

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**SPECIAL MEETING – FRIDAY – SEPTEMBER 28, 2012 11:30 AM**

**JUDGE WELSH ROOM**

Chairman Elaine Anderson convened the meeting at 11:30 AM noting the following attendees:  
Board of Selectmen members: Austin Knight, Elaine Anderson and John Santos

Excused Absence: David McChesney and Erik Yingling

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner, Finance Director Dan Hoort

Recorder: Vernon Porter

The following are meeting minutes, in brief.

**1. APPROVE OCTOBER 29, 2012 TOWN MEETING WARRANT FOR POSTING AND PUBLICATION**

**MOTION:** *Move that the Board of Selectmen vote to approve the ordering of the articles in the warrant for the October 29, 2012 Special Town Meeting for posting, as presented.*

**Motion by:** Austin Knight      **Seconded By:** John Santos      Yea 3    Nay 0

**Town Warrant**

**Special Town Meeting • Monday, October 29, 2012 • 6:00 PM**

**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 and appropriating or transferring from available funds the following amounts:

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

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

**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:

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

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

**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**

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

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

**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]*

**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]*

**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]*

**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]*

**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]*

**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]*

**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]*

**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]*

**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]*

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**Petitioned Article – General By-Law Amendment**

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**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]*

Motion to adjourn by John Santos at 11:35 AM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
September 28, 2012