

ANNUAL TOWN MEETING

WEDNESDAY, APRIL 4, 2007 AT 6:00 P.M.

Town Moderator Mary-Jo Avellar convened Town Meeting at 6:00 p.m. on April 4, 2007 in the Town Hall Auditorium and moved to hold the Special Town Meeting first.

Motion Passed.

Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 7:14 p.m. on Monday, April 9, 2007.

Preliminary motions:

Cheryl Andrews moved that the Town vote to waive the reading of the warrant. **Motion Passed.**

Cheryl Andrews moved that the Town vote to grant permission to speak at the April 4, 2007 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Alexandra Heilala, *Town Accountant*; Beau Jackett, *Information Systems Director*; Michelle Jarusiewicz, *Acting Assistant Town Manager*; Matthias Mulvey, *Interim Building Commissioner*; Maxine Notaro, *Permit Coordinator*; Dr. Floriano Pavao, *PHS Principal*; Warren D. Tobias, *Acting Chief of Police*; James Veara, *Attorney*; and Betty White, *Administrative Assistant for Business and Finance, School Department*. **Motion Passed.**

Cheryl Andrews moved that on all matters to come before the April 4, 2007 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters. **Motion Passed.**

Article 1. To Hear Town Reports. To see if the Town will vote to hear the reports of the Town Officials and Committees and to act thereon.

[Requested by the Board of Selectmen]

Cheryl Andrews moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon. **Motion Passed.**

Article 2. FY 2008 Operating Budget. To see to if the Town will vote to raise and appropriate or transfer from available funds the sum of \$18,705,911 to fund operating budgets for the several Town departments for Fiscal Year 2008 in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2007	FY 2008	% '07-'08
<i>I. General Government</i>	\$1,123,525	\$1,167,934	+4.0%
<i>II. Finance</i>	6,541,802	6,831,676	+4.4%
<i>III. Public Safety</i>	3,159,386	3,496,446	+10.7%
<i>IV. Public Works</i>	2,101,620	2,493,666	+18.7%
<i>V. Public Services</i>	752,541	861,524	+14.5%
Sub-total, I-V	\$13,678,875	\$14,851,246	+8.6%
<i>VI. Public Schools</i>	4,293,893	3,854,666	-10.2%
Total, I-VI	\$17,972,768	\$18,705,911	+4.1%

or to take any other action relative thereto.

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

Article 2. FY 2008 Municipal Operating Budget.

Division I. General Government.

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

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$795,312, and transfer from the Land Bank fund the sum of \$372,622, for a total of \$1,167,934, to fund operating budgets for the several Town departments for Fiscal Year 2008 under budget Division I, General Government, as requested by the Board of Selectmen and recommended by the Finance Committee. **Motion Passed.**

Article 2. FY 2008 Municipal Operating Budget.

Division II. Finance

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

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$6,401,343 and transfer from Reserve from Sale of Town Property the sum of \$283,333, for a total of \$6,684,676 to fund operating budgets for the several Town departments for Fiscal Year 2008 under budget Division II, Finance, as requested by the Board of Selectmen and recommended by the Finance Committee. **Motion Passed.**

Article 2. FY 2008 Municipal Operating Budget.

Division III. Public Safety

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

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$3,426,446, and transfer from the Municipal Waterways Improvement and Maintenance Fund the sum of \$70,000, for a total of \$3,496,446, to fund operating budgets for the several Town departments for Fiscal Year 2008 under budget Division III, Public Safety, as requested by the Board of Selectmen and recommended by the Finance Committee. **Motion Passed.**

*Article 2. FY 2008 Municipal Operating Budget.
Division IV. Public Works*

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

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$2,493,666 to fund operating budgets for the several Town departments for Fiscal Year 2008 under budget Division IV, Public Works, as requested by the Board of Selectmen and recommended by the Finance Committee. **Motion Passed.**

*Article 2. FY 2008 Municipal Operating Budget.
Division V. Public Services*

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

Cheryl Andrews moved the Town vote to raise and appropriate the sum of \$861,524 to fund operating budgets for the several Town departments for Fiscal Year 2008 under budget Division V, Public Services, as requested by the Board of Selectmen and recommended by the Finance Committee. **Motion Passed.**

*Article 2. FY 2008 Municipal Operating Budget.
Division VI. Public Schools*
Motion One

SCHOOL COMMITTEE RECOMMENDS: 5-0-0
FINANCE COMMITTEE RECOMMENDS: 7-0-0

Terese Nelson moved that the Town vote to raise and appropriate the sum of \$3,652,340 to fund the Provincetown Public School System Budget for Fiscal Year 2008. **Motion Passed.**

*Article 2. FY 2008 Municipal Operating Budget.
Division VI. Public Schools*
Motion Two

BOARD OF SELECTMEN RECOMMENDS: 3-0-0
FINANCE COMMITTEE RECOMMENDS: 7-0-0

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$202,326 for its assessment for Cape Cod Technical Regional High School for FY 2008. **Motion Passed.**

Article 3. Resolution: Provincetown Schools Pre-K to Grade 12. To see if the Town will vote to approve a resolution concerning the Provincetown Public Schools Pre-K to Grade 12 status as follows: Whereas: It is recognized that the configuration of the Provincetown Public Schools is within the control of the Provincetown School Committee, but whereas the Town and its citizens also recognize that the school system is a crucial and integral component of the viability of the community, therefore the Provincetown School Committee moves that the Town vote to affirm its desire that the Provincetown Public Schools remain open and continue functioning as a Pre-K to Grade 12 system; or to take any other action relative thereto.

[Requested by the School Committee]

SCHOOL COMMITTEE RECOMMENDS: 4-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Terese Nelson moved that the Town vote to approve a resolution concerning the Provincetown Public Schools Pre-K to Grade 12 status as follows: Whereas: It is recognized that the configuration of the Provincetown Public Schools is within the control of the Provincetown School Committee, but whereas the Town and its citizens also recognize that the school system is a crucial and integral component of the viability of the community, therefore the Provincetown School Committee moves that the Town vote to affirm its desire that the Provincetown Public Schools remain open and continue functioning as a Pre-K to Grade 12 system.

Motion Passed.

Article 4. FY 2008 Cape Cod Regional Technical High School Assessment. To see to if the Town will vote to accept the provisions of MGL C.71, §16B, which would reallocate the sum of the member towns' contribution to the Cape Cod Regional Technical High School District for FY 2008 in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

Cheryl Andrews moved that the Town vote to accept the provisions of MGL C.71, §16B, which would reallocate the sum of the member towns' contribution to the Cape Cod Regional Technical High School District for FY 2008 in accordance with the Regional Agreement rather than the Education Reform Formula, so-called.

Motion Passed.

Article 5. FY 2008 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 2008:

440 Wastewater Enterprise Fund	FY 2007	FY 2008	07-08 %
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Enterprise Fund Costs	\$2,291,570	\$2,759,511	
General Fund Costs	<u>285,600</u>	<u>285,600</u>	
TOTAL COSTS	\$2,577,170	\$3,045,111	18.16%
450 Water Enterprise Fund	<i>FY 2007</i>	<i>FY 2008</i>	07-08 %
Enterprise Fund Costs	\$1,827,567	\$1,749,769	
General Fund Costs	<u>285,600</u>	<u>285,600</u>	
TOTAL COSTS	\$2,113,167	\$2,035,369	-3.68%

or to take any other action relative thereto.

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

Article 5. FY 2008 Enterprise Funds.

1. 440 Wastewater Enterprise Fund.

BOARD OF SELECTMEN RECOMMENDS: 3-0-0
FINANCE COMMITTEE RECOMMENDS: 5-0-0

Cheryl Andrews moved that the Town vote that \$3,045,111 be appropriated to operate the Wastewater Enterprise Fund, \$2,759,511 to come from Wastewater Enterprise Fund revenues and fund balance, and further, \$285,600 to be appropriated in the general fund and funded from Wastewater Enterprise revenues. **Motion Passed.**

Article 5. FY 2008 Enterprise Funds.

2. 450 Water Enterprise Fund.

BOARD OF SELECTMEN RECOMMENDS: 3-0-0
FINANCE COMMITTEE RECOMMENDS: 5-0-0

Cheryl Andrews moved that the Town vote that \$2,035,369 be appropriated to operate the Water Enterprise Fund, for \$1,749,769 to come from Water Enterprise Fund revenues and fund balance, and further, \$285,600 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 6. FY 2008 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 2008 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows:

- 1. Police Fleet Replacement Program:* \$55,000 to be expended under the direction of the Town Manager and the Chief of Police for two police cruisers, and costs related thereto;
- 2. Parking Department Equipment:* \$33,400 to be expended under the direction of the Town Manager and the Chief of Police for parking lot fee computers and ticket spitters for the Parking Department, and costs related thereto;
- 3. Community Center Alarm:* \$9,500 to be expended under the direction of the Town Manager and the Director of Public Works for an alarm system for the Community Center, and costs related thereto;

4. DPW Fleet Replacement Plan: \$182,500 to be expended under the direction of the Town Manager and the Director of Public Works for a replacement yard packer and dump truck, and costs related thereto;
5. DPW Street Sidewalk Maintenance: \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance of streets and sidewalks, and costs related thereto;
6. DPW Hydraulic Sander: \$18,000 to be expended under the direction of the Town Manager and the Director of Public Works for a hydraulic sander for the Department of Public Works, and costs related thereto;
7. DPW Sign Machine: \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for sign machine for the Department of Public Works, and costs related thereto;
8. DPW Transfer Station Equipment: \$60,000 to be expended under the direction of the Town Manager and the Director of Public Works for transfer station equipment, and costs related thereto;
9. Stormwater Master Plan Improvements: \$150,000 to be expended under the direction of the Town Manager and the Director of Public Works for stormwater master plan improvements, and costs related thereto;
10. DEP Water Management Permit/New Source Development: \$250,000 to be expended under the direction of the Town Manager and the Director of Public Works for DEP Water Management Act permitting and new source development, and for costs incidental and related thereto;
11. DPW Water - North Truro Air Force Base Wells Upgrade: \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for upgrading the wells at the former North Truro Air Force Base, and for costs incidental and related thereto; or to take any other action relative thereto.

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

Article 6. FY 2008 Capital Improvements Program.

1. Police Fleet Replacement Program:

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

Borrowing – 2/3's vote required

Michele Couture moved that the Town vote to appropriate and borrow the sum of \$55,000 to be expended under the direction of the Town Manager and the Chief of Police for two police cruisers, 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 Passed. (2/3rd's Vote Declared)

Article 6. FY 2008 Capital Improvements Program.

2. Parking Department Equipment

BOARD OF SELECTMEN RECOMMENDS: 3-0-0
FINANCE COMMITTEE RECOMMENDS: 5-0-0

Borrowing – 2/3's vote required

Michele Couture moved that the Town vote to appropriate and borrow the sum of \$33,400 to be expended under the direction of the Town Manager and the Chief of Police for parking lot fee computers and ticket spitters for the Parking Department, 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 Passed. (2/3rd's Vote Declared)**

Article 6. FY 2008 Capital Improvements Program.

3. Community Center Alarm

BOARD OF SELECTMEN RECOMMENDS: 3-0-0
FINANCE COMMITTEE RECOMMENDS: 5-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$9,500 to be expended under the direction of the Town Manager and the Director of Public Works for an alarm system for the Community Center, and costs related thereto. **Motion Passed.**

Article 6. FY 2008 Capital Improvements Program.

4. DPW Fleet Replacement Program:

BOARD OF SELECTMEN RECOMMENDS: 3-0-0
FINANCE COMMITTEE RECOMMENDS: 5-0-0

Borrowing – 2/3's vote required

Michele Couture moved that the Town vote to appropriate and borrow the sum of \$182,500 to be expended under the direction of the Town Manager and the Director of Public Works for a replacement yard packer and dump truck, 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 Passed. (2/3rd's Vote Declared)**

Article 6. FY 2008 Capital Improvements Program.

5. DPW Street Sidewalk Maintenance

BOARD OF SELECTMEN RECOMMENDS: 3-0-0
FINANCE COMMITTEE RECOMMENDS: 5-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance of streets and sidewalks, and costs related thereto. **Motion Passed.**

Article 6. FY 2008 Capital Improvements Program.

6. DPW Hydraulic Sander:

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$18,000 to be expended under the direction of the Town Manager and the Director of Public Works for a hydraulic sander for the Department of Public Works, and costs related thereto. **Motion Passed.**

Article 6. FY 2008 Capital Improvements Program.

7. DPW Sign Machine

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$20,000 to be expended under the direction of the Town Manager and the Director of Public Works for sign machine for the Department of Public Works. **Motion Passed.**

Article 6. FY 2008 Capital Improvements Program.

8. DPW Transfer Station Equipment

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

Borrowing – 2/3's vote required

Michele Couture moved that the Town vote to appropriate and borrow the sum of \$60,000 to be expended under the direction of the Town Manager and the Director of Public Works for transfer station equipment, 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 Passed. (2/3rd's Vote Declared)**

Article 6. FY 2008 Capital Improvements Program.

9. Stormwater Master Plan Improvements:

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

Borrowing – 2/3's vote required

Michele Couture moved that the Town vote to appropriate and borrow the sum of \$150,000 to be expended under the direction of the Town Manager and the Director of Public Works for stormwater master plan improvements, and costs related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1), of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion Passed. (2/3rd's Vote Declared)**

Article 6. FY 2008 Capital Improvements Program.

10. DEP Water Management Permit/New Source Development:

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

Borrowing – 2/3's vote required

Michele Couture moved that the Town vote to appropriate and borrow the sum of \$250,000 to be expended under the direction of the Town Manager and the Director of Public Works for DEP Water Management Act permitting and new source development, and for costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion Passed. (2/3rd's Vote Declared)**

Article 6. FY 2008 Capital Improvements Program.

11. DPW Water - North Truro Air Force Base Wells Upgrade

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

Borrowing – 2/3's vote required

Michele Couture moved 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 upgrading the wells at the former North Truro Air Force Base, and for costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion Passed. (2/3rd's Vote Declared)**

Article 7. FY 2008 Revolving Accounts. To see if the Town will vote to continue for FY 2008 the following revolving accounts established pursuant to MGL C.44, §53E½:

(1) Preservation of Town Hall Auditorium: to allow receipts from the rental and custodial fees charged for the public use of Town Hall Auditorium to be segregated into a special account; and with funds therefrom, up to a limit of \$20,000 annually, to be expended for the repair, updating and refurbishing of the Town Hall Auditorium under the direction of the Town Manager and Board of Selectmen;

(2) Shellfish Grants: to allow receipts from Shellfish Grants to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Board of Selectmen for the purpose of shellfish seeding, cultivation on public shellfish areas;

or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

Richard Olson moved that the Town vote to continue for FY 2008 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 8. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$938.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury, or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

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

Article 9. Community Preservation Budget for FY 2008. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2008 Community Preservation Budget, to appropriate or reserve from FY 2008 Community Preservation Fund annual revenues the following amounts totaling \$562,488, as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves:

A. \$241,437 for Community Housing;

B. \$26,730 for Historic Resources;

2. Appropriations:

A. \$83,201 for open space debt service from open space funds and open space reserve;

B. \$28,000 for community housing debt service from community housing funds;

- C. \$17,635 of historic resources funds to create a secure, climate controlled archive storage area in the Provincetown Library basement for the Heritage collection;
- D. \$20,000 of historic resources funds to restore the historic clock on Provincetown Town Hall;
- E. \$145,485 of community housing funds for the Provincetown Housing Office.

3. Borrowing

- A. \$732,000 for twelve (12) community housing units proposed for 6 Sandy Hill Lane;
- B. to reduce from \$1,900,000 to \$900,000 the total amount authorized to be borrowed under Article 2 of the April 4, 2005 Special Town Meeting for the Cape End Manor Care Campus Site, so-called, in accordance with the land exchange between the Town of Provincetown, the New England Deaconess Association, and the Bishop of Fall River effected on December 18, 2006;

or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS Article 9, Sections 1, 2, & 3B: 6-0-0

HOUSING AUTHORITY RECOMMENDS: 4-0-1

LOCAL HOUSING PARTNERSHIP RECOMMENDS: 4-0-0

FINANCE COMMITTEE DOES NOT RECOMMEND Article 9, Section 3A: 7-0-0

Borrowing – 2/3's vote required

Elaine Anderson moved that the Town vote to approve Article 9, Section 1, Reserves as printed in the warrant.

Motion Passed.

Elaine Anderson moved that the Town vote to approve Article 9, Section 2, Appropriations, as printed in the warrant.

Greg Howe moved to divide Article 9, section 2 and vote each item a through e separately. Motion Passed.

Article 9, Section 2A: *To appropriate \$83,201 for Open Space Debt Service*

Motion Passed

Article 9, Section 2B: *To appropriate \$28,000 for Community Housing Debt Service*

Motion Passed

Article 9, Section 2C: *To appropriate \$17,635 for Archive Storage Area*

Motion Passed

Article 9, Section 2D: *To appropriate \$20,000 for Town Hall clock Restoration*

Motion Passed

Article 9, Section 2E: *To appropriate \$145,485 for Community Housing Office Funding*

Alix Ritchie moved to amend Article 9, section 2E to \$50,000.

Motion Passed.

Motion As Amended Passed.

Elaine Anderson moved that the Town vote to approve Article 9, Section 3A, by appropriate and borrow the sum of \$732,000 for twelve (12) community housing units proposed for 6 Sandy Hill Lane; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44B and pursuant to G.L. Chapter 44 Section 7 (3) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.
Motion Passed. (For: 121 Against: 43 2/3rd's Vote Declared - 108 needed to pass)

**10:35 pm Motion to adjourn until tomorrow, April 10, 2007 at 6:00 p.m.
 Motion Passed.**

Town Moderator Mary-Jo Avellar called the meeting to order at 6:00 p.m. on Tuesday, April 10, 2007.

Marcene Marcoux moved to reconsider Article 9, Section 3A (signatures of 18 voters submitted).
Motion to Reconsider Does Not Pass.

Elaine Anderson moved that the Town vote to approve Article 9, Section 3B, as printed in the warrant.
Motion Passed.

Article 10. Amendments to Personnel By-law/Classification and Compensation Plan. To see if the Town will vote as follows:

1. **Schedule A:** to amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, effective July 1, 2007, as follows:

Grade	Actual FY 2006		Proposed FY 2008		Position Title
	Minimum	Maximum	Minimum	Maximum	
21	86,672	101,444	91,006	106,517	Town Manager [<i>exempt – MGL C.41, §108N</i>]
20	73,451	88,016	77,124	92,417	Chief of Police [<i>exempt – MGL C.41, §108O</i>] Director of Public Works
19	69,623	83,429	73,105	87,601	<i>no positions assigned</i>
18	65,993	79,080	69,293	83,034	<i>no positions assigned</i>
17	62,552	72,493	65,680	76,118	Director of Municipal Finance Police Staff Sergeant
16	59,291	71,050	62,256	74,602	<i>no positions assigned</i>
15	56,200	65,132	59,009	68,388	Assistant Town Manager Building Commissioner Deputy Director of Public Works
14	53,019	63,533	55,670	66,710	Health Agent
13	50,019	57,968	52,520	60,866	Health Inspector/Conservation Agent
12	47,188	56,545	49,547	59,372	Human Services/Council on Aging Director Information Services Director Library Director Principal Assessor Town Accountant

11	44,940	53,851	47,187	56,543	Collector Treasurer
10	42,800	51,288	44,940	53,852	Deputy Town Accountant DPW Finance Coordinator Recreation Director
9	40,762	48,844	42,800	51,287	Local Building Inspector Parking Administrator Administrative Director of Tourism Town Clerk
8	38,454	46,080	40,377	48,384	COA Outreach Coordinator Library Operations Director Permit Coordinator Town Manager's Secretary/Employee Benefits Coordinator
7	36,279	43,472	38,093	45,646	Electrical/Deputy Building Inspector Licensing Agent
6	35,251	42,242	37,013	44,354	Secretary to the Board of Selectmen Secretary to the Chief of Police

And to raise and appropriate the sum of \$76,841 to fund raises for FY 2008 for management employees in accordance with the performance appraisal system adopted pursuant to Section 4-1 of the Personnel By-law;

2. **Schedule B:** to amend Schedule B," "Fire Department Positions," effective July 1, 2007, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
Deputy Fire Chief	\$6,000	\$6,600
District Fire Chief/Engineer	2,000	2,200
Firefighter.....	615	715
Fire Auxiliary	325	360
Fire Captain (<i>additional stipend</i>)	450	500
Fire Lieutenant (<i>additional stipend</i>).....	275	305
House Steward (<i>additional stipend</i>).....	800	880
House Steward (<i>additional stipend</i>).....	1,000	1,100
Ladder Steward (<i>additional stipend</i>).....	1,160	1300
Main Station Steward (<i>additional stipend</i>) ...	4,800	
Oil Inspector.....	1,747	
Rescue Captain (<i>additional stipend</i>)	1,000	1,100
Rescue Lieutenant (<i>additional stipend</i>)	800	880
Rescue Steward (<i>additional stipend</i>).....	1,600	2,640
Rescue Training Officer (<i>additional stipend</i>)	1,500	1,650
Radio Officer (<i>additional stipend</i>)	500	550
Air Officer (<i>additional stipend</i>).....	800	880

Annual Salary

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
Fire Chief	\$22,500	25,000

Non-Firefighter Positions

<u>Position</u>	
First Responders	\$12.00 per call
EMT-Basic	17.50/hour 18.50
EMT-Intermediate	19.00 20.00
EMT-Paramedic.....	21.00 22.00
Stand-by	14.03
Safety Inspections	14.03
Rescue Squad participation	\$250.00 per quarter

3. **Schedule C:** to amend Schedule C, “Seasonal and Part-time Non-Union Positions,” effective July 1, 2007, as follows:

<i>Grade</i>	<i>Actual FY 2006</i>	<i>Proposed FY 2008</i>	<i>Proposed Position Classifications</i>
L	\$16.09	\$16.89	Parking Lot Technical Manager Property Inspector (Assessors)
K	15.63	16.41	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	15.18	15.94	Seasonal Recreation Swimming Instructor
I	14.88	15.63	Parking Meter Collection/Repair
H	14.46	15.18	Police Matron Police Summer Dispatcher
G	14.18	14.89	<i>No Positions Assigned</i>
F	13.77	14.46	Assistant Harbormaster w/o police powers Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement Secretary, On-call Relief Transfer Station Laborer
E	13.52	14.20	<i>No Positions Assigned</i>
D	13.13	13.78	Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	12.75	13.38	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	12.51	13.13	<i>No Positions Assigned</i>
A	12.27	12.88	Council on Aging Cook Parking Lot Attendant/In-booth Seasonal Recreation Aides

and to raise and appropriate the sum of \$39,708 for raises for positions contained on Schedule C for FY 2008; or to take any other action relative thereto.

[Requested by the Personnel Board and the Town Manager]

PERSONNEL BOARD RECOMMENDS: 4-0-0
BOARD OF SELECTMEN RECOMMENDS: 3-0-0
FINANCE COMMITTEE RECOMMENDS: 6-0-0

Keith Bergman moved that the Town vote to approve Article 10 as printed in the warrant.

Clarence Walker moved to amend the motion by deleting grades 19, 18, and 16 in Schedule A.

Motion to Amend Does Not Pass.

Motion Passed.

Article 11. *Repairs to Former Fire House No. 2, 189 Commercial Street.* To see if the Town will vote to appropriate and borrow the sum of \$500,000 for repairs to former Fire House No. 2, 189 Commercial Street, with said borrowing authority contingent upon the voters approval of a Proposition 2½ override ballot question, in accordance with the provisions of MGL C. 59, §21C(m); and that to meet this appropriation, 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; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

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

FINANCE COMMITTEE RECOMMENDS: 6-0-0

HISTORICAL COMMISSION RECOMMENDS: 5-0-0

Borrowing – 2/3’s vote required

[Richard Olson moved that the Town vote to approve Article 11 as printed in the warrant.](#)

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

Article 12. *Disposition of Former Fire House No. 2 - Fourth Town Landing.* To see if the Town will vote to accept the alteration of the layout of the Fourth Landing as shown on the plan on file with the Town Clerk and to transfer the care, custody, management and control of the entire Fourth Landing from the Board of Selectmen for the purpose of a town landing to the Board of Selectmen for the purposes of a town landing and for conveyance, and to authorize the Board of Selectmen to convey the portion of the Fourth Landing that is approximately shown on said plan as “Fire Station No. 2” and contain 2,028 square feet, more or less, together with easement for access and utilities over the remaining portion of the Fourth Landing for the benefit of the Fire Station No. 2, on such terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate, provided that the conveyance will include covenants requiring rehabilitation of former Fire House No. 2, such covenants to be prepared by the Board of Selectmen in consultation with the Provincetown Historical Commission; and to authorize the Board of Selectmen to petition the General Court for a special act as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

An Act Relative to Non-Applicability of Certain Provisions of the Zoning Act and Bylaw and Subdivision Control Act and Regulations to Firehouse #2 in Provincetown

SECTION ONE. Notwithstanding the provisions of sections 81K through 81GG of general laws chapter 41 and the regulations adopted thereunder by the Provincetown Planning Board, the Barnstable County Registry of Deeds shall accept for filing or recording a plan prepared by a licensed surveyor that divides the area known as the fourth

town landing, shown on Provincetown assessors map 11, block 1 as lot 009 and 009A, into a lot containing 2,028 square feet, more or less, to contain the building known as Firehouse No. 2 (defined herein as the “Firehouse Lot”), and a parcel containing 5,731 square feet, more or less, to be retained by the town of Provincetown as a town landing (defined herein as the “Altered Landing”), whether or not such plan is endorsed “subdivision approval not required” by the Provincetown Planning Board.

SECTION TWO. Notwithstanding the provisions of chapter 40A of the general laws or of any zoning bylaw enacted thereunder by the town of Provincetown, the building located upon the Firehouse Lot and known as Firehouse No. 2 may be structurally changed or altered, but not extended, subject to such approvals as may be required from the Provincetown Historical Commission, the Provincetown Historic District Commission, or Massachusetts Historical Commission, to provide for its use as a single-family residence or any other use permitted now or hereafter within the district in which said building is located, notwithstanding that the Firehouse Lot may not comply with the area, frontage, width and depth requirements of the Provincetown zoning bylaw and notwithstanding that said building may not comply with the yard, lot coverage or other dimensional requirements of the Provincetown zoning bylaw, and after being so structurally changed or altered, said building shall enjoy the exemption provided under the first sentence of section 6 of said chapter 40A as to further alteration, reconstruction, extension or structural change of single or two-family residential structures that do not increase the nonconforming nature of said structure.

SECTION THREE. The town of Provincetown may transfer the care, custody, management and control of the Firehouse Lot from the board of selectmen for the purpose of a public landing to the board of selectmen for the purpose of conveyance and may convey the fee or any lesser interest in said Lot, and may convey an easement for access and utilities appurtenant to said Lot over the Altered Landing, said transfer and conveyance being hereby approved under Article 97 of the Amendments to the Massachusetts Constitution.

SECTION FOUR. This act shall take effect upon its passage.
or take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 2-1-0

FINANCE COMMITTEE RECOMMENDS *if STM-11 does not pass*: 5-1-0

COMMUNITY PRESERVATION COMMITTEE DOES NOT RECOMMEND: 5-0-0

Disposition of Land – 2/3’s vote required

[Cheryl Andrews moved to indefinitely postpone Article 12.](#)

Motion Passed.

Article 13. *Grant of Easements in Town Lands on South Hollow Road in Truro.* To see if the Town will vote to authorize the Board of Selectmen to grant to the Truro Board of Health and the owners of the lands at 10 and 12 South Hollow Road, respectively, for such consideration as the Selectmen may deem appropriate, Title 5 covenants and nonexclusive easements to provide for construction, use and maintenance of a septic system serving single-

family residences located at 10 and 12 South Hollow Road, in those lands on South Hollow Road in the Town of Truro known as Lot 176 on Truro Assessors' Map 39, and more fully described in an Order of Taking recorded with the Barnstable Registry of Deeds in Book 848, Page 41, or to take any other action relative thereto.

[Requested by the Water & Sewer Board and the Town Manager]

WATER & SEWER BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Disposition of Land - 2/3rds vote required

Keith Bergman moved that the Town vote to approve Article 13 as printed in the warrant.
Motion Passed. (2/3rd's Vote Declared)

Article 14. *Rename Abandoned Railroad Right-of-Way as "Old Colony Nature Pathway."* To see if the Town will vote to rename as the "Old Colony Nature Pathway" that portion of the abandoned railroad right-of-way beginning at Howland Street proceeding to the Truro town line, consisting of 24.44 acres, which was established as park, recreation, and conservation land by vote under Article 1 of the November 6, 1995 Special Town Meeting, or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

CONSERVATION COMMISSION RECOMMENDS: 3-0-0

OPEN SPACE COMMITTEE RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Michele Couture moved that the Town vote to approve Article 14 as printed in the warrant.
Motion Passed.

Article 15. *Formalize Access to the Property Known as 320 Rear Bradford Street.* To see if the Town will vote to transfer from the Board of Selectmen for park, and recreation and conservation purposes to the Board of Selectmen for such purposes and also for the purpose of granting an easement and will authorize the Board of Selectmen to seek the approval of each branch of the General Court for the transfer and grant of easement with respect to property acquired under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, namely a portion of the former railroad right-of-way running from Howland Street to the Truro Town line which was acquired by the Town of Provincetown under Article 41 of the Town Meeting held on March 13, 1967 and established as park, and recreation, and conservation land pursuant to Article 97 of the Constitution of the Commonwealth of Massachusetts under Article 1 of the Special Town Meeting held on November 6, 1995, and will authorize the Board of Selectmen for such consideration as the Selectmen may deem appropriate, to grant a permanent easement, solely for the purposes of access, to the owner of the property known as 320 Rear Bradford Street, running along the right-of-way from the property to Snail

Road, as shown on [the plan prepared by Slade Associates], and if necessary in order to obtain legislative approval under Article 97, to accept from the owners compensating property rights, or to take any other action relative thereto.

[Requested by Robena Malicoat and others]

BOARD OF SELECTMEN RECOMMENDS: 3-0-0
CONSERVATION COMMISSION RECOMMENDS: 3-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION

Disposition of Land - 2/3rds vote required

Robena Malicoat moved that the Town vote to transfer from the Board of Selectmen for park, and recreation and conservation purposes to the Board of Selectmen for such purposes and also for the purpose of granting an easement, the Board of Selectmen having made the determination that the portion of the abandoned railroad right-of-way referred to below is no longer required solely for park and recreation land, and to authorize the Board of Selectmen to seek the approval of each branch of the General Court for the transfer and grant of easement with respect to property acquired under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, namely a portion of the former railroad right-of-way running from Howland Street to the Truro Town line which was acquired by the Town of Provincetown under Article 41 of the Town Meeting held on March 13, 1967 and established as park, and recreation, and conservation land pursuant to Article 97 of the Constitution of the Commonwealth of Massachusetts under Article 1 of the Special Town Meeting held on November 6, 1995, and to authorize the Board of Selectmen, for such consideration as the Selectmen may deem appropriate, to grant a permanent easement, solely for the purposes of access, to the owner of the property known as 320 Rear Bradford Street, running from Snail Road to and across the northerly boundary of the parcel of land shown as “Parcel 1 Area = 1.34± Acres” on a plan of land entitled “Plan of Land in Provincetown as Surveyed for Philip C. Malicoat et ux,” dated November, 1972, prepared W.G. Slade Surveyor, recorded with the Barnstable County Registry of Deeds in Plan Book 263, Page 58, said easement terminating at the northwesterly corner of said Parcel 1, and if necessary in order to obtain legislative approval under Article 97, to accept from the owners compensating property rights. **Motion Passed. (2/3rds Vote Declared)**

Article 16. Zoning By-law Amendment: Section 2440 Permitted Principal Uses. To see if the Town will vote to amend the Provincetown Zoning By-laws, as follows, with changed text shown in **underlined, bold, italics** and deleted text shown as ~~strikethrough~~.

(1) Modify line B4f, B5 and B8 of Section 2440 Permitted Principal Uses so that it reads as follows:

2440 Permitted Principal Uses

		Residential			Commercial		Seashore	Public Use
		Res1	Res2	Res3 ResB	TCC	GC	S	
A.	Residential							
A1a	Single Family Dwelling							
	1. one per lot	YES	YES	YES	YES	YES	NO	NO
	2. two per lot (each separate structure)	NO	BA	YES	YES	YES	NO	NO

		Residential			Commercial		Seashore	Public Use
		Res1	Res2	Res3 ResB	TCC	GC	S	
	3. three or more (each separate structure)	NO	NO	YES ⁸	YES ⁸	YES ⁸	NO	NO
A1b	Two Family Dwelling							
	1. one per lot	NO	YES	YES	YES	YES	NO	NO
	2. two per lot	NO	NO	YES	YES	YES	NO	NO
	3. three or more per lot	NO	NO	YES ⁸	YES ⁸	YES ⁸	NO	NO
A2	Multi Family Dwelling	NO	NO	YES ⁸	YES ⁸	YES ⁸	NO	NO
A3	Boarding, lodging or tourist homes	NO	YES	YES	YES	YES	NO	NO
A4	Nursing Home	NO	BA	BA	BA	BA	NO	NO
A5	Manufactured home park or subdivision	NO	NO	NO	BA	BA	NO	NO
A6	Cluster Development	NO	NO	YES	YES	YES	NO	NO
A7	Dwelling, Accessory Apartment	BA	BA	BA	BA	BA		
B.	Business							
B1	Business or professional offices, banks	NO	NO	NO ¹	YES	YES	NO	NO
B2	Funeral Home	NO	NO	NO	YES	YES	NO	NO
B3	Hotel, motel or inn	NO ⁵	NO ⁵	YES ³	YES ²	YES ²	NO	NO
B4	Retail sales or service							
	a. neighborhood	BA	BA	BA	YES	YES	NO	NO
	b. art gallery	NO	NO	YES	YES	YES	NO	NO
	c. motor vehicles sales, rental or services ⁴	NO	NO	NO	BA	YES	NO	NO
	d. marine service, boat sales	NO	NO	NO	YES	YES	NO	NO
	e. package store	NO	NO	NO	BA	BA	NO	NO
	f. all other retail	NO	NO	<u>BA</u> ¹⁸	YES ¹⁷	YES ¹⁷	NO	NO
B5	Restaurant, bar	NO	NO	<u>BA</u> ¹⁸	BA ⁶	BA ⁶	NO	NO
B6	Rental storage	NO	NO	BA ²	BA ²	BA ²	NO	NO
B7	Parking lots	NO	BA ¹¹	BA ¹¹	BA ¹¹	BA ¹¹	NO	NO
B8	Fast Order Food Establishments (excluding those with seating for less than ten and which occupy no more than a total of 500 square feet.)	NO	NO	<u>BA</u> ¹⁸	BA ¹²	YES ¹³	NO	NO
B9	Adult Entertainment ¹⁷							
	a. Establishment which displays live nudity for its patrons	NO	NO	NO	YES	YES	NO	NO
	b. Other adult entertainment	NO	NO	NO	YES	YES	NO	NO
B10	Theater	BA	BA	BA	YES	YES	BA	BA
C.	Industrial							
C1	Seafood processing	NO	NO	NO	BA	BA	NO	NO
C2	Boat building, repair, overhaul							
	a. owner and one worker	BA	BA	YES	YES	YES	NO	NO
	b. more workers	NO	NO	BA	YES	YES	NO	NO
C3	On-shore boat storage							
	a. one or two boats	YES	YES	YES	YES	YES	YES	YES
	b. three or more boats	NO	NO	BA	YES	YES	NO	NO
C4	Oil, gas refining, processing pipelines	NO	NO	NO	NO	NO	NO	NO
C5	Earth removal	NO	NO	NO	NO	NO	NO	NO
C6	Solid waste processing, disposal	NO	NO	BA	BA	BA	BA	YES

1. Except "YES" in W-B for banks and for professional offices including real estate, insurance, and accounting, without stock in trade, with no more than one firm or 2,000 square feet per building and no more than one building per lot.
2. Except "NO" if serving alcoholic beverages and containing fewer than twenty guest units.
3. Except "BA" if serving alcoholic beverages and containing fewer than twenty guest units.
4. No moped rental in all zones. 1980 ATM Art. 87 amended.
5. Except "YES" if existing as of January 1, 1981. 1981 ATM amended.
6. No sale of food, drink, or other products to persons standing in the street, sidewalk, or parking areas at or about such establishment. Other outdoor service allowed only on Special Permit from the Board of Appeals. 1982 ATM amended.
7. See sec. 3, Ch. 40A, M.G.L.
8. Except "BA" if the total number of dwelling units on the lot exceeds six (6). Obtaining a Special Permit does not relieve the applicant from the obligation of complying with the Plan Review under Section 4160 nor any other applicable By-law provision.
9. Special Permit to be granted on a yearly basis only, and only after, a Public Hearing and approval of the Building Inspector and Fire Department each year; storage of toxic or hazardous materials (as determined by the Building Inspector, Fire Department and Massachusetts Division of Hazardous Waste under the provision of Chapter 21 M.G.L.) shall be cause for permanent revocation of Special Permit.
10. *Left blank.*
11. Special Permit to be granted only after a Public hearing and approval of the Building Inspector, the Fire Department and the Police Department.
12. After March 1, 1983, for any new construction, any substantial increase in intensity or use or any renovation of an existing structure to include the defined use, a Special Permit as specified in Sec. 5300 may be granted by the Board of Appeals: (a) only upon its written determination that the proposed fast food establishment does not create any adverse effect due to hazard or congestion especially including traffic impacts as determined by a traffic impact assessment prepared by the applicant according to Institute of Transportation Engineers guidelines regarding carrying capacity/level of service of the affected streets and any proposed mitigation sufficient to offset those impacts; (b) only if the applicant can demonstrate that the proposed use will not overburden public water, septage or solid waste facilities; (c) only if the applicant provides and enforceable plan for the mitigation and control of trash and litter generated by the proposed establishment; (d) any if the architecture and signage conforms to traditional Cape Cod style; and (e) only if, in order to assure that the concerns of the abutters and residents will be considered as a significant factor in the determination of the benefits or adverse effects of the proposed fast food establishment on the neighborhood and the Town, the Board of Appeals shall make a specific Finding of Significance regarding the response to the proposed use.
13. Architecture and signage must conform to traditional Cape Cod style and must be submitted to the Planning Board for review.
14. Temporary Carnivals, Festivals and Fairs shall not exceed one week in duration.
15. If a dwelling is destroyed by fire or other natural cause, a temporary dwelling such as a manufactured home built on a permanent chassis, designed for use with or without temporary foundation when connected to required utilities may be moved upon the lot for habitation by the resident(s) affected by the loss, provided that:
 - (a) the applicant has obtained all permits necessary for the temporary use from the building, electrical and health officials prior to occupancy;
 - (b) the occupancy of the temporary dwelling shall not exceed one year; and
 - (c) the applicant obtains a building permit to reconstruct the destroyed dwelling structure within three (3) months of the destruction of the original dwelling structure.
16. If a commercial use structure is destroyed by fire or other natural cause, a temporary structure may be erected upon the lot on which the original commercial structure was located, or within 300 feet of said lot for the operation of the business(s) for which that lot was used at the time the structure was destroyed. The temporary structure(s) shall meet the requirements of 780 CMR, the Massachusetts State Building Code, Sixth Edition, and Chapter 31 controlling temporary structure(s) shall require a special permit from the Zoning Board of Appeals as provided in Section 5300 of this By-law. The time that the temporary structures may remain shall not exceed 180 days.
17. All adult entertainment uses must be located at least 300 feet from any library, school or playground. Said setbacks are to be measured from the nearest points on the property lines of the lots hosting the

proposed adult entertainment use and the use triggering the setback requirement. Furthermore, all adult entertainment uses with establishments which display live nudity for its patrons must take place entirely indoors and in such a manner as not to be observable from any abutting property, sidewalk or public way.

(2) Add footnote 18 to Section 2440 Permitted Principal Uses so that it reads as follows:

18. If existing as of October 1, 2006.

or to take any other action relative thereto.

[Requested by the Planning Board]

PLANNING BOARD RECOMMENDS: 4-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Zoning Amendment - 2/3rds vote required under MGL C.40A

Joseph DeMartino moved that the Town vote to approve Article 16 as printed in the warrant with the following amendment: footnote 18 as printed in the warrant should be existing footnote 17.

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

Article 17. General By-law Amendment: Historic District By-law. Fines. To see if the Town will vote to amend the General By-laws, Chapter 15, Historic District, Appendix I as follows:

A. Adding the following new section 2.5A thereto: "2.5A. Demolition. Demolition is defined as the act of pulling down, destroying, removing or razing more than 25% of a building or commencing the work of total or substantial destruction with the intent of completing the same."

B. Amending 10.3 Fines. Whoever violates any provision of this bylaw shall be subject to a fine of ~~\$250.00~~ **\$300.00**. Each day during which any portion of such violation continues to exist shall constitute a separate offense.

C. Adding the following new section 10.3A thereto: 10.3A Special Provisions Regarding Demolition. In addition to the other penalties set forth in this Bylaw, whoever shall violate guideline 14 of this bylaw by demolition of a building or structure without approval therefore shall: (a) Be subject to revocation of any Certificate of Compliance issued by the Commission with respect to said building or structure; and (b) Not be issued a Certificate of Compliance, for the property on which said building or structure was located, for a period determined by the Commission, not to exceed two years from the date of said demolition. (c) Be required to reconstruct the said building or structure to the footprint, height, dimensions and character-defining features, as they existed before demolition commenced.

or to take any other action relative thereto.

[Requested by the Historic District Commission]

HISTORIC DISTRICT COMMISSION RECOMMENDS: 4-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

HISTORICAL COMMISSION RECOMMENDS: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

2/3rds vote required under MGL C.40, §3

Polly Burnell moved that the Town vote to approve Article 17 as printed in the warrant with the following amendment: By adding the words “after notice and hearing” to paragraph C(a) so that it reads as follows:

C. (a) Be subject to revocation after notice and hearing of any Certificate of Compliance issued by the Commission with respect to said building or structure; and”. **Motion Passed.**
(2/3rds Vote Declared)

Article 18. General By-law Amendment: Non-Criminal Disposition of Pier Corporation Regulations. To see if the Town will vote to amend the Provincetown General By-laws by amending §2-3-1-1 to read as follows:

Article 2-3-1-1. Any rule or regulation of the Provincetown Public Pier Corporation duly enacted as of ~~April 3, 2006~~ April 4, 2007 shall be deemed a regulation of the Board of Selectmen. Violation of such rules or regulations may be enforced by any available means in law or equity, including but not limited to non-criminal disposition pursuant to G.L. c.40, §21D, and Sections 2-3-1 through 2-3-3 of the General By-laws. For the purposes of this by-law, the following officials shall be enforcing persons: the Harbormaster and his designees and any police officer of the Town of Provincetown.
2-3-2-1. Violations of the Provincetown Public Pier Corporation Regulations in Effect on ~~April 3, 2006~~ April 4, 2007 (attached as Appendix 1 to Schedule A): 1st offense, \$100.00; 2nd offense, \$200.00; 3rd and subsequent offenses, \$300.00

Or to take any other action relative thereto.

[Requested by Provincetown Public Pier Corporation]

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

PIER CORPORATION BOARD OF DIRECTORS RECOMMEND: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

Article 19. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$421,680 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$76,250 for coordination/support of the Visitor Service Board and the Tourism Department; and costs related thereto;
2. \$206,016 for marketing, and costs related thereto;
3. \$22,453 for municipal projects, and costs related thereto; and
4. \$100,000 for tourism grants, and costs related thereto;
5. \$16,961 for Beautification Committee

or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 2-1-0

FINANCE COMMITTEE RECOMMENDS: 8-0-0

VISITOR SERVICES BOARD RECOMMENDS: 6-0-0

Richard Olson moved that the Town vote to approve Article 19 as printed in the warrant.

Motion Passed.

Article 20. FY 2008 Human Services Grant Program. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$53,799 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as follows:

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

or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 7-0-0

HUMAN SERVICES COMMITTEE RECOMMENDS: 4-0-0

BOARD OF HEALTH RECOMMENDS: 3-0-0

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

Motion Passed.

Article 21. Appropriation into the Stabilization Fund. To see if the Town will vote to raise and appropriate a sum of money to establish a Stabilization Fund pursuant to MGL C.40, §5B, or to take any other action relative thereto.

[Requested by the Town Manager]

BOARD OF SELECTMEN RECOMMENDS: 3-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

Keith Bergman moved that the Town vote to raise and appropriate the sum of \$70,000 to establish a Stabilization Fund pursuant to MGL C.40, §5B.

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

Article 22. Row of Trees Along the MPL - \$6,000. To see if the Town will vote to raise and appropriate \$6,000 for a row of trees along the northern edge of the Municipal Parking Lot inside the bumper fence opposite the Town bathrooms. About 20 trees would be planted in a strip three foot wide and 300 foot long to shade, improve and beautify this area. The Town Highway, Buildings and Grounds could remove the fill 2 feet down and replace it with Town mulch as well as plant the trees; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-1-1

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

Barbara Rushmore moved that the Town will vote to raise and appropriate \$6,000 for a row of trees along the northern edge of the Municipal Parking Lot inside the bumper fence opposite the Town bathrooms. About 20 trees would be planted in a strip three foot wide and 300 foot long to shade, improve and beautify this area. The Town Highway, Buildings and Grounds could remove the fill 2 feet down and replace it with Town mulch as well as plant the trees.

Motion Does Not Pass.

Article 23. Town Buildings to be Self-Insured -\$100,000. To see if the Town will vote to approve the resolution on Town buildings being self-insured, as follows: Whereas: The Town spends money year after year on insurance for many buildings; Whereas: If we put the money aside slowly but year after year, we could eventually have the money in the bank drawing interest to replace any damaged building at hand if we needed it; Therefore, I move to see if the Town will vote to raise and appropriate the first \$100,000, one hundred thousand dollars to reduce insurance on one small Town building. The money should be put into a separate Provincetown Self-Insurance Fund to be invested by our Town of Provincetown Finance Department with the approval of our Selectmen. The money earned is to go into our General Fund; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 7-0-1

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

Barbara Rushmore moved to indefinitely postpone Article 23.

Motion Passed.

Article 24. Resolution: Should We Bury Wires Underground. To see if the Town will vote to approve the resolution on burying underground wires, as follows: Whereas: Putting the electric, phone and cable wires under Commercial Street would improve the appearance of Town and allow the removal of telephone poles making the street wider and safer; Whereas: The costs are not known but will be less if done before Commercial Street is repaved; Therefore: I move

to see if the Town will vote to urge the Board of Selectmen to appoint a committee of five to report to them within two months what the expense to the taxpayers would be so that at the next Special Town Meeting such an article could be put before the voters; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**BOARD OF SELECTMEN RESERVES RECOMMENDATION
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Barbara Rushmore move that the Town vote to approve Article 24 as printed in the warrant.
Motion Passed.

Article 25. Resolution: No War in Iran. To see if the Town will vote to approve the resolution on no war with Iran, as follows: Whereas: The war in Iraq influenced our last elections and has finally been debated in Congress, and; Whereas: There is talk of a new war against Iran; Whereas: Many wars have been started with provocations or inaccurate “evidence” of wrong doing such as “Remember the Maine”, Quemoy and Matzu, the Gulf of Tonkin attack or weapons of mass destruction in Iraq; Therefore, I move to see if the Town will vote the following resolution and send it to our President and Congressmen:

- 1) We support and commend Congressman William H. Delahunt for his courageous decision to support the orderly withdrawal of troops from Iraq.
- 2) We urge the powers that be that there will be no war in Iran.
- 3) We urge that our US Constitution be obeyed and that all future wars be debated by and declared by Congress as stated in Article 1, Section 8 of the Constitution.

or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

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

Barbara Rushmore moved that the Town will vote to approve the resolution on no war with Iran, as follows: Whereas: The war in Iraq influenced our last elections and has finally been debated in Congress, and; Whereas: There is talk of a new war against Iran; Whereas: Many wars have been started with provocations or inaccurate “evidence” of wrong doing such as “Remember the Maine”, Quemoy and Matzu, the Gulf of Tonkin attack or weapons of mass destruction in Iraq; Therefore, I move to see if the Town will vote the following resolution and send it to our President and Congressmen:

- 1) We support and commend Congressman William H. Delahunt for his courageous decision to support the orderly withdrawal of troops from Iraq.
- 2) We urge the powers that be that there will be no war in Iran.
- 3) We urge that our US Constitution be obeyed and that all future wars be debated by and declared by Congress as stated in Article 1, Section 8 of the Constitution.

Motion Passed.

Town Moderator Mary-Jo Avellar motioned to dissolve the Annual Town Meeting at 8:55 p.m.
Motion Passed.

Annual Town Meeting dissolved at 8:55 p.m.