

CHARTER ENFORCEMENT COMMISSION

Meeting Date: March 18, 2015

Meeting Location: Caucus Hall Meeting Room, Town Hall

Meeting Time: 5:00 pm – 6:00 p.m.

Attendees: Robert Klytta, Tom Coen, Julia Perry, Mark Phillips (by phone) Members

Prior to the start of the Meeting, members Robert Klytta and Julia Perry voted to make Tom Coen a member of the Charter Enforcement Commission.

1. Mark Phillips called into the Meeting
2. The Charter Enforcement Commission called to order the Public Hearing on the Warrant items related to the Charter.
3. The members discussed the warrant items and determined as follows:

Warrant Article 1. The Charter of the Town of Provincetown ... is hereby amended by changing Chapter 6, Section 8-1, to add a second alternate member to the Board of Health, for a total of five regular members and two alternate members, to read as follows:

6-8-1. There shall be a board of health as provided by G. L. c. 111, consisting of five regular members, one of whom shall be a professional health practitioner, and two alternate members appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year; or to take any other action relative thereto.

In considering this Warrant Article, the Charter Enforcement Commission considered the following:

1. The change was requested by the Board of Health / affected Boards.
2. The change will allow the Board of Health / affected Boards to achieve quorum during the times when some members may not be able to attend - such as winter, when some members travel, or summer, when some members have conflicting in-Town commitments.
3. The change will allow the Board of Health / affected Boards to achieve quorum even when some members may have a conflict of interest with regard to the matter under discussion.
4. The change is consistent with the general authority given the Board of Selectmen with regard to the creation of Boards at Section 6-16 of the Charter.

Based on the foregoing, the Commission voted 4-0-0 to recommend this/these Warrant Article(s) as written.

Warrant Article 2. The Charter of the Town of Provincetown ... is hereby amended by changing Chapter 6, Section 12-1, to add a second alternate member to the Planning Board, for a total of five regular members and two alternate members, to read as follows:

6-12-1. There shall be a planning board as provided by Section eighty-one A of Chapter forty-one of the General Laws consisting of five regular members and two alternate members appointed by the board of selectmen for three-year overlapping terms so arranged that the term of at least one regular member shall expire each year;

or to take any other action relative thereto.

In considering this Warrant Article, the Charter Enforcement Commission considered the following:

1. The change was requested by the Planning Board.
2. The change will allow the Planning Board to achieve quorum during the times when some members may not be able to attend - such as winter, when some members travel, or summer, when some members have conflicting in-Town commitments.
3. The change will allow the Planning Board to achieve quorum even when some members may have a conflict of interest with regard to the matter under discussion.
4. The change is consistent with the general authority given the Board of Selectmen with regard to the creation of Boards at Section 6-16 of the Charter.

Based on the foregoing, the Commission voted 4-0-0 to recommend this Warrant Article as written.

Warrant Article 6. The Charter of the Town of Provincetown ... is hereby amended by changing Chapter 7, Article 1, section 7-1-2 to read as follows:

Section 1: Qualifications

7-1-2. The Town manager shall be a resident of Provincetown or Truro or shall become a resident of Provincetown or Truro within six months following his or her appointment.

or to take any action relative thereto.

In considering this Warrant Article, the Charter Enforcement Commission considered the following:

1. Since the 1953 State law establishing the Selectmen-Town Manager form of Government for the Town of Provincetown, the Town Manager has been required to become a resident of the Town during his or her term of office.
2. The high cost of real estate and the limited availability of year-round rentals is a reality in Provincetown.

3. The Town Manager position is a job with specific responsibilities that are not contingent on residency.
4. On the other hand, residency would give the Town Manager a better understanding of the needs and concerns of the Town residents.
5. Residency in Truro is still local.
6. The Town Manager is the Emergency Coordinator for the Town under State law.
7. The Town and Truro have many mutual support agreements.
8. There is an appearance issue in having the Town Manager a resident of another town.

Based on the foregoing, the Commission voted 3-1-0 to recommend this Warrant Article as written.

Warrant Article 7. The Charter of the Town of Provincetown ... is hereby amended by changing Chapter 8, Article 1, section 8-1-1 to read as follows:

The director of the department of public works, the police chief, and the fire chief shall be residents of Provincetown or Truro or shall become residents of Provincetown or Truro within six months of assuming office.

In considering this Warrant Article, the Charter Enforcement Commission considered the following:

1. As noted before, the high cost of real estate and the limited availability of year-round rentals is a reality in Provincetown.
2. These individuals supervise staffs that provide services to the Town. The Police Department and the Fire Department provide 24-hour coverage to the Town; and the Department of Public Works is responsive to requests from the Police Department on a 24-hour basis where determined necessary. These staffs operate based on an established system - needs collected through a central dispatcher, duties assigned by shift supervisors, coordination occurring through previously identified channels. They function around the clock, whether or not the Police Chief or the Director of the Department of Public Works is on site. While the Police Chief and the Director of the Department of Public Works are essential functions - overseeing management and training, establishing policies, coordinating with local, State and Federal entities - the Commission is not aware of anything that would require that their functions can only be performed by residents of the Town of Provincetown.
3. Emergency services are provided under a command and control operation that can function if necessary without the Chief or Director.

4. Residency in Truro is still local.
5. The Town and Truro have many mutual support agreements.
6. The current Charter only allows three months to establish residency. Since the 2008 recession, the mortgage process has been altered by regulation and by practice in such a way that it has expanded the time necessary to receive approval of a mortgage application. Therefore the current three-month time period is too restrictive and should be extended to six months.

Based on the foregoing, the Commission voted 4-0-0 to recommend this Warrant Article as written.

4. Agreement to meet on Wednesday, April 1 at 5:00 p.m. to approve the statement of the CEC to the Town Meeting.

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Secretary pro tem: Julia L. Perry

Minutes approved 4/1/2015