

Town of Provincetown

Annual Town Meeting – April 1, 2013

Meeting Called to Order. Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 6:00 p.m. on Monday, April 1, 2013 in the in the Town Hall Auditorium and hearing no objection decided to hold the Special Town Meeting first.

Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 9:03 p.m. on Monday, April 1, 2013.

Preliminary motions:

Austin Knight moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Austin Knight moved that the Town vote to grant permission to speak at the April 1, 2013 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Michele Randazzo, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Beth Singer, *Superintendent of Schools*; Kim Y. Pike, *District Principal*; Richard Waldo, *Deputy DPW Director*; Russell Braun, *Building Commissioner*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; James Golden, *Lieutenant*; Maxine Notaro, *Permit Coordinator*; Morgan Clark, *Public Health and Safety Officer*; Brandon Motta, *Recreation Director*; Domenic Rosati, *Parking Administrator*; Rex McKinsey, *Pier Manager/Harbormaster*; Richard Wood, *Provincetown Public Pier Corporation Board of Directors*; Tyler Keyes, *MIS Coordinator*.

Motion Passed.

Austin Knight moved that on all matters to come before the April 1, 2013 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

Motion Passed.

Article 1. To Hear Town Reports. To see if the Town will vote to hear the reports of the Town Officials and Committees and to act thereon.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Austin Knight moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

Motion Passed.

Article 2. FY 2014 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$22,257,422 to fund operating budgets for the several Town departments for Fiscal Year 2014 in accordance with Chapter 9, Section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2013	FY 2014	% '13-'14
I. General Government	\$1,152,644	\$1,179,224	+2.3%
II. Finance	8,511,941	8,991,596	+5.6%
III. Public Safety	4,489,657	4,753,978	+5.9%
IV. Public Works	3,064,094	3,063,116	+0.0%
V. Public Services	863,226	901,724	+4.5 %
Sub-total, I-V	\$18,081,562	\$18,889,638	+4.5%
VI. Public Schools	3,266,896	3,367,784	+3.1%
Total, I-VI	\$21,348,458	\$22,257,422	+4.3%

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

**Article 2. FY 2014 Municipal Operating Budget.
Division I. General Government.**

**Board of Selectmen Recommends: 5-0-0
Finance Committee Does Not Recommend: 6-0-0**

Sharon Lynn moved that the Town vote to raise and appropriate the sum of \$917,703, transfer \$126,500 from Cable Receipts Reserved for Appropriation, \$4,696 from Wetlands Protection Fund, and \$130,325 from the Land Bank Fund for a total of \$1,179,224 to fund operating budgets for the several Town departments for Fiscal Year 2014 under budget Division I, General Government, as requested by the Board of Selectmen and not recommended by the Finance Committee.

Tom Donegan moved to amend the Division I budget by reducing the amount in Legal Services (budget 151) by \$20,000. This replaces the appropriation in the Selectmen's motion from \$1,179,224 to \$1,159,224.

Motion to Amend Does Not Pass.

Motion Passed.

**Article 2. FY 2014 Municipal Operating Budget.
Division II. Finance**

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 8-0-0**

Sharon Lynn moved that the Town vote to raise and appropriate the sum of \$8,960,941, transfer \$30,655 from Title V Septic Revolving fund for a total of \$8,991,596 to fund operating budgets for the several Town departments for Fiscal Year 2014 under budget Division II, Finance, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

**Article 2. FY 2014 Municipal Operating Budget.
Division III. Public Safety**

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Sharon Lynn moved that the Town vote to raise and appropriate the sum of \$4,658,978, transfer \$35,000 from the Ferry Embarkation fund, transfer \$60,000 from Municipal Waterways fund for a total of \$4,753,978 to fund operating budgets for the several Town departments for Fiscal Year 2014 under budget Division III, Public Safety, as requested by the Board of Selectmen.

Barbara Rushmore moved to amend the Article 2, Division III Public Safety budget so as to remove the police serving on MacMillan Pier by \$99,995.

Motion to Amend Does Not Pass.

Motion Passed.

10:22 p.m. Michael Canizales moved to adjourn Annual Town Meeting until tomorrow, April 2, 2013 at 6 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:00 p.m. on Tuesday, April 2, 2013.

Barbara Rushmore submitted a petition signed by 10 registered voters that moved to reconsider Article 2, Division III Public Safety budget.

Motion to Reconsider Passes (94 For, 71 Against).

Barbara Rushmore moved amend Article 2, Division III Public Safety budget by transferring \$111,181 from department 210 to department 295.

Motion to Amend Does Not Pass 76 For, 114 Against).

**Article 2. FY 2014 Municipal Operating Budget.
Division IV. Public Works**

Board of Selectmen Recommends: 5-0-0

Finance Committee Does Not Recommend: 6-0-0

Sharon Lynn moved that the Town vote to raise and appropriate the sum \$3,063,116 to fund operating budgets for the several Town departments for Fiscal Year 2014 under budget Division IV, Public Works, and to transfer \$6000 from the A budget to the B budget within the Buildings and Grounds budget of this division, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

**Article 2. FY 2014 Municipal Operating Budget.
Division V. Public Services**

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0**

Sharon Lynn moved the Town vote to raise and appropriate the sum \$901,724 to fund operating budgets for the several Town departments for Fiscal Year 2014 under budget Division V, Public Services, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

**Article 2. FY 2014 Municipal Operating Budget.
Division VI. Public Schools**

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 8-0-0**

Sharon Lynn moved that the Town vote to raise and appropriate the sum of \$3,367,784 to fund the Provincetown Public School System Budget for Fiscal Year 2014.

Motion Passed.

Article 3. *FY 2014 Cape Cod Regional Technical High School*

Assessment. To see if the Town will vote to raise and appropriate a sum of money to fund the Town of Provincetown's assessment for the CCRTHS FY2014 operating budget, or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0**

F. John Santos moved that the Town vote to raise and appropriate the sum of \$66,914 for its assessment for Cape Cod Technical Regional High School for FY 2014.

Motion Passed.

Article 4. FY 2014 Enterprise Funds. To see if the Town will vote to raise and appropriate or transfer from available funds the following amounts for enterprise funds of the Town of Provincetown for Fiscal Year 2014:

440 Wastewater	FY 2013	FY 2014	13-14%
Enterprise Fund Costs	\$3,149,858	\$3,487,541	
General Fund Costs	<u>144,257</u>	<u>144,257</u>	
TOTAL COSTS	\$3,294,115	\$3,631,798	10.2%

450 Water Enterprise	FY 2013	FY 2014	13-14%
Enterprise Fund Costs	\$2,120,314	\$2,079,208	
General Fund Costs	<u>280,898</u>	<u>280,898</u>	
TOTAL COSTS	\$2,401,212	\$2,360,106	-1.7%

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Article 4. FY 2014 Enterprise Funds.

440 Wastewater Enterprise Fund.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David McChesney moved that the Town vote that \$3,631,798 be appropriated to operate the Wastewater Enterprise Fund, \$2,913,538 to come from Wastewater Enterprise Fund revenues and \$574,003 from reserved for debt service, and further, \$144,257 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

Article 4. FY 2014 Enterprise Funds.

Motion 2. 450 Water Enterprise Fund.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David McChesney moved that the Town vote that \$2,360,106 be appropriated to operate the Water Enterprise Fund, \$1,815,141 to come from Water Enterprise Fund revenues and \$264,067 from Retained Earnings, and further, \$280,898 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 5. FY 2014 Revolving Accounts. To see if the Town will vote to continue for FY 2014 the following revolving accounts established pursuant to MGL C.44, §53E½:

(1) Preservation of Town Hall Auditorium: to allow receipts from the rental and custodial fees charged for the public use of Town Hall Auditorium to be

segregated into a special account; and with funds therefrom, up to a limit of \$50,000 annually, to be expended for the repair, updating, refurbishing and maintenance of the Town Hall Auditorium under the direction of the Town Manager and Board of Selectmen;

(2) Shellfish Grants: to allow receipts from Shellfish Grants to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Board of Selectmen for the purpose of shellfish seeding and cultivation on public shellfish areas;

(3) B Street Garden: to allow receipts from the annual community garden membership fees charged for the public use of the community garden to be segregated into a special account; and with funds there from, up to a limit of \$2,500 annually, to be expended for the repair, updating and maintenance of the B-Street Garden under the direction of the Town Manager and the Conservation Commission;

(4) Fuel Reimbursement: to allow receipts from the sale of fuel to be segregated into a special account; and with funds there from, up to a limit of \$125,000 annually, to be expended for the purchase of fuel under the direction of the Town Manager and the Director of Public Works; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Conservation Commission Recommends Section 3: 5-0-0

Erik Yingling moved that the Town vote to continue for FY 2014 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 6. Council on Aging Transportation Revolving Account. To see if the Town will vote to establish a Revolving Account for transportation for the Council on Aging, as established pursuant to MGL C.44 §53 E1/2, to allow receipts from donations to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for the transportation cost under the direction of the Town Manager and the Director of the Council on Aging; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

F. John Santos moved that the Town vote to establish a Revolving Account for Council on Aging Transportation pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 7. Affordable Housing Revolving Fund. To see if the Town will vote to establish a revolving account for the Town Manager/Community Housing Specialist under Massachusetts General Laws, Chapter 44, Section 53E ½, in an amount not to exceed \$10,000 for Fiscal Year 2014, for the purpose of accepting fees received by the Town on the sale and resale of affordable housing dwellings, fees paid for monitoring services provided by the Town, fees paid to ensure compliance with affordable housing restrictions and agreements, and donations earmarked for affordable housing purposes, said receipts to be expended by the Town Manager/Community Housing Specialist for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation, cost of marketing and conducting lotteries; or take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Community Housing Council Recommends: 3-0-0

Housing Authority Recommends: 3-0-0

Elaine Anderson moved that the Town vote to establish a Revolving Account for affordable housing reimbursements pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 8. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Board of Health Recommends: 4-0-0

Erik Yingling moved that the Town vote to raise and appropriate the sum of \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury.

Motion Passed.

Article 9. Return of Community Preservation Act Funds. To see if the Town will vote to rescind its vote under Article 8-2E of the April 4, 2011 Annual Town Meeting appropriating the sum of \$75,000 from the Community Preservation FY 2012 estimated revenues for the renovation of Hawthorne Barn,

and to return said \$75,000 to the Community Preservation Act undesignated fund balance; or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Board of Selectmen Recommends: 4-0-0

Finance Committee Recommends: 8-0-0

Community Preservation Committee Recommends: 9-0-0

F. John Santos moved that the Town vote to rescind its vote under Article 8-2E of the April 4, 2011 Annual Town Meeting appropriating the sum of \$75,000 from the Community Preservation FY 2012 estimated revenues for the renovation of Hawthorne Barn, and to return said \$75,000 to the Community Preservation Act undesignated fund balance.

Motion Passed.

Article 10. Community Preservation Budget for FY 2014. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation Budget, to appropriate or reserve for future spending the following amounts as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves: Part 1

- A. \$55,000 for Open Space;
- B. \$55,000 for Community Housing;
- C. \$55,000 for Historic Resources;

2. Appropriations: Part 2

- A. \$247,150 for affordable housing debt service
\$58,977 for open-space debt service
\$173,909 for historic preservation debt service;
- B. \$50,000 for the Eastern School Restoration at 494 Commercial St. project by WOMR and said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee, said expenditure to be subject to the execution of a grant agreement;
- C. \$200,000 for Restoration and Repair of the Provincetown High School exterior at 12 Winslow Street and said funds to be expended under the direction of the Town Manager in consultation with Community Preservation Committee;
- D. \$50,000 for Winthrop Street Cemetery Phase 3 & 4 and said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee;
- E. \$25,000 for Renovation of historic barn at Days Lumberyard site at 24 Pearl Street project by FAWC and said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee, said expenditure to be subject to the execution of a grant agreement;
- F. \$72,916 for renovation of Mildred Greensfeld Basketball Court at East End

Playground and said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee;
G. \$33,454 for Housing Office support;
H. \$20,766 for CPA general administration;
or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Article 10. Community Preservation Budget for FY 2014.

1. Reserves

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Housing Authority Recommends: 3-0-0

Dorothy Palanza moved that the Town vote to set aside from Community Preservation Act undesignated reserves the sum of \$55,000 for the Open Space reserve fund, the sum of \$55,000 for the Community Housing Reserve Fund and the sum of \$55,000 for the historic resources reserve fund.

Motion Passed.

10 - 2A Community Preservation FY 2014 Budget

Debt Service Appropriation

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Dorothy Palanza moved that the Town vote to appropriate the sum of \$480,036 to fund debt service for Fiscal Year 2014 as follows: the sum of \$247,150 from Affordable Housing reserves, the sum of \$58,977 from Open Space estimated revenues, and the sum of \$173,909 from Historic Preservation estimated revenues.

Motion Passed.

10 – 2B Community Preservation FY 2014 Budget

\$50,000 for the Eastern School Restoration at 494 Commercial St

Board of Selectmen Recommends: 4-0-0

Finance Committee Recommends: 5-0-0

Historical Commission Recommends: 4-0-0

Community Preservation Committee Recommends: 8-0-1

James Hall moved that the Town vote to appropriate under the Community Preservation Act – Historic Resources Program the sum of \$50,000 from the undesignated fund balance for the restoration project at the Eastern School at

494 Commercial Street, owned by WOMR, and further to authorize the Town Manager to enter into a grant agreement.

Motion Passed.

10 – 2C Community Preservation FY 2014 Budget

\$200,000 for Restoration and Repair of the Provincetown High School exterior

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Historical Commission Recommends: 5-0-0

Community Preservation Committee Recommends: 9-0-0

Ann Maguire moved that the Town vote to appropriate under the Community Preservation Act - Historic Resources Program the sum of \$200,000 from the undesignated fund balance for restoration and repairs to the Provincetown High School.

Motion Passed.

10 – 2D Community Preservation FY 2014 Budget

\$50,000 for Winthrop Street Cemetery Phase 3 & 4

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Historical Commission Recommends: 5-0-0

Cemetery Commission Recommends: 3-0-0

Community Preservation Committee Recommends: 9-0-0

Judith Cicero moved that the Town vote under the Community Preservation Act - Historic Resources Program the sum of \$50,000 from the undesignated fund balance for Winthrop Street Cemetery, Phases 3 & 4, for dune restoration, footpaths, and entrances.

Motion Passed.

10 – 2E Community Preservation FY 2014 Budget

\$25,000 for Renovation of historic barn at Days Lumberyard site at 24 Pearl Street

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Historical Commission Recommends: 3-0-2

Community Preservation Committee Recommends: 8-0-1

Dorothy Palanza moved that the Town vote to appropriate under the Community Preservation Act –Historic Resources Program the sum of \$25,000 from the undesignated fund balance for the renovation of the historic barn at the Fine Arts

Work Center and further to authorize the Town Manager to enter into a grant agreement.

Motion Passed.

10 – 2F Community Preservation FY 2014 Budget

\$72,916 for renovation of Mildred Greensfelder Basketball Court at East End Playground

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Community Preservation Committee Recommends: 9-0-0

Dorothy Palanza moved that the Town vote to appropriate under the Community Preservation Act – Recreation Program the amount of \$72,916 from estimated revenue for the renovation to the basketball courts located at the Mildred Greensfelder basketball courts at the East End playground.

Motion Passed.

10 – 2G Community Preservation FY 2014 Budget

\$33,454 for Housing Office support

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Community Housing Council Recommends: 3-0-0

Community Preservation Committee Recommends: 9-0-0

Housing Authority Recommends: 3-0-0

Barbara Prato moved that the Town vote to appropriate from Affordable Housing Reserves the sum of \$33,454 for Housing Office and CPA support.

Motion Passed.

10 – 2H Community Preservation FY 2014 Budget

General Administration

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Community Preservation Committee Recommends: 9-0-0

Dorothy Palanza moved that the Town vote to appropriate the sum of \$20,766 from estimated revenues to be used for CPA general administration.

Motion Passed.

Article 11. *FY 2014 Capital Improvements Program.* To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the following sums to defray the costs of the Fiscal Year 2014 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown

Charter as follows provided that one or more of the appropriations listed below shall be contingent on a Proposition 2 ½ Capital Outlay or Debt Exclusion ballot question:

1. Police Fleet Upgrade Plan - \$27,484 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of one animal control replacement vehicle, and costs related thereto; or to take any other action relative thereto.
2. Police Fleet Upgrade Plan - \$32,673 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of one police vehicle, and costs related thereto; or to take any other action relative thereto.
3. Police Fleet Upgrade Plan - \$24,960 to be expended under the direction of the Town Manager and the Chief of Police for the 2nd year of a three year lease of two police vehicles as initially approved by town voters at the April 2012 Annual Town Meeting, Article 5-2 and costs related thereto; or to take any other action relative thereto.
4. Police Fleet Upgrade Plan - \$8,800 to be expended under the direction of the Town Manager and the Chief of Police for the 3rd and final year of a three year lease of one police vehicle as initially approved by town voters at the April 2011 Annual Town Meeting, Article 5-2 and costs related thereto; or to take any other action relative thereto.
5. Police Bulletproof Vests - \$10,670 to be expended under the direction of the Town Manager and the Chief of Police for purchase of twelve police bulletproof vests, and costs related thereto; or to take any other action relative thereto.
6. Police Speed Advisory Signs - \$10,287 to be expended under the direction of the Town Manager and the Chief of Police for purchase of three speed advisory signs, and costs related thereto; or to take any other action relative thereto.
7. Fire & Rescue All Terrain Vehicle - \$35,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of an all terrain rescue vehicle, and costs related thereto; or to take any other action relative thereto.
8. Fire & Rescue Command Vehicle - \$55,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the Fire Chief's command vehicle, and costs related thereto; or to take any other action relative thereto.
9. Roadway Maintenance Plan - \$1,000,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue the re-paving of Commercial Street and additional roadway maintenance as outlined in the town-wide paving plan, and costs related thereto; or to take any other action relative thereto.
10. Storm Water Management - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the town's drainage system in conjunction with making application for various grants which become available, and costs related thereto; or to take any other action relative thereto.

11. DPW Street Sidewalk Replacement - \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance and repair of streets and sidewalks, and costs related thereto; or to take any other action relative thereto.
12. Public Works Fleet Replacement Plan - \$279,555 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement purchase of six pick-up trucks, and costs related thereto, and further to authorize the Town Manager, with the approval of the Board of Selectmen, to enter into lease purchase agreements for terms not exceeding 5 years; or to take any other action relative thereto.
13. Building Maintenance Plan - \$45,000 to be expended under the direction of the Town Manager and the Director of Public Works for capital maintenance of town-owned buildings as provided for in the Building Maintenance Plan, and costs related thereto; or to take any other action relative thereto.
14. Grace Hall Parking Lot Reconstruction - \$58,000 to be expended under the direction of the Town Manager and the Parking Department for the repair and reconstruction of the Grace Hall Parking Lot, and costs related thereto; or take any other action relative thereto.
15. Johnson Street Parking Lot Reconstruction - \$85,675 to be expended under the direction of the Town Manager and the Parking Department for the repair of the Johnson Street Parking Lot, and costs related thereto; or take any other action relative thereto.
16. School Fence Replacement - \$15,600 to be expended under the direction of the Town Manager and the School Committee for the replacement of fencing around the Provincetown School buildings, and costs related thereto; or to take any other action relative thereto.
17. Emergency Generator Repair or Purchase - \$200,000 to be expended under the direction of the Town Manager and Director of Public Works for purchase of or repairs/maintenance to town-owned emergency generators; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Article 11. FY 2014 Capital Improvements Program.

11-1. Police Fleet Upgrade

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 4-1-0

David McChesney moved that the Town vote to transfer \$27,484 from free cash to be expended under the direction of the Town Manager and the Police Chief for the purchase of one animal control replacement vehicle and costs related thereto.

Motion Passed.

Article 11. FY 2014 Capital Improvements Program.

11-2. Police Fleet Upgrade

Board of Selectmen Recommends: 5-0-0
Finance Committee Does Not Recommend: 6-0-0

David McChesney moved that the Town vote to transfer \$32,673 from free cash to be expended under the direction of the Town Manager and the Police Chief for the purchase of one replacement police cruiser vehicle and costs related thereto.
Motion Passed.

Article 11. FY 2014 Capital Improvements Program.
11-3. Police Fleet Upgrade

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

David McChesney moved that the Town vote to transfer the sum of \$24,960 from free cash to pay for the second year of a lease of two police vehicles to be expended under the direction of the Town Manager and Chief of Police and costs related thereto.
Motion Passed.

Article 11. FY 2014 Capital Improvements Program.
11-4. Police Fleet Upgrade

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

David McChesney moved that the Town vote to transfer the sum of \$8,800 from free cash to pay for the third year of a lease of one police vehicle to be expended under the direction of the Town Manager and Chief of Police and costs related thereto.
Motion Passed.

Article 11. FY 2014 Capital Improvements Program.
11-5. Police Bulletproof Vests

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 3-2-0

Elaine Anderson moved that the Town vote to transfer the sum of \$10,670 from free cash to pay for police department bulletproof vests to be expended under the direction of the Town Manager and Chief of Police and costs related thereto.
Motion Passed.

Article 11. FY 2014 Capital Improvements Program.
11-6. Police Speed Advisory Signs

Board of Selectmen Recommends: 4-1-0
Finance Committee Recommends: 3-2-0

Elaine Anderson moved that the Town vote to transfer the sum of \$10,287 from free cash to pay for the purchase of three speed advisory signs to be expended under the direction of the Town Manager and Chief of Police and costs related thereto.

Motion Passed.

Article 11. FY 2014 Capital Improvements Program.

11-7. Fire & Rescue All Terrain Vehicle

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 4-2-0

F. John Santos moved that the Town vote to transfer \$35,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager for the purchase of a rescue all terrain vehicle and costs related thereto.

Motion Passed. (2/3rd's Vote Declared)

Article 11. FY 2014 Capital Improvements Program.

11-8. Fire & Rescue Command Vehicle

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

F. John Santos moved that the Town vote to transfer \$55,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager for the purchase of a Fire & Rescue command vehicle and costs related thereto.

Motion Passed. (2/3rd's Vote Declared)

Article 11. FY 2014 Capital Improvements Program.

11-9. Roadway Maintenance Plan

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 5-0-0

Sharon Lynn moved that the Town vote to appropriate the sum of \$1,000,000 to be expended under the direction of the Town Manager and the Director of Public

Works for the re-paving of portions of Commercial Street and additional roadway maintenance as outlined in the town-wide paving plan and costs related thereto, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$1,000,000 pursuant to General Laws Chapter 44, sections 7 and 8, or any other enabling authority and to issue bonds and notes therefor; provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ debt exclusion by the voters of the town in accordance with General Laws Ch. 59 section 21C(m).

Motion Passed Unanimously.

Article 11. FY 2014 Capital Improvements Program.

11-10. Storm Water Management

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Board of Health Recommends: 4-0-0

Erik Yingling moved that the Town vote to transfer \$100,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Director of Public Works for improvements to the town's drainage system and costs related thereto.

Motion Passed. (2/3rd's Vote Declared)

Article 11. FY 2014 Capital Improvements Program.

11-11. Streets & Sidewalks Replacement

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Erik Yingling moved that the Town vote to transfer \$50,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Director of Public Works for improvements to the town's streets and sidewalks and costs related thereto.

Motion Passed Unanimously.

Article 11. FY 2014 Capital Improvements Program.

11-12. DPW Fleet Replacement

Board of Selectmen Recommends: 5-0-0

Finance Committee Does Not Recommend: 5-1-0

Austin Knight moved that the Town vote to raise and appropriate \$279,555 for Public Works fleet replacement vehicles to be expended under the direction of the Town Manager and the Director of Public Works and costs related thereto.

Michael Canizales moved to amend the motion by reducing the total to read \$173,810 instead of "\$279,555.

Motion to Amend Does Not Pass.

Motion Passed.

Article 11. FY 2014 Capital Improvements Program.

11-13. Building Maintenance Plan

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Austin Knight moved that the Town vote to transfer \$45,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Director of Public Works for capital building maintenance and costs related thereto.

Motion Passed Unanimously.

Article 11. FY 2014 Capital Improvements Program.

11-14. Grace Hall Lot Reconstruction

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Elaine Anderson moved that the Town vote to transfer \$58,000 from the Parking Fund to be expended under the direction of the Town Manager and the Parking Department for the repair and reconstruction of the Grace Hall Parking Lot and costs related thereto.

Motion Passed.

Article 11. FY 2014 Capital Improvements Program.

11-15. Johnson Street Parking Lot Reconstruction

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Elaine Anderson moved that the Town vote to transfer \$85,675 from the Parking Fund to be expended under the direction of the Town Manager, the Parking Department and Public Works Department for the repairs of the Johnson Street Parking Lot and costs related thereto.

Motion Passed.

Article 11. FY 2014 Capital Improvements Program.

11-16. School Fence Replacement

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David McChesney moved that the Town vote to transfer \$15,600 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the School Committee for replacement of fencing around the Provincetown School buildings and costs related thereto.

Motion Passed. (2/3rd's Vote Declared)

Article 11. FY 2014 Capital Improvements Program.

11-17. Generator Repair or Purchase

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Austin Knight moved that the Town vote to transfer \$40,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Department of Public Works for repairs to town owned generators and costs related thereto.

Motion Passed Unanimously.

10:20 p.m. David Nicolau moved to adjourn Annual Town Meeting until tomorrow, April 3, 2013 at 6 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:02 p.m. on Wednesday, April 3, 2013.

David Nicolau moved to allow Eva Sikorski, a non-registered voter, to speak at Town Meeting.

Motion Passed.

Article 12. *Amendments to Personnel By-law/Classification and Compensation Plan.* To see if the Town will vote as follows:

1. Schedule A: to amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, effective July 1, 2013, as follows:

Grade	Actual FY 2013		Proposed FY 2014		Position Title
	Min.	Max.	Min.	Max.	
21		exempt		exempt	Town Manager <i>[exempt – MGL C.41,§108N]</i>
20		exempt		exempt	Chief of Police <i>[exempt – MGL C.41,§108O]</i>
19	74,567	94,916	74,567	97,763	Director of Public Works
18	69,494	92,250	69,494	95,018	Police Staff Lieutenant Assistant Town Manager
17	66,994	79,581	66,994	81,968	Director of Municipal Finance
16	63,501	77,996	63,501	80,336	Building Commissioner MIS Director (grade change)
15	60,189	73,500	60,189	75,705	Deputy Director of Public Works
14	57,173	69,745	57,173	71,837	Health & Environ. Affairs Mgr Town Planner
13	54,450	63,635	54,450	65,544	No positions assigned
12	51,858	65,000	51,858	66,950	Human Services/Council on Aging Director Library Director Town Clerk Principal Assessor Town Accountant
11	49,388	60,000	49,388	61,800	Collector Treasurer DPW Operations Director MIS Analyst (grade change) Tourism Director
10	46,500	56,302	46,500	57,991	Deputy Town Accountant Town Manager's Executive Assistant Employee Benefits Coordinator Recreation Director Admin Asst to Chief of Police (grade change) Public Health & Safety Officer
9	44,797	53,621	44,797	55,230	Local Building Inspector Permit Coordinator Parking Administrator
8	42,663	50,586	42,663	52,104	COA Outreach Coordinator Library Public and Member Services Coordinator
7	40,632	47,723	40,632	49,155	Electrical/Deputy Building Inspector Assistant Town Accountant Admin. Accounting Assistant (grade change) MIS Technician Licensing Agent
6	38,697	46,372	38,697	47,763	Assistant Tourism Director

2. **Schedule B:** to amend Schedule B, "Fire Department Positions," effective July 1, 2013, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position	Current	Proposed
1 st Deputy Fire Chief.....	\$6,600.....	\$7,700
2 nd Deputy Fire Chief.....		\$5,500
District Fire Chief/Engineer	2,200.....	2,200
Firefighter	750.....	800
Fire Auxiliary.....	375.....	400
Fire Captain.....	500.....	750
Fire Lieutenant	305.....	500
House Steward	880.....	880
House Steward	1,100.....	1,100
Ladder Steward	1,300.....	1,300
LaFrance Steward	500.....	500
Main Station Steward	LCA.....	LCA
Oil Inspector	1,747	
Rescue Captain.....	1,450.....	2,200
Rescue Lieutenant	880.....	1,450
Rescue Steward.....	3,000.....	3,000
Rescue Training Officer	1,650.....	1,650
Radio Officer.....	550.....	550
Air Officer.....	1000.....	1,000
Summer Standby Coordinator (new)..	2,500	

Annual Salary

Position	Current	Proposed
Fire Chief	\$40,000.....	40,000

Non-Firefighter Positions

Position	Current	Proposed
First Responders	\$12.00 per call	
EMT-Basic.....	21.96/hour ...	22.61
EMT-Intermediate.....	23.66.....	24.34
EMT-Paramedic	25.88.....	26.65
Stand-by	25.00	
Safety Inspections	14.03	
Rescue Squad participation	\$250.00 per quarter	

3. **Schedule C:** to amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2013, as follows:

Grade	Actual FY 2013	Proposed FY 2014	Proposed Position Classifications
L	\$17.22	\$17.22	Parking Lot Technical Manager

<i>Grade</i>	<i>Actual FY 2013</i>	<i>Proposed FY 2014</i>	<i>Proposed Position Classifications</i>
K	16.73	16.73	Property Inspector (Assessors) Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	16.25	16.25	<i>No Positions Assigned</i>
I	15.94	15.94	Parking Meter Collection/Repair On-call van Driver
H	15.48	15.48	Police Matron Police Summer Dispatcher
G	15.18	15.18	<i>No Positions Assigned</i>
F	14.74	14.74	Assistant Harbormaster w/o police powers Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement Part-time Clerical Secretary, On-call Relief Transfer Station Laborer
E	14.48	14.48	Part-time Library Circulation Aide
D	14.05	14.05	On-call Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	13.64	13.64	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	13.39	13.39	<i>No Positions Assigned</i>
A	13.17	13.17	Council on Aging Cook Parking Lot Attendant/In-booth Seasonal Recreation Aides

or to take any other action relative thereto.

[Requested by the Personnel Board and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Personnel Board Recommends: 3-0-0

Erik Yingling moved that the Town vote to approve Article 12 as printed in the warrant.

Motion Passed.

Article 13. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$ 600,000 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$120,000 for coordination/support of the Visitor Service Board and the Tourism Department; and costs related thereto;

2. \$ 320,000 for marketing, and costs related thereto;
 3. \$ 20,000 for municipal projects, and costs related thereto;
 4. \$ 130,000 for tourism grants, and costs related thereto; and
 5. \$ 10,000 for Beautification Committee;
- or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Visitor Services Board]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Visitor Services Board Recommends: 7-0-0

David McChesney moved that the Town vote to approve Article 13 as printed in the warrant.

Motion Passed.

Town Moderator Mary-Jo Avellar recused herself and relinquished the role of moderator to Town Clerk Doug Johnstone.

Article 14. *FY 2014 Human Services Grant Program.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$61,675 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod	\$7,700
Cape Cod Children's Place	4,650
Consumer Assistance Council	400
Gosnold on Cape Cod	14,300
Helping Our Women	7,000
Homeless Prevention Council	3,500
Independence House	4,000
Lower Cape Outreach Council, Inc.	5,000
Mass-A-Peal	525
Outer Cape Health Services	6,100
Sight Loss Services, Inc.	500
Soup Kitchen in Provincetown	3,300
South Coast Counties Legal Services	<u>4,700</u>
Total	\$61,675

or to take any other action relative thereto.

[Requested by the Board of Selectmen, Human Services Committee and Town Manager]

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 4-0-2
Board of Health Recommends: 4-0-0

Elaine Anderson moved that the Town vote to raise and appropriate the sum of \$61,675 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate-income and those who are uninsured or underinsured, as printed in the warrant.

Motion Passed.

Town Moderator Mary-Jo Avellar returned to the meeting.

Article 15. July 4th Celebration. To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$22,000 to be expended under the direction of the Town Manager, the Chief of Police and the Director of Public Works for costs associated with the July 4th fireworks display; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 8-0-0
Board of Health Recommends: 7-0-0

Austin Knight moved that the Town raise and appropriate \$22,000, to be used to pay for town expenses associated with the costs for the July 4th fireworks display, as printed in the warrant.

Motion Passed.

Article 16. Fund Collective Bargaining Agreement. To see what sums the Town will vote to raise and appropriate or transfer from available funds amounts required to fund the collective bargaining agreement reached between the Town and NEPBA; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Has No Recommendation
Finance Committee Has No Recommendation

Sharon Lynn moved that the Town vote to indefinitely postpone Article 16.

Motion Passed.

Article 17. Wireless Facilities on Town Water Towers. To see if the Town will vote to transfer the care, custody, maintenance and control of the property owned by the Town and located at 120 Mt. Gilboa Road and 7 Capt. Berties Way, identified as Assessor's Map and Parcel 18-4-2-0E and 8-2-8-0E

respectively, the site of the Town's water towers, from the Water and Sewer Board currently having the care, custody, management and control thereof for its current purpose, to that Water and Sewer Board for its current purpose and to the Board of Selectmen for the purpose of disposition by lease; and further to authorize the Board of Selectmen to lease such property to a telecommunications service provider for such term of years and on such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town; and to authorize the granting of such utility access easements as are necessary to support such a facility; and further to authorize the Board of Selectmen to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town to undertake the purpose of this article; or to take any action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Two-Thirds Vote Required

**Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation**

Erik Yingling moved that the Town vote to transfer the care, custody, management and control of the properties owned by the Town and located at 120 Mt. Gilboa Road and 7 Capt. Berties Way, identified as Assessor's Map and Parcel 18-4-2-0E and 8-2-8-0E respectively, from the Water and Sewer Board currently held for water supply purposes to the Board of Selectmen to be held for the purpose of disposition by lease, provided, however, that the custody of said parcels shall continue to be held by the Water and Sewer Board for water supply purposes, and to authorize the Board of Selectmen to lease both of these properties to telecommunications service providers for a term not to exceed 30 years and on such terms and conditions as the Board of Selectmen deem to be in the best interest of the Town; and to authorize the granting of such utility access easements as are necessary to support such a facility; and further to authorize the Board of Selectmen to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town to undertake the purpose of this article.

Motion Passed. (2/3rd's Vote Declared)

Article 18. Room Occupancy Tax. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation applying the local room occupancy tax to seasonal rentals as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT APPROVING THE APPLICATION BY THE TOWN OF
PROVINCETOWN
OF THE LOCAL OPTION ROOM OCCUPANCY EXCISE TO
SEASONAL RENTAL PROPERTIES IN THE TOWN OF PROVINCETOWN

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by Chapter 64G section 3A of the Massachusetts General Laws or other law, as the same may be amended from time to time, the town of Provincetown shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said town by any operator at the rate of up to but not exceeding six (6) percent of the total amount of rent of each such occupancy.

Section 2. For the purposes of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in Chapter 64G section 1 of the Massachusetts General Laws and as follows:

“Occupancy”, the use or possession, or the right to the use or possession, of any room or rooms in a bed and breakfast establishment, bed and breakfast home, hotel, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of ninety consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by Chapter 64G section 1 of the Massachusetts General Laws and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium as defined by Chapter 183A of the Massachusetts General Laws or time-share as defined by Chapter 183B of the Massachusetts General Laws, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of Chapter 64G section 2 of the Massachusetts General Laws.

Section 4. All operators of seasonal rental property or other transient accommodations shall be responsible for assessing, collecting, reporting and paying such local excise tax as set forth in Chapter 64G sections 3, 4, 5, 6 and 7A of the Massachusetts General Laws and shall be liable in the same manners as operators in Chapter 64G section 7B of the Massachusetts General Laws.

Section 5. This act shall take effect upon its passage.
or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Visitor Services Board Recommends: 7-0-0

[Austin Knight moved that the Town vote to approve Article 18 as printed in the warrant.](#)

Motion Passed (173 For, 8 Against).

Article 19. 0.5% Real Estate Transfer Fee - A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a 0.5% Real Estate Transfer Fee as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN TO IMPOSE A 0.5% REAL ESTATE TRANSFER FEE.

Section 1: There is hereby imposed a Real Estate Transfer Fee equal to 0.5% (half percent, ½%) of the purchase price upon the transfer of any real property interest in any real property situated in the Town of Provincetown. Said fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Provincetown. The first \$250,000 collected in each fiscal year shall be deposited in the Town's Capital Improvement Stabilization Fund. The remaining funds collected each fiscal year shall be deposited into the Town's General Fund.

Section 2: The following transfers of real property interests shall be exempt from the Real Estate Transfer Fee:

A. First time homebuyers who live in the home for at least 5 years. A lien shall accompany the deed stating that "There is running with the land a lien equal to

the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met.”

B. Transfers to the Government of the U.S., The Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or sub-divisions, such as the Provincetown Housing Authority.

C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.

D. Transfers of convenience with consideration under \$100.00 which include: name change, into trusts, out of trust, etc.

E. Transfers to any charitable organization as defined in Clause Third of Section Five of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.

F. Transfers between family members, marriage partners, parents and children, grandchildren, step-parents and step-children, brothers and sisters.

Section 3:

A: The fee imposed shall be due at the time of the transfer of the real property interest.

B: The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid Real Estate Taxes.

C: The Town shall notify a buyer by Registered or Certified Mail of any failure to discharge the amount in full of fee due.

D: All fees and interest required to be paid under this Act shall constitute a personal debt of the buyer and may be recovered in an action of contract;

Section 4: This Act shall take effect on passage.
or take any action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 7-0-0

[Erik Yingling moved that the Town vote to approve Article 19 as printed in the warrant.](#)

Motion Passed (144 For, 35 Against).

Article 20. *Evacuation Plan Urgently Needed for Provincetown Residents.*

To see if the Town will vote to approve the following nonbinding resolution:

Whereas, Massachusetts Emergency Management Agency (MEMA) Director Kurt Schwartz has acknowledged that Cape Cod residents and visitors are “in harm’s way” in the event of a radiological accident at the Pilgrim Nuclear Power Station 26 miles across the bay in Plymouth; and

Whereas, MEMA has determined that Cape residents will not be evacuated, but will be relocated *after* possible exposure to dangerous radioactive materials released in an accident at Pilgrim; and

Whereas, citizens of the Town of Provincetown find this State response to Pilgrim's threat to our health and safety unacceptable and in violation of the public trust; and

Whereas, the Pilgrim Nuclear plant is the same design and make as the Fukushima nuclear power station in Japan, where safety systems failed during a natural disaster causing catastrophic meltdown, radiation exposure to people, and long-lived contamination of land in an accident still not under control;

Therefore, be it resolved that we the people of Provincetown respectfully ask Massachusetts Governor Deval Patrick to require the U.S. Nuclear Regulatory Commission to uphold its mandate to protect the public by shutting down the Pilgrim Nuclear Power Station because the safety of Cape and Islands residents and visitors cannot be assured if there is an accident; and

Requests the Town Clerk to send written copies of this Resolution to the Governor and the Attorney General of Massachusetts, and to Provincetown's elected State and Federal legislators; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

**Board of Selectmen Recommends: 4-1-0
Finance Committee Has No Recommendation**

[Sharon Lynn moved that the Town vote to approve Article 20 as printed in the warrant.](#)

Motion Passed (197 For, 2 Against).

Article 21. Climate Crisis. To see if the Town will vote to approve the following resolution on the Climate Crisis:

WHEREAS, man-made greenhouse gases in the atmosphere have contributed significantly to global warming, glacial melt, sea level rise and climate changes, and all over the globe extremes in weather are being experienced with increased frequency in the form of droughts, heavy rainfall, record high temperatures, and dangerous storms, resulting in wild fires, floods, crop failures, destruction of homes and communities, and loss of life; and

WHEREAS, there is a limit to the amount of carbon and other greenhouse gases the atmosphere can contain beyond which life on the planet as we know it will be severely impacted and ultimately unsustainable; and

WHEREAS, the fossil fuel industry is reaping enormous profits and exercising great power over policy makers and legislators by means of large contributions to the campaign chests of friendly politicians in exchange for favorable legislation and massive government subsidies--at the expense of support for clean, renewable, and sustainable energy; and

WHEREAS, every household in Provincetown, motivated by a sense of responsibility to protect the planet and guarantee a future for the next generation and beyond, has the ability to decrease its contribution of greenhouse gases (its "carbon footprint") by taking relatively simple steps to decrease its use of fossil fuel; and

WHEREAS, the town of Provincetown has chosen to become a GREEN COMMUNITY and under our own Energy Committee, tasked by the Board of Selectmen, significant progress has been achieved in making our municipal buildings more energy efficient;

THEREFORE, be it resolved that the citizens of Provincetown commit ourselves to meeting our individual and collective responsibility in the face of the increasing climate crisis by adopting energy efficiency and conservation practices; and

FURTHER, we urge our elected state officials to direct the managers of the State Pension Funds to divest the Funds of holdings in fossil fuel industries and to invest, instead, in alternative sustainable energy companies, a step consistent with the Commonwealth's commitment to clean, renewable, green energy that does not further burden our fragile atmosphere and threaten our planet; and

The Town Clerk is requested to send copies of this Resolution to Governor Deval Patrick, State Treasurer Steven Grossman, State Senator Daniel Wolf, and State Representative Sarah Peake; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation
Conservation Commission Recommends: 5-0-0
Board of Health Recommends: 4-0-0

Elaine Anderson moved that the Town vote to approve Article 21 as printed in the warrant.

Motion Passed.

Article 22. General By-law Amendment: Non-Criminal Disposition of Pier Corporation Regulations.

To see if the Town will vote to amend the Provincetown General By-laws by amending §2-3-1-1 to read as follows:

2-3-1-1. Any rule or regulation of the Provincetown Public Pier Corporation duly enacted as of ~~April 2, 2012~~ April 1, 2013 shall be deemed a regulation of the Board of Selectmen. Violation of such rules or regulations may be enforced by any available means in law or equity, including but not limited to non-criminal disposition pursuant to G.L. c.40, §21D, and Sections 2-3-1 through 2-3-3 of the General By-laws. For the purposes of this by-law, the following officials shall be enforcing persons: the Harbormaster and his designees and any police officer of the Town of Provincetown.

2-3-2-1. Violations of the Provincetown Public Pier Corporation Regulations in Effect on ~~April 2, 2012~~ April 1, 2013 (attached as Appendix 1 to Schedule A): 1st offense, \$100.00; 2nd offense, \$200.00; 3rd and subsequent offenses, \$300.00; or to take any other action relative thereto.

[Requested by Provincetown Public Pier Corporation]

**Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation**

David McChesney moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 22.

Motion Passed.

Article 23. *General By-law Amendment: Prohibited Use of Bicycles.* To see if the Town will vote to amend the Provincetown General By-laws by inserting a new Section 13-5, including amendments or modifications thereto, to read as follows:

13-5 Prohibited Use of Bicycles

13-5-1 Bicycle Removal Program

13-5-1-1 Purpose

The Town of Provincetown regulates bicycle parking for short term storage only. For the purposes of this by-law, the term "Short-term parking" shall be defined as parking a bicycle at a Town bicycle rack for a period of less than seven (7) continuous days.

The principal intent of these regulations is two-fold: first, to ensure that short-term parking for bicyclists is available in the town and second, to ensure that bicycles are parked in a safe and secure manner. One of the important ways of meeting these intentions is to remove abandoned bicycles that are taking up valuable spaces which could be used by other bicyclists. In addition, it should be clear that the bicycle spaces in the town are not intended for long-term storage. Finally, the regulations address the fact that parking a bicycle to some fixtures is not acceptable: trees can be damaged, benches rendered unusable, or hand railings be unavailable to those who need them most. Bicycles in violation of these regulations should be reported to the Provincetown Police Department.

An abandoned bicycle (that meets the established criteria), or one that is in violation of the time (7 days) restrictions will be tagged and removed. A bicycle determined to be inoperative will be removed by the Department of Public Works for Disposal. A bicycle determined to be operative will be held at the Provincetown Police Department of 30 days.

13-5-1-2 Procedure

Bicycle Parking On Public Property

- a. Bicycles are permitted to park against a street sign pole, or on a bicycle rack or other facility specifically intended for that purpose.

- b. Under no circumstances shall a bicycle obstruct the pedestrian path of travel or handicap access ramps. A parked bicycle must leave at least 36 inches of an obstruction free path of travel.
- c. Bicycles are not permitted to be parked to: fire hydrants, hand railings, benches, trees, trash receptacles and parking meters. Bicycles in violation of the above regulations shall be tagged and removed immediately if presenting a public safety hazard as noted in this section.
- d. Bicycles shall not be parked longer than seven consecutive days at the same location on any bike rack, public way or sidewalk. If the bike is determined to be working bike, a tag will be affixed, and after a 72 hour time period be removed for storage purposes. The Department of Public Works (DPW) will transport the bike to Police Headquarters, and the sector officer will generate a report, identifying the bike and removal date. The report will include make, model, color, serial number (if possible) and a brief description of the bikes condition. The serial number will be checked with the Criminal Justice Information System. The Property /Evidence Officer will log the bike into the IMC System and secure the bike for safekeeping in a designated storage area for a period of thirty days. If the bike is not claimed in this period, the Property/ Evidence Officer will release the bike for auction.
- e. No motorized vehicles shall be parked on a bicycle rack or other facility specifically designed and intended for bicycle parking. Violators are subject to immediate removal by the Provincetown Police Department. Motorized vehicles parked on sidewalks will be issued a parking citation and towed.

Abandoned Or Inoperable Bicycle On Public Property

A bicycle with one or more of the following defects will be considered abandoned and can be removed and destroyed:

- (a) No tires or wheels
- (b) Have warped wheels or frame
- (c) Missing, rusted or broken chain in such a state that renders the bicycle inoperative.
- (d) Missing or warped handle bars

or to take any other action relative thereto.

[Requested by Provincetown Bicycle Committee]

**Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation**

Michael Peregón moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 23.

Motion Passed.

Article 24. Scale Bylaw. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 2, Districts and District Regulations, Section 2640, Building Scale, as follows:

C. Procedure. Each application for a building permit, except where the total volume is reduced, shall contain information on the building volume of all structures that fall wholly or partially within two hundred fifty (250) feet of the center of the proposed renovation if a structure exists, ~~and within two hundred fifty (250) feet~~ or of the center of the parcel for a proposed new building, except for stand-alone non-residential accessory use structures of 2,160 cubic feet or less.

This provision shall take effect as provided for under the general laws; provided however, that any property owner or his, her or its designee with a project or development plan pending before the Planning Board, Zoning Board of Appeals and/or the Conservation Commission prior to February 14, 2013, shall be excluded from the provisions of this Section 2640 as amended. The applications referenced above shall include growth management allocation permits, special permits and orders of conditions, provided further that the building permit for the project is sought and obtained as part of the Growth Management Allocation Permit and that use or construction under the building permit shall begin within six months after issuance of the building permit and, in the case of construction, that construction shall be continued through to completion as continuously and expeditiously as is reasonable.

or take any other action relative thereto.

[Requested by Planning Board]

Two-Thirds Vote Required

Board of Selectmen Recommends: 3-2-0
Finance Committee Has No Recommendation
Planning Board Recommends: 4-1-0

Mark Weinress moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 24 with the addition of the words “on a vacant lot”, after the words “or of the center of the proposed new building...”.

Motion Does Not Pass. (102 For, 91 Against – 2/3rd's Requirement Not Met)

Article 25. Scale By-law Amendment. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 2, Districts and District Regulations, Section 2640, Building Scale, as follows:

C. Procedure. Each application for a building permit, except where the total volume is reduced, shall contain information on the building volume of all structures that fall wholly or partially within two hundred fifty (250) feet of the center of the proposed renovation if a structure exists, ~~and within two hundred~~

fifty (250) feet or of the center of the parcel for a proposed new building, except for stand-alone non-residential accessory use structures of 2,160 cubic feet or less;

or to take any other action relative thereto.

[Requested by Jonathan Sinaiko and others]

Two-Thirds Vote Required

Board of Selectmen Has No Recommendation

Finance Committee Has No Recommendation

Planning Board Has No Recommendation

Jonathan Sinaiko moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 25.

Motion Does Not Pass. (For 92, Against 94)

Article 26. Zoning By-law Amendment. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 3, General Regulations, by adding Section 3510, as follows:

Section 3510 Earth Removal

The removal from any premises of more than 50 cubic yards of sand, gravel, stone, topsoil or similar materials within any 12 month period shall be allowed only by Special Permit in accordance with Section 5300. A Special Permit for earth removal may be granted subject to the following:

- a. **Plan.** The application shall be accompanied by a plan showing existing topography base grades below which no excavation will take place, and existing and proposed cover vegetation.
- b. **Screening.** Excavation areas and processing equipment shall be screened by buffer strips or other means, and noise and dust shall be adequately controlled.
- c. **Restoration.** Following removal, all excavated areas shall be restored by grading to provide drainage to control surface and storm water and for slopes not to exceed one foot horizontal to two feet vertical, and by covering with four inches of topsoil, and by planting with cover vegetation, which shall be established prior to release of the bond.
- d. **Bond.** A performance bond shall be posted in an amount sufficient to assure satisfactory fulfillment of the requirements of this Section.
or to take any other action relative thereto.

[Requested by Jonathan Sinaiko and others]

Two-Thirds Vote Required

**Board of Selectmen Has No Recommendation
Finance Committee Has No Recommendation
Planning Board Recommends: 4-0-0**

Jonathan Sinaiko moved that the town vote to approve Article 26 as printed in the warrant with the following amendments to change 50 cubic yards to 300 cubic yards and add the words..."by the Planning Board" after the words Special Permit.

Motion Does Not Pass. (86 For, 106 Against)

Article 27. Zoning By-law Amendment. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 3, General Regulations, by adding Section 3500, as follows:

Section 3500 Natural Cover Removal

A Special Permit from the Planning Board is required for exposing more than 5,000 square feet of bare earth through either removal or filling on any parcel of contiguous parcels in the same ownership, or, if in different ownership, is part of a common proposed site development scheme, unless in conjunction with agricultural activity, landscaping incidental to a dwelling existing on the premises, or in conjunction with a currently valid building permit or Special Permit for earth removal under the Zoning Bylaw, or within streets which are either public or designated on an approved subdivision plan. A Special Permit under this section shall be granted only subject to the following:

- a. **Submissions.** Information shall be submitted showing existing and proposed topography and vegetation (or other cover surface, if any) and outlining methods of preventing erosion, silting or other instability during and after land or vegetation alteration.
- b. **Criteria.** Adequate measures are to be provided to prevent erosion, silting or other instability both during and after land or vegetation alteration. The Planning Board may require the applicant to submit a report from the Soil Conservation Service or soil loss calculations prepared by a soils scientist or the engineer in cases where doubt as to adequacy of proposed measures exists.
- c. **Security.** In conjunction with the above Special Permit approval process for Site Plan Approval, the Planning Board shall require the posting of a bond or other security to secure faithful and satisfactory performance of proposed erosion control measures, in such sum and in accordance with such conditions as the Board may determine necessary;

or to take any other action relative thereto.

[Requested by Jonathan Sinaiko and others]

Two-Thirds Vote Required

Board of Selectmen Has No Recommendation

Finance Committee Has No Recommendation

Planning Board Recommends: 4-0-0

Conservation Commission Recommends: 3-2-0

Jonathan Sinaiko moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 27.

Motion Does Not Pass. (127 For, 85 Against – Did Not Meet 2/3rd's Required)

Sheila McGuiness submitted a petition signed by 10 registered voters that moved to reconsider Article 27.

Motion to Reconsider Passes (94 For, 71 Against).

Sheila McGuiness moved to indefinitely postpone Article 27.

Motion to Indefinitely Postpone Passed.

Article 28. *Don't Undermine the US Post Office.*

Whereas, the Post Office provides a needed and appreciated service and neighborhoods are better served and safer with 6 day week delivery;

Whereas, the Post Office actually made a profit last year;

Whereas, politicians have uniquely made the Post Office pay in advance for pensions due in the future, and have therefore put the Post Office in a technical deficit standing;

I move to see if the voters of Provincetown, MA would vote to petition our Congressional Delegates from Massachusetts to support the Post Office, keeping the 6 day per week service and to remove the mandate from pre-paying future pensions. The petition will be sent to: President Barack Obama, Senator Elizabeth Warren, Senator William "Mo" Cowan, Representatives (By congressional district): 1st – Rep. Richard Neal, 2nd – Rep. James "Jim" McGovern, 3rd – Rep. Niki Tsongas, 4th – Rep. Joseph Kennedy III, 5th – Rep. Edward "Ed" Markey, 6th – Rep. John Tierney, 7th – Rep. Michael Capuano, 8th – Rep. Stephen Lynch, 9th – Rep. William Keating;
or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

Board of Selectmen Has No Recommendation

Finance Committee Has No Recommendation

Barbara Rushmore moved that the Town vote to approve Article 28 as printed in the warrant.

Motion Passed.

Article 29. Art Gallery Zoning Bylaw Amendment. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions and Section 2460, Special Permit Requirements, as follows:

To replace the definition

~~**Art Gallery** shall mean premises for the preparation, sale, display or barter of paintings, sculpture, original, limited edition graphic arts and photographs created by individual artists on a single piece basis, but not including premises used by caricaturists and portrait artists working on a single-sitting, non-appointment basis.~~

to read

Art Gallery shall mean a supportive exhibition space for artists working in all varieties of creative media. Artwork would be available for sale, display, or barter. Art would include but not be limited to painting, sculpture, photography, time based media (digital, video, film, sound etc), installation, conceptual art, and performance art. An Art Gallery also functions as a space for the experimentation and development of works in progress providing cultural enhancement and community accessibility. An art gallery does not include premises used by caricaturists and portrait artists working on a single-sitting, non-appointment basis.

and to replace the definition

~~**Artist's Studio** shall be a structure to be used for the creation of works of art including literature, paintings, sculpture, original limited edition graphic arts and photographs created by individual artists on a single piece basis; it may include a bathroom but not a kitchen and is not to be used as a dwelling unit, guest unit or commercial accommodation.~~

to read

Artist's Studio shall be a structure to be used for the creation of works of art by individual artists; it may include a bathroom but not a kitchen and is not to be used as a dwelling unit, guest unit or commercial accommodation.

And to amend Section 2460 as follows:

2460 Special Permit Requirements No hotel, motel, inn, restaurant or bar holding or seeking to hold a license granted pursuant to General Laws, Chapter 138, Section 12; General Laws, Chapter 140, Section 2; or General Laws, Chapter 140, Section 183A, respectively, shall be used for the service of food or alcoholic beverages to the public or public entertainment, nor any other premises or establishment for public entertainment, (excluding art gallery openings with performance art), nor any establishment increase its Posted Occupant Load, unless such use has been authorized with a Special Permit from the Board of Zoning Appeals as provided for in Section 5300; or take any other action relative thereto.

[Requested by Debra Nadolney and others]

Two-Thirds Vote Required

**Board of Selectmen Has No Recommendation
Finance Committee Has No Recommendation
Planning Board Has No Recommendation**

Debra Nadolney moved that the town vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions, as follows:

To replace the existing definition of "Art Gallery" with the following definition:

Art Gallery shall mean premises for the preparation, sale, display or barter of "fine art" as defined by, and in compliance with Massachusetts General Law Chapter 104A as "a painting, photograph, sculpture, functional sculpture, hologram, wearable art, drawing, fiber-based work, ceramic-based work, metal work, conceptual-based art, glass-based work, an installation, a work that is created or displayed using computer, digital devices and/or new technology such as, but not limited to, digital prints, digital photographs, CD Roms, DVDs, cyberart, a web/internet-based art work, a performance-based art work and the results of the performance such as, but not limited to, film, video, DVDs, CD Roms, a sound work, an electronic-based work, a work of graphic art, including an etching, lithograph, off set print, silk screen/screen print, or work of graphic art of like nature, a work of calligraphy, an artist's book, or a work in mixed media including collage, assemblage or any combination of the foregoing art media." An art gallery does not include premises used by caricaturists and portrait artists working on a single, non-appointment basis.

And further to replace the existing definition of "Artist's Studio" with the following definition:

Artist's Studio shall be a structure to be used by an artist for the creation of "fine art" as defined in Massachusetts General Laws c. 104A, sec.1, definitions; it may include a bathroom but not a kitchen and is not to be used as a dwelling unit, guest unit or commercial accommodation.

and further, to make no changes to Section 2460 Special Permit Requirements.

Austin Knight moved to indefinitely postpone Article 29.

Motion to Indefinitely Postpone Passed.

Article 30. Design and Repair to the Police Station on Shank Painter Road. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money not to exceed \$3,000,000 to be expended under the direction of the Town manager for the purpose of renovating the existing police station, within existing square footage, including design costs and all other costs incidental and related, including up to \$500,000 for temporary housing of police force during construction and a contingency of \$500,000; and to authorize the Board of Selectmen and the Town Manager to apply for and accept any grant funds that may be available for this project and to take all other actions necessary to carry out the project provided that the appropriation may be contingent on a Proposition 2 ½ Capital Outlay or Debt Exclusion ballot question; or to take any other action relative thereto.

[Requested by Dorothy Feld and others]

Two-Thirds Vote Required

Board of Selectmen Does not Recommend: 3-2-0

Finance Committee Recommends: 4-1-1

Building Committee Does Not Recommend: 5-0-0

Michael Canizales moved that the Town vote to appropriate the sum of \$3,000,000 to be expended under the direction of the Town Manager for the purpose of renovating and/or reconstructing a police station, within existing square footage of the lot, including design costs and all other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of selectmen is hereby authorized to borrow \$3,000,000 and to issue bonds and notes therefor; and to authorize the Board of Selectmen and the Town Manager to apply for and accept any grant funds that may be available for this project and to take all other actions necessary to carry out the project; provided that the appropriation shall be contingent on a Proposition 2 ½ Debt Exclusion ballot question.

Donna Walker moved to indefinitely postpone Article 30.

Motion to Indefinitely Postpone Does Not Pass.

Tom Donegan moved to lay the motion to indefinitely postpone on the table.

Motion to Lay Indefinite Postponement on the Table Passed.

Irene Rabinowitz moved to take the motion to indefinitely postpone off the table.

Motion to Take Indefinite Postponement off the Table Passed.

Motion to Indefinitely Postpone Passed.

Town Moderator Mary-Jo Avellar motioned to dissolve the April 1, 2013 Annual Town Meeting at 11:09 p.m.

Motion Passed.

Annual Town Meeting dissolved at 11:09 p.m.