

# SPECIAL TOWN MEETING

MONDAY, APRIL 2, 2001

## Preliminary Motions

(1) Elizabeth Steele-Jeffers moved that the Town vote to waive the reading of the warrant.

## Motion Carried.

(2a) Elizabeth Steele-Jeffers moved that the Town vote to grant permission to speak at the April 2, 2001 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

Dennis Anderson, *Cape End Manor facilitator;*

Dennis Clark, *Recreation Director;*

Mario DiGregorio, *senior wetlands scientist, Horsley & Witten;*

Brian Dudley, *Massachusetts Department of Environmental Protection;*

Dale Fanning, *Director, Provincetown Heritage Museum;*

Patricia Fitzpatrick, *Tourism Director*

Dr. Susan N. Fleming, *Superintendent of Schools*

Paul Gabriel, Mark White, and Wayne Perry of *Environmental Partners Group, wastewater engineers*

John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*

John Goodrich, *wastewater facilitator;*

George Heufelder, *Health Agent*;

Jeff Hoover of Tappe Associates, library architect.

Tony Jackett, *Shellfish Constable*;

Michelle Jarusiewicz, *Grant Administrator*;

Steve Johnson, *Metcalf & Eddy wastewater engineer*

Bruce T. Miller, *Director of Municipal Finance and Town Accountant*

Robin Reid, president of the Supporters of the Provincetown Library

William Rokicki, Principal, *Veterans Memorial Elementary School*;

Kathleen Slivka, *Schools Director of Student Services*

Eileen Thomas, *Cape End Manor Administrator*

Craig Wiegand, *Water Superintendent*;

**Motion Carried.**

(2b) Elizabeth Steele-Jeffers moved that the Town vote to grant permission to speak at the April 2, 2001 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown.

**Motion Defeated.**

(3) Elizabeth Steele-Jeffers moved that on all matters to come before the April 2, 2001 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 Carried. 2/3<sup>rd</sup> vote.**

**Article 1. Sewer Betterment Assessment Deferral for Low-income Elderly.** To see if the Town will accept General Laws Chapter 80, Section 13B, which provides that upon application of the owner of real property assessed a betterment assessment, if such owner is a low-income elderly homeowner eligible for an exemption under clause 41A of G.L. c.59, §5, the Town shall enter into an agreement with such owner for the deferral of the payment of the assessment, or take any other action relative thereto.

*[Requested by the Board of Selectmen, the Town Manager,  
and the Wastewater Citizens Advisory Committee]*

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMENT RECOMMENDS: 4-0-0**

**WASTEWATER CITIZENS ADVISORY COMMITTEE  
RECOMMENDS:9-0-0**

**BOARD OF HEALTH RECOMMENDS:5-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 1 as printed in the warrant.

**Motion Carried.**

**Article 2. Wastewater Facilities Construction/State Revolving Fund 0%-Interest Loan Program/Old Burn Dump Treatment Building Location/Sewer Betterments.** To see if the Town will vote as follows:

WHEREAS, the urgent need for a public sewer system in the Town of Provincetown has been demonstrated by the Massachusetts Department of Environmental Protection (DEP) including on its Final FY 2001 Intended Use Plan the Town of Provincetown among

only 16 of 105 applicants for State Revolving Fund (SRF) loans for wastewater construction projects; and

WHEREAS, DEP has qualified the Town of Provincetown for a 0%-interest loan in the amount of \$14,961,000, which amount the Town must appropriate by June 30, 2001 in order to maintain eligibility for said 0%-interest loan; and

WHEREAS, the 0%-interest SRF loan program will become a 2%-interest loan program beginning next year, adding \$3,015,000 in borrowing costs to Provincetown's project costs if the local appropriation is not made by June 30, 2001; and

WHEREAS, all of the costs of the proposed sewer system can be borne by either the Town's local room tax receipts through the Wastewater Enterprise Fund or by the sewer's users, at no cost to the taxpayer; and

WHEREAS, upon the recommendation of the Board of Selectmen, the Board of Health, and the Wastewater Citizens Advisory Committee the April 3, 2000 Special Town Meeting approved design funds for preparation of the Final Environmental Impact Report and Wastewater Facilities Plan, including the selection of the site of the Old Burn Dump as the site for the wastewater treatment building; and

WHEREAS, the Town anticipates obtaining approval of the Final Environmental Impact Report and Wastewater Facilities Plan by the date of the April 2, 2001 Town Meeting;

THEREFORE, the Town votes to appropriate the sum of \$14,961,000, or any greater or lesser amount, to be expended under the direction of the Director of Public Works for construction of sewerage systems in accordance with the engineering scope of services developed by the Wastewater Management Plan Citizens Advisory Committee for a wastewater facilities plan as outlined by the

Department of Environmental Protection, including the siting of the wastewater treatment building at the Old Burn Dump site, and including without limitation all costs defined under C.29C,§1 of the General Laws; and to raise said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum of money under and pursuant to C.44,§7(1) and/or C.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;

And, further, the Town votes to authorize the Water and Sewer Board to assess one hundred percent of the project cost to the Town of the installation of sewers and construction of wastewater treatment plant upon those who benefit from the project, such assessments to be made by the Uniform Unit method as provided by General Laws Chapter 83, Section 15; and the Town votes to instruct its representative in the General Court to file a home rule petition for a special act to read substantially as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Provincetown is hereby authorized to assess interest on apportionments of sewer betterment assessments at a rate equal to the rate of interest chargeable to the town for the betterment project to which the assessments relate.

SECTION 2. This act shall take effect upon its passage.

The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves 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 this petition; or take any other action relative thereto.

*[Requested by the Board of Selectmen, the Town Manager,  
and the Wastewater Citizens Advisory Committee]*

**FINANCE COMMITTEE RECOMMENDS \$16,499,500: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS:3-2-0**

**WASTEWATER CITIZENS ADVISORY COMMITTEE  
RECOMMENDS: 8-1-0**

**BOARD OF HEALTH RECOMMENDS:4-0-1**

**CONSERVATION COMMISSION: 2 IN FAVOR, 2  
OPPOSED.**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 2 as printed in the warrant in the amount of \$16,499,500.

**Motion Carried. 2/3<sup>rd</sup> Vote Required. Favor: 393 Oppose:106**

Reconsideration of Article 2.

**Defeated.**

**Article 3. *Authorize Award of Design-Build-Operate Contract for Wastewater.*** To see if the Town will vote as follows

WHEREAS, by its vote under Article 7 of the April 5, 1999 Special Town Meeting, the voters filed home rule legislation to provide the Town of Provincetown with the ability to have its wastewater treatment facility designed, built, and operated by a qualified private contractor accountable to the Town of Provincetown; and

WHEREAS, pursuant to the resulting Chapter 191 of the Acts of 2000, the Town of Provincetown invited and received technical, business, and price proposals from four qualified design-build-operate vendors; and

WHEREAS, the Town Manager and the Board of Selectmen desire to award a contract in time for the selected DBO vendor to prepare and submit final design plans to DEP by its October 15, 2001 deadline for preserving the Town's eligibility for a 0%-interest loan for wastewater construction under the State Revolving Fund;

THEREFORE, the Town votes, pursuant to section 4 of Chapter 191 of the Acts of 2000, An Act Authorizing A Privatized Wastewater Facility For The Town Of Provincetown, to authorize the Town Manager with the approval of the Board of Selectmen to award a contract to provide design, construction, and operations and maintenance services over a 20-year term for the following proposed new municipal facilities: a wastewater collection system that includes approximately five curb miles of force mains with tie-ins to individual property sites, a pumping station, and related appurtenances; a wastewater treatment system with an initial design treatment capacity of 500,000 gallons per day; subsurface effluent disposal facilities; and building sewer lines, initially to be installed on approximately 425 individual property sites. The Town will own and/or control the facilities and facility sites, and will arrange to provide the selected Vendor with rights of access, easements and such other property rights as may be required to perform the requested services; said contract to be for a term not exceeding 20 years and an option for renewal or extension of operations and maintenance services for one additional term not exceeding five years; or take any other action relative thereto.

*[Requested by the Board of Selectmen, the Town Manager,  
and the Wastewater Citizens Advisory Committee]*

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0**

**WASTEWATER CITIZENS ADVISORY COMMITTEE  
RECOMMENDS:8-1-0**

**BOARD OF HEALTH RECOMMENDS: 5-0-0**

**CONSERVATION COMMISSION RECOMMENDS:4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 3 as printed in the warrant.

**Motion Carried.**

*Article 4. Upgrade Leaching Area E to Create a Recreation Ball Field on Town Land Abutting Route 6 and Town Cemetery.* To see if the Town will vote to borrow or transfer from available funds the sum of \$40,000 to be expended under the direction of the Director of Public Works and the Recreation Director to upgrade Discharge Area "E," identified on page C17 of the Preliminary Wastewater Facilities Design for the Town of Provincetown prepared by Environmental Partners Group, Inc., a copy of which is on file in the Office of the Town Clerk, including the installation of an irrigation system, for the construction of a Town Recreation Field for youth sports, or to take any other action relative thereto

*[Requested by the Recreation Commission, the Town Manager, and the Board of Selectmen]*

**FINANCE COMMITTEE RECOMMENDS: 6-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

**CONSERVATION COMMISSION RECOMMENDS: 3-1-0**

Robert Cahill moved that the Town vote to borrow the sum of \$40,000 to be expended under the direction of the Director of Public Works and the Recreation Director to upgrade Discharge Area "E," identified on page C17 of the Preliminary Wastewater Facilities

Design for the Town of Provincetown prepared by Environmental Partners Group, Inc., a copy of which is on file in the Office of the Town Clerk, including the installation of an irrigation system, for the construction of a Town Recreation Field for youth sports; 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(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Robert Tosner moved to amend the motion by deleting the words “youth sports”.

**Amendment Carried.**

**Motion as amended Carried. Declared 2/3<sup>rd</sup> Vote.**

***Article 5. Dedicate 40 of 47 Acres for Open Space and Passive Recreation Use.*** To see if the Town will vote as follows:

WHEREAS, the Town of Provincetown acquired for municipal purposes, pursuant to Article 40 of the March 13, 1967 Annual Town Meeting, the property at 244 Route 6 (Assessors Map 08-1-005), lot area 47.71 acres, Class M Municipal District, from the then-Massachusetts Department of Public Works; and

WHEREAS, as a condition of its approval for the Order of Conditions for closure of the Old Burn Dump, the Conservation Commission is requiring that approximately 40 acres of this property not needed for municipal purposes be preserved as open space and passive recreation;

WHEREAS, the Board of Selectmen declares said residual acreage as surplus and available for disposition as open space and passive recreation;

THEREFORE, the Town votes to transfer care, custody, control, and management of 40 acres of the 47.71 acres of Town-owned land at 244 Route 6, said 40 acres shown as Lot B on a plan of land

prepared by Environmental Partners Group, dated March 2, 2001, a copy of which is on file in the office of the Town Clerk, to the Provincetown Conservation Commission for conservation and passive recreation purposes; or to take any other action relative thereto.

*[Requested by the Town Manager]*

**FINANCE COMMITTEE HAS NO RECOMMENDATION**

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0**

**CONSERVATION COMMISSION RECOMMENDS:4-0-0**

Keith A. Bergman moved that the Town vote to approve Article 5 as printed in the warrant.

**Motion Carried. Declared 2/3<sup>rd</sup> vote.**

**Article 6. Home Rule Petition for Affordable Housing Trust Fund.** To see if the Town will vote to instruct its representative in the General Court to file a home rule petition for a special act entitled, "An Act Authorizing the Town of Provincetown to Establish an Affordable Housing Trust Fund," to read as follows:

SECTION 1. The town of Provincetown may establish a separate fund to be known as the Affordable Housing Trust Fund for the purpose of creating or preserving affordable housing by: (a) the town of Provincetown or the Provincetown Housing Authority; (b) a housing trust or community development corporation created under the laws of the commonwealth; and/or (c) an applicant for affordable housing program funds to the U.S. Department of Housing and Urban Development, the Massachusetts Department of Housing and Community Development, or the Barnstable County Home Consortium subject to the subsequent approval of funding by said agency. Expenditures from the Affordable Housing Trust Fund shall be authorized by a majority vote of said Housing Authority, in

consultation with the Provincetown Housing Partnership. Such expenditures shall be used for the creation, preservation, and support of affordable housing, and for rehabilitation or restoration of such land for affordable housing that is acquired or created by said town, including the reuse of existing buildings or construction of new buildings on previously developed sites, and shall include funds to defray the cost of hiring of an affordable housing specialist by said town.

SECTION 2. The town shall establish said fund as a separate account to be maintained by the treasurer. The following monies shall be deposited into said account: (i) twenty-five percent of the proceeds generated by the sale of any land acquired by the Town of Provincetown through tax title foreclosure, (ii) any gifts made to the Town for the express purpose of the creation, preservation, and/or support of affordable housing. The treasurer may invest the funds in such separate account in the manner authorized by sections fifty-five and fifty-five(a) of chapter forty-four. Any interest earned thereon shall be credited to and become part of such separate account.

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 approves 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 this petition; or to take any other action relative thereto.

*[Requested by the Town Manager, the Board of Selectmen,  
the Provincetown Housing Authority, and the Provincetown Housing  
Partnership]*

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0**

**HOUSING AUTHORITY RECOMMENDS: 4-0-0**

**HOUSING PARTNERSHIP RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to instruct its representative in the General Court to file a home rule petition for a special act entitled, "An Act Authorizing the Town of Provincetown to Establish an Affordable Housing Trust Fund," to read as printed in the warrant.

**Motion Carried.**

*Article 7. Land Bank Proceeds for Affordable Housing Trust Fund.* To see if the Town will vote, pursuant to Chapter 43 of the Acts of 2000, to transfer from the Land Bank Fund the sum of \$25,394, representing ten percent (10%) of Provincetown's FY 2001 Land Bank proceeds under Section 6 of Chapter 293 of the Acts of 1998, be expended for affordable housing purposes, said sum to be deposited in the Affordable Housing Trust Fund upon enactment of the home rule petition passed by Article 6 of the April 2, 2001 Special Town Meeting; or to take any other action relative thereto.

*[Requested by the Town Manager, the Board of Selectmen,  
the Provincetown Housing Authority, and the Provincetown Housing  
Partnership]*

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0**

**HOUSING AUTHORITY RECOMMENDS: 4-0-0**

**HOUSING PARTNERSHIP RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 7 as printed in the warrant.

**Motion Carried.**

**Article 8. Home Rule Petition/Land Bank Amendment/Affordable Housing and Open Space in the Town of Provincetown.** To see if the Town will vote as follows:

WHEREAS, the Town of Provincetown desires to make the Land Bank Act a more perfect fit for our community by addressing affordable housing and open space needs within the limits of the Land Bank's three percent property tax surcharge, and

WHEREAS, in recognition of the affordable housing crisis in this community, the Town of Provincetown seeks further legislative relief to allow more than 10% of our Land Bank funds to be used for affordable housing, and

WHEREAS, the Town desires to better manage-- and not simply acquire-- open space properties, including open space properties not acquired with Land Bank funds;

THEREFORE, the Town votes to instruct its representative in the General Court to file a home rule petition for a special act entitled, "An Act Relative To Affordable Housing And Open Space in The Town of Provincetown," to read as follows:

SECTION 1. Section 1 of chapter 43 of the acts of 2000 which currently reads as follows:

Notwithstanding the provisions of section 5 of chapter 293 of the acts of 1998, the town of Provincetown may expend funds received under the provisions of said chapter 293 for affordable housing purposes. However, funds for purposes of affordable housing shall not exceed 10 per cent of the total funds received under said chapter 293.

is hereby amended to read as follows:

Notwithstanding the provisions of section 5 of chapter 293 of the acts of 1998, the town of Provincetown shall deposit 35% of the total funds received under the provisions of said chapter 293 in the Affordable Housing Trust Fund established pursuant to Chapter \_\_\_ of the Acts of 2001.

SECTION 2. Notwithstanding the provisions of section 5 of chapter 293 of the acts of 1998, the town of Provincetown may expend funds received under the provisions of said chapter 293 for (1) the maintenance and improvement of property (a) purchased with land bank funds and (b) not purchased with land bank funds but owned by the Town for conservation or open space purposes, and for (2) administrative and operating expenses, including the management of open space and conservation properties. However, funds for the purposes of this section shall not exceed 10 per cent of the total funds received under said chapter 293. Funds used for the purposes of this section shall not replace existing operating funds, only augment them.

SECTION 3. This act shall be submitted to the voters of said town at the next annual or special town election in the form of the following question which shall be placed upon the official ballot to be used at said election: "Shall an act passed by the general court in the year 2001 entitled, 'An Act relative to affordable housing and open space in the town of Provincetown', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then sections 1 and 2 of this act shall thereupon take effect, but not otherwise.

SECTION 4. Section 3 of 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 approves 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 this petition; or to take any other action relative thereto.

*[Requested by the Town Manager, the Board of Selectmen,  
the Provincetown Housing Authority, and the Provincetown Housing  
Partnership]*

**FINANCE COMMITTEE RECOMMENDS:8-0-0**

**BOARD OF SELECTMEN RECOMMENDS:3-1-0**

**HOUSING AUTHORITY RECOMMENDS:4-0-0**

**HOUSING PARTNERSHIP RECOMMENDS: 4-0-0**

**CONSERVATION COMMISSION DOES NOT  
RECOMMEND:4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to instruct its representative in the General Court to file a home rule petition for a special act entitled, "An Act Relative To Affordable Housing And Open Space in The Town of Provincetown," to read as printed in the warrant.

**Motion Carried.**

10:53 Adjourned.

Begin night two: 7:32

Reconsideration of Article 8.

**Motion Defeated.**

*Article 9. Home Rule Petition/Property Tax Exemptions for  
Properties Deed Restricted as Affordable Housing.* To see if the  
Town will vote as follows:

WHEREAS, housing costs in Provincetown continue to escalate due to the pressure created by the tourist/second home market, which threatens the ability of local residents to remain in Provincetown and the ability of businesses to access the labor force they need; and

WHEREAS, the Provincetown's median residential sales price of \$375,000 for 2000 is the highest of any town on Cape Cod, according to *Banker & Tradesman*; and represents a 19.5% increase from 1999, and a 202% increase from Provincetown's 1992 median sales price; and

WHEREAS, the Town of Provincetown considers it a top public policy priority to preserve the owner-occupied and renter-occupied housing which is affordable; and

WHEREAS, the Town desires to increase the number of housing units in Provincetown which are affordable;

THEREFORE, the Town votes to instruct its representative in the General Court to file a home rule petition for a special act entitled, "An Act Relative to Property Tax Exemptions for Properties in the Town of Provincetown Deed Restricted as Affordable Housing," to read as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, residential real estate in the Town of Provincetown that is subject to an affordable housing restriction under chapter 184, sections 31 through 32 of the general laws which shall provide a right of first refusal to the Town of Provincetown or the Provincetown Housing Authority and shall be exempt from taxation under chapter 59 of the general laws.

SECTION 2. Such exemption shall be equal to the tax otherwise due on each parcel based on full and fair assessed value, multiplied by the square footage of the housing units that must, pursuant to such

affordable housing restriction, be sold to or rented to and occupied by persons or families of low or moderate income, divided by the total square footage of the structure(s) located on each parcel and provided that, for rental housing, assessment of such property, if by an income approach to value, shall assume fair market rent for all units.

SECTION 3. The date of determination as to the qualifying factors required by this act shall be July first of each year.

SECTION 4. This act shall be submitted to the voters of said town at the next annual or special town election in the form of the following question which shall be placed upon the official ballot to be used at said election: "Shall an act passed by the general court in the year 2001 entitled, 'An Act relative to property tax exemptions for properties in the town of Provincetown deed restricted as affordable housing', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, then sections 1, 2, and 3 of this act shall thereupon take effect, but not otherwise.

SECTION 5. Section 4 of 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 approves 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 this petition; or to take any other action relative thereto.

*[Requested by the Town Manager, the Board of Selectmen,*

*the Provincetown Housing Authority and the Provincetown Housing  
Partnership]*

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-1-0**

## HOUSING AUTHORITY RECOMMENDS: 4-0-0

## HOUSING PARTNERSHIP RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to instruct its representative in the General Court to file a home rule petition for a special act entitled, "An Act Relative to Property Tax Exemptions for Properties in the Town of Provincetown Deed Restricted as Affordable Housing," to read as printed in the warrant with the requirement that the affordable housing deed restriction be for a period of not less than ten years; so that Section 1 would read as follows:

Notwithstanding the provisions of any general or special law to the contrary, residential real estate in the Town of Provincetown that is subject to an affordable housing restriction *for a period of not less than ten years* under chapter 184, sections 31 through 32 of the general laws which shall provide a right of first refusal to the Town of Provincetown or the Provincetown Housing Authority and shall be exempt from taxation under chapter 59 of the general laws.

Alan Gallant moved to amend Article 9 by adding the following to the end of section 2. At the time of sale of exempt property, the seller or buyer may buy out the previous dollar value exemptions (scaled for inflation), thereby bringing the property to full tax status for the new owner.

**Amendment Defeated.**

**Motion Defeated.**

**Article 10. *Home Rule Petition/Provincetown Public Pier Corporation/Perfecting Amendments.*** To see if the Town will vote to instruct its representative in the General Court to file a home rule petition for a special act to amend Chapter 13 of the Acts of 2000, An Act Relative To The Provincetown Pier Corporation, to read substantially as follows

SECTION 1. A new subsection (g) is hereby added to Section 3 of Chapter 13 of the Acts of 2000 to read as follows: "(g) The pier corporation board of directors shall be subject to the Open Meeting Law, Chapter 39, section 23B of the General Laws; and shall hold all its meetings in the town of Provincetown unless otherwise approved by a prior vote of the Board of Selectmen."

SECTION 2. A new subsection (h) is hereby added to Section 3 of Chapter 13 of the Acts of 2000 to read as follows: "(h) The corporation shall manage the pier in such a manner as to encourage and support the commercial fishing industry, and shall, at a minimum, give first priority to Provincetown based commercial fishing vessels in the assignment of dockage space on the town owned finger piers and floating dock slips on the northeasterly side of the pier as well as to the provision of adequate loading and off-loading facilities for commercial fishing vessels."

SECTION 3. The twelfth sentence of Section 4(a) of Chapter 13 of the Acts of 2000 is hereby amended to read as follows: "Members of the board of directors shall have education and experience in one or more of the following fields: commercial fishing, law, finance, marine operations and real estate and the board as a whole shall include persons with education and experience in several of these fields."

SECTION 4. 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 approves 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 this petition; or to take any other action relative thereto.

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

## FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

CONSERVATION COMMISSION RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to instruct its representative in the General Court to file a home rule petition for a special act to amend Chapter 13 of the Acts of 2000, An Act Relative To The Provincetown Pier Corporation, to read as printed in the warrant.

Chris Snow moved to amend the motion under Article 10 Section 3. The twelfth sentence of Section 4 (a) of Chapter 13 of Acts of 2000 is hereby amended to read as follows: “Members of the board of directors shall be residents, registered voters of the Town and shall preferably but not necessarily have education and experience in one or more of the following fields: commercial fishing, law, finance, marine operations and real estate and the board as a whole shall include persons with education and experience in several of these fields.”

**Amendment Defeated.**

**Motion Carried.**

**Article 11. *Authorize Conveyance of Provincetown Heritage Museum Property to Board of Library Trustees/Borrowing Authorization for Rehabilitation of Property as Provincetown Public Library.*** To see if the Town will vote to transfer care, custody, control, and management of the Provincetown Heritage Museum property at 356 Commercial Street (Assessors Map 12-1-127), lot area 14,972 square feet, Commercial Class R zone, to the Board of Library Trustees for public library purposes; and, further, to see if the Town will vote to appropriate and borrow the sum of \$1,050,000, to be expended under the direction of the Town Manager, the Director of Public Works, the Board of Selectmen, the

Board of Library Trustees, and the Building Committee for the rehabilitation of the Heritage Museum property at 356 Commercial Street as the Provincetown Public Library, including, but not limited to, design services, construction bids, and reconstruction, rehabilitation, remodeling, and renovation of such facilities and for other expenses related thereto and, that to raise said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to issue bonds and/or notes of the Town therefore, pursuant to Chapter 44 of the General Laws or any other enabling authority; and to the extent that any State, Federal or other funds are or become available for the purposes set forth above, to authorize the Board of Selectmen and the Board of Library Trustees to apply for and accept such funds; or to take any other action relative thereto.

*[Requested by the Board of Selectmen, Board of Library Trustees, and  
Town Manager]*

**FINANCE COMMITTEE RECOMMENDS** *subject to: limit town borrowing to \$1,050,000 in FY 2004; conveyance subject to Board of Library Trustees receipt of at least \$1,878,456 in State grants and raising a minimum of \$1,072,000 in private donations and other grants: 7-0-0*

**BOARD OF SELECTMEN RECOMMENDS THE MOTION: 4-1-0**

**BOARD OF LIBRARY TRUSTEES RECOMMENDS THE MOTION: 5-0-0**

**FINANCE COMMITTEE CHANGED THEIR RECOMMENDATIONS TO NOT RECOMMEND: 7-2**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 11 as printed in the warrant, subject to the following conditions: (1) that Town borrowing hereunder shall be limited to \$1,050,000 in Fiscal Year 2004; and (2) that conveyance hereunder shall be subject

to the Board of Library Trustees' prior receipt of at least \$1,878,456 in state grants and to said Trustees raising a minimum of \$1,072,000 in private donations and other grants for said project.

**Motion Carried. 2/3<sup>rd</sup> Vote Required Favor: 300 Oppose: 118**

**Article 12. *Authorize Conveyance of Provincetown Heritage Museum Property.*** To see if the Town will vote as follows:

WHEREAS, the Board of Selectmen supports the reuse of the Heritage Museum as the Provincetown Public Library; and

WHEREAS, in the event Town Meeting does not support that reuse, the Board of Selectmen desires to have another option available to Town Meeting;

THEREFORE, the Town votes to transfer care, custody, control, and management of the Provincetown Heritage Museum property at 356 Commercial Street (Assessors Map 12-1-127), lot area 14,972 square feet, Commercial Class R zone, to the Board of Selectmen for purposes of conveyance; and further, to authorize the Board of Selectmen to convey said property in accordance with the public bidding procedures of MGL C.30B, the Uniform Procurement Law, upon terms and conditions agreeable to the Board of Selectmen; or to take any other action relative thereto.

*[Requested by the Board of Selectmen]*

**FINANCE COMMITTEE RESERVES RECOMMENDATION**

**BOARD OF SELECTMEN RESERVES RECOMMENDATION**

Elizabeth Steele-Jeffers moved to indefinitely postpone action on Article 12.

**Motion to Indefinitely Postpone Carried.**

**Article 13. *Interest Repayment on Land Bank Borrowings.*** To see if the Town will vote to appropriate from the Land Bank Fund the sum of \$72,000 as interim interest payment on the purchase of the Shankpainter Pond Uplands property authorized by Article 71 of the April 5, 1999 Annual Town Meeting, or to take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

**CONSERVATION COMMISSION RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 13 as printed in the warrant.

**Motion Carried.**

**Article 14. *Maintenance and Improvement of Land Bank Property.*** To see if the Town will vote, pursuant to section 5 of Chapter 293 of the Acts of 1998, to transfer from the Land Bank Fund the sum of \$11,427, representing three percent (3%) of Provincetown's FY 2001 Land Bank proceeds under Sections 6 and 8 of said Chapter 293, to be expended under the direction of the Director of Public Works for maintenance and improvement of property purchased with Land Bank funds; or take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

**CONSERVATION COMMISSION RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 14 as printed in the warrant.

**Motion Carried.**

**Article 15. *Pre-acquisition Expenses for Proposed Land Bank Property.*** To see if the Town will vote, pursuant to Chapter 293 of the Acts of 1998, to transfer from the Land Bank Fund the sum of \$10,000, to be expended under the direction of the Board of Selectmen, the Open Space Committee, and the Town Manager, for pre-acquisition costs for properties proposed to be acquired with Land Bank funds, including appraisal costs and expenses for title searches, and costs related thereto; or to take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS *if STM Article 8 fails; Indefinite Postponement if STM Article 8 passes: 8-0-0***

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 15 as printed in the warrant.

Rick Holland moved to indefinitely postpone.

**Motion Carried to Indefinitely Postpone.**

**Article 16. *Fund AFSCME Town-wide Unit Collective Bargaining Agreement.*** To see if the Town will vote to transfer from available funds the sum of \$38,450 to fund the first year of the collective bargaining agreement reached with AFSCME Council 93, Local 1462, Town-wide Unit "A" for FY 2001, or to take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to transfer \$35,080 Article 6, Item 1 of the April 3, 2000 Annual Town Meeting and \$3,370 from Article 2, Budget 512-B of the April 3, 2000 Annual Town Meeting, for a total of \$38,450 to fund the first year of the collective bargaining agreement reached with AFSCME Council 93, Local 1462, Town-wide Unit "A" for FY 2001.

**Motion Carried.**

**Article 17. FY 2001 Budget Transfers.** To see if the Town will vote to transfer the sum of \$160,500 from the following Fiscal Year 2001 budgets established under Article 2 of the April 3, 2000 Annual Town Meeting and other available funds, as follows:

145-A Treasurer/Collector- Personal Services	\$	17,300
145-B Treasurer/Collector- Expenses		2,000
192-A Building and Grounds- Personal Expenses		30,600
210-A Police - Personal Services		15,000
220-A Fire- Personal Expenses		6,500
431-A Solid Waste/Recycling- Personal Expenses		15,150
431-B Solid Waste/ Recycling- Expenses		7,500
439-B Waste Disposal/Other (DPW)- Expenses		32,600
511-A Health Agent- Personal Services		3,000
512-B- Health Nurse- Expenses		5,250
541-A Council on Aging- Personal Services		1,200
543-B Veterans Services- Expenses		5,500
820-B- Tax Title- Expenses		2,900
Art. 6, 4/2000, Schedule C- Personal Expenses		<u>16,000</u>
	\$	160,500

to increase the following Fiscal Year 2001 appropriations:

192-B Building and Grounds (DPW)	\$	38,000
210-B Police- Expenses		12,000
211-B Police Station- Expenses		28,000
220-B Fire- Expenses		6,500
421-B Administration- Expenses		2,000
422-B Highway (DPW)- Expenses		10,000
423-A- Snow and Ice- Personal Expenses		3,000
910-B Retirement/Benefits/Insurance		<u>61,000</u>
	\$	160,500

or to take any other action relative thereto.

*[Requested by the Town Manager]*

**FINANCE COMMITTEE RECOMMENDS: 7-0-0**

Keith A. Bergman moved that the Town vote to transfer the sum of \$160,500 from the Fiscal Year 2001 budgets established under Article 2 of the April 3, 2000 Annual Town Meeting and other available funds, as printed in the warrant to increase the certain Fiscal Year 2001 appropriations as printed in the warrant.

**Motion Carried.**

**Meeting Adjourned**

**Special Town Meeting**

**Allan Gallant and others moved for reconsideration of Article 11.**

**Motion to Reconsider Defeated.**

*Article 18. FY 2001 Cape End Manor Supplemental Budget.* To see what sum the Town will vote to transfer from available funds to increase the FY 2001 Cape End Manor Enterprise Fund budget established under Article 3 of the April 3, 2000 Annual Town Meeting, or to take any other action relative thereto.

*[Requested by the Town Manager]*

**FINANCE COMMITTEE RECOMMENDS: 6-0-0**

**BOARD OF SELECTMEN RECOMMENDS THE MOTION: 3-0-0**

Keith A. Bergman moved to see what sum the Town will vote to transfer from Overlay Surplus the sum of \$100,000 to increase the FY 2001 Cape End Manor Enterprise Fund budget established under Article 3 of the April 3, 2000 Annual Town Meeting.

**Motion Carried.**

**Article 19. *Fund AFSCME Cape End Manor Unit Collective Bargaining Agreement.*** To see what sum the Town will vote to transfer from available funds to fund the collective bargaining agreement reached with AFSCME Council 93, Local 1462, Cape End Manor Unit "B" for FY 2001, or to take any other action relative thereto.

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

**FINANCE COMMITTEE HAS NO RECOMMENDATION**

**BOARD OF SELECTMEN RECOMMENDS INDEFINITE POSTPONEMENT: 3-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to indefinitely postpone action on Article 19.

**Motion Carried to Indefinitely Postpone.**

**Article 20. *Tourism Fund Municipal and Promotional Projects.*** To see if the Town will vote to transfer the sum of \$35,000 from the Tourism Fund, including \$2,502 from the unexpended balance of Article 11 of the April 3, 2000 Special Town Meeting, to be expended under the direction of the Board of Selectmen and the Visitor Services Board for promotional and municipal projects, and costs related thereto; or to take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS: 7-0-1**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 20 as printed in the warrant.

**Motion Carried.**

**Article 21. *Capital Improvements.*** To see if the Town will vote to borrow or transfer from available funds the following sums to defray the costs of the certain capital improvements submitted in accordance with Chapter 9, section 2 of the Provincetown Charter, which commence prior to July 1, 2001, as follows:

1. *Heritage Museum Structural Repairs:* \$150,000 to be expended under the direction of the Town Manager and the Director of Public Works for structural repairs to the Heritage Museum building, and costs related thereto

**FINANCE COMMITTEE RECOMMENDS: 7-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$150,000 to be expended under the direction of the Town Manager and the Director of Public Works for structural repairs to the Heritage Museum building, 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(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

**Motion Carried, Declared 2/3<sup>rd</sup> Vote.**

2. *Old Burn Dump Closure:* \$90,000 to be added to the amount appropriated under Article 23, Item 4 of the April 5, 1999 Special Town Meeting, to be expended under the direction of the Town Manager and the Director of Public Works for closure of the Old Burn Dump located on Site 6, so-called, in accordance with

requirements of the Massachusetts Department of Environmental Protection; and costs related thereto;

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0**

**BOARD OF HEALTH RECOMMENDS: 5-0-0**

**CONSERVATION COMMISSION RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$90,000 to be added to the amount appropriated under Article 23, Item 4 of the April 5, 1999 Special Town Meeting, to be expended under the direction of the Town Manager and the Director of Public Works for closure of the Old Burn Dump located on Site 6, so-called, in accordance with requirements of the Massachusetts Department of Environmental Protection; 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(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

**Motion Carried, Declared 2/3<sup>rd</sup> Vote.**

3. Parking Department. \$8,500 to be transferred from the Parking Fund to be expended under the direction of the Town Manager and the Parking Administrator for restoration of the Johnson Street parking lot, and costs related thereto;

or to take any other action relative thereto.

**FINANCE COMMITTEE RECOMMENDS: 8-0-1**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to transfer from the Parking Fund the sum of \$8,500 to be expended under the

direction of the Town Manager and the Parking Administrator for restoration of the Johnson Street parking lot, and costs related thereto.

**Motion Carried.**

**Article 22. *Water Enterprise Fund Capital Projects.*** To see if the Town will vote to borrow or transfer from available funds the following sums to defray the costs of the certain capital improvements to be funded by the Water Enterprise Fund, as follows:

1. *Well Field and Water Tank Improvements:* \$325,000 to be expended under the direction of the Town Manager and the Director of Public Works for rehabilitation of water department equipment, including improvements to the wells at the South Hollow and Knowles Crossing well fields and the water tanks at Mt. Gilboa and Winslow Street, and for costs incidental and 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 8(7C), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor;

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

**CONSERVATION COMMISSION RECOMMENDS: 4-0-0**

**BOARD OF HEALTH RECOMMENDS: 5-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 22, Item 1 as printed in the warrant.

**Motion Carried, Declared 2/3<sup>rd</sup> Vote.**

2. DEP Water Management Permit/New Source Development: \$250,000 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; 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 8(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor;

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS:4-0-0**

**BOARD OF HEALTH RECOMMENDS: 5-0-0**

**CONSERVATION COMMISSION RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 22, Item 2 as printed in the warrant.

**Motion Carried, Declared 2/3<sup>rd</sup> Vote.**

3. Knowles Crossing Building Renovation and Expansion: \$140,000 to be expended under the direction of the Town Manager and the Director of Public Works for renovating and expanding the Knowles Crossing well field building in Truro, and for costs incidental and 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 8(4), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor;

or to take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

**BOARD OF HEALTH RECOMMENDS: 5-0-0**

**CONSERVATION COMMISSION RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 22, Item 3 as printed in the warrant.

**Motion Carried, Declared 2/3<sup>rd</sup> Vote.**

*Article 23. Massachusetts Highway Department Chapter 90 Funds for Road and Sidewalk Construction and Repairs.* To see if the Town will vote to appropriate the sum of \$93,034.14 from funds available from the Massachusetts Highway Department for the undertaking of road and sidewalk construction and repairs under the provisions of Section 34(2)(a) of Chapter 90 of the General Laws and Chapters 53 and 127 of the Acts of 1999 and Chapter 150 of the Acts of 2000; or to take any other action relative thereto.

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

**FINANCE COMMITTEE RECOMMENDS: 8-0-0**

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved that the Town vote to appropriate the sum of \$93,034.14 from funds available from the Massachusetts Highway Department for the undertaking of road and sidewalk construction and repairs under the provisions of Section 34(2)(a) of Chapter 90 of the General Laws and Chapters 53 and 127 of the Acts of 1999 and Chapter 150 of the Acts of 2000.

Chris Snow moved to amend Article 23 by adding a provision that states “that all sidewalk construction along Commercial Street be done in brick masonry and not concrete.

**Amendment Carried.**

**Motion as Amended Carried.**

**Article 24. *Cape Light Compact Energy Efficiency Plan.*** To see if the Town will vote to approve the Cape Light Energy Efficiency Plan, a copy of which is on file in the office of the Town Clerk, and the Cape Light Compact's submission of said plan to the Massachusetts Department of Telecommunications and Energy; and further to authorize the Board of Selectmen to approve such amendments or revisions to said plan as they may deem necessary or advisable, or to take any other action relative thereto.

*[Requested by the Town Manager]*

**FINANCE COMMITTEE HAS NO RECOMMENDATION**

**BOARD OF SELECTMEN RECOMMENDS: 5-0-0**

Keith A. Bergman moved that the Town vote to approve Article 24 as printed in the warrant.

**Motion Carried.**