Select Board

Meeting Agenda

The Provincetown Select Board will hold a Special Meeting on Friday, August 21, 2020, at 10:30 am in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

The Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Provincetown Select Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at https://www.provincetown-ma.gov/. For this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch on PTV GOV Channel 18, as well as an online livestream of PTV GOV at http://www.provincetowntv.org/watch.html
2. To listen and participate in this meeting, dial **(833) 579-7589**. When prompted, enter the following Conference ID number: **873 064 167** When prompted, state your name, then press #.
   - Keep your phone muted at all times when not talking (*6 to mute & unmute your phone)
   - Do not use speakerphone
   - Do not use Bluetooth devices
   - Mute all background noises
   - Mute PTV on the television or computer and use only the phone audio
   - Please do not speak until the chair or the meeting moderator asks for public comments or questions.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Provincetown website an audio or video recording or other comprehensive record of proceedings as soon as possible after the meeting.

1. Insertion of Annual Town Meeting Articles – (Votes May Occur)
2. Approve Warrant for publication – (Votes May Occur)
3. Town Manager entered into Memorandum of Agreement with Pier Corp and Lower Cape Ambulance regarding COVID testing

Provincetown Select Board
AGENDA ACTION REQUEST
Friday, August 21, 2020 10:30 am

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TOWN MEETING WARRANT

Insertion of Articles for September 21, 2020 Town Meeting Warrant

Requested by: Interim Town Manager Charles Sumner **Action Sought:** Approval

Proposed Motion(s)

MOVE that the Select Board vote to insert the following articles: ___, into the September 21, 2020, Annual Town Meeting Warrant.

Additional Information

- Annual Town Meeting Warrant is forthcoming

Board Action

Motion	*Second*	*Yea*	*Nay*	*Abstain*	*Disposition*

Town Warrant

Annual Town Meeting – Monday, September 21, 2020

Commonwealth of Massachusetts Barnstable, ss.
To either of the Constables of the Town of Provincetown, Greetings:
In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **St Peter the Apostle Catholic Church Parking Lot, 11 Prince Street, on Monday, the twenty-first day of September, A.D. 2020 at 5 o'clock in the evening,** in the event of inclement weather Town Meeting will convene the following evening or thereafter weather permitting, then and there to act on the following articles, to wit:

Due to COVID concerns, Town Meeting will be held in the open air within the Saint Peter the Apostle Church Parking Lot at 11 Prince Street. Vehicles are asked to park in the Grace Hall Parking Lot. Check-in will be on Mozart Avenue adjacent to the church rectory building. In the event of rain, postponement will be determined the day of the event.

REGULAR AGENDA

Article 1. Prior Year Bills. To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

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

Article 2. PEG Access and Cable Related Fund Acceptance. To see if the Town will vote to accept General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement and vote to appropriate an amount from the PEG Access and Cable Related Fund for PEG access television; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 2: *Per IGR No, 16-102, this article is required to establish receipts reserved for an appropriation fund known as the PEG Access and Cable Related Fund to fund PEG access programming, as well as certain other municipal cable-related expenses. Previously PTV received these funds directly from Comcast; the Town is now required to*

receive cable franchise fees into a special fund which requires a Town Meeting vote for appropriation.

An appropriation is required to spend any receipts in the PEG Access and Cable Related Fund. Appropriations are by majority vote of the legislative body and are limited to the actual unencumbered balance of the Fund at the time of the appropriation. Anticipated receipts cannot be appropriated. Monies from the Fund may be appropriated consistent with the cable franchise agreement to: 1. Support cable PEG access service or programming for Town residents, whether operated by a Town department or a contractor. 2. Monitor the cable operator's compliance with the franchise agreement. 3. Prepare for renewal of the cable franchise license, including any associated expert and legal services.

Article 3. DPUTNC (Department of Public Utilities, Transportation Network Company) Ride Share Fund Appropriation. To see if the Town will vote to appropriate $1,738.20 from the DPUTNC Fund to address the impact of Transportation Network Services; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 3: *The funds in the DPUTNC (Department of Public Utilities, Transportation Network Company) Fund must be used "to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the Town including, but not limited to, the complete streets program established in [G.L. c. 90I, § 1] and other programs that support alternative modes of transportation." St. 2016, c. 187, § 8(c)(i). The distributed funds are special revenue, which require appropriation prior to use. To use the money for any allowable purpose, the legislative body must appropriate from available funds in that account.*

Article 4. FY 2021 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of $27,797,884 to fund operating budgets for several Town departments for Fiscal Year 2021 in accordance with Chapter 6, Section 4 of the Provincetown Charter, as follows:

Budget Divisions	FY 2020	FY 2021	% change
I. General Government	$1,016,144	$959,767	-5.55%
II. Finance	$10,852,819	$10,888,307	0.33%
III. Public Safety	$6,892,986	$6,817,281	-1.10%
IV. Public Works	$3,762,250	$3,793,968	0.84%
V. Public Services	$957,479	$1,007,317	5.21%
Sub-total, Division I-V	**$23,481,678**	**$23,466,640**	-0.06%
VI. Public Schools	$4,582,868	$4,331,244	-5.49%
Total Budget, All Divisions	**$28,064,546**	**$27,797,884**	-0.95%

or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 4: *This article funds the operating budgets for several Town departments for FY 2021. FY2021 departmental operating budgets have been reduced in anticipation of significant revenue losses as a result of the COVID-19 pandemic.*

Article 5. FY 2021 Cape Cod Regional Technical High School Assessments. To see if the Town will vote to raise and appropriate or transfer from available funds $419,467 to fund the Town of Provincetown's tuition and capital assessments for CCRTHS; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 5: *This article funds the cost of Provincetown's share for 14 students to attend Cape Cod Regional Technical High School in Harwich and the Town's share of the capital assessment for school building.*

Article 6. FY 2021 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 2021:

6001 Water Enterprise Fund	FY 2020	FY 2021	% change
Enterprise Fund Costs	$2,556,600	$2,091,405	-18.20%
General Fund Costs	$298,638	$306,000	2.47%
TOTAL COSTS	**$2,855,238**	**$2,397,405**	-16.03%
6002 Wastewater Enterprise Fund	FY 2020	FY 2021	% change
Enterprise Fund Costs	$3,898,266	$4,026,570	3.29%
General Fund Costs	$112,542	$94,000	-16.48%
TOTAL COSTS	**$4,010,808**	**$4,120,570**	2.74%

or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 6: *This article funds both the Water and Wastewater Enterprise Budgets. The Water Enterprise Fund budget decreased 16% mostly due to completion of the Winslow Tank maintenance project. The Wastewater Enterprise Fund budget increased 2.7% mostly due to an increase in contracted services.*

Article 7. EMERGENCY RESPONSE STABILIZATION FUND. To see if the Town will vote to establish a special purpose stabilization fund under M.G.L.Chapter 40 Section 5B and to raise and appropriate or transfer from available funds a sum of money to reserve for expenditures related to emergency response; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 7: *This article creates a new stabilization fund titled "Emergency Response Special Purpose Stabilization Fund" and sets aside the remaining FY19 certified free cash into a special purpose fund which may be used for unanticipated expenditures to include, but not limited to public health, natural disaster or other emergencies. Appropriations from this fund will require a 2/3 Town Meeting vote.*

Article 8. Ryder Street Dune Enhancement Project. To see if the Town will vote to (a) authorize the Select Board to acquire, by purchase, gift, and/or eminent domain and on such terms as the Select Board deems appropriate, the fee to and/or permanent and temporary easements in a portion or portions of parcels of land located on Commercial Street and identified more particularly on Assessors Map 11-3 as Parcels 20, 20A, 21, 22, 23, 24, 25, 26, and 28 for the purpose of undertaking a beach nourishment and dune restoration and

replenishment project, including, without limitation, the right to construct, preserve, inspect, operate, maintain, repair, rehabilitate, and replace a beach and dune system and other erosion control and storm damage reduction measures and appurtenances thereto, including the right to deposit sand, plant vegetation, alter the contours on land, construct berms and dunes, nourish and re-nourish periodically, move, store and remove equipment and supplies, erect, maintain and remove silt screens and sand fences, erect and/or remove temporary structures, facilitate preservation of dunes and vegetation through the limitation of access to dune areas, and trim, cut, fell, and remove from said land trees, underbrush, debris, obstructions, and any other vegetation, structures and objects and/or for any and all other uses and/or purposes related thereto, (b) authorize the Select Board to take by eminent domain, for the foregoing purposes, for public landing, public way and/or public access purposes, and/or for the purpose of confirming the Town's title thereto, the parcel of land shown on Assessors Map 11-3 as Parcel 27 and the parcels of land known as the Ryder Street Extension and land near or adjacent thereto, if appropriate; (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money under G.L. c. 44, § 7, 8 and/or any other enabling authority to fund the foregoing project and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; (d) authorize the Select Board or its designees to apply for, accept and expend any funds that may be provided by public or private sources to defray all or a portion of said costs of the foregoing, but not limited to, grants and/or reimbursement from the Commonwealth of Massachusetts and/or any other federal, state or other grants or reimbursement programs in any way connected with the scope of this project, and, further, (e) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 8: *This article would authorize the Select Board to acquire the easements necessary for installing and maintaining the proposed Ryder Street Beach dune enhancement project and for other municipal uses. The goal of the project is to establish a vegetated dune that would raise the elevation of the beach to reduce the impacts of certain coastal flooding events to public and private property in the Town's central downtown business area, like those that resulted from the flooding on January 4, 2018. These easements are necessary for certain project permits to be issued and in order for the Town to qualify for future grants for the construction of the project. The first phase of the project—designing the dune and submitting federal, state, and local permit applications—has been completed. This phase was funded by CIP funds approved at Town Meeting in 2018 and 2019 and by a grant from the state's Office of Coastal Zone Management. The height of the proposed dune will be approximately 5-8 feet above existing grade. It will be located along the edge of the existing beach grass, and a large area of beach along the harbor side of the dune will be nourished and maintained for continued public use. Public access paths to the beach will be established from Ryder Street Extension and at the Gosnold Street Town Landing. It is important to note that the proposed dune will not protect the downtown from all coastal storm flooding scenarios, but it will cut-off the most low-lying pathway for storm surge in the downtown area and prevent or reduce the extent of flooding for many coastal storms.*

In the survey and design phase of the project, the Town identified that eight private property owners abutting the project site own portions of the beach where the protective

dune will be installed. The affected properties are: 253A, 255-257, 259-263. 265-267, 269-271, 273, 275, 277, and 277A Commercial Street and the Gosnold Street Town Landing. If this article is approved, Town staff will work with the private property owners to negotiate the easements. Once the easements are acquired, Town staff will continue to seek grant funding for the construction phase of the project.

Article 9. Community Preservation Budget for FY 2021. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2021 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. $106,480 for Open Space;
   B. $638,879 for Community Housing;
   C. $106,480 for Historic Resources;
2. Debt Service Appropriations: Part 2
   A. $192,125 for Community Housing debt service;
   B. $44,085 for Open Space debt service;
   C. $152,410 for Historic Preservation debt service;
3. Grants and administrative expenses;

or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Explanation of Article 9

Part 1 and 2: *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.*

Part 3: Grants and Administrative Expenses: *Annually the Provincetown Community Preservation Committee recommends grant funding requests to Town Meeting in the following categories: Housing, Historic Preservation, Open Space and Recreation. The grant requests listed in Part 3 are appropriated by Town Meeting and funded from available Community Preservation Act funds; said funds to be spent under the direction of the Town Manager.*

A. Administrative Expenses - $37,000 for CPA administrative expenses including membership dues, advertising, updating Historic District Inventory & Guideline Development and other expenses as needed.

B. Community Housing - $15,000 for the Cape Housing Institute, a training and education program through the Community Development Partnership (CDP), subject to a grant agreement between the Town and the CDP.

C. Community Housing - $25,404 for the Community Housing Office, including a full-time Housing Specialist.

D. Community Housing – Expansion of Maushope - Request by the Provincetown Housing Authority for $425,000 for the acquisition of 46 Harry Kemp Way for the purposes of Affordable and Community Housing, subject to a grant agreement between the Town and

the Housing Authority, and to authorize the Select Board to acquire an affordable housing restriction on said property.
E. Historic Preservation – Request by the Provincetown Art Association and Museum (PAAM) for $60,000 for the restoration of 460 Commercial Street, subject to a grant agreement between the Town and the PAAM, and to authorize the Select Board to acquire an historic preservation restriction on said property.
F. Historic Preservation – Requested by the Historical Commission for $1,500 for the restoration of the Weir Map.
G. Historic Preservation – Requested by the Historical Commission for $3,500 for the framing of the 1858 Walling Map.
H. Historic Preservation – Requested by the Cemetery Commission for $36,862 for the restoration of Alden Street Cemetery Old Section Priority 3 and 4 stones.
I. Open Space/Recreation – Requested by the Recreation Commission for $50,000 for preliminary design and community process for the development of the Waterfront Park at 387 Commercial Street.
J. Open Space/Recreation – Requested by the Recreation Commission for $50,000 for retrofit of the Chelsea Earnest Basketball Courts.

Article 10. FY 2021 Capital Improvements Program. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds various sums to defray the costs of the Fiscal Year 2021 Capital Improvements Program submitted in accordance with Chapter 6, Section 6 of the Provincetown Charter, provided that one or more of the appropriations may be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question:

Explanation of Article 10: *Article 8 includes FY2021 capital improvement article requests based on the revised FY2021-FY2025 Capital Improvement Plan. Articles are listed individually, but will be voted by Town Meeting in groups depending on funding source. Funding sources include: Free Cash, Capital Improvement Stabilization Fund, Parking Fund, Landbank Fund or Borrowing. Borrowing articles require a 2 ½ debt exclusion ballot vote and Capital Stabilization Funds require a 2/3rds vote of Town Meeting. Any Town Meeting voter may ask questions about individual items within the Capital Improvement Plan under the main motion. Amendments may be made from the floor per Moderator rules.*

A. Fire Department Main Station Repairs - $28,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of heat pipes in the Main Fire Station; and costs related thereto.

Explanation of Article 10A: *Copper heat pipes in the ceiling of the apparatus bays need to be repaired/replaced and then the ceiling needs to be repaired and painted. The station has had small pin hole leaks in the heat pipes in the ceiling of the garage area for the past several years. Temporary repairs are no longer sufficient. Replacing the pipes will fix this and prevent future problems.*

B. Fire Department Turnout Gear - $195,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of a second set of life safety gear and costs related thereto.

Explanation of Article 10B: *This is a life safety project for the purchase of a 2nd set of turnout gear for all members. With the high rate of cancer in fire service, it has been recommended that all firefighters have two sets of turnout gear and all gear is to be washed*

after every incident. The specialized washer needed for cleaning turnout gear was previously acquired with a grant awarded for this purpose.

C. Fire Department Needs Assessment - $50,000 to be expended under the direction of the Town Manager, and costs related thereto; or to take any other action relative thereto.

Explanation of Article 10C: *This assessment will analyze the present buildings, operations and equipment and determine appropriate space for fire and rescue needs and recommend a course of action.*

D. Pier Infrastructure Maintenance - $210,000 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 10D: *The 2016 engineer's survey provides a breakdown of the recommended maintenance and improvement program which needs to be followed to keep the facility in satisfactory working condition. Identified costs included $64,000 in repairs and $812,000 in capital improvement repairs. A large part of the cost is to replace 177 failed pilings out of 40; 62 were replaced prior to 2016.*

Since this capital request was approved, 35 Fender piles were replaced along with an additional 22 piles being replaced from funds from Capital reserve to save on mobilization and being the 1st year of this project. Typically an average of 35-40 fender piles can be replaced per year with the funds allowed. This leaves approximately 120 fender piles left to replace over the next few years. 35-40 piles are scheduled to be replaced early this spring.

E. Pier Electrical Upgrades - $60,000 to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation for the electrical system upgrade for MacMillan Pier; and costs related thereto.

Explanation of Article 10E: *The recent 2019 engineer's survey provides a breakdown of the recommended maintenance and improvement program which needs to be followed to keep the facility in satisfactory working condition.*

During this years scheduled survey, the engineers' findings recommend the following work to be performed to the electrical system to bring the Pier up to code compliance:

-Upgrade the system to include ground fault protection for the main overcurrent to the marina and branch circuits. Include updated switch gear and circuit breakers in substations.

-Replacement of pier power pedestals throughout the pier.

-Replacement of heat trace system for the existing pier water piping.

F. Police Vehicle Fleet Replacement - $90,400 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 costs related thereto.

Explanation of Article 10F: *This is a request to purchase two 2020 or current model Ford Police Special Services vehicle for use by the Police Department patrol. The vehicles replace two current units acquired in 2014 and 2015. These vehicles are part of the Police Department's annual scheduled fleet management replacement program and we anticipate these vehicles will be in front-line public safety platform for 5-6 years from August 2020. A USDA grants has been awarded for 65% of the cost of these vehicles. The balance will be funded with closed prior year articles.*

G. Public Works - Vehicle Fleet Replacement - $160,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of one vehicle pursuant to the Vehicle Fleet Replacement Plan; and costs related thereto.

Explanation of Article 10G: *Our 5-year fleet replacement plan calls for replacement of the Highway Department's 2004 F750 6-wheel dump truck with a Multi-purpose Hook truck.*

H. Public Works – Stormwater Improvements- $100,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund projects and grant requests pursuant to the Town's Storm Water Improvements Program; and costs related thereto.

Explanation of Article 10H: *Our storm water system has undergone substantial improvements over the past 5 years resulting in fewer beach closures and overall less flooding. However, many more needed repairs still exist and continual maintenance is of prime concern. 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. Past funding has been used to remediate 12 out of 25 outfalls that flow stormwater to Provincetown Harbor.*

This year's request will be proportionally divided as follows:
$40,000 - Annual Capital Repairs
$20,000 - GIS Database Upgrades
$40,000 - Upgrades required per Pavement Management Plan

These funds will be used to seek grant opportunities to assist in funding larger more expensive drainage projects such as the relocation of the Gosnold Street Outfall or the rehabilitation of Freeman Street pump station. This project will provide safer pedestrian and vehicular travel along Court Street and prevent potential flooding damages to nearby businesses.

I. Public Works - Pavement Management Plan - $100,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the repair or replacement of Town roads pursuant to the Pavement Management Plan; and costs related thereto.

Explanation of Article 10I: *The Town has developed an essential program aimed at combating the progressive deterioration of the Town's roads by using GIS Technology and a Pavement Condition Index (PCI). Each Town-owned roadway is evaluated based on its condition in order for a PCI to be established. Roadway improvements will be determined based on the PCI, roadway functional classification (arterial, collector, or local road), and other prioritization factors.*

Several methods of roadway repairs would be used under this program including: full depth reconstruction, level and overlay, mill and overlay, micro seal, and crack sealing. Significant improvements have been made in the last 3 years and we hope to continue improving our roadways over the next several years. In order to continue the roadway repair program, a FY21 request for $100,000 will be used to target the following project:

Standish Street - Rehabilitate roadway & sidewalk between Bradford & Commercial to improve a deficient multi-modal roadway to ensure safe transportation for all users as the primary gateway to our community.

J. Parking System Upgrade - $40,000 to be expended under the direction of the Town Manager for the AIMS software upgrade; and costs related thereto.

Explanation of Article 10J: *- AIMS is the parking software system the Town uses which has exceeded its lifespan. This upgrade will allow for increased productivity, efficiency, accuracy by replacing aging equipment with new phones and printers. The new software will enhance the Town's capabilities and assist the department in restructuring.*

K. Public Works - Streets, Sidewalks and Bike Paths - $30,000 to be expended under the direction of the Town Manager and the Director of Public Works for the routine repairs and maintenance of the Town's streets, sidewalks and bike paths; and costs related thereto.

Explanation of Article 10K: *This recurring CIP article is used every year to address costs associated with the preservation, repair, and replacement of sidewalks, curbing, roadway painting, potholes, and recently bike trail improvements. This request is used for more routine repairs outside of roadway resurfacing projects funded from the Roadway Maintenance Plan or projects outside of reconstruction projects such as we have seen on Commercial Street.*

It is also used to paint the lines on the reconstructed parts of Commercial Street over the course of two nights to minimize disruption and the potential for smudge marks from daytime traffic.

Recent annual Traffic Hearings have resulted in a considerable increase in roadway line painting. The future year requests do not reflect the outcome of future Traffic Hearings.

L. Fire Department Rescue Ambulance - $325,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of Ambulance 196; and costs related thereto.

Explanation of Article 10L: *Replacement of Ambulance 196. This is a high priority replacement of a 2011 ambulance. Our replacement plan for ambulances is every 10 years; the state recommends every 7 years. Ambulance 196 will be retained as a backup vehicle. This article's funding as a debt exclusion was approved at the June 2020 election.*

M. Water Department Wellfield Redevelopment - $175,000 to be expended under the direction of the Town Manager and the Water Superintendent for redevelopment of wells; and costs related thereto.

Explanation of Article 10M: *It is recommended that the well fields be rehabilitated every fifteen years in order to maintain proper capacity (pumping) in each well and inspect the well casing, screen, and associated pumping equipment. The Knowles Crossing wells and Paul Daley wells were last re-developed in 2007.*

The project includes inspecting and re-developing three wells at Knowles Crossing and six active wells at the Paul Daley wellfield. Pumping equipment would be inspected/tested and replaced as necessary.

FY2021: Re-develop three (3) wells at Knowles Crossing Wellfield.

N. Water Department Filtration Plant Maintenance Module Replacement - $150,000 to be expended under the direction of the Town Manager and the Water Superintendent for the replacement of the Water Department filtration plant maintenance module; and costs related thereto.

Explanation of Article 10N: *The Knowles Crossing Water Treatment Plant consists of three (3) membrane filtration units, each containing thirty (30) individual modules for a total surface area of 12,300 square feet per unit. The current membrane modules have been in service since the plant first went online in April 2014, with a design life expectancy of 6 years (and have since been superseded by the manufacturer). The ongoing routine maintenance schedule has avoided premature failure of the membranes, however full replacement is necessary to avoid failures of the modules, specifically during critical peak-season pumping periods. This project accounts for approximately $96,000 of the overall request.*

An additional component to this project includes necessary upgrades to the SCADA control system and laboratory. The SCADA system utilizes radio frequency modems to communicate to remote sites (tanks, wells, pumping stations, etc.). The manufacturer of our current radio system announced it will be ceasing operation, and therefore no longer providing any support. Unfortunately radio modems are not cross-compatible, therefore all radios must be changed and re-programmed. Additionally, we will be upgrading portions of the wellfields to fiber optic cable, eliminating the need for separate programmable-logic-controllers (PLCs) at each wellhead, providing more robust communications and reliability. This portion of the project accounts for approximately $54,000 of the overall request. SCADA system upgrades were projected in the long term CIP plan for FY26 and FY27.

Or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Article 11. Funding for Provincetown Market Rate Year-Round Rental Housing Trust. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to be expended to pay FY21 debt service payments of the general obligation bond authorized at February 6, 2017 STM for the acquisition and improvements of the Harbor Hill property by the Provincetown Year-Round Market Rate Rental Housing Trust; or to take any other action relative thereto.

[Requested by the Select Board and the Provincetown Year-Round Market Rate Rental Housing Trust]

Explanation of Article 11: *This article is an appropriation for the semi-annual debt service that the Town is obligated to pay for the borrowing that funded the acquisition and renovation of Harbor Hill. The borrowing for the acquisition and renovation was voted as excluded debt, which means that it can be paid from the General Fund, and the project has been funded with the debt exclusion approved by the voters at any time. The Housing Trust's initial cash funding of $1,500,000 has been depleted by the financing of Harbor Hill renovations and debt service that has been paid twice each year since FY19. The faster-than-anticipated depletion of the Trust's initial funding is due, in part, to increased construction costs and a relatively low construction contingency (5%). As disclosed at the February 2017 Town Meeting when the Harbor Hill acquisition and the associated debt issuance was approved, rental income was not expected to cover both operating expenditures and debt service obligations. Since no specific revenue source has yet been identified and allocated to the Trust, an appropriation from the General Fund is necessary, at this time, to meet the Town's debt service payments that are due on December 15, 2020 and June 15, 2021. It is anticipated that Harbor Hill rental income will cover operating expenditures, while the voted debt exclusion will fund the debt service. To the extent that the Housing Trust available funds exceed $150,000 at the end of the year, that excess would be transferred to the General Fund. This would include any funds the Trust receives from private donors or investors up to the amount of the annual debt service. If this article fails, there will not be sufficient funds available to pay the entire debt service amount for fiscal year 2021. The Town is legally obligated to pay this debt service from the General Fund because the bonds issued for the acquisition of Harbor Hill are general obligations of the Town. The Town is required by law to raise the debt service amount on the tax recap, regardless of whether Town Meeting votes to appropriate the necessary funds. In that*

event, the Town's certified free cash would be reduced by a like amount, and the Town's bond rating on new debt issues for future capital projects would likely be negatively impacted.

Article 12. General Stabilization Fund. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to the General Stabilization Fund; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 12: *This article will transfer $100,000 of free cash to the Town's operating reserve fund to protect the long-term financial stability of the Town, as well as protect the community against sudden and/or unexpected decreases in revenues or increases in expenses. The General Purpose Stabilization Fund is governed by Massachusetts General Law ch40 sec 5B and the Town's Cash Reserves Policy. The financial health of the Town of Provincetown is of paramount importance to its residents who rely on Town government to provide essential services; to its current and retired employees; to its bondholders who provide funding for long-term capital projects; and to its vendors who provide services and equipment to the Town. The Town's policy is to maintain a balance equal to 10% of the current year operating budget. An annual transfer is required to achieve this goal. The current balance of $2,017,000 in the operating stabilization fund represents 6.9% of the FY21 operating budget.*

Article 13. Indigenous Peoples Consultant. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to be used to hire a consultant to advise the Town and develop a proposal for the Town's representation of Indigenous Peoples, including but not limited to reviewing the history and culture of indigenous peoples, survey current stakeholders, review public spaces in which indigenous peoples may be included in the artistic, historical, and educational representation, and to present culturally appropriate and locally relevant proposal for indigenous representation in the Town, including at least one public art project; or to take any other action relative thereto.

. *[Requested by the Select Board]*

Explanation of Article 13: *The Town issued a solicitation for consultant services to advise the Town on indigenous peoples. This contract is for development of a proposal for the Town of Provincetown's representation of indigenous peoples. The consultant shall be prepared to:*

1. Review the history and culture of the Town vis-a-vis indigenous peoples, both past and present.

2. Survey the current stakeholders in their views on indigenous peoples' representation in public spaces in the Town, both in content and location.

3. Work with Town staff, boards and committees to review the public spaces (physical and virtual) in which indigenous peoples may be included in the artistic, historical, and educational representation of Provincetown.

4. Present culturally appropriate and locally relevant proposals for indigenous representation in the Town, including at least one public art project. It shall include recommendations for both content and delivery, including appropriate artisan(s), such as Native American public art sculptors, writers, etc. within a budget proposed, and agreed to, by the consultant to the Town.

PETITIONED ARTICLES

Article 14. Petitioned Article – General Bylaw Amendment: Chapter 13 Prohibited Activities – Single Use Plastic Bottles Ban. To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Provincetown, Massachusetts.

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Provincetown. Enforcement of this regulation will begin September 1, 2021.

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal Officer) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended. Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in GL Chapter 40 Section 21D. The following penalties apply:

First Violation: Written warning
Second Violation: $150 fine
Third and subsequent violations: $300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Provincetown.

All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required; or to take any other action relative thereto.

(Requested by Ted Jones and others)

Article 15. Petitioned Article – General Bylaw Amendment: Chapter 17 Climate Policy. To see if the Town will vote to adopt the following as a general by-law and to insert it into the Provincetown General Bylaw as Chapter 17.

17. CLIMATE POLICY

17-1. Climate Policy. The Town of Provincetown recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town, the Town of Provincetown therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective; or to take any other action relative thereto.

(Requested by Brian O'Malley and others)

Article 16. Petitioned Article – General Bylaw Amendment: Chapter 5 Town Boards. To see if the Town will vote to amend the Provincetown General Bylaw by amending Chapter 5 as follows:
5-1-4. Stipend for ~~Selectmen~~ Select Board Members. Each member of the Select Board shall receive an annual stipend of ~~$2,000, except the Chair who shall receive $2,500~~ $15,000. or to take any other action relative thereto.

(Requested by Arthur Egeli and others)

Article 17. Petitioned Article – General Bylaw Amendment Chapter 13 Prohibited Activities – Discharge of Fire Arms or Hunting on Public Property *(Deletions shown in strike-through and new text show as underlined.)* To see if the Town will vote to amend the Provincetown General Bylaw by amending Chapter 13 as follows:
13-2-4-3 Discharge of Fire Arms or Hunting on Public Property. No person shall discharge any gun, including paint ball guns, fowling piece, pistol, or firearm or release an arrow from a bow or hunt or trap or poison or set fire to any material known as fireworks, or other combustible matter, in any of the public ways, streets or places of the Town, including but not limited to conservation land or other Town owned property, except for lands under control of the Cape Cod National Seashore and Clapp's Pond Property; except on such occasions approved by the Select Board upon public notice; provided, however, this section shall not apply to any person abating nuisance or in the exercise of duty required by law.

(Requested by Martha Hassell and others)

TOWN BOARD ARTICLES

Article 18. 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 $120,300 to be expended under the direction of the Open Space Committee and the Town Manager for the following amounts FY2021:

Debt Service Principal	$	30,000
Debt Service Interest	$	300
Maintenance	$	20,000
Acquisition Related Costs	$	20,000
Total Operating Costs	$	70,300
CIP - Park Planning Project	$	50,000
Total Land bank Appropriation	$	120,300

or to take any other action relative thereto.

[Requested by the Town Manager and Open Space Committee]

Explanation of Article 18*: FY2020 was the last year of the Land Bank Fund. This article includes Land Bank operating expenditures and the last debt service payment.*

CIP - In October 2018, Town Meeting authorized the use of Land Bank funds to purchase the property at 387-395A Commercial Street from Elena Hall. In February 2019, the Town closed on the acquisition for a total purchase price of $1,400,000, and later that spring received the assistance of a $400,000 reimbursement grant from the Massachusetts PARC grant program. The property is held by the Town in the care and control of the Recreation Commission.

The Town seeks $50,000 of Land Bank funds to engage a professional consultant team to lead a community planning process to determine the vision for the park and develop a preliminary design concept. Project construction costs will be determined upon completion of the design phase and sought in FY2022.

The Recreation Commission has established a working group consisting of a member of the Recreation Commission, the Open Space Committee, the Public Landscape Committee, the Historical Commission, and the Harbor Committee, to advise the Recreation Commission on the planning of the park. The group has been meeting every two to three weeks since the late spring.

GENERAL BYLAW AMENDMENT ARTICLES

None

ZONING BYLAW AMENDMENT ARTICLES

None

CONSENT AGENDA ARTICLES

***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 19 through 30.

Article 19. Close Prior Year Unspent Articles. To see if the Town will vote to close and transfer from the following unspent articles:

1. $10,443.45 from 2015 ATM Article 9, Emergency Shelter Food, unspent appropriation to be transferred to the FY21 Emergency Management Department budget.

2. $25,367.90 from 2003 ATM Article 30-4, Historic Walking, unspent appropriation to be closed and transferred to the Unappropriated Tourism Fund.

or to take any other action relative thereto.

[Requested by the Town Manager]

***Explanation of Article 19**: This article closes unspent appropriations from two prior year special articles.*

Article 20. 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. <u>The funds collected in each fiscal year shall be deposited equally in both the Town's Other Post-Employment Benefits (OPEB) Trust and the Provincetown's Affordable Housing Trust.</u>

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 20: *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. What's different about this article this year is that we have changed the distribution of any fund collected from Capital Stabilization and General Fund to OPEB Trust and Affordable Housing Trust Fund. As these funding needs better represent the Town's priority goals and needs.*
State Representative Sarah Peake has recommended that the language be voted on once again at this year's Town Meeting to reinforce its intent as the home rule petition makes its way up the legislative channels of the State House.

Article 21. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate $1,939 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 21: *A Town Meeting vote is required to fund this Cape Cod Greenhead Fly Control District assessment of $1,939.*

Article 22. 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:

<u>*Schedule A:*</u> 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:

Schedule A: Permanent Full and Part-time Non-Union Positions							
Grade	Compensation Range						Position
	FY2020			FY2021			
[exempt MGL C.41,§108N]							Town Manager
[exempt MGL C.41,§108O]							Chief of Police
14	$98,481	-	$122,516	$98,481	-	$122,516	Finance Director
							DPW Director
13	$91,615	-	$113,910	$91,615	-	$113,910	Staff Lieutenant
							Assistant Town Manager

12	$85,215	-	$105,951	$85,215	-	$105,951	*No positions assigned*
11	$79,263	-	$98,571	$79,263	-	$98,571	Building Commissioner
							MIS Director
							Water Superintendent
							Town Engineer
10	$73,733	-	$91,659	$73,733	-	$91,659	DPW Deputy Director
							Principal Assessor
							Health Director
							Pier Manager*
9	$68,582	-	$85,304	$68,582	-	$85,304	DPW Operations Director
							Library Director
							Town Clerk
							Planner
							Tourism Director
							Town Treasurer
							COA Director
							Harbor Master
							~~Pier Facilities Manager~~
8	$63,789	-	$79,329	$63,789	-	$79,329	MIS Analyst
							~~COA Director~~
							Town Collector
							~~Town Treasurer~~
							Deputy Emergency Manager / Transportation Coordinator
							Environmental Planner / Conservation Agent
							Zoning Enforcement / Code Enforcement Officer
							Airport Director
7	$59,330	-	$73,755	$59,330	-	$73,755	Recreation Director
							Marine Services Coordinator
							Local Building Inspector
							Human Resources Manager
6	$55,182	-	$68,672	$55,182	-	$68,672	Executive Assistant to Town Manager
							Executive Project Administrator
							Executive Assistant to Police Chief
							~~Local Building Inspector~~
							Assistant Tourism Director
							Health Agent
							~~Payroll and Employee Benefits Manager~~
							Assistant Town Accountant

							Assistant Library Director
							Licensing Agent
							COA Outreach Coordinator
							Secretary to Select Board
5	$51,325	-	$63,834	$51,325	-	$63,834	~~Secretary to Select Board~~
							~~Exec. Assistant to Police Chief~~
							Parking Administrator
							MIS Technician
							Pier Office Manager*
							Permit Coordinator
4	$47,736	-	$59,330	$47,736	-	$59,330	~~Permit Coordinator~~
							Lead Librarian
3	$44,414	-	$55,249	$44,414	-	$55,249	COA Outreach Coordinator
							Principal Accounting Clerk
2	$41,314	-	$51,370	$41,314	-	$51,370	*No positions assigned*
1	$41,248	-	$47,781	$41,248	-	$47,781	*No positions assigned*

* Employee of the Provincetown Public Pier Corporation

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2020, as requested by the Board of Fire Engineers, as follows:

Schedule B: Fire Department Positions

Annual Salaried Positions:	**FY2020 Current**	**FY2021 proposed**	**% change**
Fire Chief	$59,225	$59,225	0.00%
EMS Coordinator 19 Hours	$0	$38,380	New
Paramedic/Admin 19 hours	$0	$32,080	New
Annual Stipend Positions:			
1st Deputy Fire Chief	$17,000	$17,000	0.00%
2nd Deputy Fire Chief	$13,600	$13,600	0.00%
District Fire Chief/Engineer	$6,800	$6,800	0.00%
Firefighter	$800	$800	0.00%
Fire Auxiliary	$400	$400	0.00%
Fire Captain	$1,250	$1,250	0.00%
Fire Lieutenant	$800	$800	0.00%
Engine Steward	$880	$880	0.00%
Station Steward	$1,100	$1,100	0.00%
Ladder Steward	$1,300	$1,300	0.00%
LaFrance Steward	$500	$500	0.00%
Oil Inspector	$1,747	$1,747	0.00%
Rescue Steward	$3,600	$3,600	0.00%
Rescue Captain	$3,000	$3,000	0.00%
Rescue Lieutenant	$1,500	$1,500	0.00%
Rescue Training Officer	$3,000	0	

Radio Officer	$800	$800	0.00%
Air Officer	$1,500	$1,500	0.00%
Summer Standby Coordinator	$4,000	0	
Infection Control Officer	$800	$800	0.00%
Non-Firefighter Positions			
First Responders	$25.00/hr	$25.00/hr	0.00%
EMT-Basic	$26.97/hr	$26.97/hr	0.00%
EMT-Intermediate	$29.00/hr	$29.00/hr	0.00%
EMT-Paramedic	$31.83/hr	$31.83/hr	0.00%
Standby	$25.00/hr	$25.00/hr	0.00%
Safety Inspections	$20.00/hr	$20.00/hr	0.00%
Rescue Squad Participation (per quarter)	$250	$250	0.00%

Schedule C: To amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2020, as follows:

Schedule C: Seasonal and Part-time Non-Union Positions			
Grade	FY2020	FY2021	*Proposed Position Classifications*
Z	*New*	*$30.60*	Event Coordinator
T	*$24.13*	*$24.13*	Summer/On-Call Tele-communicator
N	*$21.13*	*$21.13*	Police Officer, Summer/Auxiliary
			Seasonal Deputy Harbormaster*
			Special Needs Coordinator
M	*$20.51*	*$20.51*	~~Code Compliance Officer~~
			COA Cook/Meal Coordinator
L	*$19.94*	*$19.94*	Parking Lot Technical Manager
			Returning Pier Maintenance Assistant*
			Property Inspector (Assessors)
K	*$19.38*	*$19.38*	Parking and Traffic Officers
			Returning Seasonal Assistant Harbormaster*
			Returning Pier Office Assistant*
			Police Officer, Summer/Auxiliary
J	*$18.81*	*$18.81*	Part-time Library Circulation Aide
I	*$18.47*	*$18.47*	Parking Meter Collection/Repair
			COA Program Coordinator
			COA Transport Driver
			Pier Maintenance Assistant - First Year*
			On-call van Driver
H	*$17.92*	*$17.92*	Police Matron
G	*$17.58*	*$17.58*	*No Positions Assigned*
F	*$17.07*	*$17.07*	Seasonal Assistant Harbormaster - First Year*
			Pier Office Assistant – First Year*
			Parking and Traffic Officers

			Parking Lot Assistant Technical Manager
			Parking Meter Enforcement
			Part-time Clerical
			Secretary, On-call Relief
			Transfer Station Laborer
E	*$16.76*	*$16.76*	~~Part-time Library Circulation Aide~~
			Special Need Counselor
D	*$16.28*	*$16.28*	On-call Library Circulation Aide
			Community Ambassador
			Parking Lot Attendant/Out-booth/Floater
C	*$15.80*	*$15.80*	Barrels & Grounds Laborer
			Beautification Maintenance
			Restroom Attendant
			Building Custodian
			Seasonal Recreation Supervisor
B	*$15.50*	*$15.50*	*No Positions Assigned*
A	*$15.26*	*$15.26*	~~Parking Lot Attendant/In-booth~~
			Seasonal Recreation Aides
			After School Recreation Aides
			COA Program Assistant

* Employee of the Provincetown Public Pier Corporation

or to take any other action relative thereto.

[Requested by the Select Board and the Town Manager]

Explanation of Article 22: *Schedule A is for full and part-time non-union positions that are included in the compensation plan. 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. There is NO proposed cost of living increase to the compensation plan in FY2021.*

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. There is NO proposed cost of living increase to the compensation plan in FY2021.

Article 23. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of $705,000 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. $155,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
2. $450,000 for marketing, and costs related thereto;
3. $0 for municipal projects, and costs related thereto;
4. $100,000 for tourism grants, and costs related thereto;
5. $0 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 23: *This article transfers $705,000 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.*

Article 24. FY2021 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of $64,300 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	$5,000
Cape Cod Children's Place	$6,500
Cape Cod Dispute Resolution Center	$1,500
Consumer Assistance Council	$600
Elder Services of Cape Cod & Islands	$500
Food4Kids Program/Church of the Holy Spirit	$3,000
Helping Our Women	$8,500
Homeless Prevention	$7,500
Independence House	$7,000
Lower Cape Outreach Council, Inc.	$6,000
MassAppeal	$1,200
Outer Cape Health Services	$10,000
Soup Kitchen in Provincetown	$7,000
Total	$64,300

or to take any other action relative thereto.

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

Explanation of Article 24: *In this article, the Human Services Committee recommends funding totaling $64,300, a decrease of $13,077 or 17% of the amount approved for Fiscal Year 2020. These grants support 13 agencies that are actively providing services to Town residents of all ages, particularly those most in need.*

Article 25. FY2021 Revolving Fund Spending Limits. To see if the Town will vote to establish spending limits for FY2021 for the following revolving funds established pursuant to MGL Chapter 44, Section 53E½:

FY 2021 REVOLVING FUND ANNUAL SPENDING	
Program or Purpose	**Up to a limit of**
Preservation of Town Hall Auditorium	125,000.00
Shellfish Grants	7,500.00
B-Street Garden	2,500.00
Fuel Reimbursement	125,000.00
Council on Aging Transportation	10,000.00
Affordable Housing	10,000.00
Tree Fund Revolving Account	10,000.00

Facilities and Grounds Rental Revolving Fund	30,000.00
Small Scale Climate Change Resiliency Revolving Fund	18,000.00

or to take any other action relative thereto.

[Requested by the Select Board and the Town Manager]

Explanation of Article 25: *This article authorizes the annual spending limits of nine existing revolving funds. Under Massachusetts General Law the Town's residents must renew their authorization of revolving accounts spending limits each year.*

Article 26. Funding for Economic Development Committee. To see if the Town will vote to raise and appropriate $25,000 with $1,000 for Committee expenses and $26,000 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 and the Economic Development Committee]

Explanation of Article 26: *This article provides the Economic Development Committee with funds to award 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.*

Article 27. General Bylaw Amendment: Chapter 4 Town Meeting and Town Elections *(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 4 as follows:
4-5. Date of Town elections.
4-5-1. Annual election. Beginning at 7:00 a.m. and ending at 7:00 p.m. on the ~~first~~ <u>second</u> Tuesday in May of every year, there shall be held that part of the Annual Town Meeting devoted to the election of officers and to such other matters as, by law, must be determined by a ballot. Or to take any other action relative thereto.

[Requested by the Town Manager]

Explanation of Article 27*: This General Bylaw aligns the Town Election date with the recent Charter change that moved the election from the first Monday in May to the second Monday in May.*

Article 28. Animal Welfare Committee - General Bylaw Amendment: Chapter 13 Prohibitive Activities – Section 13-2-7-3 Control of Dogs *(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:
13-2-7-3. Control of dogs. Any dog within Town boundaries must be restrained and may not be at large except as specified provided that such dog is under voice and sight control. The following are Town-owned open space off-leash areas (limited by specified times as noted): Foss Woods, Locke Property (also known as 'Whistle Path Woods'), Abandoned Railroad Right-Of-Way, and all Town-owned beaches. From Memorial Day through November 1,

Dogs may be off-leash if under voice and sight control on Town-owned beaches between the hours of 6 am and 9 am and the hours of 6 pm and 9 pm.; from November 2 through the day before Memorial Day, dogs may be off-leash if under voice and sight control on Town-owned beaches between the hours of 6 am and 9 pm; all dogs must be restrained on Town-owned beaches at all other times. In designated off-leash areas, any owner whose dog is not under voice and sight control or is out of control is in violation of this bylaw. In all other areas, any owner whose dog is at large, out of control, or not restrained is in violation of this bylaw.

A non-criminal disposition penalty will be assessed in the amount of ~~$25.00 (twenty-five dollars)~~ $50 to the owner for the first offense; ~~$50.00 (fifty dollars)~~ $100 for the second offense; ~~$75.00 (seventy-five dollars)~~ $300 for the third offense and subsequent offenses. For a fourth or subsequent offense, the fine shall be $500 and the municipality may, after a hearing, order the animal spayed or neutered. Each violation of this bylaw shall be deemed to be a separate offense.

and further to amend Schedule A of the Provincetown General Bylaws as follows:

SCHEDULE A The fine for a violation of these bylaws shall be $50.00 unless the fine is specifically set forth below.

13-2-7. Restraint of animals.

1st offense …….	~~10.00~~ $50.00
2nd offense …….	~~15.00~~ $100.00
3rd offense …….	~~25.00~~ $300.00
4th and subsequent offenses	~~50.00~~ $500.00
~~5th and subsequent offenses~~	~~75.00~~

or to take any other action relative thereto.

[Requested by the Animal Welfare Committee]

***Explanation of Article 28**: This article amends the fine schedule for violation of off-lease hours to the minimum amount allowed to be consistent with State Law. MGL Chapter 140 Section 173A Violation of Animal Control Law; the State sets minimum Non-criminal Disposition fines. A Town may by bylaw provide for an alternative procedure and a different schedule of fines; provided, however, that the fines shall not be lower than those stated. The article also limits the off-lease hours year-round to 3 hours in the morning and 3 hours in the evening, rather than all day during the off season.*

Article 29. Animal Welfare Committee - General Bylaw Amendment: Chapter 13 Prohibitive Activities – Section 13-2-7-12 Animals Left Unattended in Motor Vehicles

(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: (f) Any person who violates this bylaw shall be subject to a fine of $~~100~~ $150 for the first offense; ~~$200~~ $300 for the second offense; and ~~$300~~ $500 for the third and subsequent offenses. Each violation of this bylaw shall be deemed to be a separate offense. If the animal suffers great bodily injury, then criminal disposition is possible under M.G.L. c. 272, §77 Cruelty to Animals.

and further to amend Schedule A of the Provincetown General Bylaws as follows:

SCHEDULE A The fine for a violation of these bylaws shall be $50.00 unless the fine is specifically set forth below.

13-2-7-12 *Animals Left Unattended in Motor Vehicles*

1st offense	…….	$150.00
2nd offense	…….	$300.00
3rd offense	…….	$500.00

or to take any other action relative thereto.

[Requested by the Animal Welfare Committee]

***Explanation of Article 29**: MGL Chapter 140 Section 174F Violation of Animal Control Law; the State sets minimum Non-criminal Disposition fines. A Town may by bylaw provide for an alternative procedure and a different schedule of fines; provided, however, that the fines shall not be lower than those stated.*

***Article 30. Animal Welfare Committee - General Bylaw Amendment: Chapter 13, Prohibited Use of Animals** (Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown General Bylaws by adding the following section to Chapter 13 as follows:

13-2-7-13. No person or organization shall permit the display of animal acts and performances, including, but not limited to, animal rides and competitive animal races, of wild or exotic animals for public entertainment or amusement in circuses, carnivals or similar entities on property owned or under lease by the Town of Provincetown or on private property, or to take any other action thereto.

[Requested by the Animal Welfare Committee]

***Explanation of Article 30:** In 2002, Town Meeting adopted a non-binding resolution to prohibit the display of animal acts and performances for the purpose of entertainment and amusement. This article codifies that resolution into a bylaw and permits enforcement of a $50 fine pursuant to the General Bylaw.*

SELECT BOARD
TOWN OF PROVINCETOWN
David Abramson, Chairman
John Golden, Vice-Chairman
Robert Anthony
Louise Venden
Lise King

A TRUE COPY, ATTEST:
Phillip Gaudet
Town Clerk
Date of publishing:

SEPTEMBER 21, 2020 PROVINCETOWN TOWN MEETING INFORMATION

We've changed Town Meeting to conduct it as safely as possible in the pandemic.

DATE, TIME & PLACE

DATE & TIME: Monday, Sept. 21, 2020 at 5:00 PM
LOCATION: St. Peter the Apostle Catholic Church Parking Lot, (open air) 11 Prince Street
CHECK-IN: Check-in starts at 4:00 PM (on Mozart Street entrance to the parking lot)
RAIN DATE: Tuesday or Wednesday as necessary. Rain delay announced on day of.

HEALTH & SAFETY

MASKS: A mask or face covering must be worn at all times
SOCIAL DISTANCE: Maintain 6 feet distance from others (except those in your household).
MICROPHONES: Sanitized between speakers; keep mask on when speaking.
SEATING: Seats will be in pairs and singles; household members may sit together.
HAND SANITIZER: Sanitizer stations will be available; voters may bring their own.
FYLERS: Flyers or other materials prohibited from being distributed at town meeting.

PARKING, ENTRY, MEETING

PARKING: Vehicles park in the Grace Hall Parking Lot.
ENTRY: Entry point on Mozart Avenue off Grace Hall Lot 2 (Side of Rectory).
CHECK-IN: Line up socially distanced on Mozart. When directed, approach designated check-in station to receive voter ticket.
ENTER LOT: Proceed to single entry point in lot as directed, maintaining social distance.
SEATING: Proceed to designated seat and please remain in your seat.
MICROPHONES: Proceed to the closet microphone to speak. Do not touch the mic with your hands.

CHANGES TO IMPROVE SAFETY

QUORUM: Quorum was reduced by the Select Board to 50.
VOTING: All votes will be by raising voter ticket; there will be no voice votes.
READ ARTICLES: There will be no power point presentation of the motions. Please review warrant in advance to familiarize yourself with the articles.
DEBATE: The Moderator has limited presentations to 10 minutes/comments to 3 minutes.
FINANCE REPORT: The Finance Committee report is in the warrant; it will not be presented.

SERVICES

BATHROOMS: Port-a-potties will be available onsite.
FOOD/DRINKS: Not available due to COVID restrictions.
TRANSPORTATION: Not available due to COVID restrictions.
CHILD CARE: Not available due to COVID restrictions.

SPECIAL SERVICES

HANDICAPPED PARKING: Additional temporary Handicapped parking spaces will be provided in Lot 2 behind St Peter's Church.
HANDICAPPED BATHROOMS: Available within the parking lot.
SPECIAL NEEDS ASSISTANCE: If you feel you need a special accommodation in order to attend town meeting, please contact the Town Manager's Office in advance of the day of town meeting at 508-487-7002.

WHAT TO BRING

- Town Warrant booklet; copies will also be available at check in.
- Flashlight and reading glasses.
- Hand sanitizer, insect repellant & umbrella if needed.
- Water bottle if desired.
- Patience.

WHAT NOT TO DO

- Don't bring your own chair.
- Don't bring food unless medically required.
- Don't gather in groups during or after the meeting.

Provincetown Select Board
AGENDA ACTION REQUEST
Friday, August 21, 2020 10:30 am

2

TOWN MEETING WARRANT

Approve September 21, 2020 Annual Town Meeting Warrant for publication

Requested by: Interim Town Manager Charles Sumner **Action Sought:** Approval

Proposed Motion(s)

MOVE that the Select Board vote to approve the warrant for the September 21, 2020 Annual Town Meeting for posting and publication, as revised.

Additional Information

Board Action

Motion	*Second*	*Yea*	*Nay*	*Abstain*	*Disposition*

Provincetown Select Board
AGENDA ACTION REQUEST
Friday, August 21, 2020 10:30 am

3

CONTRACTS

Memorandum of Agreement with Pier Corp and Lower Cape Ambulance regarding COVID testing

Requested by: Interim Town Manager Charles Sumner **Action Sought:** Information

Proposed Motion(s)

No action required.

Additional Information

Pursuant to Select Board Policy Statement 2015-11-09, the Interim Town Manager signed a Memorandum of Agreement with Pier Corp and Lower Cape Ambulance regarding COVID testing. Town counsel reviewed the agreement prior to signature.

Board Action

Motion	*Second*	*Yea*	*Nay*	*Abstain*	*Disposition*

AGREEMENT

This Agreement is entered into on the 12 day of August, 2020, by and between the Town of Provincetown, by and through its Select Board, with an address of Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657 (hereinafter referred to as the "Town"), the Provincetown Public Pier Corporation, acting by and through its Board of Directors, with an address of Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657 (hereinafter referred to as the "Pier Corp."), and Lower Cape Ambulance Association, Inc., by and through its [name], with an address of 25 Shank Painter Road, Provincetown, MA 02657 (hereinafter referred to as "LCA").

RECITALS

WHEREAS, the 2019 Novel Corona Virus ("COVID-19") remains a significant threat to public health and safety in the Town of Provincetown, Cape Cod and the Commonwealth, and the Center for Disease Control and Prevention estimates that a significant portion of the population can be infected with the disease without showing any physical symptoms.

WHEREAS, as more establishments open for business and there is more interaction between employees and members of the public, there is a need to offer a safe and convenient diagnostic testing program for those who work in and around Provincetown and have no symptoms.

WHEREAS, LCA has entered into an agreement with CIC Health to develop a COVID-19 testing program using samples taken in the Town of Provincetown by representatives of the parties hereto.

WHEREAS, the Town, the Pier Corp. and LCA intend to provide a COVID-19 sample collection area on MacMillan Pier for the purpose of collecting nasal swab samples to be

transmitted to CIC health who will be responsible for laboratory testing of the samples and communication of results to patients, medical advisors and/or public health officials.

WHEREAS, the purpose of this Agreement is to establish and define the roles and responsibilities of each of the parties hereto pertaining to staffing, supplying and operating the sample collection area.

AGREEMENT

General Provisions

1. The parties agree to work together to establish and operate a sample collection area on MacMillan Pier in the Town of Provincetown for the purpose of collecting nasal swab samples to be transmitted to CIC health, who will be responsible for laboratory testing of the samples and communication of the results to patients, medical advisors and/or public health officials.
2. The parties acknowledge and agree that any financial obligations imposed by this Agreement are subject to availability of funds and, with respect to the Town and the Pier Corp., any expenditures shall be subject to appropriation therefor.
3. The parties acknowledge and agree that this is a joint effort, for which each party will be responsible for all of its own costs and expenses and that each party shall be liable for the acts and/or omissions of its own employees, volunteers and officials, and that each party participates in this program at its own risk.
4. All employment rights, compensation and benefits of employees rendering services pursuant to this Agreement shall be the responsibility of the party by which the employee is regularly employed and such employees shall not be considered employees of the other parties for any purpose.

5. All immunities and limitations from liability enjoyed by employees and volunteers of each party shall extend to their participation in rendering services under this Agreement and such employees shall maintain any rights of indemnification granted by law for any claims arising out of the actions taken within the scope of their duties.
6. Each party agrees to assume its own liability for services provided under this Agreement and, to the extent permitted by law, each party shall indemnify, defend and hold harmless the other parties from and against all claims, demands, liabilities, actions, causes of action, costs and expenses, including attorneys' fees, arising out of the actions of its employees and/or volunteers while performing services pursuant to this Agreement.
7. Each party shall provide and maintain throughout the term of this Agreement appropriate insurance coverage for liability for personal injury or property damage and all insurances for its employees, volunteers and equipment, including health and workers' compensation.

Responsibilities of the Town of Provincetown

8. The Town of Provincetown shall be responsible for supplying the sample site with internet access, power cords, a laptop computer, printer, label printer and packaging materials.
9. The Town will set up colored tape for the orderly flow of subjects waiting to be tested and it will provide one or more volunteers to assist in managing the queue.
10. The Town will laminate swabbing instructions to be kept at the site and will promote and advertise the event with proper signage.
11. The Town will provide at least one test site coordinator and one volunteer to receive and process test vials.

12. The Town will package and ship specimens to CIC and/or the lab, as directed, and will provide shipping boxes, tape, ice packs, plastic bags and coolers for proper storage of results prior to shipping. The Town may, in its discretion use additional employees or volunteers for this purpose.

13. The Town will prepare and distribute a written procedures manual detailing the steps to be followed in the event of an emergency, including instructions to staff as to how to respond to participants who faint, get bloody noses or if there is a fire or other emergency. One or more copies of the manual will be available at all time at the sample site.

14. The Town may assume such other responsibilities and provide such other materials and equipment as may be deemed necessary in the sole discretion of the Director of its Department of Health, subject to availability of funding therefor.

Responsibilities of the Pier Corp.

15. The Pier Corp. will provide a sufficient amount of space on MacMillan Pier for the sample location. Said space shall be located on an area of the Pier that is accessible to vehicle traffic and that has sufficient area to accommodate the taking of samples from members of the public. During the hours of operation of the sample site, the space designated for the sample site shall be marked as off-limits for any use or access for any reason that is not related to the sample collection program.

16. The Pier Corp. will provide a trap shed and will be responsible for moving items in and out of said shed. The Pier Corp. may, in its discretion use any number of employees or volunteers for this purpose.

17. The Pier Corp. shall provide an adequate supply of electricity and water needed to operate the sample location on MacMillan Pier, and it shall be responsible for setting up the tent prior to the start of the event and taking it down at the conclusion of the event, each day. The Pier Corp. may, in its discretion use any number of employees or volunteers for this purpose.

18. The Pier Corp. may assume such other responsibilities and provide such other materials and equipment as may be deemed necessary in the sole discretion of The Pier Manager subject to availability of funding therefor.

Responsibilities of Lower Cape Ambulance

19. LCA shall be responsible for contracting with CIC for testing and processing samples taken at the sample location and LCA shall coordinate registrations and payments by participants.

20. LCA shall provide one medical supervisor who is a trained and certified Emergency Management Technician. The medical supervisor shall be present at the sample location at all times and shall be responsible for witnessing and supervisor the collection of all samples and interactions with the public.

21. LCA shall provide PPE for all staff and volunteers working at the sample location, including but not limited to gloves, masks, face shields, smocks, cleaning materials and hand sanitizer; and it shall be responsible for cleaning and disinfecting tents, tables and equipment after each shift and at the end of each day. LCA may, in its discretion use employees or volunteers for this purpose.

22. LCA shall provide a tent or canopy for use at the sample location.

23. LCA may assume such other responsibilities and provide such other materials and equipment as may be deemed necessary in the sole discretion of _____subject to availability of funding therefor.

Miscellaneous

24. The Effective Date of this Agreement shall be the date first memorialized above.

25. This Agreement shall remain in effect for ____ from the Effective Date, or until terminated by the parties as set forth herein. The Agreement may be extended by mutual written agreement of the parties.

26. This Agreement may be terminated by any party by giving written notice to the other parties, at least fourteen (14) days prior to the effective date of termination.

27. No party shall assign, sublet or otherwise transfer its rights under this Agreement, in whole or in part, without the prior written consent of the other parties.

28. This Agreement shall not be modified or amended except by a written document executed by the parties

29. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth herein or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.

30. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and all parties hereto submit to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

31. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

32. This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral.

33. The parties acknowledge that they have carefully read the foregoing Agreement and fully understand the contents thereof, and that the signatories hereto are duly authorized to sign this Agreement on behalf of the respective parties, and that each signs and executes this Agreement as his or her free act and deed.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties haves caused this instrument to be signed by their individual representatives, whose signatures are hereto affixed.

Town of Provincetown
Select Board

Interim Town Manager

Provincetown Public Pier Corp.
Board of Directors

The Board of Directors Voted 5-0 in favor of this on 8/13/2020

Pier Manager

Lower Cape Ambulance Association, Inc.

By:

IN WITNESS WHEREOF, the parties haves caused this instrument to be signed by their individual representatives, whose signatures are hereto affixed.

Town of Provincetown
Select Board

_____

_____

_____

_____

_____

Provincetown Public Pier Corp.
Board of Directors

_____

_____

_____

_____

_____

Lower Cape Ambulance Association, Inc.

_____

By: STEVEN E RODERICK, TREASURER
COO