

Town Warrant

Special Town Meeting – Monday, December 2, 2019

Commonwealth of Massachusetts Barnstable, ss.

To either of the Constables of the Town of Provincetown, Greetings: In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday, the Second day of December, A.D. 2019 at 6 o'clock in the evening**, then and there to act on the following articles, to wit:

Article 1. Petitioned Article – Fire Department Sub-Station at 3 Jerome Smith Road. To see if the Town will vote to dedicate the three parcels of land located at 3 Jerome Smith Road, 3-R Jerome Smith Road, and 3-A Jerome Smith Road, which are shown as Lot 3 on a plan filed with the Barnstable Registry District of the Land Court as Land Court Plan 28781-A, Lot 24 on Land Court Plan 28781-N, and Lot 30 on Land Court Plan 28781-P, which are described in Certificate of Title, Number 135188, and which were acquired for general municipal purposes, for use as the site for a new police station, for a future Fire Department substation (to provide additional garage bays for the Fire Department and Rescue Squad and bunk space for Rescue Squad personnel), and for an outdoor training facility for the Fire Department, or take any other action relative thereto.

[Requested by Mike Trovato, the Board of Fire Engineers and others]

Explanation of Article 1: This petitioned article was submitted by the Board of Fire Engineers and 200 registered voters.

This article would dedicate the land formerly known as the VFW property for use as a new police station, fire substation and outdoor fire training facility.

When the property was first acquired by the Town, the vote at the October 21, 2013 Special Town Meeting, after an amendment from the floor was made, authorized the acquisition of the site “for general municipal purposes, including, without limitation, affordable housing....” Based on Town Counsel’s opinion, the land is currently held for general municipal purposes. Even though the amendment at the October 21, 2013 Special Town Meeting struck the words “for police station”, the fact that the land is currently held for general municipal purposes means that no Town Meeting action is legally required to dedicate the land for a police or fire station. When land is legally held for general municipal purposes, it is available for any municipal use.

This article, however, would formally dedicate the land for specific uses. If the article is approved at the Special Town Meeting, the land would be formally dedicated for police and fire station uses and would no longer be held for general municipal purposes. In that event, the Town would be precluded from using the land for any other purpose, including for affordable housing, without a subsequent Town Meeting vote transferring the land to another specific municipal use. Such a transfer would require the custodial board, which in this case would remain the Select Board, to declare that the land is no longer needed

for the specific uses for which it is held, and a two-thirds majority vote of Town Meeting pursuant to the procedures set forth in G.L. c. 40, §15A.

Since the 2013 vote, the Town has voted to move the police station across the street to 16 Jerome Smith Road. The Select Board voted to dedicate the former VFW site exclusively for affordable housing. The Town hired a firm to conduct a housing feasibility study on the property, as well as the existing police station site. The final report of that study is scheduled to be completed and presented to the Select Board on December 9, 2019. The intent of that report was to draft a Request for Proposals (RFP) to be issued in February or March to find a developer to build an affordable housing development on the site.

The Board of Fire Engineers has identified a need for additional garage and bunk space for rescue personnel as they have outgrown their existing facilities. They identified the VFW property as the best location to build their facility along with a new police station.

The Special Town Meeting is required to allow Town voters the opportunity to decide the best use of the property before the RFP is released. If Town Meeting approves this article, it will formally dedicate the property for the specific three purposes stated in the article.

SELECT BOARD
TOWN OF PROVINCETOWN
David Abramson, Chairman
Robert Anthony, Vice-Chairman
Louise Venden
Lise King
John Golden

A TRUE COPY, ATTEST:

Darlene Van Alstyne
Town Clerk

Posted: www.provincetown-ma.gov, 11/4/19 3:50 pm dv

Published: The Banner: November 14, 2019

Constable Posting: November 14, 2019