

Annual Town Meeting – Monday, April 6, 2015

Meeting Called to Order. Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 6:00 p.m. on Monday, April 6, 2015 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 6:36 p.m. on Tuesday, April 7, 2015.

Preliminary motions:

Tom Donegan moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Tom Donegan moved that the Town vote to grant permission to speak at the April 6, 2015 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Michele Randazzo, Esq., John Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Candice Collins-Boden, *Executive Director, Provincetown Chamber of Commerce*; Steven Fossella, *Representative from the Provincetown Part-Time Resident Taxpayer Associatio*; Paul Kelly, *Partner, Manitou Architects*; Russell Titmuss, *Vice President, Bourne Consulting Engineering*; Constance Boulos, *Treasurer*; Austin Brandt, *Energy Manager/Conservation Agent*; Matthew Clark, *Acting Library Director*; Morgan Clark, *Health and Environment Manager*; Scott Fahle, *Principal Assessor*; James Golden, *Acting Chief of Police*; Aaron Hobart, *Licensing Agent*; Beau Jackett, *Director of Management Information Systems*; Michelle Jarusiewicz, *Acting Asst. Town Manager/Housing Specialist/Grant Admin.*; Eric Larsen, *Deputy Director of the Public Works*; Geoffrey Larsen, *Building Commissioner*; Rex McKinsey, *Pier Manager/Harbormaster*; Brandon Motta, *Recreation Director*; Kim Pike, *District Principal*; Domenic Rosati, *Parking Administrator*; Cody Salisbury, *Water Superintendent*; Beth Singer, *Superintendent of Schools*; Richard Waldo, *Director of Public Works*; Stephen Wisbauer, *Shellfish Constable*.

Motion Passed.

Tom Donegan moved that on all matters to come before the April 6, 2015 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]

Tom Donegan moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

Motion Passed.

Michael Canizales provided a report from the Finance Committee.

Town Moderator Mary-Jo Avellar grouped April 6, 2015 Annual Town Meeting articles 2 through 12 to be moved by consent agenda, (Note: The consent agenda is a meeting practice which groups routine and other non-controversial articles not necessarily requiring discussion or independent vote as separate articles. Using a consent agenda can save precious time by allowing Town Meeting to approve this 'package' of articles together in one motion. Articles under the consent agenda can only be grouped together if the Town Meeting body agrees. If a voter selects a specific article for discussion, it must be removed and placed on the regular agenda for discussion and separate vote by the Town Meeting body), and requested that any voter wishing to remove an article from the consent agenda do so by stating "hold" after she announced the Article number.

Hearing no objections on the following articles, April 6, 2015 Annual Town Meeting articles 2, 3, 6, 7, 8, 9 and 12 to be moved by consent agenda.

Without objection Erik Yingling moved to approve articles 2, 3, 6, 7, 8, 9 and 12 as printed in the warrant by unanimous consent.

Motion Passed.

Article 2. FY 2016 Revolving Accounts. To see if the Town will vote to continue for FY 2016 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 from 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;

7. Facilities and Grounds Rental Revolving Account: To allow receipts from the rental and custodial fees charged for the public use of Town-owned facilities and grounds to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, 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 Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 3-0-0

Community Housing Council Recommends: 3-0-0

Erik Yingling moved to approve article 2 as printed in the warrant under the consent agenda.

Motion Passed.

Article 3. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate 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

Board of Health Recommends: 3-0-0

Erik Yingling moved to approve article 3 as printed in the warrant under the consent agenda.

Motion Passed.

Article 4. Amendments to Personnel Bylaw/Classification and Compensation Plan.

To see if the Town will vote to amend Schedules A, B and C of the Town's Classification and Compensation Plan 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, 2015, by replacing the existing compensation plan with the following new compensation plan as adopted by the Personnel Board:

<u>Grade Level</u>	<u>Compensation Range</u>	<u>Position</u>
13	\$87,185 - \$108,403	Town Manager [exempt MGL C.41,§108N] Chief of Police [exempt MGL C.41,§108O] DPW Director

12	\$81,096 - \$100,828	Assistant Town Manager Finance Director
11	\$75,430 - \$93,805	Building Commissioner MIS Director
10	\$70,168 - \$87,228	Water Superintendent DPW Deputy Director Principal Assessor Staff Lieutenant
9	\$65,267 - \$81,180	DPW Operations Director Health & Environment Manager Library Director Town Clerk Town Planner Tourism Director
8	\$60,705 - \$75,494	MIS Analyst COA Director Town Collector Town Treasurer
7	\$56,461 - \$70,189	Recreation Director
6	\$52,515 - \$65,352	Exec. Assistant to Town Manager Local Building Inspector Conservation Agent Health Agent
5	\$48,844 - \$60,747	Payroll and Employee Benefits Manager Secretary to the Board of Selectmen Exec. Assistant to Police Chief Parking Administrator MIS Technician
4	\$45,428 - \$56,461	Licensing Agent Library Marketing & Program Director Library Member Services Coordinator Permit Coordinator
3	\$42,266 - \$52,578	COA Outreach Coordinator Principal Accounting Clerk
2	\$39,317 - \$48,886	Assistant Tourism Director
1	\$36,580 - \$45,470	no positions assigned

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	\$10,000
2 nd Deputy Fire Chief	\$5,500	\$8,000
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	\$800	\$800
<i>Annual Salary:</i>		
Fire Chief	\$45,000	\$45,000
<i>Non-Firefighter Positions</i>		
First Responders	\$25.00/hr	\$25.00/hr
EMT-Basic	\$23.29/hr	\$23.99/hr
EMT-Intermediate	\$25.07/hr	\$25.82/hr
EMT-Paramedic	\$27.45/hr	\$28.27/hr
Standby	\$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, 2015, as follows:

<u>Grade</u>	<u>Actual FY 2015</u>	<u>Proposed FY 2016</u>	<u>Proposed Position Classifications</u>
N		\$18.97	Police Summer/On-call Dispatcher
M		\$18.41	<i>No Positions Assigned</i>
L	\$17.56	\$17.91	Parking Lot Technical Manager Property Inspector (Assessors)
K	17.06	17.40	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	16.57	16.90	<i>No Positions Assigned</i>
I	16.25	16.57	Parking Meter Collection/Repair On-call van Driver
H	15.78	16.09	Police Matron
G	15.48	15.78	<i>No Positions Assigned</i>
F	15.03	15.33	Assistant Harbormaster w/o police powers COA Program Coordinator Parking and Traffic Officers Parking Lot Assistant Technical Manager

			Parking Meter Enforcement
			Part-time Clerical
			Secretary, On-call Relief
			Transfer Station Laborer
E	14.76	15.05	Part-time Library Circulation Aide
D	14.33	14.61	On-call Library Circulation Aide
			Parking Lot Attendant/Out-booth/Floater
C	13.91	14.18	Barrels & Grounds Laborer
			Restroom/Building Custodian
			Seasonal Recreation Supervisor
B	13.65	13.92	<i>No Positions Assigned</i>
A	13.43	13.69	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: 6-0-0

Personnel Board Recommends: 4-0-0

Board of Health Recommends: 3-0-0

Erik Yingling moved that the Town vote to amend the Personnel Bylaw and Classification and Compensation Plan, as printed in the warrant under Article 4.

Motion Passed.

Article 5 Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$630,000 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. \$125,000 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. \$35,000 for municipal projects, and costs related thereto;
4. \$140,000 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

Erik Yingling moved that the Town vote to approve Article 5 as printed in the warrant.

Motion Passed.

Article 6. FY 2016 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of \$78,025 to be expended under the direction of the Board

of Selectmen, to fund grants to assist nonprofit 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	\$9,000
Alzheimer's Family Caregiver Support	5,050
Cape Cod Children's Place	5,500
Consumer Assistance Council	550
Gosnold on Cape Cod	14,500
Helping Our Women	8,000
Homeless Prevention Council	4,000
Independence House	5,000
Lower Cape Outreach Council, Inc.	6,500
Mass-A-Peal	525
Outer Cape Health Services	9,000
Sight Loss Services, Inc.	600
Soup Kitchen in Provincetown	5,000
South Coast Counties Legal Services	<u>4,800</u>
Total	\$78,025

or to take any other action relative thereto.

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

Board of Selectmen Recommends: 3-0-2

Finance Committee Recommends: 6-0-0

Erik Yingling moved to approve article 6 as printed in the warrant under the consent agenda.

Motion Passed.

Article 7. July 4th Celebration. To see if the Town will vote to raise and appropriate 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

Erik Yingling moved to approve article 7 as printed in the warrant under the consent agenda.

Motion Passed.

Article 8. Cemetery Commission. To see if the Town will vote to transfer \$6,400 from the Sale of Cemetery Lots Fund to the Cemetery Commissioners to buy back cemetery plots from the Purchaser, or heirs and assigns with burial rights of the lot(s); or to take any other action relative thereto.

[Requested by the Cemetery Commission]

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

Erik Yingling moved to approve article 8 as printed in the warrant under the consent agenda.

Motion Passed.

Article 9. Fund Food for Emergency Shelter. To see if the Town will vote to raise and appropriate the sum of \$10,500 to fund food for the emergency shelter; 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
Board of Health Recommends: 3-0-0

Eric Yingling moved to approve article 9 as printed in the warrant under the consent agenda.

Motion Passed.

Article 10. 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: 6-0-0

Provincetown Housing Authority Recommends: 5-0-0

[Erik Yingling moved that the Town vote to approve Article 10 as printed in the warrant.](#)

Motion Passed.

Article 11. 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 the 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 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, stepparents and stepchildren, 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: 6-0-0

Erik Yingling moved that the Town vote to approve Article 11 as printed in the warrant.

Motion Passed.

Article 12. General Bylaw Amendment: Non-Criminal Disposition of Pier Corporation Regulations. (*Deletions shown in strike through and new text shown as underlined*)

To see if the Town will vote to amend the Provincetown General Bylaws 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, 2014~~ April 1, 2015 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 Bylaws. For the purposes of this bylaw, 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, 2014~~ April 1, 2015 (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 Recommends: 6-0-0

Erik Yingling moved to approve article 12 as printed in the warrant under the consent agenda.

Motion Passed.

Article 13. FY 2016 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$23,954,057 to fund operating budgets for the several Town departments for Fiscal Year 2016 in accordance with Chapter 9, Section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2015	FY 2016	15-16%
I. General Government	\$1,102,255	\$1,122,644	+1.8%
II. Finance	9,578,685	9,731,389	+1.6%
III. Public Safety	4,738,904	5,120,066	+8.0%
IV. Public Works	3,228,088	3,314,835	+2.7%
V. Public Services	932,313	956,121	+2.6 %
Sub-total, I-V	\$19,580,245	\$20,245,055	+3.4%
VI. Public Schools	3,590,298	3,709,002	+3.3%
Total, I-VI	\$23,170,543	\$23,954,057	+3.4%

or to take any other action relative thereto.

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

Article 13. FY 2015 Municipal Operating Budget.

Division I. General Government.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 3-0-0

David Gardner moved that the Town vote to raise and appropriate the sum of \$967,606 and transfer \$3,000 from Wetlands Protection Fund, and transfer \$132,038 from the Land Bank Fund for a total of \$1,102,644 to fund operating budgets for the several Town departments for Fiscal Year 2016 under budget Division I, General Government, as recommended by the Board of Selectmen.

Motion Passed.

Article 13. 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 \$9,656,389 and transfer \$75,000 from Title V Revolving fund for a total of \$9,731,389 to fund operating budgets for the several Town departments for Fiscal Year 2016 under budget Division II, Finance, as recommended by the Board of Selectmen.

Motion Passed.

Article 13. FY 2015 Municipal Operating Budget.

Division III. Public Safety.

Board of Selectmen Recommends: 5-0-0

Finance Committee Does Not Recommend: 6-0-0

Provincetown Public Pier Corporation Recommends: 4-0-0

Harbor Committee Recommends: 5-0-0

David Gardner moved that the Town vote to raise and appropriate the sum of \$4,942,166, to transfer \$60,000 from the Ferry Embarkation fund, and transfer \$80,000 from Municipal Waterways fund for a total of \$5,082,166 to fund operating budgets for the several Town departments for Fiscal Year 2016 under budget Division III, Public Safety, as recommended by the Board of Selectmen.

Michael Canizales moved to amend the motion by reducing the Police 210 budget by \$116,852 and reducing the Harbormaster 295 budget by \$74,690.

Motion to Amend Does Not Pass.

Motion Passed.

**Article 13. 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 \$3,314,835 to fund operating budgets for the several Town departments for Fiscal Year 2016 under budget Division IV, Public Works, as recommended by the Board of Selectmen.

Motion Passed.

**Article 13. 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 \$956,121 to fund operating budgets for the several Town departments for Fiscal Year 2016 under budget Division V, Public Services, as recommended by the Board of Selectmen.

Motion Passed.

**Article 13. 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: 0-0-0**

David Gardner moved that the Town vote to raise and appropriate the sum of \$2,939,083 to fund the local Provincetown Public School System Budget for Fiscal Year 2016. And further to raise and appropriate the sum of \$769,919 to fund the tuition assessment for students who attend the Nauset Regional High School for a total of \$3,709,002.

Motion Passed.

Article 14. FY 2016 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 FY2016 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: 3-0-0**

Erik Yingling moved that the Town vote to raise and appropriate the sum of \$75,995 for its assessment for Cape Cod Technical Regional High School for FY 2016.

Motion Passed.

Article 15. FY 2016 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 2016:

6001 Water Enterprise Fund	FY 2015	FY 2016	15-16%
Enterprise Fund Costs	\$2,112,693	\$2,127,196	
General Fund Costs	<u>295,000</u>	<u>327,717</u>	
TOTAL COSTS	\$2,407,693	\$2,454,913	2.0%
<hr/>			
6002 Wastewater Enterprise Fund	FY 2015	FY 2016	15-16%
Enterprise Fund Costs	\$3,985,346	\$3,822,773	
General Fund Costs	<u>144,257</u>	<u>139,345</u>	
TOTAL COSTS	\$4,129,603	\$3,962,118	-4.1%

or to take any other action relative thereto.

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

Article 15. FY 2015 Enterprise Funds.

6001 Water Enterprise Fund.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Cheryl Andrews moved that the Town vote that \$2,454,913 be appropriated to operate the Water Enterprise Fund, \$1,811,887 to come from Water Enterprise Fund revenues and \$315,309 from Retained Earnings, and further, \$327,717 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 15. FY 2015 Enterprise Funds.

6002 Wastewater Enterprise Fund.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Cheryl Andrews moved that the Town vote that \$3,962,947 be appropriated to operate the Wastewater Enterprise Fund, \$3,285,820 to come from Wastewater Enterprise Fund revenues and \$537,782 from reserved for debt service, and further, \$139,345 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

Article 16. Adoption of Modified Community Preservation Act. To see if the Town will vote to amend its acceptance of the Community Preservation Act, G.L. c.44B, §§3-7, by accepting the so-called Modified Community Preservation Act, Section 298 of Chapter 149 of the Acts of 2004, as amended, which acceptance will terminate the Town's participation in the Land Bank Program at the end of the current fiscal year, and, beginning on July 1, 2015, result in collection of a single surcharge of 3% on the real estate tax levy on real property for CPA purposes (rather than 3% for CPA purposes and 3% for Land Bank purposes), of which the full amount will be eligible for CPA state matching funds, and transfer of the Land Bank balance by operation of law to the Community Preservation Fund, which funds would be available for expenditure for all CPA purposes, including open space, historic resources and affordable housing; provided, however, that acceptance of the Modified Community Preservation Act must also be approved by the voters at an election;

And, further, as may be necessary, to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below for such purposes, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the 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 RELATIVE TO THE CAPE COD LAND OPEN SPACE PROGRAM
IN THE TOWN OF PROVINCETOWN

SECTION 1. Notwithstanding Section 4A of Chapter 4 or Sections 3 and 16 of Chapter 44B of the General Laws, or any other general or special law to the contrary, the Town of Provincetown shall be deemed to have amended its acceptance of Sections 3 through 7 inclusive of Chapter 44B of the General Laws, otherwise known as the Community Preservation Act (the "Act"), by adopting the so-called Modified Community Preservation Act (the "Modified Act"), Section 298 of Chapter 149 of the Acts of 2004, as amended by Sections 129 through 133 of Chapter 352 of the Acts of 2004, as provided herein, and further that adoption of such Modified Act shall terminate participation by the Town in the Cape Cod Land Open Space Program (the "Land Bank Program"), established pursuant to Chapter 293 of the Acts of 1998), expressly subject to the conditions set forth in said Modified Act. In Provincetown, adoption of the Modified Act shall result in collection of a single surcharge of 3% on the real estate tax levy on real property, and existing funds in the Community Preservation Fund shall remain with said fund and be subject to appropriation by Town Meeting as authorized by the Act and the Modified Act. Except as expressly provided herein, all other provisions of the Modified Act shall apply to the Town of Provincetown.

SECTION 2. The question of adoption of the provisions of the Modified Act shall be placed on the ballot at an Annual or Special Election held in the Town of Provincetown in the form of the following question:

"Shall the Town of Provincetown adopt the so-called "Modified Community Preservation Act", Section 298 of Chapter 149 of the Acts of 2004, as amended, a summary of which appears below?"

Below the question shall appear the following summary:

Acceptance of the so-called "Modified Community Preservation Act", Section 298 of Chapter 149 of the Acts of 2004, as amended, will effectively replace the Cape Cod Open Space Land Acquisition Program, known as the "Land Bank Program", and the standard version of the Community Preservation Act previously accepted by the Town. Beginning in the fiscal year starting July 1, 2015, the total amount of the surcharge on real property collected under the Modified Community Preservation Act will be 3% (rather than 3% surcharge collected under the standard Community Preservation Act and the 3% surcharge collected under the Land Bank Program), and the Town will be eligible for state matching funds up to the full amount of the surcharge. Beginning in fiscal year 2020, the Town may alter the amount of the surcharge, application of any exemptions to the Community Preservation Act, or revoke the surcharge altogether, in accordance with the provisions of General Laws Chapter 44B. If the Town adopts the Modified Community Preservation Act, funds in the Land Bank account will be placed in the Community Preservation Fund and may be utilized in accordance with the Community Preservation Act. The Town has a Community Preservation Committee that will continue to make recommendations to Town Meeting concerning expenditures from the Community Preservation Fund.

If a majority of the voters voting on said question vote in the affirmative, the provisions of Section 1 of this act shall be effective in the Town of Provincetown, but not otherwise."

SECTION 3. If this act is not in effect on or before March 31, 2015, any vote taken at the 2015 Annual Town Meeting or Annual Town Election in said Town to amend its acceptance of the Act by adopting the Modified Act, as provided in Sections 1 and 2 of this act, and any actions taken in reliance thereon and pursuant thereto shall be ratified, validated and confirmed as if this act had been in effect prior thereto.

SECTION 4. This act shall take effect upon passage;
or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 3-2-0

Finance Committee Recommends: 5-2-0

Conservation Commission Does Not Recommend: 4-0-0

Open Space Committee Does Not Recommend: 3-0-0

Community Preservation Committee Does Not Recommend: 6-0-1

Community Housing Council Does Not Recommend: 2-1-0

Animal Welfare Committee Does Not Recommend: 5-0-0

Provincetown Housing Authority Recommends: 4-1-0

Raphael Richter moved that the Town amend its acceptance of the Community Preservation Act, G.L. c.44B, §§3-7, by accepting the so-called Modified Community Preservation Act, section 298 of Chapter 149 of the Acts of 2004, as amended, which acceptance will terminate the Town's participation in the Land Bank Program at the end of the current fiscal year, which will also terminate the Town's participation in the "traditional" CPA; and further, pursuant to this vote, beginning on July 1, 2015, the Town will collect a surcharge of 3% on the real estate tax levy on real property for CPA purposes under the Modified CPA, an

additional surcharge of 3% on the real estate tax levy on real property only for as long as needed to pay for any CPA debt existing at the time this vote takes effect, and the Land Bank balance will be transferred by operation of law to the Community Preservation Fund, which funds would be available for expenditure for all CPA purposes, including open space, historic resources and affordable housing; provided, however, that acceptance of the Modified Community Preservation Act must also be approved by the voters at an election;

And, further, as may be necessary, to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below for such purposes, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to such bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

SECTION 1. Notwithstanding section 4A of chapter 4 or sections 3 and 16 of chapter 44B of the General Laws, or any other general or special law to the contrary, the town of Provincetown shall be deemed to have amended its acceptance of sections 3 through 7 inclusive of chapter 44B of the General Laws, otherwise known as the Community Preservation Act (the "Act"), by adopting the so-called Modified Community Preservation Act (the "Modified Act"), section 298 of chapter 149 of the acts of 2004, as amended by sections 129 through 133 of chapter 352 of the acts of 2004, as provided herein, and further that adoption of such Modified Act shall terminate participation by the town in the Cape Cod Land Open Space Program (the "Land Bank Program", established pursuant to chapter 293 of the acts of 1998), expressly subject to the conditions set forth in said Modified Act. In Provincetown, the adoption of the Modified Act shall result in collection of a surcharge of 3% on the real estate tax levy on real property, and existing funds in the Community Preservation Fund shall remain with said fund and be subject to appropriation by town meeting as authorized by the Act and the Modified Act. Except as expressly provided herein, all other provisions of the Modified Act shall apply to the town of Provincetown. Further, an additional surcharge of 3% on the real estate tax levy on real property shall be collected in connection with the town's earlier acceptance of the Act, until such time as the town has repaid any debt incurred pursuant to the Act, or has collected enough funds through the additional surcharge for such purposes.

SECTION 2. The question of adoption of the provisions of the Modified Act shall be placed on the ballot at an annual or special election held in the town of Provincetown in the form of the following question:

"Shall the Town of Provincetown adopt the so-called "Modified Community Preservation Act", section 298 of Chapter 149 of the Acts of 2004, as amended, a summary of which appears below?" Below the question shall appear the following summary: Acceptance of the so-called "Modified Community Preservation Act", section 298 of Chapter 149 of the Acts of 2004, as amended, will effectively replace the Cape Cod Open Space Land Acquisition Program, known as the "Land Bank Program", and the standard version of the Community Preservation Act previously accepted by the Town. Beginning in the fiscal year starting July 1, 2015, the total amount of the surcharge on real property collected under the Modified Community Preservation Act will be 3% (rather than 3% surcharge collected

under the standard Community Preservation Act and the 3% surcharge collected under the Land Bank Program), and the Town will be eligible for state matching funds up to the full amount of the surcharge. Beginning in fiscal year 2020, the Town may alter the amount of the surcharge under the Modified Community Preservation Act, application of any exemptions to the Community Preservation Act, or revoke the surcharge altogether, in accordance with the provisions of General Laws chapter 44B. If the Town adopts the Modified Community Preservation Act, funds in the Land Bank account will be placed in the Community Preservation Fund and may be utilized in accordance with the Community Preservation Act. An additional surcharge of 3% on the real estate tax levy on real property will continue to be collected until the Town has repaid any Community Preservation Act debt existing as of the date the Modified CPA takes effect, or has collected enough funds through the additional surcharge for such purposes. The Town has a Community Preservation Committee that will continue make recommendations to Town Meeting concerning expenditures from the Community Preservation Fund. If a majority of the voters voting on said question vote in the affirmative, the provisions of section 1 of this act shall be effective in the town of Provincetown, but not otherwise.”

SECTION 3. If this act is not in effect on or before March 31, 2015, any vote taken at the 2015 annual town meeting or annual town election in said town to amend its acceptance of the Act by adopting the Modified Act, as provided in sections 1 and 2 of this act, and any actions taken in reliance thereon and pursuant thereto shall be ratified, validated and confirmed as if this act had been in effect prior thereto.

SECTION 4. This act shall take effect upon passage.

Motion Does Not Pass.

9:34 p.m. Michael Canizales moved to adjourn Annual Town Meeting until tomorrow, April 8, 2015 at 6:00 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:02 p.m. on Wednesday, April 8, 2015.

Article 17. Community Preservation Budget for FY 2016. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2016 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. \$74,796 for Open Space;
 - B. \$349,796 for Community Housing;
 - C. \$74,796 for Historic Resources;
2. Debt Service Appropriations: Part 2
 - A. \$232,150 for Community Housing debt service;
 - B. \$56,124 for Open Space debt service;

C. \$168,948 for Historic Preservation debt service;

3. Grant Requests Appropriations: Part 3

- A. Community Housing Office, Housing Specialist - \$113,677: funding of Housing Office including 35 hours per week for Housing Specialist and 5 hours per week for CPA Administration along with pro-rated health benefits and some expenses;
- B. Fire Station #2 - \$196,000: funds for the design and construction conversion of the upper levels to community rental housing units; said funds to be expended under the direction of the Town Manager;
- C. VMCC Housing Development Feasibility Analysis - \$25,000: funds to explore the possibility of an addition and/or second story development for the creation of community housing at the Veterans Memorial Community Center, said funds to be expended under the direction of the Town Manager;
- D. School Building Auditorium Restoration - \$15,000: replacement of school auditorium window and door curtains as part of a multi-year project; said funds to be expended under the direction of the Town Manager;
- E. Hamilton and Gifford Cemeteries Stone Conservation - \$60,000: for stone conservation work as part of the Implementation of Preservation Plans; said funds to be expended under the direction of the Town Manager;
- F. Mildred Greensfelder Playground Surfacing project - \$65,000: to resurface playground area from sand to rubber pour-in-place; said funds to be expended under the direction of the Town Manager;
- G. CPA General Administration – \$22,000

or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Article 17. Community Preservation Budget for FY 2016.

1 & 2. Reserves and Debt Service

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Cheryl Andrews moved that the Town vote to set aside from Community Preservation Act undesignated fund balance the sum of \$74,796 for the Open Space reserve fund, the sum of \$349,796 for the Community Housing Reserve Fund and the sum of \$74,796 for the historic resources reserve fund.

And further to appropriate the sum of \$457,222 to fund debt service for Fiscal Year 2016 as follows: the sum of \$232,150 from Affordable Housing reserves, the sum of \$56,124 from Open Space estimated annual revenue, and the sum of \$168,948 from Historic Preservation estimated annual revenue.

Motion Passed.

Article 17 – 3A Community Preservation FY 2016 Budget

Community Housing Office, Housing Specialist

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0
Community Preservation Committee Recommends: 7-0-0
Community Housing Council Recommends: 3-0-0
Housing Authority Recommends: 5-0-0

Cheryl Andrews moved that the Town vote to appropriate from Affordable Housing Reserves the sum of \$113,677 for Housing Office and CPA support.

Motion Passed.

Article 17 – 3B Community Preservation FY 2016 Budget
\$195,000 Fire House #2 Conversion

Board of Selectmen Recommends to Indefinitely Postpone: 5-0-0
Finance Committee Recommends: 6-0-0
Community Preservation Committee Recommends: 5-2-0
Community Housing Council Recommends; 3-0-0
Provincetown Housing Authority Recommends: 5-0-0

Cheryl Andrews moved that the Town vote to appropriate under the Community Preservation Act –Community Housing Program the sum of \$196,000 from Community Housing Reserves to be used for the design and construction for the conversion of the upper levels of fire station #2 to community rental housing units, said funds to be expended under the direction of the Town Manager.

Motion Does Not Pass.

Article 17 – 3C Community Preservation FY 2016 Budget
\$25,000 VMCC Housing Development Feasibility Analysis

Board of Selectmen Recommends: 4-1-0
Finance Committee Recommends: 6-0-0
Community Preservation Committee Recommends: 4-3-0
Community Housing Council Recommends: 3-0-0
Provincetown Housing Authority Recommends: 5-0-0

Cheryl Andrews moved to indefinitely postpone article 17 – 3C.
Motion Passed.

Article 17 – 3D Community Preservation FY 2016 Budget
\$15,000 School Building Auditorium Restoration

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
Community Preservation Committee Recommends: 7-0-0
Historical Commission Recommends: 5-0-0
School Committee Recommends: 3-0-0

Cheryl Andrews moved that the Town vote to appropriate under the Community Preservation Act –Historic Preservation Program the sum of \$15,000 from Community Preservation undesignated fund balance to be used for replacement of school auditorium window and door curtains as part of a multi-year project, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 17 – 3E Community Preservation FY 2016 Budget

\$60,000 Hamilton and Gifford Cemeteries Stone Conservation

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 7-0-0

Historical Commission Recommends: 5-0-0

Cemetery Commission Recommends: 4-0-0

Cheryl Andrews moved that the Town vote to appropriate under the Community Preservation Act – Historic Preservation Program the sum of \$60,000 from Community Preservation undesignated fund balance for stone conservation work as part of the Implementation of Preservation Plans, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 17 – 3F Community Preservation FY 2016 Budget

\$65,000 Mildred Greensfelder Surfacing Project

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Recreation Commission Recommends: 4-0-0

Community Preservation Committee Recommends: 7-0-0

School Committee Recommends: 3-0-0

Cheryl Andrews moved that the Town vote to appropriate under the Community Preservation Act – Recreation Program the amount of \$65,000 from undesignated fund balance to renovate and rehabilitate by resurfacing the playground area from sand to rubber pour-in-place at the East End playground, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 17 – 3G Community Preservation FY 2015 Budget

\$22,000 CPA General Administration

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 6-0-0

Cheryl Andrews moved that the Town vote to appropriate the sum of \$22,000 from estimated annual revenue to be used for CPA general administration, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 18. FY 2016 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 2016 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. Police Fleet Upgrade Plan - \$30,600 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;
2. Fire and Rescue, Mechanical CPR Machine - \$45,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purpose of purchasing a mechanical CPR machine, and costs related thereto;
3. Fire and Rescue, Replace Rescue Ambulance - \$200,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of ambulance 198, and costs related thereto;
4. Electric Vehicle Charging Stations and Electric Vehicle - \$35,000 to be expended in conjunction with the Massachusetts Electric Vehicle Incentive Program Phase III and Workplace Charging Grants Program under the direction of the Town Manager to purchase four electric vehicle charging stations for public use in the MPL and for an electric vehicle for Community Development inspections and related equipment, and costs related thereto;
5. DPW Street and Sidewalk Maintenance and Repair - \$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;
6. Storm Water Management - \$75,000 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;
7. 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;
8. 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;
9. Use of Parking Funds to Purchase Two Kiosks - \$36,500 from the Parking Fund to be expended under the direction of the Town Manager for the purchase of two parking kiosks, and costs related thereto;
10. Use of Parking Funds to Purchase New Equipment - \$22,500 from the Parking Fund to be expended under the direction of the Town Manager for the upgrade of parking lot equipment, and costs related thereto;
11. MacMillan Pier Floating Docks and Wave Attenuators - \$4,900,000 to be expended under the direction of the Town Manager and the Harbormaster to replace pier floating

docks and to purchase and install a wave attenuation system and costs related thereto. Total costs will be reduced by a FEMA grant of up to 75%.

12. Purchase Service Trucks for Water Department - \$65,000 to be expended under the direction of the Town Manager and the Director of Public Works to purchase one dump truck for the Water Department, and costs related thereto;
 13. Pier Maintenance Requests - \$335,000 to be expended under the direction of the Town Manager and the Harbormaster for capital maintenance repairs to the MacMillan Pier, and costs related thereto;
- or to take any other action relative thereto.

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

Without objection Town Moderator Mary-Jo Avellar grouped the items within April 6, 2015 Annual Town Meeting Article 18 by the specific funding source and to be discussed and moved as a group. (Note: The vote for each item in the article will also appear separately directly after the article number in the meeting minutes for easier reference).

Tom Donegan moved that the Town vote to transfer \$600,600 from the Capital Improvement Stabilization Fund for the following:

\$30,600 for the purchase of one police vehicle, and costs related thereto, to be expended under the direction of the Town Manager and the Chief of Police.

\$45,000 for the purpose of purchasing a mechanical CPR machine, and costs related thereto, to be expended under the direction of the Town Manager and the Board of Fire Engineers.

\$200,000 for the replacement of ambulance 198, and costs related thereto, to be expended under the direction of the Town Manager and the Board of Fire Engineers.

\$50,000 for maintenance and repair of streets and sidewalks, and costs related thereto, to be expended under the direction of the Town Manager and the Director of Public Works

\$75,000 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, to be expended under the direction of the Town Manager and the Director of Public Works.

\$200,000 to continue additional roadway maintenance as outlined in the Town-wide paving plan, and costs related thereto, to be expended under the direction of the Town Manager and the Director of Public Works.

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

Tom Donegan moved that the Town vote to transfer \$65,000 from free cash for the following:

\$35,000 to be expended in conjunction with the Massachusetts Electric Vehicle Incentive Program Phase III and Workplace Charging Grants Program under the direction of the Town Manager to purchase four electric vehicle charging stations for public use in the MPL and for

an electric vehicle for Community Development inspections and related equipment, and costs related thereto, to be expended under the direction of the Town Manager.

\$30,000 to replace one floor of carpeting at the Provincetown Library, and costs related thereto, to be expended under the direction of the Town Manager and the Library Director.

Motion Passed.

Tom Donegan moved that the Town vote to transfer \$59,000 from the parking fund for the following:

\$36,500 to be expended under the direction of the Town Manager for the purchase of two parking kiosks, and costs related thereto, to be expended under the direction of the Town Manager.

\$22,500 for the upgrade of parking lot equipment, and costs related thereto, to be expended under the direction of the Town Manager.

Motion Passed.

Article 18. FY 2016 Capital Improvements Program.

18-1. Police Fleet Upgrade Plan

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$30,600 from the Capital Improvement Stabilization Fund for the purchase of one police vehicle, and costs related thereto, to be expended under the direction of the Town Manager and the Chief of Police.

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

Article 18. FY 2016 Capital Improvements Program.

18-2. Fire and Rescue, Mechanical CPR Machine

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved \$45,000 for the purpose of purchasing a mechanical CPR machine, and costs related thereto, to be expended under the direction of the Town Manager and the Board of Fire Engineers.

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

Article 18. FY 2016 Capital Improvements Program.

18-3. Fire and Rescue, Replace Rescue Ambulance

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved \$200,000 for the replacement of ambulance 198, and costs related thereto, to be expended under the direction of the Town Manager and the Board of Fire Engineers.

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

Article 18. FY 2016 Capital Improvements Program.

18-4. Electric Vehicle Charging Stations and Electric Vehicle

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved \$35,000 to be expended in conjunction with the Massachusetts Electric Vehicle Incentive Program Phase III and Workplace Charging Grants Program under the direction of the Town Manager to purchase four electric vehicle charging stations for public use in the MPL and for an electric vehicle for Community Development inspections and related equipment, and costs related thereto, to be expended under the direction of the Town Manager.

Motion Passed.

Article 18. FY 2016 Capital Improvements Program.

18-5. DPW Street and Sidewalk Maintenance and Repair

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved \$50,000 for maintenance and repair of streets and sidewalks, and costs related thereto, to be expended under the direction of the Town Manager and the Director of Public Works.

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

Article 18. FY 2016 Capital Improvements Program.

18-6. Storm Water Management

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$75,000 from the Capital Improvement Stabilization Fund 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, to be expended under the direction of the Town Manager and the Director of Public Works.

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

Article 18. FY 2016 Capital Improvements Program.

18-7. Roadway Paving Plan

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$200,000 from the Capital Improvement Stabilization Fund to continue additional roadway maintenance as outlined in the Town-wide paving plan, and costs related thereto, to be expended under the direction of the Town Manager and the Director of Public Works.

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

Article 18. FY 2016 Capital Improvements Program.

18-8. Library Carpet Replacement

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 free cash to replace one floor of carpeting at the Provincetown Library, and costs related thereto, to be expended under the direction of the Town Manager and the Library Director.

Motion Passed.

Article 18. FY 2016 Capital Improvements Program.

18-9. Use of Parking Funds to Purchase Two Kiosks

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$36,500 from parking fund to be expended under the direction of the Town Manager for the purchase of two parking kiosks, and costs related thereto, to be expended under the direction of the Town Manager.

Motion Passed.

Article 18. FY 2016 Capital Improvements Program.

18-10. Use of Parking Funds to Purchase New Equipment

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$22,500 from the parking fund for the upgrade of parking lot equipment, and costs related thereto, to be expended under the direction of the Town Manager.

Motion Passed.

Article 18. FY 2016 Capital Improvements Program.

18-11. MacMillan Pier Floating Docks and Wave Attenuators

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 4-3-0

Board of Health Recommends: 3-0-0

Provincetown Public Pier Corporation Recommends: 4-0-0
Harbor Committee Recommends: 5-0-0

Cheryl Andrews moved that the Town vote to appropriate the sum of \$4,900,000 to be expended under the direction of the Town Manager and the Harbormaster to replace pier floating docks and to purchase and install a wave attenuation system and costs related thereto, provided however that no funds may be expended from this appropriation until the Town has received formal notification from FEMA that it has been awarded a grant of 75% for this project and, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$4,900,000 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.
Motion Passed – 2/3rd's Vote Required. (For: 131 Against:49)

Article 18. FY 2016 Capital Improvements Program.

18-12. Purchase Service Trucks for Water Department

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

Erik Yingling moved that the Town vote to appropriate from Water Enterprise Fund Retained Earnings the sum of \$65,000 to purchase one dump truck for the Water Department, including all costs incidental and related thereto; to be expended under the direction of the Town Manager and Director of Public Works.

Motion Passed.

Article 18. FY 2016 Capital Improvements Program.

18-13. Pier Maintenance Requests

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
Board of Health Recommends: 3-0-0
Provincetown Public Pier Corporation Recommends: 4-0-0
Harbor Committee Recommends: 5-0-0

Raphael Richter moved that the Town vote to transfer \$335,000 from free cash to be expended under the direction of the Town Manager and the Harbormaster for capital maintenance repairs to the MacMillan Pier, and costs related thereto, that the total amount authorized be reduced by any FEMA grant received.

Motion Passed.

Article 19. Increase to Schedule C of the Personnel Bylaw/Classification and Compensation Plan. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$27,247 to adjust the FY 2016 increase for employees in

Schedule C of the Compensation Plan from +2% to +5% with the funds to be expended under the direction of the Town Manager; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 4-0-1

Finance Committee Does Not Recommend: 6-0-0

Personnel Board Recommends: 4-0-0

Erik Yingling moved that the Town raise and appropriate the sum of \$27,247 to adjust the FY 2016 increase for employees in Schedule C of the Compensation Plan from +2% to +5% with the funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 20. Rescind the Prior Adoption of MGL C.59, §2A (a) to Add New Growth Properties to Tax Base Six Months Earlier. To see if the Town will vote to rescind the adoption of the third sentence of MGL C.59,§2A(a), which reads as follows “Notwithstanding the foregoing, in any city or town which accepts the provisions of this sentence, buildings and other things erected on or affixed to land during the period beginning on January second and ending on June thirtieth of the fiscal year preceding that to which the tax relates shall be deemed part of such real property as of January first”; 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

Cheryl Andrews moved to approve article 20 as printed in the warrant.

Motion Passed.

Article 21. Zoning Bylaw Amendment: Use Regulations Article: Accessory Dwellings in the Single Family Zone

(Deletions shown in strike-through and new text shown as underlined)

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, as follows:

Add a footnote to Principal Use, A1a2, Single Family Dwelling, two per lot, as follows:

A1a	Single Family Dwelling	Res 1	Res 2	Res 3	TCC	GC	S	M
2.	two per lot (each separate structure) <u>NOPB</u> ²⁰	BA	YES	YES	YES	NO	NO	

[Footnote] 20. One accessory dwelling unit may be allowed in the Res1 Zoning District only if the following criteria are met: it is for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.

And to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2430, Symbols, by adding a new symbol for Special Permit from the Planning Board (PB) as follows:

2430 Symbols. In the following Use Regulation Schedule symbols shall mean the following: YES, a permitted use; NO, an excluded or prohibited use; BA, a use authorized under Special Permit from the Board of Appeals as provided for in Section 5300 Special Permits; PB, a use authorized by Special Permit from the Planning Board.

or to take any other action relative thereto.

[Requested by the Provincetown Planning Board]

Board of Selectmen Recommends: 3-1-1

Finance Committee Recommends: 4-0-2

Planning Board Recommends: 2-0-1

Community Housing Council Recommends: 3-0-0

2/3rd's Vote Required

[Gloria McPherson moved that the Town amend the Zoning Bylaw as printed in the warrant under Article 21.](#)

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

Article 22. Home Rule Petition: Expanding Residential Property Exemption. To see if the Town will vote to petition the General Court to enact a special act of the Town of Provincetown the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen, to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure its passage, as follows:

AN ACT INCREASING THE EXEMPTION FOR RESIDENTIAL PROPERTY
IN THE TOWN OF PROVINCETOWN

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding Section 5C of Chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as Class One, residential, in the Town of Provincetown as certified by the commissioner of revenue to be assessing all local property at its full and fair cash valuation, and with the approval of the board of selectmen, there shall be an exemption equal to not more than 20 per cent of the average assessed value of all Class One residential parcels within the Town; provided, however, that the exemption shall be applied only to (1) the principal residence of the taxpayer as used by the taxpayer for income tax purposes, and (2) a residential parcel occupied by a registered voter of the Town of Provincetown, other than the taxpayer, occupied on a year-round basis and used as his or her principal residence for income tax purposes. This exemption shall be in addition to any exemptions allowable under Section 5 of said Chapter 59; provided, however, that the taxable valuation of the property,

after all applicable exemptions, shall not be reduced to below 10 per cent of its full and fair cash valuation, except through the applicability of Section 8A of Chapter 58 of the General Laws and clause Eighteenth of said Section 5 of said Chapter 59. Where, pursuant to said Section 5 of said Chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the city and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the Board of Assessors of the Town in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the board of assessors of the Town of Provincetown in writing on a form approved by the board within 3 months after the date on which the bill or notice of assessment was sent. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to Section 59 of Chapter 59 of the General Laws.

SECTION 3. This act shall take effect as of July 1, 2016, and shall apply to taxes levied for fiscal years beginning on or after July 1, 2016; or to take any other action relative thereto.

[Requested by Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Housing Council Recommends: 3-0-0

Provincetown Housing authority Recommends: 5-0-0

Tom Donegan moved that the Town vote to approve article 22 as printed in the warrant.

Mark Westman moved to amend the motion as follows: To add the following language to line 15 – Strike the period placed after the language "for income tax purposes"; insert a comma in its place; add the following language: "and the property is assessed for under One (1) Million Dollars for tax purposes." Renumber Sections 2 and 3 as Sections 3 and 4. Add the following as Section 2: SECTION 2. The revenue derived by the Town as the result of excluding properties assessed for more than One Million Dollars from the exemption shall be solely dedicated to development of the Affordable Housing Trust Fund.

Motion to Amend Does Not Pass.

Motion Passed.

Article 23. Special Act – Creation of Year-Round Rental Housing Trust. To see if the Town will vote to petition the General Court for a Special Act creating a Year-Round Rental Housing Trust; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Recommends: 4-0-0

Finance Committee Recommends: 5-0-1

Michael Canizales moved to authorize the Board of Selectmen to prepare and file a home rule petition with the General Court that would create a Year-Round Rental Housing Trust;

provided 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. The home rule petition would include the following elements:

1. A finding by the General Court that there exists in Provincetown a severe shortage of year-round rental units to serve the needs of the residents of the Town. This shortage has resulted in significant economic displacement and financial hardship to the residents of the Town and has resulted in the relocation of many residents to other Towns on the Outer Cape.
2. A finding by the General Court that special legislation is needed to address this element of the severe housing crisis within the Town, and a finding that there is a valid public purpose in authorizing the Town of Provincetown and the Trust to expend public funds for the purposes of the Act, including the creation, development, and management of market rate renting housing.
3. A Year-Round Rental Housing Trust would be established in the Town for the purpose of creation and preservation of year-round rental housing units in the Town for the benefit of all residents.
4. The Trust would be governed by a Board of Trustees consisting of five members appointed by the Board of Selectmen to serve staggered three year terms. In making appointments to the Board of Trustees the Board of Selectmen will consider a broad range of expertise including real estate development and financing. The Board of Selectmen shall designate one of its members to serve on the Board of Trustees and at least one member of the public at large, preferably a resident that lives in year-round rental housing in the Town. The Trust would be considered a Town board and subject to the Charter and bylaws of the Town except as may be otherwise expressly provided in this Special Act.
5. There would also be created a special fund to be known as the Year-Round Rental Housing Trust Fund which will be separate and apart from the General Fund. The Town Treasurer will be the custodial of the Fund. The Trust Fund would receive all gifts and grants made to the Trust as well as any moneys appropriated by the Town to aid the Trust. The Trust Fund would also receive all revenues from the sale of property and rental income from properties under the custody of the Trust. Any funds previously appropriated by the Town for the creation of year-round rental housing prior to the effective date of the Act would be, by operation of law, transferred into the Trust Fund. The Trust Fund would be available for expenditure by the Trust for the purposes set forth in the special act without further appropriation. The Town would be authorized to borrow money in aid of the Trust, to be used by the Trust for any purpose for which the town is authorized to borrow. In addition, the Trust is authorized to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets, as collateral.
6. The Trust would be empowered to acquire land and interests therein, and to manage, lease, and convey interests in land. All properties and developments owned and undertaken by the Trust would be subject to the Town's Zoning Bylaw and other land use regulations.
7. The Trust would be authorized to employ agents, property managers and advisors and to set their compensation with the funds available to it in the Trust Fund.

8. The financial records of the Trust shall be subject to control and oversight by the Town's Finance Department and subject to yearly audit by the accounting firm employed by the Town for purposes of the regular town audit.
9. The Trust would be public employer and the members of the board are public employees for the purposes of G.L. c. 258, and pursuant to 268A the trustees shall be deemed special municipal employees.
10. The Trust would not be subject to G.L. c. 30B, s. 16 relating to the acquisition and disposition of land but would be subject to all laws of the Commonwealth relating to open meetings and public records, as well as the public construction laws.
11. Transfers of land between the Trust and the Town would be subject to G.L. c. 40, s. 15A, meaning that no land could be transferred by the Town to the Trust without town meeting approval.
12. Unimproved land under the custody of the Trust will be exempt from the payment of taxes under chapters 59 and 62 of the General Laws. Once developed, market rate rental units will be subject to taxation and the Trust will be liable for the payment of all real estate and other taxes assessed on such units.

Motion Passed.

10:04 p.m. Michael Canizales moved to adjourn Annual Town Meeting until tomorrow, April 9, 2015 at 6:00 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:07 p.m. on Thursday, April 9, 2015.

Stephen Katsurinis moved to take Article 26 out of order and heard before Article 24.

Motion to Hear Article 26 Before Article 24 Passed.

Article 24. Capital Outlay for Community Housing. To see if the Town will vote to raise and appropriate the sum of \$2,500,000 for the purpose of creating year-round rental housing in the Town, provided that such appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion ballot question; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Reserves Recommendation: 3-2-0

Finance Committee Recommends: 6-0-0

Doug Cliggott moved that the Town vote to raise and appropriate the sum of \$500,000 for the purpose of creating year-round rental housing in the Town, provided that such appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion ballot question, in accordance with General Laws Ch. 59 section 21C and provided further that no funds may be expended from this appropriation unless and until the home rule petition approved under article 23 is enacted by the general court and signed by the governor.

David Hale moved to replace the main motion with the following: that the Town vote to raise and appropriate the sum of \$500,000 for the purpose of creating year-round rental housing

in the Town, provided that such appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion ballot question, in accordance with General Laws Ch. 59 section 21C , and further that the sum of \$300,000 be transferred from free cash and the amount of \$700,000 be transferred from the sale of land account for the same purpose and provided further that no funds may be expended pursuant to this vote unless and until the home rule petition approved in article 23 is enacted by the General Court and signed by the Governor.

Motion To Amend Passed.

Motion As Amended Passed.

Article 25. Appropriate Funds for Year-Round Rental Housing. To see if the Town will vote to raise and appropriate the sum of \$250,000 for the purpose of creating year-round rental housing in the Town; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Does Not Recommend: 5-0-0

Finance Committee Recommends Indefinite Postponement: 6-0-0

[Michael Canizales moved to indefinitely postpone article 25.](#)

Motion Passed.

Article 26. Creation of and Funding for Economic Development Committee. To see if the Town will vote to create an Economic Development Committee to be appointed by the Board of Selectmen. The Selectmen shall appoint five members and one alternate with alternative expiration dates so that at least one member's appointment shall lapse each year. And further to raise and appropriate \$26,000 with \$1,000 for Committee expenses and \$25,000 in funds available to be awarded in grants to develop increased year-round economic opportunities. Grants shall be subject to approval by the Board of Selectmen. Committee Mission Statement: Encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens without creating adverse impacts on the character of our community or our natural environment; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 4-2-0

[Raphael Richter moved that the Town approve article 26 as printed in the warrant.](#)

Motion Passed.

Article 27. General Bylaw Amendment: Alarm Devices (*Deletions shown in strike through and new text shown as underlined*)

To see if the Town will vote to amend the Provincetown General Bylaws by amending Sections 11-8 to read as follows:

11-8. Automatic-dialing mechanical protection devices and fire protective signaling systems and automatic fire detection systems.

11-8-1 Permission required. No person shall install, maintain or use a protection device that automatically activates the telephone lines of the Police or Fire departments, without written permission from the Commissioner of Public Safety or his delegate and any other permission required, including, but not limited to, a building permit under 780 CMR 110.1 and 780 CMR 917 and 918 and any other permits or approvals that may be required.

11-8-2 Disapproved

11-8-3 Shut-off device. All alarm systems installed with an outside audible alarm shall be equipped with a device that will shut off the signal within fifteen minutes after the activation of the alarm.

11-8-4 Identification system. Alarms directly connected to the Police Department shall be connected in such a manner that the signal transmitted specifically identifies either fire, burglar or line.

11-8-5 False alarms. The activation of an alarm by error or malfunction shall constitute a violation of this bylaw.

11-8-6 Fines. The owner or person in charge of a building or structure who fails to comply with this bylaw shall be provided with written notice of non-compliance from the Police Department or Fire Department. Any owner or person in charge of a building or structure who fails to comply with this bylaw within 10 business days of written notice of noncompliance shall be punished by a fine prescribed in the following manner under G.L. c.40, §21D. Within each calendar year, a non-criminal disposition penalty of a warning for the first offense, through third offenses and a fine of \$150 dollars for the second offense and a fine of \$300 for the third fourth offense and each offense thereafter shall be imposed for false alarm violations under §11-8-5. A non-criminal disposition penalty of \$300 for each offense shall be imposed for failure to timely comply with the requirements of §11-8-2. or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to amend the General Bylaws of the Town as printed in the warrant under Article 27.

Motion Passed.

Article 28. Zoning Bylaw Amendment: Building Height Definition. (*Deletions shown in strike through and new text shown as underlined*)

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions, as follows:

BUILDING HEIGHT the vertical distance between the highest point of the roof and the natural mean grade as measured from the natural grade at the four (4) furthest corners of the structure to the height of the highest point of the roof, and dividing the aggregate number of these heights by four (4). For buildings which existed prior to April 6, 2015, and located in the FEMA established A and V zones, building height

shall be measured from the higher of Average Natural Grade or Base Flood Elevation. Height limitations shall not apply to chimneys, TV antennae with poles of ten (10) feet or less, or spires, cupolas and widow walks that do not enclose more than thirty-five (35) square feet of floor space or exceed ten (10) feet in height or occupy more than five (5) percent of the roof area.

And to amend the Provincetown Zoning Bylaws, Article 3, General Requirements, Section 3110, Change, Extensions and Alterations, by adding a paragraph as follows:

3110 CHANGE, EXTENSIONS OR ALTERATIONS. As provided in Sec. 6, Ch. 40A, G.L., Pre-existing nonconforming structures may be altered, reconstructed, extended or changed if in so doing the nonconformancy is not increased. The following types of alterations do not result in an increase in nonconformancy:

1. Alteration to a nonconforming structure where the alteration will comply with all applicable sections of the Zoning Bylaw in effect at the time of application.
2. Alteration to a nonconforming structure on a lot containing at least the minimum square footage required, prior to any lot dimensional increases within the zoning district in which the lot is located, where the alteration will comply with all applicable sections of the Zoning Bylaw, in effect at the time of application, including but not limited to yard setback, lot coverage and height requirements.

Otherwise, pre-existing nonconforming structures may be extended, altered or changed along the nonconforming dimension or dimensions without intruding further into existing setback area if the Board of Appeals after a Public Hearing finds that such extension, alteration, or change will not be substantially more detrimental than the existing nonconformancy to the neighborhood.

Pre-existing nonconforming uses may be extended or altered if the Board of Appeals after a Public Hearing finds that such extension or alteration will not be substantially more detrimental than the existing nonconformancy to the neighborhood.

Pre-existing nonconforming uses may be changed upon the granting of a Special Permit by the Board of Zoning Appeals as specified in Section 5300.

Nonconforming structures may be extended, altered or changed so as to make a conforming dimension nonconforming only upon the granting of a dimensional variance by the Board of Appeals, except that for those buildings which existed prior to April 6, 2015 and are required by the Building Commissioner to be elevated in accordance with FEMA Regulations, new setback non-conformities and intrusions further into an existing non-conforming setback area created by exterior access/egress structures which are increased in size due to the building being elevated may be approved by Special Permit from the Zoning Board of Appeals.

Once changed to conformancy, no structure or use shall be permitted to revert to

nonconformancy. Any extension of a nonconforming structure must have a continuous foundation and floor plan with said structure.
or to take any other action relative thereto.

[Requested by the Planning Board]

Board of Selectmen Recommends: 5-0-0

Planning Board Recommends: 3-0-1

2/3rd's Vote Required

Gloria McPherson moved that the Town vote to amend the Zoning Bylaw as printed in the warrant under Article 28.

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

Article 29. Zoning Bylaw Amendment: Growth Management. *(Deletions shown in strike through and new text shown as underlined)*

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 6, Growth Management Bylaw, Section 6600, Growth Limitation Goal Allocations, in order to allow a one-time increase in the number of gallons allocated to General Use Category 3 that will correct an unintended consequence of a Zoning Bylaw amendment approved at the 2014 Annual Town Meeting, as follows:

2. (b) Annually, during the Growth Management Review, the Board of Selectmen may allocate up to 1,870 gpd to General Use Category 3, except that in 2015, the Board of Selectmen may allocate up to 2,530 gpd to General Use Category 3, provided that the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection ("DEP") pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto. Within this allocation, 330 gpd shall be reserved for General Use Category 3a (expansions to existing residential structures).

All unassigned gallonage remaining at the end of each calendar year for General Use Category 3 shall remain available for assignment in the next calendar year for General Use Category 3.

or to take any other action relative thereto.

[Requested by the Planning Board]

Board of Selectmen Recommends: 3-2-0

Planning Board Recommends: 4-0-1

Housing Authority Recommends: 5-0-0

2/3rd's Vote Required

Gloria McPherson moved that the Town vote to amend the Zoning Bylaw as printed in the warrant under Article 29.

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

Article 30. Recommend Sale of Tax Title Receivables. To see if the Town will vote to recommend that the Town Treasurer employ a firm to whom the tax title receivables will be sold. No receivables will be sold for properties that are current in a payment plan approved by the Treasurer. Net receipts from the sale of the receivables shall be appropriated into the Year-Round Housing Trust at a future Town Meeting; 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**

Clarence Walker moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 30.

Erik Yingling moved to indefinitely postpone article 30.
Motion to Indefinitely Postpone Passed. (For: 61 Against: 51)

Article 31. Transfer and Conveyance of 311 Bradford Street. To see if the Town will vote to transfer from the tax custodian for tax title purposes to the Board of Selectmen for the purpose of conveyance, the care, custody and control of the parcel of land located at 311 Bradford Street, identified by the Assessors as Parcel 15-3-76-0-E, and described in part in instrument recorded with the Barnstable County Registry of Deeds in Book 1937, Page 152, and, further, to authorize the Board of Selectmen to convey said parcel on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; 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

2/3rd's Vote Required

Raphael Richter moved that the Town vote to approve article 31 as printed in the warrant.
Motion Passed. (2/3rd's Vote Declared)

Article 32. Release of Town's Rights in 305-307 Commercial Street. To see if the Town will vote to transfer from the Board of Selectmen for parking purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, the parcel of land located at 305-307 Commercial Street, which parcel is identified by the Assessors as Parcel 11-3-11-0 and shown on a plan recorded with the Barnstable County Registry of Deeds in Plan Book 307, Page 31, and to authorize the Board of Selectmen to convey and/or release any and all right, title and interest held by the Town in said parcel pursuant to the deed recorded in Book 1637, Page 404, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; 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

2/3rd's Vote Required

Raphael Richter moved that the Town vote to approve article 32 as printed in the warrant.
Motion Passed. (2/3rd's Vote Declared)

Article 33. Legalization of Marijuana. To see if the Town will vote to express the Town's support for the legalization of marijuana and to direct the Board of Selectmen to send a letter of support to the Town's representatives in the General Court and the Governor; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Raphael Richter moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 33.

Motion Passed.

Article 34. General Bylaw Amendment: Section 13-5 Prohibited Use of Bicycles.
(Deletions shown in strike through and new text shown as underlined)

To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 13-5-1-2 to read as follows:

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: street signs, 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.
- or to take any other action relative thereto.

[Requested by Bicycle Committee]

Board of Selectmen Recommends: 3-1-1

Rik Ahlberg moved that the Town vote to amend the General Bylaws of the Town as printed in the warrant under Article 34.

Motion Does Not Pass.

Stephen Katsurinis moved to adjourn.
Motion to Adjourn Does Not Pass.

Article 35. Amend Special Legislation Regarding Provincetown Public Pier Corporation. To see if the Town will vote to amend the Special Legislation regarding the Provincetown Pier Corporation to convert the Provincetown Pier Corporation into a Town Board subject to the charter, bylaws and financial regulations and processes of the Town. The Board would be appointed by the Selectmen and would oversee the pier, harbor and any other waterfront activities which the Town deemed appropriate, or to take any other action relative thereto.

(Requested by Michael Canizales and others)

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

Provincetown Public Pier Corporation Does Not Recommend: 3-1-0

Harbor Committee Does Not Recommend: 5-0-0

[Michael Canizales moved to indefinitely postpone article 35.](#)

Motion Passed.

Article 36. Invest in the Hall Property.

Whereas: A waterfront park with beach access would be a highly desirable asset for our Town;

Whereas: Public parking is necessary for Provincetown's businesses, more parking spaces may increase business, but taking away a sizeable parking lot will harm businesses, jobs and local residents;

Whereas: The Hall Parking Lot at 387-395 Commercial St. is comparable in size to the Johnson Street Parking Lot which has 34 parking spaces, bringing in \$35,000 in revenue yearly. A large unknown percent of the spaces, estimated at 40%, are taken by Town Parking Permit holders, meaning an all-paid parking lot would bring in \$60,000 to \$75,000 per year;

Whereas: An investment in a revenue producing property does not have to impinge on our taxes, that is, this purchase may be financed by a bond issue and other sources, and the parking revenue would service and ultimately pay off the debt;

Whereas: A smaller Town park along the water would be desirable and possible and the park may qualify for State Park funding or be supported by the monies we have already put into the Community Preservation Act (CPA) or the Land Bank, thereby lowering the amount of money to be raised;

Whereas: interest rates are now at a lifetime low;

I move to see if the Town will vote to authorize the Board of Selectmen to raise and appropriate a sum of money not to exceed \$1,300,000 and to apply for grants under the PARC (formerly Urban Self-Help) Act to acquire by purchase the Hall Property, Assessor's Map 12-2 as Parcel 15, 387-395 Commercial Street (currently assessed at \$1,080,000), 80% of which is to be allocated for paid parking only, no permit parking allowed, until the investment is paid off, and 20% for a Preston Hall Park along the waterfront, with a walkway to Commercial Street and to determine how the same shall be raised, including appropriation from the so-called Land Bank Fund under the Cape Cod Land Bank Act, transfer from any other available fund and to issue bonds or notes of the Town therefore,

and further, that the Board of Selectmen and the Town Manager, at the Board of Selectmen's direction, be authorized to submit, on behalf of the Town, any and all applications deemed necessary under the PARC Act, as amended, and/or any other sources, including those in aid of recreational land acquisition, to enter in all agreements and execute any and all instruments as may be necessary on behalf of the Town; or to take any other action relative thereto.

(Requested by Barbara Rushmore and others)

Board of Selectmen Recommends: 5-0-0

Finance Committee Does Not Recommend: 6-0-0

Open Space Committee Does Not Recommend: 3-0-0

2/3rd's Vote Required

Raphael Richter moved to authorize the Board of Selectmen to acquire by purchase, gift eminent domain or otherwise the Hall Property, Assessor's Map 12-2 as Parcel 15, 387-395 Commercial Street to be held for public parking purpose and for the purpose of developing a park along the Waterfront, with the portion developed along the Waterfront (as determined by the Board of Selectmen) to be held for park purposes pursuant to the provisions of G.L. c. 45, §3, under the care, custody and control of the Recreation Commission; (currently assessed at \$1,080,000), 80% of which is to be allocated for paid parking only, no permit parking allowed; to appropriate the sum of \$1,300,000 for said acquisition and land development costs, and all other costs incidental and related thereto; that the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$1,300,000 pursuant to General Laws Chapter 44, sections 7 and 8, or any other enabling authority and to issue bonds and notes therefor; and further, that the Board of Selectmen and the Town Manager, at the Board of Selectmen's direction, be authorized to apply for accept and expend, on behalf of the Town, any funds which may be provided by the Commonwealth or other public sources to defray all or a portion of the costs of acquiring said property, including, but not limited to, funding under G.L. c. 132A, §11 (the PARC Act), as amended, and/or any other sources, including those in aid of recreational land acquisition, and to enter in all agreements and execute any and all instruments as may be necessary on behalf of the Town.

Motion Passed - 2/3rd's Vote Required. (For: 85 Against: 18)

Article 37. Vote Against The Trans Pacific Pact (TPP).

Whereas: There is a non-debatable and secretly negotiated pact coming to Congress for approval called the Trans Pacific Pact or TPP which is very much like NAFTA and will lead to sending jobs overseas;

Whereas: This bill has an early vote asking for a "fast track" or an up-and-down vote on the bill with no debate or amendments allowed;

Whereas: Some of our minimum wage and hours laws, "buy local", safety requirements, origin of food products labeling, health inspections and more could be superseded by the TPP;

I move to see if the Town will vote to oppose the Trans Pacific Pact (TPP) and ask our Senators and all Massachusetts Congressmen to vote against the TPP and to write care of

our Town Clerk in Provincetown how they will vote or voted on HR3830, the “fast-track” for the Trans Pacific Pact; or to take any other action relative thereto.

(Requested by Barbara Rushmore and others)

Board of Selectmen Recommends: 2-1-2

Finance Committee Recommends: 6-0-0

Barbara Rushmore moved to approve a non-binding resolution to oppose the Trans Pacific Pact (TPP) and ask our Senators and all Massachusetts Congressmen to vote against the TPP and to write care of our Town Clerk in Provincetown how they will vote or voted on HR3830, the “fast-track” for the Trans Pacific Pact.

Motion Passed.

Town Moderator Mary-Jo Avellar motioned to dissolve the April 6, 2015 Annual Town Meeting at 8:50 p.m.

Motion Passed.

Annual Town Meeting dissolved at 8:50 p.m.