



ANNUAL TOWN MEETING

MONDAY, APRIL 4, 2005 AT 6:00 P.M.

[Return to *Town Meeting Resources*](#)

Town Clerk Doug Johnstone convened Town Meeting at 6:00 p.m. on April 4, 2005 pursuant to MGL C.39,§14. Cheryl Andrews moved to hold the Special Town Meeting first.

Motion Passed.

Town Clerk Doug Johnstone convened Town Meeting at 8:45 p.m. on April 4, 2005 pursuant to MGL C.39,§14, and opened nominations for election of a Temporary Moderator for the April 4, 2005 Special Town Meeting due to the resignation of the Town Moderator on February 28, 2005.

Burt Wolfman nominated Roslyn Garfield as Temporary Town Moderator. Roslyn Garfield elected by majority vote to serve as Temporary Town Moderator for the duration of said Annual Town Meeting and so sworn by Town Clerk Doug Johnstone.

(1) Cheryl Andrews moved that the Town vote to waive the reading of the warrant.

Motion Passed.

(2) Cheryl Andrews moved that the Town vote to grant permission to speak at the April 4, 2005 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Dennis Anderson, *Cape End Manor CEO*; Edward Boxer, *PHS Principal*; Dennis Clark, *Recreation Director*; Jane Evans, *Health Agent*; Patricia Fitzpatrick, *Tourism Director*; Elizabeth Freeman, *PHS Student Representative to the School Committee*; Elizabeth Hartsgrove, *Licensing Agent*; Alexandra Heilala, *Town Accountant*; John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Michelle Jarusiewicz, *Acting Assistant Town Manager*; Maxine Notaro, *Permit Coordinator*; Albert Robinson, *Deputy Water Superintendent*; Anthony Teso, *Principal, Veterans Memorial Elementary School and Director of Student Services*; Eileen Thomas, *Cape End Manor Administrator*; Dr. Colette Traylor, *Superintendent of Schools*.

Motion Passed.

(3) Cheryl Andrews moved that on all matters to come before the April 4, 2005 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

Motion Passed.

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

[Requested by the Board of Selectmen]

Cheryl Andrews moved that the Town vote to hear the reports of the Town Officials and

Committees and to act thereon.

Motion Passed.

FY 2006 BUDGET ARTICLES

Article 2. *FY 2006 Operating Budget.* To see to if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,621,434 to fund [operating budgets for the several Town departments for Fiscal Year 2006](#) in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

<i>Division</i>	<i>FY 2005</i>	<i>FY 2006</i>	<i>%</i>
I. General			
Government	\$1,034,426	\$1,105,509	6.9%
II. Finance	\$6,250,782	\$6,598,123	5.6%
III. Public Safety	\$2,891,486	\$3,076,575	6.4%
IV. Public Works	\$1,819,831	\$2,125,464	16.8%
V. Public Services	\$3,637,117	\$3,444,914	-5.3%
VI. Public Schools	<u>\$4,238,911</u>	<u>\$4,270,848</u>	0.8%
<i>Total Divisions I-VI</i>	\$19,872,554	\$20,621,434	3.8%

or to take any other action relative thereto.

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

Article 2. *FY 2006 Operating Budget.*

Division I. General Government.

BOARD OF SELECTMEN RECOMMENDS \$1,105,509: 3-2-0

FINANCE COMMITTEE RECOMMENDS \$1,060,509

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$781,165, and transfer from the Land Bank fund the sum of \$324,344, for a total of \$1,105,509, to fund operating budgets for the several Town departments for Fiscal Year 2006 under budget Division I, General Government, as requested by the Board of Selectmen.

Ruth Gilbert moved to amend the motion to read that the Town vote to raise and appropriate the sum of \$736,165, and transfer from the Land Bank fund the sum of \$324,344, for a total of \$1,060,509, to fund operating budgets for the several Town departments for Fiscal Year 2006 under budget Division I, General Government, as recommended by the Finance Committee.

Amendment Passed.

Motion As Amended Passed.

Article 2. *FY 2006 Operating Budget.*

Division II. Finance

FINANCE COMMITTEE RECOMMENDS

BOARD OF SELECTMEN RECOMMENDS

Two-thirds vote required – Use of Stabilization Fund MGL C.40,§5B

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$6,210,123, and transfer from the Stabilization Fund the sum of \$388,000, for a total of \$6,598,123 to fund operating budgets for the several Town departments for Fiscal Year 2006 under budget Division II, Finance, as requested by the Board of Selectmen.

Motion Passed. (2/3rds Vote Declared)

*Article 2. FY 2006 Operating Budget.
Division III. Public Safety*

**FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS**

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$3,071,275, and transfer from the Municipal Waterways Fund the sum of \$5,300, for a total of \$3,076,575, to fund operating budgets for the several Town departments for Fiscal Year 2006 under budget Division III, Public Safety, as requested by the Board of Selectmen.

Motion Passed.

*Article 2. FY 2006 Operating Budget.
Division IV. Public Works*

**FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS**

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$2,125,464, to fund operating budgets for the several Town departments for Fiscal Year 2006 under budget Division IV, Public Works, as requested by the Board of Selectmen.

Motion Passed.

*Article 2. FY 2006 Operating Budget.
Division V. Public Services*

**FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS**

Cheryl Andrews moved the Town vote to raise and appropriate the sum of \$3,444,914 to fund operating budgets for the several Town departments for Fiscal Year 2006 under budget Division V, Public Services, as requested by the Board of Selectmen.

Motion Passed.

*Article 2. FY 2006 Operating Budget.
Division VI. Public Schools - motion 1*

**SCHOOL COMMITTEE RECOMMENDS
FINANCE COMMITTEE RECOMMENDS**

Terese Nelson moved that the Town vote to raise and appropriate the sum of \$4,152,958 to fund the 300 Provincetown Public Schools budget for Fiscal Year 2006.

Motion Passed.

*Article 2. FY 2006 Operating Budget.
Division VI. Public Schools - motion 2*

**FINANCE COMMITTEE RECOMMENDS
BOARD OF SELECTMEN RECOMMENDS**

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$117,890 to fund the 310 Cape Cod Regional Technical High School budget for Fiscal Year 2006.

Motion Passed.

*Article 2. FY 2006 Operating Budget
Bottom Line.*

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$19,858,789; transfer from the Land Bank Fund the sum of \$324,344; transfer from the Municipal Waterways Improvement Fund the sum of \$5,300; and transfer from the Stabilization Fund the sum of \$388,000; for a total of \$20,576,433, to fund operating budgets for the several Town departments for Fiscal Year 2006 in accordance with Chapter 9, section 1 of the Provincetown Charter.

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

Article 3. Cape Cod Regional Technical High School Assessment Formula.

To see to if the Town will vote to accept the provisions of MGL C.71,§16B, which would reallocate the sum of the member towns' contribution to the Cape Cod Regional Technical High School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, or to take any other action relative thereto.

[Requested by the Town Manager]

**FINANCE COMMITTEE RECOMMENDS: 9-0-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0**

Keith Bergman moved that the Town vote to accept the provisions of MGL C.71,§16B, which would reallocate the sum of the member towns' contribution to the Cape Cod Regional Technical High School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called.

Motion Passed.

Article 4. Apply School Budget Reduction to Reduce SBA Debt Service. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000, equal to the School Committee's reduction of its FY 2006 budget request from \$4,172,958 to \$4,152,958; said sum to be used to reduce the debt service obligation pursuant to the vote under Article 7 of the April 1, 2002 Special Town Meeting which provided that half of the local debt service cost for the SBA-reimbursable PHS and VMES school building projects "shall be paid from the school department through one or more of the following ways . . . (4) other options that may arise;" or to take any

other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 8-1-0
BOARD OF SELECTMEN RECOMMENDS: 5-0-0
SCHOOL COMMITTEE RECOMMENDS: 5-0-0

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$20,000, equal to the School Committee’s reduction of its FY 2006 budget request from \$4,172,958 to \$4,152,958; said sum to be used to reduce the debt service obligation pursuant to the vote under Article 7 of the April 1, 2002 Special Town Meeting which provided that half of the local debt service cost for the SBA-reimbursable PHS and VMES school building projects “shall be paid from the school department through one or more of the following ways . . . (4) other options that may arise.”

Motion Passed.

Article 5. FY 2006 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 2006:

<i>440 Wastewater Enterprise Fund</i>	<i>FY 2005</i>	<i>FY 2006</i>	<i>%</i>
Enterprise Fund Costs	\$1,925,096	\$1,947,521	
General Fund Costs	<u>280,000</u>	<u>285,600</u>	
TOTAL COSTS	\$2,205,096	\$2,233,121	1.3%
TOTAL REVENUES	<u>\$1,767,525</u>	<u>\$2,009,445</u>	
<i>From WWEF Fund Balance</i>	(\$437,571)	(\$223,676)	

<i>450 Water Enterprise Fund</i>	<i>FY 2005</i>	<i>FY 2006</i>	<i>%</i>
Enterprise Fund Costs	\$1,452,812	\$1,836,749	
General Fund Costs	<u>285,600</u>	<u>285,600</u>	
TOTAL COSTS	\$1,738,412	\$2,122,349	22.1%
TOTAL REVENUES	<u>\$1,923,601</u>	<u>\$2,020,263</u>	
<i>To (From) WEF Fund Balance</i>	\$185,189	(\$102,086)	

or to take any other action relative thereto.

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

Article 5. FY 2006 Enterprise Funds.

1. *440 Wastewater Enterprise Fund.*

FINANCE COMMITTEE RECOMMENDS: 8-0-0
BOARD OF SELECTMEN RECOMMENDS: 4-1-0

Michele Couture moved that the Town vote that \$2,233,121 be appropriated to operate the Wastewater Enterprise Fund, \$1,947,521 to come from Wastewater Enterprise Fund revenues and fund balance, and further, \$285,600 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

Article 5. FY 2006 Enterprise Funds.*2. 450 Water Enterprise Fund.***FINANCE COMMITTEE RECOMMENDS: 8-0-0****BOARD OF SELECTMEN RECOMMENDS: 5-0-0**

Michele Couture moved that the Town vote that \$2,122,349 be appropriated to operate the Water Enterprise Fund, for \$1,836,749 to come from Water Enterprise Fund revenues and fund balance, and further, \$285,600 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Temporary Town Moderator Roslyn Garfield adjourned the meeting until tomorrow, Tuesday, April 5, 2005 at 6:00 p.m.

Temporary Town Moderator Roslyn Garfield convened the meeting at 6:05 p.m.

Article 6. Community Preservation Budget for FY 2006. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2006 Community Preservation Budget, to appropriate or reserve from FY 2006 Community Preservation Fund annual revenues the following amounts totaling \$539,434, as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

Reserves:

- \$53,943 for Open Space;
- \$53,943 for Historic Resources;
- \$431,547 for Community Housing,

or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 5-0-0**FINANCE COMMITTEE RECOMMENDS: 9-0-0****BOARD OF SELECTMEN RECOMMENDS: 5-0-0**

David Nicolau moved that the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2006 Community Preservation Budget, to appropriate or reserve from FY 2006 Community Preservation Fund annual revenues the following amounts totaling \$539,434, as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

Reserves:

- \$53,943 for Open Space;
- \$53,943 for Historic Resources;
- \$431,547 for Community Housing.

Motion Passed.

Article 7. Provincetown Town Hall Structural Repairs. To see if the Town will vote to appropriate and borrow the sum of \$750,000 pursuant to General Laws Chapter 44B, General Laws Chapter 44, Section 7(3A), or any other general or special law for structural repairs to Provincetown Town Hall and costs related thereto to be expended under the direction of the Town Manager and the

Director of Public Works; and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum in anticipation that the debt service on \$75,000 of said amount shall be paid from Community Preservation Fund revenues, and that the debt service on \$675,000 of said amount shall be paid from general fund revenues; or to take any other action relative thereto.

[Requested by the Community Preservation Committee, the Board of Selectmen, the Town Manager, and the Historical Commission]

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS: 8-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

2/3's vote required under MGL C.44

Richard Olson moved that the sum of \$750,000 be and hereby is appropriated to pay for the costs of structural repairs to Provincetown Town Hall, including the payment of all costs incidental and related thereto, such sum to be expended at the direction of the Town Manager and the Director of Public Works, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to and to authorize the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44B and Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that although any bonds or notes issued pursuant to this vote shall constitute a pledge of the full faith and credit of the Town, it is the intention of the Town that the debt service on \$75,000 of the amount authorized to be borrowed by this vote shall be paid from Community Preservation Fund revenues, and that the debt service on \$675,000 of said amount shall be paid from general fund revenues.

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

Article 8. *FY 2006 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 2006 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows:

1. *Replace Fire Engine 194:* \$300,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of Fire Engine 194, and costs related thereto;
2. *Police Fleet Replacement Program:* \$51,253 to be expended under the direction of the Town Manager and the Chief of Police for a police cruiser and light pick-up truck, and costs related thereto;
3. *Town MIS Computers:* \$20,000 to be expended under the direction of the Town Manager and Information Systems Director for continued replacement of computer equipment for Town departments; and costs related thereto;
4. *Streets and Sidewalks:* \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for street and sidewalk maintenance and repairs, and costs related thereto;
5. *Drainage:* \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for drainage maintenance and repairs, and costs related thereto;
6. *Stormwater master plan Improvements:* \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works for stormwater master plan improvements, and costs related thereto;

7. DPW Transfer Station Repairs: \$85,000 to be expended under the direction of the Town Manager and the Director of Public Works for repairs to the DPW transfer station, and costs related thereto;
8. Soccer Field completion: \$40,000 to be expended under the direction of the Director of Public Works and the Recreation Director to complete the soccer field on Disposal Area E, and costs related thereto;
9. DEP Water Management Permit/New Source Development: \$300,000 to be expended under the direction of the Town Manager and the Director of Public Works for DEP Water Management Act permitting and new source development, and for costs incidental and related thereto;
10. Water: South Hollow Pump House: \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works for South Hollow Pump House and for costs incidental and related thereto;
11. Water: South Hollow Well Development: \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works for South Hollow well development and for costs incidental and related thereto;

or to take any other action relative thereto.

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

Article 8. FY 2006 Capital Improvements Program.

1. Replace Fire Engine 194:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 7-0-0

Borrowing: 2/3's vote required under MGL C.44

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$300,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers to pay costs of purchasing a replacement of Fire Engine 194 and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

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

Article 8. FY 2006 Capital Improvements Program.

2. Police Fleet Replacement Program:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 8-0-0

Borrowing: 2/3's vote required under MGL C.44

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$51,253 to be expended under the direction of the Town Manager and the Chief of Police for a police cruiser and light pick-up truck 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 Passed. (2/3rd's Vote Declared)

Article 8. FY 2006 Capital Improvements Program.

3. Town MIS Computers:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$20,000 to be expended under the direction of the Town Manager and Information Systems Director for continued replacement of computer equipment for Town departments; and costs related thereto.

Motion Passed.

Article 8. FY 2006 Capital Improvements Program.

4. Streets and Sidewalks:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 8-0-0

Cheryl Andrews moved that the Town vote to transfer from Foundation Reserve Award the sum of \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for street and sidewalk maintenance and repairs, and costs related thereto.

Motion Passed.

Article 8. FY 2006 Capital Improvements Program.

5. Drainage:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 8-0-0

Cheryl Andrews moved that the Town vote to raise and appropriate the sum of \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for drainage maintenance and repairs, and costs related thereto.

Motion Passed.

Article 8. FY 2006 Capital Improvements Program.

6. Stormwater master plan Improvements:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 8-0-0

CONSERVATIONCOMMISSION RECOMMENDS: 5-0-0

Borrowing: 2/3's vote required under MGL C.44

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to pay costs of stormwater master plan improvements, and for the payment of all other costs incidental and related

thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1), of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

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

Article 8. FY 2006 Capital Improvements Program.

7. DPW Transfer Station Repairs:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 8-0-0

Borrowing: 2/3's vote required under MGL C.44

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$85,000 to be borrowed under the direction of the Town Manager and the Director of Public Works for repairs to the DPW transfer station, and costs related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

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

Article 8. FY 2006 Capital Improvements Program.

8. Soccer Field completion:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 8-0-0

2/3's vote required under MGL C.44

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$40,000 to be expended under the direction of the Director of Public Works and the Recreation Director to complete the soccer field on Disposal Area E, and costs related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(25), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

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

Article 8. FY 2006 Capital Improvements Program.

9. DEP Water Management Permit/New Source Development:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

WATER & SEWER BOARD RECOMMENDS: 3-0-0

Borrowing: 2/3's vote required under MGL C.44

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$300,000 to be expended under the direction of the Town Manager and the Director of Public Works for the

payment of costs of DEP Water Management Act permitting and new source development, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1), of the General Laws, or pursuant to and any other enabling authority, and to issue bonds or notes of the Town therefor.

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

Article 8. FY 2006 Capital Improvements Program.

10. Water: South Hollow Pump House:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

WATER & SEWER BOARD RECOMMENDS: 3-0-0

Borrowing: 2/3's vote required under MGL C.44

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$200,000 to be expended under the direction of the direction of the Town Manager and the Director of Public Works for costs of making extraordinary repairs to the South Hollow Pump House and for the payment of other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3A), of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

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

Article 8. FY 2006 Capital Improvements Program.

11. Water: South Hollow Well Development:

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

WATER & SEWER BOARD RECOMMENDS: 3-0-0

Borrowing: 2/3's vote required under MGL C.44

Cheryl Andrews moved that the Town vote to appropriate and borrow the sum of \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works for the payment of costs of developing the South Hollow Well and for the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 8(4), of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

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

Article 9. FY 2006 Revolving Accounts. To see if the Town will vote to continue for FY 2006 the following revolving accounts established pursuant to MGL C.44,§53E½:

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

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

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Sarah Peake moved that the Town vote to continue for FY 2006 the following revolving accounts established pursuant to MGL C.44,§53E½ as printed in the warrant.

Motion Passed.

Article 10. Funding FY 2006 Twenty-seventh Pay Period. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$200,000 to fund the twenty-seventh biweekly pay period for municipal employees in FY 2006, or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-1

Sarah Peake moved that the Town vote to transfer from Foundation Reserve Award the sum of \$200,000 to fund the twenty-seventh biweekly pay period for municipal employees in FY 2006.

Motion Passed.

PERSONNEL MATTERS

Article 11. 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, to implement the recommendations of the MMA Consulting Group's pay and classification study, effective July 1, 2005, as follows:

Grade	Actual FY 2004		Proposed FY 2006		Position Title
	Minimum	Maximum	Minimum	Maximum	
21	84,148	95,253	86,672	101,444	Town Manager <i>[exempt – MGL C.41,§108N]</i>
20	71,312	82,644	73,451	88,016	Chief of Police <i>[exempt – MGL C.41,§108O]</i> Director of Public Works
19	67,596	78,337	69,623	83,429	<i>no positions assigned</i>
18	64,071	74,254	65,993	79,080	<i>no positions assigned</i>
17	60,730	70,382	62,552	72,493	Director of Municipal Finance Police Staff Sergeant
16	57,564	66,713	59,291	71,050	<i>no positions assigned</i>
15	54,563	63,235	56,200	65,132	Assistant Town Manager

					Building Commissioner
					Deputy Director of Public Works
14	51,475	59,655	53,019	63,533	Health Agent
13	48,562	56,279	50,019	57,968	Health Inspector
12	45,813	53,094	47,188	56,545	Human Services/Council on Aging Director
					Information Services Director
					Library Director
					Marine Superintendent
					Principal Assessor
					Town Accountant
11	43,631	50,564	44,940	53,851	Collector
					Deputy Water Superintendent
					Treasurer
10	41,553	48,157	42,800	51,288	Deputy Town Accountant
					DPW Project Coordinator
					Recreation Director
					Tourism/Economic Development Coordinator
9	39,575	45,863	40,762	48,844	Local Building Inspector
					Parking Administrator
					Tourism Director
					Town Clerk
8	37,334	43,268	38,454	46,080	COA Outreach Coordinator
					Library Operations Director
					Permit Coordinator
					Town Manager's Secretary/Employee Benefits Coordinator
7	35,222	40,819	36,279	43,472	Electrical/Deputy Bldg Inspector
					Licensing Agent
6	34,224	39,664	35,251	42,242	Secretary to the Board of Selectmen
					Secretary to the Chief of Police

And to raise and appropriate the sum of \$90,400 to fund raises for FY 2006 for management employees in accordance with the performance appraisal system adopted pursuant to Section 4-1 of the Personnel By-law;

2. **Schedule B:** to amend Schedule B," "Fire Department Positions," effective July 1, 2005, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position Current Proposed

Deputy Fire Chief \$6,000

District Fire Chief/Engineer 2,000

Firefighter 600

Fire Auxiliary 275

Fire Captain (*additional stipend*) 450

Fire Lieutenant (*additional stipend*) 275

House Steward (*additional stipend*) 1,000

Ladder Steward (*additional stipend*) 1,160

Main Station Steward (*additional stipend*) 4,800

Oil Inspector 1,747

Rescue Captain (*additional stipend*) 1,000

- Rescue Lieutenant (*additional stipend*) 800
- Rescue Steward (*additional stipend*) 1,600
- Rescue Training Officer (*additional stipend*) 1,500
- Radio Officer (*additional stipend*) 500
- Air Officer (*additional stipend*) 800

Annual Salary

Position

Fire Chief \$22,500

Non-Firefighter Positions

Position

- First Responders \$12.00 per call
- EMT-Basic 16.39/hour 17.00
- EMT-Intermediate 17.76 18.50
- EMT-Paramedic 19.67 20.50
- Stand-by 14.03
- Safety Inspections 14.03
- Rescue Squad participation \$250.00 per quarter

3. ***Schedule C:*** to amend Schedule C, “Seasonal and Part-time Non-Union Positions,” by applying a 4.0% salary schedule adjustment effective July 1, 2005, as follows:

	<i>Actual</i>	<i>Proposed</i>	
<i>Grade</i>	<i>FY 2005</i>	<i>FY 2006</i>	<i>Proposed Position Classifications</i>
L	\$15.47	\$16.09	Parking Lot Technical Manager Property Inspector (Assessors)
K	15.03	15.63	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	14.60	15.18	Seasonal Recreation Swimming Instructor
I	14.31	14.88	Parking Meter Collection/Repair
H	13.90	14.46	Police Matron Police Summer Dispatcher
G	13.64	14.18	<i>No Positions Assigned</i>
F	13.24	13.77	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	13.00	13.52	Veterans Agent
D	12.62	13.13	Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	12.26	12.75	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	12.03	12.51	<i>No Positions Assigned</i>
A	11.79	12.27	Council on Aging Cook Parking Lot Attendant/In-booth Seasonal Recreation Aides

and to raise and appropriate the sum of \$34,100 for raises for positions contained on Schedule C for FY 2006; or to take any other action relative thereto.

[Requested by the Personnel Board and the Town Manager]

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Steve Roderick moved that the Town vote to approve Article 11 as printed in the warrant.
Motion Passed.

ZONING AMENDMENTS

Article 12. *Zoning By-law Amendments: Affordable and Community Housing Units – Provincetown Local Housing Partnership.* To see if the Town will vote as follows: WHEREAS, Article 12 of the April 7, 1997 Annual Town Meeting established the Provincetown Local Housing Partnership to develop housing goals and strategies, actively pursue funding opportunities for affordable housing, facilitate public/private/resident partnerships, establish criteria to evaluate affordable housing proposals, make recommendations on housing proposals, review and authorize applications for affordable housing permits as defined under the Growth Management By-law, and perform other activities related to the creation and preservation of affordable housing opportunities in Provincetown; and WHEREAS, it is the desire to clarify and affirm the role of the Provincetown Local Housing Partnership in reviewing and approving all affordable and community housing restrictions and in approving or disapproving the issuance of all affordable and community housing permits; THEREFORE, the Town votes to amend the Zoning By-law as follows:

I. Amend ARTICLE 1 DEFINITIONS by adding the definitions of “affordable housing permit” and “community housing permit” as follows:

Affordable Housing Permit: A permit granted by the Provincetown Local Housing Partnership (“PLHP”) established by the vote under Article 12 of the April 7, 1997 Annual Town Meeting, or successor entity, for units of Affordable Housing in a project that requires a Growth Management Allocation Permit pursuant to Article 6, the Growth Management By-law. Criteria for approval of an affordable housing permit shall include an executed and acknowledged affordable housing restriction or, in the case of ownership unit(s) an executed and acknowledged covenant whereby the property owner agrees to convey the unit(s) subject to a certain affordable housing restriction attached as an exhibit to the covenant, in either case approved as to form by town counsel.

Community Housing Permit: A permit granted by the PLHP for units of Community Housing in a project that requires a Growth Management Allocation Permit pursuant to Article 6, the Growth Management By-law. Criteria for approval of a community housing permit shall include an executed and acknowledged housing restriction or, in the case of ownership unit(s) an executed and acknowledged covenant whereby the property owner agrees to convey the unit(s) subject to a certain housing restriction attached as an exhibit to the covenant, in either case approved as to form by town counsel.

II. Amend ARTICLE 6 GROWTH MANAGEMENT, Section 6300, *Procedure*, so that the first sentence of paragraph 1 of said section reads as follows (with changes shown in italics):

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 *and/or community housing* permits awarded by the PLHP.

III. Amend said Section 6300, *Procedure*, by adding a paragraph 4, as follows:

4. Affordable and/or community housing permits will be authorized on a priority basis as established by the PLHP, using criteria including but not limited to housing quality standards, quality of design, degree of affordability in terms of cost, and financial feasibility of the proposal. No affordable and/or community housing permit shall be issued without prior authorization of the PLHP.

IV. Amend ARTICLE 6 GROWTH MANAGEMENT, Section 6600, *Growth Limitation Goal Allocations*, so that Paragraph 1 reads as follows (with changes shown in italics):

Initially, 13,200 gpd shall be allotted for assignment for Use Category 1a.

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

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

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

PLANNING BOARD RECOMMENDS: 4-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

HOUSING AUTHORITY RECOMMENDS: 3-0-1

LOCAL HOUSING PARTNERSHIP RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Zoning Amendment: 2/3's vote required under MGL C.40A

Mary-Jo Avellar moved that the Town vote as follows: WHEREAS, Article 12 of the April 7, 1997 Annual Town Meeting established the Provincetown Local Housing Partnership to develop housing goals and strategies, actively pursue funding opportunities for affordable housing, facilitate public/private/resident partnerships, establish criteria to evaluate affordable housing proposals, make recommendations on housing proposals, review and authorize applications for affordable housing permits as defined under the Growth Management By-law, and perform other activities related to the creation and preservation of affordable housing opportunities in Provincetown; and WHEREAS, it is the desire to clarify and affirm the role of the Provincetown Local Housing Partnership in reviewing and approving all affordable and community housing restrictions and in approving or disapproving the issuance of all affordable and community housing permits; THEREFORE, the Town votes to amend the Zoning By-law as printed in the warrant in Article 12.

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

Article 13. *Zoning By-law Amendment: Extend Amnesty for Affordable Accessory Apartments.* To see if the Town will vote to extend for one year the amnesty period for affordable accessory apartments established by the April 7, 2004 Special Town Meeting by amending the Zoning By-laws, Section 4800, Affordable Housing By-law, paragraph 3 to read as follows: “3. Amnesty. Owners of lots containing a dwelling unit (i) for which there does not exist a validly-issued variance, special permit, building permit or occupancy permit, (ii) that is/are not legally pre-existing, non-conforming use(s) or structure(s), or (iii) is/are not otherwise in compliance with the Zoning By-law shall apply for a special permit under this section within ~~one (1) year~~ *two (2) years* of the effective date of this section; otherwise the provisions of this section shall not apply to such lots.” The original copy of this zoning by-law change is on file for public inspection in the Town Clerk’s Office; or take any action relative thereto.

[Requested by the Town Manager]

PLANNING BOARD RECOMMENDS: 4-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

HOUSING AUTHORITY RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Zoning Amendment: 2/3’s vote required under MGL C.40A

Keith Bergman moved that the Town vote to extend for one year the amnesty period for affordable accessory apartments established by the April 7, 2004 Special Town Meeting by amending the Zoning By-laws, Section 4800, Affordable Housing By-law, paragraph 3 to read as printed in the warrant in Article 13.

Motion Passed. (2/3rds Vote Declared)

Article 14. *Zoning By-law Amendment: Growth Management.* To see if the town will vote to amend “Section 6400 Table of Use Categories and Priorities” of Provincetown’s Growth Management Zoning By-Law to read as follows: “Section 6400 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, excluding General Use Category 3, shall be the highest use priority within that General Use Category. General Use Category 3 shall be prioritized in the order of the date of the complete application.” or take any action relative thereto.

[Requested by Jonathan Sinaiko and others]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RESERVES RECOMMENDATION

FINANCE COMMITTEE HAS NO RECOMMENDATION

Zoning Amendment: 2/3’s vote required under MGL C.40A

Jonathan Sinaiko moved that the Town vote to amend “Section 6400 Table of Use Categories and Priorities” of Provincetown’s Growth Management Zoning By-Law to read as printed in the warrant in Article 14.

Jonathan Sinaiko moved to further study the article.
Motion Passed.

Article 15. Zoning By-law Amendment: Corner Lot. To see if the Town will vote to amend the Zoning By-laws, as follows:

(1) by adding the following to Article 1, Definitions, between the definitions of "Contractor's Yard" and "Dormer": "Corner Lot shall mean a lot having frontage on more than one street, as defined in these By-laws." and

(2) by amending §2560 Dimensional Schedule, by adding a common footnote (number 6) to the phrases, "Min. Front Yard (feet)", " Min. Side Yard (feet)", and "Min. Rear Yard (feet)", as follows:

6. A building erected on a corner lot shall be required to satisfy the minimum Front Yard requirements set forth in this Schedule for each side of the lot that fronts upon a street. For corner lots fronting upon two streets, the lot line opposite the shorter of the front lot lines (if equal in width, that lot line parallel to the predominant street) shall be deemed a rear lot line and the remaining lot line shall be a side lot line for purposes of determining minimum yard requirements.

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

[Requested by the Planning Board]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Zoning Amendment: 2/3's vote required under MGL C.40A

Anne Howard moved that the Town vote to amend the Zoning By-laws, as printed in the warrant in Article 15.

Motion Does Not Pass.

Article 16. Zoning By-law Amendment: Outdoor Display. To see if the Town will vote to amend the Zoning By-laws, §3420 Outside Display, as follows:

(1) by amending the first paragraph of said section to read as follows: "In all districts of town there shall be no mechanical display or exhibit, or display of any type of merchandise or wares, for the purpose of advertisement, ~~sale, barter, or exchange, or as an inducement thereof,~~ outside of, upon, or against any building or screened or open porch, or booth, *or vehicle*, or cart, or contiguous land, or premises unless a Special Permit for said display is first granted by the Board of Zoning Appeals, or specifically excepted as hereinafter provided. Effective April 1, 1990, all exterior displays or exhibits must have a Special Permit from the Zoning Board of Appeals" and

(2) by amending the third paragraph of said section to read as follows: "The Special Permit may be granted by the Board of Zoning Appeals: (a) only upon its written determination that the proposed display does not create any adverse effect due to hazard or congestion; (b) only if the display is set back a distance of ten (10) feet from the front property line and/or any street line; (c) only if a majority of abutters within a 300 foot radius have not submitted a petition objecting to the proposed display; ~~and~~ (d) only if the proposed display has not been opposed by a petition signed by 150 voters; *and (e) only as an adjunct display to, and for representative merchandise or wares of, a retail sales, service or restaurant establishment.*"

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

[Requested by the Planning Board]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-2-0
FINANCE COMMITTEE HAS NO RECOMMENDATION
Zoning Amendment: 2/3's vote required under MGL C.40A

Anne Howard moved that the Town vote to amend the Zoning By-laws, §3420 Outside Display, as printed in the warrant in Article 16 with the amendment to remove the words "or vehicle" in section (1) in the warrant article.

Judith Oset moved to further study the article.
Motion Passed.

DISPOSITION OF TAX TITLE PROPERTIES

Article 17. *Accept MGL C.40,§15A; Transfer Tax Title property at 951R Commercial Street to Housing Authority.* To see if the Town will vote to accept the provisions of the second paragraph of MGL C.40, §15A and transfer 951R Commercial Street (Assessors Map 19-2-003) comprised of 0.29 acres, more or less, from the Treasurer to the Board of Selectmen for the purpose of conveyance and authorize the Board of Selectmen for no monetary consideration to convey to the Housing Authority for the purpose of constructing low and moderate income housing, said property having been acquired by the Town of Provincetown for tax title purposes, or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Housing Authority]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0
HOUSING AUTHORITY RECOMMENDS: 4-0-0
LOCAL HOUSING PARTNERSHIP RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION
Simple majority vote required under MGL C.40,§15A

Michele Couture moved that the Town vote to accept the provisions of the second paragraph of MGL C.40, §15A and transfer 951R Commercial Street (Assessors Map 19-2-003) comprised of 0.29 acres, more or less, from the Treasurer to the Board of Selectmen for the purpose of conveyance and authorize the Board of Selectmen for no monetary consideration to convey to the Housing Authority for the purpose of constructing low and moderate income housing, said property having been acquired by the Town of Provincetown for tax title purposes.
Motion Passed.

Article 18. *Transfer Tax Title Properties at 686 Commercial Street and 12R Pilgrim Heights Road to Conservation Commission.* To see if the Town will vote to transfer from the Treasurer to the Board of Selectmen for the purpose of conveyance and authorize the Board of Selectmen for no monetary consideration to convey to the Conservation Commission for conservation and passive recreation the following parcels acquired by the Town of Provincetown for tax title purposes: 686 Commercial Street (Assessors Map 18-1-019), comprised of 0.34 acres, more or less, and 12R Pilgrim Heights Road (Assessors Map 02-1-022), comprised of 0.49 acres, more or less; provided that said land is to be conveyed to the Conservation Commission 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, and for the purposes of

granting a conservation restriction; 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 take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

CONSERVATION COMMISSION RECOMMENDS: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

2/3's vote required for disposition of land

Michele Couture moved that the Town vote to transfer from the Treasurer to the Board of Selectmen for the purpose of conveyance and authorize the Board of Selectmen for no monetary consideration to convey to the Conservation Commission for conservation and passive recreation the following parcels acquired by the Town of Provincetown for tax title purposes: 686 Commercial Street (Assessors Map 18-1-019), comprised of 0.34 acres, more or less, and 12R Pilgrim Heights Road (Assessors Map 02-1-022), comprised of 0.49 acres, more or less; provided that said land is to be conveyed to the Conservation Commission 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, and for the purposes of granting a conservation restriction; 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.

Motion Passed. (2/3rds Vote Declared)

BY-LAW AMENDMENTS

Article 19. General By-law Amendment: Trees & Shrubs: Height Restrictions for Traffic Safety. To see if the Town will vote to amend the Provincetown General By-laws by adding a new section 13-2-22 to read as follows:

In order to preserve and promote the safety of the public, hedge or shrub or other growth on the corner lot or curb obstructing the view of motorists and situated within 15 feet of a public street, or curb- or side line thereof, shall not be permitted by the owner or occupant of the premises to exceed the height of three feet above road grade; any and all trees within said fifteen-foot area (shade trees are to be subject to the provisions of MGL c. 87, §3) shall have limbs trimmed to the height of six feet above road grade, including that any growth overhanging public walkways shall also be trimmed to the property line at the owner's expense. The Department of Public Works (DPW) shall notify the owner of the property of a violation of this chapter by certified mail. If the violation shall not have been cured within 15 days of the date of mailing of the notice, the DPW shall have the right to correct such violation.

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

DISABILITY COMMISSION RECOMMENDS: 4-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to amend the Provincetown General By-laws by adding a new section 13-2-22 to read as printed in the warrant.

Motion Passed.

Article 20. 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 ~~October 25, 2004~~ *April 4, 2005* shall be deemed a ~~by-law of the Town~~ *regulation of the Board of Selectmen*. Violation of such rules or regulations may be enforced by any available means in law or equity, including but not limited to non-criminal disposition pursuant to G.L. c.40, §21D, and Sections 2-3-1 through 2-3-3 of the General By-laws. For the purposes of this by-law, the following officials shall be enforcing persons: the Harbormaster and his designees and any police officer of the Town of Provincetown.

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

2-3-2-1 Violations of the Provincetown Public Pier Corporation Regulations in Effect on

~~October 25, 2004~~ *April 4, 2005* (attached as Appendix 1 to Schedule A): 1st offense, \$100.00; 2nd offense, \$200.00; 3rd and subsequent offenses, \$300.00

or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation]

PIER CORPORATION BOARD OF DIRECTORS RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-2-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

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

Motion Passed.

RESOLUTIONS

Article 21. End the War in Iraq. To see if the Town will vote the following Resolution: We believe that the War in Iraq should be concluded and all American troops should be brought home this year. Democracy can only take shape when the Iraqis have self-rule. Copies of our resolution should be sent to President George W. Bush, Senator Edward Kennedy, Senator John Kerry and Congressman William Delahunt, or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

BOARD OF SELECTMEN RECOMMENDATION: 4-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Barbara Rushmore moved that the Town vote the following Resolution: We believe that the War in Iraq should be concluded and all American troops should be brought home this year. Democracy can only take shape when the Iraqis have self-rule. Copies of our resolution should be sent to President George W. Bush, Senator Edward Kennedy, Senator John Kerry and Congressman William Delahunt.

Motion Passed.

Article 22. *Save Social Security.* To see if the Town will vote to approve the following Resolution: Whereas, President Bush had said he was open to other people's ideas on how to fix Social Security. Whereas, workers pay 6.2% and employers 6.2% more into the Social Security Fund, which pays out benefits each year less than it takes in. (The surplus is invested in U.S. Savings Bonds.). Whereas, many years from now more will be paid out than taken in and we will then dip into the reserves and use up the surplus. Whereas, to finance Social Security decades from now without reducing benefits we therefore urge the Congress to remove the cap on salaries above \$90,000/year. Let everyone pay their Social Security Tax on every dollar earned – rich or poor. This simple, fair change will give the Social Security Fund a positive balance for the rest of the century. Copies of this Article shall be sent to President George W. Bush, Senator Edward Kennedy, Senator John Kerry and Congressman William Delahunt, or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**BOARD OF SELECTMEN RECOMMENDATION: 4-0-1
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Barbara Rushmore moved that the Town vote to approve the following Resolution: Whereas, President Bush had said he was open to other people's ideas on how to fix Social Security. Whereas, workers pay 6.2% and employers 6.2% more into the Social Security Fund, which pays out benefits each year less than it takes in. (The surplus is invested in U.S. Savings Bonds.). Whereas, many years from now more will be paid out than taken in and we will then dip into the reserves and use up the surplus. Whereas, to finance Social Security decades from now without reducing benefits we therefore urge the Congress to remove the cap on salaries above \$90,000/year. Let everyone pay their Social Security Tax on every dollar earned – rich or poor. This simple, fair change will give the Social Security Fund a positive balance for the rest of the century. Copies of this Article shall be sent to President George W. Bush, Senator Edward Kennedy, Senator John Kerry and Congressman William Delahunt.

Motion Passed.

Article 23. *Preserve Our Sunset Views.* Whereas, The National Seashore has over the years blocked the view of the sea and the sun setting into the water from the Race Point Parking Lot and most of Herring Cove Beach Parking Lot. Whereas, bulldozing on the beaches is supposedly regulated, but the National Seashore has bulldozed many sand barriers, huge walls of sand and planted them with beach grass to make them permanent, thus blocking all views of the water from the Race Point Parking Lot and the southern half of the Herring Cove Parking Lot. Whereas, driving out to see the sunset is a longtime Provincetown tradition and one we want to continue. Therefore, I move to see if the Town will vote to petition the National Seashore to remove the sand barriers from the Race Point and Herring Cove Beach Parking Lots, or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**BOARD OF SELECTMEN RECOMMENDATION: 3-2-0
CCNSGMPIAC RECOMMENDS: 4-4-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Whereas, The National Seashore has over the years blocked the view of the sea and the sun setting into the water from the Race Point Parking Lot and most of Herring Cove Beach Parking Lot. Whereas, bulldozing on the beaches is supposedly regulated, but the National Seashore has bulldozed

many sand barriers, huge walls of sand and planted them with beach grass to make them permanent, thus blocking all views of the water from the Race Point Parking Lot and the southern half of the Herring Cove Parking Lot. Whereas, driving out to see the sunset is a longtime Provincetown tradition and one we want to continue. Therefore, Barbara Rushmore moved that Town vote to petition the National Seashore to remove the sand barriers from the Race Point and Herring Cove Beach Parking Lots.

Motion Passed.

Article 24. Clarification on Ozone. Whereas, clean, healthy air has attracted visitors to our Cape beaches, yet we read that Cape Cod has worse air pollution than Boston. Whereas, the Environmental Protection Agency (EPA) has been testing ozone levels across the country. One facility is located in North Truro near the old North Truro Air Force Base. Whereas, natural, low-level, beneficial ozone forms when sunlight (UV) reacts with salt water spray. Whereas, automobile and power generating plants produce smog, which has ozone as one of its components; others being nitrogen and sulphur oxides and soot (particulate matter); ozone isn't smog. Whereas, in Rhode Island the ozone levels at the seashore there are greater than on I-95 in Providence, implying more pollution. Therefore, I move to see if the Town will ask both State and Federal EPA to investigate these ozone readings and establish the healthiness of our Cape Cod beaches and report back to Town. Copies of this Article are to be sent to the State and Federal EPA and our Congressional representatives, or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**BOARD OF SELECTMEN RECOMMENDATION: 4-0-1
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Whereas, clean, healthy air has attracted visitors to our Cape beaches, yet we read that Cape Cod has worse air pollution than Boston. Whereas, the Environmental Protection Agency (EPA) has been testing ozone levels across the country. One facility is located in North Truro near the old North Truro Air Force Base. Whereas, natural, low-level, beneficial ozone forms when sunlight (UV) reacts with salt water spray. Whereas, automobile and power generating plants produce smog, which has ozone as one of its components; others being nitrogen and sulphur oxides and soot (particulate matter); ozone isn't smog. Whereas, in Rhode Island the ozone levels at the seashore there are greater than on I-95 in Providence, implying more pollution. Therefore, Barbara Rushmore moved that the Town vote to ask both State and Federal EPA to investigate these ozone readings and establish the healthiness of our Cape Cod beaches and report back to Town. Copies of this Article are to be sent to the State and Federal EPA and our Congressional representatives, the Towns of Truro, Wellfleet and Eastham, and the Cape Cod Chamber of Commerce.

Motion Passed.

TOWN BOARDS

Article 25. Amend Harbor Plan. To see if the Town will vote to approve amendments to the Municipal Harbor Plan as proposed by the Harbor Committee, a copy of which is on file in the office of the Town Clerk. The Municipal Harbor Plan approved by the Secretary of Environmental Affairs on May 4, 1999 is set to expire on May 4, 2005; or to take any other action relative thereto.

[Requested by the Harbor Committee]

HARBOR COMMITTEE RECOMMENDS: 4-0-0

BOARD OF SELECTMEN RESERVES RECOMMENDATION: 5-0-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Kerry Adams moved that the Town vote to approve amendments to the Municipal Harbor Plan as proposed by the Harbor Committee, a copy of which is on file in the office of the Town Clerk. The Municipal Harbor Plan approved by the Secretary of Environmental Affairs on May 4, 1999 is set to expire on May 4, 2005.

Motion Passed.

Article 26. *Transfer LCP Implementation Functions to Planning Board; Abolish LCPIIC.*

To see if the Town will vote to rescind its vote under Article 16 of the April 3, 2000 Annual Town Meeting, which authorized the Board of Selectmen to appoint a Local Comprehensive Plan Implementation Committee (LCPIIC) to oversee the implementation of the Local Comprehensive Plan (LCP); and to transfer the LCP implementation function instead to the Planning Board, consistent with the Planning Board's responsibility under Charter §6-12-4 to "develop and periodically update a master or comprehensive plan, subject to the approval by the town meeting, which shall be utilized as the basis of all major developments in the town, and shall report annually to the town meeting on the status of the plan;" 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

Cheryl Andrews moved that the Town vote to rescind its vote under Article 16 of the April 3, 2000 Annual Town Meeting, which authorized the Board of Selectmen to appoint a Local Comprehensive Plan Implementation Committee (LCPIIC) to oversee the implementation of the Local Comprehensive Plan (LCP); and to transfer the LCP implementation function instead to the Planning Board, consistent with the Planning Board's responsibility under Charter §6-12-4 to "develop and periodically update a master or comprehensive plan, subject to the approval by the town meeting, which shall be utilized as the basis of all major developments in the town, and shall report annually to the town meeting on the status of the plan."

Motion Passed. (69 For, 60 Against)

Article 27. *Establish Committee for Animal Welfare.* To see if the Town will vote to establish a standing committee of the Town to be known as the "Committee for Animal Welfare" to be comprised of five members appointed by the Board Selectmen for three-year overlapping terms so arranged that the terms of at least one member shall expire each year. It shall be the mission of the Committee for Animal Welfare to advise the Board of Selectmen on matters pertaining to the welfare of animals in the Town of Provincetown, and to develop, coordinate and implement a plan addressing concerns of both wild and domestic animals in our community; or to take any take any other action relative thereto.

[Requested by Elizabeth Gabriel Brooke and others]

BOARD OF SELECTMEN RECOMMENDS: 4-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Elizabeth Gabriel Brooke moved that the Town vote to establish a standing committee of the Town to be known as the "Committee for Animal Welfare" to be comprised of five members appointed by

the Board Selectmen for three-year overlapping terms so arranged that the terms of at least one member shall expire each year. It shall be the mission of the Committee for Animal Welfare to advise the Board of Selectmen on matters pertaining to the welfare of animals in the Town of Provincetown, and to develop, coordinate and implement a plan addressing concerns of both wild and domestic animals in our community.

Motion Passed.

Article 28. *FY 2006 Human Services Grant Program.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$53,674 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod \$7,000
 Cape Cod Children's Place.. 3,375
 Consumer Assistance Council.... 250
 Gosnold 13,000
 Helping Our Women 6,000
 Independence House... 3,800
 Interfaith Council for the Homeless.. 2,649
 Legal Services for Cod Cape & Islands.. 4,300
 Lower Cape Outreach Council, Inc... 4,000
 Mass Appeal..... 400
 Outer Cape Health Services 5,500
 Sight Loss Services, Inc..... 400
 Soup Kitchen in Provincetown.. 3,000
Total \$53,674

or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

HUMAN SERVICES COMMITTEE RECOMMENDS: 4-0-0

Michele Couture moved that the Town vote to raise and appropriate the sum of \$53,674 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 Article 28.

Motion Passed.

Article 29. *Upgrade Emergency Fire Horn on Town Hall Roof.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,000 for the upgrade of the existing fire emergency horn located on the Town Hall roof, or take any other action relative thereto.

[Requested by the Board of Fire Engineers]

BOARD OF FIRE ENGINEERS RECOMMENDS: 6-0-0

FINANCE COMMITTEE RECOMMENDS: 9-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Warren Alexander moved that the Town vote to raise and appropriate the sum of \$6,000 for the upgrade of the existing fire emergency horn located on the Town Hall roof.

Motion Passed.

Article 30. *Fourth of July Fireworks.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$23,000 to be expended under the direction of the Director of Public Works for the Fourth of July fireworks display; and costs associated therewith, or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 7-1-0

Mary-Jo Avellar moved that the Town vote to raise and appropriate the sum of \$23,000 to be expended under the direction of the Director of Public Works for the Fourth of July fireworks display; and costs associated therewith.

Motion Passed.

Article 31. *Reconstitute Visitor Services Board as Council on Tourism and Economic Development.* To see if the Town will vote to amend its vote under Article 5 of the April 7, 1997 Special Town Meeting which created the Visitor Services Board and to reconstitute that town board instead as the "Council on Tourism and Economic Development" effective July 1, 2005, for the promotion and development of the tourism and economic resources of the town; and for the development, coordination and implementation of a long-term comprehensive plan to enhance tourism year-round. Said council shall be comprised of seven members appointed by the Board of Selectmen, for three-year overlapping terms so arranged that the terms of at least two members shall expire each year; with one member nominated by the Provincetown Chamber of Commerce, one member nominated by the Provincetown Business Guild, one member nominated by the Women Innkeepers of Provincetown, one member from the arts community, and three members appointed at-large; provided that members of the Visitor Services Board whose terms expire after June 30, 2005 shall continue to serve on the reconstituted Council on Tourism and Economic Development until the expiration of said terms. Said council shall make recommendations to the Board of Selectmen for use of funds appropriated from the Tourism Fund and other funds which may become available for the promotion and development of the tourism and economic resources of the town; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS FURTHER STUDY: 4-1-0

FINANCE COMMITTEE DOES NOT RECOMMEND: 7-0-0

Cheryl Andrews moved that the Town vote to further study Article 31.

Motion Passed.

Article 32. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$406,073 to be expended under the direction of the Board of Selectmen and the Visitor Services Board or any successor board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$82,000 for coordination/support of the Visitor Service Board and the Tourism Department; and costs related thereto;
2. \$191,448 for marketing, and costs related thereto;
3. \$32,625 for municipal projects, and costs related thereto; and
4. \$100,000 for tourism grants, and costs related thereto;

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

BOARD OF SELECTMEN RECOMMENDS: 4-1-0

FINANCE COMMITTEE RECOMMENDS: 5-2-0

- Sarah Peake moved that the Town vote to approve Article 32 as printed in the warrant, with the deletion of the phrase "or any successor board" following "Visitor Services Board."

Motion Passed.

Temporary Town Moderator Roslyn Garfield motioned to adjourn at 10:25 p.m.

Motion Passed.

Annual Town Meeting adjourned at 10:25 p.m.