

WARRANT

Truro Annual Town Meeting

Tuesday, April 26, 2022

6:00 PM

Truro Central School

AND

Annual Election Ballot

7:00 AM to 8:00 PM

Tuesday, May 10, 2022

Truro Community Center

Transportation will be available for citizens by the Council on Aging.
Reservations must be made by Friday, April 22, 2022 by calling 508-413-9509. **Childcare??**

Please note: Accommodations for individuals with disabilities including assistive listening devices (ALD) and material in alternative formats may be arranged by contacting Town Hall four business days prior to Annual Town Meeting at 508-349-7004 ext. 110 or ext. 124

AS OF MARCH 22, 2022

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Truro's Town Meeting Guide

Truro's Town Meeting is governed by the following: Truro's Charter, Sections 1-3; *Town Meeting Time, A Handbook of Parliamentary Law*, available from the Massachusetts Moderators Association; Truro's Bylaws; and Massachusetts General Laws.

TRURO'S LEGISLATURE

YOU, the registered voters who come to Town Meeting and vote, constitute the legislative branch of Truro's town government. **YOU** determine, among other things, the town's budget, its use of local and state funds, its zoning bylaws and its general bylaws.

THE WARRANT

The warrant is prepared by the Select Board and consists of articles submitted by the Select Board, by other elected and appointed multi-member Boards, and by petitioned articles submitted by registered voters (10 voters, if submitted for inclusion in the Annual Town Meeting Warrant; 100 for inclusion in a Special Town Meeting warrant).

A **QUORUM**, consisting of 100 registered voters, must be present before Town Meeting can begin.

THE MODERATOR

The Moderator, who is elected by the people, presides over Town Meeting and makes sure that the Meeting is conducted in a respectful, civilized way. No insults. No shouting. No personal remarks. No rudeness.

PROCEDURE

- A. **SEATING**—If you are a voter, you may sit anywhere, except in one area of the room that is reserved for non-voters.
- B. **VOTING**—Each voter is given a **CARD** when checking in to Town Meeting. When the Moderator calls for a vote, you must raise your **CARD**.

If the vote is not obvious to the Moderator—if, for example, a 2/3 vote is called for—you must keep your card raised until a **TELLER** has registered it.

If the Moderator estimates the number of votes for or against a given motion, and **SEVEN VOTERS** challenge the Moderator's call, a recount using **TELLERS** will be held.

- C. **DEBATE**—If you wish to make a Motion, or speak to a Motion, you must raise your hand and be recognized by the Moderator. When you have been recognized, please go to the microphone (or have it brought to you, if you cannot go to it).

When you are at the microphone, please **STATE YOUR NAME AND WHETHER OR NOT YOU ARE A VOTER**.

D. **VOTERS MAY SPEAK FOR 3-4 MINUTES**, maximum, at one time, except for **MOVERS OF ARTICLES**, who may have more time, if needed.

NON-VOTERS MAY ALSO SPEAK FOR 3-4 MINUTES, unless there is an objection from a voter (and a majority of voters sustains the objection).

E. **PLEASE DO NOT INTERRUPT—EXCEPT to**

1. **MAKE A POINT OF ORDER**—e.g. speaker is not entitled to the floor, or has not been properly recognized, or is not within the time limit; motion has not been properly made and seconded, etc.
2. **MAKE A POINT OF PERSONAL PRIVILEGE**—e.g. can't hear, fire, etc.

F. **ALL MOTIONS, including ALL AMENDMENTS, must be IN WRITING.**

G. **TO END THE DEBATE:** call for **THE PREVIOUS QUESTION**—"I move the previous question"—This ends the debate. You must be properly recognized by the Moderator to make this motion; it requires a 2nd, is not debatable, and needs a 2/3 vote.

H. **RECONSIDERATION**—a motion to reconsider must be made on the same night as the vote to be reconsidered; must be made within one hour, after intervening business; requires a 2nd, and a majority vote.

I. **TO STOP DEBATE** before it has started, make a motion to **POSTPONE INDEFINITELY**—"I move that this matter be postponed indefinitely." The motion requires a 2nd and a majority vote. Do **NOT** move that the matter be **LAI**D ON THE TABLE. If a matter is laid on the table, it must be taken from the table and debated before Town Meeting can be adjourned.

J. **ALL DEBATE MUST GO THROUGH THE MODERATOR. PERSONAL REMARKS ARE NOT IN ORDER. APPLAUSE IS INAPPROPRIATE AND TIME-CONSUMING.**

K. **ADJOURNMENT**—When all the articles have been debated, voted on, and dealt with, a motion must be made to **DISSOLVE THE MEETING** or **ADJOURN SINE DIE**; the motion requires a 2nd, and a majority vote.

PLEASE TURN OFF ALL CELL PHONES. PLEASE BE SEATED.

GREETINGS:

In the name of the Commonwealth, you are hereby required to warn the inhabitants of the Town of Truro qualified to vote in town affairs, to meet at the Truro Central School, 317 Route 6, Truro, MA 02666, on Tuesday, April 26, 2022 at 6:00 PM, then and there, to vote on the following articles:

CUSTOMARY & FINANCIAL ARTICLES

Article 1: Authorization to Hear the Report of Multi-member Bodies

To see if the Town will vote to hear reports of any multi-member body, whose annual report was not published in the 2021 Annual Town Report, or take any other action relative thereto.

Requested by the Select Board

Select Board Recommendation	5	0	0
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Article 2: Authorization to Set the Salary of the Select Board

To see if the Town will vote to determine and set the salary for the Select Board for Fiscal Year 2023 at \$X,000 per member for a total of \$XX,000, or take any other action relative thereto.

Requested by the Finance Committee

Finance Committee Recommendation			
Select Board Recommendation			

Article 3: Authorization to Set the Salary of the Moderator

To see if the Town will vote to determine and set the salary for the Town Moderator for Fiscal Year 2023 at \$XXX, or take any other action relative thereto.

Requested by the Select Board

Finance Committee Recommendation			
Select Board Recommendation			

Article 4: Amendments to the FY2022 Operating Budget Funded by Free Cash

To see if the Town will vote to appropriate from available funds (Free Cash) such sums of money necessary to supplement the operating budgets of the various Town departments for the current fiscal year 2020-2022 (FY2022), or take any other action relative thereto.

FROM	TO	AMOUNT
Free Cash	Snow Removal	\$65,000
<i>To balance FY22 budget for emergency snow and ice removal operations.</i>		
TOTAL		\$65,000

Requested by the Select Board

Explanation: This is a customary article included in each Annual Town Meeting warrant to address any legal overdrafts (Snow Removal) and supplemental adjustments to current year appropriations. This year's request includes a transfer for the purpose of balancing the snow removal overdraft that occurred during the winter of 2021/2022.

Finance Committee Recommendation			
Select Board Recommendation			

Article 5: FY2023 Omnibus Budget Appropriation

To see if the Town will vote to raise and appropriate and transfer from available funds the sum of **twenty-one million, six hundred eighty-nine thousand, one hundred dollars (\$22,313,143)** to defray the expenses and charges of the Town of Truro in Fiscal Year 2023 (the period from July 1, 2022 through June 30, 2023), including the costs of public education, debt service and interest payments, and to meet said appropriation by the following means:

Source	Amount
Raise through taxation	\$21,835,143
Transfer from Beach Receipts Reserved for Appropriation	\$278,900
Transfer from Pamet Harbor Receipts Reserved for Appropriation	\$88,800
Transfer from Recreation Receipts Reserved for Appropriation	\$4,300
Transfer from Conservation Commission Receipts Reserved for Appropriation	\$5,000
Transfer from Educational/Governmental Programming Access Fund	\$101,000

Or take any other action relative thereto.

Requested by the Select Board

*Explanation: The proposed Fiscal Year 2023 Operating Budget can be found as Appendix A in the Annual Town Meeting Warrant. **The Budget format contains the expenditure figures for Fiscal Year 2020, appropriation figures for Fiscal Year 2022 (as amended), original requests for Fiscal Year 2022 from Town Departments, Finance Committee’s recommendations and Town Manager/ Select Board FY2023 recommendation.** Please refer to the Select Board’s Message to the voters on page 6 and the Finance Committee’s Message on page 8.*

Finance Committee Recommendation			
Select Board Recommendation			

Article 6: Transfer of Funds from Free Cash

SECTION 1: TO REDUCE OR STABILIZE THE FY2023 TAX RATE

To see if the Town will vote to transfer nine hundred thousand dollars (\$900,000) from Free Cash to reduce or stabilize the FY2023 Tax Rate, or to take any other action relative thereto.

Requested by the Select Board

Explanation: This is a customary article that transfers funds to offset the tax rate for the upcoming fiscal year. Annually, the Select Board uses certified free cash (unexpended funds) as a revenue source to reduce the impact on the tax rate. Last year, \$900,000 of free cash was used to offset the tax rate. Staff recommends gradually reducing the amount of free cash used in this manner in subsequent years in an effort to prepare for years that less free cash is available.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 2: TO THE OPEB TRUST FUND

To see if the Town will vote to transfer the sum of four hundred thousand dollars (\$400,000.00) from Free Cash to the Other Post-Employment Benefits (OPEB) Trust Fund, or take any other action relative thereto.

Requested by the Select Board

Explanation: This is a customary article that began at the 2014 ATM to transfer funds into the Other Post-Employment Benefits (OPEB) Trust Fund to cover further liability in accordance with government accounting standards. This year's proposal is to transfer four hundred thousand dollars (\$400,000.00). The balance as of XXXX in the fund is \$XXXXX.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 3: TO THE CAPITAL EXPENSE STABILIZATION FUND

To see if the Town will vote to transfer the sum of four hundred fifty thousand dollars (\$450,000.00) from Free Cash to the Capital Expense Stabilization Fund, or take any other action relative thereto.

Requested by the Select Board

Explanation: This is a customary article that began at the 2016 ATM to transfer funds into the Capital Expense Stabilization Fund to plan for significant capital purchases that will occur several years in the future. Rather than waiting and appropriating or borrowing the entire sum in one year, this fund will allow us to reserve, with town meeting approval, incremental sums of money over time. When the project or purchase is ready to be funded, a town meeting vote will be required to appropriate the funds. This year's recommended transfer from Free Cash is larger than recent years as public safety capital needs are anticipated to arise in the coming years so the available Free Cash this year should be dedicated to address these needs. The balance as of March 1, 2022 in the fund is \$XXXXXX.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 4: TO THE STABILIZATION FUND

To see if the Town will vote to transfer the sum of one hundred thousand dollars and no cents (\$100,000.00) from Free Cash to the Stabilization Fund, or take any other action relative thereto.

Requested by the Select Board

Explanation: This transfer will replenish funds that have been transferred to the General Fund over the past several years to pay accumulated benefit obligations to retiring employees. Free Cash will be used for that purpose in FY2023. The balance as of March 1, 2022 in the Stabilization Fund is \$1,116,734.22 or 5.1% of the proposed FY2023 Operating Budget. This transfer will bring the Town closer to the recommended 6-10% of operating expenditure budget for the Stabilization Fund.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 5: TO PAY FOR TOWN RECORD BINDING

To see if the Town will vote to transfer the sum of thirty-nine thousand dollars (\$39,000.00) from Free Cash to the Town Clerk’s Services (01016152) to pay costs of binding the Town Clerk’s records, and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Requested by the Town Clerk

Explanation: The vital records stored in the Town Clerk’s Office required binding to ensure that they are stored and preserved appropriately. The proposed project would address the records that require binding date back to XXXX through the present day.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 6: TO REVISE THE TOWN’S OPEN SPACE AND RECREATION PLAN

To see if the Town will vote to transfer the sum of thirty thousand dollars (\$30,000.00) from Free Cash to the Select Board Services (01012252) to pay costs of hiring a consultant to revise the Town’s Open Space and Recreation Plan, and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Requested by the Town Planner & Land Use Counsel

Explanation: The most recent Open Space and Recreation Plan, dated June 1, 2015, expired in 2021. Hiring a consultant will allow the Plan to be completed on a condensed schedule so that the Town will have a Plan that is current, addresses climate and demographic changes, and informs the Local Comprehensive Plan and other planning processes in Truro.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 7: TO GENERAL FUND RESERVE FUND

To see if the Town will vote to transfer the sum of one hundred twenty-five thousand dollars (\$125,000.00) from Free Cash to the Reserve Fund (01013257) to be available for extraordinary or unforeseen expenditures in Fiscal Year 2023, or take any other action relative thereto.

Requested by the Select Board

Explanation: In accordance with MGL Chapter 40, Section 6, the Reserve Fund is a sum of money appropriated at Town Meeting to be used for “extraordinary or unforeseen expenditures.” The Finance Committee approves or denies Reserve Fund Transfer requests in accordance with Massachusetts General Law and the Truro Select Board Policy #42. In recent years, Town Meeting has appropriated \$100,000 in the Omnibus Budget to the Reserve Fund. This year, similar to last year, \$100,000 is included in the FY2023 Omnibus Budget and \$125,000 of Free Cash is requested to bring the FY2023 Reserve Fund total to \$225,000. This request brings the reserves of the Town more in line with Government Finance Officers Association recommendations.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 8: TO PURCHASE ADDITIONAL MODULES FOR FINANCIAL TRANSPARENCY AND BUDGETING SOFTWARE

To see if the Town will vote to transfer the sum of ten thousand dollars (\$10,000.00) from Free Cash to the Information Technologies Services (01015552) to pay the costs of purchasing additional modules for the Town’s financial transparency and budgeting software, and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Requested by the Finance Director

Explanation: This article would allow the Town to expand the current financial transparency software (ClearGov) to include modules that would allow the annual budgeting process to occur online with visualization and would create digital budget books to meet GFOA Best Practices. Aside from providing more transparency during the budget process, these modules will also help to digitally move the budget through the process outlined in the Town Charter and will offer version history so that budget changes can be easily tracked by the public, Town staff and Town officials.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 9: TO PROCURE ENGINEERING SERVICES FOR PARKING LOT PAVING AND BEACH PARKING LOT MAINTENANCE

To see if the Town will vote to transfer the sum of one hundred fifty thousand dollars (\$150,000.00) from Free Cash to the Department of Public Works Capital (01040058) to pay the costs of engineering services related to parking lot paving and beach parking lot maintenance, and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Requested by the Public Works Director

Explanation: Corn Hill Beach and Head of the Meadow Beach parking lots require engineering services related to the re-paving, maintenance, and re-striping of those beaches. The engineering will also address access points from the parking lots to the beaches and will determine if shifting sands and pathways will require removal of asphalt. This article addresses only the engineering services related to this project. It is anticipated that funding to address the work required will be requested in a subsequent fiscal year.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 10: TO PROCURE ENGINEERING AND DESIGN SERVICES FOR TRURO CENTRAL SCHOOL HVAC SYSTEM

To see if the Town will vote to transfer the sum of one hundred thousand dollars (\$100,000.00) from Free Cash to the Public Education Capital (01030058) to pay the costs of engineering and design services related to engineering and design services to upgrade and repair Truro Central School’s Heating, Ventilation, and Air Conditioning (HVAC) system, and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Requested by the School Committee

Explanation: Truro Central School presently has an outdated Heating, Ventilation, and Air Conditioning (HVAC) system. Six of the nine classrooms lack appropriate air exchange which negatively impacts air quality and contributes to air contamination. In addition, the Nurse’s Office and the isolation room lack air exchange and negative pressure. Negative pressure is required so air can be contained within a room’s independent exhaust system instead of being transferred to an adjacent area. This article addresses only the engineering and design services for the required work. It is anticipated that funding to address the work required will be requested in a subsequent fiscal year.

School Committee Recommendation			
Finance Committee Recommendation			
Select Board Recommendation			

SECTION 11: TO EMPLOYEE BENEFIT ACCOUNT

To see if the Town will vote to transfer the sum of one hundred thousand dollars (\$100,000.00) from Free Cash to the Employee Benefits and Reserve Account (01015351); or take any other action relative thereto.

Requested by the Public Works Director

Explanation: This article will provide the funding to honor employment contracts (\$50,000) for long-time employees that retire or separate from the Town and will also establish a \$50,000 “signing bonus” program to assist in the recruitment of personnel for non-School vacant positions, particularly vacant positions in public safety.

Finance Committee Recommendation			
Select Board Recommendation			

SECTION 12: TO PURCHASE BUILDING PERMITTING SOFTWARE

To see if the Town will vote to transfer the sum of twenty thousand dollars (\$20,000.00) from Free Cash to the Information Technologies Services (01015552) to pay the costs of purchasing permitting software for the Building and Inspection Department, and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Requested by the Finance Director

Explanation: This article would allow citizens to apply for Building Department permits online and will allow for digital tracking of permits and inspections by staff. This furthers the Select Board’s goal for digitizing services and accommodates citizen requests to complete these applications online. This also integrates Building Department permits with the Assessor’s Database, digitizing and storing records instantly and thus eliminating the requirement for future paper records.

Finance Committee Recommendation			
Select Board Recommendation			

Article 9: Fund a Pre-School Voucher Program

To see if the Town will vote to transfer from available funds the sum of \$XXX,XXX to pay the costs of funding and administering a one-year voucher system program for eligible three-year-old and four-year-old children enrolled in a licensed pre-school or pre-k program that is *not* the Truro Central School Pre-School Program. A voucher in the form of direct-to-provider tuition assistance up to a maximum of \$7,500 will be provided for each eligible child who has reached the age of no less than three years of age as of August 31, 2022, and are not five years or older as of August 31, 2022. The following children would be eligible for said program: children of Truro residents, children of Town of Truro employees, and children of employees and business owners employed for more than 20 hours per week by a business with a physical location in the town of Truro, provided that the Truro location is the primary location of the employee’s work for each month for which tuition assistance is provided. The administration of this program and related funds shall be overseen by the Select Board or its designee and eligibility for the program will be at the discretion of the Select Board or its designee, or take any other action relative thereto.

Requested by the Select Board

Select Board Comment:

DRAFT

Finance Committee Recommendation			
Select Board Recommendation			

Article 9: Fund a Childcare Voucher Program

To see if the Town will vote to transfer from available funds the sum of \$XXX,XXX to pay the costs of funding and administering a one-year voucher system program for eligible children from birth to two-years-old enrolled in a state-licensed childcare program. A voucher in the form of direct-to-provider tuition assistance up to a maximum of \$7,500 will be provided for each eligible child born as of August 31, 2022, and are not two years or older as of August 31, 2022. The following children would be eligible for said program: children of Truro residents, children of Town of Truro employees, and children of employees and business owners employed for more than 20 hours per week by a business with a physical location in the town of Truro, provided that the Truro location is the primary location of the employee’s work for each month for which tuition assistance is provided. The administration of this program and related funds shall be overseen by the Select Board or its designee and eligibility for the

program will be at the discretion of the Select Board or its designee, or take any other action relative thereto.

Requested by the Select Board

Select Board Comment:

Finance Committee Recommendation			
Select Board Recommendation			

Article 9: Fund a Childcare Voucher Program for Two-Year- Olds

To see if the Town will vote to transfer from available funds the sum of \$XXX,XXX to pay the costs of funding and administering a one-year voucher system program for eligible two-year-old children enrolled in a state-licensed childcare program. A voucher in the form of direct-to-provider tuition assistance up to a maximum of \$7,500 will be provided for each eligible child who has reached the age of no less than two years of age as of August 31, 2022, and are not three years or older as of August 31, 2022. The following children would be eligible for said program: children of Truro residents, children of Town of Truro employees, and children of employees and business owners employed for more than 20 hours per week by a business with a physical location in the town of Truro, provided that the Truro location is the primary location of the employee’s work for each month for which tuition assistance is provided. The administration of this program and related funds shall be overseen by the Select Board or its designee and eligibility for the program will be at the discretion of the Select Board or its designee, or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: The Select Board worked with the Petitioner of Article 9 to create an article that addressed the newly expanded Truro Central School Pre-School Program which will accommodate all three- and four-year-olds, but will not accommodate two-year-olds. The new article also addresses the concerns of the Select Board and the need for administrative costs to be funded through this article. The program, if approved by Town Meeting voters, will be funded by free cash this year. If the program is successful, the program would need to be incorporated into the budget and/ or be subject to an override in subsequent years.

Finance Committee Recommendation			
Select Board Recommendation	5	0	0

DRAFT

DRAFT

**TWO-THIRDS
VOTE**

Article X: Transfer of Funds from Capital Stabilization Fund for Public Safety Consoles

To see if the Town will vote to transfer the sum of two hundred forty-four thousand dollars (\$244,000) from the Capital Stabilization Fund to replace two Public Safety dispatch consoles; or to take any other action relative thereto.

Requested by the Police Chief

Explanation: The Communications Center of the Truro Public Safety Facility requires two replacement dispatch consoles. A dispatch console is a computerized system that creates a critical link between dispatchers and public safety personnel. In addition to providing for direct contacts with local police, fire, and emergency medical workers, dispatch consoles allow for rapid communication between the town and outside public safety agencies. A high level of interoperability is vital when internal or external resources are needed, or if mutual aid is required.

Dispatch consoles effectively manage trunked radio systems, and they integrate a variety of critical communications functions. Some key examples of these integrated systems are the police and fire records management systems, state and federal databases, E911, and mobile data terminals.

The two present dispatch consoles are original to the Truro Public Safety Facility, which was constructed in 1993. They were state of the art at the time of their purchase and installation but are now nearly obsolete due to their age and constantly evolving technology. Moreover, their long-term use has resulted in the natural deterioration of many of the consoles' components. Replacement parts are exceedingly difficult to locate, and in some cases, no longer available. Equipment issues are occurring with greater frequency, and a catastrophic failure in the present system is imminent due to its age. The scarcity of replacement parts renders the success of future repairs uncertain.

Typical dispatch consoles last approximately 15 years, so the present systems have provided nearly twice their intended use. Expanded dispatch functions and technological needs have made modern consoles mechanically and technologically superior. They are built for the rigors of constant use and integrate easily with the upgraded state 911 system format and other software updates. Moreover, replacement of these consoles is consistent with (1) the Select Board's stated long term and strategic planning goal of guaranteeing the future health and well-being of our community and (2) its objective of increasing digitization of town services and records while addressing cybersecurity concerns. The proposed replacement systems have improved dependability, such as no single point of failure, enhanced security measures at the software level, and simple integration with present radio and records management systems.

In anticipation of this project, the town has made recent yearly transfers to Capital Stabilization Fund totaling \$533,059.86 as of December 31, 2021. The anticipated cost of the project is less than half of the present balance that has been set aside.

The vendor’s state contract discount that will be applied to the town will be \$29,598.16. The cost estimate includes the required hardware and software, engineering, training, delivery and installation of equipment and materials, and furniture associated with the project. Specifically, it includes 2 Scout EX Consoles (Motorola Avtec Scout 4.9), with the following for each position: 2 LED 22” display monitors, 2 USB desk Mics, 2 PTT footswitches, 4 USB dual speakers, 2 USB Jack boxes, and 2 Switches. Additionally, all furniture for the console positions is included in the estimate.

Finance Committee Recommendation	5	0	0
Select Board Recommendation			

**TWO-THIRDS
VOTE**

Article X: Transfer of Funds from Affordable Housing Stabilization Fund to Affordable Housing Trust Fund

To see if the Town will vote to transfer a sum of money from the Affordable Housing Stabilization Fund to the Affordable Housing Trust Fund; or to take any other action relative thereto.

Requested by the Select Board

Explanation: At the 2021 Annual Town Meeting, voters approved Article 20: To Establish an Affordable Housing Stabilization Fund and to Dedicate a Percentage of the Local Room Occupancy Tax to Said Fund. Thirty-three percent of the Local Room Occupancy Excise Tax was authorized by Town Meeting voters to be automatically transferred to an Affordable Housing Stabilization Fund, as a Stabilization Fund is the only acceptable way under the associated section of Massachusetts General Law to dedicate these reoccurring receipts. This article would transfer the funds received since the commencement of this fund dedication on October 1, 2021 to the Affordable Housing Trust Fund so that monies can be accessed in a more timely manner when appropriate affordable housing opportunities are presented, rather than needing to wait for or call a town meeting to expend said funds.

Article X: Shellfish Revolving Fund

To see if the Town will vote to establish the Shellfish Program Revolving Fund under the authority of MGL Chapter 44 Section 53E½. The revolving fund shall be available for expenditure by the Harbormaster/ Shellfish Constable, with the approval of the Town Manager, to fund expenses related to Shellfish propagation efforts. The total authorized expenditures from the fund shall not exceed two thousand dollars in any one fiscal year. As per MGL Chapter 44 Section 53E½, expenditures from the fund shall not exceed the balance in the fund nor the total authorized expenditures established by Annual Town Meeting. The fund will not be used to pay salary, wages or benefits of any full time employee. The fund shall be subject to annual authorization by Annual Town Meeting;

and furthermore to amend Section 1.1.8 of the General Bylaws to include the Shellfish Program Revolving Fund as follows (additions in **bold underline**, deletions in ~~strike through~~):

There is hereby established in the Town of Truro pursuant to G.L. c. 44, §53 ½ the following Revolving Funds:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund
Council on Aging	Director of Council on Aging	Program Fees	Development and Promotion of Programs
<u>Shellfish Program</u>	<u>Harbormaster/ Shellfish Warden</u>	<u>The First \$2,000 of Shellfish Permit Receipts Received in the Fiscal Year</u>	<u>Shellfish Propagation Efforts</u>

Expenditures from the revolving funds 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, §53 ½.

and furthermore to set the spending limit for the Shellfish Program Revolving Fund for Fiscal Year 2023 at two thousand dollars (\$2,000) pursuant to Section 1.1.8 of the General Bylaws; or to take any other action relative thereto.

Requested by the Shellfish Advisory Committee and the Harbormaster/ Shellfish Warden

Explanation: This article would provide the Harbormaster/ Shellfish Warden the ability to purchase seed or expend funds for the purpose of the Shellfish Program and propagation efforts. Often, seed availability, advantageous seed pricing and grant programs come up unexpectedly. Having a revolving fund established for this purpose would allow the Harbormaster/ Shellfish Constable to take advantage of these opportunities without having previously budgeted for them. Up to \$2,000 of Shellfish Program receipts would go into this

fund annually for these purposes. The remaining receipts would continue to be receipts reserved for appropriation.

Finance Committee Recommendation	4	0	0
Select Board Recommendation			

Article 8: General Override

To see if the Town will vote to add four (4) full-time firefighter/EMTs or firefighter/paramedics to the Fire/Rescue Department’s staffing, effective July 1, 2022, to raise and appropriate the sum of Three Hundred fifty-five thousand, seven hundred sixty-five dollars and no cents (\$355,765.00), of which \$262,565 be appropriated to the Fire/Rescue Salary and Wage budget (01022051), and \$65,400 be appropriated to the Group Health Insurance: Town Share budget (01091451) and that \$24,800 be appropriated to the Fire/Rescue Supplies (01022054) and that \$3,000 be appropriated to the Fire/Rescue Services budget (01022052); provided, however, that if the Town receives a Safer grant for the new positions prior to October 1, 2022, that \$327,965 be appropriated to the Fire/Rescue Capital budget (01022058), and that \$24,800 be appropriated to the Fire/Rescue Supplies (01022054) and \$3,000 be appropriated to Fire/ Rescue Services budget (01022052), and further to make this appropriation contingent upon the passage of an override ballot question under Chapter 59, Section 21C(g) of the General Laws (Proposition 2 ½), or to take any other relative thereto.

Requested by the Select Board

Explanation: The proposed override would help address staffing and employee retention issues facing the Fire & Rescue Department. Presently, the department has a staff of nine plus the Chief to cover the 24/7/365 operation. Due to inadequate staffing, vacancies created by resignation, injury or leave occur more frequently and can have severe and negative consequences on the ability to provide service, as evidenced by a series of resignations that occurred in August and September of 2021. The addition of four firefighter/paramedics would reduce the impact of staffing shortages, create safer working conditions for Truro firefighters, and improve critical response times for fire and rescue service for our community members.

A regional Emergency Medical Service study is near completion and concurs with the need for additional EMS staff in Truro. The study examined the current service model and the anticipated changes to the provision of EMS services in Truro. The four additional personnel requested will allow the department to operate three-person shifts, which will help the staffing levels meet community demand if contracted EMS service providers are no longer able to operate. A grant was requested from the federal SAFER Grant Program, which would fund four

*firefighters and their wages and benefits, for a three-year period. This article would cover the cost of the four firefighter positions, associated equipment, and associated health insurance costs, if the grant is **not** received. If the federal grant **is** awarded, the override will cover the cost of equipment, including an ambulance for the department, eliminating the need for future capital exclusion debt and interest payments that would be paid on borrowed funds. Approving this article and ratifying the vote at the Annual Election ballot will allow the personnel to be funded indefinitely, so that in three years when awarded grants expire or in the event that the grant is not awarded, the salaries for these positions will remain in the Department’s operational budget.*

Finance Committee Recommendation	5	0	0
Select Board Recommendation			

DRAFT

Article 7: Council on Aging Revolving Fund

To see if the Town will vote pursuant to Section 1.1.8 of the General Bylaws to set the spending limit for the COA Revolving Fund for Fiscal Year 2023 at forty thousand dollars (\$40,000.00); or to take any other action relative thereto.

Requested by the Town Accountant

Explanation: This is a customary article required by Massachusetts General Law that sets expenditure limits for the Council on Aging Revolving Fund.

Finance Committee Recommendation	5	0	0
Select Board Recommendation	5	0	0

Article 8: Authorization to Expend Funds in Anticipation of Reimbursement for State Highway Assistance Aid

To see if the Town will vote to appropriate all sums provided to the Town pursuant to the Chapter 90 Highway Assistance Program of the Massachusetts Department of Transportation for purposes consistent with said program; or to take any other action relative thereto.

Requested by the Town Accountant

Explanation: The amount of the Chapter 90 funds to be awarded to Truro by the State for FY2023 is \$171,056.

Finance Committee Recommendation	5	0	0
Select Board Recommendation	5	0	0

BORROWING AUTHORIZATION ARTICLES

Article XX: Reappropriate Authorized Borrowing Balances from Environmental Projects to Capital Expenses for Environmental Projects

To see if the Town will vote to reappropriate the authorized borrowing balances from the Eagle Neck Creek Restoration, Repair and Improvement culvert replacement and salt marsh restoration project authorized at the April 24, 2012 Annual Town Meeting (Article 10) and at the April 30, 2019 Annual Town Meeting (Article 12) to Department of Public Works Capital (01040058);

And to reappropriate the authorized borrowing balances of the Repair and Replace Failing Culvert from Cape Cod Bay to Route 6 East Harbor project authorized at the April 25, 2017 Annual Town Meeting (Article 10),

for the purpose of pre- and post- construction services for the Truro Center Road culvert, Mill Pond Road culvert, Little Pamet culverts, Eagle Neck Creek culvert and East Harbor culvert environmental projects, or take any other action relative thereto.

Requested by the Director of Public Works

Explanation: The Town, with support from the Massachusetts Department of Ecological Restoration, Cape Cod Conservation District, and the USDA, investigated the restoration of the Pamet River system which also includes the replacement of failing culverts. Now that the Eagle Neck Creek and East Harbor projects are nearly complete, this article asks voters to approve reallocating the remaining borrowing balances associated with these projects to the post-construction portion of the projects (as required by the US Army Corps of Engineers), as well as the preliminary engineering and design, final design, and permitting for the removal and replacement of the Truro Center Road culvert, Mill Pond Road Culvert, and Little Pamet culverts, which are all part of the Pamet River system.

Finance Committee Recommendation			
Select Board Recommendation			

Article XX: Appropriate Bond Anticipation Note Proceeds to East Harbor Culvert Project

To see if the Town will vote to appropriate the sum of \$167,164 derived from premiums in connection with the sale of bond anticipation notes (BAN) to pay a portion of the bond anticipation notes issued to pay costs of the East Harbor Culvert project, or take any other action relative thereto.

Requested by the Finance Director

Explanation: When Town Meeting authorizes borrowing, lenders offer the Town premiums to lower the overall cost of borrowing. In this article, Town Meeting voters are asked to apply acquired premiums toward the borrowing for the East Harbor Culvert project.

Finance Committee Recommendation			
Select Board Recommendation			

Article XX: Appropriate Unexpended Fund Balances to Install Electric Vehicle Charging Stations

To see if the Town will vote to reappropriate the unexpended balance in the sum of \$50,265.85 originally appropriated to install solar panels at Truro Central School at the April 28, 2009 Annual Town Meeting (Article 9) to Department of Public Works Capital (01040058);

And to reappropriate the unexpended balance of the fiscal year 2012 Town Energy Committee Capital Budget in the sum of 19,065.00 to Department of Public Works Capital (01040058)

for the purpose of installing electric vehicle charging stations at various Town owned locations, or take any other action relative thereto.

Requested by the Director of Public Works

Explanation: The purpose of original \$70,000 funding requested at the 2009 Annual Town Meeting was to match a grant awarded to facilitate the installation of solar panels at the Truro Central School. The grant award was augmented by additional funds that resulted in overall project savings. The original FY 2012 Energy Committee Capital Budget monies were appropriated for a Capital Improvement project to continue photovoltaic initiatives. If approved, the unexpended balances will be appropriated to install electric vehicle charging stations at various Town owned locations.

Finance Committee Recommendation			
Select Board Recommendation			

COMMUNITY PRESERVATION ACT ARTICLES

Article XX: Community Preservation Act: Contribution to the Affordable Housing Trust Fund

(Community Housing)

To see if the Town will vote to appropriate the sum of Three Hundred Thousand dollars and no cents (\$300,000.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue, to contribute to the Truro Affordable Housing Trust Fund, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by Truro Housing Authority

Explanation: If a fund of money is immediately available to the Housing Authority, then the Housing Authority will have time to act on opportunities that would be lost if the Housing Authority had to wait for Town Meeting or beyond to request money for a legitimate Community Housing project.

Finance Committee Recommendation	4	0	0
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation		0	0

Article XX: Community Preservation Act: Housing Consultant

(Community Housing)

To see if the Town will vote to appropriate the sum of Twenty-five Thousand dollars and no cents (\$25,000.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue, to provide technical assistance to the Truro Housing Authority, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by Truro Housing Authority

Explanation: The Truro Housing Authority needs to continue receiving professional expertise in developing and implementing housing projects. The consultant will not be a full or part-time employee of the Town, but rather will work on particular projects on an “as needed” basis. These funds will be used for a consultant to continue to work on property acquisition, planning and educational programs on housing needs.

Finance Committee Recommendation	4	0	0
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: Lower Cape Housing Institute

(Community Housing)

To see if the Town will vote to appropriate the sum of Fifteen Thousand dollars and no cents (\$15,000.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue, to provide support for the regional Lower Cape Housing Institute offered by the Community Development Partnership, Inc., and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Community Development Partnership

Explanation: The Community Development Partnership (CDP) is offering the Lower Cape Housing Institute for a sixth year. The CDP seeks contributions from the eight participating towns towards the costs of continued training and technical assistance to develop better understanding of Community Housing needs and to support the town in meeting its housing production goals. Sessions are available at no additional cost to Town officials and other interested parties. CDP expects to continue large audience virtual sessions on particular topics and hold in-person peer group meetings.

Finance Committee Recommendation	4	0	1
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: Orleans Cape Cod Five Housing

(Community Housing)

To see if the Town will vote to appropriate the sum of One Hundred Thousand dollars and no cents (\$100,000.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue, to provide regional support for the creation of 62 year-round family rental units at 19 West Road, Orleans, Massachusetts by Pennrose, LLC, and to enter into a grant agreement which shall include the acquisition of n affordable housing restriction on behalf of the Town to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by Pennrose, LLC

Explanation: The project includes the re-use of the former Cape Cod 5 bank headquarters combined with new addition and construction of two separate townhouse buildings, as mixed-income housing, including 52 affordable units and 10 workforce apartments, at varying income levels including up to 30%, 60%, 100% and 120% of the area median income. Six units are fully accessible, and two units will be planned for visually or hearing impaired. There will also be “visitable” units allowing visitors access into the units and bathrooms. Construction is expected to begin in late 2022 or early 2023.

Finance Committee Recommendation	5	0	0
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: High Head Trail Development

(Open Space)

To see if the Town will vote to appropriate the sum of Seventy-eight Thousand dollars and no cents (\$78,000.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue, to develop a trail system on the High Head Conservation land, jointly owned by Truro Conservation Commission and the Commonwealth of Massachusetts, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Truro Conservation Trust

Explanation: A trail for the High Head Conservation area will both protect the land and open it to public access. The project includes 1 ½ miles of trails, six benches at resting and viewing locations, and educational signs. The trail system will extend from the existing Rte. 6 parking area to the Town Beach parking at 207 Shore Rd. The Truro Conservation Trust will be responsible for stewardship of the property, trails, benches and educational stations.

Finance Committee Recommendation	1	3	1
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: Acquisition Fund for Highland House Museum

(Historical Preservation)

To see if the Town will vote to appropriate the sum of Forty-nine Thousand, Four Hundred & forty dollars and no cents (\$49,440.00) using Thirty Thousand, Two Hundred Sixty-nine dollars and no cents (\$30,269.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue and Nineteen Thousand, One Hundred Seventy-one dollars and no cents (\$19,171.) from Fiscal Year 2022 Budgeted Reserve Funds for the acquisition of Truro art, Wampanoag artifacts, and the restoration of a centuries-old loom, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Truro Historical Society

Explanation: The Truro Historical Society intends to increase the depth of the Highland House Museum’s collection and repair a late 18th – early 19th century loom that was donated to the museum in 1973. The collection of donated works by Truro-based artists or featuring Truro would be augmented by purchases. The museum seeks to acquire a permanent collection of authentic Wampanoag art and artifact, including a wet8 (pronounced wetu). The loom, donated by Miss Schumann of South Truro with parts and supplies donated by John Kelly and Erma Allen is still missing parts needed to return it to working order.

Finance Committee Recommendation			
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: Memorials for Payomet Peoples—Phase 1
(Historical Preservation)

To see if the Town will vote to appropriate the sum of Thirty-seven Thousand, Five Hundred dollars and no cents (\$37,500.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue for the Truro Historical Commission and the Truro Historical Society to establish possible commemorative memorials and monuments for the Payomet Peoples and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Truro Historical Commission & the Truro Historical Society

Explanation: The Truro Historical Commission & the Truro Historical Society with a team, including members of the Wampanoag Nation, will evaluate possibilities for design and location of memorials and monuments honoring Truro’s Native Peoples. The Pamet area, Corn Hill, and the Highlands/Tashmuit are three locations under consideration, but others may be identified.

Finance Committee Recommendation			
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: Town Records—Phase 1
(Historical Preservation)

To see if the Town will vote to appropriate the sum of One Hundred and Six Thousand, dollars and no cents (\$106,000.00) using Seventeen Thousand, Four hundred Eighty-one dollars and Ninety-two cents (\$27,713) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue and Eighty-eight Thousand, Five Hundred, Eighteen dollars and Eight cents (\$78,287) from the Fiscal Year 2022 Budgeted Reserve for the preservation and restoration of Truro’s oldest records and accessibility for all permanent records, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto.

Requested by the Truro Town Clerk and Town Manager

Explanation: The project will preserve and restore Truro’s oldest records that date back to the 17th century and provide adequate storage and accessibility for all permanent records within the Town of Truro. In Phase 1, a third-party will inventory and index Town Hall documents, digitalize and scan them into and an online portal. Digitalization of the records ensures continuity, disaster recovery and wide availability to the public.

Finance Committee Recommendation	5	0	0
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: 9 Mobi Mats or Equivalent and Fencing for Improved Beach Access

(Recreation)

To see if the Town will vote to appropriate the sum of Forty Thousand, Five Hundred Sixty-four dollars and no cents (\$40,564.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue for the purchase of Mobi-mats and Mobi-fencing or their equivalents for Town beaches, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto, or take any other action relative thereto.

Requested by the Truro Disabilities Commission

Explanation: Wider Mobi-Mats will improve pedestrian access at three Town beaches: Head of the Meadow, Coast Guard, and Corn Hill. Fencing at Head of the Meadow Beach will prevent sand and shorebirds from settling on the mats there. The mats and fencing will make the beaches accessible to all in a safe and ecological way. The portable mats will be rolled up and stored by the DPW during the off-season.

Finance Committee Recommendation	5	0	0
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: Truro Beach Paddlecraft Racks

(Recreation)

To see if the Town will vote to appropriate the sum of Six Thousand, Nine Hundred Forty dollars and no cents (\$6,940.00) from the Fiscal Year 2022 Budgeted Reserve for design and construction of paddlecraft racks at several Town beaches, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto, or take any other action relative thereto.

Requested by the Truro Beach Advisory Committee

Explanation: Paddlecraft racks for kayaks, stand-up paddleboards and other small boats have never been available before at Truro beaches. The racks will help control dune erosion caused by prior storage of paddlecraft and kayaks in the dunes. All paddlecraft will be registered, ID'd and permitted through the Beach Office. The racks will be designed to withstand the elements and last for many years. Construction and maintenance will be performed by the Truro DPW.

Finance Committee Recommendation	5	0	0
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: Truro Library Edible Forest

(Recreation)

To see if the Town will vote to appropriate the sum of Fifteen Thousand, Eight Hundred dollars and no cents (\$15,800.00) from the Fiscal Year 2022 Budgeted Reserve for establishment of an edible forest path on Town-owned property between the Library and Sally’s Way, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto, or take any other action relative thereto.

Requested by the Truro Library Board of Trustees, Friends of the Public Library and Sustainable CAPE

Explanation: The Edible Forest will build upon the library’s collaboration with Sustainable CAPE (Center for Agricultural Preservation & Education). The project will reclaim an unused area with edible indigenous plantings, a simple irrigation system, shaded outdoor spaces, and educational signage. This new public garden will create a beautiful path while providing landscape education and free, healthful food.

Finance Committee Recommendation	4	0	0
Select Board Recommendation	4	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: 12 Histories of Pond Village & Fishing Industry at Cold Storage Beach

(Recreation)

To see if the Town will vote to appropriate the sum of Four Thousand, Nine Hundred Thirty-six dollars and no cents (\$4,936.00) from the Fiscal Year 2022 Budgeted Reserve for two interpretive graphic displays at Cold Storage Beach, and to enter into a grant agreement to set forth the terms and conditions thereof, or take any other action relative thereto, or take any other action relative thereto.

Requested by the Pond Village Preservation Committee

Explanation: Two historical displays to commemorate the history of Cold Storage Beach and Pond Village. The first installation will be designed to explain the role trap fishing and the role of the plant at Cold Storage Beach. A second panel will focus on Pond Village and its place in history and the greater Truro community. The group is coordinating with the DPW, the Truro Historical Commission and the Truro Historical Society to protect and restore the history for future generations.

Finance Committee Recommendation	5	0	0
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

Article XX: Community Preservation Act: Administrative Support

To see if the Town will vote to appropriate the sum of Thirty-three Thousand, Eight Hundred, Eighty-four dollars and no cents (\$33,884.00) from Projected Fiscal Year 2023 Community Preservation Act Surcharge Revenue for the administrative expenses of the Community Preservation Committee, or take any other action relative thereto.

Requested by Community Preservation Committee

Explanation: The Community Preservation Act and the Truro Community Preservation Bylaws permit 5% of the projected Community Preservation Act surcharge revenue can be used for management of CPC operations, as well as for workshops, seminars, membership in the Community Preservation Coalition, printing, advertising and supplies. Any money remaining at the end of the Fiscal Year will revert to the Community Preservation Act Undesignated Fund Balance.

Finance Committee Recommendation	5	0	0
Select Board Recommendation	5	0	0
Community Preservation Committee Recommendation			

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LAND ACQUISITION ARTICLES

Article 10: Acquisition of Easements for the Herring River Restoration Project

To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase [or eminent domain], a permanent easement and a temporary easement at property known as 125A Old County Road (Assessor’s Map 59-108), as shown on a plan entitled “Herring River Restoration Project Engineering Design to Elevate Low-Lying Roadways and Replace Associated Culverts, Wellfleet and Truro, Massachusetts, Permanent and Temporary Easement Plan,” prepared for the Town of Truro, sheet 1 of 1,” dated March 2022, prepared by WSP, a copy of which is on file with the Town Clerk, as said plan may be amended from time to time, said acquisition to be on such terms and conditions as the Select Board deems appropriate; and further to authorize the Select Board to execute any and all documents and take such other actions as be necessary or convenient in connection with said acquisition; or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: These easements are being acquired for a permanent grade change, installation of a guardrail and erosion control in connection with the Herring River Restoration project, which is being coordinated and implemented by the Town of Wellfleet and the National Park Service. These are the only private easements required in the Town of Truro. The Towns of Wellfleet and Truro will enter into an Intermunicipal Agreement addressing liability concerns and future maintenance by Truro at this location and at a Town-owned parcel, which is also affected by the project.

Select Board Recommendation			
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PERSONNEL BYLAW ARTICLES

Article XX: Amend Personnel Bylaw 6.3.6 Vacation Buy Back

To see if the Town will vote to amend Section 6.3.6 of the Town of Truro Personnel Bylaw as set forth below, with ~~strikethrough~~ text to be deleted and **bold underlined** text to be inserted:

6.3.6 *Ten (10) Days Vacation Buy Back – Employees with more than six (6) years of permanent full time employment may be paid for up to ten (10) days of unused vacation leave at their regular daily rate of pay in effect for that year, under the following conditions:*

6.3.6.1 *Have no outstanding obligations to repay the Town for advance vacation and/or sick leave*

6.3.6.2 *Provide six (6) months advance notice to the Town Manager of their request*

6.3.6.3 *Authority to grant such requests is at the sole discretions of the Town Manager.*

6.3.6.4 *Payment for unused vacation leave shall be paid on the last **first** pay period of December each year.*

or to take any other action relative thereto.

Requested by the Finance Director

*Explanation: The Personnel Bylaw, which governs non-union personnel, requires that vacation buy back be paid out on the last pay period in December. For efficiency and uniformity with similar pay outs for union members, it is recommended that vacation buy back be paid out on the **first** pay period in December.*

Select Board Recommendation			
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ACCEPTANCE OF MASSACHUSETTS GENERAL LAW ARTICLES

Article XX: Accept M.G.L. c. 200A, §9A Disposition of abandoned funds by city or town; notice of period during which funds may be claimed; city treasurer authorized to hear claims; appeal; disbursement

To see if the Town will vote to accept Massachusetts General Law Chapter 200A, Section 9A (Disposition of abandoned funds by city or town; notice of period during which funds may be claimed; city treasurer authorized to hear claims; appeal; disbursement), as printed below:

Section 9A. (a) In any city, town or district that accepts this section in the manner provided in section 4 of chapter 4, there shall be an alternative procedure for disposing of abandoned funds held in the custody of the city, town or district as provided in this section.

(b) Any funds held in the custody of a city, town or district may be presumed by the city, town or district treasurer to be abandoned unless claimed by the corporation, organization, beneficiary or person entitled thereto within 1 year after the date prescribed for payment or delivery; provided, however, that the last instrument intended as payment shall bear upon its face the statement "void if not cashed within 1 year from date of issue". After the expiration of 1 year after the date of issue, the treasurer of a city, town or district may cause the financial institution upon which the instrument was drawn to stop payment on the instrument or otherwise cause the financial institution to decline payment on the instrument and any claims made beyond that date shall only be paid by the city, town or district through the issuance of a new instrument. The city, town or district and the financial institution shall not be liable for damages, consequential or otherwise, resulting from a refusal to honor an instrument of a city, town or district submitted for payment more than a year after its issuance.

(c) The treasurer of a city, town or district holding funds owed to a corporation, organization, beneficiary or person entitled thereto that are presumed to be abandoned under this section shall post a notice entitled "Notice of names of persons appearing to be owners of funds held by (insert city, town or district name), and deemed abandoned". The notice shall specify the names of those persons who appear from available information to be entitled to such funds, shall provide a description of the appropriate method for claiming the funds and shall state a deadline for those funds to be claimed; provided, however, that the deadline shall not be less than 60 days after the date the notice was either postmarked or first posted on a website as provided in this section. The treasurer of the city, town or district may post such notice using either of the following methods: (1) by mailing the notice by first class mail, postage prepaid, to the last known address of the beneficiary or person entitled thereto; or (2) if the city, town or district maintains an official website, by posting the notice conspicuously on the website for not less than 60 days. If the apparent owner fails to respond within 60 days after the mailing or posting of the notice, the treasurer shall cause a notice of the check to be published in a newspaper of general circulation, printed in English, in the county in which the city or town is located.

(d) In the event that funds appearing to be owed to a corporation, organization, beneficiary or person is \$100 or more and the deadline as provided in the notice has passed and no claim for the funds has been made, the treasurer shall cause an additional notice, in substantially the same form as the aforementioned notice, to be published in a newspaper of general circulation in the county in which the city, town or district is located; provided, however, that the notice shall

provide an extended deadline beyond which funds shall not be claimed and such deadline shall be at least 1 year from the date of publication of the notice.

(e) Once the final deadline has passed under subsection (d), the funds owed to the corporation, organization, beneficiary or person entitled thereto shall escheat to the city, town or district and the treasurer thereof shall record the funds as revenue in the General Fund of the city, town or district and the city, town or district shall not be liable to the corporation, organization, beneficiary or person for payment of those funds or for the underlying liability for which the funds were originally intended. Upon escheat, the funds shall be available to the city, town or district's appropriating authority for appropriation for any other public purpose. In addition to the notices required in this section, the treasurer of the city, town or district may initiate any other notices or communications that are directed in good faith toward making final disbursement of the funds to the corporation, organization, beneficiary or person entitled thereto.

Prior to escheat of the funds, the treasurer of the city, town or district shall hear all claims on funds that may arise and if it is clear, based on a preponderance of the evidence available to the treasurer at the time the claim is made, that the claimant is entitled to disbursement of the funds, the treasurer shall disburse funds to the claimant upon receipt by the treasurer of a written indemnification agreement from the claimant wherein the claimant agrees to hold the city, town or district and the treasurer of the city, town or district harmless in the event it is later determined that the claimant was not entitled to receipt of the funds. If it is not clear, based on a preponderance of the evidence before the treasurer at the time of the claim that the claimant is entitled to disbursement of the funds, the treasurer shall segregate the funds into a separate, interest-bearing account and shall notify the claimant of such action within 10 days. A claimant affected by this action may appeal within 20 days after receiving notice thereof to the district, municipal or superior court in the county in which the city, town or district is located. The claimant shall have a trial de novo. A party adversely affected by a decree or order of the district, municipal or superior court may appeal to the appeals court or the supreme judicial court within 20 days from the date of the decree.

If the validity of the claim shall be determined in favor of the claimant or another party, the treasurer shall disburse funds in accordance with the order of the court, including interest accrued. If the validity of the claim is determined to be not in favor of the claimant or another party or if the treasurer does not receive notice that an appeal has been filed within 1 year from the date the claimant was notified that funds were being withheld, then the funds, plus accrued interest, shall escheat to the city, town or district in the manner provided in this section.

If the claimant is domiciled in another state or country and the city, town or district determines that there is no reasonable assurance that the claimant will actually receive the payment provided for in this section in substantially full value, the superior court, in its discretion or upon a petition by the city, town or district, may order that the city, town or district retain the funds.

or to take any other action relative thereto.

Requested by the Finance Director

Explanation: M.G.L Chapter 200A, §9A provides for an alternative procedure for the disposing of abandoned funds (often uncashed checks), known as Tailings, held in the custody of the town. Accepting this statute is the first step of establishing more efficient and expedited procedures for the disposing of these abandoned funds to the General Fund after there have been several attempts to notify the check recipient. Once this statute is accepted by Town Meeting, a tailings policy will be included as part of the Town’s development of a Financial Policy Manual.

Finance Committee Recommendation			
Select Board Recommendation			

Article XX: Accept M.G.L. c. 71, §37M Consolidation of Administrative Functions with City or Town

To see if the Town will vote to accept Massachusetts General Law Chapter 71, Section 37M (Consolidation of administrative functions with city or town), as printed below:

Section 37M. (a) Notwithstanding the provisions of chapter forty-one or chapter seventy-one or any other special or general law to the contrary, any city or town which accepts the provisions of this section may consolidate administrative functions, including but not limited to financial, personnel, and maintenance functions, of the school committee with those of the city or town; provided, however, that such consolidation may occur only upon a majority vote of both the school committee and in a city, the city council, with approval of the mayor required by law or in a town, the annual town meeting or in a town with no town meeting, the town council.

(b) Notwithstanding any general or special law to the contrary, a decision to consolidate functions pursuant to paragraph (a) of this section may be revoked by a majority vote of either the school committee of the city or town, or the city or town, or both as such vote is described in said paragraph (a).

or to take any other action relative thereto.

Requested by the Town Manager

Explanation: In the interest of creating flexibility and efficiency in the administration of school and town services, this article requests acceptance of Massachusetts General Law Chapter 71, Section 37M. By accepting this section of MGL, Town employees can assist with School administrative functions, including maintenance and cleaning, and vice versa.

Select Board Recommendation			
School Committee Recommendation	5	0	0

Article XX: Accept M.G.L. c. 44, §55C Municipal Affordable Housing Trust Fund

To see if the Town will vote to accept Massachusetts General Law Chapter 44, Section 55C (Municipal Affordable Housing Trust Fund), as printed below. The Trust shall have all of the powers enumerated below:

Section 55C. (a) Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B. Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

(b) There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town, but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth. Nothing in this subsection shall prevent a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote.

(c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include the following powers, but a city or town may, by ordinance or by-law, omit or modify any of these powers and may grant to the board additional powers consistent with this section:—

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

(e) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.

(f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.

(g) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(h) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of chapter 39.

(j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B.

or to take any other action relative thereto.

Requested by the Select Board

Explanation: At the April 24, 2001 Annual Town Meeting, Truro voters approved an article petitioning the General Court for special legislation to create an Affordable Housing Trust Fund. The legislation was approved and included as Chapter 274: An Act Authorizing the Town of Truro to Establish an Affordable Housing Trust Fund in the Acts of 2002. In 2005 the State passed Massachusetts General Law c.44, s.55c, effectively simplifying the process of establishing a local housing trust fund and setting guidelines for the trusts. This article would establish an Affordable Housing Trust under M.G.L. c.44, s55c, conforming the Town's Trust with M.G.L. All existing funds from the original Housing Trust would be transferred to the M.G.L. c.44, s55c Trust by a vote of the Trustees (the Select Board).

Select Board Recommendation			
Finance Committee Recommendation			

CHARTER AMENDMENT ARTICLES

TWO-THIRDS
VOTE

Article 18: Charter Amendment to Section 7-1-2

To see if the Town will vote to amend Section 7-1-2 of the Town Charter by adding new language as follows (new language shown **bold underline**):

7-1-2 (d) A Budget Task Force shall be formed on or before December 15 of each year. The Budget Task Force shall consist of two (2) members of the Finance Committee, two (2) members of the Select Board, **(2) members of the School Committee**, the Town Accountant and the Town Manager. It shall be the charge of the Budget Task Force to review with department heads individual budgets.

or take any other action relative thereto.

Requested by the Select Board

Select Board Comment: This article is submitted to include the School Committee in the membership of the Budget Task Force so that the budget review process is more inclusive of the school. As the Truro School Committee's budget is the largest budget within the omnibus budget and other Town budgets include school expenditures (including health insurance and workers compensation), it is vital that the School Committee be included in the review process. If approved at Town Meeting, approval at the 2023 Annual Town Election ballot would be required for the amendment to take effect.

Select Board Recommendation			
Charter Review Committee Recommendation			

TWO-THIRDS
VOTE

Article XX: Charter Amendment to Section 2-3-3

To see if the Town will vote to amend Section 2-3-3 of the Town Charter by adding new language as follows (new language shown **bold underline**):

2-3-3 A petition on an approved form and signed by ~~ten~~ **thirty (30)** registered voters of the Town shall secure inclusion of an article in the warrant of the Annual Town Meeting. A petition on an approved form and signed by 100 registered voters of the Town shall secure inclusion of an article in the warrant of a Special Town Meeting. Sufficient guidance shall be provided by the Select Board to the petitioners to ensure that the petitioned article is in the proper form to secure inclusion in the warrant. **All petitioned articles must identify a voting lead petitioner for inclusion or consideration in the warrant. If a lead petitioner is unable to be identified, the petition will be deferred until such time that a lead petitioner is contacted.**

or take any other action relative thereto.

Requested by the Charter Review Committee

Charter Review Committee Comment: The Committee determined that the town of Truro does considerable work to review petitioned articles, publish them to the warrant, and engage in discussion and voting on them at Town Meeting. In light of the effort involved, it was decided that ten signatures was inadequate for moving a petition forward, particularly given the increased population of Truro voters since the establishment of the ten signature guideline. The Committee also discussed and agreed that a lead petitioner was necessary in order for the Select Board to provide sufficient guidance to petitioners as outlined in section 2-3-3.

Select Board Comment:

Select Board Recommendation			
Charter Review Committee Recommendation			

TWO-THIRDS
VOTE

Article XX: Charter Amendment to Section 6-2-10

To see if the Town will vote to amend Section 6-2-10 of the Town Charter by adding new language as follows (new language shown **bold underline**):

6-2-10 Vacancies on multi-member bodies shall be filled in accordance with General Law and in accordance with the provisions of this Charter by the Select Board or other appointing authority as may be established by General Law, this Charter, By-law or vote of the Town Meeting. If the vacancy is not filled within ~~sixty~~ **forty-five** days of the notification of the vacancy by the ~~Chairman~~ of the multi-member body, the vacancy shall ~~may~~ **may** be filled by the remaining members of the body **with confirmation by the appointing authority within sixty days of the vote of the multi-member body.**

or take any other action relative thereto.

Requested by the Charter Review Committee

Charter Review Committee Comment: The committee determined that forty-five days was an inadequate amount of time for citizens to become aware of a vacancy on a multi-member body, apply to its appointing authority and be approved at a public meeting. Additionally, it was agreed that for the purposes of transparency, any new member, added through a vote by the multi-member body, should have their appointment confirmed by a vote of the appointing body, which would necessarily be done in public.

Select Board Comment:

Select Board Recommendation			
Charter Review Committee Recommendation			

TWO-THIRDS
VOTE

Article XX: Charter Amendment to Section 6-2-10

To see if the Town will vote to amend Section 6-2-10 of the Town Charter by adding new language as follows (new language shown **bold underline**):

6-2-10 Vacancies on multi-member bodies shall be filled in accordance with General Law and in accordance with the provisions of this Charter by the Select Board or other appointing authority as may be established by General Law, this Charter, By-law or vote of the Town Meeting. If the vacancy is not filled within forty-five days of the notification of the vacancy by the Chairman of the multi-member body, the vacancy shall be filled by the remaining members of the body.

or take any other action relative thereto.

Requested by the Select Board

Charter Review Committee Comment:

Select Board Comment:

Select Board Recommendation			
Charter Review Committee Recommendation			

DRAFT

TWO-THIRDS
VOTE

Article XX: Charter Amendment to Section 6-4-7

To see if the Town will vote to amend Section 6-4-7 of the Town Charter by adding new language as follows (new language shown **bold underline**):

6-4-7 The **unexcused** absence of a member or alternate member for four consecutive meetings of an appointed multi-member body shall serve to vacate the office, unless such absence is approved by a vote of the multi-member body. The ~~Chairman~~ **Chair** of the body shall forthwith notify the appointing authority that such vacancy has occurred. The vacancy shall be filled in accordance with section 6-2-10 of this Charter and the appointee shall complete the vacant unexpired term.

or take any other action relative thereto.

Requested by the Charter Review Committee

Charter Review Committee Comment: The Committee determined that four consecutive absences should not be cause for dismissal if they are due to excusable issues.

Select Board Comment:

Select Board Recommendation			
Charter Review Committee Recommendation			

**TWO-THIRDS
VOTE**

Article XX: Charter Amendment to Section 6-4-7

To see if the Town will vote to amend Section 6-4-7 of the Town Charter by adding new language as follows (new language shown **bold underline**):

6-4-7 The absence of a member or alternate member for four consecutive meetings of an appointed multi-member body shall serve to vacate the office, unless such absence is approved by a vote of the multi-member body. The Chairman of the body shall forthwith notify the appointing authority that such vacancy has occurred. The vacancy shall be filled in accordance with section 6-2-10 of this Charter and the appointee shall complete the vacant unexpired term.

or take any other action relative thereto.

Requested by the Select Board

Charter Review Committee Comment:

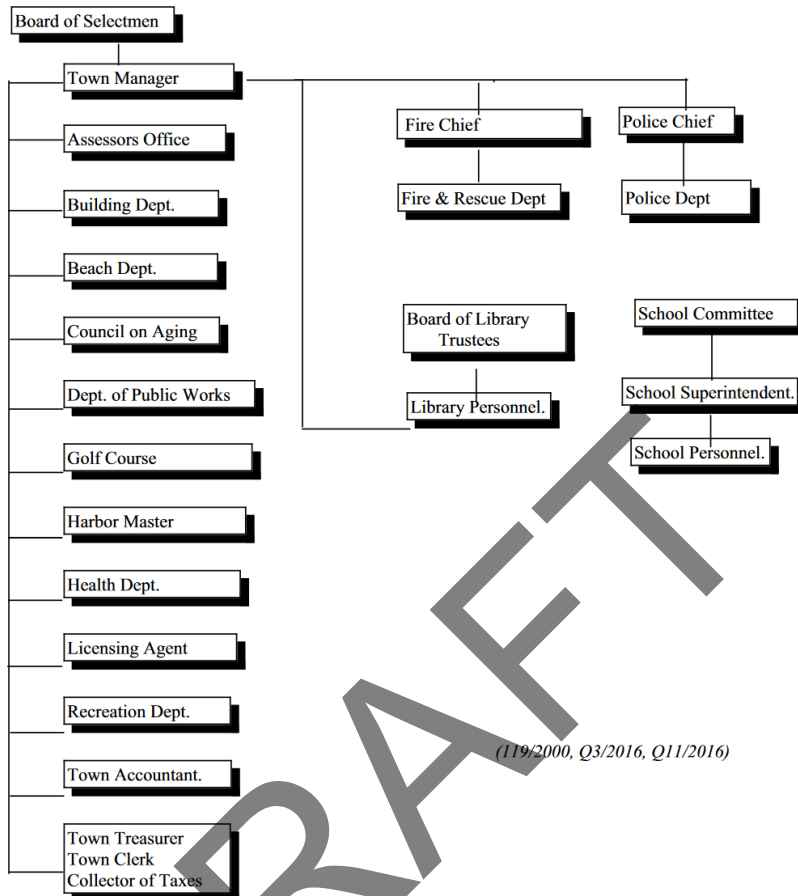
Select Board Comment:

Select Board Recommendation			
Charter Review Committee Recommendation			

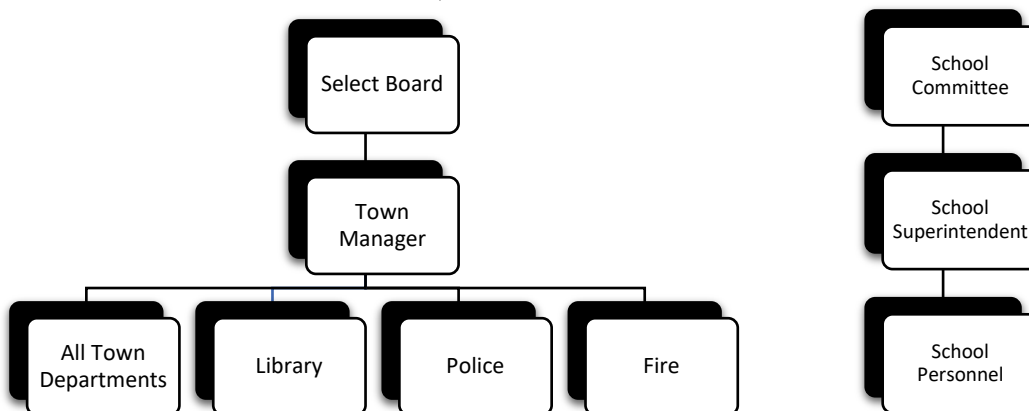
**TWO-THIRDS
VOTE**

Article XX: Charter Amendment to Appendix B – Part 3

To see if the Town will vote to amend Appendix B—Part 3 of the Town Charter by deleting the below chart:



And by adding a new chart in its place, as follows:



or take any other action relative thereto.

Requested by the Select Board

Charter Review Committee Comment:

Select Board Comment: The existing block chart in the Town Charter is out-of-date and includes references to departments that no longer exist and reporting relationships that are inaccurate in accordance with other portions of the Charter and Massachusetts General Law. In an effort to minimize the block chart from becoming obsolete every time a reorganization occurs, it was simplified.

Select Board Recommendation			
Charter Review Committee Recommendation			

DRAFT

ZONING BYLAW ARTICLES

TWO-THIRDS
VOTE

Article XX: Amend Zoning Bylaw §30.5 Flood Plain District

To see if the Town will vote to amend Section 30.5, Flood Plain District, of the Zoning Bylaw by deleting the language in strike-through, adding the **bold underlined** wording and enumerate the bylaw correctly accordingly.

§30.5 Flood Plain District

A. Purpose. ~~To provide that the land in the Town of Truro subject to seasonal or periodic flooding, tidal surges, and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use.~~

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury**
- 2) Eliminate new hazards to emergency response officials**
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding**
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding**
- 5) Eliminate costs associated with the response and cleanup of flooding conditions**
- 6) Reduce damage to public and private property resulting from flooding waters**

*B. District Boundaries: The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Truro designated as Zone AE, AO, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Truro are panel numbers 25001C0109J, 25001C0117J, 25001C0128J, 25001C0136J, 25001C0137J, 25001C0138J, 25001C0139J, 25001C0141J, 25001C0143J, 25001C0144J, 25001C0227J, 25001C0229J, 25001C0231J, 25001C0232J, 25001C0233J, 25001C0234J, 25001C0251J and 25001C0253J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014, **or as defined by any amended or superseding FIS report.** The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission. (4/14)*

C. Administration

1. Precedence over Underlying Zoning

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting Bylaw, regulation, or policy.

2. Disclaimer of Liability

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

3. Severability

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

4. Designation of Floodplain Administrator

The Town of Truro hereby designates the position of Conservation Agent to be the official floodplain administrator for the Town.

5. Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief

99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator

MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

6. Variances

a. Variances to Building Code Floodplain Standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

b. Variances to Zoning Bylaws related to community compliance with National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

7. Final Approval by Floodplain Administrator

a. No site work or construction may commence within the Floodplain Overlay District until all necessary permits and other approvals have been obtained, and a final approval is issued by the Floodplain Administrator.

b. A completed checklist of all necessary permits and approvals, available from the Building Department, shall be submitted by the proponent to the Floodplain Administrator, with copies of such permits and approvals. The checklist shall include permits and approvals from the following authorities, and may be amended from time to time by the Floodplain Administrator:

Conservation Commission and/or Department of Environmental Protection

Board of Health

Zoning Board of Appeals

Planning Board

Natural Heritage and Endangered Species Program (Division of Fisheries and Wildlife)

c. The Floodplain Administrator shall review the checklist and permits/approvals submitted and upon a finding that all necessary permits have been obtained, shall issue Final Approval.

C. Regulations. The following requirements apply in the Flood Plain District.

1. Within Zones AE substantial improvement means all new construction, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This includes structures which have incurred “substantial damage”, regardless of the value or of the actual cost of repair work performed. It does not, however, include either 1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or 2) any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

~~2. Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Commissioner shall determine the base flood elevation from the best available other federal, state, municipal or private studies, if any. All subdivision proposals greater than 50 lots or 5 acres, whichever is the lesser, shall include base flood elevation data. If the data is not available from either the FIRM or other studies, the minimum requirements of the State Building Code, shall apply.~~

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

3. In Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4. In a riverine situation, the Assistant Town Administrator or the Health/Conservation Agent shall notify the following of any alteration or relocation of a watercourse: • Adjacent Communities NFIP • State Coordinator Massachusetts Department of Conservation and Recreation 251 Causeway Street, Suite 600-700 Boston, MA 02114-2104 Truro Zoning Bylaw – April 2019 Page 19 • NFIP Program Specialist Federal Emergency Management Agency, Region I 99 High Street, 6th Floor Boston, MA 02110

5. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

6. Subdivisions

~~a. All subdivision proposals must be designed to assure that: a1. such proposals minimize flood damage; b2. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c3. adequate drainage is provided to reduce exposure to flood hazards.~~

b. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

7. Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone VE). Since these areas are extremely hazardous due to high velocity water surges and hurricane wave wash, the following provisions shall apply:

a. All new construction shall be located landward of the reach of the mean high tide.

b. Man-made alteration of sand dunes, which in the opinion of the Building Commissioner may increase potential flood damage, is prohibited. The building of a structure on a dune may in itself constitute alteration if the dune’s growth and development is inhibited or changed so as to decrease the dune’s present and future value as a natural deterrent to, and protection from, water surges and wave wash.

c. The Building Commissioner shall a) obtain the elevation above mean sea level of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not such structures contain a basement b) if the structure has been floodproofed, obtain the elevation (in relation to mean sea level) to which the structure was floodproofed, and c) maintain a record of all such information.

D. In the event it is the applicant’s opinion that the land or structure in question is not, in fact, located within a special flood hazard area, or that any other data upon which the Building Commissioner is relying, is erroneous, the applicant shall furnish at his expense sufficient technical information to support his opinion.

or to take any other action relative thereto.

Requested by the Health/ Conservation Agent and the Town Planner & Land Use Counsel

Select Board Comment: The Town’s Floodplain Bylaw must conform to a new model bylaw to bring the Town into compliance with National Flood Insurance Program (NFIP) requirements. Compliance with NFIP is essential for the Town and homeowners to ensure continued participation in the program and establishes a mechanism to ensure this compliance during review. Failure to amend this bylaw within the calendar year places the Town and homeowners at risk for loss of coverage.

Select Board Recommendation			
Planning Board Recommendation			

TWO-THIRDS
VOTE

Article XX: Amend Zoning Bylaw §10.2 Purpose

To see if the Town will vote to amend Section 10.2, Purpose, of the Zoning Bylaw by deleting the language in ~~strike through~~, adding the **bold underlined** wording and enumerate the bylaw correctly accordingly.

§10.2 Purpose

The purpose of this bylaw is to:

- 1 *promote the health, safety, convenience and welfare of the inhabitants of Truro,*
- 2 *prevent the overcrowding of land,*
- 3 *conserve the value of land and buildings,*
- 4 *enable the protection of clean and adequate water supply,*
- 5 *conserve natural resources,*
- 6 *prevent blight of the environment,*
7. *encourage the most appropriate use of land in Truro,*
- 8. promote carbon sequestration by natural means,**
- 9 promote the use of Green Energy and Green building practices,**
- 10 protect native soils from unnecessary removal or disturbance,**
- 11 protect and maintain the scenic rural character, ambiance and aesthetics of Truro, and**
- 12 to promote the implementation of the goals and policies of the Truro Local Comprehensive Plan.**

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: The Purpose section of the Zoning Bylaw lays out the broad goals of the Zoning Bylaws as Truro continues to grow and develop. The proposed article adds language that reflects current challenges and conditions. These include supporting efforts to address the impacts of climate change.

Select Board Comment:

Select Board Recommendation			
Planning Board Recommendation			

TWO-THIRDS
VOTE

Article 23: Amend Zoning Bylaw §10.4 Definitions- Street Definition

To see if the Town will vote to amend Section 10.4, Definitions, of the Zoning Bylaw by deleting the language in ~~strike through~~, adding the **bold underlined** wording and enumerate the bylaw correctly accordingly.

§10.4 Definitions

***Street.** A public or private way which affords access to abutting property. For the purposes of this bylaw, the terms "street", "road", "way", and "road right-of-way" bear the same meaning. When a street(s) is to be used for lot frontage, the street(s) shall conform to the **following** requirements:*

- 1) The minimum width of street right-of-ways shall be 40 feet.***
- 2) Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet.***
- 3) Dead-end streets shall be provided at the closed end with a turnaround having a property line diameter of at least 80 feet. When ways requiring turnarounds may be extended in future subdivisions, the Board may require only an area equal to the above requirement to be shown and marked "Reserved for Turning". Upon extension of the way through this turning area, the portions not included in the way shall revert to their respective lots.***

of the Town of Truro Subdivision Regulations, Section IV, Design Standards (b), (c), and (d) as they existed on January 1, 1989.

Street(s) shall have a center line length in excess of 100 feet. For dead-end street(s), this distance shall be measured from the sideline of the layout of the road to be intersected to the opposite end of the layout of the turnaround cul-de-sac.

Town of Truro paved street(s) that:

- (1) have a minimum layout width of 20 feet,*
- (2) were created prior to January 1, 1989, and*
- (3) were accepted by Truro Town Meeting, are exempt from the width requirements of the Town of Truro Subdivision Regulations, Section IV, Design Standards. These accepted public paved ways shall be deemed adequate as lot frontage for the issuance of building permits. The list of accepted Truro public paved ways is available from the Town of Truro Town Clerk upon request.*

Streets that are:

- constructed in accordance with subdivision rules & regulations, at the time, and***
- shown within an approved definitive subdivision plan signed by the Truro Planning Board, and***

- recorded at the Barnstable Registry of Deeds are deemed acceptable for frontage.
- Streets that are shown solely on an Approval Not Required Plan (ANR) endorsed by the Planning Board are not included in this definition.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: This article is focused on addressing 2 concerns and making the definition easier to understand and apply. The first is to make required information easy to find. The current bylaw refers to design standards from the Town of Truro Subdivision Regulations as they existed on January 1, 1989. These standards are not in the current Subdivision Regulations or any recent version, making them very difficult to find. This article will include the street design elements referred to in the body of the bylaw.

The second is to clarify that approved, constructed subdivision streets are included in the definition of street.

Select Board Comment:

Planning Board Recommendation			
Select Board Recommendation			

DRAFT

TWO-THIRDS
VOTE

Article 24: Amend Zoning Bylaw §10.4 Definitions- Lot Coverage

To see if the Town will vote to amend Sections 10.4, Definitions, and 50.1, Area and Height Regulations, of the Zoning Bylaw by deleting the language in ~~strike through~~, adding the **bold underlined** wording and enumerate the bylaw correctly accordingly.

§10.4 Building.

The word building shall be any three-dimensional enclosure, portable or fixed, temporary or permanent, which is composed of building materials and which encloses any space for use or occupancy; building shall include “structure” unless the context unequivocally indicates otherwise; and with the exception of fences, field or garden walls, cold frames, stairways for beach access, and embankment retaining walls, building shall include foundations in the ground and any part of any kind of structure above ground.

Lot.

A parcel of land, undivided by a street, with definite boundaries, title to which is held in undivided ownership.

Lot Area.

The area of a lot when used for building purposes shall not be less than the minimum required by this bylaw for the district in which it is located. Such an area shall not be interpreted to include any portion of a lot below mean water level on fresh water, below mean high water on tidal water or within the limits of any defined way, exclusive of driveways serving only the lot itself. No less than 100% of the minimum lot area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadow. This definition shall apply only to lots created after April 30, 1987.

Lot Coverage.

The portion of a lot which is covered by impervious structures and improvements. Impervious structures and improvements shall include but not be limited to paved driveways and parking areas, principal and accessory structures, swimming pools and other on-site amenities which render any portion of the lot impervious.

Impervious Covered Surface:

Pavement, pavers or structure(s) on, above, or below the ground that do not allow precipitation or surface water runoff from penetrating into the soil. For the purposes of this lot coverage bylaw, pervious paved surfaces shall be included in the computation of covered lot area.

Lot Coverage:

No more than 30 percent (30%) of the total area of any lot in the Residential and Seashore Districts shall be rendered impervious or covered. This includes but is not limited to the

installation of buildings, structures, patios, decks, pools and paved surfaces (including permeable and impermeable pavements).

SECTION 50

Area and Height Regulations

§ 50.1 Regulations

A. Table

DIMENSIONAL REQUIREMENT	ALL DISTRICTS
Minimum lot size	33,750 sq. ft. (1)(2)(8)
Minimum lot frontage	150 ft (1)(2)
Minimum frontyard setback	25 ft (3)
Minimum sideyard setback	25 ft (3)(4)
Maximum building height	2 stories; 30 feet (5)(5a)(6)
Minimum backyard setback	25 ft (3)(4)
Lot Shape	(9)
<u>Maximum Lot coverage</u>	<u>30% (10)</u>

NOTES

1. *Except buildings for accessory use and cottage. (4/10)*
2. *Except lots or parcels lawfully in existence and shown on a subdivision plan or described in a deed recorded at the Barnstable County Registry of Deeds prior to the adoption of the bylaw by Truro Town Meeting on February 15, 1960, having at least five thousand (5,000) square feet of area and at least fifty (50) feet of lot frontage.*
3. *Except in the Seashore District where the minimum setback from all streets is 50 ft. measured at a right angle from the street line.*
4. *Except in those portions of the Beach Point Limited Business district served by the Town of Provincetown Water System, where the minimum sideyard and backyard setbacks shall be equivalent to five (5) ft per story of the building or structure in question. Structures less than a full story shall meet the minimum 5 ft setback.*
5. *The 2 story limitation shall be measured from above mean ground level.*
- 5a. *Except buildings which do not have a ridge or hip the maximum building height shall not exceed twenty-three (23) ft as measured to the highest point of the structure. (4/12)*
6. *Free standing flagpoles and private noncommercial radio and television antennae shall not exceed fifty (50) ft above mean ground level.*

(#7 deleted 4/12)
8. *Except in the Seashore District where the minimum lot size is 3 acres. (4/05)*

9. For any lot created after April 30, 2004, the portion of the lot connecting the frontage with the front line of any building site shall not be less than 50 feet wide, as measured between opposite sidelines. (4/06)

10. Residential & Seashore Districts

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: Tree, shrubs, plants and other greenery help decrease runoff, provide natural stabilization on slopes, increase natural carbon sequestration and provide visual appeal. Currently Truro, unlike many Cape Towns, does not address how much of a lot should be kept “green”. This article would require lots in the Residential and Seashore Districts have no more than 30% of the lot area covered by impermeable surfaces. All current conditions would be grandfathered in.

Select Board Comment:

Planning Board Recommendation			
Select Board Recommendation			

DRAFT

TWO-THIRDS
VOTE

Article XX: Amend Zoning Bylaw §40.1 Duplex Houses and Apartments

To see if the Town will vote to amend Section 40.1, Duplex Houses and Apartments, of the Zoning Bylaw by deleting the language in ~~strike through~~, adding the **bold underlined** wording and enumerate the bylaw correctly accordingly.

§ 40.1 Duplex Houses and Apartments

A. Purpose. For the purpose of promoting the more efficient use of land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, the Board of Appeals may approve a special permit authorizing the new construction of duplex houses or the conversion of single family dwellings to apartments, consistent with the following conditions.

B. These structure, either new or conversion, are allowed in all districts except: Beach Point and the Seashore District.

C. New Construction. ~~lots of one acre~~ **meeting minimum lot size of 33,750 sq ft.** or more are required for new construction; the duplex shall not exceed 3,600 sq. ft.; the requirements of paragraph D shall be met.

D. Conversion. Conversion of single family dwellings **in any zoning district except Beach Point and the Seashore District** may be approved by special permit from the Board of Appeals. Lots shall meet current minimum lot area requirements; no more than one apartment in addition to the primary dwelling unit may be created from any one single family dwelling; ~~the floor area of the secondary dwelling unit shall not exceed 50% of that of the primary dwelling unit; the floor area of the secondary dwelling unit shall not exceed 600 sq. ft.~~

E. Requirements. All new construction or conversions shall comply with the following.

1. All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.
- 2. One unit shall have a 12 month lease.**
- 3. One unit shall be owner occupied OR have a 12 month lease**
- ~~4. The applicant shall demonstrate that the new construction or conversion is essential to provide needed housing.~~
5. The new construction or conversion is compatible with and will not derogate from or be detrimental to the neighborhood.
6. Section 50, Area and Height regulations of this bylaw.
7. The use is in harmony with the general purpose and intent of the bylaw. implementation of the goals and policies of the Truro Local Comprehensive Plan.

or to take any other action relative thereto.

Requested by the Planning Board

Planning Board Comment: The lack of year-round housing is an ongoing challenge. This revision to the existing duplex bylaw is designed to increase year-round housing options in

Truro by making it easier and more appealing to build/own duplexes. The bylaw would apply to lots except those in the Beach Point and Seashore Districts. This revision will:

- Decrease the required lot size.*
- Remove a limit on the size of 2nd unit which will allow both units to house families.*
- Remove the 3,000 square foot limit on the structure, making it dependent on lot size.*
- Require 12-month lease or owner occupancy for both units.*

ADU's and duplexes both add to our housing stock. A major difference between duplexes and ADU's is size. The current maximum size of an ADU is 900 square feet. The division of the square feet between the two duplex units is not regulated but is up to the owner.

Select Board Comment:

Select Board Recommendation			
Planning Board Recommendation			

DRAFT

DRAFT

HOME RULE PETITION ARTICLES

Article XX: Home Rule Petition to Establish a Tax Workoff Program for Persons with Disabilities

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation authorizing the Town to establish a program to reduce property tax liability in exchange for volunteer services for persons with disabilities 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 TRURO
TO ESTABLISH A PROGRAM TO REDUCE PROPERTY TAX LIABILITY IN EXCHANGE FOR
VOLUNTEER SERVICES FOR PERSONS WITH DISABILITIES**

The Town of Truro may establish program to allow persons with disabilities over the age of 18 or a member of their household to volunteer to provide services to the town. In exchange for such volunteer services, the town shall reduce the real property tax obligations of such person with disability on the tax bills of the person's legal residence or whomever the disabled individual dedicates their work to be credited to and any reduction so provided shall be in addition to any exemption or abatement to which any such person or person in the household is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,500 in a given tax year. For the purposes of this program, a "person with disability" shall be defined as "a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment and proof of disability documented by one (1) of the following: a) statements or letters on a physician's/medical professional's letterhead stationary; b) statements, records or letters from a Federal Government agency that issues or provides disability benefits; c) statements, records or letters from a State Vocational Rehabilitation Agency counselor or; d) certification from a private Vocational Rehabilitation or other Counselor that issues or provides disability benefits. It shall be the responsibility of the town to maintain a record for each program-participating taxpaying property member including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. Proof of disability documents shall be verified by the assessor and shall not be open to public inspection. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. The town shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

or to take any other action relative thereto.

Requested by the Select Board

Explanation: This article would allow the Select Board to petition the General Court for special legislation that would allow the Town of Truro to establish a program that would allow persons with disabilities to provide volunteer services to the town in exchange for a reduction in the real property tax obligation on the person's home. The program would be similar to the "Senior Tax Work-off Program" that is already in existence in Truro. Similar to the Senior Tax Work-off Program, the "Persons With Disabilities Tax Work-off Program" would be capped at \$15,000 a year of property tax reductions for the entire program. Once approved by the General Court, \$15,000 would be allocated in the FY2024 overlay budget to off-set the tax reductions to individuals. This article originated as a Disabilities Commission article that ultimately the Select Board chose to request because of the Board's support for the proposed program. Please note that while the proposed Act allows for up to a \$1,500 reduction to match the existing Massachusetts General Law for the Senior Tax Program, currently the Town of Truro caps the program for Senior volunteers at \$1,000 per individual and it is likely that the Select Board would establish the same cap for the program for Persons with Disabilities.

Select Board Recommendation			
Finance Committee Recommendation	5	0	0
Disabilities Commission Recommendation			

Article XX: Home Rule Petition to Impose a 0.5% Real Estate Transfer Fee

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 TRURO
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 Truro. 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 Truro. Fifty percent (50%) of the funds collected in each fiscal year shall be deposited in the Town's Capital Improvement Stabilization Fund and the remaining fifty percent (50%) shall be deposited into the Town's Affordable Housing Trust 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 Truro and any of their instrumentalities, agencies or sub-divisions, such as the Truro 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

Explanation: The purpose of the article is to allow the Select Board to petition the General Court for special legislation that would allow the Town of Truro to establish a 0.5% real estate transfer fee. Once the legislation passes at the State level, the Town would be able to establish the transfer fee. The primary purpose of the real estate transfer fee would be to support the Town’s Capital Improvement Stabilization Fund and Affordable Housing in Truro. This would provide an alternative funding source for the Town to protect, maintain and develop the necessary infrastructure for Town property and operations and to have a dedicated funding stream for affordable housing. The tax would be paid by the purchaser and there are several exemptions to the fee including for first time home buyers and transfers between family members.

This article was approved by the voters at the 2019 Annual Town Meeting (Article 15) but has not been approved by the legislature. To continue to petition the General Court for this special legislation, Town Meeting must approve this article. This article was updated to reflect the motion made on Town Meeting floor to deposit 50% of the fees collected into the Capital Improvement Stabilization Fund and 50% of the fees into the Affordable Housing Trust Fund.

Finance Committee Recommendation	5	0	0
Select Board Recommendation			

DRAFT

PETITIONED ARTICLES

Article 36: Non Binding Public Advisory Question Calling for Holtec to Withdraw Plans to Discharge Radioactive Water into Cape Cod Bay

Non Binding Public Advisory Question for the 2022 Spring Ballot calling upon Holtect, owner and decommissioning company for the Pilgrim Nuclear Power Station, immediately withdraw any plans to discharge any radioactive water into Cape Cod Bay.

WHEREAS, Cape Cod Bay is a protected area and habitat for the endangered Right Whale; and

WHEREAS, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and

WHEREAS, According to the National Academies of Science, there is no safe dose of ionizing radiation; and

WHEREAS, Holtec can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission [NRC]; and

WHEREAS, The Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful proceedings and illegal actives involving Holtec; and

WHEREAS, The Commonwealth has the authority to stop the dumping;

Therefore, shall the people of the Town of Truro, MA direct the local government to communicate with Governor Charlie Baker, Attorney Maura Healey, and the State Legislature to employ all means available to ensure that Holtect commits to immediately withdrawing any plans to dump any radioactive water into Cape Cod Bay?

or to take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Select Board Recommendation			
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Article 36: To Prevent Dumping of Radioactive Water in the Cape Cod Bay- Petitioned Article

Whereas The Pilgrim Nuclear Power Plant ceased operation in 2019; and

Whereas there are about a million gallons of radioactive water on the Pilgrim site left from the operation of the power plant and the storage of highly radioactive spent fuel rods; and

Whereas Holtec International LLC, responsible for decommissioning and decontaminating the site, is considering dumping the radioactive water from Pilgrim into Cape Cod Bay because that is their fastest, cheapest, and most profitable option for disposal; and

Whereas according to the National Academies of Science there is no safe level of ionizing radiation; and

Whereas the health and safety of the inhabitants of coastal Massachusetts, including all of Cape Cod, would be adversely affected by any radioactive contamination of Cape Cod Bay; and

Whereas the economy of the coastal communities of Massachusetts, including Cape Cod, depends on Cape Cod Bay to provide essential livelihood from fishing, tourism, and other vital enterprises; and

Whereas Cape Cod Bay is a protected area and habitat for the endangered Right Whale; therefore

Be it Resolved that to protect our families, the livelihoods of our coastal communities, and the habitat of marine life of Cape Cod Bay, we insist that Holtec International immediately and forever eliminate the dumping of radioactive water into the Bay from all plans for and action taken in the decommissioning and decontaminating of the Pilgrim Nuclear Power Plan; and

Further, we call on Governor Baker and any successor to require Holtec International to immediately and forever refrain from discharging radioactive water from Pilgrim into Cape Cod Bay; and to direct the Secretary of Environmental Affairs and the Secretary of Health and Human Services to protect the residents of the Commonwealth by enforcing any and all available laws and regulations to ban dumping Pilgrim's radioactive contaminated water into Cape Cod Bay; and

Further, we call on Attorney General Maura Healey to immediately enforce terms of the Settlement Agreement signed by the Commonwealth and Holtec International and to enforce any and all available laws and regulations that would prohibit dumping of radioactive contaminated water into Cape Cod Bay; and

Lastly, we request the Truro Select Board to certify and forward copies of this Resolution to Holtec International, and to Governor Charlie Baker, Attorney General Maura Healey, Senator Edward Markey, Senator Elizabeth Warren, Representative William Keating, State Senator Julian Cyr, and State Representative Sarah Peake.

or to take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Select Board Recommendation			
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DRAFT

TWO-THIRDS
VOTE

Article 36: Amend Charter to Make Planning Board Appointed

Whereas the Truro Planning is currently an elected multi-member body;

Whereas the intent of this article is to change the Truro Planning Board to a Select Board appointed multi-member body, with such new appointments to take effect upon the expiration of the existing Planning Board Member’s terms;

Now, therefore, to see if the Town will vote pursuant to G.L. c.43B, § 10 to amend Sections 3-1-1 and 6-4-2 of the Town Charter as set forth below, with ~~strike through~~ text to be deleted and **bold underlined** text to be inserted:

3-1-1 *The membership of the following multi-member bodies shall be elected as follows:*

- A Moderator shall be elected for a three-year term.*
- A Board of Selectmen of five members.*
- A School Committee of five members.*
- ~~A Planning Board of seven members.~~*
- A Board of Library Trustees of five members, notwithstanding the provisions of Section 10 of Chapter 78 of the General Laws.*
- A Housing Authority of four members in accordance with the General Laws.*
- A fifth member of the Housing Authority shall be appointed by the Commonwealth.*
- A Cemetery Commission of three members.*

6-4-2 *The regulatory multi-member bodies listed below shall be appointed by the Board of Selectmen in accordance with sections 4-3-2 and 6-2-6 of this Charter.*

- Board of Health*
- Board of Assessors*
- Conservation Commission*
- Zoning Board of Appeals*
- Planning Board**

or take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Select Board Recommendation			
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Article 36: Childcare Voucher Program- Petitioned Article

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$300,000 to pay the costs of funding a voucher system for eligible children, as outlined below, aged birth to 4 years old to attend a state-licensed child care and/or state-licensed PreK program, including any administrative fees associated with the Program. Eligible children may receive a maximum of \$7,500 per year in direct-to-provider voucher support. Additionally, eligible children shall be those that cannot be accommodated in the Truro Central School PreK Program for any reason.

Eligible children under this Program shall be from any one of the following categories:

- Children of Truro Residents,
- Children of Town of Truro employees,
- Children of employees employed by a business with a physical location in the Town of Truro,

The administration of this program and related funds shall be overseen by the Select Board or their designee, or take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Select Board Recommendation			
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Article 36: Creation of Year-Round Rental Housing Trust- Petitioned Article

To see of the Town will vote to direct the Select Board to prepare and file a home rule petition, in the form and manner outlined below, with the General Court that would create a Year-Round Rental Housing Trust; provided 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; or to take any other action relative thereto.

The Home Rule Petition would read:

SECTION 1: There shall be a municipal trust to be known as the Truro Year-round Market Rate Rental Housing Trust. The trust is established to create and preserve year-round rental units in the town of Truro including, but not limited to, market rate units, for the benefit of residents of the town.

SECTION 2:

- (a) The trust shall be managed by a 5 member board of trustees. In selecting members of the board of trustees, the board of selectmen shall:
 - (i) designate 1 of its members to serve on the board of trustees;
 - (ii) appoint at least 1 member of the public at large, preferably a resident who lives in year-round market rate rental housing in the town, to serve on the board of trustees; and
 - (iii) consider a broad range of expertise, including education and experience in real estate development and financing, in appointing the remaining 3 members to the board of trustees.
- (b) Members of the board of trustees shall be sworn to the faithful performance of their official duties. A majority of the 5 members shall constitute a quorum for the transaction of any business. The board of trustees shall elect from among its members a chairman, vice-chairman, clerk and other officers as it finds necessary and determine their duties.
- (c) The original members of the board of trustees shall be appointed within 60 days following the effective date of this act. Of the members of the board of trustees first appointed, 1 member shall be appointed to serve for a term of 1 year, 2 members for a term of 2 years and 2 members for a term of 3 years. The initial appointments may be adjusted to coincide with the regular appointment cycle of the town. All terms thereafter shall be for 3 years. In the event of a vacancy on the board of trustees, a successor member shall be appointed to complete the unexpired term.
- (d) Any member of the board of trustees may be removed by the board of selectmen for cause after reasonable notice and a public hearing by the board of selectmen, unless the notice and hearing are expressly waived in writing by the member subject to removal.
- (e) The members of the board of trustees shall not receive compensation for the performance of their duties, but each member shall be reimbursed by the trust for expenses incurred in the performance of the member's duties. Documentation related to such reimbursement shall be open to public inspection from and after the requisition thereof.

SECTION 3:

- (a) There shall be a trust fund to be known as the Year-round Market Rate Rental Housing Trust Fund. The fund shall be separate and apart from the General Fund of the town of Truro.
- (b) The town treasurer shall be the custodian of the trust fund.
- (c) The trust fund shall receive and hold all gifts and grants made to the trust fund as well as money appropriated by the town to the trust. The trust fund shall also receive all revenues from the sale or lease of trust property and any rental income generated from properties in the custody of the trust.
- (d) Money in the trust fund shall be available for expenditure by the trust for the purposes set forth in this act without the need for further appropriation by town meeting.
- (e) By a 2/3 vote, the town may borrow money in aid of the trust, in accordance with chapter 44, to be used by the trust for any capital related purpose consistent with this act and for which the town is authorized to borrow.
- (f) Funds previously appropriated by the town for the creation of year-round rental housing prior to the effective date of this act shall, by operation of law, be automatically transferred into the trust fund.

SECTION 4:

- (a) The trust, by and through its board of trustees, may:
 - (i) accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity or any other source;
 - (ii) purchase and retain real or personal property including, but not limited to, investments that yield a high rate of income or no income;
 - (iii) sell, lease, exchange, transfer or convey personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
 - (iv) execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to a transaction in which the board engages for the accomplishment of the purposes of the trust;
 - (v) employ advisors and agents, such as accountants, appraisers and lawyers, as the board deems necessary;
 - (vi) pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
 - (vii) apportion receipts and charges between incomes and principal as the board deems advisable, amortize premiums and establish sinking funds for such purpose and create reserves for depreciation depletion or otherwise;
 - (viii) participate in reorganization, recapitalization, merger or similar transactions, give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest and consent to a contract, lease, mortgage, purchase or sale of a property, by or between a corporation and another corporation or person;

- (ix) deposit any security with a protective reorganization committee and delegate to that committee such powers and authority with relation thereto as the board may deem proper and pay, out of trust property, the portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
 - (x) carry property for accounting purposes other than acquisition date values;
 - (xi) borrow money on such terms and conditions and from such sources as the board deems advisable, and mortgage and pledge trust assets as collateral;
 - (xii) make distributions or divisions of principal in kind;
 - (xiii) comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, accept any property, either in total or partial satisfaction of any indebtedness or other obligation and, subject to this act, continue to hold the same for such period of time as the board may deem appropriate;
 - (xiv) manage or improve real property and abandon any property which the board determines is not worth retaining;
 - (xv) hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
 - (xvi) extend the time for payment of any obligation to the trust.
- (b) General revenues appropriated into the trust become trust property and may be expended without further appropriation. All money remaining in the trust at the end of a fiscal year, whether or not expended by the board within 1 year of the date the money was appropriated into the trust, shall remain trust property.
- (c) The trust is a public employer and the members of the board are public employees for the purposes of chapter 258 of the General Laws.
- (d) The trust shall be deemed a municipal agency and the trustees special municipal employees, for the purposes of chapter 268A of the General Laws.
- (e) The trust is exempt from chapters 59 and 62 of the General Laws, and from any other General Law concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or a political subdivision of the commonwealth.
- (f) The books and records of the trust shall be audited annually by an independent auditor in accordance with generally accepted accounting practices.
- (g) The trust is a public body for the purposes of sections 18 to 25, inclusive, of chapter 30A of the General Laws.
- (h) The trust is a board of the town for the purposes of chapters 30B and section 15A of chapter 40 of the General Laws; provided, however, that agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said chapter 30B.
- (i) The trust may procure insurance against loss in connection with its properties and other assets and operations in such amount and from such insurers as it deems desirable.
- (j) The trust may act and do things necessary or convenient to carry out the powers expressly granted in this act.
- (k) The board of trustees shall be considered a town board subject to the charter and by-laws of the town except as may be otherwise expressly provided in this act. The members of the board of trustees shall be considered municipal employees for the purposes of the General Laws.

SECTION 5: A year-round market rate rental housing project shall not be undertaken by the trust until a public hearing relating to the project has been held by the board of trustees after due notice. Further, after due notice, the board of trustees shall hold at least 1 public hearing annually to receive comments about its management and operations. Due notice of public hearing shall be given by the trust to the general public through a legal notice in 2 newspapers having a general circulation in the town published not later than 2 weeks prior to the hearing date.

SECTION 6: The financial records of the trust shall be subject to control and oversight by the town's finance department and subject to yearly audits by the accounting firm employed by the town for the purposes of the regular town audit.

SECTION 7: Year-round market rate rental units shall be rented giving the maximum preference allowed by law to: (i) current residents of the town of Truro; (ii) municipal employees; (iii) employees of local businesses; and (iv) households with children attending schools in the town of Truro. If there are more eligible applicants than available year-round market rate rental units, the trust shall utilize a lottery system to select tenants. The trust may enact regulations establishing additional preference criteria based on income eligibility. For the purposes of this act, the term "market rate" shall mean rental housing that is not restricted to occupancy by low or moderate income households, as those terms are defined in section 38D of chapter 121B of the General Laws; provided, however, that market rate housing may be available for occupancy by households without regard to income and may also include housing subject to maximum income limits to be occupied by households with gross income greater than 80 per cent but not more than 200 per cent of the area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing alternative or additional definitions for "market rate".

SECTION 8: This act, being necessary for the welfare of the commonwealth and the town of Truro and its inhabitants, shall be liberally construed to effect its purpose.

SECTION 9: This act shall take effect upon its passage.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Select Board Recommendation			
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Article 37: Establishing a Net Zero Building Standard for Town Funded Building Projects- Petitioned Article

To see if the Town will vote to:

To request that the Select Board instruct the Climate Action Committee to work with the Planning Board, Zoning Board of Appeals, and other pertinent committees to define a standard for Carbon Net Zero constructions and submit that standard for approval to Town Meeting 2023. When approved the Town of Truro should no longer provide funding in part or whole to any building that does not meet such standard.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Select Board Recommendation			
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DRAFT

Article 37: Non-Binding Resolution- Study & Execute the Creation and Administration of a Workforce Housing Deed Restriction Buy Back Program- Petitioned Article

Whereas, there is a Workforce Housing shortage of severe proportions in the Town of Truro and in Barnstable County in general;

Whereas, the City of Vail, Colorado in Eagle County, Colorado has created a successful and cost-effective Program as contemplated in this Resolution that can and should serve as a model for the Town of Truro. Since its inception in 2017 and through 2021, the Vail Program has permanently guaranteed workforce housing for over 340 works in Eagle County, Colorado at an average cost of \$82 per square foot spread over 167 units/261 Bedrooms;

Now therefore, to see if the Town will vote to instruct the Select Board to create a task force to study and return to the next annual town meeting with a recommendation on the proper format and plan of execution for a program that would purchase deed restrictions on domiciles in Turro, guaranteeing that the occupancy of the domicile is by an owner and/or renter that works in all or part of Barnstable County. The task force should study and recommend a comprehensive plan for the Program analyzing cost, administration, long-term viability, funding formulas, and any other relative points and develop a Town Meeting article(s) to execute the plan at the next Town Meeting. The task force should hold at least three public hearings as it develops the aforementioned plan; or take any other action relative thereto.

Requested by Citizen Petition

Select Board Comment: This article was submitted by petition for consideration at Town Meeting.

Select Board Recommendation			
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