300 for each separate offense. Each act causing damage to a separate tree shall constitute a separate offense. Each day that a violation continues shall constitute a separate offense. Fines shall be assessed and collected under G. L. c. 40, s. 21D process. 16-14-2. These remedies shall not be in derogation of the Town's right to enforce the provisions of G. L. 242, s. 7, against any person who without a permit willfully cuts down, girdles or otherwise destroys a public shade tree or town tree, or the Town's right to apply or enforce any other Massachusetts law or Town bylaw.

16-14-3. Fines and damages paid to the Town under this bylaw, G. L. c. 87, or G. L. c. 242, shall be paid into the Tree Revolving Account.

16-15. Severability

If any part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other part shall continue in full force and effect.

Or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Planning Board Recommends: 4-0-0

Conservation Commission Recommends: 5-0-0

Beautification Committee Recommends: 4-0-0

Recreation Commission Recommends: 3-0-0

[Richard Waldo moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 26.](#)

Motion Passed.

Article 27. Establishment of the Tree Revolving Fund. To see if the Town will vote to establish a revolving account for a Tree Fund, as established pursuant to MGL C.44 S53E 1/2, for the receipt of fines from violations of the Tree Bylaw to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, for planting and maintenance of trees on public lands and in the public way and other costs related under the direction of the Town Manager; provided, however, that the Tree Revolving Fund shall be established only upon the approval of the Tree Bylaw in accordance with G.L. c 40, §32; or to take any other action relative thereto. *[Requested by the Town Manager]*

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Conservation Commission Recommends: 5-0-0

[Richard Waldo moved that the Town vote to approve Article 27 as printed in the warrant.](#)

Motion Passed.

Article 28. Establishment of the Council on Aging Meal Revolving Fund. To see if the Town will vote to establish a revolving account for meal programs for the Council on Aging, as established pursuant to MGL C.44 §53 E1/2, to allow receipts from donations to be segregated into a special account; and with funds therefrom, up to a limit of \$100,000

annually, to be expended for meal program costs under the direction of the Town Manager and the Director of the Council on Aging; or to take any other action relative thereto.
[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Chris Hottle moved that the Town vote to approve Article 28 as printed in the warrant.

Motion Passed.

Article 29. Zoning Bylaw Amendment: Article 4, Section 4180. Inclusionary Housing Bylaw. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, by inserting a new Section 4180 as follows:

Section 4180 Inclusionary and Incentive Zoning Bylaw

1. Purpose and Intent

The primary purpose of this bylaw is to:

- (a) Encourage the creation of a range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community and a viable and healthy local workforce and to prevent the displacement of Provincetown residents;
- (b) Mitigate the negative impact of residential development on the availability and cost of housing;
- (c) Protect the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land;
- (d) Provide a mechanism by which residential development can contribute in a direct way to increasing the supply of Affordable and Community Housing in exchange for a greater density or intensity of development than is otherwise allowed as a matter of right and to the exclusion of the protections that are varied or waived that would normally be afforded under the Zoning Bylaw;
- (e) Support the goals of Provincetown's December 2006 Affordable and Community Housing Action Plan and its January 2014 Update.

A secondary purpose is to create dwelling units eligible for inclusion in the Town's Chapter 40B Subsidized Housing Inventory as maintained by the Department of Housing and Community Development (DHCD).

2. Definitions

- (a) The term "Housing Fund" as used in this section of the Zoning Bylaw shall refer to any affordable or community housing trusts or funds that have been duly established by the Town to promote Affordable or Community Housing at the time that a Payment in Lieu of providing Affordable or Community Housing units or fractional units as described hereunder is made. The Board of Selectmen shall determine which fund shall receive the Payment in Lieu.
- (b) The term "Affordability Gap" shall be defined as the difference between the average assessment of all one and two-bedroom condominiums in Provincetown and the sale price of a one or two-bedroom housing unit affordable to a 2-person household at 80% of HUD AMI for Barnstable County, and shall be calculated and posted annually in July by the Town Planner, using the most recent HUD and Provincetown Assessor data available.

3. Applicability

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

- (a) Any development that results in a net increase of two or more dwelling units, whether by new

construction or alteration, expansion, reconstruction, or change of existing residential or non-residential space or use, except as identified under Section 3(b) below;

- (b) Any health care-related development that results in a net increase of six or more independent living units.

4. Mandatory Provision of Affordable or Community Housing for Development of New Residential Units

In order to contribute to the local stock of Affordable and Community Housing, any residential development identified in Sections 3(a)-(b) above shall provide a percentage of the dwelling units as deed restricted Affordable and/or Community Housing units. This Affordable/Community Housing requirement shall be one-sixth (16.67%) of the new dwelling units developed and shall be made a condition of a Special Permit. The applicant shall meet the requirement in accordance with the following:

- (a) Development of 2 to 5 new dwelling units shall require the granting of a Special Permit by the Planning Board and a Payment in Lieu of providing a fractional unit to be made to the Housing Fund to fulfill the Affordable/Community Housing requirement.
- (1) Payment shall be made in accordance with the following formula, so that the Affordable/Community Housing requirement is equal to the total number of new dwelling units multiplied by 16.67%, and based on 1/3 or 1/2 of the affordability gap, as follows:
- For 2-3 new dwelling units, the Payment in Lieu=
 $(total\ \#\ of\ new\ dwelling\ units) \times (16.67\%) \times (affordability\ gap) \times (33\%)$
 - For 4-5 new dwelling units, the Payment in Lieu=
 $(total\ \#\ of\ new\ dwelling\ units) \times (16.67\%) \times (affordability\ gap) \times (50\%)$
- (2) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of the final unit, whichever occurs sooner.
- a. Year-round rental unit development: When the development consists of year-round rental units, a lien shall be filed against the property which states that the Payment in Lieu shall be deferred until such time as the year-round rental use ceases, with the full balance due upon change of use.
- b. The developer shall enter into a binding written agreement with the Town of Provincetown, before the issuance of the first Building Permit and with appropriate payment surety arrangements, to provide the required payment(s) to the Housing Fund, and with a notice of the required payments to be recorded against the property before any Certificate of Occupancy is issued if full payment has not been made at the time an application is filed for a Certificate of Occupancy.
- (3) Developments of 2-5 units may opt to exceed the 16.67% Affordable/Community Housing requirement and construct or rehabilitate an Affordable or Community Housing unit or units, either on or off-site, instead of making a Payment in Lieu, and would then be eligible to take advantage of the incentives in accordance with Section 5 below.
- (b) Development of 6 or more new dwelling units shall require the granting of a Special Permit by the Planning Board and at least one-sixth (16.67%) of the new units created shall be established as Affordable or Community Housing units in any one or combination of methods provided for below:
- (1) The Affordable or Community Housing units shall be constructed or rehabilitated on the site subject to the Special Permit, in accordance with Section 7; or
- (2) The Affordable or Community Housing units shall be constructed or rehabilitated on a site other than the one subject to the Special Permit, in accordance with Section 7, provided justification is provided that on-site development of units is not feasible and off-site development of units is beneficial to the Town, and Special Permits are granted contemporaneously for both developments; or
- (3) A Payment in Lieu of providing Affordable or Community Housing units shall be made to the Housing Fund. Payment shall be made accordance with the following formulas, so

that the Affordable/Community Housing requirement is equal to the total number of new dwelling units multiplied by 16.67%, and based on either 67% or 100% of the affordability gap, as follows:

- a. For 6-9 new dwelling units, the Payment in Lieu =
 $(total\ \#\ of\ new\ dwelling\ units) \times (16.67\%) \times (affordability\ gap) \times (67\%)$
 - b. For 10 or more new dwelling units, the Payment in Lieu =
 $(total\ \#\ of\ new\ dwelling\ units) \times (16.67\%) \times (affordability\ gap)$
 - c. A Payment in Lieu of providing affordable or community housing units shall not allow an applicant to take advantage of any of the incentives in Section 5 below; or
- (4) A Land Donation in Lieu of providing Affordable or Community Housing units shall be provided to the Provincetown Affordable Housing Trust or a non-profit housing development organization approved by the Planning Board, provided that:
- a. The receiving organization agrees in writing to accept the land; and
 - b. The applicant demonstrates to the Planning Board's satisfaction that the land serves the future development of Affordable and/or Community Housing; and
 - c. The value of donated land shall be equivalent to or greater than the value of a Payment in Lieu. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit an appraisal of the land in question that was prepared by a licensed appraiser using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Planning Board may obtain expert peer review of the appraisal at the applicant's expense; and
 - d. Closing on the land donation shall occur before the issuance of the first building permit.
 - e. Land Donation in Lieu of providing Affordable or Community Housing units shall not allow an applicant to take advantage of any of the incentives in Section 5 below.
5. Incentives for the Construction or Rehabilitation of Affordable or Community Housing Units
Any residential development project that meets or exceeds the minimum one-sixth (16.67%) Affordable/Community Housing requirement through the on-site or off-site construction or rehabilitation of the required number of Affordable or Community Housing units may, at the discretion of the Planning Board and in accordance with Special Permit criteria, take advantage of any or all of the incentives as set forth below. Incentives shall not be applied to projects that meet the Affordable/Community Housing requirement through a Payment in Lieu or Land Donation in Lieu of constructing Affordable or Community Housing units.
- (a) Density Bonus
- (1) The allowable density for an eligible project:
 - Located in the Res2, Res3, ResB, TCC and GC Zoning Districts; or
 - Located in the Res1 Zoning District where the lot size is 60,000 square feet or greater; and
 - Of which a minimum of 10% of the total dwelling units (after the density bonus is applied) are Affordable or Community Housing unitsmay be increased above the number of dwelling units allowed on the parcel beyond the maximum number allowed under this Zoning Bylaw, as follows:
 - a. For every deed restricted unit of Affordable Housing constructed or rehabilitated either on or off-site, two market rate dwelling units may be added as a density bonus.
 - b. For every deed restricted unit of Community Housing constructed or rehabilitated either on- or off-site, one market rate dwelling unit may be added as a density bonus.

- (2) The allowable density for an eligible project:
- Located in the Res2, Res3, ResB, TCC and GC Zoning Districts; or
 - Located in the Res1 Zoning District where the lot size is 60,000 square feet or greater; and
 - Of which 20% or more of the dwelling units are Affordable or Community Housing units (after the density bonus is applied)
- may be based on the number of bedrooms able to be served by a non-varianced septic system contained on the same parcel, so that the project may have up to as many dwelling units as bedrooms that can be supported.
- (3) To facilitate the objectives of a density bonus, the Planning Board shall have the authority to modify or waive any lot or dimensional regulations, multiple buildings per lot regulations, and parking regulations as appropriate and necessary to accommodate the additional unit(s) on the site as part of the Special Permit relief; except that no lot shall have less than 25% of the minimum lot area required for its zoning district.
- (b) Building Height/Third Story Bonus
- (1) The maximum building height for an eligible project:
- Located in any Zoning District, but not in the High Elevation Protection Overlay District; and
 - Of which 20% or more of the dwelling units are Affordable or Community Housing units
- may be up to an additional five (5) feet above the maximum building height than would otherwise be allowed under this ZBL, and kneewalls may be five (5) feet, rather than the three (3) feet otherwise allowed under this ZBL, to allow for the creation of a full third story while maintaining the character of a 2½ story structure.
- (2) The Planning Board may require that the third story be stepped back to minimize the appearance of mass from the street.
- (c) Fee Reduction Bonus
- (1) Building permit fees reduced for Affordable and Community housing units
- a. Building permit fees shall be reduced by 50% for the Affordable and Community Housing units within a project, where up to one-sixth of the units are Affordable or Community Housing units.
 - b. Building permit fees shall be reduced by 75% for the Affordable and Community Housing units within a project, where up to between one-sixth and one half of the units are Affordable or Community Housing units.
 - c. Building permit fees shall be waived for the Affordable and Community Housing units within a project, where at least half of the units are Affordable or Community Housing units.
- (d) Streamlined Permitting Process Bonus
- (1) When an applicant needs permits from both the Planning Board and the Conservation Commission, the two hearings shall be held jointly
6. Submission Requirements and Procedures
- (a) Special Permit application, review and decision procedures shall be in accordance with the Provincetown Zoning Bylaw and the Planning Board's rules and regulations.
- (b) Affordable and Community Housing units created in accordance with this bylaw shall use deed restrictions that require the units to remain income restricted in perpetuity or the longest period allowed by law and for so long as the unit or project does not conform to the otherwise applicable underlying zoning requirements and any such restriction shall be held by the Town and be released only by a vote of Town Meeting as provided for by state law. Such restriction shall also grant the Town a right of first refusal to purchase a unit in the

event that a subsequent qualified purchaser cannot be located, which the Town shall have the right but not the obligation to exercise and shall not release the deed restriction if a qualified purchaser cannot be located.

- (c) No Building Permit shall be issued for any units in the development until the Planning Department receives evidence that the Affordable Housing restriction has been approved by DHCD, or the Community Housing restriction has been approved by Town Counsel.
- (d) No Certificate of Occupancy shall be issued for any units in the development until the Planning Department receives evidence that the housing restriction has been executed and recorded at the Barnstable County Registry of Deeds.

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

- (a) Affordable and Community Housing units shall be integrated with the rest of the development or with the off-site location, and shall be comparable to and indistinguishable from market rate units in exterior design, including appearance, construction and quality of materials, and in energy efficiency.
- (b) The number of bedrooms in each Affordable or Community Housing unit shall be made a part of the Special Permit and shall be based on local need as determined by the Planning Board in consultation with the Community Housing Counsel.
- (c) Owners and tenants of Affordable and Community Housing units and market rate units shall have the same rights and privileges to access and use any of the development's amenities and facilities.
- (d) The development of Affordable and Community Housing units shall take place at the same rate and timeframe as the development of market rate units.
 - (1) Building Permits for any phase shall be issued at a ratio of five (5) market rate units to one (1) Affordable/Community Housing unit. Building Permits for subsequent phases shall not be issued unless all the required Affordable and/or Community Housing units in the preceding phase are constructed and the deed restrictions recorded. The last unit permitted, constructed and occupied shall be a market rate unit.
 - (2) The project may also be constructed in its entirety with all permits issued at once, provided that the occupancy permits are issued at a ratio of five (5) market rate units to one (1) Affordable/Community Housing unit. The last certificate of occupancy to be issued shall be for a market rate unit and shall not be issued unless and until all Affordable and/or Community Housing units are occupied.

8. Distribution of Affordability

Distribution of affordability for rental or ownership units as Affordable Housing or Community Housing shall be determined by the Planning Board in consultation with the Community Housing Council and set as follows, being made a condition of the Special Permit under this Bylaw:

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

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

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

10. Segmentation

Developments shall not be phased or segmented to avoid compliance with conditions or provisions of this bylaw. "Segmentation" shall be defined as subdividing one parcel of land into two or more parcels of land in such a manner that each parcel can support only a single dwelling unit or phased development that cumulatively results in a net increase of two or more dwelling units above the number existing thirty-six (36) months earlier on any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section 4180.

11. Conflict with Other Bylaws

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

12. Severability

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

And by amending Article 6, Growth Management, Section 6500, Table of Use Categories and Priorities, as follows:

GENERAL USE CATEGORY 2

2. The non-affordable/community housing components of project consisting of:

2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a2 Two-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a3 Single-family dwelling projects that consist of 50%-99% affordable housing and/or community housing

2b1 Multi-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b2 Two-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b3 Single-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2c The creation of any deed-restricted, year-round rental unit or units, including accessory units

2d1 Any project that consists of 20%-32.9% affordable and/or community housing units; gallons shall be allocated in phases so that 1/2 of the total gallons are allocated the first year after a Special Permit is granted under the Inclusionary and Incentive Zoning Bylaw, and the remainder are allocated the second year

2d2 Any project that consists of 10%-19.9% affordable and/or community housing units; gallons shall be allocated in phases so that 1/3 of the total gallons are allocated the first year after a Special Permit is granted under the Inclusionary and Incentive Zoning Bylaw, the second 1/3 are allocated the second year and the remainder are allocated the third year

And by deleting Article 4, Special Regulations, Section 4170, Change of Use/Non-Residential to Residential Use Conversions in its entirety.

And by amending Article 4, Special Regulations, Section 4015 as follows:

4015. Site plan Review by Special Permit

a. The following developments shall require Site Plan Review by Special Permit by the Planning Board:

(1) developments consisting of the aggregate of residential units that will result in ~~two~~four or more residential units on any parcel;

And by amending Article 2 Section 2440 as follows:

	Res1	Res2	Res3/B	TCC	GC	S	M
A1a Single Family Dwelling							
1. one per lot	YES	YES	YES	YES	YES	NO	NO
2. two per lot (each separate structure)	PB ²⁰	PBBA	PBYES	PBYES	PBYES	NO	NO
3. three per lot	NO	PB ²⁰	PBYES	PBYES	PBYES	NO	NO
4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b Two Family Dwelling							
1. one per lot	NO	PBYES	PBYES	PBYES	PBYES	NO	NO
2. two per lot	NO	NO	PBYES	PBYES	PBYES	NO	NO
3. three per lot	NO	NO	PBYES	PBYES	PBYES	NO	NO
4. four or more per lot	NO	NO	PB	PB	PB	NO	NO

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

2/3rd's Vote Required

Planning Board Recommends: 4-0-0

Board of Selectmen Recommends: 5-0-0

Gloria McPherson moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 29.

Motion Passed by 2/3rd's Vote (86 For 35 Against).

Article 30. Zoning Bylaw Amendment: Article 1. Definitions. *(Deletions shown in strike-through and new text shown as underlined)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions, by deleting the current definitions of "Seats" and "Fixed Standing" in their entirety and replacing them with a single definition as follows:

Seats: Spaces for sitting or standing, associated with an eating or drinking establishment, with a table, shelf, bar or counter greater than 8 ½ inches in depth on which to set food or drink, without regard to service, shall be considered seats for the purposes of Growth Management. Outdoor benches and chairs adjacent to and facing, but not fenced, roped or otherwise separated from, a public or private way, without an associated 8 ½ inch surface

on which to set food and drink, and which are available as a public amenity, shall not be considered seats.

~~Fixed Standing Spaces: for standing within an eating and/or drinking establishment or outside such an establishment on the property of that establishment, where fixed counters and/or shelves are provided for the resting of food and/or beverages and where public restrooms are required shall constitute seats for the purposes of the Growth Management By-law at a measurement of one seat for each 18" of linear distance, or at the distance specified in the state building code, whichever is the lesser.~~

~~Seats: All seating, of any kind and nature, provided within an eating and/or drinking establishment, or outside such an establishment on the property of that establishment, shall constitute Seats for the purposes of the Growth Management Zoning By-law, without regard to the provision of waitron service.
Or to take any other action relative thereto.~~

*Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.
[Requested by the Planning Board]*

2/3rd's Vote Required

**Planning Board Recommends: 3-0-1
Board of Selectmen Recommends: 5-0-0**

Stephen Katurinis moved to consider both article 30 and article 31 together in one motion.
Motion to Consider Both Articles Together in One Motion Passed (2/3rd's Vote Declared).

**Marian Roth moved to indefinitely postpone article 30 and 31.
Motion to Indefinitely Postpone Does Not Pass.**

Stephan Cohen moved to divide the articles 30 and 31 and consider each article separately.
Motion to Divide the Question and Take Each Article Separately Passed (70 For 36 Against).

9:55 p.m. Mary-Jo Avellar moved to adjourn Annual Town Meeting until tomorrow, April 6, 2017 at 6:00 p.m.
Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:00 p.m. on Thursday, April 6, 2017.

Gloria McPherson moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 30.
Motion Passed (2/3rd's Vote Declared).

Article 31. Zoning Bylaw Amendment: Article 1. Definitions. (Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions, by adding a definition of “Restaurant Use” as follows:

Restaurant Use: A use shall be considered a Restaurant Use if it involves the preparing, heating and/or cooling of food or beverage, with or without seats, whether eat-in or take-out, except that the heating and cooling of water, the cooling of prepackaged food and beverages, and the heating of prepackaged food and beverages by a customer using a microwave shall not constitute a restaurant use.

Or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.
[Requested by the Planning Board]*

2/3rd's Vote Required

Planning Board Recommends: 3-0-1

Board of Selectmen Recommends: 3-0-1

[Gloria McPherson moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 31.](#)

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

Article 32. Zoning Bylaw Amendment: Article 2, Section 2440. Permitted Principal Uses - Accessory Dwelling Units. (Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, to allow for accessory dwelling units in all Zoning Districts (currently allowed only in Res1 and Res2), as follows:

	Res1	Res2	Res3/B	TCC	GC	S	M
A1a Single Family Dwelling							
1. one per lot	YES	YES	YES	YES	YES	NO	NO
2. two per lot							
(each separate structure)	PB ²⁰	BA ²⁰	YES ²¹	YES ²¹	YES ²¹	NO	NO
3. three per lot	NO	PB ²⁰	YES ²¹	YES ²¹	YES ²¹	NO	NO
4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b Two Family Dwelling							
1. one per lot	PB²⁰ NO	YES ²⁰	YES ²¹	YES ²¹	YES ²¹	NO	NO
2. two per lot	NO	NO	YES	YES	YES	NO	NO
3. three per lot	NO	NO	YES	YES	YES	NO	NO
4. four or more per lot	NO	NO	PB	PB	PB	NO	NO

20. By Special Permit from the Planning Board, oOne accessory dwelling unit may be allowed in the Res1 Zoning District, for a total of two dwelling units per lot, and in Res2 Zoning District for a total of three dwelling units only if the following criteria are met: the

accessory dwelling unit is for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.

21. By Special Permit from the Planning Board, one accessory dwelling unit may be allowed in the Res3, ResB, TCC and GC Zoning Districts when the lot area limits the number of dwelling units to one or two, and there are no more dwelling units on the lot than the number allowed under this Bylaw, for a total of no more than three dwelling units per lot, and only if the following criteria are met: the accessory dwelling unit is for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.

Or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.
[Requested by the Planning Board]*

2/3rd's Vote Required

**Planning Board Recommends: 3-0-1
Board of Selectmen Recommends: 5-0-0**

[Gloria McPherson moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 32.](#)

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

Article 33. Zoning Bylaw Amendment: Article 4, Section 4120. Density Schedule. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations, Section 4120, Density Schedule, to decrease the lot area requirements for commercial accommodations by returning to the density prior to the amendment at Annual Town Meeting 1986 as follows:

Commercial Accommodations	Number of Units Proposed	Number of Square Feet/Unit Required
First	1-10	1,000 <u>500</u>
For the next	11-20	1,500 <u>750</u>
For the next	21-30	2,000 <u>1,000</u>
For the next	31-40	2,500 <u>1,500</u>
For the next	41 units and beyond	3,000 <u>2,000</u>

Or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.
[Requested by the Planning Board]*

2/3rd's Vote Required

Planning Board Recommends: 4-0-0

Board of Selectmen Recommends: 5-0-0

Gloria McPherson moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 33.

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

Article 34. Zoning Bylaw Amendment: Article 3, Section 3110. Nonconformancy. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 3, General Requirements, Section 3110, Change, Extensions or Alterations, by deleting Section 3110 in its entirety and replacing it as follows:

3110 Change, Extensions or Alterations. As provided in Sec. 6, Ch. 40A, G.L., lawfully pre-existing, non-conforming structures and use may be altered, reconstructed, extended or changed as set forth below.

1. Single and two family structures may be altered as provided for under G.L. c.40A, §6, ¶1, with any required finding by the Board of Appeals that needs to be made, to be made by Special Permit and any new nonconformity to obtain any necessary dimensional relief.
2. All other pre-existing nonconforming structures may be extended, altered or changed only upon issuance of a Special Permit by the Board of Appeals and only if all of the criteria under G.L. c.40A, §6, ¶1 and the criteria set forth under Zoning By-law §5300 are satisfied.
3. Nonconforming structures may be extended, altered or changed so as to make a conforming dimension nonconforming or create a new nonconformity but shall require relief under this section and a dimensional variance by the Board of Appeals, except that, for those buildings which existed prior to April 6, 2015 and are required by the Building Commissioner to be elevated in accordance with FEMA Regulations, new setback non-conformities and intrusions further into an existing non-conforming setback area created by exterior access/egress structures which are increased in size due to the building being elevated may be approved by Special Permit from the Board of Appeals, provided that the criteria is simply that the extension, alteration or change is not substantially more detrimental than the existing nonconforming situation.
4. Pre-existing nonconforming uses may be extended, altered or changed only upon the issuance of a Special Permit by the Board of Appeals and only if all of the criteria under G.L. c.40A, §6, ¶1 and only if all of the criteria set forth under Zoning By-law §5222 and §5300 are satisfied.
5. Once changed to conformancy, no structure or use shall be permitted to revert to nonconformancy. Any extension of a nonconforming structure shall have a continuous foundation and floor plan with said structure.

Or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.
[Requested by the Planning Board]*

2/3rd's Vote Required

Planning Board Recommends: 3-0-1

Board of Selectmen Recommends: 5-0-0

Gloria McPherson moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 34 of the town meeting warrant.

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

Town Moderator Mary-Jo Avellar grouped April 3, 2017 Annual Town Meeting articles 35 through 49 to be moved by consent agenda, (Note: The consent agenda is a meeting practice which groups routine and other non-controversial articles not necessarily requiring discussion or independent vote as separate articles. Using a consent agenda can save precious time by allowing Town Meeting to approve this 'package' of articles together in one motion. Articles under the consent agenda can only be grouped together if the Town Meeting body agrees. If a voter selects a specific article for discussion, it must be removed and placed on the regular agenda for discussion and separate vote by the Town Meeting body), and requested that any voter wishing to remove an article from the consent agenda do so by stating "hold" after she announced the Article number.

Without objection, David Gardner moved to approve articles 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49 as printed in the warrant by unanimous consent; and to raise and appropriate \$32,000 for purposes of Article 39.

Motion Passed Unanimously.

Article 35. Room Occupancy Tax - A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation applying the local room occupancy tax to seasonal rentals as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT APPROVING THE APPLICATION BY
THE TOWN OF PROVINCETOWN
OF THE LOCAL OPTION ROOM OCCUPANCY EXCISE TO
SEASONAL RENTAL PROPERTIES IN THE TOWN OF PROVINCETOWN

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by Chapter 64G Section 3A of the Massachusetts General Laws or other law, as the same may be amended from time to time, the Town of Provincetown shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said Town by any operator at the rate of up to but not exceeding 6% of the total amount of rent of each such occupancy.

Section 2. For the purposes of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in Chapter 64G Section 1 of the Massachusetts General Laws and as follows:

“Occupancy,” the use or possession, or the right to the use or possession, of any room or rooms in a bed and breakfast establishment, bed and breakfast home, hotel, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of 90 consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by Chapter 64G, Section 1 of the Massachusetts General Laws and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium as defined by Chapter 183A of the Massachusetts General Laws or time-share as defined by Chapter 183B of the Massachusetts General Laws, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than \$15 per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of Chapter 64G, Section 2 of the Massachusetts General Laws.

Section 4. All operators of seasonal rental property or other transient accommodations shall be responsible for assessing, collecting, reporting and paying such local excise tax as set forth in Chapter 64G, Sections 3, 4, 5, 6 and 7A of the Massachusetts General Laws and shall be liable in the same manners as operators in Chapter 64G, Section 7B of the Massachusetts General Laws.

Section 5. This act shall take effect upon its passage;
or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Visitor Services Board Recommends: 7-0-0

[David Gardner moved to approve Article 35 as printed in the warrant under the consent agenda.](#)

Motion Passed.

Article 36. 0.5% Real Estate Transfer Fee - A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a 0.5% real estate transfer fee as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING
THE TOWN OF PROVINCETOWN
TO IMPOSE A 0.5% REAL ESTATE TRANSFER FEE.

Section 1. There is hereby imposed a real estate transfer fee equal to 0.5% (half percent, ½%) of the purchase price upon the transfer of any real property interest in any real property situated in the Town of Provincetown. Said fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Provincetown. The first \$250,000 collected in each fiscal year shall be deposited in the Town's Capital Improvement Stabilization Fund. The remaining funds collected each fiscal year shall be deposited into the Town's General Fund.

Section 2. The following transfers of real property interests shall be exempt from the real estate transfer fee:

- A. First time homebuyers who live in the home for at least 5 years. A lien shall accompany the deed stating that "There is running with the land a lien equal to the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met."
- B. Transfers to the government of the U.S., the Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or sub-divisions, such as the Provincetown Housing Authority.
- C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.
- D. Transfers of convenience with consideration under \$100 which include: name change, into trusts, out of trust, etc.
- E. Transfers to any charitable organization as defined in Clause 3 of Section 5 of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.
- F. Transfers between family members, marriage partners, parents and children, grandchildren, stepparents and stepchildren, brothers and sisters.

Section 3.

- A. The fee imposed shall be due at the time of the transfer of the real property interest.
- B. The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid real estate taxes.
- C. The Town shall notify a buyer by registered or certified mail of any failure to discharge the amount in full of fee due.
- D. All fees and interest required to be paid under this Act shall constitute a personal debt of the buyer and may be recovered in an action of contract.

Section 4. This Act shall take effect on passage;
or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 36 as printed in the warrant under the consent agenda.

Motion Passed.

Article 37. Expanding Residential Property Exemption - A Home Rule Petition.

(Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to petition the General Court to enact a special act of the Town of Provincetown, the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation to secure its passage, as follows:

AN ACT INCREASING
THE EXEMPTION FOR RESIDENTIAL PROPERTY
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. Notwithstanding Section 5C of Chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as Class One, residential, in the Town of Provincetown as certified by the commissioner of revenue to be assessing all local property at its full and fair cash valuation, and with the approval of the Board of Selectmen, there shall be an exemption equal to not more than 20% of the average assessed value of all Class One residential parcels within the Town; provided, however, that the exemption shall be applied only to (1) the principal residence of the taxpayer as used by the taxpayer for income tax purposes, and (2) a residential parcel occupied by a registered voter of the Town of Provincetown, other than the taxpayer, occupied on a year-round basis and used as his or her principal residence for income tax purposes. This exemption shall be in addition to any exemptions allowable under Section 5 of said Chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10% of its full and fair cash valuation, except through the applicability of Section 8A of Chapter 58 of the General Laws and Clause 18 of said Section 5 of said Chapter 59. Where, pursuant to said Section 5 of said Chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the Town and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the Board of Assessors of the Town in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the Board of Assessors of the Town of Provincetown in writing on a form approved by the Board within three months after the date on which the bill or notice of assessment was sent. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to Section 59 of Chapter 59 of the General Laws.

SECTION 3. This act shall take effect as of July 1, 2018, and shall apply to taxes levied for fiscal years beginning on or after July 1, 2018; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 37 as printed in the warrant under the consent agenda.

Motion Passed.

Article 38. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 38 as printed in the warrant under the consent agenda.

Motion Passed.

Article 39. Fireworks Celebration. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$32,000 to be expended under the direction of the Town Manager for costs associated with the July 4th and New Year's fireworks displays; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 4-0-0

Finance Committee Recommends: 5-0-0

Visitor Services Board Recommends: 7-0-0

David Gardner moved to raise and appropriate \$32,000 for purposes of Article 39: Fireworks Celebration, under the consent agenda.

Motion Passed.

Article 40. Local Option Tax on Sale of Recreational Marijuana. To see if the Town will vote to accept the provisions of General Laws Chapter 64N, Section 3, which will allow the Town to collect a local sales tax in the amount of 2% upon the sale or transfer of marijuana or marijuana products by a local retailer operating with the Town; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 40 as printed in the warrant under the consent agenda.

Motion Passed.

Article 41. Amendments to Personnel Bylaw/Classification and Compensation Plan. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend Schedules A, B and C of the Town's Classification and Compensation Plan as follows:

Schedule A: To amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, effective July 1, 2017, by replacing the existing compensation plan with the following new compensation plan as adopted by the Personnel Board:

<u>Grade Level</u>	<u>Compensation Range</u>		<u>Position</u>
	<u>FY 2017</u>	<u>FY 2018</u>	
			Town Manager [exempt MGL C.41,§108N] Chief of Police [exempt MGL C.41,§108O] <u>Finance Director</u>
14	\$95,102-\$117,699		
13	\$88,057-\$109,487	<i>no change</i>	DPW Director <u>Staff Lieutenant</u>
12	\$81,906-\$101,837	<i>no change</i>	Assistant Town Manager Finance Director
11	\$76,185-\$94,743	<i>no change</i>	Building Commissioner MIS Director Water Superintendent
10	\$70,870-\$88,100	<i>no change</i>	DPW Deputy Director Principal Assessor Staff Lieutenant
9	\$65,919-\$81,992	<i>no change</i>	DPW Operations Director Health Director Library Director Town Clerk Town Planner Tourism Director
8	\$61,312-\$76,249	<i>no change</i>	MIS Analyst COA Director Town Collector Town Treasurer
7	\$57,026-\$70,891	<i>no change</i>	Recreation Director
6	\$53,040-\$66,005	<i>no change</i>	Exec. Assistant to Town Manager Local Building Inspector Conservation Agent Health Agent Payroll and Employee Benefits Manager <u>Assistant Town Accountant</u>
5	\$49,332-\$61,355	<i>no change</i>	Secretary to the Board of Selectmen

4	\$45,882-\$57,026	<i>no change</i>	Exec. Assistant to Police Chief Parking Administrator MIS Technician Licensing Agent Library Marketing & Program Director Library Member Services Coordinator Permit Coordinator
3	\$42,689-\$53,104	<i>no change</i>	<u>Assistant Tourism Director</u> COA Outreach Coordinator Principal Accounting Clerk
2	\$39,710-\$49,375	<i>no change</i>	Assistant Tourism Director <u>no positions assigned</u>
1	\$36,949-\$45,925	<i>no change</i>	no positions assigned

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2017, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position	Current	Proposed
1 st Deputy Fire Chief	\$12,500	\$15,000
2 nd Deputy Fire Chief	\$9,000	\$12,000
District Fire Chief/Engineer	\$3,000	\$6,000
Firefighter	\$800	\$800
Fire Auxiliary	\$400	\$400
Fire Captain	\$1,000	\$1,250
Fire Lieutenant	\$500	\$500
Engine Steward	\$880	\$880
Station Steward	\$1,100	\$1,100
Ladder Steward	\$1,300	\$1,300
LaFrance Steward	\$500	\$500
Oil Inspector	\$1,747	\$1,747
Rescue Steward	\$3,600	\$3,600
Rescue Captain	\$3,000	\$3,000
Rescue Lieutenant	\$1,500	\$1,500
Rescue Training Officer	\$3,000	\$3,000
Radio Officer	\$550	\$800
Air Officer	\$1,000	\$1,500
Summer Standby Coordinator	\$3,500	\$3,500
Infection Control Officer	\$800	\$800
<i>Annual Salary:</i>		
Fire Chief	\$45,000	\$55,000
<i>Non-Firefighter Positions</i>		
First Responders	\$25.00/hr	\$25.00/hr
EMT-Basic	\$24.71/hr	\$25.41/hr
EMT-Intermediate	\$26.60/hr	\$27.34/hr
EMT-Paramedic	\$29.12/hr	\$30.00/hr

Standby	\$25.00/hr	\$25.00/hr
Safety Inspections	\$20.00/hr	\$20.00/hr
Rescue Squad Participation (per quarter)	\$250	\$250

Schedule C: To amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2017, as follows:

<u>Grade</u>	<u>Actual FY 2017</u>	<u>Proposed FY 2018</u>	<u>Proposed Position Classifications</u>
N	\$19.92	\$20.32	Police Summer/On-call Dispatcher
M	\$19.33	\$19.72	No Positions Assigned
L	\$18.79	\$19.17	Parking Lot Technical Manager Property Inspector (Assessors)
K	\$18.26	\$18.63	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	\$17.73	\$18.08	No Positions Assigned
I	\$17.40	\$17.75	Parking Meter Collection/Repair On-call van Driver
H	\$16.89	\$17.23	Police Matron
G	\$16.57	\$16.90	No Positions Assigned
F	\$16.09	\$16.41	Assistant Harbormaster w/o police powers COA Program Coordinator Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement Part-time Clerical Secretary, On-call Relief Transfer Station Laborer
E	\$15.79	\$16.11	Part-time Library Circulation Aide
D	\$15.34	\$15.65	On-call Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	\$14.89	\$15.19	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	\$14.61	\$14.90	No Positions Assigned
A	\$14.38	\$14.67	Parking Lot Attendant/In-booth Seasonal Recreation Aides

or to take any other action relative thereto.

[Requested by the Personnel Board and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 41 as printed in the warrant under the consent agenda.

Motion Passed.

Article 42. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$700,000 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$135,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
2. \$380,000 for marketing, and costs related thereto;
3. \$50,000 for municipal projects, and costs related thereto;
4. \$125,000 for tourism grants, and costs related thereto;
5. \$10,000 for Beautification Committee, and costs related thereto;

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Visitor Services Board]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

[David Gardner moved to approve Article 42 as printed in the warrant.](#)

Motion Passed.

Article 43. FY 2018 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of \$79,775 to be expended under the direction of the Board of Selectmen, to fund grants to assist nonprofit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod	\$9,000
Alzheimer's Family Caregiver Support	\$6,000
Cape Cod Children's Place	\$5,750
Consumer Assistance Council	\$550
Gosnold on Cape Cod	\$14,500
Helping Our Women	\$8,000
Homeless Prevention Council	\$6,000
Independence House	\$5,500
Lower Cape Outreach Council, Inc.	\$6,500
Mass-A-Peal	\$525
Outer Cape Health Services	\$10,000
Sight Loss Services, Inc.	\$600
Soup Kitchen in Provincetown	\$7,000
South Coast Counties Legal Services	\$4,800
Total	\$84,725

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Human Services Committee]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Human Services Committee Recommends: 0-0-0
School Committee Recommends: 3-0-0

David Gardner moved to approve Article 43 as printed in the warrant under the consent agenda.

Motion Passed.

Article 44. Veterans Exemption. (Municipal Modernization Act) To see if the Town will vote to accept the provisions of G.L. c.59, §5, Clause Twenty-Second G, rendering the spouse of a veteran or a deceased veteran with title to the veteran's domicile, eligible for an exemption, or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 44 as printed in the warrant under the consent agenda.

Motion Passed.

Article 45. Other Post-Employment Benefits Fund. (Municipal Modernization Act) To see if the Town will vote to accept the provisions of G.L. c.32B, §20 to create another Post-Employment Benefits Fund for the current and future liabilities of the Town for group health insurance benefits for retirees and their dependents, which fund may be expended by a two thirds vote of Town Meeting and designate a trustee or trustees, and further, to direct that such trustee or trustees adopt and file a declaration of trust and take all other actions as required by said section; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 45 as printed in the warrant under the consent agenda.

Motion Passed.

Article 46. Use of Bond Proceeds. (Municipal Modernization Act) To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 46 as printed in the warrant under the consent agenda.

Motion Passed.

Article 47. General Bylaw Amendment: Chapter 8, Section 5 - Licenses and Permits of Delinquent Taxpayers. (Municipal Modernization Act) (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 57, as amended by Sections 37 and 38 of Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called); and further to amend Section 8-5 of the Town's General Bylaws as follows:

8-5. Licenses and permits of delinquent taxpayers.

8-5-1. List of delinquent taxpayers. The tax collector or other municipal official responsible for the records of all Provincetown taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, committee, commission or division, hereinafter referred to as the licensing authority, which issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 47 as printed in the warrant under the consent agenda.

Motion Passed.

Article 48. FY 2018 Revolving Funds. To see if the Town will vote to continue for FY 2018 the following revolving funds established pursuant to MGL Chapter 44, Section 53E½:

1. Preservation of Town Hall Auditorium: To allow receipts from the rental and custodial fees charged for the public use of Town Hall Auditorium to be segregated into a special account; and with funds therefrom, up to a limit of \$75,000 annually, to be expended for the repair, updating, refurbishing, operations and maintenance of the Town Hall auditorium under the direction of the Town Manager and the Board of Selectmen;
2. Shellfish Grants: To allow receipts from Shellfish Grants and Recreational Shellfish Licenses to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Harbormaster for the purpose of shellfish seeding and cultivation on public shellfish areas;
3. B-Street Garden: To allow receipts from the annual community garden membership fees charged for the public use of the community garden to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended for

the repair, updating and maintenance of the B-Street Garden under the direction of the Town Manager and the Conservation Commission;

4. Fuel Reimbursement: To allow receipts from the sale of fuel to be segregated into a special account; and with funds therefrom, up to a limit of \$125,000 annually, to be expended for the purchase of fuel under the direction of the Town Manager and the Director of Public Works;
5. Council on Aging Transportation: To allow receipts from donations to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for the transportation cost under the direction of the Town Manager and the Director of the Council on Aging;
6. Affordable Housing: To allow fees received by the Town from the sale and resale of affordable housing dwellings, fees paid for monitoring services provided by the Town, fees paid to ensure compliance with affordable housing restrictions and agreements and donations earmarked for affordable housing purposes to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation, cost of marketing and conducting lotteries under the direction of the Town Manager and the Housing Specialist;
7. Facilities and Grounds Rental Revolving Fund: To allow receipts from the rental and custodial fees charged for the public use of Town-owned facilities and grounds to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, for janitorial hired staffing and other costs related to rental costs under the direction of the Town Manager; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 48 as printed in the warrant under the consent agenda.

Motion Passed.

Article 49. General Bylaw Amendment: Revolving Fund Bylaw (G.L. c.44, §53E ½). (Municipal Modernization Act). *(Deletions shown in strike-through and new text shown as underlined)* To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide as follows:

6-10. Revolving Funds.

6-10-1. There are hereby established in the Town of Provincetown pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

<u>Program or Purpose</u>	<u>Representative or Board Authorized to Spend</u>	<u>Department Receipts</u>

<u>Preservation of Town Hall Auditorium for repair, updating, refurbishing, operations and maintenance of the Town Hall auditorium</u>	<u>Town Manager and Board of Selectmen</u>	<u>Rental and custodial fees charged for the public use of Town Hall Auditorium</u>
<u>Shellfish Grants for shellfish seeding and cultivation on public shellfish areas</u>	<u>Shellfish Warden and Harbormaster</u>	<u>Receipts from Shellfish Grants and Recreational Shellfish Licenses</u>
<u>B-Street Garden for the repair, updating and maintenance of the B-Street Garden</u>	<u>Town Manager and Conservation Commission</u>	<u>Receipts from the annual community garden membership fees charged for the public use of the community garden</u>
<u>Fuel Reimbursement for the purchase of fuel</u>	<u>Town Manager and Director of Public Works</u>	<u>Receipts from the sale of fuel</u>
<u>Council on Aging Transportation for transportation costs</u>	<u>Town Manager and Director of the Council on Aging</u>	<u>Receipts from donations</u>
<u>Affordable Housing for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation, cost of marketing and conducting lotteries</u>	<u>Town Manager and Housing Specialist</u>	<u>Fees received by the Town from the sale and resale of affordable housing dwellings, fees paid for monitoring services provided by the Town, fees paid to ensure compliance with affordable housing restrictions and agreements and donations earmarked for affordable housing purposes</u>
<u>Facilities and Grounds Rental for janitorial hired staffing and other costs related to rental costs</u>	<u>Town Manager</u>	<u>Receipts from the rental and custodial fees charged for the public use of Town-owned facilities and grounds</u>
<u>Council on Aging Meal Programs for meal program costs</u>	<u>Town Manager and the Director of the Council on Aging</u>	<u>Receipts from donations</u>
<u>Tree Fund for planting of trees on public lands and in the public way and other costs related to rental costs</u>	<u>Town Manager</u>	<u>Receipts from fines from violations of the Tree Bylaw</u>

6-10-2. Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

Or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Gardner moved to approve Article 49 as printed in the warrant under the consent agenda.

Motion Passed.

Town Moderator Mary-Jo Avellar motioned to dissolve the April 3, 2017 Annual Town Meeting at 7:07 p.m. **Motion Passed.**

Annual Town Meeting dissolved at 7:07 p.m.