



ANNUAL TOWN MEETING

MONDAY, APRIL 7, 2003 AT 6:00 P.M.

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Town Moderator Roslyn Garfield called the meeting to order on Tuesday, April 8th, 2003 at 6:00 p.m.

PRELIMINARY MOTIONS

- (1) Mary-Jo Avellar moved that the Town vote to waive the reading of the warrant. **Motion carried**
- (2) Mary-Jo Avellar moved that the Town vote to grant permission to speak at the April 7, 2003 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Dennis Anderson, Cape End Manor CEO; Edward Boxer, PHS Principal; Dennis Clark, Recreation Director; Patricia Fitzpatrick, Tourism Director; Elizabeth Gallerizzo, Licensing Agent; Jon Gilmore, Director of Community Development; John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., Town Counsel; Michelle Jarusiewicz, Acting Assistant Town Manager; Bruce T. Miller, Director of Municipal Finance and Town Accountant; Maxine Notaro, Permit Coordinator; Paul O'Shea, Massachusetts Division of Fisheries and Wildlife; Patricia Pajaron, Health Inspector; Jane Raasch, Health Agent; Anthony Teso, Principal, Veterans Memorial Elementary School; Eileen Thomas, Cape End Manor Administrator; and Dr. Colette Traylor, Superintendent of Schools. **Motion carried**
- (3) Mary-Jo Avellar moved that on all matters to come before the April 7, 2003 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters. **Motion carried**

Article 1. *To Hear Town Reports.* To see if the Town will vote to hear the reports of the Town Officials and Committees and to act thereon.
[Requested by the Board of Selectmen]

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

FY 2004 BUDGET ARTICLES

Article 2. *FY 2004 Operating Budget.* To see to if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,134,013 to fund [operating budgets for the several Town departments for Fiscal Year 2004](#) in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

<i>Division</i>	<i>FY 2003</i>	<i>FY 2004</i>	<i>%</i>
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I. General			
Government	\$ 1,035,708	\$ 1,022,305	-1.3%
II. Finance	5,690,609	5,982,192	5.1%
III. Public Safety	2,701,232	2,954,500	9.4%
IV. Public Works	1,833,740	1,876,828	2.3%
V. Public Services	3,797,507	4,121,429	8.5%
VI. Public Schools	4,126,724	4,176,760	1.2%
<u>Total Divisions I-VI</u>	<u>\$19,185,519</u>	<u>\$20,134,013</u>	<u>4.9%</u>

And further, that said available funds include the intended use of \$335,907 from the Land Bank Fund for the 157 Land Bank budget; \$347,881 from the Parking Fund for the 299 Parking budget; \$667,611 from the Tourism Fund for the 210 Police, 231 Ambulance, 482 Airport, 651 Beautification, and 699 Tourism budgets; and \$120,000 from Overlay Surplus for the 910 Retirement/Insurance/Fringes budget; or any greater or lesser sums applied to those or other budgets; or to take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS**

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$636,796, transfer from the Land Bank fund the sum of \$335,907, and transfer from the Tourism Fund \$49,602 for the Airport budget, for a total of \$1,022,305, to fund operating budgets for the several Town departments for Fiscal Year 2004 under budget Division I, General Government; provided that said \$49,602 shall be repaid to the Tourism Fund over a three-year period beginning FY 2005. **Motion carried**

Division II. Finance

**FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS**

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$5,982,192 to fund operating budgets for the several Town departments for Fiscal Year 2004 under budget Division II, Finance. **Motion carried**

Article 2. FY 2004 Operating Budget.

Division III. Public Services

**FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS**

Sarah Peake moved that the Town vote to raise and appropriate the sum of \$2,562,421, transfer from the Parking Fund the sum of \$347,881; transfer from the Tourism Fund the sum of \$35,198 for the Ambulance budget, and transfer from the Municipal Waterways Fund the sum of \$9,000, for a total of \$2,954,500 to fund operating budgets for the several Town departments for Fiscal Year 2004 under budget Division III, Public Safety; provided that said \$35,198 shall be repaid to the Tourism Fund over a three-year period beginning FY 2005. **Motion carried**

Article 2. FY 2004 Operating Budget.

Division IV. Public Services

FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS

Dr Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$1,876,827 to fund operating budgets for the several Town departments for Fiscal Year 2004 under budget. **Motion carried**

Article 2. FY 2004 Operating Budget.

Division V. Public Services

FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS

Richard Olson the Town vote to raise and appropriate the sum of \$3,697,367, and transfer the sum of \$424,062 from the Tourism Fund for the Beautification and Tourism budgets, for a total of \$4,121,429 to fund operating budgets for the several Town departments for Fiscal Year 2004 under budget Division V, Public Services.

Motion carried

Article 2. FY 2004 Operating Budget.

Division VI. Public Schools - motion 1

FINANCE COMMITTEE RECOMMENDS
SCHOOL COMMITTEE RECOMMENDS: 3-0-0

Terese Nelson moved that the Town vote to raise and appropriate the sum of \$4,134,462 to fund the 300 Provincetown Public Schools budget for Fiscal Year 2004. **Motion carried**

Article 2. FY 2004 Operating Budget.

Division VI. Public Schools - motion 2

FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS

Terese Nelson moved that the Town vote to raise and appropriate the sum of \$42,298 to fund the 310 Cape Cod Regional Technical High School budget for Fiscal Year 2004. **Motion carried**

Article 2. FY 2004 Operating Budget

Bottom Line.

Mary-Jo Avellar that the Town vote to raise and appropriate the sum of \$18,932,364; transfer from the Parking Fund the sum of \$347,881; transfer from the Tourism Fund the sum of \$508,862; transfer from the Municipal Waterways Fund the sum of \$9,000; transfer from the Landbank Fund the sum of \$335,907; for a total of \$20,134,014, to fund operating budgets for the several Town departments for Fiscal Year 2004 in accordance with Chapter 9, section 1 of the Provincetown Charter. **Motion carried**

Article 3. FY 2004 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 2004:

<i>440 Wastewater Enterprise Fund</i>	<i>FY 2003</i>	<i>FY 2004</i>	<i>%</i>
Enterprise Fund Costs	\$1,084,235	\$2,156,150	
General Fund Costs	<u>200,000</u>	<u>280,000</u>	
TOTAL COSTS	\$1,284,235	\$2,436,150	
TOTAL REVENUES	\$1,284,235	\$2,436,150	90%
SURPLUS/(DEFICIT)	\$0	\$0	

<i>450 Water Enterprise Fund</i>	<i>FY 2003</i>	<i>FY 2004</i>	<i>%</i>
Enterprise Fund Costs	\$1,217,634	\$1,317,334	
General Fund Costs	<u>170,000</u>	<u>170,000</u>	
TOTAL COSTS	\$1,387,634	\$1,487,334	
TOTAL REVENUES	\$1,387,634	\$1,487,334	14.5%
SURPLUS/(DEFICIT)	\$0	\$0	

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Mary-Jo Avellar moved that the Town vote to approve Article 3 as printed in the warrant. Motion carried

Article 4. *FY 2004 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 2004 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows:

1. Replace Fire Rescue 197: \$125,000 to be expended under the direction of the Board of Selectmen, Town Manager, and Board of Fire Engineers for the replacement of Fire Rescue 197, and costs related thereto;
2. Low Band Base Station: \$8,500 to be expended under the direction of the Board of Fire Engineers for a low band base station for the Fire Department, and costs related thereto;
3. Police Cruisers: \$59,000 to be expended under the direction of the Chief of Police for replacement of two police cruisers, and costs related thereto;
4. Town MIS/Computer Replacement Program: \$32,600 to be expended under the direction of the Town Manager and the MIS Coordinator for the program for continued replacement of computer equipment for Town departments, and costs related thereto;
5. Skate Park: \$50,000 to be expended under the direction of the Recreation Commission, the Recreation Director, and the Director of Public Works for construction of skate park at the northwest corner of the Jerome Smith Parking Lot, with 80 feet facing the Pine Grove and 125 feet along the north edge of the paved parking lot facing Route 6, and costs related thereto;
6. Fleet Replacement Plan: \$130,000 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of the recycling vehicle and the tractor trailer for the Transfer Station for the Department of Public Works, and costs related thereto;
7. Town Hall Electrical Upgrade: \$25,000 to be expended under the direction of the Town Manager and the Director of Public Works for the upgrading of electrical service for Provincetown Town Hall, and costs related thereto;

8. Cemetery Tractor: \$15,000 from Cemetery Perpetual Care Funds to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of the cemetery tractor for the Department of Public Works, and costs related thereto;

9. Paving Cemetery Roads: \$25,000 from Cemetery Perpetual Care Funds to be expended under the direction of the Town Manager and the Director of Public Works for the paving of Town cemetery roads, and costs related thereto;

10. Stormwater Improvements: \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for stormwater improvements, and costs related thereto;

11. DEP Water Management Permit/New Source Development: \$350,000 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;

12. Automated Meter Reading: \$305,000 to be expended under the direction of the Town Manager and the Director of Public Works for automated meter reading equipment for the Provincetown Water System, and for costs incidental and related thereto;

13. Leak Detection and Water Service Upgrades: \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works for leak detection and water service upgrades, and for costs incidental and related thereto;

14. Monitoring Well and SCADA: \$25,000 to be expended under the direction of the Town Manager and the Director of Public Works for a monitoring well and SCADA, and for costs incidental and related thereto;

15. Auxiliary Power for Wells: \$225,000 to be expended under the direction of the Town Manager and the Director of Public Works for auxiliary power for wells, and for costs incidental and related thereto;

16. Well Station Security: \$25,000 to be expended under the direction of the Town Manager and the Director of Public Works for well station security, and for costs related thereto;

or to take any other action relative thereto.

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

Article 4. FY 2004 Capital Improvements Program.

1. Replace Fire Rescue 197:

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

[2/3's vote required for borrowing under MGL C.44, §7]

Michelle Couture moved that the Town vote to appropriate and borrow the sum of \$125,000 to be expended under the direction of the Board of Selectmen, Town Manager, and Board of Fire Engineers for the replacement of Fire Rescue 197, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Article 4. FY 2004 Capital Improvements Program.

2. Low Band Base Station:

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$8,500 to be expended under the direction of the Board of Fire Engineers for a low band base station for the Fire Department, and costs related thereto. **Motion carried**

Article 4. FY 2004 Capital Improvements Program.

3. Police Cruisers:

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

[2/3's vote required for borrowing under MGL C.44, §7]

Sarah Peake moved that the Town vote to appropriate and borrow the sum of \$59,000 to be expended under the direction of the Chief of Police for replacement of 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 carried (2/3rd's vote)**

Article 4. FY 2004 Capital Improvements Program.

4. Town MIS/Computer Replacement Program:

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Richard Olson moved that the Town vote to raise and appropriate the sum of \$32,600 to be expended under the direction of the Town Manager and the MIS Coordinator for the program for continued replacement of computer equipment for Town departments, and costs related thereto. **Motion carried**

Article 4. FY 2004 Capital Improvements Program.

5. Skate Park:

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

RECREATION COMMISSION RECOMMENDS: 5-0-0

[2/3's vote required for borrowing under MGL C.44, §7]

Jill Macara moved that the Town vote to appropriate and borrow the sum of \$50,000 to be expended under the direction of the Recreation Commission, the Recreation Director, and the Director of Public Works for construction of a skate park at the northwest corner of the Jerome Smith Parking Lot, with 80 feet facing the Pine Grove and 125 feet along the north edge of the paved parking lot facing Route 6, 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(25), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Article 4. FY 2004 Capital Improvements Program.

6. Fleet Replacement Plan:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
 [2/3's vote required for borrowing under MGL C.44,§7]

Dr. Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$130,000 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of the recycling vehicle and the tractor trailer for the Transfer Station for the Department of Public Works, and costs related thereto;; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Article 4. FY 2004 Capital Improvements Program.
7. Town Hall Electrical Upgrade:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
 [2/3's vote required for borrowing under MGL C.44,§7]

Dr. Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$25,000 to be expended under the direction of the Town Manager and the Director of Public Works for the upgrading of electrical service for Provincetown Town Hall, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Article 4. FY 2004 Capital Improvements Program.
8. Cemetery Tractor:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Dr. Cheryl Andrews that the Town vote to transfer the sum of 15,000 from Cemetery Perpetual Care Funds to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of the cemetery tractor for the Department of Public Works, and costs related thereto. **Motion carried (2/3rd's vote)**

Article 4. FY 2004 Capital Improvements Program.
9. Paving Cemetery Roads:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Michelle Couture moved that the Town vote to transfer the sum of \$25,000 from Cemetery Perpetual Care Funds to be expended under the direction of the Town Manager and the Director of Public Works for the paving of Town cemetery roads, and costs related thereto **Motion carried**

Article 4. FY 2004 Capital Improvements Program.
10. Stormwater Improvements:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
 [2/3's vote required for borrowing under MGL C.44,§7]

Sarah Peake moved that the Town vote to appropriate and borrow the sum of \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for stormwater improvements 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(1) and 7(22), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Article 4. FY 2004 Capital Improvements Program.
11. DEP Water Management Permit/New Source Development:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
WATER & SEWER BOARD RECOMMENDS: 3-0-0
 [2/3's vote required for borrowing under MGL C.44,§8]

Richard Olson moved that the Town vote to appropriate and borrow the sum of \$350,000 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 the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 8(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Article 4. FY 2004 Capital Improvements Program.
12. Automated Meter Reading:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
WATER & SEWER BOARD RECOMMENDS: 3-0-0
 [2/3's vote required for borrowing under MGL C.44,§8]

Mary-Jo Avellar moved that the Town vote to appropriate and borrow the sum of \$305,000 to be expended under the direction of the Town Manager and the Director of Public Works for automated meter reading equipment for the Provincetown Water System, and for costs incidental and 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 8(7A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion defeated 131 Yes 134 No**

Article 4. FY 2004 Capital Improvements Program.
13. Leak Detection and Water Service Upgrades:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
WATER & SEWER BOARD RECOMMENDS: 3-0-0
 [2/3's vote required for borrowing under MGL C.44,§8]

Dr. Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works for leak detection and water service upgrades, and for costs incidental and 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 8(7C), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Sandra M. Turner and others moved to reconsider Article 4 section 12, Automated Meter Reading. Motion defeated 111Yes 112 No

Article 4. FY 2004 Capital Improvements Program.

14. Monitoring Well and SCADA:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
 BOARD OF SELECTMEN RECOMMENDS: 5-0-0
 WATER & SEWER BOARD RECOMMENDS: 3-0-0
 [2/3's vote required for borrowing under MGL C.44,§8]

Michelle Couture moved that the Town vote to appropriate and borrow the sum of \$25,000 to be expended under the direction of the Town Manager and the Director of Public Works for a monitoring well and SCADA, and for costs incidental and 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 8(7C), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Town Moderator thanked the members of PTV for taping the Town Meetings in their entirety for rebroadcast the following day.

Article 4. FY 2004 Capital Improvements Program.

15. Auxiliary Power for Wells:

FINANCE COMMITTEE RECOMMENDS: 6-0-0
 BOARD OF SELECTMEN RECOMMENDS: 5-0-0
 WATER & SEWER BOARD RECOMMENDS: 3-0-0
 [2/3's vote required for borrowing under MGL C.44,§8]

Sarah Peake moved that the Town vote to appropriate and borrow the sum of \$225,000 to be expended under the direction of the Town Manager and the Director of Public Works for auxiliary power for wells, and for costs incidental and 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 8(7C), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion defeated 131 Yes 112 No**

Article 4. FY 2004 Capital Improvements Program.

16. Well Station Security

FINANCE COMMITTEE RECOMMENDS: 6-0-0
 BOARD OF SELECTMEN RECOMMENDS: 5-0-0
 WATER & SEWER BOARD RECOMMENDS: 3-0-0
 [2/3's vote required for borrowing under MGL C.44,§8]

Richard Olson moved that the Town vote to appropriate and borrow the sum of \$25,000 to be expended under the direction of the Town Manager and the Director of Public Works for well station security, and for 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 8(7C), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor. **Motion carried (2/3rd's vote)**

Article 5. *FY 2004 Revolving Accounts.* To see if the Town will vote to continue for FY 2004 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; and
- (3) *Sales of Vaccines:* to allow receipts from sales of vaccines to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for purchase of vaccines under the direction of the Director of Public Health and the Town Manager; or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Mary-Jo Avellar moved that the Town vote approve Article 5 as printed in the warrant. **Motion carried**

Warren Alexander moved to reconsider Article 4, Section 15 Auxiliary Power for Wells. **Motion carried**

Warren Alexander Moved to postpone the discussion on Article 4, Section 15 Auxiliary Power for Wells till the 1st order of business on Wednesday, 4/9/03. **Motion carried**

MOTION: Vote to appropriate and borrow the sum of \$225,000 to be expended under the direction of the Town Manager and the Director of Public Works for auxiliary power for wells, and for costs incidental and 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 8(7C), of the General Laws, or any other enabling authority, and to issue bonds or notes to the Town therefore.

Motion carried. Two-thirds vote required.

PERSONNEL MATTERS

Article 6. *Amendments to Personnel By-law/Classification and Compensation Plan.* To see if the Town will vote as follows:

1. *Schedule A:* to amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, by applying thereto a 1.51% adjustment, reflecting the increase in the Consumer Price Index, effective July 1, 2003, as follows:

Grade	<i>FY 2003 Rates</i>		<i>Proposed FY 2004</i>		<i>Proposed Classifications</i>
	Minimum	Maximum	Minimum	Maximum	Positions
21	\$82,896	\$93,836	84,148	95,253	Town Manager [<i>Exempt per MGL C.41,§108N</i>]
20	70,251	81,415	71,312	82,644	<i>no positions assigned</i>
19	66,590	77,172	67,596	78,337	Chief of Police [<i>Exempt per MGL C.41,§108O</i>] Director of Public Works
18	63,118	73,149	64,071	74,254	Cape End Manor Administrator
17	59,827	69,335	60,730	70,382	Director of Municipal Finance Water/Wastewater Superintendent
16	56,708	65,721	57,564	66,231	Police Staff Sergeant
15	53,751	62,294	54,962	63,234	Assistant Town Manager Community Development Director Deputy Director of Public Works
14	50,709	58,768	51,475	59,655	CEM Director of Clinical Services Deputy Director of Community Development Health Agent
13	47,840	55,442	48,562	56,279	<i>no positions assigned</i>
12	45,132	52,304	45,813	53,094	Building Commissioner Health Inspector
11	42,982	49,812	43,631	50,564	Principal Assessor Deputy Water Superintendent Human Services/Council on Aging Director Information Services Director Library Director Marine Superintendent
10	40,935	47,441	41,553	48,157	Collector Deputy Town Accountant DPW Project Coordinator MIS Coordinator Treasurer
9	38,986	45,181	39,575	45,863	Parking Administrator Recreation Director Tourism Director Town Clerk
8	36,779	42,624	37,334	43,268	COA Outreach Coordinator Library Operations Director Local Building Inspector Permit Coordinator Secretary to the Town Manager/Employee Benefits Coordinator
7	34,698	40,212	35,222	40,819	Electrical Inspector/Deputy Bldg Inspector Licensing Agent
6	33,715	39,074	34,224	39,664	Secretary to the Board of Selectmen

and further, to raise and appropriate the sum of \$57,800 to fund raises for FY 2004 for

management employees in accordance with the performance appraisal system adopted pursuant to Section 4-1 of the Personnel By-law, said sum reflecting both the 1.51% CPI increase and a 2.2% step raise increase for which union employees are eligible;

2. **Schedule B:** to amend Schedule B, "Fire Department Positions," effective July 1, 2003, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position Current Proposed

- Deputy Fire Chief \$6,000
- District Fire Chief/Engineer 2,000
- Firefighter 600
- Fire Auxiliary 275
- Fire Captain (*additional stipend*) 450
- Fire Lieutenant (*additional stipend*) 275
- House Steward (*additional stipend*) 1,000
- Main Station Steward (*additional stipend*) 4,800
- Oil Inspector 1,747
- Rescue Captain (*additional stipend*) 1,000
- Rescue Lieutenant (*additional stipend*) 800
- Rescue Steward (*additional stipend*) 1,600
- Rescue Training Officer (*additional stipend*) 1,500
- Radio Officer (*additional stipend*) 500
- Air Officer (*additional stipend*) 800

Annual Salary

Position Current

Fire Chief \$22,500

Non-Firefighter Positions

Position Proposed

- First Responders \$12.00 per call
- EMT-Basic 15.91 per hour
- EMT-Intermediate 17.24 per hour
- EMT-Paramedic 19.10 per hour
- Stand-by 14.03
- Safety Inspections 14.03
- Rescue Squad participation \$250.00 per quarter

3. **Schedule C:** to amend Schedule C, "Seasonal and Part-time Non-Union Positions," by applying a 4.0% salary schedule adjustment effective July 1, 2003, as follows:

<i>Proposed Position Classifications</i>		<i>Actual</i>	<i>Proposed</i>
Hourly Rates of Pay		<i>FY 2003</i>	<i>FY 2004</i>
<i>L</i>	Parking Lot Technical Manager	\$14.58	\$15.16
	Property Inspector (Assessors)	14.58	15.16
<i>K</i>	Assistant Harbormaster with police powers	14.16	14.73
	Police Officer, Summer/Auxiliary	14.16	14.73
<i>J</i>	Seasonal Recreation Swimming Instructor	13.76	14.31
<i>I</i>	Parking Meter Collection/Repair	13.49	14.03
<i>H</i>	Police Matron	13.10	13.63
	Police Summer Dispatcher	13.10	13.63
<i>G</i>	Parking Department Clerk	12.85	13.37
	Licensing Assistant	12.85	13.37
<i>F</i>	Assistant Harbormaster w/o police powers	12.48	12.98
	Parking and Traffic Officers	12.48	12.98

	Parking Lot Assistant Technical Manager	12.48	12.98
	Parking Meter Enforcement	12.48	12.98
	Secretary, On-call Relief	12.48	12.98
	Transfer Station Laborer	12.48	12.98
<i>E</i>	Veterans Agent	12.25	12.74
<i>D</i>	Library Circulation Aide	11.90	12.37
	Parking Lot Attendant/Out-booth/Floater	11.90	12.37
<i>C</i>	Barrels & Grounds Laborer	11.55	12.02
	Restroom/Building Custodian	11.55	12.02
	Seasonal Recreation Supervisor	11.55	12.02
<i>B</i>	<i>No Positions Assigned</i>	11.34	11.79
<i>A</i>	Council on Aging Cook	11.12	11.56
	Parking Lot Attendant/In-booth	11.12	11.56
	Seasonal Recreation Aides	11.12	11.56
<i>Annual Stipends</i>			
	Emergency Management Director	1,200.00	
	Gas Inspector	5,000.00	
	Plumbing Inspector	5,000.00	

and to raise and appropriate the sum of \$19,226 and transfer \$10,375 from the Parking Fund, for a total of \$29,601, for raises for positions contained on Schedule C for FY 2003; or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Keith Bergman that the Town vote approve Article 6 as printed in the Warrant amendments.

To schedule A in Grades 15 and 16 to reflect a 1.51% adjustments, as follows: Grade **16** \$57,564 minimum / \$66,231 maximum and Grade **15** \$54,962 minimum / \$63,234 maximum. **Motion Carried**

CHARTER AMENDMENT

Article 7. Home Rule Petition/Charter Amendment/Preparation of the Town Meeting Warrant. To see if the Town will vote to instruct its representative in the General Court to file a home rule petition for a special act to read as follows:

SECTION 1. The Charter of the Town of Provincetown which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws is hereby amended by amending Chapter 2, Article 1, section 2-1-7, to read as follows:

2-1-7. The warrant shall be closed ~~thirty~~ *thirty-eight* days prior to the date of the meeting. It shall be published in a newspaper of general circulation within the town ~~at least seven days prior to the meeting~~ and shall be posted in at least ten public places in the town ~~at least seven days prior to the annual town meeting, and~~ at least fourteen days prior to a special town meeting.

SECTION 2. Said Charter is hereby further amended by amending Chapter 2, Article 1, section 2-1-8, to read as follows:

2-1-8. ~~At least fourteen days prior to the date of the town meeting, a copy of the warrant shall be mailed by the board of selectmen to the moderator, town counsel, and each town board.~~

The Board of Selectmen, immediately after signing any town meeting warrant, shall transmit a copy

of the same to the moderator, town counsel, each member of the finance committee, and to each other town board.

SECTION 3. Said Charter is hereby further amended by amending Chapter 2, Article 1, section 2-1-9, to read as follows:

2-1-9. At least seven days prior to the annual town meeting, copies of the *annual* town report shall be made available for distribution at the town hall, ~~and~~. At least seven days prior to any town meeting copies of the finance committee report shall be made available at the town hall *and shall be mailed to all postal patrons within the town. Such report shall, to the extent feasible, include at least a brief synopsis or explanation of each article, and the finance committee may request the assistance of any town officers or committees in the preparation of such synopses or explanations. The finance committee and other committees may also include in the report brief statements of the reasons for their recommendations included therein.*

SECTION 4. Said is hereby further amended by amending Chapter 2, Article 3, section 2-3-1, to read as follows:

2-3-1 The annual town meeting shall be held on the ~~first~~ *second* Monday in April of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the annual town meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.

SECTION 5. 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]

FINANCE COMMITTEE RECOMMENDS: 4-0-1
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
PLANNING BOARD RECOMMENDS: 3-0-0.

[Richard Olson moved that the Town vote to approve Article 7 as printed in the warrant.](#) **Motion defeated**

GENERAL BY-LAW AMENDMENTS

Article 8. *General By-law Amendment §4-1-1 –Town Meeting Start Time.*

To see if the Town will vote to amend Section 4-1-1 of the Provincetown General By-laws to read as follows:

4-1-1. Date. The Annual Town Meeting shall be held on the ~~first~~ *second* Monday in April of every year and shall be called to order at ~~7:30 p.m.~~ *6:00 p.m.* for the purpose of transacting all business of the Annual Town Meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.

or take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0
BOARD OF SELECTMEN RECOMMENDS: 4-1-0
COUNCIL ON AGING BOARD RECOMMENDS: 4-0-0

[Mary-Jo Avellar moved that the Town vote to approve Article 8 as printed in the warrant, except that](#)

date of Town Meeting shall continue to be the first Monday in April. Motion carried

David Atkinson moved to consider article 16 out of order. Motion carried

Meeting called to order at 6:00 pm on Wednesday, April 9, 2003

Reconsideration of Article 4, Section 15, *Auxiliary Power for Wells*.

Motion carried (2/3rd's vote)

Article 9. General By-law Amendment: Chapter 15. Establish Local Historic District. To see if the Town will vote to amend the Provincetown General By-laws by adding a new Chapter 15 establishing a Local Historic District, to be administered by the Provincetown Historic District Commission as provided for under [Massachusetts General Laws Chapter 40C](#), as amended.

Chapter 15. Local Historic District

1. **Purpose.** The purpose of this bylaw is to promote the cultural, economic, educational and general welfare of the inhabitants of the Town of Provincetown through: 1.) the preservation and protection of the distinctive characteristic of buildings and places significant in the history and development of Provincetown; 2.) maintaining and improving the settings of these buildings and places; and 3.) the encouragement of design compatible with buildings existing in the area, so as to continue to maintain the historic village, fishing, artistic, cultural, commercial and residential character and other qualities which distinguish the town as a desirable community for permanent and seasonal residents and visitors.
2. **Definitions.** The terms defined in this section shall be capitalized throughout this Bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this Bylaw the following terms shall have the following meaning:
 - 2.1 Alteration, to Alter The act or the fact of rebuilding, reconstruction, restoration, renovating, remodeling, replication, removal, demolition, or other similar activities.
 - 2.2 Building. A combination of materials forming a shelter for persons, animals or property.
 - 2.3 Certificate. A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this Bylaw.
 - 2.4 Commission. The Provincetown Historic District Commission
 - 2.5 Construct, to Construct. The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.
 - 2.6 District. The Provincetown Historic District as established by this Bylaw.
 - 2.7 Exterior Architectural Feature. Such portion of the exterior of a Building or Structure as is open to view from a Public Way, including but not limited to the architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights and other appurtenant exterior fixtures.
 - 2.8 Person Aggrieved. The applicant; an owner of adjoining property; an owner of property within the same District; an owner of property within 150 feet of said District; and any charitable corporation in which one of its purposes is the preservation of historic places, structures, Buildings or districts.
 - 2.9 Public Way. This term shall include public ways, public streets, public parks and public bodies of water. The term "Public Way," however, shall not include a foot path, cart path or any easement or right of way that does not constitute a public way or public street.
 - 2.10 Structure. A combination of materials other than a Building, including but not limited to a fence, deck, wall, terrace, or walk.
3. **District.** The District shall consist of the area shown on the map entitled Provincetown Historic

District, dated December 4, 2002, attached as Appendix 2. The District boundary is identical to the boundary of the existing National Register District.

4. Commission Composition and Appointments

- 4.1 Number of Commissioners, Terms of Appointments: The District shall be overseen by a Commission consisting of five members and two alternates to be appointed by the Selectmen, one member initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years. The alternates shall be appointed, one for periods of two years and one for three years; and for three year terms thereafter.
- 4.2 Appointment Process: The Selectmen shall appoint one Commission member from up to two nominees solicited from the Provincetown Chamber of Commerce; one member from up to two nominees solicited from the Provincetown Business Guild; one member from up to two nominees solicited from the Provincetown Art Association and Museum; one member from up to two nominees solicited from the Provincetown Historical Commission; and one member from up to two nominees solicited from the Pilgrim Monument and Provincetown Museum. If, within 30 days after submission of a written request for nominees to any of the organizations herein named, no such nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.
- 4.3 Alternate Commission Members: The Board of Selectmen shall appoint two alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman.
- 4.4 Background Recommendations: It is recommended, but not required, that Commission members selected by the nominating entities, including the Board of Selectmen, have educational and/or professional experience in one or more of the following fields: historic preservation, architecture, land use planning, architectural history, history, law or engineering.
- 4.5 Term Expiration: Each member and alternate shall continue to serve in the office after the expiration date of his or her term until a successor is duly appointed.
- 4.6 Meeting Schedule: Meetings of the Commission shall occur as provided for under G.L. c.40C, §11, 1, sentence 1 and, in any event, shall be held at least once per month and more often as necessary and as provided for under any applicable rules and regulations promulgated by the Commission.
- 4.7 Quorum: Three members of the Commission shall constitute a quorum.

5. Commission Powers and Duties

- 5.1 Powers of Commission: The Commission shall exercise its powers in administering and regulating the Construction and Alteration of Structures or Buildings within the District as set forth under the procedures and Guidelines established in this Bylaw, and its duly adopted Rules and Regulations. This Bylaw is not intended to allow Alterations or Construction not in compliance with state and local laws and regulations.
- 5.2 Rules and Regulations: The Commission may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this Bylaw or M.G.L. Ch. 40C, setting forth such terms and procedures as it deems desirable and necessary for the regulation of its affairs and the conduct of its business, including requirements for the contents and form of the Certificates, fees, hearing procedures and other matters. The Commission shall file a copy of such Rules and Regulations with the Office of the Town Clerk after review by Commission counsel.
- 5.3 Guidelines and Amendments: This By-law may be amended in any manner not inconsistent with G.L. c.40C by a two-thirds vote of Town Meeting, provided that the substance of any such amendment has first been submitted to the Commission for its recommendation and its

recommendation has been received or sixty days have elapsed without such recommendation.

5.4 Annual Meeting: The Commission shall each year hold an organizational meeting and elect a Chairman, Vice Chairman and Secretary, and file notice of such election with the Town Clerk.

5.5 Records: Record keeping shall be maintained as required by State law.

5.6 Public Education: The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of the District, to the extent that time and appropriations allow.

6. Alterations and Construction Prohibited Without a Certificate

6.1 Certificates: Except as this Bylaw provides, no Building or Structure or part thereof within a District shall be Constructed or Altered in any way that affects the Exterior Architectural Features as visible from a Public Way, unless the Commission shall first have issued a Certificate with respect to such Construction or Alteration.

6.2 Building Permits: No building permit for Construction of a Building or Structure or for Alteration of an Exterior Architectural Feature within the District and no permit for demolition or removal of a Building or Structure within the District shall be issued by the Town or any department thereof until the Certificate as required under this Bylaw has been issued by the Commission. Nothing in this bylaw shall restrict the Building Commissioner from immediately ordering demolition of unsafe structures in accordance with provisions of M.G.L. Ch. 143.

7. Procedures for Review of Applications

7.1 Applications: Any person who desires to obtain a Certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, of Non-Applicability, or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information as may be reasonably deemed necessary by the Commission to enable it to make a determination of the application. The Commission shall determine whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission. The Commission shall determine promptly, and in all events within fourteen (14) days of the filing of an application for a Certificate whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission, except for administrative approvals as provided in Section 7.5.

7.2 Certificates of Non-Applicability: If the Commission determines that an application for a Certificate does not involve any Exterior Architectural Features, or involves an Exterior Architectural Feature which is not subject to review by the Commission under the provisions of this Bylaw, as provided in Section 9, the Commission shall forthwith issue a Certificate of Non-Applicability.

7.3 Hearings: If the Commission determines that such application involves an Exterior Architectural Feature subject to review under this Bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in this Bylaw. The Commission shall hold such public hearing within forty-five (45) days from the date of the filing of the application if the Commission meets once a month, and within thirty (30) days if the Commission meets bi-monthly. At least fourteen (14) days before said public hearing, public notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Provincetown. Such notice shall identify the time, place and purpose of the public hearing. Concurrently, a copy of said public notice shall be mailed by the town of Provincetown to the applicant, to the owners of all adjoining properties and of other properties deemed by the Commission to be materially affected thereby as they appear on the most recent applicable tax list, to the Planning Board, or to any person filing a written request for notice of hearings, such request to be renewed yearly in December. The concurring vote of a majority of the members of the Commission shall be required to issue a Certificate.

- 7.4 Certificate of Appropriateness: If the Commission determines that the Construction or Alteration for which a Certificate of Appropriateness has been filed conforms to the Bylaw and Guidelines and will be appropriate for or compatible with the preservation and protection of the District, the Commission shall issue a Certificate of Appropriateness.
- 7.5 Administrative Approvals: If an application for a Certificate involves an Exterior Architectural Feature which is subject to review by the Commission under the provisions of this Bylaw, but the proposed Alteration clearly conforms to the purposes of this Bylaw and Guidelines and, therefore, is insubstantial in its affect on the District, this application shall be placed upon the next available meeting agenda, with notice to abutters as provided in Section 7.3 for ratification. Ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application and issue a Certificate.
- 7.6 Certificate of Hardship: If the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to conditions especially affecting the Building or Structure involved, but not affecting the District generally, failure to approve an application will involve substantial hardship, financial or otherwise, to the applicant. In such cases, the Commission shall issue a Certificate of Hardship provided such application may be approved without substantial detriment to the public welfare, and without substantial derogation from the intent and purposes of this Bylaw.
- 7.7 Certificate Conditions: In issuing Certificates, the Commission may impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this Bylaw and Guidelines.
- 7.8 Issuance of Certificate: As soon as convenient after such public hearing but in any event within sixty days after the filing of the application or within such further time as the applicant may allow in writing, the commission shall make a determination on the application. The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk.
- 7.9 Failure to Act: If the Commission shall fail to act upon an Application within sixty (60) days of the filing of the application for a Certificate, or within such further time as the applicant may allow, the Commission shall thereupon issue a Certificate of Hardship due to failure to act. The Commission shall file its determination with the Town Clerk as required under G.L. c.40C, §10(f).
- 7.10 Appeals: Any person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, appeal to the Superior Court as provided in Chapter 40C, Section 12A. Notice of an appeal must also be filed with the Office of the Town Clerk within twenty (20) days of the determination.

8. Criteria for Determinations

- 8.1 Criteria for Determinations: In deliberating on applications for Certificates, the Commission shall adhere to the standards established in the Guidelines, as amended, which are part of this Bylaw, all of which must be consistent with this by-law and the requirements of G.L. c.40C. In general, the Commission shall consider, among other things, the historic, architectural and cultural value and significance of the site, Building or Structure; the general design, proportions, detailing, mass, arrangement, texture, and material of Exterior Architectural Features involved; and the relation of the work proposed in the application to similar features of Buildings and Structures in the surrounding area and the District as a whole. In the case of new Construction or additions to existing Buildings or Structures, the Commission shall consider the appropriateness of the scale, shape, proportions, siting and the materials of the Building or

Structure both in relation to the land area upon which the Building or Structure is situated and in relation to Buildings and Structures in the vicinity. The degree of visibility from a Public Way may be a consideration in determining the level of compliance with this Bylaw and Guidelines.

8.2 Interiors and Use: The Commission shall not consider interior arrangements or architectural features not subject to view from a Public Way. In addition, the Commission shall not consider uses for the Building or Structure.

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.

9.2 Ordinary Maintenance and Repair: Nothing in this Bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any Exterior Architectural Feature within a District which does not involve a change in design, material or to the outward appearance thereof, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any Construction or Alteration under a permit duly issued prior to the effective date of this Bylaw.

9.3 Additional Exclusions: Certain categories of Exterior Architectural Features may be constructed or altered without review by the Commission, provided such construction or alteration do not substantially derogate the intent and purposes of the District and of G.L. c.40C. The Commission may, upon conducting a public hearing, exclude from its purview Exterior Architectural Features, in addition to those listed in Section 9.1, which it determines do not significantly impact the purpose of the District.

10 Enforcement and Penalties

10.1 Violations: The Commission shall determine whether a particular activity is in violation of this Bylaw, and the Commission shall be charged with the non-criminal enforcement of this Bylaw, and seeking civil enforcement under G.L. c.40C, section 12A, after obtaining the necessary

authority to do so.

- 10.2 Remedies: The Commission shall institute any appropriate action or proceedings in the name of the Town of Provincetown to prevent, correct, restrain or abate violation of this Bylaw.
- 10.3 Fines: Whoever violates any provision of this Bylaw shall be subject to a fine of \$250.00 Each day during which any portion of such violation continues to exist shall constitute a separate offense.
- 10.4 Building Commissioner: The Commission may designate the Building Commissioner to pursue non-criminal disposition under G.L. c.40, §21D. The Commission shall have jurisdiction to pursue enforcement under G.L. c.40C, §13.
- 10.5 Validity and Separability. The provisions of this Bylaw shall be deemed separable. If any provision, sections, subsections, sentences or clauses shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of the Bylaw shall continue to be in full force and effect.

11 APPENDICES

APPENDIX 1. PROVINCETOWN HISTORIC DISTRICT GUIDELINES

1. STATEMENT OF PURPOSE. Provincetown is a unique community; unique in its location, in the degree of its economic dependence on tourism, and in its architectural and cultural heritage. Few towns have so much of their historic architecture still in existence, and maintaining its visual character as a 19th century seaport is of vital importance to the town's economy and way of life. These Guidelines are intended to ensure that alterations and new construction within the District occur in a manner that preserves and respects this unique heritage.

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. 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.
- 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.

4. LIMITS OF JURISDICTION. Review under this By-law shall be limited to those Exterior Architectural Features which are visible from a Public Way, as defined under the By-law. The term "Public Way," however, shall not include a foot path, cart path or any easement or right of way that does not constitute a public way or public street.

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.
- c. 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.

6. ENTRANCES/DOORS

- a. 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.
- b. New doors may be added, or existing doors moved, provided they do not detract from an original or architecturally significant elevation.
- c. In commercial entrances, replacement doors must be compatible in design and material to the storefront, or to the original style of the building.

7.ROOF CLADDING. Traditionally, most roofs were clad in cedar shakes, except for a few high Victorian-era examples that were clad in slate. It is encouraged, but not required, that traditional wood shake shingles be used when recladding a roof. Asphalt shingles are allowed, and should be of appropriate color, size, and shape.

8.ROOF DORMERS, ALTERATIONS AND ADDITIONS

- a. Dormers and other roof alterations and additions are permitted under the following criteria:
 - i. Preserving original roof slope unchanged at either side of alteration;
 - ii. Use of materials which are appropriate to the surrounding original roof and siding materials;
 - iii. If replacing missing features, such as cupolas or chimneys, such replacement should be based upon historic evidence.
- b. Chimneys: Chimneys are an important component of many historic structures in Provincetown. It is required that, whenever possible, original or later important chimneys be retained and repaired.
- c. Skylights: Skylights with flat profiles are allowed on all elevations. Approval will be based upon size, number, and location of skylights. The goal is to ensure that skylights do not dominate the appearance of a roof slope.

9.ROOF DECKS, DECKS AND PORCHES. Roof decks are permitted under the following criteria:

- a. The size and location of the roof deck should not dominate the roof.
- b. Where possible, roof decks should be located to be minimally visible from a public way, or detailed to reflect an historic roof walk.
- c. Railing design should consist of wooden railings with captured balusters.

Decks and porches extending beyond the façade plane of a building are permitted provided the deck supports do not obscure significant architectural detail. New decks should be detailed in a manner appropriate to the building.

10. COMMERCIAL STOREFRONTS

- a. Historic or architecturally significant storefronts shall be preserved or restored to the greatest extent possible. Alterations of other storefronts shall use materials and be of a design compatible to the overall character of the historic commercial setting.
- b. 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.

11. FENCES. The typical Provincetown front yard enclosures throughout the 19th century and into the 20th were some version of the wood picket fence. Such fences were 30” to 48” tall, simplicity and linearity were emphasized; in many fences no visible posts interrupted the unbroken run of pickets, decorative posts were used at corners and gates. It is encouraged that such yard enclosures be preserved or replicated. Existing fences that reflect these characteristics should be preserved and maintained. Chain link, concrete block, and light gauge metal are inappropriate fencing material for front or side yards and will not be approved.

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.

13. OUTSIDE STAIRS. Outside stairs will be allowed, if required, and will be reviewed on a case-by-case basis. Considerations for approval include material, design, and location.

14. DEMOLITION. Demolition, or partial demolition, of buildings or structures is prohibited except when in the opinion of the Commission warranted for extraordinary circumstances. Demolition or partial demolition of later additions that are not architecturally or historically significant may

be permissible and are subject to review on a case-by-case basis. Nothing in these guidelines shall be construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition or to prevent any construction or alteration under a permit duly issued prior to the effective date of the By-law.

15. **NEW CONSTRUCTION AND ADDITIONS.** Design guidelines for new construction or additions are intended to ensure that such work occurs in a manner that respects Provincetown's unique heritage. The Commission shall consider the appropriateness of the size, shape, materials and proportions both in relation to the land upon which it is situated and in relation to the vicinity.

APPENDIX 2. PROVINCETOWN HISTORIC DISTRICT MAP. The Provincetown Historic District shall be a District under this Bylaw. The location and boundaries of the Provincetown Historic District area defined and shown on the Local Historic District Map of the town of Provincetown which is part of this Bylaw.

or to take any other action relative thereto.

[Requested by the Historic District Planning Committee and the Board of Selectmen]

HISTORIC DISTRICT STUDY COMMITTEE RECOMMENDS: 4-0-0

PLANNING BOARD RECOMMENDS: 4-0-0

LOCAL COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE RECOMMENDS: 3-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION.

Board of Selectmen Recommends: 3-2-0

Betty Steele-Jeffers moved that the Town vote to amend the Provincetown General By-laws by adding a new Chapter 15 establishing a Local Historic District, to be administered by the Provincetown Historic District Commission as provided for under Massachusetts General Laws Chapter 40C, as printed in the warrant.

Motion carried (2/3vote) 273 Yes 20 No

Article 10. General By-law Amendment: §11-5. Street Numbers on Buildings. To see if the Town will vote to amend the Provincetown General By-laws by deleting §11-5, which currently reads as follows: "The owner of every building that is used for habitation, business or recreation shall post the street number assigned by the Town Assessor so as to identify clearly the building from the main entrance thereto or a street marker," with a fine of \$10 for violation thereof; and inserting in place thereof the following:

11-5 Street Numbers on Buildings: The owner or person in control of any building, regardless of use, shall post the street number assigned by the Town Assessor so as to identify the building clearly. Said posting shall consist of numbers and letters where applicable, (not script) that are not less than 3 inches high and of a contrasting nature to the background. (Example: black numbers on white background)

The street number shall be affixed to the building in a location that is most visible from the public or private way, or on a separate post or mailbox in front of the property. If the building is not visible from a public or private way and is accessible via alleyway or lane, the street number shall be affixed to the building and on a post at the entrance to the access way if allowed by the property owner. At a multi-unit property each unit shall be posted in addition to the assigned street number. Unit posting shall consist of numbers and letters that are not less than three inches high and of a contrasting nature to the background. The unit number shall be affixed to the building nearest to the unit entrance door.

Violation of this bylaw shall be administered as follows: Warning notice, no fine; Fail to

correct within 30 days notice, \$25.00; Fail to correct within 60 days notice, \$50.00; Subsequent offense after 60 day notice, \$50.00 for each day of violation; or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

BOARD OF FIRE ENGINEERS RECOMMENDS: 7-0-0

COUNCIL ON AGING BOARD RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

Article 11. General By-law Amendment: §13-2-7. Dogs. To see if the Town will vote to amend the General By-laws by deleting Section 13-2-7, Restraint of Animals, and inserting in place thereof the following Section 13-2-7. Dogs, to read as follows:

13-2-7. DOGS.

13-2-7-1. Purpose. Provincetown's dogs and their owners enhance the character of the Town, and the Town seeks to encourage responsible dog ownership and behavior to the extent that they do not interfere with the reasonable expectations of residents and visitors for safety, appropriate health standards, and enjoyment of peace and quiet in public and private areas. This by-law seeks to balance the interests of dog owners and their dogs with the interests of all Town inhabitants.

13-2-7-2. Definitions. As used in this article, the following terms shall have the meanings indicated:

A dog "at large": an unrestrained or out of control dog outside the dog owner's property;

An "out of control" dog: a dog accompanied by a person who is not exerting proper supervision;

A dog "owner": a person who owns a dog, or a person with responsibility for a dog;

A "restrained" dog: a dog kept on a leash, cord, chain or other restraint, or a dog kept within the dog owner's property or leased premises, or another owner's property with consent of that owner or occupant of same; and

A dog under "voice and sight control": a dog kept within sight of the dog's owner and under the owner's verbal control at all times so that the dog does not (1) charge, chase or display aggression towards any person or behave in a way that a reasonable person may find threatening or dangerous; (2) charge, chase or display aggression towards any dog; or (3) fail to come to and stay with the dog's owner or guardian immediately upon that person's command.

13-2-7-3. Control of dogs. Any dog within Town boundaries must be restrained and may not be at large except as specified herein. Any dog within Town boundaries may be off-leash only in specific off-leash areas as designated by the Town, provided that such dog is under voice and sight control. The following are Town-owned open space off-leash areas (limited by specified times as noted): Shankpainter Pond Uplands, Foss Woods, Locke Property (also known as 'Whistle Path Woods'), Abandoned Railroad Right-Of-Way, and all Town beaches. From Memorial Day through November 1 dogs may be off-leash if under voice and sight control on Town beaches between the hours of 6 am and 9 am and the hours of 6 pm and 9 pm; from November 2 through the day before Memorial Day dogs may be off-leash if under voice and sight control on Town beaches between the hours of 6 am and 9pm; all dogs must be restrained on Town beaches at all other times. In designated off-leash areas, any owner whose

dog is not under voice and sight control or is out of control is in violation of this by-law. In all other areas, any owner whose dog is at large, out of control, or not restrained is in violation of this by-law. A non-criminal disposition penalty will be assessed in the amount of \$10 (ten dollars) to the owner for the first offense; \$15 (fifteen dollars) for the second offense; \$25 (twenty-five dollars) for the third offense; \$50 (fifty dollars) for the fourth offense; and \$75 (seventy-five dollars) for the fifth and subsequent offenses. Each violation of this by-law shall be deemed to be a separate offense.

13-2-7-4. Dog Excrement and Removal. No owner shall permit a dog to defecate upon public sidewalks, streets, beaches, or Town-owned land or structures without immediately and permanently removing the excrement therefrom, nor shall said person permit such excrement to remain on private property without consent of the owner or occupant of same. A non-criminal disposition penalty will be assessed in the amount of \$100 (one hundred dollars) to the owner for the first offense; \$200 (two hundred dollars) for the second offense; and \$300 (three hundred dollars) for the third and subsequent offenses.

13-2-7-5. Licensing. In addition to any other information required for a dog license, an applicant must provide the Town Clerk with the applicant's name, address, and signature. The Town Clerk shall, when providing or otherwise making available the license application, include a copy of this by-law and a map indicating off-leash areas therewith, and the required applicant's signature shall constitute a certification that the applicant has received, read, and understood the text of this by-law.

13-2-7-6. Amendments to Off-Leash Areas. The locations, times, and dates of Town-owned off-leash areas may be amended by vote of the Board of Selectmen after public hearing and notice thereon. Such notice shall be advertised at least once in a local newspaper no less than fourteen (14) days prior to the hearing.

13-2-7-7. Loss of Off-Leash Privileges to Specific Dogs. The Chief of Police is authorized under this by-law to determine, in the interests of public safety and health, whether an individual dog must be restrained at all times on public property and off-leash areas. If the Chief of Police so determines, notice of such decision to prohibit an individual dog from all off-leash privileges within the Town shall be communicated in the most immediate manner possible and shall be mailed to the dog's owner of record. On any subsequent occasion when such dog is determined to be in violation of the Chief of Police's decision, a non-criminal disposition penalty will be assessed in the amount of \$75 (seventy-five dollars).

And further by adding a new section 13-2-7.1, Horses and Other Animals to read as follows:

13-2-7.1. HORSES AND OTHER ANIMALS. No owner or person having care or control of any horse shall permit the animal to run at large, nor shall the person having control of any animal allow said animal to defecate upon public sidewalks, streets, beaches, Town-owned land or structures without immediately and permanently removing the excrement therefrom, nor shall said person allow such excrement to remain on private property without consent of the owner or occupant of same. A non-criminal disposition penalty will be assessed of ten dollars (\$10) to the owner and/or responsible party for the first offense, fifteen dollars (\$15) for the second offense, twenty-five dollars (\$25) for the third offense, fifty dollars (\$50) for the fourth offense and seventy-five dollars (\$75) for the fifth and subsequent offenses. Each violation of this by-law shall be deemed to be a separate offense.

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 3-2-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Mary-Jo Avellar moved that the Town vote to approve Article 11 as printed in the warrant.

Sherry A. Dranch proposes an amendment to Article 11, delete the hours in 13-2-7-3, 6-9AM & 6-9PM.

Motion defeated

Motion carried

Article 12. General By-law Amendment: §13-2-6-4. Noise - Waivers. To see if the Town will vote to amend the Provincetown General By-laws, §13-2-6 *Excessive musical and other noise*, by adding a new section 13-2-6-4, Waivers, to read as follows:

The Licensing Board may waive any part of this Noise Control bylaw for a temporary licensed public event if, in the judgment and discretion of the Licensing Board, the noise that the event will create in excess of the noise level limits established under the Noise Control bylaw is offset by the benefits of the event to the participants or the public and the noise of the event will not cause undue hardship or disturbance to the surrounding area. Events covered by this bylaw will not extend beyond midnight nor begin prior to 10 A.M. The Licensing Board can stipulate any time it deems appropriate within this time frame depending on the expected noise level and impact on surrounding area. Residential private parties limited to invitation only are not affected by this bylaw as they are not licensed by the Licensing Board. They are still governed as to noise or nuisance stipulations of these bylaws under 13-1-2 and 13-2-6. The Licensing Board may impose, on the grant of a temporary waiver, terms and conditions appropriate to reduce the impact of the noise level exception. An application for a temporary waiver shall be filed with the Town Clerk. The applicant shall certify that notice of such temporary waiver application has been provided to all properties contiguous, or likely to be affected by the event, to the property where the event will occur. The applicant must also place a notice in the local media advising of the request for waiver at least two weeks prior to any hearing on the waiver by the Licensing Board. The applicant shall further certify that the Police Department has been consulted with respect to the event and has approved as to form the application for a waiver with the understanding that once the event is in process, complaints could arise necessitating action on the part of the Police, i.e., immediate consultation with the applicant to ameliorate the sound conditions if the complaints are numerous and clearly justified in the discretionary opinion of the responding Police. The application for a temporary waiver affects all public events likely to produce sound levels that will affect the average person in a negative manner and in no instance will a waiver application be considered by the Licensing Board less than 60 days preceding any event. Applicants may receive more than one waiver in a year but the Licensing Board may recall any applications during the event year if complaints exceed the benefit to the public as determined by the Licensing Board as advised by the Police Department. The Licensing Board may suspend, modify or revoke any temporary waiver if it determines that an applicant has violated the terms or conditions of the waiver or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

LICENSING BOARD RECOMMENDS: 4-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Dr Cheryl Andrews moved that the Town vote to approve Article 12 as printed in the warrant. **Motion carried**

Article 13. General By-law Amendment: §13-2-9. No camping from 8 p.m. to 8 a.m. To see if the Town will vote to amend the Provincetown General By-laws so that **§13-2-9, Setting up camp and sleeping in the open,** reads as follows: “Between ~~one-half hour after sunset and one-half hour before sunrise~~ 8 p.m. and 8 a.m., no person shall: (1) set up and or sleep in a camp or tent, or (2) sleep in the open, or (3) sleep in or on a wheeled vehicle either adapted or not for habitation (self-propelled or capable of being towed) on public property or on private property *not licensed as a campground under MGL Chapter 140, section 32B;*” or to take any other action relative thereto.

[Requested by the Board of Selectmen]

**BOARD OF SELECTMEN RECOMMENDS: 5-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION.**

Michelle Couture moved that the Town vote to approve Article 13 as printed in the warrant.

Martin S. Huey moved the following amendment to Article 13 General By-law Amendment: §13-2-9. No camping from 8 p.m. to 8 a.m, inserting the words "or under a boat or similar vessel" at the end of sub-item (1) so that it reads as follows: (1) set up and or sleep in a camp or tent or under a boat or similar vessel, or...**Motion deemed to be not in the scope of the Article and not allowed.**

Motion carried

Article 14. General By-law Amendment: §11-8. Fire Protective Signaling Systems and Automatic Fire Detection Systems. To see if the Town will vote to amend the Provincetown General By-laws, Article 11, Building Regulations, by deleting Section 11-8 “Automatic-dialing mechanical protection device” and inserting in place thereof the following:

11-8 Automatic-dialing mechanical protection devices and fire protective signaling systems and automatic fire detection systems.

11-8-1 Permission required. No person shall install, maintain or use a protection device that automatically activates the telephone lines of the Police or Fire departments, without written permission from the Commissioner of Public Safety or his delegate and any other permission required, including, but not limited to, a building permit under 780 CMR 110.1 and 780 CMR 917 and 918 and any other permits or approvals that may be required.

11-8-2 Required Fire Protection Detection Systems and Fire Protective Signaling Systems. On or before January 1, 2008, all buildings and structures of mixed use and of the Use Groups A, B, E, F, H, I, M, R1, R2 and S1, as defined under the State Building Code, and located in the Town Center Commercial Fire Protection District, [as shown on a map dated March 7, 2003](#) that is on file with the Town Clerk’s office, shall obtain permission for and install both:

1. An approved fire protective signaling system which shall transmit a signal directly to a Fire Alarm Central Office indicating the activation of the on-site fire protection detection system. The onsite fire protection detection system shall include: all components required in 780 CMR the Massachusetts State Building Code, Chapter 9 and 527 CMR 24.00 Of the Massachusetts Board of Fire Prevention, as they apply to the structure’s use or occupancy as defined in 780 CMR, Chapter 3. A fire protective signaling system shall include: all components required in 780 CMR the Massachusetts State Building Code, Chapter 9 and 527 CMR 24.00 of the Massachusetts Board

of Fire Prevention, as they apply to a structure's use or occupancy, as defined in 780 CMR, Chapter 3; and shall also include a visual and audio fire alarm enunciator.

2. An approved visual and audio fire alarm enunciator shall be mounted on the outside of the building or structure and shall be visible and audible from the adjacent public or private way.

11-8-3 Shut off device. All alarm systems installed with an outside audible alarm shall be equipped with a device that will shut off the signal within fifteen minutes after the activation of the alarm.

11-8-4 Identification system. Alarms directly connected to the Police Department shall be connected in such a manner that the signal transmitted specifically identifies either fire, burglar or line.

11-8-5 False alarms. The activation of an alarm by error or malfunction shall constitute a violation of this by-law.

11-8-6 Fines. The owner or person in charge of a building or structure who fails to comply with this by-law shall be provided with written notice of non-compliance from the Police Department or Fire Department. Any owner or person in charge of a building or structure who fails to comply with this by-law within 10 business days of written notice of non-compliance shall be punished by a fine prescribed in the following manner under G.L. c.40, §21D. A non-criminal disposition penalty of a warning for the first through third offenses and a fine of \$15 dollars for the fourth offense and each offense thereafter shall be imposed for false alarm violations under §11-8-5. A non-criminal disposition penalty of \$300 for each offense shall be imposed for failure to timely comply with the requirements of §11-8-2.

or to take any other action relative thereto.

[Requested by the Board of Fire Engineers]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

BOARD OF FIRE ENGINEERS RECOMMENDS: 7-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

[2/3's vote required for zoning amendment under MGL C.40A]

Warren Alexander moved that the Town vote to approve Article 14 as printed in the warrant. Motion carried

HARBOR PLAN

Article 15. Amendments to Municipal Harbor Plan for Chapter 91 Licensing Amnesty Program. To see if the Town will vote to approve the following amendment to the Municipal Harbor Plan for Provincetown Harbor to establish a Chapter 91 licensing amnesty program thereunder as follows:

Notwithstanding any contrary provision of the [Municipal Harbor Plan approved on May 4, 1999](#), no property owner who filed a Chapter 91 license application with DEP Waterways on or before October 4, 1996 shall be required to make any monetary contribution to the Harbor Access Gift Fund, and Appendices A, B, and C of said plan shall not apply to said properties.

and to direct the Harbor Committee to submit said amendment to Massachusetts Coastal Zone Management for approval under 301 CMR 23; a copy of which amendment is on file in the office of the Town Clerk; or to take any other action relative thereto.

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

**FINANCE COMMITTEE RESERVES RECOMMENDATION
BOARD OF SELECTMEN RECOMMENDS: 5-0-0**

Keith Bergman moved that the Town vote to approve Article 15 as printed in the warrant. **Motion carried**

John E. Burke moved to reconsider Article 11, Dogs **Motion defeated**

PUBLIC PROPERTY

Article 16. *Rescind Designation of Clothing Optional Beach at Spaghetti Strip.* To see if the Town will vote to rescind its vote under Article 32 of the April 2, 2001 Annual Town Meeting which voted as follows: “to designate the west end of the Town-owned Spaghetti Strip as Provincetown's Clothing Optional Beach. The Global Positioning System boundary coordinates on the beach bluff are: (401680, 4659475) and 401693, 4659472) for the mean high tide they are (401652, 4659541) and (4011665, 4659540);” or to take any other action relative thereto.

[Requested by the Board of Selectmen]

**FINANCE COMMITTEE RECOMMENDS: 5-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0.**

Mary-Jo Avellar moved that the Town vote to approve Article 16 as printed in the warrant. **Motion carried**

Article 17. *No Hunting.* To see if the Town will vote not to allow hunting or trapping of animals and fowl on the town owned land at 244 Rt. 6, said 40 acres shown as Lot B on a plan of land prepared by Environmental Partners Group, dated March 2, 2001. A copy of which is on file in the office of the Town Clerk; or to take any other action relative thereto.

[Requested by Peter Souza and others]

**FINANCE COMMITTEE HAS NO RECOMMENDATION
BOARD OF SELECTMEN DOES NOT RECOMMEND: 5-0-0
PLANNING BOARD RECOMMENDS: 3-0-0**

Peter Souza moved that the Town vote not to allow hunting or trapping of animals and fowl on the town owned land at 244 Rt. 6, said 40 acres shown as Lot B on a plan of land prepared by Environmental Partners Group, dated March 2, 2001. A copy of which is on file in the office of the Town Clerk. **Motion defeated**

Article 18. *Hunting Within Cape Cod National Seashore.* To see if the Town will vote to ask the Cape Cod National Seashore to not allow hunting and trapping within the entire boundaries governed by the Cape Cod National Seashore; or to take any other action relative thereto.

[Requested by Peter Souza and others]

**FINANCE COMMITTEE HAS NO RECOMMENDATION
BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-2-0
PLANNING BOARD RECOMMENDS: 3-0-0**

C.C.N.S. G.M.P. IMPLEMENTATION ADVISORY COMMITTEE DOES NOT RECOMMEND: 4-0-0

Sheila Benzer moved that the Town vote to approve Article 18 as printed in the warrant. **Motion defeated**

TELECOMMUNICATIONS FACILITIES

Article 19. *Authorize Ten- to Twenty-Year Leases for Wireless Telecommunications Facilities at Water Tanks and Wastewater Treatment Plant Site.* To see if the Town will vote pursuant to MGL C.40,§4 to authorize the Board of Selectmen to enter into lease(s) of ten (10) years, with an option of up to twenty (20) years, for installation and operation of wireless telecommunications facilities, and for approval of easements necessary to carry out the purposes of this article, as follows: (1) the Town of Provincetown's central water tanks, with the proceeds therefrom to be deposited in the Water Enterprise Fund, and (2) on the Town of Provincetown's Wastewater Treatment Plant Facility property, with the proceeds therefrom to be deposited in the Wastewater Enterprise Fund; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

- FINANCE COMMITTEE RECOMMENDS: 5-0-0**
- BOARD OF SELECTMEN RECOMMENDS: 5-0-0**
- WATER & SEWER BOARD RECOMMENDS: 3-0-0**
- LOCAL COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE RECOMMENDS: 3-0-0**

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

Celine Gandolfo moved to amend Article 19 *Authorize Ten- to Twenty-Year Leases for Wireless Telecommunications Facilities at Water Tanks and Wastewater Treatment Plant Site* to remove the words "water tanks" from the article and add the words "old Burn Dump" and that the article now reads *"To see if the Town will vote pursuant to MGL.....to carry out the purposes of this article, as follows: (1) on the Town of Provincetown's Wastewater Treatment Plant Facility property, with the proceeds therefrom to be deposited in the Wastewater Enterprise Fund; or to take any other action relative thereto."*

Amendment carried.

Barbara Rushmore moved that the funds goes into the general funds instead of the wastewater fund. **Amendment carried**

Motion carried as amended

Article 20. *Easements for Electrical Service to Mt. Gilboa Water Tank.* To see if the Town will vote to approve easements for electrical service to the Mt. Gilboa Water Tank; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

- FINANCE COMMITTEE RECOMMENDS: 5-0-0**
- BOARD OF SELECTMEN RECOMMENDS: 5-0-0**
- WATER & SEWER RECOMMENDS: 3-0-0**

Michelle Couture moved that the Town vote to approve Article 20 as printed in the warrant.

Celine Gandolfo moved that the word "Sprint" be added to the article. **Amendment defeated**

Motion carried

Article 21. *Zoning Amendment: Telecommunications Facilities I – Waiver.* To see if the Town will vote to amend the [Provincetown Zoning By-laws](#) to add the following paragraph to §7030, Consistency with Federal Law, relative to Article 7 Wireless Telecommunications Towers and Facilities:

§7030.D. Waivers. If the Planning Board, following the close of a public hearing held under this Article, finds, by majority vote, that a particular provision of this Article would, as applied in the particular instance, prohibit or have the effect of prohibiting personal wireless services in violation of the federal Telecommunications Act of 1996, then the Board may waive that provision in the particular instance. If the Planning Board so waives a provision, then the Board shall expressly identify each specific provision being waived and set forth every reason for each waiver.

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

[Requested by the Board of Selectmen]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

WATER & SEWER BOARD RECOMMENDS: 3-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

[2/3's vote required for zoning amendment under MGL C.40A]

Sarah Peake moved that the Town vote to approve Article 21 as printed in the warrant.

Howard Burchman moved to amend as follows: At the beginning of 7030 Section D (the waiver section) add the following sentence, "Prior to seeking such a waiver, the applicant must demonstrate that there are no alternative available sites. **Amendment defeated.**

Celine Gandolfo moved the following language be added to Article 21 Zoning Amendment: Telecommunications Facilities I – Waiver. as follows "It is required that an independent radiofrequency engineering consultant, chosen by our town, be utilized during the Planning board application process where a waiver is being considered to analyze, determine and give clarification as to the justification of the "Waiver." **Amendment defeated**

Motion carried (2/3's vote)

Article 22. *Zoning Amendment: Telecommunications Facilities II – Overlay District.* To see if the Town will vote to amend the Provincetown Zoning By-laws, as follows

- 1) By amending §2100 **Establishment of Districts** so as to refer to a map dated February 6, 2003 and titled "Proposed Telecommunications Overlay District," a copy of which is on file with the Town Clerk.
- 2) By amending §2100 **Overlay Districts** to include a new district, by inserting the words "Telecommunications Overlay District" following the "Highway Corridor Overlay District." The Telecommunications Overlay District shall be defined by the area shown on a map titled ["Proposed Telecommunications Overlay District" dated February 6, 2003](#), which is on file in the Town Clerk's Office.

3) By amending the Zoning By-law to add the following new section:

§2360, Telecommunications Overlay District

A. Purpose. To promote the more orderly siting of telecommunications facilities which are described in and further governed by Article 7 of the Towns Zoning By-laws “Wireless Telecommunication Towers and Facilities.”

B. Governance. Telecommunications facilities and uses in Provincetown are governed by Article 7 of the Town’s Zoning By-laws Wireless Telecommunication Towers and Facilities.

4) By amending §7070 subsection L, *Standards for Siting of Telecommunication Facilities, Towers, Repeaters*” by deleting “municipal water supply towers” so that the first sentence thereof reads as follows: “Any Telecommunications facility or tower, with the exception of Repeaters, shall be sited as far away as possible, and in no event closer than five hundred (500) feet horizontally, from dwelling units, schools (public or private), ~~municipal water supply towers~~, child care facilities, and housing for the elderly or infirm, unless otherwise specified in Section 7070, subsection M of this Article.”

5) By amending §7070 General Requirements (Standards for Siting of [Telecommunications Facilities, Towers, Repeaters](#)) by adding the following new paragraph P:

P. Overlay District Facility or Towers. Notwithstanding any other provision of the Zoning Bylaws, all telecommunications facilities or towers may be located in the Telecommunications Overlay District as of right, provided that the following requirements are satisfied:

- i. The facility shall be totally enclosed in an existing structure and the requirements for adjacent equipment structures set forth in §7070.E shall be satisfied and a certificate of compliance with applicable federal emissions standards shall be filed with the building inspector annually; **or**
- ii. The facility or tower shall satisfy all of the requirements of §7070 Subsection A and Subsections C through F and Subsections H through K; §7120, except for the last sentence and provided further that adequate surety shall be provided to the Town, by and through the Building Inspector and §7130 Subsections A and B. In addition, every tower shall satisfy the requirements of §7110 Subsection D. In addition, all facilities and towers shall file a certificate of compliance with applicable federal emissions standards and a certificate of structural integrity with the building inspector annually. The siting of a facility on the outside of (1) a water tank with the storage capacity of at least 500,000 gallons, (2) a wastewater treatment facility with a design capacity of at least 500,000 gallons per day, or (3) any structure in excess of 250 feet above sea level shall not trigger any additional setback requirements and, furthermore shall not be subject to the year-round camouflaging requirement set forth under §7070 Subsection C.

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

[Requested by the Board of Selectmen]

PLANNING BOARD DOES NOT RECOMMEND: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

WATER & SEWER BOARD RECOMMENDS: 3-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

[2/3’s vote required for zoning amendment under MGL C.40A]

Sarah Peake moved that the Town vote to approve Article 22 as printed in the warrant. Motion

defeated

Article 23. Zoning Amendment: Telecommunications Facilities III - Stealth. To see if the Town will vote to amend the [Provincetown Zoning By-laws](#), by adding a new paragraph Q in Section 7070 General Requirements of Article 7, to read as follows:

Q. Wireless Telecommunications Antennas within and upon Existing Structures located outside the Telecommunications Overlay District.

Q1. Enclosed Wireless Communication Antennas. Notwithstanding any other provision of the Zoning By-laws, the installation of a wireless communication antenna within an existing structure in any zone shall be permitted if a special permit is granted from the Planning Board provided that such antennas are totally enclosed and cannot be seen from outside the structure.

Q2 Wireless Communication Antennas on Existing Buildings. Notwithstanding any other provision of the Zoning By-laws, a wireless communication antenna may be installed on the exterior of an existing building in any zoning district, provided a Special Permit is obtained from the Planning Board upon the Planning Board's written determination that the social, economic or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation; and that the following additional provisions have been met:

A. Application Filing. Applications must include representations, dimensioned and to scale, of all proposed antennas, mounts, equipment shelters, cable runs and any other construction or development, and elevations of the building where they are to be located. These shall show clearly the elevation of the highest point above ground level, the materials of construction and the color of any antenna, mount, fence, cable or other appurtenances. The Planning Board may also require information included in the filing requirements for wireless communication towers, personal wireless service facilities and their accessory structures described in Sections 7070 and 7080 of this bylaw.

B. Performance Standards. A wireless communication antenna installed on the exterior of an existing building shall meet the following performance standards:

1. The applicant shall demonstrate to the Planning Board that the existing building or structure is structurally sound and capable of handling the additional loads created by the antenna.
2. The antenna shall not extend above the roofline of the structure unless it is located directly next to a chimney or other projection, in which case it shall not exceed the height of the chimney or other projection, and shall not project more than eighteen (18) inches from the surface of the building, roof, flagpole, steeple or chimney; and in no event shall any part of the antenna extend more than twelve (12) feet above the uppermost portion of the roof line.
3. An antenna mounted on a structure shall be colored or painted to blend with the structure.
4. All antennas shall be screened to the greatest extent possible to minimize visibility from abutting properties and ways.
5. All antennas and appurtenant equipment not in use for a period of six (6) months or more shall be removed from the property at the owner's/operator's expense.
6. The antenna must contribute to minimizing the number and height of new wireless communication towers throughout Provincetown.

Q3. Wireless Communication Antennas on Existing Wireless Communication Towers.

A. Notwithstanding any other provision of the Zoning Bylaws, a wireless communication antenna may be installed on an existing wireless communication tower in any zoning district subject to the applicant obtaining a Special Permit from the Planning Board, provided there is no more than a twenty (20) foot increase in the height of the tower above ground level.

B. Notwithstanding any other provision of the Zoning Bylaws, a wireless communication antenna may be installed on an existing wireless communication tower so as to increase the height of the tower more than twenty (20) feet above ground level provided the applicant demonstrates that it is necessary for the provision of wireless communications and provided a Special Permit is obtained from the Planning Board which meets the Performance Standards 7070 Q B.1.& B.3., above. In addition to the information required for a Special Permit application, the applicant shall include information required in Section 7070 Q 2 A above in the application for this Special Permit.

C. In addition, the owners of all facilities, towers and antennas addressed in Article 7 of these by-laws shall file a certificate of compliance with applicable federal emissions standards and a certificate of structural integrity with the Town Building Inspector annually.

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

[Requested by the Board of Selectmen]

PLANNING BOARD DOES NOT RECOMMEND: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

WATER & SEWER BOARD RECOMMENDS: 3-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

[2/3's vote required for zoning amendment under MGL C.40A]

Michelle Couture moved that the Town vote to approve Article 23 as printed in the warrant. Motion defeated (2/3rd's vote)

GROWTH MANAGEMENT

Article 24. Zoning Amendment: Growth Management - §6500. To see if the Town will vote to amend the Provincetown Zoning By-laws, [Section 6500](#), Table of Use Categories and Priorities, as follows:

(1) In GENERAL USE CATEGORY 1, to add new subsections 1A, 1B, and 1C, so that section reads as follows:

1. Affordable Housing Units.

A. For all the housing units of affordable housing projects in which all the housing units are affordable. (For housing projects which are 100% affordable.)

B. For the affordable housing units of housing projects which are 50% to 99% affordable.

C. For the affordable housing units of housing projects which are 33% to 50% affordable.

(2) In GENERAL USE CATEGORY 2, by deleting "existing" and inserting in place thereof "consisting" in the first line thereof, so that said line reads as follows: "The non-affordable housing components of projects consisting of;"

(3) In GENERAL USE CATEGORY 2, by amending subsections 2b1, 2b2 and 2b3 by deleting "25% to 49%" and inserting in place thereof "33% to 49.9%" so that said subsections read as follows:

2b1 Multi-family dwelling projects that consist of 33% to 49.9% affordable housing

2b2 Two-family dwelling projects that consist of 33% to 49.9% affordable housing

2b3 Single-family dwelling projects that consist of 33% to 49.9% affordable housing

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

[Requested by the Planning Board, the Board of Selectmen, and the Local Housing Partnership]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

LOCAL HOUSING PARTNERSHIP RECOMMENDS: 4-0-0

LOCAL COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE RECOMMENDS: 3-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

[2/3's vote required for zoning amendment under MGL C.40A]

Mary-Jo Avellar moved that the Town vote to approve Article 24 as printed in the warrant.

Howard Burchman moved that the following (clarifying, but not substantive) wording in the proposed article be deleted:

“A. For all the housing units of affordable housing projects in which all the housing units are affordable. (For housing projects which are 100% affordable.)

B. For the affordable housing units of housing projects which are 50%-99% affordable.

C. For the affordable housing units of housing projects which are 33% - 50% affordable.”

With the deletion of this proposed wording, General Use Category 1 in Section 6500 (the Table of Use Categories and Priorities) simply reads: “1. Affordable Housing Units.” **Amendment carried**

Motion carried as amended (2/3's vote)

Article 25. Zoning Amendment: Growth Management - §6600. To see if the Town will vote to amend the Provincetown Zoning By-laws, [Section 6600](#), Growth Limit Goal Allocations, by amending paragraph 1 to read as follows: “1. Initially, 13,200 gpd shall be allotted for assignment for Use Category 1. ~~Thereafter, all unassigned gallonage remaining at the end of each calendar year for General Use Categories 1, 2, 3, and 4 shall be allotted for assignment in the next calendar year for Use Category 1.~~ *Thereafter, all unassigned gallonage remaining at the end of each calendar year for General Use Categories 1, 3, and 4 shall be allotted for assignment in the next calendar year for Use Category 1. 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.*” The original copy of this zoning by-law change is on file for public inspection in the Town Clerk’s Office; or to take any other action relative thereto.

[Requested by the Planning Board, the Board of Selectmen, and the Local Housing Partnership]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

HOUSING PARTNERSHIP RECOMMENDS: 4-0-0

LOCAL COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE RECOMMENDS: 3-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Mary-Jo Avellar moved that the Town vote to approve Article 25 as printed in the warrant. **Motion carried (2/3's vote)**

Article 26. *Affordable Housing: Priority for Fire Department and Rescue Squad.* To see if the Town will vote as follows: Whereas the volunteer fire department and rescue squad provide services critical to the town of Provincetown therefore to see if the town will vote to instruct the Provincetown board of Selectmen and the Housing Authority to work in concert to craft a mechanism by which members in good standing of the volunteer fire department and rescue squad receive prioritized access to affordable housing; or to take any other action relative thereto.

[Requested by the Jonathan Sinaiko and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

BOARD OF FIRE ENGINEERS RECOMMENDS: 7-0-0

HOUSING AUTHORITY RECOMMENDS: 3-0-0

LOCAL HOUSING PARTNERSHIP RECOMMENDS: 3-0-0

[Jonathan Sinaiko moved that the Town vote to approve Article 26 as printed in the warrant.](#)

[John Burke moved to amend by adding "rescue squad completing a minimum of three \(3\) years service".](#)

Amendment defeated.

Motion defeated

Article 27. *Resolution to Defend the Bill of Rights.* To see if the Town will vote to adopt a resolution to [defend the Bill of Rights](#), as follows:

Whereas, the Town of Provincetown has a long and distinguished history of protecting and expanding civil rights and civil liberties, often being a beacon for our country's citizens when liberties are threatened; and

Whereas, the Town of Provincetown houses a diverse population, including non-citizens, whose contributions to the community are vital to its character and function; and

Whereas, the Town of Provincetown has with gratitude for their supreme sacrifice memorialized those in the Armed Forces who have died in battle protecting these same cherished rights and liberties; and

Whereas, several acts and orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten these fundamental rights and liberties: freedom of speech, religion, assembly and privacy; the rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; all guaranteed by the [Constitution of the Commonwealth of Massachusetts](#), and the [United States Constitution](#) and its [Bill of Rights](#);

Therefore, we the Town of Provincetown, Massachusetts, acting in the spirit and history of our community, do hereby request that:

1. Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the [USA PATRIOT Act](#) or orders of the Executive Branch;

2. Federal and state law enforcement officials acting within the Town work in accordance with the policies of the Provincetown Police Department, and in cooperation with the Department, by not engaging in or permitting detentions without charges or racial profiling in law enforcement;

3. The U.S. Attorney's Office, the Office of the Federal Bureau of Investigation and Massachusetts State Police report to the Provincetown Board of Selectmen regularly and publicly the

extent to and manner in which they have acted new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any detainees held in Massachusetts or any Provincetown residents detained elsewhere;

4. That the Town instruct the Library not to divulge information concerning books and magazines read by Library patrons to any authorized agency.

5. Our United States Congressman and Senators monitor the implementation of the Act and Orders cited herein and actively work for the repeal of the parts of that Act and those Orders that violate fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

or to take any other action relative thereto.

[Requested by John B. Hopkins and others]

**FINANCE COMMITTEE HAS NO RECOMMENDATION
BOARD OF SELECTMEN RECOMMENDS: 5-0-0.**

John B. Hopkins moved that the Town vote to approve Article 27 as printed in the warrant. Motion carried unanimously

Article 28. Resolution Against the War in Iraq. To see if the Town will vote to adopt a resolution against the war in [Iraq](#), as follows:

Whereas, the people of the United States have already suffered grievous loss of life and well-being as a result of the terrorist attack on September 11, 2001 with the unforgettable horror or deliberate destruction of our cities from the sky; and

Whereas, based on current information no proven linkage has been made between the horrific terrorist attack on the World Trade Center on September 11, 2001 and the government of Iraq, and

Whereas, the greatest external threat to U.S. security today are the terrorist cells of Al Qaeda, which would likely grow as a result of a pre-emptive U.S. strike against Iraq; and

Whereas, neither the [UN Charter](#) nor international law justifies attacking another nation that poses no direct threat, and there is no evidence of a direct threat from Iraq to the U.S., and

Whereas, there is an urgent need for genuine multilateral action to eliminate weapons of mass destruction world wide; and

Whereas, a war with Iraq would threaten to further destabilize the Middle East, possibly leading to a wider, regional war and increased support for Al Qaeda and other groups dedicated to terrorism, making the citizens of the United States and the world less safe, and

Whereas, past military conflict in the region resulted in widespread environmental destruction, the effects of which have not yet been mitigated or understood; and

Whereas, past military conflict in the region resulted in widespread damage to the civilian infrastructure of Iraq and widespread suffering and death of Iraqi civilians; and

Whereas, for every estimated \$100 Billion cost to fight such a war and occupation it would cost individual Massachusetts taxpayers \$2.5 Billion and individual Provincetown taxpayers nearly \$2 million; and

Whereas, there are Provincetown citizens in the armed forces who may be killed or maimed in action or worse, may have to kill or maim others and live with it for the rest of their lives;

Now, Therefore, be it resolved that the Town of Provincetown hereby, opposes a U.S. invasion of Iraq, but supports instead a genuinely multilateral diplomatic approach to the Iraq situation, sanctioned and directed by the United Nations; and,

Resolved, that the Provincetown Town Clerk shall forward copies of this resolution to President Bush, Senators Kennedy and Kerry and to all members of the Massachusetts U.S.

Congressional delegation.
or to take any other action relative thereto.

[Requested by Brian O'Malley and others]

**FINANCE COMMITTEE HAS NO RECOMMENDATION
BOARD OF SELECTMEN RECOMMENDS: 3-0-2**

Dr Brian O'Malley moved that the Town vote to approve Article 28 amended as follows: "That the Town of Provincetown go on record to support an end to unilateral military intervention, and for redirection of war expenditures to address growing societal inadequacies, both at home and in Iraq. Support troop by bringing them home. Provide them housing, provide them health care, provide them socially valuable jobs, provide them education. Provide for their home communities affordable housing, healthcare, education and employment opportunity, and adequate social security. Their families and neighbors deserve no less. Support self-determination for the people of Iraq, with the restoration of housing, adequacy of healthcare services, respect for the educational system, and protection for the social needs of the civilian population. **RESOLVED**, that the Provincetown Town Clerk shall forward copies of this resolution to President Bush, Senators Kennedy and Kerry and to all members of the Massachusetts U.S. Congressional delegation. **Motion carried.**

OTHER FINANCIAL ARTICLES

Article 29. FY 2004 Human Services Grant Program. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$47,654 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:

- Consumer Assistance Council.. \$250
- Elder Services of Cape Cod & Islands..... 250
- Gosnold 13,000
- H.O.W./Helping Our Women 5,500
- Independence House, Inc... 4,310
- Interfaith Council for the Homeless.. 2,344
- Legal Services for Cod Cape & Islands.. 4,200
- Lower Cape Outreach Council, Inc... 4,000
- Mass A-Peal..... 400
- Outer Cape Health Services 3,500
- AIDS Support Group of Cape Cod.. 6,500
- Sight Loss Services, Inc..... 400
- Soup Kitchen in Provincetown.. 3,000

or to take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS: 7-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
HUMAN SERVICES COMMITTEE RECOMMENDS: 6-0-0.**

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$47,654 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as printed in the warrant. **Motion carried**

Article 30. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$180,000 to fund the following projects which market, beautify or enhance tourism in Provincetown:

- (1) Waterfront Complex..... \$77,500
- (2) AIDS remembrance 5,000
- (3) Art in Public Places 10,000
- (4) Historic Walking Trail 67,500
- (5) Provincetown Theatre Foundation 20,000

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

VISITOR SERVICES BOARD RECOMMENDS: 5-0-1.

Mary-Jo Avellar moved that the Town vote to approve Article 30 as printed in the warrant. **Motion carried**

Article 31. Apply Shuttle Funds to Reduce the FY 2004 Tax Rate. To see if the Town will vote to apply \$50,250 in funds in the FY 2004 699 Tourism budget, for subsidy of the summer shuttle, to reduce the Fiscal Year 2004 property tax levy for regional transit authority charges for said shuttle in FY 2003, or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Mary-Jo Avellar moved that Town vote to apply \$50,250 in funds in the FY 2004 699 Tourism budget, for subsidy of the summer shuttle, to reduce the Fiscal Year 2004 property tax levy for regional transit authority charges for said shuttle in FY 2003. **Motion carried**

Article 32. Use of Stabilization Fund to Reduce the FY 2004 Tax Levy. To see if the Town will vote to transfer the sum of \$200,000 from the Stabilization Fund to reduce the Fiscal Year 2004 property tax levy, or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-3

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Mary-Jo Avellar moved that the Town vote to indefinitely postpone action on Article 32. **Motion carried**

Article 33. Use of Parking Fund to Reduce the FY 2004 Tax Levy. To see if the Town will

vote to transfer the sum of \$1,200,000, or any greater or lesser sum, from the Parking Fund to reduce the Fiscal Year 2004 property tax levy, as provided by Chapter 790 of the Acts of 1981, or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Mary-Jo Avellar moved that the Town vote to transfer the sum of \$1,200,000 from the Parking Fund to reduce the Fiscal Year 2004 property tax levy, as provided by Chapter 790 of the Acts of 1981. **Motion carried**

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