

**TOWN OF BREWSTER
ANNUAL TOWN MEETING WARRANT
MAY 11TH, 2024**

Barnstable, ss

To: Roland W. Bassett, Jr.
Constable of the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and inform the Town of Brewster inhabitants qualified to vote in Town affairs to meet in the Cafetorium at the Stony Brook Elementary School, 384 Underpass Road, on **Saturday, May 11, 2024**, next, at 1 p.m. o'clock in the afternoon, then and there to act upon the following articles:

OUTSTANDING OBLIGATIONS

ARTICLE NO. 1: To see what sums the Town will vote to appropriate from available funds for the payment of unpaid obligations from previous fiscal years, including any bills now on overdraft:

	<i>Department</i>	<i>Outstanding Obligations</i>	<i>Amount</i>
a.	Golf Department	Columbia Laboratories	\$615.00
		Total	\$615.00

or to take any other action relative thereto.

(Select Board)

(Four-Fifths Vote Required)

BUDGETARY TRANSFERS

ARTICLE NO. 2: To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2024 General Fund operating budget from other line items of said budget and from other available funds:

	<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
a.	Ambulance Receipts	Fire Department Overtime	\$150,000
		Total	\$150,000

or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

CAPE COD REGIONAL TECHNICAL HIGH SCHOOL OPERATING BUDGET

ARTICLE NO. 3: To see what sums the Town will vote to raise and appropriate and/or transfer from available funds to defray Cape Cod Regional Technical High School charges and expenses for the Fiscal Year ending June 30, 2025, as follows:

<u>DEPARTMENT</u>	<u>EXPENDED FY2023</u>	<u>APPROPRIATED FY2024</u>	<u>REQUESTED FY2025</u>
CAPE COD TECH ASSESSMENT	963,235	992,867	1,025,821
DEBT ASSESSMENT	549,461	471,498	441,653
TOTAL ASSESSMENT	1,512,696	1,464,365	1,467,474

or to take any other action relative thereto.

(Cape Cod Technical School Committee)

(Majority Vote Required)

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ELEMENTARY SCHOOLS BUDGET

ARTICLE NO. 4: To see what sums the Town will vote to raise and appropriate and/or transfer from available funds to defray the Elementary Schools' charges and expenses, for the Fiscal Year ending June 30, 2025, as follows:

<u>DEPARTMENT</u>	<u>EXPENDED FY2023</u>	<u>APPROPRIATED FY2024</u>	<u>REQUESTED FY2025</u>
ELEMENTARY SCHOOL BUDGET	8,191,674	8,474,932	9,187,442
SCHOOL FRINGE BENEFITS	2,114,070	2,280,746	2,531,631
TOTAL ELEMENTARY SCHOOL BUDGET (ARTICLE 4)	10,305,744	10,755,678	11,719,073
ELEMENTARY SCHOOL BUDGET OVERRIDE (ARTICLE 5)	0	316,878	758,091
TOTAL ELEMENTARY SCHOOL BUDGET (ARTICLES 4 + 5)	10,305,744	11,072,556	12,477,164

or to take any other action relative thereto.

(Elementary School Committee)

(Majority Vote Required)

ELEMENTARY SCHOOLS OPERATING OVERRIDE

ARTICLE NO. 5: To see if the Town will vote to raise and appropriate the sum of \$758,091 to defray the Elementary Schools' charges and expenses, for the Fiscal Year ending June 30, 2025, provided however that such appropriation shall be expressly contingent upon approval by the Town at a Regular or Special Election to authorize such sums to be raised outside the limits of General Laws Chapter 59 Section 21C, Paragraphs (g) and (m) (Proposition 2½ so called), or to take any other action relative thereto.

(Elementary School Committee)

(Majority Vote Required)

NAUSET REGIONAL SCHOOLS OPERATING BUDGET

ARTICLE NO. 6: To see what sums the Town will vote to raise and appropriate and/or transfer from available funds to defray the Nauset Regional School District charges and expenses for the Fiscal Year ending June 30, 2025, as follows:

<u>DEPARTMENT</u>	<u>EXPENDED FY2023</u>	<u>APPROPRIATED FY2024</u>	<u>REQUESTED FY2025</u>
NAUSET OPERATING ASSESSMENT	12,222,619	12,711,524	13,526,296
NAUSET DEBT ASSESSMENT	139,228	2,194,957	3,492,908
TOTAL NAUSET ASSESSMENT (ARTICLE 6)	12,361,847	14,906,481	17,019,204
NAUSET OVERRIDE	0	647,720	0
TOTAL NAUSET ASSESSMENT	12,361,847	15,554,201	17,019,204

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or to take any other action relative thereto.

(Nauset Regional School Committee)

(Majority Vote Required)

TOWN OPERATING BUDGET

ARTICLE NO. 7: To see what sums the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, for the purposes of supporting the offices, departments, boards, and commissions of the Town of Brewster for Fiscal Year 2025, including authorization for lease purchases of up to five years, as follows:

	EXPENDED	APPROPRIATED	REQUESTED
<u>DEPARTMENT</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
<u>GENERAL GOVERNMENT</u>			
Finance Committee	19,329	105,500	105,500
Assessors	146,594	161,716	175,464
Accounting	240,171	258,426	276,889
Treasurer/ Collector	333,755	367,127	388,608
Information Technology	405,368	438,384	459,000
Legal	82,982	172,026	135,300
Moderator	300	300	300
Planning	206,045	218,325	237,312
Select Board / Town Administration	537,071	613,872	664,687
Human Resources	150,887	175,766	196,636
Town Clerk	232,527	254,921	275,930
Public Buildings	278,830	295,125	360,077
<u>SUBTOTAL GENERAL GOVERNMENT</u>	2,633,859	3,061,488	3,275,703
<u>PUBLIC SAFETY</u>			
Building Department	392,540	431,967	466,334
Fire Department	3,130,647	3,273,347	3,403,173
Emergency Management	0	2,500	2,500
Natural Resources	460,763	515,732	546,710
Police Department	2,991,215	3,101,642	3,425,671
Sealer of Weights & Measures	9,691	9,934	10,234
<u>SUBTOTAL PUBLIC SAFETY</u>	6,984,856	7,335,122	7,854,622
<u>PUBLIC WORKS</u>			
Public Works	2,017,822	2,280,016	2,521,255
Snow & Ice Removal	83,870	173,410	178,616
Streetlights	2,627	5,515	5,515
<u>SUBTOTAL PUBLIC WORKS</u>	2,104,319	2,458,941	2,705,386

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	EXPENDED	APPROPRIATED	REQUESTED
<u>DEPARTMENT</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
<u>HUMAN SERVICES</u>			
Council on Aging	375,475	392,572	433,401
Board of Health	257,837	315,248	337,437
Veteran's Services	82,140	101,693	106,205
Public Assistance	136,950	146,070	159,481
<u>SUBTOTAL HUMAN SERVICES</u>	852,402	955,583	1,036,524
<u>CULTURE & RECREATION</u>			
Brewster Ladies Library	711,558	765,424	825,586
Recreation	223,912	254,337	300,041
Parades & Events	0	1,500	5,000
<u>SUBTOTAL CULTURE & RECREATION</u>	935,470	1,021,261	1,130,627
<u>DEBT SERVICE</u>			
Principal & Interest	3,312,197	2,957,645	2,855,581
<u>SUBTOTAL DEBT SERVICE</u>	3,312,197	2,957,645	2,855,581
<u>INSURANCE, UTILITIES & FRINGE BENEFITS</u>			
General Insurance	434,960	561,201	589,264
Utilities	495,726	538,784	629,113
Fringe Benefits	4,154,606	5,169,307	5,149,166
<u>SUBTOTAL INSURANCE & FRINGE</u>	5,085,292	6,269,292	6,367,543
<u>OTHER OPERATING EXPENSES & ASSESSMENTS</u>			
Assessments	29,271	31,467	33,891
Alewives	3,300	4,350	4,350
Local Service Funding	40,000	48,000	50,500
Transfer to Capital Stabilization	187,500	250,000	262,500
Transfer to General Stabilization	0	0	0
Transfer to Housing Trust	375,000	500,000	525,000
Transfer to OPEB Trust	267,000	267,000	264,000
Transfer to Brewster Elementary Schools SPED Stabilization	100,000	0	0
Transfer to Water Quality Capital Stabilization	112,500	150,000	157,500
<u>SUBTOTAL OTHER OPERATING EXPENSE & ASSESSMENTS</u>	1,114,571	1,250,817	1,297,741
<u>GRAND TOTAL OF GENERAL FUND OPERATING BUDGETS</u>	23,022,966	25,310,149	26,523,727

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or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

WATER DEPARTMENT ENTERPRISE FUND OPERATING BUDGET

ARTICLE NO. 8: To see if the Town will vote, in accordance with General Law Chapter 44 Section 53F½, to appropriate from Water Department receipts, transfer from available funds or otherwise fund the sum of **TWO MILLION NINE HUNDRED EIGHTY SIX THOUSAND ONE HUNDRED FORTY FOUR DOLLARS (\$2,986,144)** for Fiscal Year 2025 costs associated with the operation of the Water Department including, but not limited to acquiring professional services and equipment, personnel and maintaining facilities and operations, including authorization for lease purchases of up to five years; all expenditures to be made by the Water Department, subject to the approval of the Town Manager, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

GOLF DEPARTMENT ENTERPRISE FUND OPERATING BUDGET

ARTICLE NO. 9: To see if the Town will vote to appropriate from the Golf Fund, in accordance with General Law Chapter 44 Section 53F½, the sum of **FOUR MILLION SIX HUNDRED AND SIX THOUSAND TWO HUNDRED THIRTY THREE DOLLARS (\$4,606,233)** for Fiscal Year 2025 costs associated with Golf Department related expenses including, but not limited to acquiring professional services and equipment, personnel and maintaining facilities and operations, including authorization for lease purchases of up to five years; all expenditures to be made by the Golf Department, subject to the approval of the Town Manager, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMUNITY PRESERVATION ACT FUNDING

ARTICLE NO. 10: To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2025 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year, with each item considered a separate appropriation to be spent by the Community Preservation Committee, all as set forth below:

FY25 Estimated Revenues

a. Estimated FY25 tax surcharge	\$1,254,583
b. Estimated FY25 state contribution (20%)	<u>\$ 250,857</u>
c. FY25 Estimated Total:	\$1,505,140

FY25 Appropriations and Allocations

a. Historic Preservation Reserve appropriation	(10%)	\$ 150,514
b. Community Housing Reserve appropriation	(10%)	\$ 150,514
c. Open Space/Recreation Reserve appropriation	(10%)	\$ 150,514
d. Budgeted Reserve	(65%)	\$ 978,341
e. Administrative Expense (Budgeted Reserve)	(5%)	\$ 75,257
f. Designated Reserves for Open Space		\$ 32,094
g. Undesignated Fund Balance		<u>\$ 102,089</u>
h. Total		\$1,639,323

	Purpose	Item	Funding Source(s)	Amount
1	Historic Preservation			
	a. Designated Reserves for Historic Preservation	Transfer to reserve from estimated annual revenues in accordance with MGL Ch. 44B Sec. 6	Fiscal Year 2025 CPA estimated annual revenues	\$150,514
	Sub-total			\$150,514

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	<i>Purpose</i>	<i>Item</i>	<i>Funding Source(s)</i>	<i>Amount</i>
2	Community Housing			
	a. Designated Reserves for Housing	Transfer to reserve from estimated annual revenues in accordance with MGL Ch. 44B Sec. 6	Fiscal Year 2025 CPA estimated annual revenues	\$150,514
	Sub-total			\$150,514
3	Open Space			
	a. Community Preservation Bonded Debt Service	Payment of debt principal and interest for the BBJ Property, & Bates Property bonds	\$150,514 from Fiscal Year 2025 CPA estimated annual revenues and \$32,094 from Designated Reserves for Open Space	\$182,608
	Sub-total			\$182,608
4	Budgeted Reserve			
	a. Administration Expense	Administration and operating expenses for Community Preservation Committee	Fiscal Year 2025 CPA estimated annual revenues	\$75,257
	b. Designated for Budgeted Reserve	Transfer to reserve from estimated annual revenues in accordance with MGL Ch. 44B Sec. 6	Fiscal Year 2025 CPA estimated annual revenues	\$978,341
	Sub-total			\$1,053,598
5	Undesignated Fund Balance			
	a. Community Development Partnership (CDP)	2 Years of funding for Cape Housing Institute	Undesignated Balance CPA Reserves	\$20,000
	b. Town of Brewster Administration- Housing Coordinator	Payroll and operating costs for Housing Coordinator position to assist public with affordable housing program	Undesignated Balance CPA Reserves	\$74,589
	c. Nauset Together We Can Prevention Council, Inc.	Renovations to Finch Skateboard Park in Orleans	Undesignated Balance CPA Reserves	\$7,500
	Sub-total			\$102,089
	Grand Total			\$1,639,323

For Fiscal Year 2025 Community Preservation purposes, each item is considered a separate appropriation to be spent by the Community Preservation Committee; provided however, that the above expenditures may be conditional on the grant or acceptance of appropriate historic preservation restrictions for historic resources, open space restrictions for open space reserves, and housing restrictions for community housing, running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures, meeting the requirements of G.L. c.184 and G.L. c.44B, Section 12, and/or a grant agreement and to authorize the Select Board to convey or accept such restrictions and enter in grant agreements as needed; And further, any revenues received in excess of the estimated receipts are transferred to their respective reserve fund balance(s) for future appropriation using the allocation formula of 10% Open Space/Recreation, 10% Housing, 10% Historical, and 70% for Budgeted Reserve for CPA. Or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

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CONSERVATION RESTRICTION ACQUISITION: 0 & 3571 MAIN STREET

ARTICLE NO. 11: To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, and/or eminent domain, and acting pursuant to the provisions of General Laws Chapter 40, Section 8C, and Article 97 of the Amendments to the Massachusetts Constitution, a perpetual conservation restriction under General Laws Chapter 184, Sections 31 through 33, on a parcel of land designated on Brewster Assessors' Map 126 as Parcels 4, 5, and 9, located at 0 Main Street, and a portion of the parcel currently designated on the Brewster Assessors' Map 114 as Parcel 60, located at the rear of 3571 Main Street in Brewster, which parcels contain a total of 12.36 acres and are shown on a plan of land entitled, "Survey and Plan of Land in Brewster, Mass, as claimed by Washington E. & Mary F Chase, Scale 1 in = 60 ft. March 10, 1989, East Cape Engineering, Orleans MA" and recorded in the Barnstable County Registry of Deeds as Plan Book 459, Page 75, and as more particularly shown as Lot 2 and Lot 3 on a plan of land entitled, "Lot Study Sketch for Property at 3571 Main St, Brewster, MA 02631 Prepared for Brewster Conservation Trust, Scale 1 in. = 80 ft, July 3, 2023, Soule Land Surveying" a copy of which is on file with the Brewster Town Clerk, which conservation restriction shall be administered and enforced by the Conservation Commission under General Laws Chapter 40, Section 8C; to appropriate and transfer from available funds, including, without limitation, the Community Preservation Fund, the sum of Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000.00), of which \$225,000 shall be used to pay the costs of this acquisition and \$5,000 for all costs and expenses incidental and/or related thereto; and, further, authorize the Select Board and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect this purchase and obtain reimbursement funding, or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

CAPITAL AND SPECIAL PROJECTS EXPENDITURES

ARTICLE NO. 12: To see what sums the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer to borrow under and pursuant to Massachusetts General Laws Chapter 44, Sections 7, 7(1), or 8, or any other enabling authority, for the capital outlay expenditures listed below, including, in each case, all incidental and related costs, to be expended by the Town Manager, except School expenditures to be made by the School Superintendent with the approval of the School Committee; authorize leases and lease purchase agreements for more than three but not more than five years for those items to be leased or lease purchased, and further that the Town Manager with the approval of the Select Board or School Superintendent with the approval of the School Committee for school items, be authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced, all as set forth below:

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
1 Select Board			
a. Integrated Water Resource Planning & Implementation	Professional services and costs for preparing studies, engineering, and coordinating water resource management planning and implementation	Re-appropriate existing article & Free Cash	\$150,000
b. Nauset Elementary School Regionalization & Efficiency Study	Professional services and costs for developing a feasibility study with the Towns of Orleans, Eastham, and/or Wellfleet identifying potential efficiencies across the five Nauset elementary schools and middle school	Free Cash	\$100,000
Sub-Total			\$250,000

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<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
2 Elementary School Department			
a. Combined Technology	Ongoing information technology system and equipment improvements at Eddy & Stony Brook Elementary Schools	Free Cash	\$40,000
b. Combined HVAC/Plumbing/Electrical Repairs	Professional services and costs for upgrades, repairs & replacement of HVAC, plumbing, and electrical systems at Eddy & Stony Brook Elementary Schools	Free Cash	\$10,000
c. Combined Painting	Professional services and costs for interior/exterior painting at Eddy & Stony Brook Elementary Schools	Free Cash	\$20,000
d. Combined Security	Professional services and costs for upgrades to security systems at Eddy & Stony Brook Elementary Schools	Free Cash	\$20,000
e. Stony Brook Flooring Replacement	Professional services and costs for replacing flooring at the Stony Brook Elementary Schools	Free Cash	\$40,000
f. Stony Brook Hazardous Waste Abatement	Professional services and costs for abating hazardous waste materials at the Stony Brook Elementary School	Free Cash	\$25,000
g. Combined Textbooks	Professional services and costs for textbooks and related educational materials	Free Cash	\$50,000
Sub-Total			\$205,000
3 Nauset Regional School District			
a. Nauset Region Annual Capital Allocation	Professional services and costs, including procuring, engineering, permitting, repairing and maintaining buildings, grounds, and equipment within the Nauset Middle School and Nauset High School	Tax Levy	\$279,645
Sub-Total			279,645
4 Natural Resources			
a. Fire Panel Replacement	Costs for goods, materials, and professional services to maintain, repair, and/or upgrade the fire panel at the Natural Resources Building	Re-appropriate existing articles & Free Cash	\$22,000
Sub-Total			\$22,000

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<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
5 Media Services			
a. Camera Upgrade (Meeting Room A)	Costs for goods, materials, and professional services to maintain, repair, and/or upgrade AV systems in Town Hall	Cable Fund	\$17,500
Sub-Total			\$17,500
6 Water Department			
a. Distribution Infrastructure	Costs for goods, materials, and professional services to maintain, repair, and upgrade the Town's water distribution system	Water Retained Earnings	\$50,000
b. Buildings & Treatment Facilities	Costs for goods, materials, and professional services to maintain, repair, and/or upgrade the Water Department's buildings and treatment facilities	Water Retained Earnings	\$50,000
c. Master Plan Update	Costs for materials and professional services to develop a master plan	Water Retained Earnings	\$327,066
Sub-Total			\$427,066
7 Department of Public Works			
a. MS4 Stormwater Compliance	Costs for goods, materials, and professional services associated with MS4 stormwater compliance	Free Cash	\$60,000
Sub-Total			\$60,000
8 Facilities			
a. Meeting Room Divider Wall	Costs for goods and materials to replace the wall divider in Town Hall meeting rooms	Free Cash	\$40,000
Sub-Total			\$40,000
9 Library			
a. Auditorium AV Upgrade	Costs for goods, materials, and professional services to maintain, repair, and/or upgrade Library AV systems	Cable Fund	\$10,000
b. Facility Evaluation	Costs for professional services for a facility conditions assessment	Free Cash	\$30,000
c. Building Safety & Security Improvements	Costs for goods, materials, and professional services to complete safety and security improvements at the library	Free Cash	\$25,000
Sub-Total			\$65,000
10 Recreation Department			
a. Guard Rail Replacement (Freemans Way Fields)	Costs for good and materials to replace wood guardrails at Freemans Fields complex	Free Cash	\$20,000
Sub-Total			\$20,000

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	Department	Item	Funding Source(s) / Appropriation or Transfer	Amount
	11 Fire Department			
	a. Personal Protective Equipment	Costs for personal protective equipment and gear for fire, special operations, hazardous material, EMS, and rescue responses	Ambulance Receipts	\$50,000
		Sub-Total		\$50,000
		Grand Total		\$1,436,211

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

OVERLAY APPROPRIATION: PRESCHOOL FAMILY SUPPORT PILOT PROGRAM

ARTICLE NO. 13: To see if the Town will vote to transfer the sum of **TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000)** from available overlay funds, for the purpose of funding pre-school educational opportunities for the 3- and 4-year-old population within the Town of Brewster, including all expenses incidental and related thereto, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

SPECIAL REVENUE FUND: CABLE FRANCHISE FEE ACCOUNT

ARTICLE NO. 14: To see if the Town will vote to appropriate the sum of **FOUR HUNDRED THOUSAND DOLLARS (\$400,000)** from the Cable Franchise Fee Special Revenue Fund, for the purpose of offsetting costs associated with providing local cable television related purposes, including, but not limited to, the general public purpose of supporting and promoting public access to the Brewster cable television system; training in the use of local access equipment and facilities; access to community, municipal and educational meeting coverage; use and development of an institutional network and/or municipal information facilities; contracting with local cable programming services providers and/or any other appropriate cable related purposes, and including all incidental and related expenses, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

RECREATION REVOLVING FUND

ARTICLE NO. 15: To see if the Town will vote pursuant to General Laws Chapter 44, Section 53E ½, and Sections 21-5 through 21-8 of the Town of Brewster’s General Bylaws (“Revolving Funds”), to increase the Fiscal Year expenditure limit for the Recreation Revolving Fund to \$300,000, with such expenditure limit to be applicable from fiscal year to fiscal year, until such time as it may later be amended by Town Meeting, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

LOCAL OPTION: SENIOR TAX WORK-OFF DESIGNEE (MGL CH 59, SEC 5K)

ARTICLE NO. 16: To see if the Town will vote, pursuant to General Laws Chapter 59, Section 5K, Paragraph 3, Subclause (1), the so-called “Senior Tax Work-off Program,” to adjust the exemption to allow an approved representative, for persons physically unable, to provide such services to the Town, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

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LOCAL OPTION: VETERANS TAX WORK-OFF DESIGNEE (MGL CH 59, SEC 5N)

ARTICLE NO. 17: To see if the Town will vote, pursuant to General Laws Chapter 59, Section 5N, Paragraph 3, Subclause (1), the so-called "Veterans Tax Work-off Program," to adjust the exemption to allow an approved representative, for persons physically unable, to provide such services to the Town, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

SEA CAMPS COMPREHENSIVE PLAN: BAY PROPERTY (3057 MAIN STREET)

ARTICLE NO. 18: To see if the Town will vote to accept the comprehensive plan for the Bay Property previously owned by the Cape Cod Sea Camps located at 3057 Main Street, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

SEA CAMPS COMPREHENSIVE PLAN: POND PROPERTY (500 W.H. BESSE CARTWAY)

ARTICLE NO. 19: To see if the Town will vote to accept the comprehensive plan for the Pond Property previously owned by the Cape Cod Sea Camps located at 500 W.B. Besse Cartway, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

TEMPORARY EASEMENTS: MILLSTONE ROAD IMPROVEMENT PROJECT

ARTICLE NO. 20: To see if the Town will vote to authorize the Select Board to acquire, by eminent domain, temporary easements for the purpose of rehabilitating Millstone Road, including, without limitation, easements for right of way, utility, drainage, access, construction, and any and all purposes and uses incidental or related thereto, in, on, under, and across those parcels of land at or near Millstone Road, or to take any other action related thereto.

(Select Board)

(Majority Vote Required)

PRIVATE ROAD BETTERMENT: VESPER POND NEIGHBORHOOD

ARTICLE NO. 21: To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sum of money pursuant to General Laws Chapter 40, Sections 7 and 8, Chapter 297 of the Acts of 2002, Chapter 373 of the Acts of 2006, and/or any other enabling authority, said sum to be spent by the Town Manager with the approval of the Select Board, to finance temporary road repairs to the private ways known as Vesper Pond Drive, Mayflower Circle, Cranberry Lane, Deer Path Circle, Jam Lane, and Bay View Drive, including, without limitation, costs associated with engineering, construction, and reconstruction of said way, and costs incidental or related thereto, which costs shall be assessed by the Select Board as a betterment under General Laws Chapter 80, Section 1, on each parcel within the area benefiting from the improvement,

all in compliance Brewster General Bylaws, Article VIII, Section 157-20, or to take any other action relative thereto.

(Select Board)

(Two-Thirds Vote Required)

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DRUMMER BOY PARK ADVISORY COMMITTEE REPORT

ARTICLE NO. 22: To see if Town will vote to accept the report of the Drummer Boy Park Advisory Committee or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

CITIZENS PETITION: SHORT-TERM RENTAL REGISTRATION GENERAL BYLAW

ARTICLE NO. 23: To see if the Town will vote to create a registration system for short-term rentals by adopting a new General Bylaw entitled "Chapter 180 – Short-Term Rental Registration," as printed below, or take any other action relative thereto.

CHAPTER 180 SHORT-TERM RENTAL REGISTRATION

§ 180-1 Purpose

- A. To create a registration system for short-term rentals in order to protect the health, safety, and welfare of both the occupant(s) of those rental housing units and the general public, and to maintain the quality of life in residential neighborhoods in the Town.
- B. The bylaw seeks to provide for orderly operation of short-term rentals within the Town and prevent any negative impacts on neighborhood character, housing availability, house prices, availability of long-term rental units, and impacts on infrastructure systems such as sewer/water, parking, access, fire codes, and building code enforcement.
- C. The bylaw also seeks to provide a method for correcting violations when conditions warrant and to help enforce local and state laws, codes, and regulations.
- D. The bylaw seeks to create a registration system for short-term rentals so that accurate data about how many short-term rentals are operating within the Town may be gathered, as well as to ensure public health and safety. This would also provide data to the town on who operates short-term rentals within the town.
- E. Registrations would be subject to an annual fee that would cover costs of enforcement. Fines collected would be designated for use for enforcement costs in subsequent years.
Registration fees would be set by the enforcing authority at a level sufficient to cover associated costs of enforcement and registration.

§ 180-2 Definitions.

- A. As used in this chapter, the following terms shall have the meanings indicated:

"Corporation" is defined as any business or charitable entity that is required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, § 4, respectively.

"Dwelling" is defined by the Town of Brewster as a building containing three or more dwelling units. This definition includes "Dwelling, One Family Detached" and "Dwelling, One Family Security" (defined below).

DWELLING, ONE FAMILY DETACHED: A single, separate dwelling unit, designed for occupancy by one family. [Added 5-7-2012 ATM, Art. 23]

DWELLING, ONE FAMILY SECURITY: One family dwelling unit for owner occupancy or for occupancy by personnel hired by the owner for the protection of property and safe operation of a permitted use. [Added 5-7-2012 ATM, Art. 23]

DWELLING UNIT: One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation.

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“Fit for winter habitation” refers to a dwelling unit that is suitable for habitation in the winter in so much as that it has a heating system and proper insulation.

“Full-Time Resident” is defined as a person who either lives in Brewster for the entire tax year or who maintains a **permanent place of abode** in Brewster that they spend at least 183 days per year in, as attested by where the domicile of the responsible party is given according to tax records in the state of Massachusetts.

From mass.gov, “Your domicile, or legal residence, is your true home or main residence. You may have multiple residences at one time, but only 1 domicile. **You can't choose to make your home one place for general living purposes and in another for tax purposes.** Your legal residence is usually where you maintain your most important family, social, economic, political, and religious ties, and it depends on all the facts and circumstances per case, including good faith.”

“Occupancy” is defined as *the use or possession, or the right to the use or possession, of a room in a bed and breakfast establishment, hotel, lodging house or motel designed and normally used for sleeping and living purposes for a period of not more than 90 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee, or the use or possession or the right to the use or possession of a room in a short term rental normally used for sleeping and living purposes for a period of not more than 31 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee;* provided, however, that “occupancy” shall include the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment, accompanying the use and possession of such a room. § 1. Definitions, MA ST 64G § 1

“Occupant” is defined as a person who uses, possesses or has a right to use or possess a room in a bed and breakfast establishment, hotel, lodging house, **short-term rental**, or motel for rent under a lease, concession, permit, right of access, license or agreement.

“Operator” is defined as a person operating a bed and breakfast establishment, hotel, lodging house, short-term rental, or motel in the Commonwealth including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such bed and breakfast establishment, hotel, lodging house, **short-term rental**, or motel.

“Operator’s Agent” is defined as a person who on behalf of an operator of a bed and breakfast establishment, hotel, motel, **short-term rental**, or lodging house: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent; provided, however, that an “operator’s agent” shall include, but not be limited to, a property manager, property management company or real estate agent.

“Owner” is defined as the duly authorized agent, attorney, purchaser, devisee, trustee, lessor or any person having vested or equitable interest in the use, structure, or lot in question.

“Permanent Place of Abode” is defined as a dwelling place that someone, not necessarily the owner, continually maintains. This includes a place owned or leased by a spouse.

This **does not include** a camp, military barracks and housing, dormitory room, hospital room or room in any other similar temporary institutional setting; a university owned studio apartment available only to a university affiliated student, faculty and staff; **a dwelling place completely lacking both kitchen and bathing facilities, or a dwelling place that is not prepared for winter**; a hotel or motel room (but facts and situational circumstances will be taken into account before deciding); dwelling place owned by someone who, during the term of a lease, leases it either to others not related to the owner or their spouse by blood or marriage, for at least 1 year, or where the individual has no right to occupy any portion of the premises and who does not use such premises as his or her mailing address during the term of the lease; dwelling place that is maintained only during a temporary stay in Massachusetts for accomplishing a particular documented purpose. A temporary stay is defined as a predetermined period of time **not to exceed 1 year**.

"Person" is defined as an individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee, assignee or referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of individuals acting as a unit.

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“Property Owner” is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.

“Short-Term Rental” is defined as an owner-occupied, tenant-occupied, or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium, or a furnished accommodation (such as a bedroom within a residential dwelling) that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented (for a fee) to an occupant or sub-occupant for a period of not more than 31 consecutive calendar days; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. Excludes hotels licensed under M.G.L. Chapter 140, section 6; motels licensed under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L. Chapter 140, section 23.

“Unfit for winter habitation” refers to a dwelling unit that is not suitable for habitation during the winter, in that the dwelling lacks a heating system and/or lacks proper insulation.

§ 180-3 Registration Requirements.

- A. Any property owner seeking to offer a short-term rental needs to register annually with the town of Brewster for a fee set by the enforcing authority. The fees collected are solely to pay for costs associated with enforcement, such as compliance software and any positions that need to be hired. All properties that are registered would need to be in compliance with local and state ordinances, zoning bylaws, and the State Sanitary Code.
- B. The registrants need to apply prior to Feb. 28 of each year, with the rental period running from Mar. 1 to Feb. 28 of the following year. Registrations are subject to annual renewal and fees. Registrations cannot be transferred to any other person, legal entity, or address. The registration shall be terminated upon sale or transfer of the property for which the registration has been issued. Properties purchased after Feb. 28 will not be able to obtain a short-term rental certificate for the current registration year; owners will be able to obtain short-term rental certificates for the following registration year.
- C. Each registrant is required to submit a sworn affidavit of compliance with their registration. The enforcing authority reserves the right to conduct inspections of properties to ensure compliance, including, but not limited to, when complaints have been made.
- D. All short-term rentals are required to include the town-issued registration certificate number on their listings.
- E. Contact information for the owner of a short-term rental shall be provided to the town with a current address and phone number, as well as an attestation that all persons’ and entities with an ownership interest in the unit have been notified that a certificate of registration has been applied for. If the owner is a corporation (includes LLCs), the name, address, and phone number of the president and legal representative of the corporation shall be provided. If the owner is a realty trust or partnership, the name, address, and phone numbers of the managing trustee or partner shall be provided.
- F. The name and contact information of the operator, and the operator’s agent if different from the operator, must be provided to ensure that the person can respond to any emergencies that arise during occupancy within 2 hours of contact by the Town’s Health Division or Police or Fire Department to complaints regarding the condition or operation of the property. Contact information must include a phone number that is available 24/7 to occupants and the above-stated public safety agencies and the information shall be posted conspicuously in the unit.
- G. Operators will be responsible for trash removal after conclusion of an occupancy or once per week, whichever is more frequent.
- H. The maximum number of occupants in a short-term rental shall be 2 per bedroom, plus 2 additional occupants.
- I. Parking on-site shall be provided and must not impede traffic or traffic safety.

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- J. Rental Certificates may be suspended or revoked for violations of the bylaw, State Sanitary Code, or any other applicable General Law, regulation, or bylaw intended to protect public health, safety, and/or the environment. Additional conditions may be imposed on the Rental Certificate in lieu of suspension or revocation.

§ 180-4 [Reserved].

§ 180-5 Violations; Enforcement.

- A. Violators will be subject to fines of \$200 per day, with each day of the violation constituting a separate offense. Any short-term rental found to be operating without a rental certificate will be subject to these fines. Violations of this regulation will be subject to the Regulation of the Town of Brewster regarding non-criminal disposition, according to Massachusetts General Laws, Chapter 40, Section 21D, and the town of Brewster's bylaw concerning non-criminal disposition, where applicable.
- B. The enforcing and regulatory authority for the registration program is to be the Brewster Health Department.

§ 180-6 Effective Date.

- A. This bylaw shall take effect on January 1, 2025.

(Citizens Petition)

(Majority Vote Required)

CITIZENS PETITION: SHORT-TERM RENTAL RESTRICTIONS GENERAL BYLAW

ARTICLE NO. 24: To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals, and to amend Section 180-4 of the Town's General Bylaws accordingly by deleting the strikethrough language, and inserting the bold and underlined language, or take any other action relative thereto.

CHAPTER 180 SHORT-TERM RENTAL REGISTRATION

§ 180-4 ~~[Reserved]~~ Limitations; Maximum Number of Short-Term Rentals.

- A. A property owner can operate within the town of Brewster one Short-Term Rental per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.
- B. In the event that an owner has properties unfit for winter habitation in excess of the short-term rental limits (1 per non-resident, 2 per Brewster resident), an exception may be granted by the enforcing authority (Brewster Health Department) so that those properties may be registered as short-term rentals in excess of the limit, if certain criteria are met.

(1) To qualify for an exception to the limit, a property owner must only operate registered short-term rentals in properties that are unfit for winter habitation; no exception will be granted if a property owner has a registered short-term rental in a property that is fit for winter habitation.

All short-term rentals must be registered in accordance with the bylaw.

(2) An owner may only exceed the limit if all their registered short-term rental properties are properties that are unfit for winter habitation. If an owner has a registered short-term rental that is fit for winter habitation, they will not be eligible for an exception to the limit, even if their other registered properties are unfit for winter habitation

(3) If an exception is granted, it can be revoked if the owner attempts to register a property fit for winter habitation as a short-term rental.

The exception may be revoked at the discretion of the enforcing authority if the property owner violates any part of the registration bylaw.

If an exception is granted, all properties unfit for winter habitation will still need to be registered as short-term rentals and will be subject to registration fees and all other parts of the registration bylaw.

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C. Short-term rentals are prohibited in dwelling units owned by a corporation.
Short-term rentals are permitted in dwelling units owned by an LLC, Trust, or S-Corp only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at time of registration.
If any shareholder, partner, or member of the legal entity already has registered short-term rentals under their own name, those will count toward the limit for the legal entity they are trying to register with.

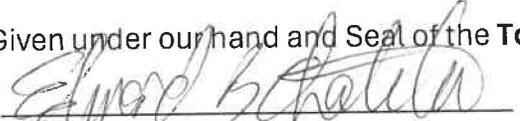
(Citizens Petition)

(Majority Vote Required)

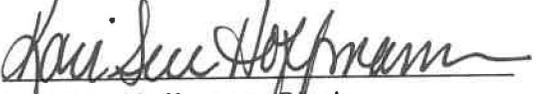
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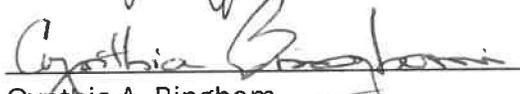
You are hereby directed to serve this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hand and Seal of the **Town of Brewster** affixed this **8th** day of **April, 2024**.


Edward B. Chatelain, Chair


Mary W. Chaffee, Vice-Chair


Kari Sue Hoffmann, Clerk


Cynthia A. Bingham


David C. Whitney

I, Roland W. Bassett Jr, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Town Meeting of May 11, 2024 by posting attested copies thereof, in the following locations in the Town on the **12th** day of **April, 2024**.

Brewster Town Offices
Brewster Ladies Library
The Brewster General Store
U. S. Post Office

Café Alfresco
Brewster Pizza House
Millstone Liquors


Roland W. Bassett, Jr. Constable