

Special Town Meeting – Monday, April 5, 2010

Meeting Called to Order. Town Moderator Irene Rabinowitz convened the Annual Town Meeting at 6:00 p.m. on Monday, April 5, 2010 in the Veterans Memorial Elementary School.

Preliminary Motions:

Michele Couture moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Michele Couture moved that the Town vote to grant permission to speak at the April 5, 2010 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Russell Braun, *Building Commissioner*; John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Alexandra Heilala, *Finance Director*; Beau Jackett, *Information Systems Director*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; Mark White, *Environmental Partners Group*; Tom Scanlon, *CPA*; Greg Winters, *CPA*. Beth Singer, *Superintendent of Schools*; Kim Y. Pike, *District Principal*; Betty G. White, *Administrative Assistant to Supt. of Schools for Business & Finance*; Maxine Notaro, *Permit Coordinator*; Jane Evans, *Health Agent*; Brandon Motta, *Recreation Director*; Domenic Rosati, *Parking Administrator*; Ryeon Corsi, *Americorps Volunteer*; Pam Hudson, *Employee Benefits Administrator*.

Motion Passed.

Michele Couture moved that on all matters to come before the April 5, 2010 Special 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. FY 2010 Budget Adjustments. To see what amendments the Town will vote to make to the Fiscal Year 2010 operating budgets and enterprise funds established under Articles 2 and 5 of the April 6, 2009 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; or 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

Michele Couture moved that the Town vote to make the following amendments to the sources of funding established under Article 5 of the April 6, 2009 Annual Town Meeting so the sources of funding read as follows:

The vote for Article 5, Wastewater Enterprise Fund reads as follows: “move that the Town vote that \$2,635,714 be appropriated to operate the Wastewater Enterprise Fund, \$2,198,687 to come from Wastewater Enterprise Fund revenues, \$280,000 to come from Wastewater Fund Reserve for Debt Service, and further, that \$157,031 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

And further to make the following transfers as follows:

Transfer From: 910-B Health Insurance 120,000
 ATM07 By-law Raises 1,650

Transfer to:
 122-A Selectmen Salary Longevity 1,100
 161-A Town Clerk Salary Longevity 550
 431-A Transfer Station Seasonal 17,075
 440-B Wastewater Debt Service 87,925
 450-B Water Enterprise Debt 15,000

Motion Passed.

Article 2. Rescind Unused Borrowing Authority. To see if the Town will vote to rescind borrowing authority, as follows:

Date of Vote	TM	No.	Authorized and Unissued Debt	Fund	Amount Authorized	Total Borrowed to 4/5/10	Rescind Unused Balance
04/01/02	ATM	4-6	Grace Gouveia Bldg	GEN	35,000		35,000
04/01/02	STM	13	Wastewater Phase II Planning	WASTEWATER	215,000	213,250	1,750
04/07/03	ATM	4-16	Water (Wells-Security)	WATER	25,000	11,375	13,625
04/03/06	STM	3	Land Bank 74 Harry Kemp	LANDBANK	190,000	163,550	26,450
					490,000	388,175	101,825

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Michele Couture moved that the Town vote to rescind the unused borrowing authority as follows:

ATM 4/1/02 Article 4-6 Grace Gouviea Improvements – \$35,000

STM 4/1/02 Article 13 Wastewater Phase 2 Planning - \$ 1,750

ATM 4/7/03 Article 4-16 Water (Wells Security) - 13,265

STM 4/7/03 Article 3 Land Bank (74 Harry Kemp) - 26,450

for a total amount to rescind of \$76,825.

Motion Passed.

Article 3. Transfer of Funds into Provincetown Public Pier Corporation Reserve Account. To see if the Town will vote to transfer from free cash the

sum of \$140,504 to fund the operating reserve of the Provincetown Public Pier Corporation pursuant to Chapter 13 of the Acts of 2000 and the Grant Agreement between the Town and the PPPC dated November 4, 2002; or 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 Recommends: 6-0-0

David Bedard moved that the Town vote to transfer \$140,504 from free cash to fund a deficit on the books of the Town relating to the Grant Agreement between the Town and the Provincetown Public Pier Corporation entered into on November 4, 2002.

Motion Passed.

Article 4. Replace Fueling Station. To see if the Town will vote to transfer from free cash the sum of \$200,000 to fund the replacement of the fueling station at the highway garage; or take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Mary-Jo Avellar moved that the Town vote to transfer \$200,000 from free cash to replace the fueling station at the highway garage.

Motion Passed.

Austin Knight moved to take Article 6 before Article 5.

Motion Passed.

Article 5. North Union Field Land Acquisition. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended under the direction of the Town Manager and the Board of Selectmen for the permitting, design and construction of a new water supply well or wells to be located upon the land known as the North Union Well Field in the Town of Truro, and related water distribution facilities, and including without limitation all costs defined under Section 1 of Chapter 29C of the General Laws, land acquisition costs, and all other costs incidental and related thereto; and to authorize the Board of Selectmen to acquire certain land or any interest therein or any portion thereof by purchase, gift, eminent domain or otherwise for water supply purposes and/or water supply protection purposes pursuant to Section One of Chapter 483 of the Acts of 1907, Section Two of Chapter 439 of the Acts of 1952 or any other provision of general or special law enabling such acquisition, said land being 10.84 acres, more or less, being all or a portion of the land shown on Truro Assessors Map 40 as Parcel 71, 73 and 77, also being shown as Parcel One, 6 acres, Parcel Three, .65 acres and Parcel Two, 4.19

acres, respectively, on a plan of land entitled, "Plan of Land in Truro made for the Town of Truro," dated October 21, 2003, recorded with the Barnstable County Registry of Deeds in Plan Book 589, Page 49, which land may be acquired together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Selectmen may determine;

and to authorize the Board of Selectmen to acquire certain land or any interest therein or any portion thereof by purchase, gift, eminent domain or otherwise for water supply protection purposes pursuant to Section 39B of General Laws Chapter 40, or any other provision of general or special law enabling such acquisition, said land being 6.35 acres, more or less, being a portion of the land shown on Truro Assessors Map 43 as Parcel 2, which land may be acquired together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Selectmen may determine;

and to raise said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum of money under and pursuant to Chapters 29C and/or 44 of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and to the extent that any federal, state or other funds are or become available for the purposes set forth above, the Board of Selectmen is authorized to apply for and accept such funds and to enter into all agreements and execute any and all instruments, including the grant of restrictions and other rights with respect to said land, as may be necessary on behalf of the Town of Provincetown to effect said acquisition or grants;

and further to authorize the Board of Selectmen to instruct its Senator or Representative in the General Court to file a petition, under the so-called Home Rule Amendment or otherwise, to enact any special legislation or amendment to any special act as the Board of Selectmen may determine to be necessary (i) to implement the authority given to the Board of Selectmen under this Article, (ii) to provide that any intermunicipal agreement that the Board of Selectmen may enter into to on behalf of the Town with the Town of Truro under Section 4A of Chapter 40 of the General Laws relating to the acquisition, control or use of such real property and for the provision of water to properties located in Truro may be for a term of up to fifty years, (iii) to authorize such land acquisition under Article 97 of the Amendments to the Massachusetts Constitution and notwithstanding any other requirement of law, and (iv) to amend the Town of Provincetown Charter by adding a new Section 6-14-3 to provide that when the Provincetown Water and Sewer Board is exercising the powers of the water board, the board shall consist of seven members, two of whom shall be appointed by the Town of Truro Board of Selectmen, or take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Water & Sewer Board Recommends: 4-0-0

Board of Health Recommends: 3-0-0

Charter Enforcement Commission Recommends: 3-0-1

Motion 1: (Two-Thirds Vote Required)

Austin Knight moved that the Town vote to raise and appropriate, transfer from available funds, or borrow the sum of \$2,778,391, to be expended under the direction of the Town Manager and the Board of Selectmen for the permitting, design and construction of a new water supply well or wells to be located upon the land known as the North Union Well Field in the Town of Truro, and related water distribution facilities, and including without limitation all costs defined under Section 1 of Chapter 29C of the General Laws, land acquisition costs, and all other costs incidental and related thereto;

and to authorize the Board of Selectmen to acquire certain land or any interest therein or any portion thereof by purchase, gift, eminent domain or otherwise for water supply purposes and/or water supply protection purposes pursuant to Section One of Chapter 483 of the Acts of 1907, Section Two of Chapter 439 of the Acts of 1952 or any other provision of general or special law enabling such acquisition, said land being 10.84 acres, more or less, being all or a portion of the land shown on Truro Assessors Map 40 as Parcel 71, 73 and 77, also being shown as Parcel One, 6 acres, Parcel Three, .65 acres and Parcel Two, 4.19 acres, respectively, on a plan of land entitled, "Plan of Land in Truro made for the Town of Truro," dated October 21, 2003, recorded with the Barnstable County Registry of Deeds in Plan Book 589, Page 49, which land may be acquired together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Selectmen may determine; or in the alternative to lease said Parcels 71, 73 and 77 from the Town of Truro for a term of 99 years;

and to authorize the Board of Selectmen to acquire certain land or any interest therein or any portion thereof by purchase, gift, eminent domain or otherwise for water supply protection purposes pursuant to Section 39B of General Laws Chapter 40, or any other provision of general or special law enabling such acquisition, said land being 6.35 acres, more or less, being a portion of the land shown on Truro Assessors Map 43 as Parcel 2, which land may be acquired together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Selectmen may determine;

and to raise said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$2,778, 391 under and pursuant to Chapters 29C and/or 44 of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and to the extent that any federal, state or other funds are or become available for the purposes set forth above, the Board of Selectmen is authorized to apply for and accept such funds and to enter into all agreements and execute any and all instruments, including the grant of restrictions and other rights with respect to said land, as may be necessary on behalf of the Town of Provincetown to effect said acquisition or grants.

Motion Passed.

(2/3rd's Vote Declared)

Motion 2: (Majority Vote)

Austin Knight moved that the Town vote to authorize the Board of Selectmen to instruct its Senator or Representative in the General Court to file a petition, under the so-called Home Rule Amendment or otherwise, to enact any special legislation or amendment to any special act as the Board of Selectmen may determine to be necessary (i) to implement the authority given to the Board of Selectmen under this Article, (ii) to authorize such land acquisition or long term lease under Article 97 of the Amendments to the Massachusetts Constitution and notwithstanding any other requirement of law, and (iii) to enact the following Special Law:

An Act Relative to an Intermunicipal Agreement between the Towns of Provincetown and Truro

Section 1. Notwithstanding the provisions of any general or special law, or the charter of the town of Provincetown to the contrary, whenever there exists an intermunicipal agreement between the town of Provincetown and the town of Truro for the provision of water to the residents of Truro, the following provisions shall be applicable, but not otherwise.

Section 2. When the Provincetown water and sewer board is exercising the powers of a water board, one such member shall, at the discretion of the Provincetown board of selectmen, be designated by said board as an alternate member, and three additional members shall be appointed by the Truro board of selectmen, for a total of seven members and one alternate member.

Section 3. The three members appointed by the board of selectmen of the town of Truro shall serve for terms of three years, however, initially one such member shall be appointed for a three-year term, one for a two-year term, and one for a one year term.

Section 4. Except as otherwise provided in this act, the provisions of chapter 3 and section 10-2 of the Provincetown town charter shall be applicable to the appointment, service, and removal of the members appointed by the Truro board of selectmen. With regard to provision of notice of appointment, filling of vacancies, and removals of members appointed by the Truro board of Selectmen in accordance with section 2 of this act, references in the town charter to the "appointing authority" shall be applicable to the Truro board of selectmen.

Section 5. Notice of appointment of a member appointed by the Truro board of selectmen under section 2 of this act shall be filed with the town clerk of the town of Provincetown. Any such member shall, before entering upon the member's official duties, be sworn to the faithful performance thereof by either the town clerk or the moderator of the town of Provincetown. For purposes of G.L. c.41, §109, the resignation of such a member shall be filed with the town clerk of the town of Provincetown, at which time such resignation shall become effective, or at such later time as may be specified in such resignation. The town clerk of the town of Provincetown shall forthwith provide notice of the same to the town clerk of the Town of Truro.

Section 6. When the Provincetown water and sewer board is exercising the

powers of a water board, and appointments have been made by the Truro board of selectmen in accordance with section 2 of this act, a quorum of the water and sewer board shall be four members.

Section 7. For purposes of the Conflict of Interest Law, G.L. c.268A, the members of the water and sewer board appointed by the Provincetown board of selectmen pursuant to section 2 of this act shall be considered special municipal employees of the towns of Provincetown and Truro.

Section 8. Upon the expiration or termination of an intermunicipal agreement between the towns of Provincetown and Truro contemplated under section 1 of this act, the terms of the three members of the water and sewer board appointed by the Truro board of selectmen pursuant to section 2 of this act shall immediately terminate.

Section 9. This act shall take effect upon passage.

Motion Passed. (For:268 Against:3)

Article 6. Stabilization Fund. To see if the Town will vote to transfer from free cash the sum of \$250,000 to the stabilization fund, or take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Two-Thirds Vote Required

Sharon Lynn moved that the Town vote to transfer \$250,000 from free cash into the Stabilization Fund.

Jim King moved to postpone action on Article 6 until after Article 16 of the Special Town Meeting.

Motion to Postpone Article 6 Does Not Pass.

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

Article 7. Meals Tax Option. To see if the Town will vote to accept the provisions of Massachusetts General Laws G.L. c. 64L, § 2(a) that will authorize the Town to adopt a local option sales tax of .75% upon the sale of restaurant meals originating within the Town by any vendor, or take any other action relative thereto.

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

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 8-0-0

Visitor Services Board Recommends: 3-2-0

Michele Couture that the Town vote to approve Article 7 as printed in the warrant.

Motion Passed.

Article 8. Room Tax Option. To see if the Town will vote to accept the provisions of Massachusetts General Laws G.L. c. 64G, § 3A that will authorize the Town to adopt an additional local option excise tax of 2% in regard to the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within the Town by any operator for each occupancy, or take any other action relative thereto.

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

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 7-0-0

Visitor Services Board Recommends: 3-2-0

Austin Knight moved that the Town vote to approve Article 8 as printed in the warrant.

Motion Passed. (For: 169 Against: 80)

Article 9. Create a Special Purpose Stabilization Fund for Capital Improvements. To see if the Town will vote, pursuant to General Laws Chapter 40, section 5B, to create a Special Purpose Stabilization Fund for capital improvements; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Visitor services Board Recommends: 5-0-0

Two-Thirds Vote Required

David Bedard moved that the Town vote to approve Article 9 as printed in the warrant

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

Article 10. Create a Special Purpose Stabilization Fund for Special Events. To see if the Town will vote, pursuant to General Laws Chapter 40, section 5B, to create a Special Purpose Stabilization Fund for special events; 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: 6-1-1

Visitor Services Board Recommends: 5-0-0

Two-Thirds Vote Required

Elaine Anderson moved that the Town vote to approve Article 10 as printed in the warrant.

Motion Does Not Pass.

Mary-Jo Avellar moved to take Article 12 out of order.

Motion Passed.

Article 11. Home Rule Petition/Amend Room Excise Tax Distribution. To see if the Town will vote to instruct its senator and representative in the General Court to file a home rule petition for a special act to read as follows, provided that the General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition:

AN ACT RELATIVE TO THE ROOM OCCUPANCY EXCISE OF 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. Chapter 391 of the Acts of 1998 is hereby amended by providing that thirteen percent (13%) of the room excise tax collected by the town of Provincetown under [section 3A of chapter 64G](#) of the General Laws for the fiscal year beginning July 1, 2010 and each fiscal year thereafter shall be credited to the wastewater enterprise fund of said town without further appropriation.

SECTION 2. Section 2 of Chapter 178 of the Acts of 1996 is hereby amended by providing that thirty-five percent (35%) of the excise collected under [section 3A of chapter 64G](#) of the General Laws by the town of Provincetown for the fiscal year beginning July 1, 2010 and each fiscal year thereafter shall be credited to the Tourism Fund established pursuant to Section 1 of Chapter 178 of the Acts of 1996 without further appropriation.

SECTION 3. Twenty-five percent (25%) of the excise collected under [section 3A of chapter 64G](#) of the General Laws by the town of Provincetown for the fiscal year beginning July 1, 2010 and each fiscal year thereafter shall be credited without further appropriation to the special purpose stabilization fund for capital improvements established in accordance with section 5B of chapter 40 of the General Laws by the town pursuant to the vote under article 9 of the April 5, 2010 special town meeting

SECTION 4: Three percent (3%) of the excise collected under [section 3A of chapter 64G](#) of the General Laws by the town of Provincetown for the fiscal year beginning July 1, 2010 and each fiscal year thereafter shall be credited without further appropriation to the special purpose stabilization fund for special events established in accordance with section 5B of chapter 40 of the General Laws by the town pursuant to the vote under Article 10 of the April 5, 2010 special town meeting

SECTION 5: Twenty four percent (24%) of the excise collected under section 3A of chapter 64G of the General Laws by the Town of Provincetown for the fiscal

year beginning July 1, 2010, and each fiscal year thereafter, shall be credited to the General Fund.

SECTION 6. This act shall take effect upon passage.

or take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Visitor Services Board Does Not Recommend: 5-0-0

Elaine Anderson that the Town vote to approve Article 11 as printed in the warrant with the following changes: Delete Section 4 and renumber so that Section 4 is now the General Fund, and amend to 27%..

Barbara Rushmore moved to amend the amount credited to the Tourism Fund should be capped at \$475,000. The overage to go to the General Fund.

Motion to Amend Does Not Pass.

Motion Passed (For: 135 Against:70).

Article 12. Room Occupancy Tax. 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 room occupancy tax on vacation rentals not currently subject to such tax; 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, or take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Has No Recommendation.

Visitor Services Board Recommends: 5-0-0

Mary-Jo Avellar moved that the Town vote to approve Article 12 as printed in the warrant.

Motion Passed. (For: 236 Against: 7)

Article 13. Cemetery Improvements. To see if the Town will vote to appropriate and transfer from available funds a sum of money for services related to expansion of the Provincetown Cemetery and purchase of equipment; or to take any other action relative thereto.

[Requested by the Town Manager and the Cemetery Commission]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

David Bedard moved that the Town vote to transfer \$5,000 from the Sale of Cemetery Lots Special Revenue Fund to pay for costs related to the expansion of the cemetery land located at 24 Cemetery Road.

Motion Passed.

Article 14. PARC Land Grant – Suzanne’s Garden. To see if the Town will vote to supplement the vote taken under Article 7 of the June 22, 2009 Special Town Meeting, which vote authorized the Board of Selectmen to acquire the fee interest in a certain portion of the parcel of real estate at 608 Commercial Street and authorized the Board of Selectmen or other applicable boards or commissions to apply for federal, state or other funds, to specifically authorize the Board of Selectmen and/or the Open Space Committee and/or the Recreation Commission and/or other boards to apply for and accept funding under the PARC grant program (formerly, Urban Self-Help) (G.L. c. 45, Section 14) and to dedicate said parcel to recreation and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effect said acquisition and grant; or take any action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Conservation Commission Recommends: 5-0-0

Open Space Committee Recommends: 4-0-0

Mary-Jo Avellar moved that the Town vote to approve Article 14 as printed in the warrant.

Motion Passed.

Article 15. Land Bank – Pre-acquisition Expenses. To see if the Town will vote to transfer from the Land Bank Fund established under Chapter 293 of the Acts of 1998 the sum of \$25,000 to be expended under the direction of the Open Space Committee and the Town Manager for the funding of pre-acquisition expenses for potential Land Bank purchases, including but not limited to title searches and appraisals, updating of the Open Space Plan to qualify said purchases for state grants, and other costs associated therewith; or take any other action relative thereto.

[Requested by the Open Space Committee]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Conservation Commission Recommends: 5-0-0

Open Space Committee Recommends: 4-0-0

Hank Janowsky moved that the Town vote to approve Article 15 as printed in the warrant.

Motion Passed.

Article 16. General By-law Amendment: Hours of Entertainment and Amusement Operation.

To see if the Town will vote to amend the Provincetown General By-laws by amending §8-15 to read as follows:

Provincetown General Bylaw Section 8-15. Hours of Entertainment and Amusement Operation.

Unless otherwise restricted, no holder of an entertainment license issued by the Town of Provincetown pursuant to Massachusetts General Laws, Chapter 140, Sections, 177A, 181, 183A, shall permit activity licensed thereunder to be conducted between the hours of 1:00 a.m. and 8:00 a.m., with the exception of the time period in any calendar year from the Friday of Memorial Day weekend thru and including the Saturday following Labor Day weekend, during which time period the licensed activity shall not be permitted between the hours of 2:00 am and 8:00 am. A non-criminal disposition penalty will be assessed on any holder of an entertainment license found to be operating between the hours of 1:00 a.m. and 8:00 a.m. in the amount of one hundred (\$100) for the first offense, two hundred (\$200) for the second offense and three hundred dollars (\$300) for the third offense. Each violation of the hours of entertainment or amusement operation shall be deemed to be a separate offense

Or take any other action relative thereto.

[Requested by the Licensing Board]

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

Finance Committee Recommends: 8-0-0

Licensing Board Recommends: 4-0-0

Visitor Services Board Recommends: 5-0-0

Todd Wagar moved that the Town vote to approve Article 16 as printed in the warrant.

Motion Does Not Pass (For: 92 Against: 112).

Mary-Jo Avellar moved to dissolve the April 5, 2010 Special Town Meeting.

Motion Passed.

Special Town Meeting dissolved at 10:40 p.m. on April 5, 2010.