

Annual Town Meeting – Monday, April 7, 2014

Meeting Called to Order. Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 6:00 p.m. on Monday, April 7, 2014 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 6:58 p.m. on Monday, April 7, 2014.

Preliminary motions:

Elaine Anderson moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Elaine Anderson moved that the Town vote to grant permission to speak at the April 7, 2014 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Connie Boulos, *Treasurer*; Russell Braun, *Building Commissioner*; Morgan Clark, *Public Health and Safety Officer*; Martin R. Donahue and John Bologna, *Coastal Engineering*; James Golden, *Acting Chief of Police*; Beau Jackett, *Management Information Systems Director*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; Eric Larsen, *Deputy Director of the Public Works*; Rebecca Levin, *Library Member Services Coordinator*; Rex McKinsey, *Pier Manager/Harbormaster*; Gloria McPherson, *Town Planner*; Brandon Motta, *Recreation Director*; Kim Y. Pike, *District Principal*; Domenic Rosati, *Parking Administrator*; Cody Salisbury, *Water Superintendent*; Beth Singer, *Superintendent of Schools*; Richard Waldo, *Director of Public Works*.

Motion Passed.

Elaine Anderson moved that on all matters to come before the April 7, 2014 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

Elaine Anderson moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

Motion Passed.

Julia Perry read a report from the Charter Review Ad Hoc Committee.

Article 2. FY 2015 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$23,159,257 to fund operating budgets for the several Town departments for Fiscal Year 2015 in accordance with Chapter 9, Section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2014	FY 2015	% '14-'15
I. General Government	\$1,179,224	\$1,096,855	-7.0%
II. Finance	8,991,596	9,573,830	+6.5 %
III. Public Safety	4,753,978	4,751,059	-0.1%
IV. Public Works	3,063,116	3,215,186	+5.0%
V. Public Services	901,724	932,029	+3.4 %
Sub-total, I-V	\$18,889,638	\$19,568,959	+3.6%
VI. Public Schools	3,367,784	3,590,298	+6.6%
Total, I-VI	\$22,257,422	\$23,159,257	+4.1%

or to take any other action relative thereto.

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

Article 2. FY 2015 Municipal Operating Budget.

Division I. General Government.

Board of Selectmen Recommends: 5-0-0

Finance Committee Does Not Recommend: 6-0-0

David Gardner moved that the Town vote to raise and appropriate the sum of \$963,030, transfer \$2,500 from Wetlands Protection Fund, and \$131,325 from the Land Bank Fund for a total of \$1,096,855 to fund operating budgets for the several Town departments for Fiscal Year 2015 under budget Division I, General Government, as requested by the Board of Selectmen.

Michael Canizales moved to amend the Article 2 Division I General Government by adopting the Finance Committee recommendation for line 123 Town Manager Personnel Services by reducing the amount from \$290,884 to \$261,881.

Motion to Amend Passed. (For: 136 Against: 70)

Amended motion now reads: to raise and appropriate the sum of \$934,027, transfer \$2,500 from Wetlands Protection Fund, and \$131,325 from the Land Bank Fund for a total of \$1,067,852 to fund operating budgets for the several Town departments for Fiscal Year 2015 under budget Division I, General Government.

Motion As Amended Passed.

Motion to Reconsider Article 2 Division I General Government.

Motion to Reconsider Does Not Pass.

**Article 2. FY 2015 Municipal Operating Budget.
Division II. Finance.**

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

David Gardner moved that the Town vote to raise and appropriate the sum of \$9,543,175, transfer \$30,655 from Title V Septic Revolving fund for a total of \$9,573,830 to fund operating budgets for the several Town departments for Fiscal Year 2015 under budget Division II, Finance, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

**Article 2. FY 2015 Municipal Operating Budget.
Division III. Public Safety.**

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

David Gardner moved that the Town vote to raise and appropriate the sum of \$4,651,059, transfer \$40,000 from the Ferry Embarkation fund, transfer \$60,000 from Municipal Waterways fund for a total of \$4,751,059 to fund operating budgets for the several Town departments for Fiscal Year 2015 under budget Division III, Public Safety, as requested by the Board of Selectmen.

Michael Canizales moved to amend the board of Selectmen recommendation by reducing the 210 Police Personnel Services line item by \$12,155 (total reflects half of FY 2015 total since position believed to remain unfilled for half of the fiscal year).

Motion to Amend Passed. (For: 117 Against:70)

Amended motion now reads: to raise and appropriate the sum of \$4,638,904, transfer \$40,000 from the Ferry Embarkation fund, transfer \$60,000 from Municipal Waterways fund for a total of \$4,738,904 to fund operating budgets for the several Town departments for Fiscal Year 2015 under budget Division III, Public Safety.

Motion As Amended Passed.

**Article 2. FY 2015 Municipal Operating Budget.
Division IV. Public Works.**

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

David Gardner moved that the Town vote to raise and appropriate the sum \$3,215,186 to fund operating budgets for the several Town departments for Fiscal Year 2015 under budget Division IV, Public Works, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

**Article 2. FY 2015 Municipal Operating Budget.
Division V. Public Services.**

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

David Gardner moved the Town vote to raise and appropriate the sum \$932,029 to fund operating budgets for the several Town departments for Fiscal Year 2015 under budget Division V, Public Services, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

**Article 2. FY 2015 Municipal Operating Budget.
Division VI. Public Schools.**

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

David Gardner moved that the Town vote to raise and appropriate the sum of \$2,811,291 to fund the local Provincetown Public School System Budget for Fiscal Year 2015.

Motion Passed.

Article 3. FY 2015 Cape Cod Regional Technical High School Assessment.

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Town of Provincetown's assessment for the CCRTHS FY2015 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
School Committee Recommends: 5-0-0**

David Gardner moved that the Town vote to raise and appropriate the sum of \$100,851 for its assessment for Cape Cod Technical Regional High School for FY 2015.

Motion Passed.

Article 4. FY 2015 High School Tuition. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Town of Provincetown's high school tuition payments for the FY2015 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
School Committee Recommends: 5-0-0

David Gardner moved that the Town vote to raise and appropriate the sum of \$779,007 to fund the Provincetown Public School High School tuition cost for Fiscal Year 2015.
Motion Passed.

Article 5. FY 2015 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 2015:

6001 Water Enterprise Fund	FY 2014	FY 2015	% 14-15
Enterprise Fund Costs	\$2,079,208	2,112,693	
General Fund Costs	<u>280,898</u>	<u>295,000</u>	
TOTAL COSTS	\$2,360,106	\$2,407,693	2.0%

6002 Wastewater	FY 2014	FY 2015	14-15%
Enterprise Fund Costs	\$3,487,541	\$3,984,921	
General Fund Costs	<u>144,257</u>	<u>144,257</u>	
TOTAL COSTS	\$3,631,798	\$4,129,178	13.6%

or to take any other action relative thereto.

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

Article 5. FY 2015 Enterprise Funds.
6001 Water Enterprise Fund.

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
Board of Health Recommends: 4-0-0

Erik Yingling moved that the Town vote that \$2,407,693 be appropriated to operate the Water Enterprise Fund, \$1,845,713 to come from Water Enterprise Fund revenues and \$266,980 from Retained Earnings, and further, \$295,000 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 5. FY 2015 Enterprise Funds.
6002 Wastewater Enterprise Fund.

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

Erik Yingling moved that the Town vote that \$4,129,178 be appropriated to operate the Wastewater Enterprise Fund, \$3,300,050 to come from Wastewater Enterprise Fund revenues and \$684,871 from reserved for debt service, and further, \$144,257 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

James King moved to take Article 28 through and Article 31 out of order and be heard now.

Motion to Take Articles Out of Order Does Not Pass.

Article 6. Fund Contractual Obligation to Retired Employee. To see if the Town will vote to raise and appropriate or transfer from available funds \$13,000 to fund the contractual obligation to a now retired employee; 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

Tom Donegan moved that the Town vote to raise and appropriate \$13,000 to fund a contractual obligation to a former, now retired town employee.

Motion Passed.

Article 7. FY 2015 Revolving Accounts. To see if the Town will vote to continue for FY 2015 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 therefrom, 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 therefrom, 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;

5. Council on Aging Transportation: 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;
6. Affordable Housing: To allow 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 to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually to be expended for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation, cost of marketing and conducting lotteries under the direction of the Town Manager and the Housing Specialist;

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

Elaine Anderson moved that the Town vote to continue for FY 2015 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 8. Facilities and Grounds Rental Revolving Account. To see if the Town will vote to establish a Revolving Account for costs related to the rental of town owned facilities and grounds, as established pursuant to MGL C.44 §53 E1/2, to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for janitorial hired staffing and other costs related to rental costs under the direction of the Town Manager; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Austin Knight moved that the Town vote to establish a Revolving Account for Facilities and Grounds Rental pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 9. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate or transfer from available funds an amount 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: 6-0-0

Tom Donegan 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 10. Community Preservation Budget for FY 2015. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2015 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. Debt Service Appropriations: Part 2
 - A. \$237,300 for affordable housing debt service;
 - B. \$55,524 for open-space debt service;
 - C. \$171,704 for historic preservation debt service;
3. Grant Requests Appropriations: Part 3
 - A. Community Housing Office, Housing Specialist - \$67,475: Partial funding of Housing Office including 15 hours per week for Housing Specialist and 5 hours per week for CPA Administration along with pro-rated health benefits and some expenses;
 - B. CPA General Administration - \$20,766;
 - C. Pilgrim Memorial Park - \$30,000: Phase 1 for the restoration and conservation of the Bas Relief in anticipation of the 2020 Commemoration; \$20,000 to hire a conservation firm to develop a conservation plan for the Bas Relief and other monuments on site and \$10,000 to hire a Landscape Architect to develop conceptual plans for the overall park including analysis of historic plans; said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee;
 - D. Winthrop St Cemetery Phase 4, Cemetery Commission - \$30,000: Phase 4 implementation of Preservation Plan: signage and historical information, and completion of all phases; said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee;
 - E. B-Street Garden Conservation Park Stormwater Improvement Project - \$153,100: Water quality and habitat assessment evaluation; delineation of the stormwater collection area; 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. Connected Trails - \$43,214: Connect trails throughout town to connect conservation land open-space; 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;

- G. Provincetown “Little Fix” Program - \$30,000: Assist seniors, disabled, and veterans maintain their housing with community volunteer program tackling small home and landscaping improvements;
- H. Provincetown Local Housing Voucher Program - \$180,000 to be spent over a 3 year period: Provide rental assistance to income eligible households [at or below 60% AML] for up to 3 years, along with financial counseling to become self-sufficient;
- or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Article 10. Community Preservation Budget for FY 2014.

1 & 2. Reserves and Debt Service

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Housing Authority Recommends Art. 10 – 1B: 5-0-0

Housing Authority Recommends Art. 10 – 2A: 5-0-0

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.

And further to appropriate the sum of \$464,528 to fund debt service for Fiscal Year 2015 as follows: the sum of \$237,300 from Affordable Housing reserves, the sum of \$55,524 from Open Space estimated revenues, and the sum of \$171,704 from Historic Preservation estimated revenues.

Motion Passed.

Article 10 – 3A Community Preservation FY 2014 Budget

Community Housing Office, Housing Specialist

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Community Preservation Committee Recommends: 8-0-0

Housing Authority Recommends: 5-0-0

Ann Maguire moved that the Town vote to appropriate from Affordable Housing Reserves the sum of \$67,475 for Housing Office and CPA support.

Motion Passed.

Article 10 – 3B Community Preservation FY 2015 Budget

General Administration

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Community Preservation Committee Recommends: 8-0-0

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 10 – 3C Community Preservation FY 2015 Budget

\$30,000 Pilgrim Memorial Park

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Historical Commission Recommends: 4-0-0

Visitor Services Board Recommends: 4-0-0

Community Preservation Committee Recommends: 8-0-0

Eric Dray moved that the Town vote to appropriate under the Community Preservation Act - Historic Resources Program the sum of \$30,000 from estimated revenues. \$20,000 to hire a conservation firm to develop a conservation plan for the Bas Relief and other monuments on site and \$10,000 to hire a Landscape Architect to develop conceptual plans for the overall park including analysis of historic plans; said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee.

Motion Passed.

Article 10 – 3D Community Preservation FY 2015 Budget

\$30,000 Winthrop St Cemetery Phase 4, Cemetery Commission

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Historical Commission Recommends: 4-0-0

Community Preservation Committee Recommends: 8-0-0

Eric Dray moved that the Town vote to appropriate under the Community Preservation Act – Historic Resources Program the sum of \$30,000 from estimated revenues for the Phase 4 implementation of the Preservation Plan for the Winthrop Street Cemetery: signage and historical information & completion of all phases and said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee.

Motion Passed.

Article 10 – 3E Community Preservation FY 2015 Budget

\$153,100 for B-Street Garden Conservation Park Stormwater Improvement Project

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Conservation Commission Recommends: 3-0-0

Board of Health Recommends: 4-0-0

Community Preservation Committee Recommends: 8-0-0

Dorothy Palanza moved that the Town vote to appropriate under the Community Preservation Act – Open Space Program the sum of \$153,100 from estimated revenue for the water quality and habitat assessment evaluation at the B-Street Garden; the delineation of the stormwater collection area 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.

Motion Passed.

Article 10 – 3F Community Preservation FY 2015 Budget

\$43,214 Connected Trails

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Conservation Commission Recommends: 3-0-0

Community Preservation Committee Recommends: 7-0-1

Dorothy Palanza moved that the Town vote to appropriate under the Community Preservation Act –Open Space Program the sum of \$43,214 from estimated revenues to connect conservation land open-space 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.

Motion Passed.

Article 10 – 3G Community Preservation FY 2015 Budget

\$30,000 Provincetown “Little Fix” Program

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Housing Authority Recommends: 5-0-0

Community Preservation Committee Recommends: 8-0-0

Ann Maguire moved that the Town vote to appropriate under the Community Preservation Act –Community Housing Program the sum of \$30,000 from community housing reserves to be used for the Provincetown “Little Fix” Program to assist seniors, disabled, and veterans maintain their housing with community volunteer program tackling small home and landscaping improvements.

Motion Passed.

Article 10 – 3H Community Preservation FY 2015 Budget

\$180,000 Provincetown Local Housing Voucher Program

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-1-0

Housing Authority Recommends: 5-0-0

Community Preservation Committee Recommends: 8-0-0

Kristin Hatch moved that the Town vote to appropriate under the Community Preservation Act –Community Housing the sum of \$180,000 from community housing reserves to be used to provide rental assistance to income eligible households [at or below 60% AMI] for up to 3 years along with financial counseling to become self-sufficient.

Motion Passed.

10:02 p.m. Michael Canizales moved to adjourn Annual Town Meeting until tomorrow, April 8, 2014 at 6 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:00 p.m. on Tuesday, April 8, 2014.

James King moved to take Articles 28 through 31 out of order.

Motion to Take Articles Out of Order Does Not Pass.

Article 11. FY 2015 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 2015 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 2½ Capital Outlay or Debt Exclusion ballot question:

1. MIS Department Server Replacement - \$25,000 to be expended under the direction of the Town Manager and the MIS Department Director for the purchase of hardware and/or software upgrades for the purpose of replacing several town servers, and costs related thereto;
2. Police Fleet Upgrade Plan - \$39,738 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;
3. Police Fleet Upgrade Plan - \$42,778 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;
4. Police Fleet Upgrade Plan - \$24,960 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 two police vehicles as initially approved by town voters at the April 2012 Annual Town Meeting, Article 5-2, and costs related thereto;
5. Fire & Rescue, Refurbish Hummer - \$25,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purpose of refurbishing a town owned Hummer, and costs related thereto;
6. Fire & Rescue, Replace Main Station Garage Doors - \$35,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the garage doors at the main fire station, and costs related thereto;

7. Use of Parking Funds to Complete Grace Hall Parking Lot Renovations and MPL Security Cameras - \$45,400 from the Parking Fund to be expended under the direction of the Town Manager for the repairs to and the installation of new equipment for the Grace Hall and Municipal parking lots and to make any other parking improvements, and costs related thereto;
8. School Stairway Replacement - \$29,900 to be expended under the direction of the Town Manager and the School Superintendent for the replacement of the stairwell between the VMCC and the High School building, and costs related thereto;
9. 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;
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 may become available, and costs related thereto;
11. Public Works Fleet Replacement Plan - \$45,000 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement purchase of one pick-up truck, and costs related thereto;
12. Roadway Paving Plan - \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue additional roadway maintenance as outlined in the town-wide paving plan, and costs related thereto;
13. Commercial Street Paving - \$600,000 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;
14. VMCC Generator Replacement - \$110,000 to be expended under the direction of the Town Manager and the Director of Public Works to replace the generator at the Town's emergency shelter at the VMCC, and costs related thereto;
15. Library Carpet Replacement - \$30,000 to be expended under the direction of the Town Manager and the Library Director to replace one floor of carpeting at the Provincetown Library, and costs related thereto;
16. Purchase and Install Meter Pits for Water Department - \$40,000 to be expended under the direction of the Town Manager and the Director of Public Works to purchase meter pits for the Water Department, and costs related thereto;
17. Purchase Water Meters for Water Department - \$70,000 to be expended under the direction of the Town Manager and the Director of Public Works to purchase water meters for the Water Department, and costs related thereto;
18. Purchase Service Trucks for Water Department - \$90,000 to be expended under the direction of the Town Manager and the Director of Public Works to purchase two service trucks for the Water Department, and costs related thereto;

or to take any other action relative thereto.

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

Article 11. FY 2015 Capital Improvements Program.

11-1. MIS Department Server Replacement

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

Tom Donegan moved that the Town vote to transfer \$25,000 from free cash to be expended under the direction of the Town Manager and the MIS Director for the purchase of hardware and/or software upgrades to replace several town servers and costs related thereto.

Motion Passed.

Article 11. FY 2015 Capital Improvements Program.

11-2. Police Fleet Upgrade

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

Tom Donegan moved that the Town vote to transfer \$39,738 from free cash to be expended under the direction of the Town Manager and the Police Chief for the purchase of one replacement police vehicle and costs related thereto.

Motion Passed.

Article 11. FY 2015 Capital Improvements Program.

11-3. Police Fleet Upgrade

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

Tom Donegan moved that the Town vote to transfer the sum of \$42,778 from free cash to be expended under the direction of the Town Manager and the Police Chief for the purchase of one replacement police vehicle and costs related thereto.

Motion Passed.

Article 11. FY 2015 Capital Improvements Program.

11-4. Police Fleet Upgrade

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

Tom Donegan moved that the Town vote to transfer the sum of \$24,960 from free cash to pay for the third 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 2015 Capital Improvements Program.

11-5. Fire & Rescue, Refurbish Hummer

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

Tom Donegan moved that the Town vote to transfer the sum of \$25,000 from free cash to pay for the refurbishing of the town owned Hummer in the Fire and Rescue department to be expended under the direction of the Town Manager and Fire Chief and costs related thereto.

Motion Passed.

Article 11. FY 2015 Capital Improvements Program.

11-6. Fire & Rescue, Replace Main Station Garage Doors

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

Tom Donegan moved that the Town vote to transfer the sum of \$35,000 from article 11-7 of the 2013 April Annual Town meeting, Fire and Rescue All Terrain Vehicle to pay for the replacement of the garage doors at the main fire station on Shank Painter Road to be expended under the direction of the Town Manager and the Fire Chief and costs related thereto.

Motion Passed.

Article 11. FY 2015 Capital Improvements Program.

11-7. Use of Parking Funds to Complete Grace Hall Parking Lot Renovations and MPL Security Cameras

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

Tom Donegan moved that the Town vote to transfer \$45,400 from the Parking Fund to be expended under the direction of the Town Manager for the renovations to the Grace Hall parking lot and security cameras in the Municipal Parking Lot and costs related thereto.

Motion Passed.

Article 11. FY 2015 Capital Improvements Program.

11-8. School Stairway Replacement

Two-Thirds Vote Required

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

Tom Donegan moved that the Town vote to transfer \$29,900 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town

Manager and the School Superintendent for the replacement of the stairwell between the VMCC and the High School building and costs related thereto.

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

Article 11. FY 2015 Capital Improvements Program.

11-9. Streets & Sidewalks Replacement

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan 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. (2/3rd's Vote Declared)

Article 11. FY 2015 Capital Improvements Program.

11-10. Storm Water Management

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 4-0-0

Conservation Commission Recommends: 3-0-0

Tom Donegan 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 2015 Capital Improvements Program.

11-11. DPW Fleet Replacement

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$45,000 from the Capital Improvement Stabilization Fund for a Public Works fleet replacement vehicle to be expended under the direction of the Town Manager and the Director of Public Works and costs related thereto.

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

Article 11. FY 2015 Capital Improvements Program.

11-12. Roadway Paving Plan

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to appropriate the sum of \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works for the roadway maintenance plan 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 \$200,000 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. (2/3rd's Vote Declared)

Article 11. FY 2015 Capital Improvements Program.

11-13. Commercial Street Paving

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Conservation Commission Recommends: 3-0-0

Tom Donegan moved that the Town vote to appropriate the sum of \$600,000 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 costs related thereto, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$600,000 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. (2/3rd's Vote Declared)

Article 11. FY 2015 Capital Improvements Program.

11-14. VMCC Generator Replacement

Two-Thirds Vote Required

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

Tom Donegan moved that the Town vote to transfer \$110,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of the Veteran's Memorial Community Center generator and costs related thereto.

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

Article 11. FY 2015 Capital Improvements Program.

11-15. Library Carpet Replacement

Two-Thirds Vote Required

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

Tom Donegan moved that the Town vote to transfer \$30,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Library Director for the replacement of one floor of library carpeting at Provincetown Public Library and costs related thereto.

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

Article 11. FY 2015 Capital Improvements Program.

11-16. Purchase Water Meters for Water Department

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

Tom Donegan moved that the Town vote to appropriate from Water Enterprise Fund Retained Earnings the sum of \$40,000 to purchase and install meter pits, including all costs incidental and related thereto; it is the intent of the Town that the cost for this project shall be paid from the Water Enterprise Fund.

Motion Passed.

Article 11. FY 2015 Capital Improvements Program.

11-17. Purchase and Install Meter Pits for Water Department

Two-Thirds Vote Required

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

Tom Donegan moved that the Town vote to appropriate from Water Enterprise Fund Retained Earnings the sum of \$70,000 to purchase water meters, including all costs

incidental and related thereto; it is the intent of the Town that the cost for this project shall be paid from the Water Enterprise Fund.

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

Article 11. FY 2015 Capital Improvements Program.

11-18. Purchase Service Trucks for Water Department

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to appropriate from Water Enterprise Fund Retained Earnings the sum of \$90,000 to purchase two replacement service trucks, including all costs incidental and related thereto; it is the intent of the Town that the cost for this project shall be paid from the Water Enterprise Fund.

Motion Passed.

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

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, 2014, as follows:

Grade	Actual FY 2014		Proposed FY 2015		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	97,763	76,058	99,718	Director of Public Works
18	69,494	95,018	69,494	95,018	Assistant Town Manager Police Staff Lieutenant
17	66,994	81,968	68,334	83,607	Director of Municipal Finance Water Superintendent
16	63,501	80,336	64,771	81,943	Building Commissioner MIS Director
15	60,189	75,705	61,393	77,219	Deputy Director of Public Works
14	57,173	71,837	58,316	73,274	Health & Environ. Affairs Mgr Town Planner
13	54,450	65,544	55,539	66,855	No positions assigned
12	51,858	66,950	52,895	68,289	Human Services/Council on Aging Director Library Director Town Clerk Principal Assessor Town Accountant
11	49,388	61,800	50,376	63,036	Collector

					Treasurer
					DPW Operations Director
					MIS Analyst
					Tourism Director
10	46,500	57,991	47,430	59,151	Deputy Town Accountant
					Town Manager's Executive Assistant
					Employee Benefits Coordinator
					Recreation Director
					Admin Asst to Chief of Police
					Public Health & Safety Officer
9	44,797	55,230	45,693	56,335	Local Building Inspector
					Permit Coordinator
					Parking Administrator
8	42,663	52,104	43,516	53,146	COA Outreach Coordinator
					Library Public and Member Services Coordinator
7	40,632	49,155	41,445	50,138	Electrical/Deputy Building Inspector
					Assistant Town Accountant
					Admin. Accounting Assistant
					MIS Technician
					Licensing Agent
6	38,697	47,763	39,471	48,718	Assistant Tourism Director
					Secretary to the Board of Selectmen
					Library Marketing and Program Director

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2014, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position:	Current:	Proposed:
1 st Deputy Fire Chief	\$7,700	\$8,700
2 nd Deputy Fire Chief	\$5,500	\$6,500
District Fire Chief/Engineer	\$2,200	\$2,200
Firefighter	\$800	\$800
Fire Auxiliary	\$400	\$400
Fire Captain	\$750	\$750
Fire Lieutenant	\$500	\$500
Engine Steward	\$880	\$880
Station Steward	\$1,100	\$1,100
Ladder Steward	\$1,300	\$1,300
LaFrance Steward	\$500	\$500
Oil Inspector	\$1,747	\$1,747
Rescue Steward	\$3,000	\$3,000
Rescue Captain	\$2,200	\$2,200

Rescue Lieutenant	\$1,450	\$1,450
Rescue Training Officer	\$1,650	\$1,650
Radio Officer	\$550	\$550
Air Officer	\$1,000	\$1,000
Summer Standby Coordinator	\$2,500	\$2,500
Infection Control Officer	\$500	\$800
Annual Salary:		
Fire Chief	\$40,000	\$45,000
Non-Firefighter Positions		
First Responders	\$18.00/hr	\$18.00/hr
EMT-Basic	\$22.61/hr	\$23.29/hr
EMT-Intermediate	\$24.34/hr	\$25.07/hr
EMT-Paramedic	\$26.65/hr	\$27.45/hr
Stand-by	\$25.00/hr	\$25.00/hr
Safety Inspections	\$20.00/hr	\$20.00/hr
Rescue Squad Participation (per quarter)	\$250	\$250

Schedule C: To amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2014, as follows:

<u>Grade</u>	<u>Actual FY 2014</u>	<u>Proposed FY 2015</u>	<u>Proposed Position Classifications</u>
L	\$17.22	\$17.56	Parking Lot Technical Manager Property Inspector (Assessors)
K	16.73	17.06	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	16.25	16.57	<i>No Positions Assigned</i>
I	15.94	16.25	Parking Meter Collection/Repair On-call van Driver
H	15.48	15.78	Police Matron Police Summer Dispatcher
G	15.18	15.48	<i>No Positions Assigned</i>
F	14.74	15.03	Assistant Harbormaster w/o police powers COA Program Coordinator (added) COA Meal Program Coordinator (added) COA Cook (moved from grade A) 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	14.76	Part-time Library Circulation Aide
D	14.05	14.33	On-call Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	13.64	13.91	Barrels & Grounds Laborer

			Restroom/Building Custodian
			Seasonal Recreation Supervisor
B	13.39	13.65	<i>No Positions Assigned</i>
A	13.17	13.43	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 Does Not Recommend: 6-0-0

Board of Selectmen Recommends: 4-0-0

Elaine Anderson moved that the Town vote to approve Article 12 as printed in the warrant.

Stanley Sikorski moved to indefinitely postpone.

Motion to Indefinitely Postpone Article 12 Passed.

Article 13. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$ 615,000 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. \$40,000 for municipal projects, and costs related thereto;
4. \$125,000 for tourism grants, and costs related thereto;
5. \$10,000 for Beautification Committee, and costs related thereto; 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: 6-0-0

Visitor Services Board Recommends: 4-0-0

Austin Knight 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 2015 Human Services Grant Program. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$69,175 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	\$8,700
Cape Cod Children's Place	5,250
Consumer Assistance Council	550
Gosnold on Cape Cod	14,300
Helping Our Women	8,000
Homeless Prevention Council	3,850
Independence House	4,600
Lower Cape Outreach Council, Inc.	6,000
Mass-A-Peal	525
Outer Cape Health Services	8,000
Sight Loss Services, Inc.	600
Soup Kitchen in Provincetown	4,000
South Coast Counties Legal Services	<u>4,800</u>
Total	\$69,175

or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 4-0-2

Board of Health Recommends: 4-0-0

Tom Donegan moved that the Town vote to raise and appropriate the sum of \$69,175 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 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: 6-0-0

Visitor Services Board Recommends: 4-0-0

Erik Yingling 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 if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items contained in the first year of a collective bargaining agreement commencing in Fiscal Year 2015 reached between the Town and NEPBA, and to fund the cost items contained in the one year collective bargaining agreement for Fiscal Year 2014 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 Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Erik Yingling moved that the Town vote to raise and appropriate \$40,075 to fund the cost items contained in the first year of a collective bargaining agreement commencing in Fiscal Year 2015 reached between the Town and NEPBA.

Motion Passed.

Article 17. Fund Collective Bargaining Agreement. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items contained in the first year of a collective bargaining agreement commencing in Fiscal Year 2015 reached between the Town and AFSCME; 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

Tom Donegan moved that the Town vote to raise and appropriate \$22,570 to fund the cost items contained in the first year of a collective bargaining agreement commencing in Fiscal Year 2015 reached between the Town and the AFSCME union.

Motion Passed.

Article 18. Room Occupancy Tax- 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 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: 6-0-6
Visitor Services Board Recommends: 4-0-0

Austin Knight moved that the Town vote to approve Article 18 as printed in the warrant.
Motion Passed.

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 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: 5-1-0

Elaine Anderson moved that the Town vote to approve Article 19 as printed in the warrant.

Motion Passed.

Article 20. 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, 2013~~ April 1, 2014 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, 2013~~ April 1, 2014 (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**

Kerry Adams moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 20.

Motion Passed.

Article 21. General By-law Amendment: Community Preservation Committee By-law. To see if the Town will vote to amend the Provincetown General By-laws by amending §5-14-2-4 as follows:

5-14-2-4. In every fiscal year, the community preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space/recreation (not including land for recreational use), not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 40% 60% of the annual revenues in the Community Preservation Fund for community housing, and further to authorize the Board of Selectmen to file a home rule petition to effectuate the intent of the proposed bylaw amendment, if necessary; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Community Housing Council]

**Board of Selectmen Recommends: 4-1-0
Finance Committee Recommends: 6-1-0
Conservation Commission Does Not Recommend: 3-0-0
Historical Commission Does Not Recommend: 4-0-0
Community Preservation Committee Does Not Recommend: 7-1-1
Housing Authority Recommends: 5-0-0**

Kristin Hatch moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 21.

Motion Passed. (For: 90 Against: 74)

Article 22. General By-law Amendment: Single-Use Plastic Bag Reduction.

To see if the Town will vote to amend the General By-laws by inserting the following section regarding the reduction of single-use plastic bags:

13-6 Provincetown Single-Use Plastic Bag Reduction

13-6-1. Purpose and Intent

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

for their manufacture. Therefore the Town of Provincetown seeks to phase out the use of single-use plastic bags by all retail establishments over a period of 18 months.

The purpose of this legislation is to phase out the usage of single-use plastic bags by all retail and restaurant establishments in the Town of Provincetown.

13-6-2. Definitions

“Establishment” means any business selling goods, articles, food or personal services to the public, including but not limited to restaurants.

“Single-use plastic bags” means bags made of plastic with integral handles of any thickness that are intended to be used for the transport of products purchased at an Establishment as defined herein.

“Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

13-6-3. Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Provincetown. Existing stock of single-use plastic bags shall be phased out by January 15, 2015; any remaining stock shall be disposed of properly by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge, or charge a fee for paper or other bags, as they so desire. Establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

Thin-film plastic bags used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of this By-law.

13-6-4. Administration and Enforcement

This By-law may be enforced by any Town police officer, enforcement officers or agents of the Board of Health.

This By-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and Chapter 2 of the Town’s General By-laws . If non-criminal disposition is elected, then any Establishment which violates any provision of this by-law shall be subject to the following penalties:

<u>First Offense:</u>	<u>\$50 fine</u>
<u>Second Offense:</u>	<u>\$100 fine</u>

Third and subsequent Offense \$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense; or to take any other action relative thereto.

[Requested by the Recycling and Renewable Energy Committee]

Board of Selectmen Recommends: 4-0-1

Finance Committee Has No Recommendation

Conservation Commission Recommends: 3-0-0

Board of Health Recommends: 4-0-0

Recycling and renewable Energy Committee Recommends: 4-0-0

Laura Ludwig moved that the Town vote to amend the General Bylaws as printed in the warrant under Article 22 with the following amendments: to delete the sentence "Therefore, the Town of Provincetown seeks to phase out the use of single plastic bags by all retail establishments over a period of 18 months"; to amend the definition of "Single-use plastic bags" as follows: "Single-use plastic bags" means bags made of thin film (2.25 mils or less) plastic with integral handles that are intended to be used for the transport of products purchased at an Establishment as defined herein; to amend 13-6-3 Use Regulations as follows: Thin-film plastic bags used by Establishments to contain doggie clean up bags, dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of this By-law.

Patrick Patrick moved to indefinitely postpone Article 22.

Motion to Indefinitely Postpone Passed.

9:39 p.m. Michael Canizales moved to adjourn Annual Town Meeting until tomorrow, April 9, 2014 at 6 p.m.

Motion Passed. (For: 84 Against: 75)

Town Moderator Mary-Jo Avellar called the meeting to order at 6:00 p.m. on Tuesday, April 8, 2014.

Article 23. Zoning By-law Amendment: Floodplain District.

To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 2, Sections 2330 through 2337, and to add a new Section 2338, as follows:

Amend Section 2330, Floodplain District Boundaries and Base Flood Elevation Data, as follows:

~~The Floodplain District ("District") is herein established as an overlay district. The District shall include all special flood hazard areas designed on the Town of~~

~~Provincetown Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) dated July 15, 1992 as Zone A, AE, AH, AO, A1-30, A99, V, V1-30, VE. The FIRM designates the parameters of the 100-year base floodplain. The boundaries of the District shall be coincident with the 100-year base flood elevations as shown on the FIRM, Floodway Maps and Flood Insurance Study booklet, all of which are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.~~

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Provincetown designated as Zone AE, AO or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Provincetown are panel numbers 25001C0103J, 25001C0104J, 25001C0108J, 25001C0109J, 25001C0111J, 25001C0112J, 25001C0114J, 25001C0116J, 25001C0117J and 25001C0118J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

And within Section 2331, Elevation, make the following deletions:

2331 Elevation New construction or substantial improvement (which shall be defined for the purposes of this section as any repair, construction or alteration costing 50% or more of the market value of the structure before improvements; or if damaged, before damage occurred) of residential structures shall have the lowest floor (including basement) elevated to not less than Base Flood Elevations. (Substantial improvement is deemed to have occurred when the first alteration of any structural part of the building commences).

New construction or any substantial improvement of non-residential structures shall either be similarly elevated or, together with attendant utility and sanitary facilities shall be flood proof (i.e. watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to or above that level) to not less than the Base Flood Elevations. However, structures such as boathouses that would be functionally impaired by such measures, because it requires a water level location, and is not continuously used for human occupancy, may be exempted from this requirement, upon the issuance of a Special Permits from the Zoning Board of Appeals.

In Zone AO, all new construction and substantial improvements are subject to the following requirements:

~~– residential structures shall have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified on the Flood Insurance Rate Maps (FIRM);~~

~~– non-residential structures shall have the lowest floor (including basement) elevated above the crown of the nearest street or above the depth number on the FIRM or be flood proof (i.e., watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to or above that level.~~

No changes to Section 2332;

And within Section 2333, Use of Available Flood Data, make the following changes:

2333 Use of Available Flood Data The Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or any other source, as a criteria for requiring that new construction, substantial improvements, or other development in A Zones A meet all requirements set forth in Section 60.3 (c) (2), (3), (5), and (6) and (d) (3) of the National Flood Insurance Program. ~~; Final Rule dated August 25, 1986.~~ In Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

And within Section 2334, “V” Zones, make the following changes:

2334 "V" Zones No land within areas designated as V (velocity) Zones on the F.I.A. Federal Emergency Management Agency Flood Insurance Hazard-Rate Maps shall be developed unless such development:

No changes to sub-section 2334(a) through 2334(b);

And within Section 2335, Other Use Regulations, make the following changes:

2335 Other Use Regulations

1) Within Zones ~~AH and AO~~ on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

No changes to sub-section 2335(2);

No changes to Section 2336 through 2337;

And add a new Section 2338, Notification of Watercourse Alteration, as follows:

2338 Notification of Watercourse Alteration.

In a riverine situation, the Zoning Enforcement Officer shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

or to take any other action relative thereto.

[Requested by Provincetown Planning Board]

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation
Planning Board Recommends: 5-0-0
Conservation Commission Recommends: 3-0-0

Marianne Clements moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 23.

Barbara Rushmore moved to amend motion by removing section 2333.

Motion to Amend Does Not Pass.

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

Article 24. Zoning By-law Amendment: Growth Management. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 6, Growth Management Bylaw, Section 6500, Table of Use Categories and Priorities, as follows:

No changes to General Use Category 1;

No changes to General Use Category 2;

Within General Use Category 3, make the following changes:

- 3a. Expansions or alterations to existing residential structures or uses that result in increased Title 5 flow, not to exceed the Title 5 Design Flow pursuant to 310 CMR 15.203(2). A total of 330 gallons per year will be reserved for one bedroom per year per applicant.
- 3b. Single-family dwelling on one lot; ~~two family dwelling on one lot; two single-family dwellings on one lot; or a two family dwelling on one lot.~~
- 3c. Two-family dwelling on one lot; two single-family dwellings on one lot;

3de. All other market rate residential projects without affordable housing components that result in increased Title 5 flow, except that no one applicant may gain access to 65% of allowable growth within this category within any given year.

No changes to General Use Category 4;
or to take any other action relative thereto.

[Requested by Provincetown Planning Board]

Two-Thirds Vote Required

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

Grace Ryder-O'Malley moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 24.

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

Article 25. Zoning By-law Amendment: Dimensional Schedule. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 2, Districts and District Regulations, Section 2560, Dimensional Schedule, as follows:

To delete footnote 1 from Min. Rear Yard (feet) for the Res 2 District;
To delete footnote 1 from Min. Rear Yard (feet) for the Res 3/Res B District;

or to take any other action relative thereto.

[Requested by Provincetown Planning Board]

Two-Thirds Vote Required

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

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

Motion Does Not Pass.

Article 26. Zoning By-law Amendment: High Elevation Protection District. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 2, Districts and District Regulations, Section 2320, High Elevation Protection District, as follows:

No changes to sub-section A;
No changes to sub-section B;

And within sub-section C, make the following changes:

C. Special Regulations for HEP Districts A and B. All new construction or additions and expansions, including but not limited to decks and other non-enclosed structures, even if the overall footprint is not being enlarged, or any excavation, land removal or earth moving of more than 2500 cubic feet that will alter the topography from natural grade, whether or not subject to a building permit shall be subject to Site Plan Review as specified in Section 4160 with additional requirements as specified herein.

No changes to sub-section C1;
No changes to sub-section C2;
No changes to sub-section D;
or to take any other action relative thereto.

[Requested by Provincetown Planning Board]

Two-Thirds Vote Required

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

Mark Weinress moved that the Town vote to amend the Zoning Bylaws as printed in the warrant under Article 26.

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

Article 27. Disability Commission – Beach Access Mats. To see if the Town will vote to raise and appropriate or transfer from available funds \$25,000 to be expended under the direction of the Town Manager and the Disability Commission for beach access mats and associated equipment for the Johnson Street Beach, East side of MacMillan Wharf Beach and Ryder Street West Side Beach; or to take any other action relative thereto.

[Requested by the Disability Commission]

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
Board of Health Recommends: 4-0-0
Conservation Commission Recommends: 3-0-0

Tom Donegan moved that the Town vote to raise and appropriate the sum of \$25,000 for the purchase of beach mats for town beaches to be expended under the direction of the Town Manager and the Disability Commission.

Motion Passed.

Erik Yingling moved to take Article 37 out of order.
Move to Take Article 37 Out of Order Does Not Pass.

Article 28. Increase Parking Rates at the Municipal Lots – Alternative One.

To see if the Town will vote to recommend to the Board of Selectmen that the hourly parking rate at the MacMillan Pier Municipal Parking Lot be increased from \$3.00 to \$3.50; and that the hourly parking rate at Grace Hall Municipal Parking Lot be increased from \$2.00 to \$2.25; and further that the hourly parking rates at the kiosk municipal lots be increased from \$1.50 to \$2.00, or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Does Not Recommend: 4-0-1

Finance Committee Recommends: 3-0-3

Raphael Richter moved Articles 28 through Article 31 as a whole for the purposes of presentation and discussion.

Cheryl Andrews moved to take each articles 28 through article 31 separately.

Motion to Take Articles 28 Through Article 31 Separately Does Not Pass.

Raphael Richter moved that the Town vote to recommend to the Board of Selectmen that the hourly parking rate at the MacMillan Pier Municipal Parking Lot be increased from \$3.00 to \$3.50; and that the hourly parking rate at Grace Hall Municipal Parking Lot be increased from \$2.00 to \$2.25; and further that the hourly parking rates at the kiosk municipal lots be increased from \$1.50 to \$2.00, or to take any other action relative thereto.

Motion Passed.

Article 29. Increase Parking Rates at the Municipal Lots – Alternative Two.

To see if the Town will vote to recommend to the Board of Selectmen that the hourly parking rates at all Municipal Parking Lots and all parking kiosks be increased by 5% each year starting May 1, 2014; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Does Not Recommend: 4-0-1

Finance Committee Does Not Recommend: 4-0-2

Raphael Richter moved that the Town vote to recommend to the Board of Selectmen that the hourly parking rates at all Municipal Parking Lots and all parking kiosks be increased by 5% each year starting May 1, 2014.

Motion Does Not Pass.

Article 30. Limitation on Parking Permits.

To see if the Town will vote to recommend to the Board of Selectmen to alter the status of resident and non-resident permits so that they would not be valid at the MacMillan Pier Municipal Parking Lot or the Ryder Street parking kiosks between June 30, 2014 and September 1, 2014. Exceptions would be made for vehicles with senior permits and handicapped permits. This one year pilot project will be re-evaluated at Town Meeting in April 2015. If parking

revenue growth exceeded the targeted 12 – 13% in the coming year, hourly rates could be lowered for the summer of 2015; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Does Not Recommend: 4-0-1

Finance Committee Recommends: 6-0-0

Raphael Richter moved that the Town vote to recommend to the Board of Selectmen to alter the status of resident and non-resident permits so that they would not be valid at the MacMillan Pier Municipal Parking Lot or the Ryder Street parking kiosks between June 30, 2014 and September 1, 2014. Exceptions would be made for vehicles with senior permits and handicapped permits. This one year pilot project will be re-evaluated at Town Meeting in April 2015. If parking revenue growth exceeded the targeted 12 – 13% in the coming year, hourly rates could be lowered for the summer of 2015.

Motion Does Not Pass.

Article 31. Multi-Tiered Parking Permits for MPL and Ryder Street. To see if the Town will vote to recommend to the Board of Selectmen to create a multi-tiered pricing structure for parking permits for the MacMillan Pier Municipal Parking Lot and the Ryder Street parking kiosks between June 30, 2014 and September 1, 2014. Parking permits that allowed parking in the two locations during the months of July and August would be sold at a higher price and regular permits would not be allowed to park in these locations without paying the regular rate; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Does Not Recommend: 4-0-1

Finance Committee Recommends: 6-0-0

Raphael Richter moved that the Town vote to recommend to the Board of Selectmen to create a multi-tiered pricing structure for parking permits for the MacMillan Pier Municipal Parking Lot and the Ryder Street parking kiosks between June 30, 2014 and September 1, 2014. Parking permits that allowed parking in the two locations during the months of July and August would be sold at a higher price and regular permits would not be allowed to park in these locations without paying the regular rate.

Motion Does Not Pass.

Article 32. Remove the “Water Meter” Charge. Whereas, the Water and Sewer Board has had a progressive water rate on water usage with lower rates for lower users, which somewhat spares the economical and careful water users; Whereas, the imposition of the “Meter Charge” averaging \$200/yr on all users, which effectively imposes a huge cost on many in Town, raising about \$800,000.00 every year; I move to see if the Town will vote to ask the Water and Sewer Board to drop the “Meter Charge” from water bills and put the entire cost of running the Water Dept. on water usage completely. Any vacant, non-water using properties could be charged a nominal fee. Since the Fiscal Year starts July 1st, the next billing will be paid in the Fall of 2014 and the Spring of 2015; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

Board of Selectmen Does Not Recommend: 5-0-0
Finance Committee Does Not Recommend: 6-0-0
Water and Sewer Board Does Not Recommend: 5-0-0

Barbara Rushmore moved that the Town vote to approve article 32 as follows:
Whereas, the Water and Sewer Board has had a progressive water rate on water usage with lower rates for lower users, which somewhat spares the economical and careful water users; Whereas, the imposition of the "Meter Charge" averaging \$200/yr on all users, which effectively imposes a huge cost on many in Town, raising about \$535,516.00 every year; I move to see if the Town will vote to ask the Water and Sewer Board to drop the "Meter Charge" from water bills and put the entire cost of running the Water Dept. on water usage completely. Any vacant, non-water using properties could be charged a nominal fee.

Motion Does Not Pass.

Article 33. Split Tax Rate. To see if the Town will vote to ask the Selectmen to investigate the split tax rate between residential and commercial properties, publish a report with the cooperation of the Town Assessor and the Finance Committee, giving facts and figures so the Town may vote at the next Special or Annual Town Meeting to see if the Board of Selectmen should change to a split tax rate as a revenue measure and for fairness' sake; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

Board of Selectmen Does Not Recommend: 4-0-1
Finance Committee Does Not Recommend: 5-0-1

Barbara Rushmore moved that the Town vote to approve article 33 as printed in the warrant.

Motion Does Not Pass.

Article 34. Solar Panels at the Dump. To see if the Town will vote to be in favor of installing solar panels on our capped landfill (or any other suitable location). Since the National Seashore owns the land, negotiations must be made first. Perhaps ownership of Provincetown conservation land near Clapp's Pond could be traded or some of the electricity generated could be provided to the Visitors' Center. A report shall be made at the next Town Meeting, and if favorable, an estimate of the cost and timing of installing the solar panels should be made; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

Board of Selectmen Recommends: 3-0-2
Finance Committee Has No Recommendation
Conservation Commission Does Not Recommend: 3-0-0
Recycling and Renewable Energy Committee Recommends: 4-0-0

Barbara Rushmore moved that the Town vote to approve article 34 as printed in the warrant.

Motion Passed.

Article 35. No More War. Whereas, in 2001 after 9/11 the “Authorization of the Use of Military Force” bill passed Congress. It allows the President to declare war without a vote of Congress. It has been used 30 times since 2001; Whereas, our Constitution gives the right to declare war to Congress; Whereas, Last year 185 votes were recorded on a motion to repeal this law; I move to see if the Town will vote to ask Representative William Keating and all the Congressmen from Massachusetts to sponsor and repeal “Authorization of the Use of Military Force” bill of 2001; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

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

Barbara Rushmore moved Whereas, in 2001 after 9/11 the “Authorization of the Use of Military Force” bill passed Congress. It allows the President to declare war without a vote of Congress. It has been used 30 times since 2001; Whereas, our Constitution gives the right to declare war to Congress; Whereas, Last year in Congress 185 votes were recorded on a motion to repeal this law; I move to see if the Town will vote to ask Representative William Keating and all the Congressmen from Massachusetts to sponsor and repeal “Authorization of the Use of Military Force” bill of 2001.

Motion Passed.

Article 36. Restore the View at Race Point Parking Lot. Whereas, we will have a new Board of Selectmen in May and a new Town Manager, and since the National Seashore has moved the parking at Herring Cove Parking Lot 200 yards away from the beach; Whereas, without consultation with the Town, the National Seashore has bulldozed huge dunes surrounding the Race Point Parking Lot completely and the center of the Herring Cove Parking Lot, completely obstructing views of the water; Whereas, only in Provincetown can one see the sunset into the Atlantic Ocean; I move to see if the Town will vote to negotiate with the National Seashore and remove all those man-made dunes at the Race Point Parking Lot and the Herring Cove Parking Lot; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**Board of Selectmen Does Not Recommend: 4-0-1
Finance Committee Has No Recommendation
Conservation Commission Does Not Recommend: 3-0-0**

Barbara Rushmore moved that the Town vote to approve article 36 as printed in the warrant.

Motion Does Not Pass.

Article 37. Zoning By-law Amendment: Site Plan Review. To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 4, Sections 4015 as follows:

4015. Site plan Review by Special Permit

a. The following developments shall require Site Plan Review by Special Permit by the Planning Board:

- (1) Developments consisting of the aggregate of residential units that will result in four or more residential units on any parcel;
- (2) Developments consisting of more than 2,000 square feet of new commercial area;
- (3) Development of properties consisting of an existing or proposed drive-through facility or raised loading dock;
- (4) Development of commercial properties that have curb cuts greater than 25% of their existing or proposed street frontage;
- (5) All new construction or additions or any excavation, land removal or earth moving of more than ~~750~~ 2000 cubic yards that will alter the topography from natural grade, whether or not subject to a building permit; or to take any other action relative thereto.

[Requested by Stanley Sikorski and others]

Two-Thirds Vote Required

Board of Selectmen Does Not Recommend: 4-0-0

Finance Committee Has No Recommendation

Planning Board Does Not Recommend: 5-0-0

Conservation Commission Does Not Recommend: 2-0-1

Stanley Sikorski moved that the Town vote to approve article 37 as printed in the warrant.

Motion Does Not Pass. (For: 49 Against:118)

Town Moderator Mary-Jo Avellar motioned to dissolve the April 7, 2014 Annual Town Meeting at 10:08 p.m.

Motion Passed.

Annual Town Meeting dissolved at 10:08 p.m.