

Special Town Meeting – Monday, October 29, 2018

Meeting Called to Order. Town Moderator Mary-Jo Avellar convened the Special Town Meeting at 6:00 p.m. on Monday, October 29, 2018 in the Town Hall Auditorium.

Preliminary Motions:

Louise Venden moved that the Town vote to waive the reading of the warrant.

Motion passed.

Louise Venden moved that the Town vote to grant permission to speak at the October 29, 2018 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

John Giorgio, Esq., and other attorneys of the firm of KP Law, P.C., *Town Counsel*;
Amy Davies, *Provincetown Community Television*;
Robert Capurso, *Town Engineer*
Josee Cardinal Young, *Finance Director*;
Morgan Clark, *Director of Health*;
James Golden, *Chief of Police*;
Michelle Jarusiewicz, *Housing Specialist & Grant Administrator*;
Rex McKinsey, *Pier Manager/Harbormaster*;
Sherry Prada, *Operations Director of Public Works*;
Beth Singer, *Superintendent of Schools*;
Mark Robinson of The Compact of Cape Cod Conservation Trusts

Motion passed.

Louise Venden moved that on all matters to come before the October 29, 2018 Special 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.

Louise Venden moved that notwithstanding the requirements for a public hearing on each warrant article contained in Section 2-3-g of the Town Charter, Town Meeting may consider and act on all articles on the warrant for this Town Meeting.

Motion passed.

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

[Requested by the Board of Selectmen and Town Manager]

Tom Donegan moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

Motion passed.

Update on the Local Comprehensive Plan Process by Town Planner Jeffrey Ribeiro

Announcement by Town Manager David Panagore of a UMASS Boston Office of Public Collaboration Initiative on the Civic Engagement Process with a focus on Social Media and Civility

Article 2. Prior Year Bills. To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Explanation of Article 2: Invoices received after the close of the fiscal year for services rendered or goods received prior to July 1 are considered prior year bills. Per MGL Chapter 44 Section 64, prior year bills to be paid from the Town's general operating fund may only be paid by a vote of Town Meeting.

David Panagore moved that the Town vote to transfer \$6,071.47 from 910 Employee benefits and Other Insurance to pay the following unpaid bills from fiscal year 2018:

Angel Foods \$321.00
Conwell Lumber invoices totaling \$111.96
Lands End invoices totaling \$18.00
Siemens invoice totaling \$145.96
Great Minds invoices totaling \$3,237.17
Cape & Vineyard Electric Cooperative invoices totaling \$321.38
Learners Edge Course Reimbursements totaling \$436.00
Tyler Technologies \$1,280.00
Fenton Fire Equipment \$200.00

Select Board Recommends 5-0-0

Finance Committee Recommends 4-0-0

9/10's vote required.

Motion passed unanimously.

Article 3. Wastewater Expansion Authorization. To see if the Town will vote to appropriate and borrow the sum of \$6,000,000 to be expended under the direction of the Town Manager and the Board of Selectmen, for the development of plans and specifications and for construction, optimization and expansion of the Town's sewer system including the expansion of the treatment capacity of the wastewater treatment plant and further extensions of the Town's sewer system, including without limitation all costs defined under Chapter 29C, Section 1 of the General Laws and all other costs incidental and related thereto; and to raise said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum of money under and pursuant to Chapter 44, Section 7(1) and/or Chapter 29C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Board of Selectmen is authorized to apply for and accept such funds; and, further, the Town votes to authorize the Water and Sewer Board to assess one hundred percent of the project cost to the Town upon those who benefit from the project, such assessments to be made by the Uniform Unit method as provided by General Laws Chapter 83, Section 15; or to take any other action relative thereto.

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

Explanation of Article 3: *The Town has been in a State of Limited Capacity at the Wastewater Treatment Plant since 2015, which has limited all further connections to the sewer to the Town's priority categories. The Town conducted a feasibility study identifying three potential options for expansion. The Board of Selectmen, Water and Sewer Board and Board of Health have all voted to recommend Option 1, which is a \$6 million construction of a Peak Flow Storage Tank at the treatment plant that will free up 155,000 additional gallons of capacity for properties and uses within the existing sewer service use areas, allowing the Town to not only continue to serve its existing priority uses, but also open up the sewer for private hookups. As with previous Town Meeting authorization requests, the cost will be covered by grants and by betterment revenue from new users or additional flows from existing users.*

Rich Waldo moved that the Town appropriate the sum of \$6,000,000 to be expended under the direction of the Town Manager and the Board of Selectmen, for the development of plans and specifications and for construction, optimization and expansion of the Town's sewer system including the expansion of the treatment capacity of the wastewater treatment plant and further extensions of the Town's sewer system, including without limitation all costs defined under Chapter 29C, Section 1 of the General Laws and all other costs incidental and related thereto; and to meet said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$6,000,000 under and pursuant to Chapter 44, Section 7(1) and/or Chapter 29C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid in the first instance from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the sewer system; and that the Board of Selectmen, or any other appropriate Town official, is authorized to take any other action necessary or convenient to carry out the project; any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such 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 Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Board of Selectmen is authorized to apply for and accept such funds; and, further, the Water and Sewer Board is authorized to assess one hundred percent of the project cost to the Town upon those who benefit from the project, such assessments to be made by the Uniform Unit method as provided by General Laws Chapter 83, Section 15.

Water & Sewer Board Recommends 3-0-0

Select Board Recommends 5-0-0

Finance Committee Recommends 4-0-0

Board of Health Recommends 5-0-0

2/3^d's vote required.

Jonathan Sinaiko report

Steve Katsurinis report

Motion passed. 2/3^d's declared.

Article 4. Zoning Bylaw Amendment: Article 6, Growth Management.

(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 6, Growth Management Bylaw, Section 6600, Growth Limitation Goal Allocations, in order to allow a one-time increase in the number of gallons allocated to General Use Category 4 (Economic Development) that will allow for expansion of economic development in the downtown corridor due to wastewater expansion as follows:

(c) Annually, during the Growth Management Review, the Board of Selectmen may allocate up to 3,750 gpd to General Use Category 4, except that in 2019, the Board of Selectmen may allocate an additional amount of up to 10,000 gpd to General Use Category 4, provided that the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto; or to take any other action relative thereto.

[Requested by the Planning Board and the Town Manager]

Explanation of Article 4: *The Wastewater Expansion will open downtown capacity for business and economic development growth. Of the increased capacity, the Board of Selectmen allocated up to 63,000 gallons over the course of the next 10 years for economic development. This article will boost the available growth management gallons to support that level of growth for downtown businesses.*

David Gardner moved that the Town vote to amend the Zoning Bylaw as printed in the warrant under Article 4.

Planning Board Recommends 5-0-0
Select Board Recommends 5-0-0
Finance Committee Recommends 4-0-0
Board of Health Recommends 5-0-0

2/3rd's vote required.
Motion passed. 2/3rd's declared.

Article 5. Land Bank – Pre-acquisition Expenses.

To see if the Town will vote to transfer from the Land Bank Fund established under Chapter 293 of the Acts of 1998 the sum of \$35,000 to be expended under the direction of the Open Space Committee and the Town Manager for the funding of pre-acquisition expenses for potential Land Bank purchases, including but not limited to title searches and appraisals, updating of the Open Space Plan to qualify said purchases for state grants, and other costs associated therewith; or to take any other action relative thereto.

[Requested by the Open Space Committee]

Explanation of Article 5: *Land Bank pre-acquisition funds allow the Open Space Committee to do the required due diligence prior to any open space purchase. In addition, the Town is required to update the Open Space and Recreation Plan by October 2019 to remain eligible for grant funds.*

Dennis Minsky moved that the Town vote to approve Article 5 as printed in the warrant.

Open Space Committee Recommends 5-0-0
Select Board Recommends 5-0-0
Finance Committee Recommends 4-0-0
Board of Health Recommends 5-0-0

Motion passed.

Article 6. Land Bank – Acquisition of the Hall Property, 387-395A Commercial Street. To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, a parcel of land located at 387-395A Commercial Street, identified on Assessors Map 12-2 as Parcel 2-15, containing 13,127 square feet, more or less, and described in a deed recorded with the Barnstable County Registry of Deeds in Book 7440, Page 128, for active recreational purposes under the provisions of G.L. c. 45, §3, as the same may be amended, and other Massachusetts statutes related to recreation, to be managed and controlled by the Recreation Commission; and to raise and appropriate, transfer from available funds, including, without limitation, the Cape Cod Land Bank Act and/or Community Preservation Act, the sum of \$1,400,000 for the purpose of said acquisition and costs incidental and related thereto; to authorize the Board of Selectmen and the Town Manager, at the Board of Selectmen's discretion, to apply for, accept and expend, on behalf of the Town, any and all funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth of Massachusetts under the Urban Self-Help Act (301 CMR 5.00), and/or any other federal, state or other grants or reimbursement programs in any way connected with the scope of this acquisition, and to enter into any and all agreements and execute any and all instruments on behalf of the Town as may be necessary or convenient to effectuate said acquisition; and, further, to authorize the Board of Selectmen to convey to the Provincetown Conservation Trust or other qualified organization a restriction on said land meeting the requirements of G.L. c. 184, §§31-33, in accordance with said Land Bank and Community Preservation Acts, limiting the use of said land to the aforesaid purposes in perpetuity; or to take any other action relative thereto.

[Requested by the Open Space Committee]

Explanation of Article 6: *The Open Space Committee recommends this article to the Town to acquire the property at 387-395A Commercial Street (approximately 1/3-acre) for park and outdoor recreation purposes. The subject property has no structures on it, and is presently used as a surface parking lot. The potential acquisition of this property represents a unique opportunity to provide public access to Provincetown Harbor, establish a new public beach and waterfront park, and preserve a view of the harbor from Commercial Street. Land Bank funds would be used for the purchase, and the Town has applied for state PARC grant assistance which, if awarded, would reimburse the Town up to \$400,000 of the purchase price. Even if the Town is not awarded this grant, there are sufficient funds in the Land Bank to acquire this parcel without any need to finance the purchase. Acquisition of this property is consistent with several goals of the Town's Open Space and Recreation Plan, including the use of Land Bank funding to purchase land to ensure harbor access and protect harbor views. The Seller has placed two contingencies on the sale: 1) that hours of prohibited park use between*

midnight and 6:00 a.m. be posted, and 2) that no parking be allowed on the property, except that not more than two (2) handicap-accessible parking spaces may be allowed to enable the Town to qualify for park development grant assistance that may require such parking for handicap access to the park.

Dennis Minsky moved that the Town vote to approve Article 6 as printed in the warrant and that \$1,400,000 be transferred from the Land Bank for this purpose.

Open Space Committee Recommends 5-0-0

Select Board Recommends 5-0-0

Finance Committee Recommends 4-0-0

Conservation Commission Recommends 4-0-1

Harbor Committee Recommends 4-0-0

Recreation Commission Recommends 3-0-0

Board of Health Recommends 5-0-0

Recycling & Renewable Energy Committee Recommends 3-0-0

Motion passed.

Article 7. Land Bank – Acquisition of the Dwyer Property 264-268 Bradford Street. To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions and subject to such easements and/or restrictions as the Board of Selectmen deems in the best interests of the Town, a portion of the parcel of land located at 264-268 Bradford Street (Rear) and identified on Assessors Map 15-2 as Parcel 51, which portion contains five acres, more or less, and is approximately shown as “Lot 1” on a sketch plan entitled “Site Plan Depicting a 4 Lot Subdivision”, a copy of which is on file with the Town Clerk, for conservation and passive recreation purposes under the provisions of G.L. c. 40, §8C, as the same may be amended, and other Massachusetts statutes related to conservation, to be managed and controlled by the Conservation Commission; and to raise and appropriate, transfer from available funds, including, without limitation, the Cape Cod Land Bank Act, and/or borrow, the sum of \$1,000,000 for the purpose of said acquisition and costs incidental and related thereto; to authorize the Board of Selectmen, the Conservation Commission and/or their designees to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of said costs of acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth of Massachusetts under G.L. c.132A, §11 (the so-called LAND Grants) and/or any other federal, state or other grants or reimbursement programs in any way connected with the scope of this acquisition, and to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate said acquisition; and further, to authorize the Board of Selectmen to convey to the Trustees of the Provincetown Conservation Trust or any other qualified organization a conservation restriction on said land meeting the requirements of G.L. c. 184, §§31-33, in accordance with said Land Bank Act, limiting the use of said land to the aforesaid purposes in perpetuity; or to take any other action relative thereto.

[Requested by the Open Space Committee]

Explanation of Article 7: *The Open Space Committee recommends this article to the Town to acquire approximately 5.5 acres of the rear portion of the property at 264-268 Bradford Street for conservation and public passive recreational use. The subject*

property is thickly wooded with large American beech, red maple, white and black oaks and pitch pine. It is designated as endangered species habitat, and contains a one-acre maple swamp and steep, forested dunes. The parcel is adjacent to the Old Colony Nature Pathway, and, if acquired, would be contiguous with other open space properties along the Provincetown Greenway, which is a swath of Atlantic white cedar swamps and forested dune-scape straddling the Old Colony Pathway and Route 6, running from the Truro town line into downtown Provincetown. Acquisition of this property is consistent with several goals of the Town's Open Space and Recreation Plan. Land Bank funds would be used for the purchase, and the Town has applied for state LAND grant assistance which, if awarded, would reimburse the Town up to \$400,000 of the purchase price. Even if the Town is not awarded this grant, there are sufficient funds in the Land Bank to acquire this parcel without any need to finance the purchase.

Celine Gandolfo moved that the Town vote to approve Article 7 as printed in the warrant and that \$1,000,000 be transferred from the Land Bank for this purpose.

Open Space Committee Recommends 4-0-0

Board of Selectmen Recommends 5-0-0

Finance Committee Recommends 4-0-0

Conservation Commission Recommends 5-0-0

Board of Health Recommends 5-0-0

Recycling & Renewable Energy Committee Recommends 3-0-0

Motion passed unanimously.

Article 8. Zoning Bylaw Amendment: Public Utilities. (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, and Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

Add the following definition to Article 1:

Public Utility shall mean an organization, subject to public control and regulation, that maintains the infrastructure for a public service, including: electricity, natural gas, water, sewage, telephone, and broadband internet telecommunications.

And amend the use table for C8 Public Utility as follows:

2440 Permitted Principal Uses

C.	Industrial	Res1	Res2	Res3 ResB	TCC	GC	S	M
C8	Public Utility	NO <u>BA</u>	NO <u>BA</u>	BA	BA	BA	NO <u>BA</u>	NO <u>BA</u>

or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 8: This amendment provides a definition of public utilities and amends the use table to recognize that the Town's existing infrastructure for water, sewer, electric and telephone are all located on existing Town parcels in residential zones and therefore will remove the non-conforming status for those properties allowing us to maintain and expand those facilities within zoning.

Jeffrey Ribeiro moved that the Town vote to amend the Zoning Bylaw as printed in the warrant under Article 8.

Planning Board Recommends 5-0-0
Board of Selectmen Recommends 5-0-0
Finance Committee Recommends 4-0-0

2/3rd's vote required
Motion passed. 2/3rd's declared.

Article 9. Zoning Bylaw Amendment: Dimensional 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 2, Districts and District Regulation, Section 2560 Dimensional Schedule as follows:

Amend Footnote 5 (Building Heights) as follows:

5. Height limitations shall not apply to chimneys, TV antennae with poles of ten (10) feet or less, or spires, cupolas and widow walks that do not enclose more than thirty-five (35) square feet of floor space or exceed ten (10) feet in height or occupy more than five (5) percent of the roof area. If the roof is composed of multiple forms, the maximum height for each type of roof shall apply to each respectively. For Building Height allowed in High Elevation District, see Section 2320 High Elevation District. Municipal and Public Safety facilities may exceed height limitations when authorized by a Special Permit issued by the Zoning Board of Appeals as provided in Section 5300 with additional findings that the proposed height: 1) is influenced by unique design characteristics or constraints necessitated by the particular use, purpose or program of the structure, and 2) where it would be beneficial to the general public by decreasing costs, providing greater functionality, or enhanced public safety.

Or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 9: *This amendment recognizes that municipal buildings have unique purposes or constraints that necessitate that they might not comply with the height requirements for structures. This amendment will allow the Town to receive a Special Permit from the Zoning Board of Appeals to exceed height whenever it can demonstrate findings that are specific to municipal and public safety facilities.*

Jeffrey Ribeiro moved that the Town vote to amend the Zoning Bylaw as printed in the warrant under Article 9.

Planning Board Recommends 5-0-0
Select Board Recommends 4-1-0

2/3rd's vote required.
Motion passed unanimously.

Article 10. Zoning Bylaw Amendment: Harborfront Overlay. (*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 2300 Overlay Districts as follows:

Section 2300 Overlay Districts

2310 Harborfront Regulation

2311 Purpose The purpose of this section is to regulate the uses permitted in the harborfront area in order to promote appropriate waterfront activities and efficient use of the harbor frontage while minimizing adverse impacts to pedestrian and visual access and protecting harbor water quality.

2312 Applicability The following requirements apply to the "Harborfront Area", defined as all that area which is ~~either more than 495~~ 160 feet seaward (i.e., southward) from the northern edge of the traveled ways of Commercial Street in the Class TCC, Town Center Commercial zone ~~or seaward of mean high water, or both.~~

2313 Allowed Uses Any of the following uses is allowed in the Harborfront Area without necessity of a Special Permit unless it is prohibited or requires a Special Permit in the underlying district:

Use Item	Name
B4d	Marine service, boat sales
C1	Seafood processing
C2	Boatbuilding, repair, overhaul
C3	On-shore boat storage
D1a	Religious or educational use exempt from zoning prohibition
E3b	Picnic area, commercial beach, bathhouse
F1 (part)	Aquaculture
F2	Other farms, nurseries, greenhouses
G3	Home occupation (see Section 4400)
G4	Sale of seafood caught by a resident of the premises
G6	Temporary construction office or shelter

2314 Special Permit Uses ~~The following~~ All other uses are allowed in the Harborfront Area on Special Permit from the ~~Zoning Board of Appeals~~ Planning Board unless prohibited in ~~an~~ the underlying district, except that Residential Uses as listed in Section 2440 shall not occupy more than 20% of the gross floor area of any structure or portion thereof within the Harborfront Area.

Use Item	Name
B4a	Neighborhood
B4b	Art Gallery
B4e	Package Store
B4f	All other retail
B5	Restaurant, Bar
B7	Parking Lots

Such use shall be authorized with a Special Permit from the ~~Zoning Board of Appeals~~ Planning Board as provided for in Section 5300 and after considering the degree to which the proposal would:

- a. Interrelate productively with, and help promote, other waterfront activities;
- b. Make efficient use of harbor frontage in relation to jobs supported or taxes contributed or other public benefits conferred;
- c. Improve opportunities for visual and pedestrian access to the waterfront; and
- d. ~~Does not adversely~~ Impact harbor water quality.

~~2315 Waterfront Special Permit Uses~~ — The following uses are allowed in the Harborfront Area on Special Permit from the Zoning Board of Appeals unless prohibited in an underlying district:

Use Item	Name
C9	Transportation terminal
C10	Warehouse
D3	Municipal Use
D4	Non-profit club without entertainment
D5	Museum
E2	Indoor Recreation
E3f	All other commercial outdoor recreation
F7	Scientific research or development
G11	Other customary accessory uses

~~Such Special Permit shall be granted only if the Board of Appeals determines that operating costs of the proposed use would be substantially greater for any but a waterfront location, and after considering the degree to which the proposal would:~~

- a. ~~Interrelate productively with other waterfront activities;~~
- b. ~~Make efficient use of harbor frontage in relation to jobs supported or taxes contributed;~~
- c. ~~Improve opportunities for visual and pedestrian access to the waterfront;~~
- d. ~~Affect the ability of the town's utilities, roads and public services to service others;~~
- e. ~~Improve or maintain harbor water quality.~~

~~2316 Prohibited Uses~~ Any use not listed in subsections 2313 or 2315 is prohibited in the Harborfront Area.

And further to delete Section 2540 in its entirety.

~~2540 Harbor Setback~~ No structure other than a pier, wharf or other facility requiring waterfront contact shall be constructed within 35 horizontal feet of mean high water of any salt water body.

And delete reference to the Harbor setback in the Dimensional Schedule under Section 2560.

Or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 10: *The amendment combines two conflicting provisions of the Bylaws – the Harbor Setback and the Harborfront Overlay – to create a clear jurisdictional boundary and clear standards of review, and allow for the responsible re-development of the harborfront. The current provisions also conflict with Chapter 91 uses and the Town’s Draft of the Harbor Plan. The Harbor Setback dates at least to the first iteration of the Bylaws as adopted under the Zoning Act in 1978. The provision bans the construction of any structure within the area 35’ landward of the “Mean High*

Water” (MHW). Staff estimates that roughly 80% of parcels along the harborfront have pre-existing, non-conforming structures within this setback, meaning they are allowed to expand with a Special Permit. The remaining 20% are not able to utilize any of this area. The Harborfront Overlay allows certain uses seaward of the Harbor Setback, a conflict as the latter does not allow structures. Additionally, the Harborfront Overlay does not allow for economically viable uses, effectively stopping re-development and limiting public access via public-facing private uses such as hotels, restaurants, and piers. The proposal would allow all commercial uses within the Harborfront Overlay so long as they improve public access and are not environmentally detrimental. It would also allow for limited residential development to further encourage re-development that would meet the aforementioned goals.

Jeffrey Ribeiro moved that the Town vote to amend the Zoning Bylaw as printed in the warrant under Article 10.

Planning Board Recommends 5-0-0
Board of Selectmen Recommends 4-1-0
Finance Committee Recommends 4-0-0
Harbor Committee Recommends 4-0-0

2/3rd's vote required.
Motion passed. 2/3rd's declared.

Article 11. Zoning Bylaw Amendment: Site Plan Review. (*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 4000 Site Plan Review as follows:

4010. Administrative Site Plan Review

4011. Projects requiring Administrative Site Plan Review by the Planning Board. Except as exempted by Section 4012 or requiring review under Section 4015, all ~~alteration of land, construction,~~ exterior structural alteration, structural relocation, addition of parking, or and change in use of any building or land residential, commercial, industrial, cultural or institutional uses shall require Administrative Site Plan Review.

4012. Projects exempted from Administrative Site Plan Review

a. The construction or enlargement of any residential single-family, two-family dwelling, building(s) on a parcel so long as said parcel contains no more than one or two principal dwelling units on one lot, or building accessory to such dwelling unit(s) including Accessory Dwelling Units,

- 1) except where such dwellings are located in the High Elevation District; or
- 2) except where the development of such dwellings requires the excavating or grading of an area greater than the minimum lot size in the zone in which the parcel is located.

b. Any construction or alteration which has no effect on the footprint of an existing residential building or accessory structures, and does not add parking.

c. Any construction or alteration which has no effect on the footprint of an existing commercial or mixed use building (s) or accessory structures, and does not add parking, except if the alteration of premises containing such uses is greater than 50% of the floor area for developments of more than 2000 square feet of total commercial space, interior and exterior.

d. Any use specifically exempted from regulation pursuant to the Massachusetts General Laws c.40A §3.

4015. Site plan Review by Special Permit

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

- (1) ~~d~~Developments consisting of ~~the aggregate~~ an increase of residential units that will result in ~~two~~ three or more residential units on any parcel;_
- (2) ~~d~~Developments consisting of more than 2,000 square feet of new commercial area;_
- (3) ~~d~~Development of properties consisting of an existing or proposed drive-through facility or raised loading dock;_
- (4) ~~d~~Development of commercial properties that have curb cuts greater than 25% of their existing or proposed street frontage;_
- (5) All new construction or additions or any excavation, land removal or earth moving of more than 750 cubic yards that will alter the topography from natural grade, whether or not subject to a building permit;_

b. The Planning Board may, at its discretion, require a surety to guarantee completion of the elements and conditions of plans approved by Site Plan Special Permit.
Or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 11: *The amendment modifies the Site Plan Review thresholds to create clear and enforceable review thresholds, clarifies conflicting language (including the provision of by-right Accessory Dwelling Units), and standardizes the terminology. Under Section 4010, the changes create reasonable and enforceable thresholds consistent with the land use modifications reviewed under zoning. As currently written the section likely extends beyond that legally allowed to be reviewed under zoning. Under Section 4012, the changes standardize the use of the term “residential building(s)” among the exemption criteria and clarify that ADUs are a by-right use. They also address mixed-use development which is not currently addressed. Under Section 4015, the changes create a clear threshold for the increase in residential units. The existing language does not reference an action and is in potential conflict with various other sections of the Bylaws.*

Jeffrey Ribeiro moved that the Town vote to amend the Zoning Bylaw as printed in the warrant under Article 11.

Planning Board Recommends 5-0-0
Board of Selectmen Recommends 4-0-1

2/3rd's vote required
Motion passed unanimously.

Article 12. Zoning Bylaw Amendment: Dimensional 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 2, Districts and District Regulation, Section 2560 Dimensional Schedule as follows:

2560 Dimensional Schedule

Requirements	Residential			Commercial		Seashore	Public Use
	Res1	Res2	Res3 ResB	TCC	GC ³	S	M
Min. Lot Area (square feet)	16,000 ⁷	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	100 ⁷	50	50	50	70	- -	--

And add footnote 7 as follows:

Except parcels legally created prior to April 2, 2018 shall conform with a minimum lot area of 8,000 sf and minimum lot frontage of 50 ft.

Explanation of Article 12: In April we amended the minimum lot size and minimum lot frontage for properties in the RES 1 zone. The intended purpose was to discourage future subdivision of land on the outskirts of Town to prevent further tree loss and to discourage our large older hotels in the RES 1 zone from converting to residential estate lots. The article was not intended to impact existing property owners as the law allows an exemption for existing lots in the single family zone to be considered legally non-conforming, but only if they are not contiguous and under common ownership. It was never our intention to make existing parcels unbuildable. By adding the grandfathering date, the bylaw makes it clear that the new standard only applies to future subdivisions, not those parcels already legally created at the time. Clarifying this point could prevent potential litigation against the Town.

David Gardner moved that the Town vote to amend the Zoning Bylaw as printed in the warrant under Article 12.

Planning Board Recommends 5-0-0

Board of Selectmen Recommends 4-1-0

2/3rd's vote required

Motion passed. 2/3rd's declared.

Article 13. Charter Amendment – Reinstates Term Limits for All Elected and Appointed Boards. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make

clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Section 6 of Chapter 5 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 by striking out subsection (c).

SECTION 2. Section 7 of said Chapter 5 of said Charter is hereby amended by striking out subsection (f).

SECTION 3. Section 4 of said Chapter 5 of said Charter is hereby amended by inserting after subsection (f), the following subsection: (g) An elected member of a Town board shall not serve on that board for more than three consecutive terms. An appointed member of a Town board shall not serve on that Town board for more than four consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a Town board by this section may be reelected or reappointed to the board after two years have elapsed from the ending date of his or her previous service.

SECTION 4. This act shall take effect upon its passage; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 13: *The 2017 Revised Charter, which took effect on July 1, 2018, deleted term limits for all Town boards except for regulatory boards. The intent of this amendment is to restore term limits for all elected and appointed board members that existed in the prior 1990 Charter as amended. Term limits for elected officials will be three terms. Appointed officials will have a term limit of four terms.*

The General Court has specific requirements for the form of Charter amendments in special acts. These requirements do not allow for the reader to see the actual effect of the Charter change. As an aid to the voters, the Board of Selectmen is providing a guide after each article by showing the deletions and new text to each Charter provision being changed. If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Chapter 5 THE TOWN BOARDS

Section 6. Rules Specific to the Regulatory Town Boards

~~c. Members of Regulatory Town Boards may serve for only three three-year overlapping full terms. When a member is appointed to complete the term of another, it shall count as a full term if it exceeds 18 months. Members may be re-appointed after an absence of one year.~~

Section 7. Rules Specific to Appointed Town Boards

~~f. There is no time limit for service on an appointed, non-regulatory Board.~~

Section 4. Membership on Town Boards

g. An elected member of a Town board shall not serve on that board for more than three consecutive terms. An appointed member of a Town board shall not serve on that Town board for more than four consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a Town board by this section may be reelected or reappointed to the board after two years have elapsed from the ending date of his or her previous service.

Cheryl Andrews moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 13.

Board of Selectmen Recommends 5-0-0

Finance Committee Does NOT Recommend 4-0-0

Charter Compliance Commission Does NOT Recommend 3-0-0

Julia Perry report

Motion does not pass.

Article 14. Charter Amendment – Restores and Clarifies Contracting Authority of the Board of Selectmen. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Section 3 of Chapter 4 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 by striking out subsection (k) and inserting in place thereof the following subsection: k. The Town Manager is the Chief Procurement Officer of the Town.

SECTION 2: Section 2 of Chapter 3 of said Charter is hereby amended by inserting after subsection (f) the following subsection: (g) The Board of Selectmen has the exclusive authority to award and execute contracts for all Town Departments and offices and, if requested, for the School Committee and for the Board of Library Trustees.

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

Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 14: *The 2017 Revised Charter designates the Town Manager as the official authorized to execute contracts on behalf of the Town. This amendment would eliminate that provision and restore the contracting authority from the 1990 Charter to the Board of Selectmen. Pursuant to Section 3-2-a of the 2017 Revised Charter, the Board of Selectmen will have the authority to delegate contracting authority to the Town Manager for designated classes of contracts.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined), except that all references in the 2017 Revised Charter to Board of Selectmen will be changed to Board of Selectmen should Article 12 be approved by the General Court:

Chapter 4. THE TOWN MANAGER

Section 3. Powers and Duties

k. ~~The Town Manager is the Chief Procurement Officer of the Town, with authority to award and execute contracts for the purchase of all supplies and services for all Town Departments and offices, and, if requested, for the School Committee and for the Board of Library Trustees.~~ The Town Manager is the Chief Procurement Officer of the Town.

Chapter 3. THE BOARD OF SELECTMEN

Section 2. General Powers and Responsibilities

g. The Board of Selectmen has the exclusive authority to award and execute contracts for all Town Departments and offices and, if requested, for the School Committee and for the Board of Library Trustees.

Louise Venden moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 14.

Select Board Recommends 5-0-0

Charter Compliance Commission takes no position 3-0-0

Motion passed.

Article 15. Charter Amendment – Changes the Date of the Annual Town Election.

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Subsection (b) of Section 5 of Chapter 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 by striking out the words “third Tuesday in June”, and inserting in place thereof the following words: second Tuesday in May.

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]

Explanation of Article 15: *The 2017 Revised Charter changed the date of the Annual Town Election from the first Tuesday in May (1990 Charter) to the third Tuesday in June. The purpose of this amendment is to establish the date of the Annual Election as the second Tuesday in May. The change is being recommend because waiting until the third Tuesday in June to vote on ballot questions such as Proposition 2 ½ questions does not provide sufficient time to potentially adjust the operating budget before the start of the new fiscal year on July 1st. Rather than returning to the first Tuesday in May to hold the election, this amendment is proposing to set the election for the second Tuesday in May in order to provide sufficient time so that the only Proposition 2½ questions that will appear on the ballot would be limited to corresponding appropriations that were approved at the Annual Town Meeting, thereby avoiding a vote on ballot questions that have become moot based on the final action of Town Meeting. The Annual Town Meeting will continue to be held on the first Monday in April.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Chapter 2. TOWN MEETING, THE MODERATOR, AND TOWN ELECTIONS

Section 5. Elections

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

[Lise King moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 15.](#)

Board of Selectmen Recommends 5-0-0

Finance Committee Recommends 4-0-0

Charter Compliance Commission Does NOT Recommend 3-0-0

Julia Perry report

Motion passed.

Article 16. Charter Amendment - Powers and Duties of the Board of Selectmen - Removes Review of Personnel Decisions by the Board of Selectmen – Removes Requirement to have Person with Human Resource Expertise in the Room. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed

amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Subsection (d) of Section 3 of Chapter 4 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 by striking out the word "action", the first time it appears, and inserting in place thereof the following words: hiring decision by the Town Manager; and further by striking out the word "action", the second time it appears, and inserting in place thereof the following words: hiring decision.

SECTION 2. Said Section 3 of said Chapter 4 of said Charter is hereby amended by deleting the last sentence in subsection (h).

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

Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 16: *The 2017 Revised Charter subjects all decisions by the Town Manager regarding hiring, promoting, and removal of certain Town Staff to confirmation by the Board of Selectmen. This amendment would limit confirmation by the Board of Selectmen to hiring decisions only. The purpose of this change is to remove the potential for any political influence in any decision by the Town Manager to promote or discharge employees. In addition, this amendment would eliminate the requirement that the discharge of a Town employee by the Town Manager only be done if a person with HR expertise is present. This requirement could lead to legal challenges in connection with the discharge of an employee.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Chapter 4. THE TOWN MANAGER

Section 3. Powers and Duties

d. The Town Manager may hire, promote and remove all Town Staff, except the secretary to the Board of Selectmen. Any ~~action~~ hiring decision by the Town Manager with regard to the following positions shall be subject to confirmation by the Board of Selectmen except that if the Board of Selectmen fails to confirm or object within fifteen (15) days of the notice of such proposed ~~action~~ hiring decision, such failure shall constitute implied confirmation:

- 1) Assistant Town Manager*
- 2) Finance Director*
- 3) Police Chief*
- 4) Town Clerk*

h. In addition, the Town Manager may discharge any Town employee not subject to a collective bargaining agreement for good cause if the action is taken in accordance with all applicable personnel policies and laws. ~~The discharge shall be done in person, in private, and with a person with HR expertise in attendance.~~

Louise Venden moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 16.

**Board of Selectmen Recommends 5-0-0
Charter Compliance Commission takes no position 3-0-0**

**Julia Perry report
Motion passed.**

Article 17. Financial Procedures – Provides Improved Procedures for Development of the Operating Budget. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Subsection (b) of Section 4 of Chapter 6 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 by striking out the word “third”, and inserting in place thereof the following word: “second”.

SECTION 2. Subsection (e) of said Section 4 of said Chapter 6 of said Charter is hereby amended by striking out the words “January 31st”, and inserting in place thereof: “the first Tuesday in February”.

SECTION 3. 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]

Explanation of Article 17: *This proposed change allows staff to submit the budget after the second quarter has closed and will provide the Board of Selectmen with two weeks to review the Town Manager’s proposed budget before submitting it to the Finance Committee, rather than one week in the 2017 Revised Charter.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

CHAPTER 6. FINANCE

Section 4. *Financial Procedures - The Annual Budget.*

b. On or before the ~~third~~ second Tuesday in January each year, the Town Manager shall submit to the Board of Selectmen a careful, detailed estimate in writing of the probable expenditures of the Town government for the ensuing fiscal year, stating the

amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the Town, and showing specifically the amount necessary to be provided for each Fund and Department. The Town Manager must also submit a statement of the expenditures of the Town for the same purposes in the two preceding years and an estimate of the expenditures for the current year.

e. The Board of Selectmen shall consider the proposed Budget submitted by the Town Manager and make such recommendations as it deems expedient and proper in the interests of the Town. On or before ~~January 31st~~ the first Tuesday in February, the Board of Selectmen shall transmit a copy of the Budget, together with its recommendations, to the Finance Committee. Selectmen shall act on it. Then they shall submit it to the Finance Committee, which shall issue its recommendations as part of its printed report on the Annual Budget.

Tom Donegan moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 17.

Board of Selectmen Recommends 5-0-0

Finance Committee Recommends 4-0-0

Charter Compliance Commission takes no position 3-0-0

Julia Perry report

Motion passed.

Article 18. Charter Amendment – Financial Procedures – Provides Improved Procedures for Developing the Capital Improvement Plan. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Subsection (b) of Section 6 of Chapter 6 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 by striking out the word “third” and inserting in place thereof the following word: “second”.

SECTION 2. Subsection (b) of said Section 6 of said Chapter 6 of said Charter is hereby further amended by striking out the words "January 31st" and inserting in place thereof the following words: "the first Tuesday in February".

SECTION 3. 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]

Explanation of Article 18: *This proposed change will provide the Board of Selectmen with two weeks to review the Town Manager's proposed Capital Improvement Plan before submitting it to the Finance Committee, rather than one week in the 2017 Revised Charter.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

CHAPTER 6. FINANCE

Section 6. Financial Procedures - The Capital Improvements Program.

b. *The Town Manager shall submit the Capital Improvements Program to the Board of Selectmen and the Finance Committee by the ~~third~~ second Tuesday of January prior to the Annual Town Meeting. On or before ~~January 31st~~ the first Tuesday in February, the Board of Selectmen shall act on it. Then they shall submit it to the Finance Committee, which shall issue its recommendations as part of its printed report on the Annual Budget.*

Tom Donegan moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 18.

Board of Selectmen Recommends 5-0-0

Finance Committee Recommends 4-0-0

Charter Compliance Commission takes no position 3-0-0

Motion passed.

Article 19. Charter Amendment – Investigatory Powers – Restore Language from Former Charter – Removes Detailed Requirements for Conducting Investigations.

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Section 5 of Chapter 3 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 by striking out subsections (b), (c), (d), and (e), in their entirety, and inserting in place thereof the following subsection:

b. For purposes of this section, the Board of Selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

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

Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 19: *The 2017 Revised Charter provides a very detailed procedure for the investigation of complaints by the Town Manager and the Board of Selectmen. The procedures are cumbersome and could have the effect of substantially impeding the ability of the Town Manager and the Board of Selectmen to conduct required investigations. The change to this provision will restore the investigation language to the 1990 Charter, and remove from the Charter the detailed procedures that are not appropriate for a Charter.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Article 7. Charter Amendment – Investigatory Powers – Restore Language from Former Charter – Removes Prohibition on Acting on Anonymous Complaints.

Chapter 3. THE BOARD OF SELECTMEN

Section 5. Investigatory Powers

b. For purposes of this section, the Board of Selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

~~*b. Any criminal matter shall be referred to the Police or the Attorney General's Office for action after an initial investigation to determine if criminal behavior may have occurred.*~~

~~*c. Investigations shall be based only upon factual allegations that can be confirmed or denied. If allegations are received from an individual, that person must be identified and the allegations must be in writing and must be specific. Any anonymous allegation or one of general behavior shall not be responded to.*~~

~~*d. The individual who is the subject of an investigation shall be informed in writing of the investigation and shall have the right to a Public Hearing.*~~

~~*e. The Board of Selectmen shall identify sanctions if the conduct is determined to be inappropriate. Sanctions may include an oral reprimand and guidance for future action at a Board of Selectmen open meeting, removal in accordance with procedures set forth in this Charter, or referral to an appropriate body for action.*~~

Tom Donegan moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 19.

Board of Selectmen Recommends 5-0-0

Charter Compliance Commission Does NOT Recommend 3-0-0

Bobby Anthony report

Julia Perry report

Motion does not pass.

Article 20. Charter Amendment – Removes Provision Allowing Part-Time Residents To Serve as Alternates on Non-Regulatory Boards. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that the within Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Section 7 of chapter 5 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 by striking out subsection (c), in its entirety.

SECTION 2. This act shall take effect upon its passage.
Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 20: *The 2017 Revised Charter included a provision that allows part-time residents to be appointed as alternates to non-regulatory boards under certain circumstances. The change proposed in this warrant article removes this provision completely.*

If this amendment is approved, the 2017 Revised Charter will be changed to remove the language of Section c. and renumber the sections to follow (with deletions shown in strike through and new text shown as underlined):

Chapter 5 THE TOWN BOARDS

Section 7. Rules Specific to Appointed Town Boards

~~c. If the Appointing Authority determines that there are an inadequate number of registered voters who are willing to serve as members or alternates on appointed non-regulatory Boards, then the Appointing Authority may appoint part-time residents to serve as alternates, as long as the majority of members are registered voters.~~

Individuals who are not registered voters shall be appointed to a non-regulatory Town Board only if they can commit to being present for a majority of the meetings of the Board.

Louise Venden moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 20.

Board of Selectmen Does NOT Recommend 3-2-0

Finance Committee Does NOT Recommend 4-0-0

Charter Compliance Commission Does NOT Recommend 3-0-0

Recycling & Renewable Energy Committee Recommends 3-0-0

Tom Donegan minority report

Julia Perry report

Cheryl Andrews report report

Motion does NOT pass

Article 21. Charter Amendment – Streamlines Qualifications of the Town

Manager. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Section 2 of Chapter 4 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 by striking out subsection (a), in its entirety, and inserting in place thereof the following: a. The Town Manager shall be a person especially fit by education, training, or previous experience in public administration, to perform the powers and duties of the office.

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

Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 21: *The 2017 Revised Charter included very detailed requirements for determining the qualifications of the Town Manager. Such detail could lead to unnecessary disputes as to whether an otherwise qualified candidate appointed by the Board of Selectmen would be able to serve. This amendment returns to the language of the 1990 Charter by streamlining the qualification requirements for the Town Manager in order to provide more discretion to the Board of Selectmen when filling the position of Town Manager.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Chapter 4. THE TOWN MANAGER

Section 2. Qualifications

a. ~~The Town Manager shall be hired on the basis of education and experience. The minimum education requirement for a candidate for the position of the Town Manager is a bachelor's degree, preferably in Public Administration, from an accredited degree-granting college or university. In addition, the candidate must have at least three years compensated service in public administration at a managerial level. If the educational qualification is waived by the Board of Selectmen, the professional qualification must include at least nine years compensated service in public administration with at least six at a managerial level.~~ The Town Manager shall be a person especially fit by education, training, or previous experience in public administration, to perform the powers and duties of the office.

Louise Venden moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 21.

Board of Selectmen Recommends 5-0-0

Charter Compliance Commission does NOT Recommend 3-0-0

Julia Perry report

Motion passed.

Article 22. Charter Amendment – Membership on Town Boards – Provides for 5 Alternates for Regulatory Boards. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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 RELATIVE TO THE CHARTER OF 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. Section 4 of Chapter 5 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 by striking out subsection (a), in its entirety, and inserting in place thereof the following: a. Unless otherwise specified in Massachusetts General Laws or this Charter, each Town Board consists of five regular members and two alternate members, except for the Zoning Board of Appeals and the

Planning Board, which may have up to five alternate members, and the Finance Committee, which shall have seven regular members and two alternate members. New members shall not participate in a Board meeting until they have been sworn in by the Town Clerk. Alternate members shall have the right in order of seniority on the Board to vote at a Board meeting in place of a regular member who is absent.

SECTION 2. This act shall take effect upon its passage.
Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 22: *The 2017 Revised Charter set membership on all Town boards to five regular members and two alternate members. This amendment restores the provisions of the 1990 Charter by allowing the Zoning Board of Appeals to have five alternates and the Finance Committee to have seven regular members and two alternate members. In addition, this amendment would permit the Planning Board to have five alternate members as well. Given the responsibilities and caseloads of the Zoning Board of Appeals and the Planning Board, having five alternates will provide more flexibility in their decision making and potentially avoid the consequence of a constructive grant. Restoring the Finance Committee to seven members will facilitate the ability of the Finance Committee to more effectively fulfill its financial oversight responsibilities.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Chapter 5 THE TOWN BOARDS

Section 4. Membership on Town Boards

a. ~~Unless otherwise specified in Massachusetts General Laws or this Charter, each Town Board consists of five regular members and two alternate members. New members shall not participate in a Board meeting until they have been sworn in by the Town Clerk. Alternate members shall have the right in order of seniority on the Board to vote at a Board meeting in place of a regular member who is absent.~~ Unless otherwise specified in Massachusetts General Laws or this Charter, each Town Board consists of five regular members and two alternate members, except for the Zoning Board of Appeals and the Planning Board, which shall have five alternate members, and the Finance Committee, which shall have seven regular members and two alternate members. New members shall not participate in a Board meeting until they have been sworn in by the Town Clerk. Alternate members shall have the right in order of seniority on the Board to vote at a Board meeting in place of a regular member who is absent.

[Cheryl Andrews moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 22.](#)

Board of Selectmen Recommends 5-0-0

Finance Committee Recommends 4-0-0

Charter Commission takes no position 3-0-0

Motion passed.

Article 23. Charter Amendment – Rules Specific to Elected Boards - Restores Recall Language. To see if the Town will vote to authorize the Board of Selectmen to

petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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; or to take any other action relative thereto.

AN ACT RELATIVE TO THE CHARTER OF 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. Subsection (e) of Section 8 of Chapter 5 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 by striking out clause (11), in its entirety, and inserting in place thereof the following: (11) A majority of registered voters is required to recall an elected Official, but shall not be effective unless a total of at least twenty-five percent (25%) of the registered voters entitled to vote on the question shall have voted for Recall. If such total is not achieved, then the ballots for candidates need not be counted.

SECTION 2. This act shall take effect upon its passage.
Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 23: *The 2017 Revised Charter substantially reduces the threshold requirement for recalling an elected official. Under the 1990 Charter, an elected official could not be recalled unless at least 25% of the registered voters voted to recall the official. The 2017 Revised Charter established the threshold by stating that a majority of at least 25% of registered voters was all that is required. The purpose of this amendment is to restore the language from the 1990 Charter. All other thresholds are the same in both the 1990 Charter and the 2017 Revised Charter.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Chapter 5 THE TOWN BOARDS

Section 8. Rules Specific to Elected Town Boards

e. Members of elected Town Boards and elected individuals, such as the Moderator, can be removed from service on such Boards only by the recall process delineated below:

11) ~~A majority vote of at least twenty-five percent (25%) of registered voters is required to recall an elected Official. If fewer than twenty-five percent (25%) of registered voters cast a ballot, the ballots regarding the Recall shall not be counted.~~ A majority of registered voters is required to recall an elected Official, but shall not be effective unless a total of at least twenty-five percent (25%) of the registered voters entitled to vote on

the question shall have voted for Recall. If such total is not achieved, then the ballots for candidates need not be counted.

Cheryl Andrews moved that the Town vote to indefinitely postpone Article 23.
Motion to indefinitely postpone passed.

Article 24. Charter Amendment – Name Change from Board of Selectmen to Select Board. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter by striking out the words “Board of Selectmen”, each time they appear, and inserting in place thereof, in each instance, the words “Select Board”; and to insert a new subsection in the Charter to provide that the Select Board shall have the full role of and all powers and authorities of a Board of Selectmen under any general or special laws, and its members and officers shall have the full role of and all of the powers and authority of the members and officers of a Board of Selectmen under any general or special laws; and further, that the within Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and 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; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 24: *At the 2018 Annual Town Meeting a citizens’ petitioned article was voted favorably to change the name of the Board of Selectmen to the Select Board. In order to effectuate this change legally, the Charter must be amended. This article, if approved by the General Court, will change all references to the Board of Selectmen in the 2017 Revised Charter, including any changes approved at this Special Town Meeting. Depending on which articles are approved at the Special Town Meeting, the Board of Selectmen intends to submit a single home rule petition which will include all of the changes, including changing the name of the Board of Selectmen to Select Board throughout the Charter.*

Lise King moved that the Town vote to authorize the Board of Selectmen to file a Home Rule Petition to amend the Charter as printed in the warrant under Article 24.

Board of Selectmen Recommends 4-1-0
Charter Compliance Commission does NOT Recommend 3-0-0

Motion passed.

Article 25. Personnel Bylaw Amendment. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend Section 3-1 of the Personnel Bylaw, to read as follows:

3.1 The personnel system shall be based on merit principles, and shall include Personnel Rules adopted ~~under Section 6-11-2 of the Charter pursuant to Section 4-1 of this Bylaw~~, an Appraisal System for evaluating the performance of all ~~Town employees positions covered under this Personnel Bylaw~~; and a classification plan and compensation plan which shall (1) classify all non-union paid Town positions into groups and classes doing substantially similar work or having substantially equal responsibilities; and (2) establish minimum and maximum salaries to be paid to employees in positions so classified; which plan shall be a part of this by-law.

And by deleting the existing Section 4 and replacing it with a new Section 4, to read as follows:

4. Administration of the Personnel System

~~4-1 The classification and compensation plan and appraisal system shall be administered in accordance with Personnel Rules adopted pursuant to Section 6-11-2 of the Charter.~~

~~4-2 The Personnel Board shall review any proposed amendment to the classification and compensation plan proposed, and issue its report and recommendation thereon to the town meeting on whose warrant such amendment shall appear.~~

4-1 The Town Manager is authorized to adopt personnel rules and policies, to be known as "Personnel Rules", applicable to all positions covered under the Personnel Bylaw, after consultation with the Personnel Board.

4-2 The classification and compensation plan and appraisal system shall be administered in accordance with the Personnel Rules adopted by the Town Manager, pursuant to Section 4-1, above.

4-3 The Personnel Board shall review any proposed amendment to the classification and compensation plan proposed, and disuse its report and recommendations thereon to the Town Meeting on whose warrant such amendment shall appear.

Or to take any other action relative thereto.

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

Explanation of Article 25: *The new Charter is unclear as to how personnel rules are adopted or revised with respect to Town staff, moving forward, since the new Charter eliminated any reference to the adoption of such rules/policies. This proposed amendment clarifies that confusion, as well as address references to the old charter contained in the Personnel Bylaw.*

David Panagore moved that the Town vote to amend the Personnel Bylaw as printed in the warrant under Article 25.

Board of Selectmen Recommends 5-0-0

Finance Committee Recommends 4-0-0

Charter Compliance Commission takes no position 3-0-0

Motion passed.

Article 26. Acquire Sidewalk Easements for Bradford and Standish Street Intersection. To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, permanent and/or temporary easements in, on and under parcels of land located at 130, 132, and 137 Bradford

Street, for public way, public sidewalk, utility and/or other related purposes; or to take any other action relative thereto.

[Requested by the Town Manager]

Explanation of Article 26: The Bradford and Standish Street Intersection Improvement Plan calls for the installation of sidewalks and crosswalks throughout the intersection. The plan calls for the private property owner to construct the public improvements, including the sidewalks, in front of their properties. In several locations the public sidewalk encroaches on the private property and an easement is necessary to ensure public access and to allow the Town to provide maintenance, repair and replacement in the future as needed.

David Gardner moved that the Town vote to approve Article 26 as printed in the warrant.

Board of Selectmen 5-0-0

Finance Committee Recommends 4-0-0

Motion passed

Motion to adjourn the Special Town Meeting at 9:45 pm