



Select Board

Meeting Agenda

The Provincetown Select Board will hold a public meeting on Friday, March 4, 2022, at 11:15 am in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted **in person** and as a courtesy via remote means, in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law.

Joining the Meeting:

Microsoft Teams: Join on your computer or mobile app [Click here to join the meeting](#)

Phone: Or call in (audio only) [\(833\) 579-7589](tel:833-579-7589) Phone Conference ID: 904 933 33 #

To Participate during public comment:

- Teams: Raise hand to be called on to speak.
- Phone: Speak name clearly to be called on to speak.

Please do not speak again until acknowledged by Chair or meeting moderator.

- Keep your phone muted at all times when not talking (*6 to mute & unmute your phone)
- Do not use speakerphone, Bluetooth devices (speakers or headphones)
- Mute all background noises, including PTV, television or computer and use only phone audio.

1. Insert Articles into Warrant (Votes May Be Taken)
2. Close Warrant pursuant to the Provincetown Charter (Votes May Be Taken)
3. Approve Warrant for publication (Votes May Be Taken)

Submitted by Chair David Abramson

Posted: Town Hall www.provincetown-ma.gov, 03/02/2022, 9:40 am AR



Provincetown Select Board
AGENDA ACTION REQUEST
Friday, March 4, 2022 11:15 am

1

TOWN MEETING WARRANT

Insertion of Articles for April 4, 2022 Town Meeting Warrant

Requested by: Town Manager Alex Morse

Action Sought: Approval

Proposed Motion(s)

MOVE that the Select Board vote to rescind their Monday, February 28, 2022 vote to insert articles into the April 4, 2022 Annual Town Meeting Warrant.

Move that the Select Board vote to delete article(s) ___ from the draft Annual Town Meeting Warrant.

MOVE that the Select Board vote to insert the following articles: ___, into the April 4, 2022, Annual Town Meeting Warrant.

Additional Information

- Annual Town Meeting Warrant is forthcoming

Board Action

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



Provincetown Select Board
AGENDA ACTION REQUEST
Friday, March 4, 2022 11:15 am

2

Special & Annual Town Meetings

Closing of Warrants

Requested by: Town Manager Alex Morse

Action Sought: Procedural

Proposed Motion(s)

MOVE that the Select Board vote to close the warrants for the April 4, 2022 Annual Town Meetings forthwith.

Additional Information

Board Action

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



Provincetown Select Board
AGENDA ACTION REQUEST
Friday, March 4, 2022 11:15 am

3

TOWN MEETING WARRANT

Approve April 4, 2022 Annual Town Meeting Warrant for publication

Requested by: Town Manager Alex Morse

Action Sought: Approval

Proposed Motion(s)

MOVE that the Select Board vote to approve the warrant for the April 4, 2022 Annual Town Meeting for posting and publication, as revised.

Additional Information

Board Action

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

Town Warrant

Annual Town Meeting – Monday, April 4, 2022

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 fourth day of April, A.D. 2022 at 6 o'clock in the evening**, then and there to act on the following articles, to wit:

FUNDING ARTICLES

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

[Requested by the Select Board and Town Manager]

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

Article 2. FY 2023 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$32,065,386 to fund operating budgets for several Town departments for Fiscal Year 2023 in accordance with Chapter 6, Section 4 of the Provincetown Charter, as follows:

Budget Divisions	FY 2022	FY 2023	% change
I. General Government	\$916,847	\$1,178,108	28.496%
II. Finance	\$12,271,738	\$12,339,955	0.556%
III. Public Safety	\$7,443,505	\$8,174,719	9.824%
IV. Public Works	\$3,928,562	\$4,070,329	3.609%
V. Public Services	\$1,035,033	\$1,101,818	6.452%
Sub-total, Division I-V	\$25,595,685	\$26,864,929	4.959%
VI. Public Schools	\$5,126,441	\$5,200,457	1.444%
Total Budget, All Divisions	\$30,722,126	\$32,065,386	4.372%

or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 2: This article funds the operating budgets for several Town departments for FY 2023.

Article 3. FY 2023 Cape Cod Regional Technical High School Assessments. To see if the Town will vote to raise and appropriate or transfer from available funds \$207,220 to fund the Town of Provincetown’s tuition and capital assessments for CCRTHS; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 3: This article funds the cost of Provincetown’s share for seven students to attend Cape Cod Regional Technical High School in Harwich and the Town’s share of the capital assessment for the school building.

Article 4. FY 2022 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 2023:

6001 Water Enterprise Fund	FY 2022	FY 2023	% change
Enterprise Fund Costs	\$2,288,604	\$2,253,972	-1.513%
General Fund Costs	\$374,100	\$374,100	0.000%
TOTAL COSTS	\$2,662,704	\$2,628,072	-1.301%
6002 Wastewater Enterprise Fund	FY 2022	FY 2023	% change
Enterprise Fund Costs	\$4,189,227	\$4,209,063	0.474%
General Fund Costs	\$74,000	\$100,000	35.135%
TOTAL COSTS	\$4,263,227	\$4,309,063	1.075%

or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 4: This article funds both the Water and Wastewater Enterprise Budgets. The Water Enterprise Fund budget -1.3% mostly due to a decrease in existing debt service. The Wastewater Enterprise Fund budget increased 1.075% mostly due to an increase per contracted service obligations.

Article 5. Provincetown Public Television Funding. To see if the Town will vote to appropriate an amount from the PEG Access and Cable Related Fund for PEG access television; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 5: An appropriation is required to spend any receipts in the PEG Access and Cable Related Fund. Appropriations are by majority vote of the legislative body and are limited to the actual unencumbered balance of the Fund at the time of the appropriation. Anticipated receipts cannot be appropriated. Monies from the Fund may be appropriated consistent with the cable franchise agreement to: 1. Support cable PEG access service or programming for Town residents, whether operated by a Town department or a contractor. 2. Monitor the cable operator’s compliance with the franchise agreement. 3. Prepare for renewal of the cable franchise license, including any associated expert and legal services.

Article 6. Police Station Supplemental Funding. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, a sum of money to fund the supplemental construction cost for the Provincetown Police Station Project on the site located at 16 Jerome Smith Road, including all costs incidental or related thereto; to be

added to the appropriation and borrowing authorization of **\$8,500,000** approved at the April 2017 Annual Town Meeting; provided that said appropriation shall be contingent on a Proposition 2 and ½ debt exclusion vote at the 2022 Annual Town Election; and provided further that the amount authorized to be borrowed shall be reduced by the amount of any grant funds received by the Town prior to the issuance of any debt for this project; or to take any other action relative thereto.

[Requested by the Select Board and the Building Committee]

Explanation of Article 6: *This motion appropriates supplemental construction costs and authorizes additional borrowing for the Police Station on the site located at 16 Jerome Smith Road. This project and location was approved at the April 2017 ATM article #8-1 for a total of **\$8,500,000**. Preliminary cost estimates are considerably higher than originally estimated as a result of a strong economy, construction material cost increase, and underestimated construction costs during the conceptual design phase. The Building Committee has worked with the design team to value engineer the project to reduce the probable project cost.*

The Building Committee, along with staff, worked with the design team to fine tune the building program ensuring we meet all State building regulations while satisfying the critical needs of the Police Department.

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

This is the same project that was presented to Town Meeting in April 2019. The only difference is that, assuming the ballot debt exclusion question passes on May 10th, this supplemental funding will be paid entirely through a 2 ½ debt exclusion and will not include an option to pay the debt service off over time with new revenue sources.

Article 7. Alteration of Layout of Route 6. To see if the Town will vote to accept the altered layout of a portion of Route 6 as a public way, as heretofore altered by the Select Board, to exclude from the layout of said way the parcel of land shown as “Lot 1 131,166+ SF. (3.01+ Ac.)” on a plan entitled “Route 6 Alteration and Division Plan,” dated October 1, 2018, prepared by Coastal Engineering Co., on file with the Town Clerk, and to transfer the care, custody, and control of the aforesaid discontinued parcel from the Select Board for public way purposes to the Select Board for general municipal purposes, including, without limitation, for Police Station purposes, and, further, to authorize the Select Board to take said parcel by eminent domain for said purposes and for the purpose of clearing the Town’s title thereto, if applicable; or to take any other action relative thereto.

[Requested by the Select Board and the Town Manager]

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

Article 8. Cannery Wharf Park (East End Waterfront Park) Development. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds,

\$1,800,000 to fund the construction and site development costs of the Cannery Wharf Park on the property located at 387 Commercial Street, which such land is dedicated for active recreation purposes under the provisions of Massachusetts General Law Chapter 45, Section 3, including all costs incidental or related thereto; provided that said appropriation shall be contingent on a Proposition 2 and ½ debt exclusion vote at the 2022 Annual Town Election and provided further to authorize the Recreation Commission to file applications for and accept on behalf of the Town any and all funds that may be provided by the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of said project, including but not limited to, grants and/or reimbursements from the Commonwealth under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897), and/or any others in any way connected with the scope of this article, and, further, to authorize the Select Board and the Recreation Commission to enter into all agreements and execute any and all instruments and take such other actions as may be necessary on behalf of the Town to effectuate said project; or to take any other action relative thereto.

[Requested by the Select Board, The Recreation Commission and the Town Manager]

Explanation of Article 8: *The Town (Working Group), has completed a community planning process, a multi-faceted public engagement process that collected the opinions and experiences of over 1,000 people over the course of 9 months, which has created a preferred design concept.*

The conceptual design amplifies the important function of providing visual and physical access from Commercial Street to the water while also leveraging the beloved site qualities to support passive recreation, while improving the parks resiliency to climate change.

The conceptual design that resulted from this process provides optimal visual and physical access to the Park and the harbor-side beach, while utilizing the site's features to support passive recreation and provide resiliency to the effects of climate change and sea level rise.

The motion to appropriate funds will approve the next phase of the project, which will be to complete the final design, engineering, preparation of bid documents, permitting, and construction of the park.

The motion will have to appropriate the full amount of the project cost as the LWCF (Land and Water Conservation Fund) grants are reimbursable grants. After invoices are paid, the Town will submit a grant reimbursement request under the LWCF program.

Article 9. Wastewater Infrastructure Replacement and Modernization Project –

Borrowing Authorization. To see if the Town will vote to appropriate and borrow the sum of \$2,200,000 to be expended under the direction of the Town Manager and the Select Board, for the development of plans and specifications and for construction of infrastructure replacement and modernization of the Town's sewer system, including without limitation all costs defined under Chapter 29C, Section 1 of the General Laws and all other costs incidental and related thereto; and to raise said appropriation the Town Treasurer, with the approval of the Select Board, is authorized to borrow said sum of money under and pursuant to Chapter 44, Section 7(1) and/or Chapter 29C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Select Board is authorized to apply for and accept such funds; or to take any other action relative thereto.

[Requested by the Select Board and the Town Manager]

Explanation of Article 9: This article is a funding request for \$2.2 million for a 5-year infrastructure replacement and modernization plan of the sewer system. The debt service for this borrowing article will be paid by funds received from the Cape Cod and Islands Water Protection Fund.

The planned replacement and modernization work will include important grease management improvements at the Plant as well as flooding and climate resiliency upgrades for existing sewer infrastructure including the pump stations and the collection system. During 2022 and 2023, the following is planned:

1. SBR mixers at the Plant for grease management to optimize the processing of waste.
2. A survey of the electrical equipment at the pump stations to identify flooding and coastal resiliency needs.
3. A review of the vacuum system equipment by AIRVAC to identify repair and replacement needs.

4. Vacuum sewer system buffer tank and valve pit upgrades and installation of alarms.

During 2023 thru 2026, the following additional replacement and modernization activities will be undertaken:

5. Pump station electrical equipment upgrades for flooding, based upon the survey results discussed above.
6. Central Vacuum System (CVS) flood protection barriers and electrical system upgrades
7. Gravity sewer mains Inflow and Infiltration (I&I) upgrades for flood protection.

Article 10. General Stabilization Fund. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to the General Stabilization Fund; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 10: This article will transfer available free cash from FY2021 to the Town's operating reserve fund to protect the long-term financial stability of the Town, as well as protect the community against sudden and/or unexpected decreases in revenues or increases in expenses. The General Purpose Stabilization Fund is governed by Massachusetts General Law ch40 sec 5B and the Town's Cash Reserves Policy. The financial health of the Town of Provincetown is of paramount importance to its residents who rely on Town government to provide essential services; to its current and retired employees; to its bondholders who provide funding for long-term capital projects; and to its vendors who provide services and equipment to the Town. The Town's policy is to maintain a balance equal to 10% of the current year operating budget. An annual transfer is required to achieve this goal. The current balance of \$2,235,579 in the General Purpose Stabilization Fund represents 6.9% of the FY23 operating budget.

Article 11. Transfer from the Emergency Stabilization Fund to the Covid Relief Fund

To see if the Town will vote to transfer \$53,517 from Emergency Stabilization Fund to the Covid Relief Fund; or to take any other action relative thereto.

[Requested by the Select Board and Town Manager]

Explanation of Article 11: The article will allow the transfer of funds from the Emergency Stabilization Account to the Covid Relief Fund to cover past and future covid related expenses. The Emergency Stabilization Fund was created in 2020 and is intended to reserve funds for unanticipated emergency response, like public health and natural disasters.

\$28,517 to fund FY2022 deficit covid spending
\$25,000 for unanticipated covid relief expenses in FY2023

COMMUNITY PRESERVATION ACT ARTICLES

Article 12. Community Preservation Budget for FY 2023. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2023 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. Part 1 Reserves:
 - A. \$90,374 for Open Space;
 - B. \$542,382 for Community Housing;
 - C. \$90,374 for Historic Resources;
2. Part 2 Debt Service Appropriations:
 - A. \$180,025 for Community Housing debt service;
 - B. \$41,140 for Open Space debt service;
 - C. \$142,057 for Historic Preservation debt service;

Explanation of Article 12:

Part 1 and 2: As required, the Town annually sets aside funds from new revenue into the various CPA categories including 10% for open space/recreation, 10% for historic preservation, 60% for affordable housing, and 20% into the non-designated category, which can be used for any of the categories. The debt service is the annual payment for past activities funded through borrowing.

3. Part 3 FY2022 Community Preservation Grant Requests

- A. Administrative Expenses - \$37,000 for CPA administrative expenses for the Community Preservation Committee and other expenses as needed.
- B. Community Housing - \$15,000 for the Cape Housing Institute (2 years funding), 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.
- C. Community Housing – \$300,000 to be transferred to the Affordable Housing Trust Fund as requested by the Community Housing Council to provide funds for various eligible housing programs and strategies.
- D. Open Space/Recreation – \$115,000 for the resurface of the Motta Field tennis courts as requested by the Recreation Commission.
- E. Open Space/Recreation – \$45,000 for the B-Street Community Garden bed reconstruction project Phase 2 as requested by the Conservation Commission. or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Explanation of Article 12 Part 3:

A. Grants and Administrative Expenses: \$37,000 Annually the Provincetown Community Preservation Committee recommends grant funding requests to Town Meeting in the

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

B. Cape Housing Institute: \$15,000 The Community Development Partnership has requested a grant for an education and training program called the Cape Housing Institute at various locations on the Cape that targets elected and appointed officials. In partnership with other agencies including Mass. Housing Partnership and Housing Assistance Corporation, the CDP presented the first Cape Housing Institute in the fall of 2017 and has continued to date evolving during the pandemic with virtual trainings, peer support, and collaboration. Sessions have been well attended and provided a great local educational opportunity for local officials and residents to address this complex issue.

C. Affordable Housing Trust Fund (AHTF): \$300,000 request to transfer community housing funds from CPA into the AHTF

The Town of Provincetown has had the creation and retention of affordable and community housing as a top goal since 1997 and has aggressively pursued many housing strategies - making it a leader on Cape Cod in its efforts. This proposal is to provide funds for various housing programs and strategies, both small and large. The Provincetown Affordable Housing Trust Fund [AHTF] was created through special legislation - Chapter 230 Acts of 2002 - as one of the first tools that Provincetown voters adopted. Historically, the Affordable Housing Trust Fund has been used for Housing Summits, emergency housing assistance, new development [such as Stable Path], training and education, Path to Homeownership Scholarships, and rehabilitation projects [such as Foley House, 33 & 35A Court Street, 40 Pearl Street]. The Community Housing Council is the gatekeeper for access to the AHTF; grant agreements and housing restrictions are utilized as required. This is a new strategy for Provincetown but is commonly used in other communities. Transferring funds to the AHTF provides for more flexibility and speed as it does not need Town Meeting direct approval of the activity.

D. Open Space/Recreation: \$115,000 for the resurfacing of the Motta Field tennis courts. Funding will replace the 30 plus year old asphalt and provide both tennis and pickle ball courts within the same area. The new surface will provide two tennis courts, where each half of the tennis court is painted for one pickle ball court. The final court will remain painted for tennis only, totaling three tennis courts and four pickle ball courts, which will remain in the same fenced in area.

E. Open Space/Recreation: \$45,000 for the B-Street Community Garden Bed Reconstruction Project Phase 2. The reconstruction of garden beds and fencing at the B Street Community Garden, which were not covered by the FY20 CPA grant award of \$32,805 (Phase 1).

Article 13. Rescind Prior Community Preservation Act Authorization. To see if the Town will vote to rescind the remaining authorization of \$135,462 for B-Street Garden Conservation Park Stormwater Improvement Project as authorized under 2014 ATM Article 10 – 3E, and to return said amount to the Community Preservation Act Open Space and Recreation Reserve; or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Explanation of Article 13: The Conservation Commission requests to return the unspent balance of the Stormwater Improvement Project funds (\$135,462) to the Open Space and

Recreation allocation of CPA Funds because the initial engineering analysis indicated that the proposed stormwater mitigation improvement offered limited benefit potential compared to the cost of the end product. The original appropriation was for \$153,000.

CAPITAL IMPROVEMENT PLAN ARTICLES

Article 14. FY 2023 Capital Improvements Program. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds various sums to defray the costs of the Fiscal Year 2023 Capital Improvements Program submitted in accordance with Chapter 6, Section 6 of the Provincetown Charter, provided that one or more of the following appropriations may be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question; or to take any other action relative thereto:

[Requested by the Select Board and Town Manager]

Explanation of Article 14: *This article includes FY2023 capital improvement article requests based on the FY2023-FY2027 Capital Improvement Plan. Articles are listed individually, but will be voted by Town Meeting in groups depending on funding source. Funding sources include: Capital Improvement Stabilization Fund, Free Cash, Landbank Fund, Enterprise Fund Retained Earnings or Borrowing. Borrowing articles require a two-thirds vote at Town Meeting and a 2 ½ debt exclusion ballot vote. Appropriations from the Capital Stabilization Funds require a 2/3rds vote of Town Meeting. Any Town Meeting voter may ask questions about individual items within the Capital Improvement Plan under the main motion. Amendments may be made from the floor per Moderator rules.*

A. Airport - Replace 10,000-gallon AVGAS Tank and Dispensing System - \$40,000 to be expended under the direction of the Town Manager; and costs related thereto.

Explanation of Article 14A: *\$40,000 for the design of a new 10,000-gallon AVGAS fuel tank and dispensing system. The existing underground tank is in excess of 30 years old, and needs immediate replacement. Although the existing tank is not believed to be leaking, there is no leak monitoring/detection system to alert the Airport if it fails. The new tank would be above-ground with a new dispensing system and code-compliant leak monitoring/detection.*

The project will serve to protect the surrounding environment and habitat from an undetected leak. Any release of AVGAS is extremely costly to clean up.

The project will be funded 80% by the Massachusetts Department of Transportation Aeronautics Division. This article will cover the Town's 20% share.

Future articles will seek funds for construction and disposal.

B. Community Development - Ryder Street Beach Dune Enhancement Project - \$450,000 to be expended under the direction of the Town Manager; and costs related thereto.

Explanation of Article 14B: *\$450,000 - This CIP request would fully fund the final design and construction of the Ryder Street Beach Dune Enhancement Project. Last spring, the Town submitted a letter of intent to FEMA through its new Building Resilient Infrastructure and Communities (BRIC) grant program to fully fund a capital improvement program combining the Ryder Street Dune Enhancement project with the Ryder Street Outfall relocation project for a total cost of \$3,000,000. The Town received a favorable response*

and was asked to submit a formal grant application. At the Spring 2021 Annual Town Meeting, DPW's request for a CIP of \$625,000 was approved so that the Town would have the additional monies available for the 25% cash match that the Town would have to provide if awarded a BRIC grant. This past summer, the Town was notified that it was not awarded a BRIC grant, so we are submitting this capital request to fully fund the installation of the dune enhancement portion of this critical coastal flooding hazard mitigation project. The Town will continue to apply for state and federal grant opportunities to offset the cost of this CIP.

This project has been identified as the top priority of the Town coastal resiliency plans through the Community Resilience Building process of the Town's 2019 MVP planning initiative, as well as the Town's 2021 update of its FEMA-approved Hazard Mitigation Plan. Town staff will continue to seek grant funding through the MVP Action grant program, CZM Coastal Resilience grant program, and FEMA grant funding opportunities to offset the cost of this project, but in the event those applications to these highly competitive programs are not successful, the Town cannot postpone implementing this project any further.

C. Community Development - Grant Matches for Coastal Resilience Planning - \$30,000 to be expended under the direction of the Town Manager; and costs related thereto.

Explanation of Article 14C: \$30,000 to provide necessary funds for coastal resilience planning initiatives to mitigate the effects of climate change and sea level rise. Staff would use these funds both to hire consultants to help the Town apply for State and Federal grant opportunities, and to be applied toward necessary grant matches.

Since the 2016 update of the Town's Hazard Mitigation Plan and the 2016 Infrastructure Vulnerability Assessment, these efforts have accelerated, and the storms of 2018 focused the immediacy of the actions we need to implement, not only in Provincetown, but throughout the region and the state. The Town has successfully received state grant funding opportunities in FY19, FY20, and FY21 through the Municipal Vulnerability Preparedness program (MVP) and the Office of Coastal Zone Management's (CZM) Coastal Resilience grant program to advance the Ryder Street Beach Dune Enhancement project, the Ryder Street Outfall Relocation project, and the development of an intermunicipal shoreline management framework among the four Outer Cape towns. The Ryder Street capital projects, in particular, ranked high in the Town's mitigation and adaptation priorities during the Town's completion of MVP community resilience building workshops in 2019. The Town has submitted an application for a FEMA grant of \$3,000,000 to complete those two projects. A separate CIP is being submitted to support other beach nourishment projects. However, it is critical that we look to the next priority capital projects we will need to undertake in the short-, mid-, and long-term to make the Town more resilient to the threats of sea level rise and more frequent and intense coastal storms.

Specific goals, based on past studies, we seek to engage scientific and engineering consultants to advise Town staff to develop:

- 1) a 2-5 year storm preparation and response plan to recommend achievable, short-term actions for the placement of portable flood walls, sandbags, etc., small scale mitigation projects and associated permitting requirements;
- 2) mid- and long-term mitigation strategies for key private and public infrastructure, including water, sewer and other utilities in low-lying areas of the developed Provincetown Harbor waterfront and, critically, the airport;

3) long-term mitigation strategies and potential shore protection options, aimed at mitigating flood risk over the 30-to-50-year timeframe for each section of shoreline.

Although more state and federal funding for local climate change resilience projects has become available, a greater number of municipalities are applying for these grants, and the funding programs typically require cash matches from municipalities of 25%. Furthermore, as more and more municipalities compete for these funds, the work to prepare a grant application has become more time-consuming. Such applications require very detailed budgets, and proposal requirements have become more complicated. Preparing these grant applications would exceed the capacity of current staffing levels.

D. Fire – Rescue Utility Vehicle (UTV) - \$62,000 to be expended under the direction of the Town Manager and the Fire Chief; and costs related thereto.

Explanation of Article 14D: \$62,000 - This is a much-needed piece of equipment. A small utility vehicle like this can go places that a regular vehicle cannot, like the bike trails, in the woods and on the sand, beach or dunes. We would be equipping with a slide in rescue unit capable of storing gear, securing a stokes basket and backboard with patient and an EMT attendant. This includes a 16' enclosed trailer. This is a high priority.

E. Fire - Replace Ambulance 196 - \$320,000 to be expended under the direction of the Town Manager and Fire Chief; and costs related thereto.

Explanation of Article 14E: \$320,000 This project is a timely replacement. This ambulance is a 2011 model with close to 200,000 miles. After consulting our mechanics and new state DPH rules, we have decided that the cost of remounting this truck would not be beneficial and we will be keeping this as a spare ambulance that can be put back in service if needed if one of the front-line units is out of service. The additional cost is for the stretcher load system only as we will remove the stretcher and other equipment from this out of service unit. Our replacement plan for ambulances is every 10 years, the state recommends every 7. Due to the upkeep expense and mileage, in the future, we will need to replace sooner. Replacing a 11-year-old ambulance will give the reliability and peace of mind that breakdowns are not eminent. With the longest ride to the hospital, we need to make sure we have safe, reliable equipment. This is a High Priority.

F. Fire - Replace Extrication Equipment - \$46,000 to be expended under the direction of the Town Manager and Fire Chief; and costs related thereto.

Explanation of Article 14F: \$46,000 This is a timely replacement and upgrade to new technology. The Extrication tools presently in service were purchased in 2010 and will be 14 years old. They are gas powered hydraulic driven tools used for extricating patients from car accidents, as well as other types of extrication.

The new technology uses batteries that were not available in 2010 that eliminates the gas engine and the hydraulic pump making the whole system smaller and easier for user to move to a scene without the hydraulic hose lines hindering operation. This technology and upgrade would decrease the time in removing a critical patient from a wreck and increase their chances of a better outcome. The Town will look into grants as well for this.

G. Marine - Ongoing Beach Maintenance and Dredging - \$50,000 to be expended under the direction of the Town Manager; and costs related thereto.

Explanation of Article 14G: \$50,000 This article seeks to provide matching funds for future grants and some funding to move projects forward as we apply for grants. This continues the work we have done with grants to identify inundation pathways for flooding, prioritize project sites and improve resilience in the face of sea level rise and climate change. We have dredged for the Court Street nourishment site with material coming from the floating docks. This is one of several areas to address storm tide pathways to critical infrastructure. The Ryder Street beach site is currently in process with permitting and construction awaiting grant application approval.

When complete the beach will be higher with vegetative elements to continue the natural building processes of a vegetated dune and walkways to improve access from the town landings. This project also builds upon the 2014 management plan for Provincetown Harbor identifying potential areas for dune restoration, beach stabilization and other natural approaches to mitigating coastal erosion and flooding. Our previous work and the lessons learned during design and planning of the Ryder Street project will guide the overall approach to our Comprehensive Beach Nourishment Plan and permitting.

This article has been reoccurring since 2019. That project turned into the Ryder Street Dune Enhancement project moving forward now. These contributions allow us to take advantage of grants with a local match as they develop and/or continue the engineering and permitting for beach nourishment projects. The State has indicated an interest in regional approaches, comprehensive permitting and maintenance for funding these projects. The Cape Cod Commission is working on regional permitting approaches, ROI calculations and a second County dredge to make our area more attractive for state grant proposals coming from the Baker Administration. Provincetown is one of four towns to be selected as pilot projects for this regional approach.

H. Pier Infrastructure Maintenance - \$220,000 to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation for the Maintenance and Improvement Program for MacMillan Pier; and costs related thereto.

Explanation of Article 14H: \$220,000 for Pier Maintenance. The 2016 & 2019 engineers survey provides a breakdown of the recommended maintenance and improvement program which needs to be followed to keep the facility in satisfactory working condition. A large part of the cost is to replace 177 failed fender pilings out of 401 over a 5-6 year period. Since this capital request was approved 35 fender piles were replaced along with an additional 22 piles being replaced from funds from Capital reserve to save on mobilization and being the 1st year of this project.

Typically an average of 35-40 fender piles can be replaced per year with the funds allowed. This leaves approximately 120 fender piles left to replace over the next few years. 50-60 piles are scheduled to be replaced early this spring, along with ladders and Pier damage.

Pilings and other capital repair items listed in the Engineer's report are a matter of public safety. Additionally operational considerations include maintaining the gateway ferry terminal access, commercial fishing fleet and excursion businesses as economic drivers for the community. Grant funding is not available for capital repair.

I. Pier Electrical Upgrades - \$30,000 to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation for Electrical Upgrades for MacMillan Pier; and costs related thereto.

Explanation of Article 14I: \$30,000 for Pier Electrical Upgrades. The recent 2019 engineer's survey provides a breakdown of recommended maintenance and improvement program which needs to be followed to keep the facility in satisfactory working condition. During this year's scheduled survey the engineer's findings recommend the following work to be performed to the Electrical system to bring the Pier up to code compliance.

-Upgrade the system to include ground fault protection for the main over-current to the marina and branch circuits. To include updated switch gear and circuit breakers in substations. This Project has been spread out over 5 years.

Additional Electrical items being addressed:

-Replacement of pier power pedestals throughout the pier

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

The Pier is addressing the immediate repairs listed in the Engineer's report to become code compliant as well as safety compliant and will continue with this project over the next three years with upgrading and repairing the electrical systems in phases: years three, four and five.

\$60,000 was approved for FY21 at Town Meeting, and \$30,000 was approved for FY22 under ATM10-1 at Town Meeting.

Electrical upgrades and repairs to bring a 20 year electrical system up to current codes especially an electrical system subject to the extreme weather conditions out on the pier, causing corrosion and deterioration are very vital as recommended in the Engineer's report. These are a matter of public safety and code requirements. Additionally operational considerations include maintaining the gateway ferry terminal access, commercial fishing fleet and excursion businesses as economic drivers for the community. Grant funding is not available for capital repair.

J. Police Vehicle Fleet Replacement - \$170,000 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of three police vehicles and equipment pursuant to the Police Fleet Replacement Plan; and costs related thereto.

Explanation of Article 14J: \$170,000 for two police HYBRID vehicles and one All-Electric vehicle.

This is a request for approval to purchase TWO (2022) or current model Ford Police Utility Interceptor HYBRID in the total amount of \$105,000.00 for these front-line public safety platform for use by the Police Department. Each HYBRID 2021 Ford Police Interceptor Utility is expected to save at least 1,250 gallons of fuel per year -- reduced fuel costs -- when they enter service. In addition to significant cost savings, the HYBRID vehicles will help the Police Department and the Town of Provincetown reduce their carbon footprint.

Any HYBRID cruiser used by the Police Department is projected to result in 22,000 fewer pounds of carbon dioxide released into the atmosphere each year.

The new HYBRID Police Interceptor is the first-ever pursuit-rated HYBRID police cruiser. With the power and safety features of a traditional all-gas cruisers with a fraction of the emissions, they are viewed as the future of law enforcement fleets. In addition to better overall fuel economy, the HYBRID cruiser also reduces engine idle time by allowing on-board electronic devices in a police cruiser using the car's Lithium-ION battery, allowing the gasoline engine to shut off for extended periods of time.

These two hybrid vehicles will join two others acquired this year and will replace two 2017 Ford Police Utility Sedans that have approximately 81,000 miles on it. Ford has stopped producing sedan police cars and this causes a hiccup, which may derail our programming.

The mileage will increase as the current vehicles will remain in use as a front-line vehicle until replaced in Fall 2022.

One All-Electric Vehicle: It's sleek, it's eco-friendly and it may soon be flashing in your rear-view mirror. In response to conversion praise at last year's Town Meeting, the Police Department has partnered with FORD for guidance on converting one of our unmarked vehicles to an all-electric vehicle. This zero-fuel/zero-emission purchase would tangibly reduce fleet petroleum consumption and emissions, and advance air quality. It is the hope that this purchase could be a step forward to promote a cleaner environment for our residents and visitors. A dual-motor all-wheel-drive model with an 88 kWh extended battery with estimated EPA ranges of 270 and 300 miles. Range and charge time based on manufacturer computer engineering simulations and EPA-estimated range calculation methodology. The charging rate decreases as battery reaches full capacity. Individual results may vary based on peak charging times and battery state of charge. Actual vehicle range varies with conditions such as external elements, driving behaviors, vehicle maintenance, and lithium-ion battery age. Acquiring this vehicle would add to the police fleet for one-year, but then we would retire one unmarked vehicle and replace it with this vehicle. Ford has discontinued the sedan style police cruiser. A one-year product evaluation is needed to determine if this technology can be mainstreamed into the municipal police fleet.

K. Public Works - Vehicle Fleet Replacement - \$435,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of three vehicles pursuant to the Vehicle Fleet Replacement Plan; and costs related thereto.

Explanation of Article 14K: \$435,000 for replacement of three vehicles per our 5-year fleet replacement plan.

In FY 2023,

1. B&G's / Sanitation - \$165,000. Purchasing a mini-6-yard rear load rubbish packer for use by seasonal barrel personnel. Recent changes in solid waste disposal requires no plastic bags to be used in town barrels for recycled material. Staff can't continue to lift barrels overhead to dump into a pickup. The mini-packer will allow non-CDL drivers to operate which will give us flexibility hiring seasonal employees. The mini-packer will also act as a reserve for the sanitation department should one of their packers go down for repairs. This request was originally proposed in FY2021 but was delayed due to COVID.

2. Sanitation Dept. - replace recycling packer truck - \$195,000 (moved up from FY26). The sanitation recycle truck has deteriorated significantly over the past few years attributed to the extreme wear and tear of operation, lack of covering when parked, and the acidic nature of solid waste handling. The truck will not last until its previously anticipated replacement in FY2026.

3. Transfer Station - will need to replace a 2004 model trash trailer - \$75,000. Transfer Station needs routine replacement of solid waste enclosed push trailer.

L. Public Works – Stormwater Improvements- \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund projects and grant requests pursuant to the Town's Stormwater Improvements Program; and costs related thereto.

Explanation of Article 14L: \$200,000 for Stormwater Drainage Improvements. Our storm water system has undergone substantial improvements over the past 5 years resulting in fewer beach closures and overall less flooding. However, many more needed repairs still

exist and continual maintenance is of prime concern. Appropriating a sum of money for drainage repairs should be a high priority for our coastal community given our proximity to sea level and lack of open space for stormwater retention.

This year's request will be proportioned:

- Upgrade drainage structures in roadways that are failed or insufficient.*
- Upgrades of stormwater drainage systems in roads to be paved as part of the pavement management plan.*
- Funds will supplement the ongoing Howland Street drainage engineering design & construction project*
- The design of an upgraded stormwater settling tank system at the Transfer Station. The settling tank system handles stormwater that has possible contaminants from refuse runoff. The system has reached capacity and requires upgrade or replacement.*

M. Public Works - Pavement Management Plan - \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the repair or replacement of Town roads pursuant to the Pavement Management Plan; and costs related thereto.

Explanation of Article 14M: \$370,000 for the FY2023 Pavement Management Plan.

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

Several methods of roadway repairs would be used under this program including: full depth reconstruction, level and overlay, mill and overlay, micro seal, and crack sealing. Significant improvements have been made in the last 3 years and we hope to continue improving our roadways over the next several years.

In order to continue the roadway repair program, a FY23 request for \$200,000 will be used to target the following projects: Cook Street, Brewster Street, Johnson Street, and Center Street. Final determination of projects will be dependent on County road bids.

N. Public Works - Streets, Sidewalks and Bike Paths - \$55,000 to be expended under the direction of the Town Manager and the Director of Public Works for the routine repairs and maintenance of the Town's streets, sidewalks and bike paths; and costs related thereto.

Explanation of Article 14N: \$55,000 for this recurring CIP article is used every year to address costs associated with the preservation, repair, and replacement of sidewalks, curbing, roadway painting, potholes, and recently bike trail improvements. This request is used for more routine repairs outside of roadway resurfacing projects funded from the Roadway Maintenance Plan or projects outside of reconstruction projects such as we have seen on Commercial Street.

A couple of notable uses of this article in prior years were for the walkway replacement around the AIDS Memorial, walkway replacement around the WWII Memorial, for the installation of a connecting bike trail from Bradford Street Extension to the National Seashore Bike Trail on Province Lands Road, and the repair of settled brick sidewalk along Commercial Street after a severe winter of freeze/thaw cycling.

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

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

- O. Public Works - Building Maintenance Plan - \$75,000 to be expended under the direction of the Town Manager and the Director of Public Works for interior and exterior repairs of Town Buildings pursuant to the Building Capital Plan, and costs related thereto.

Explanation of Article 14O: *\$75,000 for the FY2023 Building Capital Plan. The requested amount includes exploratory work on the exterior of the Freeman Street Building to determine the extent of the work required for proper rehabilitation of the exterior envelope. This will allow for suitable budget planning for FY2025 CIP request for construction.*

- P. Schools – Sidewalk & Walkway Replacement - \$35,000 to be expended under the direction of the Town Manager and the Superintendent of Schools, and costs related thereto.

Explanation of Article 14P: *\$35,000 for the repair and replacement of broken sidewalks and walkways serving the public, students, and staff at Provincetown Schools. The sidewalk along the front loop at 12 Winslow St is in need of replacement. It is crumbling and an ongoing hazard to pedestrians. Estimate includes complete repaving of concrete sidewalk along the loop. This includes demolition, removal and disposal of all existing sidewalk materials.*

Also includes repaving of the walkway between VMCC and the Science Wing of 12 Winslow St, which is in need of repair due to potholes, trip hazards, and water pooling.

- Q. Schools – Electrical Upgrades - \$35,000 to be expended under the direction of the Town Manager and the Superintendent of Schools, and costs related thereto.

Explanation of Article 14Q: *\$35,000 for electrical upgrades to replace old circuit boxes particularly in the lower levels of the building. According to Fire Chief Trovato, breakers do not effectively trip and are at risk of overheating and starting a fire.*

- R. Water Enterprise Fund – AC Water Main Replacement Shank Painter Road - \$2,250,000 to be expended under the direction of the Town Manager and the Water Superintendent for Shank Painter Road Water Main Replacement project, and costs related thereto.

Explanation of Article 14R: *\$2,250,000 for Shank Painter Road Water Main replacement. The Town is targeting a roadway reconstruction project on Shank Painter Road in Spring 2025. Ahead of the planned roadway project it is recommended the water main and services be replaced to avoid future failure.*

Shank Painter currently has two (2) water mains, a 12" Asbestos Cement (AC) and a 6" Asbestos Cement (AC), both installed in 1963. The 6" AC runs from Jerome Smith Road to Bradford Street, and the 12" is a transmission main routed from Jerome Smith Road to Browne Street. An engineering analysis was performed in order to evaluate elimination of the 6" water main and a single 12" to be installed to improve fire flows on the southern end. Scheduling of this project would be ahead of the roadway reconstruction (Fall 2022/Spring 2023)

The American Water Works Association estimates AC pipe lifespan at approximately 75 years. Recent assessments of various AC pipe segments throughout the system have shown areas of significant degradation. Replacing this water main in conjunction with the roadway reconstruction eliminates a failure on a newly constructed, major thoroughfare.

Failure to address the water main replacement in conjunction with the roadway reconstruction project may result in premature excavation of the roadway. Further, the current water main arrangement consists of two separate pipes with possibility of failure within the roadway. Abandoning one water main and replacing with one water main eliminates maintenance on an asset and improves fire flows on the southern end of the road.

- S. Water Enterprise Fund – South Hollow Wellfield Redevelopment - \$425,000 to be expended under the direction of the Town Manager and the Water Superintendent for the South Hollow Wellfield Redevelopment project, and costs related thereto.

Explanation of Article 14S: \$425,000 for South Hollow Wellfield Redevelopment.

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

The project includes inspecting and re-developing six (6) active wells at the Paul Daley Wellfield. Pumping equipment would be inspected/tested and replaced as necessary.

If not approved, the wells may suffer water production capacity and water quality degradation.

- T. Water Enterprise Fund – Vehicle Fleet Replacement - \$95,000 to be expended under the direction of the Town Manager and the Water Superintendent for the replacement of two vehicles, and costs related thereto.

Explanation of Article 14T: \$95,000 for Water Department Fleet Replacement.

FY2023: Replacement of 2011 Ford Ranger 4x4 utility service truck & replacement of 2011 Ford Ranger 4x4 pickup used for treatment operations

HOUSING ARTICLES

Article 15. Accept Provisions of MGL Ch 64G Section 3D, Short-Term Rental Tax relating to the Local Option Community Impact Fee for Professionally-managed Units.

To see if the Town will vote to accept the provisions of MGL Chapter 64G, Section 3D to impose a local option community impact fee at the rate of 3%, effective January 1, 2023, on the transfer of occupancy of a short term rental in a “professionally-managed unit”, which term is defined as 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family, or three family dwelling that includes the operator’s primary residence; or to take any other action relative thereto.

[Requested by the Select Board, Community Housing Council, the Provincetown Year-round Market-rate Rental Housing Trust, and the Town Manager]

Explanation of Article 15: *This article accepts the provisions of the Short-Term Rental Tax that allows municipalities to impose a community impact fee of up to an additional 3% of occupancies of units which meet the definition of a professionally-managed unit. This surcharge targets anyone who owns multiple units which they rent for short term occupancies. The intent is to discourage the “warehousing” of apartments for short term rentals, where developers purchase several units for the distinct purpose of renting them short-term, thereby removing them from the inventory of seasonal or year-round occupancy. This fee does not apply to licensed businesses, owners who rent a single unit nor someone who rents one or two units from a property listed as the owner’s primary residence.*

If this article passes, then 100% of all fees collected under the Local Option Community Impact Fee would go towards the two existing housing trusts, language for which is included in Article 16 below.

Article 16. Home Rule Petition/Amend Room Excise Tax Distribution. 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 that the General Court may only make clerical or editorial changes of form to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court. The Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

AN ACT RELATIVE TO THE ROOM OCCUPANCY EXCISE OF THE TOWN OF PROVINCETOWN.

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

SECTION 1. Chapter 391 of the Acts of 1998, as amended by Chapter 377 of the Acts of 2010, is hereby amended by striking out the figure “13” and inserting in place thereof the following figure:- 10.

SECTION 2. Chapter 178 of the Acts of 1996, as amended by Chapter 377 of the Acts of 2010, is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. Twenty-four per cent of the excise collected under section 3A of chapter 64G of the General Laws by the Town of Provincetown shall be credited to the Tourism Fund established under section 1 without further appropriation.

SECTION 3. Section 3 of Chapter 377 of the Acts of 2010 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. Eighteen per cent of the excise collected under section 3A of chapter 64G of the General Laws by the Town of Provincetown shall be credited without further appropriation to the special purpose stabilization fund for capital improvements established under section 5B of chapter 40 of the General Laws by the Town pursuant to the vote under Article 9 of the April 5, 2010 special town meeting.

SECTION 4: Section 4 of Chapter 377 of the Acts of 2010 is hereby amended by striking out section 4 and inserting in place thereof the following section:-

Section 4. Eighteen per cent of the excise collected under section 3A of chapter 64G of the General Laws by the Town of Provincetown shall be credited to the Town’s General Fund.

SECTION 5: Thirty per cent of the excise collected under section 3A of chapter 64G of the General Laws by the Town of Provincetown shall be credited without further appropriation to any duly established affordable or community housing trust fund within the Town of Provincetown, as determined by the Select Board in its discretion before the beginning of each fiscal year.

SECTION 6: One hundred per cent of any community impact fees received under section 3D of chapter 64G of the General Laws by the Town of Provincetown shall be credited without further appropriation to any duly established affordable or community housing trust fund within the Town of Provincetown, as determined by the Select Board in its discretion before the beginning of each fiscal year.

SECTION 7. This act shall take effect on the first day of the calendar quarter following 30 days after its passage.

Or take any other action relative thereto.

[Requested by the Select Board, Community Housing Council, the Provincetown Year-round Market-rate Rental Housing Trust, and the Town Manager]

Explanation of Article 16: *This article changes the existing distribution of the Room Occupancy Excise Tax to redistribute new revenues created by the expansion of the tax to short term rentals to create a recurring funding source for housing. This recognizes that short term rentals have an impact on housing and that the funds received should be reinvested to mitigate that impact on housing inventory and availability. The redistribution sets aside 30% of all room occupancy funds to housing which the Select Board will split between the two existing housing funds, Affordable Housing Trust Fund (AHTF) and Year-Round Market Rate Rental Housing Trust (YRMRRHT) based on a review of annual funding priorities.*

Article 17. Zoning Bylaw Amendment: Inclusionary In-Lieu Fee Amendment

(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:

Section 4180 Inclusionary and Incentive Zoning Bylaw

4. Mandatory Provision of Affordable or Community Housing for Development of New Residential Units. In order to contribute to the local stock of Affordable and Community Housing, any residential development identified in Sections 3(a)-(b) above shall provide a percentage of the dwelling units as deed restricted Affordable and/or Community Housing units. This Affordable/Community Housing requirement shall be one-sixth (16.67%) of the new dwelling units developed and shall be made a condition of a Special Permit. The applicant shall meet the requirement in accordance with the following:

A. Development of 2 to 5 new dwelling units shall require the granting of a Special Permit by the Planning Board and a Payment in Lieu of providing a fractional unit to be made to the Housing Fund to fulfill the Affordable/Community Housing requirement.

(1) Payment shall be made in accordance with the following formula; ~~so that the Affordable/Community Housing requirement is equal to the total number of new dwelling units multiplied by 16.67%, and based on 1/3 or 1/2 of the affordability gap, as follows:~~

- For 2-3 new dwelling units, the Payment in Lieu=
(total # of new dwelling units) x (16.67%)x(affordability gap)x(33 67%)

- For 4-5 new dwelling units, the Payment in Lieu =
 $(\text{total \# of new dwelling units}) \times (16.67\%) \times (\text{affordability gap}) \times (50 \text{ } \underline{100\%})$

And further...

- B. Development of 6 or more new dwelling units shall require the granting of a Special Permit by the Planning Board and at least one-sixth (16.67%) of the new units created shall be established as Affordable or Community Housing units in any one or combination of methods provided for below:
- (1) No change
 - (2) No change
 - (3) A Payment in Lieu of providing Affordable or Community Housing units shall be made to the Housing Fund. Payment shall be made accordance with the following formulas; ~~so that the Affordable/Community Housing requirement is equal to the total number of new dwelling units multiplied by 16.67%, and based on either 67% or 100% of the affordability gap, as follows:~~
 - a. For 6-9 new dwelling units, the Payment in Lieu =
 $(\text{total \# of new dwelling units}) \times (16.67\%) \times (\text{affordability gap}) \times (67 \text{ } \underline{200\%})$
 - b. For 10 or more new dwelling units, the Payment in Lieu =
 $(\text{total \# of new dwelling units}) \times (16.67\%) \times (\text{affordability gap}) \times (300\%)$
 - c. A Payment in Lieu of providing affordable or community housing units shall not allow an applicant to take advantage of any of the incentives in Section 5 below;

; or to take any other action relative thereto.

[Requested by the Select Board, Planning Board, Community Housing Council and the Provincetown Year-round Market-rate Rental Housing Trust, and Town Manager]

Explanation of Article 17: *This article would increase the inclusionary housing in-lieu fee, or the amount a private developer would pay instead of including deed restricted housing within their development. The fee is discounted for the creation of 1-3 units so as to not disincentivize smaller developments, but increases progressively at 4 units or more so as to encourage the actual creation of new deed restricted units. This is consistent with the premise of the bylaw that one deed restricted unit should be created for every 6 market rate units. The in-lieu fee should be reflective of the actual construction cost of providing the unit.*

Article 18. Acquisition of 288A Bradford Street as a Joint Open Space Conservation and Affordable Housing Development.

To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, a parcel of land with the improvements thereon located at 288A Bradford Street, containing 1.7 acres, more or less, and described in a deed recorded with the Barnstable Registry of Deeds in Book 1962, Page 109, for general municipal purposes, including, without limitation, for open space conservation and affordable housing purposes, and further to raise and appropriate, borrow, or transfer from available funds a sum of money for the costs of acquisition, demolition, and site preparation, and all other costs incidental or related thereto, provided that said appropriation shall be contingent on a Proposition 2 and ½ debt exclusion vote at the 2022 Annual Town Election; or to take any other action relative thereto.

[Requested by the Select Board, Open Space Committee, and Town Manager]

Explanation of Article – \$1,575,000. *The Town seeks to purchase this property from the current owner and redevelop it as both open space land and affordable/community housing.*

The agreed purchase price is \$1,475,000 with an additional \$100,000 being appropriated to handle due diligence costs, the cost to relocate two existing tenants, demolition and site preparation, and the cost to do a housing feasibility analysis on the portion of the land to be developed as housing.

Article 19. Non-binding Resolution: Reduction of Lanes within Route 6 between Conwell and the National Seashore Boundary for the Development of Housing and other Municipal Uses. To see if the Town will vote to instruct the Select Board and Planning Board to present Zoning Bylaw articles to Town Meeting to reduce the number of lanes within Route 6 from 4 to 2 between Conwell Street and the National Seashore Boundary for the development of housing and other municipal uses (parking, sewer leaching areas, bikepaths, etc.); or to take any other action relative thereto.

[Requested by the Select Board, Community Housing Council, the Provincetown Year-round Market-rate Rental Housing Trust, and the Town Manager]

Explanation of Article 19: *This article is a non-binding resolution to inform the Select Board if the Town Meeting body is comfortable with a proposal to reduce the lanes of Route 6 between Conwell Street and the National Seashore boundary for the development of housing and other municipal uses (parking, sewer leaching areas, bikepaths, etc.)*

Article 20. Development Consultant for Route 6. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds \$60,000 to be used to hire a consultant to assist with the assessment of planning, engineering, wetlands delineation, flood storage capacity, and endangered species habitat analysis to determinate the suitability for development of affordable and community housing and municipal uses on the Town-owned property within the Route 6 right-of-way; or to take any other action relative thereto.

[Requested by the Select Board, Community Housing Council, the Provincetown Year-round Market-rate Rental Housing Trust, and the Town Manager]

Explanation of Article 20: *If Article 19 above passes, this article would transfer \$60,000 from free cash to hire a development consultant to assist with the assessment of planning, engineering, wetlands delineation, flood storage capacity, and endangered species habitat analysis to determinate the suitability for development of affordable and community housing and municipal uses on the Town-owned property within the Route 6 right-of-way.*

Article 21. Development Consultant for the Veteran's Memorial Community Center. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds \$150,000 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 and municipal uses on the Town-owned property located at 2 Mayflower Street; or to take any other action relative thereto.

[Requested by the Select Board, Community Housing Council, the Provincetown Year-round Market-rate Rental Housing Trust, and the Town Manager]

Explanation of Article 21: *This article would transfer \$150,000 from free cash to hire a development consultant to assist with the assessment of financing, cost estimating, site planning to determinate the suitability for development of affordable and community housing and municipal uses on the Veterans Memorial Community Center site. The existing Council on Aging, Recreation Center, Wee Care Program, Public Works Department offices and other municipal services will be rebuilt in a more compact footprint, allowing housing to be developed on the remainder of the site.*

Article 22. Development Consultant for 30 Creek Road. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds \$30,000 to be used to hire a consultant to assist with the assessment of a wetlands delineation, flood storage capacity, and endangered species habitat analysis to determinate the suitability for development of affordable and community housing and municipal uses on the Town-owned property located at 30 Creek Road; or to take any other action relative thereto.

[Requested by the Select Board, Community Housing Council, the Provincetown Year-round Market-rate Rental Housing Trust, and the Town Manager]

Explanation of Article 22: *This article would transfer \$30,000 from free cash to hire a development consultant to assist with the assessment of a wetlands delineation, flood storage capacity, and endangered species habitat analysis to determinate the suitability for development of affordable and community housing and municipal uses on the Town-owned property located at 30 Creek Road.*

Article 23. Development Consultant for Fire House #2, 189 Commercial Street 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 consultant to assist with financing, cost estimating, site planning, architectural design and other related actions and development options up to and including entering into one or more development agreements for housing uses on the Town-owned property located at 189 Commercial Street; or to take any other action relative thereto.

[Requested by the Select Board, Community Housing Council, the Provincetown Year-round Market-rate Rental Housing Trust, and the Town Manager]

Explanation of Article 23: *This article would transfer \$75,000 from free cash to hire a development consultant to assist with financing, cost estimating, site planning, architectural design and other related actions and development options up to and including entering into one or more development agreements for housing uses on the Town-owned property located at 189 Commercial Street.*

Article 24. Zoning Bylaw Amendment: Inclusionary and Incentive Zoning Bylaw. Incentives for Development Including Increasing the Building Height to Four Stories in the General Commercial Zone. (*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:

5. Incentives for the Construction or Rehabilitation of Affordable or Community Housing Units
 - B. Building Height/~~Third Story~~ Bonus

(1) As part of the Planning Board Special Permit, the maximum building height for an eligible project:

- Located in any Zoning District, but not in the High Elevation Protection Overlay District; and
- Of which 20% or more of the dwelling units rounded up to nearest whole affordable unit are Affordable or Community Housing units may be up to an additional five (5) feet above the maximum building height higher than would otherwise be allowed under this ZBL, ~~and kneewalls may be five (5) feet, rather than the three (3) feet otherwise allowed under this ZBL,~~ to allow for the creation of a full third story while maintaining the character of a 2½ story structure; and dwellings located in the General Commercial Zoning District may be up to four stories while maintaining the character of a 3½ story structure.

(2) The Planning Board may require that the third or fourth story be stepped back to minimize the appearance of mass from the street and abutting properties.

[Requested by the Select Board, Planning Board, Community Housing Council, the Provincetown Year-round Market-rate Rental Housing Trust, and Town Manager]

Explanation of Article 24: *This article intends to incentivize the creation of affordable and community housing units through the inclusionary bylaw by allowing the Planning Board to waive certain dimensional regulations, including building stories and building height and to allow housing developments in the General Commercial Zone to increase to four stories.*

PETITIONED ARTICLES

Article 25. Petition Article - Charter Amendment – Appointment Authority for Finance Committee Members. To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to provide as set forth below; provided that upon the effective date of this Charter amendment, as vacancies on the Finance Committee occur, appointments to the Finance Committee will be made in the following order: the first vacancy shall be filled by the Moderator, the second vacancy shall be filled by the Select Board, as the third vacancy shall be filled by the School Committee. This sequence shall be repeated for the fourth and all subsequent vacancies; and; provided further that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto.

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF PROVINCETOWN.

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

SECTION 1. Section 2 of Chapter 6 of 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 striking out subsection (c) and inserting in place thereof the following subsection:

c. Three members of the Finance Committee members shall be appointed by the Moderator; two member and one alternate shall be appointed by the Select Board, and two members and one alternate shall be appointed by the School Committee.

SECTION 2. This act shall take effect upon its passage.

[Requested by the Laura Rood, and others]

Article 26. Petition Article – Acquisition of 288 Bradford Street. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, eminent domain or otherwise, upon terms and conditions deemed by the Board of Selectmen to be in the best interests of the Town, a certain parcel of land identified as 288 Bradford Street, Assessor Parcel ID 15-3-100-0, Provincetown, for purposes of open space and community preservation, and to raise and appropriate, borrow, or transfer from available funds a sum of money for such acquisition, including costs incidental and related thereto; and to further authorize the Board of Selectmen to lease the two residential dwellings situated on the property on terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town, or take an other action in relation thereto.

[Requested by the Jonathan Sinaiko, and others]

TOWN BOARD ARTICLES

Article 27. Mandatory Retirement Age of the Fire Chief - A Home Rule Petition. To see if the Town will vote to authorize the Select Board to petition the General Court for the enactment of special legislation entitled “An Act Authorizing the Town of Provincetown to Continue the Employment of Michael Trovato” as set forth below, provided however that the General Court shall be authorized to make ministerial, clerical, and editorial changes of form only to said bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and to authorize the Select Board to approve such amendments.

AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN TO CONTINUE THE EMPLOYMENT OF MICHAEL TROVATO

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

SECTION 1. Notwithstanding any general or special law to the contrary, Michael Trovato, a member of the fire department of the Town of Provincetown, may continue to serve in such position until May 31, 2025, until the date of his retirement, or until the date he is relieved of his duties by the Board of Fire Engineers, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Town may, at its own expense, require that Michael Trovato be examined by an impartial physician designated by them to determine such capability.

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

[Requested by the Select Board]

Explanation of Article 27: Provincetown is the only town on Cape Cod that never had the position of Fire Chief in the Barnstable County Retirement Association. The current Fire Chief has been enrolled in the retirement system. The BCRA system requires the Fire Chief to retire at the age of 65. In 2017, Town of Provincetown filed for a Home Rule Petition so that the Chief would be allowed to stay past the age of 65. Fire Chief Michael Trovato is

asking that the Town pass this article so he has the option of staying in the position until May 31, 2025.

Chief Trovato loves his job and the Fire Department. He has served the Town of Provincetown in the Fire Department for 47 years. He was the youngest firefighter to ever be appointed to the Board of Fire Engineers. He has held the position of Fire Chief longer than any firefighter in the history of the Provincetown Fire Department. The Town is lucky to have Chief Trovato.

Article 28. Land Bank Expenses. To see if the Town will vote to appropriate from the Land Bank Fund established under Chapter 293 of the Acts of 1998 the sum of \$120,300 to be expended under the direction of the Open Space Committee and the Town Manager for the following purposes in FY2023:

Maintenance	\$ 100,000
Acquisition Related Costs	\$ 20,000
Total Land bank Appropriation	<u>\$ 120,000</u>

or to take any other action relative thereto.

[Requested by the Open Space Committee]

Explanation of Article 28: The Open Space Committee seeks the following Land Bank Funds for the maintenance and improvement of existing open space properties purchased with Land Bank Funds, as well as administrative costs associated with new acquisitions. Improvement expenses will include the demolition and removal of the ruins of a single-family home, debris and refuse, and a cesspool at the property on Atkins Mayo Road, which was recently acquired for conservation purposes, as well as survey and design for a viewing platform at the Browne Street Garden and Conservation Park. Land Bank acquisition related funds allow the Open Space Committee to do the required due diligence prior to any open space purchase including closing and other costs associated with acquisitions or potential acquisitions (including but not limited to title searches and appraisals).

Article 29. Establish 63-Rear Howland Street as Park / Passive Recreation / Conservation Land. To see if the Town will vote to dedicate and designate, for park, passive recreation, and conservation purposes in perpetuity pursuant to Article 97 of the Constitution of the Commonwealth of Massachusetts, a parcel of land located at 63-Rear Howland Street, identified on Assessors Map 13-4 as Parcel 8-0, containing 135,750 square feet, more or less; and described in a deed recorded with the Barnstable Registry of Deeds in Book 1440, Page 453, subject to an utility easement thereon and thereunder hereby reserved by the Town provided that any area disturbed by the installation of utilities shall be restored to its former condition, as closely as practicable; or to take any other action relative thereto.

[Requested by the Open Space Committee]

Explanation of Article 29: The Open Space Committee recommends this article to the Town to dedicate the property at 63-Rear Howland Street (approximately 3.1 acres) for park, recreation, and conservation use. The property is adjacent to the Old Colony Trail and contains significant wetlands and endangered species habitat resources. The Committee commissioned a baseline natural resources assessment of the site, commonly known as "Site Y," which confirmed that this site supports a diversity of upland and wetland habitats, which provide valuable food, shelter, and nesting habitat for several wildlife species including state listed "Threatened species and Species of Special Concern". The use of this

site by wildlife and its connection to adjacent conservation lands contribute to the value of this land in providing contiguous natural habitat. A survey of the site delineated the extent of vegetated wetlands protected under the Provincetown Wetlands Protection Bylaw, which indicates that greater than 75% of the site is undevelopable. Due to the use of this land by wildlife, including state-listed rare species, the presence of multiple wetland areas, its connectivity to adjacent conservation lands, and the public's current use of the many walking paths throughout the site, the Open Space Committee recommends the preservation of Site Y for the protection of the overall scenic and natural character of the Town and enhancement of the open-space value of this property as well as nearby conservation lands.

Article 30. Non-Binding Advisory Vote: Resolution to Support for Extended Producer Responsibility Legislation. To see if the Town will vote to direct its State elected delegation to support Extended Producer Responsibility (EPR) legislation laws pending at the State level. Extended Producer Responsibility laws establish manufacturer responsibility for end-of-life recycling for plastics and packaging materials, mattresses, paint, electronics, and other products that can be safely and sustainably diverted from the waste stream. This legislation is intended to require producers to pay for a portion of the costs of recycling materials that they put into the market, thus shifting much of the cost burden of managing the recycling and disposal of such materials from local governments to producers and manufacturers; or to take any other action relative thereto.

[Requested by the Select Board]

Explanation of Article 30: Extended Producer Responsibility legislation is occurring in several states in the US, including several bills filed on Beacon Hill. The intent is to require manufacturers to pay for a portion of the cost of recycling materials used in their products, thus shifting much of the cost burden on local governments.

Article 31. General Bylaw Amendment: Chapter 11 - Sweeping of Sidewalks / Public Area (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, to amend the General Bylaws by inserting the following new section:

11-6-7. Sweeping of public area/sidewalks abutting business premises. The property owner of a premises in the Town occupied wholly or in part by a business establishment shall cause the public area abutting said premises, up to the traveled roadway, to be carefully swept at the opening of each business day (by an owner/occupier/lessee). No such sweepings shall be swept in or deposited on to the street, roadway, or gutter. This Bylaw may be enforced by any Town police officer, enforcement officer or agent of the Board of Health or Licensing Department. This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and Chapter 2 of the Town's General Bylaws. If non-criminal disposition is elected, then any property owner which violates any provision of this Bylaw shall be subject to the following penalties: First Offense: warning; Second Offense: \$100 fine; Third and Subsequent Offenses: \$300 for each fine. Subsequent offenses shall be determined as offenses occurring within two years of the date of the first reported offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense; or to take any other action relative thereto.

[Requested by the Recycling and Renewable Energy Committee]

Explanation of Article 31: This article calls for the Town of Provincetown to pass a general bylaw to enhance the beautification of the Town by having owners / occupiers / lessees of a business maintain and sweep the public area abutting their business at the opening of each business day. These areas can collect debris such as cigarette butts, plastics, and other trash, which, in turn, can end up in storm drains that flow to the bay. Trash can also attract undesirable pests. Clean streetscapes are welcoming, tourist friendly, and environmentally advantageous to this wonderful, unique town we call home.

Article 32. General Bylaw Amendment: Chapter 6 - Revolving Fund Bylaw (Harbor Committee). (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, to amend the General Bylaws by inserting a new revolving fund, as follows:

6-10. Revolving Funds.

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

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
<u>Boat Removal Reserve Fund. Removal of vessels determined to be unsafe, unfit, or a hazard to navigation in accordance with Harbor Regulations 3-4-1.</u>	<u>Town Manager and Harbormaster</u>	<u>Boat Removal Reserve Fee</u>

Or to take any other action relative thereto.

[Requested by the Harbor Committee]

Explanation of Article 32: This General Bylaw Amendment creates a new revolving fund based on a new fee charged to those utilizing Town moorings. The funds to be used to remove vessels determined to be unsafe, unfit or a hazard to navigation. The funds provide for materials, equipment and cost associated with removal, disposal and cleanup of abandoned, sunken or grounded boats. Establishing a reserve fund to deal with vessel cleanup would enhance the Town’s ability to prevent a long costly delay in keeping our harbor safe for shell fishing, tourist walking the jetty and our beaches, and for those navigating in our harbor.

As a result of two severe windstorms during the Fall of 2021, Provincetown Harbor had 5 vessels that either ended up on the Long Point Jetty, sunk on a mooring, or were stranded on a beach. By the time the storm was over, the thousands of pieces from 4 of these vessels were so mixed together on the rock jetty, the insurance from 2 of the boats basically required that all debris, even from the three uninsured boats, be removed to assure all the insured boat’s pieces were cleaned up. Had these two boats not been insured, it is estimated \$40K would have been needed to clean up the jetty.

Article 33. Funding for Cultural Council. To see if the Town will vote to raise and appropriate \$10,000 in funds available to be awarded in grants to develop community – oriented arts, humanities and science opportunities for Provincetown. Grants shall be subject to approval by the Provincetown Cultural Council in accordance with guidelines established by the Massachusetts Cultural Council; or to take any other action relative thereto.

[Requested by the Cultural Council]

Explanation of Article 33: This article provides the Provincetown Cultural Council with funds to award grants to individuals, businesses or organizations that can support a variety of artistic projects and activities in Provincetown, including exhibits, festivals, short-term artists' residencies or performances in schools, workshops and lectures. Provincetown participates in the Massachusetts Local Cultural Council Program, which is the largest grassroots cultural funding network in the nation, supporting thousands of community based projects in the arts, sciences and humanities every year. The state legislature provides an annual appropriation to the Massachusetts Cultural Council, a state agency, which then allocates funds to each community. This article supplements the State funds of \$5,000.

Article 34. Amend Visitor Services Board Composition. To see if the Town will vote to amend its vote under Article 5 of the April 7, 1997 Special Meeting and under Article 64 of April 1, 1999 Annual Town Meeting relative to the composition of the Visitor Services Board by deleting the following language: "The Visitor Services Board shall consist of seven members appointed by the Select Board as follows: one member nominated by the Provincetown Chamber of Commerce, one member nominated by the Provincetown Business Guild, one member nominated by the Women Innkeepers of Provincetown, one member nominated from the Art community and three member-at-large" and replace it with the following language, "The Visitor Services Board shall consist of seven members appointed by the Select Board"; or to take any other action thereto.

[Requested by the Select Board]

Explanation of Article 34: The Purpose of this article will create a seven member-at-large committee to remove the unwieldy nomination process that currently exists.

Article 35. General Bylaw Amendment and Home Rule Petition: Remove Historic District Nomination Requirements. Chapter 15. Historic District Commission Section 15.4.2 and 15.4.4 (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote:

(1) To amend the Provincetown General Bylaws by amending Chapter 15, as follows:

15-4-2. Appointment process: ~~The Selectmen Board shall be the appointing authority for the members of the Commission. In making appointments to the Commission, the Select Board shall endeavor to appoint members who have educational and/or professional experience in one or more of the following fields: historic preservation, architecture, land use planning, architectural planning, history, law or engineering. appoint one Commission member from up to two nominees solicited from the Provincetown Chamber of Commerce; one member from up to two nominees solicited from the Provincetown Business Guild; one member from up to two nominees solicited from the Provincetown Art Association and Museum; one member from up to two nominees solicited from the Provincetown Historical Commission; and one member from up to two nominees solicited from the Pilgrim Monument and Provincetown Museum. If, within 30 days after submission of a written request for nominees to any of the organizations herein named, no such nominations have been made, the Select Board may proceed to make appointments as it desires;~~

And further to delete Section 15.4.4

~~15.4.4. Background Recommendations. It is recommended, but not required, that Commission members selected by the nominating entities, including the Select Board, have educational and/or professional experience in one or more of the following fields: historic preservation, architecture, land use planning, architectural planning, history, law or engineering.~~

And further

(2) to authorize the Select Board to petition the General Court for special legislation modifying the appointment process for the Historic District Commission as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE HISTORIC DISTRICT COMMISSION OF THE TOWN OF PROVINCETOWN.

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

Section 1: Notwithstanding the provisions of Chapter 40C of the General Laws, or any other general or special law to the contrary, in the Town of Provincetown, members of the Historic District Commission shall be appointed by the Provincetown Select Board. In making appointments to the Commission, the Select Board shall endeavor to appoint members who have educational and/or professional experience in one or more of the following fields: historic preservation, architecture, land use planning, architectural planning, history, law or engineering.

Section 2: This Act shall take effect upon passage.

(3) The provisions of this bylaw shall take effect on the effective date of this bylaw pursuant to General Laws Chapter 40, §21, and the enactment of the Home Rule Petition as set forth above, whichever occurs last. Or to take any other action thereto.

[Requested by the Select Board]

Explanation of Article 35: *The Purpose of this article will create a five member-at-large committee with two alternates to remove the unwieldy nomination process that currently exists.*

CHARTER AMENDMENT ARTICLES

Article 36. Charter Amendment. Financial Procedures – Specific to the School Committee’s Proposed Budget. To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided,

however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF PROVINCETOWN.

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

SECTION 1. Subsection (c) of Section 5 of Chapter 6 of 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 striking out the word "January 31st" and inserting in place thereof the following word: - December 31st.

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

[Requested by the Select Board and the Town Manager]

Explanation of Article 36: *This proposed change allows the Town sufficient time to consider the impact of the School Committee's budget (approximately 17% of overall budget) prior to submitting to the Select Board in January.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Chapter 6 FINANCE

Section 5. Financial Procedures – Specific to the School Committee

a. The School Committee shall deliver its proposed Budget to the Town Manager by ~~January 31st~~ December 31st of each year.

Article 37. Charter Amendment. Public Safety – Residency Requirements. To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF PROVINCETOWN.

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

SECTION 1. Subsection (a) Section 1 of Chapter 7 of 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 deleting the words “be residents of Provincetown or Truro”, and in its place adding the words after the word shall: - reside within 40 driving miles of the Town of Provincetown, and to further delete the words “or shall become residents”.

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

[Requested by the Select Board]

Explanation of Article 37: *This proposed change would expand the existing residency requirement for the Police Chief and Director of Public Works to allow them to live throughout the Outer Cape. Due to the cost of housing in Provincetown, this change will be critical for retention and recruitment of these important Town positions.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

Chapter 7. PUBLIC SAFETY

Section 1. Residency Requirements

a. The Chief of Police and the Director of the Department of Public Works shall ~~be residents of Provincetown or Truro~~, reside within 40 driving miles of the Town of Provincetown ~~or shall become residents~~ within six months of assuming office.

b. The Fire Chief shall be a resident of Provincetown.

Article 38. Charter Amendment. Clarification on the Preparation of the Annual Town Meeting Warrant and Special Town Meeting Warrant. To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF PROVINCETOWN.

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

SECTION 1. Subsection (g) Section 3 of Chapter 2 of 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 adding the word:- Annual prior to the words “Town Meeting Warrant” in the first sentence of Subsection (g).

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

[Requested by the Select Board]

Explanation of Article 38: *If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):*

g. When an article on the Annual Town Meeting Warrant addresses the following topics, the Town Board identified below shall hold a Public Hearing, soliciting comments from the Public on the article and voting whether its members are in favor of or opposed to the article, and prior to the article coming to a vote at Town Meeting, the Town Board shall report the votes of its members and explain the view of the majority to the Town Meeting:

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

Article 39. Charter Amendment. Town Boards – Filling of Vacancy. To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to provide as set forth below; and further, that within the Charter amendment, if approved, may be combined with any other Charter amendments approved at this meeting into a single bill to be submitted to the General Court and, in connection therewith, to authorize the Town Clerk, in consultation with the Town Manager, to finalize the form of the special legislation for these purposes, including making any non-substantive changes made or required by the proposed amendments with respect to lettering or numbering of the sections of the Town Charter so amended; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT RELATIVE TO THE CHARTER OF THE TOWN OF PROVINCETOWN.

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

SECTION 1. Subsection (e) Section 7 of Chapter 5 of 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 deleting Subsection (e) in its entirety.

SECTION 2. This act shall take effect upon its passage.

Or to take any other action relative thereto.

Requested by the Select Board]

Explanation of Article 39: *This proposed change would remove the confusing rotation of the appointing authority every 6 months. The appointing authority shall be determined by the Charter and shall not rotate regardless of the time frame of the vacancy.*

If this amendment is approved, the 2017 Revised Charter will be changed to read as follows (with deletions shown in strike through and new text shown as underlined):

~~e. Vacancies on appointed Boards shall be filled as follows:~~

~~1) The Appointing Authority shall fill the vacancy within sixty days of the receipt of the notice of vacancy.~~

~~2) In the event of the failure of the Appointing Authority to fill the vacancy within the allotted time, and when the Moderator is not the Appointing Authority, the Moderator shall fill the vacancy within thirty days.~~

~~3) In the event of the failure of the Appointing Authority/Moderator to fill the vacancy within the allotted time, the Board may fill the vacancy, unless the Board lacks the quorum to act.~~

ZONING AGENDA ARTICLES

Article 40. Zoning Bylaw Amendment: Inclusionary and Incentive Zoning 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:

Section 4180 Inclusionary and Incentive Zoning Bylaw

4. Mandatory Provision of Affordable or Community Housing for Development of New Residential Units. In order to contribute to the local stock of Affordable and Community Housing, any residential development identified in Sections 3(a)-(b) above shall provide a percentage of the dwelling units as deed restricted Affordable and/or Community Housing units. This Affordable/Community Housing requirement shall be one-sixth (16.67%) of the new dwelling units developed rounded up to the nearest whole affordable unit and shall be made a condition of a Special Permit; OR, ~~IF~~ the applicant shall meet the requirement in accordance with the following:

A. Development of 2 to 5 new dwelling units shall require the granting of a Special Permit by the Planning Board and a Payment in Lieu of providing ~~a fractional~~ an affordable unit to be made to the Housing Fund to fulfill the Affordable/Community Housing requirement.

(1) *no changes*

(2) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of each unit, whichever occurs sooner.

a. ~~Year-round rental unit development:~~ When the development consists of year-round rental units, a lien shall be filed against the property which states that the Payment in Lieu shall be deferred until such time as the year-round rental use ceases, with the full balance due upon change of use.

b. ~~The developer shall enter into a binding written agreement with the Town of Provincetown, before the issuance of the first Building Permit and with appropriate payment surety arrangements, to provide the required payment(s) to the Housing Fund, and with a notice of the required payments to be recorded against the property before any Certificate of Occupancy is issued if full payment has not been made at the time an application is filed for a Certificate of Occupancy.~~

And further to amend Section 4180:

5. Incentives for the Construction or Rehabilitation of Affordable or Community Housing Units. Any residential development project that meets or exceeds the minimum one-sixth

(16.67%) Affordable/Community Housing requirement through the on-site or off-site construction or rehabilitation of the required number of Affordable or Community Housing units may, at the discretion of the Planning Board and in accordance with Special Permit criteria, take advantage of any or all of the incentives as set forth below. Incentives shall not be applied to projects that meet the Affordable/Community Housing requirement through a Payment in Lieu or Land Donation in Lieu of constructing Affordable or Community Housing units.

A. Density Bonus

(1) The allowable density for an eligible project located in the Res2, Res3, ResB, TCC and GC Zoning Districts may be increased above the number of dwelling units allowed on the parcel rounded down to nearest whole unit and of which a minimum of 16.67% of the total dwelling units rounded up to the nearest whole affordable unit shall be affordable or community housing units, as follows:

- ~~• Located in the Res2, Res3, ResB, TCC and GC Zoning Districts; or~~
- ~~• Located in the Res1 Zoning District where the lot size is 60,000 square feet or greater; and~~
- ~~• Of which a minimum of 10% of the total dwelling units (after the density bonus is applied) are Affordable or Community Housing units may be increased above the number of dwelling units allowed on the parcel beyond the maximum number allowed under this Zoning Bylaw, as follows:~~
 - a. For every deed restricted unit of Affordable Housing constructed or rehabilitated either on or off-site, two market rate dwelling units may be added as a density bonus.
 - b. For every deed restricted unit of Community Housing constructed or rehabilitated either on- or off-site, one market rate dwelling unit may be added as a density bonus.

~~(2) The allowable density for an eligible project:~~

- ~~• Located in the Res2, Res3, ResB, TCC and GC Zoning Districts; or~~
- ~~• Located in the Res1 Zoning District where the lot size is 60,000 square feet or greater; and~~
- ~~• Of which 20% or more of the dwelling units are Affordable or Community Housing units (after the density bonus is applied) may be based on the number of bedrooms able to be served by a non-varianced septic system contained on the same parcel, so that the project may have up to as many dwelling units as bedrooms that can be supported.~~

~~(3) (2) To facilitate the objectives of a density bonus, the Planning Board shall have the authority to modify or waive minimum lot area, minimum lot frontage, setback, lot coverage, green area, any lot or dimensional regulations, multiple buildings per lot regulations, and parking regulations as appropriate and necessary to accommodate the additional unit(s) on the site as part of the Special Permit relief; except that no lot shall have less than 25% of the minimum lot area required for its zoning district and no less than 12 feet of frontage.~~

B. *no changes*

C. Fee Reduction Bonus

~~(1) Building permit fees reduced for Affordable and Community housing units~~

~~a. Building permit fees shall be reduced by 50% for the Affordable and Community Housing units within a project, where up to one-sixth of the units are Affordable or Community Housing units.~~

~~b. Building permit fees shall be reduced by 75% for the Affordable and Community Housing units within a project, where up to between one sixth and one half of the units are Affordable or Community Housing units.~~

~~c. Building pPermit fees shall be waived for the Affordable and Community Housing units within a project, where at least half 16.67% of the units rounded up to nearest whole affordable unit are Affordable or Community Housing units.~~

~~D. Streamlined Permitting Process Bonus (1) When an applicant needs permits from both the Planning Board and the Conservation Commission, the two hearings shall be held jointly.~~

And further to amend section 4180:

8. Distribution of Affordability. Distribution of affordability for rental or ownership units as Affordable Housing or Community Housing shall be determined by the ~~Planning Board in consultation with the Community Housing Council and set as follows, pursuant to Article 6,~~ prior to the Planning Board hearing and shall be ~~being~~ made a condition of the Special Permit under this Bylaw:.

~~a. When the number of the Town's Subsidized Housing Inventory (SHI) eligible affordable housing units is below 10%, the units created shall be Affordable Housing units, unless otherwise approved by the Planning Board if adequate justification is provided that the development of Affordable Housing units is not feasible and it is beneficial to the Town that Community Housing units are provided instead, and the exception is made a part of the Special Permit~~

~~b. When the number of the Town's SHI eligible affordable housing units is at or above 10%, it is encouraged that units created be Community Housing units.~~

or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 40: *This article intends to cleanup, clarify and simplify the incredibly complicated Inclusionary and Incentive Zoning Bylaw. Since its adoption in 2017, the Inclusionary Bylaw has been applied on several occasions now, and each application requires a great deal of Town counsel input along with many staff hours trying to interpret and apply the bylaw standards as well as its incentives. The intent is not to fundamentally change the intent or the result of the bylaw, but rather to remove internal inconsistencies and simplify the approach to assist everyone in its implementation, including the housing developer, staff and Planning Board members.*

In summary, the changes include:

- Clarifying that all Inclusionary Projects must provide a minimum of 1/6th or 16.67% inclusionary contribution whether it be through the provision of units in the overall development or in the payment of an in-lieu fee to the housing fund.*
- Requires that any project taking advantage of the incentives must provide a minimum of 16.67% of units. Currently the bylaw requires a 16.67% minimum number of affordable units but then allows the density bonus to apply which reduces the overall number of affordable units to a low as 10%.*
- Simplifying the payment in-lieu process.*
- Removing references to density bonus within the Res 1 District which is a single-family zone.*
- Clarifies the incentives available once the minimum 1/6 provision is met, including being specific as to the types of dimensional relief available to the Planning Board.*

- Clarifies the fee reduction bonus, allowing the building permit fees for all deed restricted units to be waived.
- Clarifies the duplicity of approvals required for the determination of the income level of deed restricted units. Article 6 states that the CHC determines affordability levels, but inclusionary added the Planning Board the ability to make the same determination, allowing for the opportunity for the two boards to be inconsistent or not agree.

Article 41. Zoning Bylaw Amendment: Growth Management 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 6 Growth Management Bylaw as follows:
Section 6200 Applicability.

2. No building permit shall be issued for a new structure or for the enlargement, reduction, renovation or alteration of an existing structure and no occupancy permit shall be issued for any new use or any reduction, expansion, change or alteration of an existing use for which no building permit is required; until and unless:

(a) The Health Agent determines the amount, if any, by which Title 5 Design Flow will increase or decrease as a result of the proposed structure or use. ~~In making determinations of Title 5 Design Flow, the Health Agent shall apply the definitions of Fixed Standing and Seats as defined in Article 1, where applicable; and~~

(b) In the event the Health Agent determines the amount of Title 5 Design Flow will increase, the property owner obtains a Growth Management Allocation Permit sufficient to allow the increase.

And further to amend:

Section 6500 Table of Use Categories and Priorities.

GENERAL USE CATEGORY 1

1a. Affordable Housing Units

~~1b. Median Income Community Housing Units~~

1b. Community Housing Units

~~1c. Middle Income Community Housing Units~~

GENERAL USE CATEGORY 2

2. The non-affordable/community housing components of project consisting of:

~~2a1 Multi-family dwellings projects that consist of 50%–99% affordable housing and/or community housing~~

~~2a2 Two-family dwellings projects that consist of 50%–99% affordable housing and/or community housing~~

~~2a3 Single-family dwelling projects that consist of 50%–99% affordable housing and/or community housing~~

~~2b1 Multi-family dwelling projects that consist of 33%–49.9% affordable housing and/or community housing~~

~~2b2 Two-family dwelling projects that consist of 33%–49.9% affordable housing and/or community housing~~

~~2b3 Single-family dwelling projects that consist of 33%–49.9% affordable housing and/or community housing~~

2c 2a. The creation of any deed-restricted year-round rental unit or units, including accessory units

~~2d 2b.~~ Any project that consists of ~~10%–32.9%~~ a minimum of 16.67% affordable and/or community housing units granted under the Inclusionary and Incentive Zoning Bylaw.

GENERAL USE CATEGORY 3

3a. Expansions or alterations to existing residential structures ~~or uses~~ that result in increased Title 5 flow, not to exceed the Title 5 Design Flow pursuant to 310 CMR 15.203(2). A total of 330 gallons per year will be reserved for one bedroom per year per applicant.

And further to amend:

Section 6600 Growth Limitation Goal Allocations.

1. Annually, during the Growth Management Review, the Select Board may allocate up to ~~1650~~ 2750 gpd to General Use Category 1 and General Use Category 2, provided that the Select Board shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.

The Select Board shall have the flexibility with the General Use Category 1 and General Use Category 2 to distribute the ~~1650~~ gallons amongst the Use Categories ~~1a, 1b, and 1c~~, based on demonstrated need and the recommendation of the PCHC within the Annual Growth Management Report.

All unassigned gallonage remaining at the end of each calendar year for General Use Category ~~1a, 1b and, 1c~~ and Use Category 2 shall remain available for assignment in the next calendar year for those same General Use categories, ~~respectively Use Category 1a, 1b, 1c.~~

2. The Growth Limitation Goal shall be allocated for categories ~~2, 3 and 4~~ each year as follows:

~~(a) Annually, during the Growth Management Review, the Board of Selectmen may allocate up to 1,100 gpd to General Use Category 2, provided that the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto. All unassigned gallonage remaining at the end of each calendar year for General Use Category 2 shall remain available for assignment in the next calendar year for General Use Category 2.~~

~~(b)~~ (a) Annually, during the Growth Management Review, the Select Board may allocate up to 1,870 gpd to General Use Category 3, ~~except that in 2015, the Board of Selectmen may allocate up to 2,530 gpd to General Use Category 3,~~ provided that the Select Board shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto. Within this allocation, 330 gpd shall be reserved for General Use Category 3a (expansions to existing residential structures). All unassigned gallonage remaining at the end of each calendar year for General Use Category 3 shall remain available for assignment in the next calendar year for General Use Category 3.

(e) (b) Annually, during the Growth Management Review, the Select Board may allocate up to 3,750 gpd to General Use Category 4, ~~except that in 2019, the Board of Selectmen may allocate an additional amount of up to 10,000 gpd to General Use Category 4,~~ provided that the Select Board shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto. The Select Board shall have the flexibility with the General Use Category 4 to distribute the 3,750 gallons between the General Use Category 4 and Use Category 4a, Projects that receive an Economic Development Permit. All unassigned gallonage remaining at the end of each calendar year for General Use Category 4 shall remain available for assignment in the next calendar year for General Use Category 4, and all unassigned gallonage available at the end of each calendar year for Use Category 4a, shall remain available for assignment in the next calendar year for Use Category 4a; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 41: This amendment updates and simplifies the Growth Management Bylaw based on our adoption of the Inclusionary Housing and Incentive Bylaw. The Inclusionary Bylaw has dramatically changed the way we apply Growth Management to multi-family housing developments. This amendment provides the Housing Council and Select Board greater flexibility in allocating gallons for affordable and community housing projects. It allows the Select Board the flexibility on an annual basis to make allocations within Category 1 (affordable and community housing) and Category 2 (Inclusionary housing) to ensure that an appropriate amount of gallons are available based on demand from inclusionary projects. The gallons would be allocated from within the appropriate categories based on need to ensure that there will be gallons available over time when the projects arise.

Article 42. Zoning Bylaw Amendment: Parking Requirements

(Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2 Districts and District Regulations, Sections 2472 All Districts as follows:

2472 All Districts. The following minimums must be complied with in all districts except TCC, which is exempted:

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.) Accessory Dwelling Units are exempt.
Hotel, Motel, Dormitory, Inn	1 space/guest unit plus: 1 space/resident employee; 1 space/3 non-resident employee plus 1 temporary space/10 guest units or fraction thereof
Boarding, Lodging or Tourist Home	1 space/guest unit

USE	NUMBER OF SPACES
Affordable, elderly & or handicapped housing	1 space per two residential units

And further, to add:

2475 Electric Vehicle Charging Stations

Developments required to provide 10 or more parking spaces per Sections 2472 or 2473 are required to provide a minimum of two electric vehicle charging stations. These parking spaces shall be counted towards the total number required by Sections 2472 or 2473.

These requirements may be met through an approved shared parking plan with an adjacent property via Special Permit; or to take any other action relative thereto.

[Requested by the Planning Board]

Explanation of Article 42: *This article intends to amend the Parking Requirements to exempt properties within the Town Center Commercial Zoning District (TCC), adding more flexibility for uses on mostly pre-existing, non-conforming lots that cannot accommodate onsite parking spaces, and acknowledges that many residential structures in the TCC zoning district already have residential units without providing onsite parking. We currently exempt non-residential structures or buildings located in the TCC from the parking requirements and this amendment would extend that exemption to residential uses. It also simplifies the parking requirements for hotels, Inns and dormitories with the hope of making it easier to expand or develop such projects. And lastly, the article adds a requirement for electric charging stations on large developments.*

CONSENT AGENDA ARTICLES

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

The Consent Agenda for the Annual Town Meeting includes Articles 43 through 49.

Article 43. 0.5% Real Estate Transfer Fee - A Home Rule Petition. To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing the Town to impose a 0.5% real estate transfer fee as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Select Board approves amendments thereto prior to enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

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

Section 1. There is hereby imposed a real estate transfer fee equal to 2% (two percent) 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 funds collected in each fiscal year shall be deposited equally in both the Town's Other Post-Employment Benefits (OPEB) Trust and the Provincetown's Affordable Housing Trust.

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

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

Section 3.

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

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

[Requested by the Select Board and the Town Manager]

Explanation of Article 43: *This article seeks an annual reaffirming vote in support of the Home Rule Petition currently pending at the State Legislature to impose a 0.5% Real Estate Transfer Fee. What's different about this article this year is that we have changed the distribution of any funds collected from Capital Stabilization and General Fund to OPEB Trust and Affordable Housing Trust Fund. These funding needs better represent the Town's priority goals and needs.*

State Representative Sarah Peake has recommended that the language be voted on once again at this year's Town Meeting to reinforce its intent as the home rule petition makes its way up the legislative channels of the State House.

Article 44. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate \$1,939 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and to authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

[Requested by the Select Board and the Town Manager]

Explanation of Article 44: A Town Meeting vote is required to fund this Cape Cod Greenhead Fly Control District assessment of \$1,939.

Article 45. 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, 2022, by replacing the existing compensation plan with the following new compensation plan as adopted by the Personnel Board:

Grade	Compensation Range				Position
	FY2022	Current	FY2023	Proposed	
	[exempt MGL C.41, §108N]				Town Manager
	[exempt MGL C.41, §108O]				Chief of Police
	[exempt MGL C.41, §108O]				Finance Director
14	\$100,451	- \$124,967	\$102,460	- \$127,466	DPW Director
13	\$93,447	- \$116,188	\$95,316	- \$118,512	Lieutenant
					Assistant Town Manager
					<u>Community Development Director</u>
12	\$86,919	- \$108,070	\$88,658	- \$110,232	<u>Town Treasurer/Collector</u>
11	\$80,848	- \$100,542	\$82,465	- \$102,553	Building Commissioner
					MIS Director
					Water Superintendent
					Town Engineer
					<u>Emergency Medical Services Coordinator</u>
					<u>Diversity, Equity & Inclusion Director</u>
10	\$75,208	- \$93,492	\$76,712	- \$95,362	DPW Deputy Director
					Principal Assessor
					Health Director
					Pier Manager*
9	\$69,954	- \$87,011	\$71,353	- \$88,751	DPW Operations Director <u>Public Works Facilities Manager</u>
					Library Director
					Town Clerk
					Planner
					Tourism Director

				Town Treasurer
				COA Director
				Harbor Master
				Pier Facilities Manager
8	\$65,065 - \$80,916	\$66,366 - \$82,534		MIS Analyst
				Town Collector <u>Revenue Officer</u>
				Marine Services/Emergency Management Coordinator
				Deputy Emergency Manager / Transportation Coordinator
				Environmental Planner / Conservation Agent
				Zoning Enforcement / Code Enforcement Officer
7	\$60,516 - \$75,230	\$61,727 - \$76,735		Recreation Director
				Local Building Inspector
				Human Resources Manager
				<u>Assistant Director of Tourism</u>
6	\$56,286 - \$70,045	\$57,412 - \$71,446		Executive Assistant to Town Manager
				Executive Assistant to Police Chief
				Assistant Tourism Director
				Health Agent
				Assistant Town Accountant
				Assistant Library Director
				Licensing Agent
				COA Outreach Coordinator
				Secretary to Select Board
5	\$52,352 - \$65,110	\$53,399 - \$66,413		MIS Technician
				Parking Administrator
				MIS Technician
				Pier Office Manager*
				Permit Coordinator
4	\$48,690 - \$60,516	\$49,664 - \$61,727		Lead Librarian
				<u>Assistant Housing Specialist</u>
3	\$45,302 - \$56,354	\$46,208 - \$57,481		No positions assigned
2	\$42,141 - \$52,397	\$42,983 - \$53,445		No positions assigned
1	\$39,207 - \$48,736	\$39,991 - \$49,711		No positions assigned

* Employee of the Provincetown Public Pier Corporation

Schedule B: To amend Schedule B, “Fire Department Positions,” effective July 1, 2022, as requested by the Board of Fire Engineers, as follows:

Annual Salaried Positions:	FY22 Current	FY2023 proposed	% change
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Fire Chief	\$60,414	\$65,000	7.59%
Assistant Chief		\$30,000	100.00%
Annual Stipended Positions			
1st Deputy Fire Chief	\$17,510	\$8,755	-50.00%
2nd Deputy Fire Chief	\$14,008	\$14,008	0.00%
District Fire Chief/Engineer	\$6,800	\$6,800	0.00%
Firefighter	\$800	\$824	3.00%
Fire Auxiliary	\$400	\$412	3.00%
Fire Captain	\$1,250	\$1,288	3.04%
Fire Lieutenant	\$800	\$824	3.00%
Engine Steward	\$880	\$900	2.27%
Station Steward	\$1,100	\$1,133	3.00%
Ladder Steward	\$1,300	\$1,339	3.00%
LaFrance Steward	\$500	\$515	3.00%
Oil Inspector	\$1,747	\$1,799	2.98%
Rescue Steward	\$3,600	\$3,708	3.00%
Rescue Captain	\$3,000	\$3,090	3.00%
Rescue Lieutenant	\$1,500	\$1,545	3.00%
Rescue Training Officer	\$3,000	0	-100.00%
Radio Officer	\$800	\$1,000	25.00%
Air Officer	\$1,500	\$1,545	3.00%
Infection Control Officer	\$800	\$824	3.00%
Non-Firefighter Positions			
First Responders (Hourly Rate)	\$25.00	\$25.75	3.00%
EMT-Basic (Hourly Rate)	\$27.51	\$33.00	19.96%
EMT-Intermediate (Hourly Rate)	\$29.85	\$34.56	15.78%
EMT-Paramedic (Hourly Rate)	\$32.47	\$36.12	11.24%
Standby (Hourly Rate)	\$25.00	\$40.00	60.00%
Detail (Hourly Rate)	\$55.00	\$56.00	1.82%
Safety Inspections (Hourly Rate)	\$20.00	\$25.00	25.00%
Rescue Squad Participation (Per Quarter)	\$250.00	\$250.00	0.00%

Schedule C: To amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2022, as follows:

Grade	Actual FY 2022	Proposed FY 2023	Proposed Position Classifications
Z	\$31.21	\$31.84	Event Coordinator
			<u>Part-Time Certified Officer</u>
T	\$24.61	\$25.10	Summer/On-Call Tele-communicator
N	\$21.55	\$21.98	Police Officer, Summer/Auxiliary
			Seasonal Deputy Harbormaster*
			Special Needs Coordinator
M	\$20.92	\$21.34	COA Cook/Meal Coordinator

L	\$20.34	\$20.75	Parking Lot Technical Manager
			Returning Pier Maintenance Assistant*
			Property Inspector (Assessors)
K	\$19.77	\$20.16	<u>Parking and Traffic Officers</u>
			Returning Seasonal Assistant Harbormaster*
			Returning Pier Office Assistant*
J	\$19.19	\$19.57	Part-time Library Circulation Aide
I	\$18.84	\$19.22	Parking Meter Collection/Repair
			Pier Maintenance Assistant - First Year*
			On-call COA Van Driver
H	\$18.28	\$18.64	Police Matron
G	\$17.93	\$18.29	<i>No Positions Assigned</i>
F	\$17.41	\$17.76	Seasonal Assistant Harbormaster - First Year*
			Pier Office Assistant – First Year*
			Parking and Traffic Officers
			Parking Lot Assistant Technical Manager
			Parking Meter Enforcement
			Part-time Clerical
			Secretary, On-call Relief
			Transfer Station Laborer
E	\$17.10	\$17.44	Special Needs Counselor
D	\$16.61	\$16.94	On-call Library Circulation Aide
			Parking Lot Attendant/Out-booth/Floater
			Community Ambassador
C	\$16.12	\$16.44	Barrels & Grounds Laborer
			Beautification Maintenance
			Restroom Attendant
			Building Custodian
			Seasonal Recreation Supervisor
B	\$15.81	\$16.13	<i>No Positions Assigned</i>
A	\$15.57	\$15.88	Parking Lot Attendant/In-booth
			Seasonal Recreation Aides
			After School Recreation Aides
			COA Program Assistant

* Employee of the Provincetown Public Pier Corporation

or to take any other action relative thereto.

[Requested by the Select Board and the Town Manager]

Explanation of Article 45: Schedule A is for full and part-time non-union positions that are included in the compensation plan. Schedule A does not set a salary or the rate of pay for Town employees, but rather sets the salary range for each job classification.

Schedule B is for Fire Department positions and increases are requested by the Board of Fire Engineers.

Article 46. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$960,000 to be expended under the direction of the Select Board and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$180,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
2. \$540,000 for marketing, and costs related thereto;
3. \$50,000 for municipal projects, and costs related thereto;
4. \$175,000 for tourism grants, and costs related thereto;
5. \$15,000 for the Public Landscape Committee, and costs related thereto;

or to take any other action relative thereto.

[Requested by the Select Board and the Visitor Services Board]

Explanation of Article 46: This article transfers \$960,000 from the Tourism Fund to cover the costs associated with the Tourism Office pursuant to the Five-Year Financial Plan for Tourism Fund Expenditures proposed by the Visitor Services Board and approved by the Select Board each year. The Tourism Fund is entirely funded from receipts of the room occupancy tax.

Article 47. FY2023 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of \$93,200 to be expended under the direction of the Select Board, to fund grants to assist nonprofit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod	\$2,500
Alzheimer’s Family Support Center	\$9,000
Cape Cod Children’s Place	\$7,500
Cape Cod Dispute Resolution Center	\$2,000
Church of the Holy Spirit/Food4Kids	\$3,500
Consumer Assistance Council	\$600
Elder Services of CC&I	\$1,500
Family Pantry of Cape Cod	\$5,000
Gosnold	\$2,500
Helping Our Women	\$7,500
Homeless Prevention Council	\$7,500
Independence House	\$6,000
Lower Cape Outreach Council	\$6,500
Mass Appeal	\$2,500
Outer Cape Health Services	\$10,000
Sight Loss Services	\$500
Soup Kitchen In Provincetown	\$7,000
South Coastal Counties Legal Services	\$4,100
Sustainable Cape	\$7,500

Total	\$93,200
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or to take any other action relative thereto.

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

Explanation of Article 47: *In this article, the Human Services Committee recommends funding totaling \$93,200, an increase of \$4,000 or 4.5% of the amount approved for Fiscal Year 2022. These grants support 19 agencies that are actively providing services to Town residents of all ages, particularly those most in need. Funding decisions by the Committee were determined through:*

- (1) a rigorous review of each application,*
- (2) meetings with applicants as required,*
- (3) prior compliance with reporting requirements and*
- (4) an assessment of each applicant’s visibility and level of service delivery to residents of Provincetown. In addition to Committee meetings, two Public Hearings were held for public input into the needs assessment and Committee funding recommendations.*

Article 48. FY2023 Revolving Fund Spending Limits. To see if the Town will vote to establish spending limits for FY2023 for the following revolving funds established pursuant to MGL Chapter 44, Section 53E½:

FY 2023 REVOLVING FUND ANNUAL SPENDING	
Program or Purpose	Up to a limit of
Town Hall Auditorium	125,000
Shellfish Grants	10,000
B-Street Garden	2,500
Fuel Reimbursement	125,000
Affordable Housing	20,000
Tree Fund Revolving Account	10,000
Facilities and Grounds Rental Revolving Fund	30,000
Small Scale Climate Change Resiliency Revolving Fund	18,000
Harbor Committee – Boat Removal Reserve Fund	50,000

or to take any other action relative thereto.

[Requested by the Select Board and the Town Manager]

Explanation of Article 48: *This article authorizes the annual spending limits of eight existing revolving funds. Under Massachusetts General Law, Town Meeting must set the spending limits for each revolving account each year. This year, it includes a new revolving fund which allows the Town to set aside reserve funds to remove sunken, stranded and beached boats from the harbor.*

Article 49. Funding for Economic Development Committee. To see if the Town will vote to raise and appropriate \$76,000 with \$1,000 for Committee expenses and \$75,000 in funds available to be awarded in grants to develop increased year-round economic opportunities. Grants shall be subject to approval by the Select Board. Committee Mission Statement: Encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens without creating adverse impacts on the character of our community or our natural environment; or to take any other action relative thereto.

[Requested by the Select Board and the Economic Development Committee]

Explanation of Article 49: *This article provides the Economic Development Committee with funds to award grants to individuals and/or businesses that are working to create a year-round economy in Provincetown. As the mission statement reads, the goal is to encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens.*

HEREOF FAIL NOT and make a due return of this WARRANT with your doings thereon to the TOWN CLERK, at the time and place of the meeting aforesaid.

Given unto our hands the 4th day of March in the year Two Thousand Twenty-two.

Provincetown Select Board.

David Abramson, Chairman

John Golden, Vice-Chairman

Louise Venden

Robert Anthony

Leslie Sandberg

A TRUE COPY, ATTEST:
Emmett Catanese
Town Clerk
Date of publishing: