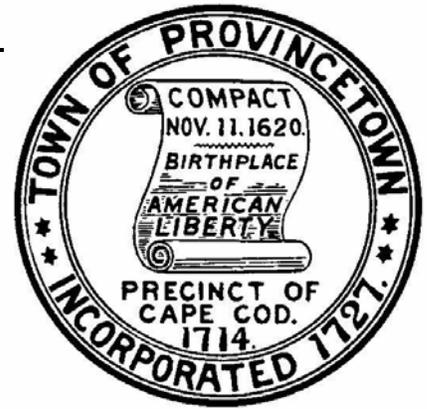


PROVINCETOWN FINANCE COMMITTEE
REPORT AND RECOMMENDATIONS
ON ARTICLES FOR THE
APRIL 3, 2017 ANNUAL &
SPECIAL TOWN MEETINGS

MONDAY, APRIL 3, 2017 AT 6:00 P.M.
TOWN HALL AUDITORIUM



Town Hall
Provincetown, Massachusetts

Finance Committee Report and Recommendations to the Voters

Table of Contents

Finance Committee 2017 Report	1
Definition of Key Terms for the Town Meeting Voters	5
Financial Information for the Voters	8
Debt Policy and Update	8
Long Term Debt Summary	8
Special Town Meeting Warrant	10
Annual Town Meeting Warrant	12

FINANCE COMMITTEE 2017 REPORT

Dear Town Voters,

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

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

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

The Finance Committee is happy to report that we are well on our way to achieving both of these goals. In overwhelmingly passing the measure that allows the Year Round Rental Housing Trust (a measure initiated by the Finance Committee) to purchase the Harbor Hill complex for full-time, year-round rental housing, we can now see our goal on the horizon to have a growing number of women and men call Provincetown “home” rather than a place they commute to for work or visit for weekends and/or vacations. It is a fantastic start, but we must not rest on our laurels and keep working to make the percentage of this next tier of housing exactly the same as our Affordable Housing stock where we have also done a great job of bringing the Town close to the Commonwealth’s recommended level of 10%.

How do we do this? How does the Town keep investing meaningful sums of money in year-round rental housing and keep growth in overall expenses and revenues close to a 2.5% to 3.0% annual growth rate over the next ten years? We can present you with some options to think about.

We know that paying salaries and benefits of current and retired Town employees accounts for 70% of the Town's operating budget. We also know the cost of health care and retirement benefits tends to grow 6-to-10% per year. This means that, each year, the Town is spending an average of \$500,000, on average, more for health insurance alone. We submit to you that this is, simply, unsustainable in both the short and long run.

This year, the Finance Committee has presented the Town with Article 22 that asks for the sum of \$45,000 to hire a professional consultant to help decide how the Town should move forward with this pressing health insurance problem. In other words, we are asking for less than 10% of the general Town-wide annual increase in this expense to recommend a path forward. Town staff is, frankly, doing an excellent job of budget management now, but there is not a true expert on staff to study and cost out all the options. The Finance Committee met with the Town Manager and felt that this was the best way possible to find a way to tame the explosion of this expense item. We ask you to support it.

Unless this one expense is tamed in the next one to two years, there is really just one way to "make room" in the Town's operating budget for new investments in housing and any other expenses we wish to consider; that way is to cut the rate of growth of salaries and benefits of Town employees. There is only one way to do that, and that is to reduce the number of Town employees modestly over time. No one wants to take this route.

We can see these financial realities clearly in the operating budget being presented to Town Meeting by our Board of Selectmen. Operating expenses are proposed to grow by 3.18% in FY2018, to \$27.14 million. These numbers include none new funding for housing. To highlight some areas of increase: Fire Department at 11.63% as we move to a more professionalized force, Benefits and Other Insurance at 7.17% with even

this number being an estimate, payroll at 3.72% (contractual increases), education 3.78%, and debt service increase of 2.69% (the debt incurred for our portion of the High School building).

To add to all of these financial realities, our CIP five year plan projects that we will be borrowing and spending a total of \$29.78 million. Clearly, we have some items where we need to think about the timing of, and the value of, and even the wisdom of putting forward.

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

We need to make choices

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

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

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

Speaking directly to this, the Finance Committee asks you to draw your attention to Article 8-1 the request for funding construction on a new Police Station in the amount of \$8,625,000. We recommend this to the Town Body. With all of our cautious language you might wonder why, and this is an example of prudent spending with a long-term outlook. Given our current political and economic state, there is only one way interest rates on borrowing are going, and that is UP. If we are going to take on this project, this year, in all likelihood, will see the last of low interest rates for a long time to come. If we do not take on this project now, the future borrowing costs will put the total cost MUCH higher. If the Town wants to see a new Police Station, then we recommend that this be done in this fiscal year, or frankly, not at all.

Conclusion

The Finance Committee strongly advocates retraining growth in the Town's operating budget to approximately 2.5% beyond FY2018. We believe the best way to slow expense growth is through personnel attrition and the best way to fund growth higher taxes, restraining more borrowing as interest rates climb. We are on our way to building a more sustainable, year-round Provincetown. Let us keep this good work moving forward.

Respectfully submitted,

The Provincetown Finance Committee

MARK HATCH, CHAIR
MARK BJORSTROM
STANLEY SIKORSKI
SCOTT VALENTINO

LOUISE VENDEN, VICE CHAIR
MARK DEL FRANCO
DUANE STEELE
KATHLEEN GOODWIN

DEFINITION OF KEY TERMS FOR TOWN MEETING VOTERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEBT POLICY and UPDATE

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

Debt Limits

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

Annual Reporting

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

The general fund debt service budget for FY 2017 is \$1,980,031 which is 7.44% of general fund revenues.

DEBT SUMMARY

The following information was excerpted from the Town's fiscal year 2016 independent auditor's report.

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

<u>General Fund</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2017	2,000,470	604,121	2,604,591
2018	1,889,164	543,195	2,432,359
2019	1,749,164	485,814	2,234,978
2020	1,502,296	433,736	1,936,032
2021	1,492,296	387,784	1,880,080
2022	1,455,296	432,358	1,797,654
2023	1,370,296	295,956	1,666,252

2024	1,354,884	251,134	1,606,018
2025	1,279,884	206,411	1,486,295
2026	1,140,000	165,921	1,305,921
2027	1,025,000	129,387	1,154,387
2028	835,000	94,822	929,822
2029	825,000	67,479	892,479
2030	460,000	39,948	499,948
2031	295,000	27,093	322,093
2032	170,000	21,288	191,288
2033	170,000	16,888	186,888
2034	165,000	12,488	177,488
2035	150,000	4,250	154,250
2036	150,000	4,125	154,125
	19,478,750	4,134,198	23,612,948

(Page 45 FY 2016 Audit Report)

The annual principal and interest payments to retire all Water and Sewer enterprise activities long-term debt outstanding as of June 30, 2016, are as follows:

Enterprise Funds	Principal	Interest	Total
2017	2,376,083	844,452	3,220,535
2018	2,294,555	772,843	3,067,398
2019	2,308,197	717,489	3,025,686
2020	2,273,014	606,509	2,879,523
2021	2,552,516	614,182	3,166,698
Future Years	22,360,120	4,874,535	27,234,655
	34,164,485	8,430,010	42,594,495

(Page 47 FY 2015 Audit Report)

Town Warrant

Special Town Meeting – Monday, April 3, 2017

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 By-laws 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 on Monday the Third day of April, A.D. 2017 at 6:00 o'clock in the evening**, then and there to act on the following articles, to wit:

Article 1. FY 2017 Budget Adjustments.

To see what amendments the Town will vote to make to the Fiscal Year 2017 operating budgets established under Article 10 of the April 2016 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

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

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 3. Charter Commission Expenses. To see if the Town will vote to transfer from free cash the sum of \$6,575 for the printing and distribution of the Final Report of the Provincetown Charter Commission, which must be distributed by law according to the provisions of MGL 43B, Sec. 11, to each residence of one or more registered voters; or to take any other action relative thereto..

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

Finance Committee Recommends by a Vote of 5-0-0

Article 4. CIP Request for MUNIS Purchase Orders/Requisitions Module. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$13,537 to be expended under the direction of the Town Manager for costs associated with the acquisition of the MUNIS Purchase Order and Requisitions Module; or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 5. National Marine Sanctuary Visitor Center in Provincetown. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 to be expended under the direction of the Town Manager for costs associated with the conceptual design to determine the feasibility and location of a National Marine Sanctuary Visitor Center in Provincetown; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 6. Housing Tenant Rights Assistance. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Town Manager to fund a grant to a non-profit agency for the services to support tenants’ rights advocacy and education; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Has No Recommendation

Article 7. CIP Request for Analysis of the Parking Control and Revenue Collection Systems for the Municipal Parking Lots. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$25,000 to be expended under the direction of the Town Manager for the cost associated with the analysis of the Town’s parking control and revenue collection system and to prepare bid specifications; or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Town Warrant

Annual Town Meeting – Monday, April 3, 2017

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 Third day of April, A.D. 2017 at 6 o’clock in the evening**, then and there to act on the following articles, to wit:

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

[Requested by the Board of Selectmen]

REGULAR AGENDA

Article 2. FY 2018 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,887,352 to fund operating budgets for the several Town departments for Fiscal Year 2018 in accordance with Chapter 9, Section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2017	FY 2018	17-18%
I. General Government	\$1,130,635	\$1,096,663	-3.01%
II. Finance	10,168,853	10,670,832	+5.98%
III. Public Safety	5,649,505	5,931,957	+5.00%
IV. Public Works	3,403,781	3,506,738	+3.02%
V. Public Services	855,056	871,998	+1.98 %

Sub-total, I-V	\$21,107,848	\$22,078,188	+4.60%
VI. Public Schools	3,718,719	3,809,164	+2.43%
Total, I-VI	\$24,826,639	\$25,887,352	+4.27%

or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 3. FY 2018 Cape Cod Regional Technical High School Assessment. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Town of Provincetown’s assessment for the CCRTHS FY2018 operating budget; or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 4. FY 2018 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 2018:

6001 Water Enterprise Fund	FY 2017	FY 2018	% change
Enterprise Fund Costs	\$2,194,720	\$2,302,098	
General Fund Costs	<u>327,717</u>	<u>360,489</u>	
TOTAL COSTS	\$2,522,437	\$2,662,587	5.6%

6002 Wastewater Enterprise Fund	FY 2017	FY 2018	% change
Enterprise Fund Costs	\$4,335,406	\$4,468,393	
General Fund Costs	<u>139,345</u>	<u>142,132</u>	
TOTAL COSTS	\$4,474,751	\$4,610,525	3.0%

or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 5. Fund Collective Bargaining Agreement. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items contained in the first year of a collective bargaining agreement commencing in Fiscal Year 2018 reached between the Town and NEPBA; or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 6. Fund Collective Bargaining Agreement. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items contained in the first year of a collective bargaining agreement commencing in Fiscal Year 2018 reached between the Town and AFSCME; or to take any other action relative thereto.

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

Article 7. Community Preservation Budget for FY 2018. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2018 Community Preservation

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

1. Reserves: Part 1

- A. \$63,242 for Open Space;
- B. \$379,451 for Community Housing;
- C. \$63,242 for Historic Resources;

Finance Committee Recommends by a Vote of 5-0-0

2. Debt Service Appropriations: Part 2

- A. \$224,550 for Community Housing debt service;
- B. \$53,312 for Open Space debt service;
- C. \$166,192 for Historic Preservation debt service;

Finance Committee Recommends by a Vote of 5-0-0

3. Grant Requests Appropriations: Part 3

- A. Recreation - \$18,273 for the installation of bicycle racks and bike repair stations at various locations across town, and said funds to be spent under the direction of the Town Manager in consultation with the Bicycle Committee.

Finance Committee Recommends by a Vote of 5-0-0

- B. Historic - \$50,000 for the implementation of Bas Relief Monument and Bas Relief Park Conservation Plan, and said funds to be spent under the direction of the Town Manager.

Finance Committee Recommends by a Vote of 5-0-0

- C. Historic - \$100,000 for exterior restoration of 46 Bradford Street, the former Community Center, including the repair or replacement of the roof, exterior trim, siding, windows, and door, and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the lessee.

Finance Committee Recommends by a Vote of 4-0-0

- D. Historic - \$51,000 for the implementation of the conservation of priority stones at the Alden Street Cemetery Phase 2, and said funds to be spent under the direction of the Town Manager in consultation with the Cemetery Commission.

Finance Committee Recommends by a Vote of 5-0-0

- E. Community Housing - \$50,000 for the development of Cape Cod Village, a housing development for autistic adults, and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the owner.

Finance Committee Recommends by a Vote of 5-0-0

- F. Community Housing - \$50,000 for a Housing Down Payment Assistance Program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.

Finance Committee Recommends by a Vote of 5-0-0

- G. Community Housing - \$122,541 for the Community Housing Office, including a full-time Housing Specialist and CPA administration along with pro-rated benefits and expenses.

Finance Committee Recommends by a Vote of 5-0-0

- H. Administrative Expenses - \$20,000 for CPA administrative expenses; or to take any other action relative thereto

Finance Committee Recommends by a Vote of 5-0-0

[Requested by the Community Preservation Committee]

Article 8. FY 2018 Capital Improvements Program. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the following sums to defray the costs of the Fiscal Year 2018 Capital Improvements Program submitted in accordance with Chapter 9, Section 2 of the Provincetown Charter as follows, provided that one or more of the appropriations listed below shall be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question:

1. Police Station - \$8,625,000 to be expended under the direction of the Town Manager and the Director of Public Works for the design and construction of the Provincetown Police Station on the site located at 16 Jerome Smith Road, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

2. Police Livescan Automated Fingerprint Identification System - \$25,479 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of *Livescan* Automated Fingerprint Identification System, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

3. Storm Water Management - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the Town's drainage system in conjunction with applying for various grants that may become available, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

4. Shank Painter Road Design Phase - \$55,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund concept development and preliminary design for the rehabilitation of Shank Painter Road, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

5. Pavement Management Plan - \$225,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue additional roadway paving maintenance as outlined in the Town-wide Pavement Management Plan, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

6. Bas Relief Restoration and Park Improvements - \$750,000 to be expended under the direction of the Town Manager for the restoration of the Bas Relief Monuments and for improvements to the Bas Relief Park, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

7. Long Point Dike Improvement Project - \$51,000 to be expended under the direction of the Town Manager for the engineering and design of the restoration of the Long Point Dike, and costs related thereto;

Article to be indefinitely postponed – no Finance Committee Vote

8. Police Fleet Upgrade Plan - \$78,520 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police sedan interceptor vehicles, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

9. DPW Street and Sidewalk Maintenance and Repair - \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance and repair of streets and sidewalks, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

10. Public Works Fleet Replacement - \$270,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of a Highway Department loader and a sanitation trash trailer, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

11. Public Works Building Maintenance - \$60,000 to be expended under the direction of the Town Manager and the Director of Public Works for the repair or replacement of all rubber roofing at the Veterans Memorial Community Center, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

12. Public Works Facility - Highway Garage - \$125,000 to be expended under the direction of the Town Manager and the Director of Public Works for the development of final design plans and bid specifications for the Phase I Highway Garage on the site located at 24 Race Point Road, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

13. Use of Parking Funds for Parking Kiosk - \$20,000 from the Parking Fund to be expended under the direction of the Town Manager for the purchase and installation of one parking kiosk, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

14. MUNIS Payroll Software - \$59,634 to be expended under the direction of the Town Manager for the acquisition of the MUNIS Payroll system software, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

15. Fire Department Air Pack Replacement - \$45,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of air pack replacement units, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

16. Fire Department Ambulance Equipment - \$62,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of one new power stretcher and other ambulance equipment, and costs related thereto;

Finance Committee Recommends by a Vote of 5-0-0

17. Water Department Security Upgrades - \$75,000 to be expended under the direction of the Town Manager for enhanced security at the Knowles Crossing Water Treatment Facility, and cost related thereto; or to take any other action relative thereto;

Finance Committee Recommends by a Vote of 5-0-0

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

Article 9. Change Date of Annual Town Meeting and Annual Town Election - A Home Rule Petition / Charter Change. To see if the Town will vote to instruct its senator and representative in the General Court to file a home rule petition for a special act to read as follows; provided however, that the General Court shall be authorized to make ministerial, clerical, and editorial changes of form only to said bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and to authorize the Board of Selectmen to approve such amendments:

AN ACT RELATIVE TO THE CHARTER OF
THE TOWN OF PROVINCETOWN

SECTION 1. Section 2-3-1 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 as follows:

“The annual town meeting shall be held on the first Monday in ~~April~~ May of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the annual town meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.”

SECTION 2. Section 2-4-2 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 as follows (*Deletions shown in strike-through and new text shown as underlined*):

“The regular elections to any office shall be by official ballot held on the ~~first~~ second Tuesday in ~~May~~ June of each year.”

SECTION 3. This act shall take effect upon its passage.
or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Finance Committee Has No Recommendation

Article 10. General Bylaw Amendment: Change Date of Annual Town Meeting and Annual Town Election. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown General Bylaws by amending the following sections to read as follows (said amendment to take effect in accordance with General Laws Chapter 40, Section 32 and upon enactment of the special act requested by the Home Rule Petition in Article 9):

4-1-1. Date. The Annual Town Meeting shall be held on the first Monday in ~~April~~ May of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the Annual Town Meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.

4-5-1. Annual Election. Beginning at 7:00 a.m. and ending at 7:00 p.m. on the ~~first~~ second Tuesday in ~~May~~ June of every year, there shall be held that part of the Annual Town Meeting devoted to the election of officers and to such other matters as, by law, must be determined by a ballot.

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Finance Committee Has No Recommendation

Article 11. Mandatory Retirement Age of the Fire Chief - A Home Rule Petition.

To see if the Town will vote to authorize the Board of Selectmen 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 Board of Selectmen approves amendments to the bill before enactment by the General Court; and to authorize the Board of Selectmen 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, 2024, 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 Board of Selectmen and the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 12. Commercial Street Security Improvements. *(A non-binding resolution)* To see if the Town would like the Town Manager to investigate and return to the next town meeting with a funding request for permanent safety installations throughout Commercial Street intersections that will protect the public from vehicular danger during peak pedestrian times. Such installations would be permanently installed in the street and would be able to raise and lower easily and temporarily by public safety officials or other designated persons to allow the system to be deployed at appropriate times and to be minimally noticeable when not in use, as well as to provide access to authorized vehicles such as residents of the temporarily closed areas, public conveyances, and others deemed appropriate by public safety officials; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Finance Committee Has No Recommendation

Article 13. Zoning Amendment Regarding Detached Structures. *(A non-binding resolution)* To see if the Town shall instruct the Planning Board to work with all other relevant boards and committees to develop zoning and other related bylaw changes, additions, or deletions and return to the next town meeting with articles that allow for detached structures to be used as detached bedrooms for workforce housing, and/or find other ways that bylaws can be modified to allow for workforce housing use both seasonal and year-round; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Finance Committee Has No Recommendation

PETITIONED ARTICLES

Article 14. Petitioned Article - Province Road Paving. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$75,000 to be expended under the direction of the town manager for costs associated with paving and storm water improvements to Province Road, a private road in which the Town is a 38% abutter. Total costs to the Town will be reduced by 62% from funding as agreed on in the Province Road Repair Agreement, signed by the Board of Selectmen on January 23, 2017; or to take any other action relative thereto.

[Submitted by Jay Gurewitsch and others]

Finance Committee Recommends by a Vote of 5-0-0

Article 15. *Petitioned Article - To Fund An Additional Egress For Maushope Housing.* To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$90,000 (ninety thousand dollars) to build 3 back decks (or porches) with stairs at the rear of Maushope, 44 Harry Kemp Way, at the rear of the units on the 1st, 2nd and 3rd floors and to replace one window of each unit facing north with an outward opening door so that each resident has a second way out in case of fire. All renters in Provincetown, both year round and seasonal, must have two exits as our local building code requires; or to take any other action relative thereto.

[Submitted by Barbara Rushmore and others]

Finance Committee Does Not Recommend by a vote of 5-0-0

Article 16. *Petitioned Article - Non-Binding Public Advisory Question For The 2017 Spring Annual Town Meeting To Protect Public Health And Safety: Move Spent Fuel At Pilgrim Nuclear Power Station To Secure Dry Casks As Soon As Possible.* *(A non-binding resolution)* To see if the town will vote to approve the following non-binding resolution:

Whereas, the original design for the Pilgrim Nuclear Power Station (PNPS) spent fuel pool was for 880 assemblies and now holds over 2,822 densely racked and tightly packed assemblies, and;

Whereas, the PNPS spent fuel pool holds over 11 times the amount of cesium released at Chernobyl, and:

Whereas, the MA Attorney General's Office 2006 report cited an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas, 885 Boraflex panels, which prevent criticality and fire, will be susceptible to unacceptable levels of deterioration by September, 2017, and;

Whereas, the PNPS spent fuel pool is vulnerable to terrorist and cyber-attack, and;

Whereas, citizens of the Town of Provincetown find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner.

Therefore, should the people of the Town of Provincetown direct the town's government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interest of the Town of Provincetown and its inhabitants and visitors?

or to take any other action relative thereto.

[Submitted by Richard Kapler and others]

Finance Committee Has No Recommendation

Article 17. *Petitioned Article - Sale of the Community Center Building.* To see if the Town will vote to, as the sovereign authority, direct that the Board of Selectmen uphold and implement all terms and conditions of the April 4, 2011 Special Town Meeting, Article 5, titled "Sale of the Community Center Building," and order them to rescind, void, and, or nullify, any and all leases or other agreements awarded, or attempted to be awarded, pursuant to a bidding process that did not adhere to the requirement that the premises be sold and not leased, and to further authorize the Board of Selectmen to sell said parcel, pursuant to the procedures set forth in General Laws Chapter 30B, on such terms and conditions that promote the ideals as articulated in the Provincetown Housing Playbook; the land being all or a portion of Assessors Map No.7-2, Parcel No. 62, located at 46 Bradford St., and commonly known as the Community Center Building; or to take any other action relative thereto.

[Requested by Gordon J. Siegel and others]

Finance Committee Has No Recommendation

Article 18. Establishment of The Scholarship and Trust Administration Committee. To see if the Town will vote to establish the Scholarship and Trust Administration Committee as an advisory board comprising of three members and one alternate member appointed by the Board of Selectmen, and two regular members and one alternate member appointed by the School Committee to administer the John Anderson Francis Family Scholarship Fund, the Captain Joseph F. Oliver Scholarship Fund, the Town Scholarship Fund and such other public trusts as the Committee may be assigned by the Board of Selectmen. Such administration shall be in accordance with the terms of each trust, as amended, or, if changed circumstances necessitate amendment, by agreement of the Board of Selectmen and, in the case of Scholarship Funds, the School Committee. Investment of the principal of each trust shall be determined by the Town, unless otherwise provided by the creator of such trust; or to take any other action relative thereto.

[Requested by the Provincetown Town Scholarship Committee and the John Anderson Francis Family Scholarship Committee]

Finance Committee Recommends by a Vote of 5-0-0

Article 19. Fully Fund Pier Maintenance. To see if the Town will, pursuant to the Memorandum of Understanding between the Selectmen and Pier Corporation and as recommended in the Comprehensive Survey of MacMillan Pier by Bourne Engineering funded by STM 2016 Article 12, raise and appropriate or transfer from available funds the sum of \$23,000 to fully fund the fiscal year 2018 pier maintenance account under the direction of the Town Manager and PPPC; or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation]

Finance Committee Does Not Recommend by a Vote of 5-0-0

Article 20. Reduce Pier Corporation Rent to \$1. *(A non-binding resolution)* To see if the town will vote to approve the following non-binding resolution:

WHEREAS THE REQUIREMENT FOR THE PIER CORP TO PAY RENT TO OFFSET A \$2.8 MILLION LOCAL MATCH FOR \$16 MILLION IN GRANT FUNDING WAS PROPOSED BY CONSULTANTS PREPARING A BUSINESS PLAN FOR GRANT APPLICATIONS; AND AT THAT TIME, THEIR FINANCIAL ANALYSIS RELIED ON GENERAL PREDICTIONS OF FUTURE PERFORMANCE AND MAINTENANCE COSTS OF A YET TO BE DESIGNED NEW PIER, AND THE RENT WAS AN ESTIMATED NUMBER TO SECURE FUNDING FROM VARIOUS STATE AND FEDERAL AGENCIES;

WHEREAS THE PIER CORP HAS PAID THE TOWN OVER \$1.8 MILLION IN RENT SINCE INCEPTION AND THESE PAYMENTS HAVE UNDERMINED THE PIER'S ABILITY TO MAINTAIN THE FACILITY;

WHEREAS COMPOUNDING THE NEGATIVE IMPACT OF THE RENT PAYMENT ON OPERATIONS, THE BELOW MARKET RATES CHARGED TO COMMERCIAL FISHERMEN FOR DOCK SPACE HAVE NEVER BEEN SUBSIDIZED BY THE SELECTMEN AS AGREED TO BY THE PROFISH MOU OF 2001, THE ENABLING LEGISLATION, AND THE 20-YEAR LEASE;

WHEREAS THE ECONOMIC BENEFITS TO THE TOWN FROM PIER CORPATION OPERATION OF THE TOWN WHARF SUCH AS THE FERRIES, WHALE WATCH AND OTHER EXCURSIONS, ARTIST STUDIO TRAPSHEDS AND THE PROVINCETOWN BASED COMMERCIAL FISHING FLEET FAR EXCEED THE RENT AND EMBARKATION FEES THE TOWN RECEIVES FROM THE PIER;

WHEREAS THE COMPREHENSIVE SURVEY OF MACMILLAN PIER FUNDED BY STM 2016 ARTICLE 12 RECOMMENDS ANNUAL MAINTENANCE WORK THAT IS NOT CURRENTLY FULLY FUNDED DUE TO A REQUIREMENT TO PAY RENT;

WHEREAS PIER CORPATION HAS HAD TO DEFER MAINTENANCE TO FUND ITS OBLIGATIONS FOR RENT TO THE TOWN AND THAT DEFERRED MAINTENANCE IS OUTLINED IN THE BOURNE REPORT; AND

WHEREAS MACMILLAN PIER AND THE PIER CORPORATION ITSELF ARE ASSETS OF THE TOWN OF PROVINCETOWN;

NOW THEREFORE, THE TOWN MEETING BODY DIRECTS THE BOARD OF SELECTMEN TO REDUCE RENT FOR MACMILLAN PIER TO \$1 STARTING IN FY 2019, WITH FUNDS TO BE USED FOR THE MAINTENANCE AND OPERATION OF THE PIER AND FOR ANY EXCESS REVENUE FOR THE OPERATION BE RETURNED TO THE TOWN AS SPECIFIED IN THE MOU DATED AUGUST 10, 2015; OR TO TAKE ANY OTHER ACTION RELATIVE THERETO.

[Requested by the Provincetown Public Pier Corporation]

Finance Committee Does Not Recommend by a Vote of 5-0-0

Article 21. Visitor Services Board – Amendments to Board Composition. To see if the Town will vote to amend its previous vote under Article 64 of the April 5, 1999 Annual Town Meeting relative to the composition of the seven-member Visitor Services Board as follows:

Change one member nominated from the Arts Community to read, one member nominated from the Arts, Culture and Heritage Community, which shall be filled after inviting nominations from the following arts and cultural organizations in Provincetown: 1) Provincetown Art Association and Museum, 2) Pilgrim Monument and Provincetown Museum, 3) Provincetown 400, 4) Provincetown Historic Celebrations, 5) Fine Arts Work Center, and 6) Provincetown Theater;

Change one member nominated by the Women Innkeepers of Provincetown to one member nominated by Innkeepers, which shall be filled after nominations from the following organizations: 1) Women Innkeepers of Provincetown, 2) Distinctive Inns of Provincetown, 3) Provincetown Chamber of Commerce Innkeeper Members and 4) Provincetown Business Guild Innkeeper Members;

Change one at-large member to one member nominated from restaurants, which shall be filled after inviting nominations from the following organizations: 1) Provincetown Chamber of Commerce Restaurant Members and 2) Provincetown Business Guild Restaurant Members;

Change one at-large member to one member nominated from retail establishments, which shall be filled after inviting nominations from the following organizations: 1) Provincetown Chamber of Commerce Retail Shop Members and 2) Provincetown Business Guild Retail Shop Members;

Therefore, the Visitor Services Board representative composition will be as follows: 1) Arts, Culture and Heritage, 2) Provincetown Chamber of Commerce, 3) Provincetown Business Guild, 4) Inn keepers, 5) Restaurants, 6) Retail Shops, and 7) At-Large Member; or to take any other action relative thereto.

[Requested by the Visitor Services Board]

Finance Committee Has No Recommendation

Article 22. Finance Committee Request to Fund Health Insurance Consultant. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$45,000, to be expended under the direction of the Town Manager, for costs associated with health care consulting services to assist the Town in evaluating its health care costs;

or to take any other action relative thereto.

[Requested by the Finance Committee]

Finance Committee Recommends by a Vote of 5-0-0

GENERAL BYLAW AMENDMENT ARTICLES

Article 23. General Bylaw Amendment: Chapter 13, Section 13-4-2 Personal Watercraft in Provincetown Harbor. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown General Bylaws by amending section 15-7 as follows:

13-4-2-2. Except as provided in §13-4-2-3 below, the operation of personal watercraft is prohibited in the waters of the Town of Provincetown in the following areas:

- (a) Within the boundaries of the Cape Cod National Seashore as set forth in Public Law 87-126, 7 August 1961, 75 Stat. 293, and as most recently surveyed by the U.S. Department of Interior.
- (b) On the tidal waters of Provincetown Harbor and any adjoining river, inlet, cove, pond, embayment or harbor westerly of a line running from the Provincetown Truro town line to Long Point Light, with the exception of a marked channel in which personal water craft may pass through Provincetown Harbor operating at headway lawful speed. Said marked channel shall ~~begin at the Good Templar Landing thence be the Federal Channel between red #4 marker on the west end of the breakwater to Long Point Buoy marker green #3~~ within Provincetown Harbor, as shown on a plan on file in the office of the Town Clerk. Personal watercraft shall traverse at headway speed only between the red #4 mark at the west end of the breakwater and the boat ramp, boatyard, fuel dock, marina or boat rental business. On departure, personal watercraft must depart Provincetown Harbor by the Federal Channel from red #4 to green #3 at Long Point.

13-4-2-3. No personal watercraft shall be launched from any location or vessel in Provincetown Harbor except the above listed marine facilities ~~boat-launching ramp at Good Templar Landing~~, and any personal watercraft using said boat-launching ramps shall be registered with Provincetown Harbormaster. Or to take any other action relative thereto.

[Requested by the Provincetown Harbor Committee]

Finance Committee Has No Recommendation

Article 24. General Bylaw Amendment: Chapter 15. Local Historic District, Section 15-9 Exclusions and Section 15-11. Appendices. (Solar Exclusions) (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown General Bylaws by amending section 15-7 as follows:

15-9. Exclusions.

15-9-1 Categorical Exclusions: The Commission shall exclude from its purview the following:

15-9-1-1 Maintenance and repairs that do not alter or replace material, as defined in Section 9.2.

15-9-1-2 The color of paint.

15-9-1-3 Exterior lighting.

15-9-1-4 Gutters and downspouts.

15-9-1-5 Signage.

15-9-1-6 Storm windows and window air conditioners.

15-9-1-7 Satellite antennae, or similar equipment, provided they are located to minimize visibility from a Public Way.

15-9-1-8 Temporary Buildings or Structures subject, however, to conditions pertaining to the duration of existence and use, as the Commission may reasonably specify.

15-9-1-9 Terraces, walks, sidewalks and similar structures, provided that any such

Structure is substantially at grade level.

15-9-1-10 Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, house numbers, and garden furniture.

15-9-1-11 Buildings that are less than 50 years old are exempt from review, with the following conditions: Alterations which affect more than 25% of a façade must comply with the Guidelines. Additions which increase such Building by more than 25% must conform with Guideline 15 New Construction and Additions.

15-9-1-12 Piers/Wharves: Additions and alterations to piers and wharves, including all mechanical and maritime-related Structures and equipment, are exempt from review.

15-9-1-13 Cemeteries: All cemetery Structures are exempt except Buildings and fences.

15-9-1-14 Plant material and trees.

15-9-1-15 Solar panels, provided that (1) panels are low profile and mounted no higher than 3 inches above the roof surface, (2) panels are set back from the edge of the roof, (3) the array is parallel to the edges of the roof, and is aligned in a regular and rectangular pattern with no missing panels, and (4) the panel frames and cells, pipes, and wires are dark or match the surrounding roof in color; otherwise, an administrative review shall be required.

And

15-11 Appendices

APPENDIX 1. PROVINCETOWN HISTORIC DISTRICT GUIDELINES

3. EXEMPTIONS FROM REVIEW. The following items shall be exempt from review by the Commission:

o. Solar Panels, provided that (1) panels are low profile and mounted no higher than 3 inches above the roof surface, (2) panels are set back from the edge of the roof, (3) the array is parallel to the edges of the roof, and is aligned in a regular and rectangular pattern with no missing panels, and (4) the panel frames and cells, pipes, and wires are dark or match the surrounding roof in color; otherwise, an administrative review shall be required.

Or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Finance Committee Has No Recommendation

Article 25. General Bylaw Amendment: Chapter 6, Section 2: Employment.

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

6-2-1. Solicitation of candidates. No employee shall be hired by any agency of the town without there first being solicitation of candidates for the position in a newspaper of general circulation in the town at least two consecutive weeks. Except, however, where the Town Manager determines that an internal candidate exists who exhibits qualification, ability, and reliability, and is worthy of consideration and promotion; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Has No Recommendation

Article 26. General Bylaw Amendment: Chapter 16. Tree Bylaw. *(Deletions shown in strike-through and new text shown as underlined)* To see if the Town will vote to amend the Provincetown General Bylaws by adding Chapter 16 in its entirety as follows:

16. TREES

16-1. Purpose

Trees contribute to the health and well-being of the Town of Provincetown (the "Town") and its residents and wildlife. Trees also help define the Town's ambience and streetscape and enhance property values. The purpose of this bylaw is to preserve and protect public shade trees in Provincetown in accordance with the provisions of Massachusetts General Law Chapter 87, and to provide standards for the proper care of town trees.

16-2. Definitions

16-2-1. "Public shade tree" means any tree within or on the boundaries of a public right-of-way except for a state highway, including any tree planted by or on behalf of the Tree Warden on any adjoining land, upon the written consent of the owner of such land, at a distance of 20 feet or less from the layout of such public way, all in accordance with the provisions of G. L. c. 87, s. 7.

16-2-2. "Town tree" means any tree in a public park or other place owned, controlled or leased by the Town of Provincetown except trees on conservation lands managed by, or resource areas or their buffer zones under the jurisdiction of, the Provincetown Conservation Commission.

16-2-3. "Public right-of-way" means the strip of land controlled or owned by the Town within which a public street or road lies. Typically the public right-of-way is wider than the road surface and often includes curbs, sidewalks, utilities, public shade trees and grass strips.

16-2-4. "Person" means any individual or entity as defined by Section 1-2-5 of the Provincetown General Bylaws.

16-2-5. "Drip line" means a vertical line running through the outermost portion of the crown (i.e., the outer branch tips) of a tree and extending to the ground.

16-2-6. "Tree removal" means the cutting down of any public shade tree and any other act that will cause such a tree to die within a three-year period, including but not limited to improper or excessive pruning and construction, demolition and excavation activities.

16-2-7. "Excessive pruning" means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree.

16-2-8. "DBH (Diameter at Breast Height)" means the diameter of the trunk of a tree 4 ½ feet above the existing grade at the base of the tree.

16-2-9. "Tree fund" means a fund to be established hereunder as a revolving fund pursuant to G.L. c. 44, s. 53E1/2, for use by the Tree Warden for the purchase, planting, protection and care of public shade trees and town trees.

16-3. Jurisdiction16-3-1. Tree Warden

This bylaw applies to all public shade trees and town trees in the Town. The Tree Warden shall have jurisdiction over all trees to which this bylaw applies and as set forth in G.L. c. 87, s. 2.

16-3-2. Coordination With Other Town Regulators

If any public shade tree or town tree may be impacted by construction, demolition or excavation activities under the jurisdiction of the Town's Building Department, Planning Board, Zoning Board of Appeals, or other Town Department or Board, such regulatory agency shall (1) require the owner of the affected property and any person engaging in such activities to comply with the provisions of this bylaw and (2) notify the Tree Warden of such activities.

16-3-3. Planning Board

For projects that require Planning Board Site Plan Review or Special Permit, the provisions of Sections 16-4-2 and 16-5 of this bylaw shall be waived and all tree and landscape requirements shall be made part of the Planning Board Site Plan Approval or Special Permit. The Planning Department shall forward Site Plan Review and Special Permit applications to the Tree Warden for review and comment. No Site Plan Approval or Special Permit shall be issued without written comments from the Tree Warden, unless such written comments are not received by the Planning Board within 30 days of the date the application is submitted.

16-4. Activities Requiring a Permit

16-4-1. A public shade tree or town tree may not be trimmed, pruned or removed by any person other than the Tree Warden until and unless the Tree Warden issues a written permit pursuant to this bylaw.

16-4-2. Such a permit shall also be required of any person for (1) planting a public shade tree or town tree, (2) engaging in construction or demolition activities within the drip line of a public shade tree or town tree, and (3) engaging in excavation activities that may disturb a public shade tree or town tree, including but not limited to the installation of utility lines.

16-5. Tree Planting

The Tree Warden shall issue standards for planting public shade trees and town trees for which a permit is required under Section 16-4-2. Such standards shall include (1) listing of trees acceptable for planting, (2) site selection, (3) priorities for tree planting locations, (4) spacing of street trees, and (5) planting guidelines.

16-6. Prohibited Activities

It shall be unlawful for any person to engage in any of the following activities relating to public shade trees or town trees: (1) topping tree branches, (2) stubbing tree branches, (3) girdling tree trunks, (4) cutting or poisoning tree roots, (5) causing any other kind of injury, and (6) pollarding the top and branches of a tree if done by any person other than a certified arborist.

16-7. Permit Application Procedures

16-7-1. A person who wishes to initiate any activity affecting a tree for which a permit is required under this bylaw shall submit an application to the Tree Warden in accordance with application requirements issued by the Tree Warden. Application forms shall be available at the office of the Town Clerk and the office of the Tree Warden. There shall be no fee for filing an application.

16-7-2. The permit issued by the Tree Warden may specify schedules, terms, and conditions as deemed appropriate by the Tree Warden. For activities except removal, the Tree Warden shall issue or deny the permit within fourteen (14) calendar days of receipt of a completed application. A permit shall be valid for one hundred twenty (120) days from issuance unless the permit specifies otherwise.

16-8. Public Hearing

16-8-1. Except as provided in G. L. c. 87, s. 5, the Tree Warden shall not remove a public shade tree, or grant an application to any person for the removal of a public shade tree, without first conducting a public hearing. Where a public hearing is required, the Tree Warden shall, in accordance with the provisions of G. L. c. 87, s. 3, issue a notice of the time and place of the hearing, which notice shall identify the size, type and location of the tree to be cut down or removed. The Tree Warden shall also post the notice in two or more public places in Provincetown, including the Town's website, and in public view upon the tree at least seven (7) days before such hearing and publish it in a newspaper of general circulation in Provincetown once in each of two successive weeks, the first publication to be not less than seven (7) days before the day of the hearing, or if no such local newspaper exists then in accordance with the provisions of G. L. c. 4, s. 6. The costs of notice, posting and publication shall be borne by the applicant.

16-8-2. When a public hearing must be held under the provisions of this bylaw and also under G. L. c. 40, s. 15(c), Scenic Roads Designations, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board.

16-8-3. When the public shade tree to be removed is on conservation lands managed by, or resource areas or their buffer zones under the jurisdiction of, the Provincetown Conservation Commission, the public hearing required under the provisions of this bylaw shall be consolidated into a single public hearing before the Tree Warden and the Conservation Commission.

16-9. Approval Criteria

The Tree Warden shall approve removal of a public shade tree or town tree under this bylaw upon a determination that one of the following criteria is satisfied:

16-9-1. The tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements for which there is no alternative;

16-9-2. The tree is dead, diseased, terminally injured, in danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way, or posing a threat to pedestrian or vehicular safety; or

16-9-3. There is no alternative to removal of the tree as determined by the Tree Warden.

16-10. Mandatory Applicability of State Standard

In accordance with the provisions of G. L. c. 87, s. 4, the Tree Warden shall not remove or grant a permit for the removal of a public shade tree if, at or before the public hearing required by this bylaw, objection in writing is made by one or more persons, unless such removal is approved by the Board of Selectmen.

16-11. Appeals

Any decision of the Tree Warden under this bylaw may be appealed to the Board of Selectmen. The appeal must be in writing and must be received by the Board of Selectmen within thirty (30) calendar days of the issuance of the Tree Warden's decision. The Board of Selectmen shall make a final decision within thirty (30) calendar days from the date of receipt of the appeal request.

16-12. Tree Replacement

Any person who removes a public shade tree or a town tree, including the driver of any vehicle that knocks down or severely injures such a tree, shall be required to replace it, within twelve (12) months of the date of its removal, at such person's cost, and in accordance with the permit application procedures set forth in Section 16-7, as follows:

16-12-1. The replacement tree shall be purchased from a certified tree nursery professional approved by the Tree Warden. Such professional shall plant and ensure the health of the tree for three years.

16-12-2. The replacement tree shall be of the same or similar species or such other species as deemed advisable by the Tree Warden and shall have the same or equivalent size as measured in DBH inches as that of the tree that was removed.

16-12-3. If a tree of equivalent size cannot be obtained or is not appropriate, the Tree Warden shall determine a suitable alternative including planting two or more smaller replacement trees that are the largest available and appropriate for transplanting, and payment to the tree fund for the value of the tree that was removed, as determined by a certified arborist based on standards in the industry.

16-13. Emergencies

16-13-1. Pruning or removal shall be allowed without a permit for any public shade tree or town tree that is determined by emergency response officials to create a public hazard so as to immediately endanger public safety or cause an immediate and severe disruption of public services. Such officials shall complete a written record of any such determination and submit it to the Tree Warden within fourteen (14) calendar days of such determination.

16-13-2. The Tree Warden may waive the provisions of this bylaw as an emergency response to a hurricane, windstorm, flood or other act of nature.

16-14. Enforcement

16-14-1. Any person who violates any provision of G. L. c. 87, s. 3-5, relating to the trimming, cutting or removal of public shades trees shall be subject to fines of up to \$500 for each separate offense, as provided by G. L. c. 87, s. 6. Where any person violates any provision of this bylaw but not the provisions of G. L. c. 87, the person shall be subject to fines of up to \$300 for each separate offense. Each act causing damage to a separate tree shall constitute a separate offense. Each day that a violation continues shall constitute a separate offense. Fines shall be assessed and collected under G. L. c. 40, s. 21D process.

16-14-2. These remedies shall not be in derogation of the Town's right to enforce the provisions of G. L. 242, s. 7, against any person who without a permit willfully cuts down, girdles or otherwise destroys a public shade tree or town tree, or the Town's right to apply or enforce any other Massachusetts law or Town bylaw.

16-14-3. Fines and damages paid to the Town under this bylaw, G. L. c. 87, or G. L. c. 242, shall be paid into the Tree Revolving Account.

16-15. Severability

If any part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other part shall continue in full force and effect.

Or to take any other action relative thereto.

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

Finance Committee Has No Recommendation

Article 27. Establishment of the Tree Revolving Fund. To see if the Town will vote to establish a revolving account for a Tree Fund, as established pursuant to MGL C.44 S53E 1/2, for the receipt of fines from violations of the Tree Bylaw to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, for planting and maintenance of trees on public lands and in the public way and other costs related under the direction of the Town Manager; provided, however, that the Tree Revolving Fund

shall be established only upon the approval of the Tree Bylaw in accordance with G.L. c 40, §32; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 28. Establishment of the Council on Aging Meal Revolving Fund. To see if the Town will vote to establish a revolving account for meal programs for the Council on Aging, as established pursuant to MGL C.44 §53 E1/2, to allow receipts from donations to be segregated into a special account; and with funds therefrom, up to a limit of \$100,000 annually, to be expended for meal program costs under the direction of the Town Manager and the Director of the Council on Aging; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

ZONING BYLAW AMENDMENT ARTICLES

Article 29. Zoning Bylaw Amendment: Article 4, Section 4180. Inclusionary Housing 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, by inserting a new Section 4180 as follows:

Section 4180 Inclusionary and Incentive Zoning Bylaw

1. Purpose and Intent

The primary purpose of this bylaw is to:

- (a) Encourage the creation of a range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community and a viable and healthy local workforce and to prevent the displacement of Provincetown residents;
- (b) Mitigate the negative impact of residential development on the availability and cost of housing;
- (c) Protect the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land;
- (d) Provide a mechanism by which residential development can contribute in a direct way to increasing the supply of Affordable and Community Housing in exchange for a greater density or intensity of development than is otherwise allowed as a matter of right and to the exclusion of the protections that are varied or waived that would normally be afforded under the Zoning Bylaw;
- (e) Support the goals of Provincetown's December 2006 Affordable and Community Housing Action Plan and its January 2014 Update.

A secondary purpose is to create dwelling units eligible for inclusion in the Town's Chapter 40B Subsidized Housing Inventory as maintained by the Department of Housing and Community Development (DHCD).

2. Definitions

- (a) The term "Housing Fund" as used in this section of the Zoning Bylaw shall refer to any affordable or community housing trusts or funds that have been duly established by the Town to promote Affordable or Community Housing at the time that a Payment in Lieu of providing Affordable or Community Housing units or fractional units as described hereunder is made. The Board of Selectmen shall determine which fund shall receive the Payment in Lieu.
- (b) The term "Affordability Gap" shall be defined as the difference between the average assessment of all one and two-bedroom condominiums in Provincetown and the sale price of a one or two-bedroom housing unit affordable to a 2-person household at 80% of HUD AMI for Barnstable County, and shall be calculated and posted annually in July by the Town Planner, using the most recent HUD and Provincetown Assessor data available.

3. Applicability

This inclusionary bylaw shall apply in all zoning districts to the following uses:

- (a) Any development that results in a net increase of two or more dwelling units, whether by new construction or alteration, expansion, reconstruction, or change of existing residential or non-

residential space or use, except as identified under Section 3(b) below:

- (b) Any health care-related development that results in a net increase of six or more independent living units.

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%)
- For 4-5 new dwelling units, the Payment in Lieu=
(total # of new dwelling units)x(16.67%)x(affordability gap)x(50%)

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

- i. 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.
- ii. 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.

- (3) Developments of 2-5 units may opt to exceed the 16.67% Affordable/Community Housing requirement and construct or rehabilitate an Affordable or Community Housing unit or units, either on or off-site, instead of making a Payment in Lieu, and would then be eligible to take advantage of the incentives in accordance with Section 5 below.

- (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) The Affordable or Community Housing units shall be constructed or rehabilitated on the site subject to the Special Permit, in accordance with Section 7; or
- (2) The Affordable or Community Housing units shall be constructed or rehabilitated on a site other than the one subject to the Special Permit, in accordance with Section 7, provided justification is provided that on-site development of units is not feasible and off-site development of units is beneficial to the Town, and Special Permits are granted contemporaneously for both developments; or

- (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 =
(total # of new dwelling units)x(16.67%)x(affordability gap)x(67%)

- b. For 10 or more new dwelling units, the Payment in Lieu = (total # of new dwelling units)x(16.67%)x(affordability gap)
- 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

(4) A Land Donation in Lieu of providing Affordable or Community Housing units shall be provided to the Provincetown Affordable Housing Trust or a non-profit housing development organization approved by the Planning Board, provided that:

- a. The receiving organization agrees in writing to accept the land; and
- b. The applicant demonstrates to the Planning Board's satisfaction that the land serves the future development of Affordable and/or Community Housing; and
- c. The value of donated land shall be equivalent to or greater than the value of a Payment in Lieu. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit an appraisal of the land in question that was prepared by a licensed appraiser using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Planning Board may obtain expert peer review of the appraisal at the applicant's expense; and
- d. Closing on the land donation shall occur before the issuance of the first building permit.
- e. Land Donation 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.

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; 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) To facilitate the objectives of a density bonus, the Planning Board shall have the authority to modify or waive 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.

(b) Building Height/Third Story Bonus

(1) 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 are Affordable or Community Housing units may be up to an additional five (5) feet above the maximum building height 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.

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

(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 permit fees shall be waived for the Affordable and Community Housing units within a project, where at least half of the units 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

6. Submission Requirements and Procedures

(a) Special Permit application, review and decision procedures shall be in accordance with the Provincetown Zoning Bylaw and the Planning Board's rules and regulations.

(b) Affordable and Community Housing units created in accordance with this bylaw shall use deed restrictions that require the units to remain income restricted in perpetuity or the longest period allowed by law and for so long as the unit or project does not conform to the otherwise applicable underlying zoning requirements and any such restriction shall be held by the Town and be released only by a vote of Town Meeting as provided for by state law. Such restriction shall also grant the Town a right of first refusal to purchase a unit in the event that a subsequent qualified purchaser cannot be located, which the Town shall have the right but not the obligation to exercise and shall not release the deed restriction if a qualified purchaser cannot be located.

(c) No Building Permit shall be issued for any units in the development until the Planning Department receives evidence that the Affordable Housing restriction has been approved by DHCD, or the Community Housing restriction has been approved by Town Counsel.

(d) No Certificate of Occupancy shall be issued for any units in the development until the Planning Department receives evidence that the housing restriction has been executed and recorded at the Barnstable County Registry of Deeds.

7. Provisions Applicable to Affordable and Community Housing Units Located On-Site and/or Off-Site

(b) Affordable and Community Housing units shall be integrated with the rest of the development or with the off-site location, and shall be comparable to and indistinguishable from market rate units in exterior design, including appearance, construction and quality of materials, and in energy efficiency.

(c) The number of bedrooms in each Affordable or Community Housing unit shall be made a part of the Special Permit and shall be based on local need as determined by the Planning Board in consultation with the Community Housing Counsel.

- (d) Owners and tenants of Affordable and Community Housing units and market rate units shall have the same rights and privileges to access and use any of the development's amenities and facilities.
- (e) The development of Affordable and Community Housing units shall take place at the same rate and timeframe as the development of market rate units.
 - (1) Building Permits for any phase shall be issued at a ratio of five (5) market rate units to one (1) Affordable/Community Housing unit. Building Permits for subsequent phases shall not be issued unless all the required Affordable and/or Community Housing units in the preceding phase are constructed and the deed restrictions recorded. The last unit permitted, constructed and occupied shall be a market rate unit.
 - (2) The project may also be constructed in its entirety with all permits issued at once, provided that the occupancy permits are issued at a ratio of five (5) market rate units to one (1) Affordable/Community Housing unit. The last certificate of occupancy to be issued shall be for a market rate unit and shall not be issued unless and until all Affordable and/or Community Housing units are occupied.

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, 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.

9. Maximum Incomes and Selling Price; Affordable and Community Housing Inventory

Maximum incomes and sales prices and rents shall be as set forth in Article 1, Definitions, of this Zoning Bylaw.

10. Segmentation

Developments shall not be phased or segmented to avoid compliance with conditions or provisions of this bylaw. "Segmentation" shall be defined as subdividing one parcel of land into two or more parcels of land in such a manner that each parcel can support only a single dwelling unit or phased development that cumulatively results in a net increase of two or more dwelling units above the number existing thirty-six (36) months earlier on any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section 4180.

11. Conflict with Other Bylaws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

12. Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Provincetown's zoning bylaw.

And by amending Article 6, Growth Management, Section 6500, Table of Use Categories and Priorities, as follows:

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 The creation of any deed-restricted, year-round rental unit or units, including accessory units
- 2d1 Any project that consists of 20%-32.9% affordable and/or community housing units; gallons shall be allocated in phases so that 1/2 of the total gallons are allocated the first year after a Special Permit is granted under the Inclusionary and Incentive Zoning Bylaw, and the remainder are allocated the second year
- 2d2 Any project that consists of 10%-19.9% affordable and/or community housing units; gallons shall be allocated in phases so that 1/3 of the total gallons are allocated the first year after a Special Permit is granted under the Inclusionary and Incentive Zoning Bylaw, the second 1/3 are allocated the second year and the remainder are allocated the third year

And by deleting Article 4, Special Regulations, Section 4170, Change of Use/Non-Residential to Residential Use Conversions in its entirety.

And by amending Article 4, Special Regulations, Section 4015 as follows:

4015. Site plan Review by Special Permit

a. The following developments shall require Site Plan Review by Special Permit by the Planning Board:

(1) developments consisting of the aggregate of residential units that will result in ~~two~~four or more residential units on any parcel;

And by amending Article 2 Section 2440 as follows:

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

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

Finance Committee Has No Recommendation

Article 30. Zoning Bylaw Amendment: Article 1. Definitions. (Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions, by deleting the current definitions of "Seats" and "Fixed Standing" in their entirety and replacing them with a single definition as follows:

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

inch surface on which to set food and drink, and which are available as a public amenity, shall not be considered seats.

~~Fixed Standing Spaces: for standing within an eating and/or drinking establishment or outside such an establishment on the property of that establishment, where fixed counters and/or shelves are provided for the resting of food and/or beverages and where public restrooms are required shall constitute seats for the purposes of the Growth Management By-law at a measurement of one seat for each 18" of linear distance, or at the distance specified in the state building code, whichever is the lesser.~~

~~Seats: All seating, of any kind and nature, provided within an eating and/or drinking establishment, or outside such an establishment on the property of that establishment, shall constitute Seats for the purposes of the Growth Management Zoning By-law, without regard to the provision of waitron service.~~
Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

Finance Committee Has No Recommendation

Article 31. Zoning Bylaw Amendment: Article 1. Definitions. *(Deletions shown in strike-through and new text shown as underlined)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions, by adding a definition of "Restaurant Use" as follows:

Restaurant Use: A use shall be considered a Restaurant Use if it involves the preparing, heating and/or cooling of food or beverage, with or without seats, whether eat-in or take-out, except that the heating and cooling of water, the cooling of prepackaged food and beverages, and the heating of prepackaged food and beverages by a customer using a microwave shall not constitute a restaurant use.
Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

Finance Committee Has No Recommendation

Article 32. Zoning Bylaw Amendment: Article 2, Section 2440. Permitted Principal Uses - Accessory Dwelling Units. *(Deletions shown in strike-through and new text shown as underlined)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, to allow for accessory dwelling units in all Zoning Districts (currently allowed only in Res1 and Res2), as follows:

	Res1	Res2	Res3/B	TCC	GC	S	M
A1a Single Family Dwelling							
1. one per lot	YES	YES	YES	YES	YES	NO	NO
2. two per lot							
(each separate structure)	PB ²⁰	BA ²⁰	YES ²¹	YES ²¹	YES ²¹	NO	NO
3. three per lot	NO	PB ²⁰	YES ²¹	YES ²¹	YES ²¹	NO	NO
4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b Two Family Dwelling							
1. one per lot	PB²⁰ NO	YES ²⁰	YES ²¹	YES ²¹	YES ²¹	NO	NO
2. two per lot	NO	NO	YES	YES	YES	NO	NO
3. three per lot	NO	NO	YES	YES	YES	NO	NO
4. four or more per lot	NO	NO	PB	PB	PB	NO	NO

20. By Special Permit from the Planning Board, One accessory dwelling unit may be allowed in the Res1 Zoning District, for a total of two dwelling units per lot, and in Res2 Zoning District for a total of three dwelling units only if the following criteria are met: the accessory dwelling unit is for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.

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

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

Finance Committee Has No Recommendation

Article 33. Zoning Bylaw Amendment: Article 4, Section 4120. Density Schedule. *(Deletions shown in strike-through and new text shown as underlined)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations, Section 4120, Density Schedule, to decrease the lot area requirements for commercial accommodations by returning to the density prior to the amendment at Annual Town Meeting 1986 as follows:

Commercial Accommodations	Number of Units Proposed	Number of Square Feet/Unit Required
First	1-10	4,000 <u>500</u>
For the next	11-20	4,500 <u>750</u>
For the next	21-30	2,000 <u>1,000</u>
For the next	31-40	2,500 <u>1,500</u>
For the next	41 units and beyond	3,000 <u>2,000</u>

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

Finance Committee Has No Recommendation

Article 34. Zoning Bylaw Amendment: Article 3, Section 3110. Nonconformancy. *(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 3, General Requirements, Section 3110, Change, Extensions or Alterations, by deleting Section 3110 in its entirety and replacing it as follows:

3110 Change, Extensions or Alterations. As provided in Sec. 6, Ch. 40A, G.L., lawfully pre-existing, non-conforming structures and use may be altered, reconstructed, extended or changed as set forth below.

1. Single and two family structures may be altered as provided for under G.L. c.40A, §6, ¶1, with any required finding by the Board of Appeals that needs to be made, to be made by Special Permit and any new nonconformity to obtain any necessary dimensional relief.

2. All other pre-existing nonconforming structures may be extended, altered or changed only upon issuance of a Special Permit by the Board of Appeals and only if all of the criteria under G.L. c.40A, §6,¶1 and the criteria set forth under Zoning By-law §5300 are satisfied.

3. Nonconforming structures may be extended, altered or changed so as to make a conforming dimension nonconforming or create a new nonconformity but shall require relief under this section and a dimensional variance by the Board of Appeals, except that, for those buildings which existed prior to April 6, 2015 and are required by the Building Commissioner to be elevated in accordance with FEMA Regulations, new setback non-conformities and intrusions further into an existing non-conforming setback area created by exterior access/egress structures which are increased in size due to the building being elevated may be approved by Special Permit from the Board of Appeals, provided that the criteria is simply that the extension, alteration or change is not substantially more detrimental than the existing nonconforming situation.

4. Pre-existing nonconforming uses may be extended, altered or changed only upon the issuance of a Special Permit by the Board of Appeals and only if all of the criteria under G.L. c.40A, §6,¶1 and only if all of the criteria set forth under Zoning By-law §5222 and §5300 are satisfied.

5. Once changed to conformancy, no structure or use shall be permitted to revert to nonconformancy. Any extension of a nonconforming structure shall have a continuous foundation and floor plan with said structure.

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

Finance Committee Has No Recommendation

CONSENT AGENDA

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

The Consent Agenda for the Annual Town Meeting includes Articles 35 through 49.

Article 35. Room Occupancy Tax - A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation applying the local room occupancy tax to seasonal rentals as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT APPROVING THE APPLICATION BY

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

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

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

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

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

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

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

Section 5. This act shall take effect upon its passage;

or to take any other action relative thereto.

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

Article 36. 0.5% Real Estate Transfer Fee - A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a 0.5% real estate transfer fee as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

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

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

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

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

Section 3.

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

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

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

Finance Committee Recommends by a Vote of 5-0-0

Article 37. Expanding Residential Property Exemption - A Home Rule Petition. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to petition the General Court to enact a special act of the Town of Provincetown, the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation to secure its passage, as follows:

AN ACT INCREASING
THE EXEMPTION FOR RESIDENTIAL PROPERTY
IN 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 Section 5C of Chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as Class One, residential, in the Town of Provincetown as certified by the commissioner of revenue to be assessing all local property at its full and fair cash valuation, and with the approval of the Board of Selectmen, there shall be an exemption equal to not more than 20% of the average assessed value of all Class One residential parcels within the Town; provided, however, that the exemption shall be applied only to (1) the principal residence of the taxpayer as used by the taxpayer for income tax purposes, and (2) a residential parcel occupied by a registered voter of the Town of Provincetown, other than the taxpayer, occupied on a year-round basis and used as his or her principal residence for income tax purposes. This exemption shall be in addition to any exemptions allowable under Section 5 of said Chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10% of its full and fair cash valuation, except through the applicability of Section 8A of Chapter 58 of the General Laws and Clause 18 of said Section 5 of said Chapter 59. Where, pursuant to said Section 5 of said Chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the Town and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the Board of Assessors of the Town in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the Board of Assessors of the Town of Provincetown in writing on a form approved by the Board within three months after the date on which the bill or notice of assessment was sent. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to Section 59 of Chapter 59 of the General Laws.

SECTION 3. This act shall take effect as of July 1, 2018, and shall apply to taxes levied for fiscal years beginning on or after July 1, 2018; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Finance Committee Recommends by a Vote of 5-0-0

Article 38. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 39. Fireworks Celebration. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$32,000 to be expended under the direction of the Town Manager for costs associated with the July 4th and New Year’s fireworks displays; or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 40. Local Option Tax on Sale of Recreational Marijuana. To see if the Town will vote to accept the provisions of General Laws Chapter 64N, Section 3, which will allow the Town to collect a local sales tax in the amount of 2% upon the sale or transfer of marijuana or marijuana products by a local retailer operating with the Town; or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 41. Amendments to Personnel Bylaw/Classification and Compensation Plan.

(Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend Schedules A, B and C of the Town’s Classification and Compensation Plan as follows:

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

<u>Grade Level</u>	<u>Compensation Range</u>		<u>Position</u>
	<u>FY 2017</u>	<u>FY 2018</u>	
			Town Manager [exempt MGL C.41,§108N] Chief of Police [exempt MGL C.41,§108O] <u>Finance Director</u>
14	\$95,102-\$117,699		
13	\$88,057-\$109,487	<i>no change</i>	DPW Director <u>Staff Lieutenant</u>
12	\$81,906-\$101,837	<i>no change</i>	Assistant Town Manager Finance Director
11	\$76,185-\$94,743	<i>no change</i>	Building Commissioner MIS Director Water Superintendent
10	\$70,870-\$88,100	<i>no change</i>	DPW Deputy Director Principal Assessor Staff Lieutenant
9	\$65,919-\$81,992	<i>no change</i>	DPW Operations Director Health Director Library Director Town Clerk Town Planner Tourism Director
8	\$61,312-\$76,249	<i>no change</i>	MIS Analyst COA Director Town Collector Town Treasurer
7	\$57,026-\$70,891	<i>no change</i>	Recreation Director
6	\$53,040-\$66,005	<i>no change</i>	Exec. Assistant to Town Manager Local Building Inspector

			Conservation Agent
			Health Agent
			Payroll and Employee Benefits Manager
			<u>Assistant Town Accountant</u>
5	\$49,332-\$61,355	<i>no change</i>	Secretary to the Board of Selectmen
			Exec. Assistant to Police Chief
			Parking Administrator
4	\$45,882-\$57,026	<i>no change</i>	MIS Technician
			Licensing Agent
			Library Marketing & Program Director
			Library Member Services Coordinator
			Permit Coordinator
			<u>Assistant Tourism Director</u>
3	\$42,689-\$53,104	<i>no change</i>	COA Outreach Coordinator
			Principal Accounting Clerk
2	\$39,710-\$49,375	<i>no change</i>	Assistant Tourism Director
			<u>no positions assigned</u>
1	\$36,949-\$45,925	<i>no change</i>	no positions assigned

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2017, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position	Current	Proposed
1 st Deputy Fire Chief	\$12,500	\$15,000
2 nd Deputy Fire Chief	\$9,000	\$12,000
District Fire Chief/Engineer	\$3,000	\$6,000
Firefighter	\$800	\$800
Fire Auxiliary	\$400	\$400
Fire Captain	\$1,000	\$1,250
Fire Lieutenant	\$500	\$500
Engine Steward	\$880	\$880
Station Steward	\$1,100	\$1,100
Ladder Steward	\$1,300	\$1,300
LaFrance Steward	\$500	\$500
Oil Inspector	\$1,747	\$1,747
Rescue Steward	\$3,600	\$3,600
Rescue Captain	\$3,000	\$3,000
Rescue Lieutenant	\$1,500	\$1,500
Rescue Training Officer	\$3,000	\$3,000
Radio Officer	\$550	\$800
Air Officer	\$1,000	\$1,500
Summer Standby Coordinator	\$3,500	\$3,500
Infection Control Officer	\$800	\$800
<i>Annual Salary:</i>		
Fire Chief	\$45,000	\$55,000
<i>Non-Firefighter Positions</i>		
First Responders	\$25.00/hr	\$25.00/hr
EMT-Basic	\$24.71/hr	\$25.41/hr
EMT-Intermediate	\$26.60/hr	\$27.34/hr

EMT-Paramedic	\$29.12/hr	\$30.00/hr
Standby	\$25.00/hr	\$25.00/hr
Safety Inspections	\$20.00/hr	\$20.00/hr
Rescue Squad Participation (per quarter)	\$250	\$250

Schedule C: To amend Schedule C, “Seasonal and Part-time Non-Union Positions,” effective July 1, 2017, as follows:

<u>Grade</u>	<u>Actual FY 2017</u>	<u>Proposed FY 2018</u>	<u>Proposed Position Classifications</u>
N	\$19.92	\$20.32	Police Summer/On-call Dispatcher
M	\$19.33	\$19.72	No Positions Assigned
L	\$18.79	\$19.17	Parking Lot Technical Manager Property Inspector (Assessors)
K	\$18.26	\$18.63	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	\$17.73	\$18.08	No Positions Assigned
I	\$17.40	\$17.75	Parking Meter Collection/Repair On-call van Driver
H	\$16.89	\$17.23	Police Matron
G	\$16.57	\$16.90	No Positions Assigned
F	\$16.09	\$16.41	Assistant Harbormaster w/o police powers COA Program Coordinator Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement Part-time Clerical Secretary, On-call Relief Transfer Station Laborer
E	\$15.79	\$16.11	Part-time Library Circulation Aide
D	\$15.34	\$15.65	On-call Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	\$14.89	\$15.19	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	\$14.61	\$14.90	No Positions Assigned
A	\$14.38	\$14.67	Parking Lot Attendant/In-booth Seasonal Recreation Aides

or to take any other action relative thereto.

[Requested by the Personnel Board and the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 42. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$700,000 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$135,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
2. \$380,000 for marketing, and costs related thereto;
3. \$50,000 for municipal projects, and costs related thereto;
4. \$125,000 for tourism grants, and costs related thereto;

5. \$10,000 for Beautification Committee, and costs related thereto; or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 5-0-0

Article 43. FY 2018 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of \$79,775 to be expended under the direction of the Board of Selectmen, to fund grants to assist nonprofit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod	\$9,000
Alzheimer’s Family Caregiver Support	\$6,000
Cape Cod Children’s Place	\$5,750
Consumer Assistance Council	\$550
Gosnold on Cape Cod	\$14,500
Helping Our Women	\$8,000
Homeless Prevention Council	\$6,000
Independence House	\$5,500
Lower Cape Outreach Council, Inc.	\$6,500
Mass-A-Peal	\$525
Outer Cape Health Services	\$10,000
Sight Loss Services, Inc.	\$600
Soup Kitchen in Provincetown	\$7,000
South Coast Counties Legal Services	\$4,800
Total	\$84,725

or to take any other action relative thereto.

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

Finance Committee Recommends by a Vote of 4-0-0

CONSENT AGENDA – MUNICIPAL MODERNIZATION ACT

Massachusetts Municipal Modernization Act. On August 9, 2016, Gov. Charlie Baker signed a wide-ranging “municipal modernization” bill that had been a centerpiece of his legislative agenda for 2016. The Legislature passed the final compromise bill, often referred to by the governor as the “weed-whacker special,” on July 31. The 125-page, 253-section law includes numerous reforms to state laws related to municipal finance, human resources practices, administration, and procurement. The following articles are items from the Municipal Modernization Act that require Town Meeting vote to implement:

Article 44. Veterans Exemption. (Municipal Modernization Act) To see if the Town will vote to accept the provisions of G.L. c.59, §5, Clause Twenty-Second G, rendering the spouse of a veteran or a deceased veteran with title to the veteran's domicile, eligible for an exemption, or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 45. Other Post-Employment Benefits Fund. (Municipal Modernization Act) To see if the Town will vote to accept the provisions of G.L. c.32B, §20 to create another Post-Employment Benefits Fund for the current and future liabilities of the Town for group health insurance benefits for retirees and their dependents,

which fund may be expended by a two thirds vote of Town Meeting and designate a trustee or trustees, and further, to direct that such trustee or trustees adopt and file a declaration of trust and take all other actions as required by said section; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 46. Use of Bond Proceeds. (Municipal Modernization Act) To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 47. General Bylaw Amendment: Chapter 8, Section 5 - Licenses and Permits of Delinquent Taxpayers. (Municipal Modernization Act) (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 57, as amended by Sections 37 and 38 of Chapter 218 of the Acts of 2016 (the Municipal Modernization Act, so-called); and further to amend Section 8-5 of the Town's General Bylaws as follows:

8-5. Licenses and permits of delinquent taxpayers.

8-5-1. List of delinquent taxpayers. The tax collector or other municipal official responsible for the records of all Provincetown taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, committee, commission or division, hereinafter referred to as the licensing authority, which issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 48. FY 2018 Revolving Funds. To see if the Town will vote to continue for FY 2018 the following revolving funds established pursuant to MGL Chapter 44, Section 53E½:

1. Preservation of Town Hall Auditorium: To allow receipts from the rental and custodial fees charged for the public use of Town Hall Auditorium to be segregated into a special account; and with funds therefrom, up to a limit of \$75,000 annually, to be expended for the repair, updating, refurbishing, operations and maintenance of the Town Hall auditorium under the direction of the Town Manager and the Board of Selectmen;
2. Shellfish Grants: To allow receipts from Shellfish Grants and Recreational Shellfish Licenses to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Harbormaster for the purpose of shellfish seeding and cultivation on public shellfish areas;
3. B-Street Garden: To allow receipts from the annual community garden membership fees charged for the public use of the community garden to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended for the repair, updating and maintenance of the B-Street Garden under the direction of the Town Manager and the Conservation Commission;

4. Fuel Reimbursement: To allow receipts from the sale of fuel to be segregated into a special account; and with funds therefrom, up to a limit of \$125,000 annually, to be expended for the purchase of fuel under the direction of the Town Manager and the Director of Public Works;
5. Council on Aging Transportation: To allow receipts from donations to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for the transportation cost under the direction of the Town Manager and the Director of the Council on Aging;
6. Affordable Housing: To allow fees received by the Town from the sale and resale of affordable housing dwellings, fees paid for monitoring services provided by the Town, fees paid to ensure compliance with affordable housing restrictions and agreements and donations earmarked for affordable housing purposes to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation, cost of marketing and conducting lotteries under the direction of the Town Manager and the Housing Specialist;
7. Facilities and Grounds Rental Revolving Fund: To allow receipts from the rental and custodial fees charged for the public use of Town-owned facilities and grounds to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, for janitorial hired staffing and other costs related to rental costs under the direction of the Town Manager; or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0

Article 49. General Bylaw Amendment: Revolving Fund Bylaw (G.L. c.44, §53E ½). (Municipal Modernization Act). (*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, as most recently amended, to amend the General Bylaws by inserting a new bylaw establishing various revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such bylaw to provide 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:

<u>Program or Purpose</u>	<u>Representative or Board Authorized to Spend</u>	<u>Department Receipts</u>
<u>Preservation of Town Hall Auditorium for repair, updating, refurbishing, operations and maintenance of the Town Hall auditorium</u>	<u>Town Manager and Board of Selectmen</u>	<u>Rental and custodial fees charged for the public use of Town Hall Auditorium</u>
<u>Shellfish Grants for shellfish seeding and cultivation on public shellfish areas</u>	<u>Shellfish Warden and Harbormaster</u>	<u>Receipts from Shellfish Grants and Recreational Shellfish Licenses</u>
<u>B-Street Garden for the repair, updating and maintenance of the B-Street Garden</u>	<u>Town Manager and Conservation Commission</u>	<u>Receipts from the annual community garden membership fees charged for the public use of the community garden</u>
<u>Fuel Reimbursement for the purchase of fuel</u>	<u>Town Manager and Director of Public Works</u>	<u>Receipts from the sale of fuel</u>
<u>Council on Aging Transportation for transportation costs</u>	<u>Town Manager and Director of the Council on Aging</u>	<u>Receipts from donations</u>

<u>Affordable Housing for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation, cost of marketing and conducting lotteries</u>	<u>Town Manager and Housing Specialist</u>	<u>Fees received by the Town from the sale and resale of affordable housing dwellings, fees paid for monitoring services provided by the Town, fees paid to ensure compliance with affordable housing restrictions and agreements and donations earmarked for affordable housing purposes</u>
<u>Facilities and Grounds Rental for janitorial hired staffing and other costs related to rental costs</u>	<u>Town Manager</u>	<u>Receipts from the rental and custodial fees charged for the public use of Town-owned facilities and grounds</u>
<u>Council on Aging Meal Programs for meal program costs</u>	<u>Town Manager and the Director of the Council on Aging</u>	<u>Receipts from donations</u>
<u>Tree Fund for planting of trees on public lands and in the public way and other costs related to rental costs</u>	<u>Town Manager</u>	<u>Receipts from fines from violations of the Tree Bylaw</u>

6-10-2. Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

Or to take any other action relative thereto.

[Requested by the Town Manager]

Finance Committee Recommends by a Vote of 5-0-0