

Town of Provincetown Special Town Meeting Monday, October 29, 2012

Meeting Called to Order. Town Moderator Mary-Jo Avellar convened the Special Town Meeting at 6:00 p.m. on Monday, October 29, 2012 in the Town Hall Auditorium. Town Moderator Mary-Jo Avellar entertained a motion made by Austin Knight to adjourn the meeting until Thursday, November 1, 2012 at 6:00 pm in the Town Hall Auditorium based upon lack of a quorum due to a state of emergency declared by Governor Duval Patrick due to the extreme weather caused by Hurricane Sandy. Motion Passed. Town Moderator Mary-Jo Avellar adjourned the meeting to Thursday, November 1, 2012 at 6:00 pm.

Town Moderator Mary-Jo Avellar reconvened the October 29, 2012 Special Town Meeting on Thursday, November 1, 2012 at 6:00 p.m. in the Town Hall Auditorium.

Preliminary motions:

Austin Knight moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Austin Knight moved that the Town vote to grant permission to speak at the October 29, 2012 Special Town Meeting, continued to November 1, 2012, to the following persons who are not registered voters of the Town of Provincetown: Michelle Randazzo, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Tom Scarlata, *Bargmann, Henrie + Archetype, Inc.*; Mark Almeda, Mark Almeda Architects, P.C.; Richard Waldo, *Deputy DPW Director*; 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*; Morgan Clark, *Code Enforcement Officer*; Pam Hudson, *Secretary to the Town Manager/Employee Benefits Administrator*.

Motion Passed.

Austin Knight moved that on all matters to come before the October 29, 2012 Special Town Meeting, continued to November 1, 2012, 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 2013 Budget Adjustment – Division I, General Government.

To see if the Town will vote to amend the Municipal Operating budget for Division I, General Government for Fiscal Year 2013 as voted under Article 2 of the April 2012, Annual Town Meeting by raising a 1st appropriating or transferring from available funds the following amounts:

Budget Division	FY 2012	FY 2013	'12-'13 %
I. General Government	\$1,146,867	\$1,194,330	+4.1%

[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 amend the Fiscal Year 2013 Division One, General Government Budget to provide as follows: That the Town vote to raise and appropriate the sum of \$893,973, transfer \$124,000 from Cable Receipts Reserved for Appropriation, \$4,696 from Wetlands Protection Fund, and \$129,975 from the Land Bank Fund for a total of \$1,152,644 to fund operating budgets for the several Town departments for Fiscal Year 2013 under budget Division I, General Government, as requested by the Board of Selectmen and recommended by the Finance Committee.
Motion Passed.

Article 2. FY 2013 Budget Adjustment – Division V, Public Services.

To see if the Town will vote to amend the Municipal Operating budget for Division 5, Public Services for Fiscal Year 2013 as voted under Article 2 of the April 2012, Annual Town Meeting by raising and appropriating or transferring from available funds the following amounts:

Budget Division	FY 2012	FY 2013	'12-'13 %
V. Public Services	\$803,458	\$863,226	+7.4 %

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

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

F. John Santos moved that the Town vote to amend the Fiscal Year 2013 Division Five, Public Services Budget to provide as follows: That the Town vote to raise and appropriate the sum \$863,226 to fund operating budgets for the several Town departments for Fiscal Year 2013 under budget Division V, Public Services, as requested by the Board of Selectmen and recommended by the Finance Committee.
Motion Passed.

Article 3. FY 2013 Budget Adjustment – Water Enterprise Fund.

To see if the Town will vote to amend the Water Enterprise budget for Fiscal Year 2013 as voted under Article 4 of the April 2012, Annual Town Meeting by raising and appropriating or transferring from available funds the following amounts:

450 Water Enterprise Fund

	FY 2012	FY 2013	12-13 %
Enterprise Fund Costs	\$2,093,560	\$2,120,314	
General Fund Costs	269,361	280,898	
TOTAL COSTS	\$2,362,921	\$2,401,212	+1.6%

[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 amend the Fiscal Year 2013 Water Enterprise Fund Budget to provide as follows: that \$2,401,212 be appropriated to operate the Water Enterprise Fund, \$1,829,541 to come from Water Enterprise Fund

revenues and \$290,773 from Retained Earnings, and further, \$280,898 to be appropriated in the general fund and funded from Water Enterprise revenues, as requested by the Board of Selectmen and recommended by the Finance Committee.
Motion Passed.

Article 4. Prior Year Bills.

To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or take any other action relative thereto.

[Requested by the Town Manager]

Nine-tenth's Vote Required.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Eric Yingling moved that the Town vote to transfer the sum of \$571.50 from 2004 Annual Town Meeting article 4-3 for the purpose of paying the following prior year bill: \$571.50 Siemens Industry, Inc.

Motion Passed Unanimously.

Article 5. Amend Funding Source for April 2012 Annual Town Meeting, Article 18.

To see what amendments the Town will vote to make to the funding source for the GIS Flyover approved under Article 18 of the April 2012 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefore; 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: 6-0-0

Elaine Anderson moved that the Town vote to amend the Annual Town Meeting article 18 - GIS Flyover to provide as follows: That the Town vote to transfer \$12,922.44 from 2008 Annual Town Meeting article 6, \$7,125.87 from 2010 Annual Town Meeting article 5-6 and \$6,951.69 from 2004 Annual Town Meeting article 4-8 for a total of \$27,000 for the purpose of taking aerial photographs of the town in order to re-plot buildings onto the Assessor's Maps.

Motion Passed.

Article 6. Stabilization Fund.

To see if the Town will vote to transfer a sum of money 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-third's Vote Required.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 8-0-0

David McChesney moved that the Town transfer \$250,000 from free cash into the Stabilization Fund.

Duane Steele moved to postpone Article 6 until after Article 7 is decided.

Motion to Postpone Article 6 Does Not Pass.

Motion Passed. (Two-thirds Vote Declared)

Article 7. Capital Improvements for Provincetown High School.

To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sum of money for repairs to the Provincetown High School building, provided that the appropriation shall be contingent on a Proposition 2 ½ capital outlay or debt exclusion ballot question; 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: 7-1-0

Building Committee Recommends: 5-0-0

School Committee Recommends: 5-0-0

Austin Knight moved that the Town vote to transfer \$1,237,437 from free cash to be expended under the direction of the Town Manager and the School Committee for repairs to the Provincetown High School building and costs related thereto, provided however that the Superintendent of Schools and the School Committee are authorized to contract for and expend any federal, state or local aid and grant funding that may be available for the project.

Duane Steele moved to amend the motion as follows: to see if the Town will transfer from free cash \$678,374 for the high priority safety and general repairs to the Provincetown High School building to be accomplished in the year 2013 as delineated in Option One of the Exterior Assessment Report by Mark Almeda Architects, P.C. Furthermore, the Town shall vote to use the balance of the \$420,000 appropriated for school repairs in Article 8 of the April 2, 2012 Special Town Meeting (\$384,547) for Option Two, the medium priority phase, also in 2013 at a cost of \$378,120. Option Three, the low priority third phase, outlined in the Almeda report for completion in the year 2015, shall be scheduled and prioritized as part of a Capital Improvements Program required by the Town Charter with the sources of funding identified.

Motion to Amend Does Not Pass.

Motion Passed.

Article 8. Cemetery Commission.

To see if the Town will vote to transfer \$2,000 from the Sale of Cemetery Lots Fund to buy back cemetery plots from the Purchaser, or heirs and assigns with burial rights of the lot(s); or take any other action relative thereto.

[Requested by the Cemetery Commission]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Erik Yingling moved the Town transfer \$2,000 from the Sale of Cemetery Lots Fund to buy back cemetery plots from the Purchaser, or heirs and assigns with burial rights of the lots.

Motion Passed.

Article 9. Replace Apron and Drainage at Main Fire Station.

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to replace the concrete apron and drainage at the rear of the main Fire Station; or to take any other action relative thereto.

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

Two-third's Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Austin Knight moved that the Town vote to transfer \$30,000 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Board of Fire Engineers for the repairs to the apron and drainage at the Main Fire Station and costs related thereto.

Motion Passed. (Two-third's Vote Declared)

Article 10. Purchase New Heart Monitor/Defibrillator.

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to purchase a Lifepak 15 Heart Monitor/Defibrillator for the Rescue Squad; or to take any other action relative thereto.

[Requested by the Board of Fire Engineers]

Two-third's Vote Required.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Sharon Lynn moved that the Town vote to transfer \$32,066 from the Capital Improvement Stabilization Fund to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of a new heart monitor/defibrillator and costs related thereto.

Motion Passed. (Two-third's Vote Declared)

Article 11. Solid Waste Contract.

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for the disposal of the Town's solid waste for a period not to exceed twenty (20) years commencing on January 1, 2015, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, which contract may include a provision that the Town shall not be exempt from liability for the payment of contract sums in future fiscal years; or to take any other action relative thereto.

[Requested by the Town Manager]

**Board of Selectmen Recommends: 5-0-0
Finance Committee Has No Recommendation**

Austin Knight moved that the Town authorize the Board of Selectmen to enter into a contract for the disposal of the Town's solid waste for a period not to exceed twenty years commencing on January 1, 2015, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, which contract may include a provision that the Town shall not be exempt from liability for the payment of contract sums in future fiscal years.

Michael Peregón moved to amend the motion by authorizing the Board of Selectmen to enter into a contract negotiation only.

Motion to Amend Does Not Pass.

Motion Passed.

Article 12. Street Paving Project.

To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sum of money for additional street paving and paving repairs, provided that the appropriation shall be contingent on a Proposition 2 ½ capital outlay or debt exclusion ballot question; or take any other action relative thereto.

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

**Board of Selectmen Recommends Indefinite Postponement: 5-0-0
Finance Committee Has No Recommendation**

F. John Santos moved to that the Town vote to indefinitely postpone Article 12.

Motion Passed.

Article 13. General By-law Amendment: Yard, House, or Garage Sales.

To see if the Town will vote to amend the Provincetown General By-laws by inserting a new Section 13-1-4, for the purpose of regulating the frequency of yard sales, including amendments or modifications thereto, to read as follows:

13-1-4 YARD, HOUSE, GARAGE OR BARN SALES

13-1-4-1 Definitions.

Yard, House, or Garage Sales shall mean the sale or offering for sale of ten (10) or more items of personal property at any one (1) residential premises at any one (1) time, excluding such sales as may be conducted by a bona fide charitable organization, religious or other tax-exempt organization.

13-1-4-2 Limit on number, frequency and length of sales.

No person or location shall be authorized more than one (1) yard sale per week to run no more than two (2) consecutive days, with the exception of Memorial Day weekend when such sale may run for three (3) consecutive days.

13-1-4-3 Displays or Sales.

No display or sales shall take place within or upon public land, sidewalk or roadway. Displays and sales shall only appear upon property of the participants, whether jointly or independently. Displays and sales shall not impede pedestrian traffic or cause concerns for the public safety.

13-1-4-4 Signs.

Any sign advertising such sale shall not exceed two (2) square feet, and there shall be no off-premises signs allowed. All signs must be removed immediately at end of the sale event.

13-1-4-5 Violations and penalties.

A non-criminal disposition penalty will be assessed for any violation of this Bylaw in the amount of \$50 for each offense. Each day that a violation exists shall be deemed to be a separate offense. If such offense continues for more than four days the yard sale shall be deemed to be a business and the Town may take such action as it deems necessary to regulate, and, or order it closed. or take any other action relative thereto.

[Requested by John LaCroix and others]

Board of Selectmen Recommends: 5-0-0 Finance Committee Has No Recommendation

John LaCroix moved that the Town amend the General By-Laws as printed in the warrant with the following amendment, delete the words "and there shall be no off-premises signs allowed" from section 13-1-4-4.

Motion Passed.

Town Moderator Mary-Jo Avellar motioned to dissolve the October 29, 2012 Special Town Meeting at 8:16 p.m. **Motion Passed.**

November 1, 2012 Special Town Meeting dissolved at 8:16 p.m.