

**TOWN OF YARMOUTH
WARRANT
and
RECOMMENDATIONS
of the
FINANCE COMMITTEE
For the Annual Town Meeting**



**May 6, 2017
9:00 A.M.
MATTACHEESE MIDDLE SCHOOL
WEST YARMOUTH**

**PLEASE BRING THIS REPORT TO TOWN
MEETING**

FINANCE COMMITTEE REPORT

Thanks to strong revenue growth we are able to provide adequate funding to meet the operational needs of the Town and apply Free Cash to continue progress in improving the Town's reserves. The D-Y Regional School District budget is up 4.28%. This was partially caused by a shift in enrollment, higher wages, and higher health insurance costs. If this shift in student enrollment continues, we believe alternatives to the current arrangements with Dennis and the D-Y Regional School Agreement will need to be explored. Other challenges which we need to address in the near future include: capital improvements for our infrastructure, such as a DPW garage and waterways infrastructure; and, the inflationary impact on wages due to a tightening labor market and resulting difficulty attracting qualified employees. The Finance Committee seeks your support for the FY18 Budget and recommends its acceptance. The Finance Committee also seeks your support for a school override. Without the school override the Town budget will have to be cut again to fund the increase in school spending.

Finance Committee

**HOW DO I MAKE A MOTION?
TABLE OF BASIC POINTS OF MOTIONS**

RANK	Type of Motion	2nd Req'd	May Debate	May Amend	Vote Req'd	May Recon.	May Interrupt
	Main Motions						
None	Main Motion	Yes	Yes	Yes	Varies	Yes	No
Same	Reconsider or Rescind	Yes	Same	No	Majority	No	No
None	Take from the Table	Yes	No	No	Majority	No	No
None	Advance an Article	Yes	Yes	Yes	Majority	Yes	No
	Privileged Motions						
1	Dissolve or adjourn sine die	Yes	No	No	Majority	No	No
2	Adjourn to a fixed time or recess	Yes	Yes	Yes	Majority	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
	Subsidiary Motions						
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	No	No
9	Postpone to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Majority	Yes	No
	Incidental Motions						
Same	Point of Order	No	No	No	None	No	Yes
Same	Appeal	Yes	Yes	No	Majority	Yes	No
Same	Division of a question	Yes	Yes	Yes	Majority	No	No
Same	Separate consideration	Yes	Yes	Yes	Majority	No	No
Same	Fix the method of voting	Yes	Yes	Yes	Majority	Yes	No
Same	Nominations to committees	No	No	No	Plurality	No	No
Same	Withdraw or modify a motion	No	No	No	Majority	No	No
Same	Suspension of rules	Yes	No	No	2/3*	No	No

* UNANIMOUS IF RULE PROTECTS MINORITIES; OUT OF ORDER IF RULE PROTECTS ABSENTEES

SOURCE: TOWN MEETING TIME, 3RD EDITION

COMMON TOWN FINANCE TERMS

APPROPRIATION	An authorization granted by Town Meeting to expend money and incur obligations for specific public purposes.
AVAILABLE FUNDS	Balances remaining in various funds that are available for expenditure. Examples include Water Department special revenue account reserves, Fire Department ambulance account, and Free Cash.
EMINENT DOMAIN	The power of a government to take property for public purposes.
ENTERPRISE FUND	A separate account for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate the portion of total costs of a service that is recovered through user fees. This is a multi-year fund for which any end-of-year surplus is retained in the Enterprise Fund.
OFFSET ACCOUNT	An account set up to restrict fees collected by a particular department for expenditure by that department. Any surplus funds remaining at the end of the fiscal year are returned to the General Fund.
FISCAL YEAR	The Town's fiscal year begins July 1st and ends on June 30th.
FREE CASH	Remaining, unrestricted funds from operations of the previous fiscal year including actual receipts in excess of estimates and unspent amounts in budget line-items.
OVERLAY RESERVE	An account set up to pay for real estate exemptions and abatements.
RAISE & APPROPRIATE	A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other anticipated local receipts.
RESERVE FUND	An account appropriated within the operating budget to provide for unforeseen expenditures <i>during the fiscal year</i> . Expenditures of funds deposited to this account require approval of the Finance Committee. Funds remaining at the end of the fiscal year are returned to the General Fund.
STABILIZATION FUND	A multi-year fund established as a "rainy day" account to address extraordinary or unforeseen future expenditures during the current <i>or future fiscal years</i> . This account can also be used to accumulate funds for capital expenditures in a future year.

**ANNUAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
MAY 6TH, 2017**

Barnstable, ss.

To the Constable of the Town of Yarmouth in the County of Barnstable, Greetings, In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the Mattacheese Middle School Building in said Town, Saturday, the 6th day of May 2017 at nine o'clock (9:00 a.m.) in the morning, then and there to act on the following articles.

ARTICLE #1: To see if the Town will vote to transfer and appropriate a sum of money to provide additional funds for the FY2017 operating budget.

Department	Request
DPW	Snow and Ice
DPW	Construction and Demolition

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

ARTICLE #2: To see what sums of money the Town will vote to raise or transfer from available funds and appropriate such funds to defray the charges, expenses, salary, and payroll obligations of the Town, including debt and interest for the ensuing year, to provide for a reserve fund, and to fix the salaries and compensation for all elected officials of the Town or act on anything relative thereto.

Selectmen Recommend (5-0)
Finance Committee Recommends (7-0) (Board of Selectmen)

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
ELECTED/GENERAL GOVERNMENT					
E-1	MODERATOR	480	480	500	500
SELECTMEN					
E-2	wages (5 PT)	12,960	14,400	15,000	15,000
E-3	expense	6,850	6,850	6,850	6,850
TOWN ADMINISTRATOR					
GG-1	wages (4 FTE)	386,024	381,062	403,709	403,709
GG-2	expense	26,931	48,105	36,105	36,105
GG-3	employee increment	36,393	40,000	48,600	48,600
GG-4	contract settlements	0	65,000	50,000	50,000
GG-5	unemployment compensation	4,119	25,000	25,000	25,000
GG-6	energy	715,590	818,571	823,000	823,000
GG-7	legal	52,389	100,000	100,000	100,000
GG-8	bargaining legal	6,606	20,000	20,000	20,000
GG-9	training	15,986	20,000	20,000	20,000
GG-10	telephone	85,945	94,976	95,000	95,000
GG-11	general insurance	536,481	575,100	644,185	644,185
FINANCE COMMITTEE					
GG-12	wages	858	1,500	1,500	1,500
GG-13	reserve	0	100,000	100,000	100,000
CENTRAL PURCHASING					
GG-14	purchasing	90,307	95,895	95,895	95,895
TOTAL WAGES		436,715	502,442	519,309	519,309
TOTAL EXPENSES		1,541,204	1,904,497	1,966,035	1,966,035
TOTAL ELECTED / GEN. GOVT.		1,977,919	2,406,939	2,485,344	2,485,344

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
MUNICIPAL FINANCE					
TOWN ACCOUNTANT					
MF-1	wages (4 FTE)	316,468	327,536	335,005	335,005
MF-2	expense	36,772	36,794	36,794	36,794
ASSESSORS					
MF-3	wages (4.5 FTE + Seasonal)	238,500	274,184	280,782	280,782
MF-4	expense	134,693	108,590	108,590	108,590
TREASURER					
MF-5	wages (0)	0	0	0	0
MF-6	expense	3,450	0	0	0
MF-7	medicare	264,237	271,000	277,775	277,775
MF-8	health insurance	2,076,379	2,360,000	2,455,000	2,455,000
MF-9	retiree health insurance (OPEB)		200,000	371,250	371,250
MF-10	pension	3,496,911	3,565,449	3,815,030	3,815,030
COLLECTOR/TREASURER					
MF-11	wages (6 FTE)	312,666	325,696	333,569	333,569
MF-12	expense	93,729	85,410	85,410	85,410
TOTAL WAGES		867,634	927,416	949,356	949,356
TOTAL EXPENSES		6,106,171	6,627,243	7,149,849	7,149,849
TOTAL MUNICIPAL FINANCE		6,973,805	7,554,659	8,099,205	8,099,205

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
COMMUNITY DEVELOPMENT					
CD-1	wages (8 FTE)	342,697	354,450	377,284	377,284
CD-2	expense	42,168	31,525	31,525	31,525
TOTAL WAGES		342,697	354,450	377,284	377,284
TOTAL EXPENSES		42,168	31,525	31,525	31,525
TOTAL COMMUNITY DEVELOPMENT		384,865	385,975	408,809	408,809

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
COMMUNITY SERVICES					
GENERAL LIBRARY					
CS-1	wages (14 FTE)	524,398	542,100	570,021	570,021
CS-2	expenses	195,656	196,782	199,795	199,795
NATURAL RESOURCES					
CS-3	wages (8 FTE + Seasonal)	563,597	599,450	613,844	613,844
CS-4	expense	132,950	140,923	140,923	140,923
SENIOR SERVICES					
CS-5	wages (7.3 FTE)	235,531	288,972	292,635	292,635
CS-6	expense	90,111	80,309	80,309	80,309
RECREATION					
CS-7	wages (2 FTE + Seasonal)	355,295	402,787	404,131	404,131
CS-8	expense	31,554	38,667	38,667	38,667
CS-9	recreation offset wages (2 FTE)	329,570	384,140	376,384	376,384
CS-10	recreation offset expenses	147,691	112,700	151,000	151,000

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
PARKS					
CS-11	wages (6 FTE + Seasonal)	402,856	421,885	433,885	433,885
CS-12	expense	132,884	127,179	127,179	127,179
CEMETERY					
CS-13	wages (2 FTE + Seasonal)	126,302	141,143	144,121	144,121
CS-14	expense	45,447	40,374	40,374	40,374
INFORMATION TECHNOLOGY					
CS-15	wages (4 FTE)	285,122	302,632	306,853	306,853
CS-16	expense	268,293	268,423	268,423	268,423
TOWN CLERK					
CS-17	wages (6 FTE)	260,033	272,544	263,517	263,517
CS-18	expense	22,622	22,025	22,025	22,025
ELECTION & REGISTRATION					
CS-19	wages (Seasonal)	1,297	5,100	5,100	5,100
CS-20	expense	40,662	70,750	70,750	70,750
TOTAL WAGES		3,084,001	3,360,753	3,410,491	3,410,491
-	TOTAL EXPENSES	1,107,870	1,098,132	1,139,445	1,139,445
TOTAL COMMUNITY SERVICES		4,191,871	4,458,885	4,549,936	4,549,936

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
PUBLIC SAFETY					
POLICE					
	overtime in wages line-item	(790,802)	(678,402)	(663,402)	(663,402)
PS-1	wages (75 FTE + reserves)	6,601,628	6,693,159	6,890,264	6,890,264
PS-2	training	144,794	100,000	100,000	100,000
PS-3	proactive anti-crime team	98,408	100,000	100,000	100,000
PS-4	expense	216,433	217,804	217,804	217,804
FIRE					
PS-5	overtime in wages line-item	(1,124,881)	(1,123,583)	(1,123,583)	(1,123,583)
PS-6	wages (67 FTE + call FF)	5,898,146	6,279,782	6,399,332	6,399,332
PS-7	training	82,634	100,000	100,000	100,000
PS-8	expense	484,191	486,191	486,191	486,191
TOTAL WAGES		12,825,610	13,272,941	13,589,596	13,589,596
TOTAL EXPENSES		700,624	703,995	703,995	703,995
TOTAL PUBLIC SAFETY		13,526,234	13,976,936	14,293,591	14,293,591

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
MUNICIPAL INSPECTIONS					
BUILDING INSPECTOR					
MI-1	wages (8 FTE)	451,776	472,511	481,157	481,157
MI-2	expense	32,498	34,585	34,585	34,585
MI-3	inspections offset				
BOARD OF HEALTH					
MI-4	wages (7 FTE)	438,033	444,705	446,171	446,171
MI-5	expense	32,256	36,192	36,192	36,192
MI-6	human Services	59,039	59,364	59,364	59,364
MI-7	veterans - expenses	179,097	237,130	207,926	207,926
TOTAL WAGES		889,809	917,216	927,328	927,328
TOTAL EXPENSES		302,890	367,271	338,067	338,067
TOTAL MUNICIPAL INSPECTIONS		1,192,699	1,284,487	1,265,395	1,265,395

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
PUBLIC WORKS					
ADMINISTRATION/ENGINEERING					
PW-1	wages (3 FTE)	171,039	214,168	235,633	235,633
PW-2	expenses	56,408	61,388	61,403	61,403
HIGHWAY					
PW-3	wages (14 FTE)	716,985	731,159	734,368	734,368
PW-4	expense	168,609	152,292	152,292	152,292
PW-5	tree expense	10,900	10,200	10,200	10,200
PW-6	greenhead fly	2,200	2,200	2,200	2,200
SNOW & ICE					
PW-7	wages (overtime)	78,828	41,000	41,000	41,000
PW-8	expense	326,395	156,100	156,100	156,100
FACILITIES					
PW-9	wages (2.5 FTE)	122,106	132,612	154,543	154,543
PW-10	expense	110,122	110,186	111,286	111,286
SANITATION					
PW-11	wages (11.3 FTE)	466,091	506,828	575,290	575,290
PW-12	expense	1,927,299	1,856,674	2,426,284	2,426,284
RECYCLING					
PW-13	wages	120,489	124,081	0	0
PW-14	expense	14,007	30,000	0	0
TOTAL WAGES		1,675,538	1,749,848	1,740,834	1,740,834
TOTAL EXPENSES		2,615,940	2,379,040	2,919,765	2,919,765
TOTAL PUBLIC WORKS		4,291,478	4,128,888	4,660,599	4,660,599

Code		Actual FY16	Budget FY17	Request FY18	Fincom FY18
DEBT SERVICE					
DS-1	regular debt	882,027	687,628	516,380	516,380
DS-2	exempt debt	1,327,488	1,297,031	1,247,127	1,247,127
	TOTAL DEBT	2,209,515	1,984,659	1,763,507	1,763,507

Town		Actual FY16	Budget FY17	Request FY18	Fincom FY18
	GRAND TOTAL WAGES (all Depts)	20,122,004	21,085,066	21,514,198	21,514,198
	GRAND TOTAL EXPENSES (all Depts)	14,626,382	15,096,362	16,012,188	16,012,188
	GRAND TOTAL Article 2	34,748,386	36,181,428	37,526,386	37,526,386

ARTICLE #3: To see what sums of money the Town will vote to raise, appropriate, or transfer from available funds to fund the operating budget of the Golf Enterprise, or take any other action thereon:

	Actual FY16	Budget FY17	Request FY18
GOLF			
Wages (16 FTE + Seasonal)	1,339,073	1,404,782	1,546,008
Expense	2,111,383	2,221,218	2,315,434
Total Golf Enterprise Operating Budget	3,450,456	3,626,000	3,861,442
Funded from Golf Enterprise Revenues	3,477,297	3,501,000	3,668,500
Funded from Golf Enterprise Retained Earnings*		125,000	192,942
Total Golf Enterprise Funding	3,477,297	3,626,000	3,861,442

* *Golf Enterprise reserves/retained earnings is \$304,712 as of 7/1/2016*

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Board of Selectmen)

ARTICLE #4: To see what sums of money the Town will vote to raise, appropriate or transfer from available funds to fund the operating budget of the Water Department for the purpose set forth in the Acts of 1928, Chapter 146, or under Massachusetts General Laws, Chapter 41, Section 69B, or to take any other action thereon:

	Actual FY16	Budget FY17	Request FY18
WATER			
Wages (23.8 FTE)	1,244,549	1,519,383	1,557,863
Expense	1,290,879	1,930,935	2,012,527
Costs Appropriated in the General Fund	345,598	344,398	344,398
Total Water Department Operating Budget	2,881,026	3,794,716	3,914,788
Funded from Water Department Revenues*	4,457,430	3,794,716	3,914,788
Total Water Department Funding	4,457,430	3,794,716	3,914,788

* *Water Special Revenue Fund reserves is \$2,119,304 as of 7/1/2016*

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Board of Selectmen)

ARTICLE #5: To see what sums of money the Town will vote to raise, appropriate or transfer from available funds to fund the operating budget of the Septage Enterprise, or take any other action thereon:

	Actual FY16	Budget FY17	Request FY18
SEPTAGE ENTERPRISE			
Wages (.81 FTE)	0	24,538	45,672
Expense	1,159,052	1,908,544	1,944,227
Transfer to Septage Capital Repair Fund			300,000
Costs Appropriated in the General Fund	114,101	114,101	114,101
Total Septage Enterprise Operating Budget	1,273,153	2,047,183	2,404,000
Funded from Septage Enterprise Revenues	2,032,591	1,547,183	2,404,000
Funded from Septage Enterprise Retained Earnings*	0	500,000	0
Total Septage Enterprise Funding	2,032,591	2,047,183	2,404,000

* *Septage Enterprise reserves/retained earnings is \$934,023 as of 7/1/2016*

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Board of Selectmen)

ARTICLE #6: To see if the Town will vote to raise or transfer from available funds and appropriate a sum of money to fund the Dennis-Yarmouth Regional School District budget for fiscal year 2018, and to see whether such sum shall be raised by taxation, transferred from available funds, and/or be subject to an override of Proposition 2 ½ under M.G.L. c. 59, s. 21C(g).

Actual FY16	Actual FY17	Certified FY18
\$29,308,176	\$30,574,191	\$31,882,789

Selectmen will Recommend from the Floor
 Finance Committee Recommends Subject
 to an Override (6-0)

(Dennis-Yarmouth Regional School District)

ARTICLE #7: To see if the Town will vote to raise and appropriate the following amounts to fund the Town of Yarmouth’s share of the Cape Cod Regional Technical High School District budget for fiscal year 2017:

Actual FY16	Actual FY17	Certified FY18
\$2,973,817	\$2,694,877	\$2,645,675

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Cape Cod Regional Technical High School)

ARTICLE #8: To see what sums of money the Town will vote to raise, or transfer from available funds, and appropriate to purchase and equip the following goods and services, or take any other action thereon:

Division/Department	Item/Project	Recommended
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(N)=New, (R)=Replacement, (M)=Maintenance

Routine Capital Budget from Tax Levy

Facilities	W.Y. Lib & Senior Center Planned HVAC Renov. (M)	40,000
Facilities	W.Y. Library Roof Replacement (M)	60,000
Facilities	HVAC Repairs – Town Hall & Highway (M)	50,000
Facilities	Senior Center Outdoor Walkway Roof (R)	70,000
Facilities	Sanitation / Fuel Pump Emergency Generator (R)	50,000
Highway	Dump Truck, 18,000 lb. w/Plow and Spreader (R)	77,500
Highway	Dump Truck, 18,000 lb. w/Plow and Spreader (R)	77,500
Highway	1.3 Cubic Yard Loader/Backhoe w/Plow (R)	135,000
Information Tech.	Police IMC Server (R)	40,000
Information Tech.	Network Backbone Switch/Router (N)	12,000
Information Tech.	Fire Computer Aided Dispatch (CAD) Server (R)	35,000
Information Tech.	Active Directory & NAS Storage Servers (R)	65,000
Natural Resources	Mini Dredge (N)	28,000
Natural Resources	Patrol Boat Engine (R)	34,500
Park/Rec/Cemetery	Trash Truck 24,500 lb. GVW Lease PMT #3 (R)	36,500
Park/Rec/Cemetery	Dumpster & Tote Replacement (R)	27,000

Police	Police Vehicles (6) and Ancillary Equipment (R)	258,000
Police	Patrol Vehicle Computers (R)	90,000
Police	Evidence Room Security/Building Upgrades (R)	25,000
Police	Police Command Vehicle (R)	75,000
Police	Surveillance Equipment (N)	10,000
Multiple Departments	Portable Sign Trailers (1) (N)	20,000
D-Y Schools	DYRSD Rooftop Exhaust Fans (R)	25,000
D-Y Schools	Security Upgrades Various Schools (R)	33,000
D-Y Schools	Storm Drains (R)	51,000
Subtotal from Tax Levy		1,425,000

Roadway Improvements from Tax Levy

Highway	Roadway Improvements (M)	1,214,195
DPW Engineering	Storm water Improvements	200,000
Subtotal Roadway Improvements from Tax Levy		1,414,195

Fire Department Routine Capital From Fire Receipts Reserved for Appropriation Fund

Fire	1 Ton Utility Pick Up (R)	60,000
Fire	Replace 2007 Ambulance (R)	290,000
Fire	Replace Ambulance Laptops (R)	25,000
Total Fire Department Capital Requests		375,000

GRAND TOTAL ARTICLE 8 APPROPRIATION **3,214,195**

Amount Funded From Fire Receipts Reserved For Appropriation	375,000
Amount Funded From Tax Levy	2,839,195
TOTAL ARTICLE 8 FUNDING SOURCES	3,214,195

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Board of Selectmen)

ARTICLE #9: To see if the Town will vote to transfer Free Cash and appropriate \$200,000 for wastewater planning and engineering services including, but not limited to: engineering studies and evaluation of recharge sites; updating, modification, and pre-implementation services for the Comprehensive Wastewater Management Plan and support for related filings with Massachusetts Environmental Policy Act and Cape Cod Commission; and preparation and filing of development of Regional Impact Review application with Cape Cod Commission.

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Board of Selectmen)

ARTICLE #10: To see if the Town will vote to re-appropriate \$262,556 from unspent balances remaining in the following prior year capital appropriations for engineering, construction, and

improvement of sidewalks on Higgins-Crowell Road and/or Americans with Disability Act improvements to other sidewalks, and to take any other action related thereto.

Description of Unspent Articles	Amount of Unspent Dollars
Borrowing Articles	
ATM 2007, Article II – Boat Repairs	96,500.00
STM 1993, Article 16 – Seagull Beach	27,788.97
ATM 2003, Article 32 – Repair/Reconstruction of River Street	25,224.54
ATM 1997, Article 30 – Land, Captains Village	11,701.98
ATM 1995, Article 16B – Replace Millcreek Bridge	5,160.00
Flax Pond Restrooms and Septic	80,269.38
Article 1B – West Sandy Pond	9,679.09
Article 33B - Construction	6,232.04
TOTAL BORROWING ARTICLES RE-APPROPRIATED	262,556.00

2/3rds Vote required

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Board of Selectmen)

ARTICLE #11: To see if the Town will vote to transfer \$1,424,041 from Free Cash and \$100,000 from the Fire Receipts Reserved for Appropriation Fund for a total of \$1,524,041, and appropriate these sums for the following amounts and purposes indicated, or act on anything relative thereto:

Item / Project	Recommended
Asset Management Solution (FC)	70,000
Benefits Consultant (FC)	30,000
Bike Path Security (FC)	25,000
Carpet and Duct Cleaning (FC)	10,000
Electronic Employee File - Tyler Content Manager Upgrade (FC)	25,670
Fire Ambulance Powered Stretcher System Loan (3) (FC)	157,908
Fleet Management Consulting (FC)	25,000
Information Technology Application Improvements (FC)	65,000
Library Materials (FC)	50,000
Police Ammunition (FC)	9,000
Police Canine (FC)	1,500
Police Evidence / Property Room (FC)	22,000

Police Firearms Range Rental (FC)	5,000
Scanning (FC)	50,000
Shellfish (FC)	10,000
Senior Services Van Scheduler (FC)	18,500
Transfer to Other Post-Employment Benefits Liability (OPEB) (FC)	685,963
Transfer to Stabilization (RFA)	100,000
Transfer to Stabilization (FC)	25,000
Tree Program (FC)	30,000
Vehicle and Equipment Maintenance - Town Wide (FC)	100,000
West Yarmouth Summer Hours (FC)	8,500
Total	<u>1,524,041</u>

Selectmen Recommend (4-1)

Finance Committee Recommends (7-0) (Board of Selectmen)

ARTICLE #12: To see if the Town will vote to create a Capital Stabilization Fund for the purpose of funding any capital related projects, capital equipment, or debt-service payments related thereto, as authorized by Chapter 40, Section 5B of Massachusetts General Laws, or act on anything relative thereto; and

Furthermore, to see if the Town will vote to raise, appropriate, or transfer from available funds an amount to be voted from the floor to the Capital Stabilization Fund authorized by this Article, or to act on anything relative thereto.

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0) (Board of Selectmen)

ARTICLE #13: To see if the Town will vote to accept the provisions of Massachusetts General Law, Chapter 32B, Section 20: Other Post-Employment Benefits Liability Trust Fund, as amended by the Municipal Modernization Act effective November 7, 2016, or take any other action relative thereto.

Selectmen Recommend (5-0)

Finance Committee Recommends (6-0) (Board of Selectmen)

ARTICLE #14: To see if the Town will vote to raise and appropriate \$381,783 to fund the Tourism Revenue Preservation Fund as authorized by Chapter 338 of the Acts of 2006, or take any other action relative thereto.

Selectmen Recommend (5-0)

Finance Committee Recommends (6-0) (Board of Selectmen)

ARTICLE #15: To see if the Town will vote pursuant to the provisions of General Laws Chapter 59, §5, Clause Forty-first C to adopt the following adjustments to the senior citizen real property tax exemption qualifying factors under said statute: increasing the amounts contained in the first sentence of this clause to \$1,000 - said adjustments to be effective for exemptions

granted for any fiscal year beginning on or after July 1, 2017, or take any other action relative thereto.

Selectmen Recommend (5-0)

Finance Committee Recommends (6-0)

(Board of Assessors)

ARTICLE #16: To see if the Town will vote to accept the provisions of General Laws Chapter 59, §5, Clause Forty-first D which increases annually the amounts of the gross receipts and whole estate, real and personal, as set forth in clauses Forty-first, Forty-first B, and Forty-first C of said Section 5, by an amount equal to the increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for Urban Consumers, Boston (CPI-U) for the previous calendar year, for such year; said adjustments to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2017, or take any other action relative thereto.

Selectmen Recommend (5-0)

Finance Committee Recommends (6-0)

(Board of Assessors)

ARTICLE #17: To see if the Town will vote to accept the provisions of General Laws Chapter 59, §5, Clause Twenty-second G, as amended, which authorizes the real estate tax exemptions available to certain veterans pursuant to clauses Twenty-second, Twenty-Second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E, and Twenty-second F to be granted to otherwise eligible persons who have resided in the Commonwealth for one (1) year prior to the date of filing for exemptions pursuant to the applicable clause; said adjustments to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2017, or take any other action relative thereto.

Selectmen Recommend (5-0)

Finance Committee Recommends (6-0)

(Board of Assessors)

ARTICLE #18: To see if the Town will vote to authorize the Board of Selectmen to lease for terms up to thirty (30) years, or sell, transfer, or otherwise convey on terms and conditions acceptable to the Board of Selectmen, one or more of the parcels listed below. Land use is subject to approval of the appropriate Federal, State and Local land use regulatory agencies.

Line #	Map Lot	Loc #	Street	Minimum Sale Price if Applicable – no sale price shown for lease only authorization requests	Total Acres
1	99.52		OLD TOWNHOUSE RD		10.67
2	99.53		OLD TOWNHOUSE RD		0.66
3	86.17.2		OLD TOWNHOUSE RD	\$100,800	0.46
4	19.68		PAWKANNAWKUT DR	\$23,800	0.05
5	19.77		PAWKANNAWKUT DR	\$31,600	0.08
6	31.87	544	ROUTE 28		1.50
7	42.35		ROUTE 28		0.78
8	97.6	50	WORKSHOP RD (Septage/Commercial Solid Waste Transfer Station)		14.00

2/3rds Vote required

Selectmen Recommend (5-0)

Finance Committee Recommends (6-0)

(Board of Selectmen)

ARTICLE #19: To see if the Town will vote to allocate the following sums of money from the FY17 supplemental annual revenues of the Yarmouth Community Preservation Act as required by the G.L. c.44B and Chapter 149, §298 of the Acts of 2004.

<u>Appropriation</u>	<u>FY17</u>
Community Housing Reserve	\$10,000
Open Space Reserve	\$10,000
Historic Preservation Reserve	\$10,000

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Community Preservation Committee)

ARTICLE #20: To see if the Town will vote to appropriate the following sums of money from the FY18 estimated annual revenues of the Yarmouth Community Preservation Act Fund as required by the G.L. c. 44B and Chapter 149, §298 of the Acts of 2004.

<u>Appropriation</u>	<u>FY18</u>
Community Housing Reserve	\$220,000
Open Space Reserve	\$220,000
Historic Preservation Reserve	\$220,000
Operating Expenses	\$98,000

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Community Preservation Committee)

ARTICLE #21: To see if the Town will vote to transfer and appropriate for community housing purposes the sum of \$288,500 by transfer of \$192,000 from the Community Preservation Act Housing Reserve and \$96,500 from the Budgeted Reserve to the Town of Yarmouth Municipal Affordable Housing Trust created under G.L. c.44, §55C to create, preserve, and support affordable housing at or below 80% of the Area Median Income.

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Community Preservation Committee)

ARTICLE #22: To see if the Town will vote to transfer and appropriate the following sums of money from the Community Preservation Act Fund for community housing purposes:

Item	Appropriate To	Purpose	Amount and CPA Funding Source	Total
A	Housing Assistance Corporation	A program to preserve homes with repairs for income eligible homeowners.	\$67,500 Budgeted Reserve; \$7,500 Undesignated	\$75,000
B	Harwich Ecumenical Council for Housing, Inc.	A program to preserve homes with repairs for income eligible homeowners.	Undesignated	\$118,000
C	Hands of Hope	To place income eligible families into permanent Yarmouth rental properties or to provide back rental assistance for families already living in Yarmouth rental properties.	Undesignated	\$34,600
TOTAL				\$227,600

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Community Preservation Committee)

ARTICLE #23: To see if the Town will vote to transfer and appropriate the following sums of money from the Community Preservation Act Fund for historic preservation purposes:

Item	Appropriate To	Purpose	Amount and CPA Funding Source	Total
A	Department of Public Works	Rehabilitate the Baxter Grist Mill dam and sluiceway, and upgrade the fish ladder at 142 Route 28 in West Yarmouth.	Undesignated	\$ 1,100,000
B	Taylor Bray Farm Preservation Association	To preserve Taylor Bray Farm with an archaeological examination located at 108 Bray Farm Road North in Yarmouth Port.	Undesignated	\$ 24,000
C	Parks, Recreation, and Cemetery Dept.	Cemetery Signage at Ancient and Pine Grove Cemeteries located on Center Street in Yarmouth Port and 31 Station Avenue in South Yarmouth.	Undesignated	\$ 10,000
D	Parks, Recreation, and Cemetery Dept.	Indian Memorial improvements located at 123 Indian Memorial Drive in South Yarmouth.	Undesignated	\$ 50,000

E	St. David's Episcopal Church	Amos Baker House rehabilitation located at 205 Old Main Street in South Yarmouth.	Historical Reserve	\$ 340,113
F	Cultural Center of Cape Cod	Cultural Center climate control system located at 307 Old Main Street in South Yarmouth.	Undesignated	\$ 2,500
G	Historical Society of Old Yarmouth	To rehabilitate the Captain Bangs Hallet Museum gutters located at 11 Strawberry Lane in Yarmouth Port.	Undesignated	\$ 9,600
H	Historical Society of Old Yarmouth	To rehabilitate the Benjamin Hallet Blacksmith Shop roof located at 229 Route 6A in Yarmouth Port.	\$6,317.93 Historical Reserve; \$522.07 Undesignated	\$ 6,840
I	Historical Society of Old Yarmouth	To rehabilitate Kelly Chapel roof located at 229 Route 6A in Yarmouth Port.	Undesignated	\$ 13,840
Total				\$ 1,556,893

Selectmen Recommend (5-0)

Finance Committee Recommends (7-0)

(Community Preservation Committee)

ARTICLE 24: To see if the Town will vote to transfer and appropriate the following sums of money from the Community Preservation Act Fund for recreational purposes:

Item	Appropriate To	Purpose	Amount and CPA Funding Source	Total
A	Park, Recreation, and Cemetery Dept.	Playground equipment and handicap accessible swing upgrades at Peter Homer Park located at 144 Old Town House Road in South Yarmouth.	60,000 Undesignated	\$ 60,000
B	Park, Recreation, and Cemetery Dept.	Design and engineering of the Sandy Pond Recreation Area located at 482 Buck Island Road in West Yarmouth	\$336,000 Budgeted; \$7,000 Undesignated	\$ 343,000
TOTAL				\$ 403,000

Item A: Selectmen recommend (5-0)

Finance Committee recommends (7-0)

Item B: Selectmen do not recommend (4-0-1)

Finance Committee does not recommend (6-1) (Community Preservation Committee)

ARTICLE 25: To see if the Town will vote to create a Home Occupations bylaw by amending various sections of the Zoning Bylaw, as follows, or take any other action relative thereto:

1. Amend Section 202.5 - Use Regulation Table, by adding a new row entitled “*Q6 Home Offices*⁴⁹”, a new row entitled “*Q7 Home Occupations*⁵⁰”, and eliminate the reference to footnote “49” in the header columns, as shown:

202.5 Use Regulation Table	Res.	RS-40	B1 ²¹	B2 ²¹	B3 ²¹	RMDOD ⁴⁴	MU	APD	AED	MOD	HMOD1	HMOD2	VC1	VC2	VC3	VC4
Q. ACCESSORY USE																
<i>Q6 Home Offices</i> ⁴⁹	yes	yes	yes	yes	yes	no	no	yes	no	yes	yes	yes	yes	yes	yes	yes
<i>Q7 Home Occupations</i> ⁵⁰	yes	yes	yes	yes	yes	no	no	yes	no	yes	yes	yes	yes	yes	yes	yes

2. Amend Section 202.5 – Use Regulation Table Footnotes, by adding new Footnote 50 as shown:

50. Home Occupations may be allowed by-right if they meet the criteria outlined in Section 416.

3. Amend the Zoning Bylaw by adding the following new Section 416:

416 HOME OCCUPATIONS

416.1 **Goals & Objectives:** To establish and regulate Home Occupations to allow residents to conduct small business activities from their homes, while protecting and maintaining the residential character of established neighborhoods, buildings and adjacent properties. The objective is to provide an incubator from which small businesses might grow and expand into Yarmouth’s designated business districts.

416.2 **General Provisions – Home Occupations:** Home Occupations shall adhere to the following parameters:

1. Home Occupations shall be clearly incidental and secondary to the primary residential use and carried on by a permanent resident of the dwelling unit.
2. Home Occupations shall be conducted wholly within the dwelling or wholly within a building accessory thereto. Outdoor activities or storage associated with, or related to, Home Occupations shall be prohibited.
3. A combined maximum of 250 square feet of a dwelling unit or accessory structure shall be dedicated to a Home Occupation use.
4. Home Occupations shall have no exterior displays, signage or attractions that advertise, market or otherwise identify the business.
5. Home Occupations shall have no non-resident employees.

6. Home Occupations shall not permit clients or customers on the premises, not have on-site retail, not result in increases to traffic or parking, and not permit deliveries or shipping other than through the US Postal Service, FedEx, UPS or similar services.
 7. Home Occupations shall have no equipment, process or activity that creates noise, dust, smoke, vibration, glare, fumes, odors, electrical or magnetic interference, or fire hazards. Home Occupations shall not involve the storage of hazardous, flammable or explosive substances except those commonly found or reasonably expected to be found in a residential dwelling unit. The provisions of Section 406 of this Bylaw apply to all Home Occupations in the Aquifer Protection Overlay District (APD).
 8. Home Occupations shall result in no exterior modifications of buildings, structures or premises, or otherwise provide visible evidence that a home occupation is being conducted on the property; and shall be identifiable only as a residential dwelling.
 9. Type of Home Occupations:
 - a. Examples of Home Occupations include the following:
 - i. Office-type work such as writing, editing, drafting, tax preparation, computer programming and computer data entry;
 - ii. Internet or phone sales;
 - iii. Custom sewing, quilting, knitting, and general crafts;
 - iv. Creation of art such as paintings, ceramics, jewelry, and wood carving with hand tools;
 - v. Home cooking, baking and preserving for products for sale only at regional farmer's markets, or to local businesses, excluding Marijuana Infused Products (MIPs).
 - b. Home Occupations shall not include occupations requiring machinery such as mechanical repairs; woodworking; or metalwork.
 - c. Home Occupations shall not include occupations requiring the use or storage of toxic, dangerous or hazardous substances.
 - d. Any determination as to applicability of a use to the definition of Home Occupation shall be made by the Building Commissioner.
 10. Residents must obtain a Business Certificate from the Town of Yarmouth and all other local permits, licenses or waivers prior to commencing a Home Occupation. Business Certificates shall be renewed every four (4) years.
- 416.3 **Violations**: Any deviation from the General Provisions for Home Occupation constitutes a violation of this bylaw. Violators shall be given written notification by the Building Commissioner of any violations prior to the issuance of any fines or citations.
4. Amend Section 500 – Definitions, by adding a new definition for Home Occupations as shown:

HOME OCCUPATION – A business use conducted for gain or support within a

dwelling unit, or structure accessory thereto, which is incidental and secondary to the primary residential use, and which does not change the essential residential character of such building or neighborhood. Home Occupations are subject to the conditions outlined in Bylaw Section 416.

Requires 2/3rds Vote

Selectmen Recommend (5-0)

Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 26: To see if the Town will vote to allow Roadway Banners within public road rights-of-way by amending Section 303 - Signs of the Zoning Bylaw, as follows, or take any other action relative thereto:

1. Amend Section 303.2 – Definitions, by adding the following new Definition, as shown:

Roadway Banners – Temporary pole mounted vertical banners which are owned by the Town of Yarmouth and located in a public road right-of-way in accordance with policies and procedures adopted by the Board of Selectmen.

2. Amend Section 303.3.7 – Support by Utility Poles or Vegetation, by amending the present section so that it now reads as follows:

No sign will be allowed to be attached to a utility pole, light pole, tree, vegetation, or other similar vertical surface, excepting that Roadway Banners may be attached to utility poles or light poles in accordance with policies and procedures adopted by the Board of Selectmen.

Requires 2/3rds Vote

Selectmen Recommend (5-0)

Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 27: To see if the Town will vote to modify the sign regulations by amending Section 303 – Signs, of the Zoning Bylaw, as follows:

1. Amend Section 303.2 – Definitions, by deleting the text “See also Electronic Message Center” and adding new text, as shown:

Changeable Copy Sign – A sign on which the characters, letters or illustrations can be changed or rearranged *manually* without altering the face or the surface of the sign. Changeable-copy signs shall exclude time and temperature signs.

2. Amend Section 303.2 – Definitions, by adding the following new Definitions, as shown:

Electronic Message Center (EMC) - A sign that uses changeable lights to display words, symbols, figures or images that can be altered or rearranged by remote means.

Quills/Feathers - A type of vertical banner made of flexible materials, the longer dimension of which is typically attached to a pole or rod that is driven into the ground or supported by an individual stand.

3. Amend Section 303.3.1 – Prohibited Signs, by adding new text, as shown:

303.3.1 Prohibited Signs. Pennants, balloons, aerially supported devices, electronic messaging centers (except for time, date, temperature), ***quills/feathers, or any other sign not specifically allowed***, are prohibited in all districts.

4. Amend Section 303.4.1.3 – Real Estate Signs, by deleting the last sentence in its entirety and replacing with new text, as shown:

No permit or fee is required.

5. Amend Section 303.4.1.4 – Political Signs, by eliminating the second sentence in its entirety, as shown:

303.4.1.4 Political Signs. Political signs may be placed on private property with permission of the property owner. No permit or fee is required.

6. Amend Section 303.4.1.5 – Residential Construction Site Sign, by adding the text “*actively*” in the first sentence of this section, as shown:

303.4.1.5 Residential Construction site sign. One (1) sign for each trade or service (including financing and design) shall be allowed when a contractor is ***actively*** working at any site for either new construction, renovations, landscaping, painting or other work requiring permits, people and equipment.

7. Amend Section 303.4.1.6 – Commercial Construction Site Sign, by deleting the last sentence in its entirety and replacing with new text, as shown:

No permit or fee is required.

8. Amend Section 303.5.4.1 – Singly Occupied or Co-branded Business Location, by adding the following sentence at the end of this section, as shown:

All parts of this type of freestanding sign shall have a minimum 6’ setback from any property line.

9. Amend Section 303.5.4.2 – Business Centers, by adding the following new text, as shown:

303.5.4.2 Business Centers. A business center may have only one (1) free standing sign, not exceeding twenty four (24) square feet in area, with the advertising area divided among the business enterprises or identifying the business center name or both, with a maximum face height or width of eight (8) feet will be allowed. ***All parts of this type of***

freestanding sign shall have a minimum 6' setback from any property line. For Business Centers housing three or more tenants and a minimum of 20,000 square feet of retail/office space, the center may have a 48 square foot sign with a minimum setback of 12 feet. If a Business Center eligible for the 48 feet free standing sign has more than 1000 feet of frontage it may choose to divide the sign into two separate 32 square foot signs provided they meet 50 foot sideline setbacks and are separated by a minimum of 300 feet.

10. Amend Section 303.5.4.4 – Street Numbers, by replacing the text “*black numbers*” with “*a contrasting color*” in the first sentence of this section, as shown:

303.5.4.4 Street Numbers. All free standing street signs for a property shall include the street number of the property in *a contrasting color* with a minimum height of 3” and maximum height of 5” in a visible location on the sign.

11. Amend Section 303.5.6 –Location, by deleting this section in its entirety and replacing with the following new text, as shown:

303.5.6 Location for Attached Signs. All parts of attached signs shall have a minimum 6' setback from any property line.

12. Amend Section 303.5.9 – Commercial Real Estate Signs, by deleting the last sentence in its entirety and replacing with new text, as shown:

No permit or fee is required.

13. Amend Section 303.7.2 – Subdivisions, by deleting the last sentence in its entirety.

14. Amend Section 303.8.3 – Signs not requiring permits, by adding new text, as shown:
303.8.3 Signs not requiring permits. Temporary Real Estate signs, ***Political signs, Residential Construction site sign, Commercial Construction site sign, Roadway Banners, Menu and Directory Signs, Commercial Real Estate sign***, signs indicating the name of the occupant of a dwelling, other Residential Decorative Signs, any sign erected by any governmental agency to promote traffic safety, and window signs, except as required by section 303.5.3, shall not require a permit.

15. Amend Section 303.8.5 – Fees, by deleting the text “*will not require a fee*” at the end of the last sentence and adding new text, as shown:

303.8.5 Fees. Fees for sign permits shall be determined by the Board of Selectmen. ***No fee is required for*** signs not requiring permits ***per Section 303.8.3***, accessory signs, ***Public Service signs, On-premises Directional signs***, and temporary ***and off-premise*** signs for religious, civic and nonprofit organizations.

Requires 2/3rds Vote

Selectmen Recommend (5-0)
Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 28: To see if the Town will vote to amend the Zoning Bylaw by adding a new Section 417 - Temporary Moratorium On Marijuana Establishments Which Are Not Included In The Definition Of Medical Marijuana Treatment Centers, as follows, or take any other action relative thereto:

417. Temporary Moratorium On Marijuana Establishments Which Are Not Included In The Definition Of Medical Marijuana Treatment Centers

417.1 Purpose:

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the “Act”), regulating the control, production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaw, a Marijuana Establishment is not defined, not established as a permitted use or otherwise regulated in the Town. Any regulations promulgated by the Cannabis Control Commission or other regulatory authority of the Commonwealth are expected to provide guidance to the Town in its regulation of marijuana sales, cultivation and distribution. The regulation of marijuana raises unique and complex legal, planning, and public safety issues, and the Town needs time to study and consider the regulation thereof to appropriately address such unique and complex issues. The local impacts resulting from this new land use should be evaluated and addressed in a comprehensive manner by appropriate zoning and planning regulations prior to the permitting of a Marijuana Establishment. Consequently, the Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Establishments to permit the Town sufficient time to engage in a planning process to address the impacts of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

417.2 Definitions

“Marijuana” and “Marijuana Product” shall have the meanings set forth in the Act and shall not include Medical Marijuana, which is regulated under different statutes.

“Marijuana Establishment” shall include “Marijuana Retailer”, “Marijuana Cultivator”, “Marijuana Testing Facility”, “Marijuana Product Manufacturer” or any type of licensed marijuana facility as those terms are defined in the Act.

417.3 Temporary Moratorium

For the reasons set forth above, and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Establishments. No building permit, special permit, variance, site plan or other permit may be issued under this zoning by-law for the purpose of establishing a Marijuana Establishment. The moratorium shall remain in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission’s or any other regulatory

authority's regulations regarding Marijuana Establishments and related uses, and adopt Zoning Bylaws to address the impact and operation of Marijuana Establishments and related uses.

Requires 2/3rds Vote

Selectmen Recommend (5-0)

Finance Committee does not recommend (6-1)

(Planning Board)

ARTICLE 29: To see if the Town will vote to amend various sections of the Zoning Bylaw to modify certain provisions, as follows, or take any other action relative thereto:

1. Amend Section 406.4.1 – Prohibited uses (Aquifer Protection Overlay District), by adding a new paragraph at the end of this section, as shown:

Fuel delivery in the APD shall only be allowed for the duration required to dispense, pump or transfer fuel and must be under the constant supervision of the fuel delivery personnel.

2. Amend all applicable sections of the Zoning Bylaw, by replacing the text “*Building Inspector*” with “*Building Commissioner*” throughout all sections of the Zoning Bylaw and by amending Section 500- Definitions, by deleting the definition of “*Building Inspector*” in its entirety and replacing with new text, as shown:

BUILDING COMMISSIONER – Chief Officer of the Yarmouth Building Department.

3. Amend Section 101.1 – Enforcement (Administration), by adding the following new text, as shown:

101.1 Enforcement. This bylaw shall be enforced by the Building *Commissioner or his/her duly authorized and qualified designee.*

4. Amend Section 103.3.3 – Procedures (Site Plan Review), by inserting a new sentence at the beginning of this paragraph, as shown:

103.3.3 Procedures. *For applicable projects, Design Review per Section 103.4 must precede Site Plan Review.*

5. Amend Section 203.5 – Table of Dimensional Requirements - Note E, by deleting the text “*less than*” and adding new text, as shown:

E. Side and rear yard setbacks for accessory buildings ***containing*** one hundred fifty (150) square feet ***or less*** and single story, shall be six (6) feet in all districts, but in no case ***shall said accessory buildings be*** built closer than twelve (12) feet to any other building ***on an adjacent parcel.***

6. Amend the second paragraph of Section 301.4.1 (Parking and Loading Requirements), by deleting the last sentence of the last paragraph in its entirety and adding new text, as shown:

Parking areas shall be located at the side and/or rear of *a principal* structure(s), unless the Site Plan Review Team determines that the already developed site work makes such placement impossible. ***Parking on the side of structures shall be located behind the minimum front yard setback shown in Section 203.5 – Table of Dimensional Requirements.*** Applicable Properties in the HMOD2, as defined in section 404.2.2, having property lines abutting Nantucket Sound may locate parking areas to the front of the structure(s). If necessary, handicapped parking may be located to the front of a building in order to comply with 521 CMR, the rules and regulations of the Architectural Access Board.

7. Amend Section 301.4.9 – second paragraph (Parking and Loading Requirements), by replacing the text “30” with “35” in the second to last sentence, by adding new text, and breaking down into multiple paragraphs, as shown:

301.4.9 All lots in B1, B2 or B3 Districts and all lots which contain a business or industrial use, shall include a twenty (20) foot wide buffer along those boundaries of the lot which are adjacent to a way, and ten (10) foot wide buffers along all other boundaries of the lot. Existing trees of at least 4" caliper within these prescribed buffers shall be retained (judicious pruning would be allowed), unless removal is approved by the Site Plan Review Team due to the condition of the tree or for sound landscape design reasons. These buffers shall contain no paving except for entrance and exit driveways, common driveways or access rights of way, and shall be planted with vegetation or maintained with other landscaping material, as defined in Section 301 and as approved by the Site Plan Review Team. Common driveways shall have a minimum ten (10) foot wide vegetated buffer on each side of the common driveway, planted with 3" caliper trees every 20'.

Plantings in buffer areas in front of buildings along a way shall include, but not be limited to, 2.5" caliper trees *approximately* every 35', and *shall also include* a mixture of shrubs and flowering plants *to create a comprehensive landscape plan*, as approved by the Site Plan Review Team. The use of fencing or low walls may also be incorporated into these buffer areas.

Existing buffer trees in front of existing buildings may not be removed without approval of the Site Plan Review Team and development of a comprehensive landscape plan.

Plantings in buffer areas in front of parking shall meet the requirements outlined in Section 301.4.

8. Amend Section 500 – Definitions, by amending various Definitions, as shown:

Amend Definition of “ACCESSORY STRUCTURE OR USE”, by deleting in its entirety and replacing with two new Definitions for “ACCESSORY STRUCTURE” and for “ACCESSORY USE”, as shown:

ACCESSORY STRUCTURE – *A structure customarily incidental to and located on the same lot with the principle structure, or on contiguous lots held under the same ownership.*

ACCESSORY USE – *A use customarily incidental to and secondary to the allowed use and not detrimental to the neighborhood.*

Amend Definition of “DWELLING, SINGLE-FAMILY”, by replacing the word “One” with “Single”, as shown:

DWELLING, SINGLE-FAMILY – See *Single*-family dwelling.

Requires 2/3rds Vote

Selectmen Recommend (5-0)

Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 30: To see if the Town will vote to accept Chapter 40, Section 8G of the Massachusetts General Laws to enter into agreements with other cities and towns for law enforcement mutual aid.

Selectmen Recommend (5-0)

Finance Committee Recommends (6-0)

(Police Department)

ARTICLE 31: To see if the Town will vote to add the following provisions to the Town Bylaws, as follows, or take any other action relative thereto:

Chapter 160: Plastic Bag Reduction

§ 106-1 Authority

This bylaw is made by the authority of a vote of the inhabitants of the Town of Yarmouth while acting on Article 36 of the Warrant for Town Meeting held on May 6, 2017, and shall continue in force until altered, amended, rescinded or repealed by Town Meeting.

§ 160-2 Purpose

The production and use of disposable plastic bags has significant impacts on the marine and land environment of all coastal communities, including but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden on our solid waste collection and recycling efforts; and requiring the use of millions of

barrels of non-renewable, polluting, fossil fuel nationally for their manufacture. Therefore, the purpose of this bylaw is to eliminate the use of disposable plastic checkout bags by all establishments as defined herein in the Town of Yarmouth.

§160-3 Definitions

For purposes of this chapter, the following words shall have the following meanings.

BIOPLASTIC MATERIALS - Substances made from renewable, organic, biomass sources -- living organisms and their residues---such as agricultural byproducts, vegetable fats and oils, cornstarch, or microbiota, rather than fossil fuels. For purposes of this bylaw, bags made of Bioplastic Materials must be Compostable.

CHECKOUT BAG - Any bag that is provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as merchandise, goods or food, except as otherwise exempted under this bylaw.

COMPOSTABLE - Conforming to the most current ASTM D6400 standard for compostability.

CUSTOMER - Any person purchasing goods articles, food or personal services from an Establishment.

DISPOSABLE PLASTIC BAG means a plastic checkout bag with a thickness less than 4.0 mils.

ESTABLISHMENT - Any business selling goods, articles, food or personal services to the public, including public eating establishments and take-out restaurants.

OPERATOR - The person in control of, or having the responsibility for, the operation of an Establishment, which may include, but is not limited to, the owner.

PERSON - Any natural person, firm, corporation, partnership, or other organization or group however organized.

PLASTIC BAG - Any bag made of plastic derived from either petroleum, ethylene derived from natural gas, polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon.

PRODUCT BAG - A bag integrated into the packaging of the product.

RAW FOOD AND BULK ITEM BAGS - Bags used by customers to package bulk items, such as fruit, vegetables, nuts, grains, candy, hardware, pharmacy, or other items; contain or wrap fresh or frozen foods, including meat or fish, whether pre-packaged or not; or contain or wrap flowers, potted plants, or other items where dampness may be a problem.

RECYCLABLE PAPER BAGS - Paper bags with or without handles provided at the point of sale to a customer of an Establishment for use to transport or carry away purchases, such as

merchandise, goods or food, etc. and that (1) are one hundred percent (100%) recyclable, and (2) contain a minimum of forty percent (40%) postconsumer recycled paper content, and (3) have all the following information printed in a visible manner on the outside of the bag: the word "recyclable," the name and country of the manufacturer, and the percentage of postconsumer recycled paper content.

REUSABLE BAG - A bag specifically designed and manufactured for long term, multiple reuses made of cloth, fabric or other durable, washable materials.

§160-4 Disposable Plastic Checkout Bags Prohibited

Disposable plastic checkout bags shall not be sold, provided, or distributed to a customer or any other person by any person, owner, or operator of any Establishment within the Town of Yarmouth.

§160-5 Raw Food and Bulk Item Bags

Any Raw Food and Bulk Item Bags made available by Establishments must be made of Bioplastic Materials; 100 percent (100%) recyclable paper made with at least forty percent (40%) postconsumer recycled material; FDA-approved Compostable cellophane or other cellulosic material; or Compostable unbleached wax paper made with non-petroleum-based wax.

§160-6 Exemptions and Alternatives

A. The following are exempt and not subject to the provisions of this chapter.

- (1) Thin plastic bags used to protect newspapers upon delivery.
- (2) Laundry or dry-cleaning bags or bags sold in packages containing multiple bags intended to be used home food storage, garbage, waste, pet waste or yard waste.
- (3) Product bags.

B. Nothing in this chapter prohibits customers from using bags of any type that they bring to the grocery store, food provider, or other establishment themselves or from carrying away goods that are not placed in a bag. Customers are encouraged to bring their own reusable bags to the aforesaid Establishments.

C. Establishments may and are strongly encouraged to distribute paper bags, reusable bags and boxes available to customers with or without charge and educate their staff to promote reusable bags and post signs encouraging customers to use washable reusable bags.

§160-7 Deferments

- A. Upon written request to the Board of Health or its designee and demonstration of how this bylaw would cause undue hardship to the Establishment, such Establishment may

receive temporary, one time deferment of this bylaw to their operation for up to three (3) months.

- B. All applications for deferment must include all information necessary for the Board of Health or its designee to make its decision, including but not limited to documentation showing factual support of undue hardship for the claimed deferment. Undue hardship is defined as a situation unique to the Establishment in which there are no reasonable alternatives to the use of Disposable Plastic Checkout Bags or to comply with the requirement that Raw Food and Bulk Item Bags be made of Bioplastic Materials, and compliance with this bylaw would create significant economic hardship for the Establishment.
- C. The Board of Health or its designee shall issue a decision, with or without conditions, on an application for a deferment within 60 days of receipt of the application.

§160-8 Inspection and Enforcement

- A. The Board of Health, the Director of Public Health and persons designated by the Director of Public Health shall have the authority to administer and enforce this bylaw.
- B. Any enforcing person shall have the right to enter any Establishment during regular business hours, without a search or inspection warrant, to make reasonable inspection to ascertain whether there is compliance with the provisions of this chapter. Upon finding a violation of this chapter an enforcing person shall issue a written warning notice to the operator of the Establishment that a violation has occurred and the potential penalties that will apply for future violations.

§160-9 Violations and Penalties

Any establishment that violates or fails to comply with this chapter shall be subject to the following penalties to be enforced in law or equity by any means, including without limitation non-criminal disposition pursuant to G. L. c. 40 § 21D, provided that no more than one (1) penalty after written warning shall be imposed upon an establishment within a seven (7) day calendar day period:

First Offense: written warning.

Second Offense: \$100.00 fine.

Third and Subsequent Offense: \$200.00.

The Yarmouth Board of Health, after a Public Hearing, may suspend, revoke, or deny any license or permit issued by the Board of Health for violations of this bylaw.

Non-payment of fines may result in the suspension, revocation, or denial of other Town-issued license(s) or permit(s) in accordance with G.L. c. 40, §57.

§160-10 Severability and Effective Date

A. If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this bylaw, which shall remain in full force and effect.

B. This bylaw shall take effect twelve (12) months following the effective date of the bylaw to allow time for Establishments to use their existing inventory of disposable plastic checkout bags and to convert to alternative packaging materials.

Selectmen Recommend (3-2)

Finance Committee Recommends (6-0)

(Petitioner)

ARTICLE 32: To see if the Town will vote to amend Chapter 95 of its General Bylaws, by replacing it with the following, or take any other action relative thereto:

§ 95-1. Tax collector to provide list. The Tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterment and other municipal charges, hereinafter referred to as the "Tax Collector," shall make available through electronic means to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits, including renewals and transfers, a list of any person, corporation or enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

§ 95-2. Denial, suspension or revocation of license or permit. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial revocation or suspension of said license or permit to any party. The Tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives evidence of payment issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance or said certificate.

§ 95.3. Payment agreement. Any party shall be given the opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said

limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 95-4 Waiver. The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his or her immediate family, as defined in GL c. 268A in the business or activity conducted in or on said property.

§ 95-5 Exemptions. This section shall not apply to the following licenses and permits issued under the General Laws of the Commonwealth: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

Selectmen Recommend (5-0)

Finance Committee Recommends (6-0)

(Board of Selectmen)

ARTICLE 33: To see if the Town will vote to authorize the Board of Selectmen, for purposes of establishing, constructing, operating, and maintaining a shared use pathway constituting a portion of the Cape Cod Rail Trail, and for open space and recreation purposes, and for all other purposes for which rail trails are now or hereafter may be used in the Town of Yarmouth, to acquire through all legal means, including donation, purchase and eminent domain, the following land parcels and/or easement rights in the said land parcels:

(a) all or any portion of the land, premises, easements, rights-of-way and other rights in Yarmouth being a portion of the Cape Cod Rail Trail extending from the Peter Homer Park to the Barnstable Town Line as shown on a plan entitled “Massachusetts Department of Transportation Highway Division, Cape Cod Rail Trail Extension in the Towns of Barnstable & Yarmouth, Barnstable County, Preliminary Right of Way,” dated February 19, 2015, prepared by Vanasse Hangen Brustlin, Inc., a copy of which is on file with the Town Clerk, and as may be amended;

(b) Any permanent utility easement rights in lands adjacent thereto as may be necessary to accomplish the purposes of this article.

Or take any other action relative thereto.

2/3 Vote required

Selectmen Recommend (5-0)

Finance Committee defers to Department of Public Works

(Board of Selectmen)

ARTICLE 34: To see if the Town will vote to authorize the Board of Selectmen, for purposes of construction, operation, and maintenance of a shared use pathway constituting a portion of the Cape Cod Rail Trail, to grant and/or assign to the Commonwealth of Massachusetts Department of Transportation-Highway and such other appropriate governmental entities and public utility companies the rights in Town-owned land parcels constituting any portion of the land, premises, easements, rights of way, and other rights in land in Yarmouth necessary for the construction of said Cape Cod Rail Trail as shown on a plan entitled “Massachusetts Department of Transportation Highway Division, Cape Cod Rail Trail Extension in the Towns of Barnstable & Yarmouth, Barnstable County, Preliminary Right of Way”, dated February 19, 2015, prepared by Vanasse Hangen Brustlin, Inc., a copy of which is on file with the Town Clerk, and as may be amended;

Or take any other action relative thereto.

2/3 Vote required

Selectmen Recommend (5-0)

Finance Committee defers to Department of Public Works

(Board of Selectmen)

ARTICLE 35: To see if the Town will vote to authorize the Board of Selectmen to convey an electrical service easement over, across, and upon a certain parcel of land located at 373 North Main Street, said easement to allow the installation and maintenance of electrical lines and related equipment necessary for the transmission of electricity.

Or take any other action relative thereto.

2/3 Vote required

Selectmen Recommend (5-0)

Finance Committee Defers to Department of Public Works

(Board of Selectmen)

ARTICLE 36: To see if the Town will vote to amend its acceptance of Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act (the “Act”) to reduce the surcharge from 3% of the annual real estate tax levy against real property to 1% of the annual real estate tax levy against real property, such reduced surcharge to be applied to assessment of fiscal year 2018 taxes and thereafter, and said amendment to become effective only upon the affirmative vote of a majority of the voters in the General Election.

Selectmen Recommend to Indefinitely Postpone (5-0)

(Petitioner)

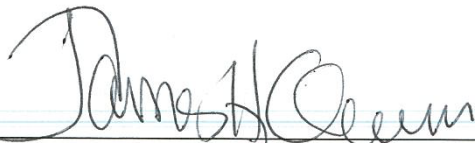
ARTICLE 37: To formally and officially change the name of the public beach identified on Yarmouth Assessors Map 26 Parcel 116 and located at the south west entrance to Bass River currently known as Bass River Beach to Smugglers Beach.

Selectmen Recommend to Indefinitely Postpone (5-0)

(Petitioner)

AND, also, in the name of the Commonwealth, you are hereby directed to serve this Warrant by posting attested copies thereof at four public places, one on the north side of Town and three on the south side and also by publication in the Yarmouth Register at least seven days before the time of holding said meeting, as aforesaid.

Hereof, fail not, and make return of this Warrant with your doings thereon at the time place of said meeting. Given under our hands and the seal of the Town of Yarmouth, hereto affixed this 28th of March 2017.



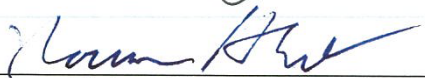
James H. Quirk, Jr., Chairman



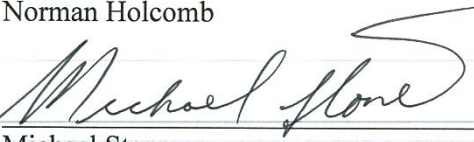
Tracy Post



Erik J. Tolley



Norman Holcomb



Michael Stone
Town of Yarmouth Board of Selectmen