

Annual Town Meeting – Monday, April 4, 2011

Meeting Called to Order. Town Moderator Irene Rabinowitz convened the Annual Town Meeting at 6:00 p.m. on Monday, April 4, 2011 in the in the Town Hall Auditorium and hearing no objection decided to hold the Special Town Meeting first.

Town Moderator Irene Rabinowitz convened the Annual Town Meeting at 9:05 p.m. on Monday, April 4, 2011.

Preliminary motions:

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

Motion Passed.

Michele Couture moved that the Town vote to grant permission to speak at the April 4, 2011 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Mark White, *Environmental Partners Group*; John Goodrich, *Facilitator*; Rob Adams, *AECOM*; Russ Kleekamp, *GHD, Inc.*; Wendall Kalsow, *McGinley Kalsow and Associates*; Mark Almeda, *McGinley Kalsow and Associates*; Tom Scarlata, *Bargmann Hendrie + Archetype, Inc.*; Sally Deane, *Outer Cape Health Services*; Beth Singer, *Superintendent of Schools*; Kim Y. Pike, *District Principal* Betty G. White, *Administrative Assistant to Supt. of Schools for Business & Finance*; Russell Braun, *Building Commissioner*; Beau Jackett, *Information Systems Director*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; Maxine Notaro, *Permit Coordinator*; Jane Evans, *Health Agent*; Brandon Motta, *Recreation Director*; Pam Hudson, *Employee Benefits Administrator*; Joshua Prager, *Owner, Hawthorne Barn*; Bill Evaul, Paul Endich, and Ann Bernays.

Motion Passed.

Michele Couture moved that on all matters to come before the April 4, 2011 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

Motion Passed.

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

[Requested by the Board of Selectmen]

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

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

Motion Passed.

Article 2. FY 2012 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$21,052,664 to fund operating budgets for the several Town departments for Fiscal Year 2012 in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2011	FY 2012	% '11-'12
I. General Government	\$1,227,852	\$1,146,867	-6.6%
II. Finance	7,802,053	8,617,767	+10.5%
III. Public Safety	4,182,315	4,289,059	+2.6%
IV. Public Works	3,002,602	3,008,302	+0.2%
V. Public Services	807,348	803,458	+0.1 %
Sub-total, I-V	\$17,022,170	\$17,865,453	+5.0%
VI. Public Schools	3,354,959	3,187,211	-5.0%
Total, I-VI	\$20,377,129	\$21,052,664	+3.3%

Or to take any other action relative thereto.

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

**Article 2. FY 2012 Municipal Operating Budget.
Division I. General Government.**

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0**

Michele Couture moved that the Town vote to raise and appropriate the sum of \$847,244, transfer \$120,000 from Cable Receipts Reserved for Appropriation, \$4,696 from Wetlands Protection Fund, and \$132,175 from the Land Bank Fund for a total of \$1,104,115 to fund operating budgets for the several Town departments for Fiscal Year 2012 under budget Division I, General Government, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

**Article 2. FY 2012 Municipal Operating Budget.
Division II. Finance**

**Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0**

Michele Couture moved that the Town vote to raise and appropriate the sum \$8,587,112, transfer \$30,655 from Title V Septic Revolving fund for a total of \$8,617,767 to fund operating budgets for the several Town departments for Fiscal Year 2012 under budget Division II, Finance, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2012 Municipal Operating Budget.
Division III. Public Safety***

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$4,164,059, transfer \$45,000 from Ferry Embarkation fund, transfer \$80,000 from Municipal Waterways fund for a total of \$4,289,059 to fund operating budgets for the several Town departments for Fiscal Year 2012 under budget Division III, Public Safety, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2012 Municipal Operating Budget.
Division IV. Public Works***

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum \$3,008,302 to fund operating budgets for the several Town departments for Fiscal Year 2012 under budget Division IV, Public Works, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

***Article 2. FY 2012 Municipal Operating Budget.
Division V. Public Services***

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Michele Couture moved the Town vote to raise and appropriate the sum \$803,458 to fund operating budgets for the several Town departments for Fiscal Year 2012 under budget Division V, Public Services, as requested by the Board of Selectmen and recommended by the Finance Committee.

Motion Passed.

Article 2. FY 2012 Municipal Operating Budget.

Division VI. Public Schools

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$3,187,211 to fund the Provincetown Public School System Budget for Fiscal Year 2012.

Motion Passed.

Article 3. FY 2012 Cape Cod Regional Technical High School

Assessment. To see if the Town will vote to raise and appropriate the sum of \$88,131 to fund the Town of Provincetown's assessment for the CCRTHS FY2012 operating budget, or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Elaine Anderson moved that the Town vote to raise and appropriate the sum of \$88,131 for its assessment for Cape Cod Technical Regional High School for FY 2012.

Motion Passed.

Article 4. FY 2012 Enterprise Funds. To see if the Town will vote to raise and appropriate or transfer from available funds the following amounts for enterprise funds of the Town of Provincetown for Fiscal Year 2012:

440 Wastewater	FY 2011	FY 2012	11-12 %
Enterprise Fund Costs	\$2,737,160	\$2,900,215	
General Fund Costs	80,434	80,434	
TOTAL COSTS	\$2,817,594	\$2,980,649	5.8%
450 Water Enterprise	FY 2011	FY 2012	11-12 %
Enterprise Fund Costs	\$1,834,538	\$2,093,560	
General Fund Costs	269,361	269,361	
TOTAL COSTS	\$2,103,899	\$2,362,921	12.3%

or to take any other action relative thereto.

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

Article 4. FY 2012 Enterprise Funds.

440 Wastewater Enterprise Fund.

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

Austin Knight moved that the Town vote that \$2,980,649 be appropriated to operate the Wastewater Enterprise Fund, 2,754,559 to come from Wastewater Enterprise Fund revenues and \$145,656 from reserved for debt service, and further, \$80,434 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

450 Water Enterprise Fund.

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

Austin Knight moved that the Town vote that \$2,362,921 be appropriated to operate the Water Enterprise Fund, for \$2,009,573 to come from Water Enterprise Fund revenues and \$83,987 from Retained Earnings, and further, \$269,361 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 5. FY 2012 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 2012 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows provided that one or more of the appropriations listed below shall be contingent on a Proposition 2 ½ Capital Outlay or Debt Exclusion ballot question:

1. Shortel Telephone Network Expansion - \$50,000 to be expended under the direction of the Town Manager and the MIS Director for the expansion of the town's Shortel telephone system for town staff departments relocating to the Veteran's Memorial Elementary School; or to take any other action thereto
2. Police Fleet Upgrade Plan - \$8,800 to be expended under the direction of the Town Manager and the Chief of Police for the 1st year of a three year lease of one police vehicle and costs related thereto;
3. Police Fleet Upgrade Plan - \$19,835 to be expended under the direction of the Town Manager and the Chief of Police for the 2nd year of a three year lease of two police vehicles as initially approved by town voters at the April 2010 Annual Town Meeting, Article 5-5 and costs related thereto;
4. Storm Water Management - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the town's drainage system in conjunction with making application for various grants which become available.

5. Public Works Fleet Replacement Plan - \$202,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of (1) Trash Removal Trailer and (2) Recycling Truck and further to authorize the Town Manager, with the approval of the Board of Selectmen, to enter into lease purchase agreements for terms not exceeding 5 years, and costs related thereto;

6. Single Stream Recycling - \$334,900 to be expended under the direction of the Town Manager and the Director of Public Works to be used for the implementation of Single Stream Recycling in Provincetown, and costs related thereto;

or to take any other action relative thereto.

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

1. Shortel Telephone Network Expansion

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David Bedard moved that the Town vote to transfer \$50,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the MIS Director for the expansion of the Shortel Telephone Network System and costs related thereto.

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

2. Police Fleet Upgrade Plan

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David Bedard moved that the Town vote to transfer the sum of \$8,800 from the following warrant articles to pay for the first year of a lease of one police vehicle to be expended under the direction of the Town Manager and Chief of Police and costs related thereto;

- \$111.10 from 2003 Annual Town Meeting Article 4-3 Police Vehicle Replacement
- \$800 from 2003 Annual Town Meeting Article 4-6 Recycling Vehicle Replacement
- \$95.95 from 2004 Special Town Meeting Article 7-3 Transfer Station Hauler
- \$7 from 2004 Annual Town Meeting Article 4-2 Police Vehicle Replacement
- \$15 from 2005 Annual Town Meeting Article 8-1 Fire Engine
- \$334 from 2005 Annual Town Meeting Article 8-2 Police Vehicle Replacement

- \$179 from 2006 Annual Town Meeting Article 7-2 Police Vehicle Replacement
- A credit of \$20 from 2001 Annual Town Meeting Article 5-5 Dump Truck
- A credit of \$39 from 2007 Annual Town Meeting Article 6-8 Transfer Station Equipment
- A credit of \$3 from 2007 Annual Town Meeting Article 6-4 DPW Fleet Replacement
- \$7,319.95 from 2002 Annual Town Meeting Article 4-10 DPW Fleet Replacement

Motion Passed.

3. Police Fleet Upgrade Plan

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David Bedard moved that the Town vote to transfer the sum of \$19,835 from the following warrant article for the second year of the lease of two police vehicles as initially approved by Town voters at the April 2010 Annual Town Meeting, Article 5-5 with the funds to be expended under the direction of the Town Manager and Chief of Police and costs related thereto;

- \$19,835 from 2002 Annual Town Meeting Article 4-10 DPW Fleet Replacement

Motion Passed.

4. Storm Water Management

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Conservation Commission Recommends: 5-0-0

Board of Health Recommends: 4-0-0

David Bedard moved that the Town vote to transfer \$100,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Director of Public Works for improvements to the town's drainage system and costs related thereto.

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

5. Public Works Fleet Replacement Plan

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David Bedard moved that the Town vote to transfer the sum of \$20,218 from the 2002 Annual Town Meeting Article 4-10, DPW Fleet replacement and further to appropriate the sum of \$181,782 to be expended under the direction of the Town

Manager and the Director of Public Works for the replacement of one trash trailer and one recycling truck and costs related thereto, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$181,782 pursuant to General Laws Chapter 44, sections 7 and 8 or any other enabling authority and to issue bonds and notes therefor; provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ debt exclusion by the voters of the town in accordance with General Laws Ch. 59 section 21C(m).

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

6. Single Stream Recycling

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Conservation Commission Recommends: 5-0-1

Board of Health Recommends: 4-0-0

Visitor Services Board Recommends: 4-0-0

David Bedard moved that the Town vote to appropriate the sum of \$334,900 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of equipment associated with the implementation of a single stream recycling program in the Town of Provincetown and costs related thereto, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$334,900 pursuant to General Laws Chapter 44, section 7(9) or any other enabling authority and to issue bonds and notes therefor; provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ debt exclusion by the voters of the town in accordance with General Laws Ch. 59 section 21C(m).

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

Article 6. FY 2012 Revolving Accounts. To see if the Town will vote to continue for FY 2012 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, refurbishing and maintenance of the Town Hall Auditorium under the direction of the Town Manager and Board of Selectmen;

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

(3) B Street Garden: to allow receipts from the annual community garden membership fees charged for the public use of the community garden to be segregated into a special account; and with funds there from, up to a limit of \$2,500 annually, to be expended for the repair, updating and maintenance of the B-Street Garden under the direction of the Town Manager and the Conservation Commission; or to take any other action relative thereto.

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

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

F. John Santos moved that the Town vote to continue for FY 2012 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 7. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$938.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
Conservation Commission Recommends: 5-0-0
Board of Health Recommends: 4-0-0

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

Motion Passed.

9:59 p.m Motion to adjourn Annual Town Meeting until tomorrow, April 5, 2011 at 6 p.m.

Motion Passed.

Town Moderator Irene Rabinowitz called the meeting to order at 6:00 p.m. on Tuesday, April 5, 2011.

Article 8. Community Preservation Budget for FY 2012. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation Budget, to appropriate or reserve from FY 2012 Community Preservation Fund annual revenues the following amounts totaling \$699,278 as recommended by the

Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves:

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

2. Appropriations:

- A. \$230,449 for affordable housing debt service
\$59,733 for open-space debt service
\$193,966 for historic preservation debt service
- B. \$12,000 for display cases for historic documents and art at town hall and said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee
- C. \$44,500 for Winthrop Street Cemetery assessment and emergency repairs and said funds to be expended under the direction of the Town Manager in consultation with Community Preservation Committee
- D. \$26,500 for municipal archives storage and said funds to be expended under the direction of the Town Manager in consultation with the Community Preservation Committee
- E. \$75,000 for Hawthorne Barn renovation subject to a grant agreement between the Town and the property owner, in such form as the Town Manager, in consultation with the Community Preservation Commission, deems appropriate, setting forth the terms and conditions upon which the funds may be expended, which agreement shall include, but not be limited to, the following items: 1) grant funds shall be used to secure the barn's envelope including replacement-in-kind of wood shingle roofing and siding, windows, and doors; 2) the owner of the property shall provide the Town with an historic preservation restriction protecting the character-defining features of the barn's exterior and interior, to be applicable, to the extent allowed by law, to any additions and new construction on the property and to authorize the Board of Selectmen to accept such restriction; and, 3) public access shall be provided for not less than 9 days per year, on such dates and for such times as set forth in the agreement
- F. \$42,130 for Housing Office support
- G. \$15,000 for CPA general administration; or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Article 8-2A. Community Preservation Budget for FY 2012.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 7-0-0

Historical Commission Recommends: 5-0-0

Elaine Anderson moved that the Town vote to appropriate the sum of \$484,148 to fund debt service for Fiscal Year 2012 as follows: the sum of \$230,449 from Affordable Housing reserves, the sum of \$59,733 from Open Space reserves, and the sum of \$193,966 from Historic Preservation estimated revenue.

Motion Passed.

Article 8-2B. Community Preservation Budget for FY 2012.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 7-0-0

Historical Commission Recommends: 5-0-0

James Hall moved that the Town vote to appropriate from Historic Preservation reserves the sum of \$12,000 for display cases for historic documents and art at Town Hall.

Motion Passed.

Article 8-2C. Community Preservation Budget for FY 2012.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 7-0-0

David Hale moved that the Town vote to appropriate from Community Preservation undesignated reserves the sum of \$44,500 for Winthrop Street Cemetery assessment and emergency repairs.

Motion Passed.

Article 8-2D. Community Preservation Budget for FY 2012.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 7-0-0

Historical Commission Recommends: 5-0-0

Eric Dray moved that the Town vote to appropriate from Historic Preservation reserves the sum of \$26,500 for municipal archives storage.

Motion Passed.

Article 8-2E. Community Preservation Budget for FY 2012.

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

Finance Committee Recommends: 5-1-0

Community Preservation Committee Recommends: 7-0-0

Dorothy Palanza moved that the Town vote to appropriate from estimated revenue the sum of \$75,000 for the Hawthorne Barn renovations subject to a grant agreement between the town and the property owner, in such form as the Town Manager, in consultation with the Community Preservation Commission, deems appropriate, setting forth the terms and conditions upon which the funds may be expended, which agreement shall include, but not be limited to, the following items: 1) grant funds shall be used to secure the barn's envelope including replacement-in-kind of wood shingle roofing and siding, windows, and doors; 2) the owner of the property shall provide the Town with an historic preservation restriction protecting the character-defining features of the barn's exterior and interior, to be applicable, to the extent allowed by law, to any additions and new construction on the property and to authorize the Board of Selectmen to accept such restriction; and, 3) public access shall be provided for not less than 9 days per year, on such dates and for such times as set forth in the agreement.

Motion Passed.

Article 8-2F. Community Preservation Budget for FY 2012.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 7-0-0

Housing Authority Recommends 3-0-0

Nancy Jacobsen moved that the Town vote to appropriate from Affordable Housing Reserves the sum of \$42,130 for Housing Office support.

Motion Passed.

Article 8-2G. Community Preservation Fund Budget for FY 2012.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 7-0-0

Dorothy Palanza moved that the Town vote to appropriate the sum of \$15,000 from estimated revenues to be used for CPA general administration, as printed in the warrant.

Motion Passed.

Article 9. Amendments to Personnel By-law/Classification and Compensation Plan. To see if the Town will vote as follows:

1. **Schedule A:** to amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, effective July 1, 2011, as follows:

Actual FY 2011	Proposed FY 2012
----------------	------------------

Grade	Min.	Max.	Min.	Max.	Position Title
21	91,006	106,517	95,000	139,125	Town Manager [<i>exempt – MGL C.41, §108N</i>]
20	77,124	92,417	78,667	125,000	Chief of Police [<i>exempt – MGL C.41, §108O</i>] Director of Public Works
19	73,105	87,601	74,567	92,601	<i>no positions assigned</i>
18	69,293	83,034	70,679	90,000	Police Staff Lieutenant Assistant Town Manager
17	65,680	76,118	66,994	77,640	Director of Municipal Finance
16	62,256	74,602	63,501	76,094	Building Commissioner
15	59,009	68,388	60,189	69,756	Deputy Director of Public Works MIS Director
14	55,670	66,710	56,783	68,044	Health Agent Health and Environmental Affairs Manager
13	52,520	60,866	53,570	62,083	<i>no positions assigned</i>
12	49,547	59,372	50,538	60,559	Human Services/Council on Aging Director Library Director Town Clerk Principal Assessor Town Accountant
11	47,187	56,543	48,131	57,674	Collector Treasurer
10	44,940	53,852	45,839	54,929	Deputy Town Accountant DPW Finance Coordinator Town Manager's Secretary/Employee Benefits Coordinator Asst Library Director Recreation Director MIS Analyst
9	42,800	51,287	43,656	52,313	Local Building Inspector Parking Administrator

					Permit Coordinator
					Administrative Director of Tourism
8	40,377	48,384	41,185	49,352	COA Outreach Coordinator
					Library Operations Director
7	38,093	45,646	38,855	46,559	Electrical/Deputy Building Inspector
					Assistant Town Accountant
					MIS Technician
					Licensing Agent
6	37,013	44,354	37,753	45,241	Secretary to the Board of Selectmen
					Admin. Accounting Assistant
					Admin Asst to the Chief of Police

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

Annual Stipends for Reimbursement of Expenses

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
Deputy Fire Chief	\$6,600	\$6,600
District Fire Chief/Engineer	2,200	2,200
Firefighter	750	750
Fire Auxiliary.....	375	375
Fire Captain.....	500	500
Fire Lieutenant	305	305
House Steward	880	880
House Steward	1,100	1,100
Ladder Steward	1,300	1,300
LaFrance Steward	500	500
Main Station Steward	LCA	LCA
Oil Inspector	1,747	
Rescue Captain.....	1,450	1,450
Rescue Lieutenant	880	880
Rescue Steward.....	3,000	3,000
Rescue Training Officer	1,650.....	1,650
Radio Officer	550	550
Air Officer	1000	1,000
Summer Standby Coordinator (new)		2,500

Annual Salary

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
Fire Chief.....	\$40,000	40,000

Non-Firefighter Positions

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
First Responders.....	\$12.00 per call	

EMT-Basic.....	20.70/hour ...	21.32
EMT-Intermediate	22.30	22.97
EMT-Paramedic	24.40	25.13
Stand-by	18.00	
Safety Inspections.....	14.03	
Rescue Squad participation	\$250.00 per quarter	

3. **Schedule C:** to amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2011, as follows:

<i>Grade</i>	<i>Actual FY 2011</i>	<i>Proposed FY 2012</i>	<i>Proposed Position Classifications</i>
L	\$16.89	\$16.89	Parking Lot Technical Manager Property Inspector (Assessors)
K	16.41	16.41	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	15.94	15.94	Seasonal Recreation Swimming Instructor
I	15.63	15.63	Parking Meter Collection/Repair
H	15.18	15.18	Police Matron Police Summer Dispatcher
G	14.89	14.89	<i>No Positions Assigned</i>
F	14.46	14.46	Assistant Harbormaster w/o police powers Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement Secretary, On-call Relief Transfer Station Laborer
E	14.20	14.20	<i>No Positions Assigned</i>
D	13.78	13.78	Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	13.38	13.38	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	13.13	13.13	<i>No Positions Assigned</i>
A	12.92	12.92	Council on Aging Cook Parking Lot Attendant/In-booth Seasonal Recreation Aides

or to take any other action relative thereto.

[Requested by the Personnel Board and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Has No Recommendation

Michele Couture moved that the Town vote to approve Article 9 as printed in the warrant.

Motion Passed.

Article 10. Fund Collective Bargaining Agreement. To see what sums the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the collective bargaining agreement reached with the Town and AFSCME; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Austin Knight moved that the town vote to raise and appropriate \$27,277 and transfer the sum of \$14,263 from 2007 Annual Town Meeting Article 10, Bylaw Raises, for a total of \$41,540 to fund the collective bargaining agreement with the AFSCME Union.

Motion Passed.

Article 11. General By-law Amendment: Non-Criminal Disposition of Pier Corporation Regulations. To see if the Town will vote to amend the Provincetown General By-laws by amending §2-3-1-1 to read as follows:

2-3-1-1. Any rule or regulation of the Provincetown Public Pier Corporation duly enacted as of ~~April 5, 2010~~ April 4, 2011 shall be deemed a regulation of the Board of Selectmen. Violation of such rules or regulations may be enforced by any available means in law or equity, including but not limited to non-criminal disposition pursuant to G.L. c.40, §21D, and Sections 2-3-1 through 2-3-3 of the General By-laws. For the purposes of this by-law, the following officials shall be enforcing persons: the Harbormaster and his designees and any police officer of the Town of Provincetown.

2-3-2-1. Violations of the Provincetown Public Pier Corporation Regulations in Effect on ~~April 5, 2010~~ April 4, 2011 (attached as Appendix 1 to Schedule A): 1st offense, \$100.00; 2nd offense, \$200.00; 3rd and subsequent offenses, \$300.00; or to take any other action relative thereto.

[Requested by Provincetown Public Pier Corporation]

Board of Selectmen Recommends: 5-0-0

Finance Committee Has No Recommendation

Kerry Adams moved that the Town vote to approve Article 11 as printed in the warrant.

Motion Passed.

Article 12. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$613,847 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996

1. \$100,000 for coordination/support of the Visitor Service Board and the Tourism Department; and costs related thereto;
2. \$315,000 for marketing, and costs related thereto;
3. \$39,847 for municipal projects, and costs related thereto; and
4. \$150,000 for tourism grants, and costs related thereto;
5. \$9,000 for Beautification Committee

or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Visitor Services Board: 4-0-0

[Rob Tosner moved that the Town vote to approve Article 12 as printed in the warrant.](#)

Motion Passed.

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

Article 13: FY 2012 Human Services Grant Program. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$49,848 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod	\$9,221
Cape Cod Children's Place	4,609
Consumer Assistance Council	328
Helping Our Women	7,903
Homeless Prevention Council	3,489
Independence House	5,005
Lower Cape Outreach Council, Inc.	5,268
Mass-A-Peal	526
Outer Cape Health Services	7,244
Sight Loss Services, Inc.	592
South Coast Counties Legal Services	<u>5,663</u>
Total	\$49,848

or to take any other action relative thereto.

[Requested by the Bd of Selectmen, Human Services Com. and Town Mgr]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Board of Health Recommends: 4-0-0

Elaine Anderson moved that vote to raise and appropriate the sum of \$49,848 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate-income and those who are uninsured or underinsured, as printed in the warrant.

Motion Passed.

Town Moderator Irene Rabinowitz returned to the meeting.

Article 14. July 4th Celebration. To see if the Town will vote to transfer from any available funds the sum of \$22,000 to be expended under the direction of the Town Manager, the Chief of Police and the Director of Public Works for costs associated with the July 4th fireworks display; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Visitor Services Board Recommends: 4-0-0

Austin Knight moved that the Town vote to transfer \$3,500 from free cash, transfer \$10,936 from 1999 Annual Town Meeting Article 5-6, \$7,564 from 2004 Annual Town Meeting Article 4-8 for a total of \$22,000, to be used to pay for town expenses associated with the costs for the July 4th fireworks display, as printed in the warrant.

Motion Passed.

Article 15. Stable Path – Amendment to Reduce Appropriation and Scope of Project. To see if the Town will vote to amend the vote taken under Article 10, Section 2.F of the April 6, 2009 Annual Town Meeting, which authorized the appropriation of \$800,000 in Community Preservation Act funds for the grant of 32 units of community housing at 35 Race Point Road, to be known as Stable Path, to reduce the amount of the appropriation to \$540,000 and the number of community housing units to be acquired thereby to 23 units, and to authorize the Board of Selectmen to accept an affordable housing restriction on 23 units on said property; or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 3-0-0
Housing Authority Recommends: 3-0-0

Nancy Jacobsen moved that the Town vote to approve Article 15 as written in the warrant.

Motion Passed.

Article 16. Alteration of Layout of Harry Kemp Way and Conveyance of Discontinued Portion. To see if the Town will vote to accept the altered layout of Harry Kemp Way as a public way to exclude from the layout of said way the parcel of land shown as “Discontinued Portion” on a plan entitled “Plan Showing Alteration of Layout of Harry Kemp Way,” dated March 3, 2011, prepared by Coastal Engineering Company, Inc., on file with the Town Clerk, and to transfer the care, custody, management and control of the aforesaid discontinued parcel from the Board of Selectmen for public way purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and further to authorize the Board of Selectmen to convey the fee to or an easement in said discontinued parcel of land on such terms and conditions and for such consideration, which may be nominal consideration, as the Selectmen deem appropriate; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation
Planning Board Recommends: 4-0-0

2/3rd's Vote Required

David Bedard moved that the Town vote to approve Article 16 as written in the warrant.

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

Article 17. Replacement of Water Main along Commercial Street. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to replace the existing water main on Commercial Street as part of the Commercial Street repaving project, including all costs incidental and related thereto; to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7 and/or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor; and further, to authorize the Town Manager and the Board of Selectmen to take all actions necessary to carry out the project and apply for, accept, and expend grant funds for this project; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 3-2-0
Finance Committee Recommends: 6-0-0

Board of Health Recommends: 4-0-0

Michele Couture moved that the Town vote to appropriate the sum of \$850,000 to replace the existing water main on Commercial Street as part of the Commercial Street repaving project, including all costs incidental and related thereto; that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of \$850,000, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 7 and/or 8 or any other enabling authority, and to issue bonds and notes of the Town therefor; and further, to authorize the Town Manager and the Board of Selectmen to take all actions necessary to carry out the project and apply for, accept, and expend grant funds for this project and further that although the bonds issued for this project shall be general obligations of the Town, it is the intent of the Town that the principal and interest payments for this project shall be paid from the Water Enterprise Fund.

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

Article 18. Dissolve the Economic Development Council. To see if the Town will vote to amend Section 5-15 of the General Bylaws of the Town in order to abolish the Economic Development Council as follows:

1. Change the Title of section 5-15 by deleting the words: "Economic Development Council and."
2. Delete sections 1, 2, 3, and 5 and renumber the remaining sections of the bylaw accordingly.
3. Amend the existing section 4 (new section 1) by deleting from the second sentence: ", whereupon the Town Manager shall without undue delay refer the application to the council for its review and recommendations." Delete from the third sentence of existing section 4 (new section 1) the following: "and the recommendations, if any, of the council," or to take any other action relative thereto.

[Requested by the Board of Selectmen]

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

Elaine Anderson moved that the Town vote to amend Section 5-15 of the General By-Laws of the Town in order to abolish the Economic Development Council with the appropriate changes as printed in the warrant.

Motion Passed.

Article 19. Dissolve the Cable Advisory Commission. To see if the Town will vote to dissolve the Cable Advisory Commission which was created pursuant to the vote under Article 33 of the April 4, 1994 Annual Town Meeting; or to take any other action relative thereto.

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

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

Austin Knight moved that the Town vote to dissolve the Cable Advisory Commission as printed in the warrant.

Motion Passed.

Article 20. Establishment of Other Post Employment Benefits Liability Trust Fund. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32B, Section 20, which will authorize the establishment of an Other Post Employment Benefits Liability Trust Fund to address and potentially reduce the unfunded actuarial liability of health care and other post-employment benefits; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

David Bedard moved that the Town vote to approve Article 20 as written in the warrant.

Motion Passed.

Article 21. Medicare Extension Plans – Mandatory Transfer of Retirees. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32B, Section 18, which requires all retirees, their spouses and dependents insured or eligible to be insured under the Town's health insurance plan, if enrolled in Medicare Part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, to transfer to a Medicare Extension Plan offered by the Town to address the continual increased costs of health care insurance to present and future retirees and to the Town; or to take any other action relative thereto.

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

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

Michele Couture moved that the Town vote to indefinitely postpone Article 21.

Motion Passed.

Article 22. Design and Project Management Services for the Construction of a New Highway Maintenance Facility and Police Station. To see if the Town will vote to amend the action taken under Article 5 of the April 2010 Annual Town Meeting, Capital Improvement Plan, under the category of Building Assessment, by authorizing the expenditure of the remaining appropriation,

which was from free cash for design and project management services in connection with the demolition of the existing highway garage and the construction of a new highway maintenance facility and a new police station to be located at the existing highway garage site; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

Elaine Anderson moved that the Town vote to amend the action taken under Article 5 of the April 2010 Annual Town Meeting, Capital Improvement Plan, under the category of Building Assessment, by authorizing the expenditure of the remaining appropriation of \$150,000, which was from free cash for design and project management services in connection with the demolition of the existing highway garage and the construction of a new highway maintenance facility and a new police station to be located at the existing highway garage site.

Motion Passed.

Article 23. Freeman Street Building Renovations. To see if the Town will vote to transfer sums of money from the following articles:

A sum of money from Article 1 of the June 22, 2009 Special Town Meeting, which was appropriated for the restoration of Town Hall and;
\$17,025.19 from Article 8-7 of the 2005 Annual Town Meeting and;
\$16,765.85 from Article 23-4 of the 1999 Special Town Meeting and;
\$24,251.54 from Article 16 of the 2000 Annual Town Meeting Article,
to be used for construction costs for the repair and maintenance of the Freeman Street Building consisting of the repairs to the exterior walls and windows, the replacement and repairs of the HVAC system and including all costs incidental and related thereto; or to take any other action relative thereto.

[Requested by the Board of Selectmen and Town Manager]

Board of Selectmen Recommends: 4-1-0
Finance Committee Recommends: 5-0-0
Visitor Services Board Recommends: 4-0-0

David Bedard moved that the Town vote to transfer the following sums of money from the following articles to be used for construction costs for the repair and maintenance of the Freeman Street Building, including costs incidental and related thereto:

- \$242,000 from Article 1 of the June 22, 2009 Special Town Meeting
- \$17,025.19 from Article 8-7 of the 2005 Annual Town Meeting
- \$16,765.85 from Article 23-4 of the 1999 Special Town Meeting
- \$24,251.54 from Article 16 of the 2000 Special Town Meeting

Motion Passed.

Article 24. Cemetery Improvements. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$26,000 for the relocation of power lines related to the expansion of the Provincetown Cemetery; or to take any other action relative thereto.

[Requested by the Cemetery Commission]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Cemetery Commission Recommends: 3-0-0

Greg Howe moved that the Town vote to transfer \$3,500 from the Sale of Cemetery Lots Special Revenue Fund, transfer \$3,100 from General Insurance Proceeds, transfer \$16,379 from Insurance Proceeds Reserved for Appropriation, transfer \$2,000 from the 2002 Annual Town Meeting, Article 67, transfer \$475 from the 2003 Annual Town Meeting, Article 4-2 and transfer \$546 from 2009 Special Town Meeting, Article 2 for a total of \$26,000 to pay for costs of the relocation of power lines related to the expansion of the Provincetown Cemetery.

Motion Passed.

Article 25. Zoning By-law Amendment: Article 1 - Definitions

To see if the Town will vote to amend the Provincetown Zoning By-laws Article 1 to amend the definition of "*Boarding, Lodging or Tourist Home*", to read as follows, with underlined text to be inserted and strike-through text to be deleted:

Boarding, Lodging or Tourist Home A dwelling with a ~~managing family~~ resident manager on the premises or associated with the business when the business occupies more than one parcel, plus accommodations, with or without meals, ~~rented to~~ renting more than three but fewer than twenty persons separate guest units.

Or to take any other action relative thereto.

[Requested by Provincetown Planning Board]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommend Has No Recommendation

Planning Board Recommends: 5-0-0

Visitor Services Board Recommends: 3-0-1

2/3rd's Vote Required

Peter Paige moved that the Town vote to amend Article 1 of the Zoning By-law as printed in the warrant.

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

Article 26. Zoning By-law Amendment: Article 2 - Districts and District Regulations

To see if the Town will vote to amend the Provincetown Zoning By-laws Article 2, Section 2330 to read as follows, with underlined text to be inserted and strike-through text to be deleted:

2330 Floodplain District Boundaries and Base Flood Elevation Data

~~The Floodplain District (“District”) is herein established as an overlay district. The District shall include all special flood hazard areas designed on the Town of Provincetown Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) dated July 15, 1992 as Zone A, AE, AH, AO, A1-30, A99, V, V1-30, VE. The FIRM designates the parameters of the 100-year base floodplain. The boundaries of the District shall be coincident with the 100-year base flood elevations as shown on the FIRM, Floodway Maps and Flood Insurance Study booklet, all of which are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.~~

The Floodplain District is herein established as an overlay district to all other districts. All special flood hazard areas within the Town of Provincetown designated as Zone A, AE, AO, AH, V and VE on the Barnstable County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRMs that are wholly or partially within the Town of Provincetown are panel numbers 25001C0103, 25001C0104, 25001C0108, 25001C0109, 25001C0111, 25001C0112, 25001C0114, 25001C0116, 25001C0117 and 25001C0118 dated June 16, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated June 16, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

2331 Elevation - New construction or substantial improvement (which shall be defined for the purposes of this section as any repair, construction or alteration costing 50% or more of the market value of the structure before improvements; or if damaged, before damage occurred) of residential structures shall have the lowest floor (including basement) elevated to not less than Base Flood Elevations. (Substantial improvement is deemed to have occurred when the first alteration of any structural part of the building commences).

New construction or any substantial improvement of non-residential structures shall either be similarly elevated or, together with attendant utility and sanitary facilities shall be flood proof (i.e. watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to or

above that level) to not less than the Base Flood Elevations. However, structures such as boathouses that would be functionally impaired by such measures because they requires water level locations, and are not continuously used for human occupancy, may be exempted from this requirement, upon the issuance of a Special Permits from the Zoning Board of Appeals.

In Zone A-O, all new construction and substantial improvements are subject to the following requirements:

- residential structures shall have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified on the Flood Insurance Rate Maps (FIRM);
- non-residential structures shall have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number on the FIRM or be flood proof (i.e., watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to or above that level.

2332 Code References ~~Any new construction or substantial improvements to be undertaken within said district shall be in accordance with the Massachusetts Uniform Building Code.~~

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2333 Use of Available Flood Data - *no change*

2334 "V" Zones No land within areas designated as V (velocity) Zones on the ~~F.I.A. Flood Hazard Rate Maps~~ Barnstable County Flood Insurance Rate Maps shall be developed unless such development:

- a. is demonstrated by the applicant to be located landward of the reach of the mean high tide through issuance of a special permit by the Zoning Board of Appeals, and;
- b. Any man-made alteration of sand dunes within said designated V Zones which might increase the potential for flood damage shall be prohibited.

No further changes in this Section.

Or to take any other action relative thereto.

[Requested by Provincetown Planning Board]

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

2/3rd's Vote Required

[Marianne Clements moved to indefinitely postpone Article 26.](#)

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

Article 27. Zoning By-law Amendment: Article 4 - Special Regulations

To see if the Town will vote to amend the Provincetown Zoning By-laws Article 4, Section 4170 to read as follows, with underlined text to be inserted and strike-through text to be deleted:

Section 4170 Change of Use/Non-Residential to Residential Use Conversions

1. Purpose and Intent

The purpose of this by-law is to establish special permit requirements for changes of use from commercial to residential use and to minimize adverse impacts on the community from such development. In addition, this by-law is intended to create additional affordable housing opportunities for Provincetown residents and to assist the Town in creating units eligible for inclusion in its Subsidized Housing Inventory.

2. Applicability

The following types of change of use shall require Special Permit authorization from the Zoning Board of Appeals as provided for in Article 5, Section 5300:

- (a) Any change of use from a non-residential use to a residential use of more than four dwelling units;
- (b) Any change of use from a boarding, lodging or tourist homes use, to a residential use of more than four dwelling units; and
- (c) Any change of use involving mixed use development that alters the existing mix of uses such that a predominantly non-residential development becomes a predominantly residential use of more than four dwelling units.

No further changes in this Section.

Or to take any other action relative thereto.

[Requested by Provincetown Planning Board]

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

2/3rd's Vote Required

Dorothy Palanza moved that the Town vote to amend Article 4, Section 4170 of the Zoning By-law as printed in the warrant.

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

Article 28. Zoning By-law Amendment: Article 6 - Special Regulations

To see if the Town will vote to amend the Provincetown Zoning By-laws Article 4, Section 4170 to read as follows, with underlined text to be inserted and strike-through text to be deleted:

Section 6500 Table of Use Categories and Priorities

GENERAL USE CATEGORY 1

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

GENERAL USE CATEGORY 2

The non-affordable housing components of project consisting of:

2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a2 Two-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a3 Single-family dwelling projects that consist of 50%-99% affordable housing and/or community housing

2b1 Multi-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b2 Two-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b3 Single-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

GENERAL USE CATEGORY 3

3a. Expansions or alterations to existing residential structures or uses that result in increased Title 5 flow, not to exceed the Title 5 Design Flow pursuant to 310 CMR 15.203(2). A total of 330 gallons per year will be reserved for one bedroom per year per applicant. not to exceed a total of 330 gallons per year.

3b. Single-family dwelling on one per lot; two-family dwelling on one per lot; and for the addition of more than one bedroom to existing residential structures

3c. All other market rate residential projects without affordable housing components that result in increased Title 5 flow, except that no one applicant may gain access to 65% of allowable growth within this category within any given year.

GENERAL USE CATEGORY 4

4a Projects that receive an Economic Development Permit

4b Non-Profit or Community Service Uses which meet a critical community need as determined by the Board of Selectmen

4c Boarding, Lodging or Tourist Homes, Hotel, Motel, Inn, Camp, Cabin, Dormitory Housing

4d All other non-residential 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.

Section 6600 Growth Limitation Goal Allocations

1. Annually, during the Growth Management Review, the Board of Selectmen may allocate up to 1650 gpd to General Use Category 1, provided that the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection ("DEP") pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.

The Selectmen shall have the flexibility with the General Use Category 1 to distribute the 1650 gallons amongst the Use Categories 1a, 1b, and 1c, based on the recommendation of the PCHC within the Annual Growth Management Report.

All unassigned gallonage remaining at the end of each calendar year for General Use Category 1a, 1b and 1c shall remain available for assignment in the next calendar year for those same categories, respectively Use Category 1a, 1b, and 1c.

2. The Growth Limitation Goal shall be allocated for categories 2, 3 and 4 each year as follows:

(a) Annually, during the Growth Management Review, the Board of Selectmen may allocate up to 1,100 gpd to General Use Category 2, provided that the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.

All unassigned gallonage remaining at the end of each calendar year for General Use Category 2 shall remain available for assignment in the next calendar year for General Use Category 2.

(b) Annually, during the Growth Management Review, the Board of Selectmen may allocate up to 1,870 gpd to General Use Category 3, provided that the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto. Within this allocation, 330 gpd shall be reserved for General Use Category 3a (expansions to existing residential structures).

All unassigned gallonage remaining at the end of each calendar year for General Use Category 3 shall remain available for assignment in the next calendar year for General Use Category 3.

No further changes.

Or to take any other action relative thereto.

[Requested by Provincetown Planning Board]

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

2/3rd's Vote Required

Eric Gelinis moved that the Town vote to approve Article 28 as printed in the warrant with the following amendment to replace the reference to Article 4, Section 4170 with Article 6 in the first section of the article.

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

Article 29. General By-Law Amendment: Chapter 12: Wetlands Protection By-Law. To see if the Town will vote to amend the Provincetown General By-laws; Chapter 12, as on file with the Town Clerk, by inserting the following changes and additions to the following Sections and to read as follows, with underlined text to be inserted and strike-through text to be deleted:

12-2. Jurisdiction.

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, or discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; vegetated and unvegetated wetlands (both Bordering and Isolated); marshes; flats; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding; any and all areas protected by the Massachusetts Endangered Species Act (MESA) and as defined by the Natural Heritage and Endangered Species Act Program (NHESP); and the one-hundred (100) foot Buffer Zone to any of the aforementioned resource areas or lands abutting any of the aforesaid resource areas as set out in §12-7 (collectively the “resource areas protected by this bylaw”). Said resource areas shall be protected whether or not they border surface waters. In the event that the Commission determines that an activity occurring beyond the limit of jurisdiction noted above is likely to have, is having or has had a significant effect on the wetlands values of a resource area, the Commission may require the filing of a Notice of Intent or a Request for Determination of Applicability for that activity. In determining whether a resource area is subject to the provisions of this Bylaw, the origin of the wetland, whether natural or manmade, is not a relevant factor.

12-5. Notice and Hearings.

12-5-1. Notice. Any person filing a permit application or a RFD with the Commission at the same time shall give written notice thereof, by hand delivery or certified mail, return receipt requested, or by certificates of mailing certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

12-9. Definitions.

12-9-1-1. Bank. ~~“Bank” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.~~

12-9-1-1 Coastal & Inland Banks – Coastal Bank shall mean the seaward face or side of any elevated landform, other than a coastal dune, which lies at the

landward edge of a coastal beach, land subject to tidal action, or other wetland. Inland Bank shall mean the portion of the land surface which normally abuts and confines a water body. It occurs between a water body and a vegetated bordering wetland and adjacent flood plain, or, in the absence of these, it occurs between a water body and an upland. A bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel or stone. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level. The topography, soil structure, and plant community composition and structure of coastal and inland banks can provide the following important wildlife habitat functions: 1. Food, shelter and migratory and breeding areas for wildlife. 2. Overwintering area for mammals and reptiles.

12-9-1-5. Alter. "Alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

1. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.
2. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
3. Drainage, or other disturbance of water levels or water table. Dumping, discharging, or filling with any material which may degrade water quality.
4. Placing of fill, or removal of material, which would alter elevation.
5. Driving of piles, erection, or repair of buildings, or structures of any kind.
6. Placing of obstructions or objects in water.
7. Destruction of animal and/or plant life including cutting of trees.
8. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.
9. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.
10. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.
11. Use of fertilizers, pesticides, herbicides and fungicides.

12-9-1-6. Isolated Vegetated Wetland. Isolated vegetated wetland is any area where surface or ground water or ice at or near the surface of the ground and greater than 300 ~~500~~-square ft. which supports a plant community (cover) comprised of 50% or greater of wetland species, or which in the judgment of the Commission supports a significant community of wetland vegetation.

12-11-3. Enforcement Alternatives. The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, enforcement orders, under the Town's non-criminal disposition section of its general bylaws, pursuant to G.L. c. 40, §21D, and civil and criminal court actions. Any police officer, ~~or the~~ Conservation Agent, Harbormaster, ~~or~~ Shellfish Constable, or Commissioner (with the Commission's approval) shall have

authority to enforce this bylaw. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

[Requested by the Conservation Commission]

Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation
Conservation Commission Recommends: 5-0-0
Board of Health Recommends: 4-0-0

Dennis Minsky moved that the Town vote to amend Chapter 12 of the General By-laws as printed in the warrant.

Motion Passed.

Article 30. Adoption of MGL Ch 40, Section 22G Funds received from fines for handicap parking violations; deposits in account; expenditures.

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

[Requested by the Disability Commission]

Board of Selectmen Recommends Indefinite Postponement: 5-0-0
Finance Committee Recommends Indefinite Postponement: 6-0-0

F. John Santos moved that the Town vote to indefinitely postpone Article 30.

Motion Passed.

Article 31. Allow Non-Resident Property Owners to Serve on Town Boards. To see if the Town will vote to amend 3-4-1 of the Town Charter as follows:

A person shall not be a member of a town board unless he or she is a registered voter or non-resident property owner of the Town of Provincetown; or to take any other action thereto.

[Requested by Rob Tosner and others]

2/3rd's Vote Required

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

Finance Committee Does Not Recommend: 7-1-0

Charter Enforcement Commission Does not Recommend: 5-0-0

Conservation Commission Reserves Recommendation: 5-0-0

Rob Tosner moved that the Town vote to approve Article 31 as printed in the warrant.

Mark Phillips moved to indefinitely postpone Article 31.

Motion to Indefinitely Postpone Passed.

Article 32. Rescind Real Estate Transfer Fee. To see if the Town will vote to rescind the .5% Real Estate Transfer Fee vote under Article 19 of the Special Town Meeting on November 8, 2010, or to take any other action thereto.

[Requested by Rob Tosner and others]

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

Finance Committee Recommends: 5-0-0

Rob Tosner moved that the Town vote to approve Article 32 as printed in the warrant.

Motion Does Not Pass.

Article 33. Rescind the Supreme Court Decision. We, the voters of the Provincetown Town Meeting, affirm our belief that the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations.

We believe that the United States Supreme Court's ruling in Citizens United v. FEC, which allows corporations and unions unlimited funds to influence elections, threatens democracy by allowing corporations to cause the election of candidates who will serve corporations, not the public.

The people of the United States through their legislators have previously amended the Constitution to regulate elections and federal officeholding nine times.

To see if the Town will vote the following Resolution:

THEREFORE, BE IT RESOLVED THAT WE, THE VOTERS OF THE PROVINCETOWN TOWN MEETING, CALL UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO RESTORE THE FIRST AMENDMENT AND FAIR ELECTIONS TO THE PEOPLE, AND FURTHER, WE CALL UPON

THE MASSACHUSETTS GENERAL COURT TO PASS ONE OR MORE RESOLUTIONS ASKING THOSE ACTIONS.

We also ask Provincetown officials to send a copy of this resolution to the state and federal representatives and senators serving Provincetown, and to the Governor of the Commonwealth of Massachusetts and the President of the United States, or take any other action relative thereto.

[Requested by Barbara Rushmore and others]

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

Barbara Rushmore moved that the Town vote to approve Article 33 as printed in the warrant.

Motion Passed.

Article 34. Allow Rental/Hire of Personal Transportation Devices (aka Segways). To see if the town will vote to change the Provincetown General By-Law section 9-7-1 to read: No person shall rent or hire any gasoline powered, motorized two-wheeled vehicle, or any type of two-wheeled motorized vehicle capable of travelling at speeds greater than 12 MPH. Rental and/or hire of two-wheeled, gyroscopically balanced vehicles powered by an electric motor and capable of traveling at speeds no faster than 12 MPH, otherwise known as “personal transportation devices”, shall be allowed. Operators of personal transportation devices shall be subject to all of the same rules and regulations as bicycle operators; or take any other action relative thereto.

[Requested by Raphael Richter and others]

**Board of Selectmen Does Not Recommend: 5-0-0
Finance Committee Has No Recommendation**

Raphael Richter moved to see if the town will vote to change the Provincetown General By-Law section 9-7-1 to read: No person shall rent or hire any gasoline powered, motorized two-wheeled vehicle, or any type of two-wheeled motorized vehicle capable of travelling at speeds greater than 12 MPH. Rental and/or hire of two-wheeled, gyroscopically balanced vehicles powered by an electric motor and capable of traveling at speeds no faster than 12 MPH, otherwise known as “personal transportation devices”, shall be allowed. Operators of personal transportation devices shall be subject to all of the same rules and regulations as bicycle operators, however personal transportation devices must only travel with the direction of traffic on Commercial St.

Motion Does Not Pass.

Article 35. Senior Citizen Discount Taxi Voucher Fund. Whereas, the purpose of this fund will be to provide Senior Citizens with half-price taxi fares within the town of Provincetown,

Whereas, half of all licensing department fees collected for taxi licenses, livery licenses, and taxi/livery driver licenses shall be deposited into The Fund,

Whereas, Senior Citizens ages 60 and older who are also residents of Provincetown, shall be eligible to purchase voucher books and shall pay the Town for half of the taxi fare, as set in the Provincetown Licensing Board Rules & Regulations, at the time they purchase a voucher book,

Whereas, the Town shall be responsible for printing voucher books in sets of 10 vouchers each, with the funding for the printing costs coming from The Fund,

Whereas, each voucher shall represent one, one-way fare within the Town of Provincetown,

Whereas, any taxi company licensed in Provincetown must accept the vouchers from senior citizens, and shall be able to redeem them with the Town to collect the full value of the fare,

Whereas, taxi companies may redeem vouchers no more than once every 30 days, and not less than once every 90 days,

Whereas, the Town will only sell voucher books when there is enough money in The Fund to finance the sale of each voucher sold, preventing the sale of vouchers for which there is not enough funds to cover the fares,

Therefore, I move to see if the town will vote to establish a Senior Citizen Discount Taxi Voucher Fund,

Or take any other action relative thereto.

[Requested by Raphael Richter and others]

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

Finance Committee Does Not Recommend: 5-0-0

[Raphael Richter moved to indefinitely postpone Article 35.](#)

Motion Passed.

Article 36. Parking Easement/Outer Cape Health Services/Harry Kemp Way. To see if the Town will vote to grant an easement for parking to Outer Cape Health Services, Inc. over the 35' wide portion of Harry Kemp Way which immediately abuts the premises located at 49 Harry Kemp Way, or to take any other action thereto.

[Requested by Sally Deane and others]

Board of Selectmen Recommends Indefinite Postponement: 5-0-0

Finance Committee Has No Recommendation

Sally Deane moved to indefinitely postpone Article 36.

Motion Passed.

Article 37. Zoning By-law Amendment: Article 4 - Special Regulations. To see if the Town will vote to amend the Provincetown Zoning By-laws Article 4, Section 4120 to read as follows:

4120 Lot Area The total lot area must equal at least the square feet/unit as derived from the following schedule: (Provided however, that building permits issued prior to April 1, 1986 shall be governed by *(editor's note: old numbering Article III, Section 3110)* Article 4, Section 4120 prior to amendment of this section at the 1986 Annual Town Meeting)

Dwelling Units	Number of Units Proposed	Number of Square Feet/Unit Required
First	1-4	2,500
For the next	6 (5-10)	3,000
For the next	6 (11-16)	3,500
For the next	9 (17-25)	4,500
Beyond 25	26 or more	5,000

Commercial Accommodations	Number of Units Proposed	Number of Square Feet/Unit Required
First	1-10	1,000 <u>400</u>
For the next	11-20	1,500 <u>800</u>
For the next	21-30	2,000 <u>1200</u>
For the next	31-40	2,500 <u>1600</u>
For the next	41 units and beyond	3,000 <u>2000</u>

Or to take any other action relative thereto.

[Requested by Matthew Mascaro and others]

Board of Selectmen Reserves Recommendation: 3-2-0

Finance Committee Has No Recommendation

Planning Board Recommends: 5-0-0

Visitor Services Board Recommends: 2-0-2

Matthew Mascaro moved that the Town vote to approve Article 37 as printed in the warrant.

Rob Tosner moved to indefinitely postpone Article 37.

Motion to Indefinitely Postpone Passed.

Article 38. Rescind Vote to Establish Community Preservation

Committee. To see if the Town will vote to rescind its vote taken under Article 1

of the April 7, 2004 Special Town Meeting which amended the Provincetown General By-Laws by adding Section 5.14 creating the Community Preservation Committee By-Law, or take any other action relative thereto.

[Requested by Astrid Berg and others]

Board of Selectmen Does Not Recommend: 5-0-0
Finance Committee Reserves Recommendation
Conservation Commission Does Not Recommend: 5-0-0

Michele Couture moved to indefinitely postpone Article 38.
Motion to Indefinitely Postpone Passed.

Town Moderator Irene Rabinowitz motioned to dissolve the April 4, 2011 Annual Town Meeting at 10:00 p.m.
Motion Passed.

Annual Town Meeting dissolved at 10:00 p.m.