

ANNUAL TOWN MEETING

BEGAN AT 10:12 P.M. APRIL 4, 2000

Preliminary Motions

Elizabeth Steele-Jeffers moved the reading of the warrant.

Motion Carried.

(2) Elizabeth Steele-Jeffers moved that the Town voter to grant permission to speak at the April 3, 2000 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown.

Dennis Clark, Recreation Director; David J. Ditacchio, Marine Superintendent; Dale Fanning, Director, Provincetown Heritage Museum; Dr. Susan N. Fleming, Superintendent of Schools; John W, Giorgio, Esq., and others attorneys of the firm of Kopelman & Paige, P.C. Town Counsel; Michelle Jarusiewicz, Grant Administrator; William Rokicki, Principal, Veterans Memorial Elementary School; Kathleen Slivka, Schools Director of Student Services; Craig Wiegand, Water Superintendent; Patricia Fitzpatrick, Tourism Director; Malcolm Galvin, Town Accountant; John Lippman, Cape Cod Commission Chief Planner/Deputy Director; David Hall, Cape Cod Commission staff member; Michael Mazer.

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]

Elizabeth Steele-Jeffers moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

Motion Carried.

Commissioner Gwen Bloomingdale submitted the Cape Cod Commission's report that was accidentally left out of the Annual Town Report and will be attached to the minutes of this meeting.

Article 2. FY 2001 Operating Budget. To see to if the Town will vote to raise and appropriate or transfer from available funds the sum of \$13,737,859 to fund operating budgets for the several Town departments for Fiscal Year 2001 in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

<i>Division</i>	<i>FY 2000</i>	<i>FY 2001</i>	<i>%</i>
I. General Government	\$457,743	\$490,699	7.2%
II. Finance	\$4,008,636	\$4,222,338	5.3%
III. Public Safety	\$2,167,285	\$2,262,448	4.4%
IV. Public Works	\$1,426,768	\$1,855,882	30.1%
V. Public Services	\$832,457	\$910,496	9.4%
VI. Public Schools	\$3,817,200	\$3,995,996	4.7%
<i>Total Divisions I-VI</i>	<i>\$12,710,090</i>	<i>\$13,737,859</i>	<i>8.1%</i>

or to take any other action relative thereto.

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

Division I. General Government

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$490,699 to fund operating budgets for the several Town departments for Fiscal Year 2001 under budget Division I, General Government.

Motion Carried.

Division II. Finance

Elizabeth Steele-Jeffers moved to raise and appropriate the sum of \$4,222,338 to fund operating budgets for the several Town departments for Fiscal Year 2001 under budget Division II, Finance.

Motion Carried.

Division III. Public Safety

Elizabeth Steele-Jeffers moved to raise and appropriate the sum of \$1,976,825 transfer from the Parking Fund the sum of \$261,123 for a total of \$2,237,948 to fund operating budgets for the several Town departments for Fiscal Year 2001 under budget Division III, Public Safety.

Paul Trainor moved to amend Division III the decrease sum of 7,000 which is the amount of line item transfer on page 10 of STM.

Amendment Defeated.

Motion Carried as Moved.

Division IV. Public Works

Elizabeth Steele-Jeffers moved to raise and appropriate the sum of \$1,805,882 and transfer from overlay surplus, the sum of \$50,000 for a total of \$1,855,882 to fund operating budgets for the several Town departments for Fiscal Year 2001 under budget Division IV, Public Works.

Motion Carried.

11: 03 p.m. Adjourn to Wednesday Night

Wednesday Night Meeting Called to Order at 7:30 p.m.

Division V. Public Services

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved to raise and appropriate the sum of \$596,781 and transfer the sum of \$313,715 from the Tourism Fund for the Beautification and Tourism budgets, for a total of \$910,496 to fund operating budgets for the several Town departments for Fiscal Year 2001 under budget Division V, Public Services.

Motion Carried.

Division VI. Public Schools – motion 1

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

School Committee Recommends: 5-0-0

Lois Borgesi moved that the Town vote to raise and appropriate the sum of \$3,942,634 to fund the 300 Provincetown Public Schools Budget for Fiscal Year 2001.

Paul Trainor moved to amend Public Schools – motion 1 by reducing the budget by \$40,000.

Amendment Defeated.

Motion Carried as Moved.

Division VI. Public Schools – motion 2

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Lois Borgesi moved that the Town vote to raise and appropriate the sum of \$53,362 to fund the 310 Cape Cod Regional Technical High School budget for Fiscal year 2001.

Motion Carried.

Bottom Line

I move that the Town vote to raise and appropriate the sum of \$13,088,521; transfer from Overlay Surplus the sum of \$50,000; transfer from the Parking Fund the sum of \$261,123 and transfer from the Tourism Fund the sum of \$313,715 for a total of \$13,713,359 to fund operating budgets for the several Town departments for Fiscal Year 2001 in accordance with Chapter 9, section 1 of the Provincetown Charter.

Motion Carried.

Article 3. FY 2001 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 2001:

<i>440 Wastewater Enterprise Fund</i>	<i>FY 2000</i>	<i>FY 2001</i>	<i>%</i>
Enterprise Fund Costs	\$140,000	\$143,500	
General Fund Costs	\$0	\$0	
TOTAL COSTS	\$140,000	\$143,500	2.5%
TOTAL REVENUES	\$140,000	\$143,500	2.5%
SURPLUS/(DEFICIT)	\$0	\$0	

<i>450 Water Enterprise Fund</i>	<i>FY 2000</i>	<i>FY 2001</i>	<i>%</i>
Personal Services	\$265,071	\$293,454	
Expenses	\$374,492	\$531,968	
Reserve Fund	\$53,279	\$144,508	
Enterprise Fund Costs	\$692,842	\$969,930	40.0%
General Fund Costs	\$149,158	\$169,567	13.7%
TOTAL COSTS	\$842,000	\$1,139,497	35.3%
TOTAL REVENUES	\$842,000	\$1,139,497	35.3%
SURPLUS/(DEFICIT)	\$0	\$0	

<i>525 Cape End Manor Enterprise</i>	<i>FY 2000</i>	<i>FY 2001</i>	<i>%</i>
Personal Services	\$1,438,918	\$1,551,425	
Expenses	\$628,084	\$546,340	
Enterprise Fund Costs	\$2,066,512	\$2,097,765	1.4%
General Fund Costs	\$400,000	\$381,000	-4.8%
TOTAL COSTS	\$2,466,512	\$2,478,765	0.4%
TOTAL REVENUES	\$2,334,366	\$2,348,800	0.6%
SURPLUS/(DEFICIT)	(\$132,146)	(\$129,965)	

or to take any other action relative thereto.

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

Article 3. FY 2001 Enterprise Funds.

Item 1. 440 Wastewater Enterprise Fund:

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise from wastewater receipts the sum of \$143,500 to be funded from the local room occupancy excise tax pursuant to Chapter 391 of the Acts of 1998, for a total of \$143,500 for the Wastewater Enterprise Fund for Fiscal Year 2001.

Motion Carried.

Article 3. FY 2001 Enterprise Funds.

Item 2. 450 Water Enterprise Fund:

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise from water receipts the sum of \$969,930, and appropriate in the General Fund the sum of \$169,567, for a total of \$1,139,497, for the operation of the Water Enterprise Fund for Fiscal Year 2001.

Motion Carried.

Article 3. FY 2000 Enterprise Funds.

Item 3. Cape End Manor Enterprise Fund:

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 4-0-1

Elizabeth Steele-Jeffers moved that the Town vote to raise from Cape End Manor receipts the sum of \$2,097,765, and appropriate in the General Fund the sum of \$381,000 from the tax levy and from Cape End Manor receipts, for a total of \$2,478,765 for the operation of the Cape End Manor for Fiscal Year 2001.

Motion Carried.

Article 4. FY 2001 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 2001 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows:

1. Police Station Dispatch: \$75,000 to be expended under the direction of the Town Manager, the Director of Public Works, and the Chief of Police for improvements to the Police Station dispatch area, and costs related thereto;

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the town vote to appropriate and borrow the sum of \$75,000 to be expended under the direction of the Town Manager, the Director of Public Works, and the Chief of Police for improvements to the Police Station dispatch area, 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 Vote.

2. Police Equipment Reserve: \$12,500 to be expended under the direction of the Town Manager and the Chief of Police for equipment for the Police Department, and costs related thereto;

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$12,500 to be expended under the direction of the Town Manager and the Chief of Police for equipment for the Police Department, and costs related thereto.

Motion Carried, 2/3rd Vote.

3. Library Repairs: \$10,000 to be expended under the direction of the Town Manager, Director of Public Works, Library Director, and Board of Library Trustees for repairs and upgrades to the Provincetown Public Library building, including roof and gutters, and costs related thereto;

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$10,000 to be expended under the direction of the Town Manager, Director of Public Works, Library Director, and Board of Library Trustees for repairs and upgrades to the Provincetown Public Library building, including roof and gutters, and costs related thereto.

Motion Carried.

4. Winthrop Street Cemetery: \$35,000 to be expended under the direction of the Town Manager and the Director of Public Works for the upgrade to the Winthrop Street Cemetery, and costs related thereto;

Finance Committee Recommends: 4-1-0

Board of Selectmen Recommends: 4-0-1

Elizabeth Steele-Jeffers moved that the Town vote to transfer from the Cemetery Perpetual Care Fund the sum of \$35,000 to be expended under the direction of the Town Manager and the Director of Public Works as the local match for a grant funded project to upgrade to the Winthrop Street Cemetery, and costs related thereto.

William Dougal moved to amend article 4 to add that the \$35,000 to be expended under the direction of the Town Manager and Director of Public Works for the upgrade to the Winthrop Street Cemetery, and costs related thereto, subject to the town receiving a matching grant of \$35,000. If grant is received, this would produce \$70,000 to not only clean up the cemetery but restore the cemetery gravestones, landscaping and fencing to historical standards. In the event the matching grant of \$35,000 is not received, the DPW Director has indicated to the Finance Committee that the newly created DPW maintenance Division Staff will clean up and maintain the cemetery within the existing DPW budget, (thereby not requiring a new appropriation of \$35,000).

Motion Defeated.

Roger Keene moved to amend Article 4, Section 4 to add the words “and the Historic Commission and Cemetery Commission” after the words Director of Public Works.

Amendment Carried.

Motion Carried as Amended.

5. Town MIS/Computer Replacement Program: \$37,580, to be combined with the unexpended balance appropriated under Article 5, Item 2 of the April 5, 1999 Annual Town Meeting, to be expended under the direction of the Town Manager and the Director of Municipal Finance for the program for continued replacement of computer equipment for Town departments, including Assessors digitization, and costs related thereto;

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to transfer from Free Cash the sum of \$17,820 and transfer from proceeds from the sale of Town Property \$19,760, for a total of \$37,580, to be combined with the unexpended balance appropriated under Article 5, Item 2 of the April 5, 1999 Annual Town Meeting, to be expended under the direction of the Town Manager and the Director of Municipal Finance for the program for continued replacement of computer equipment for Town departments, including Assessors digitization, and costs related thereto.

Motion Carried.

6. Street & Sidewalk Repairs: \$25,000, to be combined with the unexpended balance appropriated under Article 5, Item 3 of the April 5, 1999 Annual Town Meeting, to be expended under the direction of the Town Manager and the Director of Public Works for continuation of the road and sidewalk repair program, and costs related thereto;

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to transfer from proceeds from the sale of Town Property the sum of \$25,000, to be combined with the unexpended balance appropriated under Article 5, Item 3 of the April 5, 1999 Annual Town Meeting, to be expended under the direction of the Town Manager and the Director of Public Works for continuation of the road and sidewalk repair program, and costs related thereto.

Motion Carried.

7. Drainage Maintenance: \$10,000 to be expended under the direction of the Town Manager and the Director of Public Works for the drainage maintenance program, and costs related thereto;

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to transfer from Free Cash the sum of \$10,000 to be expended under the direction of the Town Manager and the Director of Public Works for the drainage maintenance program, and costs related thereto.

Motion Carried.

8. Fleet Replacement Plan: \$142,000 to be expended under the direction of the Town Manager and the Director of Public Works for purchase of a pick-up truck and dump truck for the Highway Division, a pick-up truck for the Building & Grounds Division, and an animal control/dog van for the Police Department, and costs related thereto;

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$142,000 to be expended under the direction of the Town Manager and the Director of Public Works for purchase of a pick-up truck and dump truck for the Highway Division, a pick-up truck for the Building & Grounds Division, and an animal control/dog van for the Police Department, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion Carried, 2/3rd Vote.

9. Community Center Painting: \$12,000 to be expended under the direction of the Town Manager and the Director of Public Works for the painting of the Community Center, and costs related thereto;

or to take any other action relative thereto.

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

Finance Committee Recommends: 7-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers move that the Town vote to transfer from Free Cash the sum of \$12,000 to be expended under the direction of the Town Manager and the Director of Public Works for the painting of the Community Center, and costs related thereto.

Motion Carried.

Article 5. FY 2000 Revolving Accounts. To see if the Town will vote to continue for FY 2000 the following revolving accounts established pursuant to MGL C.44, §53E½:

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

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

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

or to take any other action relative thereto.

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

Finance Committee Recommends: 5-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to continue for FY 2001 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Carried.

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 a 2.5% salary schedule adjustment effective July 1, 2000, as follows:

Grade	<i>FY 2000 Rates</i>		<i>Proposed FY 2001</i>		<i>Proposed Classifications Positions</i>
	Minimum	Maximum	Minimum	Maximum	
21	70,106	80,800	71,859	82,820	Town Manager
20	59,412	70,106	60,897	71,859	<i>no positions assigned</i>
19	56,315	66,451	57,723	68,112	Chief of Police Director of Public Works
18	53,379	62,987	54,713	64,562	Cape End Manor Administrator
17	50,596	59,704	51,861	61,197	Director of Municipal Finance
16	47,958	56,591	49,157	58,006	Police Staff Sergeant
15	45,458	53,641	46,594	54,982	Assistant Town Manager
14	42,885	50,604	43,957	51,869	CEM Director of Clinical Services
13	40,458	47,740	41,469	48,934	Director of Regulatory Management
12	38,168	45,038	39,122	46,164	Building Commissioner CEM Director of Support Services Principal Assessor
11	36,350	42,893	37,259	43,965	Town Accountant Council on Aging/Public Health Director DPW Director of Operations Library Director

Grade	<i>FY 2000 Rates</i>		<i>Proposed FY 2001</i>		<i>Proposed Classifications</i> Positions
	Minimum	Maximum	Minimum	Maximum	
10	34,619	40,851	35,484	41,872	Marine Superintendent
9	32,971	38,905	33,795	39,878	Water Superintendent MIS Coordinator
8	31,104	36,703	31,882	37,621	Recreation Director Parking Administrator Tourism Director Town Clerk
7	29,344	34,626	30,078	35,492	Permit Coordinator Health Inspector
6	27,683	32,666	28,375	33,483	Electrical Inspector/Deputy Bldg Inspector Licensing Agent Local Building Inspector Secretary to the Town Manager Secretary to the Board of Selectmen

and further, to raise and appropriate the sum of \$52,500 to fund raises for FY 2001 for positions contained on this schedule in accordance with the performance appraisal system adopted pursuant to Section 4-1 of the Personnel By-law, said sum being equivalent to a 2.5% salary schedule adjustment plus the 2.2% step raise increase for which union employees are eligible;

Finance Committee Recommends: 5-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, by applying a 2.5% salary schedule adjustment effective July 1, 2000, as printed in the warrant; and further, to raise and appropriate the sum of \$52,500 to fund raises for FY 2001 for positions contained on this schedule in accordance with the performance appraisal system adopted pursuant to Section 4-1 of the Personnel By-law, said sum being equivalent to a 2.5% salary schedule adjustment plus the 2.2% step raise increase for which union employees are eligible.

Motion Carried.

2. **Schedule B:** to amend Schedule B, "Fire Department Positions," effective July 1, 2000, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position Current Proposed

Deputy Fire Chief \$2,625.00 5,000.00

District Fire Chief/Engineer 1,260.00 1,800.00

Firefighter 450.00

Fire Auxiliary 225.00

Fire Captain (*additional stipend*) 335.00
 Fire Lieutenant (*additional stipend*) 215.00
 House Steward (*additional stipend*) 580.00
 Oil Inspector 1,680.00
 Rescue Captain (*additional stipend*) 630.00
 Rescue Lieutenant (*additional stipend*) 525.00
 Rescue Steward (*additional stipend*) 1,160.00
 Rescue Training Officer (*additional stipend*) 315.00

Annual Salary

Position Current Proposed
 Fire Chief 16,000.00 18,000.00

Non-Firefighter Positions - Hourly Wages

Position Current Proposed
 EMT-A 15.00
 EMT-Intermediate 16.25
 EMT-Paramedic 17.75 18.00
 Stand-by 10.40
 Safety Inspections 10.40

Finance Committee Recommends: 5-0-0

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to amend Schedule B,” “Fire Department Positions,” effective July 1, 2000, as requested by the Board of Fire Engineers, as printed in the warrant.

Motion Carried.

3. Schedule C: to amend Schedule C, “Seasonal and Part-time Non-Union Positions,” by applying a 2.5% salary schedule adjustment effective July 1, 2000, as follows:

<i>Proposed Position Classifications</i>	<i>Actual FY 2000</i>	<i>Proposed FY 2001</i>
Hourly Rates of Pay		
<i>Grade L</i>		
Parking Lot Technical Manager	\$ 11.70	\$12.00
<i>Grade K</i>		
<i>No Positions Assigned</i>	11.36	11.64
<i>Grade J</i>		
Seasonal Recreation Swimming Instructor	11.03	11.30
<i>Grade I</i>		
Parking Meter Collection/Repair	10.71	10.98
<i>Grade H</i>		
Assistant Harbormaster, Relief/On-call	10.40	10.66
Police Officer, Summer/Auxiliary	10.40	10.66

<i>Proposed Position Classifications</i> Hourly Rates of Pay	<i>Actual</i> FY 2000	<i>Proposed</i> FY 2001
<i>Grade G</i>		
<i>No Positions Assigned</i>	10.10	10.35
<i>Grade F</i>		
Parking Department Clerk	9.80	10.04
Secretary, On-call Relief	9.80	10.04
<i>Grade E</i>		
Parking Lot Assistant Technical Manager	9.52	9.76
Parking Meter Enforcement	9.52	9.76
Police Desk Officer, Summer/Relief	9.52	9.76
Police Matron	9.52	9.76
Veterans Agent	9.52	9.76
<i>Grade D</i>		
Library Circulation Aide	9.24	9.47
<i>Grade C</i>		
Parking Lot Attendant/Float/Relief/Out-booth	8.97	9.19
Seasonal Recreation Supervisor	8.97	9.19
<i>Grade B</i>		
<i>No Positions Assigned</i>	8.71	8.93
<i>Grade A</i>		
Council on Aging Cook	8.46	8.67
Council on Aging Outreach Worker	8.46	8.67
Parking Lot Attendant/In-booth	8.46	8.67
Seasonal Custodians	8.46	8.67
Seasonal Recreation Aides	8.46	8.67
<i>Annual Stipends</i>		
Animal Inspector	150.00	
Emergency Management Director	1,200.00	
Gas Inspector	5,000.00	
Plumbing Inspector	5,000.00	
<i>Per Diem Licensed Staff (Hourly Rates)</i>		
CEM Licensed Practical Nurse	17.94	
CEM Registered Nurse	20.50	

and to raise and appropriate the sum of \$16,000 and transfer \$4,500 from the Parking Fund, for a total of \$20,500, for raises for positions contained on Schedule C for FY 2001; 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

Elizabeth Steele-Jeffers moved that the Town vote to amend Schedule C, "Seasonal and Part-time Non-Union Positions," by applying a 2.5% salary schedule adjustment effective July 1, 2000, as printed in the warrant; and further to raise and appropriate the sum of

\$16,000 and transfer \$4,500 from the Parking Fund, for a total of \$20,500 for raises for positions contained on Schedule C for FY 2001.

Motion Carried.

Article 7. Fund Provincetown Police Labor Federation Collective Bargaining Agreement. To see what sum the Town will vote to raise and appropriate or transfer from available funds to fund the collective bargaining agreement reached with the Provincetown Police Labor Federation for FY 2001, or to take any other action relative thereto.

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

Finance Committee To Indefinitely Postpone

Board of Selectmen To Indefinitely Postpone

Elizabeth Steele-Jeffers moved that the Town vote to indefinitely postpone action on Article 7.

Motion Carried.

Article 8. Zoning By-law Amendment: Article VIII, Growth Management. To see if the Town will vote to amend the Provincetown Zoning By-laws by deleting Article VIII, Growth Management, in its entirety and substituting therefore the following:

WHEREAS the Town of Provincetown has resolved to manage the rate of development of the Town so that there shall be maintained an equilibrium between (a) the total amount of development allowed by that rate and (b) the capacity of the facilities available for potable water, wastewater disposal and disposal of solid waste, and

WHEREAS the current facilities for these basic services are at or beyond capacity, specifically as follows:

(a) the Town has a Massachusetts Department of Environmental Protection (DEP) Water Withdrawal Permit for 0.95 mgd (millions of gallons per day); and in 1998 and 1999 the Provincetown Water Department pumped in excess of that average daily limit almost continuously from May to October, and no redundant source of potable water exists; and

(b) because construction of a wastewater treatment facility has not begun, the only available wastewater disposal is on-site disposal and the ability to comply with DEP's Title 5 regulations is limited by the small lot sizes and a dense village development pattern, and further the 1999 Town Meeting authorized a petition for special legislation to limit any property's sewer connection to its Title 5 Design Flow capacity or actual flow from the current legal use of the property; and

(c) the Town has closed its landfill and has commenced operation of a solid waste transfer station with a Board of Health approved design capacity of 46 tons per day maximum, and design capacity average of 41 tons per day, and the August 2, 1999 deed

from the National Park Service limits further expansion of the transfer station by restricting increases in traffic resulting from waste management use, and the Town's contract for solid waste disposal provides for a maximum of 5,160 tons per year, and **WHEREAS** plans are now in progress to resolve these capacity problems, specifically as follows:

(a) exploration of possible sources of treated potable water within the Town and a plan for acquiring additional sources is being formulated, and the Provincetown Water Department has made significant strides in reducing unaccounted for water from 31% to 19%, and the Town has designed and implemented a conservation program and is exploring financial incentives for conservation such as peak period pricing and incentives for private wells

(b) the Town is completing a lot-by-lot analysis of properties to establish which lots are not capable of complying with DEP's Title 5 regulations, and the Town has formulated an overall strategy for wastewater collection, treatment and disposal in its Waste Water Facilities Management Plan, 1997, by Sterns & Wheeler, Environmental Engineers and Scientists and is in process of selecting suitable sites for building a facility, and

(c) the Town's recycling of solid waste in 1998 was 14% of the total, as compared with 8% Cape-wide, and as part of a plan to establish fees for use of the transfer station, scales have been installed and fees are being set, and the Town has reduced its annual tonnage of solid waste transferred for disposal from 5,145 tons in FY 1998 to 4,976 tons in FY 1999, and

WHEREAS the intended capacity of the new wastewater facility and water system will be based on population trend projections cited in the Outer Cape Capacity Study, December 1996, prepared by the Cape Cod Commission in cooperation with Whiteman and Taintor, Planning Consultants, statistics from the State Department of Housing and Community Development, and Federal and State census reports, and

WHEREAS the Town believes the most accurate measure of the impact that additional development will have on limited resources is obtained by applying the Design Flow standards in Sec. 15.02 of 310 CMR 15.00, General Requirements of the State Environmental Code, Title 5, establishing Design Flow rates in gallons per day and by calculating the amount of flow per year over the design life of the existing and any planned facilities which would assure that additional demand will not exceed the capacity of the facilities, currently suggesting a prudent phased growth and Growth Limitation Goal of 2,750 gallons per day per year; and

WHEREAS the Board of Selectmen has committed to review on an annual basis the status of the potable water, wastewater and solid waste facilities including any changes in their capacity or design life, any changes in the projected population growth or other capacity factors which might affect the rate of development, and then recommending to Town Meeting appropriate zoning amendments to assure that the rate of development shall not exceed the capacity of the necessary facilities; and

WHEREAS present zoning permits an increase in use of the land, allowing additional development and density, expansions and extensions of existing nonconforming structures and uses, and variances; and

WHEREAS in the Town it is increasingly difficult to obtain affordable housing; and **WHEREAS** the By-law here set forth derives from and is supported by the analysis and documentation and Goals, Objectives and Policies set forth in the Master Plan, which were adopted by the 1988 Annual Town Meeting, the Local Comprehensive Plan, presented to 2000 Annual Town Meeting, and Transfer Station data from the Cape Cod Commission.

NOW THEREFORE, upon recommendation of the Board of Selectmen, Planning Board, Board of Health, Local Housing Partnership and Water and Sewer Board, the Town hereby adopts this new Article VIII, Growth Management By-law, superceding the Article VII, Growth Management By-law adopted originally on March 4, 1989 and most recently amended at April 1999 Annual Town Meeting, for the purposes of protecting the safety, convenience and welfare of the inhabitants of Provincetown.

A. DEFINITION SECTION

Affordable Housing: Dwelling units, subject to an “affordable housing deed restriction” in accordance with MGL c. 184, §31, for a period of at least 40 years, that limits rental rates and resale prices, eligibility for initial occupancy, and, provides a right of first refusal to the Town of Provincetown. Affordable housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 50% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 33% of annual income for a household at 65% at or below of the Barnstable County median income. Eligibility for initial occupancy in rental dwelling units is limited to households below 65% of Barnstable County median income, and, eligibility for initial occupancy in owned dwelling units is limited to households below 80% of Barnstable County median income. Barnstable County Median Income as is periodically defined by US Department of HUD adjusted for household size.

Applicant: An individual or a partnership, corporation, trusts or other legal entities in which the applicant of record holds a legal or beneficial ownership of greater than 1%.

Completed Application: The Growth Management Allocation Permit application submitted in connection with a simultaneous application for a building permit, for an or occupancy permit when no building permit is required, which demonstrates that the applicant has filed for and received all other necessary permits, variances, special permits, determinations and/or orders of conditions for the proposed construction or use as deemed necessary by the Permit Coordinator and including, if applicable, affordable housing permits awarded by the Provincetown Local Housing Partnership (PLHP). For purposes of such application, statutory appeal periods relative to said permits, variances, special permits, determinations and/or orders of conditions, need not have expired without appeals having been taken in order for the Permit Coordinator to determine that an application for a Growth Management Allocation Permit is completed.

Fixed Standing: Spaces for standing within an eating and/or drinking establishment or outside such an establishment on the property of that establishment, where fixed counters and/or shelves are provided for the resting of food and/or beverages and

where public restrooms are required shall constitute seats for the purposes of the Growth Management By-law at a measurement of one seat for each 18” of linear distance, or at the distance specified in the state building code, whichever is the lesser.

Growth Limitation Goal: The annual allotment of increases in Title 5 Design Flow for new construction, alterations and additions to existing structures and changes in use, as specified in Section E.

Growth Management Allocation Permit: A permit issued by the Permit Coordinator, following receipt of a Completed Application, that assigns a portion of the available annual Growth Limitation Goal according to the Table of Use Categories and Priorities in Section D.

Seats: All seating, of any kind and nature, provided within an eating and/or drinking establishment, or outside such an establishment on the property of that establishment, shall constitute Seats for the purposes of the Growth Management Zoning By-law, without regard to the provision of waitress service.

Sufficiently Started: In the case of building permits, use of a Growth Management Allocation Permit shall have sufficiently started if a water service connection has been provided on the lot to serve the new, expanded, altered or changed use and an account has been established with the Water Superintendent. In the case of occupancy permits or other forms of final official action, use of a Growth Management Allocation Permit shall have sufficiently started if the new, altered, expanded, intensified or changed use has actually commenced.

Title 5 Design Flow: The estimated amount of wastewater to be produced or discharged as a result of the proposed construction or use as determined using the Title 5 Flow Design criteria found in 310 CMR 15.203: System Sewage Flow Design Criteria.

B. APPLICABILITY

1. This Growth Management By-law shall apply to all new construction, including new structures and enlargement, alteration or renovation of existing structures, to all new uses, and to all expansions, changes, or alterations of existing uses, which will result in an increase in Title 5 Design Flow as determined by the Health Agent.

No building permit shall be issued for a new structure or for the enlargement, renovation or alteration of an existing structure and no occupancy permit shall be issued for any new use or any expansion, change or alteration of an existing use for which no building permit is required; and no special permit or variance shall be granted authorizing construction of a new structure or the enlargement, renovation or alteration of an existing structure, and no special permit or variance shall be issued authorizing any new use or any change, intensification, expansion, or alteration of an existing use until and unless either:

- (a.) the Health Agent determines that the proposed use will not increase Title 5 Design Flow; or
- (b.) the Health Agent determines the amount of increase in Title 5 Design Flow which will result from the proposed use, and the Permit Coordinator issues a Growth Management Allocation Permit sufficient to allow the increase.

In making such determination, the Health Agent shall apply the definitions of Fixed Standing and Seats as defined in Section A, where applicable.

1. This Growth Management Zoning By-law shall not apply to Municipal Uses or approved laundromats.
2. Notwithstanding any other provisions of this By-law to the contrary, any building permit issued for construction authorized by a special permit granted prior to December 31, 2000 shall continue to be governed by the applicable provisions of the Growth Management By-law in effect on the date the special permit was granted, provided that:
 - (1.) the building permit application for such construction was submitted to the Department within six months of the date of the grant of the authorizing special permit, and
 - (2.) any delay in issuance of the building permit beyond the six month period following the grant of the special permit was due solely to the annual building permit limitations contained in the Growth Management By-law in effect on the date the special permit was granted.

C. PROCEDURE

1. Application for a Growth Management Allocation Permit may be made in writing to the Permit Coordinator only after having first applied for all other permits, (except building and occupancy permits), licenses, special permits, variances, determinations and/or orders of conditions for the proposed construction and/or use as deemed

necessary by the Permit Coordinator including, if applicable, affordable housing permits awarded by the PLHP.

2. In order to be considered completed, a Growth Management Allocation Permit application must be accompanied by the application for any building permit required for the proposed construction or, if no building permit is required, the application for an occupancy permit.

3. A Growth Management Allocation Permit application shall be deemed completed as defined in Section A., Definitions.

4. (a.) Growth Management Allocation Permits shall be issued on or about February 15, May 15, August 15 and November 15 of each year for the residential use categories listed under General Use Category 1 in Section D.

(b.) Growth Management Allocation Permits shall be issued on or about May 15 of each year for the residential use categories listed under General Use Category 2 in Section D.

(c.) Growth Management Allocation Permits shall be issued on or about November 15 of each year for the non-residential use categories listed under General Use Category 3.

(d.) In order to be eligible for allocation consideration on any of said dates, the completed application must have been received no later than the 15th day of the applicable, preceding month.

D. PRIORITIES

Growth Management Allocation Permits shall be issued on the basis of the order of use priorities listed within each General Use Category in the following Table, and within each use priority in order of the date of the completed applications. The first listed use within each General Use Category shall be the highest use priority within that General Use Category.

TABLE OF USE CATEGORIES AND PRIORITIES

GENERAL USE CATEGORY 1

1a1 Single-family dwelling, one per lot, projects that consist of 100% affordable housing

1a2 Single-family dwelling, two per lot, each in a separate structure, projects that consist of 100% affordable housing

1a3 Single-family dwelling, three or more per lot, each in a separate structure, projects that consist of 100% affordable housing

1b1 Two-family dwelling, one per lot, projects that consist of 100% affordable housing

1b2 Two-family dwelling, two per lot, each in a separate structure, projects that consist of 100% affordable housing

1b3 Two-family dwelling, three or more per lot, each in a separate structure, projects that consist of 100% affordable housing

1c1 Multi-family dwelling, one per lot, projects that consist of 100% affordable housing

1c2 Multi-family dwelling, two per lot, each in a separate structure, projects that consist of 100% affordable housing

- 1c3 Multi-family dwelling, three or more per lot, each in a separate structure, projects that consist of 100% affordable housing
- 1d1 Single-family dwelling, one per lot, projects that consist of 50%-99% affordable housing
- 1d2 Single-family dwelling, two per lot, each in a separate structure, projects that consist of 50%-99% affordable housing
- 1d3 Single-family dwelling, three or more per lot, each in a separate structure, projects that consist of 50%-99% affordable housing
- 1e1 Two-family dwelling, one per lot, projects that consist of 50%-99% affordable housing
- 1e2 Two-family dwelling, two per lot, each in a separate structure, projects that consist of 50%-99% affordable housing
- 1e3 Two-family dwelling, three or more per lot, each in a separate structure, projects that consist of 50%-99% affordable housing
- 1f1 Multi-family dwelling, one per lot, projects that consist of 50%-99% affordable housing
- 1f2 Multi-family dwelling, two per lot, each in a separate structure, projects that consist of 50%-99% affordable housing
- 1f3 Multi-family dwelling, three or more per lot, each in a separate structure, projects that consist of 50%-99% affordable housing
- 1g1 Single-family dwelling, one per lot, projects that consist of 25%-49% affordable housing
- 1g2 Single-family dwelling, two per lot, each in a separate structure, projects that consist of 25%-49% affordable housing
- 1g3 Single-family dwelling, three or more per lot, each in a separate structure, projects that consist of 25%-49% affordable housing
- 1h1 Two-family dwelling, one per lot, projects that consist of 25%-49% affordable housing
- 1h2 Two-family dwelling, two per lot, each in a separate structure, projects that consist of 25%-49% affordable housing
- 1h3 Two-family dwelling, three or more per lot, each in a separate structure, projects that consist of 25%-49% affordable housing
- 1i1 Multi-family dwelling, one per lot, projects that consist of 25%-49% affordable housing
- 1i2 Multi-family dwelling, two per lot, each in a separate structure, projects that consist of 25%-49% affordable housing
- 1i3 Multi-family dwelling, three or more per lot, each in a separate structure, projects that consist of 25%-49% affordable housing
- 1j Multi-family dwelling

GENERAL USE CATEGORY 2

- 2a1 Single-family dwelling, one per lot
- 2a2 Single-family dwelling, two per lot, each in a separate structure
- 2a3 Single-family dwelling, three or more per lot, each in a separate structure
- 2b1 Two-family dwelling, one per lot

- 2b2 Two-family dwelling, two-per lot, each in a separate structure
- 2b3 Two-family dwelling, three or more per lot, each in a separate structure
- 2c Manufactured Home developments
- 2d Cluster development
- 2e All other new residential uses , or expansions or alterations to existing residential structures or uses, that result in increased Title 5 flow.

GENERAL USE CATEGORY 3

- 3a Nursing Home
- 3b Boarding, Lodging or Tourist Homes
- 3c Hotel, Motel, Inn
- 3d Restaurant and Bar
- 3e All other uses, expansions or alterations to existing structures or uses and any change in use or increase in posted occupant load that results in increased Title 5 Design Flow.

Except for Affordable Housing projects approved by the PLHP, no applicant may receive an allocation in excess of 20% of the Growth Limitation Goal in any calendar year. Any plan approved by the PLHP prior to 1 January 2000 is entitled to Level 1a1 priority status irrespective of its actual percentage of affordable housing.

E. GROWTH LIMITATION GOAL ALLOCATION

1. The Growth Limitation Goal shall be allocated each year as follows:
 - (a.) 1850 gpd shall be allocated in near equal quarterly allotments for assignment under General Use Category 1.
 - (b.) 1100 gpd shall be allocated annually in May for assignment under General use Category 2.
 - (c.) 700 gpd shall be allocated annually in November for assignment under General Use Category 3.
2. In the event that there remain unassigned gallons per day for General Use Category 1 at the end of each quarterly allocation period, then only the next eligible applicant on the priority list for that General Use Category shall be offered the opportunity to either redesign the project to meet the amount of unassigned gallons per day available, or wait until the next allocation period. If that applicant declines to redesign the project, the unassigned amount shall be carried over to the next quarterly allocation period unless the next quarter is in a new calendar year. In that even, the unassigned amount shall not be added to the next calendar year Growth Management Goal. Unassigned gallons per day for General Use Categories 2 and 3 shall not be added to the next calendar year Growth Management Goal.

3 Annually, in October, the DPW Director, Water Superintendent, Permit Coordinator, Planning Board, Board of Health, Water & Sewer Board and Local Housing Partnership shall evaluate the effects of the current year's allocations and its impacts on water, solid waste disposal, wastewater disposal and other resources and issue a report to the Board of Selectmen on those impacts and their recommendations therefor. The Board of Selectmen shall hold a Public Hearing in December on the report, at least annually.

F. EXPIRATION OF ALLOCATION PERMITS

A Growth Management Allocation Permit shall expire if its use has not Sufficiently Started within six (6) months of issuance. The Permit Coordinator shall determine if use of a Growth Management Allocation Permit is Sufficiently Started as defined by this By-law. A Growth Management Allocation Permit that does expire is available to be reissued only if the expiration occurs within the same calendar year in which the allocation was originally issued.

G. SCOPE AND VALIDITY OF THE BY-LAW

Nothing in this Growth Management Zoning By-law shall nullify or exempt any property or use from any other provisions of these By-laws or other Town regulations. The invalidity of any section or provision of this By-law shall not invalidate any other section or provision hereof, nor shall it invalidate any building permit, occupancy permit or special permit issued in reliance on said section or provision prior the determination of its invalidity.

Or to take any other active relative thereto.

[Requested by the Board of Selectmen, Board of Health, Planning Board, Water & Sewer Board and the Provincetown Local Housing Partnership]

Finance Committee Has No Recommendation

Board of Selectmen Recommends: 4-1-0

Planning Board Recommends: 3-0-0

Board of Health Does Not Recommend: 3-2-0

Local Housing Partnership Recommends: 3-0-0

Elizabeth Steele-Jeffers moved that the Town vote to amend the Provincetown Zoning By-laws by deleting Article VIII, Growth Management, in its entirety and substituting therefore the Article VIII as printed in the warrant with the correction of gallons per day. The number of gallons per day should be 3,650 instead of the 2,750 printed on page 32 of the finance committee book.

Alix Ritchie moved to amend Article 8 under General Use Category 3 by adding to 3a after Nursing Home, the words: “office and artists’ studio as defined in this by-law”.

Amendment Carried.

Christopher Snow moved to amend sub paragraph B Applicability, by adding a new subsection 3. to page 35.

3. This Growth Management Zoning By-law shall not apply to:

a. the demolition, reconstruction and/or remodeling of dilapidated and/or condemned structures deemed by the Inspector of Buildings on or before March 1, 2000 to be a public safety hazard subject, however, to all other provisions of these By-laws governing maintenance, extension, alteration or change to pre-existing structures and/or uses.

b. construction of a single-family dwelling, one per lot, upon a vacant lot by the record of owner(s) thereof appearing at the Barnstable County Registry of Deeds as of March 1, 2000 which is intended to be occupied and is subsequently occupied for a

continuous period of at least two (2) years by said owner(s) as his/her/their permanent principal residence. An Affidavit of Intention setting forth the owner(s) certification of intended commitment to compliance with the requirements of this subsection and signed and notarized under the pains and penalties of perjury by said record owner(s) shall be filed with the Inspector of Buildings with any building permit application filed pursuant to this exception. No property utilizing this exception shall be eligible to receive an additional Growth Management Allocation Permit for a period of five (5) years from the date of issuance of the original Growth Management Allocation Permit nor may a qualifying person or persons under this exception ever re-qualify for a further exception under this subparagraph d.

Amendment Carried.

David Atkinson moved to amend by adding the following section B.3 - This Growth Management Zoning By-law shall not apply to single family dwellings where the owners are the resident and have a private well suitable for drinking. Said lot shall not be permitted to connect to the Town's water system.

Amendment Carried.

Motion as Amended Carried, 2/3rd Vote.

Article 9. Zoning By-law Amendment. Section 1260. Posted Occupant Load: To see if the Town will vote to amend the Provincetown Zoning By-law, Article I, Section 1260 by inserting the phrase “nor any establishment increase its Posted Occupant Load” in the first sentence, or take any other action relative thereto.

[Requested by the Planning Board]

Finance Committee Has No Recommendation

Planning Board Recommends: 3-0-0

John Paul Grunz moved that the Town vote to amend the Provincetown Zoning By-law, Article I, Section 1260 by inserting the phrase “nor any establishment increase its Posted Occupant Load” in the first sentence.

Motion Carried 2/3 Vote.

Article 10. Zoning-By-law Amendment. Definitions. Posted Occupant Load: To see if the Town will vote to amend the Provincetown Zoning By-law, Article V, Definitions by adding “Posted Occupant Load” defined as “The approved

number of occupants of an assembly room or space posted in a conspicuous place, near the main entrance to the room or space.”, or take any other action relative thereto.

[Requested by the Planning Board]

Finance Committee Has No Recommendation

Board of Selectmen

Planning Board Recommends: 3-0-0

John Paul Grunz moved that the Town vote to amend the Provincetown Zoning By-law, Article V, Definitions by adding “Posted Occupant Load” defined as “The approved number of occupants of an assembly room or space posted in a conspicuous place, near the main entrance to the room or space.”

Motion Carried, 2/3rd Vote.

Meeting ended at 10:56 p.m.

Thursday Night Meeting 7:00 p.m.

Article 11. Zoning By-law Amendment. Exceptions from Growth Management: Public Safety Hazards. To see if the Town will vote to amend the existing Article VIII of the Provincetown Zoning By-Law, Growth Management, by adding to *Paragraph 4. Exceptions* thereof an additional paragraph as follows:

c. Demolition, reconstruction and/or remodeling of dilapidated and/or condemned structures deemed by the Inspector of Buildings to be a public safety hazard subject, however, to all other provisions of these By-Laws governing maintenance, extension, alteration or change to pre-existing structures and/or uses.

or to take any other action relative thereto.

[Requested by F. Michael Henrique and others]

Finance Committee Has No Recommendation

Planning Board Does Not Recommend: 4-0-0

Mark Silva moved to indefinitely postpone article 11.

Motion Carried.

Article 12. Zoning By-law Amendment. Exceptions from Growth Management: Owner-Occupied Single-Family. To see if the Town will vote to amend the existing Article VIII of the Provincetown Zoning By-Law, Growth Management, by adding to *Paragraph 4. Exceptions* thereof an additional paragraph as follows:

Construction of a single-family dwelling upon a vacant lot by the record owner(s) thereof appearing at the Barnstable County Registry of Deeds as of

March 1, 2000 which is intended to be occupied by said owner(s) as his/her/their permanent principal and/or secondary residence. An Affidavit of Intention setting forth the owner(s) certification of intended commitment to compliance with the requirements of this Paragraph and signed and notarized under the pains and penalties of perjury by said record owner(s) shall be filed with the Inspector of Buildings with any building permit application filed pursuant to this exception.

or to take any other action relative thereto.

[Requested by Mark R. Silva and others]

Finance Committee Has No Recommendation

Planning Board Does Not Recommend: 3-0-1

Mark Silva moved to indefinitely postpone article 12.

Motion Carried.

Article 13. Zoning By-law Amendment. Place Single-family Ahead of Affordable Housing in Existing Growth Management By-law. To see if the Town will vote to amend the existing Article VIII of the Provincetown Zoning By-law, Growth Management, by eliminating Section C1. and Section C2. subsections a, b and c and substituting the following:

C. The permits shall be allocated according to the following priority levels, with all applications qualifying for the first level being awarded before proceeding to the next level and so on with the remainder available for each succeeding level. Within each level and sub-level, applications shall be considered on a first-come/ first served basis, using the Section 1240, Permitted Principal Use Classification noted below:

1. Level One:

Single Family Dwelling, A1a

(1) one per lot

2. Level Two:

a. Dwelling Units developed in conjunction with an affordable housing development, provided at least 25% of the total units in the development comply with Section D., below.

b. Single Family Dwelling, A1a

(2) two per lot; each in a separate structure

(3) three or more; each in a separate structure

c. Two-Family Dwelling A1b

(1) one per lot

(2) two per lot

(3) three per lot

- d. Multi-Family Dwelling, A2
Manufactured Home Development, A5
Cluster Development, A6

or take any other action relative thereto.

[Requested by Mark R. Silva and Others]

Finance Committee Has No Recommendation

Planning Board Does Not Recommend: 4-0-0

Mark Silva moved to indefinitely postpone article 13.

Motion Carried.

Article 14. Zoning By-law Amendment Outdoor Display. To see if the Town will amend the Provincetown Zoning By-laws, Article II, Section 2420 Outdoor Display, by modifying the sentence "*The Special Permit shall specify the precise number and generic type (e.g. clothing, children's toys, newspapers and magazines, lawn care machinery, etc.) of items to be displayed and the exact location thereof indicated on a drawing or plan; any change in content (i.e. different or additional items) or placement shall require a new Special Permit.*" by removing the following phrases to read as: The Special Permit shall specify the ~~precise number and~~ generic type (e.g. clothing, children's toys, newspapers and magazines, lawn care machinery, etc.) of items to be displayed. ~~and the exact location thereof indicated on a drawing or plan; any change in content (i.e. different or additional items) or placement shall require a new Special Permit.~~"; or take any other action relative thereto.

[Requested by David Atkinson and others]

Finance Committee Has No Recommendation

Planning Board Reserves Recommendation: 4-0-0

David Atkinson moved that the Town amend the Provincetown Zoning By-laws, Article II, Section 2420 Outdoor Display, by modifying the sentence "*The Special Permit shall specify the precise number and generic type (e.g. clothing, children's toys, newspapers and magazines, lawn care machinery, etc.) of items to be displayed and the exact location thereof indicated on a drawing or plan; any change in content (i.e. different or additional items) or placement shall require a new Special Permit.*" by removing the words precise, exact, or additional, or placement, and adding the word "generic" so that the sentence would read. "The Special Permit shall specify the number and generic type (e.g. clothing, children's toys, newspapers and magazines, lawn care machinery, etc.) of items to be displayed and the location thereof indicated on a drawing or plan; any change in content (i.e. different generic items) shall require a new Special Permit."

Motion Carried, 2/3rd Vote.

Article 15. Approval of Local Comprehensive Plan. To see if the Town will vote to adopt a Master Plan for Provincetown which has been developed by the Local Comprehensive Plan Committee, a copy of which plan is on file at the Town Clerk's office and posted at the Town's Internet website, <http://www.provincetown-ma.gov>, and which plan if approved by the Town Meeting would constitute Provincetown's Local Comprehensive Plan as defined in Section 9 of the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), or take any other action relative thereto.

[Requested by the Local Comprehensive Plan Committee]

Finance Committee Has No Recommendation

Planning Board Recommends: 4-0-0

Board of Health Recommends: 3-0-2

Conservation Commission Recommends: 3-0-1

Robert Cahill moved that the Town vote to adopt a Master Plan for Provincetown which has been developed by the Local Comprehensive Plan Committee, a copy of which plan is on file at the Town Clerk's office and posted at the Town's Internet website, <http://www.provincetown-ma.gov>, and which plan if approved by the Town Meeting would constitute Provincetown's Local Comprehensive Plan as defined in Section 9 of the Cape Cod Commission Act (Chapter 716 of the Acts of 1989).

Motion Carried.

Article 16. Establish Local Comprehensive Plan Implementation Committee. To see if the Town will authorize the Board of Selectmen to appoint a Local Comprehensive Plan Implementation Committee (LCPIC) to oversee the implementation of the Local Comprehensive Plan, or take any other action relative thereto.

[Requested by the Local Comprehensive Plan Committee]

Finance Committee Has No Recommendation

Planning Board Recommends: 4-0-0

Board of Health Recommends: 3-0-2

Conservation Commission Recommends: 3-0-2

Gwen Bloomingdale moved that the Town vote to authorize the Board of Selectmen to appoint a Local Comprehensive Plan Implementation Committee (LCPIC) to oversee the implementation of the Local Comprehensive Plan.

Motion Carried.

Article 17. Establish Cape Cod National Seashore General Management Plan Implementation Advisory Committee. To see if the Town will vote to establish a Cape Cod National Seashore General Management Plan Implementation Advisory Committee, for the purpose of advising the Provincetown Board of Selectmen in matters pertaining to Cape Cod National Seashore (CCNS), which advice will be based on monitoring and implementation of Provincetown's Response to the CCNS General Management Plan; said Committee to comprise five regular members and one alternate member appointed by the Board for three year overlapping terms so arranged that the term of at least one regular member shall expire each year, and with the Town's appointed CCNS Advisory Commission representative sitting on the Committee as an ex-officio member; or to take any other action relative thereto.

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

Finance Committee Has No Recommendation

Board of Selectmen Recommends: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to establish a Cape Cod National Seashore General Management Plan Implementation Advisory Committee, for the purpose of advising the Provincetown Board of Selectmen in matters pertaining to Cape Cod National Seashore (CCNS), which advice will be based on monitoring and implementation of Provincetown's Response to the CCNS General Management Plan; said Committee to comprise five regular members and one alternate member appointed by the Board for three year overlapping terms so arranged that the term of at least one regular member shall expire each year, and with the Town's appointed CCNS Advisory Commission representative sitting on the Committee as an ex-officio member.

Motion Carried.

Article 18. 5 Fritz's Way Property. To see if the Town will authorize the Board of Selectmen to convey a certain parcel of real estate known as 5 Fritz's Way (Assessor's Map: 07-2-075), lot area 7,182 square feet, Residential Class W zone, for the sum of one dollar, to Habitat for Humanity of Cape Cod for construction of affordable housing, and further provided that the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effect such transfer of ownership, or take any other action relative thereto.

[Requested by the Local Housing Partnership and Provincetown Housing Authority]

Finance Committee Has No Recommendation

Board of Selectmen Recommends: 5-0-0

Planning Board Recommends: 3-0-0

Michael Bunn moved that the Town vote to transfer the care, custody and control of a certain parcel of real estate known as 5 Fritz's Way (Assessor's Map: 07-2-075), lot area 7,182 square feet, Residential Class W zone, to the Board of Selectmen to be held for the purpose of conveyance and to authorize the Board of Selectmen to convey said parcel for the sum of one dollar, to Habitat for Humanity of Cape Cod for construction of affordable housing, and further provided that the Board of Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effect such transfer of ownership.

Motion Carried.

Article 19. Acquisition of Locke Property/Bohm Heights. To see if the Town will vote as follows:

Whereas, the property presently owned by the heirs or devisees of Elizabeth Schwarz and Trustees of the Locke Family Trust of 1987, as described in two deeds recorded in Barnstable Registry of Deeds at Book 5850 Page 108 and Book 1392 Page 271, being a portion of Parcels A and B on a plan of land of Mebbo Realty Corp. dated October 1960, recorded in said Deeds in Plan Book 161, Page 89, is a parcel of real estate containing 7.92 acres, more or less consisting of wetlands, wetlands buffer zones, high elevation coastal barrier dunes, priority sites for rare species and natural communities, possible vernal pools, rare wetland wildlife habitat and water resources, and is part of a greenway corridor;

Therefore, the Town authorizes the Board of Selectmen to acquire by purchase, gift or otherwise the fee interest in a certain parcel of real estate shown as Lots 1 through 18 together with the road as laid out on a plan entitled "Preliminary Subdivision of land in Provincetown Made for the Locke family Trust", dated October 1, 1999 and filed with the Provincetown Planning Board, excepting and excluding so much of Lot 18 and the road on said plan as are located southeasterly of the southeasterly line of Lot 1 extended northeasterly to the subdivision property line, together with and subject to all rights, restrictions and easements of record and to appropriate, transfer and /or borrow the sum of \$752,000.00 for such acquisition and all expenses incidental and related thereto, pursuant to Chapter 293 of the Acts of 1998 entitled, "An Act Relative to the Establishment of the Cape Cod Open Space Land Acquisition Program" (the so-called "Land Bank"); provided that said land is to be conveyed to the Town of Provincetown under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may be hereafter amended, and other Massachusetts statutes relating to conservation and passive recreation, to be managed and controlled by the Provincetown Conservation Commission, and, to the extent that any federal, state or other funds are or become available for the purposes outlined in this Article, to authorize the Board of Selectmen or other applicable boards or

commissions to apply for and accept such funds; and provided further that such authorization shall not be contingent on the parcel selling for a particular price so long as the Town does not appropriate or borrow more than \$752,000.00 toward the purchase price of said parcel; and further provided that the Board of Selectmen and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effect said acquisition or purchase, or to take any other action relative thereto; and further, to convey to the Trustees of the Provincetown Conservation Trust, for no consideration, a perpetual conservation restriction on said land as authorized by Massachusetts General Laws, Chapter 184, Sections 31-33, allowing conservation and passive recreation uses described in Massachusetts General Laws, Chapter 40, Section 8C; or take any other action relative thereto

[Requested by the Open Space Committee and the Town Manager]

Finance Committee Reserve Recommendations.

Board of Selectmen Recommends: 2-2-1

Conservation Commission Recommends: 4-0-0

Hatty Fitts moved that whereas, the property presently owned by the heirs or devisees or Elizabeth Schwarz and Trustees of the Locke Family Trust of 1987, as described in two deeds recorded in Barnstable Registry of Deeds at Book 5850, Page 108 and Book 1392, Page 271, being a portion of Parcels A and B on a plan of land of Mebbo Realty Corp. dated October, 1960, recorded in said Deeds in Plan Book 161, Page 89, is a parcel of real estate containing 7.92 acres, more or less consisting of wetlands, wetlands buffer zones, high elevation coastal barrier dunes, priority sites for rare species and natural communities, possible vernal pools, rare wetland wildlife habitat and water resources, and is part of a greenway corridor;

Therefore, the Town authorizes the Board of Selectmen to acquire by purchase, gift or otherwise the fee interest in a certain parcel of real estate shown as Lots 1 through 18 together with the road as laid out on a plan entitled "Preliminary Subdivision of land in Provincetown Made for the Locke Family Trust", dated October 1, 1999 and filed with the Provincetown Planning Board, excepting and excluding so much of Lot 18 and the road on said plan as are located southeasterly of the southeasterly line of Lot 1 extended northeasterly to the subdivision property line, *more or less*, together with and subject to all rights, restrictions and easements of record and to appropriate, transfer and/or borrow the sum of \$1,002,000.00 for such acquisition and all expenses incidental and related thereto, pursuant to Chapter 293 of the Acts of 1998 entitled, "An Act Relative to the Establishment of the Cape Cod Open Space Land Acquisition Program" (the so-called "Land Bank"); provided that said land is to be conveyed to the Town of Provincetown under the provisions of Massachusetts General Laws, Chapter 40, Section 8C, and as it may be hereafter amended, and other **Massachusetts** statutes relating to conservation and passive recreation, to be managed and controlled by the Provincetown Conservation Commission, and, to the extent that any federal, state or other funds are or become available for the purposes outlined in this Article, to authorize the Board of Selectmen

or other applicable boards or commissions to apply for and accept such funds; and provided further that such authorization shall not be contingent on the parcel selling for a particular price so long as the Town does not borrow *and the Board of Selectmen does not expend out of this appropriation* more than \$1,002,000.00 toward the purchase price of said parcel; *and further provided that the Board of Selectmen does not expend more than \$752,000.00 out of this appropriation unless the Board of Selectmen has received a written commitment from the Massachusetts Division of Conservation Services or other state or federal agency, non-profit foundations or other source of gifts or grants that at least \$250,000.00 of such \$1,002,000.00 shall be reimbursed to the Town;* and further provided that the Board of Selectmen and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Provincetown to effect said acquisition or purchase *or grants*, or to take any other action relative thereto; and further, to convey to the Trustees of the Provincetown Conservation Trust, for no consideration, a perpetual conservation restriction on said land as authorized by Massachusetts General Laws, Chapter 184, Section 31-33, allowing conservation and passive recreation uses described in Massachusetts General Laws, Chapter 40, Section 8C.
Motion Carried, 2/3rd Vote.

Article 20. Abandon a Portion of Collier Street. To see if the Town will vote to discontinue and abandon, as a Public Way, and release to the abutters thereto the fee ownership in a portion of a town way sometimes known as Collier Street, which traverses the land in Provincetown now owned by Theodore Rodes, Jr. and Marilyn Mervar Rodes which way was laid out and taken by vote of the Annual Town Meeting February 10, 1890, said portion of the town way being an unworked and/or unimproved way thirty-five (35') feet wide beginning on the westerly sideline of Standish Street and running in a southwesterly direction a distance of approximately seventy-five (75') feet to the easterly sideline of Alden Street; or take any other action relative thereto.

[Requested by Sarah K. Peake and others]

Finance Committee Recommends: 5-0-0

Board of Selectmen Recommends: 5-0-0

Mary Jo Avellar moved that the Town vote to discontinue and abandon, as a Public Way, and release to the abutters thereto the fee ownership in a portion of a town way sometimes known as Collier Street, which traverses the land in Provincetown now owned by Theodore Rodes, Jr. and Marilyn Mervar Rodes which way was laid out and taken by vote of the Annual Town Meeting February 10, 1890, said portion of the town way being an unworked and/or unimproved way thirty-five (35') feet wide beginning on the westerly sideline of Standish Street and running in a southwesterly direction a distance of approximately seventy-five (75') feet to the easterly sideline of Alden Street.

Motion Defeated.

Article 21. Home Rule Petition/Charter Amendment/Filling of Vacancies. 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 3, Article 1, section 3-1-2, to read as follows:

3-1-2. The chairman of any town board shall notify the appointing authority in writing when a vacancy occurs on the town board. The appointing authority shall fill the vacancy within sixty days of the receipt of the notice of vacancy. In the event of the failure of the appointing authority to fill the vacancy within the allowed time, the moderator shall then be charged with filling the vacancy within sixty days. In the event of the failure of the moderator to fill the vacancy within the allowed time, the town board shall fill the vacancy. *In the event of the failure of the town board to fill the vacancy within sixty days for the sole reason that the board lacks a quorum to act, the appointing authority shall thereafter fill the vacancy and the appointment process set forth in this section shall be repeated until such time as the vacancy is filled.*

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

The General Court may only make clerical or editorial changes of form to the bill, unless the board of selectmen approve 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 the petition; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Finance Committee Has No Recommendation

Board of Selectmen Recommends: 4-1-0

Charter Enforcement Commission: 3-0-0

Board of Health Recommends: 4-1-0

Elizabeth Steele-Jeffers moved that the Town vote to instruct its representative in the General Court to file a home rule petition for a special act to read as printed in the warrant.

Motion Carried.

Article 22. Home Rule Petition/Charter Amendment/Delete Term Limits for All Town Boards. 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: 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 the Chapter 43B of the General Laws is hereby amended by deleting from Chapter 3, Article 4, section 3-4-4, which reads as follows: 3-4-4 A member of a town board shall not serve on that town board for more than three consecutive terms. For the purposes of this section, service to complete the term of another member shall constitute service for one term of the balance of said term being completed is more that fifty percent of the original term. A person who has been prohibited from serving on a town board by this section may be reelected or reappointed to that board after two years have elapsed from the ending date of his or her previous service.

SECTION 2. This act shall take effect upon its passage.
or take any other action relative thereto.

[Requested by Richard L. Silva and others]

Finance Committee Has No Recommendations

Board of Selectmen Recommends: 4-1-0

Charter Enforcement Commission Does Not Recommend: 3-0-0

Board of Health Recommends: 4-1-0

Richard L. Silva moved that the Town vote on Article 22 of the Year 2000 ATM as printed in the warrant.

Motion Defeated.

Article 23. Home Rule Charter and General By-law Amendment/Stipend for Selectmen. 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 3, Article 4, section 3-4-7, to read as follows:

3-4-7 A member of ~~the board of selectmen,~~ the board of assessors, the finance committee, the personnel board, or the school committee shall not receive any payment from the town except reimbursement for vouchered expenses pertaining to town business.

SECTION 2. Said charter is further amended by adding a new section 3-4-10, to read as follows:

3-4-10 Notwithstanding any provisions of this charter to the contrary, the town may, by by-law, establish an annual stipend for members of the board of selectmen.

SECTION 3. 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 approve 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 the petition; and, further, to amend the General By-laws by adding a new Section 5-1-4, *Annual Stipend for Selectmen*, to read as follows: "Each member of the Board of Selectmen shall receive an annual stipend of one thousand dollars;" or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Finance Committee Had No Recommendation

Board of Selectmen Recommends: 5-0-0

Charter Enforcement Commission Does Not Recommend: 3-0-0

David Atkinson moved that the Town vote to instruct its representative in the General Court to file a home rule petition for a special act and to amend the General By-laws, both as printed in the warrant.

Motion Carried.

Article 24. General By-law Amendment: 13-2-7. Restraint of Animals. Article To see if the town will vote to amend the General By-laws by adding the following sentence to Chapter 13, Article 2-7 Restraint of Animal; "*A plastic bag for the purpose of containing animal waste must be attached to the leash and visible.*" to be added following the second sentence of this section; or to take any other action relative thereto.

[Requested by David Atkinson and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

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

David Atkinson moved that the Town vote to amend the General By-laws by adding the following sentence to Chapter 13, Article 2-7 Restraint of Animal; "*A plastic bag for the purpose of containing animal waste must be attached to the leash and visible.*" to be added following the second sentence of this section.

David Atkinson moved that the Town vote to amend the General By-laws by adding the following sentence to Chapter 13, Article 2-7 Restraint of Animal; "*A container for the purpose of containing animal waste must be attached to the leash and visible.*" to be added following the second sentence of this section.

Amendment Defeated.

Motion Defeated.

Article 25. General By-law Amendment: 13-2-13. Littering. To see if the Town will vote to amend the General By-laws, Article 13-2-13, Littering, to read as follows: No person shall throw into the waters of Provincetown Harbor, upon any beach, upon land of another, or upon any public property, any garbage, refuse, rubbish, bottles, cans, containers, paper, *cigarette butts*, wrapping material, glass, filth or any noxious or dangerous liquid or solid. And, further by amending the fine schedule in Schedule A of said General By-laws to read as follows: "13-2-13. Littering. ~~\$25.00~~ \$75.00"; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

BOARD OF HEALTH RECOMMENDS: 5-0-0

David Atkinson moved that the Town vote to amend the General By-laws, Article 13-2-13, Littering, to read as follows: No person shall throw, drop, release or otherwise dispose of into the waters of Provincetown Harbor, upon any beach, upon land of another, or upon any public property, any garbage, refuse, rubbish, bottles, cans, containers, paper, *cigarette butts*, wrapping material, glass, filth or any noxious or dangerous liquid or solid. And, further by amending the fine schedule in Schedule A of said General By-laws to read as follows: "13-2-13. Littering. ~~\$25.00~~ \$75.00

Motion Carried.

Article 26. General By-law Amendment: 13-2-21. 8 a.m. Construction Start Time. To see if the Town will vote to amend the General By-laws by adding a new section 13-2-21, to read as follows: "Exterior repairs and construction shall not take place until after 8 a.m."; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

Board of Selectmen Does Not Recommend: 4-1-0

Barbara Rushmore moved that the Town vote to amend the General By-laws by adding a new section 13-2-21, to read as follows: "Exterior repairs and construction shall not take place until after 8 a.m.

Barbara Rushmore further moved to amend Article 26 to add a closing time ending at 9 p.m.

Amendment Carried.

Motion Carried as Amended.

Article 27. General By-law Amendment: 13-2-22. Prohibit Sink Garbage Disposals. To see if the Town will vote as follows: Whereas: The Town of Provincetown would like to reduce our water consumption still further, and Whereas: The Town has already sunk a well for public toilet water use downtown, has restricted the use of water for

pool filling, prohibited car washing, restricted lawn and garden watering, (only with hand-held hoses, only on certain days, and “Never on Sundays”) therefore, the Town votes to amend the General By-laws by adding a new section 13-2-22, to read as follows: "The use of all sink garbage disposal units in Provincetown is prohibited;" or to take any other relative thereto.

[Requested by Barbara Rushmore and others]

Board of Selectmen Does Not Recommend: 3-2-0

Barbara Rushmore moved that the Town will vote as follows: Whereas: The Town of Provincetown would like to reduce our water consumption still further, and Whereas: The Town has already sunk a well for public toilet water use downtown, has restricted the use of water for pool filling, prohibited car washing, restricted lawn and garden watering, (only with hand-held hoses, only on certain days, and “Never on Sundays”) therefore, the Town votes to amend the General By-laws by adding a new section 13-2-22, to read as follows: "The use of all sink garbage disposal units in Provincetown is prohibited;"

Neva Hansen moved to amend Article 27 by adding “existing garbage disposal can be used but cannot be replaced”.

Amendment Defeated.

Motion As Moved Defeated.

Article 28. General By-law Amendment: 13-2-6-3. Control Amplified Sounds from 11 p.m. to 8 a.m. To see if the Town will vote to amend the General By-laws by adding a new Section 13-2-6-3 to not allow excessive amplified music or sound to carry beyond the property licensed for its use in commercial establishments between the hours of 11 pm and 8 am. Such sounds originating from a property shall not exceed 75 db at the property line. To provide the Police department with a sound meter and to train officers for its use so that any complaints may be documented. To report such complaints and make them part of the property owners licensing file. To establish a \$500 fine for each offense beyond the first in any calendar year; or take any other action relative thereto.

[Requested by Lawrence Murray and others]

Board of Selectmen Recommends: 2-2-1

Lawrence Murray moved that the Town vote to not allow excessive amplified music or sound to carry beyond the property licensed for its use so that any complaints may be documented. To report such complaints and make them part of the property owners licensing file. To establish a \$500 fine for each offense beyond the first in any calendar year.

Motion Defeated. 94 Favor, 130 Opposed.

Article 29. General By-law Amendment: 13-3-3-2. Removal of Vehicles from Parking Lot. To see if the Town will vote to amend the General By-laws, Article 13-3, Prohibited use of motor vehicles, by adding renumbering existing Section 13-3-3 as Section 13-3-3-1 and by adding a new Section 13-3-3-2, as follows:

13-3-3-2. Removal of vehicles from parking lot. No motor vehicle may remain in a Town-owned or operated parking lot for more than fourteen days. If a vehicle remains in such parking lot for more than fourteen days, the vehicle may be removed by the Chief of Police or his designee. If a vehicle is so removed, the vehicle shall not be released to the owner until payment of all parking, towing and storage charges has been made. On or after the tenth day that a vehicle has remained in the parking lot, a written notice shall be placed on the vehicle stating that if the vehicle is not moved and the parking charges paid by the fourteenth day, the vehicle may be removed on the fifteenth day. In no event shall less than forty-eight hours notice be given before a vehicle is removed under this bylaw. If a vehicle is removed from a parking lot in accordance with this bylaw, notice of the removal shall be sent by certified mail to the owner of the vehicle stating that the vehicle has been removed and informing the owner that the vehicle will not be released until all of the charges are paid. This bylaw is in addition to any remedy which may be available under Massachusetts General Laws regarding removal and disposal of apparently abandoned vehicles.

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to amend the General By-laws, Article 13-3, Prohibited use of motor vehicles, by adding renumbering existing Section 13-3-3 as Section 13-3-3-1 and by adding a new Section 13-3-3-2, Removal of vehicles from parking lot, as printed in the warrant.

Diane Robinson moved to amend waiting on amendments

Donald Richards moved to amend waiting on amendments

Session continues to Monday April 10, 2000 at 7:30 p.m.

NOTE: Town Meeting will continue with defining proposed amendments and take up reconsideration of Article 26.

Adjourn at 11:04 p.m.

Monday, April 10, 2000

332 Town Meeting Voters in Attendance

Article 29. General By-law Amendment: 13-3-3-2. Removal of Vehicles from Parking Lot. To see if the Town will vote to amend the General By-laws, Article 13-3, Prohibited use of motor vehicles, by adding renumbering existing Section 13-3-3 as Section 13-3-3-1 and by adding a new Section 13-3-3-2, as follows:

13-3-3-2. Removal of vehicles from parking lot. No motor vehicle may remain in a Town-owned or operated parking lot for more than fourteen days. If a vehicle remains in such parking lot for more than fourteen days, the vehicle may be removed by the Chief of Police or his designee. If a vehicle is so removed, the vehicle shall not be released to the owner until payment of all parking, towing and storage charges has been made. On or after the tenth day that a vehicle has remained in the parking lot, a written notice shall be placed on the vehicle stating that if the vehicle is not moved and the parking charges paid by the fourteenth day, the vehicle may be removed on the fifteenth day. In no event shall less than forty-eight hours notice be given before a vehicle is removed under this bylaw. If a vehicle is removed from a parking lot in accordance with this bylaw, notice of the removal shall be sent by certified mail to the owner of the vehicle stating that the vehicle has been removed and informing the owner that the vehicle will not be released until all of the charges are paid. This bylaw is in addition to any remedy which may be available under Massachusetts General Laws regarding removal and disposal of apparently abandoned vehicles.
or to take any other action relative thereto.

[Requested by the Board of Selectmen]

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

Don Richards moved that the Town vote to amend the General By-laws, Article 13-3, Prohibited use of motor vehicles, by renumbering existing Section 13-3-3 as Section 13-3-3-1 and by adding a new Section 13-3-3-2, as follows:

13-3-3-2. Payment of Parking Fees and Removal of vehicles from Grace Hall and MPL parking lots. No motor vehicle *which is subject to daily parking fees as established by the Board of Selectmen pursuant to Charter section 4-2-2* may remain in ~~a Town-owned or operated~~ the Grace Hall or MPL parking lot for more than fourteen days *without payment in full of the accumulated parking fees*. If a vehicle remains in such parking lot for more than fourteen days, the vehicle may be removed by the Chief of Police or his designee. If a vehicle is so removed, the vehicle shall not be released to the owner until payment of all parking, towing and storage charges has been made. On or after the tenth day that a vehicle has remained in the parking lot, a written notice shall be placed on the vehicle stating that if the vehicle is not moved and the parking charges paid *in full* by the fourteenth day, the vehicle may be removed on the fifteenth day. In

no event shall less than forty-eight hours notice be given before a vehicle is removed under this bylaw. If a vehicle is removed from a parking lot in accordance with this bylaw, notice of the removal shall be sent by certified mail to the owner of the vehicle stating that the vehicle has been removed and informing the owner that the vehicle will not be released until all of the charges are paid. This bylaw is in addition to any remedy which may be available under Massachusetts General Laws regarding removal and disposal of apparently abandoned vehicles. *Notice of the terms of this by-law shall be posted in the Grace Hall and MPL lots.*

Motion Carried.

Custodio Silva, Jr. moved to reconsider Article 26.

Motion to Reconsider Carried.

Barbara Rushmore moved to change the beginning time from 8 a.m. to 7 a.m.

Amendment Carried.

Article 26 Carried as Amended

Article 30. General By-law Amendment. 14. Water Use Restriction By-law. To see if the Town will vote to amend the General By-laws by adding a new Chapter 14, *Water Use Restrictions*, as follows:

14-1. Authority. The Town of Provincetown adopts this by-law under its police powers to protect the public health and welfare and its powers under M.G.L. c.40, §§21 *et seq.* and implements the Town's authority to regulate water use pursuant to MGL C.41, §69B. This by-law also implements the Town's authority under MGL C.40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

14-2. Purpose The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the town or by the Department of Environmental Protection.

14-3. Definitions

14-3-1. Person shall mean any individual, corporation, trust, partnership or association, or other entity.

14-3-2. State of Water Emergency shall mean a State of Water Emergency declared by the Department of Environmental Protection under MGL C.21G, §§15-17.

14-3-3. State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this by-law.

14-3-4. Water Users or Water Consumers Shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

14-4. Declaration of a State of Water Supply Conservation. The Town through its Water and Sewer Board, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply

of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this by?law before it may be enforced.

14-5. Restricted Water Uses. A declaration of a State of Water Supply Conservation shall include one or more of the following, restrictions, conditions, or requirements limiting the user of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

a) Odd/Even Day Outdoor Watering : Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by users with even numbered addresses is restricted to even numbered days.

b) Outdoor Watering Ban: Outdoor watering is prohibited.

c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply conservation and public notice thereof

14-6. Public Notification of a State of Water supply Conservation?, Notification of DEP. Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

14-7. Termination of a State of Water supply Conservation, Notice. A State of Water Supply Conservation may be terminated by a majority vote of the Water and Sewer Board, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall given in the same manner required by section 6.

14-8. State of Water Supply Emergency?, Compliance with DEP orders: Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring, about an end to the State of Emergency.

14-9. Penalties. Any person violating this by?law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall insure to the Town for such uses as the Water and Sewer Board may direct. Fines shall be recovered by indictment, or on complaint before the District Court, with section 21D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

14-10. Severability: The invalidity of any portion or provision of this by?law shall not invalidate any other portion or provision thereof.

or to take any other action relative thereto.

[Requested by the Water and Sewer Board and the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

WATER AND SEWER RECOMMENDS: 3-0-0

BOARD OF HEALTH RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to amend the General By-laws by adding a new Chapter 14, *Water Use Restrictions*, as printed in the warrant.

Hunter O'Hanian moved to amend Article 30 by replacing the word "first" in section 14.9 with the word "second".

Amendment Carried.

Motion Carried as Amended.

Article 31. General By-law Amendment: 14-11. Require Low Flush Toilets. To see if the Town will vote as follows: Whereas: The Town of Provincetown would like to reduce our water consumption still further; and Whereas: The Town has already sunk a well for public toilet water use downtown, has restricted the use of water for pool filling, prohibited car washing, restricted lawn and garden watering, (only with hand-held hoses, only on certain days, and "Never on Sundays"); therefore, the Town votes to amend the General By-laws by adding a new section 14-11, to read as follows:

Low flush toilets shall be installed in all Town buildings and in all other private facilities at any time that the owner(s) replace a toilet, apply for any building permit, or the facility is sold, or ownership is otherwise transferred; and, further, to raise and appropriate or transfer from available funds the sum of four thousand dollars (\$4,000), to be expended under the direction of the Department of Public Works for this project; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

Finance Committee Does Not Recommend: 5-0-0

Board of Selectmen Does Not Recommend: 5-0-0

Board of Health Does Not Recommend: 5-0-0

Barbara Rushmore moved that the Town vote as follows: Whereas: The Town of Provincetown would like to reduce our water consumption still further; and Whereas: The Town has already sunk a well for public toilet water use downtown, has restricted the use of water for pool filling, prohibited car washing, restricted lawn and garden watering, (only with hand-held hoses, only on certain days, and "Never on Sundays"); therefore, the Town votes to amend the General By-laws by adding a new section 14-11, to read as follows:

Providing the plumbing is compatible with the low flush specifications, low flush toilets shall be installed in all Town buildings and in all other private facilities at any time that the owner(s) replace a toilet, apply for any building permit, or the facility is sold, or ownership is otherwise transferred; and, further, to raise and appropriate the sum of four thousand dollars (\$4,000), to be expended under the direction of the Department of Public Works for this project.

Motion Defeated

Article 32. FY 2001 Human Services Grant Program. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$42,060 to be

expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as follows:

Cape Cod Human Services Committee\$1,000
Gosnold on Cape Cod13,000
H.O.W./Helping Our Women4,000
Independence House, Inc... 4,310
Interfaith Council for the Homeless.. 1,200
Legal Services for Cod Cape & Islands.. 4,000
Lower Cape Outreach Council, Inc... 3,000
Mass A-Peal..... 350
Outer Cape Community Mediation Service.. 2,300
Provincetown AIDS Support Group.. 6,000
Sight Loss Services, Inc..... 400
Soup Kitchen in Provincetown.. 2,500

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 4-0-1

BOARD OF SELECTMEN RECOMMENDS: 4-1-0

HUMAN SERVICES COMMITTEE RECOMMENDS: 6-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$42,060 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 33. Former Fire Station No. 2 as Comfort Stations. To see if the Town will vote to have the Board of Selectmen and administration make every effort to have plans made to rehabilitate No. 2 Pumper at Court Street for public restrooms with well water, town storage above, and a front room for visitors information, "Cape sales", etc. and bring the plans to a public meeting and the projected costs to the next Town Meeting – Special or Annual; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

Finance Committee Recommends: 5-0-0

Board of Selectmen Recommends: 5-0-0

Barbara Rushmore moved that the Town vote to have the Board of Selectmen and administration make every effort to have plans made to rehabilitate No. 2 Pumper at Court Street for public restrooms with well water, town storage above, and a front room for visitors information, "Cape sales", etc. and bring the plans to a public meeting and the projected costs to the next Town Meeting – Special or Annual.

Motion Carried.

Article 34. Former Fire Station No. 2 as Beach Access. To see if the Town will vote to transfer the sum of \$31,000 from Article 57, of the April 5, 1999 Annual Town Meeting to remove Pumper Station 2 and to create a park on the Town Landing to improve beach access. Such funds shall be expended at the direction of the Board of Selectmen, Department of Public Works Director, and Beautification Committee. All restoration work shall be performed by the Provincetown Department of Public Works; or to take any other action relative thereto.

[Requested by Paul Trainor and others]

Finance Committee Does Not Recommend: 5-0-0

Board of Selectmen Does Not Recommend: 5-0-0

Paul Trainor moved to indefinitely postpone.

Motion Carried to Indefinitely Postpone.

Article 35. Resolution on Prohibition of Personal Water Craft in Provincetown Harbor. To see if the Town will vote as follows: Whereas: the quiet use and enjoyment of the Provincetown Harbor is something cherished by residents and visitors alike; and Whereas: the use of Personal Water Craft (i.e. "jet-skis, wet-bikes or surf-jets") severely impacts the use and enjoyment of the Harbor, creating unnecessary noise and other pollutions as well as a safety threat to those who choose to use the Harbor; To see if the Town will vote in favor of the following resolution: RESOLVED: The people of Provincetown urge a prohibition on the use of Personal Water Craft, as defined by the Provincetown Harbor rules or the Massachusetts Department of Boating (i.e., "jet-skis, wet-bikes or surf-jets") from Provincetown Harbor, whose boundaries shall be the Breakwater, Long Point and a line from the Long Point beacon to the Truro line on the South; or to take any other action relative thereto.

[Requested by Robin Evans and others]

Finance Committee Has No Recommendation

Board of Selectmen Recommends: 3-2-0

Robin Evans moved Article 35 as printed in the warrant.

Motion Carried.

Article 36. Relocate Rose Dorothea Model from Heritage Museum. To see if the Town will vote to raise and appropriate the sum of \$150,000 to relocate the model of the Rose Dorothea from the Heritage Museum to an appropriate location designated by the Board of Selectmen; or to take any other action relative thereto.

[Requested by Peter Bez and others]

Finance Committee Recommends: 5-0-0

Board of Selectmen Does Not Recommend: 3-2-0

Peter Bez moved that the Town vote to raise and appropriate the sum of \$150,000 to relocate the model of the Rose Dorothea from the Heritage Museum to an appropriate location designated by the Board of Selectmen.

Rex McKinsey moved to amend Article 36 by adding the following words “and the Rose Dorothea is not to be moved until the new exhibition site is prepared to receive and protect this model”.

Amendment Carried

Alix Ritchie moved to amend Article 36 by adding “said location to be approved by Town Meeting.”

Amendment Carried.

Mr. Mayo moved the questions.

Carried.

Motion as Amended Defeated.

Article 37. Authorize Conveyance of Provincetown Heritage Museum Property. To see if the Town will vote to transfer care, custody, control, and management of the Provincetown Heritage Museum property at 356 Commercial Street (Assessors Map No. 012-001-127) to the Board of Selectmen for purposes of conveyance to any individual or entity which will repair, restore, and maintain the building and grounds, in accordance with the historical deed restrictions, to be used for the sole purpose of cultural activities such as a museum, a theater, or a performing arts center. The Collection should either remain in the building or be relocated to an appropriate place designated by the Board of Selectmen. Should such individual or entity seek to use the building and grounds for any other purposes than those specified, or if such individual or entity fail to repair, restore, and maintain the property, ownership of the building and grounds would revert to the Town; or to take any other action relative thereto.

[Requested by Peter Bez and others]

Peter Bez moved to indefinitely postpone article 37.

Motion to Indefinitely Postpone Carried.

Article 38. Use of Parking Funds to Reduce the Tax Rate. To see if the Town will vote to transfer a sum of money from Parking Funds to reduce the Fiscal Year 2001 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

Elizabeth Steele-Jeffers moved that the Town vote to transfer the sum of \$1,340,625 Parking Funds to reduce the Fiscal Year 2001 property tax levy, as provided by Chapter 790 of the Acts of 1981.

Motion Carried.

Town Meeting 2000 ended at 10:03 p.m.