

Town of Provincetown

Special Town Meeting – Monday, April 2, 2012

Meeting Called to Order. Town Moderator Irene Rabinowitz convened the Special Town Meeting at 6:00 p.m. on Monday, April 2, 2012 in the Town Hall Auditorium.

Preliminary Motions:

Elaine Anderson moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Elaine Anderson moved that the Town vote to grant permission to speak at the April 2, 2012 Special Town Meeting 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*; John Goodrich, *Facilitator*; Rob Adams, *AECOM*; Tom Scarlata, *Bargmann, Henrie + Archetype, Inc.*; David Mitchell, *Energy Specialist, Rise Engineering, Inc.*; Nathan Weeks, *Senior Project Engineer; GHD, Inc.*; Beth Singer, *Superintendent of Schools*; Kim Y. Pike, *District Principal*; Russell Braun, *Building Commissioner*; Beau Jackett, *Information Systems Director*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; James Golden, *Staff Lieutenant*; Maxine Notaro, *Permit Coordinator*. **Motion Passed.**

Elaine Anderson moved that on all matters to come before the April 2, 2012 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 2012 Budget Adjustments.

To see what amendments the Town will vote to make to the Fiscal Year 2012 operating budgets established under Article 2 of the April 2011 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefore; or to take any other action relative thereto.

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

Motion 1

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 FY 2012 operating budget established under Article 2 of the April 4, 2011 Annual Town Meeting for the Fiscal year beginning July 1, 2011, as follows:

Transfer from department 423-B, Snow and Ice to department #560-B, Bicycle Committee the amount of \$1,900.

Transfer from department #423-B, Snow and Ice to department #431-B, Solid Waste the amount of \$41,315.

Transfer from department 910-B, Health Insurance and Benefits to department #193-B, Buildings & Grounds the amount of \$35,000.

Motion Passed.

Motion 2

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 7-0-0

Elaine Anderson moved that the Town vote to amend the Fiscal Year 2012 Wastewater Enterprise Fund Budget established under Article 4 of the April 4, 2011 Annual Town Meeting as follows: That \$2,980,649 be appropriated to operate the Wastewater Enterprise Fund, \$2,654,559 to come from Wastewater Enterprise Fund revenues and \$245,656 from reserved for debt service, and further that \$80,434 be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

Article 2. Rescind Unused Borrowing Authority. To see if the Town will vote to rescind unused borrowing authority, as follows:

Date of Vote	Town Mtg	Article No.	Authorized and Unissued Debt	Fund	Amount Authorized	Total Borrowed to 04/02/12	Rescind Unused Balance
04/05/10	ATM	5-4	Ambulance Replacement	Gen.	\$200,000	\$156,000	\$44,000

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

David Bedard moved that the Town vote to rescind the unused borrowing authority as follows: ATM 04/05/10 Article 5-4 Ambulance Replacement \$44,000

Motion Passed.

Article 3. Stabilization Fund.

To see if the Town will vote to transfer \$340,000 from free cash to the Stabilization Fund; or to take any other action relative thereto.

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

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

F. John Santos moved that the Town transfer \$340,000 from free cash into the Stabilization Fund.

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

Article 4. Sale of the Grace Gouveia Building and the Community Center. To see if the Town will vote to authorize the Board of Selectmen to acquire by eminent domain, for title clearing purposes, the following two parcels of Town-owned land: the parcel of land with improvements thereon located at 26 Alden Street, shown on Assessors Map No.12-1 as Parcel No. 34, and commonly known as the Grace Gouveia Building, and the parcel of land with the improvements thereon located at 46 Bradford Street, shown on Assessors Map No.7-2 as Parcel No. 62, and commonly known as the Community Center Building, and, further, to authorize the Board of Selectmen to file a petition with the General Court for special legislation, if necessary, to perfect the Town's title to the aforementioned parcels; 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: 5-0-1

David McChesney moved that the Town vote to authorize the Board of Selectmen to acquire by eminent domain, for title clearing purposes, the following two parcels of Town-owned land: the parcel of land with improvements thereon located at 26 Alden Street, shown on Assessors Map No.12-1 as Parcel No. 34, and commonly known as the Grace Gouveia Building, and the parcel of land with the improvements thereon located at 46 Bradford Street, shown on Assessors Map No.7-2 as Parcel No. 62, and commonly known as the Community Center Building, and, further, to authorize the Board of Selectmen to file a petition with the General Court for special legislation, if necessary, to perfect the Town's title to the afore-mentioned parcels.

Stephan Cohen motioned to postpone action on Article 4 until after Special Town Meeting Article 6.

Motion to Postpone Article 4 Passed.

Barbara Rushmore moved to amend article 4 by adding the following resolution to the end of the article as a recommendation to the Selectmen:
The Community Center and the Grace Gouveia Building and the activities therein have been important assets for bringing our community together and are regarded fondly so we ask our Town Manager and staff to sell the Grace

Gouveia Building and Community Center not for top dollar, but to sell them for year-round affordable housing or other community socially beneficial use.

Stephan Cohen moved amend the resolution by adding the words after to sell them “for the purposes of art, artist studios, and dance.”

Motion to Amend Resolution Does Not Pass.

Motion to Add Resolution Does Not Pass.

Motion Passed.

Article 5. Wastewater Optimization and Expansion - Supplemental Borrowing Authorization. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to supplement the amount appropriated under Article 2 of April 2009 Special Town Meeting, Article 6 of the April 2011 Special Town Meeting, and Article 1 of the October 2011 Special Town Meeting, to be expended under the direction of the Town Manager and the Board of Selectmen, for the development of plans and specifications and for construction, optimization and expansion of the Town’s sewer system including further extensions of the Town’s sewer system, including without limitation all costs defined under C.29C, Sec. 1 of the General Laws and all other costs incidental and related thereto; 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, Sec. 7(1) and/or C.29C of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore; and that to the extent 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 Method as provided by General Laws Chapter 83, Section 15; or to take any other action relative thereto.

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

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Conservation Commission Recommends: 4-0-0

Water & Sewer Board Recommends: 5-0-0

Board of Health Recommends: 3-0-0

Austin Knight moved that the Town appropriate the sum of \$4.5 million to supplement the amount appropriated under Article 2 of the April 2009 Special Town Meeting, Article 6 of the April 2011 Special Town Meeting and Article 1 of the October 2011 Special Town Meeting, to be expended under the direction of the Town Manager and the Board of Selectmen, for the development of plans and specifications and for construction, optimization and expansion of the Town’s

sewer system including further extensions of the Town's sewer system, including without limitation all costs defined under C.29C, §1 of the General Laws and all other costs incidental and related thereto; and to raise said appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$4.5 million 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.

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

Article 6. Replace Heating System at VMES. To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sum of money for a new hot water heating system at the Veteran's Memorial Elementary School; or to take any other action relative thereto.

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

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Sharon Lynn moved that the Town vote to transfer \$71,747.05 from 2007 Annual Town Meeting article 11, Firehouse #2 repairs, transfer \$200,000 from the Capital Improvement Stabilization Fund and transfer \$328,253 from free cash to be expended under the direction of the Town Manager for the replacement of the heating system with a new and energy efficient hot water heating system at the Veteran's Memorial Elementary School.

Stephan Cohen moved to indefinitely postpone Article 6.

Motion to Indefinitely Postpone Does Not Pass.

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

Article 7. Police Station/Highway Maintenance Facility. To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sum of money for architectural design development and preparation of construction documents for a police station and highway maintenance facility to be located at the current location of the highway garage, 24 Race Point Road; or to take any other action relative thereto.

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

Two-Thirds Vote Required

Board of Selectmen Recommends Indefinite Postponement: 5-0-0
Finance Committee Recommends Indefinite Postponement: 7-0-0

David Bedard moved to indefinitely postpone Article 7.

Motion Passed.

Article 8. High School Building Pointing and Sealing of Exterior Walls.

To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sum of money for the tuck-pointing and sealing of the exterior walls of the Provincetown High School building; or to take any other action relative thereto.

[Requested by the School Committee and the Town Manager]

Two-Thirds Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

F. John Santos moved that the Town vote to appropriate the sum of \$420,000 to be expended under the direction of the Town Manager and the Superintendent of Schools for the tuck pointing and sealing of the exterior walls of the Provincetown High School building and costs related thereto, that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$420,000 pursuant to General Laws Chapter 44, sections 7 and 8, or any other enabling authority and to issue bonds and notes therefor; provided that the appropriation shall be contingent on the passage of a Proposition 2 ½ debt exclusion by the voters of the town in accordance with General Laws Ch. 59 section 21C9m).

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

Article 9. Use of Parking Funds to Purchase Parking Vehicle

To see if the Town will vote to expend \$32,925 from the Parking Fund to purchase a new parking vehicle; 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

Austin Knight moved that the Town vote to transfer \$32,925 from the Parking Fund to purchase a new parking vehicle.

Howard Hintze moved to amend the motion to reduce the amount to \$18,976.

Motion to Amend Does Not Pass.

Motion Passed.

Article 10. Use of Parking Funds to Purchase Automated Pay Stations.

To see if the Town will vote to expend \$51,000 from the Parking Fund for the

purchase of three (3) automated pay station kiosks which will accept coins, paper currency, tokens and credit cards to be installed at the Veteran's Memorial Elementary School Parking Lot, on Harry Kemp Way to replace the metered public parking spots and at the Fire Station public parking lot on Shank Painter Road or on Bradford Street Extension and to make any other parking improvements; 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

David McChesney moved that the Town vote to transfer \$34,000 from the Parking Fund for the purchase of two (2) automated pay station kiosks, which will be installed on Harry Kemp Way and at the Fire Station public parking lot on Shank Painter Road and to make other parking improvements.

Motion Passed.

Article 11. Deposit Medicare Part D Reimbursements into the Other Post Employment Benefits Liability Trust Fund. To see if the Town will vote to deposit into the Other Post Employment Benefits Liability Trust Fund the sum of \$56,525 from Medicare Part D reimbursements for retiree drug subsidies from the Cape Cod Municipal Health Group; 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

Elaine Anderson moved that the Town vote to deposit Medicare Part D reimbursements in the amount of \$56,524 in the Other Post Employment Benefits Liability Trust Fund.

Motion Passed.

Special Town Meeting dissolved at 8:17 p.m. on April 2, 2012.