

# Annual Town Meeting – Monday, April 2, 2018

**Meeting Called to Order.** Town Moderator Mary-Jo Avellar convened the Special Town Meeting at 6:31 p.m. on Monday, April 2, 2018 in the Town Hall Auditorium.

## **Preliminary Motions:**

Cheryl Andrews moved that the Town vote to waive the reading of the warrant.

**Motion Passed.**

Cheryl Andrews moved that the Town vote to grant permission to speak at the April 2, 2018 Annual and Special Town Meetings 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*; Jay Coburn, *Community Development Partnership*; Amy Davies, *Provincetown Community Television*; Josee Cardinal Young, *Finance Director*; Morgan Clark, *Director of Health*; Scott Fahle, *Principal Assessor*; James Golden, *Chief of Police*; Gregory Hennick, *Police Lieutenant*; Beau Jackett, *Director of Management Information Systems*; Michelle Jarusiewicz, *Housing Specialist & Grant Administrator*; Laura Marin, *Health Agent*; Rex McKinsey, *Pier Manager/Harbormaster*; Brandon Motta, *Recreation Director*; Elizabeth Paine, *Secretary to the Board of Selectmen*; 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*; Alexander Williams, *Treasurer*; Steve Wisbauer, *Shellfish Constable*; Steven Wlodkowski, *Deputy Director of Public Works*.

**Motion Passed.**

Cheryl Andrews moved that on all matters to come before the April 2, 2018 Special and Annual Town Meetings, 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, Boards and Committees and to act thereon.

*[Requested by the Board of Selectmen]*

David Panagore moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

**Motion passed.**

David Panagore - "Report on the Town's Response to the Winter 2018 Flooding Events and Coastal Resilience Efforts to Date"

**Board of Selectmen Recommends: 5-0-0**

**Article 2. FY 2019 Operating Budget.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$27,160,123 to fund operating budgets for several Town departments for Fiscal Year 2019 in accordance with Chapter 9, Section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2018	FY 2019	% change
I. General Government	\$1,096,663	\$984,238	-10.3%

II. Finance	10,670,832	11,019,297	+3.3%
III. Public Safety	5,931,957	6,415,920	+8.2%
IV. Public Works	3,506,738	3,674,739	+4.8%
V. Public Services	871,998	918,582	+5.3%
<b>Sub-total, I-V</b>	<b>\$22,078,188</b>	<b>\$23,012,776</b>	<b>+4.2%</b>
VI. Public Schools	3,809,164	4,147,347	+8.9%
<b>Total, I-VI</b>	<b>\$25,887,352</b>	<b>\$27,160,123</b>	<b>+4.9%</b>

or to take any other action relative thereto.

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

**Article 2. FY 2019 Operating Budget.**

**Division I. General Government.**

David Panagore moved that the Town vote to raise and appropriate the sum of \$908,238, transfer \$70,000 from the Tourism fund and transfer \$6,000 from the Wetlands Protection Fund for a total of \$984,238 to fund operating budgets for the several Town departments for Fiscal Year 2019 under budget Division I, General Government, as recommended by the Board of Selectmen.

**Board of Selectmen Recommends: 3-1-1**

**Finance Committee Recommends: 4-0-0**

**Motion passed.**

**Article 2. FY 2019 Operating Budget.**

**Division II. Finance**

David Panagore moved that the Town vote to raise and appropriate the sum of \$10,889,297 and transfer \$130,000 from Title V Revolving fund for a total of \$11,019,297 to fund operating budgets for the several Town departments for Fiscal Year 2019 under budget Division II, Finance, as recommended by the Board of Selectmen.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion passed.**

**Article 2. FY 2019 Operating Budget.**

**Division III. Public Safety**

David Panagore moved that the Town vote to raise and appropriate the sum of \$6,213,920, to Transfer \$52,000 from the Tourism fund, transfer \$50,000 from the Ferry Embarkation fund, and transfer \$100,000 from Municipal Waterways fund for a total of \$6,415,920 to fund operating budgets for the several Town departments for Fiscal Year 2019 under budget Division III, Public Safety, as recommended by the Board of Selectmen.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion passed.**

**Article 2. FY 2019 Operating Budget.**

**Division IV. Public Works**

David Panagore moved that the Town vote to raise and appropriate the sum \$3,674,739 to fund operating budgets for the several Town departments for Fiscal Year 2019 under budget Division IV, Public Works, as recommended by the Board of Selectmen.

**Board of Selectmen Recommends: 3-2-0**

Cheryl Andrews – Minority Report

**Finance Committee Recommends: 4-0-0**

**Motion passed.**

**Article 2. FY 2019 Operating Budget.  
Division V. Public Services**

David Panagore moved the Town vote to raise and appropriate the sum \$918,582 to fund operating budgets for the several Town departments for Fiscal Year 2019 under budget Division V, Public Services, as recommended by the Board of Selectmen.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion Passed.**

**Article 2. FY 2019 Operating Budget.  
Division VI. Public Schools**

David Panagore moved that the Town vote to raise and appropriate the sum of \$3,253,656 to fund the local Provincetown Public School System Budget for Fiscal Year 2019. And further, to raise and appropriate the sum of \$893,691 to fund the tuition assessment for students who attend the Nauset Regional High School for a total of \$4,147,347.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**School Committee Recommends: 5-0-0**

**Motion passed.**

**Article 3. FY 2019 Cape Cod Regional Technical High School Assessment.** To see if the Town will vote to raise and appropriate or transfer from available funds \$144,381 to fund the Town of Provincetown's assessment for the CCRTHS FY2019 operating budget; or to take any other action relative thereto.

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

David Panagore moved that the Town vote to raise and appropriate the sum of \$144,381 for its assessment for Cape Cod Technical Regional High School for FY 2019.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**School Committee Recommends: 4-0-0**

**Motion passed.**

**Article 4. FY 2019 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 2019:

6001 Water Enterprise Fund	FY 2018	FY 2019	% change
Enterprise Fund Costs	\$2,302,098	\$2,084,206	
General Fund Costs	<u>360,489</u>	<u>398,184</u>	
<b>TOTAL COSTS</b>	<b>\$2,662,587</b>	<b>\$2,482,390</b>	<b>-7.5%</b>

  

6002 Wastewater Enterprise Fund	FY 2018	FY 2019	% change
Enterprise Fund Costs	\$4,468,393	\$4,391,287	
General Fund Costs	<u>142,132</u>	<u>150,056</u>	
<b>TOTAL COSTS</b>	<b>\$4,610,525</b>	<b>\$4,541,343</b>	<b>-1.5%</b>

or to take any other action relative thereto.

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

**Article 4W: 6001 Water Enterprise Fund.**

David Panagore moved that the Town vote that \$2,482,390 be appropriated to operate the Water Enterprise Fund, \$1,841,520 to come from Water Enterprise Fund revenues and \$242,686 from Retained Earnings, and further, \$398,184 to be appropriated in the general fund and funded from Water Enterprise revenues.

**Board of Selectmen Recommends: 5-0-0**  
**Finance Committee Recommends: 4-0-0**  
**Water & Sewer Board Recommends: 4-0-0**  
**Motion Passed.**

**Article 4WW: 6002 Wastewater Enterprise Fund.**

David Panagore moved that the Town vote that \$4,541,343 be appropriated to operate the Wastewater Enterprise Fund, \$3,933,252 to come from Wastewater Enterprise Fund revenues, \$93,335 from Retained Earnings and \$364,700 from reserved for debt service, and further, \$150,056 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

**Board of Selectmen Recommends: 5-0-0**  
**Finance Committee Recommends: 4-0-0**  
**Water & Sewer Board Recommends: 3-0-0**  
**Motion Passed.**

**Article 5. Universal Prekindergarten for 4 and 5 Year Olds.** To see if the Town will vote to raise and appropriate the sum of \$120,000 to fund Universal Prekindergarten for 4 and 5 year olds, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with MGL Chapter 59, Section 21 C(m); or to take any other action relative thereto.

*[Requested by the Board of Selectmen]*

Erik Yingling moved that the Town vote to raise and appropriate the sum of \$120,000 to be expended under the direction of the School Committee to fund a Universal Prekindergarten for 4-5 year olds for Town residents and Town employees, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with General Laws Ch. 59 Section 21C (m).

**Board of Selectmen Recommends: 5-0-0**

**School Committee Recommends: 4-0-0**  
**Finance Committee Recommends: 4-0-0**  
**Board of Health Recommends: 3-0-0**  
[Finance Committee Minority Report](#)  
**Motion Passed.**

**Article 6. Preschool for 3 and 4 Year Olds.** To see if the Town will vote to raise and appropriate the sum of \$100,000 to fund Preschool for 3 and 4 year olds, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with MGL Chapter 59, Section 21 C(m); or to take any other action relative thereto.

*[Requested by the Board of Selectmen]*

Erik Yingling moved that the Town vote to raise and appropriate the sum of \$100,000 to be expended under the direction of the School Committee to fund a Preschool for 3-4 year olds for Town residents and Town employees, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with General Laws Ch. 59 Section 21C (m).

**Board of Selectmen Recommends: 4-0-1**  
**School Committee Recommends: 3-0-1**  
**Finance Committee Does NOT Recommend: 4-0-0**  
**Board of Health Recommends: 3-0-0**  
**Motion Passed.**

**Article 7. Wee Care.** To see if the Town will vote to raise and appropriate the sum of \$88,000 to fund Wee Care for infants and toddlers, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with MGL Chapter 59, Section 21 C(m); or to take any other action relative thereto.

*[Requested by the Board of Selectmen]*

Erik Yingling moved that the Town vote to raise and appropriate the sum of \$88,000 to be expended under the direction of the School Committee to fund a Wee Care for infants and toddlers for Town residents and Town employees, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with General Laws Ch. 59 Section 21C (m).

**Board of Selectmen Recommends: 4-0-1**  
**School Committee Recommends: 3-0-1**  
**Finance Committee Does NOT Recommend: 4-0-0**  
**Board of Health Recommends: 3-0-0**  
[Finance Committee Minority Report](#)  
**Motion Passed.**

**Article 8. Funding for Economic Development Committee.** To see if the Town will vote to raise and appropriate \$26,000 with \$1,000 for Committee expenses and \$25,000 in funds available to be awarded in grants to develop increased year-round economic opportunities. Grants shall be subject to approval by the Board of Selectmen. Committee Mission Statement: Encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens without creating adverse impacts on the character of our community or our natural environment; or to take any other action relative thereto.

*[Requested by the Board of Selectmen]*

David Panagore moved that the Town vote to approve Article 8 as printed in the warrant.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 3-1-0**

**Motion Passed.**

**Article 9. Community Preservation Budget for FY 2019.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2019 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. \$63,343 for Open Space;
  - B. \$380,055 for Community Housing;
  - C. \$63,343 for Historic Resources;
2. Debt Service Appropriations: Part 2
  - A. \$204,575 for Community Housing debt service;
  - B. \$50,354 for Open Space debt service;
  - C. \$159,856 for Historic Preservation debt service;
3. Grant Requests Appropriations: Part 3
  - A. Community Housing - \$15,000 for the Cape Housing Institute, a training and education program through the Community Development Partnership (CDP), and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the CDP.
  - B. 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.
  - C. Community Housing - \$50,853 for the Community Housing Office, including a full-time Housing Specialist and Community Preservation Act (CPA) administration.
  - D. Administrative Expenses - \$20,000 for CPA administrative expenses; or to take any other action relative thereto.

*[Requested by the Community Preservation Committee]*

**Article 9-1. Parts 1 and 2 Reserves and Debt Service**

Keith Hunt moved that the Town vote to set aside from Community Preservation Act estimated annual revenue the sum of \$63,343 for the Open Space reserve fund, the sum of \$380,055 for the Community Housing Reserve Fund and the sum of \$63,343 for the historic resources reserve fund.

**And further** to appropriate the sum of \$414,785 to fund debt service for Fiscal Year 2019 as follows: the sum of \$204,575 from Affordable Housing reserves, the sum of \$50,354 from Open Space reserves, and the sum of \$159,856 from Historic Preservation reserves.

**Community Preservation Recommends: 6-0-0**

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion Passed.**

**Article 9-2. Part 3A. Grant Request: \$15,000 Cape Housing Institute**

Keith Hunt moved that the Town vote to appropriate under the Community Preservation Act the sum of \$15,000 from Community Preservation Community Housing Reserves to be used for a Training and Education Program by the Cape Housing Institute, and said funds to be spent under the direction of the Town Manager.

**Community Preservation Recommends: 6-0-0**

**Board of Selectmen Does NOT Recommend: 3-2-0**

**Finance Committee Recommends: 4-0-0**

**Community Housing Council Recommends: 3-0-0**

**Motion Passed.**

**Article 9-3. 3B. \$50,000 Housing Down Payment Assistance Program**

Keith Hunt 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.

**Community Preservation Recommends: 6-0-0**

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Community Housing Council Recommends: 3-0-0**

**Motion Passed.**

**Article 9-4. 3C. \$50,853 Community Housing Office**

Keith Hunt moved that the Town vote to appropriate under the Community Preservation Act the sum of \$50,853 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.

**Community Preservation Recommends: 6-0-0**

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Community Housing Council Recommends: 3-0-0**

**Motion Passed.**

**Article 9-5. 3D. \$20,000 CPA General Administration**

Keith Hunt 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.

**Community Preservation Recommends: 8-0-0**

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion Passed.**

**Article 10. FY 2019 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 2019 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. Fire Department Radio Replacement - \$269,446 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of 39 portable and 11 mobile radios with digital ready FCC, P-25 and MA Communication Plan compliant radios; and costs related thereto;
2. Fire Department Pick-up Truck - \$50,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of a new 4-wheel drive pickup truck to replace the existing Hummer; and costs related thereto;
3. Fire Department Deputy Chief Vehicle - \$60,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the Deputy Chief's vehicle; and costs related thereto;
4. Marine Department Harbormaster Pick-up Truck Replacement - \$17,500 to be expended under the direction of the Town Manager to pay for the Town's portion of the replacement of the Harbormaster's vehicle; and costs related thereto;
5. Police Department Radio Replacement - \$325,368 to be expended under the direction of the Town Manager and the Chief of Police for the replacement of the Police Department's mobile radios with digital ready FCC, P-25 and MA Communication Plan compliant radios; and costs related thereto;
6. Police Fleet Upgrade Plan - \$110,520 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police vehicles pursuant to the Police Fleet Replacement Plan and one Parking Enforcement vehicle; and costs related thereto;
7. Public Works Fleet Replacement - \$125,000 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of a Highway Department backhoe; and costs related thereto;
8. DPW Street and Sidewalk Maintenance and Repair - \$55,000 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;
9. Commercial Street Reconstruction - \$1,075,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the design and construction of Phase IV Reconstruction of Commercial Street; and costs related thereto;
10. Bradford/Prince Street Intersection Rehabilitation - \$340,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund design and construction for the rehabilitation of the Bradford Street and Prince Street intersection; and costs related thereto;
11. Pier Infrastructure Maintenance - \$200,000 to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation for the Maintenance and Improvement Program for MacMillan Pier; and costs related thereto;
12. 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;
13. 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;

14. Public Works Building Maintenance - \$75,000 to be expended under the direction of the Town Manager and the Director of Public Works for fire suppression system upgrades in the computer server rooms of Town Hall, Veterans Memorial Community Center and the Provincetown Public Library; and costs related thereto;
15. Fire Department Main Station Boiler Replacement - \$105,513 to be expended under the direction of the Town Manager and the Department of Public Works for the replacement of the boiler in the Main Fire Station; and costs related thereto;
16. Marine Department Shoreline Protection Projects - \$200,000 to be expended under the direction of the Town Manager for funding and grant requests for beach nourishment and shoreline protection projects; and costs related thereto;
17. Pilgrims' First Landing Park - \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the rehabilitation of Pilgrims' First Landing Park; and costs related thereto;
18. Use of Parking Funds for Municipal Lot Equipment Upgrades - \$450,000 from the Parking Fund to be expended under the direction of the Town Manager for the Parking Control System and Revenue Collection System for the Town Parking Lots; and costs related thereto;
19. Water Department-Fleet Replacement - \$30,000 to be expended under the direction of the Town Manager and the Water Superintendent for the replacement of a Water Department pickup truck pursuant to the Water Fleet Replacement Plan; and costs related thereto;
20. Water Department-Winslow Water Tank Maintenance - \$450,000 to be expended under the direction of the Town Manager and the Water Superintendent to fund routine maintenance of the Winslow Water Tank to avoid structural problems and maintain water quality; and costs related thereto; or to take any other action relative thereto.

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

**Article 10-1. CAPITAL IMPROVEMENT ARTICLES FUNDED FROM FREE CASH and TRANSFER FROM UNEXPENDED FUNDS OF PREVIOUSLY APPROVED TOWN MEETING APPROPRIATIONS**

Tom Donegan moved that the Town vote to transfer

- \$20,061.66 in unused funds from April 2014 Annual Town Meeting Article 11-5, Hummer Refurbish; and
- \$359,384.34 from Free Cash

for a total of \$379,446 to fund the following capital Improvement articles:

1. Fire Department Radio Replacement - \$269,446 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of 39 portable and 11 mobile radios with digital ready FCC, P-25 and MA Communication Plan compliant radios; and costs related thereto;
2. Fire Department Pick-up Truck - \$50,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of a new 4-wheel drive pickup truck to replace the existing Hummer; and costs related thereto;
3. Fire Department Deputy Chief Vehicle - \$60,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the Deputy Chief's vehicle; and costs related thereto;

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0  
Motion Passed.**

**Article 10-2. CAPITAL IMPROVEMENT ARTICLES FUNDED FROM FREE CASH and  
TRANSFER FROM UNEXPENDED FUNDS OF PREVIOUSLY APPROVED TOWN MEETING  
APPROPRIATIONS**

David Panagore moved that the Town vote to transfer

- \$12.76 in unused funds from April 2015 Annual Town Meeting Article 18-3, Pier Capital Management;
- \$4,459.86 in unused funds from April 2016 Special Town Meeting Article 10, Pier Ferry Gangway;
- \$2,617.00 and in unused funds from April 2015 Special Town Meeting Article 13, Police Fleet;
- \$184.65 in unused funds from April 2016 Annual Town Meeting Article 18-12, Street Sweeper; and
- \$446,113.73 from Free Cash

for a total of \$453,388 to fund the following capital Improvement articles:

4. Marine Department Harbormaster Pick-up Truck Replacement - \$17,500 to be expended under the direction of the Town Manager to pay for the Town's portion of the replacement of the Harbormaster's vehicle; and costs related thereto;
5. Police Department Radio Replacement - \$325,368 to be expended under the direction of the Town Manager and the Chief of Police for the replacement of the Police Department's mobile radios with digital ready FCC, P-25 and MA Communication Plan compliant radios; and costs related thereto;
6. Police Fleet Upgrade Plan - \$110,520 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police vehicles pursuant to the Police Fleet Replacement Plan and one Parking Enforcement vehicle; and costs related thereto;

**Board of Selectmen Recommends: 5-0-0  
Finance Committee Recommends: 4-0-0  
Pier Corporation Recommends: 5-0-0  
Harbor Committee Recommends: 3-0-0  
Shellfish Committee Recommends: 5-0-0  
Motion Passed.**

**Article 10-3. CAPITAL IMPROVEMENT ARTICLES FUNDED FROM FREE CASH and  
TRANSFER FROM UNEXPENDED FUNDS OF PREVIOUSLY APPROVED TOWN MEETING  
APPROPRIATIONS**

David Panagore moved that the Town vote to transfer

- \$26,856.47 in unused funds from April 2016 Annual Town Meeting Article 18-12, Street Sweeper; and
- \$1,568,143.53 from Free Cash

for a total of \$1,595,000 to fund the following capital improvement articles:

7. Public Works Fleet Replacement - \$125,000 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of a Highway Department backhoe; and costs related thereto;

8. [DPW Street and Sidewalk Maintenance and Repair](#) - \$55,000 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;
9. [Commercial Street Reconstruction](#) - \$1,075,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the design and construction of Phase IV Reconstruction of Commercial Street; and costs related thereto;
10. [Bradford/Prince Street Intersection Rehabilitation](#) - \$340,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund design and construction for the rehabilitation of the Bradford Street and Prince Street intersection; and costs related thereto;

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion Passed.**

***Article 10-4. CAPITAL IMPROVEMENT ARTICLES FUNDED FROM CAPITAL IMPROVEMENT STABILIZATION FUND***

David Panagore move that the Town vote to transfer \$525,000 from the Capital Improvement Stabilization Fund to fund the following Capital Improvement articles:

11. [Pier Infrastructure Maintenance](#) - \$200,000 to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation for the Maintenance and Improvement Program for MacMillan Pier; and costs related thereto;
12. [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;
13. [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;

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Pier Corporation Recommends: 5-0-0**

**Harbor Committee Recommends: 3-0-0**

**Requires a Two-Thirds Vote**

**Majority Declared, Motion Passed**

***Article 10-4A. CAPITAL IMPROVEMENT ARTICLES FUNDED FROM CAPITAL IMPROVEMENT STABILIZATION FUND and TRANSFER FROM UNEXPENDED FUNDS OF PREVIOUSLY APPROVED TOWN MEETING APPROPRIATIONS***

Cheryl Andrews moved that the Town vote to transfer

- \$1,132 in unused funds from April 2013 Annual Town Meeting Article 11-16, School Fence Replacement;
  - \$450 in unused funds from April 2012 Special Town Meeting Article 9, Main Fire Station Repair; and
  - \$73,418 from the Capital Improvement Stabilization Fund
- for a total of \$75,000 to fund the following Capital Improvement articles:

14. [Public Works Building Maintenance](#) - \$75,000 to be expended under the direction of the Town Manager and the Director of Public Works for fire suppression system upgrades in the

computer server rooms of Town Hall, Veterans Memorial Community Center and the Provincetown Public Library; and costs related thereto;

**Board of Selectmen Recommends: 3-2-0**

**Finance Committee Recommends: 4-0-0**

**Requires a Two-Thirds Vote**

**Majority Declared, Motion Passed**

**Article 10. FY 2019 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 2019 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:

15. Fire Department Main Station Boiler Replacement - \$105,513 to be expended under the direction of the Town Manager and the Department of Public Works for the replacement of the boiler in the Main Fire Station; and costs related thereto;

David Panagore moved that the Town vote to appropriate the sum of \$105,513 to be expended under the direction of the Town Manager and the Department of Public Works to replace the boiler at the Main Fire Station and costs related thereto, and, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$105,513 pursuant to M.G.L. c. 44, §7(1), or any other enabling authority and to issue bonds and notes therefor; provided that this appropriation shall be contingent on the passage of a Proposition 2½ debt exclusion by the voters of the Town in accordance with M.G.L. c. 59 §21C(k); 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 M.G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Requires a Two-Thirds Vote**

**Majority Declared, Motion Passed**

**Article 10. FY 2019 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 2019 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:

16. Marine Department Shoreline Protection Projects - \$200,000 to be expended under the direction of the Town Manager for funding and grant requests for beach nourishment and shoreline protection projects; and costs related thereto;

David Panagore moved that the Town vote to appropriate the sum of \$200,000 to be expended under the direction of the Town Manager and Harbormaster for funding and grant requests for beach nourishment and shoreline protection projects and costs related thereto, and, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$200,000 pursuant to M.G.L. c. 44, §7(1), or any other enabling authority and to issue bonds and notes of the Town therefor; provided that the appropriation shall be contingent on the

passage of a Proposition 2½ debt exclusion by the voters of the Town in accordance with M.G.L.c. 44 §21C(k); 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 M.G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Pier Corporation Recommends: 5-0-0**

**Harbor Committee Recommends: 3-0-0**

**Requires a Two-Thirds Vote**

**Majority Declared, Motion Passed.**

***Article 10-6. CAPITAL IMPROVEMENT ARTICLE FUNDED FROM THE TOURISM FUND***

David Panagore moved that the Town vote to transfer \$200,000 from the Tourism fund to fund the following capital improvement article:

17. Pilgrims' First Landing Park - \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the rehabilitation of Pilgrims' First Landing Park; and costs related thereto;

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion Passed.**

***Article 10. FY 2019 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 2019 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:

David Panagore moved that the Town vote to transfer

- \$50,000 in unused funds from April 2016 Annual Town Meeting Article 18-14 Parking AIMS Software;
- \$2,714.90 in unused funds from April 2017 Annual Town Meeting Article 8-13 Parking Kiosk; and
- \$397,285.10 from the Parking fund for a total of \$450,000 to fund the following capital improvement article:

18. Use of Parking Funds for Municipal Lot Equipment Upgrades - \$450,000 from the Parking Fund to be expended under the direction of the Town Manager for the Parking Control System and Revenue Collection System for the Town Parking Lots; and costs related thereto;

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion Passed.**

***Article 10-8. CAPITAL IMPROVEMENT ARTICLE FUNDED FROM THE WATER ENTERPRISE FUND***

David Panagore moved that the Town vote to appropriate from Water Enterprise Fund Retained Earnings a total of \$480,000 to fund the following capital improvement articles:

19. [Water Department-Fleet Replacement](#) - \$30,000 to be expended under the direction of the Town Manager and the Water Superintendent for the replacement of a Water Department pickup truck pursuant to the Water Fleet Replacement Plan; and costs related thereto;

20. [Water Department-Winslow Water Tank Maintenance](#) - \$450,000 to be expended under the direction of the Town Manager and the Water Superintendent to fund routine maintenance of the Winslow Water Tank to avoid structural problems and maintain water quality; and costs related thereto.

**Board of Selectmen Recommends: 5-0-0**  
**Finance Committee Recommends: 4-0-0**  
**Water & Sewer Board Recommends: 4-0-0**  
**Motion Passed.**

**Article 11. General Purpose Stabilization Fund Reserves.** To see if the Town will vote to raise and appropriate or transfer from available funds \$290,000 to fund the General Purpose Stabilization Fund.

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

David Panagore moved that the Town vote to transfer \$290,000 from Free Cash to fund the General Purpose Stabilization fund reserves.

**Board of Selectmen Recommends: 5-0-0**  
**Finance Committee Recommends: 4-0-0**  
**Motion Passed.**

**Article 12. OPEB Funding.** To see if the Town will vote to raise and appropriate or transfer from available funds \$427,532 to fund a contribution to the OPEB trust fund; or to take any other action relative thereto.

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

Tom Donegan moved that the Town vote to transfer \$427,532 from Free Cash to fund a contribution to the Town's Other Post Employment Benefits (OPEB) Trust fund.

**Board of Selectmen Recommends: 5-0-0**  
**Finance Committee Recommends: 4-0-0**  
**OPEB Trust Committee Recommends: 3-0-0**  
**Motion Passed.**

**Article 13. Petitioned Article – No Neonics.** To see if the Town will vote to ban the sale and import of all Neonicotinoids, including the import of plants treated with said ingredient, in the Town of Provincetown effectively immediately.

*(Requested by Tracy Kachtick-Anders and others)*

Tracy Kachtick-Anders moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 13.

**Board of Selectmen Recommends: 5-0-0**  
**Conservation Commission Recommend: 3-0-0**  
**Board of Health Recommends: 3-0-0**  
**Motion Passed.**

**Article 14. Petitioned Article – General Bylaw Amendment – Chapter 4, Town Meeting and Town Elections. Limitation on Duration of Speeches.** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaw Section 4-3-2, Limitation on Duration of Speeches as follows:

4-3-2. Limitation on duration of speeches.

No person shall speak for more than ~~five (5)~~ three (3) minutes on any question unless the time shall be extended by vote of the meeting; or take any other action relative thereto.

*(Requested by Jennifer Cabral and others)*

Jennifer Cabral moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 14.

**Board of Selectmen Recommends: 4-1-0  
Motion Passed.**

**Article 15. Petitioned Article – A Non-Binding Resolution- Regarding Designation of Tiny House Village.** To see if the Town shall instruct the Planning Board to work with all other relevant boards and committees, as well as hold open citizen meetings, to develop zoning and other related bylaw changes, additions, and/or deletions and return to the next Town Meeting with one or more articles regarding “Tiny House Villages.” If, however, obstacles (whether legal, zoning, etc.) are identified, rather than submit one or more articles, the Planning Board shall instead present a written and oral report within eight months to the BOS and public in an open forum explaining how the Town might overcome obstacles related to permitting for year-round owner-occupied Tiny Houses. The report of the Planning Board should include the following:

- 1) To recommend to Town Meeting amendments to zoning bylaws to create a new designation of “Tiny House Village,” consisting of a lot with multiple year-round occupied Tiny House dwellings (defined as a detached structure of less than 500 square feet containing a single dwelling unit on an approved foundation). The Tiny House owner will sign a land lease (or similar vehicle for use of the land). If the Tiny House owner chooses, the owner will be able to remove the Tiny House from the foundation for transport.
- 2) To review the MA Attorney General ruling approving the Town of Nantucket articles on Tiny Houses, as well as the articles themselves, and determine implications and possible opportunities for Provincetown.
- 3) To assess the VFW property, and if possible other Town-owned properties, for the creation of a Tiny House Village. To determine the maximum allowable density for the site, either as a Tiny House Village or sharing the site with units based upon Town housing needs whether studio, 1 bedroom or family-sized units. Items to consider include ideal density to balance green space, a buffer zone for neighboring properties, sufficient room for parking, and other needs.
- 4) To survey Town residents to determine the number of people interested in living in an off-grid tiny house or on-grid tiny house, as an owner, renter, or in a rent-to-own scenario, as well as learn how soon they would be ready to move into a Tiny House.
- 5) To direct the appropriate Town boards or personnel to continue to identify Town-owned properties that may be suitable for Tiny House use.

- 6) To explore avenues to allow for year-round use of Tiny Houses built on moveable trailers. Or take any other action relative thereto.

*(Requested by Stephan Cohen and others)*

Stephan Cohen moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 15.

**Board of Selectmen Recommends: 4-0-1**

**Planning Board Recommends: 5-0-0**

**Community Housing Council Recommends further discussion: 3-0-0**

**Motion Passed.**

**Article 16. *Petitioned Article – Non-binding Resolution on Tiny Houses in the Commonwealth of Massachusetts.*** To see if the Town will vote to approve the following resolution:

Be it resolved, that the Town of Provincetown through this resolution, call on the Governor and General Court to take all necessary regulatory and legislative action necessary to accommodate “tiny houses” in the Commonwealth.

And furthermore be it resolved the Board of Selectmen and Town Manager take any appropriate action to advocate for changes in state legislation, building codes, and regulations to accommodate tiny houses.

And finally be it resolved the Town Clerk shall deliver a certified copy of this resolution to our state representative, state senator and the Governor of the Commonwealth forthwith. Or take any other action relative thereto.

*(Requested by Stephan Cohen and others)*

Stephan Cohen moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 16.

**Board of Selectmen Recommends: 5-0-0**

**Planning Board Recommends: 5-0-0**

**Community Housing Council Recommends further discussion: 3-0-0**

**Motion Passed.**

**Mark Hatch moved to adjourn the Annual Town Meeting at 9:48 pm**

**Motion Passed.**

**Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 6:00 p.m. on Tuesday, April 3, 2018 in the Town Hall Auditorium.**

**Article 17. *Petitioned Article –Non-binding Resolution - Temporary Use of the VFW property.*** To see if the Town will vote to temporarily allow the lease at a rate of \$300 on a monthly basis of designated “lots” on the VFW property for owner-occupied year-round off-grid Tiny Houses constructed on a trailer until a permanent plan is enacted for the VFW property with this use to be reviewed and renewed annually at Town Meeting. Tiny House placement shall be at least 20 feet from the property line where there are neighboring residences. Or take any other action relative thereto.

*(Requested by Stephan Cohen and others)*

Stephan Cohen moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 17.

**Board of Selectmen Does NOT Recommend: 5-0-0**  
**Community Housing Council Reserves Recommendation: 3-0-0**  
**Motion Does Not Passed.**

**Article 18. Petitioned Article –Non-binding Resolution - Petition for Safe Communities Act.** To see if the Town will vote to request that Selectmen authorize all Town officials to refrain from using Town funds and other Town resources for the enforcement of federal immigration laws to the extent permissible by law, and unless presented with a criminal warrant or other evidence of probable cause as required by the 4<sup>th</sup> Amendment of the US Constitution (non-binding resolution). And, furthermore to see if the Town will vote to request that the Selectmen protect the civil liberties and human rights of all residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin or citizenship and immigration status. Or take any other action relative thereto.

*(Requested by Alison Dwyer and others)*

Allison Dwyer moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 18.

**Board of Selectmen Recommends: 3-1-1**  
**Motion Passed.**

**Article 19. Petitioned Article –Non-binding Resolution - Name Change for Selectmen.** To see if the Town will vote to change the name from “Board of Selectmen” to “Select Board/Board of Select” to exhibit gender neutrality as do all other boards representing Provincetown. Or take any other action relative thereto.

*(Requested by Tracy Kachtick-Anders and others)*

Tracy Kachtik-Anders moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 19.

**Board of Selectmen Recommends: 4-0-1**  
**Motion Passed.**

**Article 20. Petitioned Article – General Bylaw Amendment. Polystyrene Reduction Bylaw.** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaw Chapter 13 Prohibited Activities as follows:

13-7. Polystyrene Reduction Bylaw

13-7-1. Purpose and Intent

The use and disposal of polystyrene has significant impacts on our Town and our environment, including but not limited to:

1. Harm to marine and terrestrial animals through ingestion.
2. Pollution and degradation of the terrestrial and coastal environment.
3. Human exposure to styrene, which is derived from benzene and used in the manufacture of polystyrene. Occupational studies have shown risks for leukemia and lymphoma, and genetic damage to white blood cells. Styrene is “reasonably

anticipated to be a human carcinogen” (US Department of Health and Human Services, 2016).

4. Disposal burdens of difficult to recycle plastics for solid waste collection and recycling facilities.

With the goal of protecting the health of its citizens and the unique natural beauty and irreplaceable natural resources of the Town of Provincetown, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by June 1, 2019.

13-7-2. Definitions

“Polystyrene Disposable Food Services Containers and Cutlery” shall mean single-use disposable products for serving or transporting food or beverages, including without limitation take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable catering trays.

“Expanded or Foam Polystyrene” and “Polystyrene” shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blown molding (extruded foam polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam. It bears the recycling number 6.

“Food Establishments” shall mean any operations, including without limitation schools, farmers markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purpose of this bylaw.

“Retail Establishments” shall mean any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food services establishments.

“Public Venues” shall mean operations including but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library and Provincetown Elementary School.

13-7-3. Use Regulations

Polystyrene disposable food service containers, cutlery, and new polystyrene packing peanuts shall not be used or sold by food establishments and/or retail establishments within the Town of Provincetown on or after June 1, 2019. Any stock remaining after that date shall be accepted for disposal free of charge, through June 30, 2019, at the Provincetown Transfer Station/Recycling Center.

This bylaw shall not apply to:

1. Polystyrene packing peanuts and foam packaging reused from shipments coming to Provincetown.
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from wholesaler or out of Town supplier.
3. Polystyrene foam freezer chests.

13-7-4. Administration And Enforcement

This Bylaw may be enforced by any agent of the Board of Health through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to MGL Chapter 40, Section 21D and Article VII General Section 37. Penalties And Enforcement of the Town's General Bylaws. If non-criminal disposition is elected, then any establishment which violates any provision of this bylaw shall be subject to the following penalties:

<u>First Offense:</u>	<u>\$100 fine</u>
<u>Second Offense:</u>	<u>\$200 fine</u>
<u>Third and Subsequent Offenses:</u>	<u>\$300 fine for each offense</u>

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.

13-7-5. Severability

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby. Or take any other action relative thereto.

*(Requested by Anne Stott and others)*

Anne Stott moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 20 with the following amendment:

Delete the words in Section 13-7-4, "~~Article VII General Section 37~~" and replace with "Chapter 2 of the Town's General Bylaws"

**Board of Selectmen Recommends: 5-0-0**

**Conservation Commission Recommend: 3-0-0**

**Board of Health Recommends: 3-0-0**

**Recycling and Renewable Energy Committee Recommends: 4-0-1**

**Motion Passed.**

**Article 21. *Petitioned Article – General Bylaw Amendment. Single Use Plastic Straw Ban Bylaw.*** *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown General Bylaw Chapter 13 Prohibited Activities as follows:

13-8. Single Use Plastic Straw Ban

13-8-1. Intentions and Findings.

It has been found that:

- 1) Plastic straws are rarely recycled.

- 2) Provincetown's proximity to the ocean means that plastic straws that go uncollected by DPW have a high chance of ending up on the beaches or in the bay.
- 3) Plastic straws take up to 200 years to degrade and are never fully absorbed by the planet.
- 4) The degrading of plastic straws releases chemicals toxic to wildlife and the environment the United States uses 500 million straws per day.
- 5) There is currently a national movement to reduce and ban the use of plastic straws and reasonable affordable alternatives are available.

Because Provincetown has a duty to protect the natural environment, the economy, and the health of its citizens, this amendment proposes to ban the sale or dispensing of single use plastic straws, including those made from polyethylene, polypropylene, and polystyrene, by any food establishment, retail establishment, or public venue in the Town of Provincetown.

#### 13-8-2. Definitions

"Plastic straw" shall mean any single use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.

"Food Establishments" shall mean any operations including without limitation schools, farmers markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this bylaw.

"Retail Establishments" shall mean any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food services establishments.

"Public Venues" shall mean operations including but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library, and the Provincetown Elementary School.

#### 13-8-3. Use Regulations

Plastic straws shall not be used, dispensed, or sold by food establishments and/or retail establishments within the Town of Provincetown on or after June 1, 2019. Any stock remaining after that date shall be accepted for disposal free of charge, through June 30, 2019, at the Provincetown Transfer Station/Recycling Center.

#### 13-8-4. Administration And Enforcement

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including but not limited to non-criminal disposition pursuant to MGL Chapter 40 Section 21D and Article VII General Section 37. Penalties And Enforcement of the Town's General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

<u>First Offense:</u>	<u>\$100 fine</u>
<u>Second Offense:</u>	<u>\$200 fine</u>
<u>Third and Subsequent Offenses:</u>	<u>\$300 fine for each offense</u>

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this Bylaw.

13-8-5. Severability

If any provision of this bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby. Or take any other action relative thereto.

*(Requested by Anne Stott and others)*

Anne Stott moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 21 with the following amendment:

Delete the words in Section 13-7-4, "~~Article VII General Section 37~~" and replace with "Chapter 2 of the Town's General Bylaws"; and

Delete the words in Section 13-8-4, "~~Town Police Officer or~~" so as to read, "...This Bylaw may be enforced by any agent of the Board of Health..."

**Board of Selectmen Recommends: 5- 0-0**

**Conservation Commission Recommends: 3-0-0**

**Board of Health Recommends: 3-0-0**

**Recycling and Renewable Energy Committee Recommends: 4-0-0**

**Motion Passed.**

**Article 22. Home Rule Petition/Charter Amendment/Additional Alternate on Conservation Commission.** 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 may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before 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, and provided further that if the revised charter is approved by the voters at the May 1, 2018, Annual Town Election, no such petition pursuant to a vote in favor of this article shall be submitted to the General Court, and provided further that if the revised charter is approved by the voters at the May 1, 2018 Annual Town Election, no such petition pursuant to a vote in favor of this article shall be submitted to the General Court.

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 changing Chapter 6, Section 6-1, to add a second alternate member to the Conservation Commission, for a total of five regular members and two alternate members, to read as follows:

6-6-1 There shall be a conservation commission as provided by G.L. c. 40 s 8C, consisting of five regular members and ~~one~~ two alternate members appointed by the town manager with the approval of the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year; or to take any other action relative thereto.

*[Requested by the Conservation Commission]*

Tim Famulare moved that the Town vote to approve Article 22 as printed in the warrant.

**Board of Selectmen Recommends: 5-0-0**  
**Conservation Commission Recommends: 3-0-0**  
**Motion Passed.**

**Article 23. Residential Exemption Increase– A Non-Binding Resolution.** To see if the Town will vote a non-binding resolution to direct the Board of Selectmen to raise the residential exemption from 20% to 23%; or to take any other action relative thereto.

*[Requested by the Finance Committee]*

Mark Hatch moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 23.

**Finance Committee Recommends: 4-1**  
**Board of Selectmen Recommends: 3-2-0**  
**Louise Verde Minority Report**  
**Motion Passed.**

**Article 24. Development Consultant.** To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds \$75,000 to be used to hire a development consultant to assist with financing, cost estimating, site planning, other related actions and development options up to and including entering into one or more development agreements for housing on the Town-owned property located at 3 Jerome Smith Road and the property at 26 Shank Painter Road for housing and/or commercial space.

*[Requested by the Finance Committee and the Board of Selectmen]*

Mark Hatch moved that the Town vote to transfer \$75,000 from Free Cash to hire a development consultant to assist with financing, cost estimating, site planning, other related actions and development options up to and including entering into one or more development agreements for housing on the Town-owned property located at 3 Jerome Smith Road and the property at 26 Shank Painter Road for housing and/or commercial space; or to take any other action relative thereto.

**Finance Committee Recommends: 5-0-0**  
**Board of Selectmen Recommends: 5-0-0**  
**Community Housing Council Recommends: 3-0-0**  
**Motion Passed.**

**Article 25. General Bylaw Amendment: Anti-discrimination Policy.** (*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 §6-4-7, as set forth below:

6-4-7. Anti-discrimination ~~clause~~ Policy. It is the policy of the Town of Provincetown to uphold the human rights of all persons in Provincetown and the free exercise and enjoyment of any and all rights and privileges secured by the Constitution, Law, Bylaws and Regulations of the United States, the Commonwealth of Massachusetts, and the Town of Provincetown. As such, actions that may deny or tend to deny or intend to deny to an individual equal access or opportunity in matters of housing, employment, education, municipal services, contracts, purchasing or public accommodations on the basis of age, ancestry, color, disability, family status, gender identity or

expression, military status, marital status, national origin, race, religion, sex or sexual orientation, are hereby prohibited. No lease or contract for services or public works and public building construction contracts shall be entered into by any Town authority without an anti-discrimination clause ~~“that no person shall, on the grounds of race, color, national origin, sex or sexual preference, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any form.”~~ certification signed by the contractor as follows:

The contractor hereby certifies that the Contractor will not discriminate against any employee or applicant for employment on the basis of age, ancestry, color, disability, family status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation. The contractor has taken and will continue to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to age, ancestry, color, disability, family status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination.

*[Requested by the Finance Committee]*

Mark Hatch moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 25.

**Finance Committee Recommends: 5-0-0**

**Board of Selectmen Recommends: 5-0-0**

**Personnel Board Recommends: 5-0-0**

**Motion Passed.**

**Article 26. 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 by deleting representative appointments and replacing with the following:

The Visitor Services Board shall consist of seven regular members appointed at large by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year.

*[Requested by the Board of Selectmen]*

Louise Venden moved that the Town vote to approve Article 26 as printed in the warrant.

**Board of Selectmen Recommends: 5-0-0**

**Visitor Services Board Does NOT Recommend: 5-1-0**

[Richard Murray Majority Report](#)

[Jay Gurewitsch Minority Report](#)

[Robert Anthony Report](#)

**Motion Does Not Passed.**

**Article 27. Human Resources Expert.** To see if the Town will vote to raise and appropriate the sum of \$20,000 to hire an expert human resources consultant per the Town’s proposed Charter Amendments provided that this appropriation shall be contingent on the passage of a

Proposition 2 ½ override vote in accordance with MGL c. 59, Section 21 C(m) and passage of the Charter Amendments ballot vote; or to take any other action relative thereto.

*[Requested by the Board of Selectmen]*

Tom Donegan moved that the Town vote to raise and appropriate the sum of \$20,000 to hire an expert human resources consultant per the Town's proposed Charter Amendments, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with General Laws Ch. 59 Section 21C (m).

**Board of Selectmen Recommends: 4-1-0**

**Finance Committee Recommends: 4-0-0**

**Charter Commission Recommends: 5-0-0**

**Cheryl Andrews Minority Report**

**Motion Does Not Passed.**

**Article 28. General Bylaw Amendment: Chapter 5, Section 15 Economic Development Permits.** (*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 5-15 as follows:

Provincetown General Bylaw 5-15. Economic Development Permits

1. The Board of Selectmen is hereby authorized to issue economic development permits. The Board shall adopt guidelines, hereinafter referred to as "Permit Guidelines," for such economic development. Applications for an economic development permit shall be filed in the Office of the Board of Selectmen. The Board shall consider its guidelines with respect to each permit application. Economic development permits may be used to qualify for such preferences and permits as may be established by the Town or its boards or officers by guidelines, regulations or bylaws having as their purpose fostering year-round economic development. Each property for which an economic development permit is granted shall be deemed a public service use under Section 3 of Chapter 15 of the Acts of 2000. Economic development permits may require the execution of an agreement, a covenant or other recordable instrument that ensures the continued use of the property in question for purposes consistent with the Permit Guidelines and the conditions pursuant to which the economic development permit was issued.

2. The Board of Selectmen may acquire in the name of the Town by gift or grant, or by purchase with funds that may be appropriated or otherwise available for such purpose, covenants with respect to real property, for such term of years as the Selectmen deem appropriate, the purpose of which is to ensure that said property shall be used for purposes consistent with the Permit Guidelines and the conditions pursuant to which the economic development permit was issued. Such agreements or covenants shall be enforceable by the Board of Selectmen, which may amend or release any such agreement or covenant if the Board of Selectmen deems such amendment or release to be in the best interest of the Town.

3. The Town's remedies shall include, without limitation, revocation of an Economic Development Permit by order of the Board of Selectmen, which order may be made 30 days after the date notice is given by mail to the property owner if the Selectmen's determination, after a public hearing, that the owner has failed to continuously maintain the approved use, or that the owner has commenced a use on the premises other than, or in addition to, the approved use, unless an additional use is otherwise permitted under the Town zoning bylaws and is merely de minimus in nature, whereupon all rights arising from this Economic Development Permit shall be

forfeited, including without limitation, any Growth Management Permit or increased sewage flow allocation that may have been granted with respect to the premises, notwithstanding that the premises may have been assessed a betterment or special assessment relating to the increased sewage flow allocation and the allowed use shall be deemed to be expressly abandoned by the property owner, pursuant to Section 6200-3 of the Growth Management Bylaw of the Town.

4. A non-criminal disposition penalty will be assessed on any holder of an Economic Development Permit if found to not continuously maintain the approved use of the premises for which the permit was sought, or if found in violation of the conditions of the permit, in the amount of one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) for the third offense. Each violation shall be deemed to be a separate offense. Repeat violations may be deemed a failure by the holder to continuously maintain the approved use and therefore may be grounds for revocation of the permit. Or to take any other action relative thereto.

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

David Gardner moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 28.

**Board of Selectmen Recommends: 5-0-0**

**Board of Health Recommends: 3-0-0**

**Motion Passed.**

**Article 29. 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 for at least two consecutive weeks. Except, however, where the Town Manager determines that one or more internal candidates exist who exhibit qualifications, ability, and reliability, and are worthy of consideration and promotion then an internal posting of the vacancy for a minimum of seven (7) working days shall be posted in a conspicuous place listing the pay, duties and qualifications. Interested employees shall apply in writing to the Town Manager within the seven (7) working day period; or to take any other action relative thereto.

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

David Panagore moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 29.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Personnel Board No Recommendation**

**Motion Passed.**

**Article 30. Zoning Bylaw Amendment: Definition of Seats.** *(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 definition of Seats.

~~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.; or to take any other action relative thereto.~~

*Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5  
[Requested by the Planning Board]*

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 30.

**Planning Board Recommends: 5-0-0**  
**Board of Selectmen Recommends: 5-0-0**  
**Board of Health Recommends: 3-0-0**  
**Requires a Two-Thirds Vote**  
**Unanimous, Motion Passed**

**Article 31. Zoning Bylaw Amendment: 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 Table of Permitted Uses and Section 2450 as follows:

2440 Permitted Principal Uses

A.	Residential	Res1	Res2	Res3 ResB	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)	<del>PB<sup>20</sup></del> <u>NO</u>	<del>PB<sup>(20)</sup></del>	<del>PB<sup>(21)</sup></del>	<del>PB<sup>(21)</sup></del>	<del>PB<sup>(21)</sup></del>	NO	NO
	3. three per lot	NO	<del>PB<sup>20</sup></del> <u>NO</u>	<del>PB<sup>(21)</sup></del>	<del>PB<sup>(21)</sup></del>	<del>PB<sup>(21)</sup></del>	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b	Two Family Dwelling							
	1. one per lot	<del>PB<sup>20</sup></del> <u>NO</u>	<del>PB<sup>(20)</sup></del>	<del>PB<sup>(21)</sup></del>	<del>PB<sup>(21)</sup></del>	<del>PB<sup>(21)</sup></del>	NO	NO
	2. two per lot (each separate structure)	NO	NO	PB	PB	PB	NO	NO
	3. three per lot	NO	NO	PB	PB	PB	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO

2450 Permitted Accessory Uses

G.	Residential	Res1	Res2	Res3 ResB	TCC	GC	S	M
----	-------------	------	------	--------------	-----	----	---	---

G17	Accessory Dwelling Unit (4)	<u>BA YES<sup>20</sup></u>	<u>BA YES<sup>20</sup></u>	<u>BA YES<sup>20</sup></u>	<u>BA YES<sup>20</sup></u>	<u>BA YES<sup>20</sup></u>	<u>NO</u>	<u>NO</u>
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And Delete Footnote 4 in its entirety..

~~4Subject to the requirements of Article 4 Section 4800 of these By-Laws.~~

And Amend Footnote 20 as follows:

Footnote 20: ~~By Special Permit from the Planning Board, e~~One accessory dwelling unit may be allowed in the Res1 Zoning District, for a total of two dwelling units per lot; in Res2 Zoning District for a total of three dwelling units per lot; and 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. ~~only if the~~ All accessory dwelling units shall meet the following criteria ~~are met~~: the accessory dwelling unit is deed restricted 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.

And Delete Footnote 21 in its entirety:

Footnote 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.~~

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2472 Parking Requirements as follows:

2472 All Districts The following minimums must be complied with in all districts:

USE	NUMBER OF SPACES
Residential	1 space/dwelling unit (studio or 1 bedroom); 1.5 spaces /dwelling unit (2 bedrooms or more) (applies to new units, existing development is grandfathered. Required spaces shall be rounded up to the nearest whole number.) <u>Accessory Dwelling Units are exempt.</u>

And Delete Section 4800 Affordable Housing ByLaw in its entity.

And amend Article 1 Definitions as follows:

**Accessory Dwelling Units** A dwelling unit, which is subordinate in use and area to that of the principal structure and is located on the same lot therewith ~~and subject to the requirements of Article 4 Section 4800 of these By-laws.~~; or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5  
[Requested by the Planning Board]

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 31.

**Planning Board Recommends: 5-0-0**  
**Board of Selectmen Recommends: 5-0-0**  
**Requires a Two-Thirds Vote**  
**Unanimous, Motion Passed.**

**Article 32. Zoning Bylaw Amendment: 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, Section 6600 Growth Limit Goal Allocations as follows:

3. Growth Management Review. Annually, by January ~~45~~31st, the Town Manager, in consultation with the DPW Director, Water Superintendent, Permit Coordinator, Planning Board, Board of Health, Water & Sewer Board, and Provincetown Community Housing Council (PCHC) shall evaluate the effects of growth on our resources over the past year, including but not limited to potable water supply, solid waste disposal, wastewater disposal, and the inventory of affordable housing and a review of the demand for Category 4a and issue an Annual Growth Management Report to the Board of Selectmen on those impacts and their recommendations therefor. The Board of Selectmen shall hold a Public Hearing on the Report within 30 days, and make a determination as to the amount of the Growth Limitation Goal Allocations, not to exceed the assigned allocations in Section 6600 for the upcoming year.

*[Requested by the Planning Board]*

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 32.

**Planning Board Recommends: 5-0-0**  
**Board of Selectmen Recommends: 5-0-0**  
**Board of Health Recommends: 3-0-0**  
**Requires a Two-Thirds Vote**  
**Unanimous, Motion Passed.**

**Article 33. Zoning Bylaw Amendment: Overlay Districts Harborfront.** *(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 2312 Applicability as follows:

2312 Applicability The following requirements apply to the "Harborfront Area", defined as all that area which is either more than 195 feet seaward (i.e., southward) from the northern edge of the traveled ways of Commercial Street in the ~~Class GC TCC, Town Center Commercial~~ zone or seaward of mean high water, or both.; or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5*

*[Requested by the Planning Board]*

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 33 of the warrant.

**Planning Board Recommends: 5-0-0**  
**Board of Selectmen Recommends: 5-0-0**  
**Requires a Two-Thirds Vote**  
**Unanimous, Motion Passed.**

**Article 34. Zoning Bylaw Amendment: Building Scale.** (*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 2640, Building Scale as follows:

2640 Building Scale

- A. Applicability. This Section is applicable to all new buildings and all additions in all zoning districts in Provincetown. This Section does not apply to:
1. remodeling where the total volume of the building is to be reduced;
  2. ~~This section does not apply to structures destroyed by fire or other similar casualty which may be rebuilt so long as the scale, volume and capacity is not increased and so long as it conforms to all other provisions of these Bylaws including Growth Management, Height and Roof Pitch Regulations or where the proposed addition to an existing structure is less than three hundred twenty-four (324) cubic feet of space; or~~ structures existing prior to April 1, 2018, which are located in the FEMA established A and V zones that are required to raise their buildings above base flood elevation so long as the envelope of the building is not also being increased;
  3. for structures in the FEMA established A and V zones that are required to be raised above base flood elevation where there will be an increase in footprint or volume, then only the portion of the building below base flood elevation will be exempted from the scale calculation; or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5  
[Requested by the Planning Board]*

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

**Planning Board Recommends: 5-0-0**  
**Board of Selectmen Recommends: 5-0-0**  
**Requires a Two-Thirds Vote**  
**Unanimous, Motion Passed.**

**Article 35. Zoning Bylaw Amendment: Commercial Accommodations.** (*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:

~~**Boarding, Lodging or Tourist Home** A dwelling with a resident manager on the premises or associated with the business when the business occupies more than one parcel, plus accommodations, with or without meals, renting more than three but fewer than twenty separate guest units.<sup>1</sup>~~

~~**Hotel, Motel, Dormitory Housing** shall mean a building or group of buildings providing sleeping accommodations (but not individual cooking facilities) for persons lodged with or without meals~~

on a transient basis for compensation, but not meeting the definition of “Boarding, Lodging or Tourist Home or Inn.” Dormitory housing may be on a seasonal or year round basis, but must be for more than a month, and may be related to employment, educational or cultural purposes.

**Inn** shall mean a building or group of buildings with a minimum of twenty (20) separate guest units all situated upon one parcel of land and providing food and sleeping accommodations (but not individual cooking facilities) for persons lodged on a transient basis for compensation and offering as well off-street parking for the convenience of guests as specified elsewhere in these By-Laws.

Commercial Accommodations shall mean boarding, lodging, tourist homes, dormitory, motel, hotel or inn.

Tourist House, Guest House or Bed and Breakfast means a building housing a dwelling unit with a resident manager on the premises or associated with the business when the business occupies more than one parcel, in which overnight rooming accommodations are provided or offered for transient guests for a fee.

Boarding, Lodging or Rooming House means a dwelling or part thereof, in which rental living quarters are provided with or without meals by the owner occupant. The term shall not include "tourist homes" or "bed and breakfast" which provide transient accommodations for a fee.

Dormitory or Employee Housing means a building used as living quarters for a group of unrelated individuals with common kitchen and living facilities on a seasonal or year-round basis, but must be for more than one month, and may be related to employment, educational or cultural purposes.

Hotel, Motel and Inn means a building or group of buildings providing transient lodging for a fee, and may include food, retail and other ancillary services.

*And further*

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

<b>A.</b>	<b>Residential</b>	<b>Res1</b>	<b>Res 2</b>	<b>Res3 ResB</b>	<b>TCC</b>	<b>GC</b>	<b>S</b>	<b>M</b>
A3	Boarding, lodging or <u>Rooming House</u> ; <u>Tourist House, Dormitory or Employee Housing</u>	<u>NO</u> <u>BA</u>	YES	YES	YES	YES	NO	NO
<u>A7</u>	<u>Tourist House, Guest house or Bed and Breakfast</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>

<b>B.</b>	<b>Business</b>	<b>Res1</b>	<b>Res2</b>	<b>Res3 ResB</b>	<b>TCC</b>	<b>GC</b>	<b>S</b>	<b>M</b>
B3	Hotel, motel or inn <sup>2</sup>	BA	BA	YES <sup>3</sup>	YES <sup>2</sup>	YES <sup>2</sup>	NO	NO

*And further to delete footnote 2 and 3:*

- 2. Except "NO" if serving alcoholic beverages and containing fewer than twenty guest units.
- 3. Except "BA" if serving alcoholic beverages and containing fewer than twenty guest units.;

And add new footnote 2:

2. Food service, retail and other ancillary services commonly associated with a hotel, motel or inn use may be permitted by BA within an establishment; or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5  
[Requested by the Planning Board]*

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 35 of the town meeting warrant.

**Planning Board Recommends: 4-0-1**  
**Board of Selectmen Recommends: 5-0-0**  
**Requires a Two-Thirds Vote**  
**Majority Declared, Motion Passed.**

**Article 36. Zoning Bylaw Amendment: Marijuana Establishments.** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions, by adding the following:

Marijuana Establishment -Retailer means an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers. Shall include those institutions authorized to dispense medical marijuana.

Marijuana Establishment -Industrial means a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or any other type of licensed marijuana-related business.

~~**Medical Marijuana Treatment Center (MMTC)** means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, MMTC refers to the site(s) of dispensing, cultivation, and preparation of marijuana.~~

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

B.	Business	Res1	Res2	Res3 ResB	TCC	GC	S	M
B14	<u>Marijuana Establishments, Retail</u> <sup>19</sup>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>

B15	<u>Marijuana Establishments, Industrial</u> <sup>19</sup>	<u>NO</u>	<u>NO</u>	<b>NO</b>	<b>PB</b>	<b>PB</b>	<u>NO</u>	<u>NO</u>
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<b>D.</b>	<b>Institutional</b>	<b>Res1</b>	<b>Res2</b>	<b>Res3 ResB</b>	<b>TCC</b>	<b>GC</b>	<b>S</b>	<b>M</b>
D7	<del>Medical Marijuana Treatment Center</del> <sup>19</sup>	<u>NO</u>	<u>NO</u>	<b>PB</b>	<b>NO</b>	<b>PB</b>	<u>NO</u>	<u>NO</u>

*And further to amend footnote 19 as follows:*

19. The Planning Board shall be the Special Permit Granting Authority for ~~Medical Marijuana Treatment Centers~~ Marijuana Establishments. Except no ~~MMTC facility or business~~ shall be permitted within a radius of 100 feet of a school or daycare center. The 100 foot distance is measured in a straight line from the nearest point of the ~~facility in question~~ parcel of the school or daycare center to the nearest point of the proposed ~~MMTC~~ parcel of the facility or business.; or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5  
[Requested by the Planning Board]*

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 36 of the town meeting warrant.

**Planning Board Recommends: 4-0-1**  
**Board of Selectmen Recommends: 5-0-0**  
**Requires a Two-Thirds Vote**  
**Majority Declared, Motion Passed.**

**Article 37. Zoning Bylaw Amendment: Inclusionary 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, Article 4, Special Regulations, Section 4180 Inclusionary and Incentive Zoning Bylaw as follows:

4. (a) (2) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of ~~the final~~ each unit, whichever occurs sooner.; or to take any other action relative thereto.  
*Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5  
[Requested by the Planning Board]*

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 37 of the town meeting warrant.

**Planning Board Recommends: 5-0-0**  
**Board of Selectmen Recommends: 5-0-0**  
**Requires a Two-Thirds Vote**  
**Unanimous, Motion Passed.**

**Article 38. 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 Regulations, Section 2560 Dimensional Schedule as follows:

2560 Dimensional Schedule (See Section 4100 for additional multi-family and commercial accommodation requirements)

Requirements	Residential			Commercial		Seashore	Public Use
	Res1	Res2	Res3 ResB	TCC	GC <sup>3</sup>	S	M
Min. Lot Area (square feet)	<del>8,000</del> <b>16,000</b>	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	<del>50</del> - <b>100</b>	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 <sup>1</sup>	20 <sup>1</sup>	10 <sup>1</sup>	<del>30</del> - <b>10</b>	50	--
Min. Side Yard (feet)	15	6	6	5 <sup>2</sup>	<del>15</del> <b>10</b>	25	--
Min. Rear Yard (feet)	20	15 <sup>1</sup>	10 <sup>1</sup>	10	25	25	--
Max. Lot Coverage (%)	40	40	40	40	40	--	--
Max. Number of Stories <sup>4</sup> (Refer to Story in Definitions)	2 ½	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2
Max. Building Heights <sup>5</sup>							
Hip, gable and Shed roofs (feet) <b>(6)</b>	33	33	33	33	33	33	33
Mansard, gambrel, arch, or dome roofs (feet)	28	28	28	28	28	28	28
Flat roof defined as less than 3/12 pitch (feet)	23	23	23	23	23	23	23
Harborfront setback (see above)							

1. Or, if smaller, the average of the setbacks of the buildings on the lots thereto on either side, a vacant lot being counted as though occupied by a building set back the minimum required distance.

2. May be reduced to zero with a party wall (jointly owned by owner or abutting properties) meeting the requirements of the State Building Code, provided that access to the rear of the property is maintained for emergency vehicles.

3. Residential uses shall comply with requirements of the Res3 District.; or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5  
[Requested by the Planning Board]*

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 38 of the town meeting warrant.

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

**Requires a Two-Thirds Vote  
Unanimous, Motion Passed.**

**Article 39. Zoning Bylaw Amendment: Section 2360 Formula Business Regulated District.** (*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 amending Section 2360 to read as follows:

2360 Formula Business Regulated District.

2361 Definition.

"Formula Business" means a type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment, which is under common control or is a franchise, and is one of ten or more businesses or establishments worldwide maintaining ~~three~~ two or more of the following features:

(a) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(b) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of the store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices.

(c) Standardized signage and color scheme used throughout the interior ~~or exterior~~ of the establishment.

(d) Standardized uniform, including but not limited to, aprons, pants, shirts, smocks or dresses, hat and pins (other than name tags).

(e) Standardized façade, ~~and~~ signage or color scheme used on the exterior of the establishment.

2362 Purpose.

The purpose and intent of the Formula Business Regulated District (FBRD) are to address the adverse social and economic impact of standardized businesses on Provincetown's community character. Formula Business uses are regulated in the FBRD in order to maintain a unique retail and dining experience. Formula Businesses frustrate this goal by detracting from Provincetown's overall historic experience and threatening its tourist economy. The proliferation of Formula Businesses will have a negative impact on the Town's economy, historical relevance, unique character and economic vitality.

(1) Location

The location of the Formula Business Regulated District (FBRD) shall encompass the ~~Town of Provincetown~~ General Commercial (GC) and Town Commercial Center (TCC) zoning districts. Formula businesses are prohibited in all other districts.

(2) Permitted Uses

Any use permitted in the underlying zoning district shall be permitted, except for those specifically prohibited below in Section 3. Drive-through facilities are not allowed.

(3) Regulated Uses

The proposed use of any building or structure for a Formula Business establishment shall require both a Special Permit from the Zoning Board of Appeals and a site plan approval of the Planning Board as well as the business license. ~~The impact on the neighborhood~~

and Town visual character of any Formula Business establishment shall be a criteria for approval.

Criteria for establishment, expansion, or relocation of a Formula Business:

- (a) The Formula Business is designed and operated in a manner that preserves the community’s distinctive small-town character;
- (b) The Formula Business contributes to the diversity of uses to assure a balanced mix of businesses available to serve residents and visitors;
- (c) The Formula Business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the Town; and
- (d) The Formula Business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area; pedestrian, bicycle, or motor vehicle traffic; or the public welfare.

(4) Determination

A business which meets the initial consideration but does not meet a minimum of 2 of the five required features will need to demonstrate that in writing to the Building Commissioner prior to applying for a business license. A Formula Business may adapt its business activities in consultation with the Building Commissioner so that the proposed establishment no longer qualifies as a Formula Business.

(5) Scope and Validity of the Bylaw. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision hereof, nor shall it invalidate any building permit, occupancy permit or special permit issued in reliance on said section or provision prior the determination of its invalidity.

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

<b>B.</b>	<b>Business</b>	<b>Res1</b>	<b>Res2</b>	<b>Res3 ResB</b>	<b>TCC</b>	<b>GC</b>	<b>S</b>	<b>M</b>
B11	Formula Businesses	NO	NO	<del>BA</del> <b>NO</b>	BA	BA	NO	NO

And,

To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions, by adding the following:

FAÇADE: THE FACE OF A BUILDING AS SEEN FROM A PUBLIC WAY OR OTHER PUBLIC SPACE, TYPICALLY THE PRINCIPAL OR FRONT ELEVATION OF A BUILDING; or to take any other action relative thereto.

*Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5  
[Requested by the Planning Board]*

David Gardner moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 39 of the town meeting warrant.

Planning Board Recommends: 5-0-0  
Board of Selectmen Recommends: 5-0-0  
**Requires a Two-Thirds Vote**  
Unanimous, Motion Passed.

***CONSENT AGENDA*** - *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.*

***The Consent Agenda for the Annual Town Meeting includes Articles 40 through 46.***

Without objection, David Gardner moved to approve articles 40, 41, 42, 44, 45 and 46 as printed in the warrant by unanimous consent.

Board of Selectmen Recommends: 5-0-0  
Finance Committee Recommends: 6-0-0  
Motion Passed Unanimously

***Article 40. 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: 4-0-0**

**Board of Health Recommends: 3-0-0**  
**Visitor Services Board Recommends: 6-0-0**  
**Motion Passed.**

**Article 41. 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: 4-0-0**  
**Motion Passed.**

**Article 42. 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 to 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: 4-0-0**  
**Board of Health Recommends: 3-0-0**  
**Motion Passed.**

**Article 44. Expenditures from the Tourism Fund.** To see if the Town will vote to transfer from the Tourism Fund the sum of \$750,000 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. \$140,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
2. \$400,000 for marketing, and costs related thereto;
3. \$50,000 for municipal projects, and costs related thereto;
4. \$150,000 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: 4-0-0**  
**Visitor Services Board Recommends: 6-0-0**  
**Motion Passed.**

**Article 45. FY 2019 Human Services Grant Program.** To see if the Town will vote to raise and appropriate the sum of \$76,750 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:

Alzheimer's Family Caregiver Support	\$8,000
Cape Cod Children's Place	\$6,000
Cape Cod Dispute Resolution Center	\$1,700
Consumer Assistance Council	\$550
Food4Kids Program/Church of the Holy Spirit	\$2,000
Gosnold on Cape Cod	\$10,000
Helping Our Women	\$8,500
Homeless Prevention Council	\$6,000

Independence House	\$5,500
Lower Cape Outreach Council, Inc.	\$6,000
Outer Cape Health Services	\$10,000
Sight Loss Services, Inc.	\$600
Soup Kitchen in Provincetown	\$7,000
South Coast Counties Legal Services	<u>\$4,900</u>
Total	<u>\$76,750</u>

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: 4-0-1**  
**Board of Health Recommends: 3-0-0**  
**Human Services Committee Recommends: 5-0-0**  
**School Committee Recommends: 3-0-0**  
**Motion Passed.**

**Article 46. *FY2019 Revolving Fund Spending Limits.*** To see if the Town will vote to establish spending limits for FY 2019 for the following revolving funds established pursuant to MGL Chapter 44, Section 53E½:

1. Preservation of Town Hall Auditorium: 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: 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: 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: 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: 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: 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: 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 Board of Selectmen and the Town Manager]*

**Board of Selectmen Recommends: 5-0-0**  
**Finance Committee Recommends : 4-0-0**  
**Motion Passed.**

**Article 43. *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</u>	<u>Compensation Range</u>		<u>Position</u>
	<u>FY2018</u>	<u>FY2019</u>	
			Town Manager [exempt MGL C.41,§108N]
			Chief of Police [exempt MGL C.41,§108O]
14	\$95,102 - \$117,699	\$97,004 - \$120,053	Finance Director
			<u>DPW Director</u>
13	\$88,057 - \$109,487	\$89,818 - \$111,677	<del>DPW Director</del>
			Staff Lieutenant
			<u>Assistant Town Manager</u>
12	\$81,906 - \$101,837	\$83,544 - \$103,874	<del>Assistant Town Manager</del>
11	\$76,185 - \$94,743	\$77,709 - \$96,638	Building Commissioner
			MIS Director
			Water Superintendent
			Town Engineer
10	\$70,870 - \$88,100	\$72,287 - \$89,862	DPW Deputy Director
			Principal Assessor
9	\$65,919 - \$81,992	\$67,237 - \$83,632	DPW Operations Director
			Health Director
			Library Director
			Town Clerk
			Planner
			Tourism Director
8	\$61,312 - \$76,249	\$62,538 - \$77,774	MIS Analyst
			COA Director
			Town Collector
			Town Treasurer
			Deputy Emergency
			Manager/Transportation Director
7	\$57,026 - \$70,891	\$58,167 - \$72,309	Recreation Director
			<u>Airport Director</u>
6	\$53,040 - \$66,005	\$54,101 - \$67,325	Exec. Assistant to Town Manager
			Project Manager
			Local Building Inspector
			Conservation Agent
			Health Agent
			Payroll and Employee Benefits Manager
			Assistant Town Accountant

5	\$49,332 - \$61,355	\$50,319 - \$62,582	Assistant Library Director Licensing Agent Secretary to the Board of Selectmen Exec. Assistant to Police Chief Parking Administrator MIS Technician
4	\$45,822 - \$57,026	\$46,738 - \$58,167	Licensing Agent Library Marketing & Program Director <del>Library Member Services Coordinator</del> Permit Coordinator Assistant Tourism Director
3	\$42,689 - \$53,104	\$43,543 - \$54,166	COA Outreach Coordinator Principal Accounting Clerk
2	\$39,710 - \$49,375	\$40,504 - \$50,363	no positions assigned
1	\$36,949 - \$45,925	\$37,688 - \$46,844	no positions assigned

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2018, as requested by the Board of Fire Engineers, as follows:

*Annual Stipends for Reimbursement of Expenses*

<i>Annual Salary:</i>	FY18 Current	FY19 Proposed	% change
Fire Chief	<b>\$55,000</b>	<b>\$57,750</b>	5.0%
<i>Positions</i>			
1 <sup>st</sup> Deputy Fire Chief	<b>\$15,000</b>	<b>\$16,500</b>	10.0%
2 <sup>nd</sup> Deputy Fire Chief	<b>\$12,000</b>	<b>\$13,200</b>	10.0%
District Fire Chief/Engineer	<b>\$6,000</b>	<b>\$6,600</b>	10.0%
Firefighter	\$800	\$800	0.0%
Fire Auxiliary	\$400	\$400	0.0%
Fire Captain	<b>\$1,250</b>	\$1,250	0.0%
Fire Lieutenant	\$500	\$500	0.0%
Engine Steward	\$880	\$880	0.0%
Station Steward	\$1,100	\$1,100	0.0%
Ladder Steward	\$1,300	\$1,300	0.0%
LaFrance Steward	\$500	\$500	0.0%
Oil Inspector	\$1,747	\$1,747	0.0%
Rescue Steward	\$3,600	\$3,600	0.0%
Rescue Captain	\$3,000	\$3,000	0.0%
Rescue Lieutenant	\$1,500	\$1,500	0.0%
Rescue Training Officer	\$3,000	\$3,000	0.0%
Radio Officer	<b>\$800</b>	\$800	0.0%

Air Officer	<b>\$1,500</b>	\$1,500	0.0%
Summer Standby Coordinator	\$3,500	<b>\$4,000</b>	14.3%
Infection Control Officer	\$800	\$800	0.0%
<i>Non-Firefighter Positions</i>			
First Responders	\$25.00/hr	\$25.00/hr	0.0%
EMT-Basic	<b>\$25.41/hr</b>	<b>\$26.18/hr</b>	3.0%
EMT-Intermediate	<b>\$27.34/hr</b>	<b>\$28.16/hr</b>	3.0%
EMT-Paramedic	<b>\$30.00/hr</b>	<b>\$30.90/hr</b>	3.0%
Standby	\$25.00/hr	\$25.00/hr	0.0%
Safety Inspections	\$20.00/hr	\$20.00/hr	0.0%
Rescue Squad Participation (per quarter)	\$250	\$250	0.0%

Schedule C: To amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2018, as follows:

<u>Grade</u>	<u>Actual FY 2018</u>	<u>Proposed FY 2019</u>	<u>Proposed Position Classifications</u>
N	\$20.32	\$20.72	Police Summer/On-call Dispatcher <u>Code Compliance Officer</u>
M	\$19.72	\$20.11	<i>No Positions Assigned</i>
L	\$19.17	\$19.55	Parking Lot Technical Manager Property Inspector (Assessors)
K	\$18.63	\$19.00	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	\$18.08	\$18.44	<i>No Positions Assigned</i>
I	\$17.75	\$18.11	Parking Meter Collection/Repair <u>COA Program Coordinator</u> On-call van Driver
H	\$17.23	\$17.57	Police Matron
G	\$16.90	\$17.57	<i>No Positions Assigned</i>
F	\$16.41	\$16.74	Assistant Harbormaster w/o police powers <u>COA Program Coordinator</u> Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement Part-time Clerical Secretary, On-call Relief Transfer Station Laborer
E	\$16.11	\$16.43	Part-time Library Circulation Aide
D	\$15.65	\$15.96	On-call Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	\$15.19	\$15.49	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	\$14.90	\$15.20	<i>No Positions Assigned</i>
A	\$14.67	\$14.96	Parking Lot Attendant/In-booth

Seasonal Recreation Aides

or to take any other action relative thereto.

*[Requested by the Personnel Board, the Board of Selectmen and the Town Manager]*

David Gardner moved that the Town vote to amend the Personnel Bylaw and Classification and Compensation Plan, as printed in the warrant under Article 43.

**Board of Selectmen Recommends: 5-0-0**

**Finance Committee Recommends: 4-0-0**

**Motion Passed.**

**Mark Hatch moved to adjourn the April 2, 2018 Annual Town Meeting at 9:24 pm**

**Motion Passed.**