

Special Town Meeting – Monday, April 4, 2016

Meeting Called to Order. Town Moderator Mary-Jo Avellar convened the Special Town Meeting at 6:00 p.m. on Tuesday, April 5, 2016 in the Town Hall Auditorium. (Note: The Town Moderator postponed the April 4, 2016 Annual and Special Town Meetings to Tuesday, April 5, 2016 in accordance with MGL c.39, §10A due to weather conditions).

Preliminary Motions:

Tom Donegan moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Tom Donegan moved that the Town vote to grant permission to speak at the April 4, 2016 Annual and Special Town Meetings 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*; Amy Davies, *Provincetown Community Television*; Carlos Verde, *Provincetown Public Pier Corporation*; Melissa Yeaw, *Provincetown Community Television*; Matthew Clark, *Library Director*; Morgan Clark, *Director of Health*; Scott Fahle, *Principal Assessor*; James Golden, *Chief of Police*; Beau Jackett, *Director of Management Information Systems*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; Eric Larsen, *Deputy Director of Public Works*; Laura Marin, *Health Agent*; Rex McKinsey, *Pier Manager/Harbormaster*; Brandon Motta, *Recreation Director*; Sherry Prada, *Operations Director of Public Works*; Domenic Rosati, *Parking Administrator*; Cody Salisbury, *Water Superintendent*; Beth Singer, *Superintendent of Schools*; Elisabeth Verde, *Executive Assistant to the Town Manager*; Steve Wisbauer, *Shellfish Constable*.

Motion Passed.

Tom Donegan moved that on all matters to come before the April 4, 2016 Annual and Special Town Meetings, 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 2016 Budget Adjustments. To see what amendments the Town will vote to make to the Fiscal Year 2016 operating budgets established under Article 13 of the April 2015 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 Town Manager]*

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David Panagore moved that the Town vote the following budget adjustments:
Transfer from the following departments \$66,633 from 910 Employee benefits and Other Insurance
to the following departments

\$6,233 to department 122, Board of Selectmen B budget
\$33,000 to department 123, Town Manager B budget
\$6,300 to department 210, Police B budget
\$15,000 to department 136, Management Information Systems B budget
\$5,000 to department 241 Community Development A budget
\$1,100 to department 169, Licensing B budget.

Motion Passed.

Article 2. FY 2016 Budget Adjustments to Fund 27th Pay Period. To see what amendments the Town will vote to make to the Fiscal Year 2016 operating budgets established under Article 13 of the April 2015 Annual Town Meeting to fund the 27th payroll in FY 2016 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 Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David Panagore moved that the Town vote to transfer the following amounts:

Transfer from the following departments

\$10,000 from department 123, Town Manager

\$12,829 from 240 Inspections

\$100,000 from 423 Snow and Ice

\$10,000 from 543 Veteran's Services

\$90,000 from 910 Employee benefits and Other Insurance

For a total of \$222,829 to fund the 27th payroll of fiscal year 2016.

Motion Passed.

Article 3. Transfer of Funds to Provincetown Television. To see if the Town will vote to transfer \$86,095.94 from the Cable Reserve Fund to Provincetown Community Television (PTV) to fund upgrades needed to the Town Hall video system and to fund the PTV Capital Reserve Fund for regular equipment maintenance and updates; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$86,095.94 from the Cable Reserve Fund to Provincetown Community Television for equipment capital improvements.

Motion Passed.

Article 4. National Marine Sanctuary Visitor Center in Provincetown. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$17,000 to be expended under the direction of the Town Manager for costs associated

with the study to determine the feasibility of locating the National Marine Sanctuary Visitor Center in Provincetown; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Provincetown Public Pier Corporation Recommends: 5-0-0

Harbor Committee Recommends: 4-0-0

Tom Donegan moved that the town vote to transfer \$17,000 from 2012 Special Town Meeting article 7 for costs associated with the study to determine the feasibility of locating the National Marine Sanctuary Visitor Center in Provincetown.

Motion Passed.

Article 5. Parking Kiosk Upgrade. To see if the Town will vote to transfer \$85,000 from the Parking Fund to be expended under the direction of the Town Manager for the purchase and installation of eight replacement parking kiosks and costs related thereto; or to take any other action relative thereto. *[Requested by the Town Manager]*

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Cheryl Andrews moved that the Town vote to transfer \$85,000 from the Parking fund to pay for the purchase and installation of eight replacement parking kiosks.

Motion Passed.

Article 6. Provincetown 400 Executive Director. To see if the Town will vote to transfer \$49,688 from available funds to the Pilgrim's Landing First Park [a 501(c)(3) organization that is the fiduciary of Provincetown 400] for the purpose of employing a part-time executive director for Provincetown 400; or to take any other action relative thereto. *[Requested by the Town Manager]*

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Visitor Services Board Recommends: 7-0-0

Cheryl Andrews moved that the Town vote to transfer \$49,688 from the Tourism Fund to the Pilgrim's Landing First Park for the purpose of employing a part-time executive director for Provincetown 400.

Motion Passed.

Article 7. Acquisition of 48 Winslow Street. To see if the Town will vote to authorize the Board of Selectmen to acquire, in consideration for the conveyance by the Town of the property at 46 Bradford Street, all or a portion of the property located at 48 Winslow Street, identified as Parcel 8-2-19-0, containing 32,861 square feet, more or less, and shown as Lot 48 on Land Court Plan 28781S filed with the Barnstable

Registry District of the Land Court, by purchase, gift, and/or eminent domain for general municipal purposes, including, without limitation, for access and/or housing purposes, and for the purpose of conveyance or lease; and further, to authorize the Board of Selectmen to convey or lease for housing purposes, and to grant access, utility or other easements in all or such portions of the Winslow Street property that the Board of Selectmen deems advisable, with the acquisition of 48 Winslow Street and the disposition thereof (which may be by a 99-year lease) to be on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems in the best interest of the Town; and further authorize the Board of Selectmen to accept any easements and restrictions on said property, if any; and provided further that it shall be the policy of the Board of Selectmen to dedicate by annual appropriation an amount equal to 100 percent of the revenue received by the Town from real estate taxes on 46 Bradford Street for the creation of year-round rental housing for a period of 10 years upon conveyance of the property by the Town; and provided further that the future development of housing at 48 Winslow Street and/or 46 Bradford Street shall be deemed a public service use pursuant to Section 3 of Chapter 157 of the Acts of 2000, *An Act Authorizing the Town of Provincetown to Operate a Sewer System*; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Housing Council Recommends: 3-0-0

Housing Authority Recommends: 3-0-0

[Erik Yingling moved that the Town vote to adopt Article 7 as printed in the warrant.](#)

Motion Does Not Pass (For: 110 Against 168).

Article 8. Rescind Unused Borrowing Authority. To see if the Town will vote to rescind the unused borrowing authority on the April 5, 2010 Special Town Meeting Article 5, North Union Field Land Acquisition; or to take any other action relative thereto.

[Requested by the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

[David Panagore moved that the town vote to rescind \\$798,211 in unused borrowing authority from the April 5, 2010 Special Town Meeting Article #5, North Union Field Land Acquisition.](#)

Motion Passed.

Article 9. Water Enterprise Capital Improvement Project. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$800,000 to be expended under the direction of the Town Manager and the Board of Selectmen for water system capital improvements and associated studies and investigations including, but not limited to, Water System Management Study Update;

Phase III Commercial Street reconstruction and including, without limitation, all costs incidental and related thereto; and for rehabilitation or reconstruction of the former Knowles Crossing Pumping Station and including, without limitation, all costs related thereto; and further to authorize the Town Manager and the Board of Selectmen to take all actions necessary to carry out such projects and apply for, accept and expend grant funds for such projects; or to take any other action relative thereto.

[Requested by the Town Manager]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 5-0-0

David Panagore moved to appropriate the sum of \$800,000 to be expended under the direction of the Town Manager and the Board of Selectmen, for water system capital improvements and associated studies and investigations including, but not limited to, Phase III Commercial Street reconstruction and including without limitation all costs incidental and related thereto; and for rehabilitation or reconstruction of the former Knowles Crossing pumping station and including without limitation all costs defined under Chapter 29C, Section 1 of the General Laws and all other costs incidental and related thereto; and to meet said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$800,000 under and pursuant to Chapter 44, Section 7(1) and/or Chapter 29C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor; and that to the extent that any State, Federal or other funds are or become available for the purposes set forth above, the Board of Selectmen is authorized to apply for and accept such funds.

Motion Passed Unanimously.

Article 10. MacMillan Pier Capital Improvement Project - Repairs to Boston Boat Gangways. To see if the Town will vote to raise and appropriate or transfer from available funds \$40,000 to fund repairs to the two gangways at the transportation docks; or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation and the Board of Selectmen]

2/3rd's Vote Required

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 5-1-0

Provincetown Public Pier Corporation Recommends: 5-0-0

Harbor Committee Recommends: 4-0-0

Raphael Richter moved that the town vote to transfer \$28,125 from the Capital Improvement Stabilization Fund to fund repairs to the two gangways at the

Transportation Docks and costs related thereto, to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation.

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

Article 11. MacMillan Pier Capital Improvement Project – Replace Outboard Motors. To see if the Town will vote to raise and appropriate or transfer from available funds \$30,000 to fund replacing the twin outboard motors on the Harbormaster Patrol Boat; or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation and the Board of Selectmen]

2/3rd's Vote Required

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 6-0-0

Provincetown Public Pier Corporation Recommends: 5-0-0

Harbor Committee Recommends: 4-0-0

Raphael Richter moved that the town vote to transfer \$30,000 from the Capital Improvement Stabilization Fund to fund repowering the Harbormaster Patrol Boat with twin outboard motors and costs related thereto, to be expended under the direction of the Town Manager and the Harbormaster.

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

Article 12. MacMillan Pier Emergency Capital Improvements. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds \$250,000 to pay costs of making capital improvements to MacMillan Pier, including the payment of all related costs of planning and design services and all other costs incidental and related thereto, such appropriation to be expended under the direction of the Town Manager, provided that the appropriation may be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question; or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation and the Board of Selectmen]

2/3rd's Vote Required

Board of Selectmen Recommends: 3-2-0

Finance Committee Recommends: 4-0-0

Provincetown Public Pier Corporation Recommends: 5-0-0

Harbor Committee Recommends: 4-0-0

Raphael Richter moved that the Town vote to transfer \$250,000 from the Capital Improvement Stabilization Fund to fund capital improvements to MacMillan Pier, including the payment of all related costs of planning and design services and all other costs incidental and related thereto, such appropriation to be expended under the direction of the Town Manager.

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

Raphael Richter moved to dissolve the April 4, 2016 Special Town Meeting.
Motion Passed.

Special Town Meeting dissolved at 7:50 p.m. on April 5, 2016.