

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



**May 4, 2019
9:00 A.M.
MATTACHEESE MIDDLE SCHOOL
WEST YARMOUTH**

**PLEASE BRING THIS REPORT TO TOWN
MEETING**

FINANCE COMMITTEE REPORT

The Town of Yarmouth Finance Committee represents the citizens of Yarmouth as an advisory board in conjunction with Town Administration and the Board of Selectmen.

The Committee is composed of seven members including a Chair and Vice Chair. This Committee meets at least 20 times per year and reviews all Town department budgets including the Dennis-Yarmouth School District, as well as all Town Warrant articles and Zoning articles.

Participation on the Committee is voluntary subject to appointment by the Town Moderator, Finance Committee Chair, and Board. Committee members present a wide variety of qualifications, experience, and backgrounds.

Current members are graduates of Boston College, Holy Cross, Queens College, Sacred Heart University, Delaware Technical College, Babson, and Buffalo State. Professions include accounting/law (Jessica Norwood), commercial real estate management (Robert Ciavarra), financial services VP (Brian Gardiner), property-casualty insurance company VP (Ken Mudie), retail executive (Joe Goldstein), engineering (Nathan Ladley), and law (Jack Moylan). Two members are graduates of D-Y Regional High School (B. Gardiner and J. Norwood). Several hold masters degrees, professional designations, and law degrees. One member holds two U.S. patents (N. Ladley), another has served on committees in three other Massachusetts towns (R. Ciavarra), one is the former mayor of Chicopee, MA (J. Moylan), and another is a member of the Board of an Affordable Housing CDC in Worcester (K. Mudie). All members have served and continue to serve on other Boards and Committees in Yarmouth including Capital Budget, Vocational School Building, DPW Building, and the Middle School Building Committee.

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 4TH, 2019**

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 4th day of May 2019 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 FY 2019 operating budget.

Department	Request	Amount
DPW	Snow and Ice	\$44,362
DPW	C&D	\$300,000

EXPLANATION: The purpose of this article is to fund any budget shortages for the current year. The supplemental funding for Snow & Ice is needed to cover the costs associated with several long duration road-treating events. The supplemental funding for Construction & Demolition materials (C&D) is needed to cover a higher than expected volume of waste material received at the Town Disposal Area. The C&D expense is covered by the revenues paid to dispose of these materials.

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.

EXPLANATION: This article funds the Town's operating budget, which covers employee salaries, benefits, and other Town operating expenses. At the direction of the Board of Selectmen, this budget is balanced, affordable, within the parameters of proposition 2 ½, and provides the best possible services and facilities to the Town. The Finance Committee, who has recommended the budget as presented, has reviewed this budget in detail.

Selectmen Recommend (4 - 0)

Finance Committee Recommends (5 - 0)

(Board of Selectmen)

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
	ELECTED/GENERAL GOVERNMENT				
E-1	MODERATOR	500	500	500	500
	SELECTMEN				
E-2	Wages (5 PT)	15,000	15,000	15,000	15,000
E-3	Expense	4,701	8,524	8,524	8,524
	TOWN ADMINISTRATOR				
GG-1	Wages (5.75 FTE)	415,154	541,093	563,357	563,357
GG-2	Expense	23,419	45,875	52,675	52,675
GG-3	Employee increment	40,000	40,000	40,000	40,000
GG-4	Contract settlements	0	0	0	0
GG-5	Emergency management expense	0	0	5,000	5,000
GG-6	Unemployment compensation	14,146	25,000	25,000	25,000
GG-7	Energy	352,768	840,450	441,815	441,815
GG-8	Legal	99,056	100,000	140,000	140,000
GG-9	Bargaining legal	14,971	20,000	20,000	20,000
GG-10	Training	12,926	19,000	30,000	30,000
GG-11	Telephone	88,090	95,000	0	0
GG-12	Medicare	287,767	292,000	310,980	310,980
GG-13	Health insurance	2,339,622	2,703,950	2,753,950	2,753,950
GG-14	Retiree health insurance (OPEB)	0	0	0	0
GG-15	Pension	3,677,434	3,874,544	4,155,552	4,155,552
GG-16	General insurance	649,692	708,612	934,642	934,642
	FINANCE COMMITTEE				
GG-17	Wages	818	1,500	1,500	1,500
GG-18	Reserve	0	100,000	100,000	100,000
	CENTRAL PURCHASING				
GG-19	Purchasing	91,777	105,845	105,845	105,845
	TOTAL WAGES	431,472	558,093	580,357	580,357
	TOTAL EXPENSES	7,806,369	8,978,800	9,123,983	9,123,983
	TOTAL ELECTED / GEN. GOV'T.	8,237,841	9,536,893	9,704,340	9,704,340

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
MUNICIPAL FINANCE					
TOWN ACCOUNTANT					
MF-1	Wages (4 FTE)	331,468	344,425	348,600	348,600
MF-2	Expense	33,850	36,794	36,794	36,794
ASSESSORS					
MF-3	Wages (4.5 FTE + Seasonal)	281,466	284,770	288,135	288,135
MF-4	Expense	118,383	108,590	108,590	108,590
COLLECTOR/TREASURER					
MF-5	Wages (6 FTE)	339,339	338,709	359,026	359,026
MF-6	Expense	83,464	85,410	84,910	84,910
TOWN CLERK					
MF-7	Wages (4.5 FTE)	268,023	264,931	273,287	273,287
MF-8	Expense	44,915	14,675	14,675	14,675
ELECTION & REGISTRATION					
MF-9	Wages (Seasonal)	642	5,100	5,100	5,100
MF-10	Expense	43,158	70,750	77,500	77,500
TOTAL WAGES		1,220,938	1,237,935	1,274,148	1,274,148
TOTAL EXPENSES		323,770	316,219	322,469	322,469
TOTAL MUNICIPAL FINANCE		1,544,708	1,554,154	1,596,617	1,596,617

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
COMMUNITY DEVELOPMENT					
CD-1	Wages (8 FTE)	364,710	381,657	394,918	394,918
CD-2	Expense	21,847	31,025	25,486	25,486
TOTAL WAGES		364,710	381,657	394,918	394,918
TOTAL EXPENSES		21,847	31,025	25,486	25,486
TOTAL COMMUNITY DEVELOPMENT		386,557	412,682	420,404	420,404

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
COMMUNITY SERVICES GENERAL LIBRARY					
CS-1	Wages (14 FTE)	546,243	582,263	616,168	616,168
CS-2	Expenses	190,902	199,795	194,233	194,233
NATURAL RESOURCES					
CS-3	Wages (8 FTE + Seasonal)	604,755	621,630	630,358	630,358
CS-4	Expense	125,021	144,046	144,046	144,046
SENIOR SERVICES					
CS-5	Wages (7.3 FTE)	294,407	318,057	330,413	330,413
CS-6	Expense	87,805	95,221	100,321	100,321
RECREATION					
CS-7	Wages (2 FTE + Seasonal)	374,080	319,748	347,369	347,369
CS-8	Expense	38,440	38,667	38,667	38,667
CS-9	Recreation Offset Wages (2 FTE)	396,978	391,000	487,013	487,013
CS-10	Recreation Offset Expenses	119,308	157,000	152,000	152,000
TOTAL WAGES		2,216,463	2,232,698	2,411,321	2,411,321
TOTAL EXPENSES		561,476	634,729	629,267	629,267
TOTAL COMMUNITY SERVICES		2,777,939	2,867,427	3,040,588	3,040,588

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
PUBLIC SAFETY POLICE					
	Overtime in wages line-item	(863,402)	(834,411)	(634,411)	(634,411)
PS-1	Wages (75 FTE + reserves)	7,190,793	6,837,664	7,170,932	7,170,932
PS-2	Training	100,000	100,000	100,000	100,000
PS-3	Proactive anti-crime team	100,000	100,000	100,000	100,000
PS-4	Expense	217,798	215,804	221,404	221,404
FIRE					
PS-5	Overtime in wages line-item	(1,223,583)	(1,022,503)	(922,503)	(922,503)
PS-6	Wages (71 FTE + call FF)	6,460,252	6,734,599	6,775,263	6,775,263
PS-7	Training	100,000	100,000	100,000	100,000
PS-8	Expense	476,467	486,191	486,191	486,191

TOTAL WAGES	13,651,045	13,872,263	14,246,195	14,246,195
TOTAL EXPENSES	694,265	701,995	707,595	707,595
TOTAL PUBLIC SAFETY	14,345,310	14,574,258	14,953,790	14,953,790

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
MUNICIPAL INSPECTIONS BUILDING INSPECTOR					
MI-1	Wages (8 FTE)	475,018	486,574	505,019	505,019
MI-2	Expense	33,098	39,134	42,134	42,134
BOARD OF HEALTH					
MI-3	Wages (7 FTE)	447,164	458,218	448,752	448,752
MI-4	Expense	38,299	30,004	33,279	33,279
MI-5	Human Services	59,364	66,170	66,170	66,170
MI-6	Veterans – expenses	152,298	207,926	214,345	214,345
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TOTAL WAGES		922,182	944,792	953,771	953,771
TOTAL EXPENSES		283,059	343,234	355,928	355,928
TOTAL MUNICIPAL INSPECTIONS		1,205,241	1,288,026	1,309,699	1,309,699

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
MUNICIPAL OPERATIONS INFORMATION TECHNOLOGY					
MO-1	Wages (5 FTE + PT)	364,666	376,331	388,105	388,105
MO-2	Expense	268,423	256,757	446,549	446,549
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TOTAL WAGES		364,666	376,331	388,105	388,105
TOTAL EXPENSES		268,423	256,757	446,549	446,549
TOTAL MUNICIPAL OPERATIONS		633,089	633,088	834,654	834,654

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
PUBLIC WORKS ADMINISTRATION/ENGINEERING					
PW-1	Wages (3 FTE)	219,726	225,820	231,600	231,600
PW-2	Expenses	48,311	61,403	502,903	502,903

HIGHWAY					
PW-3	Wages (14 FTE)	666,050	775,147	810,603	810,603
PW-4	Expense	144,089	152,292	152,292	152,292
PW-5	Tree expense	9,060	10,200	10,200	10,200
PW-6	Greenhead fly	2,200	2,700	2,700	2,700
SNOW & ICE					
PW-7	Wages (overtime)	81,177	41,000	41,000	41,000
PW-8	Expense	274,575	156,100	156,100	156,100
FACILITIES					
PW-9	Wages (2.5 FTE)	145,778	165,017	171,172	171,172
PW-10	Expense	97,459	111,286	126,286	126,286
SANITATION					
PW-11	Wages (11.3 FTE)	550,541	550,511	605,706	605,706
PW-12	Expense	2,595,638	2,437,398	2,745,796	2,745,796
PARKS					
PW-13	Wages (6 FTE + Seasonal)	423,754	478,770	486,379	486,379
PW-14	Expense	113,151	143,674	143,674	143,674
CEMETERY					
PW-15	Wages (1 FTE + Seasonal)	93,121	145,744	94,401	94,401
PW-16	Expense	41,703	40,374	40,374	40,374
TOTAL WAGES		2,180,147	2,382,009	2,440,861	2,440,861
TOTAL EXPENSES		3,326,186	3,115,427	3,880,325	3,880,325
TOTAL PUBLIC WORKS		5,506,333	5,497,436	6,321,186	6,321,186

Code		Actual FY18	Budget FY19	Request FY20	Fincom FY20
DEBT SERVICE					
DS-1	Regular Debt	493,372	325,758	242,823	242,823
DS-2	Exempt Debt	1,247,127	1,003,759	710,952	710,952
TOTAL Debt		1,740,499	1,329,517	953,775	953,775

Town	Actual FY18	Budget FY19	Request FY20	Fincom FY20
GRAND TOTAL WAGES (all Depts)	21,351,623	21,985,778	22,689,676	22,689,676
GRAND TOTAL EXPENSES (all Depts)	14,876,528	15,707,703	16,445,377	16,445,377
GRAND TOTAL Article 2	36,228,151	37,693,481	39,135,053	39,135,053

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 action thereon:

	Actual FY18	Budget FY19	Request FY20
GOLF			
Wages (15 FTE + Seasonal)	1,419,086	1,493,041	1,511,845
Expense	2,133,366	2,237,599	2,172,847
Total Golf Enterprise Operating Budget	3,552,452	3,730,640	3,684,692
Funded from Golf Enterprise Revenues	3,410,720	3,366,600	3,535,692
Funded from General Fund – Free Cash		364,040	
Funded from Golf Enterprise Retained Earnings*	141,732		149,000
Total Golf Enterprise Funding	3,552,452	3,730,640	3,684,692

* *Golf Enterprise reserves/retained earnings is \$149,283 as of 6/30/2018*

EXPLANATION: This article is the operating budget for the golf division and funds employee salaries, benefits, and other golf operating expenses. This year's budget is funded entirely by golf fees and other revenue generated by the golf division.

Selectmen Recommend (3 - 0 - 1)

Finance Committee Recommends (5 - 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 FY18	Budget FY19	Request FY20
WATER			
Wages (23.8 FTE)	1,281,139	1,493,988	1,574,477
Expense	1,640,194	2,031,453	2,464,927
Costs Appropriated in the General Fund	344,938	353,000	353,000
Total Water Department Operating Budget	3,266,271	3,878,441	4,392,404
Funded from Water Department Revenues*	3,266,271	3,878,441	4,392,404
Total Water Department Funding	3,266,271	3,878,441	4,392,404

* Water Special Revenue Fund reserves is \$3,368,892 as of 6/30/2018.

EXPLANATION: This article is the operating budget for the water division, which funds employee salaries, benefits, and other water operating expenses. The water division operates as a distinct special revenue fund, much like the golf and septage operations, and is fully funded by water fees.

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 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 FY18	Budget FY19	Request FY20
SEPTAGE ENTERPRISE			
Wages (.70 FTE)	38,726	62,968	51,760
Expense	2,161,567	1,911,162	1,990,940
Costs Appropriated in the General Fund	114,101	114,101	114,101
Total Septage Enterprise Operating Budget	2,314,394	2,088,231	2,156,801
Funded from Septage Enterprise Revenues	2,202,767	2,088,231	2,156,801
Funded from Septage Enterprise Retained Earnings*	111,627		
Total Septage Enterprise Funding	2,314,394	2,088,231	2,156,801

* Septage Enterprise reserves/retained earnings is \$2,094,702 as of 6/30/2018.

EXPLANATION: This is the operating budget for the Septage Treatment Plant which is treated as an enterprise fund. The costs are fully covered by fees charged to contractors that dispose of septic waste at the plant. This enterprise fund, like golf and water, is fully supported by fee revenue.

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0)

(Board of Selectmen)

ARTICLE #6: To see if the Town will vote to amend the Regional Agreement governing the Dennis-Yarmouth Regional School District, in the manner set forth in a proposed revised Regional Agreement, a copy of which is on file with the Board of Selectmen and Town Clerk.

EXPLANATION: The Dennis-Yarmouth Regional School District Committee voted in March to revise the two-town Regional School District Agreement. The revisions include updates in how operating costs are assessed, the apportionment of funding for new and existing capital facilities, and filling vacancies on the school committee. A summary of some of the changes are as follows:

1. **Apportionment of Operating Costs.** The apportionment of operating costs will utilize the Massachusetts Statutory School funding formula. Any amount above required minimum contributions and state and district revenue will be divided by the two towns based on the following:
 - FY20 32% for Dennis and 68% for Yarmouth
 - FY21 33% for Dennis and 67% for Yarmouth
 - FY22 33% for Dennis and 67% for Yarmouth
 - FY23 34% for Dennis and 66% for Yarmouth
 - FY24 35% for Dennis and 65% for Yarmouth
 - After FY24 the apportionment will remain 35% for Dennis and 65% for Yarmouth unless changed by an amendment to this agreement.

2. **Apportionment of Capital Costs.** Costs incurred with any particular district high school shall be apportioned between the member towns on the basis of 35% of the costs to Dennis and 65% of the costs to Yarmouth. This shall be the same apportionment for any new regional district schools that may be built, as well as the life of any bond required for any new regional school or capital project for a regional school district facility.

Full text of the revised regional agreement can be found at the offices of the Board of Selectmen and Town Clerk, and online at this address:

<http://www.yarmouth.ma.us/DocumentCenter/View/11410/DY-Regional-Agreement-with-Tracked-Changes>

Selectmen Recommend (4 - 0 - 1)

Finance Committee Recommends (6 - 0)

(Board of Selectmen)

ARTICLE #7: 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 2020 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 FY18	Actual FY19	Certified FY20
\$31,882,786	\$33,973,474	\$35,298,335

EXPLANATION: This article funds the Town’s share of the Dennis-Yarmouth Regional School District. The FY20 Assessment is based upon the revised regional agreement. This assessment represents a 4.2% year-over-year increase to the Town of Yarmouth.

Selectmen Will Recommend from the Floor
 Finance Committee (6 - 0) (Dennis-Yarmouth Regional School District)

ARTICLE #8: To see if the Town will approve the Dennis-Yarmouth Regional School District request to establish a Stabilization Fund subject to Chapter 71, Section 16 G ½.

EXPLANATION: The Dennis-Yarmouth Regional School Committee voted on January 14th, 2019 to request a placeholder on the Dennis and Yarmouth Town Meeting Warrants to establish a stabilization fund for the Dennis-Yarmouth Regional School District. The purpose of the fund is to have money available to pay for emergency capital repairs. If established, a two-thirds vote of the School Committee is required in order to spend money from the fund.

Selectmen Recommend (5 - 0)
 Finance Committee Recommends (5 - 0) (Dennis-Yarmouth Regional School District)

ARTICLE #9: 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 2020:

Actual FY18	Actual FY19	Certified FY20
\$2,645,675	\$2,341,152	\$2,292,475

EXPLANATION: This article funds the Town’s share of the Cape Cod Regional Technical High School District.

Selectmen Recommend (4 - 0)
 Finance Committee Recommends (5 - 0) (Cape Cod Regional Technical High School)

ARTICLE #10: 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

Division/Department	Item/Project	Amount
Building & Grounds / Parks & Cemeteries	Parks - 1 Gravely Mower (R)	8,250
Building & Grounds / Parks & Cemeteries	Parks - Dump Trailer (N)	12,916
Building & Grounds / Parks & Cemeteries	Parks - Playground Fencing Repairs (R)	6,000
Facilities	Beach Bathhouse Windows (R)	20,000
Facilities	Various HVAC Repairs (M)	50,000
Facilities	Seagull Beach Fisherman's Access (N)	13,375
Highway	Regenerative Vacuum Sweeper (R)	284,000
IT	PC & Component Replacements (R)	55,000
IT	Network Infrastructure Replacement (R)	50,500
IT	Town-wide IT Infrastructure Upgrade & Modernization (R)	100,000
Natural Resources	Englewood Beach Pier / Walkway Railing (R)	12,000
Natural Resources	Waterways Channel Dredge / Beach Nourishment (M)	100,000
Natural Resources	Computer Tablets (R)	20,675
Natural Resources	Patrol Boat, Engine, and Trailer (R)	200,000
Natural Resources	Shore Erosion (M)	25,000
Police	Vehicle Replacement (R)	120,000
Police	Level II Body Armor (R)	90,000
Police	Radio System Upgrade (R)	250,000
Schools	Security Doors (N)	20,227
Schools	School Zone Traffic Lights (R)	40,910
Schools	Impact Resistant Window Treatment (N)	16,546
Schools	Utility Trailer (N)	6,818
Subtotal from Tax Levy		1,502,217

Roadway Improvements from Tax Levy

Highway	Roadway Improvements (M)	1,275,664
DPW Engineering	Storm Water Improvements (M)	200,000
	Subtotal Roadway Improvements from Tax Levy	1,475,664

Waste Management Capital from Recycling Fund

Waste Management	Waste Management Windows (R)	12,000
Waste Management	2 Recycle Compactors (R)	64,000
	Subtotal Waste Management Capital from Recycling Fund	76,000

Fire Department Routine Capital From Fire Receipts Reserved for Appropriation Fund

Fire	Replace 2008 Ambulance 57 (R)	290,000
Fire	Replace Fire Gear and Equipment (R)	150,000
Fire	Replace 2016 Pierce Pumper (R)	100,000*
	Total Fire Department Capital Requests	540,000

GRAND TOTAL ARTICLE 10 APPROPRIATION 3,593,881

Amount Funded From Fire Receipts Reserved For Appropriation	540,000
Amount Funded from Recycling Fund	76,000
Amount Funded From Tax Levy	2,977,881
TOTAL ARTICLE 10 FUNDING SOURCES	<u>3,593,881</u>

**Repayment of loan to Stabilization Fund*

EXPLANATION: Each year the Capital Budget Committee (CBC), appointed by the Finance Committee, reviews and evaluates requests for capital projects and equipment submitted by all Town departments. This article contains lists of recommended expenditures for: routine capital projects, equipment and vehicles funded by taxes; roadway and storm water improvements funded by taxes; waste management capital funded by recycling revenue; and, fire department vehicles and life safety equipment funded by ambulance revenue.

Selectmen Recommend (4 - 0)
 Finance Committee Recommends (5 - 0) (Board of Selectmen)

ARTICLE #11: To see if the Town will vote to raise, appropriate, and transfer from available funds in the DPW Water Division Water Fund balance, a sum of funds for capital expenses of the water department, pursuant to the Acts of 1928, Chapter 146, or under Mass. General Laws, Chapter 41, Section 69B, as follows:

Water Department Capital from Water Fund Balance

Water	Well Redevelopment (M)	156,000
Water	Facilities Improvement (M)	552,600
Water	Water Tank Painting (M)	200,000
Water	Production / Distribution (R)	250,000
Water	Production System Hardware (R)	292,000
Total Water Department Capital Requests		1,450,600

EXPLANATION: This article includes capital funding for the water department to maintain water department plant, wellfield, and equipment required to deliver safe clean drinking water. Funds for these capital items come from the water reserve account which are funds derived from water fees.

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

ARTICLE #12: To see if the Town will vote to raise and appropriate an amount of money to pay for salary and wage adjustments for FY20 as a result of the settlement of collective bargaining agreements and for non-union personnel.

EXPLANATION: This article provides funding for settled or to be settled collective bargaining agreements. The Town strives to settle contracts that are fair to the employees and allows the Town to stay within the constraints of proposition 2 ½.

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

ARTICLE #13: To see if the Town will vote to transfer \$1,208,926 from Free Cash and \$155,994 from unspent General Fund articles for a total of \$1,364,920 and appropriate these sums for the following amounts and purposes indicated, or act on anything relative thereto:

Item / Project	Recommended
Council on Aging Programming (FC)	50,000
Drive-in Site Improvements (Unspent Articles)	62,649
Erosion Control (Unspent Articles)	47,551
Facility Mechanical System Repairs (FC)	50,000
Fiber Expansion & Remodeling at MacArthur School (FC)	50,000
Fire Station 1 Floor Sealing (FC)	48,900
Fire Station 2 Meeting Room Upgrades (FC)	19,000
Fire Station 2 Washing Machine Plumbing (FC)	7,000
Housing Inspector Intern (FC)	7,000

Library Facility (Unspent Articles)	11,416
Nursing Services Programs & Efforts (FC)	10,000
OSHA Training & Compliance (FC)	50,000
Problem Properties Cleanup (FC)	5,000
Re-permitting 10 yr Dredging/Nourishment Plan (FC)	110,000
Scanning (FC)	50,000
School Bond Anticipatory Note (FC)	282,026
Self Service Media Conference Rooms (FC)	15,000
Short Term Borrowing (FC)	75,000
Substance Abuse & Homelessness Efforts (FC and Unspent Articles)	44,378
Town-wide Visioning (FC)	20,000
Transfer to Other Post-Employment Benefits Liability (FC)	200,000
Tree Program (FC)	50,000
Vehicle and Equipment Maintenance (FC)	100,000
Total	1,364,920

EXPLANATION: This article provides one-time funding for the purposes listed above. This spending is from surplus or unspent funds and is not included in the operating or capital budgets. These one-time funding purposes do not increase the operating budget, nor do they require the hiring of additional staff.

Selectmen Recommend (5 - 0)
 Finance Committee Recommends (6 - 0) (Board of Selectmen)

ARTICLE #14: To see if the Town will vote to accept the provisions of Massachusetts General Laws MGL c. 41, sec. 111F, para. 4, to establish a Special Injury Leave Indemnity Fund for payment of injury leave compensation or medical bills, and further, to vote to transfer from Free Cash and appropriate \$225,000 to said Fund.

EXPLANATION: This article would establish a special fund to pay for line-of-duty injury costs for police officers and firefighters who are injured while on duty. These costs, which are currently budgeted for in the police and fire department operating budgets, are difficult to accurately gauge given the unknowable frequency of these cases. This fund would create a better mechanism to account for these cases while also supplementing the funds available to pay for them.

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

ARTICLE #15: To see if the Town will vote to raise, appropriate, or transfer from available funds a sum of funds to the Capital Stabilization Fund authorized by this Article, or to act on anything relative thereto.

EXPLANATION: This article sets aside funds for future or unforeseen capital needs and helps reduce the tax impact of large capital projects that typically require borrowing.

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

ARTICLE #16: To see if the Town will vote to raise, appropriate, or transfer from available funds for a total of \$1,100,000 to the Stabilization Fund authorized by this Article, or to act on anything relative thereto.

EXPLANATION: This article sets aside funds for the Town’s Stabilization Fund, which provides reserve funding for the Town in case of emergencies. This amount would bring the Town’s Stabilization Fund balance to \$4,293,787, or 5% of the Town’s operating budget. It is recommended that the Town have funds equal to 16% of the operating budget in stabilization reserves.

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

ARTICLE #17: To see if the Town will vote to raise and appropriate \$387,842 to fund the Tourism Revenue Preservation Fund as authorized by Chapter 338 of the Acts of 2006, or take any other action relative thereto.

EXPLANATION: The Tourism Revenue Preservation Fund was established by Special Legislation in 2006 and is funded by Rooms and Meals Tax receipts. Funding is overseen by the Community and Economic Development Committee and is used to stimulate the local tourism economy through physical improvements, marketing and special events.

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

ARTICLE #18: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE #19: To see if the Town will vote to amend the Town of Yarmouth General Bylaws in § 47-1 by amending the second sentence to read “The Spring Annual Town Meeting for the appropriation of money for Town purposes and all other matters that may properly come before it shall be held on the last Tuesday in April of each year.”

EXPLANATION: The purpose of this article is to change the annual town meeting to a weeknight rather than a Saturday. Feedback from residents and relatively low attendance on Saturday town meetings has demonstrated a need to change town meeting back to a weeknight.

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

ARTICLE #20: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE #21: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE #22: Wastewater Planning - CWMP

To see if the Town will vote to transfer from Free Cash and appropriate \$200,000 for wastewater planning and engineering services including, but not limited to: engineering studies for updating and modifying the Comprehensive Wastewater Management Plan and support for related filings with Massachusetts Environmental Policy Act and Cape Cod Commission.

EXPLANATION: This article would fund the continued engineering services and planning for the Town’s Wastewater Management Plan, as required by the Massachusetts Environmental Policy Act and Cape Cod Commission.

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

ARTICLE #23: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE 24: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE 25: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE 26: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE 27: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE 28: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE 29: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE 30: *ARTICLE WITHDRAWN*

Selectmen Recommend ()
Finance Committee Recommends () (Board of Selectmen)

ARTICLE 31: CPA FY20 Estimated Revenue

To see if the Town will vote to appropriate the following sums of money from the FY20 estimated annual revenues of the Yarmouth Community Preservation Act Fund as required by G.L. c.149, §298 of the Acts of 2004:

<u>Appropriation</u>	<u>FY20</u>
Community Housing Reserve	\$ 210,000
Historic Preservation Reserve	\$ 210,000
Open Space Reserve	\$ 210,000
Operating Expenses	\$ 98,000

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0) (Community Preservation Committee)

EXPLANATION: This article is a required housekeeping article that appears at every Annual Town Meeting. As required under the Community Preservation Act, a minimum of 10% of CPA revenues must be set aside for each of the following purposes: community housing, historic preservation, and open space. Additionally, 5% of the total revenue is set aside for operating expenses. The estimated FY20 total CPA revenues are \$2,053,422. This figure is based upon a FY20 estimated tax surcharge of \$1,866,747 and an estimated 10% State match of \$186,675.

ARTICLE 32: Municipal Affordable Housing Trust

To see if the Town will vote to transfer and appropriate for community housing purposes the sum of \$288,500 from the Community Preservation Act Fund Undesignated 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.

Requires 2/3rds Vote

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0) (Community Preservation Committee)

EXPLANATION: This annual article would provide \$288,500 in CPA funds for community housing projects supported by the Housing Trust. To date, the Trust has created 136 housing units, preserved 27 more, and supported another 30. Yarmouth now has 596 affordable housing units, which is approximately 5% of the Town’s year-round housing stock.

ARTICLE 33: CPA Affordable Housing Projects

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	Harwich Ecumenical Council for Housing, Inc.	To preserve homes with repairs for income-eligible homeowners	\$210,000 Housing Reserve; \$20,100 Undesignated Reserve	\$230,100
B	Hands of Hope	To provide financial assistance for low-income residents to afford rent so that they can avoid eviction and stay in their homes in Yarmouth	\$34,000 Undesignated Reserve	\$34,000
C	Friends or Relatives With Autism and Related Disabilities	To cooperate with the Towns of Dennis, Barnstable, Mashpee, and Chatham in constructing a home in Dennis for people with autism	\$120,260 Undesignated Reserve	\$120,260
TOTAL				\$ 384,360

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0)

(Community Preservation Committee)

EXPLANATION: Project A would provide \$230,100 in CPA funds for community housing projects with the Harwich Ecumenical Council for Housing to preserve homes for low-income residents with both financial and technical assistance. Project B would provide \$34,000 in CPA funds for housing projects with Hands of Hope to provide rental assistance for low-income residents so that they can avoid eviction and stay in their homes. Project C project would provide \$120,260 in CPA funds for the nonprofit Friends or Relatives with Autism and Related Disabilities (FORWARD) towards the construction of a fully supervised, support-base home in Dennis for people with Autism.

ARTICLE 34: CPA Historic Resource Projects

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	Historical Society of Old Yarmouth	To purchase a digital scanner for historical photographs archiving at the Historical Society of Old Yarmouth in Yarmouth Port	\$10,128 Historic Reserve	\$10,128
B	Yarmouth New Church Preservation Foundation	To restore the exterior and install interior climate control to permit year-round use of the Yarmouth New Church in Yarmouth Port	\$168,551 Historic Reserve	\$168,551
C	Community Development Department	To fund a design & engineering plan for the rehabilitation of the historic barn at Taylor Bray Farm in Yarmouth Port	\$50,000 Historic Reserve	\$50,000
TOTAL				\$228,679

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0)

(Community Preservation Committee)

EXPLANATION: Project A would provide \$10,128 in CPA funds to the Historical Society of Old Yarmouth to purchase a digital scanner and hire a part-time person for one year to scan a large backlog of historical photographs of Yarmouth into publically available archives. Project B would provide \$168,551 in CPA funds to the Yarmouth New Church, a meeting house in Yarmouth Port, for exterior restoration work and an interior climate control system that will permit year-round usage of the site for community events and aid in preserving the interior restoration work done with previous CPA grant funds. Project C would provide \$50,000 in CPA funds to produce the design and engineering requirements for rehabilitating the historic barn at Taylor Bray Farm.

ARTICLE 35: CPA Open Space Project

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise for conservation, open space and passive recreation purposes, for the general public, consistent with the provisions of Mass. Gen. Laws, ch. 40, §8C, 310 C.M.R. 22.00, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the land situated in the Town of Yarmouth, Massachusetts, consisting of two parcels of land located at 45 and 55 Starbuck Lane, and described as follows: 5.96 acres, more or less, together with all rights and easements and subject to rights and easements of record, the property located at 45 and 55 Starbuck Lane and identified on Assessor’s Map 115, Lot 91.1 and 91.2; the parcels are described in a deed recorded on March 9, 2006 in Book 20809, Page 2 at the Barnstable County Registry of Deeds; and to appropriate \$XXX from the Community Preservation Act Open Space Reserve, or

any other sum, for said acquisition and site improvements; pursuant to the provisions of ch. 149, §298 of Acts of 2004, as amended by c. 352, §129-133 of the Acts of 2004, the so-called Community Preservation Act; to authorize the Town Administrator to apply for, accept and expend any funds which may be provided by the Commonwealth or other public or private source to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, c. 132A, &11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; to authorize the Board of Selectmen to grant to a governmental agency or non-profit organization, for no consideration, a perpetual Conservation Restriction, pursuant to the provisions of General Laws, c. 184, §31 through §33, limiting the use of the property to the purpose for which it was acquired, to be recorded at the time of closing or within a reasonable amount of time thereafter; to authorize the Conservation Commission to assume the care, custody, control and management of the property; and to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to affect this purchase and obtain reimbursement of funding to be returned to the Community Preservation Act Fund, or to take any other action relative thereto.

Requires 2/3rds Vote

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0)

(Community Preservation Committee)

EXPLANATION: This article would provide CPA funds for acquisition of two vacant parcels of land in a critical location that would permit the maintenance of an important wildlife corridor and water protection area. The property is being sought to be acquired for conservation and open space purposes.

ARTICLE 36: CPA Recreation Projects

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	Department of Public Works	To fund a design and engineering plan for the Flax Pond Recreation Area located at 31 Dupont Ave. in South Yarmouth	\$200,000 Undesignated Reserve	\$200,000
B	Department of Public Works	To provide final funding for the Flax Pond Recreation Area Phase 3B pickle ball courts	\$100,000 Undesignated Reserve	\$100,000
TOTAL				\$300,000

Selectmen Recommend (5 - 0)
Finance Committee Recommends (5 - 0; \$70,000 for Item B)

(Community Preservation
Committee)

EXPLANATION: Project A would provide \$200,000 in CPA funds for final design and engineering of Flax Pond Recreation Area to plan the construction of tennis, volleyball, and basketball courts; a natural turf field; walkways; shade structures; and landscaping and storm water control. Project B would provide \$100,000 in CPA funds necessary to complete the project approved at last year's Town meeting to construct pickle ball courts at Flax Pond. After approval last year, bids went out to perform the work, but those bids came in higher than last year's estimated cost, due in part to the impact of higher tariffs on construction materials. The project is underway, but some important elements of the project had to be delayed until new funding could be obtained.

ARTICLE 37: CPA Recreation Project - Drive-In Site Riverwalk Park & Boardwalk Loop

To see if the Town will vote to transfer and appropriate \$2,200,000 from Community Preservation Act funds by transferring \$1,566,408 from the Community Preservation Act Fund Undesignated Reserve and \$633,592 from FY20 Anticipated Receipts for the design, permitting, and partial construction of the Riverwalk Park and Boardwalk Loop at the former Drive-In Site at 669 Rt. 28 in West Yarmouth dedicated to recreational purposes consistent with MGL Chapter 45 Section 3 (referenced at Book 4985 Page 181) and the Town-owned land to the south of the former Drive-In Site dedicated to Conservation and Recreational Purposes (referenced at Book 5742 Page 175); and to authorize the Town Administrator to file on behalf of the Town of Yarmouth any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or any other applications for funds in any way connected with the scope of this Article, and the Town Administrator and the Board of Selectmen be authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of all grants.

Selectmen Recommend (5 - 0)
Finance Committee Recommends (5 - 0)

(Community Preservation Committee)

EXPLANATION: This article would provide \$2,200,000 in CPA funds for the design, permitting, and partial construction of the Riverwalk Park and Boardwalk Loop at the former Drive-In property and Town-owned property to the south. Throughout 2017 and 2018, the Drive-In Site Utilization Committee conducted a detailed feasibility study for a Riverwalk Park at the former Drive-In property and a Boardwalk along the Town-owned parcels to the south. This study evaluated alternative concepts, amenities and materials; identified environmental resources and permitting requirements; developed project costs; and garnered public input. The recommendations made from the Feasibility/Concept Design Study include retaining the entire Drive-in property for recreational uses, establishing festivals and special events as a permanent use at the site, and moving forward with the Riverwalk Park Concept Plan and a looped Boardwalk that does not cross the marsh. To help move this project forward, this Article is requesting funding to design and permit the entire project, as well as providing approximately 25% of the estimated construction costs. These CPA funds can be utilized to help leverage other grant funding opportunities.

ARTICLE 38: CPA Project - Yankee Village “Re-Vote”

To see if the Town will vote to authorize use of land located at 275 Route 28, known as the Yankee Village, for recreational purposes consistent with MGL Chapter 45, Section 3 as required for receipt of funding through the Commonwealth’s Parkland Acquisitions and Renovations for Communities (PARC) Grant Program. Said land is further identified on Assessor’s Map 37, Lot 60. The parcel is described in a deed recorded on July 2, 1973 in Book 1889, Page 288 at the Barnstable County Registry of Deeds and was approved for acquisition by Article 22 at the May 5, 2018 Annual Town Meeting.

Requires 2/3rds Vote

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0)

(Community Preservation Committee)

EXPLANATION: Last year’s Town Meeting authorized CPA funding to acquire the property located at 275 Route 28, known as the Yankee Village Motel. This article provides the language necessary for the Town to secure \$400,000 in grant funding provided by the State’s PARC Grant program. This funding will be used to offset acquisition costs.

ARTICLE 39: To see if the Town will vote to amend certain provisions of Section 407 – Accessory Apartments by amending various sections of the Zoning Bylaw, as follows, or take any other action relative thereto:

1. Amend the Table of Contents, by replacing the text “407. *Accessory Apartments*” with new text “**407. Accessory Dwelling Units (formerly Accessory Apartments)**”.
2. Amend Section 104.3.5 – Other Adjoining Non-conforming Lots, Paragraph 3.D, by replacing the text “*apartments*” at the end of the sentence with new text “***accessory dwelling units***”.
3. Amend Section 202.5 - Use Regulation Table, by replacing the text “*A10 Accessory apartments*” with new text “***A10 Accessory dwelling units***”.
4. Amend Section 407 – Accessory Apartments, by replacing the text “*apartment*” with new text “***dwelling unit***”; replacing the text “*apartments*” with new text “***dwelling units***”; and replacing the text “*APARTMENTS*” with new text “***DWELLING UNITS***” throughout the entirety of Section 407.
5. Amend the Index, by replacing the text “*Apartments*” with new text “***Dwelling Units***” throughout the entirety of the Index.
6. Amend Section 407.1 – Purpose and Intent, last Paragraph, by replacing the text “*rents limited by State affordability guidelines*” with new text “***rent limitations***”.
7. Amend Section 407.2 – Standards and Requirements, by adding new text as shown:

407.2 Standards and Requirements. The Board of Appeals may authorize accessory *dwelling units* only by special permit, provided that the following standards and criteria are met. ***The Board of Appeals may alter or waive one or more of the requirements of Section 407 through a special permit if it finds that the alteration or waiver of the requirement(s) will not derogate from the intent of the bylaw.***

8. Amend Section 407.2 – Standards and Requirements, Paragraph 1, by adding new text as shown:

1. accessory *dwelling units* shall be complete and separate housekeeping units that function independently from a primary single-family dwelling unit. ***Kitchens shall include at a minimum a sink, microwave, stove with hood, and minimum 10 cubic foot refrigerator/freezer;***

9. Amend Section 407.2 – Standards and Requirements, Paragraph 3, by replacing the text “10,000” with new text “15,000” as shown:

3. the lot on which the accessory *dwelling unit* is located must have a minimum lot size of ***15,000*** square feet;

10. Amend Section 407.2 – Standards and Requirements, Paragraph 4, by adding new text as shown:

4. the accessory *dwelling unit* shall be designed so that the appearance of the building ***or detached accessory structure*** remains ***consistent with*** that of a one-family residence as much as is feasibly possible. To ascertain this, architectural plans may be required by the Board of Appeals;

11. Amend Section 407.2 – Standards and Requirements, Paragraph 7, by adding new text as shown:

7. an accessory *dwelling unit* shall be no ***smaller than 400 square feet and no*** larger than ***50% of the habitable floor area of the single family dwelling unit, or*** 800 square feet, ***whichever is less***, including all habitable space, closets, and storage;

12. Amend Section 407.2 – Standards and Requirements, Paragraph 9, by adding new text as shown:

9. the owners of the principal structure shall occupy, as their primary residence, either the principal dwelling unit or the accessory *dwelling unit*; if the owner intends to occupy the accessory *dwelling unit* rather than the principal structure, the principal structure will then be designated in the special permit as the “accessory *dwelling unit*”. ***The principal dwelling unit and the accessory dwelling unit may not be rented at the same time;***

13. Amend Section 407.2 – Standards and Requirements, by adding a new Paragraph 10 as shown:
 10. ***An accessory dwelling unit shall conform to all applicable State and local laws regulating new construction and new residential use including but not limited to the State Building Code and applicable plumbing, electrical, fire, health, septic and conservation regulations and bylaws.***
14. Amend Section 407.2.1 – Standards and Requirements specific to family-related accessory dwelling units, Paragraph 2, by adding new text as shown:
 2. all family-related ***dwelling units*** must be occupied by a family member related to the owner(s) by blood, marriage or law, ***or other long-term family-like relationship that is care giving or parental in nature which may be approved at the discretion of the Zoning Board of Appeals as part of the special permit.*** That relationship shall be certified every two years at the time of inspection by the Building Commissioner.
15. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 1, by deleting in its entirety and replacing with new text as shown:
 1. ***Maximum rents permitted. Affordable accessory dwelling units shall be rented for periods not less than one year. Maximum rent paid shall be equal to no more than the current Federal Fair Market Rents set annually by the US Department of Housing and Urban Development (HUD), as adjusted by bedroom size, and shall include all utilities as defined by HUD. If utilities are not included in the rent, a reduction in the Federal Fair Market Rents shall be made in accordance with the most current HUD specified Allowances for Tenant Furnished Utilities and other Services, adopted by the Yarmouth Housing Authority. At the time of application for a Special Permit, property owners are required to submit to the town, or the town’s agent, the lease or rental agreement for the dwelling unit showing the terms and rent to be charged. The property owners shall submit to the town, or the town’s agent, on an annual basis, the executed lease, rental agreement or renewal.***
16. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 2, by replacing the text “80” with new text “100”, replacing the text “low-income” with “***eligible***”, and adding new text as shown:
 2. Guidelines for income eligibility. All applicants for occupancy of an affordable accessory ***dwelling unit*** shall, at the time of initial rental application, ***and annually thereafter***, submit to the town, or to the town’s agent, all necessary documentation to confirm their eligibility for the unit. For the purpose of this ***section of the*** bylaw, ***eligible*** households shall be those having an income of no more than ***100%*** of the current Area Median Income (AMI) in the Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and assets meeting program guidelines.

17. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 3, by deleting in its entirety and replacing with new text as shown:
3. *Upon receiving a Special Permit for an affordable accessory dwelling unit, the owner(s) must file a Declaration of Covenants on the subject property at the Barnstable County Registry of Deeds. The Declaration of Covenants as an affordable rental unit shall state that the right to use an accessory dwelling unit may cease upon transfer of title. A time-stamped copy of the recorded Declaration of Covenants shall be provided to the Board of Appeals, the Building Division and the Board of Health.*
18. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 4, by deleting the text “*and a Affordable Housing Restriction*” in the first sentence.
19. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 5, by deleting the text “*and Affordable Housing Restriction*” and the text “*and in accordance with the Affordable Housing Restriction*”, and adding new text as shown:
5. The Special Permit *and* Declaration of Covenants for an affordable accessory *dwelling unit* may be terminated by the owner(s) provided the affordable accessory *dwelling unit* is removed and upon a satisfactory inspection of the Building Commissioner.
20. Amend Section 407.3.2 – Permit Procedure and Requirements for affordable accessory dwelling units, Paragraph 6, by deleting in its entirety.
21. Amend Section 407.5 – Amnesty, by deleting in its entirety and replacing with new text as shown:
- 407.5 Amnesty. (Deleted ATM 5/4/19)**
22. Amend Section 407 – Accessory Dwelling Units, by adding the following new paragraph 407.6 as shown:
- 407.6 Affordable Accessory Dwelling Unit Expiration: *The Affordable Accessory Dwelling Unit provisions of this bylaw shall sunset on May 4, 2024. Project proponents who have filed a complete Special Permit application by this date are eligible for an Affordable Accessory Dwelling Unit. Lawfully pre-existing Affordable Accessory Dwelling Units shall be governed by Section 104.3 of the Zoning Bylaw.***
23. Amend Section 500 – Definitions, by deleting the Definition for AFFORDABLE ACCESSORY APARTMENT in its entirety and replacing with new text as shown:

AFFORDABLE ACCESSORY DWELLING UNIT – A secondary, separate housekeeping unit of limited size, with its own sleeping, cooking and sanitary facilities, located within, attached to, or adjacent to a primary single-family dwelling unit. The maximum allowable rent for affordable accessory dwelling units shall be set per Section 407.

24. Amend Section 500 – Definitions for FAMILY-RELATED ACCESSORY APARTMENT, by replacing the text “*APARTMENT*” with “*DWELLING UNIT*”.

EXPLANATION: This Article amends the existing Accessory Apartment zoning bylaw to promote the creation of more rental housing opportunities while keeping measures in place to regulate their placement and ensure they meet building, health and safety codes. The bylaw remains restricted to one Family-Related or Affordable Accessory Dwelling Unit through a Special Permit, with the Planning Board loosening some restrictions on Affordable Dwelling Units to reduce cost and complexity, expand eligibility, and retain affordable rental standards. The amendment also expands the description of those qualifying for a family-related accessory unit to include other long-term family-like relationships that are caregiving or parental in nature. The Planning Board has balanced these changes with increases in minimum lots sizes; setting minimum unit sizes for livability; further limiting maximum unit sizes to keep the accessory unit proportional to the existing building and lot; and setting a five-year sunset clause on the Affordable Accessory Dwelling Units.

Requires 2/3rds Vote

Selectmen Recommend (5 - 0)

Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 40: To see if the Town will vote to modify the sign regulations 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 new text to the Definition for Electronic Message Center as shown:

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

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

LED (Light-Emitting-Diode): An electronic device that emits light when an electrical current is passed through it.

3. Amend Section 303.3.1 – Prohibited Signs, by replacing the text “*messaging*” with new text “***message***” and replacing the text “*(except for time, date, temperature)*” with new text “***(unless specifically stated otherwise)***” as shown:

303.3.1 Prohibited Signs. Pennants, balloons, aerially supported devices, electronic *message* centers (*unless specifically stated otherwise*), quills/feathers, or any other sign not specifically allowed, are prohibited in all districts.

4. Amend Section 303.3 – General Regulations, by adding the following new text after Paragraph 303.3.1 as shown, and renumbering the remaining paragraphs:

303.3.2 Electronic message centers: Signs allowed to display electronic messages are limited to the following uses and sizes only. All electronic messages must be contained within the allowed sign area.

1. **To denote the time, date or temperature, maximum character height of 12 inches and area of twelve (12) square feet. The electronic message shall be static except messages can change as needed to denote accurate time, date or temperature. The electronic message may also toggle between time, date and temperature at reasonable intervals that do not cause a flashing effect or result in traffic safety hazards.**
2. **Community Information Boards (CIBs) may include electronic messages. The maximum area of the electronic message is twenty-eight (28) square feet. The electronic message can change as needed to provide updated community information, and may include screen changes and scrolling.**
3. **Gas Station Pricing:**
 - a. **Free-standing signs for gas stations may include electronic messages for up to two gas prices with a maximum character height of twelve (12) inches and a maximum combined area of ten (10) square feet.**
 - b. **Gas pumps may have electronic messages on top of the pumps to denote gas prices only for up to four different gas types in a single row with a maximum character height of 8”.**
 - c. **The electronic messages shall be static except messages can change as needed to provide updated gas prices.**

5. Amend Section 303.3 – General Regulations, by amending the newly renumbered Paragraph 303.3.4 by deleting the text “*indicated date, time and/or temperature*” and adding new text as shown:

303.3.4 Movement or Moving Parts. No sign shall move, contain any moving parts, or give the appearance of motion due to flashing or intermittent light, except portions of a sign which *include electronic message centers per Section 303.3.2 and as limited thereby*.

6. Amend Section 303.4.1.3 – Real Estate Signs, by replacing the text “303.5.6” in the fourth sentence with new text “**303.5.4**”.
7. Amend Section 303.5.4 – Free Standing Signs, by adding the following new text after Paragraph 303.5.4.4 as shown, and renumbering the remaining paragraphs:

303.5.4.5 Drive-Through Menu Board: *Food service businesses that have a drive-through window, may have one additional single sided freestanding drive-through menu board of a maximum size of sixty-six (66) square feet, a maximum face height or width of ten (10) feet, and no part of the sign more than twelve (12) feet above the average grade at the sign location. All advertising or lettering shall be contained within the face of the sign. This sign shall be directed to drive-through traffic where the order is to be placed and shall be screened from view from the street.*

8. Amend Section 303.13 – Relief, by replacing the text “303.3.9” with new text “303.3.10”.

EXPLANATION: This Article allows for the use of automated electronic messages (LED lights) for portions of signs that include information that changes on a regular basis, specifically gas prices, Community Information Boards, and time, date and temperature signs. This Article also outlines dimensional and location requirements for drive-through menu boards for food service businesses which had been lacking from the Bylaw.

Requires 2/3rds Vote

Selectmen Recommend (5 - 0)

Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 41: To see if the Town will vote to amend Section 202.5 – Use Regulation Table of the Zoning Bylaw to modify certain provisions, as follows, or take any other action relative thereto:

1. Amend Section 202.5 – Use Regulation Table, by modifying Use N3 Theatrical productions, including bands, orchestras & entertainers, by replacing the text “BA” with new text “**BA⁵¹**” the B1 and B2 zoning districts.
2. Amend Section 202.5 – Use Regulation Table Footnotes, by adding new Footnote 51 as shown:

51. Except “Yes” for Use N3 – Theatrical productions, including bands, orchestras & entertainers, if accessory to an allowed or otherwise permitted use, and an Entertainment License per MGL Chapter 140, Section 183A has been issued by the Board of Selectmen through application to the Town Administrator’s office. This exception excludes any form of Adult Entertainment.

EXPLANATION: The Article eases the permitting process by eliminating the need for a special permit for outdoor entertainment such as music, dancing, or shows in our business districts if the entertainment is accessory to an allowed or permitted use and an entertainment license is obtained from the Board of Selectmen. As these accessory uses already go through a public hearing process for an entertainment license with the Board of Selectmen, this zoning amendment would eliminate the time and expense associated with a second public hearing on the same request.

Requires 2/3rds Vote

Selectmen Recommend (5 - 0)

Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 42: *ARTICLE WITHDRAWN*

Selectmen Recommend ()

Finance Committee Recommends ()

(Planning Board)

ARTICLE 43: 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 the Table of Contents, by adding new text “**304. Stormwater Management**”.
2. Amend the Zoning Bylaw by adding the following new Section 304 – STORMWATER MANAGEMENT, as shown:

304. STORMWATER MANAGEMENT

304.1 All applicable projects shall comply with the Town of Yarmouth Stormwater Management Regulations.

3. Amend Section 103.3.1 – Objectives, by adding the following new text after Paragraph 4 as shown, and renumbering the remaining paragraphs:

4. Drainage serving the site must comply with Section 304 – Stormwater Management.

4. Amend Section 301.4.1, by adding new text to the first paragraph as shown:

301.4.1 All required parking areas except those serving one and two family residences shall be paved with bituminous concrete or other suitable, hardened stable and durable material, unless exempted by the Site Plan Review Team for cases such as seasonal or periodic use where a proposed alternative surface will prevent dust, erosion or unsightly conditions. Drainage facilities for each parking area shall be designed and constructed to contain stormwater runoff on the premises **and comply with Section 304 – Stormwater Management**. No parking lot shall be illuminated in such a way that it causes glare for motorists, pedestrians or neighboring premises.

5. Amend Section 406.5.7 – Design and Operation Requirements, by adding new text at the end of Paragraph 4 as shown:

4. Drainage. All runoff from impervious surfaces shall be recharged on the site and diverted towards areas covered with vegetation for surface infiltration. Leaching basins shall be used only where other methods are not feasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants. Such traps shall be maintained (with records) on a regular basis. ***Drainage serving the site must also comply with Section 304 – Stormwater Management.***

6. Amend Section 414.6.1.1 – Table of Maximum Building Height within the VCOD, by adding new text to reference note “**B**” in the columns entitled, “*VC1(A)*”, “*VC2(A)*”, “*VC3(A)*”, and “*VC4(A)*”, as shown:

1. Table of Maximum Building Height within the VCOD

	<i>VC1(A) (B)</i>	<i>VC2(A)(B)</i>	<i>VC3(A) (B)</i>	<i>VC4(A) (B)</i>
0 – 50 feet from all lot lines	35 feet 3 stories	35 feet 3 stories	35 feet 3 stories	35 feet 3 stories
Beyond 50 feet from all lot lines	48 feet 4 stories	48 feet 4 stories	48 feet 4 stories	48 feet 4 stories

7. Amend Section 414.6.1.1 – Table of Maximum Building Height within the VCOD, by adding the following note after note (A) as shown:

(B) Height limitations shall not apply to ancillary features, such as chimneys, spires, cupolas, antennas, pediments, cornices, mechanical equipment or screening for mechanical equipment, railings, or other similar structures not intended for human occupancy. These ancillary features shall have a maximum height of 8’ above the maximum building height allowed.

8. Amend the Table of Contents, by replacing the text “*417. Temporary Moratorium On Marijuana Establishments Which Are Not Included In The Definition Of Medical Marijuana Treatment Centers*” with new text “***417. Deleted (ATM 05/04/19)***”.

9. Amend Section 417 – TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS WHICH ARE NOT INCLUDED IN THE DEFINITION OF MEDICAL MARIJUANA TREATMENT CENTERS, by deleting it in its entirety and replacing with new text as shown:

417 Deleted (ATM 05/04/19).

10. Amend Section 500 – Definitions, by deleting the definition for TEMPORARY OUTDOOR RECREATION in its entirety and replacing with new text as shown:

TEMPORARY OUTDOOR RECREATION – An outdoor municipal, cultural, educational, religious, social, charitable, or other program, occasion or activity including, but not limited to carnivals, festivals, special events, arts and craft fairs, car or boat shows, recreational activities, theatrical productions, or concerts, conducted on an intermittent basis. Temporary Outdoor Recreation does not apply to events that are considered accessory to an allowed use or business.

EXPLANATION: This Article includes miscellaneous and minor amendments to a variety of zoning bylaw sections by adding references to the existing Yarmouth Stormwater Management Regulations; modifying building height in the Village Centers Overlay District to exclude ancillary features such as chimneys and cupolas, or similar structures not meant for human occupation; deleting the reference to the Temporary Moratorium on Marijuana Establishments as these Establishments are now prohibited; and modifying the definition for Temporary Outdoor Recreation.

Requires 2/3rds Vote

Selectmen Recommend (5 - 0)

Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 44: To see if the Town will vote to amend the Town of Yarmouth General Bylaws by repealing Chapter 171 – Subdivision of Land, in its entirety, or take any other action relative thereto.

EXPLANATION: Subdivisions are regulated by the *Rules & Regulations Governing the Subdivision of Land* which were adopted by the Planning Board and periodically amended over the years through a Public Hearing. General Bylaw Chapter 171 – Subdivision of Land essentially replicates the Rules & Regulations without the amendments over the years. As the Planning Board is already authorized to create these Rules & Regulations per Mass General Law Chapter 41, Section 81Q, a General Bylaw is not needed. To avoid confusion with two sets of regulations and to retain flexibility in modifying the Rules & Regulations through a Public Hearing, this amendment repeals General Bylaw Chapter 171 – Subdivision of Land.

Selectmen Recommend (5 - 0)

Finance Committee Defers to Planning Board

(Planning Board)

ARTICLE 45: To see if the Town will vote to amend the Town of Yarmouth General Bylaws by deleting Chapter 145 – Stormwater Management, in its entirety, and replacing with a new Chapter 145 – Stormwater Management, which would amend the bylaw as follows, or take any other action relative thereto:

Chapter 145 STORMWATER MANAGEMENT

§ 145-1. Purpose.

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation is necessary and mandated by the U.S. Environmental Protection Agency, pursuant to the Clean Waters Act, for the protection of Yarmouth's water bodies and groundwater, and to safeguard the public health, safety, welfare, and the environment.

§ 145-2. Authority.

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

§ 145-3. Administration

The Yarmouth Conservation Commission (Commission) shall administer, implement and enforce this bylaw. Any powers granted to, or duties imposed upon, the Commission may be delegated in writing by the Commission to any Town employees, board, commission, committee or agent, hereby known as the "Authorized Agent." The Department of Municipal Inspections shall serve as an Authorized Agent for enforcement.

§ 145-4. Regulations.

The Commission shall adopt and, from time-to-time, amend Stormwater Management Regulations, which shall outline minimum construction and post construction site runoff control measures, regulate illicit connections and discharges, and other matters consistent with the intent and purpose of this bylaw. Such regulations shall be adopted and amended by the Yarmouth Conservation Commission pursuant to MGL c. 40, § 8C, at public hearings pursuant to MGL c. 30A, §§ 18 through 25 (the Open Meeting Law).

§ 145-5. Applicability

No person may undertake a construction activity, including clearing, grading, excavation or redevelopment that will disturb an area equal to or greater than thresholds outlined in the Town of Yarmouth Stormwater Management Regulations (Regulations) without written approval or a permit from the Commission or as otherwise provided in this bylaw.

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the Municipal Separate Storm Sewer Systems (MS4), or into any waters as defined in the Regulations.

No person shall construct, use, allow, maintain or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4.

§ 145-6. Procedures

Permit procedures and requirements shall be defined and enumerated in the rules and regulations promulgated pursuant to § 145-4 of this bylaw.

§ 145-7. Enforcement

The Commission and/or Department of Municipal Inspections shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

A. Civil Relief. If a person violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, the Commission and/or Department of Municipal Inspections may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders. If the Commission and/or Department of Municipal Inspections determines that a person's failure to follow the requirements of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, is creating an adverse impact to a water resource or the MS4 system, then the Commission and/or Department of Municipal Inspections may issue a written order to the person to remediate the adverse impact, which may include, but is not limited to:

- (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw, regulations and/or provisions of the Stormwater Management Permit or order;
- (2) Maintenance, installation or performance of additional erosion and sediment control measures;
- (3) Monitoring, analyses, and reporting;
- (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and
- (5) A requirement to eliminate discharges, directly or indirectly, into the MS4, a watercourse or into any waters as defined in the Regulations.

C. If the Commission and/or Department of Municipal Inspections determines that abatement or remediation of pollutant is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written objection to the amount or basis of costs with the Commission and/or Department of Municipal Inspections within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file an objection or within thirty (30) days following a decision of the Commission and/or Department of Municipal Inspections affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a lien against the property. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL Chapter 59, §57 after the thirtieth (30th) day at which the costs first become due.

D. Criminal and Civil Penalties. Any person who violates any provision of this bylaw, regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine for each day such violation occurs or continues. The fine may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.

E. Non-criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in MGL c. 40, § 21D, in which case the Commission and/or Department of Municipal Inspections shall be the enforcing person.

F. Penalties. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

G. Entry to Perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission and/or Department of Municipal Inspections, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Commission and/or Department of Municipal Inspections deems reasonably necessary.

H. Appeals. Any person aggrieved by the decision pursuant to this bylaw may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Massachusetts.

I. Remedies Not Exclusive. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

EXPLANATION: General Bylaw Chapter 145 authorizes the Conservation Commission to create and amend the Town of Yarmouth Stormwater Management Regulations. This amendment is meant to facilitate future changes to the Stormwater Regulations to meet Municipal Separate Storm Sewer Systems or MS4 permit requirements. The amendment moves certain provisions from the Stormwater Regulations to the General Bylaw to strengthen authority; allows for other Boards and Committees besides the Conservation Commission to administer, implement and enforce the Bylaw; specifically adds the Department of Municipal Inspections as an enforcement agent and includes criminal and non-criminal penalty options.

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0)

(Board of Selectmen)

ARTICLE 46: Establish a Beach Capital Improvement Fund

To see if the Town will establish Chapter 82 of the Town's General Bylaws, a Beach Capital Improvement Fund, as follows, or take any other action relative thereto:

Chapter 82. AN ACT AUTHORIZING THE TOWN OF YARMOUTH TO ESTABLISH A BEACH CAPITAL IMPROVEMENTS FUND

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding section 53 of Chapter 44 of the General Laws or any other general or special law to the contrary, there shall be a special fund in the Town of Yarmouth to be known as the Beach Capital Improvement Fund. There shall be deposited into the fund, without further appropriation, a portion of fees collected from the sale of beach daily parking stickers. Appropriations from the fund in excess of \$20,000 shall be made by Town Meeting with the recommendation of the Recreation Commission of the Town of Yarmouth for beach-related capital improvements. Appropriations from the fund up to \$20,000 shall be made by the Board of Selectmen or their designee for beach-related capital improvements.

SECTION 2. Twenty percent of the fee collected from the sale of a beach daily parking sticker shall be deposited in the Beach Capital Improvement Fund. Thereafter, the Board of Selectmen of the Town of Yarmouth may, increase or decrease the portion of the beach parking sticker fee that shall be deposited into the fund, provided that such portion shall not exceed 50% of the beach parking sticker fee.

SECTION 3. The Beach Capital Improvement Fund shall be maintained by the Town Treasurer as a separate account, subject to any applicable provisions of Chapter 44 of the General Laws and any interest earned thereon shall be credited to and become part of the separate account.

SECTION 4. This act shall take effect upon its passage.

EXPLANATION: A portion of the beach sticker revenue is to be set aside to fund beach infrastructure and maintenance expenses.

Selectmen Recommend (5 - 0)

Finance Committee Recommends (5 - 0)

(Board of Selectmen)

ARTICLE 47: Annual Golf Fee Increases

To see if the Town will approve, pursuant to Chapter 96 of the Town's General Bylaws, increases in the annual golf memberships in an amount greater than 5% as follows, or take any other action relative thereto.

- 1) Increase the current base fee for the 2020 Annual Membership from \$892 to \$1150
- 2) Increase the current base fee for the 2020 Under 35 and Over 80 Membership from \$535 to \$725

EXPLANATION: The Golf Enterprise Committee has determined that the current rates established for Yarmouth Golf will not generate sufficient revenues to make the courses sustainable. They need to be raised in order to keep the courses self-sustaining.

Selectmen Recommend (4 - 0)

Finance Committee Recommends (5 - 0)

(Board of Selectmen)

ARTICLE 48: *ARTICLE WITHDRAWN*

Selectmen Recommend ()

Finance Committee Recommends ()

(Board of Selectmen)

ARTICLE 49: To see if the Town will vote to adopt the following as a general bylaw and to insert it into the Code of the Town of Yarmouth as Chapter 135, § 135-1:

The procurement by the Town of Yarmouth of either water or any other beverage in plastic containers of any size is prohibited, and the dispensing of water or any beverage in plastic containers is prohibited on Town property,

Or to take any other action relative thereto.

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

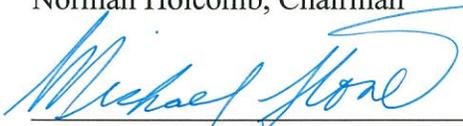
(Petitioner)

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.

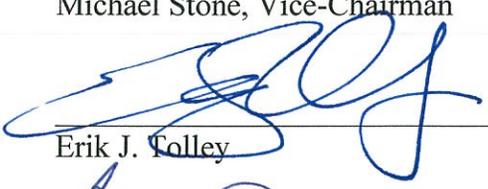
Hereof, fail not, and make return of this Warrant with your doings thereon at the time place of said meeting. Given under our hands and the seal of the Town of Yarmouth, hereto affixed this 26th of March 2019.



Norman Holcomb, Chairman



Michael Stone, Vice-Chairman



Erik J. Tolley



Tracy Post



Mark Forest

Town of Yarmouth Board of Selectmen

