

Town of Provincetown

Special Town Meeting – Monday, April 1, 2013

Meeting Called to Order. Town Moderator Mary-Jo Avellar convened the Special Town Meeting at 6:00 p.m. on Monday, April 1, 2013 in the Town Hall Auditorium.

Preliminary Motions:

Austin Knight moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Austin Knight moved that the Town vote to grant permission to speak at the April 1, 2013 Special 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*; Beth Singer, *Superintendent of Schools*; Kim Y. Pike, *District Principal*; Russell Braun, *Building Commissioner*; Richard Waldo, *Deputy DPW Director*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; James Golden, *Lieutenant*; Maxine Notaro, *Permit Coordinator*; Morgan Clark, *Public Health and Safety Officer*; Brandon Motta, *Recreation Director*; Domenic Rosati, *Parking Administrator*; Rex McKinsey, *Pier Manager/Harbormaster*; Richard Wood, *Provincetown Public Pier Corporation Board of Directors*; Russell Tittmus, *Bourne Engineering*; Tyler Keyes, *MIS Coordinator*.

Motion Passed.

Austin Knight moved that on all matters to come before the April 1, 2013 Special 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. FY 2013 Budget Adjustments. To see what amendments the Town will vote to make to the Fiscal Year 2013 operating budgets established under Article 2 of the April 2012 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; 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 6-0-0

F. John Santos moved that the Town vote to indefinitely postpone Article 1.

Motion Passed.

Article 2. Prior Year Bills. To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

[Requested by the Town Manager]

Nine-Tenth's vote required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

Erik Yingling moved that the Town transfer the sum of \$586.77 from 2004 Annual Town Meeting article 4-3 for the purpose of paying the following prior year bills: W.B. Mason in the amount of \$117.90, Industrial Chem. Labs & Services, Inc. in the amount of \$468.87.

Motion Passed Unanimously.

Article 3. Rescind Unused Borrowing Authority. To see if the Town will vote to rescind unused borrowing authority, as follows:

Date of Vote	Town Mtg	Article No.	Authorized and Unissued Debt	Fund	Amount Authorized	Total Borrowed or reduced by grants to 04/01/13	Rescind Unused Balance
04/04/07	ATM	6-2	Parking Dept Equipment	Park.	\$33,400	\$0	\$33,400
04/05/10	ATM	16	Library Renovations	Gen.	\$2,092,000	\$1,593,300	\$498,700
04/05/10	ATM	19	LandBank purchase - 15 Aunt Sukey Way	Land Bank	\$526,800	\$343,200	\$183,600
04/02/12	ATM	19	LandBank purchase – Dunes Edge Campground Restriction	Land Bank	\$850,000		\$850,000

or to take any other action relative thereto.

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

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

Finance Committee Recommends: 8-0-0

Austin Knight moved that the Town vote to indefinitely postpone Article 3.

Motion Passed.

Article 4. Use of Parking Funds to Purchase Parking Equipment for Grace Hall Parking Lot. To see if the Town will vote to expend \$37,110 from the Parking Fund for the purchase of entrance and exit equipment for the Grace Hall parking lot including two ticket dispensers, four barrier gates and eight weatherproof loops and to make any other parking improvements; 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: 5-0-0

Elaine Anderson moved that the Town expend \$37,110 from the Parking Fund for the purchase of entrance and exit equipment for the Grace Hall parking lot including two ticket dispensers, four barrier gates and eight weatherproof loops and to make any other parking improvement.

Motion Passed.

Article 5. Use of Parking Funds to Purchase Replacement Safety Fencing at the Grace Hall Parking Lot. To see if the Town will vote to expend \$20,000 from the Parking Fund for the purchase and installation of replacement safety fencing for the Grace Hall parking lot and to make any other parking improvements; 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: 5-0-0

David McChesney moved that the Town expend \$20,000 from the Parking Fund for the purchase and installation of replacement safety fencing for the Grace Hall parking lot and to make any other parking improvements.

Motion Passed.

Article 6. Town Emergency Shelter Retrofit. To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow the sum of \$391,718, less any remaining FEMA grant funds, to be expended under the direction of the Town Manager and associated with the permitting, purchase and installation of a protective shutter system, an emergency generator and other appropriate protective systems to mitigate for high wind events including all costs incidental and related thereto; 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 Has No Recommendation

Board of Health Recommends: 4-0-0

F. John Santos moved that the Town vote to indefinitely postpone Article 6.

Motion Passed.

Article 7. Discontinuance of Portion of Collyer Street. To see if the Town will vote to discontinue as a public way the portion of Collyer Street (also known as Collier Street) shown as "Parcel A" on a plan entitled "Plan of Land in Provincetown as surveyed for Town of Provincetown," prepared by William Rogers, dated February 28, 2013, on file with the Town Clerk, and to raise and appropriate, transfer from available funds, and/or borrow a sum of money for costs related thereto; 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
Board of Assessors Recommends: 3-0-0

Erik Yingling moved that the Town vote to discontinue as a public way the portion of Collyer Street (also known as Collier Street) shown as "Parcel A" on a plan entitled "Plan of Land in Provincetown as surveyed for Town of Provincetown", prepared by William Rogers, dated February 28, 2013, on file with the Town Clerk.

Motion Passed (110 For, 83 Against).

Article 8. Acquisition and Conveyance of a Parcel of Land. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee in the parcel of land shown as "Parcel A" on a plan entitled "Plan of Land in Provincetown as surveyed for Town of Provincetown," prepared by William Rogers, dated February 28, 2013, on file with the Town Clerk, for the purpose of confirming its title thereto and for the purpose of conveyance, and to raise and appropriate, transfer from available funds, and/or borrow a sum of money to accomplish the foregoing acquisition, and, further, to authorize the Board of Selectmen to convey said Parcel A on such terms and conditions as the Board deems 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
Board of Assessors Recommends: 3-0-0

Erik Yingling moved that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase, and/or eminent domain the fee in the parcel of land shown as "Parcel A" on a plan entitled "Plan of Land in Provincetown as surveyed for Town of Provincetown", prepared by William Rogers, dated February 28, 2013, on file with the Town Clerk, for the purpose of confirming its title thereto and for the purpose of conveyance, and, further, to authorize the Board of Selectmen to convey said Parcel A on such terms and conditions as the Board deems appropriate.

Motion Passed.

Article 9. Design and Project Management Services for the Construction of a New Police Station. To see if the Town will vote to amend the action taken under Article 22 of the April 2011 Annual Town Meeting, by authorizing the expenditure of the remaining appropriation, which was from free cash, for the continuing design and project management services in connection with the construction of a new police station to be located at either the existing highway garage site, or other town owned sites or a private property location; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 4-0-1

F Board of Selectmen Recommends: 4-0-1
Building Committee Recommends: 3-0-0

Austin Knight moved that the Town vote to amend the action taken under Article 22 of the April 2011 Annual Town Meeting, Capital Improvement Plan, under the category of Building Assessment, by authorizing the expenditure of the remaining appropriation of \$41,250 which was from free cash for design and project management services in connection with the construction of a new police station to be located at either the existing highway garage site, or other town owned sites or a private property location.

James King moved to amend the motion as follows, “to amend the action taken under Article 22 of the April 2011 Annual Town Meeting by authorizing the expenditure of the remaining appropriation, which was from free cash \$41,250.00, for the design and project management services necessary to relocate the Parking Department, the Animal Control Office, and refurbishment of the present Police Station located on Shank Painter Road.

Motion to Amend Does Not Pass.

Erik Yingling moved to amend the motion as follows, “to amend the action taken under Article 22 of the April 2011 Annual Town Meeting by authorizing the expenditure of the remaining appropriation, which was from free cash \$41,250.00, for the design and project management services in connection with the construction of a renovated station to be located at the existing location.

Erik Yingling moved that the motion be conducted by secret ballot.

Motion Does Not Pass.

Motion to Amend Does Not Pass.

Christopher Snow moved that the motion be conducted by secret ballot.

Motion Does Not Pass.

Motion Passed.

Article 10. *Replacement of Water Main and Existing Service Connections 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 and upgrade water services on Commercial Street as part of the Commercial Street repaving project, Phase 2, 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]

Two-Third's vote required

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

Sharon Lynn moved that the Town vote to appropriate the sum of \$850,000 to replace the existing water main and upgrade water services 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 11. *Design and Repair to the MacMillan Pier Floating Docks and Finger Piers.* To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be expended under the direction of the Town Manager for the purpose of making repairs and capital improvements to the floating dock system and the finger piers and other related facilities on MacMillan Pier which recently sustained damage as the result of a coastal storm, and for the construction of a wave attenuator, including design costs and all other costs incidental and related thereto; and to authorize the Board of Selectmen and the Town Manager to apply for and accept any grant funds that may be available for this purpose and to take all other actions necessary to carry out the project, including, without limitation, entering into an agreement with the Provincetown Public Pier Corporation in connection with the project provided that the appropriation shall be contingent on a Proposition 2 ½ Capital Outlay or Debt Exclusion ballot question; or to take any other action relative thereto.

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

Two-Third's vote required

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends Amended Motion: 6-0-0
Provincetown Public Pier Corporation Recommends: 3-0-1
Conservation Commission Recommends: 5-0-0

Austin Knight moved that the Town vote to appropriate the sum of \$250,000 to be expended under the direction of the Town Manager for the purpose of making repairs and capital improvements to the floating dock system and the finger piers and other related facilities on MacMillan Pier which recently sustained damage as the result of a coastal storm, and for the construction of a wave attenuator, including design costs and all other costs incidental and related thereto, that to meet this appropriation the

Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$250,000 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).

Clarence Walker moved to amend the motion by reducing the request from \$250,000 to \$60,000.

Motion to Amend Does Not Pass.

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

Article 12. *Purchase of Pick-up Trucks for Water Department.* To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase two replacement vehicles for the Water Department, 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; or to take any other action relative thereto.

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

Two-Third's vote required

Board of Selectmen Recommends As Amended: 4-1-0

Finance Committee Recommends: 5-0-0

David McChesney moved that the Town vote to appropriate the sum of \$25,000 to purchase a replacement pick-up truck; that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of \$25,000, 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 purchase shall be paid from the Water Enterprise Fund.

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

Article 13. *Purchase Replacement Water Meters for Water Department.* To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase replacement water meters for the Water Department, 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; or to take any other action relative thereto.

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

Two-Third's vote required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Elaine Anderson moved that the Town vote to appropriate the sum of \$70,000 to purchase replacement water meters; that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of \$70,000, 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 14. *Purchase Excavator for Water Department.* To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase an excavator for the Water Department, 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; or to take any other action relative thereto.

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

Two-Third's vote required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

David McChesney moved that the Town vote to appropriate the sum of \$55,000 to purchase an excavator; that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of \$55,000, 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 15. Purchase and Install Meter Pits for Water Department. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to purchase meter pits for the Water Department, 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; or to take any other action relative thereto.

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

Two-Third's vote required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

F. John Santos moved that the Town vote to appropriate the sum of \$40,000 to purchase and install meter pits, 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 \$40,000, 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 16. Transfer of Funds to the Affordable Housing Trust Fund. To see if the Town will vote to appropriate and transfer a sum of money to the Affordable Housing Trust; such funds have been received by the Town in connection with the release of an affordable restriction and are being held in trust for affordable housing purposes; 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: 8-0-0

Community Housing Council Recommends: 3-0-0

Elaine Anderson moved that the Town vote to transfer funds received by the town related to the sale of affordable housing properties in the amount of sum of \$147,800 from the Sale of Properties account to the Affordable Housing Trust Fund.

Motion Passed.

Special Town Meeting dissolved at 9:03 p.m. on April 1, 2013.