

Annual Town Meeting – Monday, April 7, 2008

Meeting Called to Order. Town Moderator Irene Rabinowitz convened the Annual Town Meeting at 6:00 p.m. on Monday, April 7, 2008 in the Town Hall Auditorium and hearing no objection decided to hold the Special Town Meeting first. Town Moderator Irene Rabinowitz entertained a motion made by Doug Johnstone to move the meeting to the Provincetown Veterans Memorial Elementary School, in accordance with MGL C. 39, §14, based upon an engineers report that the Auditorium is not suitable to accommodate Town Meeting. Motion Passed. Town Moderator Irene Rabinowitz adjourned the meeting to the Veterans Memorial Elementary School.

Town Moderator Irene Rabinowitz reconvened the April 7, 2008 Special Town Meeting at 6:10 p.m. in the Veterans Memorial Elementary School.

Town Moderator Irene Rabinowitz convened the Annual Town Meeting at 7:25 p.m. on Monday, April 7, 2008.

Preliminary motions:

Mary-Jo Avellar moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Mary-Jo Avellar moved that the Town vote to grant permission to speak at the April 7, 2008 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Russell Braun, *Building Commissioner*; Glenn Enos, *Police Prosecutor*; Jane Evans, *Health Agent*; Elizabeth Francis, *Assistant to VMES Principal*; John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Jasmine Hadley, *Provincetown High School Student*; Alexandra Heilala, *Town Accountant*; Beau Jackett, *Information Systems Director*; Michelle Jarusiewicz, *Grant Administrator*; Linda Koelbel, *Director Special Education, School Department*;

Amy Lawson, *Housing Specialist*; Sean McArdle, *New England Police Benevolent Representative*; Maxine Notaro, *Permit Coordinator*; Dr. Floriano Pavao, *PHS Principal*; Domenic Rosati, *Parking Lot Manager*, Warren D. Tobias, *Acting Chief of Police*; and Betty White, *Administrative Assistant for Business and Finance, School Department*.

Motion Passed.

Mary-Jo Avellar moved that on all matters to come before the April 7, 2008 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]

Mary-Jo Avellar moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

Motion Passed.

Article 2. *FY 2009 Operating Budget.* To see to if the Town will vote to raise and appropriate or transfer from available funds the sum of \$19,498,565 to fund operating budgets for the several Town departments for Fiscal Year 2009 in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2008	FY 2009	% '08-'09
<i>I. General</i>			
<i>Government</i>	\$1,167,934	\$1,291,048	+10.5%
<i>II. Finance</i>	6,684,676	7,366,194	+10.2%
<i>III. Public Safety</i>	3,496,446	3,941,801	+12.7%
<i>IV. Public Works</i>	2,493,666	2,288,797	-8.2%
<i>V. Public Services</i>	861,524	809,790	-6.0%
Sub-total, I-V	\$14,704,246	\$15,697,630	+6.8%
<i>VI. Public Schools</i>	3,854,666	3,800,935	-1.0%
Total, I-VI	\$18,558,912	\$19,498,565	+5.1%

or to take any other action relative thereto.

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

Article 2. *FY 2009 Municipal Operating Budget.***Division I. *General Government.***

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$886,396, and transfer from the Land Bank fund the sum of \$347,356, from the Wetlands Protection Fund the sum of \$7,296 for a total of \$1,241,048, to fund operating budgets for the several Town departments for Fiscal Year 2009 under budget Division I, General Government, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

Article 2. *FY 2009 Municipal Operating Budget.***Division II. *Finance***

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$7,033,125, and transfer from Reserve from Sale of Town Property the sum of \$315,069, for a total of \$7,348,194 to fund operating budgets for the several Town departments for Fiscal Year 2009 under budget Division II, Finance, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2009 Municipal Operating Budget.
Division III. Public Safety***

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE RECOMMENDS**

Michele Couture moved that the Town vote to raise and appropriate the sum of \$3,816,801, and transfer from the Municipal Waterways Improvement and Maintenance Fund the sum of \$75,000, from Ferry Embarkation Fees Receipts Reserved \$50,000, for a total of \$3,941,801, to fund operating budgets for the several Town departments for Fiscal Year 2009 under budget Division III, Public Safety, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2009 Municipal Operating Budget.
Division IV. Public Works***

**BOARD OF SELECTMEN DOES NOT RECOMMEND: 2-2-0
FINANCE COMMITTEE RECOMMENDS**

Michele Couture moved that the Town vote to raise and appropriate the sum of \$2,288,797 to fund operating budgets for the several Town departments for Fiscal Year 2009 under budget Division IV, Public Works, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2009 Municipal Operating Budget.
Division V. Public Services***

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE RECOMMENDS**

Austin Knight moved the Town vote to raise and appropriate the sum of \$809,790 to fund operating budgets for the several Town departments for Fiscal Year 2009 under budget Division V, Public Services, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2009 Municipal Operating Budget.
Division VI. Public Schools***

Motion One

**BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0
FINANCE COMMITTEE RECOMMENDS**

Terese Nelson moved that the Town vote to raise and appropriate the sum of \$3,637,905 to fund the Provincetown Public School System Budget for Fiscal Year 2009.

Motion Passed.

Article 2. FY 2009 Municipal Operating Budget.**Division VI. Public Schools****Motion Two**

BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE RESERVES RECOMMENDATION.

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$153,030 for its assessment for Cape Cod Technical Regional High School for FY 2009.

10:35 pm Motion to adjourn until tomorrow, April 8, 2008 at 6:00 p.m.

Motion Passed.

Town Moderator Irene Rabinowitz called the meeting to order at 6:00 p.m. on Tuesday, April 8, 2008.

Article 2A. *Residential curbside collection of solid waste and recyclable materials.* To see if the Town will vote to raise and appropriate the sum of \$153,000 to fund the curbside collection of solid waste and recyclable materials for Town residents, provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with General Laws Ch. 59 Section 21C(m); or to take any action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE RESERVES RECOMMENDATION: 9-0-0
BOARD OF HEALTH RECOMMENDS: 3-0-0
PROVINCETOWN HOUSING AUTHORITY RECOMMENDS: 4-0-0
RECYCLING & RENEWABLE ENERGY COMMITTEE RECOMMENDS: 4-0-0

Austin Knight moved that the Town vote to raise and appropriate the amount of \$153,000 to fund the curbside collection of solid waste and recycling materials for Town residents for the Fiscal Year beginning July 1, 2008, provided that this appropriation shall be contingent on the passage of a Proposition 2 and ½ override by the voters of the Town in accordance with General Laws c.59 § 21C(m).

Clarence Walker moved to amend Article 2A by deleting the text beginning with the word "provided" to the end of the motion.

Motion to Amend Does Not Pass.

Motion Passed.

Article 2B. *Public Safety and Services Positions.* To see if the Town will vote to raise and appropriate the sum of \$63,594 to supplement the operating budget of the Town for FY 2009 as voted under Article 2 of the 2008 Annual Town Meeting as follows:

- Increase Budget Division No 2 by the amount of \$4,925;
- Increase Budget Division No 3 by the amount of \$19,525;
- Increase Budget Division No 5 by the amount of \$39,144;

provided that this supplemental appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with General Laws Ch. 59 Section 21C(m) provided further that the supplemental appropriation shall be used to fund a level service budget for fiscal year 2009; or to take any action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RESERVES RECOMMENDATION: 9-0-0

Michele Couture moved that the Town vote to raise and appropriate the amount of \$63,594 to supplement the operating budget of the Town for Fiscal Year 2009 as voted under Article 2 of the 2008 Town Meeting as follows: budget Division 2 by the amount of \$4,925, Budget Division 3 by the amount of \$19,525, Budget Division 5 by the amount of \$39,144, provided that the appropriation of the supplemental amount shall be contingent on the passage of a Proposition 2 and ½ override by the voters of the Town in accordance with General Laws c.59 § 21C(m).

Bryan Green moved to amend Article 2B by divide the motions by voting Division 2 and Division 5 together and then voting Division 3 separately.

Motion to Divide the Question Passed.

Bryan Green moved to raise and appropriate the sum of \$44,069 to supplement the operating budget of the Town for FY 2009 as voted under Article 2 of the 2008 Annual Town Meeting as follows: \$4,925 for Budget Division 2; \$39,144 for Division 5; provided that the appropriation of the supplemental amount shall be contingent on a Proposition 2 ½ override.

Motion Passed.

Bryan Green moved to raise and appropriate the sum of \$19,525 to supplement Division 3 of the operating budget as voted under Article 2 of the 2008 Annual Town Meeting provided that the appropriation shall be contingent on the passage of a Proposition 2 ½ override vote.

Motion Passed.

Article 3. 3% merit increase for Town Employees. To see if the Town will vote to raise and appropriate the sum of \$106,340 to supplement the operating budget of the Town for FY 2009 as voted under Article 2 of the 2008 Annual Town Meeting as follows:

Increase Budget Division No 1 by the amount of \$15,124;

Increase Budget Division No 2 by the amount of \$17,220;

Increase Budget Division No 3 by the amount of \$13,054;

Increase Budget Division No 4 by the amount of \$46,580;

Increase Budget Division No 5 by the amount of \$14,362;

provided that this supplemental appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with General Laws Ch. 59 Section 21C(m) provided further that the supplemental appropriation shall be used to fund a 3 % salary increase for AFSCME employees and all full time non union personnel for fiscal year 2009; or to take any action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

PERSONNEL BOARD RECOMMENDS: 3-0-0

Mary-Jo Avellar moved that the Town vote to raise and appropriate the amount of \$106,340 to supplement the operating budget of the Town for Fiscal Year 2009 as voted under Article 2 of the Annual Town Meeting as follows:

Division 1 – General Govt:

Division 2 – Finance:

Division 3 – Public Safety:

Division 4 – Public Works:

Division 5 – Public Services:

provided that this appropriation shall be contingent on the passage of a Proposition 2 and ½ override by the voters of the Town in accordance with General Laws c.59 § 21C(m).

Motion Passed.

Article 4. *FY 2009 Cape Cod Regional Technical High School Assessment.* To see to if the Town will vote to accept the provisions of MGL C.71, §16B, which would reallocate the sum of the member towns' contribution to the Cape Cod Regional Technical High School District for FY 2009 in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0**FINANCE COMMITTEE RECOMMENDS: 9-0-0**

Lynne Davies moved that the Town vote to accept the provisions of MGL C.71, §16B, which would reallocate the sum of the member towns' contribution to the Cape Cod Regional Technical High School District for FY 2009 in accordance with the Regional Agreement rather than the Education Reform Formula, so-called.

Motion Passed.

Article 5. *FY 2009 Enterprise Funds.* To see to 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 2009:

440 Wastewater Enterprise Fund	<i>FY 2008</i>	<i>FY 2009</i>	<i>08-09 %</i>
Enterprise Fund Costs	\$2,759,511	\$2,181,730	
General Fund Costs	<u>285,600</u>	<u>152,453</u>	
TOTAL COSTS	\$3,045,111	\$2,334,183	-23.3%
450 Water Enterprise Fund	<i>FY 2008</i>	<i>FY 2009</i>	<i>08-09 %</i>
Enterprise Fund Costs	\$1,749,769	\$1,502,885	
General Fund Costs	<u>285,600</u>	<u>261,516</u>	
TOTAL COSTS	\$2,035,369	\$1,764,401	-13.3%

or to take any other action relative thereto.

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

Article 5. *FY 2009 Enterprise Funds.*

Motion 1. 440 Wastewater Enterprise Fund.

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

Michele Couture moved that the Town vote that \$2,334,183 be appropriated to operate the Wastewater Enterprise Fund, \$2,181,730 to come from Wastewater Enterprise Fund revenues and fund balance, and further, \$152,453 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

Article 5. FY 2009 Enterprise Funds.

Motion 2. 450 Water Enterprise Fund.

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

Michele Couture moved that the Town vote that \$1,764,401 be appropriated to operate the Water Enterprise Fund, for \$1,502,885 to come from Water Enterprise Fund revenues and fund balance, and further, \$261,516 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 6. *FY 2009 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 2009 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); as follows:

DPW Street Sidewalk Replacement: \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance and repair of streets and sidewalks, and costs related thereto;
or take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

Austin Knight moved that the sum of \$50,000 is hereby appropriated, by taxation, to pay costs of maintenance and repair of streets and sidewalks, including the payment of all other costs incidental and related thereto, all in accordance with the Fiscal Year 2009 Capital Improvements Program submitted in accordance with Chapter 9, Section 2 of the Provincetown Charter, said sum to be expended under the direction of the Town Manager and the Director of Public Works; provided, however, that no sums shall be expended hereunder unless and until the Town shall have voted in accordance with Chapter 59, Section 21C(m) of the General Laws, to approve a capital outlay

exclusion so that the amounts raised to pay the costs of this project can be raised outside of the limitations of Chapter 59, Section 21C of the General Laws (also known as Proposition 2 ½).

Motion Passed.

Article 7. *FY 2009 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 2009 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); as follows:

DPW Drainage Maintenance: \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance and repair of Drainage Structures, and costs related thereto;

or take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

Michele Couture moved that the sum of \$50,000 is hereby appropriated, by taxation, to pay costs of maintenance and repair of Drainage Structures, including the payment of all other costs incidental and related thereto, all in accordance with the Fiscal Year 2009 Capital Improvements Program submitted in accordance with Chapter 9, Section 2 of the Provincetown Charter, said sum to be expended under the direction of the Town Manager and the Director of Public Works; provided, however, that no sums shall be expended hereunder unless and until the Town shall have voted in accordance with Chapter 59, Section 21C(m) of the General Laws, to approve a capital outlay exclusion so that the amounts raised to pay the costs of this project can be raised outside of the limitations of Chapter 59, Section 21C of the General Laws (also known as Proposition 2 ½).

Motion Passed.

Article 8. *FY 2009 Revolving Accounts.* To see if the Town will vote to continue for FY 2009 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 \$20,000 annually, to be expended for the repair, updating and refurbishing 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, cultivation on public shellfish areas; or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

Mary-Jo Avellar moved that the Town vote to continue for FY 2009 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 9. *Cape Cod Greenhead Fly Control District Assessment.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$938.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

Lynne Davies moved that the Town will vote to raise and appropriate the sum of \$938.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury.

Motion Passed.

Article 10. *Software Licenses.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$75,000 to be expended under the direction of the Town Manager and MIS director for the purpose of updating software licenses for the town, or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$75,000 to be expended under the director of the Town manager and MIS Director for the purpose of updating software licenses for the Town.

Motion Passed.

Article 11. *Community Preservation Budget for FY 2009.* To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget, to appropriate or reserve from FY 2009 Community Preservation Fund annual revenues the following amounts totaling \$652,191 , as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves:

- A. \$ 0 for Open Space
- B. \$ 265,700 for Community Housing;
- C. \$ 26,389 for Historic Resources;

2. Appropriations:

- A. \$66,927.50 for open space debt service from open space estimated annual revenues and open space reserves;
- B. \$167,416 for community housing debt service from community housing funds;

C. \$50,000 of community housing funds for the Provincetown Housing Office Housing Specialist.

D. \$50,000 of historic resources funds to fund in part the Provincetown Library Façade Restoration Phase I, Main Gable and Lantern;

E. \$50,000 of historic resources funds to fund the installation of eleven new first floor windows in historic style, reconstruction of the first floor exterior wall and façade, shingled to replicate the existing historic exterior of the Days Lumberyard Building at the Fine Arts Work Center.

F. \$25,760 of historic resources funds to fund the restoration of 2 doors and 6 original windows, new cedar shingle roof, conversion to a handicapped bathroom of The Lodge of the Pilgrim Monument and Provincetown Museum;

or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

BOARD OF SELECTMEN RECOMMENDS ARTICLE 11, SECTION 1: 4-0-0
FINANCE COMMITTEE RECOMMENDS ARTICLE 11, SECTION 1: 8-1-0
COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 6-0-0

[Elaine Anderson moved that the Town vote to approve Article 11, Section 1, Reserves as printed in the warrant.](#)

Motion Passed.

BOARD OF SELECTMEN RECOMMENDS ARTICLE 11, SECTION 2-A: 4-0-0
FINANCE COMMITTEE RECOMMENDS ARTICLE 11, SECTION 2-A: 8-1-0
COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 6-0-0

[Elaine Anderson moved that the Town vote to approve Article 11, Section 2-A, to appropriate \\$66,927.50 for open space debt services from open space estimated annual revenue and open space reserves.](#)

Motion Passed.

BOARD OF SELECTMEN RECOMMENDS ARTICLE 11, SECTION 2-B: 4-0-0
FINANCE COMMITTEE RECOMMENDS ARTICLE 11, SECTION 2-B: 8-1-0
COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 6-0-0
HOUSING AUTHORITY RECOMMENDS ARTICLE 11, SECTION 2-B: 4-0-0

[Elaine Anderson moved that the Town vote to approve Article 11, Section 2-b, to approve the sum of \\$167,416 for community housing debt services from Community Housing estimated annual revenues.](#)

Motion Passed.

BOARD OF SELECTMEN RECOMMENDS ARTICLE 11, SECTION 2-C: 3-1-0
FINANCE COMMITTEE RECOMMENDS ARTICLE 11, SECTION 2-C: 8-1-0
COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 6-0-0
HOUSING AUTHORITY RECOMMENDS ARTICLE 11, SECTION 2-C: 4-0-0
COM. HOUSING COUNCIL RECOMMENDS ARTICLE 11, SECTION 2-C: 4-0-0

Elaine Anderson moved that the Town vote to approve Article 11, Section 2-c, to appropriate the sum of \$50,000 to fund the Provincetown Housing Office Specialist and that \$25,772 shall come from the Community Housing estimated annual revenue and \$24,228 from community housing reserves.

Motion Passed.

**BOARD OF SELECTMEN RECOMMENDS ARTICLE 11, SECTION 2-D: 3-1-0
FINANCE COMMITTEE RECOMMENDS ARTICLE 11, SECTION 2-D: 8-1-0
COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 6-1-0
HISTORICAL COMMISSION RECOMMENDS ARTICLE 11, SECTION 2-D: 5-0-0**

Elaine Anderson moved that the Town vote to approve Article 11, Section 2-d, the sum of \$50,000 to fund the Provincetown Library Façade Restoration Phase I and that the funds come from the estimated annual revenues.

Greg Howe moved to indefinitely postpone Article 11, Section 2-D.

Motion to Indefinitely Postpone Article 11, Section 2-D Does Not Pass.

Motion Passed.

**BOARD OF SELECTMEN RECOMMENDS ARTICLE 11, SECTION 2-E: 3-1-0
FINANCE COMMITTEE RECOMMENDS ARTICLE 11, SECTION 2-E: 8-1-0
COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 6-0-1
HISTORICAL COMMISSION RECOMMENDS ARTICLE 11, SECTION 2-E: 4-0-1**

Elaine Anderson moved that the Town vote to approve Article 11-2-e, for the restoration of the exterior of the Days Lumberyard Building at the Fine Art Works Center the amount of \$50,000; and that these funds come from the Historic Resources reserves.

Motion Passed.

**BOARD OF SELECTMEN RECOMMENDS ARTICLE 11, SECTION 2-F: 3-1-0
FINANCE COMMITTEE RECOMMENDS ARTICLE 11, SECTION 2-F: 8-1-0
COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 5-1-0
HISTORICAL COMMISSION RECOMMENDS ARTICLE 11, SECTION 2-F: 4-1-0**

Elaine Anderson moved that the Town vote to approve Article 11-2-f; the sum of \$25,760 from the Historic Resources reserves to fund the restoration of 2 doors and 6 original windows, new cedar shingle roof of the Lodge of the Pilgrim Monument and Provincetown Museum.

Motion Passed.

10:25 pm Motion to adjourn until tomorrow, April 9, 2008 at 6:00 p.m.

Motion Passed.

Town Moderator Irene Rabinowitz called the meeting to order at 6:00 p.m. on Wednesday, April 9, 2008.

Article 12. *Amendments to Personnel By-law/Classification and Compensation*

Plan. To see if the Town will vote as follows:

1. **Schedule A:** to amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, effective July 1, 2008, as follows:

Grade	Actual FY 2008		Proposed FY 2009		Position Title
	Minimum	Maximum	Minimum	Maximum	
21	91,006	106,517	93,736	109,712	Town Manager [<i>exempt – MGL C.41,§108N</i>]
20	77,124	92,417	79,417	95,189	Chief of Police [<i>exempt – MGL C.41,§108O</i>] Director of Public Works
19	73,105	87,601	75,297	90,228	<i>no positions assigned</i>
18	69,293	83,034	71,371	85,525	<i>no positions assigned</i>
17	65,680	76,118	67,650	78,401	Director of Municipal Finance Police Staff Sergeant
16	62,256	74,602	64,123	76,841	<i>no positions assigned</i>
15	59,009	68,388	60,780	70,440	Assistant Town Manager Building Commissioner Deputy Director of Public Works
14	55,670	66,710	57,340	68,711	Health Agent
13	52,520	60,866	54,096	62,692	Health Inspector/Conservation Agent
12	49,547	59,372	51,034	61,153	Human Services/Council on Aging Director Information Services Director Library Director Principal Assessor Town Accountant
11	47,187	56,543	48,603	58,240	Collector Treasurer
10	44,940	53,852	46,288	55,468	Deputy Town Accountant DPW Finance Coordinator Recreation Director
9	42,800	51,287	44,084	52,825	Local Building Inspector Parking Administrator Administrative Director of Tourism Town Clerk
8	40,377	48,384	41,588	49,836	COA Outreach Coordinator Library Operations Director Permit Coordinator Town Manager's Secretary/Employee Benefits Coordinator
7	38,093	45,646	39,236	47,015	Electrical/Deputy Building Inspector Licensing Agent MIS Technician
6	37,013	44,354	38,124	45,685	Secretary to the Board of Selectmen

2. **Schedule B:** to amend Schedule B,” “Fire Department Positions,” effective July 1, 2008, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
Deputy Fire Chief	\$6,600	
District Fire Chief/Engineer	2,200	
Firefighter	715.....	750
Fire Auxiliary	360.....	375
Fire Captain (<i>additional stipend</i>)	500	
Fire Lieutenant (<i>additional stipend</i>)	305	
House Steward (<i>additional stipend</i>)	880	
House Steward (<i>additional stipend</i>)	1,100	
Ladder Steward (<i>additional stipend</i>)	1,300	
Main Station Steward (<i>additional stipend</i>)	4,800	
Oil Inspector	1,747	
Rescue Captain (<i>additional stipend</i>)	1,100.....	1,450
Rescue Lieutenant (<i>additional stipend</i>)	880.....	880
Rescue Steward (<i>additional stipend</i>)	2,640.....	3,000
Rescue Training Officer (<i>additional stipend</i>)	1,650	
Radio Officer (<i>additional stipend</i>)	550	
Air Officer (<i>additional stipend</i>)	880.....	1,000

Annual Salary

<u>Position</u>	<u>Salary</u>
Fire Chief.....	\$25,000

Non-Firefighter Positions

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
First Responders.....	\$12.00 per call	
EMT-Basic.....	18.50/hour.....	19.50
EMT-Intermediate.....	20.00.....	21.00
EMT-Paramedic.....	22.00.....	23.00
Stand-by.....	14.03	
Safety Inspections.....	14.03	
Rescue Squad participation.....	\$250.00 per quarter	

3. **Schedule C:** “Seasonal and Part-time Non-Union Positions,” no changes proposed.

<i>Grade</i>	<i>Budget FY 2009</i>	<i>Position Classifications</i>
L	\$16.89	Parking Lot Technical Manager Property Inspector (Assessors)
K	16.41	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	15.94	Seasonal Recreation Swimming Instructor
I	15.63	Parking Meter Collection/Repair
H	15.18	Police Matron Police Summer Dispatcher
G	14.89	<i>No Positions Assigned</i>
F	14.46	Assistant Harbormaster w/o police powers Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement

		Secretary, On-call Relief
		Transfer Station Laborer
E	14.20	<i>No Positions Assigned</i>
D	13.78	Library Circulation Aide
		Parking Lot Attendant/Out-booth/Floater
C	13.38	Barrels & Grounds Laborer
		Restroom/Building Custodian
		Seasonal Recreation Supervisor
B	13.13	<i>No Positions Assigned</i>
A	12.88	Council on Aging Cook
		Parking Lot Attendant/In-booth
		Seasonal Recreation Aides

or to take any other action relative thereto.

[Requested by the Town Manager]

PERSONNEL BOARD RECOMMENDS: 3-0-0
BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION.

Sharon Lynn moved that the Town vote to approve Article 12 as printed in the warrant.
Motion Passed.

Article 13. *General By-law Amendment: Non-Criminal Disposition of Pier Corporation Regulations.* To see if the Town will vote to amend the Provincetown General By-laws by amending §2-3-1-1 to read as follows:

Article 2-3-1-1. Any rule or regulation of the Provincetown Public Pier Corporation duly enacted as of ~~April 4, 2007~~ *April 7, 2008* shall be deemed a regulation of the Board of Selectmen. Violation of such rules or regulations may be enforced by any available means in law or equity, including but not limited to non-criminal disposition pursuant to G.L. c.40, §21D, and Sections 2-3-1 through 2-3-3 of the General By-laws. For the purposes of this by-law, the following officials shall be enforcing persons: the Harbormaster and his designees and any police officer of the Town of Provincetown.

2-3-2-1. Violations of the Provincetown Public Pier Corporation Regulations in Effect on ~~April 4, 2007~~ April 7, 2008 (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: 3-0-1
FINANCE COMMITTEE HAS NO RECOMMENDATION

Leonard Clingham moved that the Town vote to approve Article 13 as printed in the warrant.
Motion Passed.

Article 14. *Expenditures from the Tourism Fund.* To see if the Town will vote to transfer from the Tourism Fund the sum of \$423,136 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. \$79,000 for coordination/support of the Visitor Service Board and the Tourism Department; and costs related thereto;
- 2. \$206,016 for marketing, and costs related thereto;
- 3. \$34,120 for municipal projects, and costs related thereto; and
- 4. \$100,000 for tourism grants, and costs related thereto;
- 5. \$4,000 for Beautification Committee

or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

[Kathleen Fitzgerald moved that the Town vote to approve Article 14 as printed in the warrant.](#)

Motion Passed.

Article 15. *FY 2009 Human Services Grant Program.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$53,799 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod.....	\$7,000
Cape Cod Children’s Place.....	3,500
Consumer Assistance Council.....	250
Gosnold	13,000
Helping Our Women.....	6,000
Independence House.....	3,800
Interfaith Council for the Homeless.....	2,649
Lower Cape Outreach Council, Inc.....	4,000
Mass Appeal.....	400
Outer Cape Health Services.....	5,500
Sight Loss Services, Inc.....	400
Soup Kitchen in Provincetown.....	3,000
South Coast Counties Legal Services..	<u>4,300</u>
<i>Total.....</i>	<i>\$53,799</i>

or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

[Michele Couture moved that vote to raise and appropriate the sum of \\$53,799 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as printed in the warrant.](#)

Motion Passed.

Article 16. *Imposition of Liens Upon Town of Truro Properties.* To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the General Court in the following form:

AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN TO IMPOSE A LIEN UPON PROPERTY IN THE TOWN OF TRURO TO SECURE UNPAID WATER FEES AND CHARGES.

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 439 of the acts of 1952 is hereby amended by adding the following as section 7C: The town of Provincetown may impose a lien upon property in the town of Truro which is connected or in the future connects to the water system established within the town of Truro by the town of Provincetown pursuant to chapter 484 of the acts of 1907 or chapter 439 of the acts of 1952, including those properties which connect pursuant to section 7C of this act, pursuant to an intermunicipal agreement with the town of Truro, which lien shall secure unpaid fees and charges relative to connection to or use of the water system so established. If a charge or fee secured by such lien remains unpaid when the town of Truro assessor is preparing a real estate tax list and warrant, upon request by the town of Provincetown, the charge or fee shall be added to the tax on such property pursuant to section 58 of chapter 40 of the General Laws. Upon receipt of tax payments which include a charge or fee imposed pursuant to the agreement authorized by this act, the town of Truro shall forthwith transfer such charge or fee payment to the town of Provincetown.

Section 2. This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves 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 this petition; or take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 8-0-1

WATER AND SEWER BOARD RECOMMENDS: 3-0-0

[Austin Knight moved that the Town vote to approve Article 16 as printed in the warrant.](#)

Motion Passed.

Article 17. *Replacement of Land Bank.* To see if the Town will vote to approve adoption of Section 298 of Chapter 149 of the Acts of 2004, which approval constitutes the first step in replacing the Land Bank program with the Community Preservation Act; provided, however that in order for the Community Preservation Act to replace the Land Bank Program, the voters of the Town will also need to approve acceptance of Section 298 at an election; if the Town adopts

Section 298, among other things, as of July 1 in the next fiscal year the assets of the Land Bank Fund will be automatically transferred to the Community Preservation Fund and all the investments of the Land Bank Fund will become investments of the Community Preservation Fund, the Open Space Committee will be dissolved, and the Town will be required to assess a surcharge of three percent on real property until Fiscal Year 2020; or take any other action relative thereto.

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

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION.**

[Mary-Jo Avellar moved that the Town vote to Indefinitely Postpone action on Article 17.](#)

Motion Passed.

Article 18. *Amendment of Community Preservation By-Law.* To see if the Town will vote to amend Section 5-14 of the Town By-laws, the Community Preservation Committee By-law, by inserting the underlined language in Sections 5-14-1 and 5-14-2-4, as follows:

5-14-1 Membership of the Committee. There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L., c.44B, §5 and Section 298(f) of Chapter 149 of the Acts of 2004, as amended. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows: one member of the Conservation Commission as designated by said Commission; one member of the Historical Commission as designated by said Commission; one member of the Planning Board as designated by said Board; one member of the Recreation Commission, as designated by the Commission; one member of the Provincetown Housing Authority as designated by said Authority; one member of the Provincetown Community Housing Council (PCHC) as designated by said Council; one member of the Open Space Committee as designated by said Committee; and two individuals to be appointed by the Board of Selectmen. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place. Any member of the Committee may be removed for good cause in accordance with Section 10-2-1 of the Town Charter.

5-14-2-4 In every fiscal year, the community preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use), not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 80% of the annual revenues in the Community Preservation Fund for community housing; notwithstanding any other provision of this by-law, however, if more than 10% of the annual revenues in the Community Preservation Fund are needed to pay debt service for open space borrowings undertaken pursuant to the Cape Cod Open Space Land Acquisition Program (the "Land Bank program"), the community preservation committee may recommend that such funds be spent for such

purposes, and provided further, that if more than 80% of the Community Preservation Fund annual revenues are needed to pay debt service for open space borrowings undertaken pursuant to the Land Bank Program, the community preservation committee shall recommend that any remaining annual revenues be split between affordable housing and historic resources purposes.

And further, by deleting the text of Section 5-14-6 in its entirety and inserting in place thereof, the following:

Provided that Section 298 of Chapter 149 of the Acts of 2004 is accepted by the voters at the November 4, 2008 state election, the amendments to Section 15-4 approved by the Town at the 2008 Annual Town Meeting shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL c. 40, section 32 have been met.

or take any other action relative thereto.

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

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

[Mary-Jo Avellar moved that the Town vote to Indefinitely Postpone action on Article 18.](#)
Motion Passed.

Article 19. *Home Rule Petition/Charter Amendment/Eliminate Term Limits.* 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:

SECTION 1. Section 3-4-4 of the Charter of the Town of Provincetown which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws is hereby amended by adding the highlighted text as follows:

“A member of a town board **elected by popular vote** shall not serve on that town board for more than three consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a town board by this section may be reelected or reappointed to that board after two years have elapsed from the ending date of his or her previous service.”

SECTION 2. This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves 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 this petition;
or to take any other action relative thereto.

[Requested by the Board of Selectmen]

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

CHARTER ENFORCEMENT COMMISSION RECOMMENDS: 4-0-0

Lynne Davies moved that the Town vote to approve Article 19 as printed in the warrant.

Marcene Marcoux moved to amend Article 19 Home Rule Petition/Charter Amendment/Eliminate Term Limits to read as follows: Section 1. The Charter of the Town of Provincetown which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General laws is hereby amended by amending Chapter 3, Article 3, section 3-4-4, to read as follows:

“An elected member of a town board shall not serve on that town board for more than three consecutive terms. An appointed member of a town board shall not serve on that town board for more than four consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a town board by this section may be reelected or reappointed to the board after two years have elapsed from the ending date of his or her previous service.”

Motion to Amend Passed.

Motion As Amended Passed.

Article 20. *Payment of funeral and burial expenses of firefighters and police officers killed in performance of duties.* To see if the Town will vote to accept the provision of Section 100G1/4 of Chapter 41 of the Massachusetts General Laws, which provides for the payment of \$15,000 for funeral expenses of firefighters and police officers who die in the line of duty; or take any other action relative thereto.

[Requested by the Board of Fire Engineers]

BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION

Lynne Davies moved that the Town vote to approve Article 20 as printed in the warrant.
Motion Passed.

Article 21. *Energy Cooperative.* To see if the Town will vote to apply for membership in the Cape & Vineyard Electric Cooperative, Inc. (the “Cooperative”) and to authorize its Board of Selectmen to negotiate terms and conditions of its membership in the Cooperative; or to take any other action relative thereto.

[Requested by the Recycling and Renewable Energy Committee]

BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION
RECYCLING AND RENEWABLE ENERGY COMMITTEE RECOMMENDS: 3-0-0

Amy Germaine moved that the Town vote to approve Article 21 as printed in the warrant.
Motion Passed.

Article 22. *July 4th Celebration.* To see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$78,000 to fund the cost of fireworks and those

expenditures associated with the July 4, 2008 event, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ general override by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); or take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RESERVES RECOMMENDATION: 9-0-0

Austin Knight moved that the Town vote to raise and appropriate the amount of \$78,000 to fund the cost of fireworks and those expenditures associated with the July 4, 2008 event, provided that the appropriation of the supplemental amount shall be contingent on the passage of a Proposition 2 and ½ override by the voters of the Town in accordance with General Laws c.59 § 21C(m).

Motion Passed.

Richard Murray moved to amend Article 22 to vote to raise and appropriate or transfer from available funds the amount of \$64,000 to fund the cost of the 4th of July celebration and its entire days events including the Recreation department parade and BBQ, the actual fireworks and all associated expenditures, provided that the appropriations shall be contingent on the passage of a Proposition 2 ½ general override by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m).

Motion to Amend Passed.

Motion Passed.

Article 23. *Fund Collective Bargaining Agreements.* To see what sums the Town will vote to raise and appropriate or transfer from available funds to fund collective bargaining agreements; or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE RESERVES RECOMMENDATION: 9-0-0

Michele Couture moved that the town vote to indefinitely postpone action on Article 23.

Motion Passed.

Article 24. *General By-law Amendment: Chapter 12: Provincetown Wetlands Protection By-law.* To see if the Town will vote to amend the Provincetown General By-laws; Chapter 12, as on file with the Town Clerk, by inserting the following changes and additions to the following Sections and to read as follows:

To amend Section 12-5-1 to read as follows: Any person filing a permit application or a RFD with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within ~~200~~ 100 feet of the property line of the applicant, including any in another municipality or across a body of water.

And further by amending Section 12-6 to read as follows: Any person filing a permit application or

RFD with the Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the ~~Director of Regulatory Management~~ **Conservation Agent**, who shall distribute copies thereof to the appropriate regulatory boards, the cost of which copies shall be at the applicant's expense.

And further by amending Section 12-9 to read as follows: **(ADD) 12-9-1-7 Passive Recreation. Passive recreation refers to non-consumptive, non-motorized uses such as wildlife observation, walking, biking, canoeing and fishing as well as trail-based hiking, mountain biking, horseback riding, picnicking. The goal of providing passive recreational uses is to promote the least impact on the wetland ecosystem. Passive recreation generally encompasses the less intensive range of outdoor activities compatible with preserving natural resource functions such as wildlife habitat and floodplain protection. Passive recreation is that which emphasizes the open-space aspect of a park and which involves a low level of development, including picnic areas and trails.**

And further by amending Section 12-11-3 to read as follows: The Commission shall have authority to enforce this by-law, its regulations, and permits issued thereunder by violation notices, enforcement orders, under the Town's non-criminal disposition section of its general by-laws, pursuant to G.L. c. 40, §21D, and civil and criminal court actions. Any Police Officer, Conservation Agent, **(ADD) Harbormaster, or Shellfish Constable** shall have authority to enforce this by-law. Any person who violates provisions of this by-law may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

And further by adding Section 12-16 to read as follows: **(ADD) 12-16 Wetland Protection Act Fund (WPA). Under G.L. Ch. 131 Section 40, the Wetlands Protection Act, persons filing notices of intent to conduct certain activities on wetlands must pay a filing fee, a portion of which is paid to the city or town and the balance to the State Department of Environmental Protection (DEP). The fees are intended to help defray state and local administrative costs in connection with the Act, i.e., to provide DEP and local conservation commissions with resources to complete project reviews and issue regulatory decisions within the Act's required time periods. The Commission may spend these fees without appropriation, but only with the written approval of the Selectmen or Town Manager. Expenditures are still restricted to those related to the administration and enforcement of the Wetlands Protection Act. Guidelines: A: Wetlands Filing Fees (State and Local). 1. Persons filing notices of intent to conduct various activities pay a fee based on the type of project being proposed. This sliding scale fee structure is established by the Secretary of Administration and Finance. 801 Code of Massachusetts Regulations (CMR) 4.02(310). 2. The first \$25 of the applicable fee belongs to the town and the balance is split equally between the town and the state. 3. The applicant makes payment of the state portion of the fee directly to the Department of Environmental Protection (DEP) and pays the balance to the town. 4. In addition to the State Wetlands Filing Fee, applicants pay fees promulgated via regulations under Chapter 12 of the Provincetown General By-laws. These fees are considered local by-law fees and are deposited into a separate account from the Wetlands Protection Fund. These fees are maintained under the discretion of the local commission for the purposes of supporting**

the functions and duties of the commission as they relate to the Wetlands Protection Act, Provincetown Wetlands Protection By-law and its regulations.

B. Accounting Procedures. 1. The conservation commission must turn over to the treasurer all wetlands filing fees received. The fees should be paid over as soon as possible, but at least weekly accompanied by a report on the turnover. A copy of the report must also be forwarded to the town accountant. 2. The town accountant must credit all wetlands filing fees received by the conservation commission and paid to the treasurer to the Wetlands Protection Fund. No other revenue, including regulatory fines and penalties imposed by the conservation commission, is to be credited to the Wetlands Protection Act Fund. Any interest earned on the fund belongs to the general fund. 3. At the beginning of the fiscal year, and on a periodic basis thereafter or at the request of the commission, the town accountant shall certify to the conservation commission the accumulated amount in the Wetlands Protection Act Fund available for expenditure. Before making the certification, the accountant shall determine from the conservation commission whether there are any pending fee disputes. If a fee is in dispute, the amount of any potential refund should be reserved and not be spent until the dispute is resolved. If a refund is required, the amount of the refund should be charged to the revolving Wetlands Protection Act Fund.

C. Use of Conservation Commission Funds. 1. The conservation commission may spend, without appropriation, unreserved monies in the Wetlands Protection Act Fund with the written approval of the Selectmen or Town Manager. 2. Approval of the commissions' proposed spending plan shall follow the fiscal year with the spending authority being broadly granted (on or before the start of the next fiscal year), such as for the kinds or amounts of expenditures the commission may make from funds. Upon approval the commission may then spend unreserved monies in the funds consistent with that plan. Further approval of the Selectmen or Town Manager during the year would only be needed for other proposed spending from the funds. 3. Monies in the Wetlands Protection Act Fund may only be used to carry out the conservation commission's duties under the Wetlands Protection Act, not for other commission activities. i. Allowable expenditures: Any expenditure directly related to the administration and enforcement of the Wetlands Protection Act may be paid from the revolving WPA fund. Monies in the revolving fund may also be used to pay salaries or regular employees to the extent attributable to Wetland Protection Act activities. Salaries can be paid from the fund via budget offset, split funding or full funding. ii. Non-allowable expenditures: Examples of expenditures that could not be charged to the revolving fund are attorney's fees, commission membership dues, subscriptions, conferences and other general travel expenses. iii. Payment of bills or payrolls being charged to the revolving WPA fund must follow the normal warrant process used for other municipal expenditures. or to take any other action relative thereto.

[Requested by the Conservation Commission]

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION.
BOARD OF HEALTH RECOMMENDS: 3-0-0**

CONSERVATION COMMISSION RECOMMENDS: 5-0-0

Dennis Minsky moved to adopt Article 24 as printed in the Warrant with the amendment of deleting in its entirety the newly proposed section 12-16.

Motion Passed.

Article 25. *Rescind Unused Borrowing Authority.* To see if the Town will vote to rescind unused borrowing authority, as follows:

04/07/97	STM 2-2	MacMillan Pier Electrical	\$	6,250
04/07/97	STM 2-3	MacMillan Pier Light Poles		13,250
04/06/98	ATM 4-7	Highway Dump Truck		2,187
04/06/98	ATM 6	School Architect/Eng Study		30,000
04/06/98	STM 7-1	School Roof Repair		1,520
04/06/98	STM 7-9	Shankpainter Fire Roof		1,000
04/07/03	ATM 4-11	Water DEP mgmt permit		5,000
04/07/04	STM 7-3	Hauling Trailers		5,000
04/03/06	ATM 7-2	Police Fleet Replacement		506

or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION

Michele Couture moved that the following authorized but unissued borrowing balances be and hereby are rescinded:

04/07/97	STM 2-2	MacMillan Pier Electrical	\$	6,250
04/07/97	STM 2-3	MacMillan Pier Light Poles		13,250
04/06/98	ATM 4-7	Highway Dump Truck		2,187
04/06/98	ATM 6	School Architect/Eng Study		30,000
04/06/98	STM 7-1	School Roof Repair		1,520
04/06/98	STM 7-9	Shankpainter Fire Roof		1,000
04/07/03	ATM 4-11	Water DEP mgmt permit		5,000
04/07/04	STM 7-3	Hauling Trailers		5,000
04/03/06	ATM 7-2	Police Fleet Replacement		506

Motion Passed.

Article 26. *Paving Commercial Street.* To see if the Town will vote to have Commercial Street paved from end to end, 2.4 miles, from Rego Automotive to the Provincetown Inn with the following plan: 1) The bid documents to be prepared in house under the direction of the Town Manager and DPW Director, based on other municipal contracts prepared for Nantucket and other towns. 2) At the Fall Town Meeting, an article by the Town be prepared, to be voted on for about \$560,000 under a debt exclusion five year payoff. 3) The bids are to be put out to bid in the winter, January or February '09. 4) All the work to be done in 3-4 weeks in March or April '09; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Barbara Rushmore moved to see if the Town will vote to have Commercial Street paved from end to end, 2.4 miles, from Rego Automotive to the Provincetown Inn with the following plan: 1) The bid documents to be prepared in house under the direction of the Town Manager and DPW Director, based on other municipal contracts prepared for Nantucket and other towns. 2) At the Fall Town Meeting, an article by the Town be prepared, to be voted on for about \$560,000 under a debt exclusion five year payoff. 3) The bids are to be put out to bid in the winter, January or February '09. 4) All the work to be done in 3-4 weeks in March or April '09.

Motion Does Not Pass.

Article 27. *Bring the Troops Home.* To see if the Town will vote as follows: Whereas, Congress has the sole responsibility to allocate funds, and; Whereas Congress is the check to the Executive branch of government which is prosecuting the illegal occupation of Iraq, and; Whereas a majority of American citizens call for an end to the war in Iraq, and; Whereas, \$480+ billion of taxpayer money has already been spent on this war without end in sight, depriving us of necessary funds for education, housing, healthcare, support for returning veterans, reparations to the people of Iraq, and for other vital human needs, We therefore call upon our Congressional representatives to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq. The Town Clerk is instructed to send a copy of this resolution to Senator Edward Kennedy, Senator John Kerry, Representative William Delahunt, Senator Harry Reid, Representative Nancy Pelosi, and President George W. Bush; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Barbara Rushmore moved to see if the Town will vote as follows: Whereas, Congress has the sole responsibility to allocate funds, and; Whereas Congress is the check to the Executive branch of government which is prosecuting the illegal occupation of Iraq, and; Whereas a majority of American citizens call for an end to the war in Iraq, and; Whereas, \$480+ billion of taxpayer money has already been spent on this war without end in sight, depriving us of necessary funds for education, housing, healthcare, support for returning veterans, reparations to the people of Iraq, and for other vital human needs, We therefore call upon our Congressional representatives to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq. The Town Clerk is instructed to send a copy of this resolution to Senator Edward Kennedy, Senator John Kerry, Representative William Delahunt, Senator Harry Reid, Representative Nancy Pelosi, and President George W. Bush.

Motion Passed.

Article 28. *Home Rule Petition – Real Estate Transfer Fee.* To see if the Town will vote as follows:

Section 1: To instruct its Senator and Representative in the General court to file a Home Rule Petition for a Real Estate Sale Transfer Fee equal to 1%, paid for by the Seller on the sale of all property and payable to the Town of Provincetown General Fund, providing that:

A. All primary residences be allowed to first exempt from the fee the amount equal to the median price of a home sold in Barnstable County for the previous calendar year, about \$350,000.

Section 2: The following transfers shall be exempt from the Real Estate Transfer Fee:

- A. Transfers to the Government of the United States, the Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or subdivisions, such as the Provincetown Housing Authority.
- B. Transfers without additional consideration to confirm, correct, modify or supplement a transfer previously made.
- C. Transfers of convenience with consideration under \$100 which include name change, into trusts, out of trusts, etc.
- D. Transfers to any charitable organization as defined in clause Third of Section Five of Chapter fifty-nine of the General Laws, or any religious organization, providing that the real property interests so transferred will be held by the charitable or religious organization solely for its public charitable or religious purpose.

Section 3:

- A. The fee imposed shall be due at the time of the transfer of the real property interest and shall be paid to the Town of Provincetown General Fund.
- B. The Seller shall pay interest on any unpaid amount of the fee at the rate of 14% per annum.
- C. The Town shall notify a Seller by Registered or Certified Mail of any failure to discharge the amount in full the amount of fee due.
- D. All fees and interest required to be paid under this act shall constitute a personal debt of the Seller and may be recovered in an action of contract.

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 this petition; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0

FINANCE COMMITTEE RECOMMENDS: 5-1-1

Barbara Rushmore moved that the town approve Article 28 as printed in the warrant, with the following amendment: In Section 2 add item E – Transfers between family members, marriage partners, parents and children, step-parents and step-children, brothers and sisters.

Motion Does Not Pass.

Article 29. General By-Law Amendment: Community Preservation Committee By Law. To see if Town will vote to amend Section 5-14-2-4 of the Town of Provincetown Community Preservation Committee By-Law in accordance with the s5-14-4 Amendments of said by-law to read as follows:

5-14-2-4. In every fiscal year, the community preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use), not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues

in the Community Preservation Fund for community housing. Furthermore, the community preservation committee by majority vote will have the authority to appropriate not more than the remaining 70%, and not less than 10% of the annual revenues in the Community Preservation Fund, to be distributed in either category in relation to the Community Preservation Act as the committee deems essentially necessary of said fiscal year.

or to take other action relative thereto.

[Requested by Jack McMahon and others]

BOARD OF SELECTMEN DOES NOT RECOMMEND: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION
PROVINCETOWN HOUSING AUTHORITY DOES NOT RECOMMEND: 3-0-1

[Jack McMahon moved to indefinitely postpone Article 29.](#)

Motion Passd.

Article 30. *General By-law Amendment: Community Preservation Committee By-Law.*

To see if the Town will vote to amend Section 5-14 of the Town Provincetown General By-Laws, Community Preservation Committee By-Law, as follows:

5-14-2-4. In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund ~~for open space (not including land for recreational use), not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 80% of the annual revenues in the Community Preservation Fund for community housing.~~ ***in each of the following areas for (a) open space (not including land for recreational use). (b) historic resources; and (c) community housing;*** or to take any other action relative thereto.

[Requested by Astrid Berg and others]

BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION
COM. PRESERVATION COM. RECOMMENDS INDEFINITE POSTPONEMENT: 6-0-1
OPEN SPACE COMMITTEE RECOMMENDS INDEFINITE POSTPONEMENT: 3-0-0
PROVINCETOWN HOUSING AUTHORITY DOES NOT RECOMMEND: 3-0-1

[Astrid Berg moved that the town approve Article 30 as printed in the warrant.](#)

[Elaine Anderson moved to indefinitely postpone Article 30.](#)

Motion to Indefinitely Postpone Passed.

Article 31. *Home Rule Petition/Charter Amendment/Change in Term Limits for Appointed Board Members*

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:

Section 1. The Charter of the Town of Provincetown which is on file in the office of the Archivist of

the Commonwealth as provided in Section 12 of Chapter 43B of the General laws is hereby amended by amending Chapter 3, Article 3, section 3-4-4, to read as follows:

“An elected member of a town board shall not serve on that town board for more than three consecutive terms. An appointed member of a town board shall not serve on that town board for more than four consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a town board by this section may be reelected or reappointed to the board after two years have elapsed from the ending date of his or her previous service.”

or to take any other action relative thereto.

[Requested by Marcene Marcoux and others]

BOARD OF SELECTMEN DOES NOT RECOMMEND: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION
CHARTER ENFORCEMENT COMMISSION DOES NOT RECOMMEND: 4-0-0

[Mary-Jo Avellar moved to indefinitely postpone Article 31.](#)

Motion Passed.

Article 32. Projects on Town-owned Conservation Lands

To see if the Town will vote to allow no project or action to take place on town owned Conservation lands without approval of the voters at Town Meeting; or to take any other action relative thereto.

[Requested by Paul Tasha and others]

BOARD OF SELECTMEN RESERVES RECOMMENDATION: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION
CONSERVATION COMMISSION HAS NO RECOMMENDATION: 5-0-1

[Mary-Jo Avellar moved to indefinitely postpone Article 32.](#)

Motion Passed.

Article 33. One Year Moratorium on 90 Shank Painter Housing Development. To

see if the Town will vote to place a one year Moratorium on the Housing Project at 90 Shank Painter Road that presently gives away 2.53 acres of town land to a developer for a 99-year lease without payment. A one year Moratorium would allow voters to re-assess housing needs and re-consider, at a time of financial difficulty, the offer of a 99-year lease give-away. It would also provide time to re-assess the true and actual cost of remediation of the 1 acre burn dump site that the town is presently offering to assume as a financial obligation for all costs, over and above, the projected \$300,000 estimate. This vote would halt, for one year, a massive large-scale town land development and allow re-assessing the true financial consequences of the town's present plans for this 2.53 acre land give-away project; or to take any other action relative thereto.

[Requested by Marcene Marcoux and others]

BOARD OF SELECTMEN DOES NOT RECOMMEND: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION
COMMUNITY HOUSING COUNCIL DOES NOT RECOMMEND: 5-0-0
PROVINCETOWN HOUSING AUTHORITY DOES NOT RECOMMEND: 4-0-0

Marcene Marcoux moved to see if the Town will vote to place a one year Moratorium on the Housing Project at 90 Shank Painter Road that presently gives away 2.53 acres of town land to a developer for a 99-year lease without payment. A one year Moratorium would allow voters to re-assess housing needs and re-consider, at a time of financial difficulty, the offer of a 99-year lease give-away. It would also provide time to re-assess the true and actual cost of remediation of the 1 acre burn dump site that the town is presently offering to assume as a financial obligation for all costs, over and above, the projected \$300,000 estimate. This vote would halt, for one year, a massive large-scale town land development and allow re-assessing the true financial consequences of the town's present plans for this 2.53 acre land give-away project.

Motion Does Not Pass.

Article 34. *Provincetown Public Pier Corporation.* Be it resolved that either the Provincetown Board of Selectmen or Town Manager declare, under the terms of an Act relative to the Provincetown Public Pier Corporation (Chapter 13 of the Acts of 2000 Section 1) that the Provincetown Public Pier Corporation should be dissolved in order to have a public hearing on that proposition, because after five years it has failed to provide sound management of MacMillan Pier as evidenced by excessive spending, the inability to relieve the Town of the annual debt service incurred from the construction of the pier and the necessity of the Town to provide in the last five years subsidies totaling \$2.6 million dollars; or take any other action relative thereto.

[Requested by Candace Nagle and others]

BOARD OF SELECTMEN RESERVES RECOMMENDATION: 2-1-1
FINANCE COMMITTEE HAS NO RECOMMENDATION
PROVINCETOWN PUBLIC PIER CORPORATION DOES NOT RECOMMEND: 3-0-0.

Candace Nagle that the town approve Article 34 as printed in the warrant.

Austin Knight moved to indefinitely postpone Article 34.

Motion to Indefinitely Postpone Does Not Pass.

Motion Does Not Pass (For 68 Against 83)

Town Moderator Irene Rabinowitz motioned to dissolve the Annual Town Meeting at 10:45 p.m.

Motion Passed.

Annual Town Meeting dissolved at 10:45 p.m.