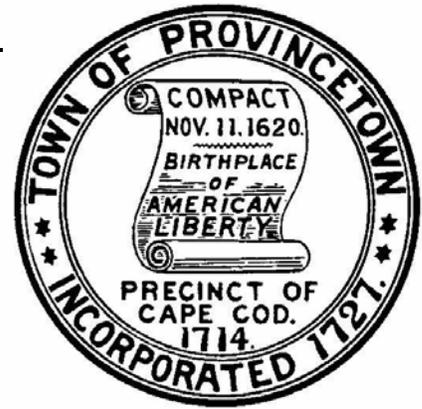


PROVINCETOWN FINANCE COMMITTEE
REPORT AND RECOMMENDATIONS
ON ARTICLES FOR THE
APRIL 2, 2018 ANNUAL &
SPECIAL TOWN MEETINGS

MONDAY, APRIL 2, 2018 AT 6:00 P.M.
TOWN HALL AUDITORIUM



Town Hall
Provincetown, Massachusetts

Finance Committee Report and Recommendations to the Voters

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FINANCE COMMITTEE 2018 REPORT

Dear Town Voters,

Fiscal management and community housing top the list of the policy goals established by our Board of Selectmen. To quote specifically:

“A plan to create year-round rental housing needs to be a centerpiece of a broader strategy to increase the Town’s year-round population. “

“A 10-year financial plan has been constructed last to serve as the foundation of our fiscal management efforts. Prudent financial planning requires looking out over a longer-term time horizon to understand the financial implications of the decisions we take as we move from one budget year to the next.”

The Finance Committee is happy to report that we are well on our way to achieving both of these goals. In overwhelmingly passing the measure that allows the Year Round Rental Housing Trust (a measure initiated by the Finance Committee) as well as to purchase the Harbor Hill complex for full-time, year-round rental housing, we can now see our goal on the horizon to have a growing number of women and men call Provincetown “home” rather than a place they commute to for work or visit for weekends and/or vacations. It is a fantastic start, but we must not rest on our laurels and keep working to make the percentage of this next tier of housing exactly the same as our Affordable Housing stock where we have also done a great job of bringing the Town close to the Commonwealth’s recommended level of 10%. That is why this year we have proposed a \$75k expenditure to have a development consultant/construction expert assist the Town in finding the best way to maximize the use of the vacant VFW space as well as the land that will be vacated when the new police station is completed. The sort of expertise to bundle these two parcels together, attract a developer, and meet the above goals is not something any of our existing Town employees has. This development is key to putting our housing goals forward to the next level.

With the above good news on our Housing goals, there comes a warning: we are getting very close to our levy limit and are quickly reaching the point (depending on what happens this year, in fact) where we could be asking to approve Operating Budget overrides. What does this mean? It simply means we are not living within our means because the regular expenditures to operate the Town will exceed our capacity to fund those expenses through real estate taxes and addition income the Town can generate on its own. Unless these expenses are tamed in the next one to two years, there is really only two ways to "make room" in the Town's operating budget for new investments in housing and any other expenses we wish to consider; one is to cut the rate of growth of salaries and benefits of Town employees and the only way to do that is to reduce the number of Town employees modestly over time, or institute a yearly chain of Prop 2 ½ overrides. No one wants to take this route.

We can see these financial realities clearly in the operating budget being presented to Town Meeting by our Board of Selectmen. Operating Budget expenses are proposed to grow by 4.9% in FY2019, to \$27,160,123. These numbers include no new funding for housing. To highlight some areas of increase: Fire Department at 16.0% as we move to a more professionalized force, Benefits and Other Insurance at 4.8% with even this number being an estimate, payroll at 7.4% (contractual increases), education 8.9%.

To add to all of these financial realities, our CIP five-year plan projects that we will be borrowing and spending a total of \$28,949,347. Clearly, we have some items where we need to think about the timing of, and the value of, and even the wisdom of putting forward.

To put this growth rate in context – a budget growing 2.5% per year takes about 29 years to double in size, a budget growing 4.2% per year takes about 17 years to double in size. Many of us will be here in 17 years, and doubling our taxes is just not an option.

We need to make choices

No financial choices are easy choices. Town Meeting must agree on how we are going to pay for the facilities, programs and services we want the Town to provide.

If we choose to maintain the staffing levels that are currently in the budget for all Town departments, salaries and benefits will not grow by less than 4% per year.

Our list of "infrastructure" needs and wants is long as we strive to maintain and improve our roadways, the pier, keep ahead of storm requirements, and maintain important Town buildings. So debt service will not decline. It is only a question of how much it will rise.

Conclusion

The Finance Committee strongly advocates retraining growth in the Town's operating budget to approximately 2.5% beyond FY2019 and to stay within our tax levy capacity, voting down any Prop 2 ½ operating overrides to keep our fiscal discipline. We believe the best way to slow expense growth is through personnel attrition and the best way to fund growth higher taxes, restraining more borrowing as interest rates climb. We are on our way to building a more sustainable, year-round Provincetown. Let us keep this good work moving forward.

Respectfully submitted,

The Provincetown Finance Committee

MARK HATCH, CHAIR
MARK BJORSTROM
STANLEY SIKORSKI
KATHLEEN GOODWIN

SCOTT VALENTINO, VICE CHAIR
MARK DEL FRANCO
DUANE STEELE

DEFINITION OF KEY TERMS FOR TOWN MEETING VOTERS

Appropriation – An authorization granted by a town meeting, city council or other legislative body to expend money and incur obligations for specific public purposes. An appropriation is usually limited in amount and as to the time period within which it may be expended.

Available Funds – Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other onetime costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus, and enterprise net assets unrestricted (formerly retained earnings).

Bond Rating (Municipal) – A credit rating assigned to a municipality to help investors assess the future ability, legal obligation, and willingness of the municipality (bond issuer) to make timely debt service payments. Stated otherwise, a rating helps prospective investors determine the level of risk associated with a given fixed-income investment. Rating agencies, such as Moody's and Standard and Poor's, use rating systems, which designate a letter or a combination of letters and numerals where AAA is the highest rating and C1 is a very low rating.

Capital Improvements Program – A blueprint for planning a community's capital expenditures that comprises an annual capital budget and a five-year capital program. It coordinates community planning, fiscal capacity and physical development. While all of the community's needs should be identified in the program, there is a set of criteria that prioritizes the expenditures.

Capital Outlay Expenditure Exclusion – A temporary increase in the tax levy to fund a capital project or make a capital acquisition. Exclusions require two-thirds vote of the selectmen or city council (sometimes with the mayor's approval) and a majority vote in a community-wide referendum. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling.

Debt Exclusion – An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy, but outside the limits under Proposition 2½. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 2½, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

Enterprise Fund – An enterprise fund, authorized by MGL Ch. 44 §53F½, is a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate to the public the portion of total costs of a service that is recovered through user charges and the portion that is subsidized by the tax levy, if any. With an enterprise fund, all costs of service delivery—direct, indirect, and capital costs—are identified. This allows the community to recover total service costs through user fees if it chooses. Enterprise accounting also enables communities to reserve the "surplus" or net assets unrestricted generated by the operation of the enterprise rather than

closing it out to the general fund at year-end. Services that may be treated as enterprises include, but are not limited to, water, sewer, hospital, and airport services.

Fiscal Year (FY) – Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. Since 1976, the federal government fiscal year has begun on October 1 and ended September 30.

Free Cash –A revenue source which results from the calculation, as of July 1, of a community's remaining, unrestricted funds from operations of the previous fiscal year based on the balance sheet as of June 30. It typically includes actual receipts in excess of revenue estimates and unspent amounts in departmental budget line-items for the year just ending, plus unexpended free cash from the previous year. Free cash is offset by property tax receivables and certain deficits, and as a result, can be a negative number.

General Fund – The fund used to account for most financial resources and activities governed by the normal town meeting/city council appropriation process.

GASB 45 – The Governmental Accounting Standards Board's major pronouncement that each public entity account for and report other postemployment benefits (See OPEB) in its accounting statements. Through actuarial analysis, municipalities must identify the true costs of the OPEB earned by employees over their estimated years of actual service.

Governmental Accounting Standards Board (GASB) – The ultimate authoritative accounting and financial reporting standard-setting body for state and local governments.

Levy – The amount a community raises through the property tax. The levy can be any amount up to the levy limit, which is re-established every year in accordance with Proposition 2½ provisions.

Levy Ceiling – A levy ceiling is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that, in any year, the real and personal property taxes imposed may not exceed 2½ percent of the total full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion. (See Levy Limit)

Levy Limit – A levy limit is one of two types of levy (tax) restrictions imposed by MGL Ch. 59 §21C (Proposition 2½). It states that the real and personal property taxes imposed by a city or town may only grow each year by 2½ percent of the prior year's levy limit, plus new growth and any overrides or exclusions. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion. (See Levy Ceiling)

Long-Term Debt – Community borrowing, or outstanding balance at any given time, involving loans with a maturity date of 12 months or more. (See Permanent Debt)

Maintenance Budget – A no-growth budget that continues appropriations for programs and services at their current year levels. The actual appropriation to maintain programs and services may still increase due to inflation or other factors.

OPEB (Other Postemployment Benefits) – Employees of state and local governments may be compensated in a variety of forms in exchange for their services. In addition to a salary, many employees earn benefits over their years of service that will not be received until after their employment with the government ends. The most common type of these postemployment benefits is a pension. Postemployment benefits other than pensions generally take the form of health insurance and dental, vision, prescription, or other healthcare benefits provided to eligible retirees, including in some cases their beneficiaries. They may also include some type of life insurance. As a group, these are referred to as OPEB. (See GASB 45)

Override – A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount. (See Underride)

Proposition 2 ½ – A state law enacted in 1980, Proposition 21/2 regulates local property tax administration and limits the amount of revenue a city or town may raise from local property taxes each year to fund municipal operations.

Raise and appropriate – To obtain the necessary funds by transfers from available cash or other funds or by borrowing and “earmarking” these funds for this specific purpose.

Stabilization Fund – A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Communities may establish one or more stabilization funds for different purposes. In any one year, a community may appropriate into them an amount not to exceed, in total for all stabilization funds, ten percent (10%) of the prior year’s tax levy. In addition, the total of all stabilization fund balances cannot exceed ten percent (10%) of the community’s equalized property value. Any interest is added to and becomes a part of the funds.

Underride – A vote by a community to permanently decrease the tax levy limit. As such, it is the exact opposite of an override. (See Override)

Unfunded OPEB Liability – This is the difference between the value assigned to the benefits (other than retirement) already earned by a municipality’s employees and the assets the local government will have on hand to meet these obligations. While there is no requirement in Massachusetts to fund this liability, GASB 45 requires that the dollar value of the unfunded OPEB liability is determined every two years. (See GASB 45; OPEB)

DEBT POLICY and UPDATE

The Board of Selectmen passed the Debt Policy listed below on March 17, 2014

Debt Limits

- The Town will strive to limit borrowing so that its total annual general fund debt service is ten percent or less of gross revenues.
- Self-supporting debt such as Land Bank, Community Preservation and Enterprise Fund debt are excluded from the 10% limit.
- For each town meeting article requesting borrowing authorization the narrative shall inform the attendees of the article's impact on the 10% limit.
- The Town will limit total general obligation debt to a maximum of 2.5% of the total assessed value of property in the Town.
- The Town's Finance Director and Treasurer will calculate debt limits established by law and policy at least once each year and whenever otherwise requested or appropriate.
- The Treasurer and Finance Director will report debt structure and strategy for debt service to the Board of Selectmen and Finance Committee no less than twice a year.

Annual Reporting

The Town's Annual Town Report; the Town Manager's Budget Request; the Town Manager's Five Year Fiscal Policy Plan; and the Finance Committee's report to the Annual Town Meeting will include comprehensive summaries of the debt obligations of the Town.

The general fund debt service budget for FY 2018 is \$2,033,279 which is 7.5% of general fund revenues.

DEBT SUMMARY

The following information was excerpted from the Town's fiscal year 2017 independent auditor's report.

Debt service requirements (gross) for principal and interest for government bonds and notes payable in future years are as follows:

<u>General Fund</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2018	1,889,164	543,195	2,432,359
2019	1,749,164	485,814	2,234,978
2020	1,502,296	433,736	1,936,032
2021	1,492,296	387,784	1,880,080
2022	1,455,296	432,358	1,797,654
2023	1,370,296	295,956	1,666,252
2024	1,354,884	251,134	1,606,018
2025	1,279,884	206,411	1,486,295

2026	1,140,000	165,921	1,305,921
2027	1,025,000	129,387	1,154,387
2028	835,000	94,822	929,822
2029	825,000	67,479	892,479
2030	460,000	39,948	499,948
2031	295,000	27,093	322,093
2032	170,000	21,288	191,288
2033	170,000	16,888	186,888
2034	165,000	12,488	177,488
2035	150,000	4,250	154,250
2036	150,000	4,125	154,125
	17,478,280	3,530,076	21,008,356

(Page 46 FY 2017 DRAFT Audit Report)

The annual principal and interest payments to retire all Water and Sewer enterprise activities long-term debt outstanding as of June 30, 2017, are as follows:

Enterprise Funds	Principal	Interest	Total
2018	2,294,555	772,843	3,067,398
2019	2,308,197	717,489	3,025,686
2020	2,273,014	606,509	2,879,523
2021	2,552,516	614,182	3,166,698
Future Years	22,360,120	4,874,535	27,234,655
	31,518,858	7,491,804	39,010,662

(Page 48 FY 2017 DRAFT Audit Report)

Town Warrant

Special Town Meeting – Monday, April 2, 2018

Commonwealth of Massachusetts Barnstable, ss.

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

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday, the second day of April, A.D. 2018 at 6 o'clock in the evening**, then and there to act on the following articles, to wit:

Article 1. FY 2018 Budget Adjustments. To see what amendments the Town will vote to make to the Fiscal Year 2018 operating budgets established under Article 2 of the April 2017 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS to indefinitely postpone 4-0-0

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

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS to indefinitely postpone 4-0-0

Article 3. Close Prior Year Unspent Articles. To see if the Town will vote to close and transfer from the following unspent articles; or to take any other action relative thereto.

1. 2010 STM Article 15 Land Bank Preacquisition Expenses – Unspent appropriation to be closed and transferred to the Land Bank Fund

2. 2012 STM Article 8 Cemetery Lot Buyback – Unspent appropriation to be closed and transferred to the Sale of Cemetery Lots Fund

or to take any other action relative thereto.

[Requested by the Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 4. Rescind Borrowing Authority. To see if the Town will vote to rescind the following unused borrowing authorizations:

Date of Vote	Town Meeting	Art No.	Purpose	Fund	Amount Authorized	Total Borrowed to 4/02/18	Rescind Unused Balance
4/04/11	2011 ATM	5-5	DPW Fleet	General	\$181,782	\$179,617	\$2,165
4/10/12	2012 ATM	5-11	Emergency Shelter Shutter Grant	General	\$406,417	\$11,836	\$394,581

4/01/13	2013 STM	14	Excavator	Water Enterprise	\$55,000	\$50,000	\$5,000
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or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 5. Request for Bulletproof Vests for the Police Department. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$11,000 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of 12 bulletproof vests; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 6. Request for Radar Speed Advisory Signs for the Police Department. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,800 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two radar speed advisory signs; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 7. Provincetown Schools Special Education Funding. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$199,744 to be expended under the direction of the School Superintendent for costs associated with a residential placement of a student in fulfillment of an Individual Education Plan; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 8. Aquaculture Support Services. To see if the Town will raise and appropriate or transfer from available funds the sum of \$8,000 to be expended under the direction of the Town Manager and Shellfish Constable to install four (4) additional nursery boxes, with associated plumbing, at Bennett Pier Nursery and to pay for fees associated with the pre-permitting process of aquaculture on the Town's tidal flats; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 9. Charter Commission Expenses. To see if the Town will vote to transfer from free cash the sum of \$6,575 for the printing and distribution of the Final Report of the Provincetown Charter Commission, which must be distributed by law according to the provisions of MGL 43B, Sec. 11, to each residence of one or more registered voters; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 10. CIP Request for Replacement of Fire Vehicles. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the following sums for replacement of two fire vehicles provided that one or more of the appropriations listed below shall be contingent on a Proposition 2 1/2 debt exclusion ballot question:

1. Fire Truck I - \$500,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the 2002 Freightliner, and costs related thereto;

2. Fire Truck II - \$500,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the 2003 HME, and costs related thereto; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

RECOMMENDATION PENDING

Town Warrant

Annual Town Meeting – Monday, April 2, 2018

Commonwealth of Massachusetts Barnstable, ss.

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

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday, the second day of April, A.D. 2018 at 6 o'clock in the evening**, then and there to act on the following articles, to wit:

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

[Requested by the Board of Selectmen]

REGULAR AGENDA

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

Budget Divisions	FY 2018	FY 2019	% change
I. General Government	\$1,096,663	\$984,238	-10.3%
II. Finance	10,670,832	11,019,297	+3.3%
III. Public Safety	5,931,957	6,415,920	+8.2%
IV. Public Works	3,506,738	3,674,739	+4.8%
V. Public Services	871,998	918,582	+5.3%
Sub-total, I-V	\$22,078,188	\$23,012,776	+4.2%
VI. Public Schools	3,809,164	4,147,347	+8.9%
Total, I-VI	\$25,887,352	\$27,160,123	+4.9%

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS 4-0-0

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

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

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 4. FY 2019 Enterprise Funds. To see if the Town will vote to raise and appropriate or transfer from available funds the following amounts for enterprise funds of the Town of Provincetown for Fiscal Year 2019:

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

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

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS 4-0-0

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

[Requested by the Board of Selectmen]

FINANCE COMMITTEE RECOMMENDS 4-0-0

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

[Requested by the Board of Selectmen]

FINANCE COMMITTEE DOES NOT RECOMMEND 4-0-0

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

[Requested by the Board of Selectmen]

FINANCE COMMITTEE DOES NOT RECOMMEND 4-0-0

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

[Requested by the Board of Selectmen]

FINANCE COMMITTEE RECOMMENDS 3-1-0

Article 9. Community Preservation Budget for FY 2019. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation

Budget, to appropriate or reserve for future spending the following amounts as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves: Part 1
 - A. \$63,343 for Open Space;
 - B. \$380,055 for Community Housing;
 - C. \$63,343 for Historic Resources;
2. Debt Service Appropriations: Part 2
 - A. \$204,575 for Community Housing debt service;
 - B. \$50,354 for Open Space debt service;
 - C. \$159,856 for Historic Preservation debt service;
3. Grant Requests Appropriations: Part 3
 - A. Community Housing - \$15,000 for the Cape Housing Institute, a training and education program through the Community Development Partnership (CDP), and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the CDP.
 - B. Community Housing - \$50,000 for a Housing Down Payment Assistance Program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.
 - C. Community Housing - \$50,853 for the Community Housing Office, including a full-time Housing Specialist and Community Preservation Act (CPA) administration.
 - D. Administrative Expenses - \$20,000 for CPA administrative expenses; or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 10. FY 2019 Capital Improvements Program. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the following sums to defray the costs of the Fiscal Year 2019 Capital Improvements Program submitted in accordance with Chapter 9, Section 2 of the Provincetown Charter as follows, provided that one or more of the appropriations listed below shall be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question:

1. Fire Department Radio Replacement - \$269,446 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of 39 portable and 11 mobile radios with digital ready FCC, P-25 and MA Communication Plan compliant radios; and costs related thereto;
2. Fire Department Pick-up Truck - \$50,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of a new 4-wheel drive pickup truck to replace the existing Hummer; and costs related thereto;
3. Fire Department Deputy Chief Vehicle - \$60,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the Deputy Chief's vehicle; and costs related thereto;
4. Marine Department Harbormaster Pick-up Truck Replacement - \$17,500 to be expended under the direction of the Town Manager to pay for the Town's portion of the replacement of the Harbormaster's vehicle; and costs related thereto;
5. Police Department Radio Replacement - \$325,368 to be expended under the direction of the Town Manager and the Chief of Police for the replacement of the Police Department's mobile radios with digital ready FCC, P-25 and MA Communication Plan compliant radios; and costs related thereto;
6. Police Fleet Upgrade Plan - \$110,520 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police vehicles pursuant to the Police Fleet Replacement Plan and one Parking Enforcement vehicle; and costs related thereto;
7. Public Works Fleet Replacement - \$125,000 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of a Highway Department backhoe; and costs related thereto;

8. DPW Street and Sidewalk Maintenance and Repair - \$55,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance and repair of streets and sidewalks; and costs related thereto;
9. Commercial Street Reconstruction - \$1,075,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the design and construction of Phase IV Reconstruction of Commercial Street; and costs related thereto;
10. Bradford/Prince Street Intersection Rehabilitation - \$340,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund design and construction for the rehabilitation of the Bradford Street and Prince Street intersection; and costs related thereto;
11. Pier Infrastructure Maintenance - \$200,000 to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation for the Maintenance and Improvement Program for MacMillan Pier; and costs related thereto;
12. Storm Water Management - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the Town's drainage system in conjunction with applying for various grants that may become available; and costs related thereto;
13. Pavement Management Plan - \$225,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue additional roadway paving maintenance as outlined in the Town-wide Pavement Management Plan; and costs related thereto;
14. Public Works Building Maintenance - \$75,000 to be expended under the direction of the Town Manager and the Director of Public Works for fire suppression system upgrades in the computer server rooms of Town Hall, Veterans Memorial Community Center and the Provincetown Public Library; and costs related thereto;
15. Fire Department Main Station Boiler Replacement - \$105,513 to be expended under the direction of the Town Manager and the Department of Public Works for the replacement of the boiler in the Main Fire Station; and costs related thereto;
16. Marine Department Shoreline Protection Projects - \$200,000 to be expended under the direction of the Town Manager for funding and grant requests for beach nourishment and shoreline protection projects; and costs related thereto;
17. Pilgrims' First Landing Park - \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the rehabilitation of Pilgrims' First Landing Park; and costs related thereto;
18. Use of Parking Funds for Municipal Lot Equipment Upgrades - \$450,000 from the Parking Fund to be expended under the direction of the Town Manager for the Parking Control System and Revenue Collection System for the Town Parking Lots; and costs related thereto;
19. Water Department-Fleet Replacement - \$30,000 to be expended under the direction of the Town Manager and the Water Superintendent for the replacement of a Water Department pickup truck pursuant to the Water Fleet Replacement Plan; and costs related thereto;
20. Water Department-Winslow Water Tank Maintenance - \$450,000 to be expended under the direction of the Town Manager and the Water Superintendent to fund routine maintenance of the Winslow Water Tank to avoid structural problems and maintain water quality; and costs related thereto; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 11. General Purpose Stabilization Fund Reserves. To see if the Town will vote to raise and appropriate or transfer from available funds \$290,000 to fund the General Purpose Stabilization Fund; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

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

FINANCE COMMITTEE RECOMMENDS 4-0-0

PETITIONED ARTICLES

Article 13. Petitioned Article – No Neonics. To see if the Town will vote to ban the sale and import of all Nicotinicotinoids, including the import of plants treated with said ingredient, in the Town of Provincetown effectively immediately. *(Requested by Tracy Kachtick-Anders and others)*

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

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

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

(Requested by Jennifer Cabral and others)

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

- 1) To recommend to Town Meeting amendments to zoning bylaws to create a new designation of “Tiny House Village,” consisting of a lot with multiple year-round occupied Tiny House dwellings (defined as a detached structure of less than 500 square feet containing a single dwelling unit on an approved foundation). The Tiny House owner will sign a land lease (or similar vehicle for use of the land). If the Tiny House owner chooses, the owner will be able to remove the Tiny House from the foundation for transport.
- 2) To review the MA Attorney General ruling approving the Town of Nantucket articles on Tiny Houses, as well as the articles themselves, and determine implications and possible opportunities for Provincetown.
- 3) To assess the VFW property, and if possible other Town-owned properties, for the creation of a Tiny House Village. To determine the maximum allowable density for the site, either as a Tiny House Village or sharing the site with units based upon Town housing needs whether studio, 1 bedroom or family-sized units. Items to consider include ideal density to balance green space, a buffer zone for neighboring properties, sufficient room for parking, and other needs.

- 4) To survey Town residents to determine the number of people interested in living in an off-grid tiny house or on-grid tiny house, as an owner, renter, or in a rent-to-own scenario, as well as learn how soon they would be ready to move into a Tiny House.
- 5) To direct the appropriate Town boards or personnel to continue to identify Town-owned properties that may be suitable for Tiny House use.
- 6) To explore avenues to allow for year-round use of Tiny Houses built on moveable trailers. Or take any other action relative thereto.

(Requested by Stephan Cohen and others)

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

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

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

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

(Requested by Stephan Cohen and others)

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

(Requested by Stephan Cohen and others)

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

(Requested by Alison Dwyer and others)

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

(Requested by Tracy Kachtick-Anders and others)

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

13-7. Polystyrene Reduction Bylaw

13-7-1. Purpose and Intent

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

1. Harm to marine and terrestrial animals through ingestion.
2. Pollution and degradation of the terrestrial and coastal environment.
3. Human exposure to styrene, which is derived from benzene and used in the manufacture of polystyrene. Occupational studies have shown risks for leukemia and lymphoma, and genetic damage to white blood cells. Styrene is “reasonably anticipated to be a human carcinogen” (US Department of Health and Human Services, 2016).
4. Disposal burdens of difficult to recycle plastics for solid waste collection and recycling facilities.

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

13-7-2. Definitions

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

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

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

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

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

13-7-3. Use Regulations

Polystyrene disposable food service containers, cutlery, and new polystyrene packing peanuts shall not be used or sold by food establishments and/or retail establishments within the Town of Provincetown on or after

June 1, 2019. Any stock remaining after that date shall be accepted for disposal free of charge, through June 30, 2019, at the Provincetown Transfer Station/Recycling Center.

This bylaw shall not apply to:

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

13-7-4. Administration And Enforcement

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

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

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

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

13-7-5. Severability

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

(Requested by Anne Stott and others)

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 21. Petitioned Article – General Bylaw Amendment. Single Use Plastic Straw Ban Bylaw.

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

13-8. Single Use Plastic Straw Ban

13-8-1. Intentions and Findings.

It has been found that:

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

Because Provincetown has a duty to protect the natural environment, the economy, and the health of its citizens, this amendment proposes to ban the sale or dispensing of single use plastic straws, including those

made from polyethylene, polypropylene, and polystyrene, by any food establishment, retail establishment, or public venue in the Town of Provincetown.

13-8-2. Definitions

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

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

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

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

13-8-3. Use Regulations

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

13-8-4. Administration And Enforcement

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

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

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

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

13-8-5. Severability

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

(Requested by Anne Stott and others)

FINANCE COMMITTEE HAS NO RECOMMENDATION

TOWN BOARD ARTICLES

Article 22. Home Rule Petition/Charter Amendment/Additional Alternate on

Conservation Commission. To see if the Town will vote to instruct its senator and representative in the General Court to file a home rule petition for a special act to read as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, and provided further that if the revised charter is approved by the voters at the May 1, 2018, Annual Town Election, no such petition pursuant to a vote in favor of this article shall be submitted to the General Court, and provided further that if the revised charter is approved by the voters at the May 1, 2018 Annual Town Election, no such petition pursuant to a vote in favor of this article shall be submitted to the General Court.

The Charter of the Town of Provincetown, which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, is hereby amended by changing Chapter 6, Section 6-1, to add a second alternate member to the Conservation Commission, for a total of five regular members and two alternate members, to read as follows:

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

[Requested by the Conservation Commission]

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

[Requested by the Finance Committee]

RECOMMENDATION PENDING

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

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

RECOMMENDATION PENDING

Article 25. General Bylaw Amendment: Anti-discrimination Policy. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown General Bylaws by amending §6-4-7, as set forth below:

6-4-7. Anti-discrimination clause Policy. It is the policy of the Town of Provincetown to uphold the human rights of all persons in Provincetown and the free exercise and enjoyment of any and all rights and privileges secured by the Constitution, Law, Bylaws and Regulations of the United States, the Commonwealth of Massachusetts, and the Town of Provincetown. As such, actions that may deny or tend to deny or intend to

deny to an individual equal access or opportunity in matters of housing, employment, education, municipal services, contracts, purchasing or public accommodations on the basis of age, ancestry, color, disability, family status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation, are hereby prohibited. No lease or contract for services or public works and public building construction contracts shall be entered into by any Town authority without an anti-discrimination clause “that no person shall, on the grounds of race, color, national origin, sex or sexual preference, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any form.” certification signed by the contractor as follows:

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

[Requested by the Finance Committee]

RECOMMENDATION PENDING

Article 26. Visitor Services Board – Amendments to Board Composition. To see if the Town will vote to amend its previous vote under Article 64 of the April 5, 1999, Annual Town Meeting relative to the composition of the seven member Visitor Services Board by deleting representative appointments and replacing with the following:

The Visitor Services Board shall consist of seven regular members appointed at large by the Board of Selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 27. Human Resources Expert. To see if the Town will vote to raise and appropriate the sum of \$20,000 to hire an expert human resources consultant per the Town’s proposed Charter Amendments provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with MGL Chapter 59, Section 21 C(m) and passage of the Charter Amendments ballot vote; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE RECOMMENDS 4-0-0

GENERAL BYLAW AMENDMENT ARTICLES

Article 28. General Bylaw Amendment: Chapter 5, Section 15 Economic Development Permits. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 5-15 as follows:

Provincetown General Bylaw 5-15. Economic Development Permits

1. The Board of Selectmen is hereby authorized to issue economic development permits. The Board shall adopt guidelines, hereinafter referred to as “Permit Guidelines,” for such economic development. Applications for an economic development permit shall be filed in the Office of the Board of Selectmen. The Board shall consider its guidelines with respect to each permit application. Economic development permits may be used

to qualify for such preferences and permits as may be established by the Town or its boards or officers by guidelines, regulations or bylaws having as their purpose fostering year-round economic development. Each property for which an economic development permit is granted shall be deemed a public service use under Section 3 of Chapter 15 of the Acts of 2000. Economic development permits may require the execution of an agreement, a covenant or other recordable instrument that ensures the continued use of the property in question for purposes consistent with the Permit Guidelines and the conditions pursuant to which the economic development permit was issued.

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

3. The Town's remedies shall include, without limitation, revocation of an Economic Development Permit by order of the Board of Selectmen, which order may be made 30 days after the date notice is given by mail to the property owner if the Selectmen's determination, after a public hearing, that the owner has failed to continuously maintain the approved use, or that the owner has commenced a use on the premises other than, or in addition to, the approved use, unless an additional use is otherwise permitted under the Town zoning bylaws and is merely de minimus in nature, whereupon all rights arising from this Economic Development Permit shall be forfeited, including without limitation, any Growth Management Permit or increased sewage flow allocation that may have been granted with respect to the premises, notwithstanding that the premises may have been assessed a betterment or special assessment relating to the increased sewage flow allocation and the allowed use shall be deemed to be expressly abandoned by the property owner, pursuant to Section 6200-3 of the Growth Management Bylaw of the Town.

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

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 29. General Bylaw Amendment: Chapter 6, Section 2: Employment.

(Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 6-2-1 as follows:

6-2-1. Solicitation of candidates. No employee shall be hired by any agency of the Town without there first being solicitation of candidates for the position in a newspaper of general circulation in the Town for at least two consecutive weeks. Except, however, where the Town Manager determines that one or more internal candidates exist who exhibit qualifications, ability, and reliability, and are worthy of consideration and promotion then an internal posting of the vacancy for a minimum of seven (7) working days shall be posted in a conspicuous place listing the pay, duties and qualifications. Interested employees shall apply in writing to the Town Manager within the seven (7) working day period; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

FINANCE COMMITTEE RECOMMENDS 4-0-0

ZONING BYLAW AMENDMENT ARTICLES

Article 30. Zoning Bylaw Amendment: Definition of Seats. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions, by deleting the definition of Seats.

~~Seats: Spaces for sitting or standing, associated with an eating or drinking establishment, with a table, shelf, bar or counter greater than 8 ½ inches in depth on which to set food or drink, without regard to service, shall be considered seats for the purposes of Growth Management. Outdoor benches and chairs adjacent to and facing, but not fenced, roped or otherwise separated from, a public or private way, without an associated 8 ½ inch surface on which to set food and drink, and which are available as a public amenity, shall not be considered seats; or to take any other action relative thereto.~~

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

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 31. Zoning Bylaw Amendment: Accessory Dwelling Units. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses and Section 2450 as follows:

2440 Permitted Principal Uses

A. Residential	Res1	Res2	Res3 ResB	TCC	GC	S	M
A1a Single Family Dwelling							
1. one per lot	YES	YES	YES	YES	YES	NO	NO
2. two per lot (each separate structure)	PB ²⁰ <u>NO</u>	PB ⁽²⁰⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	NO	NO
3. three per lot	NO	PB ²⁰ <u>NO</u>	PB ⁽²¹⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	NO	NO
4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b Two Family Dwelling							
1. one per lot	PB ²⁰ <u>NO</u>	PB ⁽²⁰⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	NO	NO
2. two per lot (each separate structure)	NO	NO	PB	PB	PB	NO	NO
3. three per lot	NO	NO	PB	PB	PB	NO	NO
4. four or more per lot	NO	NO	PB	PB	PB	NO	NO

2450 Permitted Accessory Uses

G. Residential	Res1	Res2	Res3 ResB	TCC	GC	S	M
G17 Accessory Dwelling Unit (4)	BA <u>YES</u> ²⁰	<u>NO</u>	<u>NO</u>				

And Delete Footnote 4 in its entirety..

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

And Amend Footnote 20 as follows:

Footnote 20: ~~By Special Permit from the Planning Board, e~~One accessory dwelling unit may be allowed in the Res1 Zoning District, for a total of two dwelling units per lot; in Res2 Zoning District for a total of three dwelling units per lot; and in the Res3, ResB, TCC and GC Zoning Districts when the lot area limits the number of dwelling units to one or two, and there are no more dwelling units on the lot than the number allowed under this Bylaw, for a total of no more than three dwelling units per lot. ~~only if the~~All accessory dwelling units shall meet the following criteria ~~are met~~: the accessory dwelling unit is deed restricted for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.

And Delete Footnote 21 in its entirety:

Footnote 21: ~~By Special Permit from the Planning Board, one accessory dwelling unit may be allowed in the Res3, ResB, TCC and GC Zoning Districts when the lot area limits the number of dwelling units to one or two, and there are no more dwelling units on the lot than the number allowed under this Bylaw, for a total of no more than three dwelling units per lot, and only if the following criteria are met: the accessory dwelling unit is for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.~~

And

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

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

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

And Delete Section 4800 Affordable Housing ByLaw in its entity.

And amend Article 1 Definitions as follows:

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

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

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 32. Zoning Bylaw Amendment: Growth Management. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 6, Growth Management, Section 6600 Growth Limit Goal Allocations as follows:

3. Growth Management Review. Annually, by January ~~15~~31~~st~~, the Town Manager, in consultation with the DPW Director, Water Superintendent, Permit Coordinator, Planning Board, Board of Health, Water & Sewer Board, and Provincetown Community Housing Council (PCHC) shall evaluate the effects of growth on our resources over the past year, including but not limited to potable water supply, solid waste disposal, wastewater disposal, and the inventory of affordable housing and a review of the demand for Category 4a and issue an Annual Growth Management Report to the Board of Selectmen on those impacts and their recommendations therefor. The Board of Selectmen shall hold a Public Hearing on the Report within 30 days, and make a determination as to the amount of the Growth Limitation Goal Allocations, not to exceed the assigned allocations in Section 6600 for the upcoming year.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 33. Zoning Bylaw Amendment: Overlay Districts Harborfront. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2312 Applicability as follows:

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

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

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 34. Zoning Bylaw Amendment: Building Scale. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2640, Building Scale as follows:

2640 Building Scale

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

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

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 35. Zoning Bylaw Amendment: Commercial Accommodations. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions:

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

~~**Hotel, Motel, Dormitory Housing** shall mean a building or group of buildings providing sleeping accommodations (but not individual cooking facilities) for persons lodged with or without meals on a transient basis for compensation, but not meeting the definition of "Boarding, Lodging or Tourist Home or Inn." Dormitory housing may be on a seasonal or year round basis, but must be for more than a month, and may be related to employment, educational or cultural purposes.~~

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

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

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

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

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

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

And further

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

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

B.	Business	Res1	Res2	Res3	TCC	GC	S	M
----	----------	------	------	------	-----	----	---	---

				ResB				
B3	Hotel, motel or inn ²	BA	BA	YES ³	YES ²	YES ²	NO	NO

And further to delete footnote 2 and 3:

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

And add new footnote 2:

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

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

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

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

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

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

And

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

B. Business	Res1	Res2	Res3 ResB	TCC	GC	S	M
B14 <u>Marijuana Establishments, Retail</u> ¹⁹	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>
B15 <u>Marijuana Establishments, Industrial</u> ¹⁹	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>

D. Institutional	Res1	Res2	Res3	TCC	GC	S	M
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				ResB				
D7	Medical Marijuana Treatment Center ¹⁹	NO	NO	PB	NO	PB	NO	NO

And further to amend footnote 19 as follows:

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

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

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 37. Zoning Bylaw Amendment: Inclusionary Bylaw. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations, Section 4180 Inclusionary and Incentive Zoning Bylaw as follows:

4. (a) (2) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of ~~the final~~ each unit, whichever occurs sooner.; or to take any other action relative thereto.

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

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 38. Zoning Bylaw Amendment: Dimensional Schedule. *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2560 Dimensional Schedule as follows:

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

Requirements	Residential			Commercial		Seashore	Public Use
	Res1	Res2	Res3 ResB	TCC	GC ³	S	M
Min. Lot Area (square feet)	8,000 <u>16,000</u>	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	50-100	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 ¹	20 ¹	10 ¹	30-10	50	--
Min. Side Yard (feet)	15	6	6	5 ²	15 <u>10</u>	25	--
Min. Rear Yard (feet)	20	15 ¹	10 ¹	10	25	25	--
Max. Lot Coverage (%)	40	40	40	40	40	--	--

Max. Number of Stories ⁴ (Refer to Story in Definitions)	2 ½	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2
Max. Building Heights ⁵							
Hip, gable and Shed roofs (feet) (6)	33	33	33	33	33	33	33
Mansard, gambrel, arch, or dome roofs (feet)	28	28	28	28	28	28	28
Flat roof defined as less than 3/12 pitch (feet)	23	23	23	23	23	23	23
Harborfront setback (see above)							

1. Or, if smaller, the average of the setbacks of the buildings on the lots thereto on either side, a vacant lot being counted as though occupied by a building set back the minimum required distance.
2. May be reduced to zero with a party wall (jointly owned by owner or abutting properties) meeting the requirements of the State Building Code, provided that access to the rear of the property is maintained for emergency vehicles.
3. Residential uses shall comply with requirements of the Res3 District.; or to take any other action relative thereto.
Two-Thirds Vote; Planning Board public hearing and report under MGL Chapter 40A, Section 5
[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Article 39. Zoning Bylaw Amendment: Section 2360 Formula Business Regulated District.
(Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws by amending Section 2360 to read as follows:

2360 Formula Business Regulated District.

2361 Definition.

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

- (a) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
- (b) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of the store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices.
- (c) Standardized signage and color scheme used throughout the interior ~~or exterior~~ of the establishment.
- (d) Standardized uniform, including but not limited to, aprons, pants, shirts, smocks or dresses, hat and pins (other than name tags).
- (e) Standardized façade, ~~and~~ signage or color scheme used on the exterior of the establishment.

2362 Purpose.

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

tourist economy. The proliferation of Formula Businesses will have a negative impact on the Town's economy, historical relevance, unique character and economic vitality.

(1) Location

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

(2) Permitted Uses

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

(3) Regulated Uses

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

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

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

(4) Determination

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

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

And

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

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

And,

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

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

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

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

CONSENT AGENDA

CONSENT AGENDA - *The consent agenda is a meeting practice which groups routine and other non-controversial articles not necessarily requiring discussion or independent vote as separate articles. Using a consent agenda can save precious time by allowing Town Meeting to approve this ‘package’ of articles together in one motion. Articles under the consent agenda can only be grouped together if the Town Meeting body agrees. If a voter selects a specific article for discussion, it must be removed and placed on the regular agenda for discussion and separate vote by the Town Meeting body.*

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

Article 40. Room Occupancy Tax - A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation applying the local room occupancy tax to seasonal rentals as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT APPROVING THE APPLICATION BY

**THE TOWN OF PROVINCETOWN
OF THE LOCAL OPTION ROOM OCCUPANCY EXCISE TO
SEASONAL RENTAL PROPERTIES IN THE TOWN OF PROVINCETOWN**

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by Chapter 64G Section 3A of the Massachusetts General Laws or other law, as the same may be amended from time to time, the Town of Provincetown shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said Town by any operator at the rate of up to but not exceeding 6% of the total amount of rent of each such occupancy.

Section 2. For the purposes of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in Chapter 64G Section 1 of the Massachusetts General Laws and as follows:

“Occupancy,” the use or possession, or the right to the use or possession, of any room or rooms in a bed and breakfast establishment, bed and breakfast home, hotel, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of 90 consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by Chapter 64G, Section 1 of the Massachusetts General Laws and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium as defined by Chapter 183A of the Massachusetts General Laws or time-share as defined by Chapter 183B of the Massachusetts General Laws, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than \$15 per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of Chapter 64G, Section 2 of the Massachusetts General Laws.

Section 4. All operators of seasonal rental property or other transient accommodations shall be responsible for assessing, collecting, reporting and paying such local excise tax as set forth in Chapter 64G, Sections 3, 4, 5, 6 and 7A of the Massachusetts General Laws and shall be liable in the same manners as operators in Chapter 64G, Section 7B of the Massachusetts General Laws.

Section 5. This act shall take effect upon its passage; or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 41. 0.5% Real Estate Transfer Fee - A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a 0.5% real estate transfer fee as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING
THE TOWN OF PROVINCETOWN
TO IMPOSE A 0.5% REAL ESTATE TRANSFER FEE.

Section 1. There is hereby imposed a real estate transfer fee equal to 0.5% (half percent, ½%) of the purchase price upon the transfer of any real property interest in any real property situated in the Town of Provincetown. Said fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Provincetown. The first \$250,000 collected in each fiscal year shall be deposited in the Town's Capital Improvement Stabilization Fund. The remaining funds collected each fiscal year shall be deposited into the Town's General Fund.

Section 2. The following transfers of real property interests shall be exempt from the real estate transfer fee:

- A. First time homebuyers who live in the home for at least 5 years. A lien shall accompany the deed stating that "There is running with the land a lien equal to the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met."
- B. Transfers to the government of the U.S., the Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or sub-divisions, such as the Provincetown Housing Authority.
- C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.
- D. Transfers of convenience with consideration under \$100 which include: name change, into trusts, out of trust, etc.
- E. Transfers to any charitable organization as defined in Clause 3 of Section 5 of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.
- F. Transfers between family members, marriage partners, parents and children, grandchildren, stepparents and stepchildren, brothers and sisters.

Section 3.

- A. The fee imposed shall be due at the time of the transfer of the real property interest.
- B. The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid real estate taxes.
- C. The Town shall notify a buyer by registered or certified mail of any failure to discharge the amount in full of fee due.
- D. All fees and interest required to be paid under this Act shall constitute a personal debt of the buyer and may be recovered in an action of contract.

Section 4. This Act shall take effect on passage;
or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 42. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and to authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 43. Amendments to Personnel Bylaw/Classification and Compensation Plan. (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend Schedules A, B and C of the Town's Classification and Compensation Plan as follows:

Schedule A: To amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, effective July 1, 2017, by replacing the existing compensation plan with the following new compensation plan as adopted by the Personnel Board:

<u>Grade</u>	<u>Compensation Range</u>		<u>Position</u>
	<u>FY2018</u>	<u>FY2019</u>	
			Town Manager [exempt MGL C.41,§108N] Chief of Police [exempt MGL C.41,§108O]
14	\$95,102 - \$117,699	\$97,004 - \$120,053	Finance Director
			<u>DPW Director</u>
13	\$88,057 - \$109,487	\$89,818 - \$111,677	DPW Director
			Staff Lieutenant
			<u>Assistant Town Manager</u>
12	\$81,906 - \$101,837	\$83,544 - \$103,874	Assistant Town Manager
11	\$76,185 - \$94,743	\$77,709 - \$96,638	Building Commissioner
			MIS Director
			Water Superintendent
			Town Engineer
10	\$70,870 - \$88,100	\$72,287 - \$89,862	DPW Deputy Director
			Principal Assessor
9	\$65,919 - \$81,992	\$67,237 - \$83,632	DPW Operations Director
			Health Director
			Library Director
			Town Clerk
			Planner
			Tourism Director
8	\$61,312 - \$76,249	\$62,538 - \$77,774	MIS Analyst
			COA Director
			Town Collector
			Town Treasurer
			Deputy Emergency
			Manager/Transportation Director
7	\$57,026 - \$70,891	\$58,167 - \$72,309	Recreation Director
			<u>Airport Director</u>
6	\$53,040 - \$66,005	\$54,101 - \$67,325	Exec. Assistant to Town Manager
			Project Manager
			Local Building Inspector
			Conservation Agent
			Health Agent
			Payroll and Employee Benefits Manager
			Assistant Town Accountant
			<u>Assistant Library Director</u>
			<u>Licensing Agent</u>
5	\$49,332 - \$61,355	\$50,319 - \$62,582	Secretary to the Board of Selectmen
			Exec. Assistant to Police Chief
			Parking Administrator
			MIS Technician

4	\$45,822 - \$57,026	\$46,738 - \$58,167	Licensing Agent Library Marketing & Program Director Library Member Services Coordinator Permit Coordinator Assistant Tourism Director
3	\$42,689 - \$53,104	\$43,543 - \$54,166	COA Outreach Coordinator Principal Accounting Clerk
2	\$39,710 - \$49,375	\$40,504 - \$50,363	no positions assigned
1	\$36,949 - \$45,925	\$37,688 - \$46,844	no positions assigned

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

Annual Stipends for Reimbursement of Expenses

<i>Annual Salary:</i>	FY18 Current	FY19 Proposed	% change
Fire Chief	\$55,000	\$57,750	5.0%
<i>Positions</i>			
1 st Deputy Fire Chief	\$15,000	\$16,500	10.0%
2 nd Deputy Fire Chief	\$12,000	\$13,200	10.0%
District Fire Chief/Engineer	\$6,000	\$6,600	10.0%
Firefighter	\$800	\$800	0.0%
Fire Auxiliary	\$400	\$400	0.0%
Fire Captain	\$1,250	\$1,250	0.0%
Fire Lieutenant	\$500	\$500	0.0%
Engine Steward	\$880	\$880	0.0%
Station Steward	\$1,100	\$1,100	0.0%
Ladder Steward	\$1,300	\$1,300	0.0%
LaFrance Steward	\$500	\$500	0.0%
Oil Inspector	\$1,747	\$1,747	0.0%
Rescue Steward	\$3,600	\$3,600	0.0%
Rescue Captain	\$3,000	\$3,000	0.0%
Rescue Lieutenant	\$1,500	\$1,500	0.0%
Rescue Training Officer	\$3,000	\$3,000	0.0%
Radio Officer	\$800	\$800	0.0%
Air Officer	\$1,500	\$1,500	0.0%
Summer Standby Coordinator	\$3,500	\$4,000	14.3%
Infection Control Officer	\$800	\$800	0.0%
<i>Non-Firefighter Positions</i>			
First Responders	\$25.00/hr	\$25.00/hr	0.0%
EMT-Basic	\$25.41/hr	\$26.18/hr	3.0%
EMT-Intermediate	\$27.34/hr	\$28.16/hr	3.0%

EMT-Paramedic	\$30.00/hr	\$30.90/hr	3.0%
Standby	\$25.00/hr	\$25.00/hr	0.0%
Safety Inspections	\$20.00/hr	\$20.00/hr	0.0%
Rescue Squad Participation (per quarter)	\$250	\$250	0.0%

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

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

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 44. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$750,000 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$140,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
 2. \$400,000 for marketing, and costs related thereto;
 3. \$50,000 for municipal projects, and costs related thereto;
 4. \$150,000 for tourism grants, and costs related thereto;
 5. \$10,000 for Beautification Committee, and costs related thereto;
- or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Visitor Services Board]

FINANCE COMMITTEE RECOMMENDS 4-0-0

Article 45. FY 2019 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of \$76,750 to be expended under the direction of the Board of Selectmen, to fund grants to assist nonprofit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

Alzheimer’s Family Caregiver Support	\$8,000
Cape Cod Children’s Place	\$6,000
Cape Cod Dispute Resolution Center	\$1,700
Consumer Assistance Council	\$550
Food4Kids Program/Church of the Holy Spirit	\$2,000
Gosnold on Cape Cod	\$10,000
Helping Our Women	\$8,500
Homeless Prevention Council	\$6,000
Independence House	\$5,500
Lower Cape Outreach Council, Inc.	\$6,000
Outer Cape Health Services	\$10,000
Sight Loss Services, Inc.	\$600
Soup Kitchen in Provincetown	\$7,000
South Coast Counties Legal Services	<u>\$4,900</u>
Total	<u>\$76,750</u>

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Human Services Committee]

FINANCE COMMITTEE RECOMMENDS 3-0-1

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

1. Preservation of Town Hall Auditorium: up to a limit of \$75,000 annually, to be expended for the repair, updating, refurbishing, operations and maintenance of the Town Hall auditorium under the direction of the Town Manager and the Board of Selectmen;
2. Shellfish Grants: up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Harbormaster for the purpose of shellfish seeding and cultivation on public shellfish areas;
3. B-Street Garden: up to a limit of \$2,500 annually, to be expended for the repair, updating and maintenance of the B-Street Garden under the direction of the Town Manager and the Conservation Commission;
4. Fuel Reimbursement: up to a limit of \$125,000 annually, to be expended for the purchase of fuel under the direction of the Town Manager and the Director of Public Works;
5. Council on Aging Transportation: up to a limit of \$10,000 annually, to be expended for the transportation cost under the direction of the Town Manager and the Director of the Council on Aging;
6. Affordable Housing: up to a limit of \$10,000 annually, to be expended for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation,

cost of marketing and conducting lotteries under the direction of the Town Manager and the Housing Specialist;

7. Facilities and Grounds Rental Revolving Fund: up to a limit of \$10,000 annually, for janitorial hired staffing and other costs related to rental costs under the direction of the Town Manager; or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS 4-0-0