

**Truro Select Board Meeting  
Tuesday, February 12, 2019  
Truro Town Hall Selectmen's Chambers**

**Select Board Members Present:** Chair Robert Weinstein; Maureen Burgess, Kristen Reed, Paul Wisotzky, Janet Worthington

**Present:** Town Manager Rae Ann Palmer; Assistant Town Manager Kelly Sullivan-Clark

Chair Robert Weinstein called meeting to order at 5:00 p.m.

**PUBLIC HEARINGS**

Chair Robert Weinstein opened the public hearing.

***Eversource Petition for One Fisher Rd.***

Eversource Energy had sent a petition to install one pole (#21/.5) approximately 35 feet of conduit/cable, and a guy/anchor on Fisher Rd. to provide electric service to the customer at One Fisher Road.

Jack Riemer of 7 Fisher Rd. came forward as an abutter of One Fisher Rd. He recommended approval. Robin Reid, attorney for the owners of One Fisher Rd. recommended approval of the petition.

Maureen Burgess moved to approve the petition by Eversource Energy to install one pole and guy/anchor on Fisher Road. Janet Worthington seconded, and the motion carried 5-0.

***Eversource Petition for 7 Fisher Road***

Eversource Energy had sent another petition to install approximately 35 feet of conduit/cable and one handhole (labeled 21/H3) on Fisher Rd to provide electric service to the customer at 7 Fisher Rd.

Jack Riemer asked that the Selectmen act in support of the petition for 7 Fisher Rd.

Kristen Reed moved to approve the petition by Eversource Energy to install 35 feet of conduit/cable and one handhole on Fisher Road. Paul Wisotzky seconded, and the motion carried 5-0.

***License for Avenue D at 14 Center Rd., Unit D***

Counsel recommended postponing an application for New Seasonal On-premises Pouring Wine and Malt with Cordials/Liquors and Common Victualer Licenses for Ave D. Rosenthal, Avenue D., Inc., dba Avenue D, at 14 Truro Center Road, Unit D. The Town's land use attorney needs to do further review of the application. Postponement will not hinder the applicant.

Paul Wisotzky moved to continue the hearing until February 26, 2019 at 5 p.m. Janet Worthington seconded, and the motion carried 4-0-1.

**BOARD OF SELECTMEN ACTION**

***Fiscal Year 20 Budget***

Town Manager Rae Ann Palmer requested that the Fiscal Year 2020 Budget be postponed until it has complete information and after a work session. Ms. Palmer suggested holding the work session as a joint meeting with the Finance Committee. Monday, February 25, 2019 at 2 p.m. was the best possible time.



***Municipal Vulnerability Preparedness***

Health and Conservation Agent Emily Beebe provided an invitation to the initial Vulnerability Preparedness Session to be held Tuesday, March 12, 2019 from 8 a.m. to 4 p.m. She explained the Municipal Vulnerability Preparedness (MVP) effort, which had been awarded a \$15,000 grant with the Town of Wellfleet. The all-day workshop, presented with Wellfleet, will be held at Wellfleet Preservation Hall. The event will be facilitated by the Cape Cod Commission. Pre-registration is available on the Town website. At least one member of the Board of Selectmen is urged to attend.

***Short-term Rental Tax***

Rae Ann Palmer and Town Counsel John Giorgio reviewed the new legislation G.L. c. 64G, § 3A for short-term rental tax and identified decisions the Town could make. The 4% short-term rental tax and the additional 2.75 % tax for the Cape and Islands Water Protection Fund now apply. Since Truro has already accepted G.L. c. 64G, § 3A and set a rate at 4%, no further action is required for the tax on short-term rentals. If desired, Truro may choose to raise the rate to not more than 6% through a new Town Meeting vote. The Department of Revenue has said the Town is not to increase the revenue beyond this. The law allows the Town to assess a community impact fee of up to 3% that is paid directly to the Town. Attorney Giorgio said that Cape communities have not chosen to approve impact fees. The Commonwealth is responsible for a registry of short-term rentals and for the collection and distribution of funds to municipalities, so planning a Stabilization Fund for the revenue to the Town and establishing the rental registration are the matters that need to be determined.

Attorney Giorgio gave details of the new law. A short-term rental is an occupied property that is not a hotel, motel, lodging house or bed and breakfast, where at least one room or unit is rented out by an operator through the use of advance reservations. The law applies to short-term home rentals of 31 days or less. Rentals less than 14 days are not subject to the tax. The law takes effect 90 days after it is enacted, which occurs in March. The rental tax period begins on July 1, 2019, based on reservations made on or after January 1, 2019. Revenue from the tax, when it is distributed, goes into the General Fund of Truro's Budget. That is available to balance the budget, and anything that is not spent would devolve to Free Cash. If Truro chooses to increase the tax from 4% to 6 %, it would have to be approved at Town Meeting and could go into effect on July 1, 2019. However, Attorney Giorgio recommended proceeding with the 4 % that is already in place.

The Cape and Islands Water Protection Fund, or 208 Area Plan, includes all Cape towns. The 2.75% is assessed for all transfers of occupancy of all rentals, not just the short-term rentals. It's remitted to the Commonwealth, which will put it into the special fund for water protection. Each Cape town will have a representative to a board to handle the fund. The Selectmen will need to appoint a representative to this board whose function will be to make equitable distributions based on the contribution by each town. This comes through a State Revolving Fund (SRF), a low-interest loan program to towns with wastewater projects. Mostly it is used for sewer treatment plants, but any plan for reducing nutrients in bodies of water makes a town eligible. There is a process from withdrawing from the Water Protection Fund, but it wouldn't be possible to do so until March 28, 2020. If a town has an existing grant, it will not be eligible for a grant or loan for two years. The board may spend up to 10% on administration.

The law G.L. c. 64G, § 3D(b) allows the Town to assess a community impact fee of up to 3% that is paid directly to the Town. The tax applies to the total amount of rent for each transfer of occupancy of a professionally managed unit. If the Town adopts the community impact fee, 35% of the revenue is to be set aside for affordable housing or infrastructure projects. A second provision allows for the 3%



community impact fee to be applied upon each transfer of occupancy of a short-term rental that is located within a two-family or three-family dwelling that includes the operator's primary residence. The same requirement for payment directly to the Town and dedicating no less than 35% to affordable housing or local infrastructure projects apply.

There is another option that is available for dedicating the short-term rental tax to a particular fund. It can be directed to a general stabilization fund or a special purpose stabilization fund. At least 20% must be allocated to the dedicated fund with a commitment of three fiscal years. The money can only be accessed by a 2/3rds vote at Town Meeting. An Affordable Housing Fund is one possibility for a dedicated fund. Provincetown decided to dedicate percentages for a number of functions: Capital Improvement, Tourism, Visitors Services, Wastewater, and the General Fund. Sandwich has a similar plan. Advantages include the availability of the money for appropriation by a majority vote at Town Meeting and the ability to split the 20% into smaller percentages for several different purposes. A disadvantage is having to go through the petition process again.

Attorney Giorgio suggested waiting until to see exactly how much money Truro receives before making any decisions on setting up percentages. He recommended caution on dedicated percentages because the Operating Budget needs to be funded. The state will be creating the registry for rentals, so he also recommended caution in establishing a local registry to avoid risk of any possible litigation. Selectmen agreed upon the cautious approach. Nothing needs to be done at this time.

Rae Ann Palmer discussed the local rental registration program, which helps determine who is eligible for beach stickers and transfer station permits. Taking into consideration the 4 % and 2.75% in place, she asked if the \$200 registration program fee might be dropped as too much of a burden. Ms. Palmer said that the rental registration fee was in the General Bylaws, where it would remain, but the fee amount could be reduced or eliminated. Richard Wood, Finance Committee Vice-chair, indicated he was not averse to keeping the \$200 fee. Ms. Palmer suggested deferring a decision on the rental registration fee until she and the Assistant Town Manager had consulted with the Beach Director and DPW Director.

Kristen Reed recommended the Mass.gov website as a source of more information on the short-term rental tax.

#### ***Joint Representation for Comcast Negotiations***

Rae Ann Palmer explained that Truro needed to have a community process to work with the towns of Brewster, Wellfleet and Eastham and enter into joint negotiations with Comcast. Chair Weinstein expressed his interest in joining forces with the other towns and improving Internet coverage in the community. He discussed potential legislation favoring Comcast that could be detrimental to the towns IT services.

Paul Wisotzky moved to approve consent for joint representation for Comcast contract negotiations with KP Law on behalf of the towns of Truro, Brewster, Wellfleet and Eastham and to authorize the Chair to sign. Kristen Reed seconded, and the motion carried 5-0.

#### ***Amendment to Accessory Dwelling Unit Bylaw***

Paul Wisotzky said one of the Selectmen's *Goals and Objectives* had been to make the Accessory Dwelling Unit (ADU) bylaw more helpful and making creation of an accessory dwelling unit "by right." He, Chris Lucy, Carl Brotman and the Town Manager had worked to improve the bylaw approved at last year's Annual Town Meeting with a goal of getting the amendments to voters at Annual Town Meeting



2019. The next step is referring the amended bylaw to the Planning Board for a public hearing to get more input from the citizens. Maureen Burgess and Janet Worthington expressed their concerns about the process and the current state of the amended bylaw. Paul Wisotzky and Robert Weinstein said the Selectmen have referred other imperfect bylaws to the Planning Board for a public hearing. Jack Riemer, clerk for the Planning Board, said one thing that had been overlooked was holding a joint meeting of the Planning Board and Board of Selectmen. Rae Ann Palmer suggested tabling action and putting the matter on the work session agenda. She said there were parts of the bylaw that she was not totally comfortable with either. Ms. Palmer also said that Chris Lucy had requested that any decision be deferred to another meeting when he could be present.

Paul Wisotzky moved to table the issue. Janet Worthington seconded, and the motion carried 5-0.

### **CONSENT AGENDA**

- A. Review/Approve and Authorize Signature:
  - 1. Agreement for Custom Pierce Freighliner with Minuteman Fire and Rescue Apparatus, Inc.
  - 2. Cooperative Agreement between Barnstable County and Town of Truro (Pamet Harbor Basin Dredging)
  - 3. Review and Approve Letter of Support for the FY19 Community Development Block Grant Proposal and Authorize the Chair to sign
- B. Review and Approve Temporary Population Estimate for the Alcohol Beverages Control Commission
- C. Review and Approve Board of Selectmen Minutes: January 14, 2019 Budget Task Force

Paul Wisotzky moved to approve the Consent Agenda as printed. Maureen Burgess seconded, and the motion carried 5-0 with Paul Wisotzky abstaining from the minutes.

### **SELECTMEN REPORTS & TOWN MANAGER'S REPORT**

Janet Worthington gave updates from a Shellfish meeting on new seed for mussels, soft shelled clams and a possible grant. She suggested that the Shellfish Committee come to a future Selectmen's meeting.

Paul Wisotzky had met with the Local Comprehensive Plan Committee. A new and improved regional policy plan has been published by Cape Cod Commission. CPC had made recommendations for the FY20 grants, he said. He, along with the Housing Authority, an attorney, Robert Weinstein and Rae Ann Palmer had met with Ted Malone, the chosen developer for the Cloverleaf Property. They agreed on the need for an ongoing group to shepherd the Cloverleaf project. The group would be similar to the one that chose the developer and consist of two Selectmen, two Housing representatives, the Town Manager, and the attorney. Mr. Wisotzky said Truro Connections will be doing an Affordable Housing follow-up presentation this year. He recommended the Annual State of the Town talk by Rae Ann Palmer to be given on February 13, 2019.

Maureen Burgess said the Disabilities Commission had helped prepare the draft Truro Police Emergency Medical Information File, meant to be useful in cases of lost children with special needs or adults with Alzheimer's. The Disabilities Commission is collecting more data to be voluntarily submitted. The Board of Health discussed the File for Life, a resource that the Lower Cape Ambulance will be able to access. She, Robert Weinstein and Rae Ann Palmer have begun the process for the Host Community Agreement with the High Dune Cannabis Cooperative, she said.



Kristen Reed recounted her experience of attending the Mass Municipal Association workshops held in Boston.

Robert Weinstein listed the meetings he had attended: a presentation by an Australian company whose shark mitigation system identifies sharks using algorithms gathered from buoys; the beginning of negotiations with Comcast; a Chapter 40B Comprehensive Permits meeting in Chatham; and a meeting with Ted Malone and the architect, who had tweaked some of the design for the Cloverleaf Property which might now have 42 units.

Rae Ann Palmer had also been at the sonar buoy presentation. She said a drawback is that they would have to be installed each year. There is a grant money for Truro to participate with the other towns in a shark study conducted by Woods Hole Oceanographic Institute. She attended a meeting hosted by Open Cape Centerline, a business that would provide telephone poles hard wired with fiber at the beaches. Call boxes, as well, would have to be fiber, not satellite. Robert Weinstein recalled that there is an abandoned coil of fiber optic at the end of North Pamet Rd. There will be a demonstration on March 2, 2019 by another company that provides a satellite communication system, suitable for the beaches. Ms. Palmer said dredging will commence with the approach to the harbor. Dredging the basin is anticipated in May. She thanked Assistant Town Manager Kelly Clark for working on the new scheduling process for the dredging project.

Fire Chief Tim Collins reported on progress on the Stop the Bleed program, which he is planning with the Town Manager. Janet Worthington suggested that he do a demonstration session with the Board of Selectmen first. He explained more about the importance of the File for Life.

Maureen Burgess reported on the new Swap Shop at the Transfer Station. Rae Ann Palmer said the building is up, but no one is allowed inside until the wiring is completed. Insulation, sheet rock and shelving need to be installed before it is ready for use.

#### **NEXT MEETING AGENDA**

Rae Ann Palmer gave an agenda for the February 26, 2019 meeting: an Eversource permit for 123 Shore Rd., the continued public hearing for Ave D, a candidate for the Conservation Commission, Selectmen's Goals & Objectives, union negotiations, the Cloverleaf Property, bike events, the Warrant Article list, a Conservation Restriction for 4 Pond Village Ave., and the report on Executive Session votes.


#### **VOTES FROM EXECUTIVE SESSION**

Chair Weinstein reported on the votes from the Executive Session held prior to the regular meeting. The Selectmen voted to accept the terms of a contract for the Town Manager and made changes to the residency provisions in the Police Chief's job description.

#### **ADJOURNMENT**

Paul Wisotzky moved to adjourn. Kristen Reed seconded, and the motion carried 5-0. The meeting was adjourned at 7:34 p.m.

Respectfully submitted,

  
Mary Rogers, Secretary





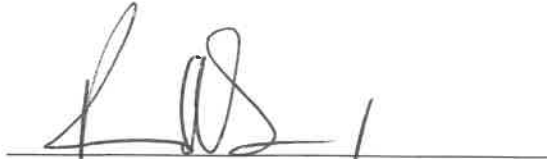
Robert Weinstein, Chair



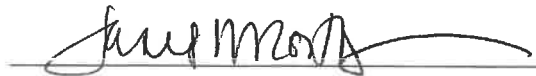
Maureen Burgess, Vice-chair



Kristen Reed



Paul Wisotzky



Janet Worthington, Clerk

**Public Records Material of 2/12/19**

1. Eversource Energy applications for One and 7 Fisher Rd.
2. Public announcement materials for Community Resilience Building
3. January 8, 2019 KP Law memo on Short-Term Rental Legislation
4. MMA presentation, *New Municipal Tax & Finance Legislation*
5. Consent agreement for joint representation for Comcast contract negotiations with KP Law on behalf of the towns of Truro, Brewster, Wellfleet and Eastham
6. Amended Accessory Dwelling Unit Bylaw
7. Agreement for Custom Pierce Freighliner with Minuteman Fire and Rescue Apparatus, Inc.
8. Cooperative Agreement between Barnstable County and Town of Truro (Pamet Harbor Basin Dredging)
9. Letter of Support for the FY19 Community Development Block Grant Proposal and Authorize the Chair to sign
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