



Annual Town Meeting

MONDAY, APRIL 3, 2006 AT 6:00
P.M.

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Town Moderator Mary-Jo Avellar convened Town Meeting at 6:00 p.m. on April 3, 2006 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 6:00 p.m. on April 4, 2006.

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 3, 2006 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Dennis Anderson, *Cape End Manor Care Campus project coordinator*; Edward Boxer, *PHS Principal*; Ellen Burbank, *Executive Director, Pilgrim Monument and Provincetown Museum*; Dennis Clark, *Recreation Director*; Jane Evans, *Health Agent*; Elizabeth Hartsgrove, *Licensing Agent*; Alexandra Heilala, *Town Accountant*; John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Beau Jackett, *Information Systems Director*; Michelle Jarusiewicz, *Acting Assistant Town Manager*; Janice Lachowetz, *Superintendent of Schools*; Maxine Notaro, *Permit Coordinator*; Anthony Teso, *Principal, Veterans Memorial Elementary School and Director of Student Services*; *Provincetown High School student representatives* Lee Ambroseno and David Anderson; and *School committee student representative* Jasmine Hadley. **Motion Passed.**

Cheryl Andrews moved that on all matters to come before the April 3, 2006 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 2007 Municipal Operating Budget.* To see to if the Town will vote to raise and appropriate or transfer from available funds the sum of \$13,654,421 to fund operating budgets for the several Town departments for Fiscal Year 2007 in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

<i>Division</i>	<i>FY 2006</i>	<i>FY 2007</i>	<i>06-07 %</i>
I. General Government	\$1,075,452	\$1,112,225	3.4%

II. Finance	6,600,805	6,543,349	-0.9%
III. Public Safety	3,102,463	3,157,186	1.8%
IV. Public Works	2,097,817	2,097,620	0.0%
V. Public Services	<u>3,456,649</u>	<u>744,041</u>	-78.5%
<i>Total Divisions I-V</i>	\$16,333,187	\$13,654,421	-16.4%

or to take any other action relative thereto.

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

Article 2. FY 2007 Municipal Operating Budget.

Division I. General Government.

BOARD OF SELECTMEN RECOMMENDS

FINANCE COMMITTEE RECOMMENDS

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$729,904, and transfer from the Land Bank fund the sum of \$371,505, for a total of \$1,101,409, to fund operating budgets for the several Town departments for Fiscal Year 2007 under budget Division I, General Government, as requested by the Board of Selectmen.

Peter Grosso moved to include Article 4 out of order and place it as Division VI of Article 2 as it has been traditionally and that the school budget considered with the other department budgets rather than as a separate issue. **Motion Passed.** Philip Gaudio moved to amend the motion by reducing the budget of Personal Services \$10,000 representing a 10% reduction in the salary of the Town Manager account 123. **Amendment Withdrawn.** William Dougal moved to postpone to a time certain Article 2 until 8:15 p.m. tonight, April 4, 2006. Stephen Melamed moved to amend the motion to postpone to a time certain to change time to reconvene to 8:15 p.m. tomorrow night, April 5, 2006. **Mr. Melamed's Motion to Amend Does Not Pass. Mr. Dougal's Motion Does Not Pass.** Carol Moss moved to amend Section I General Government section 123 Town Manager expenses be reduced to Fiscal Year 2005 level: a total of \$3,938.00. **Motion Does Not Pass.**

Dr. Andrews' Motion Passed.

Article 2. FY 2007 Municipal Operating Budget.

Division II. Finance

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$6,543,349 to fund operating budgets for the several Town departments for Fiscal Year 2007 under budget Division II, Finance, as requested by the Board of Selectmen.

Motion Passed.

Article 2. FY 2007 Municipal Operating Budget.

Division III. Public Safety

BOARD OF SELECTMEN RECOMMENDS \$3,157,186

FINANCE COMMITTEE RECOMMENDS \$3,115,637

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$3,157,186, to fund operating budgets for the several Town departments for Fiscal Year 2007 under budget Division III, Public Safety, as requested by the Board of Selectmen. Ruth Gilbert moved to amend the 210 Police Personal Services line from \$1,526,808 to \$1,485,259. Amendment Does Not Pass. Motion Passed.

Article 2. FY 2007 Municipal Operating Budget.

Division IV. Public Works

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$2,097,620 to fund operating budgets for the several Town departments for Fiscal Year 2007 under budget Division IV, Public Works, as requested by the Board of Selectmen. Motion Passed.

Article 2. FY 2007 Municipal Operating Budget.

Division V. Public Services

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS

Cheryl Andrews moved the Town vote to raise and appropriate the sum of \$744,041 to fund operating budgets for the several Town departments for Fiscal Year 2007 under budget Division V, Public Services, as requested by the Board of Selectmen. Motion Passed.

Article 2. FY 2007

Division VI. Provincetown Public Schools Operating Budget. (Originally appeared as Article 4 in the warrant but was moved to take out of order and place as Article 2, division VI.)

To see if the Town will vote to raise and appropriate the sum of \$4,152,958.43 to fund the Provincetown Public School System Budget for Fiscal Year 2007; or take any other action relative thereto.

[Requested by the School Committee]

SCHOOL COMMITTEE RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Terese Nelson moved that the Town vote to raise and appropriate the sum of \$4,152,958.43 to fund the Provincetown Public School System Budget for Fiscal Year 2007. Motion Passed.

Article 3. School Committee's Request for Another Audit of Town Finances. To see if the Town will vote to have an independent audit done of the Town's finances over the last five years. Said audit to be done independently from the auditing firm now contracted by the Town.

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0
BOARD OF SELECTMEN DOES NOT RECOMMEND: 5-0-0

Debra Trovato moved that the Town vote to indefinitely postpone action on Article 3. **Motion Passed.**

Article 4. *FY 2007 Provincetown Public Schools Operating Budget.* (Moved to Article 2, division VI.)

Article 5. *FY 2007 Cape Cod Regional Technical High School Assessment.*

To see to if the Town will vote raise and appropriate the sum of \$140,935 or any other sum for its assessment for Cape Cod Technical Regional High School for FY 2007; and further to 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 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: 5-0-0
FINANCE COMMITTEE RECOMMENDS: 6-0-0

Keith Bergman moved that the Town vote to raise and appropriate the sum of \$140,935 for its assessment for Cape Cod Technical Regional High School for FY 2007; and further to 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 in accordance with the Regional Agreement rather than the Education Reform Formula, so-called. **Motion Passed.**

Article 6. *FY 2007 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 2007:

	<i>FY 2006</i>	<i>FY 2007</i>	<i>06-07 %</i>
440 Wastewater Enterprise Fund			
Enterprise Fund Costs	\$1,947,521	\$1,858,044	
General Fund Costs	<u>285,600</u>	<u>285,600</u>	
TOTAL COSTS	\$2,233,121	\$2,143,644	-4.01%
450 Water Enterprise Fund			
Enterprise Fund Costs	\$1,836,749	\$1,827,567	
General Fund Costs	<u>285,600</u>	<u>285,600</u>	
TOTAL COSTS	\$2,122,349	\$2,113,167	-0.43%

or to take any other action relative thereto.

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

Article 6. *FY 2007 Enterprise Funds.*

1. *440 Wastewater Enterprise Fund.*

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

Sarah Peake moved that the Town vote that \$2,143,644 be appropriated to operate the Wastewater Enterprise Fund, \$1,858,044 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 6. FY 2007 Enterprise Funds.**2. 450 Water Enterprise Fund.****BOARD OF SELECTMEN RECOMMENDS: 5-0-0****FINANCE COMMITTEE RECOMMENDS: 6-0-0**

Sarah Peake moved that the Town vote that \$2,113,167 be appropriated to operate the Water Enterprise Fund, for \$1,827,567 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.**

10:05 p.m. Mary-Jo Avellar moved to adjourn until tomorrow, Wednesday, April 5, 2006 at 6:00 p.m. **Motion Passed.**

Town Moderator Mary-Jo Avellar called the meeting to order at 6:00 p.m. on Wednesday, April 5, 2006.

Article 7. FY 2007 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 2007 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows:

1. Replace Fire Rescue Vehicle 199: \$170,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of Fire Rescue Vehicle 199, and costs related thereto;
2. Police Fleet Replacement Program: \$47,332 to be expended under the direction of the Town Manager and the Chief of Police for two police cruisers, and costs related thereto;
3. Parking Program: \$35,200 to be expended under the direction of the Town Manager and the Chief of Police for a parking department vehicle and parking lot fee computers, and costs related thereto;
4. 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;
5. DPW Road Reconstruction Phase I: \$400,000 to be expended under the direction of the Town Manager and the Director of Public Works for reconstruction of roadways, and costs related thereto;
6. DEP Water Management Permit/New Source Development: \$500,000 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;

or to take any other action relative thereto.

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

Article 7. FY 2007 Capital Improvements Program.**1. Replace Additional Fire Rescue Vehicle 199.**

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

(Borrowing – 2/3's vote required)

David Nicolau moved that the Town vote to appropriate and borrow the sum of \$170,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for an additional Fire Rescue Vehicle 199, 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(9), 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 7. FY 2007 Capital Improvements Program**2. Police Fleet Replacement Program***BOARD OF SELECTMEN RECOMMENDS \$47,332: 4-1-0**

FINANCE COMMITTEE RECOMMENDS \$23,666: 7-0-0

(Borrowing – 2/3's vote required)

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$47,332 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 Does Not Pass.

Susan Buerkel moved to amend the amount in Article 7, Item 2 to \$23,666 for one police cruiser. Amendment Passed. (2/3rd's Vote Declared)

*Article 7. FY 2007 Capital Improvements Program**3. Parking Program***BOARD OF SELECTMEN RECOMMENDS \$25,200: 5-0-0**

FINANCE COMMITTEE RECOMMENDS \$25,200: 7-0-0

(Borrowing – 2/3's vote required)

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$25,200 to be expended under the direction of the Town Manager and the Chief of Police for parking lot fee computers, 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 7. FY 2007 Capital Improvements Program**4. Stormwater master plan Improvements:***BOARD OF SELECTMEN RECOMMENDS: 5-0-0**

FINANCE COMMITTEE RECOMMENDS: 7-0-0*(Borrowing – 2/3's vote required)*

Sarah Peake 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 7. FY 2007 Capital Improvements Program.**5. DPW Road Reconstruction Phase I:***BOARD OF SELECTMEN RECOMMENDS: 5-0-0****FINANCE COMMITTEE DOES NOT RECOMMEND: 7-0-0***(Borrowing – 2/3's vote required)*

Richard Olson moved that the Town vote to appropriate and borrow the sum of \$400,000 to be expended under the direction of the Town Manager and the Director of Public Works for reconstruction of roadways, 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(6), of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Motion Does Not Pass.

*Article 7. FY 2007 Capital Improvements Program.**6. DEP Water Management Permit/New Source Development:***BOARD OF SELECTMEN RECOMMENDS: 5-0-0****FINANCE COMMITTEE RECOMMENDS: 7-0-0****WATER & SEWER BOARD RECOMMENDS: 4-0-0***(Borrowing – 2/3's vote required)*

Michele Couture moved that the Town vote to appropriate and borrow the sum of \$500,000 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.

Barbara Rushmore moved to indefinitely postpone Article 7, section 6. Motion to Indefinitely Postpone Does Not Pass.

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

Article 8. *FY 2007 Revolving Accounts.* To see if the Town will vote to continue for FY 2007 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: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

Sarah Peake moved that the Town vote to continue for FY 2007 the revolving accounts established pursuant to MGL C.44, §53E½: as printed in the warrant.

Motion Passed.

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

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

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 7-0-0

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

Article 10. *Community Preservation Budget for FY 2007*. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation Budget, to appropriate or reserve from FY 2007 Community Preservation Fund annual revenues the following amounts totaling \$621,905, as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

Reserves:

- \$478,737 for Community Housing;
- \$1,342 for Historic Resources;

Appropriations:

- \$58,500 of historic resources funds for Cape Cod Pilgrim Memorial Association (a/k/a, Pilgrim Monument and Provincetown Museum) Historic Preservation proposal for restoration of doors, shutters, hinges, latches, reinforcing beams, railings, walls, and lightening rod.
- \$83,326 for open space debt service from CPA open space reserve.

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: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 5-0-0

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

Article 11. *Cape End Manor Transition Costs.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$400,000 to be expended under the direction of the Town Manager for costs associated with the transition of the Cape End Manor to the New England Deaconess Association; 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

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$400,000 to be expended under the direction of the Town Manager for costs associated with the transition of the Cape End Manor to the New England Deaconess Association. Motion Passed.

Southard Lypincott moved to amend the motion by deleting the costs totaling \$155,000 for paid time off from the article. Amendment Does Not Pass.

Article 12. *Cape End Manor Board of Directors.* To see if the Town will vote to rescind its vote under Article 60 of the April 11, 1978 Town Meeting which established a Board of Directors of the Cape End Manor to assist the Town Manager in the administration of the Cape End Manor, a Town-owned facility; 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 HAS NO RECOMMENDATION

Sarah Peake moved that the Town vote to rescind its vote under Article 60 of the April 11, 1978 Town Meeting which established a Board of Directors of the Cape End Manor to assist the Town Manager in the administration of the Cape End Manor, a Town-owned facility. Motion Passed.

Article 13. *Fund Collective Bargaining Agreements.* To see what sums the Town will vote to raise and appropriate or transfer from available funds to fund collective bargaining agreements; or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 7-0-0

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$249,115 to fund a collective bargaining agreement reached with the IBPO-PPLF union commencing July 1, 2004 and ending June 30, 2006.

Motion Passed.

Article 14. *Resolution: Reduce Police Court Overtime by Ticketing for Marijuana Possession.* To see if the Town will vote to approve the resolution on reducing Police overtime, as follows: Whereas: It is difficult to control the Police overtime costs. Injuries to staff are unexpected and unpredictable. Most Cape Police Departments are at minimum staffing levels in an effort to reduce cost and save taxpayers money. Do we have insurance for these injuries and their cost to the Police Department? Whereas: Another area of uncontrollable overtime expense is in the area of court prosecution and required Police Officer attendance at the District Court level (Orleans); we have numerous Police Officers being scheduled for court cases who never testify, since there are frequent case continuances and the staffing in Orleans has had budget cuts. Whereas: The Chiefs of Police of the Cape Cod region have been studying mutual cooperation, information sharing and working together to reduce costs and try to be creative. Whereas: The arrests for possession of small amounts of marijuana is considered a misdemeanor and these people are not jailed, or even found guilty, but are "continued without a finding" and after six months the finding is removed from the records with a small variable fine. Whereas: Sending a Police Officer to Orleans in a Town vehicle for each arrest is wasteful and expensive play-acting. Therefore I move to see if the Town will vote to ask the Chief of Police to issue for marijuana possession a warning ticket or a misdemeanor form, like the Traffic Tickets, to be returned to the Police Department, the fine to be \$50, or take any other action relative thereto.

[Requested by Barbara Rushmore and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

Barbara Rushmore moved that the Town vote to approve the resolution on reducing Police overtime, as follows: Whereas: It is difficult to control the Police overtime costs. Injuries to staff are unexpected and unpredictable. Most Cape Police Departments are at minimum staffing levels in an effort to reduce cost and save taxpayers money. Do we have insurance for these injuries and their cost to the Police Department? Whereas: Another area of uncontrollable overtime expense is in the area of court prosecution and required Police Officer attendance at the District Court level (Orleans); we have numerous Police Officers being scheduled for court cases who never testify, since there are frequent case continuances and the staffing in Orleans has had budget cuts. Whereas: The Chiefs of Police of the Cape Cod region have been studying mutual cooperation, information sharing and working together to reduce costs and try to be creative. Whereas: The arrests for possession of small amounts of marijuana is considered a misdemeanor and these people are not jailed, or even found guilty, but are "continued without a finding" and after six months the finding is removed from the records with a small variable fine. Whereas: Sending a Police Officer to Orleans in a Town vehicle for each arrest is wasteful and expensive play-acting. Therefore I move to see if the Town will vote to ask the Chief of Police to issue for marijuana possession a warning ticket or a misdemeanor form, like the Traffic Tickets, to be returned to the Police Department, the fine to be \$50. Motion Passed. (For 120 Against 69)

TAX RELIEF PROPOSALS

Article 15. *Tax Relief for Income Eligible Seniors.* To see if the Town will vote to accept the following changes in accordance with Massachusetts General Laws Chapter 59 section 5 Clause 41C Tax Exemption for Elderly Persons effective Fiscal Year 2006: to increase the amount of the exemption from \$500 to \$1,000, to decrease the minimum age from 70 years to 65 years, to increase the whole estate limit (excluding domicile) from

\$28,000 single to \$40,000 and from \$30,000 married to \$55,000; or to take any other action relative thereto.

[Requested by the Council on Aging]

COUNCIL ON AGING RECOMMENDS: 4-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

Geraldine Brennan moved that the Town vote to accept Article 15 as printed in the warrant. Motion Passed.

Article 16. *Discount on Sewer Bills for Income Eligible Seniors.* To see if the town will vote to accept a twenty five percent discount for income-eligible seniors on the amount of sewer user fees (excluding betterments) over the minimum charge. Eligibility criteria as follows: minimum age 65 years, income limit (excluding domicile) \$40,000 single, \$55,000 married; or to take any other action relative thereto.

[Requested by the Council on Aging]

COUNCIL ON AGING RECOMMENDS: 4-0-0

FINANCE COMMITTEE DOES NOT RECOMMEND: 9-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 5-0-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

Gregory Howe moved to indefinitely postpone Article 16. Motion Passed.

Article 17. *Resolution: Big Tax Break for Full-time Residents.* To see if the Town will vote to approve the resolution to provide a tax exemption for full-time residents, as follows: Whereas: According to Massachusetts General Laws, Chapter 40, Section 56 of the Acts of 1982 and Chapter 79 of the Acts of 1983 the Board of Selectmen is annually charged with the Allocation of Local Property Taxes by adoption of a Residential Factor, a Residential Exemption and/or adoption of a Small Business Exemption. Whereas: All classes of property have been uniformly assessed by the Assessors according to law. Whereas: The Selectmen have the option of shifting the tax burden to the Commercial (and Personal Property) Class by one to fifty percent by allocation by a Residential Factor. Any increase to the tax burden to Commercial would be offset by a decrease in the taxes paid by the Residential Class of property owners. To date, the Town's policy has been to select a "Factor of One", that is equal rates for Commercial and Residential. Whereas: At the option of the Selectmen, an EXEMPTION of not more than 20% of the average assessed value of all Residential properties may be applied to Residential properties which are the principal residence of the taxpayer. Principal residence is the taxpayer's domicile, that is, his fixed place of habitation, permanent home and legal residence as used for Federal and State Income Tax and Town tax purposes. (The Selectmen also have the option of granting up to 10% exemption to the owners of Commercial property, which is occupied by qualified small businesses.) Whereas: The Residential taxes paid by full-time residents have risen greatly and has been one of the causes of many long-time, full-time residents to sell out and move away. Whereas: Adoption of the Full-time Residential Exemption would affect all non-resident property owners and all residential properties in the higher value ranges. There are more than 50% of property owners whose tax bills are sent out of town. Therefore: I move to see if the Town will vote to urge the Selectmen to adopt a 20% Residential Exemption for Full-time Residents, defined as those whose property is the taxpayer's domicile, that is his fixed place of habitation, permanent home and legal residence, as used for Federal and State Income Tax and Town tax purposes, for the Fiscal Year 2007 tax year, or take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**FINANCE COMMITTEE HAS NO RECOMMENDATION
BOARD OF SELECTMEN DOES NOT RECOMMEND: 5-0-0**

Barbara Rushmore moved that the Town vote to approve Article 17 as printed in the warrant. Motion Does Not Pass.

Article 18. *Resolution: Lock In Real Estate Taxes.* To see if the Town will vote to approve the resolution to lock in real estate taxes for full-time residents, as follows: Whereas: Many taxpayers don't have the means to pay ever increasing real estate taxes and yet would like to share equally in running the Town; Therefore: I move to see if the Town will vote that any Full-time Resident of Provincetown, (one whose principal residence is the taxpayer's domicile, that is, his fixed place of habitation, permanent home and legal residence as used for Federal and State Income Tax and Town tax purposes) can, upon application, defer paying any real estate taxes above the Fiscal Year 2005 level. The lien for these unpaid taxes would be paid with interest when the title to the property changes, or take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0
BOARD OF SELECTMEN DOES NOT RECOMMEND: 5-0-0**

Barbara Rushmore moved that the Town vote to approve Article 18 as printed in the warrant. Motion Does Not Pass.

CHARTER AMENDMENTS

Article 19. *Home Rule Petition/Charter Amendment/Eliminate Term Limits.* To see if the Town will vote to instruct its senator and representative in the General Court to file a home rule petition for a special act to read as follows:

SECTION 1. The Charter of the Town of Provincetown which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws is hereby amended by striking Chapter 3, Article 3, section 3-4-4, which currently reads as follows: "A member of a town board shall not serve on that town board for more than three consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term if the balance of said term being completed is more than fifty percent of the original term. A person who has been prohibited from serving on a town board by this section may be reelected or reappointed to that board after two years have elapsed from the ending date of his or her previous service."

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

The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the general court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 3-1-1

CHARTER ENFORCEMENT COMMISSION RECOMMENDS: 3-0-0
 FINANCE COMMITTEE HAS NO RECOMMENDATION

Sarah Peake moved that the Town vote to approve Article 19 as printed in the warrant.

Austin Knight moved to amend the motion under Article 19 by retaining Chapter 3, article 3, section 3-4-4 of the Charter, and adding the following to the end of said section: should a full compliment of a board not be present at the end of term limits of a board member, the appointing authority may extend for a year period the board member's term for or until time within that year which a full quorum of a board is achieved. Amended Motion Does Not Pass. David Nicolau moved to postpone consideration of Article 19 as the last order of business at this Town Meeting. Motion To Postpone Consideration Does Not Pass.

Motion Does Not Pass.

ZONING BY-LAW AMENDMENTS

Article 20. *Zoning By-law Amendment: Outside Vending by-law.* To see if the Town will vote to amend the Provincetown Zoning By-laws, as follows, with added text shown in italics and deleted text shown in strikethrough:

(1) Add the following definitions to Article 1 Definitions:

Outside Vending: Any use involving an Outside Vending Unit but does not include adjunct display of representative merchandise of a business located on the same lot.

Outside Vending Site: The precise location and placement of the Outside Vending Unit on a lot.

Outside Vending Unit: A mobile or stationary apparatus utilized for the purpose of sale or display of merchandise or Fast-Order-Food and which is designed and intended so as not to be a permanent fixture on a lot.

Outside Vendor: A business or person engaged in Outside Vending.

(2) Add *Outside Vending (Retail Sales)* and *Outside Vending (Fast Order Food)* to Section 2314 Harborfront Overlay District Special Permit Uses so that it reads as follows:

2314 Special Permit Uses The following uses are allowed in the Harborfront Area on Special Permit from the Zoning Board of Appeals unless prohibited in an underlying district:

B4a	Neighborhood
B4b	Art Gallery
B4e	Package Store
B4f	<i>Outside Vending (Retail Sales)</i>
B4f g	All other retail
B5	Restaurant, Bar
B7	Parking Lots
B8	<i>Outside Vending (Fast Order Food)</i>

(3) Add *Outside Vending* to Section 2400 Permitted Principle Uses under B4 Retail Sales or Service and B8 Fast Order Food as follows:

B4	Retail Sales or Service	Res. 1	Res. 2	Res. 3 Res. B	TCC	GC	S	M
	a. neighborhood	BA	BA	BA	YES	YES	NO	NO
	b. art gallery	NO	NO	YES	YES	YES	NO	NO
	c. motor vehicle sales, rental or service	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. outside vending	NO	NO	NO	BA	BA	NO	BA
g. all other retail	NO	NO	NO	YES ⁽¹⁷⁾	YES ⁽¹⁷⁾	NO	NO

B8	Fast Order Food	Res. 1	Res. 2	Res. 3 Res. B	TCC	GC	S	M
	a. Establishment (excluding those with seating for less than ten and which occupy no more than a total of 500 square feet)	NO	NO	NO	BA ⁽¹²⁾	YES ⁽¹³⁾	NO	NO
	b. outside vending	NO	NO	NO	BA	BA	NO	BA

(4) Add the following Outside Vending by-law in its entirety:

3500 Outside Vending

Outside Vending is prohibited unless a Special Permit has been granted by the Zoning Board of Appeals. Outside Vending is prohibited except where allowed in accordance with Section 2440 Schedule of Permitted Principal Uses. A Special Permit for such use may be issued for a period of one calendar year by the Zoning Board of Appeals after filing an application with the Zoning Board of Appeals and a copy thereof with the Town Clerk. The Special Permit may be renewed for succeeding one year periods; however violations may be considered as a basis for non-renewal.

3510 Outside Vending Special Permit Application Requirements

The following materials shall be included with Special Permit applications to the Zoning Board of Appeals:

1. *The name, home and business address and telephone number of the applicant.*
2. *A full description of the goods which the applicant intends to sell.*
3. *A full description, and a photograph or an artist's concept of the Outside Vending Unit and information providing details on the design and size of the Outside Vending Unit.*
4. *Plans displaying the preferred Outside Vending Site.*
5. *Written approval of the preferred Outside Vending Site's owner or legal representative to use the preferred Outside Vending Site.*
6. *The intended months, days, and hours of operation during which the applicant intends to conduct Outside Vending.*
7. *Such other information as the Zoning Board of Appeals may require.*

3520 Outside Vending Use Regulations and Special Permit Criteria

1. *Outside Vending Units shall not be located within 100 feet of any school property line.*
2. *Outside Vending Units shall not be located within 100 feet of any other Outside Vending Unit or business selling similar goods or items. Subsequent to the issuance of a Special Permit, should a business selling similar goods or items locate within 100 feet of the approved Outside Vending Unit, such prohibition shall not apply for the remainder of the Special Permit year.*
3. *Outside Vendors shall only operate the specific Outside Vending Unit approved and referred to in the Special Permit for the specific Outside Vending Site as listed and referred to in the Special Permit.*
4. *Outside Vending, Outside Vending Units and Outside Vendors shall not create any adverse effect due to hazard or congestion.*
5. *Outside Vending, Outside Vending Units and Outside Vendors shall not obstruct the free passage of pedestrians or vehicles.*
6. *Outside Vending, Outside Vending Units and Outside Vendors must be consistent with and shall not cause any adverse impact to the character of the surrounding area.*
7. *Outside Vending Units shall be equipped with a refuse container for public use that shall be sufficient to*

- dispose of any waste that may be produced during normal operation of the Outside Vending business. Such refuse container shall be emptied in a legal manner at the close of every business day and whenever the container reaches its capacity. An Outside Vendor shall not leave the Outside Vending Site without first picking up, removing and disposing of all refuse remaining from sales made by the Outside Vendor.*
8. *No Outside Vending shall be conducted between the hours of 1:00am and 6:00am on any day.*
 9. *Outside Vendors shall not store, park or leave any Outside Vending Unit overnight (between the hours of 1:00am and 6:00am) on the Outside Vending Site unless otherwise stated and referred to in the Special Permit.*
 10. *Outside Vendors shall not store, park or leave any Outside Vending Unit overnight (between the hours of 1:00am and 6:00am) or while not conducting business at the approved Outside Vending Site on any street or public area.*
 11. *Outside Vending Units shall be maintained in satisfactory repair and appearance and shall be maintained to be mechanically safe.*
 12. *Outside Vending shall comply with all municipal, county and state health standards prescribed for the manner of storing and handling the goods or items sold or dispensed from the Outside Vending Unit.*
 13. *Outside Vendors shall not leave an Outside Vending Unit unattended during business hours as established and referred to in the Special Permit.*
 14. *Outside Vendors shall not allow anything relating to the operation of the Outside Vending Unit to be placed anywhere other than in, on or under the Outside Vending Unit.*
 15. *Outside Vendors shall not set-up, maintain or permit the use of any table, crate, carton, rack or any other apparatus or device to increase the selling or display capacity of the Outside Vending Unit unless the apparatus or device has been referred to in the Special Permit for use in conjunction with the Outside Vending Unit.*
 16. *Outside Vendors shall not solicit or conduct business with persons in motor vehicles.*
 17. *Outside Vendors shall not sell anything other than those goods, items or services which are referred to in the Special Permit.*
 18. *Outside Vendors shall not utilize loud-speakers, amplifiers or other hailing devices.*
 19. *Outside Vendors shall not sell or otherwise dispose of any goods or items else-where than the approved Outside Vending Site as referred in the Special Permit.*
 20. *Outside Vending Units wherein combustible materials, heating elements or other such devices are utilized shall be inspected annually by a Fire or Safety Inspector of the Town or any other person authorized by the Board of Selectmen in order to certify that the Outside Vending Unit complies with all applicable fire laws, codes, rules, regulations and standards.*
 21. *Outside Vendors shall bear a label, tag, hat or other acceptable emblem which shall identify the Outside Vendor as an Employee of the Outside Vending Business.*
 22. *A Police Officer, Town Inspector or any other person authorized by the Board of Selectmen may inspect any Outside Vending Unit at all reasonable times.*
 23. *Outside Vending Special Permits are not transferable or assignable.*

3530 Outside Vending Special Permit Additional Considerations

In addition to the mandatory criteria and conditions set forth in Section 3520, the Zoning Board of Appeals may consider additional factors in exercising its discretion in the review of applications for outside vending special permits, including but not limited to the following:

1. *The quality of the workmanship and materials used in the construction of the Outside Vending Unit.*
2. *The attractiveness in the design and coloration of the Outside Vending Unit.*
3. *The quality in the goods or items intended to be sold; and uniqueness in the goods or items intended to be sold.*

4. *The location as to where the Outside Vending Unit will be stored or parked during the hours, days and or months when not conducting normal Outside Vending business.*

or take any other action relative thereto; the original copy of this zoning by-law change is on file for public inspection in the Town Clerk's Office.

[Requested by the Planning Board]

PLANNING BOARD RECOMMENDS: 4-0-0

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

FINANCE COMMITTEE HAS NO RECOMMENDATION

(Zoning By-law Amendment: 2/3's vote required under MGL C.40A)

Howard Burchman moved that the Town vote to approve Article 20 as printed in the warrant. Motion Does Not Pass.

Article 21. *Zoning By-law Amendment: Growth Management I.* To see if the Town will vote to amend Section 6500 Table of Use Categories and Priorities so that it reads as follows, with additions shown in underline and deletions in strikethrough:

GENERAL USE CATEGORY 1

- 1a. Affordable Housing Units
- 1b. Medium Income Community Housing Units
- 1c. Middle Income Community Housing Units

GENERAL USE CATEGORY 2

The non-affordable housing components of project consisting of:

- 2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing
- 2a2 Two-family dwellings projects that consist of 50%-99% affordable housing
- 2a3 Single-family dwelling projects that consist of 50%-99% affordable housing
- 2b1 Multi-family dwelling projects that consist of 33%-49.9% affordable housing
- 2b2 Two-family dwelling projects that consist of 33%-49.9% affordable housing
- 2b3 Single-family dwelling projects that consist of 33%-49.9% affordable housing

GENERAL USE CATEGORY 3

- ~~3a1 Single family dwelling, one per lot~~
- ~~3a2 Single family dwelling, two per lot, each in a separate structure~~
- ~~3a3 Single family dwelling, three or more per lot, each in a separate structure~~
- ~~3b1 Two family dwelling, one per lot~~
- ~~3b2 Two family dwelling, two per lot, each in a separate structure~~
- ~~3b3 Two family dwelling, three or more per lot, each in a separate structure~~
- ~~3c Manufactured Home developments~~
- ~~3d Cluster development~~
- ~~3e All other new residential uses, or expansions or alterations to existing residential structures or uses, that result in increased Title 5 flow.~~

3a. Expansions or alterations to existing residential structures or uses that result in increased Title 5 flow, not to exceed the Title 5 Design Flow pursuant to 310 CMR 15.203(2) for one bedroom per year per applicant.

3b. Single family dwelling, one per lot; two family dwelling, one per lot.

3c. All other market rate residential projects without affordable housing components that result in increased Title 5 flow.

GENERAL USE CATEGORY 4

- 4a Office, Artists' Studio, For profit Nursing home, For profit Outpatient Rehabilitation Facility
- 4b Boarding, Lodging or Tourist Homes
- 4c Hotel, Motel, Inn, Camp, Cabin
- 4d Restaurant and Bar
- 4e All other uses, expansions or alterations to existing structures or uses and any change in use or increase in posted occupant load that results in increased Title 5 Design Flow.

or take any other action relative thereto; the original copy of this zoning by-law change is on file for public inspection in the Town Clerk's Office.

[Requested by the Planning Board]

PLANNING BOARD RECOMMENDS MOTION: 4-0-0

BOARD OF SELECTMEN RECOMMENDS:5-0-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

(Zoning By-law Amendment: 2/3's vote required under MGL C.40A)

Anne Howard moved that the Town vote to amend Section 6500 Table of Use Categories and Priorities so that it reads as printed in the warrant with the following amendment: Paragraph 3a to read as follows: "3a. Expansions or alterations to existing residential structures or uses that result in increased Title 5 flow, not to exceed the Title 5 Design flow pursuant to 310 CMR 15.203(2) for one bedroom per year per applicant *not to exceed a total of 330 gallons per year.*" Motion Passed. (2/3rd's Vote Declared)

Article 22. *Zoning By-Law Amendment - Growth Management II.* To see if the Town will vote to amend Section 6600 Growth Limitation Goal Limitation Allocations as follows, with added text shown in italics and deleted text shown in strikethrough:

Section 6600 Growth Limitation Goal Allocations

1. Initially, 13,200 gpd shall be allotted for assignment for Use Category 1a. Thereafter, *unassigned gallonage allotment shall be as follows in the order listed.* ~~all~~ *1. All unassigned gallonage remaining at the end of each calendar year for General Use Category 1a shall be allotted for assignment in the next calendar year for Use Category 1a.* 2. *Unassigned gallonage remaining at the end of each calendar year for General Use Categories ~~1b, 1c, and 2~~, 1b and 1c shall be allotted for assignment in the next calendar year for those same categories, respectively (~~1b to 1b, 1c to 1c, and 2 to 2~~ 1b to 1b and 1c to 1c).* 3. *One quarter of the unassigned gallonage remaining at the end of each calendar year for General Use Categories 3 and 4 shall be allotted for assignment in the next calendar year for Use Category 1a; two quarters of said remaining unassigned gallonage shall be so allotted for Use Category 1b; and one quarter of said remaining unassigned gallonage shall be so allotted for Use Category 1c.* *4. One half of the unassigned gallonage remaining at the end of each calendar year for General Use Category 2 shall be allotted for assignment in the next calendar year for Use Category 2 and one half of said remaining unassigned gallonage shall be so allotted for Use Category 3.* On the effective date of this zoning by-law amendment and on the anniversary thereof in 2005, 2006, 2007 and 2008, 550 gallons per day shall be added to the allotment for Use Category 1a, provided that prior to each such anniversary, the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection ("DEP") pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.

1a. On the effective date of this zoning by-law amendment and on the anniversary thereof in 2005, 2006, 2007 and 2008, 1,100 gallons per day shall annually be added to the allotment for Use Category 1b, provided that prior to each such anniversary, the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.

1b. On the effective date of this zoning by-law amendment and on the anniversary thereof in 2005, 2006, 2007 and 2008, 550 gallons per day shall annually be added to the allotment for Use Category 1c, provided that prior to each such anniversary, the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.

1c. On the effective date of this zoning by-law amendment and on the anniversary thereof in 2007 and 2008, 990 gallons shall be allocated for assignment to Use Category 3a for projects where Completed Applications were filed prior to March 31, 2005.

2. The Growth Limitation Goal shall be allocated for categories 2, 3 and 4 each year as follows:
 - (a.) 1,870 gpd shall be allocated for assignment under General Use Category 2.
 - (b.) 1,100 gpd shall be allocated for assignment under General use Category 3.
 - (c.) 700 gpd shall be allocated for assignment under General Use Category 4.
3. Gallonage in the Surplus Gallonage Pool at the end of each calendar year shall be available for allotment in subsequent calendar years to General Use Category 5.
4. Annually, by November 15, the DPW Director, Water Superintendent, Permit coordinator, Planning Board, Board of Health, Water & Sewer Board, Local Housing Partnership and the Local Comprehensive Plan Implementation Committee shall evaluate the effects of growth on our resources including but not limited to potable water supply, solid waste disposal and wastewater disposal and issue a report to the Board of Selectmen on those impacts and their recommendations therefore. The Board of Selectmen shall hold a Public Hearing on the report in December of each year.

or take any other action relative thereto; the original copy of this zoning by-law change is on file for public inspection in the Town Clerk’s Office.

[Requested by the Planning Board]

PLANNING BOARD RECOMMENDS MOTION: 4-0-0

BOARD OF SELECTMEN RECOMMENDS:5-0-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

(Zoning By-law Amendment: 2/3’s vote required under MGL C.40A)

Kevin Rich moved that the Town vote to amend Section 6600 Growth Limitation Goal Limitation Allocations by adding a new paragraph 1c to read as follows: “1c. On the effective date of this zoning by-law amendment and on the anniversary thereof in 2007 and 2008, 990 gallons shall be allocated for assignment to Use Category 3a for projects where Completed Applications were filed prior to March 31, 2005.” Motion Passed. (2/3rd’s Vote Declared)

Article 23. *Zoning By-Law Amendment: Surplus Gallonage Pool.* To see if the Town will vote to amend the Zoning By-laws, Section 6600(3) to make gallonage in the Surplus Gallonage Pool available for allotment to

Category 5 (Economic Development pursuant to an Economic Development Permit) gallonage available as soon as it is added to the Surplus Gallonage Pool, rather than at the end of the calendar year, by amending said section to read as follows: "3. Gallonage in the Surplus Gallonage Pool shall be allocated to General Use Category 5 as such gallonage accrues." Or to take any other action relative thereto.

[Requested by the Town Manager]

- PLANNING BOARD RECOMMENDS: 4-0-0**
- BOARD OF SELECTMEN RECOMMENDS: 5-0-0**
- BOARD OF HEALTH RECOMMENDS: 4-0-0**
- FINANCE COMMITTEE HAS NO RECOMMENDATION**
- (Zoning By-law Amendment: 2/3's vote required under MGL C.40A)*

[Keith Bergman moved that the Town vote to approve Article 23 as printed in the warrant.](#) Motion Passed.
(2/3rd's Vote Declared)

Article 24. *Zoning By-law Amendment: Animal Shelter.* To see if the Town will vote, in accordance with MGL c. 40 §4A, to amend the Provincetown Zoning By-Laws, by adding the following definition to Article 1 Definitions: "Animal Shelter shall refer to a non-profit public animal control facility or any other facility which is operated by any organization or individual for the purpose of protecting animals from cruelty, neglect or abuse;" and further by amending Section 2440 - Table of Permitted Principal Uses as follows: "In category F Other Principal Uses, to add line F3b Animal shelter, so that the line reads as follows:

F.	Other Principal Uses	Res1	Res2	Res3 ResB	TCC	GC	S	M
F3b	<i>Animal shelter</i>	<i>NO</i>	<i>NO</i>	<i>BA</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

or to take any other action relative thereto.

[Requested by Carol MacDonald and others]

- PLANNING BOARD RECOMMENDS: 4-0-0**
- BOARD OF SELECTMEN RECOMMENDS: 3-2-0**
- BOARD OF HEALTH RECOMMENDS: 4-0-0**
- FINANCE COMMITTEE HAS NO RECOMMENDATION**
- (Zoning By-law Amendment: 2/3's vote required under MGL C.40A)*

[Caroline MacDonald moved that the Town vote to approve Article 24 as printed in the warrant.](#) Motion Passed.
(2/3rd's Vote Declared)

GENERAL BY-LAW AMENDMENTS

Article 25. *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:
2-3-1-1. Any rule or regulation of the Provincetown Public Pier Corporation duly enacted as of ~~April 4, 2005~~ *April 3, 2006* 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.

And further by amending Section 2-1, Schedule A, as follows:

2-3-2-1 Violations of the Provincetown Public Pier Corporation Regulations in Effect on ~~April 4, 2005~~
April 3, 2006 (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 the Provincetown Public Pier Corporation]

PPPC BOARD OF DIRECTORS RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Lee Ash moved that the Town vote to amend the Provincetown General By-laws by amending §2-3-1-1 to read as printed in the warrant. Motion Passed.

Article 26. *General By-law Amendment: Town-owned Docking Facilities.* To see if the Town will vote to amend the Provincetown General By-laws by amending §9-6 to read as follows:

9-6. Use of town owned docking facilities. Pursuant to the 20-year lease for the management of MacMillan Pier, The Licensing Board Provincetown Public Pier Corporation may permit or license persons, partnerships, corporations, or other entities for operation from float spaces at MacMillan Pier and/or from any other town-owned or town-operated berthing or docking facilities. The terms of all such licenses shall be as determined by the Licensing Board Provincetown Public Pier Corporation. Applications for new licenses, licenses which are not renewed, and licenses which are revoked shall be solicited by public bidding in accordance with Section 6-4 or utilized by the Provincetown Public Pier Corporation for economic development consistent with Chapter 13 of the Acts of 2000 and Chapter 91 License 8621. The Licensing Board Provincetown Public Pier Corporation shall continue to license those entities which were licensed during the summer of 1986 provided that said entities have been properly licensed in each succeeding year since 1986, that complete applications are received by April 1 of the permit year and that said licensees shall have been and shall remain in good standing with all fees paid and in conformance with all applicable laws, bylaws, rules and regulations.

or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation]

PPPC BOARD OF DIRECTORS RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Lee Ash moved that the Town vote to amend the Provincetown General By-laws by amending §9-6 to read as printed in the warrant. Motion Passed.

Article 27. *General By-Law Amendment: Historic District.* To see if the Town will vote to amend the Historic District by-law, Chapter 15, number 9, appendices 2c, 3b, 5, 6, 10, and 12, so that it reads as follows:

9. Exclusions

9.1 Categorical Exclusions: The Commission shall exclude from its purview the following:

- 9.1.1 Maintenance and repairs that do not alter or replace material, as defined in Section 9.2.
- 9.1.2 The color of paint.
- 9.1.3 Exterior lighting.
- 9.1.4 Gutters and downspouts.
- 9.1.5 Signage.
- 9.1.6 Storm windows and window air conditioners.
- 9.1.7 Satellite antennae, or similar equipment, provided they are located to minimize visibility from a Public Way.
- 9.1.8 Temporary Buildings or Structures subject, however, to conditions pertaining to the duration of existence and use, as the Commission may reasonably specify.
- 9.1.9 Terraces, walks, sidewalks and similar structures, provided that any such Structure is substantially at grade level.
- 9.1.10 Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, house numbers, and garden furniture.
- 9.1.11 Buildings that are less than 50 years old are exempt from review, with the following conditions: Alterations which affect more than 25% of a façade must comply with the Guidelines. Additions which increase such Building by more than 25% must conform with Guideline 15 New Construction and Additions.
- 9.1.12 Piers/Wharves: Additions and alterations to piers and wharves, including all mechanical and maritime-related Structures and equipment, are exempt from review.
- 9.1.13 Cemeteries: All cemetery Structures are exempt except Buildings and fences.
- 9.1.14 Plant material and trees.

9.1.15 Solar access panels

2. GENERAL GUIDELINES

- a. In the District, the Commission shall determine whether the proposed construction, reconstruction, alteration or demolition of an exterior architectural feature will be appropriate to preserve the character and appearance of Provincetown. Commission members will refer to the Provincetown Survey when reviewing applications to better understand architectural and historic significance.
- b. In the District, each building or structure shall be recognized as a physical and cultural record of its time, place and use. The historic character of a building or structure shall be retained and preserved. The removal of historic materials or alteration of features that characterize a building or structure shall be avoided.
- c. ~~Deteriorated historic features should be repaired rather than replaced.~~ All architectural changes shall be appropriate either to the original style of the building or structure (if it has not been significantly altered) or to its altered style (if it has been significantly altered to reflect characteristics of a later style). ~~Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and the other visual qualities and, where possible, materials.~~ *The replacement for a distinctive feature should match the old in design, texture, and other visual qualities.* Replacement of missing features should be substantiated by documentary, physical, or pictorial evidence.

3. EXEMPTIONS FROM REVIEW. The following items shall be exempt from review by the Commission:

- a. Maintenance and repairs.
- b. The color of paint *or finish*.
- c. Exterior lighting.
- d. Gutters and downspouts.
- e. Signage.
- f. Storm windows and window air conditioners. ~~The color of storm windows should match the trim color to which they are affixed. Storm windows should have a narrow frame and closely align with the window sash and its meeting rail.~~

- g. Satellite antennae or similar mechanical equipment, provided it is located to minimize visibility from a Public Way.
- h. Temporary buildings and structures, subject, however, to conditions pertaining to the duration of existence and use, as the Commission may reasonably specify.
- i. Terraces, walks, sidewalks, or similar structures, provided that any such structure is substantially at grade level.
- j. Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, house numbers, and garden furniture.
- k. Buildings that are less than 50 years old are exempt from review, with the following conditions: Alterations which affect more than 25% of a façade must comply with the Guidelines. Additions which increase such buildings by more than 25% must conform with Guideline 15 New Construction and Additions.
- l. Piers/Wharves: Additions and alterations to piers and wharves, including all mechanical and maritime-related structures and equipment, are exempt from review.
- m. Cemeteries: All cemetery structures are exempt except buildings and fences.
- n. Plant material and trees.

5. WINDOWS

- ~~a. Replacement windows, including muntin pattern, must be appropriate to the original style of the building, or to its altered style, if that style has gained significance. Muntins, whether structural or applied, must have an exterior three dimensional profile and appropriate width.~~
- ~~b. Replacement windows shall not frame down the historic window openings. Where possible, altered window openings shall be returned to their historic dimensions.~~
- ~~e. New windows may be added provided they do not detract from an original or architecturally significant arrangement of windows.~~
- ~~d. Storm windows are exempt — see Section 3.f.~~
- ~~e. Waterfront elevations: On the waterfront elevations, window and door openings have frequently been altered and enlarged to accommodate water views. It is not the intention of these Guidelines to prohibit such alterations. Alterations to window and door openings shall be reviewed on a case by case basis. Alterations should retain and reflect the historic characteristics of the building, including appropriate materials, proportion, and design.~~
- ~~f. Shutters: When used, shutters shall be made of wood and be of a design appropriate to the style and period of the building. Each shutter shall match the height and one half the width of the window opening. It is recommended that the shutters be installed on shutter hardware and be operable or made to appear operable, and be hung in a manner consistent with traditional installations.~~
 - a. The style of window; i.e. double hung, casement, awning, must be appropriate for the location within the structure, and the exterior architectural style of the structure. Unique architectural styles of structures may use types of windows that are keeping in the style of architecture.*
 - b. Entirely new windows may be added provided they do not detract from the historically accurate arrangement of windows.*
 - c. Windows determined to be significant by the commission may be restored at the applicant's request rather than be upgraded to meet current building codes.*
 - d. When the applicant requests replacements, they can choose one of the following types of sash, and this will be specified in the decision.*
 - *Wood, single pane true divided light. Non-Insulated.*
 - *Insulated energy efficient true divided light double pane. These have a true muntin bar as a true divided light single pane window does.*
 - *Insulated energy efficient simulated divided light double pane. These have permanently applied interior and exterior split muntin bars with a filler piece between the glass.*

- *All of the above may have exterior cladding of aluminum, vinyl or other appropriate material.*
- e. *The muntin pattern must be appropriate to the original style of the building, or to its altered style, if that style has gained significance. Muntins, whether structural or permanently applied, must have an exterior three-dimensional profile of an appropriate width.*
- f. *Glass may not have any deeper tinting than a manufacturer's normal Low-E coating applied for energy efficiency.*
- g. *Replacement windows shall not frame down the historic window openings. Altered window openings shall be returned as close to their historic dimensions as is reasonable.*
- h. *Waterfront elevations: On the waterfront elevations, window and door openings have frequently been altered and enlarged to accommodate water views. It is not the intention of these Guidelines to prohibit such alterations. Alterations to window and door openings shall be reviewed on a case-by-case basis. Alterations should retain and reflect the historic characteristics of the building, including appropriate materials, proportion, and design.*
- i. *Solid vinyl windows will be allowed in certain cases for non-significant windows.*
- j. *Storm windows are permitted. These may be triple track aluminum with half screens. Traditional removable interchangeable full storm window and screens are also allowed and should approximate and or compliment in style, material, and color, the window sash. Permanently applied half screens are also allowed and should approximate and or compliment in style, material, and color, the window sash.*
- k. *Shutters: When used, shutters shall be made of wood or of a material manufactured to appear to be wood, and be of a design appropriate to the style and period of the building. Each shutter shall match the height and one-half the width of the window opening. It is recommended that the shutters be installed on shutter hardware and be operable or made to appear operable, and be hung in a manner consistent with traditional installations.*
- l. *Exterior window trim must duplicate or closely replicate the appropriate size and architectural style of the structure. Alternative building materials that are manufactured to resemble the original materials are permitted.*

6. ENTRANCES/DOORS

Original or historically significant doors, vestibules, steps and porches shall be retained or replaced-in-kind. Replacement doors, if necessary, shall match the original in material, size, and design. Decorative features (such as transoms, sidelights, door hoods, brackets, columns, balusters and pediments) shall be retained and repaired or replaced-in-kind, and may not be removed.

New doors may be added, or existing doors moved, provided they do not detract from an original or architecturally significant elevation.

In commercial entrances, replacement doors must be compatible in design and material to the storefront, or to the original style of the building.

6.1 Exemptions

If it is the determination of the Building Commissioner that a doorway, vestibule, step or porch is a significant means of egress and is currently not of a size or style to accommodate emergency egress from the structure, than the size and style of door, vestibule, step or porch may be altered to comply with Massachusetts State Building Code 780 CMR Sixth Edition or its successors. Such alterations shall be in keeping with the remaining intent of this bylaw.

10. COMMERCIAL STOREFRONTS

Historic or architecturally significant storefronts shall be preserved or restored to the greatest extent possible, while keeping in mind that public safety is of significant importance and as such, alterations necessary to maximize safety as determined by the Building Commissioner will be allowed. Said alterations shall be in keeping with the intent of this bylaw. Alterations of other storefronts shall use materials and be of a design compatible to the

overall character of the historic commercial setting. The addition of new storefronts in historic facades shall retain the character and design of the building as originally designed, or as altered if such alteration has gained architectural or historic significance.

12. SIDING. Clapboards, cedar shingles, board and batten, and flush board siding are the predominant exterior siding materials for Provincetown commercial and residential buildings. ~~Synthetic siding is generally discouraged because it severely compromises the appearance and integrity of historic buildings, and will only be approved on a case-by-case basis.~~ *Synthetic siding, such as whole house vinyl and aluminum is generally discouraged because it severely compromises the appearance and integrity of historic buildings, and will only be approved on a case-by-case basis. However, many modern building products are manufactured to replicate the appearance of historic building materials and over time greatly outperform there traditional counterparts; in terms of there use of recycled materials in the manufacturing process, less frequent maintenance or replacement;(thereby reducing long term cost to the property owner) thus using far less of our dwindling precious natural resources; and will be allowed. Some examples of these materials would be James Hardy cement board siding, Azax plastic trim boards, and asphalt/fiberglass roofing shingles, or take any other action thereto.*

[Requested by Peter A. T. Page and others]

BOARD OF SELECTMEN RECOMMENDS AMENDED MOTION: 5-0-0

HISTORIC DISTRICT COMMISSION DOES NOT RECOMMEND: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

(Historic District By-law Amendment: 2/3's vote required under MGL C.40C)

Peter Page moved that the Town vote to amend the Historic District by-law, Chapter 15, number 9, appendices 2c, 3b, 5, 6, 10, and 12, so that it reads as printed in the warrant.

Marcene Marcoux moved to amend the Historic District by-law, Chapter 15, number 9, appendices 2c, 3b, 5, 6, 10 and 12, requested by Peter A. T. Page and others, so that the article reads as presented, except for the following changes:

9. Exclusions

To strike: 9.1.15 Solar Access panels

2. General Guideline

c. "Deteriorated historic features significant to architectural style should be repaired rather than replaced." (This line replaces: "Deteriorated historic features should be repaired rather than replaced.") "Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and the other visual qualities and where possible, materials." (These lines should remain and not be stricken.) Strike out : "The replacement for a distinctive feature should match the old in design, texture, and other visual qualities."

5. Windows

Please note: 5.f should be stricken in the warrant

a. To strike: "The style of window i.e., double hung, casement, awning, must be appropriate for the location within the structure, and the exterior architectural style of the new structure."

k. Shutters: "When used, shutters shall be made of wood or of other material, approved by the Commission." (This replaces "When used, shutters shall be made of wood or of a material manufactured to appear to be wood.")

1. "Alternative building materials that are manufactured to resemble the original material may be permitted." (This replaces: "Alternative building materials that are manufactured to resemble the original materials are permitted.")

12. Siding

"Synthetic siding will be approved on a case-by-case basis." (Replaces "Synthetic siding, such as whole house vinyl and aluminum is generally discouraged.... or take any other action thereto." (Eliminates the entire last paragraph starting from "Synthetic siding..." to the end of the paragraph. Amendment Passed.

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

10:20 p.m. Motion to adjourn until tomorrow, April 6, 2006 at 6:00 p.m. Motion Passed

Town Moderator Mary-Jo Avellar convened the meeting at 6:00 p.m. on Thursday, April 6, 2006.

TOWN PROPERTIES

Article 28. *Nathan Freeman Building.* To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed of a fee simple interest or less in the parcels described below, currently owned by James Cole, Trustee of the Nathan Freeman Trust under Indenture of Trust dated December 1, 1873 and recorded with Barnstable County Registry of Deeds in Book 175, Page 95, upon such terms and conditions as the Board shall determine to be appropriate, for general municipal purposes, including conveyance by the Board of Selectmen, said parcel of land being described as follows:

Beginning at the south east corner of the premises at a stone bound on Commercial Street running thence southwesterly by said Commercial Street fifty seven feet and four inches to land of the late Nathaniel Holmes to a post; thence northwesterly by land of said Holmes seventy five feet three inches to a post; thence northeasterly by land of Nathan Freeman forty feet and eleven inches to the town road and thence southeasterly by the Town Road sixty seven feet eight inches to the first named boundary. Being the premises conveyed to the Grantor by deed from Nathan Freeman dated December 1, 1873 and recorded with Barnstable County Registry of Deeds in Book 175, Page 194. See also Barnstable County Probate Docket No. 01P1610TP1.

and further to see if the Town will vote to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments and to take all related actions necessary or appropriate to effect the interest of the foregoing, or to take any action related thereto.

[Requested by the Board of Selectmen and the Board of Library Trustees]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF LIBRARY TRUSTEES RECOMMENDS: 5-0-0

(Disposition of Land – 2/3's vote required)

Cheryl Andrews moved that the Town vote to approve Article 28 as printed in the warrant.

Barbara Rushmore moved to amend the motion to instruct the Board of Selectmen to retain the first floor for Town uses, especially Library uses as specified by the will of Nathan Freeman bequeathing the building to the

Town and consider condo-izing and selling the second and third floors. Amendment Does Not Pass.

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

Article 29. ***Construction & Operation of Recreational Facility.*** To see if the Town will vote to:
 (1) allow the Cape Tip Motocross Club to operate a motocross track at a parcel of land (map/parcel # 8-1-13) located on Jerome Smith Road. The track will start at the east end of parking and stay within all town boundary;
 (2) allow the Cape Tip Motocross Club to make changes to the land, as outlined in the plan, to construct a safe, maintainable, regulation track, there will be no cost to the Town of Provincetown for construction or maintenance;
 (3) The Recreation Commission will be appointed as the liaison board between the Town of Provincetown and the Cape Tip Motocross Club and will work together to meet the needs of the children, the club, and the Town of Provincetown;
 (4) The Town of Provincetown consider turning area around Jerome Smith Road, into Recreation Zone and try to plan any future development in this area for the children of the community; or take any other action thereto.

[Requested by Carl S. Roach and others]

BOARD OF SELECTMEN DOES NOT RECOMMEND: 5-0-0

RECREATION COMMISSION DOES NOT RECOMMEND: 4-0-0

CONSERVATION COMMISSION DOES NOT RECOMMEND: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

(Disposition of Land – 2/3's vote required)

Carl Roach moved that the Town vote to approve Article 29 as printed in the warrant. Motion Does Not Pass.

FINANCIAL ARTICLES

Article 30. ***July Fourth Celebration, Historic Walking Trail.*** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$50,000 to be expended under the direction of the Town Manager, the Chief of Police, and the Director of Public Works for an event for the July 2006 Fourth of July celebration without fireworks, and for the Historic Walking Trail authorized by Article 30, Item 4 of the April 7, 2003 Annual Town Meeting; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS AS MOVED: 5-0-0

FINANCE COMMITTEE RECOMMENDS AS MOVED: 8-1-0

David Nicolau moved that the Town vote to raise and appropriate the sum of \$50,000 to be expended under the direction of the Town Manager, the Chief of Police, and the Director of Public Works for an event for the July 2006 Fourth of July celebration.

Barbara Rushmore moved to amend the motion to eliminate the amount by \$28,000 or so funding for State Police and mounted Police on the 4th of July. Amendment Does Not Pass.

Motion Passed.

Article 31. *Expenditures from the Tourism Fund.* To see if the Town will vote to transfer from the Tourism Fund the sum of \$423,136 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$75,000 for coordination/support of the Visitor Service Board and the Tourism Department; and costs related thereto;
2. \$206,806 for marketing, and costs related thereto;
3. \$34,326 for municipal projects, and costs related thereto; and
4. \$100,000 for tourism grants, and costs related thereto;
5. \$7,004 for Beautification Committee

or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-1-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

VISITOR SERVICES BOARD RECOMMENDS: 5-0-0

Lynn Davies moved that the Town vote to transfer from the Tourism Fund the sum of \$423,136 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$75,000 for coordination/support of the Visitor Service Board and the Tourism Department; and costs related thereto;
2. \$206,806 for marketing, and costs related thereto;
3. \$34,326 for municipal projects, comprised of the following:
 - a. \$9,183 for additional barrel pick-up - June to Columbus Day;
 - b. \$3,213 for third barrel pick-up - July 1st to Labor Day;
 - c. \$4,080 for extended restroom hours;
 - d. \$4,350 for MPL Comfort Station - winter;
 - e. \$4,100 for restrooms; \$4,096 for DPW beautification;
 - f. \$5,304 for custodian for library restrooms;
4. \$100,000 for tourism grants, and costs related thereto; and
5. \$7,004 for Beautification Committee.

Barbara Rushmore moved to amend the motion by reducing line item 2 for marketing by \$40,674 leaving \$166,132 for marketing, and to add to line 3 \$35,674 to make municipal projects \$70,000 and to add \$5,000 to line 5 the Beautification Committee for a total of \$12,000. Amendment Does Not Pass.

Motion Passed.

HEALTH AND HUMAN SERVICES

Article 32. *FY 2007 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
Legal Services for Cod Cape & Islands.....	4,300
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
<i>Total.....</i>	<i>\$53,799</i>

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

HUMAN SERVICES COMMITTEE RECOMMENDS: 5-0-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$53,799 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 33. *Funding Lower/Outer Cape Community Coalition.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$750 or any other sum, to support the Lower/Outer Cape Community Coalition, or to take any other action relative thereto.

[Requested by Kent Isham and others]

BOARD OF SELECTMEN RESERVES RECOMMENDATION

FINANCE COMMITTEE RESERVES RECOMMENDATION

Sarah Peake moved to indefinitely postpone Article 33. Motion Passed.

Article 34. *Emergency Public Health Services.* To see if the Town will vote, pursuant to MGL C.40,§4A, to authorize the Board of Selectmen to enter into an intermunicipal agreement, in time of emergency, with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an intermunicipal Mutual Aid Agreement to be entered into between the Town and various governmental units and to authorize the use of personnel and sharing of critical services between municipalities when needed, or take any other action relative thereto.

[Requested by the Board of Health]

BOARD OF HEALTH RECOMMENDS: 4-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

[Brian Carlson moved that the Town vote to approve Article 34 as printed in the warrant.](#) Motion Passed.

Article 35. *Resolution: "Cape Care" Universal Health Care Proposal.* To see if the Town will vote to approve the resolution on "Cape Care" Universal Health Care Proposal, as follows:

Whereas, Health care coverage has become less affordable and less available to growing numbers of people in our community, despite all efforts to date at both the state and federal level; and Each person who lacks adequate health care coverage faces increased risks of illness, disability, and premature death. Our region has well above state-average rates of uninsured- and underinsured- people; and The families of such individuals are faced with growing out-of-pocket costs. These families must now confront the soaring expenses of health coverage, and the worry about bankruptcy or impoverishment in the event of serious illness. Their caregiver stress increases with the need to provide more and more uncovered care; and Small businesses face the soaring expenses of covering their employees' health premiums, passing some of these costs along to employees in the form of rising premiums and out-of-pocket payments. Our regional predominance of small businesses and self-employed individuals is, understandably, a key factor in the low rates of health care coverage; and Our Town governments struggle with the costs of health coverage for town employees. We the people are regularly forced to choose among other important and accustomed community services for budget cuts; and Our community health care providers and institutions are caught in the inescapable financial squeeze of rising administrative costs and declining reimbursements. They are forced to reduce staffing, cut services, or close. Access to care for all they serve is diminished. And whereas, These consequences represent losses in quality of life for many (if not all) members of the Cape and Islands community, and a threat to our collective welfare.

Now Therefore: We petition our County Government to support the development of a proposed regional universal health care program, known as Cape Care, which would, at a minimum, meet these criteria: provide broad health care coverage for ALL residents of the Cape and Islands, to improve individual and community health; and control health care cost inflation by reducing excessive administrative expenses, as well as through bulk discount purchasing of necessary medications and medical supplies; and shape health care delivery to meet community needs for appropriate care, through a representative policy-making board of community members and health care providers; and strengthen the ability of our existing network of health care providers and institutions to provide high quality care, by assuring adequate funding for necessary services. We call for a public hearing process in Barnstable County, to include analysis of the proposed plan's organization and governance, its expected effects on community health, and its financial modeling, to be initiated by the end of the year 2006.

The Clerk of the Town is instructed to give Notice of Passage of this Resolution to the town's representative to the County Assembly of Delegates, the County Commissioners, and the state and federal Representatives and Senators, within 30 days; or to take any other action relative thereto.

[Requested by Brian O'Malley and others]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

DISABILITY COMMISSION RECOMMENDS: 6-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

[Brian O'Malley moved that the Town vote to see if the Town will vote to approve the resolution on "Cape](#)

Care” Universal Health Care Proposal, as follows:

Whereas, Health care coverage has become less affordable and less available to growing numbers of people in our community, despite all efforts to date at both the state and federal level; and Each person who lacks adequate health care coverage faces increased risks of illness, disability, and premature death. Our region has well above state-average rates of uninsured- and underinsured- people; and The families of such individuals are faced with growing out-of-pocket costs. These families must now confront the soaring expenses of health coverage, and the worry about bankruptcy or impoverishment in the event of serious illness. Their caregiver stress increases with the need to provide more and more uncovered care; and Small businesses face the soaring expenses of covering their employees’ health premiums, passing some of these costs along to employees in the form of rising premiums and out-of-pocket payments. Our regional predominance of small businesses and self-employed individuals is, understandably, a key factor in the low rates of health care coverage; and Our Town governments struggle with the costs of health coverage for town employees. We the people are regularly forced to choose among other important and accustomed community services for budget cuts; and Our community health care providers and institutions are caught in the inescapable financial squeeze of rising administrative costs and declining reimbursements. They are forced to reduce staffing, cut services, or close. Access to care for all they serve is diminished. And whereas, These consequences represent losses in quality of life for many (if not all) members of the Cape and Islands community, and a threat to our collective welfare.

Now Therefore: We petition our County Government to support the development of a proposed regional universal health care program, known as Cape Care, which would, at a minimum, meet these criteria: provide broad health care coverage for ALL residents of the Cape and Islands, to improve individual and community health; and control health care cost inflation by reducing excessive administrative expenses, as well as through bulk discount purchasing of necessary medications and medical supplies; and shape health care delivery to meet community needs for appropriate care, through a representative policy-making board of community members and health care providers; and strengthen the ability of our existing network of health care providers and institutions to provide high quality care, by assuring adequate funding for necessary services. We call for a public hearing process in Barnstable County, to include analysis of the proposed plan’s organization and governance, its expected effects on community health, and its financial modeling, to be initiated by the end of the year 2006.

The Clerk of the Town is instructed to give Notice of Passage of this Resolution to the town’s representative to the County Assembly of Delegates, the County Commissioners, and the state and federal Representatives and Senators, within 30 days. Motion Passed.

RESOLUTIONS

Article 36. *Resolution: MacMillan Pier Transportation Center.* To see if the Town will vote to approve the resolution on a MacMillan Pier Transportation Center, as follows: Whereas: The Selectmen voted to continue [studies and plans for the Intermodal Transportation Center](#), Whereas: The three to six million dollar, one or two story large building would be financed by Congressman Delahunt, by Federal earmark, and be a waiting room and ticket sales place. Whereas: The two sites suggested are (1) the waterfront, where the MPL seawall and the Provincetown Memorial Waterfront Park meet MacMillan Pier, with buses parking where the park is and the building extending out over the water and (2) the landside site would rearrange the parking lot, abut, surround or replace our municipal toilets and the useful, 2-way Ryder Street Extension would be eliminated. Both options take 10 to 20 parking spaces from the parking lot; Therefore I move to see if the Town will vote to condition the acceptance of any money to build a Transportation Center Waiting Room until: (1) the long-term cost impact to the Town is known; (2) the traffic flow ramifications and impact on abutting businesses is studied and (3) the appearance of our waterfront is evaluated, or take any other action relative thereto.

BOARD OF SELECTMEN RESERVES RECOMMENDATION

FINANCE COMMITTEE RECOMMENDS: 6-0-0

[Barbara Rushmore moved that the Town vote to approve Article 36 as printed in the warrant.](#) Motion Passed.

Article 37. *Resolution: Shade Tree Removal.* To see if the Town will vote to approve the resolution on shade tree removal, as follows: Whereas: There is a Shade Tree Law stating that the Tree Warden must sanction the removal of any tree located along a Public Right of Way. This is rarely obeyed. Therefore: I move to see if the Town will vote to urge the tree owners whose trees shade any Right of Way to consult the Tree Warden for permission to remove diseased, damaged or unwanted trees. When the trees to be taken down are in dispute, to have a Public Hearing before the Selectmen, like we do with curb cuts. The Town is to impose a fine of \$50/inch of diameter of a tree, measured at a height of 3 ft., on anyone who removes a shade tree, a tree that shades any Right of Way, without permission, or take any other action relative thereto.

[Requested by Barbara Rushmore and others]

BOARD OF SELECTMEN DOES NOT RECOMMEND: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

[Barbara Rushmore moved that the Town vote to approve Article 37 as printed in the warrant.](#) Motion Does Not Pass.

Article 38. *Resolution: Stop the War in Iraq.* To see if the Town will vote to approve the resolution to stop the war in Iraq, as follows: Whereas: The Town and its citizens recognize the sacrifices that the men and women serving in the United States Armed Forces are making, and Whereas: in 2002, The United States Congress adopted a Joint Resolution to Authorize the use of U.S. Armed Forces against Iraq, relying on statements that were untrue, when in fact: the U.S. was not threatened by Iraq, Saddam Hussein had no weapons of mass destruction, Saddam Hussein had no role in the 9/11 attacks; and Whereas: more than 2,240 members of the United States Armed Forces have been killed and more than 15,000 members wounded along with over 100,000 Iraqi citizens killed and wounded; and Whereas: more than \$200 billion has been appropriated by Congress to fund military operations and reconstruction in Iraq and Barnstable County residents' share now exceeds \$41,144,105; and Whereas: the funds spent by Barnstable County taxpayers on the war and occupation in Iraq could have provided medical insurance for one year for 127,222 children or 1,913 additional housing units, according to the National Priorities Project; and Whereas: the war and continued occupation have resulted in the devastation of Iraq's physical and social infrastructure and led to widespread and continuous resistance to U.S. occupation that threatens the lives of Iraqi civilians and the men and women who comprise the ranks of U.S. and other occupying forces; and Whereas: Representative William Delahunt joined more than 100 Congressmen in voting for a House resolution on an Iraq exit strategy; therefore Be It Resolved: that the Town of Provincetown urges the United States government to immediately commence an orderly and rapid withdrawal of United States military personnel from Iraq; and Be It Further Resolved: that the Town of Provincetown urges the United States government to provide the people of Iraq with all the necessary non-military material aid as shall be necessary for the security of Iraq's citizens and for the rebuilding of Iraq; and Be It Further Resolved: that the financial resources used to prosecute the war be redirected to address the urgent needs of America's great urban centers and the most vulnerable portions of our population, and to include health care, education and homeland security; and Be It Further Resolved that a copy of this resolution shall be sent to provincetown-ma.gov/.../AnnualTMdec...

George W. Bush, President of the United States, and members of the Massachusetts Congressional delegation, or take any other action relative thereto.

[Requested by Barbara Rushmore and others]

BOARD OF SELECTMEN RECOMMENDS: 4-1-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Barbara Rushmore moved that the Town vote to approve Article 38 as printed in the warrant. Motion Passed.

Town Moderator Mary-Jo Avellar motioned to dissolve the Annual Town Meeting at 8:05 p.m. Motion Passed.

Annual Town Meeting dissolved at 8:05 p.m.