

Special Town Meeting – Monday, April 6, 2009

Meeting Called to Order. Town Moderator Irene Rabinowitz convened the Annual Town Meeting at 6:00 p.m. on Monday, April 6, 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 April 6, 2009 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown: Russell Braun, *Building Commissioner*; Jane Evans, *Health Agent*; John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Alexandra Heilala, *Town Accountant*; Pamela Hudson, *Secretary to the Town Manager*; Beau Jackett, *Information Systems Director*; Michelle Jarusiewicz, *Grant Administrator/ Housing Specialist*; Maxine Notaro, *Permit Coordinator*; Domenic Rosati, *Parking Lot Manager*; Robert Sanborn, *Tourism Director*

Motion Passed.

Michele Couture moved that on all matters to come before the April 6, 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. FY 2009 Budget Adjustments. To see what amendments the Town will vote to make to the Fiscal Year 2009 operating budgets and enterprise funds established under Articles 2 and 5 of the April 7, 2008 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; or 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 RESERVES RECOMMENDATION: 8-0-0

Sharon Lynn moved that the Town vote to transfer the sum of \$16,105.00 from the following Fiscal Year 2009 budgets established under Article 2 of the April 7, 2008, Annual Town Meeting and other available funds, as follows:

from:

135-A	Town Accountant Salaries	1,000
190-A	Buildings & Grounds Salaries	14,000
541-A	COA Salaries	1,105

\$ 16,105

to transfer
to:

161-A	Town Clerk Salaries	100
136-A	MIS Salaries	400
145-A	Treasurer Salary	200
241-A	Regulatory Salaries	300
423-A	Snow & Ice Salaries	6,350
423-B	Snow & Ice Expense	7,650
512-A	Nurse Salaries	1,105

subtotal 16,105

Motion Passed.

Article 2. Wastewater Optimization and Expansion – Borrowing Authorization.

To see if the Town will vote to appropriate and borrow the sum of \$3,300,000, to be expended under the direction of the Town Manager and the Board of Selectmen for the development of plans and specifications for optimization and expansion to the Town's sewerage systems, 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 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; or take any other action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 4-1-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF HEALTH RECOMMENDS: 5-0-0

CONSERVATION COMMISSION RECOMMENDS: 4-0-0

Borrowing Authorization - 2/3's vote required

Michele Couture moved that the Town vote to approve Article 2 as printed in the warrant.

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

Article 3. Replace Ladder Truck. To see if the Town will vote to appropriate the sum of \$650,000 for the purchase of a new Aerial Ladder Truck for the Fire Department, to be expended under the direction of the Town Manager and the Board of Fire Engineers; that to meet this appropriation the sum of \$350,000 be transferred from the

Insurance Proceeds Account, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$300,000 pursuant to M. G.L. c. 44, sections 7 and 8, or any other enabling authority, provided that the authorization to borrow shall be contingent on the passage of a Proposition 2 ½ debt exclusion ballot question in accordance with the provisions of M.G.L. c. 59, sec. 21C(m); or to take any other action relative thereto.

[Requested by the Board of Fire Engineers and the Town Manager]

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 6-0-0

Borrowing Authorization - 2/3's vote required

Mary-Jo Avellar moved that the Town vote to appropriate the sum of \$650,000 for the purchase of a new aerial ladder truck for use in the Fire Department; and that to meet this appropriation, to transfer from the Insurance Proceeds Fund the sum of \$350,000, and further, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$300,000.00 pursuant to M.G.L. c. 44, §7(9), or any other enabling authority, and to issue bonds or notes of the Town therefor, said borrowing authority to be contingent upon approval by the voters of a Proposition 2 ½ debt exclusion ballot question, in accordance with the provisions of M.G.L c.59, §21C(m).

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

Article 4. Create Regional School District Planning Committee. To see if the Town will vote, pursuant to Chapter 71, Section 14 of MGL, to create a special unpaid committee to be known as the Regional School District Planning Committee, to consist of three members, including one member of the Provincetown School Committee, to be appointed by the Town Moderator, to study the advisability of establishing a regional school district; or 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: 7-0-0

Austin Knight moved that the Town vote to approve Article 4 as printed in the warrant.

Motion Passed.

Article 5. Street Sweeper. To see if the Town will vote to appropriate and borrow the sum of \$182,162, more or less, for the purchase of a new Street Sweeper, to be expended under the direction of the Town Manager and DPW Director; provided that this appropriation shall be contingent on the passage of a Proposition 2 ½ override vote in accordance with General Laws Ch. 59 Section 21C(m); or to take any action relative thereto.

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

Debt Exclusion - 2/3's vote required

BOARD OF SELECTMEN RECOMMENDS: 5-0-0
FINANCE COMMITTEE RECOMMENDS: 6-0-0

David Bedard moved that the Town vote to appropriate and borrow the sum of \$182,162, for the purchase of a new Street Sweeper, to be expended under the direction of the Town Manager and DPW Director; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$182,162, pursuant to M.G.L. c. 44, §7(9), or any other enabling authority, and to issue bonds or notes of the Town therefor, said borrowing authority to be contingent upon approval by the voters of a Proposition 2½ debt exclusion ballot question, in accordance with the provisions of M.G.L. ch.59, §21C(m).

Motion Passed.

(2/3rd's Vote Declared)

Article 6. Use of Parking Funds to Purchase Automated Pay Stations. To see if the Town will vote to expend \$100,000 from the Parking Fund for the purchase of seven (7) automated pay station kiosks which will accept coins, paper currency, tokens and credit cards to be installed at various locations including the Municipal Parking Lot, the Grace Hall Lot, and the West End Parking Lot; or to take any other action thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 5-0-0
FINANCE COMMITTEE RECOMMENDS: 6-0-0

Elaine Anderson moved that the Town vote to approve Article 6 as printed in the warrant.

Motion Does Not Pass.

Article 7. Local Option Hotel Tax. To see if the Town will vote to accept a local option statute, if it is approved by the General Court prior to April 6, 2009, or to support the passage of any bill filed with the General Court, that would allow the Town to increase the tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house, motel or condominium located in the Town of 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: 4-0-2

Austin Knight moved that the Town vote to support the passage of any bill by the General Court that would allow the Town to increase the tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house, motel or condominium located in the Town of Provincetown.

Astrid Berg motioned to indefinitely postpone Article 7 of the Special Town Meeting.

Motion to Indefinitely Postpone Passed.

Article 8. Local Option Meals Tax. To see if the Town will vote to accept a local option statute, if it is approved by the General Court prior to April 6, 2009, or to support the passage of any bill filed with the General Court, that would allow cities and towns by local option to impose a tax on the sale of meals by a restaurant; or to take any action relative thereto.

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

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

FINANCE COMMITTEE RECOMMENDS: 4-0-2

Austin Knight moved to indefinitely postpone Special Town Meeting Article 8.

Motion to Indefinitely Postpone Passed.

Christopher Snow moved to dissolve Special Town Meeting and open the Annual Town Meeting.

Motion Passed.

Special Town Meeting dissolved at 7:40 p.m. on April 6, 2009.