

Special Town Meeting

Monday, December 7, 2009

Meeting Called to Order. Town Moderator Irene Rabinowitz convened the Special Town Meeting at 6:00 p.m. on Monday, December 7, 2009 in the Veterans Memorial Elementary School.

Preliminary motions:

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

Motion Passed.

Michele Couture moved that the Town vote to grant permission to speak at the December 7, 2009 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Officer Michael Carr, *President, Provincetown Police Labor Federation*; Sergeant Carrie Lopes, *Superior Officers Union*;

John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Alexandra Heilala, *Finance Director*; Russell Braun, *Building Commissioner*;

Jane Evans, *Health Agent*; Pam Hudson, *Secretary to the Town Manager/Employee Benefits Administrator*; Beau Jackett, *Information Systems Director*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; Brandon Motta, *Recreation Director*; Maxine Notaro, *Permit Coordinator*, Justin Post, *Building Inspector*.

Motion Passed.

Michele Couture moved that on all matters to come before the December 7, 2009 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. Home Rule Petition/Exempting New Police Department Members from Civil Service. To see if the Town will vote to authorize the Board of Selectmen instruct its representative in the General Court to file a home rule petition for a special act to read as follows:

"An Act Exempting All Positions in the Provincetown Police Department from the Civil Service Law.

SECTION 1. Notwithstanding any general or special law to the contrary, the members of the police department of the Town of Provincetown shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any member of the police department of the town of Provincetown on the effective date of this act.

SECTION 3. This act shall take effect upon its passage."

The General Court may only make clerical or editorial changes of form to the bill, unless the board of selectmen approve amendments to the bill before enactment by the general court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition; and provided further that the Board of Selectmen is not authorized to file this Home Rule Petition until the Town and the affected police unions have reached an agreement on the impact of this change; or to take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 3-1-1

FINANCE COMMITTEE RECOMMENDS: 9-0-0

Mary-Jo Avellar moved that the Town vote to approve Article 1 as printed in the warrant. **Motion Passed.**
For 108 Against 19

Article 2: FY 2010 Budget Adjustments. To see what amendments the Town will vote to make to the Fiscal Year 2010 operating budgets established under Article 2 of the April 6, 2009 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: 7-0-0

Elaine Anderson moved that the Town vote to make the following adjustments to the sources of funding established under Article 2 of the April 6, 2009 Annual Town Meeting so that the sources of funding read as follows:

Division II, Finance: "to raise and appropriate the sum of \$6,950,018.72, transfer from Free Cash the sum of \$397,000 and transfer the sum of \$154.41 from the Municipal Incentive Facility Grant and \$30,655.87 from the Title V Betterment Loan Program Revolving Account for a total of \$7,377,829 to fund operating budgets for the several Town departments for Fiscal Year 2010 under Division II, Finance...";

Division IV, Public Works: "to raise and appropriate the sum \$2,322,302, transfer from the tourism fund \$77,000, transfer from the Harbor Storm water Grant \$9,248, transfer from the Recycling Grant \$4,240 and transfer from the Dept of Interior Grant \$37,000; for a total of \$2,526,790 to fund operating budgets for several Town departments for FY10 under budget division IV, Public Works..."

Division V, Public Services: "to raise and appropriate the sum of \$706,179.68 and transfer \$2,022.32 from the Mellon Fund Grant for a total of \$708,202 to fund operating budgets for several Town departments under budget Division VI, Public Services..."

Motion Passed.

Article 3: Cemetery Improvements. To see if the Town will vote to appropriate and transfer from available funds a sum of money for services related to expansion of the Provincetown Cemetery and purchase of equipment; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Cemetery Commission]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 7-0-0

Gregory Howe moved that the Town vote to transfer \$12,000.00 from the Sale of Cemetery Lots Special Revenue Fund to pay for the following expenses: \$7,000 to fund the civil engineering and land surveying work to be completed to expand the area of Town owned land at 24 Cemetery Road; \$2,500 for a biologist to study the proposed area of the endangered species habitat mandated by the Massachusetts Endangered Species Act; \$2,200 to pay for the purchase of a lowering device used for burial; and \$300 to pay for incidental costs related thereto. **Motion Passed.**

Article 4: Municipal Parking Lot/Grace Hall Parking Lot Exemptions. To see if the Town will vote as follows: to make exempt, both of the following parking lots: the Municipal Parking lot off Commercial Street (aka MPL) and Grace Hall Parking Lots (aka Prince Street Parking), be free from coin operated meters and/or automated paystations, to be manned by a body of persons, employed thru the aforesaid Township of Provincetown, or take any other action relative thereto.

[Requested by the Katherine M. Perry and others]

BOARD OF SELECTMEN DOES NOT RECOMMEND: 4-0-1

FINANCE COMMITTEE DOES NOT RECOMMEND: 9-0-0

Katherine M. Perry moved that the Town vote to approve Article 4 as printed in the warrant. **Motion Does Not Pass.**

Town Moderator Irene Rabinowitz motioned to dissolve the December 7, 2009 Special Town Meeting at 7:11 p.m. **Motion Passed.**

December 7, 2009 Special Town Meeting dissolved at 7:11 p.m.