



Meeting Agenda

The Provincetown Select Board will hold a public meeting on Monday, February 25, 2019, at 6:00 p.m. in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

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

- A. *Treasurer Transfer – Recycling Gift Fund – approve the use of gifted funds to pay \$375.00 to Narrow Land, LLC for design and development expenses for the Provincetown Recycling and Renewable Energy Committee (Page 3)*
 - B. *Treasurer Request – Fire Trucks – Determine maximum useful life of departmental equipment authorized by Article 10 of the April 2, 2018 special town meeting pursuant to M.G.L. c. 44§ 7(1) (Page9)*
 - C. *Refer proposed Zoning Bylaw amendments to the Planning Board, in accordance with M.G.L. c.40A §5.(Page 12)*
 - D. *File vacancy notice with the town clerk for the 2019 Annual Election for such office(s): two (2) Select Board Vacancies for a three-year term, two (2) School Committee Vacancies for a three-year term, one (1) Housing Authority Vacancy for a three-year term, one (1) Board of Library Trustees Vacancy for a three-year term, one (1) Charter Compliance Commission Vacancy for a three-year term and one (1) Charter Compliance Commission Vacancy for a two-year term, in accordance with M.G.L. c.41 §10. (Page 21)*
 - E. *Appoint Sue Jungi to the Recycling and Renewable Energy Committee as a regular member with a term ending of December 31, 2021 (Page 24)*
 - F. *Appoint David B. Panagore as the Provincetown Representative to the Cape Cod and Islands Water Protection Fund Management Board (Page 27)*
 - G. *Appoint Timothy Famulare as the Provincetown Representative to the Barnstable County Coastal Resources Committee until replaced.(Page 42)*
1. Public Hearings - Votes may be taken on the following items:
 - A. Continued Public Hearing - November 19, 2018, December 10, 2018 and January 28, 2019 –Shank Painter Road/Route 6 Intersection - Reconstruction Project.(Page 46)
 - B. Joint Public Hearing with the Finance Committee – Proposed FY2020 Annual Budget, in accordance with c. 6 §4(g) of the Provincetown Charter. (Page 59)
 2. Public Statements – Three (3) minutes maximum. Select Board Members do not respond to Public Statements. (Page 62)
 3. Select Board Members' Statements – Initial comments from the Select Board Members. Discussion dependent- votes may be taken. (Page 63)
 4. Joint meeting / Presentations - Votes may be taken on the following items:

- A. Presentation by Eversource's Director of Clean Energy Development Charlotte Ancel – continued from December 10th, 2018, 90 Race Point Road (Transfer Station) – Eversource Community Battery presentation, to include the preliminary site plan, address health and safety concerns and review the permitting process and timeline. (Page 64)
5. Appointments - Votes may be taken on the following items: (Page 70)
6. Request — Votes may be taken on the following items:
 - A. Renewable and Recycling Energy Committee – Policy request. Ban the purchase by the Town of Provincetown of plastic water bottles under one gallon. (Page 71)
 - B. Tourism Economic Activity Report Discussion (Page 76)
 - C. Alteration of Layout for Route 6 to accommodate the Police Station Building Site (Page 89)
 - D. Acceptance of bid for Sightseeing Vehicle Space RFP for Pedal Ptown and approval of License Agreement (Page 109)
 - E. Town Board and Committee Vacant Positions – monthly report from Town Clerk's Office (Page 167)
 - F. March and April Select Board Meeting Schedule (Page 171)
 - G. Insertion of Articles for the April 1, 2019, Annual & Special Town Meeting Warrant pursuant to the Provincetown Charter c. 2§ 3(b) (Page 175)
7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
 - A. FY2020 Budget Adjustments (Page 205)
 - B. Police Station Supplemental Financing (Page 209)
 - C. Town Manager's Report (Page 218)
 - D. Contract Report (Page 237)
8. Minutes – Approve minutes of previous meetings. Votes may be taken. (Page 238)
9. Closing Statements/Administrative Updates - Closing comments from the Select Board Members. Discussion dependent; motions may be made; votes may be taken. (Page 248)



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

00A

TREASURER'S TRANSFER

Recycling Gift Fund

Requested by: Alexander N. Williams, Treasurer

Action Sought: Approval

Proposed Motion(s)

MOVE that the Select Board vote, as Commissioners of the Recycling Gift Fund (#1136), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay \$375.00 to Narrow Land, LLC for design and development expenses for the Provincetown Recycling and Renewable Energy Committee.

[As requested and approved by the Recycling and Renewable Energy Committee]

Additional Information

This Motion will allow the Town Treasurer to transfer money from the Recycling Gift Fund (#1136) to pay for website design services. The Recycling Gift Fund will have a balance of \$294.08 after this invoice is paid.

Board Action

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

Elizabeth Paine

From: Sherry Prada
Sent: Wednesday, February 20, 2019 3:57 PM
To: David Panagore
Cc: Elizabeth Paine; Beau Jackett
Subject: RREC

Per our conversation

At the December 12th meeting the RREC voted to contact Narrow Land LLC to design a tri fold brochure for recycling rules and regulations. Narrow Land LLC came back to us with a tri fold draft and a draft for creating a web page, autonomous from the Town's web page. At that time I informed the RREC that we could not create a web page autonomous from the Town's web page as well as we could not pay for it with Town funds. At that time we voted to pay Narrow Land the set up fee for designing the tri fold (that will be put on the Town's web page when complete) and we told Narrow Land LLC to stop any work towards a web page. They agreed to that and to only charge us the \$375.00 development payment. Once the tri fold is down it will be printed at DPW and distributed at the Transfer Station and put on the Town's web page.

I hope this helps.

*Sherry Prada
Operations Director
Provincetown DPW
508-487-7060*

Narrow Land, LLC
12 Main Street
Orleans, MA 02653
508-364-6395
matt@thenarrowland.com
www.thenarrowland.com

Narrow Land

INVOICE

BILL TO

Provincetown RREC
260 Commercial Street
Provincetown, MA 02657

INVOICE # 1200
DATE 01/15/2019
DUE DATE 01/30/2019
TERMS Net 15

ACTIVITY	QTY	RATE	AMOUNT
Website Development Initiation deposit for the design and development of the new Provincetown RREC website.	1	375.00	375.00
BALANCE DUE			\$375.00

11360200-520000

RREC Minutes 12/12/2018

Call to Order 09:00am

Present: Lydia, Jay, Elise Staff: Sherry Public guest: Laura Ludwig

Approval of Minutes: 08/29, 09/26, 10/17, 10/24 2018 Elise Move to approve Jay 2nd Vote 3-0

Jay: Single use bottle ban from Sustainable Practices is to "Ban ALL Plastics" Jay will discuss with Madhavi Venkatesan of Sustainable Practices that we will write up a warrant article to ban the purchase for Municipal use of bottles under a gallon. He will write up a warrant article for next meeting.

Sherry: will check with fire department water soda machine, plastic bag use in town recycle barrels to be replaced by an insert of some kind. It is a summer problem not using plastic bags. Laura Ludwic: We have to find out if recycling is viable

Jay: Eversource is building a battery at Transfer Station. Maybe they will let us use some space for recycle?? What does Casellado with recycle from Ptown? He will check where recycle goes.

CARE Cape and Islands Grant. Jay will ask for pocket cigarette butt ashtrays and butt butlers in grant. Sherry suggested to give businesses a free buttler if they will take care of it in a lottery.

Sherry: there are lids for blue bins. She is getting a sample

Jay: Will contact Matt Clark for graphic design for brochure

Jay moved to spend up to \$667 gift fund for graphic services Elise 2nd

Laura: contacted Cape Cod 5 bank about parade bracelets and litter. they will do eco friendly parade. Also to partner with Truro and Wellfleet to solve the confusion in Recycling. Jay says we may partner with Solarize Mass. Tess is exploring compost with Elsbeth Hay.

Jay: we need our list for PBG for parade litter. He also discussed a possible removal of coffee/drink cups with Stainless Steel like a program called "Vessel" in Boulder, Manhattan and Vancouver. More infor to come.

He will check true value if they are doing helium baloons by request.

Next meeting Thursday Jan.10, 2019 9am

Elise move to adjourn Jay 2nd 10:40am



TOWN OF PROVINCETOWN

REQUEST TO EXPEND GIFTED FUNDS

Date: February 25, 2019
To: Provincetown Treasurer
From: Provincetown Select Board

As Commissioners of the Recycling Gift Fund – (#1136), permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of gifted funds for the payment of \$375.00 to Narrow Land, LLC for website design and development expenses.

The Honorable Select Board:

Cheryl Andrews, Chair

Lise King

Louise Venden

Robert Anthony, Vice Chair



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

00B

CAPITAL ASSETS: MAXIMUM USEFUL LIFE

Fire Trucks – Authorized in Article 10 of the April 2, 2018 STM

Requested by: Alexander N. Williams, Treasurer

Action Sought: Approval

Proposed Motion(s)

MOVE that the Select Board vote that the maximum useful life of the departmental equipment and project listed below to be financed with the proceeds of the \$1,000,000.00 borrowing authorized pursuant to Article 10 of the April 2, 2018 special town meeting is hereby determined pursuant to G.L. c. 44, § 7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Fire Truck 2002 Freightliner Replacement	\$500,000	15 Years
Fire Truck 2003 HME Replacement	\$500,000	15 Years

Additional Information

MGL Chapter 44, Section 7(1), requires that the period of borrowing for capital assets does not exceed the useful life of those capital assets. This vote will limit the term of borrowing for the authorized fire trucks to (at most) fifteen years, which is consistent with the standard useful life of between five and fifteen years for a fire truck. This vote is in anticipation of a future expenditure, as no payments have been issued to date for this authorization. Without an affirmative vote the term of borrowing for these fire trucks would be limited to five years, restricting the Town's ability to lower the real estate tax impact caused by debt service costs.

Board Action

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

vote.

Chapter 44: Section 7. Cities and towns; purposes for borrowing money within debt limit

[Text of section as amended by 2016, 218, Sec. 63 effective November 7, 2016. For text effective until November 7, 2016, see above.]

Section 7. Cities and towns may incur debt, by a two-thirds vote, within the limit of indebtedness prescribed in section 10, for the following purposes and payable within the periods hereinafter specified not to exceed 30 years or, except for clauses (2), (3), (6) and (7), within the period determined by the director to be the maximum useful life of the public work, improvement or asset being financed under any guideline issued under section 38:

(1) For the acquisition of interests in land or the acquisition of assets, or for the following projects: the landscaping, alteration, remediation, rehabilitation or improvement of public land, the dredging, improvement, restoration, preservation or remediation of public waterways, lakes or ponds, the construction, reconstruction, rehabilitation, improvement, alteration, remodeling, enlargement, demolition, removal or extraordinary repair of public buildings, facilities, assets, works or infrastructure, including: (i) the cost of original equipment and furnishings of the buildings, facilities, assets, works or infrastructure; (ii) damages under chapter 79 resulting from any such acquisition or project; and (iii) the cost of engineering,

architectural or other services for feasibility studies, plans or specifications as part of any acquisition or project; provided that the interest in land, asset acquired or project shall have a useful life of at least 5 years; and provided further, that the period of such borrowing shall not exceed the useful life of the interest in land, asset acquired or project.

(2) For a revolving loan fund established under section 53E3/4; to assist in the development of renewable energy and energy conservation projects on privately-held buildings, property or facilities within the city or town, 20 years.

(3) For the payment of final judgments, 1 year or for a longer period of time approved by a majority of the members of the municipal finance oversight board after taking into consideration the ability of the city, town or district to provide other essential public services and pay, when due, the principal and interest on its debts and such other factors as the board may deem necessary or advisable.

(4) In Boston, for the original construction, or the extension or widening, with permanent pavement of lasting character conforming to specifications approved by the Massachusetts Department of Transportation established under chapter 6C and under the direction of the board of park commissioners of the city of Boston, of ways, other than public ways, within or bounding on or connecting with any public park in said city, including land damages and the cost of pavement and sidewalks laid at the time



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

OOC

ZONING BYLAW AMENDMENTS

Referral to the Planning Board

Requested by: David B. Panagore, Town Manager

Action Sought: Procedural

Proposed Motion(s)

Move that the Select Board vote, pursuant to Massachusetts General Law Chapter 40A Section 5, to submit the attached proposed Zoning Bylaw amendments to the Planning Board for a public hearing on Thursday, March 14, 2019 in order to be placed on the April 1, 2019 Annual Town Meeting Warrant.

Additional Information

Pursuant to Massachusetts General Law Chapter 40A Section 5 the Board of Selectmen must refer all land use zoning articles to the Planning Board for a public hearing prior to a Town Meeting. Attached is the proposed Zoning Bylaw amendments from staff and the Planning Board, including any from any known petitioner.

The Planning Board will hold the required public hearing on the final warrant language on Thursday, March 14, 2019 and will make formal recommendations to town meeting.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



Public Hearing

Proposed Zoning Bylaw changes

The Provincetown Planning Board will hold a public hearing on **Thursday, March 14, 2019, at 6 P.M. in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657** to hear comments from the public and vote on the following proposed amendments to the Provincetown Zoning Bylaws for the April 1, 2019 Annual Town Meeting Warrant, as well as any proposed petitioned articles concerning land use or development. (proposed deletions are ~~stricken through~~ and proposed additions are underlined): **A copy of this proposed zoning bylaw is available for public inspection at the Office of the Town Clerk, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657.**

Article __. Zoning Bylaw Amendment: Divided Lots. (*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 Section 2130 Divided Lots, as follows:

2130 Divided Lots When a boundary line between zoning districts divides a lot in single ownership each portion of the lot shall be governed by the use and dimensional requirements of the zoning district in which each portion of the lot is located. Lots located in part in another municipality shall be regulated as if entirely within Provincetown; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article __: *This amendment clarifies the treatment of lots that are located within two different zoning districts. While this change is consistent with the town's local practice and case law, this clarification may avoid future litigation and provides clear guidance to property owners and developers.*

Article __. Zoning Bylaw Amendment: 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, Article 2, Districts and District Regulations, Section 2360 Formula Business Regulated District as follows:

2360 Formula Business Regulated District.

2362 Purpose

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

[Requested by the Planning Board]

Explanation of Article ___: This amendment is a permit streamlining measure that removes the redundant board review for Formula Regulated Businesses. Currently the bylaw requires applicants to get Zoning Board and Planning Board approval, even when the site plan review criteria does not apply. For instance, if an existing retail store on Commercial Street is converted to a formula business, yet has no impact to the exterior of the building or no site disturbance, then site plan review would not be required. If any improvements did exist that did trigger site plan review pursuant to Article 4, then Planning Board approval would still be required.

Article __. Zoning Bylaw Amendment: Definitions – Parking Lot. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions and Article 2 Section 2440 Permitted Principal Uses as follows:

Parking Lot/Garage an open air, ~~ground level lot~~ or enclosed area/structure used to park cars that is not appurtenant to a principal use.

And to amend: 2440 Permitted Principal Uses

		Residential			Commercial		Sea-shore	Public Use
		Res1	Res2	Res3 ResB	TCC	GC	S	M
B.	Business							
B7	Parking lots/ <u>garages</u>	NO	BA ¹¹	BA ¹¹	BA ¹¹	BA ¹¹	NO	NO

Footnotes

11. Special Permit to be granted only after a Public hearing and approval of the Building Inspector, the Fire Department and the Police Department.
or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article ___: This amendment distinguishes parking that is a principal use from parking that is appurtenant to another use on the site. Under the current definition, any parking area in excess of the minimum requirement would qualify as a "parking lot" and thus require a Special Permit from the Zoning Board of Appeals.

Article __. Zoning Bylaw Amendment: Special Permits. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Section 5300 Special Permits as follows:

Section 5300 Special Permits

5340 Expiration Special Permits shall lapse ~~twenty-four months~~ three years following grant thereof (plus such time required to pursue or await the determination of an appeal referred to in Sec. 17, Ch. 40A, G.L.) if a substantial use thereof or construction has not sooner commenced except for good cause as determined by the ~~Board of Appeals~~ Special Permit Granting Authority; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article ___: This amendment recognizes changes in State Law implemented under Chapter 219 of the Acts of 2016 that extend the time period to act on

a Special Permit from 2 years to 3 years. This could be relevant for Provincetown due to our Growth Management regulations and multiple layers of permitting that are often required.

Article __. **Zoning Bylaw Amendment: Special Permit Modifications.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Section 5300 Special Permits, as follows:

5350 Amendments and Minor Modifications to a Special Permit

An amendment, modification, or clarification to an approved Special Permit that does not represent a substantive change of the findings or conditions of approval of the project may be administered by a notation to the file based on a finding by a super majority vote of the Special Permit Granting Authority at a public meeting. Any amendment, modification, or clarification that represents a substantive change of the findings or conditions of approval of the project shall require a new Special Permit with notice to abutters pursuant to MGL c40A § 11; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article __: *The amendment seeks to streamline the permitting process to allow the Planning Board and Zoning Board the ability to approve minor modifications and/or clarifications to an approved Special Permit without submitting a new application and spending a month or more to obtain approval. Currently the bylaw would require a new application with all the requirements of the original application even for insignificant changes to a project. The board would need to vote by super majority that the proposed change is not substantial. Case law has held that a change may be made without adhering to notice requirements in G.L. c. 40A, § 11 if the change is: an inadvertent or clerical error; or not a substantive amendment which changes the result of an original decision, such as granting relief different from the original decision.*

Article __. **Zoning Bylaw Amendment: Site Plan Review.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4 Special Regulations, Section 4000 Site Plan Review as follows:

Section 4000. Site Plan Review (SPR)

4040 Amendments and Minor Modifications to a Site Plan

An amendment, modification, or clarification to an approved Site Plan that does not represent a substantive change of the findings or conditions of approval of the project may be administered by a notation to the file based on a finding by a majority vote of the Planning Board at a public meeting. Any amendment, modification, or clarification that represents a substantive change of the findings or conditions of approval of the project shall require a new Site Plan Review with notice to abutters pursuant to MGL c40A § 11; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article __: *The amendment seeks to streamline the permitting process to allow the Planning Board the ability to approve minor modifications and/or clarifications to an approved Site Plan Review without submitting a new application and*

spending a month or more to obtain approval. Currently the bylaw would require a new application with all the requirements of the original application even for insignificant changes to a project. The Planning Board would need to vote by super majority that the proposed change is not substantial. Case law has held that a change may be made without adhering to notice requirements in G.L. c. 40A, § 11 if the change is: an inadvertent or clerical error; or not a substantive amendment which changes the result of an original decision, such as granting relief different from the original decision.

Article __. Zoning Bylaw Amendment: Dimensional Requirements. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulation

Section 2560 Dimensional Schedule as follows:
2560 Dimensional Schedule

Requirements	Residential			Commercial		Seashore Public Use	
	Res1	Res2	Res3 ResB	TCC	GC ³	S	M
Min. Lot Area (square feet)	16,000	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	100	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 ¹	20 ¹	10 ¹	10	50	--
Min. Side Yard (feet)	15	6	6	5 ²	10	25	--
Min. Rear Yard (feet)	20	15 ¹	10 ¹	10	25	25	--

Footnotes

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.

or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article __: This amendment allows properties in the Town Center Commercial zone to extend their buildings to the average setback of the properties on either side. This is currently allowed in the other two zones along Commercial Street, the Res 2 and Res 3 zones. Commercial Street is developed by properties that sit on and along the street line, often within the required front yard setback. The intent of the setback average is to allow structures to maintain a consistent street wall which is traditional to the town's historic development pattern and is widely accepted as good urban design.

Article __. 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 Bylaw as follows:

Section 6500 Table of Use Categories and Priorities

2d4 Any project that consists of ~~20%~~ 10% - 32.9% affordable and/or community housing units ~~granted under the Inclusionary and Incentive Zoning Bylaw;~~ gallons shall be allocated in phases so that ~~1/2~~ of the total gallons are allocated the first year after a Special Permit is granted under the Inclusionary and Incentive Zoning Bylaw, and the remainder are allocated the second year

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

[Requested by the Planning Board]

Explanation of Article ___: *This amendment removes provisions of the Growth Management by-law that requires Inclusionary Zoning projects to be built in phases. While these provisions intend to favor projects that are developed solely as affordable housing, they make the construction of Inclusionary Zoning projects either more difficult or impossible as a multi-unit buildings cannot be constructed in phases. Additionally the town has a significant Growth Management reserve for all projects under Category 2, meaning that this provision is unnecessary.*

Article ___ Zoning Bylaw Amendment: Definitions – Density Schedule.

(Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations as follows:

4120 Density Schedule The total lot area must equal at least the square feet/unit as derived from the following schedule: (Provided however, that building permits issued prior to April 1, 1986 shall be governed by *(editor's note: old numbering Article III, Section 3110)* Article 4, Section 4120 prior to amendment of this section at the 1986 Annual Town Meeting)

Dwelling Units	Number of Units Proposed	Number of Square Feet/Unit Required
First	1-4 <u>1-8</u>	2,500 <u>1,500</u>
For the next	6 (5-10) <u>9-15</u>	3,000 <u>2,500</u>
For the next	6 (11-16) <u>16-25</u>	3,500 <u>3,000</u>
For the next	9 (17-25)	4,500
Beyond 25	26 or more	5,000 <u>4,500</u>

or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article ___: *This amendment returns the town's allowed residential density to what was in place before the mid-1980s. The current requirements conflict with the traditional development pattern of the town as much of the town was developed prior to the 1980s. This will also allow more properties to take advantage of the town's Inclusionary Zoning by-law, which would in turn produce affordable and community housing units at no cost to the town. This amendment alters neither the size nor design of buildings as it does not change dimensional requirements, Scale By-law review, High Elevation Protection review, or Historic District Commission review. It also does not*

change requirements for Special Permits or Site Plan Review, which ensure that projects are designed to be compatible with the neighborhood.

Article __. Zoning Bylaw Amendment: Density Schedule, 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 4, Special Regulations as follows:

4120 Density Schedule The total lot area must equal at least the square feet/unit as derived from the following schedule: (Provided however, that building permits issued prior to April 1, 1986 shall be governed by *(editor's note: old numbering Article III, Section 3110)* Article 4, Section 4120 prior to amendment of this section at the 1986 Annual Town Meeting)

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

¹ May be waived by Special Permit from the Planning Board.

or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article __: *This amendment recognizes that one size does not fit all for commercial accommodations, which encompasses everything from B&Bs to large hotels to dormitory housing. This schedule also does not line up with existing commercial accommodations properties in town. The town continues to lose commercial accommodations rooms, and this change may allow some properties to expand and remain economically viable. This by-law requires a public hearing process to allow the Planning Board to determine how many inn, hotel, or dormitory rooms would be allowed at a given site. This amendment alters neither the size nor design of buildings as it does not change dimensional requirements, Scale By-law review, High Elevation Protection review, or Historic District Commission review. It also does not change requirements for Special Permits or Site Plan Review, which ensure that projects are designed to be compatible with the neighborhood.*

Article __. Zoning Bylaw Amendment: Dimensional Requirements. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulation Section 2560 Dimensional Schedule as follows:

Requirements	Residential			Commercial		Seashore Public Use	
	Res1	Res2	Res3 ResB	TCC	GC ³	S	M
Max. Lot Coverage (%)	40	40	40	40 <u>60</u>	40	--	--

And delete in its entirety:

4140 Lot Coverage Buildings shall not cover more than 40% of the total lot area or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article __: *This amendment recognizes that the current lot coverage requirements for the Town Center Commercial zone are inconsistent with the town's historical pattern of development. An analysis of TCC parcels from Masonic Place in the west to Freeman Street in the east shows an average lot coverage of 58% and a median lot coverage of 59%. This change recognizes that reality, would make make a significant number of these properties conforming, and would allow new development to be consistent with the character of the TCC zone.*

Article __. Zoning Bylaw Amendment: Green Area. (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 as follows:

4150 Green Area. A minimum of 30% of every lot, regardless of size, shall be reserved for green areas. This requirement may be altered or waived by Special Permit from the Planning Board; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article __: *This amendment allows greater flexibility during regulatory reviews of properties that do not meet the green area requirements of the by-laws. Many properties do not meet this requirement as alterations to planted areas generally do not require building permits. This also means that it is very difficult to track when and how non-conformities were created. As this often becomes an issue during Site Plan Review, the Planning Board is designated as the permit granting authority.*

Article __. Zoning Bylaw Amendment: Definitions – Campground/Tiny Houses. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions and Article 4, Special Regulations as follows:

Building A structure having a roof and supported by columns or walls for shelter or enclosure of persons, animals, property or an activity; such structure does not include camper Recreational Vehicles as defined in this By-laws.

~~Camper~~ Recreational Vehicle shall mean a vehicle, eligible to be registered and insured for highway use, designed to be used as a temporary dwelling for travel, recreational and vacation purposes, but not for permanent residence. including equipment commonly called 5th wheels, independent travel trailers, dependent travel trailers, tent trailers, pickup campers, motor homes, converted buses, tiny houses on wheels, and other equipment, but not manufactured homes.

And to amend:

Section 4300 Manufactured Homes and Campers Recreational Vehicles

4310 Permitted Occupancy Manufactured homes may be occupied only in a campground or manufactured home park and subdivision. Campers Recreational Vehicles may be occupied only within a licensed campground.

4330 Campgrounds Campgrounds shall conform to the following minimum requirements:

- a. Lot area minimum of 10 acres, but not less than 7,500 square feet per campsite.
- b. Each rental plot shall have an area of not less than 2,500 square feet and a width of not less than 40 feet in its smallest dimension.
- c. If each plot is not serviced with water and sanitary drainage, common sanitary facilities shall be provided.
- d. No unit for overnight occupancy shall be placed within 100 feet of a street line or 40 feet of any other lot line.
- e. ~~No unit shall be occupied for more than six months in any twelve month period.~~
or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article __: *This amendment updates the terminology used to define RVs, recognizes that "Tiny Houses on Wheels" are legally classified as RVs, and removes provisions related to the use of RVs. While these use requirements would be removed, other federal, state, and local regulations remain in place including potential review by the town's Board of Health. These other regulatory bodies may be better situated to determine the suitability of RVs for longer-term habitation.*

The public is encouraged to submit any written comments by Thursday, March 7, 2019, to the Planning Board/Office of the Town Clerk, Town Hall, 260 Commercial Street, Provincetown, MA 02657, email to jribeiro@provincetown-ma.gov or in person at the hearing.

*David Abramson,
Chairman, Planning Board*

Posted: Town Hall, www.provincetown-ma.gov
Published: Banner: February 28 and March 7, 2019



Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019

00D

ANNUAL ELECTIONS

Positions open for Annual Elections

Requested by: Town Manager David Panagore

Action Sought: Procedural

Proposed Motion(s)

MOVE that the Select Board vote to file vacancy notice with the town clerk for the 2019 Annual Election for such office(s): two (2) Select Board Vacancies for a three-year term, two (2) School Committee Vacancies for a three-year term, one (1) Housing Authority Vacancy for a three-year term, one (1) Board of Library Trustees Vacancy for a three-year term, one (1) Charter Compliance Commission Vacancy for a three-year term and one (1) Charter Compliance Commission Vacancy for a two-year term, in accordance with M.G.L. c.41 §10.

Additional Information

- Pursuant to M.G.L. c.41 §10, "No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election."

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



Town of Provincetown Town Clerk

Direct Line 508-487-7013

TO: Select Board
FROM: Darlene Van Alstyne, Town Clerk
DATE: February 21, 2019
SUBJ: Board Vacancies for Elected Positions

Below is a list of current board members with terms expiring June 18, 2019 who are eligible for re-election per the Provincetown Charter Chapter 2, §5c.

Town Board	Name	Term
Select Board	Cheryl Andrews	3 years
Select Board	Michaela Carew-Murphy or John Golden	3 years
School Committee	Cass Benson	3 years
School Committee	Tracy Kachtick-Anders	3 years
Housing Authority	Elaine Anderson	5 years
Board of Library Trustees	Paul Richardson	3 years
Charter Compliance Commission	Michael Chute	3 years
Charter Compliance Commission	Julia Perry	2 years

Section 10: Failure to elect; procedure to fill vacancy; notice

Section 10. If there is a failure at an election to choose a town officer, except a selectman, or if a person chosen shall not accept such office, or if a vacancy shall occur, the town may at any meeting elect a person to such office.

If, at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and ballots shall be prepared and furnished for such meeting, containing the nominations already made and such as may subsequently be made for the office.

The proceedings in such election and the qualifications of a person to be elected or appointed in case of failure to elect, refusal to accept or vacancy shall be the same as in an original election.

If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectmen or selectman may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the town, or twenty per cent of the total number of registered voters of the town, whichever number is the lesser; provided, that such request is filed with them or him not less than one hundred days prior to the date of the next annual election.

If there is a resignation of a town officer creating a vacancy at some later time certain, and such resignation is filed with the town clerk in accordance with the provisions of section one hundred and nine, said town clerk shall certify a vacancy shall occur at the later time certain and the board of selectmen may call a special election as provided in this section; provided, however, that no such election may be held prior to the effective date of the resignation creating such vacancy.

No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election.



Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019

00E

SELECT BOARD APPOINTMENT

Recycling and Renewable Energy Committee

Requested by: Town Clerk Darlene Van Alstyne

Action Sought: Approval

Proposed Motion(s)

MOVE that the Select Board vote to appoint Sue Jungi to the Recycling and Renewable Energy Committee as a regular member with a term to expire December 31, 2021.

Additional Information

- See attached application.

Board Action

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



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: Sue Jungi Please type or print

Resident Address: 10 Seashore Park Dr Apt 2 Provincetown, MA 02657

Mailing Address (if different):

Telephone #: 508 487 3106 Work# ()

Email address: sjungi@comcast.net

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

- 1. Recycling Com.
2.
3.

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

educator - 33 yrs

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

Signature of Applicant Date 2/12/19

TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

Table with 2 columns: Town Clerk Certification (Yes/No) and Application Termination Date (2.11.2020). Includes signature of Town Clerk.

Date Received by Board of Selectmen

RECEIVED BOS FEB 12 2019 CC: BOS/TM/ATM

Date Received by Town Clerk

RECEIVED FEB 12 2019 TOWN CLERK

Recycling & Renewable Energy Committee			
	First	Last	Pos Term End
1	CC 12/31/18		12/31/21
2	Lydia	Hammquist	Chair 12/31/20
3	Jay	Gurewitsch	12/31/20
4	Elise	Cozzi	12/31/21
5	LL 6/14/18		12/31/19
6	JG 12/11/17		Alt. 12/31/19
7	TKT 7/9/18		Alt. 12/31/19



Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019

00F

APPOINTMENT OF DAVID B. PANAGORE

Provincetown Representative to the CC & I WPFM Fund Board

Requested by: Town Manager David B. Panagore

Action Sought: Appointment

Proposed Motion(s)

MOVE that the Select Board vote to appoint David B. Panagore as the Provincetown Representative to the Cape Cod & Islands Water Protection Fund Management Board until replaced.

Additional Information

- Per H. 4327, see attached legislation

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

HOUSE No. 4327

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act regulating and insuring short-term rentals.

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

1 SECTION 1. Section 6 of chapter 14 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by adding the following 2 clauses:-

3 11. Shall establish and maintain a short-term rental registry to record the name of each
4 host and the corresponding address of each residential unit offered for short-term rental under
5 chapter 64O. The commissioner may charge a reasonable fee for such registration.

6 12. Shall maintain on the department’s website an easily searchable and regularly
7 updated list of addresses of all residential units offered for short-term rental registered in the
8 short-term rental registry established in clause 11, excluding the names of the hosts of said
9 properties.

10 SECTION 1A. Chapter 29C of the General Laws, as appearing in the 2016 Official
11 Edition, is hereby amended by inserting after section 18 the following new sections:—

12 Section 19. There shall be established and set up on the books of the trust a separate fund
13 to be known as the Cape Cod and Islands Water Protection Fund, referred to in this section as the
14 fund. Except as otherwise specifically provided in this section, the provisions of this chapter
15 shall be applicable to the fund. There shall be credited to the fund revenue from appropriations or
16 other monies authorized by the general court and specifically designated to be credited to the
17 fund, including but not limited to any investment income earned on the fund's assets and all
18 other sources, each source being tracked separately for accounting purposes as of June 30 of each
19 year. The trust shall hold the fund in an account or accounts separate from other funds of the
20 trust. Proceeds of the fund shall not be used to offset or otherwise replace contract assistance
21 funds nor shall they be used to offset or otherwise replace reserve funds used for pool financing.
22 The trust shall apply and disburse amounts credited to the fund, without further appropriation, to
23 provide additional subsidies and other assistance, which may include principal forgiveness, to
24 local governmental units and other eligible borrowers in the payment of debt service costs on
25 loans and other forms of financial assistance made by the trust for water pollution abatement
26 projects in Barnstable, Dukes and Nantucket counties upon approval of an areawide waste
27 management plan under section 208 of the federal Clean Water Act in said counties that is
28 certified, on or after June 1, 2015, by the governor or the governor's designee, referred to in this
29 section as a 208 plan, or a suitable equivalent as established by the department of environmental
30 protection, respectively, for each county. Any such projects shall be consistent with an approved
31 208 plan, as determined pursuant to paragraph (d) of section 6 of this chapter and may include
32 projects utilizing innovative and alternative Title V technologies that result in nutrient reduction
33 for marine and fresh waters. In the case of projects in the towns of Nantucket, Edgartown,
34 Tisbury and Oak Bluffs subject to the approval of a 208 plan, or suitable equivalent as

35 established by the department of environmental protection, and the towns of Barnstable,
36 Falmouth, Chatham and Provincetown, the fund shall also provide subsidies and assistance as
37 aforesaid with respect to debt incurred by such towns apart from the trust prior to the
38 establishment of the fund. Amounts credited to the fund shall be expended or applied, in a
39 manner determined by, and only with the approval of the Cape Cod and Islands Water Protection
40 Fund Management Board established under section 20 of this chapter, in addition to any
41 approvals required under this chapter. From amounts deposited in the fund, the trust shall
42 transfer to the department of environmental protection ten per cent of the annual revenue
43 deposited into the fund, for the purposes of contracting with a single regional planning agency or
44 non-profit corporation to evaluate and report on the efficacy of adaptive management measures
45 to reduce nitrogen pollution of coastal waterways undertaken pursuant to a 208 plan, to monitor
46 the water quality of areas subject to said study and to support further assessment and water
47 quality modeling to further refine said study. Any amounts remaining in the fund at the end of a
48 fiscal year shall be carried forward into the following fiscal year and shall remain available for
49 application and disbursement without further appropriation. Any municipality included in the
50 fund under this section may opt to withdraw from the fund no sooner than one year after the
51 effective date of this act by a majority vote of its legislative body; provided, however, that a
52 municipality may not withdraw from the fund during the term of any financial assistance award
53 from the fund to said municipality. Any municipality that has withdrawn from the fund and
54 votes, by majority vote of its legislative body, to return to the fund shall not receive money from
55 the fund until at least two years from the date of its vote to do so.

56 Section 20. There is hereby established a Cape Cod and Islands Water Protection Fund
57 Management Board, referred to in this section as the management board, consisting of 1 person

58 to be appointed by each board of selectmen or town council in each of the municipalities within
59 an areawide waste management plan approved under section 208 of the federal Clean Water Act
60 in Barnstable, Dukes and Nantucket counties, that is certified, on or after June 1, 2015, by the
61 governor or the governor's designee, referred to in this section as a 208 plan; provided,
62 however, that the appointees by the boards of selectmen or town councils shall be either
63 members of their respective appointing authority, its town manager or administrator or other
64 municipally employed professional staff. Each municipality within Barnstable County shall have
65 representation on the management board, and the executive director of the Cape Cod
66 Commission shall serve as an ex-officio member. Each municipality in Dukes County shall have
67 a representative, the executive director of the Martha's Vineyard Commission shall serve as an
68 ex-officio member, the town manager of Nantucket shall be a member and the Chair of the
69 Nantucket County Commissioners shall serve as an ex-officio member on the management
70 board, upon approval of a 208 plan. Each member of the management board shall serve for a
71 term of 3 years and until a successor is appointed and qualified, and each member of the
72 management board shall be eligible for reappointment. Each member of the management board
73 appointed to fill a vacancy on the management board shall be appointed for the unexpired term
74 of the vacant position. The members of the management board shall select a member to serve as
75 chairperson and vice-chairperson for a term established by vote of the management board. The
76 Cape Cod Commission, in consultation with the Martha's Vineyard Commission, shall provide
77 administrative and technical support to said management board and may be compensated for its
78 associated costs by vote of the management board. The management board duties are limited to
79 determining the method for subsidy allocation and to ensuring that monies from the Cape Cod

80 and Islands Water Protection Fund are spent only for the purposes listed in section 19 of this
81 chapter.

82 SECTION 2. Section 16 of chapter 62C of the General Laws, as so appearing, is hereby
83 amended by inserting after subsection (g) the following subsection:-

84 (g1/2) Every host, or by agreement, hosting platform, as defined in section 1 of chapter
85 64 O, subject to taxation under said chapter 64O, shall file a return with the commissioner for
86 each calendar quarter. The commissioner may by regulation require returns under this section to
87 be filed on an annual rather than a quarterly basis or on such other basis as the commissioner
88 may determine and to have different filing periods for different groups of hosts or hosting
89 platforms. Every such return shall be filed within 20 days after the expiration of the period
90 covered thereby.

91 SECTION 3. Section 21 of said chapter 62C, as so appearing, is hereby amended by
92 striking out, in line 162, the words “and chapter 64L” and inserting in place thereof the following
93 words:-, chapter 64L and chapter 64O.

94 SECTION 4. The General Laws are hereby amended by inserting after chapter 64N the
95 following chapter:-

96 CHAPTER 64O

97 SHORT-TERM RENTAL EXCISE

98 Section 1. As used in this chapter the following words shall, unless the context clearly
99 requires otherwise, have the following meanings:

100 “Commissioner”, the commissioner of the department of revenue.

101 “Department”, the department of revenue.

102 “Host”, an investor host, a professionally managed host, or a residential host.

103 “Hosting platform”, a person or entity that provides a service through which hosts may
104 offer a residential unit for short-term rental to an occupant through a website, software, online-
105 enabled application, mobile phone application or other similar advertising process, and for which
106 the person or entity collects or receives, directly or indirectly through an agent or intermediary, a
107 fee.

108 “Investor host”, whoever rents between 3 and 5 residential units for short-term rental.

109 “Occupant”, a person who, for consideration, uses, possesses or has a right to use or
110 possess a residential unit offered for short-term rental.

111 “Professionally managed host”, whoever rents 6 or more residential units for short-term
112 rental.

113 “Property manager”, an individual who is responsible for the upkeep and maintenance of
114 residential units and is available either on-site or on-call 24 hours per day.

115 “Residential host”, whoever rents 2 or fewer residential units for short-term rental.

116 “Rent”, the consideration paid or payable by an occupant to a host for the occupancy of a
117 residential unit for short-term rental; provided, however, that if a separate fee is charged for
118 services, goods or commodities, that fee shall not be included in rent.

119 “Residential unit”, a room, group of rooms or other living or sleeping space for
120 the lodging of occupants; a single-family dwelling, multi-family dwelling or residential dwelling

121 unit in a multi-unit structure; or a condominium, cooperative, timeshare or similar joint property
122 ownership arrangement, including vacation rentals.

123 "Short-term rental", the rental of a residential unit for a duration of less than 28
124 consecutive days for a fee; provided, however, that "short-term rental" shall not include the
125 rental of those accommodations that are defined in or covered under section 1 of chapter 64G.

126 Section 2. An excise is hereby imposed upon an occupant of a residential unit offered for
127 short-term rental for the total amount of rent for each short-term rental, at the rate of 4 per cent
128 by a residential host; 5.7 per cent by an investor host; and 8 per cent by a professionally managed
129 host; provided further, that an additional excise at the rate of 2.75 percent shall be imposed on an
130 occupant of a residential unit offered for short-term rental within a municipality that is a member
131 of the Cape and Islands Water Protection Trust Fund as established by section 19 of chapter 29C.
132 No excise shall be imposed if the total amount of rent is less than \$25 per day.

133 Section 3. (a) Any city or town may impose a local excise tax upon an occupant for the
134 total amount of rent for each short-term rental at a rate of up to, but not exceeding, 5 per cent by
135 a residential host; 6 per cent by an investor host; and 10 per cent by a professionally managed
136 host. No excise shall be imposed if the total amount of rent is less than \$25 per day.

137 This subsection shall only take effect in a city or town accepting the provisions of this
138 section by a majority vote of the city council with approval of the mayor, in the case of a city
139 with Plan A, Plan B or Plan F charter; by a majority vote of the city council, in the case of a city
140 with Plan C, Plan D or Plan E charter; by a majority vote of the annual town meeting or a special
141 meeting called for that purpose, in the case of a municipality with a town meeting form of
142 government; or by a majority vote of the town council, in the case of a municipality with a town

143 council form of government. This section shall take effect on the first day of the calendar quarter
144 following 30 days after such acceptance, or on the first day of such later calendar quarter as the
145 city or town may designate. The city or town, in accepting the provisions of this section, may not
146 revoke or otherwise amend the applicable local tax rate more often than once in any 12 month
147 period.

148 (b) Any city or town which accepts subsection (a) shall enact ordinances or by-laws
149 requiring all residential units offered for short-term rental within the city or town to undergo a
150 safety inspection before said residential units shall be rented. The city or town shall have 60 days
151 after the address of a residential unit is listed on the department's website, as required under
152 section 6 of chapter 14, to inspect said unit. If the residential unit is not inspected within 60 days,
153 the host may offer the residential unit for short-term rental on a temporary basis. Any city or
154 town that has a safety inspection program in place as of the effective date of this act may deem
155 any previously completed inspections of residential units to be in compliance with this
156 requirement. The cost of the inspection shall be charged to and paid by the hosts. After the initial
157 safety inspection, cities and towns shall determine the frequency of any subsequent inspections.

158 (c) Any city or town which accepts subsection (a) may require a host to demonstrate that
159 a residential unit is not subject to any outstanding building, electrical, plumbing, mechanical,
160 fire, health, housing or planning code enforcement, including any notices of violation, notices to
161 cure, orders of abatement, cease and desist orders or correction notices.

162 (d) Any city or town which accepts the provisions of subsection (a) shall distribute an
163 amount equal to 50 per cent of the excise tax collected by professionally managed hosts pursuant
164 to this section to programs addressing either local infrastructure needs or low- and moderate-

165 income housing programs; provided however, that not less than 25 per cent of such excise tax
166 collected by professionally managed hosts shall be distributed to low- and moderate-income
167 housing programs.

168 Section 4. Any city or town, whether or not such city or town has accepted section 3, may
169 enact ordinances or bylaws under this chapter.

170 Any city or town, whether or not such city or town has accepted section 3, may establish
171 penalties for failure to comply with ordinances or by-laws enacted by said city or town under this
172 chapter. Any city or town that suspends or terminates a host's right to operate a short-term rental
173 for a violation of any ordinance or bylaw shall notify the commissioner of said suspension or
174 termination.

175 Any city or town, whether or not such city or town has accepted section 3, may restrict
176 short-term rentals, including but not limited to, a restriction on the number of days hosts may
177 rent out residential units, a requirement that hosts obtain a business licenses and a requirement
178 that each residential unit is the host's primary residence.

179 Section 5. Any excise tax imposed pursuant to sections 2 and 3 shall be paid by the
180 occupant. Hosts, or, by agreement, hosting platforms, shall add to the rent and shall collect at the
181 same time and in the same manner from the occupant the full amount of the excise tax. Any
182 excise tax shall be stated and charged separately from the rent and shown separately on any
183 record thereof at the time the transfer of occupancy is made, or on any evidence of such transfer
184 issued or used by the host or hosting platform. Hosts, or by agreement, hosting platforms, shall
185 pay the excise to the commissioner at the time provided for filing the return required by section
186 16 of chapter 62C.

187 Hosts, or by agreement, hosting platforms shall pay any local excise tax imposed under
188 section 3 to the commissioner at the same time and in the same manner as the state excise tax
189 imposed under section 2. All sums received by the commissioner shall be distributed, credited
190 and paid at least quarterly by the state treasurer upon certification of the commissioner to each
191 city or town that has adopted the provisions of section 3 in proportion to the amount of such
192 sums received from the short-term rentals in each such city or town.

193 Hosts, or by agreement, hosting platforms shall pay any additional excise tax imposed
194 under section 2 for short-term rentals within a municipality that is a member of the Cape and
195 Islands Water Protection Trust Fund to the commissioner at the same time and in the same
196 manner as the state excise tax. All such sums received by the commissioner shall be distributed,
197 credited and paid at least quarterly by the state treasurer upon certification of the commissioner
198 to the Cape and Islands Water Protection Trust Fund.

199 The commissioner shall make available to any city or town requesting such information
200 the total amount of room occupancy tax collected pursuant to section 3 in the preceding fiscal
201 year in the city or town requesting the information.

202 Section 6. Hosts shall comply with any and all applicable municipal, state and federal
203 laws, including but not limited to the collection and remittance of required excise taxes.

204 Professionally managed hosts shall employ a property manager for each residential unit
205 and maintain \$1,000,000 or more in liability insurance offered for short-term rental.

206 Hosts shall retain and, upon receipt of written request, make available to the department
207 or to the city or town, short-term rental records, including, but not limited to, those records
208 demonstrating a host's place of primary residence and the number of days per calendar year a

209 residential unit has been rented for short-term rental, including the specific dates and the duration
210 of each stay.

211 Hosts shall register each residential unit with the short-term rental registry maintained by
212 the commissioner pursuant to section 6 of chapter 14.

213 Hosts shall be required to provide notice to all insurers of the host's intention to use the
214 residential unit as a short-term rental.

215 Hosts shall post inside the residential unit information regarding the location of all fire
216 extinguishers, gas shut off valves, fire exits and fire alarms in the unit and building.

217 Nothing in this chapter shall confer a right to lease, sublease or otherwise offer a
218 residential unit for short-term rental where such use is prohibited by a homeowner's association
219 agreement or requirements, a rental agreement or any other restriction, covenant, requirement or
220 enforceable agreement.

221 Section 7. Prior to any host listing a residential unit for short-term rental through a
222 hosting platform, the hosting platform shall ensure that the host has registered the residential unit
223 with the short-term rental registry maintained by the commissioner under section 6 of chapter 14
224 and shall provide notice to the host that this chapter regulates short-term rentals and establishes
225 state and local excise tax obligations.

226 Hosting platforms that execute the financial transaction between hosts and occupants
227 shall maintain liability insurance of not less than \$1,000,000 to cover each residential unit
228 offered for short-term rental. Such coverage shall defend and indemnify the host and any tenants

229 and owners in the building for bodily injury and property damage arising from the short-term
230 rental.

231 Hosting platforms that execute the financial transaction between hosts and occupants
232 shall collect and remit any taxes required by this chapter. Hosting platforms shall maintain
233 records of any taxes collected that have been remitted to the commissioner and shall make these
234 records available to the department upon request.

235 Hosting platforms shall provide notice to all potential hosts that standard homeowners or
236 renters insurance may not cover damage or injury to a third-party related to short-term rentals.

237 Hosting platforms and hosts shall not discriminate on the basis of race, sex, gender
238 identity, ethnicity, sexual orientation, age, religion, disability or nationality.

239 Section 8. For residential units subject to rent control provisions, hosts shall charge no
240 more than the prorated maximum amount allowed.

241 Section 9. No excise shall be imposed, pursuant to this chapter, for a short-term rental if
242 the occupant is an employee of the United States military traveling on official United States
243 military orders, which encompass the date of said occupancy. Each host and hosting platform
244 shall maintain such records to substantiate exemptions claimed under this section.

245 Section 10. The provisions of chapters 186 and 239 shall not apply to short-term rentals.

246 SECTION 5. Chapter 175 of the General Laws is hereby amended by inserting after
247 section 4E the following section:-

248 Section 4F. Insurers that write homeowners and renters insurance may exclude any and
249 all coverage afforded under a policy issued to a homeowner or lessee for any claim resulting
250 from a short-term rental under chapter 64O.

251 Insurers that exclude the coverage described in this section shall not have a duty to
252 defend or indemnify any claim expressly excluded by a policy. Nothing shall preclude an insurer
253 from providing coverage for short-term rentals if the insurer chooses to do so by contract or
254 endorsement.

255 SECTION 6. Cities and towns shall conduct initial inspections on short-term rental units
256 listed on the registry, as required under section 3 of chapter 64O of the General Laws, not later
257 than 6 months after the city or town accepts the provisions of said section 3 of said chapter 64O.

258 SECTION 7. Section 1 shall take effect on January 31, 2019.

259 SECTION 8. Sections 2, 3 and 4 shall take effect 1 year after the effective date of this
260 act; provided, however, that the department of revenue shall establish rules and regulations for
261 the collection and remittance of taxes pursuant to section 2 and section 3 of chapter 64O of the
262 General Laws, inserted by section 3 of this act, on or before January 31, 2019.

263 SECTION 9. The Commissioner shall create and make available on the Department's
264 website an electronic checklist of the residential host requirements established by this act and
265 through regulations.

266 SECTION 10. Section 1 of chapter 40U is hereby amended by deleting the definition of
267 "Unpaid charge," and inserting in place thereof the following words:—

268 “Unpaid charge”, an unpaid fine incurred as a result of a violation of a rule, regulation,
269 order, ordinance or by-law regulating the housing, sanitary or municipal snow and ice removal
270 requirement or related to the use of property for short-term rental use.



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

00G

APPOINTMENT OF TIM FAMULARE

Provincetown Representative to the County Coastal Resources Committee

Requested by: Town Manager David Panagore

Action Sought: Appointment

Proposed Motion(s)

MOVE that the Select Board vote to appoint Tim Famulare as the Provincetown Representative to the Barnstable County Coastal Resources Committee until replaced.

Additional Information

The Town of Provincetown has not been represented on this committee since 2015. See attached Committee charge statement and email request to appoint Tim Famulare, Environmental Planner.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

Barnstable County Coastal Resources Committee

I. Mission Statement

The mission of the Barnstable County Coastal Resources Committee (CRC) is to:

1. Promote regional awareness of coastal issues by serving as conduit or liaison for the exchange of information between Cape Cod communities; and between these communities and the Barnstable County Commissioners, the Cape Cod Commission, the Massachusetts Coastal Zone Management program, and the Massachusetts Bays Program where the CRC serves as the Local Governance Committee.
2. Enhance coastal resource protection by undertaking special projects designed to provide specific information, guide policy-making, or help to resolve Cape Cod coastal zone problems.
3. Provide technical advice and recommendations on coastal issues of regional significance to the county and to towns on Cape Cod.

II. Membership Composition

Voting Members: Provide liaison between the CRC and towns and consist of a representative from each town (preferably a town employee) nominated by the Selectmen (or Town Council in Barnstable), and two members at large to be appointed by the County Commissioners. Voting Members should have technical expertise in coastal issues.

Ad Hoc Members: Provide coastal expertise and liaison with agencies and organizations and consist of a representative nominated by each of the following:

- Barnstable County Assembly of Delegates;
- Barnstable County Selectmen's Association;
- Barnstable County Department of Health and the Environment;
- Barnstable County's Cape Cod Cooperative Extension;
- Barnstable County Water Protection Collaborative;
- Barnstable County Shellfish Advisory Committee;
- Cape Cod Commission, Coastal and Marine Resources;
- Host organization / agency for the Massachusetts Bays Program, Cape Cod region;
- MA Coastal Zone Management, Cape & Islands Region;
- Natural Resources Conservation Service / Cape Cod Conservation District;
- Cape Cod National Seashore;
- A representative of the Business Community, nominated and appointed by the County Commissioners; and
- A representative from each of the following, appointed by the County Commissioners:
 - WHOI SeaGrant Program;
 - Association to Preserve Cape Cod; and
 - Compact of Cape Cod Conservation Trusts.

Executive Committee: The CRC will establish an Executive Committee consisting of the Chair, Co-Chair, Vice-Chair, and 3 to 5 members of the CRC.

Voting: All Voting Members cast one vote per person.

Attendance: All members are expected to attend quarterly committee meetings. The Executive Committee is expected to meet once a month.

III. Responsibilities

1. Provide liaison on coastal issues between towns, county and state by:
 - a. Establishing and maintaining good communication with relevant town boards and committees,
 - b. Representing town or county interests,
 - c. Ensuring information exchange between towns and the county, and
 - d. Interacting with towns or county regarding specific implementation measures.
2. Provide a forum to address and implement measures to enhance and/or preserve the beneficial functions of coastal resources.
3. Advise the County Commissioners, the Cape Cod Commission, the towns, the MA CZM program, and Massachusetts Bays Program Management Committee concerning coastal issues, coastal policy, regulations or projects of local and regional importance.
4. Discuss and assist in the prioritization of marine and fresh surface water issues of regional importance in Cape Cod towns and watersheds.
5. Initiate actions to improve coastal zone decision-making via the identification and implementation of special projects.
6. Identify the outreach and education needs of the public and of the coastal management community, and implement actions to meet those needs.
7. Help identify and expedite sound environmental regulations, bylaws and other appropriate mechanisms and initiatives consistent with the Massachusetts Bays Action Plan, and help to implement Massachusetts Bays Program Comprehensive Conservation and Management Plan.
8. Provide timely briefings to the County Commissioners, the Assembly of Delegates and the Cape Cod Commission on current and future Committee activities.

IV. Functions

Meetings will focus on predetermined topics, sometimes with invited speakers, but also include short updates from town representatives and representatives of other agencies. Meetings will be publicized to encourage broad participation from the public.

The CRC will select specific projects with input from members and others to accomplish via the appointment of sub-committee working groups. Upon project completion and Committee approval, the CRC will identify a new project(s) to work on.

The Executive Committee will meet regularly, at a minimum of once per month, to review issues from the towns, county, state, and Massachusetts Bays Program that need immediate attention, and those to bring to the full Committee's attention. The purpose of the Executive Committee is to keep current on important issues, generate agendas, and help ensure that the Committee is timely in its actions.

David Gardner

From: Jo Ann Muramoto <jmuramoto@apcc.org>
Sent: Tuesday, February 19, 2019 9:54 AM
To: Tim Famulare
Cc: David Gardner
Subject: Re: CRC membership?
Attachments: CRC Charge - 2007.pdf

From: Jo Ann Muramoto [<mailto:jmuramoto@apcc.org>]
Sent: Thursday, February 14, 2019 2:23 PM
To: Tim Famulare
Subject: CRC membership?

Dear Tim,

I hope you are doing well.

Last fall you indicated to me that you would be interested in serving as Provincetown's representative on the Barnstable County Coastal Resources Committee (CRC).

Are you still interested? There is a vacancy for Provincetown, not filled since Austin Brandt left.

I have attached the email and attachments that I sent to other CRC members today asking them if they would like to continue serving on the CRC. This explains the relationship of the CRC to the new Barnstable County Coastal Management Committee. We anticipate, based on the BCCMC's last meeting, that they will designate the CRC as their subcommittee at their next meeting.

If you are interested in serving on the CRC, please let me know and I'll provide you with a sample letter for your Town Administrator to use to nominate you. The CRC's next meeting will be on 3/26/19 from 2 to 4 PM at the Harborview meeting room at the County complex.

Thank you, and I look forward to your response.

Jo Ann

Jo Ann Muramoto, Ph.D.
MassBays Regional Coordinator, Cape Cod region
Association to Preserve Cape Cod
482 Main Street, Dennis, MA 02638
(508) 619-3185
jmuramoto@apcc.org



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

1A

PUBLIC HEARING

Continued – Shank Painter Road/Route 6 Intersection Reconstruction Project

Requested by: Select Board

Action Sought: Approval

Proposed Motion(s)

MOVE that the Select Board approve bike lane alternative [1: Conventional Bike Lanes][2: Separate Bike Lanes – one lane][3: Separate Bike Lanes – two ways][4: Separate Bike Lanes – two-ways outside], for the preparation of a 25% design submission.

MOVE that the Select Board approve Route 6 Shank Painter Road intersection alternative [1: traffic Signal][2: Roundabout], for the preparation of a 25% design submission.

MOVE that the Select Board approve Route 6 Alternative [1: Shared Use][2: Road Diet], for the preparation of a 25% design submission.

MOVE that the Select Board votes to direct staff to return with a 25% design documents prior o submission.

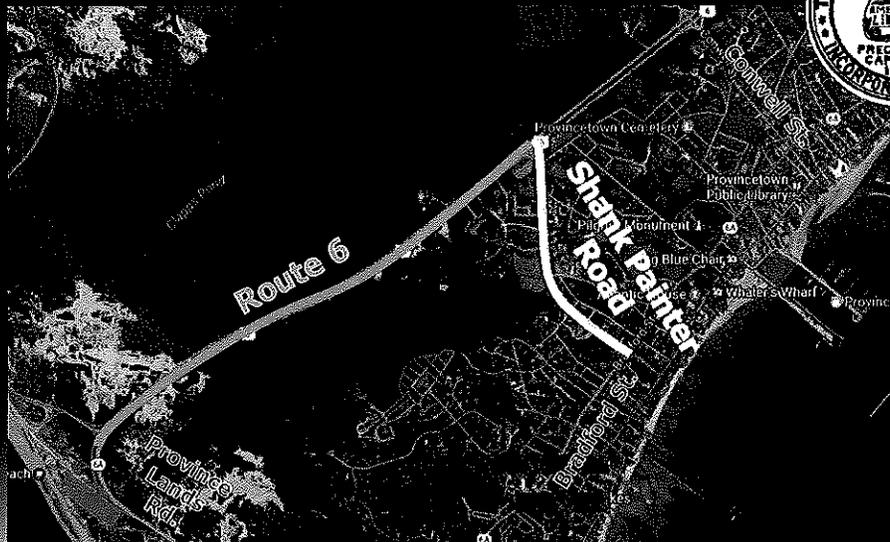
Additional Information

- The Select Board continued the public hearing from the annual traffic hearing on November 19, 2018, December 10, 2018 and January 28, 2019

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

TOWN OF PROVINCETOWN
SHANK PAINTER ROAD / ROUTE 6



Environmental  Partners
A partnership for engineering solutions. **GROUP**

www.envpartners.com

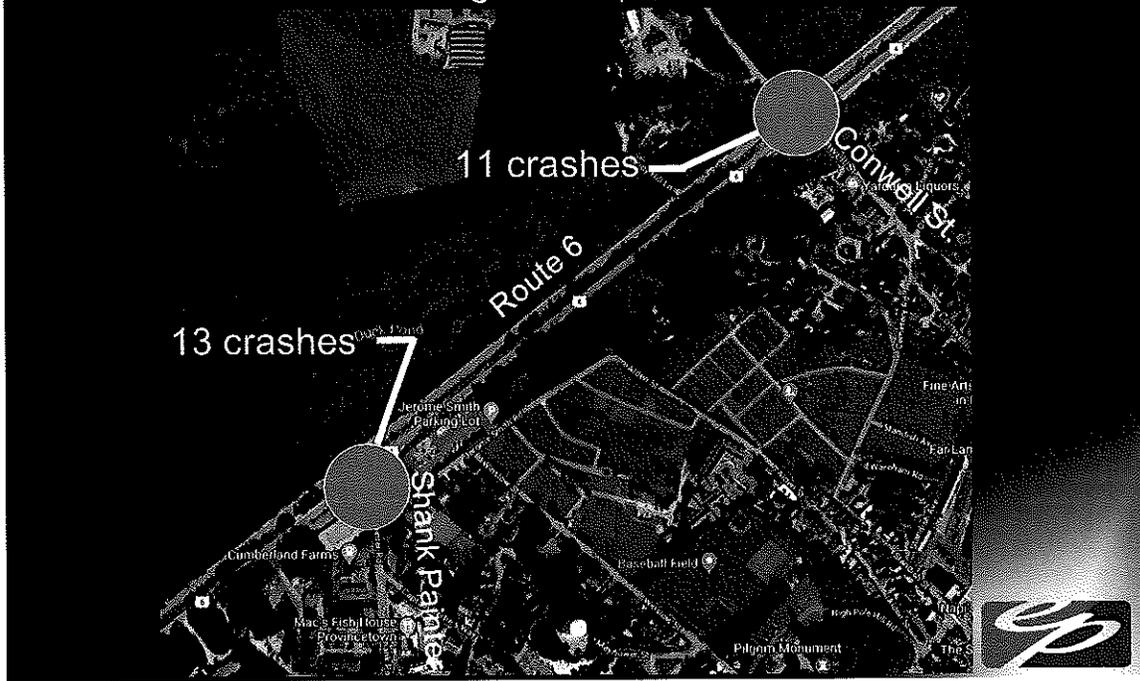
Follow-Up From Previous Meeting

A partnership for engineering solutions.



Route 3 at Conwell Street intersection

Crashes - 2012 through 2016 (MassDOT Data)

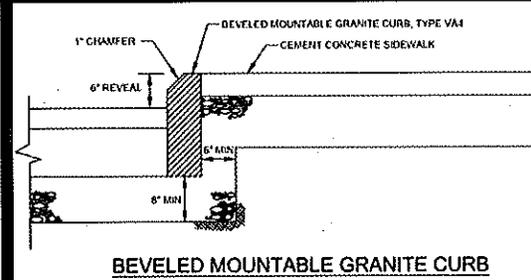
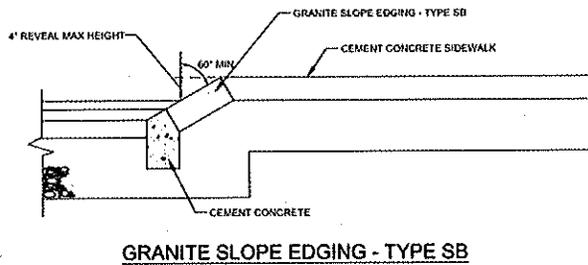
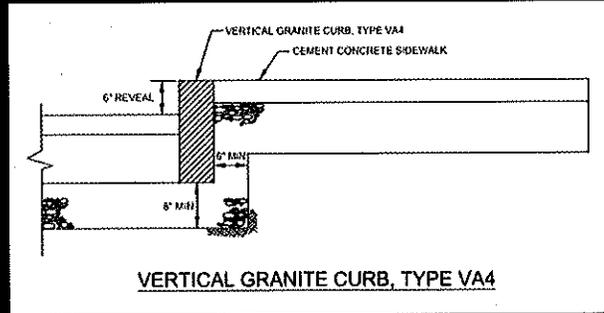


Route 3 at Conwell Street intersection

Traffic Volumes - 2016 (including projections)



Curb Treatments



A partnership for engineering solutions.



Alternatives Analysis

A partnership for engineering solutions.

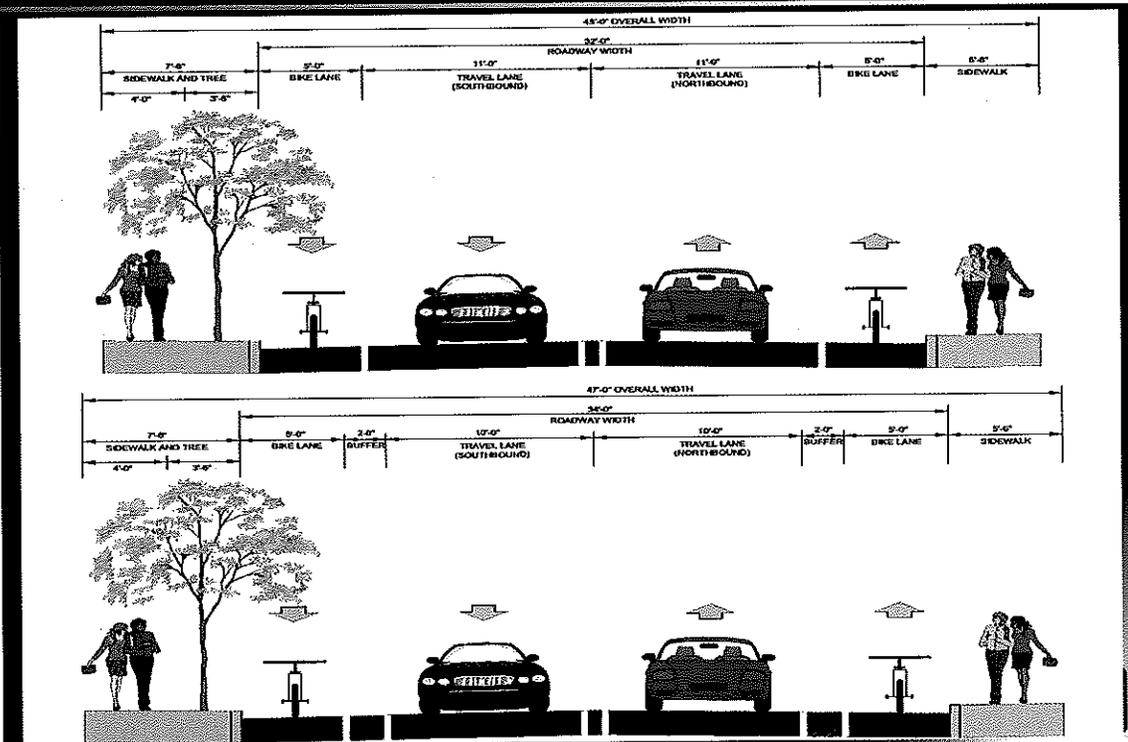


Shank Painter Road

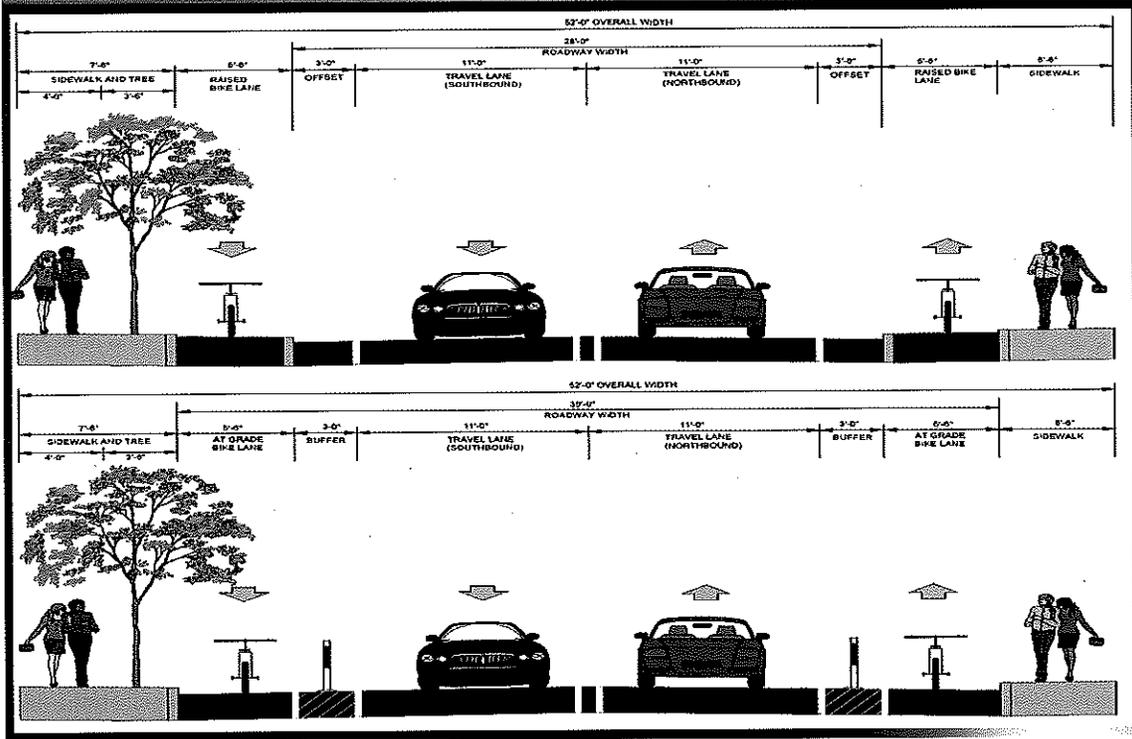
A partnership for engineering solutions.



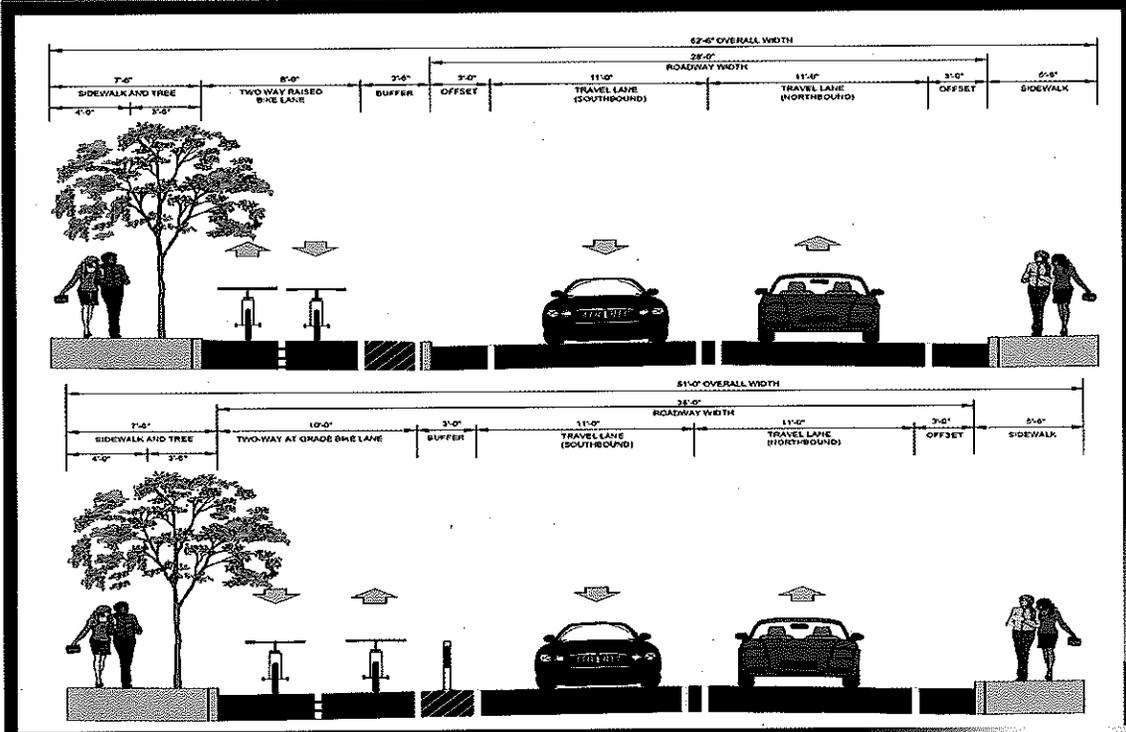
Alternative 1: Conventional Bike Lanes



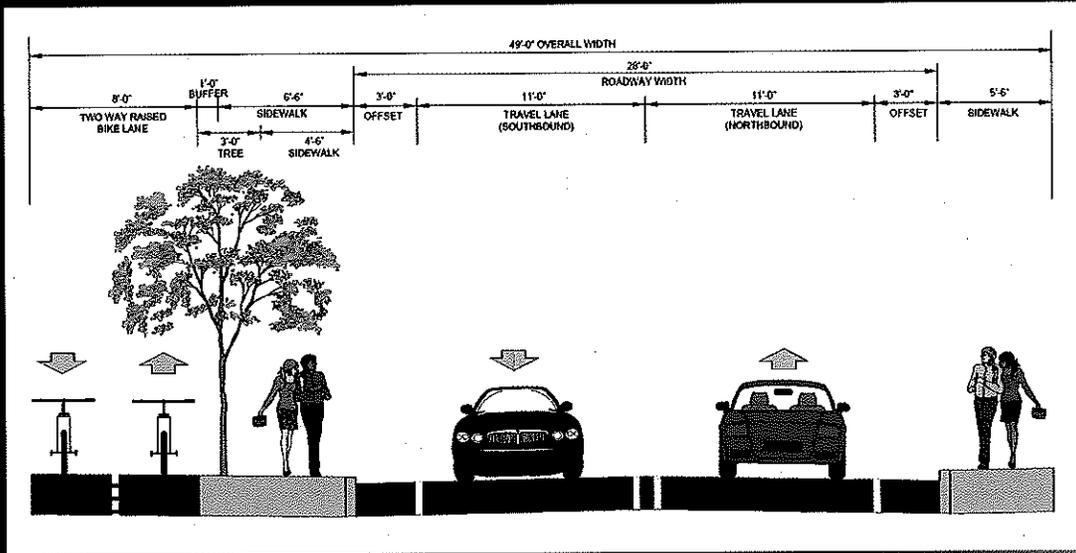
Alternative 2: Separated Bike Lanes (one-way)



Alternative 3: Separated Bike Lanes (two-way)



Alternative 4: Separated Bike Lanes (two-way, outside)



A partnership for engineering solutions.

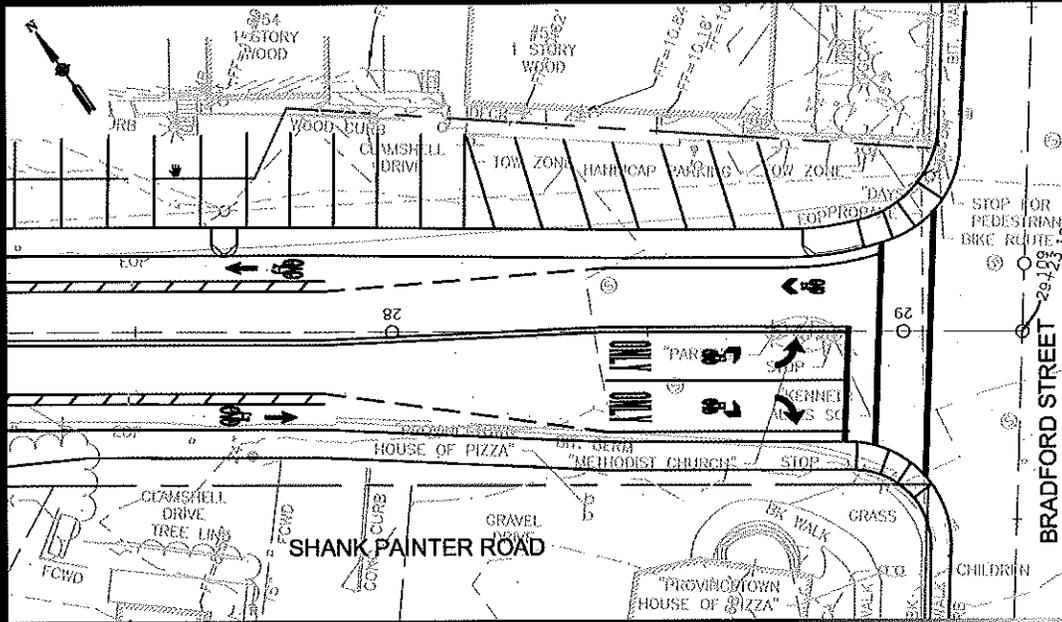


	Footprint Width	Road Width	One-Way Bike Lanes
Alt. 1	45'	32'	✓ YES
Alt. 2	47' <i>MassDOT's 3rd favorite</i>	34' <i>Curb type less of an issue</i>	✓ YES
Alt. 3	52'	28'	✓ YES
Alt. 4	52'	25'	✓ YES
Alt. 1	52'6"	28'	X NO
Alt. 2	51'	26'6"	X NO
Alt. 3	49'	28'	X NO

A partnership for engineering solutions.



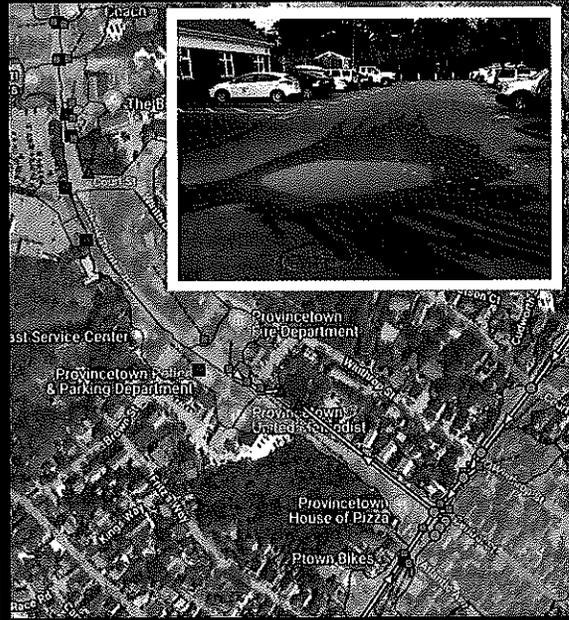
Shank Painter Rd. at Bradford St. (Alt. 1B)



A partnership for engineering solutions.



Drainage Improvements

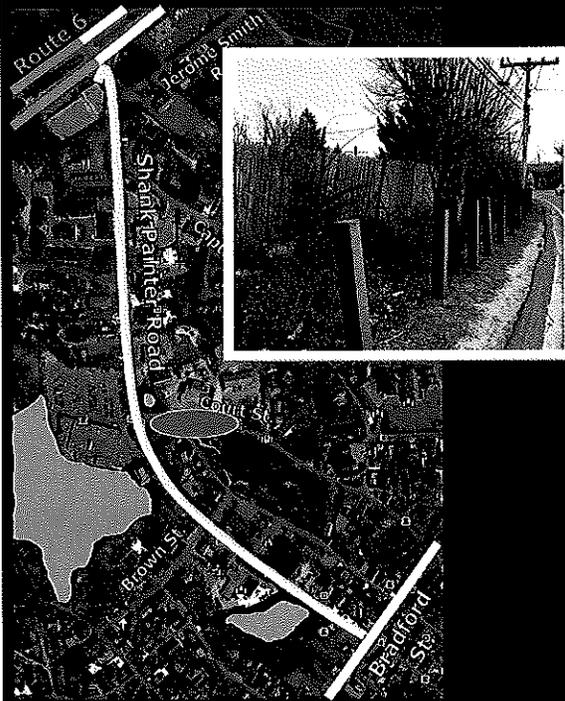


- Improve drainage system to address puddling/poor drainage
- Replace system of catch basins & infiltration structures for improved recharge

A partnership for engineering solutions.



Drainage Improvements



- Improve drainage system to address puddling/poor drainage
- Replace system of catch basins & infiltration structures for improved recharge
- Coordination with Court St. flooding improvements
- Control stormwater flow with curb
- Add overflow backup to infiltration systems to avoid road flooding

A partnership for engineering solutions.



Drainage Improvements



- Improve drainage system to address puddling/poor drainage
- Replace system of catch basins & infiltration structures for improved recharge
- Coordination with Court St. flooding improvements
- Control stormwater flow with curb
- Add overflow backup to infiltration systems to avoid road flooding
- Address Town-owned site (parking opportunities)

A partnership for engineering solutions.



Route 6 / Shank Painter Road Intersection

A partnership for engineering solutions.



		Improved Operations	Improved Safety	Gateway Treatment	Traffic Calming
Alt. 1		<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> somewhat	<input type="checkbox"/> NO	<input type="checkbox"/> NO
		<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES

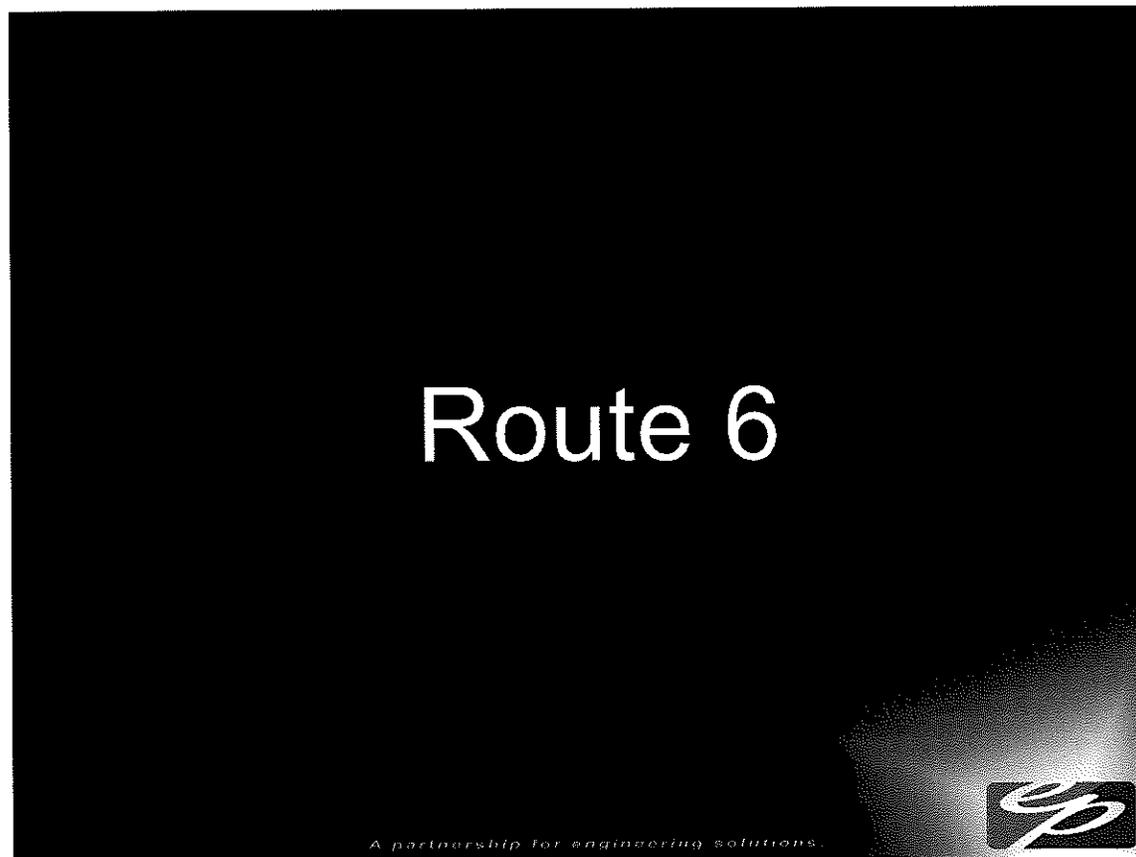
A partnership for engineering solutions.



Alternative 2: Roundabout



Route 6



	Maintain Operations	Improved Bike/Ped. Safety	Bike/Ped. Comfort	Connectivity
Alt. 1	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> somewhat	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> somewhat
Alt. 2	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES

A partnership for engineering solutions.



Combination of Alternatives

A partnership for engineering solutions.



Combination of Alternatives

Route 6 :
Alternative 2
(Road Diet)

Route 6 Intersection:
Alternative 2
(Roundabout)

Route 6



Shank Painter Rd.

Jarome Smith Rd.

Shank Painter Road:
Alternative 1Bst
(Buffered Bike Lanes)

Thank you!



A partnership for engineering solutions.





**Provincetown Select Board
AGENDA ACTION REQUEST**

Monday, February 25, 2019

1B

JOINT PUBLIC HEARING with FINANCE COMMITTEE

FY 2020 Budget pursuant to Provincetown Charter 6-4(g)

Requested by: Select Board

Action Sought: Discussion

Proposed Motion(s)

General Discussion of Proposed FY 2020 Operating Budget. Votes may be taken.

Additional Information

See attached documents.

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



Town of Provincetown

Public Hearing

Board of Selectmen

Finance Committee

Proposed FY2020 Operating Budget

In accordance with §6-4-g of the Provincetown Charter, the Board of Selectmen and the Finance Committee will hold a Joint Public Hearing on **Monday, February 25, 2019, at 6 p.m.** in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA, to hear comments from the public on the Town's proposed Fiscal Year 2020 operating budget.

Copies of the budget are available for inspection in the offices of the Town Manager or Board of Selectmen at Town Hall, 260 Commercial Street, Provincetown, MA, or on the town's website at www.provincetown-ma.gov.

The public is encouraged to submit any comments in writing by Tuesday, February 19, 2019, to the Board of Selectmen, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA, 02657, by email to selectmen@provincetown-ma.gov, or in person at the hearing.

Cheryl Andrews
Chair, Select Board

Mark Hatch
Chair, Finance Committee

Posted: Town Hall, <http://www.provincetown-ma.gov> 02/01/2019, 9:55 am AR
Published: Provincetown Banner: February 7, and February 14, 2019

TOWN OF PROVINCETOWN
FY2020 Departmental Operating Budget

Budget Division	FY 2019	FY 2020	% change
I. General Government	\$ 984,238	\$ 1,016,144	3.2%
II. Finance	11,019,297	10,852,819	-1.5%
III. Public Safety	6,415,920	6,892,986	7.4%
IV. Public Works	3,674,739	3,762,250	2.4%
V. Public Services	918,582	957,479	4.2%
Sub-total, I-V	\$ 23,012,776	\$ 23,481,678	2.0%
VI. Public Schools	4,455,347	4,582,868	2.9%
Total, I-VI	\$ 27,468,123	\$ 28,064,546	2.2%

Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019

2

PUBLIC STATEMENTS

Requested by: Select Board

Action Sought: Open

Proposed Motion(s)

Three (3) minutes maximum. Select Board Members do not respond during Public Statements.

Additional Information

Board Action

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

Provincetown Select Board
AGENDA ACTION REQUEST

Monday, February 25, 2019

3

BOARD MEMBER'S STATEMENTS

Requested by: Select Board

Action Sought: Open

Proposed Motion(s)

Motions may be made and votes may be taken.

- **Newly Elected Select Board Member**
- **Lise King**
- **Louise Venden**
- **Robert Anthony**
- **Cheryl Andrews**

Additional Information

Board Action

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



**Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, February 25, 2019**



PRESENTATION / Eversource Community Battery

Eversource's proposed community battery project at the Transfer Station

Requested by: Timothy Famulare, Environmental Planner

Action sought: Presentation

Proposed Motion(s)

Discussion dependent / Votes may occur

Additional Information

Charlotte Ancel, Eversource's Director of Clean Energy Development, will be presenting to the Select Board about the proposed community battery project. This presentation is a follow-up to the introduction to the project given to the Select Board on December 10, 2018, as part of the Board's approval of the license agreement allowing Eversource to conduct site investigations and other due diligence at the transfer station site. The presentation will include the preliminary site plan, address health and safety concerns, and review the permitting process and timeline. The Town and Eversource are negotiating the terms of a lease of the site and a utility and access easement, which would not become effective until Town Meeting approves them.

Board Action

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

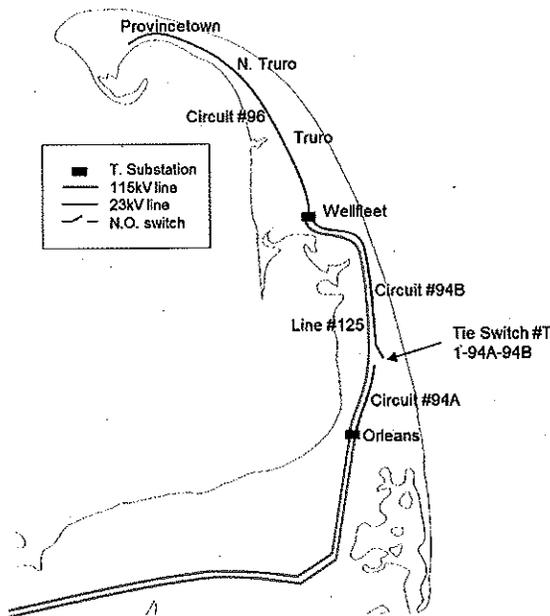
Outer Cape Energy Storage Project

Provincetown Select Board
February 25, 2019

Agenda

- Project Need
- Project Overview and Benefits
- Project Technology
- Community Outreach
- Contact Information

Outer Cape Today: Project Need



- There are 11,000 customers downstream of the Wellfleet substation from Wellfleet to Provincetown.
- They are served by a single line (Circuit 96) with no redundancy that runs along Route 6.
- In the last 5 years, these customers have had 15 major outage events, representing 45,123 customer outage hours.
- Adding a redundant line to improve reliability would require construction through 13 miles of the Cape Cod National Seashore.

2

Project Overview and Benefits

Eversource is proposing to construct an energy storage system, in the form of a lithium ion battery project, at the Provincetown Transfer Station.

- *Instead of constructing distribution line through the National Seashore, we propose to construct a lithium ion battery at the Provincetown Transfer Station to provide back-up power to customers in Provincetown, North Truro, Truro, and Wellfleet.*
- *Based on historic data, we expect the project to improve reliability by over 50%.*
- *During non-peak (i.e., non-summer) conditions, the battery could provide back up power for up to 10 hours.*
- *If an outage were to occur at peak (i.e., summer months during highest electricity use times), the battery would provide back up power for 1.5 to 3 hours depending on the location of the outage.*
- *The project will also provide Provincetown with tax and lease revenue for use of the site.*

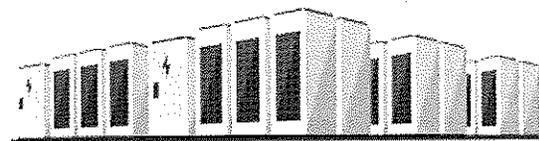
3
66

Technology Spotlight: Lithium Ion Energy Storage System (ESS)

- Lithium ion batteries are the key component of the Energy Storage facility. When called upon to operate, the batteries will supply power to the local distribution system.
- Large scale lithium ion battery projects are highly efficient, do not produce any emissions, and are considered as the battery of choice in a wide variety of installations worldwide.
- Other key components of the facility include the power conversion system, heat exchangers (HVAC), pad-mounted transformers, and switchgear for connection to the Eversource distribution system.
- State of the art safety systems to continuously monitor and protect the energy storage facility.



BATTERY ⚡ STORAGE



4

Other Considerations

- Sound
 - Eversource has retained a sound expert, Anthony Agresti of Lewis S. Goodfriend & Associates, to identify Project equipment requirements that will ensure that the Project will not be audible at surrounding residences.
 - We will use low sound-level transformers and HVAC systems as well as a sound wall and will conduct post-project testing to ensure this outcome.
- Environmental Impacts
 - We will work with the State, Local Planning Board and Conservation Commission, Cape Cod Commission, and National Heritage and Endangered Species Program to ensure the project satisfies all environmental requirements.

- Safety

- The project will be designed and constructed by an industry leading vendor with a proven safety track record.
- The energy storage system will be housed in a free-standing building, equipped with monitoring systems that will automatically disconnect equipment if abnormal conditions are present.
- The facility will also have its own state of the art fire suppression system that would automatically deploy.

6

- Electric and Magnetic Fields

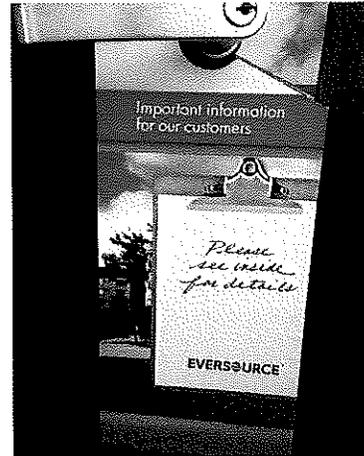
- Eversource retained industry expert William H. Bailey from Exponent to assess the Project EMF conditions.
- Mr. Bailey's conclusions are that:
 1. The facility will not emit any net EMF;
 2. The facility will be interconnected to the grid via underground lines that will have the same EMF levels as all other non-high tension lines on Cape Cod.
 3. These levels are hundreds of times lower than recommended levels by two leading international agencies that have propagated recommendations for maximum permissible exposure: the International Committee on Electromagnetic Safety and the International Commission on Non-Ionizing Radiation Protection.

7
68

Project Outreach

Eversource is committed to being a good neighbor while conducting this important Project. Outreach is conducted early and often to inform our customers and other stakeholders about work proposed to occur in their area and address any questions.

- Stakeholders
 - Municipal officials
 - State and federal elected officials and regulators
 - Property owners & residents
 - Businesses
- Project Communication for Municipalities
 - Briefings & Presentations
 - E-mail updates
- Project Communication for the Public
 - Door to door outreach, including door hangers



Contact Information

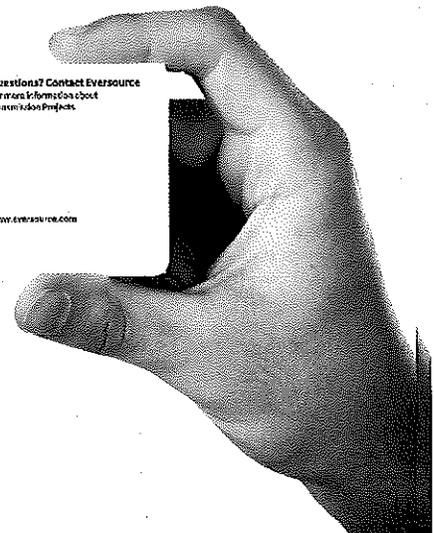
For further information on the Project, please reach out to:

Community Relations
Bob Smith
Phone: (617) 312-0010
Email: Robert.Smith@eversource.com

EVERSOURCE
ENERGY

Questions? Contact Eversource
For more information about
our new 1000 Projects

www.eversource.com





Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019

5

SELECT BOARD APPOINTMENT

N/A

Requested by: Town Clerk Darlene Van Alstyne

Action Sought: None

Proposed Motion(s)

N/A

Additional Information

-

Board Action

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



**Provincetown Select Board
AGENDA ACTION REQUEST**

Monday, February 25, 2019

6A

RREC REQUEST

Creation of a Select Board Policy

Requested by: Recycling and Renewable Energy Committee

Action sought: Discussion

Proposed Motion(s)

Move that the Select Board [approve][decline] Select Board Policy 2019-2-25 as [presented][amended]

Additional Information

- Please see attached request and draft policy.

Board Action

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

Elizabeth Paine

From: Jay Gurewitsch <jay@arcadiaptown.com>
Sent: Tuesday, February 12, 2019 8:27 PM
To: Elizabeth Paine; David Gardner
Cc: Lydia Hamnquist
Subject: Proposed language for municipal plastic bottle ban

Earlier today at our regularly scheduled RREC meeting, we unanimously voted in favor of the following language.

The Recycling and Renewable Energy Committee urges the Select Board to immediately ban the purchase by the Town of Provincetown of all plastic water bottles under one gallon.

This policy will in no way impact private businesses or private citizens from purchasing plastic water bottles of any size. It will only prevent the purchase of so-called "single use" plastic water bottles by the town itself, sending a clear message that the town understands that single use plastic is damaging to the environment and easily avoided by purchasing larger containers and using reusable cups or using the increasing number of public water bottle filling stations that the RREC has been and continues to install around town.

Emergency purchases by the town of water would logically call for gallon (or larger) containers as the most economical and easiest to transport. The fire station, which has the only town owned vending machine, has no objection to the elimination of single use water bottles (in fact, they do not object to the elimination of the vending machine entirely). The school has already moved away from using plastic water bottles as well. This regulation would predominantly effect public events where town staff supplies food and drinks to the public, where a few gallon jugs and paper cups can replace dozens of single use bottles.

Please let me know if you would like any further information. As I mentioned, my understanding is that at least four other towns on the Cape are in the process of passing similar regulations currently.

Jay Gurewitsch on behalf of the Recycling and Renewable Energy Committee

RREC Minutes Tuesday Feb.12, 2019

Call to order 2:02pm

Present : Lydia, Jay, Elise Staff: Sherry P and Tim F

Jay: Brochure edits are being worked on. we can only use Town website and Facebook page

CARE Grant: We did not get it

Oter Cape Energize is still not ended yet. Jay will resign May 1 from the group. think of someone to take over 1 meeting a month. Jay will put it on Facebook

Year Rounders' table: Lydia and Elise will be there all day. Jay at 11.

Laura Ludwig has asked for testimonials to come from RREC to Butt Buttlers. Her draft is ok with us. Jay alerted Sherr to Masonic Place as a good place by the steps for another one.

Sherry: No Latex Paint at Hazardous Waste Collection. There may be 6-8 other collection sites for collections.

Library Water bottle filling station will be next fiscal year budget.

We need to transfer funds to DPW

Elise move to transfer funds to cover \$854 for blue bin covers and \$1146.39 for liners to DPW for the new regulations. Lydia 2nd..Vote 3-0-0

We will distribute 25 free blue bin lids at Year Rounders to the first 25 or they can pick up at the transfer station for free. We will sell Recycle stickers for \$5 as well.

Our Budget was passed. Now off to Town Meeting

Recycle solutions bill= \$843 for assorted things like 4700 fluorescent bulbs

Tim=Resiliant Ptown-we have grant for Municiple Vulnerability Program (MVP) \$27,500

Training is Friday March 15 8:30-4:30 for 8 hours. Spread the word to learn how to view vulnerabilities now nd in the future. Mitigation plan to engage the community and an action plan to designate aas an MVP Community.

Environmental Justice Department decides those who don't tend to benefit.

Jay presented the language for the plastic bottle ban for Town Meeting Warrant

Elise move to accept:The Recycling and Renewable Energy Committee urges the Select Board to immediately ban the purchase by the Town of Provincetown of all plastic water bottles under one gallon. Jay 2nd Vote 3-0-0

Next meeting Wed. March 13 @9am Elise move to adjourn Jay 2nd Vote 3-0-0 3:05pm

DRAFT

Policy Statement

2019-02-25

The purchase of single use plastic bottles under one gallon by the Town of Provincetown

Purpose:

It shall be the policy of the Provincetown Select Board that the Town of Provincetown does not purchase plastic bottles under one gallon, except for a declared public emergency.

Adopted:

In favor:

Opposed:



**Provincetown Select Board
AGENDA ACTION REQUEST**

Monday, February 25, 2019

6B

DISCUSSION

Tourism Economic Activity Report

Requested by: Town Manager David B. Panagore

Action sought: Discussion

Proposed Motion(s)

Discussion Dependent/Votes May Occur

Additional Information

- Please see attached additional information

Board Action

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



To: David Panagore
From: Tony Fuccillo, Director of Tourism
Re: Tourism Economy Report CY 2018
Date: February 19, 2019
Cc: R. Murray; L. Marchessault

Attached please find the Tourism Economy Report for calendar year 2018.

The report includes an overview and outlines the economic indicators, tractable consumer spending and a summary of the year ending December 31, 2018



Tourism Economy Report CY 2018



Provincetown Office of Tourism • PtownTourism.com • 508-487-3298

Contents:

1. 2018 Overview
2. Economic indicators:
 - A. Transportation - Arriving in Provincetown
 - I. Embarkation - Arriving by water
 - II. PVC Airport - Arriving by air
 - III. Commuting by bus - CCRTA Flex Bus
 - IV. Driving - Parking once you've arrived
 - B. Accomodatlons
 - I. Licensed Lodging - Tax Deposits received from Department of Revenue (DOR)
 - II. Dollars Spent on Rooms
 - III. Room Trends
 - IV. Average Annual Room Income
 - V. Room Tax Ten Year Trends
 - C. Attractions & Activities
 - I. Food Tourism Activity - Tax Deposits received from Department of Revenue
 - II. Food & Beverage Revenue - Dollars Spent on Meals
 - III. Meal Tax Ten Year Trends
 - IV. Pilgrim Monument and Provincetown Museum
 - V. Cape Cod National Seashore Park - Province Lands Activity
 - D. Other Indicators and Promoting Sustainable Tourism
 - I. Water Consumption & Sewer
 - II. Solid Waste
3. Trackable Consumer Spending (Meals, Rooms & Retail)
 - A. Massachusetts Retail Sales Tax
 - I. Retail Spending Trends
 - B. Taxable Spending
 - I. Where the visitor spends their money
4. 2018 Summary

1. 2018 CY Overview:

- ❖ Visitor spending continues to remain positive, with three year average growth trend of 3.5%, lodging 2.5% and meals 4.1%
- ❖ Food and beverage has shown a strong and steady increase during years 2014-2018 with a five year increase of \$15,964,792
- ❖ CY 2018 air travel into PVC increased by a rate of 13.6%
- ❖ Blue Economy is a growing opportunity with growing activity in the harbor. Moorings had a 26% increase and the Commercial Pier revenue increased by 355%
- ❖ The Aug/Sep/Oct period remains the largest meal and lodging visitor spending with \$38m spent on meals and \$17.2m spent on licensed lodging, this positive trend is encouraging for the economic development of the Town

3

1. 2018 CY Overview Continued:

- ❖ Marketing & advertising remains a key component for sustained growth in tourism revenue; the annual tourism budget of \$750,000 is a .3% investment in the Town's \$250,000,000 tourism industry
- ❖ The tourism organizations, along with all businesses in Town contribute to marketing the largest economic engine. Together the consistent monthly targeted digital campaigns using social media and display advertising to reach visitors and prospects, news releases to generate media interest, strategically placed print ads to maintain necessary presence in travel and trade publications, regional radio to reach the low hanging fruit, and attending key Tourism Business-to-Business Marketplaces and Tourism Consumer Trade Shows, all contribute to the long term economic growth
- ❖ Infrastructure has a direct effect on visitation – Example, over the past two years Race Point Beach has experienced growth exceeding Herring Cove's
- ❖ Visitors are making memories by spending more on experience related products and services evoking emotion and less on lower priced items

4

2. Economic Indicators:

A. Transportation - Arriving in Provincetown

I. Embarkation – Arriving by water

- ◆ Began collecting Embarkation Fees for Whale Watches mid-year 2016
- ◆ Further review of deposits from the DOR will provide more details
- ◆ Deposits received are subject to payments received from businesses

Embarkation	Q1	Q2	Q3	Q4	Total	Δ to LY
CY DOR Deposits	Oct/Nov/Dec	Jan/Feb/Mar	Apr/May/Jun	Jul/Aug/Sep	CY DOR Deposits	
FY 2018	\$1,379	\$0*	\$6,825	\$36,944	\$45,178	-25.1%
FY 2017	\$19,083	\$0*	\$6,451	\$34,748	\$60,283	36.8%
FY 2016	\$19,442	\$1,568	\$6,281	\$16,779	\$44,069	52.0%

* A deposit was not received from DOR

\$0.50 / passenger

2. Economic Indicators:

A. Transportation – Arriving in Provincetown

I. Embarkation – Arriving by Water

Harbor & Pier

- ◆ CY 2016 is the first year data was collected for moorings and cruises
- ◆ Cruise ship passengers visiting Provincetown grew at more than 20%
- ◆ Further review of embarkation will provide additional insight
- ◆ Over all Harbor & Pier revenue growth in CY 2018 increased by 14%

	CY 2016	CY 2017	CY 2018	Δ to LY
Embarkation	\$44,069	\$60,282	\$45,178	-25.1%
Moorings	\$38,430	\$64,525	\$81,590	26.5%
Cruise passengers	1,325	1,994	2,396	20.2%
Cruise Pier Revenue	\$2,825	\$4,500	\$20,500	355.6%

2. Economic Indicators:

A. Transportation – Arriving by air

II. Provincetown Municipal Airport

- ❖ There were 1,214 more passengers into Provincetown in CY 2018 up 13.6% to LY
- ❖ Lack of pilots continue to be an issue for Cape Air, and freezing White Plains flights supported the BOS/PVS legs
- ❖ White Plains flights are scheduled to resume in 2019 under partnership with another carrier
- ❖ BOS/PVC flight supply was in-line with 2018 passenger demand

2016	PVC-BOS	PVC-HPN	TOTAL	2017	PVC-BOS	PVC-HPN	TOTAL	2018	PVC-BOS	PVC-HPN	TOTAL
JAN	368	0	368	JAN	406	0	406	JAN	337	0	337
FEB	204	0	204	FEB	270	0	270	FEB	245	0	245
MAR	312	0	312	MAR	291	0	291	MAR	263	0	263
APR	375	0	375	APR	388	0	388	APR	436	0	436
MAY	534	0	534	MAY	598	0	598	MAY	721	0	721
JUN	866	5	871	JUN	825	10	835	JUN	1,155	0	1,155
JUL	1,991	80	2,071	JUL	1,637	34	1,671	JUL	1,962	0	1,962
AUG	2,310	87	2,397	AUG	1,790	25	1,815	AUG	1,931	0	1,931
SEP	1,312	34	1,346	SEP	983	18	1,001	SEP	1,334	0	1,334
OCT	819	0	819	OCT	873	0	873	OCT	943	0	943
NOV	411	0	411	NOV	279	0	279	NOV	419	0	419
DEC	309	0	309	DEC	333	0	333	DEC	368	0	368
TOTAL =	9,811	206	10,017	TOTAL =	8,673	87	8,760	TOTAL =	10,114	0	10,114
MISCELLANEOUS		57		MISCELLANEOUS		140		MISCELLANEOUS		TBD	
GRAND TOTAL =		10,074		GRAND TOTAL =		8,900		GRAND TOTAL =		10,114	

7

2. Economic Indicators:

A. Transportation – Arriving in Provincetown

III. Driving – Parking once you've arrived

Parking Revenue

- ◆ CY 2018 Parking Revenue increased \$53K from CY 2017
- ◆ The improvement is primarily the result of the MPL's \$57 increase
- ◆ Grace Hall dropped \$12K and the VFW picked up some of the revenue

METRIC NAME	MPL	Grace Hall	Kiosks & Meters	Passport & VFW	Total	Δ to LY
2018**	\$1,011,863	\$452,786	\$307,009	\$37,060	\$1,808,718	3.0%
2017**	\$954,993	\$464,381	\$318,288	\$17,944	\$1,755,606	-2.1%
2016**	\$1,042,346	\$455,796	\$290,481	\$4,105*	\$1,792,728	0.8%

** Free month of April; rates increased May 2015

* Shift to automated kiosks

8

2. Economic Indicators:

B. Accomodations

I. Licensed Lodging Revenue – Tax Deposits received from DOR

II. Dollars Spent on Rooms

State Room Tax = 5.7%
Local Option Tax = 6%
Total Room Tax = 11.7%

- ❖ Five year growth from 2014 to 2018 of \$246K is 12.5%, with 3.4% average annual growth
- ❖ Aug/Sep/Oct 2018 was the largest 3 month period for licensed lodging and generated \$17.2m in innkeeper revenue
- ❖ The weather during the winter months and early spring resulted in less lodging revenue and contributed to the entire decrease for the year, a -19% decrease and drop of \$50K for the six month period

ROOM TAX	Q1 Nov/Dec/Jan	Q2 Feb/Mar/Apr	Q3 May/Jun/Jul	Q4 Aug/Sep/Oct	Total	Spent on Rooms	% Growth
CY 2018	\$108,009	\$105,767	\$969,731	\$1,033,335	\$2,216,842	\$36,947,367	-1.7%
CY 2017	\$122,428	\$140,875	\$953,606	\$1,038,399	\$2,255,308	\$37,548,456	8.2%
CY 2016	\$92,980	\$111,392	\$904,588	\$974,980	\$2,083,940	\$34,702,825	0.9%
CY 2015	\$80,944	\$106,894	\$863,927	\$1,014,238	\$2,066,003	\$34,393,285	4.8%
CY 2014	\$82,101	\$96,341	\$849,508	\$942,922	\$1,970,872	\$32,818,020	4.8%

9

2. Economic Indicators:

B. Accomodations

III. Room Trends

IV. Average Annual Room Income

- ❖ The number of rooms has decreased by -2.1% over the past 5 years, a drop of 33 rooms
- ❖ The average room income has increased by 15% over the past 5 years

CY	SPENT ON ROOMS	%Δ	# OF ROOMS COLLECTING ROOM TAX	AVERAGE ROOM INCOME	%Δ
2018	\$36,947,367	-1.7%	1,500	\$24,669	-.8%
2017	\$37,548,456	8.2%	1,510	\$24,867	8.2%
2016	\$34,702,825	0.9%	1,510	\$22,982	2.7%
2015	\$34,393,285	4.8%	1,538	\$22,362	5.1%
2014	\$32,818,020	4.8%	1,543	\$21,269	6.5%

10

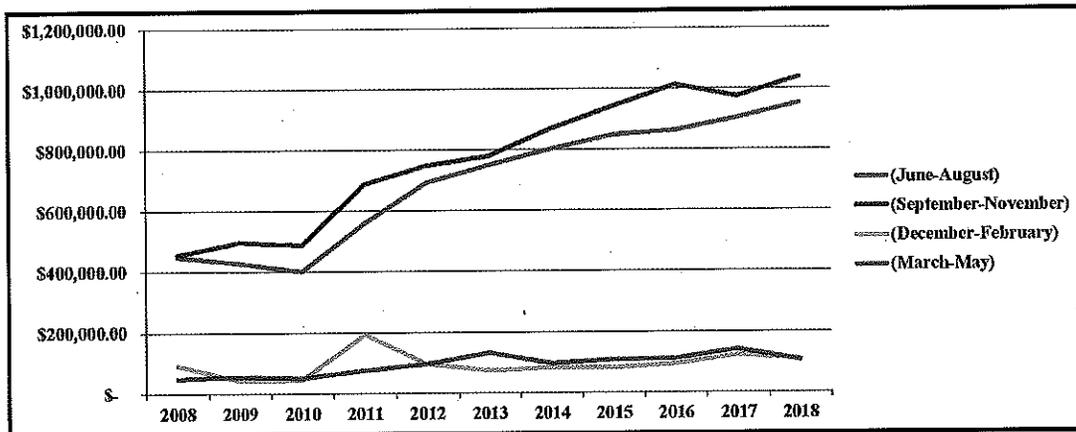
82

2. Economic Indicators:

B. Accommodations

V. Room Tax Trends

- Ten Year Trend by Quarter



11

2. Economic Indicators:

C. Attractions & Activities

I. Food Tourism Activity - Tax Deposits received from DOR

II. Food & Beverage Revenue & Dollars Spent on Meals

1. Restaurants business increased \$11,314,143 a 15% over the five year period
2. The largest three month revenue period over five years was Aug/Sep/Oct 2018 \$37,199,733

Meals Tax = .75% Deposited into the General Fund

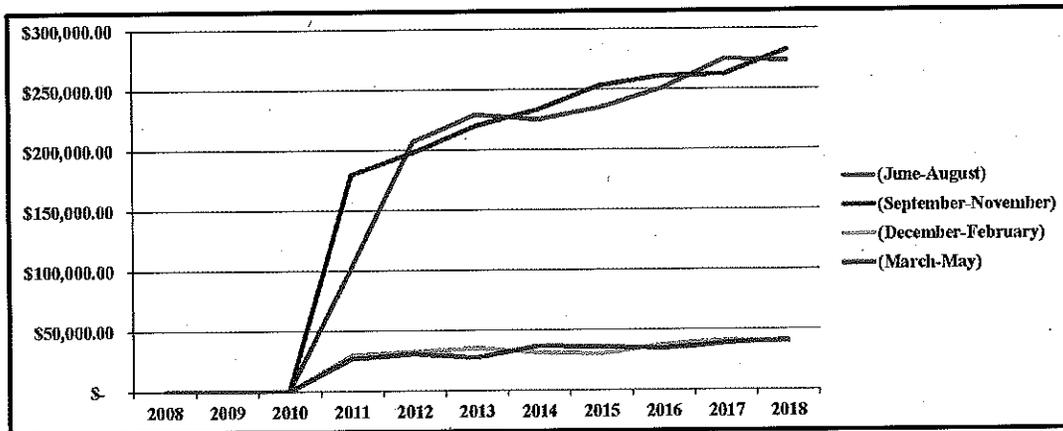
MEALS TAX	Q1 Nov/Dec/Jan	Q2 Feb/Mar/Apr	Q3 May/June/Jul	Q4 Aug/Sep/Oct	Total Tax Receipts	Total Spent on Meals	Δ to LY
CY 2018	\$39,789	\$41,030	\$284,574	\$284,938	\$650,331	\$85,377,467	2.4%
CY 2017	\$40,816	\$38,518	\$273,330	\$282,191	\$634,855	\$84,647,375	4.3%
CY 2016	\$37,410	\$34,242	\$274,806	\$262,238	\$608,696	\$81,184,143	5.5%
CY 2015	\$30,095	\$35,808	\$250,428	\$260,733	\$577,064	\$76,951,794	3.9%
CY 2014	\$31,350	\$36,805	\$234,552	\$252,871	\$555,578	\$74,063,324	6.7%

12

2. Economic Indicators: C. Attractions & Activities

III. Food & Beverage Tourism Activity

- Ten Year Meal & Beverage Trend by Quarter



13

2. Economic Indicators: C. Attractions & Activities

IV. Pilgrim Monument and Provincetown Museum

- ❖ Experienced growth of 13.3% from CY's 2013 to 2016
- ❖ Experiencing stable attendance in CY 2018 with a slight decrease of 4,626 guests
- ❖ Anticipating meaningful growth leading up to and during CY 2020

PMPM visitors	Q1 Jan - Mar	Q2 Apr - Jun	Q3 Jul - Sep	Q4 Oct - Dec	Total	% Growth
2018	554	29,231	55,177	13,128	98,090	-4.5%
2017	0	32,289	57,957	12,470	102,716	-.4%
2016	8	33,272	57,907	11,938	103,125	0.7%
2015	8	30,814	60,608	10,963	102,393	8.5%
2014	5	28,489	56,261	9,631	94,386	3.6%

14

84

2. Economic Indicators: C. Attractions & Activities V. Cape Cod National Seashore

National Park Service Monthly Traffic Count by Attraction:

1. Herring Cove Beach

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
2018	13,620	18,730	32,450	21,545	38,238	42,880	77,275	81,128	53,185	29,618	0	19,960	428,629	94.4%
2017	8,301	11,893	10,893	15,462	15,399	44,410	40,385	25,571	20,626	14,504	8,117	4,920	220,481	-35.2%
2016	6,940	10,715	18,180	16,766	21,130	43,821	76,276	70,050	36,128	21,477	10,318	8,075	340,076	5.6%

2. Race Point Beach

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
2018	13,748	11,418	14,664	21,330	43,725	47,345	68,690	108,144	68,718	32,133	11,052	7,375	448,342	157.0%
2017	3,155	4,634	3,387	14,357	13,796	21,139	29,877	38,403	22,400	14,479	5,939	2,893	174,459	16.7%
2016	2,495	2,653	5,430	10,492	14,108	17,036	30,283	37,057	10,654	12,829	4,218	2,204	149,459	.75%

3. Province Lands Visitor Center

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	%
2018	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0%
2017	996	659	1,548	6,176	7,404	11,401	17,360	20,075	10,944	7,726	2,670	1,911	94,928	-6.4%
2016	522	659	1,850	6,113	8,651	11,642	21,055	21,710	11,480	7,422	3,180	624	95,526	-.62%

National Park Service – Cape Cod 15
irma.nps.gov/Stats/Reports/Park/CACO

2. Economic Indicators: C. Attractions & Activities V. Cape Cod National Seashore cont.

Annual Traffic Count and Findings

Herring Cove	Traffic	Δ to LY
2018	428,629	94.4%
2017	220,481	-35.2%
2016	340,076	5.6%

Beach traffic was up
122.1%

Race Point had a significant
increase of 481K visitors

Race Point	Traffic	Δ to LY
2018	448,342	157.0%
2017	174,459	16.7%
2016	149,459	.75%

Herring Cove has a severe
decrease of 208K visitors

Herring Cove parking lot
continues affect traffic
visiting Provincetown
beaches with Race Point
receiving overflow.

Visitor Center	Traffic	Δ to LY
2018	N/A	0%
2017	88,870	-6.4%
2016	94,928	-.62%

National Park Service – Cape Cod
irma.nps.gov/Stats/Reports/Park/CACO

2. Economic Indicators: D. Other Indicators and Promoting Sustainable Tourism

I. Water consumption and sewer Water Billed

Note: Based on monthly reads

Consumer Trends Update on page 16

	CY 2015	CY 2016	CY 2017	CY 2018
	Billable Volume	Billable Volume	Billable Volume	Billable Volume
JAN	7,855,000	7,632,000	8,683,000	9,140,000
FEB	8,264,000	6,958,000	6,354,000	7,212,000
MAR	7,236,000	7,225,000	7,607,000	6,526,000
APR	9,121,000	9,967,000	9,667,000	9,835,000
MAY	16,330,000	15,058,000	15,155,000	14,664,000
JUN	20,209,000	21,544,000	19,254,000	22,073,000
JUL	30,660,000	32,484,000	32,403,000	30,086,000
AUG	33,991,000	32,978,000	32,858,000	30,127,000
SEP	21,495,000	20,067,000	17,354,000	21,996,000
OCT	14,176,000	14,950,000	14,148,000	14,020,000
NOV	7,993,000	8,772,000	9,051,000	9,832,000
DEC	6,718,000	7,871,000	8,311,000	8,128,000
TOTAL	184,048,000	185,506,000	180,845,000	183,639,000

Δ year to year

Water	Total Billable	Δ to LY
2018	183,639,000	4.0%
2017	180,845,000	-2.5%
2016	185,506,000	.8%
2015	184,048,000	1.1%

17

2. Economic Indicators: D. Other Indicators and Promoting Sustainable Tourism

II. Solid Waste * Estimate until actual billing

Solid Waste Tonnage	MSW	Single Stream	MSW Δ to LY	Single Stream Δ to LY
2018	2,880*	1,326	7.5%	-2.1%
2017	2,679	1,354	-1.6%	-3.6%
2016	2,722	1,404	-2.9%	3.8%
2015	2,802	1,353	5.5%	14.7%

- ❖ Even with the Town water restrictions during high usage months the overall usage increased 2,794,000 gallons over the twelve months
- ❖ The increase in solid waste and recyclables shows an overall increase suggesting more people using more products

18

86

3. Trackable Consumer Spending:

A. Massachusetts Retail Sales Tax

I. Retail Spending Trends

Massachusetts State Retail Tax Collected*

	Total	Business Count	%Δ
FY 2016	\$2,258,889	310	.7%
Spending:	\$36,142,224		
FY 2015	\$2,243,656	327	-12.4%
Spending:	\$35,898,496		
FY 2014	\$2,562,868	304	2.5%
Spending:	\$41,005,888		
FY 2013	\$2,499,884	299	14.6%
Spending:	\$39,998,144		
FY 2012	\$2,181,561	300	0.2%
Spending:	\$34,904,976		
FY 2011	\$2,175,344	303	-6.1%
Spending:	\$34,805,504		

Average \$ Spent on Retail in fiscal years 2012 – 2016 = \$37,322,601
 *Retail \$ spent DO NOT include clothing purchases under \$175 per item

While total \$ spent on taxable goods increased in 2016, total business reporting taxable retail sales dropped by -5.2%

Shoppers are purchasing more expensive items and life enrichment products and experiences, and less lower priced items

*excluding state & national chains

19

3. Trackable Consumer Spending:

B. Taxable Spending

I. Where the Visitor Spends their Money

- ❖ Taxable \$ Spent on Meals, Licensed Rooms and Retail in FY 2011 – 2016 is +28.1% an increase of \$33,323,984
- ❖ Local Option meals tax is .75%
- ❖ Local Option rooms tax is 6.0%
- ❖ Retail State Sales Tax is 6.25%
- ❖ Note: Clothing under \$175.00 is not taxed in MA*

Year	Meals	Rooms	Retail Sales*	Total	%Δ
2016	\$81,184,143	\$34,702,825	\$36,142,224	\$152,029,192	3.3%
2015	\$76,951,794	\$34,393,285	\$35,898,496	\$147,243,575	0.9%
2014	\$74,063,324	\$30,864,759	\$41,005,888	\$145,933,971	6.4%
2013	\$68,227,404	\$28,949,593	\$39,998,144	\$137,175,141	10.1%
2012	\$62,456,083	\$27,265,311	\$34,904,973	\$124,626,367	5.0%
5 years	\$333,204,938	\$145,377,422	\$186,613,004	\$707,008,246	N/A

20

87

4. Summary:

- ◆ Tourism in Provincetown is a \$200+ million industry annually
- ◆ Trackable spending for five years, 2012 – 2016 was \$707,008,246
- ◆ The ten year growth trends for licensed rooms is steadily increasing – The graph on page 11 provides a quarterly measure of this progress. However, the statistics do not provide details on whether the results are due to higher rates and/or increase in occupancy
- ◆ Meal tax revenue continues to show a significant increase in spending and provides opportunities for future industry growth
- ◆ The addition of a convention capacity conference center will provide growth across all business segments
- ◆ Infrastructure has a direct impact on visitation, visitors will choose to visit destinations with ease of parking and ease of ability to navigate and move about the community
- ◆ Prices of products and experiences directly affect the spending patterns of tourists
- ◆ As Green Community reducing the carbon footprint promotes and encourages tourism growth
- ◆ The newest and very important growth opportunity is marine tourism



**Provincetown Select Board
AGENDA ACTION REQUEST**

Monday, February 25, 2019

6C

ALTERATION OF ROUTE 6 LAYOUT

Jerome Smith / Police Station parcel

Requested by: Town Manager

Action sought: Approval

Proposed Motion(s)

Move that the Select Board vote its intention to alter the layout of a portion of Route 6 as a public way to exclude from said layout the parcel of land shown as "Lot 1 131,166± SF. (3.01± Ac.)" on a plan entitled "Route 6 Alteration and Division Plan," dated October 1, 2018, prepared by Coastal Engineering Co., and that the Select Board forward the layout alteration plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§ 81G and 81I.

Additional Information

Please see attached process provided by Town Counsel to create the buildable parcel on Jerome Smith Road to accommodate the police station project.

Timeline:

- Select Board public hearing notice deadline February 20, 2019
- Intention to Alter and refer to Planning Board February 25, 2019
- Article inserted into the warrant February 25, 2019
- Planning Board review and recommendation March 14, 2019
- Select Board public hearing March 18, 2019
- Town Meeting April 1, 2019

Board Action

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

David Gardner

From: Shirin Everett <SEverett@k-plaw.com>
Sent: Friday, February 08, 2019 3:51 PM
To: Richard Waldo; David Gardner
Cc: David Panagore; John Giorgio
Subject: PROV: Alteration of Layout of Route 6 (Portion)
Attachments: 2157_001.pdf; KP-#657723-v1-PROV_Alteration_of_Layout_of_Portion_of_Route_6.DOC

Rich and David,

I was able to locate the Order of Taking by which the state originally included Lot 1 within the layout of Route 6. See attached. It states that the state acquired the fee title in the land within the layout, which would include Lot 1. In my opinion, the taking ensures that the state acquired good title and conveyed good title to the Town. (Nonetheless, should the Town move forward in improving Lot 1, as intended, I recommend that the Town consider obtaining title insurance in an amount that includes the value of the land and the improvements. This is out of an abundance of caution; a defect is remote, but it may be worth it to protect against any adverse claim, in my opinion, given the larger project cost).

I have attached the documents required for the Select Board to alter the layout of Route 6 to exclude Lot 1, and discuss below the layout alteration step below:

1. Intention to Alter Layout. At any meeting, the Select Board reviews the Alteration Plan and votes its intention to alter the layout of a portion of Route 6; a draft vote is attached;
2. Referral to Planning Board. The plan and vote are sent to the Planning Board for its non-binding recommendation. The Planning Board has 45 days from the date of the referral to provide its report. A public hearing is not required. The report can be brief, simply approving, rejecting or making other recommendations regarding the alteration;
3. Town Meeting Article. An article is placed in the Town Meeting warrant to accept the altered layout of Route 6 (draft attached). The draft warrant article also authorizes the Select Board to take the property by eminent domain for police station and title clearing purposes (in the remote chance that we discover a title defect, but I can delete this part, if you wish). There is no particular order as to the when the article is placed on the warrant (that is, the placement is not dependent on Planning Board approval or other events);
4. Hold a Layout Alteration Meeting. Once the Planning Board has issued a report or 45 days pass (whichever is sooner, but this step must occur), the Select Board holds a public meeting (not a hearing) to consider altering the layout of a portion of Route 6;
5. Notice of Layout Alteration Meeting. The Town is required to give written notice of this meeting at least 7 days in advance to persons whose property may be taken to accomplish the alteration. In this case, since the Town already owns the land, and no taking is involved, the Town does not need to give notice to any one, but the Town may choose to send notice to abutters. If sent, the notice can be left at the usual place of residence of the landowner or delivered in person to the owner or the owner's tenant or authorized agent. Notice can be sent by registered mail to create a record, if appropriate. If an owner does not reside in the Town and has no known tenant or agent, the notice of the meeting must be posted

in a public place in the Town at least 7 days prior to the layout meeting. I recommend posting the notice 7 days in advance even if the Town sends notice to all abutters;

6. Alteration Meeting. At the meeting, the Select Board discusses the alteration and, should it decide to move forward, signs the attached Order of Alteration of Layout;
7. Filing with Town Clerk. The Layout Order and the plan are then filed with the Town Clerk. This filing must occur at least 8 days prior to the date on which the Town Meeting will vote on the alteration of the layout;
8. Town Meeting Acceptance. Town Meeting votes, by a two-thirds vote, to accept the altered layout of the portion of Route 6; and
9. Surplus Vote. Since the Select Board holds custody of Lot 1 for public way purposes only, the Select Board needs to vote, either before or after Town Meeting, that it does not need Lot 1 for public way purposes. The surplus vote is attached. The Town Meeting vote authorizes the Select Board to use Lot 1 for other purposes.

Please let me know if you would like to discuss these steps in greater detail or if you have any questions.

Shirin

Shirin Everett, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1731
F: (617) 654 1735
severett@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

Alteration of Layout of Route 6 (Portion)

Letter to Planning Board

From the Select Board

Subject: Alteration of Layout of Portion of Route 6

At a duly noticed meeting of the Select Board held on February 25, 2019, the Select Board voted its intention to alter the layout of a portion of Route 6 as a public way to exclude from said layout the parcel of land shown as "Lot 1 131,166± SF. (3.01± Ac.)" on a plan entitled "Route 6 Alteration and Division Plan," dated October 1, 2018, prepared by Coastal Engineering Co. The Select Board hereby submits the proposed alteration of said portion of Route 6, as shown on said plan, to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §81I.

Please review the enclosed layout alteration plan and provide your comments and/or recommendation in writing within forty-five (45) calendar days of the date of this letter relative to the alteration of the layout of a portion of Route 6 as a public way.

Following the required notifications, the Select Board will hold a public meeting by placing the proposed alteration of the layout of Route 6 on the Select Board's meeting agenda. At that time, the Select Board will vote on whether to alter the layout of said portion of Route 6 as a public way and to include an article in the Town Meeting warrant for the acceptance of said altered layout.

Thank you for your cooperation.

Cheryl Andrews
Chair, Select Board

657723/PROV/0329

Order of Alteration of Layout

TOWN OF PROVINCETOWN
ORDER OF ALTERATION OF LAYOUT
ROUTE 6 (PORTION)

The SELECT BOARD of the TOWN OF PROVINCETOWN, acting pursuant to G.L. c.82, §§ 21-24, having deemed that common convenience and necessity require the alteration of the layout of a portion of Route 6 as a public way, hereby alters the layout of Route 6 as a public way to exclude from the layout the parcel of land shown as "Lot 1 131,166± SF. (3.01± Ac.)" on a plan entitled "Route 6 Alteration and Division Plan," dated October 1, 2018, prepared by Coastal Engineering Co.

The aforementioned plan is hereby forwarded to the Town Clerk for filing and the foregoing alteration of layout is hereby reported to Town Meeting for acceptance.

Adopted February 25, 2019.

TOWN OF PROVINCETOWN,
By its Select Board

Filed in the office of the

Town Clerk, _____, 2019

Town Clerk, Attest

657723/PROV/0329

12-33

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS

---ooOoo---

Layout No. 4070
and Order of Taking

The Department of Public Works, acting on behalf of the Commonwealth of Massachusetts, after public notice and a hearing of all parties interested on June 24, 1953, as required by Chapter 218 of the Acts of 1937, hereby adjudges that public necessity and convenience require that the Commonwealth should lay out and take charge of as a State highway a road in the town of Provincetown, county of Barnstable. The layout consists of establishing a State highway location for a relocation of Route 6, and begins at a point on the dividing line between the towns of Truro and Provincetown at the northwesterly end of the State highway laid out in said town of Truro August 11, 1953, just northeasterly of Town Corner #3, and extends thence westerly and southwesterly 3.94 miles to the northeasterly side of the State highway location laid out February 17, 1953, at a point thereon about opposite the new State bath house.

The State highway hereby laid out is more fully described as follows:

The main base line is that of a survey made by engineers of the Department in December, 1951, and begins at a point on the aforesaid Truro-Provincetown line shown on plan as station 0-00.12, said point marking the northwesterly end of the base line of the aforesaid August 11, 1953 State highway layout in Truro, being shown on plan thereof as station 523+27.20, and extends thence northwesterly to westerly (by a continuation of said Truro base line) by a curve of 3499.37 feet radius 1727.60 feet; thence north 88° 41' 27" west 2360.37 feet; thence by a curve to the left of 6002.05 feet radius 1982.85 feet; thence south 72° 22' 51" west

*Plan Applicant in Barnstable 880 (Page 300) (See Release in Book 911/Case 43)
(Plan filed) #12
Notice of Entry in Book 854 (Page 218)*

3035.38 feet; thence by a curve to the left of 6000.00 feet radius 2250.46 feet; thence south $50^{\circ} 53' 25''$ west 4852.15 feet; thence by a curve to the right of 6000.00 feet radius 1518.65 feet; thence south $66^{\circ} 20' 51''$ west 361.87 feet; thence by a curve to the left of 6000.00 feet radius 2210.93 feet; thence south $45^{\circ} 14' 05''$ west 382.15 feet to a point shown on plan as station 207+82.29, said point being on auxiliary base line "A" of the aforesaid February 17, 1953 State highway layout, at station 14+81.72 thereof.

The length of State highway hereby laid out is 20,731.87 feet.

An auxiliary base line "A" on a proposed relocation of Snails Road, so called, begins at station 43+81.89 of the main base line above described, being station 0 for said auxiliary base line "A", and extends thence, leaving said main base line, south $1^{\circ} 19' 50''$ west 623.52 feet; thence by a curve to the left of 3000.00 feet radius 767.73 feet; thence south $13^{\circ} 19' 55''$ east 245.99 feet to a point on the northerly location line of the State highway laid out September 16, 1924 on the existing Route 6, said point being shown on plan as station 16+37.24 of the herein described auxiliary base line "A", and being 160.79 feet distant easterly from a Massachusetts Highway Bound set on said northerly location line about opposite station 12+72.39 of the base line of the aforesaid 1924 layout.

The southeasterly line of location of the section of State highway hereby laid out begins at a point on the aforesaid Truro-Provincetown line marking the northwesterly end of the southwesterly location line of the aforesaid August 11, 1953 State highway layout in Truro, said point bearing south $22^{\circ} 49' 05''$ west and being 150.44 feet distant from the point of beginning of the above-described main base line shown on plan as station 0-00.12, and extends thence northwesterly to westerly (by a continuation of said Truro location line) along the northeasterly location line of the right of way of the New York, New Haven and Hartford Railroad by a curve of 1951.33 feet radius 987.63 feet to a point bearing south $15^{\circ} 07' 27''$ east and 285.92 feet distant from station 11+50.79 of said main base line; thence leaving said railroad location line and extending north $15^{\circ} 07' 27''$ west 86.54 feet to a point bearing south $15^{\circ} 07' 27''$ east and 199.38 feet distant from said station 11+50.79; thence north $58^{\circ} 17' 16''$ west 82.12 feet to a point bearing south $6^{\circ} 48' 47''$ west and 150.37 feet distant from the aforesaid station 11+50.79; thence north $80^{\circ} 17' 10''$ west 141.95 feet to a point bearing south $51^{\circ} 31' 37''$ west and 201.50 feet distant from said station 11+50.79; thence south $81^{\circ} 10' 21''$ west 155.75 feet to a point bearing south $9^{\circ} 55' 45''$ east and 200.23 feet distant from station 15+00.42 of said main base line; thence south $9^{\circ} 55' 45''$ east 150.00 feet to a point again on said railroad location line bearing south $9^{\circ} 55' 45''$ east and 350.23 feet distant from said station 15+00.42; thence, following said railroad location line, south $85^{\circ} 10' 36''$ west 1213.12 feet to a point bearing south $1^{\circ} 18' 33''$ west and 480.52 feet distant from station 26+38.91 of said main base line; thence by a curve to the right of 5688.40 feet radius 451.74 feet to a point bearing south $26^{\circ} 48' 57''$ east and 579.31 feet distant from station 33+62.5 of said main base line; thence north $26^{\circ} 48' 57''$ west 46.15 feet to a

point bearing south $26^{\circ} 48' 57''$ east and 533.16 feet distant from said station 33+62.59; thence westerly by a curve to the right of 5647.15 feet radius 227.11 feet to a point bearing south $17^{\circ} 37' 47''$ east and 498.04 feet distant from station 35+00 of said main base line; thence south $2^{\circ} 14' 25''$ west 49.50 feet to a point bearing south $15^{\circ} 51' 36''$ east and 544.85 feet distant from said station 35+00; thence north $87^{\circ} 45' 35''$ west 782.62 feet to a point bearing north $66^{\circ} 02' 37''$ east and 287.87 feet distant from station 6+23.52 of auxiliary base line "A" hereinbefore described; thence north $26^{\circ} 48' 57''$ west 9.44 feet to a point bearing south $87^{\circ} 45' 35''$ east and 255.87 feet distant from station 4+88.17 of said auxiliary base line "A"; thence north $87^{\circ} 45' 35''$ west 215.86 feet to a point bearing south $87^{\circ} 45' 35''$ east and 40.01 feet distant from said station 4+88.17; thence leaving said railroad location line and extending parallel to said auxiliary base line "A" and 40.00 feet distant therefrom to a point bearing north $25^{\circ} 03' 26''$ east and 64.41 feet distant from the point of ending of said auxiliary base line "A" shown on plan as station 16+37.24; thence by a curve to the left of 50.00 feet radius 78.81 feet to a point on the aforesaid northerly location line of the 1924 State highway layout on existing Route 6, said point bearing north $76^{\circ} 21' 30''$ east and being 90.27 feet distant from said station 16+37.24. Then begins again at a point on said 1924 location line bearing south $76^{\circ} 21' 30''$ west and 89.73 feet distant from said station 16+37.24 and extends thence, leaving said 1924 location line but tangent thereto, easterly to northeasterly and northerly by a curve of 50.00 feet radius 78.27 feet to a point bearing north $52^{\circ} 15' 54''$ west and 63.65 feet distant from the aforesaid station 16+37.24; thence parallel to said auxiliary base line "A" and 40.00 feet distant therefrom to a point again on the aforesaid railroad location line, bearing north $87^{\circ} 45' 35''$ west and 40.01 feet distant from the aforesaid station 4+88.17; thence, following said railroad location line, north $87^{\circ} 45' 35''$ west 299.31 feet to a point bearing north $87^{\circ} 45' 35''$ west and 339.32 feet distant from said station 4+88.17 of auxiliary base line "A"; thence by a curve to the left of 2906.18 feet radius 830.90 feet to a point bearing south $13^{\circ} 44' 56''$ east and 402.22 feet distant from station 56+65.26 of the aforesaid main base line; thence south $75^{\circ} 51' 32''$ west 1088.63 feet to a point bearing south $17^{\circ} 37' 09''$ east and 348.95 feet distant from station 67+79.94 of said main base line; thence by a curve to the left (still by said railroad location line) of 2906.18 feet radius 155.33 feet to a point bearing south $26^{\circ} 45' 18''$ east and 348.08 feet distant from station 69+89.83 of said main base line; thence north $26^{\circ} 45' 18''$ west 25.09 feet to a point bearing south $26^{\circ} 45' 18''$ east and 322.99 feet distant from said station 69+89.83; thence westerly by a curve to the left, as shown on plan, of 2930.93 feet radius 87.95 feet to a point bearing south $26^{\circ} 45' 49''$ east and 323.82 feet distant from station 70+77.96 of said main base line; thence south $26^{\circ} 45' 49''$ east 16.65 feet to a point bearing south $26^{\circ} 45' 49''$ east and 340.47 feet distant from said station 70+77.96; thence westerly by a curve to the left of 2914.43 feet radius 71.98 feet to a point bearing south $26^{\circ} 45' 23''$ east and 343.07 feet distant from station 71+50.26

of said main base line; thence south $26^{\circ} 45' 23''$ east 8.30 feet to a point bearing south $26^{\circ} 45' 23''$ east and 351.37 feet distant from said station 71+50.26; thence westerly by a curve to the left of 2906.18 feet radius 35.63 feet to a point bearing south $20^{\circ} 56' 12''$ east and 349.42 feet distant from the aforesaid station 71+50.26; thence south $68^{\circ} 56' 26''$ west 76.39 feet to a point bearing south $26^{\circ} 43' 38''$ east and 337.93 feet distant from station 72+62.95 of said main base line; thence leaving said railroad location line and extending north $26^{\circ} 43' 38''$ west 8.29 feet to a point bearing south $26^{\circ} 43' 38''$ east and 349.64 feet distant from said station 72+62.95; thence south $68^{\circ} 56' 26''$ west (in part by the aforesaid railroad location line) 274.91 feet to a point bearing south $21^{\circ} 03' 34''$ east and 362.38 feet distant from station 75+03.76 of said main base line; thence south $21^{\circ} 03' 34''$ east 8.25 feet to a point again on the aforesaid railroad location line, bearing south $21^{\circ} 03' 34''$ east and 370.63 feet distant from said station 75+03.76; thence, following said railroad location line, south $68^{\circ} 56' 26''$ west 1176.08 feet to a point bearing south $25^{\circ} 08' 48''$ east and 444.36 feet distant from station 87+13.70 of said main base line; thence north $25^{\circ} 08' 48''$ west 24.81 feet to a point bearing south $25^{\circ} 08' 48''$ east and 419.55 feet distant from said station 87+13.70; thence south $68^{\circ} 56' 26''$ west 166.00 feet to a point bearing south $25^{\circ} 08' 48''$ east and 429.60 feet distant from station 88+80.71 of said main base line; thence leaving said railroad location line and extending north $25^{\circ} 08' 48''$ west 177.43 feet to a point bearing south $25^{\circ} 08' 48''$ east and 252.17 feet distant from said station 88+80.71; thence parallel to the above-described main base line and 250.00 feet distant therefrom to a point bearing south $67^{\circ} 40' 58''$ east and 284.67 feet distant from station 120+01.29; thence by a curve to the left of 100.00 feet radius 167.23 feet to a point on the northeasterly location line of the State highway location laid out on Base Point Road, so called, on May 23, 1916, said point bearing south $44^{\circ} 55' 24''$ east and being 351.99 feet distant from said station 120+01.29 of the aforesaid main base line. Then begins again at a point on the southwesterly location line of said 1916 layout, bearing south $44^{\circ} 55' 24''$ east and 359.70 feet distant from station 120+51.55 of said main base line and extends thence, leaving said 1916 location line but tangent thereto, northwesterly to westerly and southwesterly by a curve of 120.00 feet radius 176.32 feet to a point bearing south $20^{\circ} 45' 15''$ east and 263.40 feet distant from said station 120+51.55; thence parallel to the above-described main base line and 250.00 feet distant therefrom to a point on the southwesterly side of Alden Road, so called, bearing south $37^{\circ} 03' 21''$ east and 250.16 feet distant from station 133+07.99; thence following along said side of Alden Road, south $37^{\circ} 03' 21''$ east 44.89 feet to a point on the northwesterly side of Jerome Road, so called, bearing south $37^{\circ} 03' 21''$ east and 295.05 feet distant from said station 133+07.99; thence, following along said side of Jerome Road, south $42^{\circ} 30' 24''$ west 185.55 feet to a point bearing south $39^{\circ} 06' 34''$ east and 321.91 feet distant from station 135+02.14 of said main base line; thence south $69^{\circ} 38' 40''$ west 280.62 feet to a point bearing south $39^{\circ} 06' 34''$ east and 231.69

1953 L.O.

in Provincetown

No. 4070

Page 5.

feet distant from station 137+67.85 of said main base line; thence south 52° 12' 01" west 507.63 feet to a point bearing south 05° east and 220.12 feet distant from station 142+79.16 of said main base line; thence south 47° 35' 49" west 216.00 feet to a point bearing south 3° 13' 39" west and 314.53 feet distant from said station 142+79.16; thence leaving said side of Jerome Road and extending south 45° 08' 08" west 174.51 feet to a point bearing south 39° 06' 34" east and 250.00 feet distant from station 146+64.62 of the aforesaid main base line; thence parallel to said main base line and 250.00 feet distant therefrom to a point bearing south 44° 45' 55" east and 250.00 feet distant from station 205+00; thence south 8° 15' 01" east 272.75 feet to a point at the end of the layout, on the northeasterly location line of the aforesaid February 17, 1953 State highway layout, bearing south 53° 11' 05" east and 474.32 feet distant from station 207+31.75 of the aforesaid main base line.

The northwesterly line of location of the section of State highway hereby laid out begins at a point on the aforesaid Truro Provincetown line marking the northwesterly end of the northwesterly location line of the aforesaid August 11, 1953 State highway layout in Truro, said point bearing north 22° 49' 05" east and being 151.01 feet distant from the point of beginning of the above-described main base line shown on plan as station 0-00.12, and extends thence north 50° 00' 55" west 350.00 feet to a point bearing north 40° 56' 41" east and 241.87 feet distant from station 4+10.50 of said main base line; thence southwesterly, as shown on plan, by a curve to the left of 280.00 feet radius 1-90 feet to a point bearing north 22° 52' 21" east and 100.00 feet distant from said station 4+10.50; thence northwesterly by a curve (parallel to said main base line and 100.00 feet distant therefrom) of 3599.37 feet radius 457.41 feet to a point bearing north 27° 07' 55" west and 137.82 feet distant from station 7+61.69 of said main base line; thence north 27° 07' 55" west 200.81 feet to a point bearing north 27° 07' 55" west and 338.63 feet distant from said station 7+61.69; thence parallel to said main base line and 250.00 feet distant therefrom to a point bearing north 54° 33' 01" west and 312.75 feet distant from station 72+67.14; thence north 54° 33' 01" west 967.05 feet to a point bearing north 54° 33' 01" west and 1279.80 feet distant from said station 72+67.14; thence south 59° 45' 38" west 412.07 feet to a point bearing north 25° 15' 49" west and 941.35 feet distant from station 83+13.00 of said main base line; thence south 25° 15' 49" east 689.11 feet to a point bearing north 25° 15' 49" west and 252.24 feet distant from said station 83+13.00; thence parallel to said main base line and 250.00 feet distant therefrom to a point on the boundary line of the Provincetown (between bounds "K" and "L") bearing north 25° 59' 00" west and 251.38 feet distant from station 93+40.12; thence, following said Provincetown boundary line, south 25° 59' 00" east 19.54 feet to said bound "K", at a point bearing north 25° 59' 00" west and 231.84 feet distant from said station 93+40.12; thence following the portion of said Provincetown boundary line between bounds "K" and "J" south 89° 06' 30" west 735.40 feet to a point bear

1953 L.O.

in Provincetown

No. 4070

Page 7.

of said location lines opposite and 250.00 feet distant from stations 106 and 197.

The stations referred to above are points on the main base line of the State highway layout hereinbefore described.

In connection with the laying out of the State highway hereinbefore described it is necessary to alter the existing location of Jerome Road by a widening, and said location, as hereby altered, is laid out in behalf of the town of Provincetown under the provisions of Chapter 448 of the Acts of 1948, being described as follows:

The southeasterly location line of Jerome Road as hereby laid out begins at a point on the southeasterly side of the existing location of said road and extends thence, leaving said existing location, south $40^{\circ} 05' 05''$ east 20.02 feet to a point bearing south $40^{\circ} 05' 05''$ east and 280.12 feet distant from station 142+79.16 of the main base line of the State highway layout hereinbefore described; thence south $47^{\circ} 35' 49''$ west 216.00 feet to a point bearing south $3^{\circ} 37' 59''$ east and 359.06 feet distant from station 142+79.16; thence by a curve to the left of 100.00 feet radius 149.87 feet to a point bearing south $14^{\circ} 40' 53''$ east and 400.78 feet distant from station 144+46.74 of said main base line thence south $83^{\circ} 55' 42''$ west 10.00 feet to a point at the end of the layout again on the southeasterly side of the existing location of Jerome Road.

The northwesterly location line of Jerome Road as hereby laid out begins at a point on the southeasterly location line of the State highway layout hereinbefore described bearing south $40^{\circ} 05' 05''$ east and 220.12 feet distant from station 142+79.16 of the aforesaid main base line, and extends thence, following said State highway location line, south $47^{\circ} 35' 49''$ west 216.00 feet; thence south $45^{\circ} 03' 08''$ west 174.51 feet to a point bearing south $39^{\circ} 06' 34''$ east and 250.00 feet distant from station 144+46.74 of said main base line; thence leaving said State highway location line and extending northwesterly to easterly and southeasterly, as shown on plan, by a curve of 30.00 feet radius 64.42 feet to a point bearing south $6^{\circ} 04' 18''$ east and 353.52 feet distant from station 144+46.74 of said main base line; thence south $6^{\circ} 04' 18''$ east 42.75 feet to a point bearing south $6^{\circ} 04' 18''$ east and 396.27 feet distant from said station 144+46.74; thence north $83^{\circ} 55' 42''$ east 10.00 feet to a point at the end of the layout, on the westerly side of the existing location of Jerome Road.

The side lines of location of Jerome Road as hereby laid out are further defined by bounds set at angle points and at points of curvature.

For the purpose of laying out, constructing and maintaining said State highway, the Department of Public Works, on behalf of the Commonwealth of Massachusetts, does hereby take, under the

provisions of Chapter 79 of the General Laws and of Chapter 556 of the Acts of 1952, all of the land outside of the existing public way or ways and within the limits of the layout hereinbefore described, including all trees and structures located thereon, situated in the town of Provincetown, county of Barnstable, all of said land being taken in fee simple with the exception of parcels B-1 and B-2 in which easements are taken for State highway purposes, the supposed owners of parcels 1 and 3 to 78, inclusive, shown on the plan hereinafter referred to, being set forth in the schedule of awards hereinafter set forth, excepting and reserving from the rights herein taken all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewage, gas and electricity, and for telephone communication now lawfully in or upon said premises hereby taken, and all lawful rights of the public to use those parts of the public streets and ways in the town of Provincetown which are included in the foregoing description.

For the purpose of laying out, constructing and maintaining the section of highway above described, the Department of Public Works, on behalf of the Town of Provincetown, does hereby take in fee simple, under the provisions of Chapter 79 of the General Laws and of Chapter 556 of the Acts of 1952, parcels B-1, B-2 and B-3 shown on the plan hereinafter referred to, including all trees and structures located thereon, situated in the town of Provincetown, county of Barnstable, excepting and reserving from the rights herein taken all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewage, gas and electricity, and for telephone communication now lawfully in or upon said premises hereby taken, and all lawful rights of the public to use those parts of the public streets and ways in the town of Provincetown which are included in the foregoing description.

The State highway hereby laid out, the section of highway hereby laid out, and the aforesaid takings are shown on a plan signed by H. G. Gray, Chief Engineer, and of the Department of Public Works and on file in its office, being entitled: "The Commonwealth of Massachusetts State Highway by the Department of Public Works in the Town of Provincetown, Barnstable County, Massachusetts, 1953. Scale: 40 feet to the inch (except as noted) a copy of which is to be recorded with this order of taking in the Registry of Deeds for Barnstable County, Massachusetts.

Certain parcels of land included in this taking are registered land, and are shown on the plan hereinbefore referred to as parcels 11, 12, 13 and 14; said land being registered in the Registry of Deeds Land Division of the Registry of Deeds for Barnstable County, Massachusetts, at Barnstable, as follows:

1953 L.O.	in Provincetown	No. 4070	Page 9.	
<u>Parcel No.</u>	<u>Owner</u>	<u>Book No.</u>	<u>Page No.</u>	<u>Certif</u>
11	Paul M. Foss	61	15	91
13	Martha J. Atkins Estate	99	91	14
14	Martha J. Atkins Estate	99	91	14

For damages sustained by persons in their property by reason of the aforesaid takings the following awards are made; all awards to be paid by the Commonwealth:

<u>Parcel No.</u>	<u>Supposed Owner</u>	<u>Area</u>	<u>A</u>
1	Mary DeRiggs	2.94 acres	\$.
3	Whitehead Brothers Company	1.44 acres	
4	E. Jeffs Beede	1.94 acres	
5	Paul G. and Dorothy C. Lambert	0.25 acres	
6	E. Jeffs Beede	30.66 acres	
7	Cornelia A. Herschel et al	760 sq. ft.	
8	Wallace G. Warren	780 sq. ft.	
9	Owner unknown	2.89 acres	
10	E. Jeffs Beede	0.46 acres	
11	Paul M. Foss	19.03 acres	
12	Paul M. Foss	1.60 acres	
13	Martha J. Atkins Estate	12.09 acres	
14	Martha J. Atkins Estate	1.98 acres	
15	Mebbo Realty Company	5.21 acres	
16	Helen L. Vitelli	9.64 acres	
17	Philip C. Mallicoat et ux	1.07 acres	
18	Eva H. Turnbull et al	0.82 acres	
19	Grover H. Klein et al	0.45 acres	
20	Nellie C. Tarvers	2.72 acres	
21	Owner unknown	0.41 acres	
22	Everett W. Glasgow et ux	0.88 acres	

1953 L.O.	In Provincetown	No. 4070	10,
<u>Parcel No.</u>	<u>Supposed Owner</u>	<u>Area</u>	<u>rd</u>
23	Ferry B. Strassburger et ux	0.88 ac	00
24	Herbert F. Mayo	0.66 ac	00
25	Joseph Sears Estate	0.58 ac	00
26	Owner unknown	2.95 ac	00
27	Manuel Peters	0.28 ac	00
28	Chester D. Pfeiffer	0.26 ac	00
29	Provincetown Yacht and Tennis Club, Inc.	1.57 ac	00
30	William M. Snow Estate	0.24 ac	00
31	Miriam F. Merrill	0.20 ac	00
32	New York, New Haven & Hartford Railroad	45.22 ac	00
33	Mary Lyle Estate	0.44 ac	00
34	Maud Ainslie	0.53 ac	00
35	Owner unknown	3,410 sq.	00
36	Maud Ainslie	0.11 ac	00
37	William B. Preston, Jr.	0.16 ac	00
38	Catherine Melis	0.28 ac	00
39	Yela Brights	1.17 ac	00
40	Heirs of William B. Lewis	0.40 ac	00
41	Philip W. Conrad et ux	0.30 ac	00
42	Town of Provincetown	0.35 ac	00
43	Owner unknown	10.13 ac	00
44	Jo E. Hawthorne et al	3.63 ac	00
45	Sara E. Flyd	0.15 ac	00
46	John J. Roderick, Jr.	5.11 ac	00
47	Anthony J. Roderick	0.26 ac	00
48	Owner unknown	0.26 ac	00
49	Mary B. Hopwood	0.68 ac	00

1953 L.O.	In Provincetown	No. 4070	Page
<u>Parcel No.</u>	<u>Supposed Owner</u>	<u>Area</u>	<u>A</u>
50	Joseph J. Roderick, Sr.	0.63 acres	
51	William J. Roderick	0.57 acres	
52	Anthony J. Roderick	0.52 acres	
53	Frank J. Roderick	0.14 acres	
54	William J. Roderick	0.15 acres	
55	Frank J. Roderick	0.39 acres	
56	Anthony J. Roderick	0.37 acres	
57	John J. Roderick, Jr.	0.36 acres	
58	Jessie May Wood	0.40 acres	
59	John J. Roderick, Jr.	41 sq. ft.	0
60	Joseph J. Roderick, Jr.	2.53 acres	
61	Town of Provincetown	0.54 acres	
62	Walter L. Conwell Estate	3.47 acres	
63	Herman H. Rivard	0.18 acres	
64	Catherine Perry McCoy	5.71 acres	
65	Town of Provincetown	1.49 acres	
66	Owner unknown	0.10 acres	
67	Frank DeKello et al	2.87 acres	
68	Clifford Silva et al	0.95 acres	1.0
69	Owner unknown	2,565 sq. ft.	
70	Vilena M. Woods	5.84 acres	
71	George R. Holmes	1.01 acres	
72	Heirs of Mary Steele	5.77 acres	
73	Nautilus Club	0.51 acres	
74	Town of Provincetown	0.35 acres	
75	Provincetown High School Athletic Association	11.05 acres	1
76	Town of Provincetown	0.47 acres	
1953 L.O.	in Provincetown	No. 4070	Page

<u>Parcel No.</u>	<u>Supposed Owner</u>	<u>Area</u>
77	Josephine Holmes	6.98 acres
78	Edward Kelly, Jr.	83.34 acres
1-T	George R. Holmes	0.15 acres
2-T	Provincetown High School Athletic Association	3,370 sq. ft.
E-1	Whitehead Brothers Company	0.56 acres
E-2	New York, New Haven & Hartford Railroad	0.15 acres

854
133

The names of owners herein given, although supposed to be correct, are such only as matters of opinion and belief

It is therefore

Voted, That said new or existing way, as described herein and as described and shown on said plan be and the same be laid out and taken charge of by the Commonwealth; that the Secretary of the Department of Public Works be and hereunto be instructed to file in the office of the County Commissioners of the County and in the office of the Clerk of the Town in which said way is located, certified copies of said plan and of a certificate, signed by at least a majority of the members of the Department of Public Works, attesting that the Department of Public Works has laid out and taken charge of said way in accordance with said plan, together with a copy of this resolution and vote.

It is also

Voted, That the Secretary of the Department of Public Works be and hereby is instructed to file in the office of the County Commissioners of the County and in the office of the Clerk of the Town in which said way is located, certified copies of said plan and of a certificate, signed by at least a majority of the members of the Department of Public Works, attesting that the Department of Public Works has laid out said way in accordance with said plan.

Dated at Boston this eighth day of September, 1953

MEMO
WAS
J. Volpe
Fred B. Dole
D
ment
Pub
Works

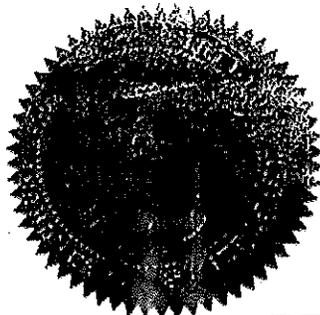
THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE SECRETARY

Boston, September 17, 1953

I hereby certify that at the date of this attestation hereto annexed John A. Volpe and Fred B. Dole were duly qualified as Commissioner and Associate Commissioner, respectively, of the Department of Public Works, and that to their acts and attestations, as such, full faith and credit are and ought to be given in and out of Court, and, further, that their signatures to the annexed instrument are genuine.

In testimony of which I have hereunto affixed the Great Seal of the Commonwealth the date above written.

Edward J. Cronin
Secretary of the Commonwealth



Barnstable, ss., Received September 23, 1953, and is recorded.

854

135

Alma Road, Falmouth

The National Shawmut Bank of Boston

assignee and holder of a mortgage
 from Charles S. Elibetta
 to Stephen Realty Corporation
 dated October 23, 1952
 recorded with Barnstable Registry of Deeds
 Book 825 Page 324 assign said mortgage and the note and claim
 secured thereby to Stephen Realty Corporation

But this assignment is made without any covenant or warranty of any kind either express or implied,
 or recourse in any possible event to be had to said National Bank or its officers, agents or representatives by
 reason of the execution hereof.

Witness the execution by THE NATIONAL SHAWMUT BANK OF BOSTON this 22nd
 day of September 19 53.

THE NATIONAL SHAWMUT BANK OF BOSTON

[Signature]
 Assistant Cashier

Commonwealth of Massachusetts

September 22, 1953
 Scrook, ss.

Then personally appeared the above-named W. Whittenore, Vice-President and
D. L. Currier, Assistant Cashier, and acknowledged the foregoing to be the free act
 and deed of THE NATIONAL SHAWMUT BANK OF BOSTON.

before me

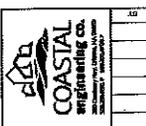
[Signature]
 Notary Public
 HARRY W. [Signature]

My commission expires 19

24-07-11633-21822

Barnstable, ss., Received September 23, 1953, and is recorded.

Same Mortgage in Book 825, Page 324

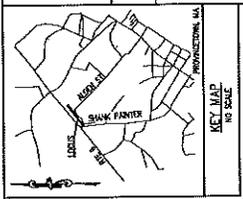


NO.	DATE	REVISION

DRAFT

TOWN OF PROVINCETOWN
 PROVINCE, MASS.
ROUTE 6 ALTERATION
 AND DIVISION PLAN

CLM
 CONSULTING ENGINEERS
 100 STATE STREET
 PROVINCETOWN, MASS. 01960
 PHONE: 508-888-1111
 FAX: 508-888-1112



PLAN REFERENCES:
 ASSessor MAP 8-1, PARCELS 13
 PLAN BOOK 275 PAGE 30
 PLAN BOOK 275 PAGE 34-35
 OWNER OF RECORD:
 TOWN OF PROVINCETOWN, MASS.
 2000 BOOK 275, PAGE 175
 2000 BOOK 275, PAGE 175
 2000 BOOK 275, PAGE 175

NOTES:
 1. THE PLAN MAY BE SUBJECT TO THE MASSACHUSETTS ACT, REG. 24C, 24D, 24E, 24F, 24G, 24H, 24I, 24J, 24K, 24L, 24M, 24N, 24O, 24P, 24Q, 24R, 24S, 24T, 24U, 24V, 24W, 24X, 24Y, 24Z, 25A, 25B, 25C, 25D, 25E, 25F, 25G, 25H, 25I, 25J, 25K, 25L, 25M, 25N, 25O, 25P, 25Q, 25R, 25S, 25T, 25U, 25V, 25W, 25X, 25Y, 25Z, 26A, 26B, 26C, 26D, 26E, 26F, 26G, 26H, 26I, 26J, 26K, 26L, 26M, 26N, 26O, 26P, 26Q, 26R, 26S, 26T, 26U, 26V, 26W, 26X, 26Y, 26Z, 27A, 27B, 27C, 27D, 27E, 27F, 27G, 27H, 27I, 27J, 27K, 27L, 27M, 27N, 27O, 27P, 27Q, 27R, 27S, 27T, 27U, 27V, 27W, 27X, 27Y, 27Z, 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28I, 28J, 28K, 28L, 28M, 28N, 28O, 28P, 28Q, 28R, 28S, 28T, 28U, 28V, 28W, 28X, 28Y, 28Z, 29A, 29B, 29C, 29D, 29E, 29F, 29G, 29H, 29I, 29J, 29K, 29L, 29M, 29N, 29O, 29P, 29Q, 29R, 29S, 29T, 29U, 29V, 29W, 29X, 29Y, 29Z, 30A, 30B, 30C, 30D, 30E, 30F, 30G, 30H, 30I, 30J, 30K, 30L, 30M, 30N, 30O, 30P, 30Q, 30R, 30S, 30T, 30U, 30V, 30W, 30X, 30Y, 30Z, 31A, 31B, 31C, 31D, 31E, 31F, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N, 31O, 31P, 31Q, 31R, 31S, 31T, 31U, 31V, 31W, 31X, 31Y, 31Z, 32A, 32B, 32C, 32D, 32E, 32F, 32G, 32H, 32I, 32J, 32K, 32L, 32M, 32N, 32O, 32P, 32Q, 32R, 32S, 32T, 32U, 32V, 32W, 32X, 32Y, 32Z, 33A, 33B, 33C, 33D, 33E, 33F, 33G, 33H, 33I, 33J, 33K, 33L, 33M, 33N, 33O, 33P, 33Q, 33R, 33S, 33T, 33U, 33V, 33W, 33X, 33Y, 33Z, 34A, 34B, 34C, 34D, 34E, 34F, 34G, 34H, 34I, 34J, 34K, 34L, 34M, 34N, 34O, 34P, 34Q, 34R, 34S, 34T, 34U, 34V, 34W, 34X, 34Y, 34Z, 35A, 35B, 35C, 35D, 35E, 35F, 35G, 35H, 35I, 35J, 35K, 35L, 35M, 35N, 35O, 35P, 35Q, 35R, 35S, 35T, 35U, 35V, 35W, 35X, 35Y, 35Z, 36A, 36B, 36C, 36D, 36E, 36F, 36G, 36H, 36I, 36J, 36K, 36L, 36M, 36N, 36O, 36P, 36Q, 36R, 36S, 36T, 36U, 36V, 36W, 36X, 36Y, 36Z, 37A, 37B, 37C, 37D, 37E, 37F, 37G, 37H, 37I, 37J, 37K, 37L, 37M, 37N, 37O, 37P, 37Q, 37R, 37S, 37T, 37U, 37V, 37W, 37X, 37Y, 37Z, 38A, 38B, 38C, 38D, 38E, 38F, 38G, 38H, 38I, 38J, 38K, 38L, 38M, 38N, 38O, 38P, 38Q, 38R, 38S, 38T, 38U, 38V, 38W, 38X, 38Y, 38Z, 39A, 39B, 39C, 39D, 39E, 39F, 39G, 39H, 39I, 39J, 39K, 39L, 39M, 39N, 39O, 39P, 39Q, 39R, 39S, 39T, 39U, 39V, 39W, 39X, 39Y, 39Z, 40A, 40B, 40C, 40D, 40E, 40F, 40G, 40H, 40I, 40J, 40K, 40L, 40M, 40N, 40O, 40P, 40Q, 40R, 40S, 40T, 40U, 40V, 40W, 40X, 40Y, 40Z, 41A, 41B, 41C, 41D, 41E, 41F, 41G, 41H, 41I, 41J, 41K, 41L, 41M, 41N, 41O, 41P, 41Q, 41R, 41S, 41T, 41U, 41V, 41W, 41X, 41Y, 41Z, 42A, 42B, 42C, 42D, 42E, 42F, 42G, 42H, 42I, 42J, 42K, 42L, 42M, 42N, 42O, 42P, 42Q, 42R, 42S, 42T, 42U, 42V, 42W, 42X, 42Y, 42Z, 43A, 43B, 43C, 43D, 43E, 43F, 43G, 43H, 43I, 43J, 43K, 43L, 43M, 43N, 43O, 43P, 43Q, 43R, 43S, 43T, 43U, 43V, 43W, 43X, 43Y, 43Z, 44A, 44B, 44C, 44D, 44E, 44F, 44G, 44H, 44I, 44J, 44K, 44L, 44M, 44N, 44O, 44P, 44Q, 44R, 44S, 44T, 44U, 44V, 44W, 44X, 44Y, 44Z, 45A, 45B, 45C, 45D, 45E, 45F, 45G, 45H, 45I, 45J, 45K, 45L, 45M, 45N, 45O, 45P, 45Q, 45R, 45S, 45T, 45U, 45V, 45W, 45X, 45Y, 45Z, 46A, 46B, 46C, 46D, 46E, 46F, 46G, 46H, 46I, 46J, 46K, 46L, 46M, 46N, 46O, 46P, 46Q, 46R, 46S, 46T, 46U, 46V, 46W, 46X, 46Y, 46Z, 47A, 47B, 47C, 47D, 47E, 47F, 47G, 47H, 47I, 47J, 47K, 47L, 47M, 47N, 47O, 47P, 47Q, 47R, 47S, 47T, 47U, 47V, 47W, 47X, 47Y, 47Z, 48A, 48B, 48C, 48D, 48E, 48F, 48G, 48H, 48I, 48J, 48K, 48L, 48M, 48N, 48O, 48P, 48Q, 48R, 48S, 48T, 48U, 48V, 48W, 48X, 48Y, 48Z, 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I, 49J, 49K, 49L, 49M, 49N, 49O, 49P, 49Q, 49R, 49S, 49T, 49U, 49V, 49W, 49X, 49Y, 49Z, 50A, 50B, 50C, 50D, 50E, 50F, 50G, 50H, 50I, 50J, 50K, 50L, 50M, 50N, 50O, 50P, 50Q, 50R, 50S, 50T, 50U, 50V, 50W, 50X, 50Y, 50Z, 51A, 51B, 51C, 51D, 51E, 51F, 51G, 51H, 51I, 51J, 51K, 51L, 51M, 51N, 51O, 51P, 51Q, 51R, 51S, 51T, 51U, 51V, 51W, 51X, 51Y, 51Z, 52A, 52B, 52C, 52D, 52E, 52F, 52G, 52H, 52I, 52J, 52K, 52L, 52M, 52N, 52O, 52P, 52Q, 52R, 52S, 52T, 52U, 52V, 52W, 52X, 52Y, 52Z, 53A, 53B, 53C, 53D, 53E, 53F, 53G, 53H, 53I, 53J, 53K, 53L, 53M, 53N, 53O, 53P, 53Q, 53R, 53S, 53T, 53U, 53V, 53W, 53X, 53Y, 53Z, 54A, 54B, 54C, 54D, 54E, 54F, 54G, 54H, 54I, 54J, 54K, 54L, 54M, 54N, 54O, 54P, 54Q, 54R, 54S, 54T, 54U, 54V, 54W, 54X, 54Y, 54Z, 55A, 55B, 55C, 55D, 55E, 55F, 55G, 55H, 55I, 55J, 55K, 55L, 55M, 55N, 55O, 55P, 55Q, 55R, 55S, 55T, 55U, 55V, 55W, 55X, 55Y, 55Z, 56A, 56B, 56C, 56D, 56E, 56F, 56G, 56H, 56I, 56J, 56K, 56L, 56M, 56N, 56O, 56P, 56Q, 56R, 56S, 56T, 56U, 56V, 56W, 56X, 56Y, 56Z, 57A, 57B, 57C, 57D, 57E, 57F, 57G, 57H, 57I, 57J, 57K, 57L, 57M, 57N, 57O, 57P, 57Q, 57R, 57S, 57T, 57U, 57V, 57W, 57X, 57Y, 57Z, 58A, 58B, 58C, 58D, 58E, 58F, 58G, 58H, 58I, 58J, 58K, 58L, 58M, 58N, 58O, 58P, 58Q, 58R, 58S, 58T, 58U, 58V, 58W, 58X, 58Y, 58Z, 59A, 59B, 59C, 59D, 59E, 59F, 59G, 59H, 59I, 59J, 59K, 59L, 59M, 59N, 59O, 59P, 59Q, 59R, 59S, 59T, 59U, 59V, 59W, 59X, 59Y, 59Z, 60A, 60B, 60C, 60D, 60E, 60F, 60G, 60H, 60I, 60J, 60K, 60L, 60M, 60N, 60O, 60P, 60Q, 60R, 60S, 60T, 60U, 60V, 60W, 60X, 60Y, 60Z, 61A, 61B, 61C, 61D, 61E, 61F, 61G, 61H, 61I, 61J, 61K, 61L, 61M, 61N, 61O, 61P, 61Q, 61R, 61S, 61T, 61U, 61V, 61W, 61X, 61Y, 61Z, 62A, 62B, 62C, 62D, 62E, 62F, 62G, 62H, 62I, 62J, 62K, 62L, 62M, 62N, 62O, 62P, 62Q, 62R, 62S, 62T, 62U, 62V, 62W, 62X, 62Y, 62Z, 63A, 63B, 63C, 63D, 63E, 63F, 63G, 63H, 63I, 63J, 63K, 63L, 63M, 63N, 63O, 63P, 63Q, 63R, 63S, 63T, 63U, 63V, 63W, 63X, 63Y, 63Z, 64A, 64B, 64C, 64D, 64E, 64F, 64G, 64H, 64I, 64J, 64K, 64L, 64M, 64N, 64O, 64P, 64Q, 64R, 64S, 64T, 64U, 64V, 64W, 64X, 64Y, 64Z, 65A, 65B, 65C, 65D, 65E, 65F, 65G, 65H, 65I, 65J, 65K, 65L, 65M, 65N, 65O, 65P, 65Q, 65R, 65S, 65T, 65U, 65V, 65W, 65X, 65Y, 65Z, 66A, 66B, 66C, 66D, 66E, 66F, 66G, 66H, 66I, 66J, 66K, 66L, 66M, 66N, 66O, 66P, 66Q, 66R, 66S, 66T, 66U, 66V, 66W, 66X, 66Y, 66Z, 67A, 67B, 67C, 67D, 67E, 67F, 67G, 67H, 67I, 67J, 67K, 67L, 67M, 67N, 67O, 67P, 67Q, 67R, 67S, 67T, 67U, 67V, 67W, 67X, 67Y, 67Z, 68A, 68B, 68C, 68D, 68E, 68F, 68G, 68H, 68I, 68J, 68K, 68L, 68M, 68N, 68O, 68P, 68Q, 68R, 68S, 68T, 68U, 68V, 68W, 68X, 68Y, 68Z, 69A, 69B, 69C, 69D, 69E, 69F, 69G, 69H, 69I, 69J, 69K, 69L, 69M, 69N, 69O, 69P, 69Q, 69R, 69S, 69T, 69U, 69V, 69W, 69X, 69Y, 69Z, 70A, 70B, 70C, 70D, 70E, 70F, 70G, 70H, 70I, 70J, 70K, 70L, 70M, 70N, 70O, 70P, 70Q, 70R, 70S, 70T, 70U, 70V, 70W, 70X, 70Y, 70Z, 71A, 71B, 71C, 71D, 71E, 71F, 71G, 71H, 71I, 71J, 71K, 71L, 71M, 71N, 71O, 71P, 71Q, 71R, 71S, 71T, 71U, 71V, 71W, 71X, 71Y, 71Z, 72A, 72B, 72C, 72D, 72E, 72F, 72G, 72H, 72I, 72J, 72K, 72L, 72M, 72N, 72O, 72P, 72Q, 72R, 72S, 72T, 72U, 72V, 72W, 72X, 72Y, 72Z, 73A, 73B, 73C, 73D, 73E, 73F, 73G, 73H, 73I, 73J, 73K, 73L, 73M, 73N, 73O, 73P, 73Q, 73R, 73S, 73T, 73U, 73V, 73W, 73X, 73Y, 73Z, 74A, 74B, 74C, 74D, 74E, 74F, 74G, 74H, 74I, 74J, 74K, 74L, 74M, 74N, 74O, 74P, 74Q, 74R, 74S, 74T, 74U, 74V, 74W, 74X, 74Y, 74Z, 75A, 75B, 75C, 75D, 75E, 75F, 75G, 75H, 75I, 75J, 75K, 75L, 75M, 75N, 75O, 75P, 75Q, 75R, 75S, 75T, 75U, 75V, 75W, 75X, 75Y, 75Z, 76A, 76B, 76C, 76D, 76E, 76F, 76G, 76H, 76I, 76J, 76K, 76L, 76M, 76N, 76O, 76P, 76Q, 76R, 76S, 76T, 76U, 76V, 76W, 76X, 76Y, 76Z, 77A, 77B, 77C, 77D, 77E, 77F, 77G, 77H, 77I, 77J, 77K, 77L, 77M, 77N, 77O, 77P, 77Q, 77R, 77S, 77T, 77U, 77V, 77W, 77X, 77Y, 77Z, 78A, 78B, 78C, 78D, 78E, 78F, 78G, 78H, 78I, 78J, 78K, 78L, 78M, 78N, 78O, 78P, 78Q, 78R, 78S, 78T, 78U, 78V, 78W, 78X, 78Y, 78Z, 79A, 79B, 79C, 79D, 79E, 79F, 79G, 79H, 79I, 79J, 79K, 79L, 79M, 79N, 79O, 79P, 79Q, 79R, 79S, 79T, 79U, 79V, 79W, 79X, 79Y, 79Z, 80A, 80B, 80C, 80D, 80E, 80F, 80G, 80H, 80I, 80J, 80K, 80L, 80M, 80N, 80O, 80P, 80Q, 80R, 80S, 80T, 80U, 80V, 80W, 80X, 80Y, 80Z, 81A, 81B, 81C, 81D, 81E, 81F, 81G, 81H, 81I, 81J, 81K, 81L, 81M, 81N, 81O, 81P, 81Q, 81R, 81S, 81T, 81U, 81V, 81W, 81X, 81Y, 81Z, 82A, 82B, 82C, 82D, 82E, 82F, 82G, 82H, 82I, 82J, 82K, 82L, 82M, 82N, 82O, 82P, 82Q, 82R, 82S, 82T, 82U, 82V, 82W, 82X, 82Y, 82Z, 83A, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83I, 83J, 83K, 83L, 83M, 83N, 83O, 83P, 83Q, 83R, 83S, 83T, 83U, 83V, 83W, 83X, 83Y, 83Z, 84A, 84B, 84C, 84D, 84E, 84F, 84G, 84H, 84I, 84J, 84K, 84L, 84M, 84N, 84O, 84P, 84Q, 84R, 84S, 84T, 84U, 84V, 84W, 84X, 84Y, 84Z, 85A, 85B, 85C, 85D, 85E, 85F, 85G, 85H, 85I, 85J, 85K, 85L, 85M, 85N, 85O, 85P, 85Q, 85R, 85S, 85T, 85U, 85V, 85W, 85X, 85Y, 85Z, 86A, 86B, 86C, 86D, 86E, 86F, 86G, 86H, 86I, 86J, 86K, 86L, 86M, 86N, 86O, 86P, 86Q, 86R, 86S, 86T, 86U, 86V, 86W, 86X, 86Y, 86Z, 87A, 87B, 87C, 87D, 87E, 87F, 87G, 87H, 87I, 87J, 87K, 87L, 87M, 87N, 87O, 87P, 87Q, 87R, 87S, 87T, 87U, 87V, 87W, 87X, 87Y, 87Z, 88A, 88B, 88C, 88D, 88E, 88F, 88G, 88H, 88I, 88J, 88K, 88L, 88M, 88N, 88O, 88P, 88Q, 88R, 88S, 88T, 88U, 88V, 88W, 88X, 88Y, 88Z, 89A, 89B, 89C, 89D, 89E, 89F, 89G, 89H, 89I, 89J, 89K, 89L, 89M, 89N, 89O, 89P, 89Q, 89R, 89S, 89T, 89U, 89V, 89W, 89X, 89Y, 89Z, 90A, 90B, 90C, 90D, 90E, 90F, 90G, 90H, 90I, 90J, 90K, 90L, 90M, 90N, 90O, 90P, 90Q, 90R, 90S, 90T, 90U, 90V, 90W, 90X, 90Y, 90Z, 91A, 91B, 91C, 91D, 91E, 91F, 91G, 91H, 91I, 91J, 91K, 91L, 91M, 91N, 91O, 91P, 91Q, 91R, 91S, 91T, 91U, 91V, 91W, 91X, 91Y, 91Z, 92A, 92B, 92C, 92D, 92E, 92F, 92G, 92H, 92I, 92J, 92K, 92L, 92M, 92N, 92O, 92P, 92Q, 92R, 92S, 92T, 92U, 92V, 92W, 92X, 92Y, 92Z, 93A, 93B, 93C, 93D, 93E, 93F, 93G, 93H, 93I, 93J, 93K, 93L, 93M, 93N, 93O, 93P, 93Q, 93R, 93S, 93T, 93U, 93V, 93W, 93X, 93Y, 93Z, 94A, 94B, 94C, 94D, 94E, 94F, 94G, 94H, 94I, 94J, 94K, 94L, 94M, 94N, 94O, 94P, 94Q, 94R, 94S, 94T, 94U, 94V, 94W, 94X, 94Y, 94Z, 95A, 95B, 95C, 95D, 95E, 95F, 95G, 95H, 95I, 95J, 95K, 95L, 95M, 95N, 95O, 95P, 95Q, 95R, 95S, 95T, 95U, 95V, 95W, 95X, 95Y, 95Z, 96A, 96B, 96C, 96D, 96E, 96F, 96G, 96H, 96I, 96J, 96K, 96L, 96M, 96N, 96O, 96P, 96Q, 96R, 96S, 96T, 96U, 96V, 96W, 96X, 96Y, 96Z, 97A, 97B, 97C, 97D, 97E, 97F, 97G, 97H, 97I, 97J, 97K, 97L, 97M, 97N, 97O, 97P, 97Q, 97R, 97S, 97T, 97U, 97V, 97W, 97X, 97Y, 97Z, 98A, 98B, 98C, 98D, 98E, 98F, 98G, 98H, 98I, 98J, 98K, 98L, 98M, 98N, 98O, 98P, 98Q, 98R, 98S, 98T, 98U, 98V, 98W, 98X, 98Y, 98Z, 99A, 99B, 99C, 99D, 99E, 99F, 99G, 99H, 99I, 99J, 99K, 99L, 99M, 99N, 99O, 99P, 99Q, 99R, 99S, 99T, 99U, 99V, 99W, 99X, 99Y, 99Z, 100A, 100B, 100C, 100D, 100E, 100F, 100G, 100H, 100I, 100J, 100K, 100L, 100M, 100N, 100O, 100P, 100Q, 100R, 100S, 100T, 100U, 100V, 100W, 100X, 100Y, 100Z

LEGEND
 ○ UTILITY POLE
 ● CITY POLE
 ○ CITY WIRE
 ○ COUNCIL
 ○ DIVISIONAL UTILITY LINE

PLAN REFERENCES:
 ASSessor MAP 8-1, PARCELS 13
 PLAN BOOK 275 PAGE 30
 PLAN BOOK 275 PAGE 34-35
 OWNER OF RECORD:
 TOWN OF PROVINCETOWN, MASS.
 2000 BOOK 275, PAGE 175
 2000 BOOK 275, PAGE 175
 2000 BOOK 275, PAGE 175

NOTES:
 1. THE PLAN MAY BE SUBJECT TO THE MASSACHUSETTS ACT, REG. 24C, 24D, 24E, 24F, 24G, 24H, 24I, 24J, 24K, 24L, 24M, 24N, 24O, 24P, 24Q, 24R, 24S, 24T, 24U, 24V, 24W, 24X, 24Y, 24Z, 25A, 25B, 25C, 25D, 25E, 25F, 25G, 25H, 25I, 25J, 25K, 25L, 25M, 25N, 25O, 25P, 25Q, 25R, 25S, 25T, 25U, 25V, 25W, 25X, 25Y, 25Z, 26A, 26B, 26C, 26D, 26E, 26F, 26G, 26H, 26I, 26J, 26K, 26L, 26M, 26N, 26O, 26P, 26Q, 26R, 26S, 26T, 26U, 26V, 26W, 26X, 26Y, 26Z, 27A, 27B, 27C, 27D, 27E, 27F, 27G, 27H, 27I, 27J, 27K, 27L, 27M, 27N, 27O, 27P, 27Q, 27R, 27S, 27T, 27U, 27V, 27W, 27X, 27Y, 27Z, 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28I, 28J, 28K, 28L, 28M, 28N, 28O, 28P, 28Q, 28R, 28S, 28T, 28U, 28V, 28W, 28X, 28Y, 28Z, 29A, 29B, 29C, 29D, 29E, 29F, 29G, 29H, 29I, 29J, 29K, 29L, 29M, 29N, 29O, 29P, 29Q, 29R, 29S, 29T, 29U, 29V, 29W, 29X, 29Y, 29Z, 30A, 30B, 30C, 30D, 30E, 30F, 30G, 30H, 30I, 30J, 30K, 30L, 30M, 30N, 30O, 30P, 30Q, 30R, 30S, 30T, 30U, 30V, 30W, 30X, 30Y, 30Z, 31A, 31B, 31C, 31D, 31E, 31F, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N, 31O, 31P, 31Q, 31R, 31S, 31T, 31U, 31V, 31W, 31X, 31Y, 31Z, 32A, 32B, 32C, 32D, 32E, 32F, 32G, 32H, 32I, 32J, 32K, 32L, 32M, 32N, 32O, 32P, 32Q, 32R, 32S, 32T, 32U, 32V, 32W, 32X, 32Y, 32Z, 33A, 33B, 33C, 33D, 33E, 33F, 33G, 33H, 33I, 33J, 33K, 33L, 33M, 33N, 33O, 33P, 33Q, 33R, 33S, 33T,



**Provincetown Select Board
AGENDA ACTION REQUEST**

Monday, February 25, 2019

6D

SIGHTSEEING VEHICLES RFP

Standish Street

Requested by: Town Manager

Action sought: Approval

Proposed Motion(s)

Move that the Select Board vote [accept][decline] the RFP bid submission for Pedal Ptown to operate a sightseeing vehicle / tour opportunity on the identified parking space located on Standish Street between Commercial Street and Bradford Street.

And

Move that the Select Board vote to approve the License Agreement with Pedal Ptown for the exclusive use of the sightseeing vehicle / tour opportunity parking space on Standish Street.

OR

Move that the Select Board vote to reissue RFP bid submission.

Additional Information

At the Traffic Hearing in November 2108, the Board voted to issue an RFP for sightseeing vehicle/tour opportunity pursuant to Provincetown Parking Regulations 6-4-2. The RFP was published on December 19, 2018 and was set to expire on January 18, 2019. An addendum was issued to have the RFP expire on January 22, 2019. There was only one response to the RFP.

Board Action

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

REQUEST FOR PROPOSALS
Town of Provincetown, Massachusetts
SIGHTSEEING VEHICLE / TOUR OPPORTUNITY
Pursuant to Provincetown Parking Regulations 6-4-2

This Request for Proposals ("RFP") is to facilitate the selection of a proposer who demonstrates the qualifications and capacity necessary to best effectuate the terms and conditions of a License Agreement for the use of a parking space on the West side of Standish Street between Commercial Street and Bradford Street as set forth in Exhibit A of the License Agreement included as Attachment E for the operation of a sightseeing vehicle/guided tour/trolley business. The space is approximately 20 feet long and is reserved for the exclusive use to the Proposer pursuant to a license and the regulations set forth in Provincetown Parking Regulations 6-4-2. The full RFP is available on the Town web site (www.provincetown-ma.gov). The Town of Provincetown reserves the right to reject any or all proposals, waive any informalities in the proposals, and to accept the proposal deemed to be in the best interest of the Town.

Sealed and labeled proposals, addressed to the Town Manager/Chief Procurement Officer, will be received and registered by the Town Manager: Deliver by mail or in person to Provincetown Town Hall, 260 Commercial St., Provincetown, MA 02657 by 4:00 p.m. on Thursday, January 18, 2019.

*David B. Panagore
Town Manager
Chief Procurement*

Posted: Central Register- December 19, 2018
Banner- December 20 & 27, 2018
www.provincetown-ma.gov- December 19, 2018, 9:35 am AR

REQUEST FOR PROPOSALS
Town of Provincetown, Massachusetts
SIGHTSEEING VEHICLE / TOUR OPPORTUNITY
Pursuant to Provincetown Parking Regulations 6-4-2

Sealed and labeled proposals, addressed to the Town Manager/Chief Procurement Officer, will be received and registered by the Town Manager:

Deliver by mail (USPS, UPS, FedEx, etc.) or in person
Provincetown Town Hall
260 Commercial St.
Provincetown, MA 02657

by 4:00 p.m. on Thursday, January 18, 2019

The purpose of this Request for Proposals ("RFP") is to facilitate the selection of a proposer who demonstrates the qualifications and capacity necessary to best effectuate the terms and conditions of a License Agreement for the use of a parking space on the West side of Standish Street between Commercial Street and Bradford Street as set forth in Exhibit A of the License Agreement included as Attachment E for the operation of a sightseeing vehicle/guided tour/trolley business. The space is approximately 20 feet long and is reserved for the exclusive use to the Proposer pursuant to a license and the regulations set forth in Provincetown Parking Regulations 6-4-2.

The Town of Provincetown ("Town"), acting by and through its Chief Procurement Officer, is pleased to present this RFP in accordance with Massachusetts General Law Chapter 30B. The Town of Provincetown reserves the right to reject any or all proposals, waive any informalities in the proposals, and to accept the proposal deemed to be in the best interest of the Town. A license Agreement (Attachment E) will be awarded, if at all, to the responsive and responsible proposer whose proposal is deemed by the Town to be the most advantageous, taking into consideration price and the evaluation criteria included in Section 4 of this RFP.

SECTION 1. GENERAL REQUIREMENTS:

Instructions to Proposers

1. Proposers shall submit separate price and non-price (or technical) proposals. The price proposal form (Attachment D) attached hereto must be completely filled out, signed, placed in an envelope and sealed. The non-price proposal must at the very least address and comply with all minimum requirements set forth in this RFP in order to be considered responsive. The proposal shall be signed, placed in a sealed envelope, marked with the Proposer's name, description of proposal and returned prior to the deadline date.

Both the envelope containing the price proposal and the envelope containing the non-price proposal must be marked with the Proposer's name, description of proposal, and either PRICE PROPOSAL or NON-PRICE PROPOSAL.

2. A Proposer may correct, modify or withdraw a bid by sealed written notice that must be clearly marked as a correction, modification or withdrawal. Any such correction, modification or withdrawal must be received in the Office of the Town Manager at least one hour prior to the scheduled time and date set for the opening of the proposals.

3. A proposer's failure to complete the enclosed forms, satisfy minimum requirements, or provide required documentation will render its proposal non-responsive and will result in rejection of the proposal, unless the Town determines that such failure constitutes a minor informality, as defined in M.G.L. c.30B.

4. All requests for clarification and any questions about information contained in this RFP must be submitted in writing and addressed to:

David Gardner
Assistant Town Manager
260 Commercial Street
Provincetown, MA 02657
dgardner@provincetown-ma.gov

5. No requests or questions will be accepted after **5:00 p.m. on Monday, January 3, 2019**. The proposer must include with any request or question the name, address, telephone number, fax number and email address of the person to whom a response, if any, should be sent. If the Town determines that an answer or response to a request or question is appropriate, the Town will provide such answer or response in writing to all proposers in the form of an Addendum to this RFP. Any addendums will be posted on the Town web site (www.provincetown-ma.gov) and it is the responsibility of the proposers to check the web site for any additional information. Proposers are not entitled to rely upon any answers or responses unless the same have been so issued by the Town.

6. One original and four copies of the proposal must be received by the Town Manager prior to **4:00 p.m. on Thursday, January 18, 2019**. Note that the Town does not always receive overnight mail by 4:00 PM and, therefore, proposers should not expect timely delivery of proposals delivered via overnight mail the day before the date designated for receipt of such proposals. Proposals must be delivered in a sealed package, plainly marked "RFP – Sightseeing Vehicle".

7. Each proposal shall remain in effect and be available for acceptance by the Town for a period of ninety (90) calendar days from the deadline for submission, until a lease has been signed by the lessee and the Town, or this RFP is cancelled or whichever occurs first.

8. In the case of a discrepancy on the Price Summary Form between written and numerical amounts, the written amount shall prevail.

Submittal Requirements

Proposal shall include:

1. Description of the type of services offered that are compatible with the goal of the Town to enhance the tourism based economy.
2. Description of fleet of vehicles.
3. Description of targeted audience.
4. Copy of a Marketing Plan.
5. Proposed hours of operations broken out by month (or season). Describe the extent to which the Proposer will provide services throughout the summer and shoulder seasons, and whether services will be provided on weekdays as well as weekends.
6. Demonstrated comprehensive plan to encourage the Proposer's patrons to serve a wide variety of local attractions and promote local businesses.
7. Description of commitment to environmentally sustainable businesses practices, such as use of low-sulfur diesel or alternative fuel sources, decreasing carbon-footprint through alternative fuel sources, decreased engine idling times, participation in carbon-offset programs, regularly scheduled vehicle maintenance, fleet retrofit or other similar practices.

In addition to addressing each of the items in the specifications, the Proposer must submit the following as part of the proposal:

1. A copy of the Vehicle Permit provided by the Mass Division of Public Utilities Transport Oversight Division.
2. Evidence of route approval, if required, by the Cape Cod Regional Transit Authority and the Mass Division of Public Utilities Transport Oversight Division, and the Provincetown Select Board.

Price Proposal:

Pursuant to the Regulation, a minimum first year permit fee of at least \$1,000 per vehicle is required. As part of a price proposal, a Proposer may agree to provide a higher fee. The successful proposal will be the most advantageous proposal from a responsive and responsible proposer, taking into consideration price and other evaluation criteria set forth in the RFP.

Note: The best price will be the highest price. Each proposer's price will be an annual permit price over the course of the five year license agreement, unless an

escalator is proposed. The combined single number of the five years will be used to compare proposers' prices to determine the highest price.

SECTION 2. LEGAL AND CONTRACTUAL REQUIREMENTS:

1. Proposal Rules

This proposal is solicited and will be awarded pursuant to the rules set forth in Chapter 30B of Massachusetts General Laws. Whenever the requirements of this RFP are inconsistent with or prohibited by Chapter 30B, Chapter 30B shall prevail.

2. Reviewing Period

All proposals meeting the requirements and conditions described herein may be held by the TOWN for a period not to exceed thirty (30) days from the opening of proposals for the purpose of reviewing such proposals and investigating the qualifications of Proposers prior to the awarding of the License Agreement.

3. Basis of Award

All proposals will be reviewed in accordance with M.G.L. c.30B, § 16, by the Town Manager and final selection will be made by the Select Board based on the results of the Town Manager's evaluation and analysis of the information and materials required under this RFP.

A License Agreement (Attachment E) will be awarded, if at all, to a responsive and responsible proposer whose proposal is deemed by the Town to be the most advantageous, taking into consideration the evaluation criteria included in Section 4 of this RFP and price considerations.

A "responsive" proposal is one that includes all documents and information required, and satisfies all minimum requirements contained in this RFP. A "responsible" proposer is one who demonstrates through its proposal that it possesses the experience and resources to fulfill the requirements contained in this RFP.

The "most advantageous" proposal is one that has been determined by the Town to best satisfy the comparative evaluation criteria, as stated in Section 4 of this RFP, and that offers the highest price.

The successful Proposer must sign the License Agreement included in this RFP no later than ten days from the date of its receipt of a notice of award from the Town. If the successful Proposer fails to execute a License Agreement, the Town may select the next most advantageous offer. **The Successful Proposer must execute the License Agreement that is included with this RFP.**

4. Compliance with Applicable Laws

The License Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

The Proposer must affirm that he/she will conduct this project in compliance with the General Laws of the Commonwealth of Massachusetts relating to the operation of a public carrier. Therefore, the Proposer must have a complete understanding of these laws.

The Proposer must comply with all federal, state and municipal laws, ordinances, rules and/or regulations. The Proposer and/or his/her agents, servants and/or employees shall obtain at their sole cost and expense, all required permits, franchises, approvals, licenses and/or certificates necessary for the performance of his/her obligations pursuant to the License Agreement.

5. Force Majeure

Neither party shall be liable to the other, or be deemed to be in breach under the agreement for any failure to perform including without limitation, a delay in rendering performance due to causes beyond its reasonable control, such as an order, injunction, judgment or determination of any Court of the United States or of the Commonwealth of Massachusetts, an Act of God, war, civil disobedience, extraordinary weather conditions, labor disputes, or shortages of or labor disputes, or shortages or fluctuation in electric power, heat, light or air conditioning. Performance deadlines will be extended for a period of time equal to the length of such delays, provided that the party whose performance is affected promptly notifies the other party of the existence and nature of such delay.

6. Termination of License Agreement

Subject to the provisions of the section entitled "Force Majeure", if the Proposer shall fail to fulfill in a timely and satisfactory manner its obligations under the agreement, or if the Proposer shall violate any of the conditions or stipulations of this License Agreement, the municipality shall have the right to terminate this License Agreement pursuant to the terms of the Agreement.

7. Assignment of License Agreement

The Proposer shall not assign or in any way transfer any interest in this agreement without the prior written consent of the TOWN.

8. Ability and Experience

The awarding authority will not award a License Agreement to any Proposer who cannot furnish satisfactory evidence of his/her ability and experience in this type of service and that he/she has sufficient capital to enable him/her to provide the service within the given time period.

The awarding authority may make such investigations it deems necessary to determine the above and the Proposer shall furnish the TOWN with any information requested in this regard and shall furnish same under oath if required.

9. Certificate of Non-Collusion and Tax Attestation Form

All Proposers must sign the attached forms (Attachments A, B, and C) which incorporates both an attestation clause regarding Massachusetts state tax returns and a certificate of non-collusion.

10. Corrections

Erasures or other changes in the proposal must be explained or noted over the signature of the Proposer.

11. Conflict of Interest

The Proposer agrees that, to the extent that such law is applicable to the duties it is to perform hereunder, it will comply with the provisions of Chapter 268A of the General Laws concerning conflict of interest. The Proposer covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance under the License Agreement.

No employee of the TOWN and no public official who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this License Agreement shall:

Participate in any decision relating to this License Agreement which affects his/her personal interest or the interest of any corporation, partnership or association in which he is directly or indirectly interested; or have any financial interest, direct or indirect, in this License Agreement or the proceeds thereof.

12. Liability

The Proposer agrees to indemnify, hold harmless, and defend the TOWN from and against liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorney fees) which it may hereunder incur, become responsible for, or pay out as a result of death or bodily injuries to any person, destruction or damage to any property, contamination or adverse effects on the environment, or any violation of governmental laws, regulation or orders caused, in whole or in part, by the Proposer's employee's in the performance of this License Agreement.

13. Insurance Coverage

A. General. The Proposer shall, before commencing performance of the License Agreement, be responsible for providing and maintaining insurance coverage in force for the life of the License Agreement of the kind and in adequate amounts to secure all of the obligations under the License Agreement and with insurance companies licensed to write insurance in the Commonwealth of Massachusetts. All such insurance carried shall not be less than the kinds and amounts designated herein, and the Proposer agrees that the stipulation herein of the kinds and limits of coverage shall in no way limit the Liability of the Proposer to any such kinds and amounts of insurance coverage. Certificates of Insurance for all required coverages evidencing coverages in force shall be supplied to the Town prior to the commencement of work to be performed. Failure to provide and continue in force such insurance as aforesaid shall be deemed a material breach of this License Agreement, and may constitute sufficient grounds for immediate termination of the same. All insurance maintained as provided for in the above shall be carried and maintained at the sole expense of the Proposer.

B. Proposer's Comprehensive General Public Liability and Property Damage Liability. Licensee shall maintain public liability insurance, including coverage for bodily injury, wrongful death and property damage, in the minimum amount set forth herein to support the obligations of Licensee under the terms and conditions of this License to defend, indemnify, and hold harmless the Town: General Liability: \$1,000,000.00/occurrence, \$2,000,000.00/aggregate; Bodily Injury Liability: \$1,000,000.00/occurrence, \$2,000,000.00/aggregate. Licensee shall also maintain workers compensation insurance, if required by law.

C. Comprehensive Automotive Liability and Property Damage Insurance. The Proposer shall carry Automobile Liability limits with a Combined Single Limit for Bodily Injury and Property Damage in the amount of one million dollars (\$1,000,000.00). Such coverage shall include coverage for owned, non-owned and hired autos.

D. Workman's Compensation. The Proposer shall carry Workman's Compensation Insurance as required by law.

FAILURE TO COMPLY WITH THE ABOVE CONDITIONS AND REQUIREMENTS OR ANY ATTACHED SPECIFICATIONS OR ANY OTHER MINIMUM QUALIFICATIONS WILL BE JUSTIFICATION TO REJECT ANY PROPOSAL AS INCOMPLETE.

SECTION 4. SCOPE OF PROJECT AND OVERVIEW:

1. Profile of Provincetown:

Provincetown is located at the extreme tip of Cape Cod in Barnstable County, Massachusetts, in the United States. A small coastal resort town with a year-round population of just under 3,000, Provincetown's summer population increases to as high as 60,000.

Provincetown is a historic and scenic town with a robust seasonal tourist economy. The Town is highly dependent upon the visitor service industry. Scenic tours have been a mainstay of the visitor attractions to Provincetown for nearly a century.

Provincetown is known for its beaches, harbor, art community, tourist industry, and its status as a vacation destination for the LGBT community. The town has many local attractions such as MacMillan Wharf, the Pilgrim Monument & Provincetown Museum, Commercial Street shops, art galleries, great restaurants, bars, coffee shops, bakeries, fudge and taffy shops and much more.

From the signing of the Mayflower Compact by the Pilgrims in 1620 to the staging of Eugene O'Neill's first play in 1916, Provincetown's harbor, homes and other landmarks are rich in a layered history and have inspired artists and tourists alike. Sightseeing tours highlight the most significant buildings and sites associated with four centuries of Provincetown history.

2. Parking Regulations Section 6-4-2 Sightseeing Vehicles

A. The Select Board shall specify the location of all special parking zones for sightseeing vehicles and shall designate who may use them as such. No person shall park a specially designated vehicle under these rules and orders in any other place on any street other than in those zones designated below for said vehicles.

B. Sightseeing Vehicles shall be defined as dune tour operators, trolleys, tours and other similar services that are intended to provide primarily tourist activities rather than transportation services.

C. Sightseeing Vehicles shall only use reserved parking spaces designated by the Town pursuant to a permit issued by the Select Board. Such permits shall be issued on a competitive basis pursuant to a Request for Proposals. Permits will be issued based on evaluation criteria set forth in the Request for Proposals. Permits shall be issued for terms of five years and shall be revocable for cause after a public hearing. The minimum fee for such permits shall be \$1,000.00 per vehicle per year.

3. Description of Designated Space

The Designated Space was approved by the Select Board on November 19, 2018 and consists of an approximate 20 foot x 8 foot exclusive use area within the public way of Standish Street in the Town of Provincetown. The space may be used for the loading and unloading of passengers associated with a tour or sightseeing vehicle.

4. Responsibilities of the TOWN:

The TOWN shall provide the identified parking space (Exhibit A of Attachment E) free and clear as designated by the Select Board.

The TOWN shall provide adequate signage and enforcement to secure the space as a Sightseeing Vehicle space pursuant to the Parking Regulations.

5. Performance

In addition to the services performed pursuant to this RFP, THE PROPOSER agrees to comply with the all rules, regulations and bylaws of the Town and shall minimally perform the services as described in the proposal.

6. Term Of Agreement

The parties' obligations under this Agreement shall be consistent with the License Agreement.

7. Payment.

The PROPOSER shall pay the annual fee in a timely manner.

SECTION 4. EVALUATION CRITERIA

A. Minimum Evaluation Criteria

1. The extent to which the Proposer's description of the services offered are compatible with the goal of the Town to enhance a tourism based economy.

2. The extent to which the fleet of vehicles are safe, handicapped accessible and attractive and project a positive image of the Town.
3. The extent to which the targeted audience and marketing plan address a wide cross section of the tourist market.
4. The extent to which the Proposer will provide services throughout the summer and shoulder seasons, and whether services will be provided on weekdays as well as weekends.
5. The extent to which the Proposer demonstrated a comprehensive plan to encourage the Proposer's patrons to serve a wide variety of local attractions and promote local businesses.
6. The extent to which the description of commitment to environmentally sustainable businesses practices, such as use of low-sulfur diesel or alternative fuel sources, decreasing carbon-footprint through alternative fuel sources, decreased engine idling times, participation in carbon-offset programs, regularly scheduled vehicle maintenance, fleet retrofit or other similar practices.

B. Comparative Evaluation Criteria

A Proposer shall be deemed unacceptable, acceptable, advantageous or highly advantageous based on how well they satisfy or exceed the applicable Minimum Evaluation Criteria set forth in Section 4.A.

A Proposer shall be viewed favorably if they are willing to provide within the License Agreement a fee greater than the minimum annual permit fee.

In order to fairly evaluate the above criterion, the Proposers must submit sufficient documentation and references to substantiate any information provided in conjunction with the above requirements.

ATTACHMENT A

CERTIFICATE OF STATE TAX COMPLIANCE

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A,

I, _____ of _____, whose principal place of business is located at _____, do hereby certify that the above-mentioned _____ has complied with all laws of the Commonwealth relating to taxes, reporting of employees and Proposers, and withholding and remitting of child support. M.G.L. C. 62C, Section. 49A (b)

Signed under the penalties of perjury on this ____ day of _____ 20____.

Name of Proposer _____

By: _____

Title: _____

Personally appeared the above-named, _____, and being duly sworn, deposed and says that he/she is the person named therein, and who signed the foregoing, and that the statements therein are true.

ATTACHMENT B

STATEMENT OF NON-COLLUSION

I, _____, of _____, whose principal place of business is located at _____, do hereby certify that:

1. The proposed bid price has been arrived at independently, without collusion, consultation or communication as to any other Proposer or with any competitor.
2. The said bid price was not disclosed by the Proposer and was not knowingly discussed prior to the submission, directly or indirectly, to any other Proposer or to any competitor.
3. No attempt was made by the Proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.
4. This bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section the word "person" shall mean any natural person, joint venture, partnership, corporation, or other business or legal entity.

Signed under the penalties of perjury on this ____ day of _____, 20____.

Name of Proposer _____

By: _____

Title: _____

Personally appeared the above-named, _____, and being duly sworn, deposed and says that he/she is the person named therein, and who signed the foregoing, and that the statements therein are true.

ATTACHMENT C
CERTIFICATE OF AUTHORITY
(Corporations Only)

Date:

At a meeting of the Directors of _____,
duly called and held at _____ on the _____ day of
_____, 20____, at which a quorum was present and acting, it was
VOTED that this corporation is hereby authorized and empowered to make, enter
into, sign, seal and deliver on behalf of this corporation a contract
for _____ with the Town of Provincetown,
Massachusetts.

I do hereby certify that the above is a true and correct copy of this record,
that said vote has not been amended or repealed and is in full force and in effect
as of this date, and that _____ is
the duly elected _____ of this
corporation.

(Clerk) (Secretary) of the
Corporation

Attest:
(Affix Corporate Seal Here)

ATTACHMENT D

PRICE SUMMARY FORM
Exclusive Use of Sightseeing Vehicle Parking Space

TOWN OF PROVINCETOWN
260 Commercial Street
Provincetown, Massachusetts 02657

This price summary form must be submitted with the proposal. Failure to adhere to this instruction will result in disqualification of your proposal.

Name of Proposer: _____

Fee Schedule

<u>Year</u>	<u>Annual License Fee</u> (must be no less than \$1,000)	<u>Percentage Annual Escalator</u> (optional)	<u>Total Annual Value</u>
1			
2			
3			
4			
5			

ATTACHMENT E
DRAFT LICENSE AGREEMENT

This License Agreement (this "License") is entered into on this _____ day of _____, 2019, by and between the Town of Provincetown (the "Town"), acting by and through its Select Board, having an address of 260 Commercial Street, Provincetown Massachusetts 02657, and _____ ("Licensee"), a _____, having an address of _____.

Whereas, Licensee operates "Sightseeing Vehicles," as the term is defined in the Town of Provincetown's bylaws, rules and/or regulations (as the same may be amended from time to time), for the purpose of leading members of the public to tourist attractions in and around the Town of Provincetown (the "Tourism Business");

Whereas, the Town has control of Standish Street, which is a public way in the Town of Provincetown (the "Roadways"), and the parking spaces thereon;

Whereas, Licensee has requested that the Town allow Licensee to park one (1) Sightseeing Vehicle at a parking space located on the West side of Standish Street between Commercial Street and Bradford Street, which parking space is shown more particularly on the sketch plan attached hereto as Exhibit A and incorporated herein (the "Parking Space"); and

Whereas, the Town is amenable to granting such a license to Licensee.

Now, therefore, the Town hereby grants Licensee a license to use the Parking Space subject to, and Licensee agrees to use said Parking Space in compliance with, the following terms and conditions:

1. USE, PURPOSE, TERM. The Town hereby grants Licensee a license to use the Parking Space for the sole purpose of parking one (1) Sightseeing Vehicle thereon between the hours of ____ a.m. and ____ p.m. The term of this License is five (5) years (the "License Term"), commencing on _____, 2019 (the "Commencement Date") and terminating _____, 2023, unless sooner terminated in accordance with this License (the "Termination Date"). The Town shall have the right to relocate the Parking Space to other locations on the Roadways provided that the Town gives Licensee at least fourteen (14) days prior written notice thereof. Such entry and use shall be further limited by the provisions of Section 4. In the Town's sole discretion, the successful proposer who is awarded and signs a license agreement may be permitted an opportunity to renew for an additional five years, as approved by the Select Board.

2. CONSIDERATION. During the term of this License, Licensee shall pay the Town a fee equal to \$_____ each year (the "License Fee"), which License Fee shall be paid to the Town _____ of each year during the term, at the address set forth above. As further consideration for this License, Licensee shall observe and perform all the obligations and covenants set forth within this License to the reasonable satisfaction of the Town.

3. RISK OF LOSS. Licensee acknowledges and agrees that it accepts the Parking Space in its "AS-IS" condition, and that the Town has made no representation or warranty regarding the fitness thereof. The Town is not responsible for the security of the Property, including without limitation, the Parking Space, or for the maintenance and repair thereof, including, without limitation, removing snow and ice therefrom. The Town shall not be liable to Licensee or its employees, agents, representatives, customers or invitees, or anyone claiming by, through or under Licensee (collectively, with Licensee, the "Licensee Parties"), for any injury or death to persons on or around the Roadways, or loss or damage to any and vehicles, equipment or other property that are brought upon the Parking Space pursuant to the License, except if such injury, death, loss or damages is caused directly by the gross negligence or willful misconduct of the Town, or its employees, agents or representatives. The provisions of this Section shall survive the expiration or termination of this License.

4. PARKING SPACE; CONDUCT. Licensee shall, at the Town's request, place signs on the Parking Space or adjacent areas to indicate they are for Licensee's use, which signs shall comply with the Town's bylaws, if applicable, and be reasonably acceptable to the Town. Licensee shall have the right to use the Parking Space every day during the Term hereof only during the hours of ____:00 a.m. to ____:00 p.m., except when the Parking Space are unavailable for street cleaning, snow clearing and/or during snow emergencies, and/or during such times when the Roadway(s) is/are otherwise closed to the public (the "Permitted Hours"). Only Sightseeing Vehicles may be parked in the Parking Space. All Sightseeing Vehicles must have current registration and inspection stickers. Personnel operating the Sightseeing Vehicles must have valid drivers' licenses and wear a uniform or identification badge to show they are Licensee's employees. Licensee must obtain any and all licenses, permits and approvals required to use the Parking Space and operate the Tourism Business, and shall make a copy of the permit available at all times.

Licensee shall not, and shall not permit any of the Licensee Parties to, park vehicles on the Parking Space overnight, store any equipment or other property within the Parking Space, park any commercial vehicles, large trucks, trailers, boats or off-road vehicles on the Parking Space, or clean or repair any vehicle while on the Parking Space. Licensee shall be responsible for removing any vehicles parked and/or equipment stored on the Parking Space in violation of the terms hereof, at its sole cost and expense. If Licensee fails to remove such vehicles or other property within one hour after the Town has notified Licensee of the same, which notice may be oral or written, the Town may, at Licensee's sole cost and expense, tow the vehicles to a public parking lot or remove equipment

to a location of its choice. The Town shall not be responsible for any damage occurring to vehicles or other property resulting from such removal.

Licensee agrees that it shall at all times conduct itself so as not to unreasonably interfere with the use of the Roadways by others or the operations of the Town. Licensee shall comply with any and all applicable laws, statutes, ordinances, regulations and permitting or licensing requirements and observe all reasonable rules and regulations that may be established by the Town from time to time relating to the use of or access to the Parking Space. Licensee shall, at the Town's reasonable request and at Licensee's cost, take such measures reasonably necessary to ensure the safety of others using the Roadways. Licensee shall promptly repair any damages caused by or resulting directly or indirectly as a result of the acts or omissions of the Licensee Parties, at its sole cost and expense.

Other than the signs that Licensee may place adjacent to the Parking Space in accordance with the terms hereof, Licensee shall not construct, install or place any other temporary or permanent buildings, structures, utilities, objects, equipment or other property in, on, under, over or across the Parking Space, or make any improvements to the Parking Space or the Roadways, without the Town's prior written consent, which may be exercised in the Town's sole discretion.

Licensee shall strictly comply with all environmental laws affecting the Parking Space and shall not bring, place, store, release or otherwise dispose of at or near the Parking Space any oil, hazardous materials, hazardous substances, and/or toxic substances as such terms may be used or defined under federal, state or local law under any existing or future arising statutory or common law, including but not limited to Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c. 21E, and all applicable rules and regulations promulgated thereunder (collectively, the "Hazardous Materials").

5. INDEMNIFICATION. Licensee shall defend, indemnify, and hold harmless the Town from any and all liability, loss, damage, costs, expenses (including, without limitation, reasonable attorneys' fees and expenses), causes of action, suits, claims, demands or judgments of any nature whatsoever, in law and equity, which are or may be brought against the Town or its agents, employees, successors and assigns arising out of or relating to: (a) the discharge, release or threatened release at or from the Parking Space and/or the Roadways of any Hazardous Materials that is caused by any of the Licensee Parties, (b) any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee under this License, and (c) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, fault, negligence or misconduct of any of the Licensee Parties on or about the Parking Space or relating in any way to Licensee's exercise of its rights hereunder. The obligations of this Section shall survive the expiration or termination of this License.

6. INSURANCE. Licensee shall maintain public liability insurance, including coverage for bodily injury, wrongful death and property damage, in the minimum amount set forth herein to support the obligations of Licensee under the terms and conditions of this License to defend, indemnify, and hold harmless the Town: General Liability: \$1,000,000.00/occurrence, 2,000,000.00/aggregate; Bodily Injury Liability: \$1,000,000.00/occurrence, \$2,000,000.00/aggregate. Licensee shall also maintain workers compensation insurance, as required by law.

Prior to using the Parking Space for any reason, Licensee shall provide the Town with a copy of such insurance policy in each case indicating the Town is an additional insured on the policy and showing compliance with the foregoing provisions. The insurance coverage required hereunder shall be issued by insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and having a Best's rating of A or better. Licensee shall require the insurer to give at least thirty (30) days' written notice of termination, reduction or cancellation of the policy to the Town.

To the extent possible, Licensee shall obtain, for each policy of insurance secured by it, provisions permitting waiver of any claims against the Town for loss or damage within the scope of the insurance, and Licensee, for itself and its insurers, waives all claims against the Town as to such claims covered by such insurance.

7. TERMINATION and REVOCATION. This License may be revoked by either party for any reason upon written notice of revocation at least sixty (60) days prior to the termination date stated within said notice. Notwithstanding the foregoing, the Town shall have the right to terminate this License: (a) by giving Licensee ten (10) days prior written notice thereof if Licensee fails to pay the License Fee when due or comply with any other material term of this License, provided that the notice of termination shall be void and of no further effect if Licensee cures such default within the aforesaid ten (10)-day period, and (b) immediately by written or oral notice, if Licensee is involved in accidents resulting in property damages or personal injury, regardless of fault, or Licensee's use of the Parking Space causes traffic jams or otherwise interferes with the pedestrian or vehicular use of the Roadways, at the Town's discretion.

At the expiration of this License or its prior termination, Licensee shall forthwith remove all vehicles from the Parking Space, remove Licensee's signs and any other personal property upon or adjacent to the Parking Space, and repair any damage caused by any of the Licensee Parties. If vehicles and/or signs or other personal property are not removed from the Parking Space or adjacent areas within twenty-four (24) hours of expiration or termination, they shall be deemed abandoned and shall become the sole property of the Town. This obligation shall survive the expiration or termination of this License.

8. NOTICE. Any notice required or permitted to be given under this License shall be in writing and signed by the party or the party's attorney or agent and shall be deemed to have been given: (a) when delivered by hand, or (b)

when sent by Federal Express or other similar overnight courier service, or (c) when mailed by certified mail, return receipt requested, to the party at the address set forth above. These addresses are subject to change, and the parties hereto agree to inform each other of such changes as soon as practicable.

9. MISCELLANEOUS.

(a) This License contains the entire agreement of the parties and there are no other agreements or understandings between the parties regarding the subject matter of this License.

(b) Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

(c) This License shall not be construed as creating or vesting in Licensee any estate in the Parking Space, but only the limited right of use as hereinabove stated.

(d) Licensee is not authorized to bind or involve the Town in any contract or to incur any liability for or on the part of the Town.

(e) This License shall not be transferred or assigned to any person without the prior written consent of the Town, which may be withheld in its sole discretion, it being acknowledged by Licensee that this License is personal to Licensee and be valid so long as Licensee operates the Tourism Business.

(f) If any portion of this License is declared to be illegal, unenforceable or void, then all parties to this License shall be relieved of all obligations under that portion; provided, however, that the remainder of this License shall be enforced to the fullest extent permitted by law.

(g) The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.

(h) All appropriate terms and provisions relating to indemnification and the restoration of the property affected hereby shall survive the expiration or termination of this License.

(i) This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed and effective as of the date first above written.

Licensee:

Licensor:

TOWN OF PROVINCETOWN,
By its Select Board

By: _____

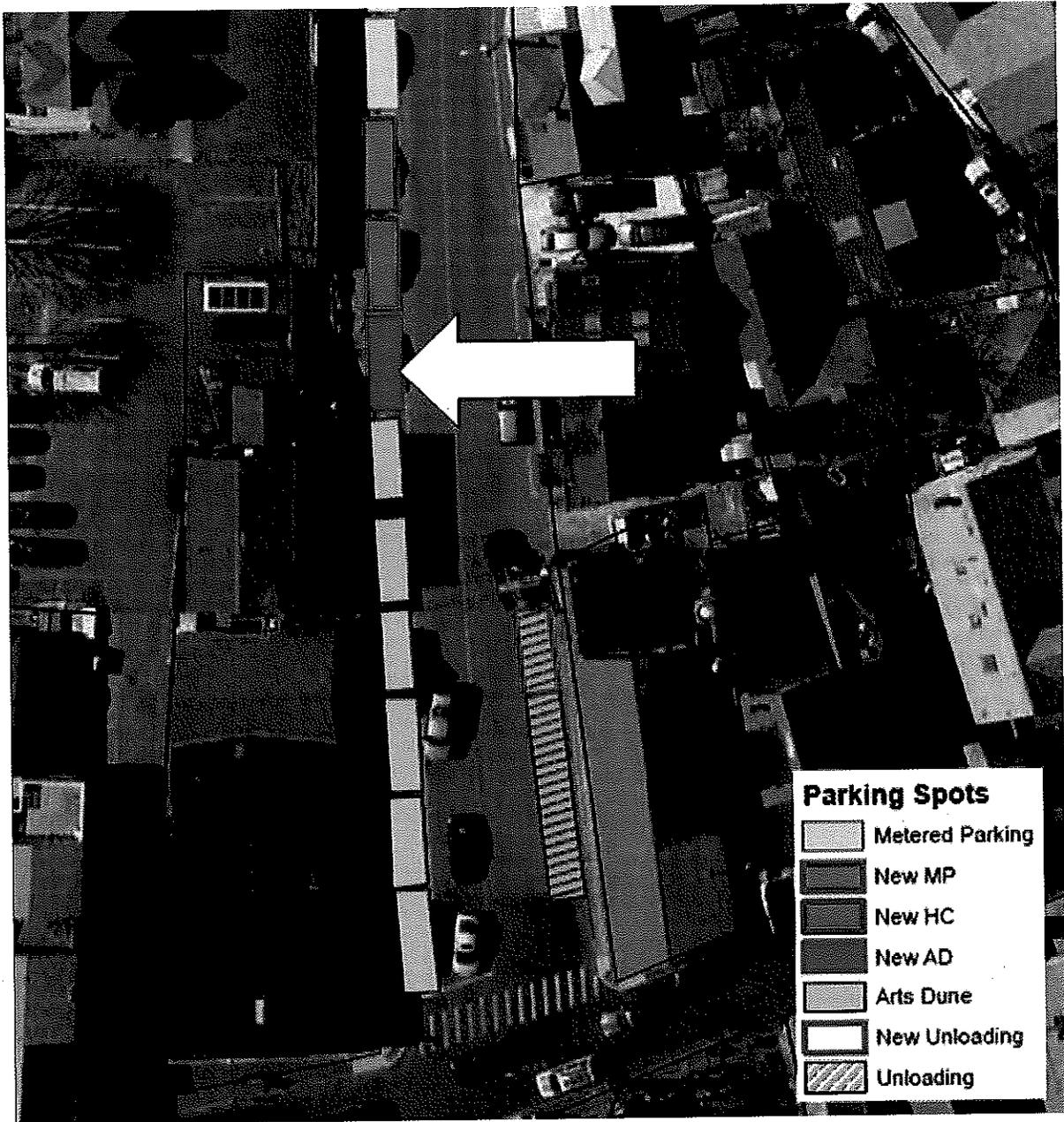
Name:

Title:

510509/PROV/0001

Exhibit A

Sketch Plan



REQUEST FOR PROPOSALS
Town of Provincetown, Massachusetts

SIGHTSEEING VEHICLE / TOUR OPPORTUNITY
Pursuant to Provincetown Parking Regulations 6-4-2

Addendum Number 1

January 11, 2018

The attention of those submitting proposals for the subject Contract is called to the following addendum to the Request for Proposals (RFP):

The original RFP includes a deadline for proposals of Thursday, January 18, 2019 at 4:00 pm. This addendum shall change the deadline to Tuesday, January 22, 2019 at 11:00 am.

This change was made due to the fact that January 18, 2019 is a Friday, not a Thursday. In addition, Town Hall closes at Noon on Fridays and proposers would be unable to submit at 4pm on that day. It is the responsibility of the proposers to check the Town web site for updated information.



pedal ptown
PROVINCETOWN BY BIKE

214 Bradford St #4
Provincetown, MA 02657
(508) 687-0038
hello@pedalptown.com

January 16, 2019

Town Manager/Chief Procurement Officer
Provincetown Town Hall
260 Commercial Street
Provincetown, MA 02657

To the Town Manager:

I am excited to submit the enclosed response to the Sightseeing Vehicle Request for Proposals.

Pedal Ptown is a new business that will begin offering guided bicycle tours of town in April 2019. The business objective is to inform, educate, and entertain visitors through the wonderful stories, places, and experiences that make Provincetown unique.

Unlike other tours of town, these will be highly interactive with the community – not just a drive-by with a voice over. Each tour will have a topic focus to be able to peel away the different layers of the story of Provincetown from a number of different perspectives.

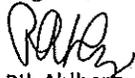
To encourage visitors to further support the local economy, I am establishing “destination partners” – local businesses, cultural organizations, artists, and performers who riders will meet and interact with along the tour. I am in a number of discussions at this time to establish relationships for this season.

Bicycle tourism is a growing market worldwide, yet despite the large number of people who ride bikes here in the summer and all year round it has remained a neglected segment of Provincetown’s tourism offerings. The Cape Cod Chamber of Commerce notes that *riding a bike is the #2 activity* for visitors to the Cape after going to the beach. However, there are no guided bike tour operators anywhere on Cape Cod.

The attached proposal outlines the details of how Pedal Ptown tours would operate out of the designated space that is being offered on Standish Street. Bicycle tours were obviously not an expected use of the space, but I hope you will consider my approach and entrepreneurial spirit to provide active, sustainable tours that are an alternative to sitting in a large, polluting motor vehicle. I have marked up the Draft License Agreement to note where it may need to be amended if this response is selected to move forward.

I look forward to discussing this opportunity further.

Regards,


Rik Ahlberg



pedal ptown
PROVINCETOWN BIKE TOURS

Sightseeing Vehicle RFP Response
Non-Price Proposal

January 16, 2019



pedal ptown
PROVINCETOWN BIKE TOURS

Sightseeing Vehicle RFP Response
Non-Price Proposal

1. Description of Services	2
2. Description of fleet vehicles	3
Figure 2 – Bicycle with bike trailer	3
3. Description of target audience	4
4. Copy of marketing plan	5
5. Proposed hours of operation by month and day of week	7
Operating Hours – Weekly	7
Operating Months	7
Tour Capacity	7
6. Demonstrated plan to encourage patron use of local businesses	8
7. Description of environmentally sustainable business practices	9
8. Additional regulatory information	10
Vehicle permit – Not applicable	10
Route approval – Not applicable	10
9. Attachments	11

1. Description of Services

Pedal Ptown offers guided tours by bicycle throughout the town of Provincetown. Tours vary in length but are typically 2 hours. Each tour accommodates up to eight participants, each on a bicycle, with one tour guide.

Each tour has a specific itinerary but routes will vary depending on the level of congestion on the roads, weather, and operating hours of participating partner destinations.

The content of the tours highlight the town's unique character, history, and environment.

Tours planned for 2019:

- Town Tour
- Art & Architecture Tour
- LGBT Experience Tour
- Mayflower Pilgrims Tour
- Discovery Tour (exclusive to Airbnb Experiences)
- Seashore Adventure Tour (pending CCNS approval).

How tours are conducted:

1. Participants purchase tickets online in advance, either through Airbnb Experiences or the Pedal Ptown web site.
2. Participants meet at a designated location and are fitted with their bicycles. Each bicycle is checked for operational safety.
3. Tours begin with a bike safety refresher and review of the town's Bicycle Map & Safety Guide. Each participant receives a Pedal Ptown reusable water bottle.
4. Participants ride to each location on the itinerary, stop for verbal and visual description of locations by the guide, and are encouraged to ask questions. At partner destinations, participants will be able to interact with local businesses, artists, performers, and staff at cultural institutions. Each tour will stop at a water bottle filling station to emphasize the impact of single-use, disposable cups on our environment.
5. Upon return to the departure point, each participant will return their bicycle, be asked to complete an online comment card, and be provided with a swag bag that includes promotional materials from our destination partners.

2. Description of fleet vehicles

For the purpose of this RFP response, the "fleet vehicle" is a custom cargo bike with an attached bicycle trailer. (Note that Massachusetts General Law defines a bicycle as a "vehicle" when operating on a public way, but a bicycle is not a "motor vehicle" subject to registration with the state Registry of Motor Vehicles.)

The bicycle trailer is attached to the rear and capable of transporting multiple bicycles. The vehicle includes Pedal Ptown branding and contact information much like any other tour vehicle that already operates in town. This vehicle (including the trailer) easily fits within the 20 ft by 8 ft parking space as described in the RFP.

The fleet vehicle will be used to transport bicycles to and from the parking space and will not be used to conduct tours.

During the tour, the fleet vehicle will remain at the parking space.

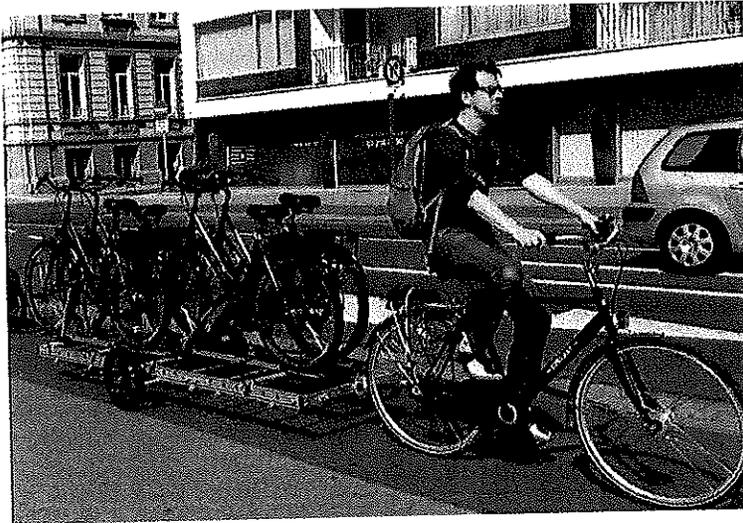


Figure 2 – Bicycle with bike trailer

The bicycles that will be transported are the bikes that are reserved by participants when they book their tour. This allows us to accommodate a wide variety of participants by sourcing bicycles that fit their height, skill level, and personal preferences.

Bikes are rented from a local bike shop's existing rental fleet for each tour. The participant bicycles are safety checked by the bike shop before being transported on our fleet vehicle to the departure point. Participants will also have the options of upgrading to an e-bike or using their own bicycle.

3. Description of target audience

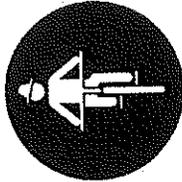
Based on the Provincetown Tourism Office's visitor survey data, these are the visitor characteristics that we will be targeting:

Length of stay	3 days or more
Age	35-54
Income	\$100k+
Education	Highly-educated (some college or more)
Local	Nearly 60% are from the MA/NYC metro areas where they may not ride a bicycle regularly
Tech savvy	Visitors read reviews on TripAdvisor & Yelp and book online
Repeat visitors	83% have been here 5 times or more
Couples+	More than 50% of visitors travel here with a spouse or friends

Key opportunities with this audience:

- Provide a new experience for repeat visitors
- Highlight new and little-known businesses and locations
- Provide interesting, off-beat information visitors may never have encountered
- Provide on-bike skills training for visitors who don't ride bikes at home
- Target word-of-mouth referrals through "friends" promotions.

4. Copy of marketing plan



pedal ptown

PROVINCETOWN BY BIKE

Marketing Plan

Audience	Strategies	Activities
<p>Target Persona</p> <ol style="list-style-type: none"> Weekly or seasonal visitors: Groups of friends, couples, active families with children, singles Interested in nature, cultural heritage, art, or LGBT topics Interested in active tourism (riding a bike outdoors rather than sitting in a bus or car) 	<p>Marketing Goals</p> <ol style="list-style-type: none"> Establish brand and name recognition Sell 25% of scheduled tours in 2019 	<p>Marketing Channels</p> <ol style="list-style-type: none"> Social Media (Facebook, Instagram, Twitter) Comarketing with local businesses ("destination partners") Rack card distribution in town Radio - WOMR Business organizations: Provincetown Business Guild & Provincetown Chamber of Commerce
<p>Customer Journey</p> <p>Anticipate: Online marketing entices booking Engage: Convert interest to booking Participate: Ride the tour, interact with guide Exit: Recommendations, comarketing swag, water bottle to take home, request review Reflect: Post photos online Recommend: Post positive reviews</p>	<p>Key Strategies</p> <ol style="list-style-type: none"> Focus on feedback from customers and revise offerings to respond Encourage positive online reviews to build social capital Promote destination partners to expand impact for local businesses Promote "Provincetown by Bike" branding 	<p>Tactics & Activities</p> <ol style="list-style-type: none"> Establish easy online review process Develop branding through consistent use of logo, color, and tag line on-bike, in collateral, guide uniforms & swag (water bottles, swag bag, etc.) Shoulder-season promotion through Bike Month, collaborator with spring/fall charity rides, and year-round businesses Launch free bike education program for year-round residents
<p>Value Proposition</p> <p>Local insider knowledge and perspective Integrates eco-tourism, cultural heritage, art, and LGBT interests High level of personal service Differentiated as a sustainable, active exploration of town</p>	<p>Pricing & Positioning</p> <p>Pricing comparable to trolley tour or dune tour Active, no/low-impact tourism Shared community – Social responsibility, Environmentally sustainable Premium high-touch service Insider knowledge</p>	<p>Measures of Success</p> <p>Weekly, Monthly & Annual: Average revenue per tour Number of positive on-line reviews Number of partner referrals Social followers Web site visits</p>

5. Proposed hours of operation by month and day of week

Operating hours will vary based on season, availability of rental bicycles, theme week activity, traffic, and weather. Tours will **not** operate on heavily congested days such as the 4th of July and Carnival.

Our season schedule for 2019 is dependent on the opening hours of the bike shops in town. As a result, we expect to be operating on Sunday, April 14 and closing for the winter on Monday, December 9 after the weekend of Holly Folly.

In general, tours will operate Sunday-Friday (closed on Saturdays due to weekly turnover and departure/arrival congestion). The first tour scheduled tour will start at 10 AM and all tours completed by sunset (8 PM in the high season).

Operating Hours – Weekly

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10 AM to 8 PM	Closed					

Operating Months

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Closed	Closed	Closed	Open	Closed*							

* Closed after Holly Folly weekend

Tour Capacity

Tours booked through Airbnb Experiences will operate with one or more participants. Tours booked through the Pedal Ptown web site will operate with a minimum of two participants. The maximum number of participants per tour will be capped at eight riders.

6. Demonstrated plan to encourage patron use of local businesses

We are working with a number of local businesses, cultural organizations, artists, and performers to provide special services at locations during tours. These are our "destination partners" and they will provide a high level of interactivity with local businesses that is unmatched by any other tour operator.

The focus of the "destination partners" program is to support other locally-owned, year-round businesses.

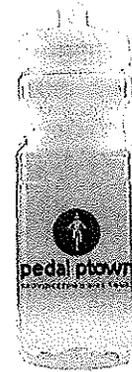
We will offer a complimentary swag bag at the end of each tour with marketing materials, promotional items, and discounts from our destination partners.

7. Description of environmentally sustainable business practices

Bicycles are the most sustainable mode of transportation available. They are zero-emission, quiet, cause negligible wear and tear to town streets, and provide physical exercise to riders. Bicycles take up a fraction of the space of a motor vehicle and do not cause congestion by blocking our narrow streets.

Each rider is provided with a Pedal Ptown water bottle at the start of the ride and we highlight the environmental impact of single-use, disposable cups. We stop at a water bottle filling station during each tour to fill the bottles and demonstrate town's commitment to the environment.

All of our marketing collateral (business cards and rack cards) are printed using biodegradable inks on recycled paper and our reusable water bottles are made in the United States from recycled materials.



By renting bicycles from existing bike shops, Pedal Ptown will generate additional revenue for those local businesses. Wherever possible, we source promotional and business support services from local Provincetown vendors.

A portion of net proceeds from our ticket sales will be used to sponsor free bicycle safety and education classes for year-round residents.

8. Additional regulatory information

Vehicle permit – Not applicable
No vehicle permit is required.

Route approval – Not applicable
No route approval is required.

9. Attachments

Attachment A – Certificate of Tax Compliance

Attachment B – Statement of Non-Collusion

Attachment C – Certificate of Authority

Attachment D – Price Summary Form (in sealed Price Proposal envelope)

Attachment E – DRAFT License Agreement

ATTACHMENT A

CERTIFICATE OF STATE TAX COMPLIANCE

Pursuant to Massachusetts General Laws, Chapter 62C, Section 49A, I, **Rik Ahlberg of Pedal Ptown** whose principal place of business is located at **214 Bradford St. #4, Provincetown MA 02657**, do hereby certify that the above-mentioned **Pedal Ptown** has complied with all laws of the Commonwealth relating to taxes, reporting of employees and Proposers, and withholding and remitting of child support. M.G.L. C. 62C, Section. 49A (b)

Signed under the penalties of perjury on this **16th** day of **January 2019**.

Name of Proposer: **Rik Ahlberg d/b/a Pedal Ptown**

By: *Rik Ahlberg* 1/16/19

Title: **Proprietor**

Personally appeared the above-named, *Rik Ahlberg* and being duly sworn, deposed and says that he/she is the person named therein, and who signed the foregoing, and that the statements therein are true.

Darlene L. Van Alstyne

 **DARLENE L. VAN ALSTYNE**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 19, 2024

ATTACHMENT B

STATEMENT OF NON-COLLUSION

I, **Rik Ahlberg**, of **Pedal Ptown**, whose principal place of business is located at **214 Bradford St. #4, Provincetown MA 02657**, do hereby certify that:

1. The proposed bid price has been arrived at independently, without collusion, consultation or communication as to any other Proposer or with any competitor.
2. The said bid price was not disclosed by the Proposer and was not knowingly discussed prior to the submission, directly or indirectly, to any other Proposer or to any competitor.
3. No attempt was made by the Proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.
4. This bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this section the word "person" shall mean any natural person, joint venture, partnership, corporation, or other business or legal entity.

Signed under the penalties of perjury on this **16th** day of **January 2019**.

Name of Proposer: **Rik Ahlberg d/b/a Pedal Ptown**

By: *Rik Ahlberg* 1/17/19

Title: **Proprietor**

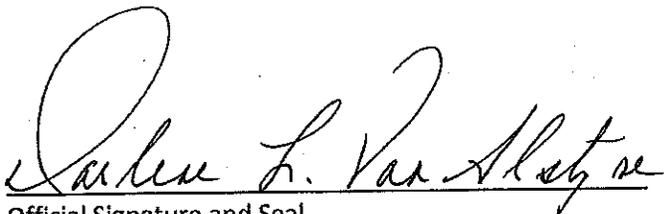
Personally appeared the above-named, *Rik Ahlberg* and being duly sworn, deposed and says that he/she is the person named therein, and who signed the foregoing, and that the statements therein are true.

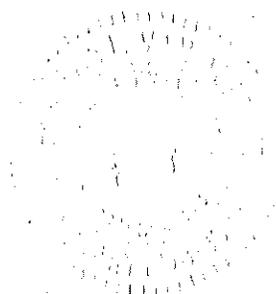
Darlene L. Van Alstyne



DARLENE L. VAN ALSTYNE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 19, 2024

On this 17th day of January, 2019, before me, the undersigned Notary Public, personally appeared Rik Ahlberg who proved to me through satisfactory evidence of identification, which were MA DRIVER'S LICENSE, to be the person whose name is signed on the preceding or attached document in my presence.


Official Signature and Seal


DARLENE L. VAN ALSTYNE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 19, 2024

**ATTACHMENT C
CERTIFICATE OF AUTHORITY
(Corporations Only)**

Date:

At a meeting of the Directors of _____,
duly called and held at _____ on the _____ day of
_____, 20____, at which a quorum was present and acting, it was
VOTED that this corporation is hereby authorized and empowered to make, enter
into, sign, seal and deliver on behalf of this corporation a contract
for _____ with the Town of Provincetown,
Massachusetts.

I do hereby certify that the above is a true and correct copy of this record,
that said vote has not been amended or repealed and is in full force and in effect
as of this date, and that _____ is
the duly elected _____ of this
corporation.

(Clerk) (Secretary) of the Corporation

Attest:
(Affix Corporate Seal Here)

ATTACHMENT D

See the sealed Price Proposal envelope for this attachment.

ATTACHMENT D

**PRICE SUMMARY FORM
Exclusive Use of Sightseeing Vehicle Parking Space**

TOWN OF PROVINCETOWN
260 Commercial Street
Provincetown, Massachusetts 02657

This price summary form must be submitted with the proposal. Failure to adhere to this instruction will result in disqualification of your proposal.

Name of Proposer: **Rik Ahlberg d/b/a Pedal Ptown**

Fee Schedule

<u>Year</u>	<u>Annual License Fee</u> (must be no less than \$1,000)	<u>Percentage Annual Escalator</u> (optional)	<u>Total Annual Value</u>
1	\$1,000	n/a	\$1,000
2	\$1,100	n/a	\$1,100
3	\$1,200	n/a	\$1,200
4	\$1,300	n/a	\$1,300
5	\$1,400	n/a	\$1,400

LICENSE AGREEMENT

This License Agreement (this "License") is entered into on this 25th day of February, 2019, by and between the **Town of Provincetown** (the "Town"), acting by and through its Select Board, having an address of 260 Commercial Street, Provincetown Massachusetts 02657, and **Pedal Ptown** ("Licensee"), a limited liability company, having an address of 214 Bradford Street #4, Provincetown, MA 02657.

Whereas, Licensee operates "Sightseeing Vehicles," as the term is defined in the Town of Provincetown's bylaws, rules and/or regulations (as the same may be amended from time to time), for the purpose of leading members of the public to tourist attractions in and around the Town of Provincetown (the "Tourism Business");

Whereas, the Town has control Standish Street, which are public ways in the Town of Provincetown (the "Roadways"), and the parking spaces thereon;

Whereas, Licensee has requested that the Town allow Licensee to park one (1) Sightseeing Vehicle at a parking space located on the west side of Standish Street between Commercial Street and Bradford Street, which parking space is shown more particularly on the sketch plan attached hereto as **Exhibit A** and incorporated herein (the "Parking Space"); and

Whereas, the Town is amenable to granting such a license to Licensee.

Now, therefore, the Town hereby grants Licensee a license to use the Parking Space subject to, and Licensee agrees to use said Parking Space in compliance with, the following terms and conditions:

1. USE, PURPOSE, TERM. The Town hereby grants Licensee a license to use the Parking Space for the sole purpose of parking one (1) Sightseeing Vehicle thereon. The term of this License is five (5) years (the "License Term"), commencing on February 25, 2019 (the "Commencement Date") and terminating December 31, 2023, unless sooner terminated in accordance with this License (the "Termination Date"). The Town shall have the right to relocate the Parking Space to other locations on the Roadways provided that the Town gives Licensee at least fourteen (14) days prior written notice thereof. Such entry and use shall be further limited by the provisions of Section 4. In the Town's sole discretion, the successful proposer who is awarded and signs a license agreement may be permitted an opportunity to renew for an additional five years, as approved by the Select Board.

2. CONSIDERATION. During the term of this License, Licensee shall pay the Town a fee equal to that indicated in **Exhibit B (attached)** each year (the "License Fee"), which License Fee shall be paid to the Town prior to the start of each seasonal service of each year during the term, at the address set forth above. As further

consideration for this License, Licensee shall observe and perform all the obligations and covenants set forth within this License to the reasonable satisfaction of the Town.

3. RISK OF LOSS. Licensee acknowledges and agrees that it accepts the Parking Space in its "AS-IS" condition, and that the Town has made no representation or warranty regarding the fitness thereof. The Town is not responsible for the security of the Property, including without limitation, the Parking Space, or for the maintenance and repair thereof, including, without limitation, removing snow and ice therefrom. The Town shall not be liable to Licensee or its employees, agents, representatives, customers or invitees, or anyone claiming by, through or under Licensee (collectively, with Licensee, the "Licensee Parties"), for any injury or death to persons on or around the Roadways, or loss or damage to any and vehicles, equipment or other property that are brought upon the Parking Space pursuant to the License, except if such injury, death, loss or damages is caused directly by the gross negligence or willful misconduct of the Town, or its employees, agents or representatives. The provisions of this Section shall survive the expiration or termination of this License.

4. PARKING SPACE; CONDUCT. Licensee shall, at the Town's request, place signs on the Parking Space or adjacent areas to indicate they are for Licensee's use, which signs shall comply with the Town's bylaws, if applicable, and be reasonably acceptable to the Town. **Licensee shall have the right to use the Parking Space every day during the Term hereof only during the hours of 8:00 a.m. to 9:00 p.m.,** except when the Parking Space is unavailable for street cleaning, snow clearing and/or during snow emergencies, and/or during such times when the Roadway(s) is/are otherwise closed to the public (the "Permitted Hours"). Only Sightseeing Vehicles may be parked in the Parking Space during permitted hours. Personnel operating the Sightseeing Vehicles wear a uniform or identification badge to show they are Licensee's employees. Licensee must obtain any and all licenses, permits and approvals required to use the Parking Space and operate the Tourism Business, and shall make a copy of the permit available at all times.

Licensee shall not, and shall not permit any of the Licensee Parties to, park vehicles on the Parking Space overnight, store any equipment or other property within the Parking Space outside of operating hours, park any commercial vehicles, large trucks, trailers, boats or off-road vehicles on the Parking Space, or clean or repair any vehicle while on the Parking Space. Licensee shall be responsible for removing any vehicles parked and/or equipment stored on the Parking Space in violation of the terms hereof, at its sole cost and expense. If Licensee fails to remove such vehicles or other property within one hour after the Town has notified Licensee of the same, which notice may be oral or written, the Town may, at Licensee's sole cost and expense, tow the vehicles to a public parking lot or remove equipment to a location of its choice. The Town shall not be responsible for any damage occurring to vehicles or other property resulting from such removal.

Licensee agrees that it shall at all times conduct itself so as not to unreasonably interfere with the use of the Roadways by others or the operations of the Town.

Licensee shall comply with any and all applicable laws, statutes, ordinances, regulations and permitting or licensing requirements and observe all reasonable rules and regulations that may be established by the Town from time to time relating to the use of or access to the Parking Space. Licensee shall, at the Town's reasonable request and at Licensee's cost, take such measures reasonably necessary to ensure the safety of others using the Roadways. Licensee shall promptly repair any damages caused by or resulting directly or indirectly as a result of the acts or omissions of the Licensee Parties, at its sole cost and expense.

Other than the signs that Licensee may place adjacent to the Parking Space in accordance with the terms hereof, Licensee shall not construct, install or place any other temporary or permanent buildings, structures, utilities, objects, equipment or other property in, on, under, over or across the Parking Space, or make any improvements to the Parking Space or the Roadways, without the Town's prior written consent, which may be exercised in the Town's sole discretion.

Licensee shall strictly comply with all environmental laws affecting the Parking Space and shall not bring, place, store, release or otherwise dispose of at or near the Parking Space any oil, hazardous materials, hazardous substances, and/or toxic substances as such terms may be used or defined under federal, state or local law under any existing or future arising statutory or common law, including but not limited to Comprehensive Environmental, Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c. 21E, and all applicable rules and regulations promulgated thereunder (collectively, the "Hazardous Materials").

5. INDEMNIFICATION. Licensee shall defend, indemnify, and hold harmless the Town from any and all liability, loss, damage, costs, expenses (including, without limitation, reasonable attorneys' fees and expenses), causes of action, suits, claims, demands or judgments of any nature whatsoever, in law and equity, which are or may be brought against the Town or its agents, employees, successors and assigns arising out of or relating to: (a) the discharge, release or threatened release at or from the Parking Space and/or the Roadways of any Hazardous Materials that is caused by any of the Licensee Parties, (b) any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee under this License, and (c) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, fault, negligence or misconduct of any of the Licensee Parties on or about the Parking Space or relating in any way to Licensee's exercise of its rights hereunder. The obligations of this Section shall survive the expiration or termination of this License.

6. INSURANCE. Licensee shall maintain public liability insurance, including coverage for bodily injury, wrongful death and property damage, in the minimum amount set forth herein to support the obligations of Licensee under the terms and conditions of this License to defend, indemnify, and hold harmless the Town: General

Liability: \$1,000,000.00/occurrence, \$2,000,000.00/aggregate; Bodily Injury Liability: \$1,000,000.00/occurrence, \$2,000,000.00/aggregate. Licensee shall also maintain workers compensation insurance, as required by law.

Prior to using the Parking Space for any reason, Licensee shall provide the Town with a copy of such insurance policy in each case indicating the Town is an additional insured on the policy and showing compliance with the foregoing provisions. The insurance coverage required hereunder shall be issued by insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and having a Best's rating of A or better. Licensee shall require the insurer to give at least thirty (30) days' written notice of termination, reduction or cancellation of the policy to the Town.

To the extent possible, Licensee shall obtain, for each policy of insurance secured by it, provisions permitting waiver of any claims against the Town for loss or damage within the scope of the insurance, and Licensee, for itself and its insurers, waives all claims against the Town as to such claims covered by such insurance.

7. TERMINATION and REVOCATION. This License may be revoked by either party for any reason upon written notice of revocation at least sixty (60) days prior to the termination date stated within said notice. Notwithstanding the foregoing, the Town shall have the right to terminate this License: (a) by giving Licensee ten (10) days prior written notice thereof if Licensee fails to pay the License Fee when due or comply with any other material term of this License, provided that the notice of termination shall be void and of no further effect if Licensee cures such default within the aforesaid ten (10)-day period, and (b) immediately by written or oral notice, if Licensee is involved in accidents resulting in property damages or personal injury, regardless of fault, or Licensee's use of the Parking Space causes traffic jams or otherwise interferes with the pedestrian or vehicular use of the Roadways, at the Town's discretion.

At the expiration of this License or its prior termination, Licensee shall forthwith remove all vehicles from the Parking Space, remove Licensee's signs and any other personal property upon or adjacent to the Parking Space, and repair any damage caused by any of the Licensee Parties. If vehicles and/or signs or other personal property are not removed from the Parking Space or adjacent areas within twenty-four (24) hours of expiration or termination, they shall be deemed abandoned and shall become the sole property of the Town. This obligation shall survive the expiration or termination of this License.

8. NOTICE. Any notice required or permitted to be given under this License shall be in writing and signed by the party or the party's attorney or agent and shall be deemed to have been given: (a) when delivered by hand, or (b) when sent by Federal Express or other similar overnight courier service, or (c) when mailed by certified mail, return receipt requested, to the party at the address set forth above. These addresses are subject to change, and the parties hereto agree to inform each other of such changes as soon as practicable.

9. MISCELLANEOUS.

(a) This License contains the entire agreement of the parties and there are no other agreements or understandings between the parties regarding the subject matter of this License.

(b) Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

(c) This License shall not be construed as creating or vesting in Licensee any estate in the Parking Space, but only the limited right of use as hereinabove stated.

(d) Licensee is not authorized to bind or involve the Town in any contract or to incur any liability for or on the part of the Town.

(e) This License shall not be transferred or assigned to any person without the prior written consent of the Town, which may be withheld in its sole discretion, it being acknowledged by Licensee that this License is personal to Licensee and be valid so long as Licensee operates the Tourism Business.

(f) If any portion of this License is declared to be illegal, unenforceable or void, then all parties to this License shall be relieved of all obligations under that portion; provided, however, that the remainder of this License shall be enforced to the fullest extent permitted by law.

(g) The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.

(h) All appropriate terms and provisions relating to indemnification and the restoration of the property affected hereby shall survive the expiration or termination of this License.

(i) This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed and effective as of the date first above written.

Licensee:

Licensor:

TOWN OF PROVINCETOWN,
By its Select Board

By: _____
Name:
Title:

Exhibit A

Sketch Plan



Exhibit B

**PRICE SUMMARY FORM
Exclusive Use of Sightseeing Vehicle Parking Space**

TOWN OF PROVINCETOWN
260 Commercial Street
Provincetown, Massachusetts 02657

This price summary form must be submitted with the proposal. Failure to adhere to this instruction will result in disqualification of your proposal.

Name of Proposer: **Rik Ahlberg, dba Pedal Ptown**

Fee Schedule

<u>Year</u>	<u>Annual License Fee</u> (must be no less than \$1,000)	<u>Percentage Annual Escalator</u> (optional)	<u>Total Annual Value</u>
1 2019	\$1,000	NA	\$1,000
2 2020	\$1,100	NA	\$1,100
3 2021	\$1,200	NA	\$1,200
4 2022	\$1,300	NA	\$1,300
5 2023	\$1,400	NA	\$1,400

LICENSE AGREEMENT

This License Agreement (this "License") is entered into on this 25th day of February, 2019, by and between the **Town of Provincetown** (the "Town"), acting by and through its Select Board, having an address of 260 Commercial Street, Provincetown Massachusetts 02657, and **Pedal Ptown** ("Licensee"), a limited liability company, having an address of 214 Bradford Street #4, Provincetown, MA 02657.

Whereas, Licensee operates "Sightseeing Vehicles," as the term is defined in the Town of Provincetown's bylaws, rules and/or regulations (as the same may be amended from time to time), for the purpose of leading members of the public to tourist attractions in and around the Town of Provincetown (the "Tourism Business");

Whereas, the Town has control Standish Street, which are public ways in the Town of Provincetown (the "Roadways"), and the parking spaces thereon;

Whereas, Licensee has requested that the Town allow Licensee to park one (1) Sightseeing Vehicle at a parking space located on the west side of Standish Street between Commercial Street and Bradford Street, which parking space is shown more particularly on the sketch plan attached hereto as **Exhibit A** and incorporated herein (the "Parking Space"); and

Whereas, the Town is amenable to granting such a license to Licensee.

Now, therefore, the Town hereby grants Licensee a license to use the Parking Space subject to, and Licensee agrees to use said Parking Space in compliance with, the following terms and conditions:

1. USE, PURPOSE, TERM. The Town hereby grants Licensee a license to use the Parking Space for the sole purpose of parking one (1) Sightseeing Vehicle thereon. The term of this License is five (5) years (the "License Term"), commencing on February 25, 2019 (the "Commencement Date") and terminating December 31, 2023, unless sooner terminated in accordance with this License (the "Termination Date"). The Town shall have the right to relocate the Parking Space to other locations on the Roadways provided that the Town gives Licensee at least fourteen (14) days prior written notice thereof. Such entry and use shall be further limited by the provisions of Section 4. In the Town's sole discretion, the successful proposer who is awarded and signs a license agreement may be permitted an opportunity to renew for an additional five years, as approved by the Select Board.

2. CONSIDERATION. During the term of this License, Licensee shall pay the Town a fee equal to that indicated in **Exhibit B (attached)** each year (the "License Fee"), which License Fee shall be paid to the Town prior to the start of each seasonal service of each year during the term, at the address set forth above. As further

consideration for this License, Licensee shall observe and perform all the obligations and covenants set forth within this License to the reasonable satisfaction of the Town.

3. **RISK OF LOSS.** Licensee acknowledges and agrees that it accepts the Parking Space in its "AS-IS" condition, and that the Town has made no representation or warranty regarding the fitness thereof. The Town is not responsible for the security of the Property, including without limitation, the Parking Space, or for the maintenance and repair thereof, including, without limitation, removing snow and ice therefrom. The Town shall not be liable to Licensee or its employees, agents, representatives, customers or invitees, or anyone claiming by, through or under Licensee (collectively, with Licensee, the "Licensee Parties"), for any injury or death to persons on or around the Roadways, or loss or damage to any and vehicles, equipment or other property that are brought upon the Parking Space pursuant to the License, except if such injury, death, loss or damages is caused directly by the gross negligence or willful misconduct of the Town, or its employees, agents or representatives. The provisions of this Section shall survive the expiration or termination of this License.

4. **PARKING SPACE; CONDUCT.** Licensee shall, at the Town's request, place signs on the Parking Space or adjacent areas to indicate they are for Licensee's use, which signs shall comply with the Town's bylaws, if applicable, and be reasonably acceptable to the Town. **Licensee shall have the right to use the Parking Space every day during the Term hereof only during the hours of 8:00 a.m. to 9:00 p.m.,** except when the Parking Space is unavailable for street cleaning, snow clearing and/or during snow emergencies, and/or during such times when the Roadway(s) is/are otherwise closed to the public (the "Permitted Hours"). Only Sightseeing Vehicles may be parked in the Parking Space during permitted hours. Personnel operating the Sightseeing Vehicles wear a uniform or identification badge to show they are Licensee's employees. Licensee must obtain any and all licenses, permits and approvals required to use the Parking Space and operate the Tourism Business, and shall make a copy of the permit available at all times.

Licensee shall not, and shall not permit any of the Licensee Parties to, park vehicles on the Parking Space overnight, store any equipment or other property within the Parking Space outside of operating hours, park any commercial vehicles, large trucks, trailers, boats or off-road vehicles on the Parking Space, or clean or repair any vehicle while on the Parking Space. Licensee shall be responsible for removing any vehicles parked and/or equipment stored on the Parking Space in violation of the terms hereof, at its sole cost and expense. If Licensee fails to remove such vehicles or other property within one hour after the Town has notified Licensee of the same, which notice may be oral or written, the Town may, at Licensee's sole cost and expense, tow the vehicles to a public parking lot or remove equipment to a location of its choice. The Town shall not be responsible for any damage occurring to vehicles or other property resulting from such removal.

Licensee agrees that it shall at all times conduct itself so as not to unreasonably interfere with the use of the Roadways by others or the operations of the Town.

Licensee shall comply with any and all applicable laws, statutes, ordinances, regulations and permitting or licensing requirements and observe all reasonable rules and regulations that may be established by the Town from time to time relating to the use of or access to the Parking Space. Licensee shall, at the Town's reasonable request and at Licensee's cost, take such measures reasonably necessary to ensure the safety of others using the Roadways. Licensee shall promptly repair any damages caused by or resulting directly or indirectly as a result of the acts or omissions of the Licensee Parties, at its sole cost and expense.

Other than the signs that Licensee may place adjacent to the Parking Space in accordance with the terms hereof, Licensee shall not construct, install or place any other temporary or permanent buildings, structures, utilities, objects, equipment or other property in, on, under, over or across the Parking Space, or make any improvements to the Parking Space or the Roadways, without the Town's prior written consent, which may be exercised in the Town's sole discretion.

Licensee shall strictly comply with all environmental laws affecting the Parking Space and shall not bring, place, store, release or otherwise dispose of at or near the Parking Space any oil, hazardous materials, hazardous substances, and/or toxic substances as such terms may be used or defined under federal, state or local law under any existing or future arising statutory or common law, including but not limited to Comprehensive Environmental, Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c. 21E, and all applicable rules and regulations promulgated thereunder (collectively, the "Hazardous Materials").

5. INDEMNIFICATION. Licensee shall defend, indemnify, and hold harmless the Town from any and all liability, loss, damage, costs, expenses (including, without limitation, reasonable attorneys' fees and expenses), causes of action, suits, claims, demands or judgments of any nature whatsoever, in law and equity, which are or may be brought against the Town or its agents, employees, successors and assigns arising out of or relating to: (a) the discharge, release or threatened release at or from the Parking Space and/or the Roadways of any Hazardous Materials that is caused by any of the Licensee Parties, (b) any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee under this License, and (c) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, fault, negligence or misconduct of any of the Licensee Parties on or about the Parking Space or relating in any way to Licensee's exercise of its rights hereunder. The obligations of this Section shall survive the expiration or termination of this License.

6. INSURANCE. Licensee shall maintain public liability insurance, including coverage for bodily injury, wrongful death and property damage, in the minimum amount set forth herein to support the obligations of Licensee under the terms and conditions of this License to defend, indemnify, and hold harmless the Town: General

Liability: \$1,000,000.00/occurrence, \$2,000,000.00/aggregate; Bodily Injury Liability: \$1,000,000.00/occurrence, \$2,000,000.00/aggregate. Licensee shall also maintain workers compensation insurance, as required by law.

Prior to using the Parking Space for any reason, Licensee shall provide the Town with a copy of such insurance policy in each case indicating the Town is an additional insured on the policy and showing compliance with the foregoing provisions. The insurance coverage required hereunder shall be issued by insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and having a Best's rating of A or better. Licensee shall require the insurer to give at least thirty (30) days' written notice of termination, reduction or cancellation of the policy to the Town.

To the extent possible, Licensee shall obtain, for each policy of insurance secured by it, provisions permitting waiver of any claims against the Town for loss or damage within the scope of the insurance, and Licensee, for itself and its insurers, waives all claims against the Town as to such claims covered by such insurance.

7. TERMINATION and REVOCATION. This License may be revoked by either party for any reason upon written notice of revocation at least sixty (60) days prior to the termination date stated within said notice. Notwithstanding the foregoing, the Town shall have the right to terminate this License: (a) by giving Licensee ten (10) days prior written notice thereof if Licensee fails to pay the License Fee when due or comply with any other material term of this License, provided that the notice of termination shall be void and of no further effect if Licensee cures such default within the aforesaid ten (10)-day period, and (b) immediately by written or oral notice, if Licensee is involved in accidents resulting in property damages or personal injury, regardless of fault, or Licensee's use of the Parking Space causes traffic jams or otherwise interferes with the pedestrian or vehicular use of the Roadways, at the Town's discretion.

At the expiration of this License or its prior termination, Licensee shall forthwith remove all vehicles from the Parking Space, remove Licensee's signs and any other personal property upon or adjacent to the Parking Space, and repair any damage caused by any of the Licensee Parties. If vehicles and/or signs or other personal property are not removed from the Parking Space or adjacent areas within twenty-four (24) hours of expiration or termination, they shall be deemed abandoned and shall become the sole property of the Town. This obligation shall survive the expiration or termination of this License.

8. NOTICE. Any notice required or permitted to be given under this License shall be in writing and signed by the party or the party's attorney or agent and shall be deemed to have been given: (a) when delivered by hand, or (b) when sent by Federal Express or other similar overnight courier service, or (c) when mailed by certified mail, return receipt requested, to the party at the address set forth above. These addresses are subject to change, and the parties hereto agree to inform each other of such changes as soon as practicable.

9. MISCELLANEOUS.

(a) This License contains the entire agreement of the parties and there are no other agreements or understandings between the parties regarding the subject matter of this License.

(b) Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

(c) This License shall not be construed as creating or vesting in Licensee any estate in the Parking Space, but only the limited right of use as hereinabove stated.

(d) Licensee is not authorized to bind or involve the Town in any contract or to incur any liability for or on the part of the Town.

(e) This License shall not be transferred or assigned to any person without the prior written consent of the Town, which may be withheld in its sole discretion, it being acknowledged by Licensee that this License is personal to Licensee and be valid so long as Licensee operates the Tourism Business.

(f) If any portion of this License is declared to be illegal, unenforceable or void, then all parties to this License shall be relieved of all obligations under that portion; provided, however, that the remainder of this License shall be enforced to the fullest extent permitted by law.

(g) The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.

(h) All appropriate terms and provisions relating to indemnification and the restoration of the property affected hereby shall survive the expiration or termination of this License.

(i) This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

[signature page follows]

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed and effective as of the date first above written.

Licensee:

Licensor:

TOWN OF PROVINCETOWN,
By its Select Board

By: _____
Name:
Title:

510509/PROV/0001

Exhibit A

Sketch Plan

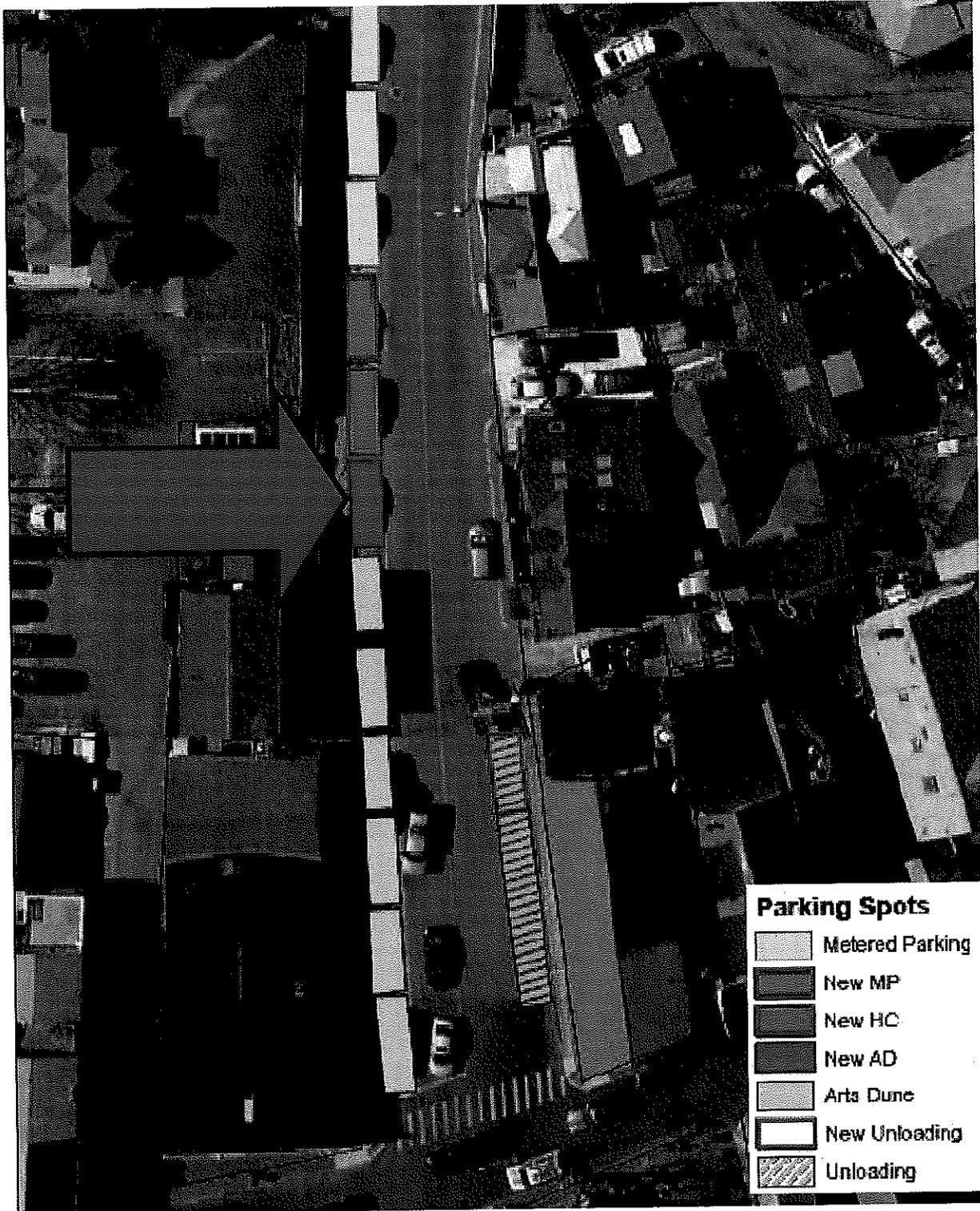


Exhibit B

PRICE SUMMARY FORM
Exclusive Use of Sightseeing Vehicle Parking Space

TOWN OF PROVINCETOWN
260 Commercial Street
Provincetown, Massachusetts 02657

This price summary form must be submitted with the proposal. Failure to adhere to this instruction will result in disqualification of your proposal.

Name of Proposer: **Rik Ahlberg, dba Pedal Ptown**

Fee Schedule

<u>Year</u>	<u>Annual License Fee</u> (must be no less than \$1,000)	<u>Percentage Annual Escalator</u> (optional)	<u>Total Annual Value</u>
1 2019	\$1,000	NA	\$1,000
2 2020	\$1,100	NA	\$1,100
3 2021	\$1,200	NA	\$1,200
4 2022	\$1,300	NA	\$1,300
5 2023	\$1,400	NA	\$1,400



**Provincetown Select Board
AGENDA ACTION REQUEST**

Monday, February 25, 2019

6E

VACANT POSITIONS

Town Boards and Committees

Requested by: Secretary to the Select Board Elizabeth Paine

Action sought: Discussion

Proposed Motion(s)

Discussion Dependent/Votes May Occur

Additional Information

- Since the February 4th report was updated by the Town Clerk, the Select Board has made several appointments: John R. Peters-Campbell (Art Commission and Planning Board), Julie Knapp and Bernice Steisel (Economic Development Committee), and Martin Risteen (Historic District Commission)
- Please see attached

Board Action

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



Town of Provincetown Town Clerk

Direct Line 508-487-7013

To: Select Board
 Town Moderator
 Town Manager David B. Panagore

From: Town Clerk Darlene Van Alstyne

Re: Appointment to Town Boards

Date: February 4, 2019

The report format provides the appointing authority with a comprehensive view of vacant positions on each Town Board. Each table identifies the amount and type of positions that are vacant; the authority for making the appointment; the length of the term and the date on which the appointment devolves to the next appointing authority. The following table also contains names of individuals requesting consideration to fill a vacancy.

Airport Commission

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Alternate Position	Select Board	12/31/20	3/2/19

Requesting Appointment: No applications on File.

Art Commission

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Regular Position	Select Board	12/31/19	3/2/19

Requesting Appointment: John R. Peters-Campbell.

Assessors, Board of

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Alternate Position	Select Board	12/31/21	3/2/19

Requesting Appointment: No Applications on File.

Cemetery Commission

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Regular Positions	Cemetery Commission	12/31/21	2/7/19

Requesting Appointment: No Applications on File.

Conservation Commission

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Alternate Position	Town Manager	12/31/22	2/8/19
1 Alternate Position	Moderator	12/31/20	3/3/19

Requesting Appointment: James B. McNeilly.

Economic Development Committee

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Regular Position	Select Board	6/30/21	2/12/19
1 Alternate Position	EDC	6/30/19	2/25/19
1 Alternate Position	Select Board	6/30/21	3/3/19

Requesting Appointment: Julie Knapp, Bernice Steisel.

Finance Committee

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Alternate Position	Finance Committee	4/30/20	3/3/19

Requesting Appointment: No Applications on File.

Historical Commission

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Alternate Position	Town Manager	12/31/20	3/3/19

Requesting Appointment: John R. Peters-Campbell.

Historic District Commission

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Regular Position	Select Board-Chamber Rep	12/31/21	3/3/19

Requesting Appointment: Polly Burnell, Martin Risteen, Michela Carew-Murphy.

Licensing Board

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Alternate Position	Select Board	12/31/20	3/3/19

Requesting Appointment: John R. Peters-Campbell.

Planning Board

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Alternate Position	Select Board	12/31/21	2/6/19
1 Alternate Position	Select Board	12/31/21	3/3/19

Requesting Appointment: John R. Peters-Campbell.

Recycling & Renewable Energy Committee

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Regular Position	Recycling	12/31/19	2/14/19
1 Regular Position	Select Board	12/31/21	3/3/19
1 Alternate Position	Select Board	12/31/19	2/11/19
1 Alternate Position	Select Board	12/31/19	2/9/19

Requesting Appointment: No Applications on File.

Scholarship & Trust Admin. Committee

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Regular Position	School Appointee – Select Board	12/31/19	2/27/19
1 Regular Position	Moderator	12/31/21	2/14/19
1 Alternate Position	School Appointee - Moderator	12/31/20	2/6/19

Requesting Appointment: No Applications on file.

Water & Sewer Board

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
2 Regular Positions	Select Board	12/31/21	3/3/19
1 Alternate Position	Water & Sewer	12/31/19	2/22/19

Requesting Appointment: No Applications on File.

Yr.-Round Rental Housing Trust

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Regular Position	Select Board	12/31/19	2/12/19
1 Regular Position	Select Board	12/31/21	3/23/19

Requesting Appointment: No Applications on File.

Zoning Board of Appeals

Vacant Positions	Appointing Authority	New Term Expires	Appointing Authority Expires
1 Alternate Position	Select Board	12/31/21	3/3/19

Requesting Appointment: John R. Peters-Campbell.



**Provincetown Select Board
AGENDA ACTION REQUEST**

Monday, February 25, 2019

6F

CALENDAR REVIEW

March and April, 2019

Requested by: Secretary to the Select Board Elizabeth Paine

Action sought: Discussion

Proposed Motion(s)

Discussion Dependent/Votes May Occur

Additional Information

- Please see attached

Board Action

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

Memo

To: Select Board
Cc: David B. Panagore
From: Elizabeth Paine
Date: February 20, 2019
Re: Upcoming Meetings and Votes Pertaining to Town Meeting.

Here is the list of upcoming Select Board meetings pertaining to Town Meeting for the purpose of complying with the new charter and the votes that the Board will be taking at those meetings and the charter references.

March 1, 2019

Vote to Insert any additional Articles, Close Warrant and Approve for Publication.

See above

Per §2-3-e of the Provincetown Charter, the Warrant for the Annual Town Meeting shall be closed thirty (30) days prior to the date of the Town Meeting.

March 11, 2019

Hold a Public Hearing to hear comment from the public on April 1, 2019 Annual and Special Town Meeting Warrant Articles requested by the Select Board and vote their recommendations

Per §2-3-g of the Provincetown Charter, when an article on the Town Meeting Warrant address the following topics, the Town Board identified below shall hold a Public Hearing, soliciting comments from the Public on the article and voting whether its members are in favor of or opposed to the article, and prior to the article coming to a vote at Town Meeting, the Town Board shall report the votes of its members and explain the view of the majority to the Town Meeting:

- 1) the Conservation Commission for matters relating to the natural environment,*
- 2) the Board of Health for matters relating to Public Health*
- 3) the Planning Board for matters relating to land use or development,*
- 4) the Charter Compliance Commission for matters concerning the Charter,*
- 5) the Finance Committee for matters concerning the expenditure of town funds, and*
- 6) any Town board for an article submitted by that Town Board.*

March 20, 2019 3:30 – 5:30

Select Board Forum – held at Seashore Point

April 1, 2019

5 pm – Reconsideration of Articles

Special and Annual Town Meetings

In accordance with §2-3-c of the Provincetown Charter, an Annual Town Meeting shall be held on the first Monday in April of every year and shall be called to order at 6:00 pm.

March 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 SB Special Meeting Warrant Closes/ Approve warrant for publication	2
3	4 Post warrant online	5	6 Submit Warrant to the Banner/CIP published	7	8	9
10	11 SB Meeting Public Hearing-Vote recommendations	12	13	14 Warrant & Hearing Notices Published in the Banner	15	16
17	18 SB Special Meeting Public Hearing-Vote recommendations	19	20 Select Board Forum – Seashore Point	21 Hearing Notices Published in the Banner	22	23
24	25 SB Meeting	26 Moderators Meeting	27	28	29	30
31						

April 2019

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 Annual Town Meeting	2 Annual Town Meeting	3 Annual Town Meeting	4 Annual Town Meeting	5	6
7	8 SB Meeting	9	10	11	12	13
14	15 PATRIOTS DAY- TOWN HALL CLOSED	16	17	18	19	20
21	22 SB Meeting	23	24	25	26	27
28	29	30				



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

6G

TOWN MEETING WARRANTS

Approve April 1, 2019, Annual & Special Town Meeting Warrants for Publication

Requested by: Town Manager David B. Panagore

Action Sought: Approval

Proposed Motion(s)

MOVE that the Select Board vote to insert the following article: ____, into the April 1, 2019, [Annual] [Special] Town Meeting Warrants.

Additional Information

- Special Town Meeting Warrant & Annual Town Meeting Warrant are forthcoming

Board Action

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

Town Warrant

Special Town Meeting – Monday, April 1, 2019

Commonwealth of Massachusetts Barnstable, ss.

To either of the Constables of the Town of Provincetown, Greetings:

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at

Provincetown Town Hall, 260 Commercial Street, on Monday, the First day of April, A.D. 2018 at 6 o'clock in the evening, then and there to act on the following articles, to wit:

Article 1. FY 2019 Budget Adjustments. To see what amendments the Town will vote to make to the Fiscal Year 2019 operating budgets established under Article 2 of the April 2018 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Explanation of Article 1:

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

[Requested by the Board of Selectmen and Town Manager]

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

Article 3. Police Station Supplemental Funding. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money to fund the supplemental construction cost for the Provincetown Police Station Project on the site located at 16 Jerome Smith Road, including all costs incidental or related thereto; or take any other action relative thereto.

[Requested by the Board of Selectmen, the Finance Committee, the Building Committee? and the Town Manager]

Explanation of Article 3:

Article 4. Alteration of Layout of Route 6. To see if the Town will vote to accept the altered layout of a portion of Route 6 as a public way, as heretofore altered by the Select Board, to exclude from the layout of said way the parcel of land shown as "Lot 1 131,166+ SF. (3.01+ Ac.)" on a plan entitled "Route 6 Alteration and Division Plan," dated October 1, 2018, prepared by Coastal Engineering Co., on file with the Town Clerk, and to transfer the care, custody, and control of the aforesaid discontinued parcel from the Select Board for public way purposes to the Select Board for general municipal purposes, including, without limitation, for police station purposes, and, further, to

authorize the Select Board to take said parcel by eminent domain for said purposes and for the purpose of clearing the Town's title thereto, if applicable; or take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager

Explanation of Article 4:

**BOARD OF SELECTMEN
TOWN OF PROVINCETOWN**
Cheryl Andrews, Chairman
Robert Anthony, Vice-Chairman
Louise Venden
Lise King

A TRUE COPY, ATTEST:
Darlene Van Alstyne
Town Clerk
Date of publishing:

DRAFT

Town Warrant

Annual Town Meeting – Monday, April 1, 2019

Commonwealth of Massachusetts Barnstable, ss.

To either of the Constables of the Town of Provincetown, Greetings:

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday, the first day of April, A.D. 2019 at 6 o'clock in the evening**, then and there to act on the following articles, to wit:

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]

REGULAR AGENDA

Article 2. FY 2020 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$28,064,546 to fund operating budgets for several Town departments for Fiscal Year 2020 in accordance with Chapter 6, Section 4 of the Provincetown Charter, as follows:

Budget Divisions	FY 2019	FY 2020	% change
I. General Government	\$984,238	\$1,016,144	3.2%
II. Finance	11,019,297	10,852,819	-1.5%
III. Public Safety	6,415,920	6,892,986	7.4%
IV. Public Works	3,674,739	3,762,250	2.4%
V. Public Services	918,582	957,479	4.2%
Sub-total, I-V	\$23,012,776	\$23,481,678	2.0%
VI. Public Schools	4,455,347	4,582,868	2.9%
Total, I-VI	\$27,468,123	\$28,064,546	2.2%

or to take any other action relative thereto.

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

Explanation of Article 2: This article funds the operating budgets for several Town departments for FY 2020.

Article 3. FY 2020 Cape Cod Regional Technical High School Tuition Assessment.

To see if the Town will vote to raise and appropriate or transfer from available funds \$233,875 to fund the Town of Provincetown's assessment for the CCRTHS FY2020 operating budget; or to take any other action relative thereto.

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

Explanation of Article 3: This article funds the cost of Provincetown's share for eleven students to attend Cape Cod Regional Technical High School in Harwich.

Article 4, FY 2020 Cape Cod Regional Technical High School Capital Assessment.

To see if the Town will vote to raise and appropriate or transfer from available funds \$148,371 to fund the Town of Provincetown's FY2020 capital assessment for the CCRTHS; or to take any other action relative thereto.

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

Explanation of Article 4: This article funds the cost of Provincetown's share of the FY2020 capital assessment for the new Cape Cod Regional Technical High School building.

Article 5. FY 2020 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 2020:

	FY 2019	FY 2020	% change
6001 Water Enterprise Fund			
Enterprise Fund Costs	\$2,524,206	\$2,556,600	1.38%
General Fund Costs	398,184	298,638	-25.0%
TOTAL COSTS	\$2,922,390	\$2,855,238	-2.3%
6002 Wastewater Enterprise Fund			
Enterprise Fund Costs	\$4,391,287	\$3,898,266	-11.2%
General Fund Costs	150,056	112,542	-25.0%
TOTAL COSTS	\$4,541,343	\$4,010,808	-11.7%

or to take any other action relative thereto.

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

Explanation of Article 5: This article funds both the Water and Wastewater Enterprise Budgets.

Article 6. OPEB Funding, To see if the Town will vote to raise and appropriate, or transfer from available funds \$280,000 to fund a contribution to the OPEB trust fund; or to take any other action relative thereto.

[Requested by the Town Manager and Board of Selectmen]

Explanation of Article 6: This article will transfer \$280,000 to the Town's Other Post Employment (OPEB) Trust Fund and will help the Town work towards reducing the outstanding OPEB liability.

Article 7. Community Preservation Budget for FY 2020. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 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. \$79,395 for Open Space;
 - B. \$476,368 for Community Housing;
 - C. \$79,395 for Historic Resources;
2. Debt Service Appropriations: Part 2
 - A. \$198,175 for Community Housing debt service;
 - B. \$45,488 for Open Space debt service;
 - C. \$156,269 for Historic Preservation debt service;
3. Grant Requests Appropriations: Part 3
 - A. Community Housing - \$7,500 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 - \$175,000 for a Buy-Down Assistance Program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.
 - C. Community Housing - \$25,000 for the Community Housing Office, including a full-time Housing Specialist.
 - D. Community Housing - \$40,000 for the preservation of the Foley House at 214 Bradford Street and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the Housing Authority
 - E. Historic Preservation - \$2,500 for the restoration of an original quadrant map and said funds to be spent under the direction of the Town Manager
 - F. Open Space/Recreation - \$32,805 for the reconstruction of garden beds and fencing at B-Street Gardens and said funds to be spent under the direction of the Town Manager
 - G. Open Space/Recreation - \$30,000 for reconstruction of the playground at VMCC
 - H. Administrative Expenses - \$20,000 for CPA administrative expenses; or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Explanation of Article 7: As required, the Town annually sets aside funds from new revenue into the various CPA categories including 10% for open space/recreation, 10% for historic preservation, 60% for affordable housing, and 20% into the non-designated category which can be used for any of the categories. The debt service is the annual payment for past activities funded through borrowing.

Article 8. Rescind Prior Community Preservation Act Authorization. To see if the Town will vote to rescind the authorization for \$100,000 for the preservation of the former Community Center at 46 Bradford Street as authorized under 2017 ATM Article 7-3C; or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Explanation of Article 8:

Article 9. 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]

Explanation of Article 9:

Article 10. Transfer from Overlay Surplus. To see if the Town will vote to transfer \$120,000 from Overlay Surplus to reduce the FY2020 tax rate; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Explanation of Article 10: *The Board of Assessors performed a review of the overlay accounts in July 2018 and voted an overlay surplus of \$120,000 which makes it an available fund. Town meeting vote is required to appropriate the overlay surplus for any lawful purpose per MGL c.59 sec. 23 & 25.*

Article 11. FY 2020 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 2020 Capital Improvements Program submitted in accordance with Chapter 6, Section 6 of the Provincetown Charter as follows, provided that one or more of the appropriations listed below may be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question:

- A. Council on Aging Transport Van - \$30,000 to be expended under the direction of the Town Manager for the replacement of the Council on Aging transport van; and costs related thereto;

Explanation of Article 11A: *The COA offers door-to-door transportation to residents 60+ years of age to medical appointments Cape-wide for almost two decades. This program is especially designed for people who require individual transport due to physical or cognitive limitations. We currently have a 6-passenger 2008 Toyota Sienna with 76,000 miles. The COA also leases (free) a wheelchair lift-equipped, 12-passenger bus that is used daily for scheduled group excursions (shopping, recreation, cultural outings) as well as medical appointments on regular trips to Hyannis. The new vehicle will also be used as a back-up for more popular events on our bus as well as for food deliveries and other special services.*

- B. Fire Department Fire Truck - \$550,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of a Fire Engine; and costs related thereto;

Explanation of Article 11B: *Our replacement plan is 20 years for a commercial chassis pumper; in keeping with NFPA and OSHA guidelines that rural commercial chassis pumpers should be replaced every 20 years.*

- C. Fire Department Main Station Generator - \$125,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the generator in the Main Fire Station; and costs related thereto;

Explanation of Article 11C: *This project is an overdue replacement. The generator at the main station is 27 years old and repairmen have recently told us that it should be replaced. We will be replacing with a 130 KW Diesel Generator in a Stainless Steel Housing, and a new transfer switch.*

- D. Police Fleet Replacement Plan - \$169,431 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police vehicles and equipping pursuant to the Police Fleet Replacement Plan and one Animal Control vehicle; and costs related thereto;

Explanation of Article 11D: *This is a request to purchase TWO (2019) or current model Ford Police Utility Interceptors and ONE special services vehicle for use by Animal Control.*

- E. Public Works Fleet Replacement Plan - \$110,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of a vacuum excavator trailer with pipe jetting capabilities to replace a 1981 International Catch Basin Truck; and costs related thereto;

Explanation of Article 11E: *For the purchase of a vacuum excavator trailer with pipe jetting capabilities to replace a 1981 International Catch Basin Truck*

- F. DPW Street and Sidewalk Maintenance and Repair - \$60,000 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;

Explanation of Article 11F: *This recurring CIP article is used every year to address costs associated with the preservation, repair, and replacement of sidewalks, curbing, roadway painting, potholes, and recently bike trail improvements. This request is used for more routine repairs outside of roadway resurfacing projects funded from the Roadway Maintenance Plan or projects outside of reconstruction projects such as we have seen on Commercial Street.*

- G. Shank Painter Road Reconstruction - \$320,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the design and specifications for the reconstruction of Shank Painter Road / Route 6 Intersection Project; and costs related thereto;

Explanation of Article 11G: *To improve a deficient multi-modal roadway to ensure safe transportation for all users as the primary Gateway to our community.*

- H. Court Street Drainage and Repair - \$150,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund design of a pump station to mitigate the flooding of Court Street; and costs related thereto;

Explanation of Article 11H: *This project will provide safer pedestrian and vehicular travel along Court Street and prevent potential flooding damages to nearby businesses.*

- I. 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;

Explanation of Article 11I: *This is the 3rd year of a five-year program to address maintenance items identified in the Bourne Engineering comprehensive report and conditions survey dated September 23, 2016. This article funds continuing replacement of fender piles in the commercial fishing berths and ice machine area of the Tee. We also allocate funds for electrical repairs and other identified maintenance.*

- J. 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;

Explanation of Article 11J: *Our stormwater system has undergone substantial improvements over the past several years resulting in fewer beach closures and overall less flooding. However, many more needed repairs still exist and continual maintenance is of prime concern. Stormwater infrastructure repair will generally take place during road reconstruction activities and in support of the Roadway Maintenance Plan. In recent years and continues today, we use a portion of the stormwater funding to map our stormwater infrastructure using GIS technology. This database provides us with attributes information on our existing infrastructure which allows us to better forecast projected costs and develop a long term Capital program. Appropriating a sum of money for drainage repairs should be a high priority for our coastal community given our proximity to sea level and lack of open space for stormwater retention. By having an established capital program we have been able to secure grant funding by having matching funds available for award. We used stormwater funding to successfully apply to the MassWorks Grant Program which we received \$1.96 Million dollars in grant funding to reconstruct Commercial Street using porous pavement.*

- K. Public Works Building Maintenance Plan - \$395,000 to be expended under the direction of the Town Manager and the Director of Public Works for exterior repairs including the preparation and painting of Town Hall, VMCC, MPL Bathrooms, and the Central Vacuum Pump Station and for the repair and replacement of the flat roof at the VMCC; and costs related thereto;

Explanation of Article 11K: *The Town Hall and the buildings at the MPL are showing exterior damage that will worsen if continued to be left unattended. The Library and the VMCC are at a point for repainting before severe exterior damage begins to occur. Putting these necessary repairs off will jeopardize already improved assets at the building as well as increasing project costs.*

- L. Public Works Building Maintenance Plan, HVAC Expansion at Town Hall - \$250,000 to be expended under the direction of the Town Manager and the Director of Public Works to expand the capacity of the current air conditioning and associated operating system within Town Hall; and costs related thereto;

Explanation of Article 11L: *This project will provide a comfortable building environment for all users and accommodate the expanding summer use of the auditorium.*

- M. Public Works Building Maintenance Plan, Library/Fire Station 4 Generator - \$145,000 to be expended under the direction of the Town Manager and the Director of Public Works to install an emergency generator to serve the Provincetown Library and Fire Station #4, and costs related thereto;

Explanation of Article 11M: Fire House #4 provides critical operations during emergency events within the downtown area. The facility currently has no stand-by power supply and the facility must be manually operated when power is lost. This affects response time and hampers rescue and support operations. The electrical service will also have to be upgraded to current code as part of the generator installation. After the storms of 2018 and the resulting power outages, it was discussed that the Library should be equipped with a generator to serve as a warming/cooling station for the public. The sprinkler system that services the Library also requires constant power to maintain adequate air pressure to keep it in a dry state to prevent freezing. \$145,000 is the estimated cost to supply a 120KW diesel fuel powered generator, all the necessary switch gear electrical upgrades, and installation labor to provide standby power for both buildings.

- N. Public Works Fuel Dispensary System - \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works to replace the fuel dispensary at the Highway garage and the supporting software used by DPW administration; and costs related thereto;

Explanation of Article 11N: The Public Works Department is responsible for the fuel dispensary system that is utilized by several Town departments including the Regional Transit Authority, Lower Cape Ambulance and the Airport. The existing fuel management system is nearly 10 years old and we are no longer able to receive technical support.

- O. Public Works Demolition of the Former VFW Building - \$90,000 to be expended under the direction of the Town Manager and the Director of Public Works for the demolition of the building and grounds at 3 Jerome Smith Road, known as the former VFW Building; and costs related thereto;

Explanation of Article 11O: Removing the building will allow us to proceed with future plans for the site and will allow the town to use the entire site for parking until construction begins on the site.

- P. Public Works Town Owned Properties Facility Plan - \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for the development of a Facility Plan to prepare for and manage existing Town owned buildings; and costs related thereto;

Explanation of Article 11P: The facilities plan for identified Town owned property will include a condition review, a plan for efficient management of existing buildings, the contents of these buildings and development of a maintenance plan.

- Q. Marine Department Shoreline Protection Projects - \$50,000 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;

Explanation of Article 11Q: *This funding continues our grant funded work to protect Provincetown critical infrastructure and properties from storm surge and sea level rise. This will allow us to take advantage of a renewed interest by the State to fund dredging related projects.*

- R. Water Department-Fleet Replacement - \$40,000 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;

Explanation of Article 11R: *This request is to replace a 2007 Ford F-250 utility service truck with approximately 90K miles used for distribution system operations. This truck carries necessary tools and parts for water service and main repairs, and parts for meter service and repairs. The intent is to purchase a similar truck on an F-350 chassis.*

- S. Water Department Asbestos Cement Water Main Replacement - \$500,000 to be expended under the direction of the Town Manager and the Water Superintendent to fund the replacement or rehabilitation of asbestos cement water pipes; and costs related thereto;

Explanation of Article 11S: *Approximately half of the water system (107,000 linear feet or 20 miles) is comprised of Asbestos Cement (AC) pipe installed between the mid-1950s and mid-1970s. The American Water Works Association estimates AC pipe lifespan at approximately 75 years. A recent assessment on various AC pipe segments throughout the system revealed several pipe segments have suffered significant structural degradation. Maintains integrity of the distribution system, improves water quality, and in some circumstances enhances fire flows.*

- T. Water Department Knowles Crossing Building Renovation - \$1,400,000 to be expended under the direction of the Town Manager and the Water Superintendent for the engineering and design services and construction for a full scale building renovation and reconstruction; and costs related thereto; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Explanation of Article 11T: *The original Knowles Crossing pumping station, built over 100 years ago, is in need of reconstruction/renovation. The building is a critical storage space for Water Department vehicles, equipment, and necessary distribution system parts inventory.*

Article 12. Ground Lease for Eversource Battery Project. To see if the Town will vote to transfer the care, custody and control of a portion of the parcel of land located at 90 Race Point Road shown as Assessor's Map 9-2, Parcel 24, and described in a deed recorded with the Barnstable County Registry of Deeds in Book 12449, Page 25, from the Select Board currently held for waste transfer station purposes to the Select Board for waste transfer station purposes and energy services and for the purpose of leasing, and further to authorize the Select Board to lease to NSTAR Electric Company d/b/a Eversource Energy or other utility company for a period of up to 45 years a portion or portions of such parcel for the purposes of constructing, owning, operating and maintaining a battery storage facility and providing energy services to the Town, and further to authorize the Select Board to grant such access, utility and/or other easements related thereto in, on and under said parcel of land, all on such terms and conditions, and for

such consideration, as the Select Board deems appropriate, or take any vote or votes in relation thereto.

[Requested by the Board of Selectmen and Town Manager]

Explanation of Article 12:

PETITIONED ARTICLES

Article 13. Petitioned Article – Non-Binding Resolution – Anti-Idling Resolution

To see if the Town will vote to support the increased awareness and enforcement of the Massachusetts State Law (MGL, Chapter 90, Section 16A, and regulation CMR 7.11) limiting the idling of motor vehicles to a period of five-minutes. Such support will encourage our local law enforcement officers to increase their efforts to remind drivers of the state law and to enforce the law where applicable; encourage the involvement of the Town Board of Health and Health Department to further awareness and compliance; and encourage the Department of Public Works to support these goals in town-related vehicle operations. Such support will also take the form of promoting a voluntary posting of the law at all businesses providing parking for five or more vehicles and at appropriate Town-owned locations, such posting to be prominent and visible; or take any other action relative thereto.

(Requested by Dennis Minsky and others)

Article 14. Petitioned Article –

Article 15. Petitioned Article –

Article 16. Petitioned Article –

TOWN BOARD ARTICLES

Article 17 Land Bank – Pre-acquisition Expenses. To see if the Town will vote to appropriate from the Land Bank Fund established under Chapter 293 of the Acts of 1998 the sum of **\$20,000** to be expended under the direction of the Open Space Committee and the Town Manager for the funding of pre-acquisition expenses for potential Land Bank purchases, including but not limited to title searches and appraisals, updating of the Open Space Plan to qualify said purchases for state grants, and other costs associated therewith; or to take any other action relative thereto.

[Requested by the Open Space Committee]

Explanation of Article 17: Land Bank pre-acquisition funds allow the Open Space Committee to do the required due diligence prior to any open space purchase. In addition, the Town is required to update the Open Space and Recreation Plan by October 2019 to remain eligible for grant funds.

GENERAL BYLAW AMENDMENT ARTICLES

Article 18. General Bylaw Amendment: Chapter 12 Wetlands Protection Bylaw – *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown General Bylaws by amending Chapter 12 as follows:

12. WETLANDS PROTECTION BYLAW

12-1. Introduction.

The purpose of this bylaw is to protect the foreshores, wetlands, water resources, and adjoining land areas in the Town of Provincetown by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater quantity and quality, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, ~~erosion and sedimentation control~~, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the Town (collectively, the “resource area values protected by this bylaw”). This bylaw is intended to utilize the Home Rule authority of the Town to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Massachusetts Wetlands Protection Act (G.L. Ch. 131, §40) and Regulations thereunder (310 CMR 10.00).

12-2. Jurisdiction.

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, or discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; vegetated and unvegetated wetlands (both Bordering and Isolated); marshes; flats; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; ~~lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding;~~ any and all areas protected by the Massachusetts Endangered Species Act (MESA) and as defined by the Natural Heritage and Endangered Species Act Program (NHESP); and the one-hundred (100) foot Buffer Zone to any of the aforementioned resource areas ~~or lands abutting any of the aforesaid resource areas as set out in §12-7;~~ lands subject to flooding or inundation by groundwater or surface water; and lands subject to tidal action, coastal storm flowage, or flooding (collectively the “resource areas protected by this bylaw”). Said resource areas shall be protected whether or not they border surface waters.

In the event that the Commission determines that an activity occurring beyond the limit of jurisdiction noted above is likely to have, is having or has had a significant effect on the wetlands values of a resource area, the Commission may require the filing of a Notice of Intent or a Request for Determination of Applicability for that activity.

In determining whether a resource area is subject to the provisions of this Bylaw, the origin of the wetland, whether natural or manmade, is not a relevant factor.

And

12-5-2. Public Hearing. The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, not less than five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing 21 days from its posted deadline for filing applications, upon receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant. The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and Regulations (310 CMR 10.00). or to take any other action relative thereto.

[Requested by the Conservation Commission]

Explanation of Article 18:

Article 19. General Bylaw Amendment: Chapter 6 - Revolving Fund Bylaw (Small Scale Climate Change Resiliency Revolving Fund). (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, to amend the General Bylaws by inserting a new revolving fund, as follows:

6-10. Revolving Funds.

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

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
<u>Small Scale Climate Change Resiliency Revolving Fund to provide materials and equipment (such as rainwater collection barrels, composters, shade trees, bat houses and other pollinator-encouraging equipment) for resale and to provide grants to residents and businesses wishing to make small scale changes on their property to prepare for climate change like rain gardens and other stormwater drainage solutions.</u>	<u>Town Manager and Director of Public Works</u>	<u>Receipts from resale of materials and equipment</u>

Or to take any other action relative thereto.

[Requested by the Town Manager]

Explanation of Article 19: Creation of a Small Scale Climate Change Resiliency Revolving Fund to 1) Establish a program that uses bulk purchasing methods to provide materials and equipment (such as rainwater collection barrels, composters, shade trees, bat houses and other pollinator-encouraging equipment) for resale and 2) Provide grants to residents and businesses wishing to make small scale changes on their property to prepare for climate change like rain gardens and other stormwater drainage solutions

Article 20. General Bylaw Amendment: Chapter 8 Licensing and Regulations of Businesses – Licensing of Marijuana Establishments (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 8-3 as follows:

8-3. Public hearing and notification requirements.

The granting of all new and all modifications or expansions of seasonal and annual licenses issued pursuant to G.L. c. 138, §12, G.L. c.140, §2 or G.L. c. 140, §183A, and G.L. c 94G, respectively, including common victualer, innholder, retail package store, entertainment and food vendor licenses; shall be subject to the following conditions:

1. that the application be considered at a public hearing advertised for two weeks in a newspaper of general circulation in Provincetown the first publication to be at least 14 days prior to the hearing date, and that said notice be appropriately posted in Town Hall;
2. that the application shall include a plan showing the specific area of the proposed usage;
3. that the abutters be notified by certified mail of the application or modification within 3 days of the first publication date;
4. that the licensing authority consider whether the social, economic or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation; and
5. that the costs of the application, hearing, and notification process be covered by the application fee, or to take any other action relative thereto.

[Requested by the Town Manager]

Explanation of Article 20: MGL Chapter 94G is the Chapter within Mass General Law that regulates marijuana establishments. By adding Chapter 94G to General Bylaw Section 8-3, the Provincetown Licensing Board is authorized to issue an annual business license, pursuant to a public hearing, for all marijuana establishments.

Article 21 Personnel Bylaw Amendment. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend Section 2-1 of the Personnel Bylaw, to read as follows:

MICHELE RANDAZZO ??

Explanation of Article 21:

ZONING BYLAW AMENDMENT ARTICLES

Article 22. Zoning Bylaw Amendment: Divided Lots. (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 Section 2130 Divided Lots, as follows:

2130 Divided Lots When a boundary line between zoning districts divides a lot in single ownership each portion of the lot shall be governed by the use and dimensional requirements of the zoning district in which each portion of the lot is located. Lots located in part in another municipality shall be regulated as if entirely within Provincetown; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 22: *This amendment clarifies the treatment of lots that are located within two different zoning districts. While this change is consistent with the town's local practice and case law, this clarification may avoid future litigation and provides clear guidance to property owners and developers.*

Article 23. Zoning Bylaw Amendment: 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, Article 2, Districts and District Regulations, Section 2360 Formula Business Regulated District as follows:

2360 Formula Business Regulated District.

2362 Purpose

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, or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 23: *This amendment is a permit streamlining measure that removes the redundant board review for Formula Regulated Businesses. Currently the bylaw requires applicants to get Zoning Board and Planning Board approval, even when the site plan review criteria does not apply. For instance, if an existing retail store on Commercial Street is converted to a formula business, yet has no impact to the exterior of the building or no site disturbance, then site plan review would not be required. If any improvements did exist that did trigger site plan review pursuant to Article 4, then Planning Board approval would still be required.*

Article 24. Zoning Bylaw Amendment: Definitions – Parking Lot. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions and Article 2 Section 2440 Permitted Principal Uses as follows:

Parking Lot/Garage an open air, ground level lot or enclosed area/structure used to park cars that is not appurtenant to a principal use.

And to amend: 2440 Permitted Principal Uses

		Residential			Commercial		Sea-shore	Public Use
		Res1	Res2	Res3 ResB	TCC	GC	S	M
B.	Business							
B7	<u>Parking lots/garages</u>	NO	BA ¹¹	BA ¹¹	BA ¹¹	BA ¹¹	NO	NO

Footnotes

11. Special Permit to be granted only after a Public hearing and approval of the Building Inspector, the Fire Department and the Police Department.
or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 24: *This amendment distinguishes parking that is a principal use from parking that is appurtenant to another use on the site. Under the current definition, any parking area in excess of the minimum requirement would qualify as a "parking lot" and thus require a Special Permit from the Zoning Board of Appeals.*

Article 25. Zoning Bylaw Amendment: Special Permits. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Section 5300 Special Permits as follows:

Section 5300 Special Permits

5340 Expiration Special Permits shall lapse ~~twenty-four months~~ three years following grant thereof (plus such time required to pursue or await the determination of an appeal referred to in Sec. 17, Ch. 40A, G.L.) if a substantial use thereof or construction has not sooner commenced except for good cause as determined by the ~~Board of Appeals~~ Special Permit Granting Authority; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 25: *This amendment recognizes changes in State Law implemented under Chapter 219 of the Acts of 2016 that extend the time period to act on a Special Permit from 2 years to 3 years. This could be relevant for Provincetown due to our Growth Management regulations and multiple layers of permitting that are often required.*

Article 26. Zoning Bylaw Amendment: Special Permit Modifications. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Section 5300 Special Permits, as follows:

5350 Amendments and Minor Modifications to a Special Permit

An amendment, modification, or clarification to an approved Special Permit that does not represent a substantive change of the findings or conditions of approval of the project may be administered by a notation to the file based on a finding by a super majority vote of the Special Permit Granting Authority at a public meeting. Any amendment, modification, or clarification that represents a substantive change of the findings or conditions of approval of the project shall require a new Special Permit with notice to abutters pursuant to MGL c40A § 11; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 26: *The amendment seeks to streamline the permitting process to allow the Planning Board and Zoning Board the ability to approve minor modifications and/or clarifications to an approved Special Permit without submitting a new application and spending a month or more to obtain approval. Currently the bylaw would require a new application with all the requirements of the original application even for insignificant changes to a project. The board would need to vote by super majority that the proposed change is*

not substantial. Case law has held that a change may be made without adhering to notice requirements in G.L. c. 40A, § 11 if the change is: an inadvertent or clerical error; or not a substantive amendment which changes the result of an original decision, such as granting relief different from the original decision.

Article 27. Zoning Bylaw Amendment: Site Plan Review. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4 Special Regulations, Section 4000 Site Plan Review as follows:

Section 4000. Site Plan Review (SPR)

4040 Amendments and Minor Modifications to a Site Plan

An amendment, modification, or clarification to an approved Site Plan that does not represent a substantive change of the findings or conditions of approval of the project may be administered by a notation to the file based on a finding by a majority vote of the Planning Board at a public meeting. Any amendment, modification, or clarification that represents a substantive change of the findings or conditions of approval of the project shall require a new Site Plan Review with notice to abutters pursuant to MGL c40A § 11; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 27: *The amendment seeks to streamline the permitting process to allow the Planning Board the ability to approve minor modifications and/or clarifications to an approved Site Plan Review without submitting a new application and spending a month or more to obtain approval. Currently the bylaw would require a new application with all the requirements of the original application even for insignificant changes to a project. The Planning Board would need to vote by super majority that the proposed change is not substantial. Case law has held that a change may be made without adhering to notice requirements in G.L. c. 40A, § 11 if the change is: an inadvertent or clerical error; or not a substantive amendment which changes the result of an original decision, such as granting relief different from the original decision.*

Article 28. Zoning Bylaw Amendment: Dimensional Requirements. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulation Section 2560 Dimensional Schedule as follows:
2560 Dimensional Schedule

Requirements	Residential			Commercial		Seashore Public Use	
	Res1	Res2	Res3 ResB	TCC	GC ³	S	M
Min. Lot Area (square feet)	16,000	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	100	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 ¹	20 ¹	10 ¹	10	50	--
Min. Side Yard (feet)	15	6	6	5 ²	10	25	--
Min. Rear Yard (feet)	20	15 ¹	10 ¹	10	25	25	--

Footnotes

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. or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 28: *This amendment allows properties in the Town Center Commercial zone to extend their buildings to the average setback of the properties on either side. This is currently allowed in the other two zones along Commercial Street, the Res 2 and Res 3 zones. Commercial Street is developed by properties that sit on and along the street line, often within the required front yard setback. The intent of the setback average is to allow structures to maintain a consistent street wall which is traditional to the town's historic development pattern and is widely accepted as good urban design.*

Article 29. 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 Bylaw as follows:

Section 6500 Table of Use Categories and Priorities

2d4 Any project that consists of ~~20%~~ 10% - 32.9% affordable and/or community housing units ~~granted under the Inclusionary and Incentive Zoning Bylaw;~~ gallons shall be allocated in phases so that 1/2 of the total gallons are allocated the first year after a Special Permit is granted under the Inclusionary and Incentive Zoning Bylaw, and the remainder are allocated the second year

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

[Requested by the Planning Board]

Explanation of Article 29: *This amendment removes provisions of the Growth Management by-law that requires Inclusionary Zoning projects to be built in phases. While these provisions intend to favor projects that are developed solely as affordable housing, they make the construction of Inclusionary Zoning projects either more difficult or impossible as a multi-unit buildings cannot be constructed in phases. Additionally the town has a significant Growth Management reserve for all projects under Category 2, meaning that this provision is unnecessary.*

Article 30. Zoning Bylaw Amendment: Density Schedule. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations as follows:

4120 Density Schedule The total lot area must equal at least the square feet/unit as derived from the following schedule: (Provided however, that building permits issued prior to April 1, 1986 shall be governed by *(editor's note: old numbering Article III, Section 3110)* Article 4, Section 4120 prior to amendment of this section at the 1986 Annual Town Meeting)

Dwelling Units	Number of Units Proposed	Number of Square Feet/Unit Required
First	4-4 <u>1-8</u>	2,500 <u>1,500</u>
For the next	6 (5-10) <u>9-15</u>	3,000 <u>2,500</u>
For the next	6 (11-16) <u>16-25</u>	3,500 <u>3,000</u>
For the next	9 (17-25)	4,500
Beyond 25	26 or more	5,000 <u>4,500</u>

or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 30: *This amendment returns the town's allowed residential density to what was in place before the mid-1980s. The current requirements conflict with the traditional development pattern of the town as much of the town was developed prior to the 1980s. This will also allow more properties to take advantage of the town's Inclusionary Zoning by-law, which would in turn produce affordable and community housing units at no cost to the town. This amendment alters neither the size nor design of buildings as it does not change dimensional requirements, Scale By-law review, High Elevation Protection review, or Historic District Commission review. It also does not change requirements for Special Permits or Site Plan Review, which ensure that projects are designed to be compatible with the neighborhood.*

Article 31. Zoning Bylaw Amendment: Density Schedule, 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 4, Special Regulations as follows:

4120 Density Schedule The total lot area must equal at least the square feet/unit as derived from the following schedule: (Provided however, that building permits issued prior to April 1, 1986 shall be governed by *(editor's note: old numbering Article III, Section 3110)* Article 4, Section 4120 prior to amendment of this section at the 1986 Annual Town Meeting)

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

¹ May be waived by Special Permit from the Planning Board.
 or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 30: *This amendment recognizes that one size does not fit all for commercial accommodations, which encompasses everything from B&Bs to large hotels to dormitory housing. This schedule also does not line up with existing commercial accommodations properties in town. The town continues to lose commercial accommodations rooms, and this change may allow some properties to expand and remain*

economically viable. This by-law requires a public hearing process to allow the Planning Board to determine how many inn, hotel, or dormitory rooms would be allowed at a given site. This amendment alters neither the size nor design of buildings as it does not change dimensional requirements, Scale By-law review, High Elevation Protection review, or Historic District Commission review. It also does not change requirements for Special Permits or Site Plan Review, which ensure that projects are designed to be compatible with the neighborhood.

Article 31. Zoning Bylaw Amendment: Dimensional Requirements. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulation Section 2560 Dimensional Schedule as follows:

Requirements	Residential			Commercial		Seashore Public Use	
	Res1	Res2	Res3 ResB	TCC	GC ³	S	M
Max. Lot Coverage (%)	40	40	40	40 <u>60</u>	40	--	--

And delete in its entirety:

4140 Lot Coverage Buildings shall not cover more than 40% of the total lot area. or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 31: This amendment recognizes that the current lot coverage requirements for the Town Center Commercial zone are inconsistent with the town's historical pattern of development. An analysis of TCC parcels from Masonic Place in the west to Freeman Street in the east shows an average lot coverage of 58% and a median lot coverage of 59%. This change recognizes that reality, would make a significant number of these properties conforming, and would allow new development to be consistent with the character of the TCC zone.

Article 32. Zoning Bylaw Amendment: Green Area. (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 as follows:

4150 Green Area. A minimum of 30% of every lot, regardless of size, shall be reserved for green areas. This requirement may be altered or waived by Special Permit from the Planning Board; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 32: This amendment allows greater flexibility during regulatory reviews of properties that do not meet the green area requirements of the by-laws. Many properties do not meet this requirement as alterations to planted areas generally do not require building permits. This also means that it is very difficult to track when and how non-conformities were created. As this often becomes an issue during Site Plan Review, the Planning Board is designated as the permit granting authority.

Article 33. Zoning Bylaw Amendment: Definitions – Campground/Tiny Houses. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town

will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions and Article 4, Special Regulations as follows:

Building A structure having a roof and supported by columns or walls for shelter or enclosure of persons, animals, property or an activity; such structure does not include camper Recreational Vehicles as defined in this By-laws.

Camper Recreational Vehicle shall mean a vehicle, eligible to be registered and insured for highway use, designed to be used as a temporary dwelling for travel, recreational and vacation purposes, but not for permanent residence. includes equipment commonly called 5th wheels, independent travel trailers, dependent travel trailers, tent trailers, pickup campers, motor homes, converted buses, tiny houses on wheels, and other equipment, but not manufactured homes.

And to amend:

Section 4300 Manufactured Homes and Campers Recreational Vehicles

4310 Permitted Occupancy Manufactured homes may be occupied only in a campground or manufactured home park and subdivision. Campers Recreational Vehicles may be occupied only within a licensed campground.

4330 Campgrounds Campgrounds shall conform to the following minimum requirements:

- a. Lot area minimum of 10 acres, but not less than 7,500 square feet per campsite.
- b. Each rental plot shall have an area of not less than 2,500 square feet and a width of not less than 40 feet in its smallest dimension.
- c. If each plot is not serviced with water and sanitary drainage, common sanitary facilities shall be provided.
- d. No unit for overnight occupancy shall be placed within 100 feet of a street line or 40 feet of any other lot line.
- e. No unit shall be occupied for more than six months in any twelve-month period or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 33: *This amendment updates the terminology used to define RVs, recognizes that "Tiny Houses on Wheels" are legally classified as RVs, and removes provisions related to the use of RVs. While these use requirements would be removed, other federal, state, and local regulations remain in place including potential review by the town's Board of Health. These other regulatory bodies may be better situated to determine the suitability of RVs for longer-term habitation.*

CONSENT AGENDA

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 34 through 39.

Article 34. 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]

Explanation of Article 34: This article seeks an annual reaffirming vote in support of the Home Rule Petition currently pending at the State Legislature to impose a 0.5% Real Estate Transfer Fee. State Representative Sarah Peake has recommended that the same language be voted on once again at this year's Town Meeting to reinforce its intent as the home rule petition makes its way up the legislative channels of the State House.

Article 35. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate \$1,439 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]

Explanation of Article 35: A Town Meeting vote is required to fund this Cape Cod Greenhead Fly Control District assessment of \$1,439.

Article 36. 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, 2020, by replacing the existing compensation plan with the following new compensation plan as adopted by the Personnel Board;

Grade	Compensation Range		Position
	FY2019	FY2020	
			Town Manager [exempt MGL C.41,§108N]
			Chief of Police [exempt MGL C.41,§108O]
14	\$97,004 - \$120,053	\$98,481 - \$122,516	Finance Director
			DPW Director
13	\$89,818 - \$111,677	\$91,516 - \$113,910	Staff Lieutenant
			Assistant Town Manager
12	\$83,544 - \$103,874	\$85,215 - \$105,951	<u>no positions assigned</u>
11	\$77,709 - \$96,638	\$79,263 - \$98,571	Building Commissioner
			MIS Director
			Water Superintendent

10	\$72,287 - \$89,862	\$73,733 - \$91,659	Town Engineer DPW Deputy Director Principal Assessor <u>Health Director</u> <u>Pier Manager</u>
9	\$67,237 - \$83,632	\$68,582 - \$85,304	DPW Operations Director Health Director Library Director Town Clerk Planner Tourism Director <u>Harbor Master</u> <u>Facilities Manager</u>
8	\$62,538 - \$77,774	\$63,789 - \$79,329	MIS Analyst COA Director Town Collector Town Treasurer Deputy Emergency Manager / Transportation Coordinator <u>Environmental Planner/Cons Agent</u> <u>Zoning Enforcement /Code Enforcement</u> <u>Airport Director</u>
7	\$58,167 - \$72,309	\$59,330 - \$73,755	Recreation Director
6	\$54,101 - \$67,325	\$55,182 - \$68,672	Exec. Assistant to Town Manager / Project Administrator Local Building Inspector Conservation Agent <u>Assistant Tourism Director</u> Health Agent Payroll and Employee Benefits Manager Assistant Town Accountant Assistant Library Director Licensing Agent
5	\$50,319 - \$62,582	\$51,325 - \$63,834	Secretary to the Board of Selectmen Exec. Assistant to Police Chief Parking Administrator MIS Technician <u>Pier Office Manager</u>
4	\$46,738 - \$58,167	\$47,736 - \$59,330	Permit Coordinator Assistant Tourism Director
3	\$43,543 - \$54,166	\$44,414 - \$55,249	COA Outreach Coordinator Principal Accounting Clerk
2	\$40,504 - \$50,363	\$41,314 - \$51,370	no positions assigned
1	\$37,688 - \$46,844	\$41,248 - \$47,781	no positions assigned

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2019, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

<i>Annual Salary:</i>	FY19 Current	FY20 Proposed	% change
Fire Chief	\$57,750	\$59,225	3.0%
<i>Positions</i>			
1 st Deputy Fire Chief	\$16,500	\$17,000	3.0%
2 nd Deputy Fire Chief	\$13,200	\$13,600	3.0%
District Fire Chief/Engineer	\$6,600	\$6,800	3.0%
Firefighter	\$800	\$800	0.0%
Fire Auxilliary	\$400	\$400	0.0%
Fire Captain	\$1,250	\$1,250	0.0%
Fire Lieutenant	\$500	\$800	60.0%
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	\$800	\$800	0.0%
Air Officer	\$1,500	\$1,500	0.0%
Summer Standby Coordinator	\$4,000	\$4,000	0.0%
Infection Control Officer	\$800	\$800	0.0%
<i>Non-Firefighter Positions</i>			
First Responders	\$25.00/hr	\$25.00/hr	0.0%
EMT-Basic	\$26.18/hr	\$26.97/hr	3.0%
EMT-Intermediate	\$28.16/hr	\$29.00/hr	3.0%
EMT-Paramedic	\$30.90/hr	\$31.83/hr	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, 2019, as follows:

<u>Grade</u>	<u>Actual FY 2019</u>	<u>Proposed FY 2020</u>	<u>Proposed Position Classifications</u>
N	\$20.72	\$21.13	<u>Police Summer/On-call Dispatcher</u> <u>Special Needs Coordinator</u> <u>Seasonal Deputy Harbormaster</u>
M	\$20.11	\$20.51	<u>Code Compliance Officer</u> <u>COA Cook/Meal Coordinator</u>
L	\$19.55	\$19.94	<u>Parking Lot Technical Manager</u> <u>Returning Pier Maintenance Assistant</u> <u>Property Inspector (Assessors)</u>
K	\$19.00	\$19.38	<u>Assistant Harbormaster with police powers</u> <u>Returning Seasonal Assistant Harbormaster</u> <u>Returning Pier Office Assistant</u> <u>Police Officer, Summer/Auxiliary</u>
J	\$18.44	\$18.81	<u>No Positions Assigned</u>
I	\$18.11	\$18.47	<u>Parking Meter Collection/Repair</u> <u>COA Program Coordinator</u> <u>COA Transport Driver</u> <u>Pier Maintenance Assistant - First Year</u> <u>On-call van Driver</u>
H	\$17.57	\$17.92	<u>Police Matron</u>
G	\$17.24	\$17.58	<u>No Positions Assigned</u>
F	\$16.74	\$17.07	<u>Assistant Harbormaster w/o police powers</u> <u>Seasonal Assistant Harbormaster - First Year</u> <u>Pier Office Assistant</u> <u>Parking and Traffic Officers</u> <u>Parking Lot Assistant Technical Manager</u> <u>Parking Meter Enforcement</u> <u>Part-time Clerical</u> <u>Secretary, On-call Relief</u> <u>Transfer Station Laborer</u>
E	\$16.43	\$16.76	<u>Part-time Library Circulation Aide</u> <u>Special Need Counselor</u>
D	\$15.96	\$16.28	<u>On-call Library Circulation Aide</u> <u>Parking Lot Attendant/Out-booth/Floater</u>
C	\$15.49	\$15.80	<u>Barrels & Grounds Laborer</u> <u>Restroom/Building Custodian</u> <u>Seasonal Recreation Supervisor</u>
B	\$15.20	\$15.50	<u>No Positions Assigned</u>
A	\$14.96	\$15.26	<u>Parking Lot Attendant/In-booth</u> <u>Seasonal Recreation Aides</u> <u>After School Recreation Aides</u> <u>COA Program Assistant</u>

or to take any other action relative thereto.

[Requested by the Town Manager]

Explanation of Article 36: Schedule A is for full and part-time non-union positions who are included in the compensation plan. This year's plan does not include a cost of living wage increase. Schedule A does not set a salary or the rate of pay for Town employees, but rather sets the salary range for each job classification.

Schedule B is for Fire Department positions and increases are requested by the Board of Fire Engineers.

Schedule C is for non-union seasonal and part-time staff and provides for a 2% increase at all levels.

Article 37. 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. \$350,000 for marketing, and costs related thereto;
3. \$50,000 for municipal projects, and costs related thereto;
4. \$200,000 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]

Explanation of Article 37: This article transfers \$750,000 from the Tourism Fund to cover the cost associated with the Tourism Office pursuant to the Five-Year Financial Plan for Tourism Fund Expenditures proposed by the Visitor Services Board and approved by the Board of Selectmen each year. Funds in the tourism fund are generated by 35% of the room occupancy tax.

Article 38. FY 2020 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of \$77,377 to be expended under the direction of the Board of Selectmen, to fund grants to assist nonprofit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod	\$9,000
Alzheimer's Family Caregiver Support	\$8,000
Cape Cod Children's Place	\$6,500
Cape Cod Dispute Resolution Center	\$1,777
Church of the Holy Spirit/Food4Kids Program	\$2,500
Consumer Assistance Council	\$600
Gosnold on Cape Cod	\$5,000
Helping Our Women	\$8,500
Independence House	\$7,000
Lower Cape Outreach Council, Inc.	\$6,500
Outer Cape Health Services	\$10,000
Soup Kitchen in Provincetown	\$7,000

South Coast Counties Legal Services	<u>\$5,000</u>
Total	<u>\$77,377</u>

or to take any other action relative thereto.

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

Explanation of Article 38: *In this article, the Human Services Committee recommends funding totaling \$77,377, an increase of \$627 or .8 % of the amount approved for Fiscal Year 2019. These grants support 13 agencies that are actively providing services to Town residents of all ages, particularly those most in need.*

Article 39. FY2020 Revolving Fund Spending Limits. To see if the Town will vote to establish spending limits for FY 2020 for the following revolving funds established pursuant to MGL Chapter 44, Section 53E½:

1. Preservation of Town Hall Auditorium: up to a limit of \$125,000 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. Tree Fund Revolving Account: up to a limit of \$10,000 annually, for planting of trees on public lands and in the public way and other costs related to planting costs to be expended under the direction of the Town Manager;
8. 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]

Explanation of Article 39: *This article authorizes the annual spending limits of eight existing and one new revolving fund. Under Massachusetts General Law the town's residents must renew their authorization of revolving accounts spending limits each year.*

**BOARD OF SELECTMEN
TOWN OF PROVINCETOWN
Cheryl Andrews, Chairman**

Robert Anthony, Vice-Chairman
Louise Venden
Lise King

A TRUE COPY, ATTEST:
Darlene Van Alstyne
Town Clerk
Date of publishing:

DRAFT



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

7A

FY2020 ANNUAL BUDGET

Town Manager's Budget Changes

Requested by: Town Manager David B. Panagore

Action Sought: Update

Proposed Motion(s)

Discussion Dependent/Votes May Occur

Additional Information

- Town Manager Panagore's memo is attached.

Board Action

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

MEMO

Date: February 19, 2019
To: Board of Selectmen
From: David Panagore, Town Manager
Re: FY 2020 Town Manager's Budget Changes

Since the time the Select Board completed its review and transmitted the Town Manager's budget to the Finance Committee, some costs have changed particularly Lower Cape Ambulance, Cape Tech tuition assessment and the School Department.

During the budget hearings, Lower Cape Ambulance presented a budget that was \$44,332 less than the submitted proposed budget.

During the budget process, the finance department received a draft of the Cape Cod Tech tuition assessment which increased \$89,494 from the budget placeholder representing the FY 2019 tuition.

As you may recall from the joint meeting with School Committee, the Superintendent intended to go back and re-examine the numbers relative to the Early Learning Programs. On February 13th the School Committee adopted a revised budget which the Superintendent presented to the Finance Committee on the 14th which now includes funding of the FY 2020 Early Learning Program (articles 5, 6 & 7 from the 18 ATM) as well as funding of some line items in school choice resulting in a net budget increase of \$231,298.

In order to fund the above changes, I have moved the funding for a portion (\$280,000) of the Town's planned OPEB contribution (565,704) to free cash. Additionally, the Shoreline Protection CIP will be funded by a transfer from the capital Stabilization Fund instead of Free Cash. An additional CIP fund source has been identified from completed prior year projects in the amount of \$56,133. The net result will be an increase of \$173,867 to the portion of the supplemental police station costs that will be funded by debt service which is still based on estimates currently available.

If you have any questions, please contact Josee.

**TOWN OF PROVINCETOWN
FY2020 TOWN MANAGER'S BUDGET CHANGES**

Town Manager's FY2020 Budget presented to Board of Selectmen	29,633,907
Ambulance Budget decrease	(44,332)
Cape Cod Tech School enrollment increase	89,494
Provincetown Schools Budget increase	231,298
OPEB funding move to free cash (565,704 total FY20 contribution)	<u>(280,000)</u>
Town Manager's FY2020 Budget ADJUSTED	<u>29,630,367</u>
Overall Increase	(3,540)

FREE CASH PROPOSED CHANGES

Move Shoreline Protection funding from Free Cash to transfer from Capital Stabilization Fund	(50,000)
Move \$280,000 of OPEB funding from operating budget to Free Cash	280,000
Completed Projects/Closed Articles from prior years applied to FY20 CIP	(56,133)
Add to police station supplemental costs funded by debt service	<u>(173,867)</u>
Net	<u><u>-</u></u>



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

7B

POLICE STATION SUPPLEMENTAL FUNDING

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion Dependent/Votes May Occur

Additional Information

- Town Manager Panagore's memo is attached.

Board Action

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

Elizabeth Paine

From: David Panagore
Sent: Tuesday, February 19, 2019 2:30 PM
To: BOS
Cc: Josee Young
Subject: Police Station Supplemental Funding
Attachments: Police Station Supplemental Financing.pdf

To the Board,

As mentioned on Friday here is our email regarding the Police Station Supplemental funding along with the attached options memo.

1. Attached is the updated Police Station supplement funding financing memo, including an option 7, which the Town Manager is recommending. There was some discussion of it at the last two finance committee meetings. While the Finance Committee chair believes option 5 or 6 is the preferable option, others on the Finance Committee prefer option 7. The Finance Committee however did not take a vote on option 7 or the recommendation or not, to have a prop 2 ½ override authorization.
2. Regarding the town wide ballot, as I indicated to the Finance Committee who were discussing their recommendations, while there is a strong likelihood that sufficient revenues exist to cover the supplemental funding, it remains a known unknown, and we believe then the prudent course of action is to take a belt and suspenders approach. As Town Manager, I see my fiduciary obligation as first ensuring there is adequate revenue to cover the cost associated with achieving town meeting actions, and second to do so with the least possible financial impact on the taxpayers. We believe option 7 course of action achieves both goals.
3. As to the warrant article itself, the Select Board previously voted to authorize a Capital Improvement Program (CIP), from my conversation with John Giorgio, our understanding is that that vote was an authorization for staff to prepare the requisite warrant articles for the Select Board to review and determine if they wish to insert them. Staff has prepared those CIP articles. The Select Board's next step would be to review the draft warrant article for potential insertion at the regular meeting on the 25th.
4. If the Board votes to insert, staff is recommending it be placed on the warrant for the Special Town Meeting (see below)
5. If the Board does not vote to insert, then it would not be placed on either the Special or the Annual by the Select Board. However, the Finance Committee voted to insert a warrant article for the funding at their meeting last Thursday. I expect that Building Committee may do so as well, and I anticipate joining as Town Manager with an insertion of the same article. This item then would not be part of the CIP, as submitted by the Select Board as per the Charter. Assuming the item is on the Town Meeting warrant, the Select Board will have the opportunity to vote their recommendation on the article, starting at the March 11th Select Board meeting.
6. Staff is recommending that we place the police station article on the Special so that funds would be available this fiscal year. In addition, in doing so we then would also place the related road layout article on the Special as well.
7. In a related matter, last year in an effort to expedite the meeting, the Town Manager introduced the CIP at the Annual Meeting, and I would recommend we do so again this year.
8. As to the ballot question, assuming a June election, the deadline for the Select Board to place a question on the ballot is not till after Town Meeting, however I would recommend that in the interest of informing the voters attending Town Meeting, that this question of whether there would be debt exclusion ballot question be addressed by the Board in advance of Town Meeting. (The purpose of the ballot question is to determine if a proposition 2 ½ override is authorized for the supplemental funding of the police station.)

David B. Panagore
Town Manager
508-487-7002 (office)

What distinguishes us from other species is our ability to cooperate.
– E. Wilson, sociobiologist

Please remember that the Commonwealth of Massachusetts has deemed most email a public record.

This electronic message could be confidential and is intended for the named recipient only. If you have received this message in error, please contact by return email or telephone, and delete the copy you received. Thank you.



Massachusetts PROVINCETOWN

January 22, 2019

PROVINCETOWN FINANCE DEPARTMENT

Financing Options Report

Police Station Additional Funding

TO: SELECT BOARD
FINANCE COMMITTEE
TOWN MANAGER

FROM: FINANCE DEPARTMENT

The current estimate for the proposed new Police Station is \$12,625,000. At the spring 2019 Annual Town Meeting, town meeting approved 8,625,000. Police Station additional costs are estimated at \$4,000,000 in the FY2020 CIP Plan which provides funding of \$1,248,196 from free cash and \$2,751,804 from debt service. In order to cover the additional debt service costs, we have identified six funding options, beginning with Options 1 & 2 which entail a Prop 2 ½ debt exclusion vote and the issuance of a long term bond, Options 3 & 4 entail a long term bond but do not contemplate a debt exclusion, debt repayment would be from existing or new revenues. Options 5 & 6 contemplate the annual issuance of a Bond Anticipation Note in lieu of long term bond and assume repayment from existing or new revenues. The municipal modernization act of 2016 allows municipalities to issue BANS for up to ten years. Cities and town are, we are told, using this to financing small cost items that can be repaid in less than ten years. Under each option we have identified the process and potential risks. Overall, the difference between the options is the number of time the authorization must be brought before voters, as well as the risk of interest rate increase on the BANS versus a bond. Option 1 & 2 require both a town meeting and a town wide ballot approval. Options 3 through 6 require only a town meeting vote. As to the interest rates currently our Financial Advisor is predicting a bond rate of 5% for the spring of 2019 and 3.5% interest rate on a BAN. However the BAN interest rate is subject to change with each year's issuance/reissuance, while the Bond rate is fixed.

Option 1: Long term debt issuance with a debt exclusion, 20 year bond

- no operating budget impact
- requires 2/3 vote at Town Meeting
- requires majority ballot vote
- annual debt service ranging from \$275,000 in year one descending to 144,000 in year twenty.
- total debt service \$4,196,501
- estimate average tax impact on taxpayer \$50
- RISK: could fail at ballot

Option 2: Long term debt issuance with a debt exclusion, 10 year bond

- no operating budget impact
- requires 2/3 vote at Town Meeting

- requires majority ballot vote
- annual debt service ranging from \$413,000 in year one descending to 289,000 in year ten.
- total debt service \$3,508,550
- estimate average tax impact on taxpayer \$76
- RISK: could fail at ballot

Option 3: Long term debt issuance without a debt exclusion, 20 year bond

- debt service will be budgeted or paid with capital stabilization funds
- requires 2/3 vote at Town Meeting
- no ballot vote required
- annual debt service ranging from \$275,000 to 144,000
- total debt service \$4,196,501
- RISK: annual debt service carried in the operating budget

Option 4: Long term debt issuance without a debt exclusion, 10 year bond

- debt service will be budgeted or paid with a transfer from the capital stabilization fund
- requires 2/3 vote at Town Meeting
- no ballot vote required
- annual debt service ranging from \$413,000 in year one descending to 289,000 in year ten
- total debt service \$3,508,550
- RISK: annual debt service carried in the operating budget

Option 5: BAN issuance without debt exclusion, 10 year BAN, renewing annually

- principal and interest paid annually with a designated new revenue source
- budget impact offset by new revenue source
- requires 2/3 vote at Town Meeting
- no ballot vote required
- annual debt service ranging from \$371,000 in year one to 297,000 in year ten
- total debt service \$3,508,550
- FY2021 operating budget will include \$100,000 of debt interest
- FY2021 principal paydown will be funded by free cash
- RISK: future short term interest rates could exceed current long term rates if not repaid in five years

Option 6: BAN issuance without debt exclusion, 5 year BAN, renewing annually

- principal and interest paid annually with a designated new revenue source
- budget impact offset by new revenue source
- requires 2/3 vote at Town Meeting
- no ballot vote required
- annual debt service ranging from \$647,000 in year one to \$581,000 in year five
- total debt service \$3,095,780
- FY2021 operating budget will include \$100,000 of debt interest
- FY2021 principal paydown will be funded by free cash
- RISK: future short term interest rates could exceed current long term rates if not repaid in five years

BOND excess project requirements for twenty years at level principal:

	Outstanding	Principal	Interest	Total Cost	FY
1	\$ 2,751,804.00	\$ 137,590.20	\$ 137,590.20	\$ 275,180.40	2021
2	\$ 2,614,213.80	\$ 137,590.20	\$ 130,710.69	\$ 268,300.89	2022
3	\$ 2,476,623.60	\$ 137,590.20	\$ 123,831.18	\$ 261,421.38	2023
4	\$ 2,339,033.40	\$ 137,590.20	\$ 116,951.67	\$ 254,541.87	2024
5	\$ 2,201,443.20	\$ 137,590.20	\$ 110,072.16	\$ 247,662.36	2025
6	\$ 2,063,853.00	\$ 137,590.20	\$ 103,192.65	\$ 240,782.85	2026
7	\$ 1,926,262.80	\$ 137,590.20	\$ 96,313.14	\$ 233,903.34	2027
8	\$ 1,788,672.60	\$ 137,590.20	\$ 89,433.63	\$ 227,023.83	2028
9	\$ 1,651,082.40	\$ 137,590.20	\$ 82,554.12	\$ 220,144.32	2029
10	\$ 1,513,492.20	\$ 137,590.20	\$ 75,674.61	\$ 213,264.81	2030
11	\$ 1,375,902.00	\$ 137,590.20	\$ 68,795.10	\$ 206,385.30	2031
12	\$ 1,238,311.80	\$ 137,590.20	\$ 61,915.59	\$ 199,505.79	2032
13	\$ 1,100,721.60	\$ 137,590.20	\$ 55,036.08	\$ 192,626.28	2033
14	\$ 963,131.40	\$ 137,590.20	\$ 48,156.57	\$ 185,746.77	2034
15	\$ 825,541.20	\$ 137,590.20	\$ 41,277.06	\$ 178,867.26	2035
16	\$ 687,951.00	\$ 137,590.20	\$ 34,397.55	\$ 171,987.75	2036
17	\$ 550,360.80	\$ 137,590.20	\$ 27,518.04	\$ 165,108.24	2037
18	\$ 412,770.60	\$ 137,590.20	\$ 20,638.53	\$ 158,228.73	2038
19	\$ 275,180.40	\$ 137,590.20	\$ 13,759.02	\$ 151,349.22	2039
20	\$ 137,590.20	\$ 137,590.20	\$ 6,879.51	\$ 144,469.71	2040
				<u>\$ 4,196,501.10</u>	

Assumptions:

BOND interest rate will be 5% at 2021.

Level principal payments structured to reduce interest expense.

Cautions:

This option still requires a two-thirds approval at Town Meeting.
Without a 2.5 debt exclusion, the budget will need to fund these payments.

BOND excess project requirements for ten years at level principal:

	Outstanding	Principal	Interest	Total Cost	FY
1	\$ 2,751,804.00	\$ 275,180.40	\$ 137,590.20	\$ 412,770.60	2021
2	\$ 2,476,623.60	\$ 275,180.40	\$ 123,831.18	\$ 399,011.58	2022
3	\$ 2,201,443.20	\$ 275,180.40	\$ 110,072.16	\$ 385,252.56	2023
4	\$ 1,926,262.80	\$ 275,180.40	\$ 96,313.14	\$ 371,493.54	2024
5	\$ 1,651,082.40	\$ 275,180.40	\$ 82,554.12	\$ 357,734.52	2025
6	\$ 1,375,902.00	\$ 275,180.40	\$ 68,795.10	\$ 343,975.50	2026
7	\$ 1,100,721.60	\$ 275,180.40	\$ 55,036.08	\$ 330,216.48	2027
8	\$ 825,541.20	\$ 275,180.40	\$ 41,277.06	\$ 316,457.46	2028
9	\$ 550,360.80	\$ 275,180.40	\$ 27,518.04	\$ 302,698.44	2029
10	\$ 275,180.40	\$ 275,180.40	\$ 13,759.02	\$ 288,939.42	2030
				<u>\$ 3,508,550.10</u>	

Assumptions:

BOND interest rate will be 5% at 2021.

Level principal payments structured to reduce interest expense.

Cautions:

This option still requires a two-thirds approval at Town Meeting.
Without a 2.5 debt exclusion, the budget will need to fund these payments.

BAN excess project requirements for ten years, paydown 1/10 each year:

	Outstanding	Paydown	Interest Expense	Total Cost	FY
1	\$ 2,751,804.00	\$ 275,180.40	\$ 96,313.14	\$ 371,493.54	2021
2	\$ 2,476,623.60	\$ 275,180.40	\$ 99,064.94	\$ 374,245.34	2022
3	\$ 2,201,443.20	\$ 275,180.40	\$ 99,064.94	\$ 374,245.34	2023
4	\$ 1,926,262.80	\$ 275,180.40	\$ 96,313.14	\$ 371,493.54	2024
5	\$ 1,651,082.40	\$ 275,180.40	\$ 90,809.53	\$ 365,989.93	2025
6	\$ 1,375,902.00	\$ 275,180.40	\$ 82,554.12	\$ 357,734.52	2026
7	\$ 1,100,721.60	\$ 275,180.40	\$ 71,546.90	\$ 346,727.30	2027
8	\$ 825,541.20	\$ 275,180.40	\$ 57,787.88	\$ 332,968.28	2028
9	\$ 550,360.80	\$ 275,180.40	\$ 41,277.06	\$ 316,457.46	2029
10	\$ 275,180.40	\$ 275,180.40	\$ 22,014.43	\$ 297,194.83	2030
				<u>\$ 3,508,550.10</u>	

Assumptions:

BAN interest rates will rise by 0.05 basis points each year.
The Town only pays down 1/10 each year.

Cautions:

BAN interest rates could be extremely volatile over a ten year period.
Interest rates are trending up, not down, making bonding the better option.
This option still requires a two-thirds approval at Town Meeting.
Without a 2.5 debt exclusion, the budget will need to fund these payments.

BAN excess project requirements for five years, paydown 1/5 each year:

	Outstanding	Paydown	Interest Expense	Total Cost	FY
1	\$ 2,751,804.00	\$ 550,360.80	\$ 96,313.14	\$ 646,673.94	2021
2	\$ 2,201,443.20	\$ 550,360.80	\$ 88,057.73	\$ 638,418.53	2022
3	\$ 1,651,082.40	\$ 550,360.80	\$ 74,298.71	\$ 624,659.51	2023
4	\$ 1,100,721.60	\$ 550,360.80	\$ 55,036.08	\$ 605,396.88	2024
5	\$ 550,360.80	\$ 550,360.80	\$ 30,269.84	\$ 580,630.64	2025
				<u>\$ 3,095,779.50</u>	

Assumptions:

BAN interest rates will rise by 0.05 basis points each year.
The Town can budget to pay down 1/5 each year.

Cautions:

BAN interest rates could be volatile over a five year period.
Interest rates are trending up, not down, making bonding the better option.
This option still requires a two-thirds approval at Town Meeting.
Without a 2.5 debt exclusion, the budget will need to fund these payments.

Elizabeth Paine

From: David Panagore
Sent: Wednesday, February 20, 2019 4:03 PM
To: BOS
Cc: Josee Young; Elizabeth Paine
Subject: Police Station Financing & Town wide

Following up on yesterday's email regarding the supplemental financing for the police station, I wanted to provide additional information regarding the process of placing a Proposition 2½ debt exclusion question on the town-wide ballot. From the financing options memo, option 7, that Town Staff is recommending, includes a town-wide debt exclusion. I had forwarded a lengthy email from John Giorgio back on February 1st that among a bunch of other points talked through this process, but I thought it might be helpful if I summarized just this process.

So here's how State law handles it, a Proposition 2½ debt exclusion question may only be placed before the voters at a regular or special municipal election by a two-thirds vote of the Town's "local appropriating authority", which by Statute (see below) is defined as the Select Board. The Department of Revenue has determined that the required vote is two-thirds of the members present and voting. If there are four members present, a vote of 3-1 is required. If there are five members, a vote of 4-1 is required.

One interesting point, there is no other procedure available for placing a debt exclusion question before the voters at an election. For example, Town Meeting cannot mandate that a new debt exclusion question be voted on.

Under section 21C(k) of Mass. Gen. Law Chapter 59, which cover the assessment of local taxes, it states:

(k) The local appropriating authority of any city or town may, by two-thirds vote, seek voter approval at a regular or special election to assess taxes in excess of the amount allowed pursuant to this section for the payment of principal and interest on bonds, notes or certificates of indebtedness, excluding tax revenue anticipation notes, issued by the city or town and for the city's or town's apportioned share of the principal and interest on such bonds or notes issued by a regional governmental unit which were not outstanding as of November fourth, nineteen hundred and eighty; provided, however, that the question submitted shall be as follows:?

"Shall the (city/town) of ___ be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to (state the purpose or purposes for which the monies from the local issue will be used)?

Yes ___ No ___";

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

David B. Panagore
Town Manager
508-487-7002 (office)

What distinguishes us from other species is our ability to cooperate.
– E.Wilson, sociobiologist

Please remember that the Commonwealth of Massachusetts has deemed most email a public record.

This electronic message could be confidential and is intended for the named recipient only. If you have received this message in error, please contact by return email or telephone, and delete the copy you received. Thank you.



**Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019**

7C

TOWN MANAGER'S REPORT

Administrative Updates

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent – votes may be taken.

Additional Information

Please See attached documents:

- Town Manager's Report
- Shank response update in preparation for meeting with State on Feb. 27th
- Flood Emergencies: an outline of town response actions Memo
- VFW Project Plan Memo
- 2018 Report on progress of Provincetown Commons

Board Action

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



TOWN MANAGER

Memo

To: The Select Board
From: David B. Panagore, Town Manager
Cc: Senior Staff
Date: February 22, 2019
Re: Town Manager's Report

This report is for the period February 7th, through February 22nd, 2019

1. General
 - Contracts: MacMillan Reconstruction and Wave Attenuator Project (\$4,084,500 ACK Marine)
 - Commercial Street Improvements Phase 4 (\$2,170,364.91 Robert B. Our Co, Inc)
2. Meetings and/or Conferences
 - February 8th – Finance Committee Budget Review Meeting
 - February 9th – Town Topics Forum
 - February 11th – Select Board Meeting
 - February 13th – OPEB Public Forum in Chatham (Josee Young)
 - February 14th – Finance Committee Budget Review Meeting
 - February 15th – Cape and Islands Accountants Meeting (Josee Young)
 - February 22nd –Outer Cape Town Managers Shark Meeting (in preparation for Statehouse Meeting)
3. Personnel Matters
 - Open Positions:
 - Administrative Assistant-Community Development
 - Seasonal Pier Corporation Staff
 - Seasonal Parking Department Staff
 - Seasonal Fire Department Staff
 - On-Call Telecommunicators
 - Seasonal Police Officers and Summer Community Service Officers

4. Department Update

This bi-weekly update provides an update of recent town department activity. Key items are highlighted in bold.

The Town hosted a Town Topic Winter Forum on Saturday, February 9th. The forum topics were Coastal Resilience and Climate Change, Provincetown Year round Market Rate Rental Housing Trust update, Civil Discourse, and Police Station Funding. The forum was well attended, with roughly 100 people coming to Town Hall for this event. The video of the slideshow presentation from the forum is available on PTV's website. Many thanks go out to all of the Town Staff, board members, and town residents who participated in this event (*Town Manager*).

New Police Station: The Building Committee will host a Q&A session at the Council on Aging in the VMCC Building on Thursday, March 21st, at 10 AM. All are welcome to attend (*Department of Public Works*).

Goal 1-Economic Development

Promote policies that encourage the development of year round business, entrepreneurial opportunities and jobs while maintaining community character

Stellwagen Visitors Center: The recent federal shutdown stalled progress on this project for roughly two months. The Center for Coastal Studies is coordinating the Town and NOAA efforts for this project. Currently, the project team of NOAA representatives and the Town Manager are (in the preliminary design phase) reviewing the requests for qualifications from architectural firms. The next step is the selection of the architectural firms who will receive the requests for proposal currently being drafted by NOAA. At the appropriate time, I will request a briefing for the Select Board. Select Board member Donegan was designated by the Select Board as its representative on the project, and the Board may wish to consider appointing another representative (*Town Manager*).

Foster and sustain programs that create economic opportunities, while maintaining Historic and Town character

CPA: Community Preservation Committee conducted public hearing on February 11th and voted on recommendations for CPA funding for town meeting. Information detailing these final recommendations will be provided in the Town Warrant (*Housing and Economic Development Division*).

Support efforts to improve residential quality of life

Battle of the Badges: Sunday March 10th, at 2pm, at the High School gymnasium, will mark the 7th annual Battle of the Badges. Police and Fire Departments will square off against each other in a friendly competitive basketball game in hopes to take back to their respective station the coveted Battle of the Badge's plaque. Each year the Recreation Department organizes this game, with the help of the Provincetown Parents Teachers Association (PTA), to fundraise for items that Provincetown Schools students need. The

PTA collects admission at the door (\$5 for adult and \$2 for children), and they administer the funds. Previous proceeds have gone to new sports team uniforms and the Costa Rica trip for middle school students. This great event is possible thanks to the Police for and Fire departments who are willing to donate their time for this charity event (*Recreation Department*).

Police Luncheon: The 5th annual Valentine's lunch hosted by the Police Department at the Senior Center was attended by 69 seniors, a 40% increase over last year. This special event offers residents and officers the opportunity to eat together and get to know each other which, in turn, encourages seniors to feel more comfortable calling for assistance when needed (*Council on Aging*).

Senior of the Year: Nominations are being accepted for the 2019 Senior of the Year. Nominees must be town residents 60+ years of age who are enthusiastically involved in the community, a role model to peers, and exemplify the "spirit of positive aging." A brief biography and reason why the person should be considered can be sent to the Director by e-mail or mail or dropped off at the Senior Center by April 5th (*Council on Aging*).

Fine Arts Work Center Collaboration (FAWC): The Council on Aging is partnering with FAWC again to offer a poetry class taught by one of this year's Fellows, Gabe Kruis. The class will include field trips to FAWC to watch artists at work followed by a writing session at the Senior Center inspired by the experience (*Council on Aging*).

Support efforts to improve the tourism economy to enhance the visitor experience
Regional Radio Marketing Campaign: The spring radio broadcast campaign advertising Provincetown has been scheduled from April through June, and will reach the Cape & the Islands, Plymouth, and Bristol counties. Commercial spots saturation will take place two consecutive weeks each month promoting spring activities and events in Town. To maximize the July 4th parade and fireworks audiences, in addition to including the festivities in the June commercials, we will be broadcasting fifteen second spots from 6:00 AM to midnight starting June 24th and running through July 1st (*Tourism Department*).

Spring Social Media and Digital Display Advertising Campaign: The spring digital advertising campaign launched the week of February 13th, and will run for three months. The ads will appear on Facebook, Instagram, and digital display imbedded in newsfeeds, and is a combination of remarketing, targeting, and featuring Summer Vacation, Beaches, Eco-Tourism, Marine Tourism, Dining, Art, LGBTQ, and Pride (*Tourism Department*).

Goal 2- Housing

Enforce policies that create housing opportunities while maintaining Town character
VFW: Advertising for proposals for consultants for the development and community engagement process for both the VFW and the current police station site on Shank Painter Road has begun. Please see the memo in your packet for additional information (*Housing and Economic Development Division*).

Increase Community Housing availability

Harbor Hill: Invitations for Bids for the renovations issued with General Contractor bids are due on February 28th. Progress continues on building #5 to make it ready for residents, and the Habitat Restore returned for second time to remove donated furniture. The lottery selection is scheduled for February 27th at the Veterans Memorial Community Center at 3pm (*Housing and Economic Development Division*).

Goal 3-Built and Natural Environment

Promote Policies and programs that protect and sustain the natural environment, and our community's way of life

B Street Garden improvements: The Conservation Commission and the B Street Garden Advisory Group have submitted an application to the CPC for a \$32,000 grant to rehabilitate the garden beds, which are deteriorating after ten years of use. The CPC has voted to recommend the grant on the Warrant for Town Meeting (*Community Development-Conservation*).

Water Department: The water distribution staff will be performing routine inspections on the Coastal Acres Campground water infrastructure installation, ensuring the work adheres to local and American Water Works Association industry standards. While the campground previously had water to the majority of the campsites, a water main is being installed to provide fire protection to the area, as well as several metered zones throughout the campground (*Department of Public Works*).

Buildings & Grounds: Over the next two weeks, the Building / Grounds crew will continue to cut back the overgrowth along the property lines in the cemeteries, paint the interior of the bathrooms at the MPL and Firehouse #2, begin preparatory work for the clean agent fire systems at the server locations, and general maintenance throughout town. The refinishing of the auditorium floors at Town Hall is complete. We are waiting for the delivery of the new Automatic Transfer Switch for the VMCC generator which will be installed as soon as it is received, finalizing the purchase of the standby generator, the exhaust fan for the VMCC kitchen, and the VMCC roof coating bid. We are also working on the repairs to the slate roof at Town Hall as well as getting a contractor to repair the front façade (*Department of Public Works*).

Promote efforts to improve our streetscapes and intersections for safety and convenience of pedestrians, bicycles, and vehicles

Highway Department: The Highway Department is moving forward with the fourth phase of Commercial Street Reconstruction. Construction bids were due on February 19th, with construction to start a few weeks thereafter. Highway personnel continue to work on maintenance of summer equipment such as the message boards which need to be overhauled because of rust and corrosion, while continuing to be called out for salt and sand operations for the winter season. Administrative staff is finalizing the bid documents for the Bradford/Standish Street improvements in front of the Gulf Station and the Alden Street parking lot (*Department of Public Works*).

Goal 4-Community Engagement and Communications

Use the Town Library as a resource, continue to invite and encourage community engagement through outreach and programming

4th Annual Moby Dick Read Aloud Marathon: Planning for the annual Moby Dick marathon has begun, and the Library is looking for willing readers. Interested parties please contact Brittany Taylor btaylor@provincetown-ma.gov. This is a special year for this event as 2019 marks the 200th anniversary of Herman Melville's birth (*Library*).

Winter Programming: The Library now hosts a weekly "Read Along/Read Aloud Book Club led by Global Peace poetess, Linda Ohlson Graham. This month the group, which meets in the Bowsprit Room, is reading *Fatal Decision: Edith Cavell WWI Nurse* (*Library*).

Improve public access to Government through and updated Town website

Website: The website design team is reaching the end of the design stage, and will include input from Select Board members Louise Venden and Cheryl Andrews, before the next step where data from the existing site will be migrated. If others are interested as well, please contact Erin Ellis, Project Administrator, to set up a time to meet with the consultants. The committee has been working with CivicPlus on the layout of the new site, as well as important design elements that will give it a fresh, modern feel. Content migration will begin this month, and staff training will take place in March. At this time we are looking to go live by the third week in April (*Management Information Systems Department*).

Goal 5-Emergency Planning and Management

Effectively prepare the community, through the use of emergency planning efforts and training

Resilient Provincetown (Municipal Vulnerability Preparedness Plan: Following the Town Forum on February 9, 2019, and presentation made to various Town boards, approximately 30 people have RSVP'd to attend the Community MVP workshop on climate change resiliency on March 15th. Outreach to Town boards and civic organizations continue, with the goal of having at least 60

people committed to attend. An announcement stating the final location, as well as any additional pertinent information, will be provided at the next regular Select Board Meeting on March 11th (*Community Development – Conservation*).

Ensure that emergencies will be responded to effectively, minimizing the loss of lives and property damage

Confined Space Training: All DPW staff will be attending a Confined Space Entry training class hosted in Provincetown on March 4th. This training was submitted for approval to the Board of Drinking Water Operators for issuance of certified Training Contact Hours necessary to maintain Drinking Water Operator licensure, as well as provide safety reinforcement to all DPW staff (*Department of Public Works*).

Goal 6- Government, Operations, and Finance

Government and Operations

Pursue policies that foster community education on issues of public concern

Cable TV Survey: The results have been compiled from a survey conducted in December and January posted on the Town Website as well as Town Talk regarding Comcast service in Town. These results will be included in a business plan that will be presented to Comcast as part of the negotiation of their cable television license renewal. There were approximately 138 respondents, 62% of which indicated support for a .5% increase to their cable TV bill to support local community media. The next step will be sitting with outside council and PTV, after which we will brief the Select Board (*Management Information Systems Department*).

Develop a collaborative process of youth initiatives to enhance their quality of life

February Break Child Care: The Recreation Department offered child care at the Community Center the week of February 19th through February 22nd from 9am to 5pm during school vacation week. The Department tries to fill voids when school is not in session, to have child care available for all the parents that need to work. During this time, the children made arts and crafts to bring home, played scooter hockey, capture the flag, foosball, and held Pool tournaments. The two highlights of the week were a field trip down Commercial Street to the Provincetown Library, where the kids had a chance to check out the Rose Dorothea, read books, and check out books for some reading at home. As a joint effort, the Library staff provided library card sign up forms to families before their arrival, so that children had every opportunity to be able to check out a book. The second highlight was on Thursday, where students took a field trip to Seashore Point to decorate cookies with some of the residents in the Wellness Center (*Recreation Department*).

Support organizational excellence

Town Meeting: The draft of the Warrant has been sent to Town Counsel for review. We will continue to revise until warrant closes and will begin writing motions and scripts. The goal is to provide residents with information prior to Town Meeting, published on the Town website. Please see packet for additional information (*Finance Department*).

Finance

Pursue initiatives that properly allocate revenues and expenses to support and increase the year-round population

Short Term Rental Tax: A panel from the Division of Local Services was present at the Cape & Islands Accountants' conference on February 15th to provide updates and answer questions related to the short term rental tax. The Cape and Islands Accountants are jointly writing to the State to request that new revenue information be provided to municipalities for budgeting and compliance (*Finance Department*).

Provide a full revenue and expenditure summary for each department within the operating budget

FY2020 Budget: The budget reviews by the Select Board and Finance Committee have been completed. The proposed budget will be available on the Town Meeting website for public viewing (*Finance Department*).

DRAFT

To: Select Board
From: David B. Panagore, Town Manager
CC: Chief Golden, Chief Trovato, Asst. EM Director Morgan Clarke, DPW Director Rich Waldo, Harbormaster Rex McKensey
Date: February 19, 2019
Re: Flood Emergencies: an outline of town response actions

On January 22, 2019, the Select Board asked for additional information on town procedures for Flood Emergencies and the triggers for town-wide alerts. This information will, we expect, help inform the public. An initial word of caution and restraint regarding the tide levels and flooding; each year, through natural processes, the beaches nourish in the summer and recede in the winter. This means response action levels are to a material degree seasonally contingent. For example, last year at a roughly 13 ft tide, water would have reached the temporary berm by Gosnold Street. This year, at those same tide levels, tidal waters are a dozen or more feet away from the berm.

This memo is an outline of basic flood response activities, that over the course of this coming year we anticipate expanding on, and refining, incorporating it into our emergency management plan.

To begin, the Town's Emergency Management Team uses several tools to monitor, predict and, in given circumstances, inform the public, for example when alerts are sent regarding floods. The team consists of the Town Manager, Police Chief, Fire Chief, DPW Director, Harbormaster and Health Director. Communications are handled by staff (cross trained) from MIS, Police, and Health with the Project Administrator having principal responsibility. Other departments are brought in when needed. The primary tool used for predicting flood events is a NOAA hydrograph at the following link:

<https://water.weather.gov/ahps2/hydrograph.php?wfo=oax&gage=PVHM3>

The information presented in the short range forecasts of this link start with the astronomical calculations that are the basis of all tide charts. Observation data is generated by a tide gauge provided and maintained by the United States Geologic Service (USGS) at MacMillan Pier. The National Weather Service (NWS) then improves the forecast models with current or predicted weather events, (i.e. wind and direction, rain, barometric pressure, storm surge, etc.). As such, the tool tends toward the higher end of calculations prior to storm events, the same way as meteorologists.

This tool also categorizes flood stages in Provincetown based on the data provided by Center for Coastal Studies "A New Method for Mapping Inundation Pathways to Increase

Coastal Resiliency, Provincetown Massachusetts”, a study commissioned by the Town of Provincetown in 2015..

In addition, one can use the following link to a tool from the Cape Cod Commission that approximates sea level rise (SLR). For our purposes, advancing the SLR to 3 feet approximates the 13 foot level of the hydrograph.

<https://gis-services.capecodcommission.org/apps/public/SeaLevelRise/SeaLevelRise.html>

As per the NOAA hydrograph, Coastal Flooding is broken down into several stages, based on the predicted tidal gauge elevation. These stages of flooding, based on specific elevations, are as follows:

Action Stage (yellow): Tidal gauge elevation reading of 11.5 Feet

Minor Flood Stage (orange): Tidal gauge elevation reading of 13.0 Feet or more

Moderate Flood Stage (red): Tidal gauge elevation reading of 14.0 Feet or more

Major Flood Stage (purple): Tidal gauge elevation reading of 15.0 Feet and above

Action Stage: This yellow level is an alert stage for staff awareness and monitoring. No flooding is occurring at the low end of this level. For example, 11.5 feet is equivalent to our near or full moon tides. These moon tides can occur every month and are most notable in spring and fall due to planetary alignment. Other factors such as time of high tide, wind, waves or precipitation would affect how storm drains are working. As the stage rises toward 13 feet, we may see ponding on the roadways of low lying areas. The effects in the Town are dependent on other factors in addition to the predicted tide levels.

Minor Flood Stage: At the orange stage, the Emergency Management Team (EM Team) meets as needed, be on watch and then to execute non-emergency measures. These measures protect flood prone areas, such as the 600 block of Commercial Street, Ryder Street, Court Street, and parts of Shank Painter Road during prolonged rain events. Such measures include dispersing “caution flooding” signs in the roadways and sand bagging the lower door of Town Hall. Police and Fire personnel are put on alert, while police will patrol/monitor the flood prone areas, alerting the EM Team as needed. Depending on the storm event, additional Police and/or Fire personnel may be called in to assist. Public notice is made over social media.

Moderate Flood Stage: At the red stage, the Emergency Management Team meets on a regular basis to monitor and manage the town’s response. This stage triggers our use of the Town’s Alert system, notifying those who have signed up (over 2,000 by last count), and all measures noted for the minor flood stage take place. In addition, the following actions transpire: the Harbormaster patrols the harbor prior to the event and blocks off the breakwater; the Department of Public Works (DPW) reinforces coastal barriers within the Town’s jurisdiction, such as nourishing the Town Landing with sand berms. Emphasis is

placed on the low lying landings such as Gosnold Street, Court Street, Coast Guard Landing, and West Vine Street landing. Depending on storm factors, the DPW may deploy temporary floodgates. These lightweight and self-rising flood mitigation measures provide for fast deployment and movability throughout a storm event.) Additional DPW and Town Hall staff may be called to sit standby during the duration of storm event (such as Health in the event a charging station or shelter is required). The Building Department inspects flooded buildings along with the Fire Chief to determine if power to buildings needs to be cut and to assess damage, and additional Police and Fire Department as well as Rescue Quad personnel are called in as needed. It is at this stage of flooding that we anticipate being in regular communication with the County and MEMA. Public notice is made over social media, posted on the town website, and, as circumstances warrant, the issuance of an alert. These are updated throughout the emergency event.

Major Flood Stage: At the purple stage, all moderate stage actions take place and in addition, the Harbormaster calls boats out of the floating docks, maintains storm watch, and prepares for after storm clean-up. Depending on the situation, it is at this flood stage that the Emergency Management Team would determine if a Reverse 911 notification to the community is needed. The DPW deploys all flood prevention measures as indicated above, as well as sealing critical sewer infrastructure covers and shutting water off to vulnerable pier structures. The Highway Department staff is called in to work throughout the storm event to provide community support where necessary. Flood pumps will be mounted on trucks to be mobile during storm to help alleviate flood damage. Priority for the pumps would be given for municipal uses such as pumping out the lower level of Town Hall or the Point Street block of Commercial Street. The pumps may and have been used to assist the public with flooded basements assuming there is no life safety or environmental issues. We anticipate relocating town hall coordination to the VMCC may be likely at this level of flooding. Public Safety staff undertake house checks, respond to calls and if need be rescue folks from flooded areas. Public notice is made over social media, posted on the town website, and, as circumstances warrant, the issuance of an alert. These are updated throughout the emergency event.

As initially noted, the protocols laid out above are subject to change as the team monitors the seasonal impacts of each storm. A constantly shifting coastline results in a variation of storms impacts. The Emergency Management Team is closely monitoring these incremental differences. This will, over several years, help refine the Emergency Response Plan, including adding or removing specific protocols as we continue to target capital projects to improve stormwater management and coastal resiliency.

While it is then challenging to provide a bright line to residents, and we, as government professionals are properly wary when providing emergency response advice for private property owners, our sense is that it is at the moderate level of flooding at 14 feet, if not sooner given location and other factors, would, generally, be when shoreline properties should be taking precautionary measures.

I will be including this in the Town Manager's report for the meeting of February 25th. If you have any questions, please let me know, and I, or staff will endeavor to respond.

DRAFT

Memo

To: Select Board
From: David B. Panagore
Date: February 19, 2019
Re: VFW Project Plan

Attached please find an outline of the VFW Project Plan. In the outline, we have provided the essential information regarding the initial town meeting authorization, followed by a description of the roles and functions of the project team and the current schedule with critical actions and milestones.

At this time, our goal for this year is to complete the baseline site assessment, complete a robust community process that establishes the development parameters necessary for an RFP, simultaneously undertaking an analysis of potential financing options to maximize the number of below market units in comparison with the time it takes to secure each financing source (I believe even at this early stage “time to market” should be a criteria for the developer RFP). We then, if all goes well, will be in position to issue an RFP for development. We have provided further details on the attached pages, and an update on our recent activity below.

As you may recall, the State requested Mass. Housing Partnership (MHP) to provide technical assistance starting in the pre-development phase. Staff has been working with MHP who has retained an engineering firm, Bohler Engineering, at their expense, to undertake the preliminary site assessment work, produce the baseline site assessment regarding site feasibility, and who will, working with our housing consultant, produce the site plan graphics relative for options that our housing consultant will produce.

We are currently in the process of retaining our housing consultant. We are issuing a Request for Proposal this week. In general the scope of services includes consulting assistance for project and process management for both sites – the VFW site and the current police station site –from pre-development to occupancy; beginning with the pre-development financial and site planning for both of these sites. The Consultant, with the assistance of the Town, will (1) investigate available financial and operational means and methods to maximize the percentage of below market units on the site, (2) embark on a robust community engagement process to finalize the direction on what type(s) of housing to develop at the sites, how many units, scale, appropriate financial

resources, and ultimately develop the site. The community engagement component will need to integrate community ideas with the realities of permitting, funding, and attracting a developer. The consultant will provide a cost-benefit analysis for different development models.

In addition, I believe the facility study proposed by the DPW will assist us this year in developing an appropriate plan for the items and equipment currently being stored in the VFW building. On the following pages is further information regarding roles & responsibilities and draft time line. While there may be more Select Board meetings and discussion, the Board has asked staff to outline required Board votes and have done so (**bold & underlined**)

VFW Project Plan
(as of 2/19/19)

1. Authorization – Special Town Meeting 2013 Article 6
(See attached for full town meeting minutes)

Excerpted Operative Language (as amended and adopted by Town Meeting)

Purpose: “for general municipal purposes, including, without limitation, and/or affordable housing purposes” [Note: Town Counsel preliminary opinion is development should have, at minimum 25% affordable]

Disposition: “to authorize the Board of Selectmen to convey or lease, for a term of no more than 99 years, such portion or portions of the foregoing property that the Board of Selectmen determines is to be used for affordable housing purposes, if any, on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate.”

2. Roles & Functions

- Mass Housing Partnership (MHP) (assistance via state award)
 - o Providing:
 - General Role - Project Support/ Technical Assistance
 - Request for Proposals (RFP)– providing Technical Assistance
 - Bohler Engineering – civil engineering, site due diligence, site feasibility concepts feasibility
- Town’s Housing Project Consultant (via STM 2018 funding)
 - o Community Engagement Process
 - o Project Concepts & Economics/Financing
 - o RFP guidance
- Town Counsel (KP Law)
 - o Town Counsel will assist with legal documents, zoning questions
- Town Staff (functional roles, not titles)
 - o David Panagore – project executive
 - o Michelle Jarusiewicz – project manager
 - o Erin Ellis – project assistant
 - o Steve Wlodkowski – project engineer
 - o David Gardner – permitting & entitlements
- Developer (TBD)

3. Schedule

February 2019

- Bohler Engineering (MHP) - to complete site assessment

March 2019

- Town Staff to retain Town Housing Project Consultant
 - Proposals & Contract \$50k

March – Fall 2019 (best case due to Summer Season)

- Community Engagement Process: Multiple Concept Plans
 - Led by Housing Project Consultant
 - Investigate financing options
 - Review 26 Shank Painter options for potential inclusion
 - Investigate new small project funding available from the State; may make going out separately the better option
 - Output: Multiple Concept Plans
 - Density, \$\$, bedrooms, site plans

Winter 2019/2020

- **Select Board Action:** review RFP Issued

Spring 2020

- RFP Due

Spring 2020

- Town Manager review of RFP submission
- **Select Board Action:** Final Selection of Developer Spring 2020 to Ground breaking
- Developer due diligence.
- Securing financing
- Securing Entitlements
- Ground breaking



**THE
COMMONS**
Create. Innovate. Collaborate.

www.commonstowntown.org
info@commonstowntown.org

Provincetown Commons, Inc.
46 Bradford Street
Provincetown, MA 02657

RECEIVED

JAN 30 2019

TOWN MGR OFFICE

January 21, 2019

David Panagore
Town Manager
260 Commercial Street
Provincetown, MA. 02657

Dear David,

We're writing to provide you with our 2018 Report on the progress of Provincetown Commons. As always, we welcome any questions and opportunities to share additional information you might need.

This letter updates you on three aspects of the project: Building Renovation update, Program Development; and Community Outreach and Support.

Building Renovation –

- Work began in February of 2018, when we secured J&B Construction, Forestdale, MA to perform the renovation of 46 Bradford Street. We hired Regina Binder, Provincetown, to act as our project manager and building consultant. The Commons Building Committee held weekly conference calls to ensure schedule was adhered to and decisions were made in a timely basis. The attention to detail the committee maintained helped to bring a challenging project to completion on schedule.

Unanticipated Challenges included:

- Replacement of the front wall of the building. While installing new windows, the contractors found extensive previously undisclosed structural fire damage to the South wall of the building. The financial impact to the project was an additional expenditure of \$50,000.
- When the town shuttered the building, the pipes were not drained properly, causing additional work to replace pipes and fix leaks. Financial impact \$7,000.
- The elevator service and inspection was terminated by the DPW in February of 2018, if there had been a handoff or notice to The Commons, the circuit board issues would have been identified during annual inspection vs. additional service calls by Associated Elevator. This caused significant delays in our readiness to call for building inspection and financial impact of \$8,000.

We invested in significant landscape renovations that dramatically improve the quality of the neighborhood. Landscape work was done by Ethan Poulin of Truro, and included adding a side garden and cleanup of the rear yard. The addition of hardscape, new plants, Princeton Elms (donated by Trees Provincetown), and this Spring we'll issue an RFP for the planned sculpture garden.

Additionally, we buried the utility wires from Bradford Street to the building. (\$9,000)

The renovation project projected to cost \$353,000 and the actual expense was \$424,000 – a 20% cost overrun.

We completed our final inspection and received our occupancy permit in December 2018. Our neighbors have shared positive feedback on how these efforts have helped to beautify the neighborhood.

Program Development

The Commons was conceived as a center for collaboration, creative work, and entrepreneurship. In 2018, the volunteer Board of the Commons has worked diligently on several fronts. First, we continue to build upon our partnerships with key local organizations including, Community Development Partnership, the Provincetown Film and Video Festival, Fine Arts Work Center, Castle Hill, and Provincetown Arts Association and Museum to insure the project has the best input and participation it can from key local leaders.

Second, our Board and volunteer committees continue to grow and evolve with new additions to both the Board and committees, there are currently 11 individuals (see list below) that serve on the Board and an additional 10 people serving as volunteers.

To support the future members of The Commons, we've installed Open Cape broadband service, leased a business high speed capacity printer, installed teleconference capability, projection and sound equipment.

Third, our Program Committee consists of three task forces, working on Economic Development, the Co-Working Space and the Arts and Cultural dimension of the building. These subcommittees will do the research and planning aimed at insuring that the mission of the Commons -- to be a meaningful resource for the year-round Provincetown community -- is fulfilled.

Community Outreach and Support

The Commons has held three "Open House" community meetings at the site this year (in June, October, and early December) reaching out to neighbors and all interested to engage them in

the ideas and process of our work. Our December event was our Ribbon Cutting Ceremony – that showcased our inaugural art exhibition. Over 130 Outer Cape artists participated in the exhibit, which runs through March 1st. We opened for business on January 28, 2019, Monday – Friday 9a – 5p. Our application for use of studio space went live on January 28th, with the intention of having studios in use by April 1st.

In addition, the Commons held very successful outreach events in Boston – introducing second home owners to the project in April; and a Summer Garden fundraiser in Truro in late August.

The Commons raised \$356,000 in donations from over 130 people; we also received a grant from The Palette Fund of \$350,000 in 2018 and have in hand commitments of over \$120,000 for 2019. In addition, Provincetown Commons was awarded a \$231,230 Collaborative Workspace grant from MassDevelopment in October of 2018.

Finally, the Commons continues to benefit enormously from the skills and services of many Provincetown-based residents and supporters, including pro bono architectural services (Kelly Monnahan), pro bono landscape architectural services (Keith LeBlanc), pro bono legal services (Goulston & Storrs), and pro bono strategic planning (Kathryn Rafter).

We hope this summary gives you a feel for the progress made in 2018 and the work underway to open the building and launch important programs for our community. We value our partnership with the Town of Provincetown and look forward to sharing more information with you in the months ahead.

Sincerely,
Peter Hocking, President of the Board
Jill Stauffer, Interim Executive Director

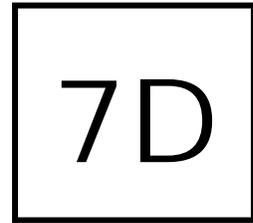
Board of Directors:

Karen Cappotto
Michael Field
Pete Hocking, President
Lynn Kappelman, Treasurer
Terrence Meck, Chairman
Kelly Monnahan
Rebecca Orchant
Kate Perrelli
Jill Rothenberg-Simmons
Dawn Walsh
Urvashi Vaid

Staff:

Jill Stauffer, Interim Executive Director
David LaFrance, Service Associate

Provincetown Select Board
AGENDA ACTION REQUEST
Monday, February 25, 2019



CONTRACT REPORT

Updates

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent – votes may be taken.

Additional Information

Notification to the Select Board that Grant Approvals and Contracts listed below are set to be executed by the Town Manager. Please let me know if you have any questions.

Attached Contracts will not be printed to save on paper but available for viewing upon request of the Secretary to the Select Board.

- \$4,084,500 MacMillan Reconstruction Project (ACK Marine, Inc.)
- \$2,170,364.91 Commercial Street Improvements Phase 4 Notice of Award – (Robert B. Our, Inc.)

Board Action

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



**Provincetown Select Board
AGENDA ACTION REQUEST**

Monday, February 11, 2019

8

MINUTES OF THE SELECT BOARD'S MEETINGS

Requested by: Select Board

Action Sought: Approval

Proposed Motion(s)

Move that the Select Board approve the minutes of:

February 11, 2019 6:00 pm (Regular) [] as printed [] with changes so noted

Additional Information

See attached minutes.

Board Action

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

**TOWN OF PROVINCETOWN – SELECT BOARD
MEETING MINUTES – REGULAR MEETING
FEBRUARY 11, 2019, 2019 6:00 PM
TOWN HALL – JUDGE WELSH ROOM**

Chair Andrews convened the open meeting at 6:00 pm noting the following:

Select Board attending: Chair Cheryl Andrews, Vice Chair Robert Anthony, Members Lise King and Louise Venden

Excused:

Other attendees: Town Manager David B. Panagore, Assistant Town Manager David Gardner, Select Board Secretary Elizabeth Paine

Recorder: Linda Fiorella

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

- A. *Approve the Parade Permit Application submitted by Susan Pesaturo, on behalf of Pan Massachusetts Challenge, 77 4th Avenue, Needham, MA 02494, for the Annual Pan Massachusetts Challenge charity bicycling event to be held on Sunday, August 4, 2019, from 6:00 a.m. to 5:00 p.m.*
- B. *Approve the Permit Application submitted by Susan Avellar, on behalf of the Provincetown Portuguese Festival, to hold the Portuguese Blessing of the Fleet Procession on Sunday, June 30, 2019, starting at approximately 11:00 a.m. to 2:00 p.m.*
- C. *Approve Parade Permit Application submitted by Susan Avellar, on behalf of the Provincetown Portuguese Festival to hold a Display of Portuguese Culture with Music and Dancing on Saturday, June 29, 2019, starting at 3:00 p.m. to 5:30 p.m.*
- D. *Approve the Parade Application Permit submitted by Emily Christian, on behalf of the National MS Society – Greater New England Chapter, for the Annual Cape Cod Gateway MS Bike Ride Fundraiser, to be held on Sunday, June 30, 2019 from 8:00 a.m. to 2:00 p.m.*
- E. *Approve participation in the regional Massachusetts Community Development Block Grant application through the Town of Truro for housing rehabilitation and childcare subsidies under the Community Development Fund through the Massachusetts Department of Housing & Community Development*
- F. *Appoint Julie Knapp to the Economic Development Committee as a regular member with a term to expire on June 30, 2021*
- G. *Appoint Bernice Steisel to the Economic Development Committee as an alternate member with a term to expire on June 30, 2019*
- H. *Appoint John R. Peters – Campbell to the Art Commission as a regular member with a term to expire on December 31, 2019.*
- I. *Appoint John R. Peters-Campbell to the Planning Board as an alternate member with a term to expire on December 31, 2021*
- J. *Reappoint Kaolin Davis to the Disability Commission as a regular member with a term to expire on December 31, 2021*
- K. *Appoint Rita “Hersh” Schwartz to the Historical District as the Provincetown Chamber of Commerce Representative with a term to expire on December 31, 2021*
- L. *Declare the list of DPW equipment as a surplus: 2003 Ford F350 Pick Up, 2005 Chevrolet Recycling Truck, 2002 Ford Explorer and 1981 International Catch Basin Truck.*

Without objection Chair Andrews waived the reading of the consent items and without objection they were approved unanimously by the Select Board.

1. Public Hearings:

A. Public Hearing - Traffic Control Improvements – application by Brian P. Dundon on behalf of CVS

Pharmacy, requesting approval to:

Installation of four (4) Manual Uniform Traffic Control Design compliant stop signs and paint stop bars at the following locations:

1. Standish Street at Standish Ave (includes the installation of a “Do Not Enter” sign)
2. Standish Street at Cemetery Road
3. Cemetery Road at Conwell Street
4. Cemetery Road at Alden Street

Installation of the following street signage

1. One (1) “Speed Limit” sign along Standish Street
2. One (1) “Slow Children at Play” sign along Standish Street
3. One (1) “Resident Only Parking” sign along Standish Street
4. One (1) “Resident Only Parking” sign along Alden Street

Select Member Venden read the Hearing Notice.

Mr. Dundon a brief history of the project relating to the traffic conditions and proceeded to describe the proposed signage and paint stop bars, their purpose and the process moving forward to install them.

PUBLIC INPUT:

Tracy Kachtick-Anders lives on Standish, is concerned about accidents, and is for the signage.

SELECT BOARD INPUT:

The board discussed the best speed limit for the road, the adequacy of the recommendations from the Planning Board for the signage, and some of the other changes on Bradford Street including some which have been partially completed and those that are yet to begin. The Board also discussed concerns about the lack of a way for customers to turn around behind the upcoming CVS and head directly back to Bradford Street and the optimal placement for some signs as well as suggesting additional directional signs. Further discussion covered the deployment of seasonal traffic officers at the area and a review of the effects of the changes within a few months after the completion of the alterations.

MOVE that the Select Board vote to approve the proposal;

Replacement of three (3) stop signs and paint stop bars at the following locations:

5. Standish Street at Cemetery Road
6. Cemetery Road at Conwell Street
7. Cemetery Road at Alden Street

Replacement of the following street signage

5. One (1) “Resident Only Parking” sign along Standish Street
6. One (1) “Resident Only Parking” sign along Alden Street
7. One (1) “Do Not Enter” sign along Standish Street at Standish Ave

New installation of the following street signage

1. One (1) "Speed Limit" sign along Standish Street
2. One (1) "Slow Children at Play" sign along Standish Street
3. One (1) MUTC stop sign at Standish Street at Standish Ave

And that Assistant Town Manager Gardner will work with the engineer on the placement of the "do not enter" and "one way" sign(s) and the addition of directional signage at Standish and Cemetery.

Motion: Select Member Venden **Seconded:** Select Member King

VOTED

In Favor: 4
Opposed: 0
Abstain:

MOVE that the Select Board direct staff through the Town Manager to prepare a memo outlining the concerns they heard tonight and recommendations for how we can monitor potential hazards or increase in traffic on Standish Street this summer.

Motion: Chair Andrews **Seconded:** Vice Chair Anthony

VOTED

In Favor: 4
Opposed: 0
Abstain:

B. Public Hearing – 2018 Growth Management Report, Assistant Town Manger Gardner, presenting

Mr. Gardner presented the Growth Management Report including previous policy recommendation and further recommendations moving forward. Mr. Gardner noted new projects since the inclusionary bylaw, discussed wastewater and solid waste disposal and the state of limited capacity, and reported that the town is in compliance with the DEP permit which requires flow to be below 850,000.

SELECT BOARD INPUT:

Select Member King discussed water leaks with DPW Director Richard Waldo and the effects of pipes bursting during the winter and ways to minimize those occurrences.

Select Member Venden requested info on gallons used for specific projects and discussed with Mr. Gardner growth management impacts.

Vice Chair Anthony discussed with Mr. Gardner the process for allocating gallons.

Chair Andrews clarified the remaining gallons with Mr. Gardner.

PUBLIC INPUT:

None

MOVE that the Board of Selectmen vote, pursuant to the Provincetown Zoning By-laws section 6600 (3), Growth Limitation Goal Allocations to make the following finding that the average daily withdrawal for the Provincetown Water System in 2018 was 622,630 GPD, below the permitted level is 850,000 GPDs; and that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) and all applicable rules and regulations by DEP with respect thereto, and to make the following 2019 allocations to growth management:

Category 1a: 0* gallons

Category 1b: 0* gallons

Category 1c: 1,600* gallons

Category 2: 1,100 gallons

Category 3: 1,870 gallons

Category 4: 1,250 gallons

Category 4a: 12,500 gallons *includes 10,000 gallons from Oct 2018 STM Article 4*

Motion: Select Member King

Seconded: Vice Chair Anthony

VOTED

In Favor: 4

Opposed: 0

Abstain:

DP left at 655 and returned at 656

2. Public Statements:

Michelle Couture – provided handouts of information for the Board. Harry Kemp Way parking was changed and there was no public hearing. She stated the change favors Outer Cape Health and disagrees with giving a public benefit to a private organization and noted that anybody can park there. Ms. Couture asked the Board to rescind the changes and have a public hearing.

Kathy Kruger – parking on Harry Kemp Way is difficult. Don’t know where it came from or who said it was okay.

Third speaker on the parking area on Harry Kemp stated she would like to see the “Tow Zone” signs taken down.

Marcene Marcoux – Pleased that Hersh Schwartz was appointed to the Historic District Commission. She stated that the Commission now files 300 decisions a year plus 450 administrative reviews each year. Marty Risteen helps to write decisions even after leaving the HDC. Marty Risteen’s contacts helped Ms. Marcoux organize a FEMA and impact on historic district meeting with experts.

3. Select Board Member's Statements:

- **Robert Anthony** – had no statements
- **Lise King** – an administration note: it's really helpful when you put the page numbers on the outlines. If we could go back to having that again I, and I think my colleagues as well, would appreciate having the page numbers. The other thing I would like to talk about tonight is the success of the round table on Saturday. It was great seeing everybody come out and we got our swag, which is awesome. It's a nice bonus for showing up so whoever's idea that was: very kudos. Great to see a lot of people come out and have a robust conversation about issues that are really important to us now. I attended the police station discussion and the coastal resiliency and climate change sessions and I'd like to give my thanks to the staff for doing such a good job organizing it and doing the outreach so that we had a good turnout, and to everyone who showed up and contributed to the conversation. This is really what our local democracy is about. The more the better and I'd like to see that continue to grow. The fact that we had to move chairs and bring in extra benches for folks to sit on was really exciting.
- **Louise Venden** – I agree the town topics on Saturday was a great turnout and the preparation was very good. The thing that that I was struck by there were not a lot of board members from other boards there but there was a whole other group of people who were obviously very interested. It was great to see people I don't always see, who aren't on boards, coming out to get that information. We need to have a wide variety of people Tim Famulare had done a great job of embellishing the presentation he gave to us on coastal resiliency; breaking out things and making them clear. I want to congratulate him on the that. I think the people who discussed the police station did a better job explaining some of the differences in pricing etcetera and talking about price per square foot on other facilities in other places. I also sat in on the Housing Trust. It was supposed to be a broader discussion but we talked in the session I was in about the Housing Trust Board. That was a robust discussion as well. I think these efforts show the kinds of broad interest areas in this community. Not everybody could make it but eighty or ninety people were there. It's another way in which we need to reach out, go to places, make these presentations and make sure that people have an opportunity to see them. They may not come to our meetings, it's just not convenient for a lot of people. This was a tremendous effort on the part of the staff.

Select Member King added that she was sorry to hear PTV was having audio problems and was unable to broadcast the event live. Mr. Panagore added that it was recorded and broadcast later and Select Member King discussed the importance of redundancy to ensure access.

- **Cheryl Andrews** – It falls to me. On behalf of the town I will apologize to you folks. My understanding of the regulations is exactly what Michelle's is: that these kinds of changes come before the Board of Selectmen, in a hearing, and get voted on. That didn't happen and I didn't know about it when I first got a call about a week ago, and asked, and was a little chagrined to learn, that it had happened. I don't know how it did happen. I drove by there and didn't notice. Thank you for calling me. Sorry you had to come out tonight. What's really galling is that all this happened and it really wasn't needed. We're all good neighbors. I've been asked to give parking to Outer Cape before. I know the funeral home has and the insurance company during construction. We can all solve problems but there is a process to solve them. Something went askew here. For the right reasons but the wrong process. Mr. Panagore, is there any reason we can't have those signs removed?

Mr. Panagore requested consensus from the Board. The Board discussed that there was no objection to removing the signs and noted that this was not about Outer Cape Health, but about the correct process.

- **Cheryl Andrews** – The only other comment I want to make, quickly because we have other things to deal with, is previous member of the Historic District Commission gave us two statistics. One is 300, and I assume that means written decisions by this commission which, why anyone would apply to be on this commissions is beyond me. I had no idea. And then you added in 150 administrative decisions.

Ms. Marcoux clarified that there were three hundred decisions and 450 administrative decisions.

- **Cheryl Andrews** – You’re telling me it’s 750 total decisions? Good Lord. Okay, something’s wrong. I have thought, just anecdotally, I’m sharing this with my colleagues and obviously to you folks in the public, watching how the work’s been done, what’s it been 18 years now since we passed the district, that perhaps it was time to revisit the scope of the commission. The data that we heard tonight says to me the answer is yes. It sounds like we’re doing maybe more detail work than anybody ever intended. I remember the debate at Town Meeting. Everybody wondered what we were voting on. I knew what the intent was. I’m not so sure 750 decisions per year for one board is really it. Let’s plan on having a discussion with staff about this, maybe after Town Meeting. I know you have your hands full but that’s astonishing.

The Board further discussed the process for determining what if anything the Board wants to pursue related to the Historical District Commission.

4. Joint meeting/Presentations:

A. Commercial Street Improvements Project – Phase IV

Town engineer Robert Capurso, and Russ Kleekamp, Engineer with GHD

Mr. Kleekamp presented brief overview of the previous three phases, phase IV, the public input process, and the upcoming final phase of the project. Mr. Kleekamp discussed the installation of new water services infrastructure underground before paving, the condition of the drain pipes which were replaced and the funding of the project as well as the timeline moving forward.

5. Appointments:

Chair Andrews stated some appointments are on the consent agenda but if the Board wants to, they can pull that item and interview those people. She noted in the case of 5A two people have applied and stated that they could schedule interviews or make a motion but since no interview was posted that was not an option for the meeting of February 11, 2019.

A. Historic District Commission – Alternate Member: Marty Risteen and Polly Burnell

MOVE that the Select Board vote to appoint Marty Risteen as an alternate member to the Historic District Commission with a term to expire on December 31, 2021.

Motion: Select Member Venden Seconded: Vice Chair Anthony

VOTED

In Favor: 4
Opposed: 0
Abstain:

6. Requests:

A. Update on Standish Street intersection improvements

Mr. Panagore presented an update of the Bradford and Standish intersection, noting what has been completed and what improvements still need to be completed, as well as the projected timeline for the outstanding work. This summer the improvements will be monitored and money has been put aside for potential alterations or adjustments. He noted additional traffic police will be available for busy times. The Board expressed concerns about the narrowing of the roadway, and discussed with Mr. Panagore and Mr. Waldo the types of curbs, turning at the intersection, other options for entering Riley's parking lot, developing a comprehensive plan for traffic through throughout the town, bike safety, and the interplay between the modes of transportation used to arrive in Provincetown.

Further discussion covered the Select Board role in oversight and the importance of communicating to staff, as well as when and how the Select Board gets involved with projects based on concerns of voters. Further discussion covered expectations of success of projects and the difficulty of having three different entities involved in one construction project.

B. Discuss Policy Statement – 2018-07-09-A Appointment Process

Chair Andrews discussed possible changes to the appointment process when nominations are made from representative organizations due to unintended consequences of a previous change.

MOVE that the Select Board vote to rescind 2018-07-09-A

Motion: Select Member Venden Seconded: Vice Chair Anthony

VOTED

In Favor: 4
Opposed: 0
Abstain:

Without objection Chair Andrews took Items E, F, and D, in that order, before Item C.

E. Annual Town Meeting Calendar Review

Ms. Paine presented information and options for upcoming meetings and public hearings on the Calendar and the effects of the new Charter requirements.

F. Annual Elections Calendar Review

Town Clerk Darlene Van Alstyne discussed calendar related timelines for potential Annual Election dates one on June 18th and one on May 14th. Discussion also covered when term endings need to be reported to the Town Clerk.

D. Schedule Select Board Warrant Article Recommendation Public Hearing.

Ms. Paine confirmed dates for posting hearing notices for scheduled Public Hearings.

Move that the Select Board vote to confirm scheduling the Select Board Warrant Article

Recommendation Public Hearing on March 11, 2019

Motion: Select Member Venden Seconded: Vice Chair Anthony

VOTED

In Favor: 4
Opposed: 0
Abstain:

C. Reschedule Communication Round Table

Select Member King requested to work with Town staff on the agenda and Select Member Venden requested to be involved in the process. The scheduling of the Round Table was postponed.

G. Draft Warrant

Mr. Panagore noted that the Draft Warrant in the packet is a work in progress. Articles were briefly discussed.

Ms. Paine left the meeting at 9:30

7. Town Manager / Assistant Town Manager:

A. Update on Cape Cod and Islands Water Protection Fund

Mr. Panagore reported on a February 1, 2019 meeting State and local officials regarding the fund, including concerns about how the fund will be set up, and noted that he would like to be the Town's representative. The Board requested a memo in addition to his verbal report.

B. Town Manager's Report – Administrative Updates

Mr. Panagore discussed the Town Forum as the first event Erin Ellis coordinated and thanked the volunteer facilitators, Ginny Binder, Laura Ludwig, Dennis Minsky and Michelle Crone for their help.

Mr. Panagore noted meetings and conferences attended as well as current open positions on staff. Discussion covered potential software upgrades, the success of a recent Coffee With the Town Manager meeting at the Library, PTV equipment and concerns about audio, negotiations of the cable contract, the Tourism economy report for the past summer, and the availability of early voting for the special election as well as the voting hours of election day which are 7am to 7pm.

8. Minutes: Approve minutes of previous meetings.

Motion: Move that the Select Board approve the minutes of:
January 22, 2019 5:00 pm (Budget) as printed,
January 23, 2019 5:00 pm (Budget) as printed, and
January 28, 2019 6:00 pm (Regular) as printed

Motion: Chair Andrews Seconded: Vice Chair Anthony

VOTED

In Favor: 4
Opposed: 0
Abstain:

9. Closing Statements/Administrative Updates:

- **Robert Anthony** – had no closing statement
- **Lise King** – reminded people to vote. She encouraged people to check their mail for a form attesting to their current address for voting purposes and the need to return that form to the Town Clerk, or to stop by the Town Clerk's office for the form if you didn't get one.
- **Louise Venden** – stated it was a good meeting and thanked staff
- **Cheryl Andrews** – contacted Town Counsel John Giorgio about Board Secretary evaluation and the legally easiest way to do it. Chair Andrews wanted to confirm with the Board that they did not object to the Chair doing the annual evaluation instead of a subcommittee. There were no objections.

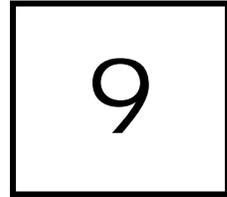
Without objection the meeting was adjourned at 9:53 pm

Minutes transcribed by: Linda Fiorella

DRAFT

Provincetown Select Board
AGENDA ACTION REQUEST

Monday, February 25, 2019



CLOSING BOARD MEMBERS' STATEMENTS

Requested by: Select Board

Action Sought: Approval

Proposed Motion(s)

Motions may be made and votes may be taken.

- **Newly Elected Select Board Member**
- **Lise King**
- **Louise Venden**
- **Robert Anthony**
- **Cheryl Andrews**

Additional Information

- .

Board Action

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