

# Annual Town Meeting – Monday, September 21, 2020

**Meeting Called to Order.** Town Moderator, Mary-Jo Avellar convened the Annual Town Meeting at 5:00 pm on Monday, September 21, 2020 at Saint Peter's Church parking lot.

## **Preliminary Motions:**

David Abramson moved to approve all preliminary motions.

**Motion passed.**

By the passing of the aforementioned motion by David Abramson it was moved that the Town vote to grant permission to speak at the September 21, 2020 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

John Giorgio, Esq., and other attorneys of the firm of KP Law, P.C., Town Counsel;  
Jay Coburn, Community Development Partnership;  
Rob Doane, Community Development Partnership;  
Amy Davies, Provincetown Community Television;  
Jan Greenwood, Woodard & Curran  
Mark Borelli, Provincetown Center for Coastal Studies  
Mark Robinson, The Compact for Cape Cod Conservation Trusts

Charles Sumner, Interim Town Manager  
Josee Cardinal Young, Finance Director;  
Philip Gaudet, Town Clerk;  
Morgan Clark, Director of Health;  
Erin Ellis, Project Administrator;  
James Golden, Chief of Police;  
Gregory Hennick, Police Lieutenant;  
Beau Jackett, Director of Management Information Systems;  
Michelle Jarusiewicz, Housing Specialist & Grant Administrator;  
Sherry Prada, Public Works Operations Director;  
Suzanne Scallion, Superintendent of Schools;  
Elisabeth Verde, Executive Assistant to the Town Manager

**Motion passed.**

By the passing of the aforementioned motion by David Abramson it was moved that on all matters to come before the September 21, 2020 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

**Motion passed.**

By the passing of the aforementioned motion by David Abramson it was moved that notwithstanding the requirements for a public hearing on each warrant article contained in Section 2-3-g of the Town Charter, Town Meeting may consider and act on all articles on the warrant for this Town Meeting.

**Motion passed.**

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

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

David Gardner moved that the Town vote to transfer \$13,674.27 from 910 Employee benefits and Other Insurance to pay the following unpaid bills from fiscal year 2019 and 2018:

New Bedford Waste Services, LLC	\$5,388.34
Ace Mattress Recycling	\$1,110.00
Angel Foods	\$ 200.00
Cape & Vineyard Electric	\$ 574.02
Cyn Oil Corp.	\$ 85.00
Earth Core	\$4,974.00
NAPA Auto Parts	\$ 5.00
Marcey Oil & Propane	\$ 303.91
Follett	\$1,034.00

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

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

Requires a 4/5's vote

**MOTION PASSED**

**Article 2. PEG (Public Education and Government) Access and Cable Related Fund Acceptance.** To see if the Town will vote to accept General Laws Chapter 44, Section 53F<sup>3</sup>/<sub>4</sub>, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement and vote to appropriate an amount from the PEG Access and Cable Related Fund for PEG access television; or to take any other action relative thereto.

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

David Gardner moved that the Town vote to approve Article 2 as printed in the warrant and further to appropriate the sum of \$189,189.51 from the PEG Access and Cable Related Fund.

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

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

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

Requires a majority vote

**MOTION PASSES.**

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

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

David Gardner moved that the Town vote to approve Article 3 as printed in the warrant.

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

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

Requires a majority vote

**MOTION PASSES.**

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

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

or to take any other action relative thereto.

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

David Gardner moved that the Town vote to approve the Fiscal Year 2021 operating budget as printed in the warrant and further to raise and appropriate the sum of 26,876,533, transfer \$6,000 from the Wetlands Protection Fund, \$200,000 from the Title V Revolving Fund, \$97,170 from Overlay Surplus, \$30,000 from the Ferry Embarkation Fund, \$90,000 from Municipal Waterways Fund and \$498,181 from Free Cash for a total of \$27,797,884, as recommended by the Select Board.

Select Board	Recommends DIV I-V	5	0	0
Select Board	Recommends DIV VI	4	0	1
Finance Committee	Recommends	5	0	0

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

<b>Personnel Costs reduced</b>	<b>\$631,110 or 6.48%</b>
<b>Operating Costs reduced</b>	<b>\$1,220,230 or 6.13%</b>
<b>Capital Projects deferred or eliminated</b>	<b>\$3,126,400 or 58.66%</b>

Requires a majority vote  
**MOTION PASSES.**

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

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

David Garner moved that the Town vote to raise and appropriate the sum of \$277,178 for its tuition assessment and the sum of \$142,289 for its capital assessment for a total of \$419,467 for Cape Cod Technical Regional High School for FY 2021.

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

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

Requires a majority vote  
**MOTION PASSES.**

**Article 6. FY 2021 Enterprise Funds.** To see if the Town will vote to raise and appropriate or transfer from available funds the following amounts for enterprise funds of the Town of Provincetown for Fiscal Year 2021:

6001 Water Enterprise Fund	FY 2020	FY 2021	% change
Enterprise Fund Costs	\$2,556,600	\$2,091,405	-18.20%
General Fund Costs	\$298,638	\$306,000	2.47%
<b>TOTAL COSTS</b>	<b>\$2,855,238</b>	<b>\$2,397,405</b>	<b>-16.03%</b>

6002 Wastewater Enterprise Fund	FY 2020	FY 2021	% change
Enterprise Fund Costs	\$3,898,266	\$4,026,570	3.29%
General Fund Costs	\$112,542	\$94,000	-16.48%
<b>TOTAL COSTS</b>	<b>\$4,010,808</b>	<b>\$4,120,570</b>	<b>2.74%</b>

or to take any other action relative thereto.

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

David Gardner moved to approve Article 6 as printed in the warrant and further to appropriate \$2,397,405 from Water Enterprise Fund revenues, \$3,691,645 from Wastewater Enterprise Fund revenues and \$428,925 from Wastewater fund balance reserved for debt service, for a total of \$2,397,405 for the Water Enterprise Fund and \$4,120,570 for the Wastewater Enterprise Fund.

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

**Explanation of Article 6:** *This article funds both the Water and Wastewater Enterprise Budgets for FY2021.*

*The Water Enterprise Fund budget decreased 16% mostly due to completion of the Winslow Tank maintenance project.*

*The Wastewater Enterprise Fund budget increased 2.7% mostly due to an increase in contracted services.*

Requires a majority vote

**MOTION PASSES.**

**Article 7. Emergency Response Stabilization Fund.** To see if the Town will vote to establish a special purpose stabilization fund under MGL Chapter 40 Section 5B and to raise and appropriate or transfer from available funds a sum of money to reserve for

expenditures related to emergency response; or to take any other action relative thereto.

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

David Gardner moved that the Town vote to approve Article 7 as printed in the warrant and further to transfer from free cash the sum of \$1,029,886 to reserve for expenditures related to emergency response.

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

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

**MOTION PASSES by the requisite 2/3rds majority.**

**Article 8. Ryder Street Dune Enhancement Project.** To see if the Town will vote to (a) authorize the Select Board to acquire, by purchase, gift and/or eminent domain, and on such terms as the Select Board deems appropriate, the fee to and/or permanent and temporary easements in a portion or portions of parcels of land located on Commercial Street and identified more particularly on Assessors Map 11-3 as Parcels 20, 20A, 21, 22, 23, 24, 25, 26, and 28 for the purpose of undertaking a beach nourishment and dune restoration and replenishment project, including, without limitation, the right to construct, preserve, inspect, operate, maintain, repair, rehabilitate, and replace a beach and dune system and other erosion control and storm damage reduction measures and appurtenances thereto, including the right to deposit sand, plant vegetation, alter the contours on land, construct berms and dunes, nourish and re-nourish periodically, move, store and remove equipment and supplies, erect, maintain and remove silt screens and sand fences, erect and/or remove temporary structures, facilitate preservation of dunes and vegetation through the limitation of access to dune areas, and trim, cut, fell, and remove from said land trees, underbrush, debris, obstructions, and any other vegetation, structures and objects and/or for any and all other uses and/or purposes related thereto, (b) authorize the Select Board to take by eminent domain, for the foregoing purposes, for public landing, public way and/or public access purposes, and/or for the purpose of confirming the Town's title thereto, the parcel of land shown on Assessors Map 11-3 as Parcel 27 and the parcels of land known as the Ryder Street Extension and land near or adjacent thereto, if appropriate; (c) raise and appropriate, transfer from available funds, and/or borrow a sum of money under G.L. c. 44, § 7, 8 and/or any other enabling

authority to fund the foregoing project and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; (d) authorize the Select Board or its designees to apply for, accept and expend any funds that may be provided by public or private sources to defray all or a portion of said costs of the foregoing, but not limited to, grants and/or reimbursement from the Commonwealth of Massachusetts and/or any other federal, state or other grants or reimbursement programs in any way connected with the scope of this project, and, further, (e) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes; or to take any other action relative thereto.

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

David Gardner moved that the Town vote to approve Article 8 as printed in the warrant, however, removing therefrom the parcels of land identified on Assessors Map 11-3 as Parcels 20, 20A, 21, 25, 26, and 28, as easements are not required on said parcels, and further to appropriate the sum of \$200,000 from the capital stabilization fund to fund the foregoing project and any and all costs incidental or related thereto.

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Harbor Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Conservation Commission</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Local Comprehensive Plan Com</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>

Requires a Two-Thirds Vote

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

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

**MOTION PASSES by the requisite 2/3 majority.**

**Article 9. Community Preservation Budget for FY 2021.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2021 Community Preservation Budget, to appropriate or reserve for future spending the following amounts as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves: Part 1
  - A. \$106,480 for Open Space;
  - B. \$638,879 for Community Housing;
  - C. \$106,480 for Historic Resources;
2. Debt Service Appropriations: Part 2
  - A. \$192,125 for Community Housing debt service;
  - B. \$44,085 for Open Space debt service;
  - C. \$152,410 for Historic Preservation debt service;
3. Grants and administrative expenses;  
or to take any other action relative thereto.

*[Requested by the Community Preservation Committee]*

**CPA MOTION 1**

**Parts 1 and 2 Reserves and Debt Service**

David Gardner moved that the Town vote to set aside from Community Preservation Act estimated annual revenue the sum of \$106,480 for the Open Space reserve fund, the sum of \$638,879 for the Community Housing Reserve Fund and the sum of \$106,480 for the historic resources reserve fund;

and further to appropriate the sum of \$388,620 to fund debt service for Fiscal Year 2021 as follows: the sum of \$192,125 from Community Housing reserves, the sum of \$44,085 from Open Space reserves, and the sum of \$152,410 from Historic Preservation reserves.

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

**Explanation of Article 9 CPA Motion 1**

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

Requires a majority vote

**MOTION PASSES.**

**CPA MOTION 2**

**Part 3 Grants and Administrative Expenses**

David Gardner moved that the Town vote to appropriate the following amounts to be expended for the following purposes from Community Preservation Fund Balance, each being considered a separate appropriation, said funds to be expended under the direction of the Town Manager:

From Undesignated Fund Balance:

Grant A: \$37,000 Administrative Expenses

From Community Housing:

Grant B: \$15,000 Community Development Partnership request for the Cape Housing Institute.

Grant C \$25,404 Community Housing Office, including a full-time Housing Specialist.

Grant D \$425,000 Request by the Provincetown Housing Authority for the acquisition of 46 Harry Kemp Way (expansion of Maushope) for the purposes of building affordable housing units.

From Historic Preservation:

Grant E \$60,000 Request by the Provincetown Art Association and Museum (PAAM) for the restoration of 460 Commercial Street.

Grant F \$1,500 Requested by the Historical Commission for the restoration of the Weir Map.

Grant G \$3,500 Requested by the Historical Commission for the framing of the 1858 Walling Map.

Grant H \$36,863 Requested by the Cemetery Commission for the restoration of Alden Street Cemetery Old Section Priority 3 and 4 stones.

From Open Space/Recreation:

Grant I \$50,000 Requested by the Recreation Commission for preliminary design and community process for the development of the Waterfront Park at 387 Commercial Street.

Grant J            \$50,000       Requested by the Recreation Commission for retrofit of the Chelsea Earnest Basketball Courts.

Community Preservation	Recommends A,E,F,G,H	7	0	0
Community Preservation	Recommends B,C,D,I	6	0	1
Community Preservation	Recommends J	5	0	2
Select Board	Recommends			
A, B,C,E,F,G, H, I, J		5	0	0
Select Board	Recommends D	4	0	1
Finance Committee	Recommends	5	0	0
Conservation Commission	Recommends I, J	5	0	0
Recreation Commission	Recommends I, J	5	0	0

**Explanation of Article 9 - Motion 2: FY 2021 CPA Grant Requests:**

**9-A: Administration:** *This is an annual request for administrative funds for the Community Preservation Committee to conduct business and can be for up to 5% of the annual funds; unused admin funds are returned to the CPA fund. The administrative budget is used for advertising, membership in the statewide CPA Coalition, education and training, and other items necessary to do business. The CPC has requested \$37,000 for this year. Additionally, this year, the funds will be used to update Historic District Inventory & Guideline Development.*

**9-B Cape Housing Institute:** *Community Development Partnership requested \$15,000 towards funding two years of this regional housing education program. In partnership with other agencies including Mass. Housing Partnership and Housing Assistance Corporation, the first Cape Housing Institute was presented in 2017. It was a six-week education and training program at various locations on the Cape that targeted elected and appointed officials. It was very well received. Affordable housing is a complicated matter. The Institute provides training and education at a local level and is open to board & committee members, staff, volunteers, and advocates. They are asking all the Towns to contribute for another round of ongoing training and peer group meetings. This will leverage other funds from the State. The Training program has evolved and has included Peer group meetings that rotate between the Towns. The content, frequency, and location is a function of the needs of the community. Additional trainings have been brought to the Cape in response to local interest such as form-based code.*

**9-C Community Housing Office:** *This CPA request for \$25,000 is for approximately 25% of the overall budget which replicates this year. The budget includes a full-time housing specialist and expenses such as advertising, printing, education, and travel. 75% of the salary will be in the Town's operating budget with 100% of the benefits in the Town's benefit budget. The Housing Office provides a central point for various housing initiatives including education, training, resale of deed restricted units, development of new homes, and various programs such as the down payment and closing costs*

program. The Housing Specialist provides staff support for the Community Housing Council, the Year Round Market Rate Rental Trust, the Economic Development Committee, and the Community Preservation Committee.

**9-D Housing Authority Acquisition of 46 Harry Kemp Way:** The Provincetown Housing Authority has requested \$425,000 to purchase the abutting property to Maushope at 46 Harry Kemp Way to allow for expansion. Expansion of Maushope has been a top priority for many years and has been included as a top goal in all of the Housing Plans. There has been and continues to be a 7 to 10 year waitlist at the Housing Authority. The goal of the expansion is to provide 15 “units” of housing to meet the extreme need for affordable rentals in Provincetown. The Housing Authority has been working with Mass. Housing Partnership and local architects regarding concepts and site evaluation. Preliminary site designs include options to expand the current building or to build a separate building on the site. These units would be deed-restricted in perpetuity.

**9-E 460 Commercial Street Restoration:** This CPA request for \$60,000 by PAAM is for the restoration of the historic façade at 460 Commercial Street – the Federal style Daniel Cross Cook House built around 1825 and purchased by PAAM in 1919. Today it operates as a gallery within the museum. The work will include restoration of clapboards and corner boards, windows and trim work, and possibly the door.

**9-F Weir Map:** The Historical Commission has requested \$1,500 to restore, scan, and frame an original “Weir Map.” The map dates to early 1900’s and shows location and ownership of weirs in Provincetown Harbor. Weirs are spiral fence arrangements in the water used to catch fish.

**9-G Walling Map:** The Historical Commission has requested \$3,500 to restore, scan, and frame an original “1858 Walling Barnstable County Map.” This map pinpointed locations of residences, workplaces, schools, and churches.

**9-H Alden St. Cemetery Old Section:** The Cemetery Commission has requested \$36,862 for the restoration of Priority 3 & 4 stones in the old section. This is part of ongoing stone conservation work throughout all the cemeteries.

**9-I 387 Commercial Street Waterfront Park Preliminary Design:** The Recreation Dept. & commission have submitted a request for \$50,000 to initiate the planning process for a waterfront park at 385-387 Commercial Street acquired in 2018. They anticipate engaging a professional consultant to lead a community planning process to determine the vision for the park and develop preliminary concepts.

**9-J Chelsea Earnest Basketball Court Retrofit:** The Recreation Dept. & commission have submitted a request for \$50,000 to replace the court’s surface, fencing, and hoop systems correcting some safety issues.

Requires a majority vote

## MOTION PASSES

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

### CIP MOTION 1.

#### **CAPITAL IMPROVEMENT ARTICLES FUNDED FROM CAPITAL IMPROVEMENT STABILIZATION FUND, FREE CASH AND UNSPENT PRIOR YEAR ARTICLES**

David Gardner moved that the Town vote to transfer the following amounts and to authorize the Town Manager in conjunction with the Department Head to enter into such contracts, including lease purchase agreements for terms not to exceed 5 years;

- \$214,272.54 from unspent prior year articles;
- \$253,000.00 from free cash; and
- \$528,327.46 from the Capital Improvement Stabilization Fund

For a total of \$995,600 to fund the following, each being considered a separate appropriation:

Dept	Description	Amount	Funding Source
FIR	Main Station Building Repairs	28,000	Free Cash
FIR	Fire Dept. Turnout Gear	195,000	Free Cash
FIR	Fire Dept. Needs Assessment	50,000	Capital Stabilization Fund
Pier	Pier Infrastructure Maintenance	210,000	Capital Stabilization Fund
Pier	Pier Electrical Upgrades	60,000	Capital Stabilization Fund
POL	Police Vehicle Fleet Replacement	22,600	\$21,072.04 from 19ATM Art13D Police Fleet and \$1,527.96 from 19ATM Art13F DPW Fleet
PW	Vehicle Fleet Replacement	160,000	\$36,000.00 from 17ATM Art22 Healthcare Study; \$1,370.46 from 17ATM Art8-14 MUNIS Payroll; \$25,000.00 from 17STM #6 Tenant Rights Advocacy; \$15,561.00 from 16ATM Art18-13 Bldg Maintenance; \$10,153.04 from 18ATM Art10-9 Commercial St Recon; \$13,288.04 from 19ATM Art13F DPW Fleet; \$300.00 from 19ATM Art13O Fuel Dispensary and \$20,000.00 from 17ATM Art8-6 Bas Restoration and \$38,327.46.00 from Capital Stabilization Fund

PW	Stormwater Improvements	100,000	Capital Stabilization Fund
PW	Pavement Management Plan	100,000	\$70,000 from 18ATM Art10-13 Pavement Mgmt. and \$30,000 from Capital Stabilization Fund
PAR	Parking System Upgrades	40,000	Capital Stabilization Fund
PW	Streets, Sidewalks & Bike Paths	30,000	Free Cash.

and costs related thereto;

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Pier Corporation</b>	<b>Recommends D &amp; E</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Harbor Committee</b>	<b>Recommends D &amp; E</b>	<b>5</b>	<b>0</b>	<b>0</b>

***Explanation of Article 10 – FY2021 Capital Improvement Plan:***

***It consists of 14 separate projects.***

***Motions for the Capital Improvement Plan Articles are voted in groups according to funding sources.***

***We have 3 different motions. As the motions can be lengthy, we have provided them to you in the handout so that you can clearly see which items we will be discussing and how they will be paid.***

***Any town meeting voter may ask questions about individual items within the Capital Improvement Plan under the Motion in which they are included.***

***A “Motion to Divide the Question” would be required to vote on any individual item separately.***

***A. Fire Department Main Station Repairs - \$28,000 - Copper heat pipes in the ceiling of the apparatus bays need to be repaired/replaced and then the ceiling needs to be repaired and painted. The station has had small pin hole leaks in the heat pipes in the ceiling of the garage area for the past several years. Temporary repairs are no longer sufficient. Replacing the pipes will fix this and prevent future problems.***

***B. Fire Department Turnout - \$195,000 -This is a life safety project for the purchase of a second set of turnout gear for all members. With the high rate of cancer in fire service, it has been recommended that all firefighters have two sets of turnout gear and all gear is to be washed after every incident. The specialized washer needed for cleaning turnout gear was previously acquired with a grant awarded for this purpose.***

***C. Fire Department Needs Assessment - \$50,000 - This assessment will analyze the present buildings, operations and equipment and determine appropriate space for fire and rescue needs and recommend a course of action.***

**D. Pier Infrastructure Maintenance - \$210,000** - The 2016 engineer's survey provides a breakdown of the recommended maintenance and improvement program which needs to be followed to keep the facility in satisfactory working condition. Identified immediate costs include \$64,000 in repairs and \$812,000 in capital improvement repairs. A large part of the cost is to replace 177 failed pilings out of 401, 62 were replaced prior to 2016. Since this capital request was approved 35 Fender piles were replaced along with an additional 22 piles being replaced from funds from Capital reserve to save on mobilization and being the 1st year of this project. Typically an average of 35-40 fender piles can be replaced per year with the funds allowed. This leaves approximately 120 fender piles left to replace over the next few years. 35-40 piles are scheduled to be replaced early this spring.

**E. Pier Electrical Upgrades - \$60,000** - The recent 2019 engineers survey provides a breakdown of recommended maintenance and improvement program which needs to be followed to keep the facility in satisfactory working condition. During this years scheduled survey the engineers findings recommend the following work to be performed to the Electrical system to bring the Pier up to code compliant.

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

-Replacement of pier power pedestals throughout the pier

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

**F. Police Vehicle Fleet Replacement - \$90,400** (\$67,800 grant funded; \$22,600 from closed PY articles) This is a request to purchase two 2020 or current model Ford Police Special Services vehicle for use by the Police Department patrol. The vehicles replace two current units acquired in 2014 and 2015. These vehicles are part of the Police Department's annual scheduled fleet management replacement program and we anticipate these vehicles will be in front-line public safety platform for 5-6 years from August 2020. A USDA grant has been awarded for 65% of the cost of these vehicles. The balance will be funded with closed prior year articles.

**G. Public Works - Vehicle Fleet Replacement - \$160,000** - Our 5-year fleet replacement plan calls for replacement of the Highway Department's 2004 F750 6-wheel dump truck with a Multi-purpose Hook truck.

**H. Public Works – Storm water Improvements-** \$100,000 Our storm water system has undergone substantial improvements over the past five years resulting in fewer beach closures and overall less flooding. However, many more needed repairs still exist and continual maintenance is of prime concern. Appropriating a sum of money for drainage repairs should be a high priority for our coastal community given our proximity to sea level and lack of open space for stormwater retention. Past funding has been used to remediate 12 out of 25 outfalls that flow stormwater to Provincetown Harbor.

This year's request will be proportionally divided as follows:

\$40,000 - Annual Capital Repairs

*\$20,000 - GIS Database Upgrades*

*\$40,000 - Upgrades required per Pavement Management Plan*

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

***I. Public Works - Pavement Management Plan - \$100,000 -*** *The Town has developed an essential program aimed at combating the progressive deterioration of the Town's roads by using GIS Technology and a Pavement Condition Index (PCI). Each Town-owned roadway is evaluated based on its condition in order for a PCI to be established. Roadway improvements will be determined based on the PCI, roadway functional classification (arterial, collector, or local road) and other prioritization factors.*

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

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

***J. Parking System Upgrade - \$40,000 -*** *AIMS is the parking software system the Town uses which has exceeded its lifespan. This upgrade will allow for increased productivity, efficiency, accuracy by replacing aging equipment with new phones and printers. The new software will enhance the Town's capabilities and assist the department in restructuring.*

***K. Public Works - Streets, Sidewalks and Bike Paths - \$30,000 -*** *This recurring CIP article is used every year to address costs associated with the preservation, repair, and replacement of sidewalks, curbing, roadway painting, potholes, and recent bike trail improvements. This request is used for more routine repairs outside of roadway resurfacing projects funded from the Roadway Maintenance Plan or projects outside of reconstruction projects such as we have seen on Commercial Street.*

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

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

**MOTION PASSES with the requisite 2/3 majority.**

**CIP MOTION 2.**

**CAPITAL IMPROVEMENT ARTICLE FUNDED FROM BONDING**

David Gardner moved that the Town vote to appropriate the sum of \$325,000 to be expended under the direction of the Town Manager and the Fire Chief to replace ambulance 196 and costs related thereto, and, that to meet this appropriation the Treasurer with the approval of the Select Board is hereby authorized to borrow \$325,000 pursuant to M.G.L. c.44, §§ 7 and 8, or any other enabling authority and to issue bonds and notes therefor; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

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

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

**MOTION PASSED with the requisite 2/3 majority.**

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

**CIP MOTION 3.**

**WATER ENTERPRISE FUND CAPITAL IMPROVEMENT ARTICLES FUNDED FROM BONDING**

David Gardner moved that the Town vote to appropriate a total of \$325,000 to fund the following capital improvement projects and costs related thereto to be expended under the direction of the Town Manager and the Water Superintendent and further, that to meet this appropriation, the Treasurer with the approval of the Select Board is hereby authorized to borrow \$325,000 pursuant to General Laws Chapter 44, Sections 7 and 8, or any other enabling authority and to issue bonds and notes therefor; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in

accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, each being considered a separate appropriation:

Description	Amount	Funding Source
Wellfield Re-Development	175,000	Bond
Filtration Plant Module Replacement and SCADA system and well field fiber optic cables upgrades	150,000	Bond

Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0
Water & Sewer Board	Recommends	5	0	0

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

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

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

**MOTION PASSES** with the requisite 2/3<sup>rd</sup> majority.

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

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

David Gardner moved that the Town vote to raise and appropriate the sum of \$594,557 to pay debt service due in Fiscal Year 2021 on the bonds that were issued for the acquisition and improvements of the Harbor Hill property

YRMRR Housing Trust	Recommends	5	0	0
Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0

**Explanation of Article 11:** This article is an appropriation of \$594,557 for the semi-annual debt service that the Town is obligated to pay for the borrowing that funded the

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

Requires a majority vote

**MOTION PASSES**

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

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

David Gardner moved that the Town vote to transfer \$100,000 from Free Cash to the General Purpose Stabilization Fund.

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

**Explanation of Article 12:** This article will transfer \$100,000 of free cash to the Town's operating reserve fund to protect the long-term financial stability of the Town,

*as well as protect the community against sudden and/or unexpected decreases in revenues or increases in expenses. The General Purpose Stabilization Fund is governed by Massachusetts General Law ch40 sec 5B and the Town's Cash Reserves Policy. The financial health of the Town of Provincetown is of paramount importance to its residents who rely on Town government to provide essential services; to its current and retired employees; to its bondholders who provide funding for long-term capital projects; and to its vendors who provide services and equipment to the Town. The Town's policy is to maintain a balance equal to 10% of the current year operating budget. An annual transfer is required to achieve this goal. The current balance of \$2,019,625 in the operating stabilization fund represents 7.3% of the FY21 operating budget.*

Requires a majority vote

**MOTION PASSES**

**Article 13. Indigenous Peoples Consultant.** To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, \$12,607 to be used to hire a consultant to advise the Town and develop a proposal for the Town's representation of Indigenous Peoples, including but not limited to, reviewing the history and culture of indigenous peoples, survey current stakeholders, review public spaces in which indigenous peoples may be included in the artistic, historical, and educational representation, and to present culturally appropriate and locally relevant proposal for indigenous representation in the Town, including at least one public art project; or to take any other action relative thereto.

*[Requested by the Select Board]*

David Gardner moved that the Town vote to transfer the sum of \$12,607 from Free Cash and to approve Article 13 as printed in the warrant.

<b>Select Board</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>1</b>
<b>Finance Committee</b>	<b>Reserve Recommendation</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Explanation of Article 13:** *The Town issued a solicitation for consultant services to advise the Town on indigenous peoples. A bid was received in the amount of \$12,607. This contract is for development of a proposal for the Town of Provincetown's representation of indigenous peoples. The consultant shall be prepared to:*

- 1. Review the history and culture of the Town vis-a-vis indigenous peoples, both past and present.*
- 2. Survey the current stakeholders in their views on indigenous peoples' representation in public spaces in the Town, both in content and location.*

3. *Work with Town staff, boards and committees to review the public spaces (physical and virtual) in which indigenous peoples may be included in the artistic, historical, and educational representation of Provincetown.*
4. *Present culturally appropriate and locally relevant proposals for indigenous representation in the Town, including at least one public art project. It shall include recommendations for both content and delivery, including appropriate artisan(s), such as Native American public art sculptors, writers, etc. within a budget proposed, and agreed to, by the consultant to the Town.*

**Required a majority vote**

**MOTION PASSES**

**Article 14. *Petitioned Article – General Bylaw Amendment: Chapter 13***

***Prohibited Activities – Single Use Plastic Bottles Ban.*** To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Provincetown, Massachusetts.

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

A single-use plastic bottle is a beverage container made from any type of plastic resin. Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal Officer) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in GL Chapter 40 Section 21D. The following penalties apply:

First Violation: Written warning

Second Violation: \$150 fine

Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines.

Any such fines collected shall be payable to the Town of Provincetown.

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

*(Requested by Ted Jones and others)*

[Ted Jones moved that the Town vote to amend the General Bylaw as printed in the warrant under Article 14.](#)

<b>Select Board</b>	<b>No Recommendation</b>	<b>3</b>	<b>2</b>	<b>0</b>
<b>Conservation Commission</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires a majority vote.**  
**Motion passed**

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

**17. CLIMATE POLICY**

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

*(Requested by Brian O'Malley and others)*

Brian O'Malley moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 15.

<b>Select Board</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>2</b>
<b>Conservation Commission</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Requires majority vote**  
**MOTION PASSES**

**Article 16. Petitioned Article – General Bylaw Amendment: Chapter 5 Town Boards.** To see if the Town will vote to amend the Provincetown General Bylaw by amending Chapter 5 as follows:

5-1-4. Stipend for ~~Selectmen~~ Select Board Members. Each member of the Select Board shall receive an annual stipend of ~~\$2,000, except the Chair who shall receive \$2,500~~ \$15,000. or to take any other action relative thereto.

*(Requested by Arthur Egeli and others)*

<b>Select Board</b>	<b>No Recommendation</b>	<b>4</b>	<b>1</b>	<b>0</b>
<b>Finance Committee</b>	<b>Does Not Recommend</b>	<b>5</b>	<b>0</b>	<b>0</b>

This article was submitted without a funding source. An operating override for this article was included on the June 2020 ballot and failed.

**MOTION was made and duly seconded to indefinitely postpone.**

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

*(Requested by Martha Hassell and others)*

Ms. Hassle moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 17.

**Select Board            No Recommendation            5            0            0**

**Requires a majority vote  
 Motion Passes**

**Article 18. *Land Bank Expenses.*** To see if the Town will vote to appropriate from the Land Bank Fund established under Chapter 293 of the Acts of 1998 the sum of \$120,300 to be expended under the direction of the Open Space Committee and the Town Manager for the following amounts FY2021:

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

or to take any other action relative thereto.

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

David Gardner moved that the Town vote to approve Article 18 as printed in the warrant except to delete the CIP Park Planning Project in the amount of \$50,000, for a total of \$70,300.

Open Space Committee	Recommends	5	0	0
Select Board	Recommends	5	0	0
Finance Committee	Recommends	5	0	0
Harbor Committee	Recommends	5	0	0

**Explanation of Article 18:** FY2020 was the last year of the Land Bank Fund. This article includes Land Bank operating expenditures and the last debt service payment. CIP - In October 2018, Town Meeting authorized the use of Land Bank funds to purchase the property at 387-395A Commercial Street from Elena Hall. In February 2019, the Town closed on the acquisition for a total purchase price of \$1,400,000, and later that spring received the assistance of a \$400,000 reimbursement grant from the Massachusetts PARC grant program. The property is held by the Town in the care and control of the Recreation Commission.

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

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

Requires a majority vote  
MOTION PASSES

## 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 includes articles 19 through 30.

Moderator Avellar explained the purpose of the consent agenda and asked town meeting voters if there are any articles they would like to be set aside and placed on the regular agenda for discussion.

A voter moved that Article 20 be pulled from the consent Agenda.

**MOTION PASSED**

David Gardner moved to approve articles 19 through 30, excluding article 20, as printed in the warrant by unanimous consent.

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

**MOTION PASSED UNANIMOUSLY**

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

1. \$10,443.45 from 2015 ATM Article 9, Emergency Shelter Food, unspent appropriation to be transferred to the FY21 Emergency Management Department budget.
  2. \$25,367.90 from 2003 ATM Article 30-4, Historic Walking, unspent appropriation to be closed and transferred to the Unappropriated Tourism Fund.
- or to take any other action relative thereto.

*[Requested by the Town Manager]*

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

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

**MOTION PASSES**

**Article 20. 0.5% Real Estate Transfer Fee - A Home Rule Petition.** To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing the Town to impose a 0.5% real estate transfer fee as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Select Board approves amendments thereto prior to enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

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

Section 1. There is hereby imposed a real estate transfer fee equal to 0.5% (half percent, ½%) of the purchase price upon the transfer of any real property interest in any real property situated in the Town of Provincetown. Said fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Provincetown. The funds collected in each fiscal year shall be deposited equally in both the Town’s Other Post-Employment Benefits (OPEB) Trust and the Provincetown’s Affordable Housing Trust.

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

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

Section 3.

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

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

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

**David Gardner moved that the Town vote to approve Article 20 as printed in the warrant.**

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

**Explanation of Article 20:** *This article seeks an annual reaffirming vote in support of the Home Rule Petition currently pending at the State Legislature to impose a 0.5% Real Estate Transfer Fee. What's different about this article this year is that we have changed the distribution of any fund collected from Capital Stabilization and General Fund to OPEB Trust and Affordable Housing Trust Fund. As these funding needs better represent the Town's priority goals and needs. State Representative Sarah Peake has recommended that the language be voted on once again at this year's Town Meeting to reinforce its intent as the home rule petition makes its way up the legislative channels of the State House.*

**Requires a majority vote**

**Motion passes.**

**Article 21. Cape Cod Greenhead Fly Control District Assessment.** To see if the Town will vote to raise and appropriate \$1,939 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and to authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

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

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

**Explanation of Article 21:** *A Town Meeting vote is required to fund this Cape Cod Greenhead Fly Control District assessment of \$1,939.*

**Motion Passes.**

**Article 22. Amendments to Personnel Bylaw/Classification and Compensation Plan.** *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend Schedules A, B and C of the Town's Classification and Compensation Plan as follows:

**Schedule A:** To amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, effective July 1, 2020, by replacing the existing compensation plan with the following new compensation plan as adopted by the Personnel Board:

Grade	Compensation Range	Position
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	FY2020			FY2021			
	[exempt MGL C.41, §108N]						Town Manager
	[exempt MGL C.41, §108O]						Chief of Police
14	\$98,481	-	\$122,516	\$98,481	-	\$122,516	Finance Director
							DPW Director
13	\$91,615	-	\$113,910	\$91,615	-	\$113,910	Staff Lieutenant
							Assistant Town Manager
12	\$85,215	-	\$105,951	\$85,215	-	\$105,951	<i>No positions assigned</i>
11	\$79,263	-	\$98,571	\$79,263	-	\$98,571	Building Commissioner
							MIS Director
							Water Superintendent
							Town Engineer
10	\$73,733	-	\$91,659	\$73,733	-	\$91,659	DPW Deputy Director
							Principal Assessor
							Health Director
							<u>Pier Manager*</u>
9	\$68,582	-	\$85,304	\$68,582	-	\$85,304	DPW Operations Director
							Library Director
							Town Clerk
							Planner
							Tourism Director
							<u>Town Treasurer</u>
							<u>COA Director</u>
							Harbor Master
							<del>Pier Facilities Manager</del>
8	\$63,789	-	\$79,329	\$63,789	-	\$79,329	MIS Analyst
							<del>COA Director</del>
							Town Collector
							<del>Town Treasurer</del>
							Deputy Emergency Manager / Transportation Coordinator
							Environmental Planner / Conservation Agent
							Zoning Enforcement / Code Enforcement Officer
							Airport Director
7	\$59,330	-	\$73,755	\$59,330	-	\$73,755	Recreation Director
							<u>Marine Services Coordinator</u>
							<u>Local Building Inspector</u>
							<u>Human Resources Manager</u>
6	\$55,182	-	\$68,672	\$55,182	-	\$68,672	Executive Assistant to Town Manager
							Executive Project Administrator
							<u>Executive Assistant to Police Chief</u>

							<u>Local Building Inspector</u>
							Assistant Tourism Director
							Health Agent
							<del>Payroll and Employee Benefits Manager</del>
							Assistant Town Accountant
							Assistant Library Director
							Licensing Agent
							<u>COA Outreach Coordinator</u>
							<u>Secretary to Select Board</u>
5	\$51,325	-	\$63,834	\$51,325	-	\$63,834	<u>Secretary to Select Board</u>
							<del>Exec. Assistant to Police Chief</del>
							Parking Administrator
							MIS Technician
							Pier Office Manager*
							<u>Permit Coordinator</u>
4	\$47,736	-	\$59,330	\$47,736	-	\$59,330	<del>Permit Coordinator</del>
							<u>Lead Librarian</u>
3	\$44,414	-	\$55,249	\$44,414	-	\$55,249	COA Outreach Coordinator
							Principal Accounting Clerk
2	\$41,314	-	\$51,370	\$41,314	-	\$51,370	<i>No positions assigned</i>
1	\$41,248	-	\$47,781	\$41,248	-	\$47,781	<i>No positions assigned</i>

\* Employee of the Provincetown Public Pier Corporation

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

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

Rescue Steward	\$3,600	\$3,600	0.00%
Rescue Captain	\$3,000	\$3,000	0.00%
Rescue Lieutenant	\$1,500	\$1,500	0.00%
Rescue Training Officer	\$3,000	0	
Radio Officer	\$800	\$800	0.00%
Air Officer	\$1,500	\$1,500	0.00%
Summer Standby Coordinator	\$4,000	0	
Infection Control Officer	\$800	\$800	0.00%
<b>Non-Firefighter Positions</b>			
First Responders	\$25.00/hr	\$25.00/hr	0.00%
EMT-Basic	\$26.97/hr	\$26.97/hr	0.00%
EMT-Intermediate	\$29.00/hr	\$29.00/hr	0.00%
EMT-Paramedic	\$31.83/hr	\$31.83/hr	0.00%
Standby	\$25.00/hr	\$25.00/hr	0.00%
Safety Inspections	\$20.00/hr	\$20.00/hr	0.00%
Rescue Squad Participation (per quarter)	\$250	\$250	0.00%

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

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

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

\* Employee of the Provincetown Public Pier Corporation  
or to take any other action relative thereto.

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

<b>Personnel Board</b>	<b>No Recommendation on Sch A</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Personnel Board</b>	<b>Recommends Sch B</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Personnel Board</b>	<b>Recommends Sch C</b>	<b>4</b>	<b>0</b>	<b>1</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Explanation of Article 22:** *Schedule A is for full and part-time non-union positions that are included in the compensation plan. Schedule A does not set a salary or the rate of pay for Town employees, but rather sets the salary range for each job classification. There is NO proposed cost of living increase to the compensation plan in FY2021.*

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

*Schedule C is for non-union seasonal and part-time staff. There is NO proposed cost of living increase to the compensation plan in FY2021.*

**Motion passes.**

**Article 23. Expenditures from the Tourism Fund.** To see if the Town will vote to transfer from the Tourism Fund the sum of \$705,000 to be expended under the direction of the Select Board and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$155,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
2. \$450,000 for marketing, and costs related thereto;
3. \$0 for municipal projects, and costs related thereto;
4. \$100,000 for tourism grants, and costs related thereto;
5. \$0 for the Public Landscape Committee, and costs related thereto;

or to take any other action relative thereto.

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

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Visitor Services Board</b>	<b>Recommends</b>	<b>6</b>	<b>0</b>	<b>0</b>

**Explanation of Article 23:** *This article transfers \$705,000 from the Tourism Fund to cover the costs associated with the Tourism Office pursuant to the Five-Year Financial Plan for Tourism Fund Expenditures proposed by the Visitor Services Board and approved by the Select Board each year. Tourism funds are generated by 35% of the room occupancy tax.*

**Motion passes.**

**Article 24. FY2021 Human Services Grant Program.** To see if the Town will vote to raise and appropriate the sum of \$64,300 to be expended under the direction of the Select Board, to fund grants to assist nonprofit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod	\$5,000
Cape Cod Children's Place	\$6,500
Cape Cod Dispute Resolution Center	\$1,500
Consumer Assistance Council	\$600
Elder Services of Cape Cod & Islands	\$500
Food4Kids Program/Church of the Holy Spirit	\$3,000
Helping Our Women	\$8,500
Homeless Prevention	\$7,500
Independence House	\$7,000
Lower Cape Outreach Council, Inc.	\$6,000
MassAppeal	\$1,200
Outer Cape Health Services	\$10,000
Soup Kitchen in Provincetown	<u>\$7,000</u>
Total	\$64,300

or to take any other action relative thereto.

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

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>2</b>

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

**Motion passes.**

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

<b>FY 2021 REVOLVING FUND ANNUAL SPENDING</b>	
<b>Program or Purpose</b>	<b>Up to a limit of</b>
Preservation of Town Hall Auditorium	\$ 125,000
Shellfish Grants	\$ 7,500
B-Street Garden	\$ 2,500
Fuel Reimbursement	\$ 125,000
Council on Aging Transportation	\$ 10,000
Affordable Housing	\$ 10,000
Tree Fund Revolving Account	\$ 10,000
Facilities and Grounds Rental Revolving Fund	\$ 30,000
Small Scale Climate Change Resiliency Revolving Fund	\$ 18,000

or to take any other action relative thereto.

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

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

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

**Motion passes.**

**Article 26. Funding for Economic Development Committee.** To see if the Town will vote to raise and appropriate \$25,000 with \$1,000 for Committee expenses and \$26,000 in funds available to be awarded in grants to develop increased year-round economic opportunities. Grants shall be subject to approval by the Select Board. Committee Mission Statement: Encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities

for Provincetown citizens without creating adverse impacts on the character of our community or our natural environment; or to take any other action relative thereto.

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

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

**Explanation of Article 26:** *This article provides the Economic Development Committee with funds to award grants to individuals and/or businesses that are working to create a year-round economy in Provincetown. As the mission statement reads, the goal is to encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens.*

**Motion passes.**

**Article 27. General Bylaw Amendment: Chapter 4 Town Meeting and Town Elections** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Chapter 4 as follows:

4-5. Date of Town elections.

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

*[Requested by the Town Manager]*

<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
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**Explanation of Article 27:** *This General Bylaw aligns the Town Election date with the recent Charter change that moved the election from the first Monday in May to the second Monday in May.*

**Motion passes.**

**Article 28. Animal Welfare Committee - General Bylaw Amendment: Chapter 13 Prohibitive Activities – Section 13-2-7-3 Control of Dogs** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Chapter 13 as follows:

13-2-7-3. Control of dogs. Any dog within Town boundaries must be restrained and may not be at large except as specified provided that such dog is under voice and sight control. The following are Town-owned open space off-leash areas (limited by specified times as noted): Foss Woods, Locke Property (also known as ‘Whistle Path Woods’), Abandoned Railroad Right-Of-Way, and all Town-owned beaches. From Memorial Day

through November 1, dogs may be off-leash if under voice and sight control on Town-owned beaches between the hours of 6 am and 9 am and the hours of 6 pm and 9 pm; from November 2 through the day before Memorial Day, dogs may be off-leash if under voice and sight control on Town-owned beaches between the hours of 6 am and 9 pm; all dogs must be restrained on Town-owned beaches at all other times. In designated off-leash areas, any owner whose dog is not under voice and sight control or is out of control is in violation of this bylaw. In all other areas, any owner whose dog is at large, out of control, or not restrained is in violation of this bylaw.

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

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

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

13-2-7. Restraint of animals.

1st offense .....	<del>40.00</del> <u>\$50.00</u>
2nd offense .....	<del>45.00</del> <u>\$100.00</u>
3rd offense .....	<del>25.00</del> <u>\$300.00</u>
4th and subsequent offenses	<del>50.00</del> <u>\$500.00</u>
<del>5th and subsequent offenses</del>	<del>75.00</del>

or to take any other action relative thereto.

<b>Animal Welfare Comm.</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

**Explanation of Article 28:** *This article amends the fine schedule for violation of off-leash hours to the minimum amount allowed to be consistent with State Law. MGL Chapter 140 Section 173A Violation of Animal Control Law; the State sets minimum Non-criminal Disposition fines. A Town may by bylaw provide for an alternative procedure and a different schedule of fines; provided, however, that the fines shall not be lower than those stated.*  
*The only proposed change is to make the Town's fines consistent with State minimums.*

**Motion passes.**

**Article 29. Animal Welfare Committee - General Bylaw Amendment: Chapter 13 Prohibitive Activities – Section 13-2-7-12 Animals Left Unattended in Motor Vehicles** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Chapter 13 as follows:

(f) Any person who violates this bylaw shall be subject to a fine of ~~\$400~~ \$150 for the first offense; ~~\$200~~ \$300 for the second offense; and ~~\$300~~ \$500 for the third and subsequent

offenses. Each violation of this bylaw shall be deemed to be a separate offense. If the animal suffers great bodily injury, then criminal disposition is possible under MGL c. 272, §77 Cruelty to Animals.

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

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

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

<u>1st offense</u>	<u>.....\$100</u>	<u>\$150.00</u>
<u>2nd offense</u>	<u>.....\$200</u>	<u>\$300.00</u>
<u>3rd offense</u>	<u>.....\$300</u>	<u>\$500.00</u>

or to take any other action relative thereto.

<b>Animal Welfare Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

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

**Motion passes.**

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

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

<b>Animal Welfare Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>

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

**Motion passes.**

**Moderator Avellar moved that the Annual Town Meeting be adjourned at 6:43pm.**

**Motion passes.**