

Annual Town Meeting – Monday, April 5, 2010

Meeting Called to Order. Town Moderator Irene Rabinowitz convened the Annual Town Meeting at 6:00 p.m. on Monday, April 5, 2010 in the in the Veterans Memorial Elementary School and hearing no objection decided to hold the Special Town Meeting first.

Town Moderator Irene Rabinowitz convened the Annual Town Meeting at 6:00 p.m. on Tuesday, April 6, 2010.

Preliminary motions:

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

Motion Passed.

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

Motion Passed.

Michele Couture moved that on all matters to come before the April 5, 2010 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]

Michele Couture moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

Motion Passed.

Peter Grosso, Chair of the Regional School District Planning Committee read a report from the Committee.

Article 2. FY 2011 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,377,129 to fund operating budgets for the several Town departments for Fiscal Year 2011 in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2010	FY 2011	% '10-'11
I. General Government	\$1,287,420	\$1,227,852	-4.6%
II. Finance	7,377,728	7,802,053	+5.8%
III. Public Safety	3,968,600	4,182,315	+5.4%
IV. Public Works	2,557,222	3,002,602	+17.4%
V. Public Services	815,614	807,348	-1.0 %
Sub-total, I-V	\$16,006,584	\$17,022,170	+6.3%
VI. Public Schools	3,644,726	3,354,959	-5.9%
Total, I-VI	\$19,651,310	\$20,377,129	+4.1%

Or to take any other action relative thereto.

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

Article 2. FY 2011 Municipal Operating Budget.
Division I. General Government.

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$839,485, transfer \$75,000 from Cable Receipts Reserved for Appropriation, \$4,696 from Wetlands Protection Fund, and \$274,362 from the Land Bank Fund for a total of \$1,193,543 to fund operating budgets for the several Town departments for Fiscal Year 2011 under budget Division I, General Government, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

Article 2. FY 2011 Municipal Operating Budget.
Division II. Finance

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum 7,771,398, and transfer \$30,655 from Title V Septic Revolving fund for a total of \$7,802,053 to fund operating budgets for the several Town departments for Fiscal Year 2011 under budget Division II, Finance, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2011 Municipal Operating Budget.
Division III. Public Safety***

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-0**

Michele Couture moved that the Town vote to raise and appropriate the sum of \$4,047,315, transfer \$55,000 from Ferry Embarkation fund, transfer \$80,000 from Municipal Waterways fund for a total of \$4,182,315 to fund operating budgets for the several Town departments for Fiscal Year 2011 under budget Division III, Public Safety, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2011 Municipal Operating Budget.
Division IV. Public Works***

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-0**

Michele Couture moved that the Town vote to raise and appropriate the sum \$3,002,602 to fund operating budgets for the several Town departments for Fiscal Year 2011 under budget Division IV, Public Works, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2011 Municipal Operating Budget.
Division V. Public Services***

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-0**

Michele Couture moved the Town vote to raise and appropriate the sum \$802,348 to fund operating budgets for the several Town departments for Fiscal Year 2011 under budget Division V, Public Services, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2011 Municipal Operating Budget.
Division VI. Public Schools***

**School Committee Recommends: 5-0-0
Finance Committee Recommends: 7-0-0**

Michele Couture moved that the Town vote to raise and appropriate the sum of \$3,354,959 to fund the Provincetown Public School System Budget for Fiscal Year 2011.

Motion Passed.

Article 3. FY 2011 Cape Cod Regional Technical High School Assessment. To see if the Town will vote to raise and appropriate the sum of \$75,000 to fund the Town of Provincetown's assessment for the CCRTHS FY2011 operating budget, or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Elaine Anderson moved that the Town vote to raise and appropriate the sum of \$52,401 for its assessment for Cape Cod Technical Regional High School for FY 2011.

Motion Passed.

Article 4. FY 2011 Enterprise Funds. To see if the Town will vote to raise and appropriate or transfer from available funds the following amounts for enterprise funds of the Town of Provincetown for Fiscal Year 2010:

440 Wastewater	FY 2010	FY 2011	10-11 %
Enterprise Fund Costs	\$2,478,687	\$2,737,160	
General Fund Costs	157,027	80,434	
TOTAL COSTS	\$2,635,714	\$2,817,594	6.9%
450 Water Enterprise	FY 2010	FY 2011	10-11 %
Enterprise Fund Costs	\$1,635,509	\$1,834,538	
General Fund Costs	269,361	269,361	
TOTAL COSTS	\$1,904,870	\$2,103,899	10.4%

or to take any other action relative thereto.

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

Article 4. FY 2011 Enterprise Funds.

440 Wastewater Enterprise Fund.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Bedard moved that the Town vote that \$2,737,160 be appropriated to operate the Wastewater Enterprise Fund, 2,177,436 to come from Wastewater Enterprise Fund revenues and \$479,290 from reserved for debt service, and further, \$80,434 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

Article 4. FY 2011 Enterprise Funds.

450 Water Enterprise Fund.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David Bedard moved that the Town vote that \$1,834,538 be appropriated to operate the Water Enterprise Fund, for \$1,463,681 to come from Water Enterprise Fund revenues and \$101,496 from Retained Earnings, and further, \$269,361 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 5. FY 2011 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 2011 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows provided that one or more of the appropriations listed below shall be contingent on a Proposition 2 ½ Capital Outlay or Debt Exclusion ballot question:

1. Building Assessment – \$300,000 to be expended under the direction of the Town Manager for the purpose of hiring a professional engineer to complete an assessment of town owned buildings which will study structural integrity, code review, mechanical, electrical, plumbing and fire safety issues of each of the fifteen (15) buildings, and costs related thereto;
2. Storm Water Management - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the town's drainage system in conjunction with making application for various grants which become available.
3. Public Works Fleet Replacement Plan - \$270,100 to be expended under the direction of the Town Manager and the Director of Public Works for the 1st year of a 5 year plan to replace three (3) pick-up trucks, one (1) highway heavy-duty one ton truck, one (1) van and to purchase one (1) open top trailer for use at the transfer station, and further to authorize the Town Manager, with the approval of the Board of Selectmen, to enter into lease purchase agreements for terms not exceeding 5 years, and costs related thereto;
4. Replace Rescue Ambulance - \$200,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of one (1) rescue ambulance, and costs related thereto;
5. Police Fleet Upgrade Plan - \$19,835 to be expended under the direction of the Town Manager and the Chief of Police for the lease of one (1) police cruiser, and further to authorize the Town Manager, with the approval of the Board of Selectmen, to enter into lease purchase agreements for terms not exceeding 5 years, and costs related thereto;
6. Public Safety/Communications Software - \$150,200 to be expended under the direction of the Town Manager and the Chief of Police for a plan to upgrade the current police management/public safety software.

7. Photocopier Replacement - \$10,500 to be expended under the direction of the Town Manager and the Chief of Police for the replacement of a photocopier to be used in the police department.

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

Article 5. FY 2011 Capital Improvements Program.

Building Assessment

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Sharon Lynn moved that the Town vote to appropriate and transfer from free cash the sum \$300,000 to be expended under the direction of the Town Manager for the purpose of completing an assessment of fifteen (15) town owned buildings, and costs related thereto.

Motion Passed.

Article 5. FY 2011 Capital Improvements Program.

Storm Water Management

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Conservation Commission Recommends: 5-0-0

Two-Thirds Vote Required

Elaine Anderson moved that the Town vote to appropriate and borrow under G. L. c.44, §7(1), or any other enabling authority the sum of \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for improvements to the town's drainage system and costs related thereto, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ debt exclusion by the voters of the Town in accordance with General Laws Ch. 59, §21C(m).

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

Article 5. FY 2011 Capital Improvements Program.

Public Works Fleet Replacement Plan

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

David Bedard moved that the Town vote to transfer from Free Cash the sum of \$270,100 to be expended under the direction of the Town Manager and the Public Works Director to replace three (3) pick-up trucks, one (1) one-ton heavy duty truck, one (1) van and one (1) open top trailer, and costs related thereto.

Motion Passed.

Article 5. FY 2011 Capital Improvements Program.
Rescue Ambulance

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 8-0-0

Two-Thirds Vote Required

Michele Couture moved that the Town vote to appropriate and borrow under G.L. c.44, §7(9), or any other enabling authority the sum of \$200,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for one (1) rescue ambulance, and costs related thereto, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ debt exclusion by the voters of the Town in accordance with General Laws Ch. 59, §21C(m).

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

Article 5. FY 2011 Capital Improvements Plan.
Police Fleet Replacement

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 8-0-0

Mary-Jo Avellar moved that the Town vote to transfer from free cash the sum of \$19,835 to be expended under the direction of the Town Manager and the Chief of Police for the lease of two (2) cruisers, and costs related thereto.

Motion Passed.

Article 5. FY 2011 Capital Improvements Fund.
Public Safety Communications Software

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-1

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$150,200 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of police management and public safety software, and costs related thereto, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, §21C(m).

Motion Passed.

Article 5. FY 2011 Capital Improvements Program.
Photocopier Replacement

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 8-0-0

Mary-Jo Avellar moved that the Town vote to transfer from free cash the sum of 10,500 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of one (1) photocopier machine, or costs relative thereto.

Motion Passed.

Article 6. FY 2011 Revolving Accounts. To see if the Town will vote to continue for FY 2011 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 and 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: 5-0-0

Finance Committee Recommends: 7-0-0

Elaine Anderson moved that the Town vote to continue for FY 2011 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 7. B-Street Garden Revolving Account. To see if the Town will vote to establish a Revolving Account for the maintenance of the Town community garden located off Browne Street, known as the B-Street Garden, as established pursuant to MGL C.44 §53 E1/2, to allow receipts from the annual community garden membership fees charged for the public use of the community garden to be segregated into a special account; and with funds there from, up to a limit of \$2,500 annually, to be expended for the repair, updating and maintenance of the B-Street Garden under the direction of the Town Manager and the Conservation Commission; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Open Space Committee Recommends: 4-0-0

Conservation Commission Recommends: 5-0-0

Austin Knight moved that the Town vote to establish a Revolving Account for the maintenance of the B-Street Community Garden 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: 5-0-0

Finance Committee Recommends: 7-0-0

Mary-Jo Avellar 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 2011. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation Budget, to appropriate or reserve from FY 2011 Community Preservation Fund annual revenues the following amounts totaling \$686,865, as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves:

- A. \$ 0 for Open Space
- B. \$ 0 for Community Housing;
- C. \$ 0 for Historic Resources;

2. Appropriations:

- A. \$245,099 for affordable housing debt service
\$62,987 for open-space debt service
\$136,770 for historic preservation debt service
 - B. \$133,200 for 46 Harry Kemp Way (“Hawthorne Property”), open space acquisition
 - C. \$34,309 for Housing Office support
 - D. \$45,000 for Library Façade Restoration, Phase 2
 - E. \$12,500 for “Building Provincetown” historic building book
 - F. \$17,000 for CPA general administration
- or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Article 9-2A. Community Preservation Budget for FY 2011.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

David Bedard moved that the Town vote to appropriate the sum of \$444,856 to fund debt service for Fiscal Year 2011 as follows: the sum of \$45,698 from Affordable Housing estimated revenue and \$199,401 from housing reserves, the sum of \$62,987 from Open Space estimated revenues, and the sum of \$136,770 from Historic Preservation estimated revenue.

Motion Passed.

Article 9-2B. Community Preservation Budget for FY 2011.

Board of Selectmen Does Not Recommend: 4-0-0

Finance Committee Does Not Recommend: 7-0-0

Conservation Commission Recommends: 5-0-0

Dennis Minsky moved that the Town vote to appropriate the sum of \$133,200 from estimated revenues for the open space acquisition of land at 15 Aunt Sukeys Way (46 Harry Kemp Way), the "Hawthorne Property".

Motion Passed.

Article 9-2C. Community Preservation Fund Budget for FY 2011.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Community Housing Council Recommends: 3-0-0

Provincetown Housing Authority Recommends: 4-0-0

Dorothy Palanza moved that the Town vote to appropriate the sum of \$34,309 from affordable housing reserves to fund the Provincetown Housing Office Specialist, as printed in the warrant.

Motion Passed.

Article 9-2D. Community Preservation Budget for FY 2011.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Historical Commission Recommends: 4-0-0

Dorothy Palanza moved that the Town vote to appropriate the sum of \$45,000 from estimated revenues for the restoration of the Library Façade, as printed in the warrant.

Motion Passed.

Article 9-2E. Community Preservation Budget for FY 2011.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Historical Commission Recommends: 4-0-0

Eric Dray moved that the Town vote to appropriate the sum of \$12,500 from estimated revenues for *Building Provincetown*, a historic building book, as printed in the warrant.
Motion Passed.

Article 9-2F. Community Preservation Budget for FY 2011.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Dorothy Palanza moved that the Town vote to appropriate the sum of \$17,000 from estimated revenues to be used for CPA general administration, 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, 2011, as follows:

Actual FY 2010		Proposed FY 2011		Position Title	
Grade	Min.	Max.	Min.		Max.
21	91,006	106,517	91,006	106,517	Town Manager [exempt – MGL C.41,§108N]
20	77,124	92,417	77,124	92,417	Chief of Police [exempt – MGL C.41,§108O] Director of Public Works
19	73,105	87,601	73,105	87,601	no positions assigned
18	69,293	83,034	69,293	83,034	Police Staff Lieutenant**
17	65,680	76,118	65,680	76,118	Director of Municipal Finance
16	62,256	74,602	62,256	74,602	Building Commissioner**
15	59,009	68,388	59,009	68,388	Assistant Town Manager Deputy Director of Public Works
14	55,670	66,710	55,670	66,710	Health Agent Health and Environmental Affairs Manager
13	52,520	60,866	52,520	60,866	No positions assigned
12	49,547	59,372	49,547	59,372	Human Services/Council on

					Aging Director
					Information Services Director
					Library Director
					Principal Assessor
					Town Accountant
11	47,187	56,543	47,187	56,543	Collector
					Treasurer
10	44,940	53,852	44,940	53,852	Deputy Town Accountant
					DPW Finance Coordinator
					Recreation Director
					Town Clerk**
9	42,800	51,287	42,800	51,287	Local Building Inspector
					MIS Analyst***
					Parking Administrator
					Permit Coordinator**
					Tourism Director
8	40,377	48,384	40,377	48,384	COA Outreach Coordinator
					Library Operations Director
					Town Manager's Secretary/ Employee Benefits Coordinator
7	38,093	45,646	38,093	45,646	Electrical/Deputy Building Inspector
					Licensing Agent
					MIS Technician
					Payroll Coordinator/Asst Town Acct.
6	37,013	44,354	37,013	44,354	Administrative Assistant
					Accounting
					Secretary to the Board of Selectmen
					Secretary to the Chief of Police

*Change in Title only. No change in salary grade or job duties.

**Change in title and/or salary grade.

***Change in title, salary grade and job duties.

2. Schedule B: to amend Schedule B, "Fire Department Positions," effective July 1, 2011, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position	Current	Proposed
Deputy Fire Chief	\$6,600	\$6,600
District Fire Chief/Engineer	2,200	2,200
Firefighter	750	750
Fire Auxiliary	375	375
Fire Captain (additional stipend)	500	500
Fire Lieutenant (additional stipend)	305	305
House Steward (additional stipend)	880	880
House Steward (additional stipend)	1,100	1,100
Ladder Steward (additional stipend)	1,300	1,300
LaFrance Steward (additional stipend)	500	500
Main Station Steward (add'l stipend)	LCA	LCA
Oil Inspector	1,747	
Rescue Captain (additional stipend)	1,450	1,450
Rescue Lieutenant (additional stipend)	880	880
Rescue Steward (additional stipend)	3,000	3,000
Rescue Training Officer (add'l stipend)	1,650	1,650
Radio Officer (additional stipend)	550	550
Air Officer (additional stipend)	1,000	1,000
<u>Annual Salary</u>		
Fire Chief	\$25,000	\$40,000
<u>Non-Firefighter Positions</u>		
First Responders	\$12.00 per call	
EMT-Basic	21.30/hour	21.70
EMT-Intermediate	21.65	22.30
EMT-Paramedic	23.70	24.40
Stand-by	18.00	
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, 2011, as follows:

Grade	Actual FY 2010	Proposed FY 2011	Proposed Position Classifications
L	\$16.89	\$16.89	Parking Lot Technical Manager Property Inspector (Assessors)
K	16.41	16.41	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	15.94	15.94	Seasonal Recreation Swimming Instructor
I	15.63	15.63	Parking Meter Collection/Repair
H	15.18	15.18	Police Matron Police Summer Dispatcher
G	14.89	14.89	No Positions Assigned
F	14.46	14.46	Assistant Harbormaster w/o police

Grade	Actual FY 2010	Proposed FY 2011	Proposed Position Classifications
			powers
			Parking and Traffic Officers
			Parking Lot Assistant Technical Manager
			Parking Meter Enforcement
			Secretary, On-call Relief
			Transfer Station Laborer
E	14.20	14.20	No Positions Assigned
D	13.78	13.78	Library Circulation Aide
			Parking Lot Attendant/Out- booth/Floater
C	13.38	13.38	Barrels & Grounds Laborer
			Restroom/Building Custodian
			Seasonal Recreation Supervisor
B	13.13	13.13	No Positions Assigned
A	12.88	12.92	Council on Aging Cook
			Parking Lot Attendant/In-booth
			Seasonal Recreation Aides

[Requested by the Personnel Board and the Town Manager]

Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation

Mary-Jo Avellar moved that the Town vote to approve Article 10 as printed in the warrant.
Motion Passed.

Article 11. Fund Collective Bargaining Agreement. To see what sums the Town will vote to raise and appropriate or transfer from available funds amounts required to fund the collective bargaining agreement reached with the Town and NEPBA; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-0

Sharon Lynn moved that the Town vote to approve the cost items for the collective bargaining agreement between the Town and NEPBA.
Motion Passed.

Article 12. 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 6, 2009~~ April 5, 2010 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 6, 2009~~ April 5, 2010 (attached as Appendix 1 to Schedule A): 1st offense, \$100.00; 2nd offense, \$200.00; 3rd and subsequent offenses, \$300.00 Or to take any other action relative thereto.

[Requested by Provincetown Public Pier Corporation]

Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation

[Kerry Adams](#) moved that the Town vote to approve Article 12 as printed in the warrant.
Motion Passed.

Article 13. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$450,000 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$92,332 for coordination/support of the Visitor Service Board and the Tourism Department; and costs related thereto;
 2. \$210,000 for marketing, and costs related thereto;
 3. \$34,668 for municipal projects, and costs related thereto; and
 4. \$108,000 for tourism grants, and costs related thereto;
 5. \$5,000 for Beautification Committee
- or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 7-0-0
Visitor Services Board Recommends: 7-0-0

[Kathleen Fitzgerald](#) moved that the Town vote to approve Article 13 as printed in the warrant.
Motion Passed.

Town Moderator Irene Rabinowitz recused herself and relinquished the role of moderator to Town Clerk Doug Johnstone.

Article 14: FY 2011 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	\$7,797
Cape Cod Children's Place	3,896
Consumer Assistance Council	277
Gosnold, Inc.	14,479
Helping Our Women	6,682
Homeless Prevention Council	2,951
Independence House	4,223
Lower Cape Outreach Council, Inc.	4,456
Mass-A-Peal	464
Sight Loss Services, Inc.	444
Soup Kitchen in Provincetown	3,341
South Coast Counties Legal Services	<u>4,789</u>
Total	\$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: 5-0-0

Finance Committee Recommends: 7-0-0

Board of Health Recommends: 3-0-0

Elaine Anderson 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.

Town Moderator Irene Rabinowitz returned to the meeting.

Article 15. July 4th Celebration. To see if the Town will vote to transfer from free cash the sum of \$22,000 to be expended under the direction of the Town Manager, the Chief of Police and the Director of Public Works for costs associated with the July 4th fireworks display; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Visitor Services Board Recommends: 5-0-0

Mary-Jo Avellar moved that the Town vote to transfer from free cash, the sum of \$22,000, to be used to pay for town expenses associated with the costs for the July 4th fireworks display, as printed in the warrant.

Motion Passed.

Article 16. Library Renovations. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to complete the restoration of the Town Library, including the buildings and grounds at 356 Commercial Street, including all costs incidental and related thereto; to authorize the Board of Selectmen and the Board of Library Trustees to apply for, accept, and expend grant funds for this project, with said borrowing authority contingent upon approval by the voters of a Proposition 2 ½ debt exclusion ballot question in accordance with the provisions of M.G.L. c. 59, §21C(m); or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Visitor Services Board Recommends: 5-0-0

Historical Commission Recommends: 3-1-0

Two-Thirds Vote Required

Michele Couture moved that the sum of \$2,092,000 is appropriated hereby to pay costs of restoration of the Town Library including the buildings and grounds at 356 Commercial Street, including all costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen is authorized to borrow \$2,092,000 under G.L. c.44, §7(3A) or any other enabling authority; that the Board of Selectmen and Board of Library Trustees are authorized to contract for and expend any federal or state aid available for the project, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid received prior to the issuance of bonds or notes under this vote; and that the Board of Selectmen and Board of Library Trustees are authorized to take any other action necessary to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by G.L. c.59, §21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

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

Article 17. Adoption of MGL Ch 40, Section 22G Funds received from fines for handicap parking violations; deposits in account; expenditures. To see if the Town will adopt Massachusetts General Law Chapter 40: Section 22G. Funds received from fines for handicap parking violations; deposits in account; expenditures which authorizes the allocation of all funds received from fines assessed for violations of handicap parking to the Disability Commission. Funds so received shall be deposited by the Town Treasurer in a separate account and shall be used solely for the benefit of persons with disabilities. Said account shall be established by the Town Treasurer and shall be kept separate and apart from all other monies. Expenditures from said account, including accrued interest, if any, shall be made upon the recommendation of the Disability Commission in accordance with the accepted procedures of the town for the disbursement of funds, including the approval of the Board of Selectmen. The Director

of Municipal Finance shall submit annually a report of said account to the Board of Selectmen for review and a copy of said report shall be forwarded to the bureau of accounts; or to take any other action relative thereto.

[Requested by the Disability Commission]

Board of Selectmen Recommends Indefinite Postponement: 5-0-0
Finance Committee Does Not Recommend: 7-0-0

[Michele Couture moved to indefinitely postpone Article 17.](#)

Motion Passed.

Article 18. Land Bank – Acquisition of Hawthorne Property, Scenario 1: Conservation, Open Space and Affordable Senior Housing at 15 Aunt Sukeys Way. Map 13-1-025.

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise all or a portion of the fee interest or any lesser interest in a parcel of real estate located at 15 Aunt Sukeys Way held in ownership by Hawthorne Caro C , consisting of 3.03 acres, more or less, shown as Assessors Map 13-1-025, a copy of which is on file in the Office of the Town Clerk, together with and subject to all rights, restrictions and easements of record, a portion of which will be acquired under the provisions of Massachusetts General Laws, Chapter 40, Section 8C for conservation and passive recreation purposes, to be managed and controlled by the Conservation Commission, and a portion of which will be held under the care custody and control of the Board of Selectmen and held for the purpose of affordable senior housing and for conveyance for such purpose, on such terms and conditions as the Selectmen may determine; and to raise and appropriate, transfer from available funds, including but not limited to the Community Preservation Fund and the Land Bank Program, or borrow a sum of money for such acquisition and all expenses incidental and related thereto, and, to the extent that any federal, state or other funds are or become available for the purposes outlined in this Article, to authorize the Board of Selectmen, the Conservation Commission, and/or other applicable boards or commissions to apply for and accept such funds, including but not limited to grants and/or reimbursement under the Self Help Act, G.L. Ch. 132 A, Sec. 11(now, so-called LAND grants), and enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effect said acquisition or purchase or grants, and further, to authorize the Board of Selectmen and the Conservation Commission to convey to the Trustees of the Provincetown Conservation Trust, for no consideration, a perpetual conservation restriction on a portion of said land as authorized by Massachusetts General Laws, Chapter 184, Sections 31-33, allowing conservation and passive recreation uses described in Massachusetts General Laws, Chapter 40, Section 8C; and to authorize the Board of Selectmen to convey the portion of the property acquired for affordable housing purposes and conveyance to the Provincetown Housing Authority for the creation, preservation, and support of affordable housing; or take any other action relative thereto.

[Requested by the Open Space Committee and the Provincetown Housing Authority]

Board of Selectmen Reserves Recommendation: 4-0-0
Finance Committee Recommends Indefinite Postponement: 7-0-0
Open Space Committee Recommends Indefinite Postponement: 4-0-0
Conservation Commission Reserves Recommendation: 4-0-1
Community Housing Council Recommends: 3-0-0
Provincetown Housing Authority Recommends: 4-0-0

[Dennis Minsky moved that the Town vote to indefinitely postpone Article 18.](#)
Motion Passed.

Article 19. Land Bank – Acquisition of Hawthorne Property, Scenario 2: Conservation, and Open Space at 15 Aunt Sukeys Way, Map 13-1-025.

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise the fee interest in a parcel of real estate located at 15 Aunt Sukeys Way held in ownership by Hawthorne Caro C, containing 3.03 acres, more or less, shown as assessors map 13-1-025, a copy of which is on file in the Office of the Town Clerk, together with and subject to all rights, restrictions and easements of record, for conservation and passive recreation purposes on such terms and conditions as the Selectmen may determine; and to raise and appropriate, transfer from available funds, including but not limited to the Community Preservation Fund and the Land Bank Program, or borrow a certain sum of money to be used for such acquisition and all expenses incidental and related thereto; provided that said land is to be conveyed to the Town of Provincetown under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may be hereafter amended, and other Massachusetts statutes relating to conservation and passive recreation, to be managed and controlled by the Provincetown Conservation Commission, and, to the extent that any federal, state or other funds are or become available for the purposes outlined in this Article, to authorize the Board of Selectmen, the Conservation Commission and/or other applicable boards or commissions to apply for and accept such funds; including but not limited to grants and/or reimbursement under the Self Help Act, G.L. Ch. 132 A, Sec. 11 (now, so-called LAND grants); to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effect said acquisition or purchase or grants, or to take any other action relative thereto; and further, to authorize the Board of Selectmen and the Conservation Commission to convey to the Trustees of the Provincetown Conservation Trust, for no consideration, a perpetual conservation restriction on said land as authorized by Massachusetts General Laws, Chapter 184, Sections 31-33, allowing conservation and passive recreation uses described in Massachusetts General Laws, Chapter 40, Section 8C; or take any other action relative thereto.

[Requested by the Open Space Committee]

Board of Selectmen Recommends Amended Motion: 4-0-0
Finance Committee Recommends: 4-3-1
Open Space Committee Recommends: 4-0-0
Conservation Commission Recommends: 4-0-1
Provincetown Housing Authority Reserves Recommendation: 4-0-0

Two-Thirds Vote Required

Dennis Minsky moved that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise the fee interest in a parcel of real estate located at 15 Aunt Sukeys Way held in ownership by Hawthorne Caro C, containing 3.03 acres, more or less, shown as assessors map 13-1-025, a copy of which is on file in the Office of the Town Clerk, together with and subject to all rights, restrictions and easements of record, for conservation and passive recreation purposes on such terms and conditions as the Selectmen may determine; and to appropriate under the Land Bank program the sum of \$526,800 to be used for such acquisition and all expenses incidental or related thereto, said sum to be in addition to the amount of \$133,200 appropriated for this purpose from the Community Preservation Fund pursuant to Article 9, Section 2-B of the Warrant for the April 5, 2010 Annual Town Meeting; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$526,800, pursuant to General Laws Chapter 44, sections 7 and 8 or any other enabling authority, and to issue bonds and notes therefor, provided that no funds may be expended under this vote until the Town has received a grant under the Self Help Act, G.L. Ch. 132 A, Sec. 11 (now, so-called LAND grants) for at least 52-percent of the purchase price; provided further that said land is to be conveyed to the Town of Provincetown under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may be hereafter amended, and other Massachusetts statutes relating to conservation and passive recreation, to be managed and controlled by the Provincetown Conservation Commission, and, to the extent that any federal, state or other funds are or become available for the purposes outlined in this Article, to authorize the Board of Selectmen, the Conservation Commission and/or other applicable boards or commissions to apply for, accept and expend such funds, including but not limited to grants and/or reimbursement, to enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town of Provincetown to effect said acquisition or purchase or grants, or to take any other action relative thereto; and further, to authorize the Board of Selectmen and the Conservation Commission to convey to the Trustees of the Provincetown Conservation Trust, for no consideration, a perpetual conservation restriction on said land as authorized by Massachusetts General Laws, Chapter 184, Sections 31-33, allowing conservation and passive recreation uses described in Massachusetts General Laws, Chapter 40, Section 8C.

Austin Knight moved that the Town vote to amend the main motion under Article 19 by changing the amount from \$526,800 to \$466,800 where it appears in two places in the main motion.

Motion to Amend Does Not Pass.

Motion Passed. (2/3rd's Vote Obtained) (For:107 Against:26)

Article 20. General By-law Amendment: Stretch Energy Code. To see if the Town will vote to amend the Provincetown General By-laws by inserting a new Section 11.9,

entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 120 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto, to read as follows:

Chapter 11-9 STRETCH ENERGY CODE

11-9-1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of 780 CMR, the MA State Building Code, will default to IECC 2009 with amendments adopted as part of 780 CMR.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained therein.

11-9-2 Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

11-9-3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

11-9-4 Authority

A municipality seeking to ensure that building construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

11-9-5 Stretch Energy Code

The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Provincetown General Bylaws, Chapter 11-9. The Stretch Energy Code is enforceable by the Building Commissioner and Local Building Inspector; or take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Has No Recommendation

Conservation Commission Recommends: 5-0-0

Recycling & Renewable Energy Committee Recommends: 4-0-0

[Sharon Lynn moved to indefinitely postpone Article 20](#)

Motion Passed.

Article 21. Formula Business Regulated District. To see if the Town will vote to amend the Provincetown Zoning Bylaws so as to add the following provisions with respect to Formula Business Establishments by adding the following:

Definition:

"Formula Business" means a type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment which is under common ownership or control or is a franchise, and is one of ten or more businesses or establishments worldwide maintaining three or more of the following features:

(a) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(b) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of the store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices.

(c) Standardized signage and color scheme used throughout the interior or exterior of the establishment.

(d) Standardized uniform, including but not limited to, aprons, pants, shirts, smocks or dresses, hat and pins (other than name tags).

(e) Standardized facade and signage.

Purpose:

The purpose and intent of the Formula Business Regulated District (FBRD) is to address the adverse impact of standardized businesses on Provincetown's historic residential community. The proliferation of Formula Businesses will have a negative impact on the Town's economy, historical relevance, unique character and economic vitality.

(1) Location

The location of the Formula Business Regulated District (FBRD) shall encompass the Town of Provincetown.

(2) Permitted Uses

Any use permitted in the underlying zoning district shall be permitted, except for those specifically prohibited below in Section 3.

(3) Regulated Uses

Formula Business uses are regulated in the FBRD in order to maintain a unique retail and dining experience. Formula Businesses frustrate this goal by detracting from Provincetown's overall historic experience and threatening its tourist economy. The proposed use of any building or structure for a Formula Business establishment shall require both a Special Permit from the Zoning Board of Appeals and a site plan approval of the Planning Board as well as the business license. The impact on the neighborhood and Town visual character and the impact on surrounding businesses of any Formula Business establishment shall be a criteria for approval, or take any other action relative thereto.

[Submitted by Barbara Rushmore and others]

**Board of Selectmen Recommends: 3-1-1
Finance Committee Has No Recommendation**

Planning Board Recommends Indefinite Postponement: 4-0-0
Visitor Services Board Reserves Recommendation: 5-0-0

Two-Thirds Vote Required

Barbara Rushmore moved that the Town vote to approve Article 21 as printed in the warrant.

Motion Passed. (2/3rd's Vote Obtained) (For:91 Against:24)

Article 22. Survey & Define Route 6 Wildlife Corridor. To see if the Town, recognizing that by vote at previous Town Meetings, and as clearly stated in the Town's 2007 Open Space and Recreation Plan endorsed by the Board of Selectmen and the Planning Board, that our objective is to "preserve the existing Greenway...to protect species health and biodiversity," (7.1.4), and furthermore ascertaining that recent violations of this accepted objective have cost the Town thousands of dollars while destroying critical habitats, will vote to instruct the Open Space Committee and the Conservation Commission to develop a grant proposal for submission to the appropriate funding sources, for \$10,000.00 to survey and define the said Greenway with all its grandfathered development, from the Provincetown Town Line to the Cape Cod National Seashore. Having surveyed and defined this unique and precious tourism resource, and having identified its private, Town and Commonwealth properties, a petitioned article developing a legal and efficient method of administering the Greenway, will be brought before the next Annual Town Meeting for approval; or to take any other action relative thereto.

[Submitted by Sherry Dranch and others]

Board of Selectmen Recommends: 5-0-0

Finance Committee Has No Recommendation

Open Space Committee Recommends: 3-0-1

Conservation Commission Recommends: 5-0-0

Animal Welfare Committee Recommends: 4-0-0

Sherry Dranch moved that the Town vote to approve Article 22 as printed in the warrant.

Motion Passed.

Town Moderator Irene Rabinowitz motioned to dissolve the April 5, 2010 Annual Town Meeting at 10:40 p.m.

Motion Passed.

Annual Town Meeting dissolved at 10:40 p.m.