

# Annual Town Meeting – Monday, April 1, 2019

**Meeting Called to Order.** Town Moderator, Mary-Jo Avellar convened the Annual Town Meeting at 6:00 pm on Monday, April 1, 2019 in the Town Hall Auditorium.

## **Preliminary Motions:**

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

**Motion passed.**

Cheryl Andrews moved that the Town vote to grant permission to speak at the April 1, 2019 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

*John Giorgio, Esq., and other attorneys of the firm of KP Law, P.C., Town Counsel;*

*Jay Coburn, Community Development Partnership;*

*Andrea Aldana; Community Development Partnership;*

*Jorge Cruz, Flansburgh Architects;*

*Amy Davies, Provincetown Community Television;*

*Paul C. Millett, Environmental Partners;*

*Charlotte AnceI, Eversource Energy*

*Scott Fahle, Principal Assessor;*

*Robert Capurso, Town Engineer;*

*Josee Cardinal Young, Finance Director;*

*Morgan Clark, Director of Health;*

*James Golden, Chief of Police;*

*Gregory Hennick, Police Lieutenant;*

*Beau Jackett, Director of Management Information Systems;*

*Michelle Jarusiewicz, Housing Specialist & Grant Administrator;*

*Lezli Rowell, Health Agent;*

*Rex McKinsey, Pier Manager/Harbormaster;*

*Brandon Motta, Recreation Director;*

*Sherry Prada, Operations Director of Public Works;*

*Domenic Rosati, Parking Administrator;*

*Cody Salisbury, Water Superintendent;*

*Beth Singer, Superintendent of Schools;*

*Alexander Williams, Treasurer;*

*Steve Wisbauer, Shellfish Constable;*

*Steven Wlodkowski, Deputy Director of Public Works.*

**Motion passed.**

Cheryl Andrews moved that on all matters to come before the April 1, 2019 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

**Motion passed.**

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

**Motion passed.**

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

*[Requested by the Select Board]*

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

**Board of Selectmen    Recommend    5    0    0**

**Requires a Majority Vote  
Video presentation from the School**

**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%
<b>Sub-total, I-V</b>	<b>\$23,012,776</b>	<b>\$23,481,678</b>	2.0%
VI. Public Schools	4,455,347	4,582,868	2.9%
<b>Total, I-VI</b>	<b>\$27,468,123</b>	<b>\$28,064,546</b>	2.2%

or to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager]*

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

**Division I. General Government**

David Panagore moved that the Town vote to raise and appropriate the sum of \$940,144, transfer \$70,000 from the Tourism fund and transfer \$6,000 from the Wetlands Protection Fund for a total of \$1,016,144 to fund operating budgets for the several Town departments for Fiscal Year 2020 under budget Division I, General Government, as recommended by the Select Board.

**Select Board                      Recommends    5    0    0**

**Finance Committee      Recommends    5      0      0**

**Requires a Majority Vote  
Motion passed.**

**Division II. Finance**

David Panagore moved that the Town vote to raise and appropriate the sum of \$10,822,819 and transfer \$30,000 from Title V Revolving fund for a total of \$10,852,819 to fund operating budgets for the several Town departments for Fiscal Year 2020 under budget Division II, Finance, as recommended by the Select Board.

**Board of Selectmen      Recommends    5    0    0**  
**Finance Committee      Recommends    5    0    0**

**Requires a Majority Vote  
Motion passed.**

**Division III. Public Safety**

David Panagore moved that the Town vote to raise and appropriate the sum of \$6,729,946, to Transfer \$53,040 from the Tourism fund, transfer \$50,000 from the Ferry Embarkation fund, and transfer \$60,000 from Municipal Waterways fund for a total of \$6,892,986 to fund operating budgets for the several Town departments for Fiscal Year 2020 under budget Division III, Public Safety, as recommended by the Select Board.

**Select Board              Recommends    5    0    0**  
**Finance Committee      Recommends    5    0    0**  
**Board of Health          Recommends    3    0    0**

**Requires a Majority Vote  
Motion passed.**

**Division IV. Public Works**

David Panagore moved that the Town vote to raise and appropriate the sum \$3,762,250 to fund operating budgets for the several Town departments for Fiscal Year 2020 under budget Division IV, Public Works, as recommended by the Select Board.

**Select Board              Recommends    5    0    0**  
**Finance Committee      Recommends    5    0    0**

**Requires a Majority Vote  
Motion passed.**

**Division V. Public Services**

David Panagore moved the Town vote to raise and appropriate the sum \$957,479 to fund operating budgets for the several Town departments for Fiscal Year 2020 under budget Division V, Public Services, as recommended by the Select Board.

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0

Requires a Majority Vote  
Motion passed.

**Division VI. Public Schools**

David Panagore moved that the Town vote to raise and appropriate the sum of \$3,975,396 to fund the local Provincetown Public School System Budget for Fiscal Year 2020. And further, to raise and appropriate the sum of \$607,472 to fund the tuition assessment for students who attend the Nauset Regional High School for a total of \$4,582,868.

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0
School Committee	Recommends	5	0	0

Requires a Majority Vote  
Motion passed.

**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 Select Board 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.

David Panagore moved that the Town vote to raise and appropriate the sum of \$233,875 for its tuition assessment for Cape Cod Technical Regional High School for FY 2020.

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

Requires a Majority Vote  
Motion passed.

**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 Select Board 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.

David Panagore moved that the Town vote to raise and appropriate the sum of \$148,371 for its capital assessment for Cape Cod Technical Regional High School for FY 2020.

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0

**Requires a Majority Vote**  
**Motion passed.**

**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:

6001 Water Enterprise Fund	FY 2019	FY 2020	% change
Enterprise Fund Costs	\$2,524,206	\$2,556,600	1.3%
General Fund Costs	398,184	298,638	-25.0%
<b>TOTAL COSTS</b>	<b>\$2,922,390</b>	<b>\$2,855,238</b>	<b>-2.3%</b>

  

6002 Wastewater Enterprise Fund	FY 2019	FY 2020	% change
Enterprise Fund Costs	\$4,391,287	\$3,898,266	-11.2%
General Fund Costs	150,056	112,542	-25.0%
<b>TOTAL COSTS</b>	<b>\$4,541,343</b>	<b>\$4,010,808</b>	<b>-11.7%</b>

or to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager]*

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

**Motion 1. 6001 Water Enterprise Fund.**

David Panagore moved that the Town vote that \$2,815,238 be appropriated to operate the Water Enterprise Fund, \$2,204,268 to come from Water Enterprise Fund revenues and \$312,332 from Retained Earnings, and further, \$298,638 to be appropriated in the general fund and funded from Water Enterprise revenues.

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0
Water & Sewer Board	Recommends	6	0	0
Board of Health	Recommends	3	0	0

**Requires a Majority Vote**  
**Motion passed.**

**Motion 2. 6002 Wastewater Enterprise Fund.**

David Panagore moved that the Town vote that \$4,010,808 be appropriated to operate the Wastewater Enterprise Fund, \$3,528,781 to come from Wastewater Enterprise Fund revenues, and \$369,485 from reserved for debt service, and further, \$112,542 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Select Board	Recommends	5	0	0
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Finance Committee	Recommends	5	0	0
Water & Sewer Board	Recommends	3	0	0
Board of Health	Recommends	3	0	0

**Requires a Majority Vote**  
**Motion passed.**

**Article 6. 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 to take any other action relative thereto.

*[Requested by the Select Board, the Finance Committee and the Town Manager*

**Explanation of Article 6:** *This motion appropriates supplemental construction costs and authorizes additional borrowing for the Police Station on the site located at 16 Jerome Smith Road. This project was approved at the April 2017 ATM article #8-1.*

*A preliminary design for the new Police Station on Jerome Smith Road has been completed and geotechnical analysis of the site has been performed. Given the presence of high ground water, a full foundation as originally depicted on a concept design presented at Town Meeting would not be feasible to construct. A two story building on a slab was the preferred method for the building.*

*The Building Committee, along with staff, worked with the design team to fine tune the building program ensuring we meet all State building regulations while satisfying the critical needs of the Police Department. The latest preliminary design is about 300 sq.ft. more than the concept design presented at Town Meeting but still under the 14,000 sq.ft. threshold the Building Committee had set.*

*Preliminary cost estimates are considerably higher than originally estimated as a result of a strong economy, construction material cost increase, and underestimated construction costs during the conceptual design phase. The Building Committee has worked with the design team to value engineer the project to reduce the probable project cost.*

*The Town has invested a significant amount of money over the years towards building a new police facility knowing the longer the project get delayed the higher the cost is going to be. The Police Department has outgrown the current facility and that is not going to change. The Town needs a new police headquarters and further delay will only result in higher costs down the road.*

Rich Waldo moved that the Town vote to appropriate the sum of **\$3,900,000** to be expended under the direction of the Town Manager and the Director of Public Works for the supplemental construction costs of the Provincetown Police Station on the site located at 16 Jerome Smith Road, and costs related thereto, that to meet this appropriation

- transfer \$1,074,329 from free cash; and
- the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow **\$2,825,671** pursuant to General Laws Chapter 44, Section 7, or any other enabling authority, and to issue bonds and notes therefor; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this

vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

Select Board	Recommends	3	2	0
Finance Committee	Recommends	5	0	0
Building Committee	Recommends	5	0	0

**Louise Venden – Majority Report**  
**Mark Hatch – Finance Committee Report**  
**Paul Kelly – Building Committee Report**  
**Robert Anthony - Statement**  
**Lise King - Statement**

Motion to suspend voting on Article 6 until the entire Police Station Project can be reviewed by an outside, independent design consultant firm and that their findings and recommendations presented to the Board of Select Persons and general public by Jim King  
**Motion does NOT pass.**

**Requires a Two-Third's Vote**  
**Motion does NOT pass (Yes 202; No 123)**

**Article 7. 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 to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager*

**Explanation of Article 7:** This article will alter the public way of Route 6 to create the lot needed to build the Police Station. Currently the land where the leaching field and Jerome Smith Parking lot are located is partly Town-owned land and partly on the Route 6 Right-of-way, which the Town also owns. This action will clean up the lot lines so that the project can be consistent with zoning regulations.

David Gardner moved that the Town vote to approve Article 7 as printed in the warrant.

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0
Planning Board	Recommends	4	0	0

Open Space Committee    Does Not            3   0   0  
   Recommend

Motion to indefinitely postpone Article 7 by Dorothy Cooper.  
**Motion passed.**

Motion to reconsider Article 6 by Michelle Couture.  
**Motion passed.**

Lise King moved to amend the following words to the end of the main motion to read: provided however, that the appropriation and borrowing authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2 ½) amounts required to pay the principal of an interest on the borrowing authorized by this vote.  
**Motion does NOT pass.**

Charles Mayo moved that the vote on Article 6 be by secret ballot.  
**Motion does NOT pass.**

**Vote on Original Motion  
Requires a Two-Third's Vote**

**Motion does NOT pass. (203 Yes; 115 No)**

Motion to take Article 18 out of order by  
**Motion does NOT pass.**

**Article 8. 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 the Select Board]*

**Explanation of Article 8:** This article will transfer \$280,000 to the Town's Other Post Employment Benefit (OPEB) Trust Fund and will help the Town work towards reducing the outstanding OPEB liability.

David Panagore moved that the Town vote to transfer \$280,000 from Free Cash to fund a contribution to the Town's Other Post Employment Benefits (OPEB) Trust fund.

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0
OPEB Trust Committee	Recommends	3	0	0

**Requires a Majority Vote  
Motion passed.**

**Article 9. 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 9:** 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.

#### **CPA MOTION 1. Parts 1 and 2 Reserves and Debt Service**

Alfred Famiglietti moved that the Town vote to set aside from Community Preservation Act estimated annual revenue the sum of \$79,395 for the Open Space reserve fund, the sum of \$476,368 for the Community Housing Reserve Fund and the sum of \$79,395 for the historic resources reserve fund.

**And further** to appropriate the sum of \$399,932 to fund debt service for Fiscal Year 2020 as follows: the sum of \$198,175 from Community Housing reserves, the sum of \$45,488 from Open Space reserves, and the sum of \$156,269 from Historic Preservation reserves.

<b>Community Preservation</b>	<b>Recommends</b>	<b>6</b>	<b>0</b>	<b>0</b>
<b>Open Space Committee</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Housing Authority</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**CPA MOTION 2. Part 3A. Cape Housing Institute**

Alfred Famiglietti moved that the Town vote to appropriate under the Community Preservation Act the sum of \$7,500 for the Community Housing Program from Community Preservation Undesignated Fund Balance to be used for a Training and Education Program by the Cape Housing Institute, and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the CDP.

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Community Housing Council</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Year-Round Rental Trust</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Housing Authority</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed**

**CPA MOTION 3. 3B Housing Buy-Down Assistance Program**

Alfred Famiglietti moved that the Town vote to appropriate under the Community Preservation Act the sum of \$175,000 for the Community Housing Program from Community Preservation Undesignated Fund Balance to be used for a Housing Buy-Down Assistance program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Community Housing</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

<b>Council</b>				
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Housing Authority</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**CPA MOTION 4. 3C Community Housing Office**

Alfred Familgietti moved that the Town vote to appropriate under the Community Preservation Act the sum of \$25,000 for the Community Housing Program from Community Preservation Undesignated Fund Balance to be used for the Community Housing Office, including a full-time Housing Specialist and CPA administration along with pro-rated benefits and expenses.

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Community Housing</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Council</b>				
<b>Year Round Rental Trust</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Housing Authority</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**CPA MOTION 5. 3D Community Preservation Budget for FY 2020.**

Alfred Familgietti moved that the Town vote to appropriate under the Community Preservation Act the sum of \$40,000 for the Community Housing Program from Community Preservation Undesignated Fund Balance to be used for the rehabilitation 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.

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Community Housing</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>1</b>
<b>Council</b>				
<b>Year Round Rental Trust</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed**

**CPA MOTION 6. 3E Restoration of an Original Quadrant Map**

Alfred Famiglietti moved that the Town vote to appropriate under the Community Preservation Act the sum of \$2,500 for the Historic Preservation Program from the Community Preservation Unreserved Fund Balance to be used for the restoration of an original quadrant map and said funds to be spent under the direction of the Town Manager.

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Conservation Commission</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**CPA MOTION 7. 3F B-Street Gardens Fencing and Garden Beds Reconstruction**

Alfred Famiglietti moved that the Town vote to appropriate under the Community Preservation Act the sum of \$ \$32,805 for the Open Space/Recreation Program from the Community Preservation Unreserved Fund Balance for the reconstruction of garden beds and fencing at the B-Street Community Gardens, and said funds to be spent under the direction of the Town Manager.

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Open Space Committee</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**CPA MOTION 8. 3G VMCC Playground Reconstruction**

Alfred Famiglietti moved that the Town vote to appropriate under the Community Preservation Act the sum of \$30,000 for the Open Space/Recreation Program from Community Preservation Undesignated Fund Balance to be used for the reconstruction of the VMCC Early Learning Center Playground and said funds to be spent under the direction of the Town Manager.

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Recreation Commission</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**

**Motion passed.**

**CPA MOTION 9. 3H CPA General Administration**

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

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**Article 10. Rescind Prior Community Preservation Act Authorization.** To see if the Town will vote to rescind the authorization of \$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 10:** Due to the private support from the local community members and Provincetown's philanthropic community, the Commons was able to raise enough funds for the planned restoration work, instead of using the CPA grants funds that were previously awarded. These funds will now be available to be re-allocated to other community preservation projects.

Alfred Famiglietti moved that the Town 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.

<b>Community Preservation</b>	<b>Recommends</b>	<b>7</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**Article 11. 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 Select Board. 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 Select Board]*

**Explanation of Article 11:** This article provides the Economic Development Committee with funds to provide grants to individuals and/or businesses that are working to create a year-round economy in Provincetown. As the mission statement reads, the goal is to encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens.

David Panagore moved that the Town vote to approve Article 11 as printed in the warrant.

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0
Economic Development Committee	Recommends	5	0	0

Requires a Majority Vote  
Motion passed.

**Article 12. 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 Select Board and the Town Manager]*

**Explanation of Article 12:** 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.

David Panagore moved that the Town vote to transfer \$120,000 from Overlay Surplus to reduce the FY2020 tax rate.

Select Board	Recommends	4	0	1
Finance Committee	Recommends	5	0	0
OPEB Trust Committee	Recommends	3	0	0

Requires a Majority Vote  
Motion passed.

**Article 13. 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. 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 13A:** *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.*

- B. 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 13B:** *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.*

- C. 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 13C:** *This is the 3rd year of a 5 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.*

- D. Police Vehicle Fleet Replacement - \$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 equipment pursuant to the Police Fleet Replacement Plan and one Animal Control vehicle; and costs related thereto.

**Explanation of Article 13D:** *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 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 13E:** *Fire House #4 provides critical operations during emergency events within the downtown area. The facility currently has no stand-by power supply and 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, as part of our emergency operations, 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.*

- F. Public Works Vehicle Fleet Replacement - \$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 13F:*** For the purchase of a vacuum excavator trailer with pipe jetting capabilities to replace a 1981 International Catch Basin Truck

- G. 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 13G:*** The Town Hall and the buildings at the MPL are showing exterior damage that will worsen if continued to be left unattended. The Library (FY2021) 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.

- H. 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 13H:*** To improve a deficient multi-modal roadway to ensure safe transportation for all users as the primary gateway to our community.

- I. 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 the design of a pump station to mitigate the flooding of Court Street; and costs related thereto.

***Explanation of Article 13I:*** This project will provide safer pedestrian and vehicular travel along Court Street and prevent potential flooding damages to nearby businesses.

- J. 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 13J:*** Removing the building will prepare the site for future housing plans, while allowing the Town to use the site for parking until construction begins.

## CIP MOTION 1.

### CAPITAL IMPROVEMENT ARTICLES FUNDED FROM FREE CASH and TRANSFER FROM UNEXPENDED FUNDS OF PREVIOUSLY APPROVED TOWN MEETING APPROPRIATIONS

David Gardner moved that the Town vote to transfer

- \$225.00 in unused funds from April 2017 ATM Article 8-2, Fingerprint System;
- \$32.79 in unused funds from April 2018 STM Article 5, Bulletproof Vests;

- \$60.00 in unused funds from April 2018 STM Article 6, Radar Signs;
- \$3,620.07 in unused funds from April 2018 ATM Article 10-6, Police Fleet;
- \$14.00 in unused funds from April 2018 STM Article 8, Aquaculture Support;
- \$111.35 in unused funds from April 2017 ATM Article 39, Fireworks;
- \$1,420.00 in unused funds from April 2015 ATM Article 26, Economic Development Committee;
- \$3,981.90 in unused funds from April 2018 STM Article 9, Charter Commission;
- \$14,260.18 in unused funds from April 2017 ATM Article 14, Province Road;
- \$14,218.00 in unused funds from April 2017 ATM Article 8-10, PW Fleet Replacement;
- \$18,190.00 in unused funds from April 2018 ATM Article 10-7, DPW Backhoe; and
- \$2,198,297.71 from Free Cash

for a total of \$2,254,431 to fund the following capital Improvement articles:

- Fire Department Replace Engine 5 - \$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;
- Fire Department Main Station Generator Replacement - \$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;
- 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;
- Police Vehicle Fleet Replacement – \$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;
- PW Generator for Library and Fire Station 4 - \$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;
- PW Vehicle Fleet Replacement - \$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;
- PW 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;
- PW 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;
- PW Court Street Drainage & 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;

- J. PW VFW Building Demolition - \$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;

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Harbor Committee</b>	<b>Recommends 13C &amp; 13L</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Pier Corp</b>	<b>Recommends 13C &amp; 13L</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**

Mr. Steele moved to separate item H from the main Motion  
**Motion passed.**

**Motion passed for items A – G, I and J**

Motion to approve Item H  
**Motion passed.**

Dennis Minsky moved to adjourn the April 1, 2019 Annual Town Meeting at 10:20 pm

Town Moderator, Mary-Jo Avellar reconvened the Annual Town Meeting at 6:00 pm on Tuesday, April 2, 2019 in the Town Hall Auditorium.

- K. Council on Aging Transport Van - \$35,000 to be expended under the direction of the Town Manager and the Director of the Council on Aging for the replacement of the Council on Aging transport van; and costs related thereto.

**Explanation of Article 13K:** *The COA has offered 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 and 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.*

- L. 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 13L:** *This is a continuation of work done to map areas prone to flooding from storms, identify critical infrastructure and implement mitigation measures. This article provides additional funding to be used directly, or as a local match for grant opportunities, to continue the permitting and installation of a natural barrier to flooding at the inundation pathways at Gosnold Street Town Landing in Town Center, and to pursue other*

*opportunities for beach nourishment. This augments the \$200,000 approved at Spring 2018 Town Meeting, which is being used in part to secure a state coastal resilience grant for the Gosnold Street dune project.*

M. 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 13M:*** *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 continuing 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 for which we received \$1.96 Million in grant funding to reconstruct Commercial Street using porous pavement.*

N. DPW Street, Sidewalk & Bike Path 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 13N:*** *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 recent 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.*

O. 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 13O:*** *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.*

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 13P:** 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. 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 13Q:** This project will allow for improvements to the HVAC system.

**CIP MOTION 2.**

**CAPITAL IMPROVEMENT ARTICLES FUNDED FROM CAPITAL IMPROVEMENT STABILIZATION FUND**

David Gardner moved that the Town vote to transfer \$595,000 from the Capital Improvement Stabilization Fund to fund the following Capital Improvement articles:

- K. COA Transport Van - \$35,000 to be expended under the direction of the Town Manager for the replacement of the Council on Aging transport van; and costs related thereto;
- L. Marine 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;
- M. DPW 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;
- N. DPW Streets, Sidewalks & Bike Paths - \$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;
- O. DPW 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;
- P. Town Owned Property Facilities 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;
- Q. DPW HVAC Expansion 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;

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Pier Corporation</b>	<b>Recommends 13L</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Harbor Committee</b>	<b>Recommends 13L</b>	<b>3</b>	<b>0</b>	<b>0</b>

**Board of Health            Recommends            4   0   0**

**Requires a Two-Thirds Vote**

**Motion passed. Two-thirds majority established.**

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 13R:** 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. Water Department CIP items are paid from the Water Enterprise Fund.

**CIP MOTION 3.**

**CAPITAL IMPROVEMENT ARTICLE FUNDED FROM THE WATER ENTERPRISE FUND**

David Gardner moved that the Town vote to appropriate from Water Enterprise Fund Retained Earnings a total of \$40,000 to fund the following capital improvement articles:

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;

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Water &amp; Sewer Board</b>	<b>Recommends</b>	<b>6</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**

**Motion passed.**

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 13S:** 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 Select Board and Town Manager]*

**Explanation of Article 13T:** *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. Water Department CIP items are paid from the Water Enterprise Fund.*

**CIP MOTION 4.**

**CAPITAL IMPROVEMENT ARTICLE FUNDED FROM BONDING**

David Gardner move that the Town vote to appropriate a total of \$1,900,000 to fund the following capital improvement articles:

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;

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;

That to meet this appropriation:

- transfer \$3,749.06 of unspent bond proceeds from April 2004 ATM article #4-8, New Source,
- transfer \$53,955.59 of unspent bond proceeds from April 2005 ATM article #8-11 S. Hollow Well,
- transfer \$6,999.11 of unspent bond proceeds from April 2007 ATM article #8-11 DEP New Source,
- transfer \$111,876.82 if unspent bond proceeds from April 2010 STM article #5 N. Union Field Land, and
- the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$1,723,419.42 pursuant to General Laws Chapter 44, Sections 7 and 8, or any other enabling authority and to issue bonds and notes therefor; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Water &amp; Sewer Board</b>	<b>Recommends</b>	<b>6</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Two-Third's Vote**  
**Motion passed Unanimously.**

**Article 14. 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 to take any vote or votes in relation thereto.

*[Requested by the Select Board and Town Manager]*

**Explanation of Article 14:** *This article would authorize the Select Board to enter into a lease with Eversource to construct, operate, and maintain a community battery on a portion of the Town's Transfer Station property. The battery would provide temporary power in the event of a power outage. The facility would consist of an 8,000± sq. ft. structure containing two lithium-ion battery units, which would store a total of 25 megawatts of electricity. The batteries would be charged by a connection to the local power grid. In the event of a power outage, they would discharge the stored power directly to the grid, providing backup power for up to 3 hours during peak, summer conditions, and up to 10 hours in non-peak conditions, to the approximately 11,000 customers between Provincetown and the substation in Wellfleet. Eversource anticipates that it will cut in half the number of power outages. The lease would be for a term of 25 years, with the option for two 10-year extensions. Eversource would make an annual rent payment to the Town and would pay real estate taxes (or would make a payment in lieu of taxes) on the facility. The article also authorizes the Select Board to grant necessary easements for access and underground utilities related to the project.*

Tim Famulare moved that the Town vote to approve Article 14 as printed in the warrant.

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Two-Third's vote**  
**Motion passed. Two-Third's Majority established.**

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**PETITIONED ARTICLES**

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**Article 15. 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 to take any other action relative thereto.

*[Requested by Dennis Minsky and others]*

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

<b>Select Board</b>	<b>Recommends</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>Conservation Commission</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**Article 16. Petitioned Article – Resolve Providing for the Creation of a Special Commission Relative to the Seal and Motto of the Commonwealth.** To see if the Town will vote to adopt the following resolution:

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settler's first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, April of 1623, the naked Colonial broadsword brandished over the head of the Native man on the Massachusetts State FLAG / State SEAL, is copied from Myles Standish's own broadsword;

Whereas the belt binding the Native's cloak on the FLAG / SEAL is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag Leaders who resorted to mutually destructive war in 1675 - 1676 in defense of Native Lands against Euro - Colonist encroachment;

Whereas the proportions of the body of the Native man in the FLAG / SEAL were taken from a Native skeleton kept in Winthrop: the bow modeled after a bow taken from a Native man shot and killed by Colonists in Sudbury in 1665, and his feature's taken from a

photograph of an Ojibwe chief from Great Falls, Montana, considered to be a "fine Native specimen" although not from Massachusetts;

Whereas the 400th. Anniversary of the Landing of Euro - Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of Cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro - Colonists immigrants and the Native Nations of these shores;

And Whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their Ancestral Land and the encroachment of their cultural life ways;

Therefore, we the Voters of the Town of PROVINCETOWN, support the Bill introduced by State Representative Byron Rushing, Bill #H-1707 calling for an investigation by a special commission, including members of the legislature and representatives of the Native Nations of Massachusetts, to recommend changes to the STATE FLAG and STATE SEAL of the Commonwealth"; or to take any other action relative thereto.

*[Requested by Pastor Brenda L. Haywood and others]*

Pastor Brenda L. Haywood moved that the Town vote to adopt a resolution as printed in the warrant under Article 16 with the following substitution, replace Bill H-1707 with Bill H-2776.

**Select Board    Recommends    5    0    0**

**Requires a Majority Vote**  
**Motion passed.**

**Article 17. *Petitioned Article – Non-Binding Resolution – Increased Provincetown Tree Protection.*** To see if the Town will vote to support a non-binding resolution increasing protection of our native trees. Such protection would be achieved by considering the hiring of a professionally qualified Tree Warden, perhaps on a consulting basis, aided by a volunteer committee.

This resolution, proposing the guidance of a professional Tree Warden, would complement the existing tree by-law and add protections to our existing zoning by-laws, extending protection beyond those trees shading the public way, including but not limited to Heritage trees. The Tree Warden would ensure that engineering, geological and environmental studies where trees are located would be professionally conducted. Prior to any building requiring the removal of trees on public or private land, permit seekers would be required to prove necessity.

This non-binding resolution, if accepted by Town Meeting, would serve as a way to aid Town boards and committees with tree destruction before them. No top expertise is now available to the Conservation Commission, the Zoning Board of Appeals in the course of site-plan reviews, the Tree Committee or the Planning Board, unlike other towns and cities that employ a U.S. Forestry-accredited Warden. This resolution would result in future zoning bylaws to extend tree protections in our fragile, built-on-shifting-sand Town, for our safety.

This non-binding resolution will thus serve to fulfill our Emergency Planning and Management Goal of employing an "integrated, all-hazards approach for prevention /

mitigation, preparedness, response and recovery planning for the Town," by addressing fresh-water flooding as well as sea-level rise at the shore"; or to take any other action relative thereto.

*(Requested by Sherry Dranch and others)*

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

Select Board	Recommends	5	0	0
Open Space Committee	Recommends	3	0	0

**Requires a Majority Vote**  
**Motion passed.**

**Article 18. Petitioned Article – General Bylaw Amendment: Chapter 13 Prohibited Activities – Public Health Smoking Ban on Town-Owned Properties** (*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 13 as follows:

13-2-23. Smoking is prohibited in all places designated in Massachusetts General Laws Chapter 270, Section 22, on town-owned properties, vehicles, and offices, and on all Town-owned beaches."; or to take any other action relative thereto.

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

Tracy Kachtick-Anders moved that the Town vote to amend the General Bylaw as printed in the warrant under Article 18.

Select Board	Does NOT Recommend	4	1	0
Open Space Committee	Recommends	3	0	0
Year Round Rental Trust	Does NOT Recommend	3	0	0
Board of Health	Recommends	4	0	0

**Requires a Majority Vote**  
**Motion does NOT pass.**

**Article 19. Petitioned Article – General Bylaw Amendment: Chapter 13 Prohibited Activities – Public Health Smoking Ban on Properties managed by Housing Authority and Year Round Housing Trust** (*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 13 as follows:

**13-2-23.** Smoking is prohibited in all places designated in Massachusetts General Laws Chapter 270, Section 22, on properties managed by the year-round trust and the housing authority (if they receive funds or services from the town of Provincetown such as garbage and recycling pick-up) and on all Town-owned beaches." or to take any other action relative thereto.

(Requested by Tracy Kachtick-Anders and others)

Tracy Kachtick-Anders moved that the Town vote to amend the General Bylaw as printed in the warrant under Article 19.

Select Board	Does NOT Recommend	5	0	0
Year Round Rental Trust	Does NOT Recommend	3	0	0
Board of Health	Recommends	4	0	0

Requires a Majority Vote  
Motion does NOT pass.

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**TOWN BOARD ARTICLES**

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**Article 20. Land Bank – 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 \$191,288 to be expended under the direction of the Open Space Committee and the Town Manager for the following amounts for FY2019 and FY2020:

	FY2019	FY2020	Total
Debt Service Principal	55,000	35,000	90,000
Debt Service Interest	2,338	950	3,288
Maintenance	20,000	30,000	50,000
Acquisition Related Costs	18,000	30,000	48,000
Total	\$95,338	\$95,950	\$191,288

or to take any other action relative thereto.

*[Requested by the Town Manager and Open Space Committee]*

**Explanation of Article 20:** *FY2020 is the last year of the Land Bank Fund. This article includes Land Bank expenditures for debt service, maintenance and acquisition related expenditures for FY2019 and FY2020. Land Bank debt service will be paid in full with the FY2020 debt service payment. Up to 3% of Land Bank funds may be used for maintenance and improvement to property purchased with Land Bank Funds. Land Bank acquisition related funds allow the Open Space Committee to do the required due diligence prior to any open space purchase including pre-acquisition costs, closing and other costs associated with acquisitions or potential acquisitions (including but not limited to title searches and appraisals). In addition, the Town is required to update the Open Space and Recreation Plan by October 2019 to remain eligible for grant funds, which is also paid from acquisition related costs.*

Tim Famulare moved that the Town vote to approve Article 20 as printed in the warrant.

Open Space Committee	Recommends	3	0	0
Select Board	Recommends	5	0	0

Requires a Majority Vote  
Motion passed.

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**GENERAL BYLAW AMENDMENT ARTICLES**

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**Article 21. 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 21:** *This article would revise Chapter 12 of the Provincetown General Bylaws, the Wetlands Protection Bylaw, to make some “housekeeping” revisions, such as deleting duplicative references and changing the deadline to publish legal notices of public hearings in the Banner to five days prior to the hearing, which is consistent with the legal notice requirements of the state’s Wetlands Protection Act and with those of other Town regulatory boards. The proposed revisions would also remove activities within the 100-foot buffer zone of the “100-year” floodplain” from the Commission’s jurisdiction. The 100-foot buffer zone to other resource areas protected by the bylaw, such as coastal dunes and beaches, ponds, salt marshes, and vegetated wetlands, would remain. The buffer zone protects wetlands from adverse impacts of construction and development in close proximity to wetlands.*

*These adverse impacts from construction and use include erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The limit of the “100-year” floodplain is the upper boundary of the area which is projected to have a 1% chance of flooding in any given year. These limits are shown on FEMA flood maps and are a function of the topography of the land and the extent of projected flooding. The Conservation Commission reviews activities within floodplains to make sure that they would not worsen the extent or effects of flooding on neighboring properties. Activities on properties which are adjacent to flood zones, but which are above the extent of flooding, would not have adverse impacts on the floodplain than activities in areas below the extent of flooding would. Therefore, there are no performance standards that the Commission could impose on activities outside the floodplain, and to subject owners of properties that are adjacent to, but not within, the floodplain to Conservation Commission review would impose an unnecessary regulatory burden on such property owners.*

Tim Famulare moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 21.

<b>Conservation Commission</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Open Space Committee</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**Article 22. 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 22:** Creation of a Small Scale Climate Change Resiliency Revolving Fund to 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 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.

David Gardner moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 22, and further to authorize a spending limit of up to \$5,000 annually.

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Conservation Commission</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**Article 23. 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 23:** *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.*

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

**Select Board    Recommends    5    0    0**

**Requires a Majority Vote**  
**Motion passed.**

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**ZONING BYLAW AMENDMENT ARTICLES**

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**Article 24. 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 24:** *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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 24 of the town meeting warrant.

<b>Planning Board</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Two-Thirds Vote**  
**Motion passed Unanimously.**

**Article 25. 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 25:** *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 do 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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 25 of the town meeting warrant.

<b>Planning Board</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Two-Thirds Vote**  
**Motion passed Unanimously.**

**Article 26. 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>B.</b>	<b>Business</b>							
B7	Parking lots/ <u>garages</u>	NO	BA <sup>11</sup>	BA <sup>11</sup>	BA <sup>11</sup>	BA <sup>11</sup>	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 26:** *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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 26 of the town meeting warrant.

**Planning Board Recommends 4 0 0**  
**Select Board Recommends 5 0 0**

**Requires a Two-Thirds Vote**  
**Motion passed Unanimously.**

**Article 27. 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 27:** *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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 27 of the town meeting warrant.

Planning Board    Recommends    4    0    0  
Select Board       Recommends    5    0    0

**Requires a Two-Thirds Vote**  
**Motion passed Unanimously.**

**Article 28. 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 28:** *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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 28 of the town meeting warrant.

Planning Board    Recommends    4    0    0  
Select Board       Recommends    5    0    0

**Requires a Two-Thirds Vote**  
**Motion passed Unanimously.**

**Article 29. 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 29:** *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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 29 of the town meeting warrant.

**Planning Board Recommends 4 0 0**  
**Select Board Recommends 5 0 0**

**Requires a Two-Thirds Vote**  
**Motion passed Unanimously.**

**Article 30. 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 <sup>3</sup>	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 <sup>1</sup>	20 <sup>1</sup>	10 <sup>1</sup>	10	50	--
Min. Side Yard (feet)	15	6	6	5 <sup>2</sup>	10	25	--

Min. Rear Yard (feet)	20	15 <sup>1</sup>	10 <sup>1</sup>	10	25	25	--
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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 30:** *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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 30 of the town meeting warrant.

**Planning Board Recommends 4 0 0**  
**Select Board Recommends 5 0 0**

**Requires a Two-Thirds Vote**  
**Motion passed Unanimously.**

**Article 31. 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 31:** *This amendment removes provisions of the Growth Management bylaw that require 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 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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 31 of the town meeting warrant.

Planning Board Recommends 4 0 0  
 Select Board Recommends 5 0 0

Requires a Two-Thirds Vote  
 Motion passed Unanimously.

**Article 32. 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	<del>4-4</del> <u>1 - 8</u>	<del>2,500</del> <u>1,500</u>
For the next	<del>6 (5-10)</del> <u>9-15</u>	<del>3,000</del> <u>2,500</u>
For the next	<del>6 (11-16)</del> <u>16-25</u>	<del>3,500</del> <u>3,000</u>
<del>For the next</del>	<del>9 (17-25)</del>	<del>4,500</del>
Beyond 25	26 or more	<del>5,000</del> <u>4,500</u>

or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article 32:** *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 bylaw, 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 Bylaw 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.*

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

Planning Board Recommends 4 0 0  
 Select Board Recommends 5 0 0

Requires a Two-Thirds Vote  
 Motion passed. Two-Thirds Majority established.

**Article 33. 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 <sup>1</sup>	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

<sup>1</sup> 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 33:** *This amendment recognizes that one size does not fit all for commercial accommodations, which encompass everything from B&Bs to large hotels to dormitory housing. This schedule also does not line up with existing commercial accommodation properties in Town. The Town continues to lose commercial accommodation 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.*

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

**Planning Board**      **Recommends**   **4**   **0**   **0**  
**Select Board**      **Recommends**   **5**   **0**   **0**

**Requires a Two-Thirds Vote**  
**Motion passed. Two-Thirds Majority established.**

**Article 34. 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 <sup>3</sup>	S	M

Max. Lot Coverage (%)	40	40	40	<del>40</del> <u>60</u>	40	--	--
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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 34:** *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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 34 with the following addition: Footnote 8: May be waived by Special Permit from the Planning Board.

<b>Planning Board</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Two-Thirds Vote**

**Motion passed. Two-Thirds Majority established.**

**Article 35. 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 35:** *This amendment allows greater flexibility during regulatory reviews of properties that do not meet the green area requirements of the bylaws. 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.*

Jeff Ribeiro moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in Article 35 of the warrant.

<b>Planning Board</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Two-Thirds Vote**

**Motion passed. Two-Thirds Majority established.**

**Article 36. 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:

- Lot area minimum of 10 acres, but not less than 7,500 square feet per campsite.
- 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.
- If each plot is not serviced with water and sanitary drainage, common sanitary facilities shall be provided.
- No unit for overnight occupancy shall be placed within 100 feet of a street line or 40 feet of any other lot line.
- ~~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 36:** *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.*

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

<b>Planning Board</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Two-Thirds Vote**

Motion passed. Two-Thirds Majority established.

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CONSENT AGENDA

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***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 37 through 42.***

Without objection, move to approve articles 37 through 42 as printed in the warrant by unanimous consent;

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0

**Requires a Unanimous Vote**

Motion to pull Article 37 from the Consent Agenda by Christopher Snow  
***Motion does NOT pass.***

Motion to adjourn the Annual Town Meeting and reconvene April 3rd by Ngina Lythcott  
***Motion does NOT pass.***

Motion to approve Articles 37 through 42 by unanimous consent  
***Motion does NOT pass***

Motion to approve Articles 38, 40 through 42 by unanimous consent  
***Motion passed unanimously.***

***Article 37. 0.5% Real Estate Transfer Fee - A Home Rule Petition.*** To see if the Town will vote to authorize the Select Board 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 Select Board approves amendments thereto prior to enactment by the General Court, and provided further that the Select Board 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 Select Board and the Town Manager]*

**Explanation of Article 37:** *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.*

David Gardner moved that the Town vote to approve Article 37 as printed in the warrant.

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0

**Requires a Majority Vote**  
**Motion passed.**

**Article 38. 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 Select Board and the Town Manager]*

**Explanation of Article 38:** A Town Meeting vote is required to fund this Cape Cod Greenhead Fly Control District assessment of \$1,439.

David Gardner moved that the Town vote to raise and appropriate the sum of \$1,439 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury.

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

**Requires a Majority Vote**  
**Motion passed.**

**Article 39. 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
	<u>FY2019</u>	<u>FY2020</u>	
			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

10	\$72,287	-	\$89,862	\$73,733	-	\$91,659	Water Superintendent 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 <del>Health Director</del> Library Director Town Clerk Planner Tourism Director <u>Harbormaster</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 <u>Conservation Agent</u> <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 Select Board 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 <del>Assistant Tourism Director</del>
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	<b>\$57,750</b>	<b>\$59,225</b>	3.0%
<i>Positions</i>			
1 <sup>st</sup> Deputy Fire Chief	<b>\$16,500</b>	<b>\$17,000</b>	<b>3.0%</b>
2 <sup>nd</sup> Deputy Fire Chief	<b>\$13,200</b>	<b>\$13,600</b>	<b>3.0%</b>
District Fire Chief/Engineer	<b>\$6,600</b>	<b>\$6,800</b>	<b>3.0%</b>
Firefighter	\$800	\$800	0.0%
Fire Auxiliary	\$400	\$400	0.0%
Fire Captain	\$1,250	\$1,250	0.0%
Fire Lieutenant	<b>\$500</b>	<b>\$800</b>	<b>60.0%</b>
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	<b>\$26.18/hr</b>	<b>\$26.97/hr</b>	<b>3.0%</b>
EMT-Intermediate	<b>\$28.16/hr</b>	<b>\$29.00/hr</b>	<b>3.0%</b>
EMT-Paramedic	<b>\$30.90/hr</b>	<b>\$31.83/hr</b>	<b>3.0%</b>
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>
T	New	\$24.13	<u>Summer/On-Call Telecommunicator</u>
N	\$20.72	\$21.13	<del>Police Summer/On-call Dispatcher</del> <u>Special Needs Coordinator</u> <u>Seasonal Deputy Harbormaster</u>
M	\$20.11	\$20.51	Code Compliance Officer <u>COA Cook/Meal Coordinator</u>
L	\$19.55	\$19.94	Parking Lot Technical Manager <u>Returning Pier Maintenance Assistant</u>
K	\$19.00	\$19.38	Property Inspector (Assessors) <del>Assistant Harbormaster with police powers</del> <u>Returning Seasonal Assistant Harbormaster</u> <u>Returning Pier Office Assistant</u>
J	\$18.44	\$18.81	Police Officer, Summer/Auxiliary <i>No Positions Assigned</i>
I	\$18.11	\$18.47	Parking Meter Collection/Repair <u>COA Program Coordinator</u> <u>COA Transport Driver</u> <u>Pier Maintenance Assistant - First Year</u> On-call van Driver
H	\$17.57	\$17.92	Police Matron
G	\$17.24	\$17.58	<i>No Positions Assigned</i>
F	\$16.74	\$17.07	<del>Assistant Harbormaster w/o police powers</del> <u>Seasonal Assistant Harbormaster - First Year</u> <u>Pier Office Assistant – First Year</u> Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement Part-time Clerical Secretary, On-call Relief Transfer Station Laborer
E	\$16.43	\$16.76	Part-time Library Circulation Aide <u>Special Need Counselor</u>
D	\$15.96	\$16.28	On-call Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	\$15.49	\$15.80	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	\$15.20	\$15.50	<i>No Positions Assigned</i>
A	\$14.96	\$15.26	Parking Lot Attendant/In-booth Seasonal Recreation Aides <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 39:** Schedule A is for full and part-time non-union positions that 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.

David Gardner moved that the Town vote to amend the Personnel Bylaw and Classification and Compensation Plan, as printed in the warrant under Article 39.

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**Article 40. 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 Select Board 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 Select Board and the Visitor Services Board]*

**Explanation of Article 40:** This article transfers \$750,000 from the Tourism Fund to cover the costs 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 Select Board each year. Tourism funds are generated by 35% of the room occupancy tax.

David Gardner moved that the Town vote to approve Article 40 as printed in the warrant.

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Visitor Services Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**Article 41. 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 Select Board, 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	\$5,000
Total	<u>\$77,377</u>

or to take any other action relative thereto.

*[Requested by the Select Board and the Human Services Committee]*

**Explanation of Article 41:** *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.*

David Gardner moved that the Town 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 non-profit 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 printed in the warrant.

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

**Article 42. 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 Select Board;
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 Select Board and the Town Manager]*

**Explanation of Article 42:** *This article authorizes the annual spending limits of eight existing revolving funds. Under Massachusetts General Law the Town's residents must renew their authorization of revolving accounts spending limits each year.*

David Gardner moved that the Town vote to authorize FY 2020 spending limits for eight existing revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a Majority Vote**  
**Motion passed.**

Motion to dissolve the Annual Town Meeting by Linda Fiorella  
April 1, 2019 Annual Town Meeting dissolved at 9:19 pm