

HOUSE No. 4873

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act relative to an intermunicipal agreement between the towns of Provincetown and Truro..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Notwithstanding the provisions of any general or special law, or the charter of
2 the town of Provincetown to the contrary, whenever there exists an intermunicipal agreement
3 between the town of Provincetown and the town of Truro for the provision of water to the
4 residents of Truro, the following provisions shall be applicable, but not otherwise.

5 Section 2. When the Provincetown water and sewer board is exercising the powers of a
6 water board, one such member shall, at the discretion of the Provincetown board of selectmen, be
7 designated by said board as an alternate member, and three additional members shall be
8 appointed by the Truro board of selectmen who shall be registered voters of the Town of Truro,
9 for a total of seven members and one alternate member.

10 Section 3. The three members appointed by the board of selectmen of the town of Truro
11 shall serve for terms of three years, however, initially one such member shall be appointed for a
12 three-year term, one for a two-year term, and one for a one year term.

13 Section 4. Except as otherwise provided in this act, the provisions of chapter 3 and
14 section 10-2 of the Provincetown town charter shall be applicable to the appointment, service,
15 and removal of the members appointed by the Truro board of selectmen. With regard to
16 provision of notice of appointment, filling of vacancies, and removals of members appointed by
17 the Truro board of Selectmen in accordance with section 2 of this act, references in the town
18 charter to the “appointing authority” shall be applicable to the Truro board of selectmen.

19 Section 5. Notice of appointment of a member appointed by the Truro board of selectmen
20 under section 2 of this act shall be filed with the town clerk of the town of Provincetown. Any
21 such member shall, before entering upon the member’s official duties, be sworn to the faithful
22 performance thereof by either the town clerk or the moderator of the town of Provincetown. For
23 purposes of G.L. c.41, §109, the resignation of such a member shall be filed with the town clerk
24 of the town of Provincetown, at which time such resignation shall become effective, or at such
25 later time as may be specified in such resignation. The town clerk of the town of Provincetown
26 shall forthwith provide notice of the same to the town clerk of the Town of Truro.

27 Section 6. When the Provincetown water and sewer board is exercising the powers of a
28 water board, and appointments have been made by the Truro board of selectmen in accordance
29 with section 2 of this act, a quorum of the water and sewer board shall be four members

30 Section 7. For purposes of the Conflict of Interest Law, G.L. c.268A, the members of the
31 water and sewer board appointed by the Provincetown board of selectmen pursuant to section 2
32 of this act shall be considered special municipal employees of the towns of Provincetown and
33 Truro.

34 Section 8. Upon the expiration or termination of an intermunicipal agreement between
35 the towns of Provincetown and Truro contemplated under section 1 of this act, the terms of the
36 three members of the water and sewer board appointed by the Truro board of selectmen pursuant
37 to section 2 of this act shall immediately terminate.

38 Section 9. This act shall take effect upon passage.