

ANNUAL TOWN MEETING APRIL 2, 2001

(1) Elizabeth Steele Jeffers moved that the Town vote to waive the reading of the warrant.

Motion Carried.

(2) Elizabeth Steele-Jeffers moved that the Town vote to grant permission to speak at the April 2, 2001 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

Dennis Anderson, Cape End Manor facilitator

Dennis Clark, *Recreation Director*;

David J. Ditacchio, *Marine Superintendent*

Dale Fanning, *Director, Provincetown Heritage Museum*;

Patricia Fitzpatrick, *Tourism Director*

Dr. Susan N. Fleming, *Superintendent of Schools*

John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*

George Heufelder, *Health Agent*;

Tony Jackett, *Shellfish Constable*;

Michelle Jarusiewicz, *Grant Administrator*;

Bruce T. Miller, *Director of Municipal Finance and Town Accountant*

William Rokicki, Principal, *Veterans Memorial Elementary School*;

Kathleen Slivka, *Schools Director of Student Services*

Eileen Thomas, *Cape End Manor Administrator*

Craig Wiegand, *Water Superintendent;*

And

Geneva Cook

Judy Turtz

Motion Carried.

(3) Elizabeth Steele-Jeffers moved that on all matters to come before the April 2, 2001 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 Carried

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]

No reports heard.

Article 2. *FY 2002 Operating Budget.* To see to if the Town will vote to raise and appropriate or transfer from available funds the sum of \$14,566,728 to fund operating budgets for the several Town departments for Fiscal Year 2002 in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

<i>Division</i>	<i>FY 2001</i>	<i>FY 2002</i>	<i>%</i>
I. General Government	\$ 506,502	\$ 512,681	1.2%
II. Finance	4,231,658	4,787,488	13.1%
III. Public Safety	2,299,455	2,358,269	2.6%
IV. Public Works	1,887,527	1,812,513	-4.0%
V. Public Services	924,664	1,002,006	8.4%
VI. Public Schools	3,995,996	4,093,771	2.4%

Total Divisions I-VI \$ 13,845,801 \$ 14,566,728 5.2%

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS AS SHOWN ON THE FOLLOWING PAGES: 9-0-0

<i>Budget</i>	<i>Actual FY 2000</i>	<i>Adjusted FY 2001</i>	<i>Selectmen FY 2002</i>	<i>FinCom FY 2002</i>	<i>% 01-'02</i>
I. GENERAL GOVERNMENT					
113 Elections & Town Meetings					
Expenses	\$ 6,302	\$ 9,146	\$ 6,132	\$ 6,132	-33.0%
122 Board of Selectmen					
Personal Services	27,684	34,535	34,535	34,535	
Expenses	4,703	6,600	7,400	7,400	
sub-total	32,387	41,135	41,935	41,935	1.9%
123 Town Manager					
Personal Services	150,556	161,798	161,798	161,798	
Expenses	10,808	8,068	8,068	8,068	
sub-total	161,364	169,866	169,866	169,866	0.0%
151 Legal Services					
Expenses	138,271	110,000	120,000	120,000	9.1%
156 Administration					
Expenses	55,799	56,656	56,656	56,656	0.0%
161 Town Clerk					
Personal Services	52,780	55,013	55,149	55,149	
Expenses	10,544	9,859	10,364	10,364	
sub-total	63,324	64,872	65,513	65,513	1.0%
169 Licensing					
Personal Services	30,088	31,037	30,077	30,077	
Expenses	3,686	12,100	12,200	12,200	
sub-total	33,774	43,137	42,277	42,277	-2.0%
171 Conservation Commission					
Expenses	3,968	5,235	1,454	1,454	-72.2%
173 Housing Partnership					
Expenses			1,000	1,000	
174 LCP Implementation					
Expenses			1,820	1,820	
175 Planning Board					
Expenses	1,480	2,075	2,142	2,142	3.2%
176 Zoning Board of Appeals					
Expenses	2,159	2,910	2,253	2,253	-22.6%

<i>Budget</i>	<i>Actual</i> <i>FY 2000</i>	<i>Adjusted</i> <i>FY 2001</i>	<i>Selectmen</i> <i>FY 2002</i>	<i>FinCom</i> <i>FY 2002</i>	<i>%</i> <i>01-'02</i>
179 Historical Commission					
Expenses	996	1,470	1,632	1,632	11.0%
I. General		\$	\$	\$	
Government	\$ 499,824	506,502	512,681	512,681	1.2%

II. FINANCE

131 Finance Committee					
Expenses	\$ 3,608	\$ 3,450	\$ 3,450	\$ 3,450	
Reserve Fund	<u>35,000</u>	<u>35,000</u>	<u>35,000</u>	<u>35,000</u>	
sub-total	38,608	38,450	38,450	38,450	0.0%
135 Town Accountant (DMF)					
Personal Services	109,130	114,951	132,910	132,910	
Expenses	<u>17,132</u>	<u>20,300</u>	<u>26,200</u>	<u>26,200</u>	
sub-total	126,262	135,251	159,110	159,110	17.6%
136 Management Information Systems Coordination					
Personal Services		35,484	35,484	35,484	
Expenses		<u>1,000</u>	<u>102,883</u>	<u>102,883</u>	
sub-total		36,484	138,367	138,367	279.3%
141 Board of Assessors (DMF)					
Personal Services	100,313	104,772	107,847	107,847	
Expenses	<u>11,798</u>	<u>19,189</u>	<u>27,522</u>	<u>27,522</u>	
sub-total	112,111	123,961	135,369	135,369	9.2%
145 Treasurer/Collector (DMF)					
Personal Services	115,830	118,671	112,144	112,144	
Expenses	<u>27,795</u>	<u>28,200</u>	<u>43,543</u>	<u>43,543</u>	
sub-total	143,625	146,871	155,687	155,687	6.0%
710 Debt Service					
Expenses	927,580	1,200,974	1,237,741	1,237,741	3.1%
820 Tax Title	3,966	10,000	10,000	10,000	0.0%
910 Retirement/Benefits/Insurance					
Expenses	2,391,109	2,539,666	2,912,764	2,912,764	14.7%
II. Finance	\$ 3,743,262	4,231,658	4,787,488	4,787,488	13.1%

III. PUBLIC SAFETY

210 Police					
Personal Services	\$ 1,085,054	\$ 1,152,836	1,200,170	1,200,170	
Expenses	<u>92,952</u>	<u>128,000</u>	<u>86,100</u>	<u>86,100</u>	
Sub-total	1,178,006	1,280,836	1,286,270	1,286,270	0.4%
211 Police Station	-	19,500	23,500	23,500	20.5%
220 Fire					
Personal Services	161,065	201,485	205,627	205,627	

<i>Budget</i>	<i>Actual FY 2000</i>	<i>Adjusted FY 2001</i>	<i>Selectmen FY 2002</i>	<i>FinCom FY 2002</i>	<i>% 01-'02</i>
Expenses	98,584	98,373	104,523	104,523	
Sub-total	259,649	299,858	310,150	310,150	3.4%
231 Ambulance Service	24,500	24,500	26,950	26,950	10.0%
240 Inspections (DRM)					
Personal Services	136,603	142,155	98,036	98,036	
Expenses	25,379	21,800	21,950	21,950	
Sub-total	161,982	163,955	119,986	119,986	-26.8%
241 Director of Regulatory Management					
Personal Services	34,126	43,164	105,450	105,450	
Expenses	154	600	11,100	11,100	
Sub-total	34,279	43,764	116,550	116,550	166.3%
291 Emergency Management					
Personal Services	1,200	1,200	1,200	1,200	
Expenses	231	250	250	250	
Sub-total	1,431	1,450	1,450	1,450	0.0%
294 Harbor Committee		1,625	1,625	1,625	0.0%
295 Harbormaster/MacMillan Wharf					
Personal Services	97,557	101,305	99,945	99,945	
Expenses	31,764	36,230	34,500	34,500	
sub-total	129,322	137,535	134,445	134,445	-2.2%
296 Shellfish					
Personal Services	26,075	27,447	28,868	28,868	
Expenses	6,080	6,430	6,510	6,510	
sub-total	32,155	33,877	35,378	35,378	4.4%
299 Parking					
Personal Services	207,709	231,012	233,240	233,240	
Expenses	32,442	37,042	41,775	41,775	
sub-total	240,150	268,054	275,015	275,015	2.6%
		\$	\$	\$	
III. Public Safety	\$ 2,085,975	2,299,455	2,358,269	2,358,269	2.6%

IV. PUBLIC WORKS

192 Buildings & Grounds					
Personal Services	\$ 202,797	\$ 387,354	\$ 360,558	\$ 360,558	
Expenses	141,330	201,503	208,621	208,621	
sub-total	344,127	588,857	569,179	569,179	-3.3%
421 Administration					
Personal Services	134,431	175,151	143,209	143,209	
Expenses	163,994	178,370	167,916	167,916	
sub-total	298,425	353,521	311,125	311,125	-12.0%
422 Highway					
Personal Services	237,522	213,735	219,293	219,293	
Expenses	41,162	33,803	33,717	33,717	
sub-total	278,683	247,538	253,010	253,010	2.2%

<i>Budget</i>	<i>Actual FY 2000</i>	<i>Adjusted FY 2001</i>	<i>Selectmen FY 2002</i>	<i>FinCom FY 2002</i>	<i>% 01-'02</i>
423 Snow & Ice					
Personal Services	26,590	26,590	26,590	26,590	
Expenses	<u>23,000</u>	<u>23,000</u>	<u>23,000</u>	<u>23,000</u>	
sub-total	49,590	49,590	49,590	49,590	0.0%
431 Solid Waste/Recycling					
Personal Services	210,647	244,637	258,157	258,157	
Expenses	<u>94,237</u>	<u>132,833</u>	<u>107,853</u>	<u>107,853</u>	
sub-total	304,884	377,470	366,010	366,010	-3.0%
439 Waste Disposal/Other					
Expenses	170,926	270,550	263,600	263,600	-2.6%
		\$	\$	\$	
IV. Public Works	\$ 1,507,695	1,887,527	1,812,513	1,812,513	-4.0%

V. PUBLIC SERVICES

511 Health/Conservation Agent (DRM)

Personal Services	\$ 47,158	\$ 48,539	\$ 73,748	\$ 73,748	
Expenses	<u>45,211</u>	<u>45,772</u>	<u>10,620</u>	<u>10,620</u>	
sub-total	92,369	94,311	84,368	84,368	-10.5%
512 Public Health/Nurse					
Personal Services	12,968	13,332	13,332	13,332	
Expenses	<u>20,333</u>	<u>31,437</u>	<u>31,437</u>	<u>31,437</u>	
sub-total	33,301	44,769	44,769	44,769	0.0%
513 Board of Health	499	1,675	1,997	1,997	19.2%
541 Council on Aging					
Personal Services	102,496	115,527	116,803	116,803	
Expenses	<u>15,331</u>	<u>9,462</u>	<u>9,685</u>	<u>9,685</u>	
sub-total	117,827	124,989	126,488	126,488	1.2%
543 Veterans Services					
Personal Services	7,921	8,120	8,120	8,120	
Expenses	<u>12,565</u>	<u>18,885</u>	<u>19,143</u>	<u>19,143</u>	
sub-total	20,486	27,005	27,263	27,263	1.0%
610 Library					
Personal Services	128,045	134,593	134,234	134,234	
Expenses	<u>43,331</u>	<u>43,338</u>	<u>56,328</u>	<u>56,328</u>	
sub-total	171,377	177,931	190,562	190,562	7.1%
620 Administration	6,315	7,500	2,500	2,500	-66.7%
630 Recreation Department					
Personal Services	85,584	97,669	97,535	97,535	
Expenses	<u>11,425</u>	<u>12,300</u>	<u>12,500</u>	<u>12,500</u>	
sub-total	97,009	109,969	110,035	110,035	0.1%
651 Beautification Cte	<i>funded by Tourism Fund</i>				
Expenses	1,352	3,900	10,000	10,000	156.4%
671 Heritage Museum					
Personal Services	13,119	-	-	-	

<i>Budget</i>	<i>Actual FY 2000</i>	<i>Adjusted FY 2001</i>	<i>Selectmen FY 2002</i>	<i>FinCom FY 2002</i>	<i>% 01-'02</i>
Expenses	17,899	18,300	19,800	19,800	
sub-total	31,018	18,300	19,800	19,800	8.2%
672 Art Commission	792	4,500	9,700	9,700	115.6%
699 Tourism	<i>funded by Tourism Fund</i>				
Coord/Support	51,961	62,618	65,264	65,264	
Marketing	76,400	75,142	110,825	110,825	
Municipal Projects	30,485	121,961	112,760	112,760	
Promotional					
Events	50,189	50,094	85,675	85,675	
sub-total	209,035	309,815	374,524	374,524	20.9%
		\$	\$	\$	
V. Public Services	\$ 781,380	924,664	1,002,006	1,002,006	8.4%

VI. PUBLIC SCHOOLS

			<i>School Cte</i>		
300 Provincetown Public Schools			\$	\$	
Total	\$ 3,767,948	\$ 3,942,634	4,060,913	4,060,913	3.0%
310 Cape Cod Regional Tech High					
Expense	49,252	53,362	32,858	32,858	-38.4%
		\$	\$	\$	
VI. Public Schools	\$ 3,817,200	3,995,996	4,093,771	4,093,771	2.4%

OPERATING BUDGET SUMMARY

I. General					
Government	\$ 499,824	\$ 506,502	\$ 512,681	\$ 512,681	1.2%
II. Finance	3,743,262	4,231,658	4,787,488	4,787,488	13.1%
III. Public Safety	2,085,975	2,299,455	2,358,269	2,358,269	2.6%
IV. Public Works	1,507,695	1,887,527	1,812,513	1,812,513	-4.0%
V. Public Services	781,380	924,664	1,002,006	1,002,006	8.4%
<i>Subtotal, I-V</i>	<i>8,618,136</i>	<i>9,849,805</i>	<i>10,472,957</i>	<i>10,472,957</i>	<i>6.3%</i>
VI. Public Schools	3,817,200	3,995,996	4,093,771	4,093,771	2.4%
	\$	\$	\$	\$	
Total, I-VI	12,435,336	13,845,801	14,566,728	14,566,728	5.2%

Article 2. FY 2002 Operating Budget

Division I. General Government.

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

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$512,681 to fund operating budgets for the several Town departments for Fiscal Year 2002 under budget Division I, General Government.

Motion Carried.

Article 2. FY 2002 Operating Budget

Division II. Finance

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$4,787,488, to fund operating budgets for the several Town departments for Fiscal Year 2002 under budget Division II, Finance.

Motion Carried.

Article 2. FY 2002 Operating Budget

Division III. Public Safety

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$2,074,654, transfer from the Parking Fund the sum of \$275,015, and transfer from the Municipal Waterways Fund the sum of \$8,600, for a total of \$2,358,269 to fund operating budgets for the several Town departments for Fiscal Year 2002 under budget Division III, Public Safety.

Motion Carried.

Article 2. FY 2002 Operating Budget

Division IV. Public Works

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$1,805,713, and transfer \$1,580 from cemetery lot sales and \$5,220 from cemetery perpetual care funds, for a total of \$1,812,513, to fund operating budgets for the several Town departments for Fiscal Year 2002 under budget Division IV, Public Works.

Motion Carried.

Article 2. FY 2002 Operating Budget

Division V. Public Services

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved the Town vote to raise and appropriate the sum of \$617,482, and transfer the sum of \$384,524 from the Tourism Fund for the Beautification and Tourism budgets, for a total of \$1,002,006 to fund operating budgets for the several Town departments for Fiscal Year 2002 under budget Division V, Public Services.

Paul Trainor moved to amend Article 2, Section V Budget 671B to zero – any operating expense incurred be brought to Town Meeting as a Budget Line transfer in a STM of 2001/02.

Amendment Defeated.

Motion Carried as Moved.

Article 2. FY 2002 Operating Budget

Division VI. Public Schools - motion 1

FINANCE COMMITTEE RECOMMENDS: 9-0-0

SCHOOL COMMITTEE RECOMMENDS: _ _ _

Frank Wills moved that the Town vote to raise and appropriate the sum of \$4,060,913 to fund the 300 Provincetown Public Schools budget for Fiscal Year 2002.

Paul Trainor moved to amend Article 2 Section VI to FY 2000 3,942,634.

Amendment Defeated.

Motion as Moved Carried.

Article 2. FY 2002 Operating Budget

Division VI. Public Schools - motion 2

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Frank Wills moved that the Town vote to raise and appropriate the sum of \$32,858 to fund the 310 Cape Cod Regional Technical High School budget for Fiscal Year 2002.

Motion Carried.

Article 2. FY 2002 Operating Budget

Bottom Line.

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$13,891,789; transfer from the Parking Fund

the sum of \$275,015; transfer from the Tourism Fund the sum of \$384,524; transfer from the Municipal Waterways Fund the sum of \$8,600; transfer from cemetery lot sales the sum of \$1,580; transfer from cemetery perpetual care funds the sum of \$5,220; for a total of \$14,566,728, to fund operating budgets for the several Town departments for Fiscal Year 2002 in accordance with Chapter 9, section 1 of the Provincetown Charter.

Motion Carried.

Article 3. Abolish Cape End Manor Enterprise Fund. To see if the Town will vote, pursuant to the provisions of MGL Chapter 44, section 53F½ to rescind its vote under Article 4 of the November 6, 1995 Special Town Meeting and abolish the separate enterprise fund for the Cape End Manor effective June 30, 2001, and to return any remaining balance in said fund to the General Fund; and further to see what sum the Town will raise and appropriate or transfer from available funds to fund the operating budget for the Cape End Manor for Fiscal Year 2002, or to take any other action relative thereto.

[Requested by the Town Manager]

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

Keith A. Bergman moved that the Town vote, pursuant to the provisions of MGL Chapter 44, section 53F½ to rescind its vote under Article 4 of the November 6, 1995 Special Town Meeting and abolish the separate enterprise fund for the Cape End Manor effective June 30, 2001, and to return any remaining balance in said fund to the General Fund; and further to raise and appropriate the sum of \$2,157,794 to fund the operating budget for the Cape End Manor for Fiscal Year 2002.

Paul Trainor moved to amend Article 3 not to eliminate the Enterprise Fund...

Amendment Defeated.

Motion as Moved Carried.

Article 4. *FY 2002 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 2002:

<i>440 Wastewater Enterprise Fund</i>	<i>FY 2001</i>	<i>FY 2002</i>	<i>%</i>
Enterprise Fund Costs	\$133,500	\$165,890	
General Fund Costs	<u>6,492</u>	<u>10,000</u>	
TOTAL COSTS	\$139,992	\$175,890	
TOTAL REVENUES	\$171,600	\$175,890	2.5%
SURPLUS/(DEFICIT)	\$31,608	\$0	
FINANCE COMMITTEE RECOMMENDS: 9-0-0			
<i>450 Water Enterprise Fund</i>	<i>FY 2001</i>	<i>FY 2002</i>	<i>%</i>
Enterprise Fund Costs	\$969,930	\$1,089,397	
General Fund Costs	<u>169,885</u>	<u>164,498</u>	
TOTAL COSTS	\$1,139,815	\$1,253,895	
TOTAL REVENUES	\$1,139,815	\$1,253,895	10.0%
SURPLUS/(DEFICIT)	\$0	\$0	
FINANCE COMMITTEE RECOMMENDS: 9-0-0			
<i>525 Cape End Manor Enterprise</i>	<i>FY 2001</i>	<i>FY 2002</i>	<i>%</i>
Enterprise Fund Costs	\$2,097,765	\$2,157,794	
General Fund Costs	<u>381,000</u>	<u>415,000</u>	
TOTAL COSTS	\$2,478,765	\$2,572,794	3.8%
TOTAL REVENUES	\$2,348,800	\$2,425,144	
SURPLUS/(DEFICIT)	(\$129,965)	(\$147,650)	

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

or to take any other action relative thereto.

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

Article 4. *FY 2002 Enterprise Funds.*

Item 1. 440 Wastewater Enterprise Fund:

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise from wastewater receipts the sum of \$175,890 to be funded from the local room occupancy excise tax pursuant to Chapter 391 of the Acts of 1998, for the Wastewater Enterprise Fund for Fiscal Year 2002.

Motion Carried.

Article 4. FY 2002 Enterprise Funds.

Item 2. 450 Water Enterprise Fund:

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise from water receipts the sum of \$1,089,397, and appropriate in the General Fund the sum of \$164,498, for a total of \$1,253,895, for the operation of the Water Enterprise Fund for Fiscal Year 2002.

Motion Carried.

Article 4. FY 2002 Enterprise Funds.

Item 3. 525 Cape End Manor Enterprise Fund:

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

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

Elizabeth Steele-Jeffers moved to indefinitely postpone.

Motion to Indefinitely Postpone Carried.

Article 5. FY 2002 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 2002 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows:

1. Buildings & Grounds Upgrade Program: \$47,000 to be expended under the direction of the Director of Public Works for the Buildings & Grounds upgrade program, including repairs to the Grace Gouveia Building, Town Hall, and Town traffic islands, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$47,000 to be expended under the direction of the Director of Public Works for the Buildings & Grounds upgrade program, including repairs to the Grace Gouveia Building, Town Hall, and Town traffic islands, and costs related thereto.

Motion Carried.

2. Winthrop Street Cemetery: \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for the upgrade to the Winthrop Street Cemetery, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

I move that the Town vote to appropriate and borrow the sum of \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for the upgrade to the Winthrop Street Cemetery, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3A), of the

General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion Carried. Declared 2/3rd Vote.

3. Town MIS/Computer Replacement Program: \$50,000 to be combined with the unexpended balance appropriated under Article 4, Item 5 of the April 3, 2000 Annual Town Meeting, to be expended under the direction of the Town Manager and the MIS Coordinator for the program for continued replacement of computer equipment for Town departments, including air LAN connectivity, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS THE MOTION: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of **\$32,735** to be combined with the unexpended balance appropriated under Article 4, Item 5 of the April 3, 2000 Annual Town Meeting, to be expended under the direction of the Town Manager and the MIS Coordinator for the program for continued replacement of computer equipment for Town departments, including air LAN connectivity, and costs related thereto.

Motion Carried.

4. Street & Sidewalk Repairs: \$25,000, to be combined with the unexpended balance appropriated under Article 4, Item 6 of the April 3, 2000 Annual Town Meeting, to be expended under the direction of the Town Manager and the Director of Public Works for continuation of the road and sidewalk repair program, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$25,000, to be combined with the unexpended balance appropriated under Article 4, Item 6 of the April 3, 2000 Annual Town Meeting, to be expended under the direction of the Town Manager and the Director of Public Works for continuation of the road and sidewalk repair program, and costs related thereto.

Motion Carried.

5. Fleet Replacement Plan: \$75,000 to be expended under the direction of the Town Manager and the Director of Public Works for purchase one dump truck for the Department of Public Works, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$75,000 to be expended under the direction of the Town Manager and the Director of Public Works for purchase one dump truck for the Department of Public Works, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion Carried. Declared 2/3rd Vote.

6. Replace Fire Vehicle 190: \$250,000, to be expended under the direction of the Board of Selectmen, Town Manager, and Board of Fire Engineers for the replacement of Fire Vehicle 190, and costs related thereto

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$250,000, to be expended under the direction of the Board of Selectmen, Town Manager, and Board of Fire Engineers for the replacement of Fire Vehicle 190, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion Carried. Declared 2/3rd Vote.

7. Police Station Generator: \$40,000 to be expended under the direction of the Chief of Police for a generator for the Provincetown Police Station, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$40,000 to be expended under the direction of the Chief of Police for a generator for the Provincetown Police Station, and costs related thereto.

Motion Carried.

8. DPW Highway Truck Storage: \$25,000 to be expended under the direction of the Director of Public Works for a highway truck storage building, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$25,000 to be expended under the direction of

the Director of Public Works for a highway truck storage building, and costs related thereto.

Motion Carried.

Meeting Ended 10:57

Begin Thursday Night Session

Article 6. *FY 2002 Revolving Accounts.* To see if the Town will vote to continue for FY 2002 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;

3. *Sales of Vaccines:* to allow receipts from sales of vaccines to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for purchase of vaccines under the direction of the Director of Public Health and the Town Manager;

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 8-0-0

Elizabeth Steele-Jeffers moved that the Town vote to continue for FY 2002 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Carried.

Article 7. 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, by applying a 3.0% salary schedule adjustment effective July 1, 2001, as follows:

Grade	FY 2001 Rates		Proposed FY 2002		Proposed Classifications
	Minimum	Maximum	Minimum	Maximum	
21	\$71,859	\$82,820	\$74,014	\$85,305	Town Manager
20	60,897	71,859	62,724	74,014	<i>no positions assigned</i>
19	57,723	68,112	59,455	70,156	Chief of Police Director of Public Works
18	54,713	64,562	56,355	66,499	Cape End Manor Administrator
17	51,861	61,197	53,417	63,032	Director of Municipal Finance
16	49,157	58,006	50,632	59,746	Police Staff Sergeant
15	46,594	54,982	47,992	56,631	Assistant Town Manager
14	43,957	51,869	45,276	53,425	CEM Director of Clinical Services
13	41,469	48,934	42,714	50,402	Director of Regulatory Management
12	39,122	46,164	40,296	47,549	Building Commissioner Health/Conservation Agent Principal Assessor Town Accountant Treasurer/Collector
11	37,259	43,965	38,377	45,284	COA/Public Health Director DPW Director of Operations Library Director Marine Superintendent Wastewater Coordinator Water Superintendent
10	35,484	41,872	36,549	43,128	MIS Coordinator
9	33,795	39,878	34,809	41,074	Parking Administrator Recreation Director Tourism Director

Grade	FY 2001 Rates		Proposed FY 2002		Proposed Classifications
	Minimum	Maximum	Minimum	Maximum	
8	31,882	37,621	32,838	38,749	Town Clerk Affordable Housing Specialist Health Inspector Local Building Inspector Permit Coordinator Social Worker COA
7	30,078	35,492	30,980	36,556	Electrical Inspector/DepBldgInsp Licensing Agent
6	28,375	33,483	30,103	35,522	Secretary to the Town Manager Secretary to the Board of Selectmen

and further, to raise and appropriate the sum of \$55,845 to fund raises for FY 2002 for positions contained on this schedule in accordance with the performance appraisal system adopted pursuant to Section 4-1 of the Personnel By-law, said sum being equivalent to a 3.0% salary schedule adjustment plus the 2.2% step raise increase for which union employees are eligible;

FINANCE COMMITTEE RECOMMENDS: 8-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 7, Item 1 as printed in the warrant.

Motion Carried.

2. Schedule B: to amend Schedule B,” “Fire Department Positions,” effective July 1, 2001, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position Current

Deputy Fire Chief \$5,000.00

District Fire Chief/Engineer 1,800.00

Firefighter 450.00

Fire Auxiliary 225.00

Fire Captain (*additional stipend*) 335.00

Fire Lieutenant (*additional stipend*) 215.00

House Steward (*additional stipend*) 580.00

Oil Inspector 1,680.00

Rescue Captain (*additional stipend*) 630.00

Rescue Lieutenant (*additional stipend*) 525.00

Rescue Steward (*additional stipend*) 1,160.00

Rescue Training Officer (*additional stipend*) 315.00

Annual Salary

Position Current

Fire Chief \$18,000.00

Non-Firefighter Positions - Hourly Wages +3%

Position Current Proposed

EMT-A \$15.00 \$15.45

EMT-Intermediate 16.25 16.74

EMT-Paramedic 18.00 18.54

Stand-by 10.40 13.62

Safety Inspections 10.40 13.62

and to raise and appropriate the sum of \$3,502, for raises for positions contained on Schedule B for FY 2002;

FINANCE COMMITTEE RECOMMENDS: 8-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 7, Item 2 as printed in the warrant.

Motion Carried.

3. Schedule C: to amend Schedule C, “Seasonal and Part-time Non-Union Positions,” effective July 1, 2001, as follows:

<i>Proposed Position Classifications</i>	<i>Actual</i>	<i>Proposed</i>
Hourly Rates of Pay	<i>FY 2001</i>	<i>FY 2002</i>
<i>L</i> Parking Lot Technical Manager	\$12.00	\$14.02
<i>K</i> Assistant Harbormaster with police powers	[H] 10.66	13.62
Police Officer, Summer/Auxiliary	[H] 10.66	13.62
Property Inspector (Assessors)	12.88	13.62
<i>J</i> Seasonal Recreation Swimming Instructor	11.30	13.23
<i>I</i> Parking Meter Collection/Repair	10.98	12.97
<i>H</i> Police Matron	[E] 9.76	12.60
Police Summer Dispatcher	[E] 9.76	12.60
<i>G</i> Parking Department Clerk	[F] 10.04	12.36
<i>F</i> Assistant Harbormaster w/o police powers	10.04	12.00
Parking and Traffic Officers		12.00
Parking Lot Assistant Technical Manager	[E] 9.76	12.00
Parking Meter Enforcement	[E] 9.76	12.00
Secretary, On-call Relief	10.04	12.00
Transfer Station Laborer		12.00
<i>E</i> Veterans Agent	9.76	11.78
<i>D</i> Library Circulation Aide	9.47	11.44
Parking Lot Attendant/Out-booth/Floater	[C] 9.19	11.44
<i>C</i> Barrels & Grounds Laborer		11.11
Restroom/Building Custodian		11.11
Seasonal Recreation Supervisor	9.19	11.11
<i>B</i> No Positions Assigned	8.93	10.90
<i>A</i> Council on Aging Cook	8.67	10.69
Parking Lot Attendant/In-booth	8.67	10.69
Seasonal Recreation Aides	8.67	10.69
<i>Annual Stipends</i>		
Emergency Management Director	1,200.00	

18 *Theatrical exhibitions, public shows, public amusements and other exhibitions subject to the licensing provision of M.G.L. c. 140, Section 181*

19 *Automatic amusement devices subject to the licensing provisions of M.G.L. c. 140, Section 177A.*

RESIDENTIAL	COMMERCIAL	SEA-	PUBLIC
		SHORE	USE
B	G	W	R
		P	S
			M

W-B

1250 Permitted Accessory

Uses

G14 Entertainment ²⁰	NO	NO	BA	YES	YES	NO	NO
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20 *The conduct of concerts, dances, exhibitions, cabarets or public shows of any description in any club, restaurant or other establishment subject to the licensing requirements of M.G.L. c 140, Section 183A or accessory automatic amusement devices subject to the licensing provisions of M.G.L. c. 140, Section 177A.*

or take any other action relative thereto.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 5-0-0

Ellen Battaglini moved that the Town vote to approve Article 8 as printed in the warrant and correct the misprint “9 Theater, Playhouse” with “9B theater, Playhouse”.

Motion Defeated.

Article 9. Zoning By-law Amendment: Definitions. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article

V, Definitions, by revising the definition of Structure to read as follows:

Structure shall mean a combination of materials assembled, constructed or erected such as a building or attachment thereof or a combination of materials assembled at a fixed location, including swimming pools having a capacity of 4,000 gallons or more, retaining walls which retain more than four feet of unbalanced soil, platforms, towers, dish antennae, masts for radio antennae, windmills or wind generators, and decks, but not including flagpoles, paving, palletized patios, or fences which do not exceed 6 feet above the property grade. Temporary structures such as tents and canopies shall not exceed allowed lot coverage (see definition) or setbacks and shall not be construed to constitute a permanent structure or an addition thereto. The word "structure" shall be construed where the context requires, as though followed by the words, "or part or parts thereof"

Palletized patios shall mean a combination of materials assembled, constructed or erected which is not fixed to assembled materials, to a structure or to the ground and whose assembled components are no larger than 8 feet long by 4 feet wide by 6 inches high.

or take any other action relative thereto.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS 5-0-0

Annie Howard moved Article 9 as printed in the warrant.

Peter Bez moved to amend Article 9 by adding the following sentence at the end of the motion "Palletized patios shall be at or near grade.

Amendment Carried.

Motion as Amended Carried. Declared 2/3rd Vote.

Article 10. *Zoning By-law Amendment: Definitions.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article V, Definitions, by inserting the word “cabin” following the word “inn” in the definition of Guest Unit; or take any other action relative thereto.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 5-0-0

Richard Olson moved that the Town vote to approve Article 10 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 11. *Zoning By-law Amendment: Dwelling Units and Commercial Accommodations.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article III, Section 3151 Procedure by substituting "65 days" for "35 days" in the third sentence of Section 3151; or take any other action relative thereto.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 5-0-0

Richard Olson moved that the Town vote to approve Article 11 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 12. Zoning By-law Amendment: Building Scale (I). To see if the Town will vote to amend the Provincetown Zoning By-law by deleting Article VII Section 7102 building Scale; or take any other action relative thereto.

[Requested by Elspeth Vevers and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN DOES NOT RECOMMEND:3-2-0

PLANNING BOARD DOES NOT RECOMMEND:3-1-0

Elsbeth Vevers moved that the Town vote to amend the Provincetown Zoning By-law by deleting Article VII Section 7102 building scale.

Motion Defeated.

Article 13. Zoning By-law Amendment: Building Scale (II). To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VII, Section 7102, Building Scale by revising subsections C. and E. as follows, adding the text in italics and deleting the text with strikeouts:

C. Procedure Each application for a building permit, except where the total volume is reduced, shall contain information on the building scale of all structures *except for stand-alone accessory use structures of 10 scale units or less* within two hundred fifty (250) feet of the *center of the* proposed ~~building~~ or renovation *if a structure exists, and within two hundred fifty (250) feet of the center of the*

parcel for a proposed new building, as identified by the Assessor's office.

The scale *and neighborhood average* shall be determined *by the Assessor's Office* by calculating the volume in cubic feet of the building that is above grade, including roofs and porches. The volume ~~should be~~ *is then* divided by two hundred sixteen (216) to place it in scale units. ~~The scale unit information for each of the surrounding buildings shall be shown on a map.~~ The mean (average) scale unit value shall be calculated for the 250 foot radius area. ~~The structures within the 250 foot radius with~~ *after removing the two structures with* the highest and lowest number of scale units ~~shall not be included in the average~~ *and after removing stand-alone accessory use structures of 10 scale units or less.*

All municipal buildings shall not be included in calculating the average scale units⁵⁹. For a new structure, the calculation shall not include the scale units of the proposed development; for a renovation project, the calculations shall contain the scale units of the structure prior to renovation. ~~(Illustrations regarding this procedure are to be available in the offices of the Town Clerk and the Building Inspector).~~

E. Board of Appeals Approval No approval for a deviation in building scale shall be granted unless the Board of Appeals finds that the deviation from the standards is in keeping with the standards for a Special Permit, the objectives of the ~~Master~~ *Local Comprehensive* Plan and is appropriate for at least one of the following reasons:

1. The building is an important structure to the community as a whole. Public buildings are logical candidates for this type of conditional approval. For example, the Pilgrim Monument is out of scale with everything in town, yet its value as a monument to the town's history and in giving identity to the town, makes it acceptable.

2. The building by necessity, must be large and that the location is suited for that larger scale use. For example, churches may be permitted uses in a residential district and their larger scale is often dictated by traditional architectural forms. Their location, however, should be limited to streets that can handle potential traffic volumes.

or take any other action relative thereto.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 5-0-0

Richard Olson moved that the Town vote to approve Article 13 as printed in the warrant.

Chris Snow moved to amend Article 13 by requiring a right to an applicant may appeal Assessor's calculation of scale to the Board of Appeals in the same manner and method as appealing the finding of the building inspector.

Amendment Defeated.

Motion Carried as Moved. Declared 2/3rd Vote.

Article 14. *Zoning By-law Amendment: Building Scale (III)*. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VII, Section 7102, Building Scale by revising subsections E. as follows, adding the text in italics and deleting the text with strikeovers:

E. Board of Appeals Approval No approval for a deviation in building scale shall be granted unless the Board of Appeals finds that the deviation ~~from the standards is in keeping with~~ *meets* the standards for a Special Permit *under Article IV, Section 4300 and*

that the deviation is either in keeping with the objectives of the ~~Master~~ *Local Comprehensive Plan* and *or* is appropriate for at least one of the following reasons:

1. The building is an important structure to the community as a whole. Public buildings are logical candidates for this type of conditional approval. For example, the Pilgrim Monument is out of scale with everything in town, yet its value as a monument to the town's history and in giving identity to the town, makes it acceptable.

2. The building by necessity, must be large and that the location is suited for that larger scale use. For example, churches may be permitted uses in a residential district and their larger scale is often dictated by traditional architectural forms. Their location, however, should be limited to streets that can handle potential traffic volumes.

or take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

PLANNING BOARD RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 14 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 15. Zoning By-law Amendment Building Scale (IV). To see if the Town will vote to amend the Provincetown Zoning By-law, Article VII, Section 7102, E, by adding a new paragraph 3 as follows:

3. The building scale deviation is warranted due to the size of the parcel of land involved so as to discourage subdivision into smaller

parcels and the proposed building or addition will not result in a structure that will severely disrupt the character of the neighborhood in which it is located;

or take any other action relative thereto.

[Requested by Jon Salvador and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 2-1-1

Mary Jo-Avellar moved Article 15 as printed in the warrant.

Chris Snow moved to amend Article 15 by removing the word “severely” from the article.

Amendment Carried.

Motion as Amended Carried. Declared 2/3rd Vote.

Article 16. *Zoning By-law Amendment: Growth Management By-law (I)*. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, by: Substituting the phrase “Hotel, Motel, Inn, Camp, Cabin” for the phrase “Hotel, Motel, Inn” in Article VIII, Table of Use Categories and Priorities, General Use Category 3c; and Adding to Article VIII, Section A. Definition Section the following new definitions:

Cabin shall mean a small, detached guest unit providing sleeping accommodations and cooking facilities for persons on a transient basis for compensation, and subject to the licensing requirements of MGL Chapter 140, Section 32A.

Camp shall mean any recreational camp or overnight camp subject to the licensing requirements of MGL chapter 140, Section 32A.

or take any other action relative thereto.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 4-0-0

Richard Olson moved that the Town vote to approve Article 16 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 17. *Zoning By-law Amendment: Growth Management By-law (II)*. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, Section C, Procedure, 4; by deleting the following text:

(a) Growth Management Allocation Permits shall be issued on or about February 15, May 15, August 15, and November 15 of each year for the residential use categories listed under General Use Category 1 in Section D. (b) Growth Management Allocation permits shall be issued on or about May 15 of each year for the residential use categories listed under General Use Category 2 in Section D (c) Growth Management Allocation permits shall be issued on or about November 15 of each year for the non-residential use categories listed under General Use Category 3. (d) In order to be eligible for allocation consideration on any of said dates, the completed application must have been received no later than the 15th day of the applicable, preceding month.

and substituting therefore the following new text:

Growth Management Allocation permits shall be issued based upon the allowed Growth Limitation Goal allocation for each category at

the beginning of each calendar year in the order that Completed Applications have been received in the Department of Regulatory Management and after the Department of Regulatory Management has had 30 days to review the Completed Application.

or take any other action relative thereto.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 5-0-0

Ellen Battaglini moved that the Town vote to approve Article 17 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 18. Zoning By-law Amendment: Growth Management By-law (III). To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, Section E. Growth Limitation Goal Allocation, 3 to read as follows:

3 Annually, by November 15, the DPW Director, Water Superintendent, Permit coordinator, Planning Board, Board of Health, Water & Sewer Board, Local Housing Partnership and the Local Comprehensive Plan Implementation Committee shall evaluate the effects of growth on our resources including but not limited to potable water supply, solid waste disposal and wastewater disposal and issue a report to the Board of Selectmen on those impacts and their recommendations therefor. The Board of Selectmen shall hold a Public Hearing on the report in December of each year.

or take any other action relative thereto.

[Requested by the Planning Board]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

PLANNING BOARD RECOMMENDS: 5-0-0

Ellen Battaglini moved that the Town vote to approve Article 18 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 19. LCP Implementation: Funds to Update Zoning By-laws, Subdivision Rules & Regulations, and Sign Code. To see if the Town will vote to raise and appropriate the sum of \$20,000, to be expended under the direction of the Director of Regulatory Management for the funding of the Cape Cod Commission's assistance to the Town, under a Memorandum of Understanding, in performing a comprehensive update of the Town of Provincetown Zoning By-laws, Subdivision Regulations, and Sign Code in a manner consistent with the Local Comprehensive Plan; or take any other action relative thereto.

[Requested by Planning Board and Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

PLANNING BOARD RECOMMENDS: 3-0-0

**LOCAL COMPREHENSIVE PLANNING COMMITTEE
RECOMMENDS: 4-0-0**

Anne Howard moved that the Town vote to raise and appropriate the sum of \$20,000, to be expended under the direction of the Director of Regulatory Management for the funding of the Cape Cod Commission's assistance to the Town, the Planning Board and the

Local Comprehensive Plan Implementation Committee, under a Memorandum of Understanding, in performing a comprehensive update of the Town of Provincetown Zoning By-laws, Subdivision Regulations, and Sign Code in a manner consistent with the Local Comprehensive Plan. Said update of the by-laws and regulations to be subject to public hearings conducted by the Planning Board and approval by Town Meeting Vote.

Motion Carried.

Article 20. *Abolish Certain Town Boards.* To see if the Town will vote to abolish the Community Policing Steering Committee established by vote under Article 1 of the April 7, 1993 Special Town Meeting, and the Parking Needs Study Committee established by vote under Article 6 of the November 1978 Special Town Meeting, neither of which town boards have met in the last year; or take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to abolish the Community Policing Steering Committee established by vote under Article 1 of the April 7, 1993 Special Town Meeting, and the Parking Needs Study Committee established by vote under Article 6 of the November 1978 Special Town Meeting, neither of which town boards have met in the last year.

Motion Carried.

Article 21. *Acceptance of Local Option Statute: Authorizing Quarterly Property Tax Bills.* To see if the Town will vote to accept the provisions of MGL Chapter 59, §57C, to allow the Town to send out property tax bills on a quarterly, rather than semi-annual basis,

including estimated quarterly tax bills due August first and November first, with the additional interest income generated thereby to be deposited in the General Fund; or take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 21 as printed in the warrant.

Motion Defeated. Favor: 56 Oppose: 67

Article 22. Acceptance of Local Option Statute: Increase Maximum Income Limit for Tax Deferrals. To see if the Town will vote to accept the provisions of section 126 of chapter 138 of the Acts of 1991, which allows the Town to increase the maximum qualifying gross receipts amount for clause forty-first A of section 5 of chapter 59 of the General Laws to \$40,000; or take any other action relative thereto.

[Requested by the Board of Assessors]

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

BOARD OF ASSESSORS RECOMMENDS: 4-0-0

BOARD OF HEALTH RECOMMENDS: 5-0-0

Richard Blanchette moved that the Town vote to approve Article 22 as printed in the warrant.

Motion Carried.

Article 23. Acceptance of Local Option Statute: Establish Minimum Fair Cash Value Required for Personal Property Accounts To Be Taxed. To see if the Town will vote to accept the provisions of section 114 of chapter 159 of the Acts of 2000, which adds the following paragraph to section 5 of chapter 59 of the General Laws: "Fifty-fourth. Personal property, if less than an amount established by the city or town, but not in excess of \$10,000 of value. This clause shall take effect upon its acceptance by a city or town, which shall establish a minimum value of personal property subject to taxation and may modify the minimum value by vote of its legislative body." and further to set a minimum value of \$2,000 of personal property in accordance with the provisions chapter 59, section 5, clause fifty-fourth, or to take any action relative thereto.

[Requested by the Board of Assessors]

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

BOARD OF SELECTMEN RECOMMENDS INDEFINITE POSTPONEMENT: 4-1-0

BOARD OF ASSESSORS RECOMMENDS INDEFINITE POSTPONEMENT: 3-0-0

Richard Blanchette moved that the Town vote to indefinitely postpone action on Article 23.

Motion to Indefinitely Postpone Carried.

Article 24. Acceptance of Local Option Statute: Credit Firefighters with Full-time Service Pension Rights. To see if the Town will vote to accept Chapter 32, section 4 (2b½) of the Massachusetts General Laws, which will provide a credit of time served to Provincetown firefighters with full-time service pension rights, or take any other action thereto.

[Requested by the Board of Fire Engineers]

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

BOARD OF FIRE ENGINEERS RECOMMENDS: 6-0-0

Warren Alexander moved that the Town vote to approve Article 24 as printed in the warrant.

Motion Carried.

Article 25. Home Rule Petition/Amendment to the Provincetown Charter/Prohibited Activities. To see if the Town will vote to instruct its 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 the following section from Chapter 3, Article 4, section 3-4-6 to read as follows:

3-4-6 A member of a town board shall not be paid for any work done for the town, or be allowed to bid on any town contract for a job, which is in any way related to the board on which he or she serves.

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

Or take any other action relative thereto.

[Requested by Anne Howard and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

CHARTER ENFORCEMENT COMMISSION DOES NOT RECOMMEND: 3-0-0

Anne Howard moved that the Town vote to approve Article 25 as printed in the warrant, with the following change: add to the end of section 3-4-6 the following words “or on which he or she has served within the past year, unless the Board of Selectmen, after a public hearing, votes to waive this requirement.”

Motion Defeated.

Article 26. *General By-law Amendment/Regulating the Operation of Personal Water Craft in Provincetown Harbor.* To see if the Town will vote to amend the General By-laws by amending Section 13-4-2, *Personal Watercraft in Provincetown Harbor*, to read as follows:

13-4-2-1. *Definitions.*

13-4-2-1-1. As used in this by-law the term “personal watercraft” means a vessel propelled by a water-jet pump or other machinery as its primary source of propulsion that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel.

13-4-2-1-2. As used in this by-law, the term "Provincetown Harbor" means "the waters extending from the shores of Provincetown to a line drawn from Long Point to the Provincetown/Truro line."

13-4-2-2. Except as provided in §13-4-2-3 below, the operation of personal watercraft is prohibited in the waters of the Town of Provincetown in the following areas:

(a) Within the boundaries of the Cape Cod National Seashore as set forth in Public Law 87-126, 7 August 1961, 75 Stat. 293, and as most recently surveyed by the U.S. Department of Interior.

(b) On the tidal waters of Provincetown Harbor and any adjoining river, inlet, cove, pond, embayment or harbor westerly of a line

running from the Provincetown/Truro town line to Long Point Light.

13-4-2-3. Personal watercraft may be operated in the above areas described in §13-4-2-2 for the purpose of enforcement, search and rescue, training, or other emergency, *provided* it is under the direction of a duly authorized federal, state or local law enforcement or emergency response agency, or other authorized official.

13-4-2-4. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision hereof.

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Elizabeth Steele-Jeffers moved that the Town vote to amend the General By-laws by amending Section 13-4-2, *Personal Watercraft in Provincetown Harbor*, to read as printed in the warrant.

David Atkinson moved to amend 13-4-2-5 The prohibition of this by-law shall not apply to the residents of Provincetown.

Amendment Defeated.

Motion Carried as Moved.

Article 27. Resolution Against Prohibition of Personal Watercraft in Provincetown Harbor. To see if the Town will vote to adopt a resolution as follows:

WHEREAS: Concerns over the safety, noise and environmental disruptions of personal watercraft operation have been exaggerated and distorted. Numerous studies and tests demonstrate that personal

watercraft emit considerably less noise per unit, are quieter than most recreational motorboats, and fall within accepted boat noise standards.

WHEREAS: The vast majority of personal watercraft operators who are competent and conscientious are being subjected to onerous regulations and bans while the root causes of concerns about the operational behavior of a very small percentage of personal watercraft operators are not effectively addressed.

RESOLVED: The people of Provincetown feel that banning personal watercraft denies equal protection to and violates the rights of personal watercraft operators who are safe and sensible to enjoy the freedom of navigation on the same basis as other boaters. Further we believe that any ban on personal watercraft is unfair, illegal and improper;

or take any other action relative thereto.

[Requested by Jon Watson and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Jon Watson moved to indefinitely postponed.

Motion Carried.

AdMonday April 9, 2001 begins

Reconsider Article 21

Motion to Reconsider Carried.

Article 21 Carried as Printed in the Warrant.

Reconsider Article 26

Motion to Reconsider Defeated.

Article 28. General By-law Amendment: 11-6 Public Ways: Damage to Town Streets During Private Construction Projects. To see if the Town will vote to amend the General By-laws, Article 11-6, Public Ways, by amending section 11-6-1 to read as follows:

11-6-1.Excavation of public ways/Performance Bond. No person shall break or dig up the ground or surface of a town or public way or sidewalk without express permission from the Commissioner of Public Safety or his delegate, *who shall require a performance bond sufficient to guarantee restoration of the street following excavation by a private contractor. Upon neglect or violation of any duty imposed under this by-law, such work may be performed by the Town at the expense of the person charged with the duty, and that expense may be received by the Town in a legal action of contract pursuant to MGL C.40,§31*

And, further, by amending the fine schedule in Schedule A of said General By-laws to read as follows:

11-6-1.Excavation of public ways/*performance bond.*

- <i>First offense</i>	50.00 \$100.00
<i>second offense</i>	\$200.00
<i>third and subsequent offenses</i>	\$300.00

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 28 as printed in the warrant:

Motion Carried.

Article 29. General By-law Amendment: 11-7-2, Temporary Repairs to Private Ways. To see if the Town will vote to amend the General By-laws by relabelling Article 11-7 as "Private Ways;" by renumbering Section 11-7, "Standards for acceptance of private roads

as public ways," as Section 11-7-1; and by adding a new section 11-7-2, to read as follows:

11-7-2. Temporary Repairs to Private Ways

11-7-2-1 Statutory conformance. This by-law is adopted in conformance with the provisions of MGL C40,§6N, to provide for the making of temporary repairs on private ways.

11-7-2-2. Conditions governing repairs. The following conditions shall govern any repairs made pursuant to this by-law.

a. Any repairs shall be minor and temporary, as determined by the Director of Public Works, including grading and scraping and the filling of holes and impressions with sand, gravel or other suitable materials and shall not include the construction, reconstruction or resurfacing of such roads.

b. Drainage shall be included to the extent required by public convenience and necessity as determined by the Director of Public Works.

c. The Director of Public Works shall make a determination that such repairs are required by public necessity before such repairs may be undertaken.

d. Such repairs shall only be made if the Board of Selectmen receives a petition from abutter(s) who own at least fifty percent (50%) of the linear footage of such way.

e. Betterment charges may be assessed by the Board of Selectmen on the abutter(s) of such way up to an amount equal to the cost of such repairs.

f. The town shall have no liability as a result of any such repairs, except as may be provided by law, and shall be held harmless on account of any damages whatever caused by such repairs by agreement executed by the abutter(s) who petitioned therefor.

g. The private way shall have been opened to the public use for two years or more prior to the undertaking of such repairs.

h. The Town Manager may require a cash deposit equal in amount to the estimated cost of such repairs, as determined by the Director of Public Works, to be paid to the town prior to the commencement of such repairs. The Town Manager may use any collection process deemed necessary in collecting from the abutters.

11-7-2-3. Determination of qualification. The Director of Public Works shall have full discretion in determining which repairs so qualify under this by-law.

or to take any other action relative thereto.

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

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 29 as printed in the warrant.

Motion Carried. Favor: 85 Oppose:72

Article 30. General By-law Amendment: Wetlands Protection By-law. To see if the Town will vote to amend the General By-laws, by deleting Article 12, Wetlands By-law, in its entirety and by replacing it with a new Article 12, Wetlands Protection By-law, to read as follows:

12. Wetlands Protection Bylaw

12-1. Introduction. The purpose of this bylaw is to protect the foreshores, wetlands, water resources, and adjoining land areas in the Town of Provincetown by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater quantity and quality, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, erosion and sedimentation control, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the Town (collectively, the “resource area values protected by this bylaw”). This bylaw is intended to utilize the Home Rule authority of the Town to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Massachusetts Wetlands Protection Act (G.L. Ch. 131, §40) and Regulations thereunder (310 CMR 10.00).

12-2. Jurisdiction. Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence

to remove, fill, dredge, build upon, degrade, or discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; vegetated and unvegetated wetlands; marshes; flats; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding; and the one-hundred (100) foot Buffer Zone to any of the aforementioned resource areas or lands abutting any of the aforesaid resource areas as set out in §12-7 (collectively the “resource areas protected by this bylaw”). Said resource areas shall be protected whether or not they border surface waters.

In the event that the Commission determines that an activity occurring beyond the limit of jurisdiction noted above is likely to have, is having or has had a significant effect on the wetlands values of a resource area, the Commission may require the filing of a Notice of Intent or a Request for Determination of Applicability for that activity.

In determining whether a resource area is subject to the provisions of this Bylaw, the origin of the wetland, whether natural or manmade, is not a relevant factor.

12-3 Conditional Exceptions.

12-3-1. Public Utility Facilities. The application and permit required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, telephone, telegraph, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

12-3-2. Agricultural Uses. The application and permit required by this bylaw shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time the work takes place, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

12-3-3. Emergency Project. The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

12-3-4. Exceptions Contained in the Act. Other than stated in this section, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00) shall not apply under this bylaw.

12-4. Applications for Permits and Requests for Determination.

12-4-1. Application. Written application shall be filed with the Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw. The Commission in an appropriate case may accept as the permit application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

12-4-2. Request for Determination. Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Commission.

12-4-3. Filing Fee. At the time of a permit application or RFD, or application for Certificate of Compliance, the applicant shall pay a filing fee specified in Regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00). The fee shall be deposited in a dedicated account, for use only for wetland protection activities, from which the Commission may withdraw funds without further appropriation.

12-4-4. Consultant Fee. Upon receipt of a permit application or RFD, or at any point during the hearing process, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the “consultant fee.” The specific consultant services may include, but are not limited to, performing or verifying the accuracy of resource area survey and delineation; analyzing resource area

functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law. The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

12-4-5. Method of Payment. The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. If a consultant fee account is authorized by a special act, the applicant's fee shall be put into such account, and the Commission may draw upon that account for specific consultant services approved by the Commission at one of its public meetings. Any unused portion of the consultant fee shall be returned to the applicant unless the Commission decides at a public meeting that additional services will be required.

12-4-6. Waiver of Fee. The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit application or RFD filed by a government agency.

12-4-7. Fee Schedule. The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

<u>Project Costs</u>		<u>Maximum Fee</u>
Up to	\$100,000	\$ 500
\$100,001-	\$500,000	\$ 2,500
\$500,001-	\$1,000,000	\$ 5,000

\$1,000,001-	\$1,500,000	\$ 7,500
\$1,500,001-	\$2,000,000	\$10,000

Each additional \$500,000 project cost increment (over \$2,000,000) shall be charged an additional \$2,500 maximum fee per increment. The project cost means the estimated, entire cost of the project including, but not limited to, building construction, site preparation, landscaping, and all site improvements. The consultant fee shall be paid pro rata for that portion of the project cost applicable to those activities within resource areas protected by this bylaw. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

12-5. Notice and Hearings.

12-5-1. Notice. 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 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

12-5-2. Public Hearing. The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, not less than five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing 21 days from its' posted deadline for filing applications, upon receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant. The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and Regulations (310 CMR 10.00).

12-5-3. Confirmation of Hearing. The Commission shall have authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in Section 12-6-1.

12-6. Coordination with Other Boards. 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, who shall distribute copies thereof to the appropriate regulatory boards, the cost of which copies shall be at the applicant's expense. A copy shall be provided in the same manner to the Conservation Commission of the adjoining municipality, if the application or RFD pertains to property within 200 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until the boards and officials have had 14 days from receipt of notice to file written comments and

recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

12-7. Permits and Conditions.

12-7-1. Issuance of Permit. If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

12-7-2. Denial of Permit. The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values.

12-7-3. Presumed Importance of Buffer Zone. Lands within 100 feet of rivers, ponds and lakes, and lands within 100 feet of other resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource

areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 100-foot area, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw.

12-7-4. Practicable Alternatives. In the review of areas within 100 feet of rivers and streams, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial purpose), logistics, existing technology, costs of the alternatives, and overall project costs.

12-7-5. Avoidance of Wetlands Loss or Alteration. To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

12-7-6. Expiration of Permit. A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

12-7-7. Revocation of Permit. For good cause the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder of the permit or determination, notice to the public, abutters, and town boards, pursuant to §V and §VI, and a public hearing.

12-7-8. Coordination of Permit with Order of Conditions. The Commission in an appropriate case may combine the permit or determination issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

12-7-9. Recording of Permit. No work proposed in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded, or provides the Commission with a copy of the recording information or other evidence of recordation with the appropriate Registry.

12-8. Regulations. After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and

regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw and procedures governing the amount and filing of fees.

12-9. Definitions.

12-9-1. Defined Terms. The following definitions shall apply in the interpretation and implementation of this bylaw.

12-9-1-1. Bank. “Bank” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

12-9-1-2. Vernal Pool. “Vernal pool” shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. Vernal pools shall include those mapped and certified by the Massachusetts Natural Heritage and Endangered Species Program as well as those areas identified in the field as eligible for certification by a professional wetland biologist or other expert.

12-9-1-3. Rare Species. “Rare species” shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

12-9-1-4. Person. “Person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

12-9-1-5. Alter. “Alter” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

1. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.
2. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
3. Drainage, or other disturbance of water levels or water table.
4. Dumping, discharging, or filling with any material which may degrade water quality.
5. Placing of fill, or removal of material, which would alter elevation.
6. Driving of piles, erection, or repair of buildings, or structures of any kind.
7. Placing of obstructions or objects in water.
8. Destruction of plant life including cutting of trees.
9. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.

10. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.

11. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

12. Use of fertilizers, pesticides, herbicides and fungicides.

12-9-1-6. Isolated Vegetated Wetland. Isolated vegetated wetland is any area where surface or ground water or ice at or near the surface of the ground and greater than 500 square ft. which supports a plant community (cover) comprised of 50% or greater of wetland species, or which in the judgment of the Commission supports a significant community of wetland vegetation.

12-9-2. Consistency with Wetlands Protection Act. Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00).

12-10. Security.

12-10-1. Performance and Observation of Conditions. As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

1. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.

2. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

12-11. Enforcement.

12-11-1. Prohibition. No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

12-11-2. Entry on Property. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

12-11-3. Enforcement Alternatives. The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, enforcement orders, under the Town's non-criminal disposition section of its general bylaws, pursuant to G.L. c. 40, §21D, and civil and criminal court actions. Any police officer or the Conservation Agent shall have authority to enforce this bylaw. Any person who violates provisions of this bylaw 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.

12-11-4. Fine. Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine of \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

12-12. Burden of Proof.

12-12-1. Preponderance of Evidence. The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

12-13. Appeals.

12-13-1. Certiorari Appeal. A decision of the Commission shall be reviewable in the Superior Court in accordance with G.L. Ch. 249 §4.

12-14. Relation to the Wetlands Protection Act.

12-14-1. Home Rule Authority. This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations (310 CMR 10.00) thereunder.

12-15. Severability.

12-15-1. Invalidity. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

or to take any other action relative thereto.

[Requested by the Conservation Commission]

FINANCE COMMITTEE HAS NO RECOMMENDATION

CONSERVATION COMMISSION RECOMMENDS: 4-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

BOARD OF HEALTH RECOMMENDS: 5-0-0

John Bennett moved that the Town vote to amend the General By-laws, by deleting Article 12, Wetlands By-law, in its entirety and by replacing it with a new Article 12, Wetlands Protection By-law, to read as printed in the warrant, with the following change: the word “Confirmation” appearing in the heading to Section 12-5-3 is changed to “Continuation”.

Robert O’Malley moved to indefinitely postpone Article 30.

Indefinitely Postpone Defeated Favor: 79 Oppose: 95

Motion Carried as Moved.

Article 31. *Convey 30 Creek Road Property for Affordable Housing.* To see if the Town will vote to authorize the Board of Selectmen to convey a certain parcel of real estate known as 30 Creek Road (Assessor’s Map: 06-3-004), lot area 21,334 square feet, Residential Class W zone, for the sum of one dollar, to the Provincetown Housing Authority for construction of affordable housing, and further provided that the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effect such transfer of ownership; and further to raise and appropriate the sum of \$55,000 to be expended under the direction of the Director of Public Works for drainage improvements

on said property, and costs related thereto; or take any other action relative thereto.

[Requested by the Housing Partnership, Provincetown Housing Authority, and Board of Selectmen]

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

HOUSING AUTHORITY RECOMMENDS: 4-0-0

HOUSING PARTNERSHIP RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to accept the provisions of MGL Chapter 40, section 15A and approve Article 31 as printed in the warrant.

David Atkinson moved to amend Article 31 by deleting 4 words and adding 3 words by deleting “the Provincetown Housing Authority” and add “Habitat for Humanity”.

Amendment Defeated.

Motion Carried as Moved.

Article 32. *Designate Clothing Optional Beach.* To see if the Town will vote to designate the west end of the Town-owned Spaghetti Strip as Provincetown's Clothing Optional Beach; or take any other action relative thereto.

[Requested by David Atkinson and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

David Atkinson moved that the Town vote to designate the west end of the Town-owned Spaghetti Strip as Provincetown's Clothing Optional Beach. The Global Positioning System boundary coordinates on the beach bluff are: (401680, 4659475) and 401693, 4659472) for the mean high tide they are (401652, 4659541) and (4011665, 4659540).

Motion Carried.

Article 33. *Abandon a Portion of Collier Street (Town Article).* To see if the Town will vote to discontinue and abandon as a Public Way and authorize the Board of Selectmen to convey to the abutters thereto the fee ownership in a portion of a town way sometimes known as Collier Street, which bisects the property known as 28-32 Standish Street (Assessor's Map 12-1-058, Residential Class W zone), which way was laid out and taken by vote of the Annual Town Meeting of February 10, 1890, said portion of the town way being an unworked and/or unimproved way thirty-five (35) feet wide beginning on the westerly sideline of Standish Street and running in a southwesterly direction a distance of approximately seventy-five (75) feet to the easterly sideline of Alden Street, for the sum of \$22,815.42, said sum being the present value of the \$450 compensation made to the abutters by the Town in 1890, said sum to be deposited in the Affordable Housing Trust Fund; or to take any action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 3-1-1

BOARD OF SELECTMEN RECOMMENDS: 3-2-0

BOARD OF ASSESSORS RECOMMENDS: 4-0-0

Jack Kosko moved that the Town vote to approve Article 33 as printed in the warrant.

Motion Defeated.

Article 34. *Abandon A Portion of Collier Street (Petitioned Article).* To see if the Town will vote to discontinue and abandon, as a Public Way, and release to the abutters thereto the fee ownership in a portion of a town way sometimes known as Collier Street, which traverses the land in Provincetown now owned by Theodore Rodes, Jr. and Marilyn Mervar Rodes which way was laid out and taken by vote of the Annual Town Meeting February 10, 1890, said portion of the town way being an unworked and/or unimproved way thirty five (35') feet wide beginning on the westerly sideline of Standish Street and running in a southwesterly direction a distance of approximately seventy five (75') to the easterly sidelines of Alden Street; or take any other action relative thereto.

[Requested by Mary-Jo Avellar and others]

FINANCE COMMITTEE RESERVES RECOMMENDATION

BOARD OF SELECTMEN RESERVES RECOMMENDATION

Mary Jo Avellar moved that the Town vote to approve Article 34 as printed in the warrant.

Motion Carried.

Article 35. *Maintenance and Improvement of Land Bank Property.* To see if the Town will vote, pursuant to section 5 of Chapter 293 of the Acts of 1998, to transfer from the Land Bank Fund the sum of \$11,713, representing three percent (3%) of Provincetown's FY 2002 Land Bank proceeds under Sections 6 and 8 of said Chapter 293, to be expended under the direction of the Director of Public Works for maintenance and improvement of property purchased with Land Bank funds; or take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote, pursuant to section 5 of Chapter 293 of the Acts of 1998, to transfer from the Land Bank Fund the sum of \$11,713, representing three percent (3%) of Provincetown's FY 2002 Land Bank proceeds under Sections 6 and 8 of said Chapter 293, to be expended under the direction of the Director of Public Works for maintenance and improvement of property purchased with Land Bank funds.

Motion Carried.

Article 36. *Land Bank Proceeds for Affordable Housing Trust Fund.* To see if the Town will vote, pursuant to Chapter 43 of the Acts of 2000, to transfer from the Land Bank Fund the sum of \$26,029, representing ten percent (10%) of Provincetown's FY 2002 Land Bank proceeds under Section 6 of Chapter 293 of the Acts of 1998, to be expended for affordable housing purposes, said sum to be deposited in the Affordable Housing Trust Fund upon enactment of the home rule petition passed by Article 6 of the April 2, 2001 Special Town Meeting; or to take any other action relative thereto.

[Requested by the Town Manager, Board of Selectmen, and Provincetown Housing Partnership]

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

HOUSING AUTHORITY RECOMMENDS: 4-0-0

HOUSING PARTNERSHIP RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved article 36 as printed in the warrant.

Motion Carried.

Article 37. Annual Payment on Land Bank Borrowings. To see if the Town will vote to appropriate from the Land Bank Fund the sum of \$203,000 as interim principal and interest payments on the purchase of the Shankpainter Pond Uplands property authorized by Article 71 of the April 5, 1999 Annual Town Meeting, and of the Locke/Bohm Heights property authorized by Article 19 of the April 3, 2001 Annual Town Meeting; or to take any other action relative thereto.

[Requested by the Town Manager and Board of Selectmen]

FINANCE COMMITTEE RECOMMENDS: 8-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved Article 37 as printed in the warrant.

Motion Carried.

Article 38. FY 2002 Human Services Grant Program. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$42,610 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:

Cape Cod Human Services.....	\$1,000
Consumer Assistance Council.....	250
Elder Services of Cape Cod & Islands.....	250
Gosnold	13,000
H.O.W./Helping Our Women.....	4,000

Independence House, Inc.....	4,310
Interfaith Council for the Homeless.....	1,200
Legal Services for Cod Cape & Islands.....	4,000
Lower Cape Outreach Council, Inc.....	3,000
Mass A-Peal.....	400
Outer Cape Community Mediation Service.....	2,300
Provincetown AIDS Support Group.....	6,000
Sight Loss Services, Inc.....	400
Soup Kitchen in Provincetown.....	2,500

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

HUMAN SERVICES COMMITTEE RECOMMENDS:

Keith A. Bergman moved that the Town vote to raise and appropriate the sum of \$42,610 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 Carried.

Article 39. Provincetown Youth Hockey. To see if the Town will vote to raise and appropriate or transfer from available funds the sum

of \$3,000 for the support of the Provincetown Youth hockey program; said funds to be administered by the Provincetown Recreation Director; or take any other action relative thereto.

[Requested by Alex Perry and others]

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 2-2-0

Alex Perry moved that the Town vote to raise and appropriate the sum of \$3,000 for the support of the Provincetown Youth hockey program said funds to be administered by the Provincetown Recreation Director.

Motion Carried.

Article 40. *Pavement Texturing Pilot Project.* To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$12,000 to be expended under the direction of the Director of Public Works Move for a pilot project for pavement texturing (fake brick) of cross walks at the intersection of Winslow and Bradford Streets; across Bradford Street between Town Hall and the Bas Relief; and at the intersections of Standish and Bradford Streets; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE DOES NOT RECOMMEND: 8-0-0

Elizabeth Steele-Jeffers moved to indefinitely postpone.

Motion Carried to Indefinitely Postpone.

Article 41. *Study Undergrounding Overhead Wires.* To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$38,000 to be expended under the direction of the Town Manager to fund the conceptual and detailed

engineering studies needed to determine the engineering and construction requirements and provide a cost estimate to underground the utility wiring in a four block section of Commercial Street from Center Street to Gosnold Street; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE DOES NOT RECOMMEND: 7-1-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$38,000 to be expended under the direction of the Town Manager to fund the conceptual and detailed engineering studies needed to determine the engineering and construction requirements and provide a cost estimate to underground the utility wiring in a four block section of Commercial Street from Center Street to Gosnold Street.

Motion Defeated.

Article 42. Transfer Station Swap Shop. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of \$52,900 to be expended under the direction of the Director of Public Works for construction of a swap shop at the transfer station site, and costs related thereto; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-2-0

BOARD OF SELECTMEN RESERVES RECOMMENDATION

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$27,000 to be expended under the direction of

the Director of Public Works for construction of a swap shop at the transfer station site, and costs related thereto.

Motion Carried.

Article 43. *Use of Parking Funds to Reduce the Tax Rate.* To see if the Town will vote to transfer a sum of money from Parking Funds to reduce the Fiscal Year 2002 property tax levy, as provided by Chapter 790 of the Acts of 1981, or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS \$1,325,000: 8-0-0

BOARD OF SELECTMEN RESERVES RECOMMENDATION

Elizabeth Steele-Jeffers moved that the Town vote to transfer the sum of \$1,325,000 from Parking Funds to reduce the Fiscal Year 2002 property tax levy, as provided by Chapter 790 of the Acts of 1981.

Motion Carried.

Adjourn 10 pm

Adjourn.