

HOUSE No. 1818

The Commonwealth of Massachusetts

PRESENTED BY:

Sarah K. Peake

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the charter of the town of Provincetown.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------|-------------------------|------------------|
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> | <i>1/14/2019</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>1/17/2019</i> |

HOUSE No. 1818

By Ms. Peake of Provincetown, a petition (accompanied by bill, House, No. 1818) of Sarah K. Peake and Julian Cyr (by vote of the town) relative to the charter of the town of Provincetown. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to the charter of the town of Provincetown.

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. Subsection (b) of section 1 of chapter 1 of the charter of the town of
2 Provincetown, which is on file in the office of the archivist of the commonwealth, as provided in
3 section 12 of chapter 43B of the General Laws, is hereby amended by striking out the words
4 “board of selectmen”, each time it appears, and inserting in place thereof, in each instance, the
5 following words:- select board.

6 SECTION 2. Subsection (e) of section 2 of said chapter 1 of said charter is hereby
7 amended by striking out the words “board of selectmen” and inserting in place thereof the
8 following words:- select board.

9 SECTION 3. Subsection (b) of section 3 of said chapter 1 of said charter is hereby
10 amended by striking out the words “board of selectmen” and inserting in place thereof the
11 following words:- select board.

12 SECTION 4. Subsection (i) of section 3 of said chapter 1 of said charter is hereby
13 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
14 place thereof, in each instance, the following words:- select board.

15 SECTION 5. Subsection (l) of said section 3 of said chapter 1 of said charter is hereby
16 amended by striking out the words “board of selectmen” and inserting in place thereof the
17 following words:- select board.

18 SECTION 6. Subsection (b) of section 4 of said chapter 1 of said charter is hereby
19 amended by striking out the words “board of selectmen” and inserting in place thereof the
20 following words:- select board.

21 SECTION 7. Subsection (e) of said section 4 of said chapter 1 of said charter is hereby
22 amended by striking out the words “board of selectmen” and inserting in place thereof the
23 following words:- select board.

24 SECTION 8. Subsection (f) of said section 4 of said chapter 1 of said charter is hereby
25 amended by striking out the words “board of selectmen” and inserting in place thereof the
26 following words:- select board.

27 SECTION 9. Subsection (g) of said section 4 of said chapter 1 of said charter is hereby
28 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
29 place thereof, in each instance, the following words:- select board.

30 SECTION 10. Subsection (h) of said section 4 of said chapter 1 of said charter is hereby
31 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
32 place thereof, in each instance, the following words:- select board.

33 SECTION 11. Subsection (c) of section 1 of chapter 2 of said charter is hereby amended
34 by striking out the words “board of selectmen”, each time it appears, and inserting in place
35 thereof, in each instance, the following words:- select board.

36 SECTION 12. Subsection (a) of section 3 of said chapter 2 of said charter is hereby
37 amended by striking out the words “board of selectmen” and inserting in place thereof the
38 following words:- select board.

39 SECTION 13. Subsection (b) of said section 3 of said chapter 2 of said charter is hereby
40 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
41 place thereof, in each instance, the following words:- select board.

42 SECTION 14. Subsection (c) of said section 3 of said chapter 2 of said charter is hereby
43 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
44 place thereof, in each instance, the following words:- select board.

45 SECTION 15. Subsection (f) of said section 3 of said chapter 2 of said charter is hereby
46 amended by striking out the words “board of selectmen” and inserting in place thereof the
47 following words:- select board.

48 SECTION 16. Subsection (b) of section 5 of said chapter 2 of said charter is hereby
49 amended by striking out the words “third Tuesday in June”, and inserting in place thereof the
50 following words:- second Tuesday in May.

51 SECTION 17. Chapter 3 of said charter is hereby amended by striking out in the heading
52 the words “board of selectmen” and inserting in place thereof the following words:- select board.

53 SECTION 18. Subsection (a) of section 1 of said chapter 3 of said charter is hereby
54 amended by striking out the words “board of selectmen” and inserting in place thereof the
55 following words:- select board.

56 SECTION 19. Subsection (b) of said section 1 of said chapter 3 of said charter is hereby
57 amended by striking out the words “board of selectmen” and inserting in place thereof the
58 following words:- select board.

59 SECTION 20. Subsection (c) of said section 1 of said chapter 3 of said charter is hereby
60 amended by striking out the words “board of selectmen” and inserting in place thereof the
61 following words:- select board.

62 SECTION 21. Subsection (a) of section 2 of said chapter 3 of said charter is hereby
63 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
64 place thereof, in each instance, the following words:- select board.

65 SECTION 22. Subsection (b) of said section 2 of said chapter 3 of said charter is hereby
66 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
67 place thereof, in each instance, the following words:- select board.

68 SECTION 23. Subsection (c) of said section 2 of said chapter 3 of said charter is hereby
69 amended by striking out the words “board of selectmen” and inserting in place thereof the
70 following words:- select board.

71 SECTION 24. Subsection (d) of said section 2 of said chapter 3 of said charter is hereby
72 amended by striking out the words “board of selectmen” and inserting in place thereof the
73 following words:- select board.

74 SECTION 25. Subsection (e) of said section 2 of said chapter 3 of said charter is hereby
75 amended by striking out the words “board of selectmen” and inserting in place thereof the
76 following words:- select board.

77 SECTION 26. Subsection (f) of said section 2 of said chapter 3 of said charter is hereby
78 amended by striking out the words “board of selectmen” and inserting in place thereof the
79 following words:- select board.

80 SECTION 27. Section 2 of said chapter 3 of said charter is hereby amended by inserting
81 after subsection (f) the following two new subsections: -

82 g. The select board has the exclusive authority to award and execute contracts for all
83 town departments and offices and, if requested, for the school committee and for the board of
84 library trustees.

85 h. The select board shall have the full role of and all of the powers and authority of a
86 board of selectmen under any general or special laws, and its members and officers shall have
87 the full role of and all of the powers and authority of the members and officers of a board of
88 selectmen under any general or special laws.

89 SECTION 28. Subsection (a) of section 3 of said chapter 3 of said charter is hereby
90 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
91 place thereof, in each instance, the following words:- select board.

92 SECTION 29. Subsection (b) of said section 3 of said chapter 3 of said charter is hereby
93 amended by striking out the words “board of selectmen” and inserting in place thereof the
94 following words:- select board.

95 SECTION 30. Subsection (c) of said section 3 of said chapter 3 of said charter is hereby
96 amended by striking out the words “board of selectmen” and inserting in place thereof the
97 following words:- select board.

98 SECTION 31. Subsection (a) of section 4 of said chapter 3 of said charter is hereby
99 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
100 place thereof, in each instance, the following words:- select board.

101 SECTION 32. Subsection (b) of said section 4 of said chapter 3 of said charter is hereby
102 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
103 place thereof, in each instance, the following words:- select board.

104 SECTION 33. Subsection (c) of said section 4 of said chapter 3 of said charter is hereby
105 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
106 place thereof, in each instance, the following words:- select board.

107 SECTION 34. Subsection (a) of section 5 of said chapter 3 of said charter is hereby
108 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
109 place thereof, in each instance, the following words:- select board.

110 SECTION 35. Subsection (e) of said section 5 of said chapter 3 of said charter is hereby
111 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
112 place thereof, in each instance, the following words:- select board.

113 SECTION 36. Subsection (a) of section 6 of said chapter 3 of said charter is hereby
114 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
115 place thereof, in each instance, the following words:- select board.

116 SECTION 37. Subsection (b) of said section 6 of said chapter 3 of said charter is hereby
117 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
118 place thereof, in each instance, the following words:- select board.

119 SECTION 38. Subsection (c) of said section 6 of said chapter 3 of said charter is hereby
120 amended by striking out the words “board of selectmen” and inserting in place thereof the
121 following words:- select board.

122 SECTION 39. Subsection (d) of said section 6 of said chapter 3 of said charter is hereby
123 amended by striking out the words “board of selectmen” and inserting in place thereof the
124 following words:- select board.

125 SECTION 40. Section 1 of chapter 4 of said charter is hereby amended by striking out
126 the words “board of selectmen” and inserting in place thereof the following words:- select board.

127 SECTION 41. Section 2 of said chapter 4 of said charter is hereby amended by striking
128 out subsection (a), in its entirety, and inserting in place thereof the following:- a. The town
129 manager shall be a person especially fit by education, training, or previous experience in public
130 administration, to perform the powers and duties of the office.

131 SECTION 42. Subsection (c) of said section 2 of said chapter 4 of said charter is hereby
132 amended by striking out the words “board of selectmen” and inserting in place thereof the
133 following words:- select board.

134 SECTION 43. Subsection (e) of said section 2 of said chapter 4 of said charter is hereby
135 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
136 place thereof, in each instance, the following words:- select board.

137 SECTION 44. Subsection (f) of said section 2 of said chapter 4 of said charter is hereby
138 amended by striking out the words “board of selectmen” and inserting in place thereof the
139 following words:- select board.

140 SECTION 45. Subsection (a) of section 3 of said chapter 4 of said charter is hereby
141 amended by striking out the words “board of selectmen” and inserting in place thereof the
142 following words:- select board.

143 SECTION 46. Subsection (b) of said section 3 of said chapter 4 of said charter is hereby
144 amended by striking out the words “board of selectmen” and inserting in place thereof the
145 following words:- select board.

146 SECTION 47. Subsection (c) of said section 3 of said chapter 4 of said charter is hereby
147 amended by striking out the words “board of selectmen” and inserting in place thereof the
148 following words:- select board.

149 SECTION 48. Subsection (d) of said section 3 of said chapter 4 of said charter is hereby
150 amended by striking out the word “action”, the first time it appears, and inserting in place thereof
151 the following words:- hiring decision by the town manager.

152 SECTION 49. Said subsection (d) of said section 3 of said chapter 4 of said charter is
153 hereby further amended by striking out the word “action”, the second time it appears, and
154 inserting in place thereof the following words:- hiring decision.

155 SECTION 50. Said subsection (d) of said section 3 of said chapter 4 of said charter is
156 hereby further amended by striking out the words “board of selectmen”, each time it appears, and
157 inserting in place thereof, in each instance, the following words:- select board.

158 SECTION 51. Said section 3 of said chapter 4 of said charter is hereby amended by
159 deleting the last sentence in subsection (h).

160 SECTION 52. Said section 3 of said chapter 4 of said Charter is hereby amended by
161 striking out subsection (k) and inserting in place thereof the following subsection:- k. The town
162 manager is the chief procurement officer of the town.

163 SECTION 53. Subsection (n) of said section 3 of said chapter 4 of said charter is hereby
164 amended by striking out the words “board of selectmen” and inserting in place thereof the
165 following words:- select board.

166 SECTION 54. Subsection (o) of said section 3 of said chapter 4 of said charter is hereby
167 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
168 place thereof, in each instance, the following words:- select board.

169 SECTION 55. Subsection (p) of said section 3 of said chapter 4 of said charter is hereby
170 amended by striking out the words “board of selectmen” and inserting in place thereof the
171 following words:- select board.

172 SECTION 56. Subsection (b) of section 4 of said chapter 4 of said charter is hereby
173 amended by striking out the words “board of selectmen” and inserting in place thereof the
174 following words:- select board.

175 SECTION 57. Subsection (c) of said section 4 of said chapter 4 of said charter is hereby
176 amended by striking out the words “board of selectmen” and inserting in place thereof the
177 following words:- select board.

178 SECTION 58. Subsection (d) of said section 4 of said chapter 4 of said charter is hereby
179 amended by striking out the words “board of selectmen” and inserting in place thereof the
180 following words:- select board.

181 SECTION 59. Subsection (a) of section 5 of said chapter 4 of said charter is hereby
182 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
183 place thereof, in each instance, the following words:- select board.

184 SECTION 60. Subsection (b) of said section 5 of said chapter 4 of said charter is hereby
185 amended by striking out the words “board of selectmen” and inserting in place thereof the
186 following words:- select board.

187 SECTION 61. Subsection (d) of said section 5 of said chapter 4 of said charter is hereby
188 amended by striking out the words “board of selectmen” and inserting in place thereof the
189 following words:- select board.

190 SECTION 62. Subsection (b) of section 1 of chapter 5 of said charter is hereby amended
191 by striking out the words “board of selectmen”, each time it appears, and inserting in place
192 thereof, in each instance, the following words:- select board.

193 SECTION 63. Subsection (d) of said section 1 of chapter 5 of said charter is hereby
194 amended by striking out the words “board of selectmen” and inserting in place thereof the
195 following words:- select board.

196 SECTION 64. Subsection (c) of section 2 of said chapter 5 of said charter is hereby
197 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
198 place thereof, in each instance, the following words:- select board.

199 SECTION 65. Subsection (d) of said section 2 of said chapter 5 of said charter is hereby
200 amended by striking out the words “board of selectmen” and inserting in place thereof the
201 following words:- select board.

202 SECTION 66. Section 4 of said chapter 5 of said charter is hereby amended by striking
203 out subsection (a), in its entirety, and inserting in place thereof the following: a. Unless
204 otherwise specified in Massachusetts General Laws or this Charter, each town board consists of
205 five regular members and two alternate members, except for the zoning board of appeals and the
206 planning board, which may have up to five alternate members, and the finance committee, which
207 shall have seven regular members and two alternate members. New members shall not
208 participate in a board meeting until they have been sworn in by the town clerk. Alternate
209 members shall have the right in order of seniority on the board to vote at a board meeting in
210 place of a regular member who is absent.

211 SECTION 67. Subsection (c) of section 4 of said chapter 5 of said charter is hereby
212 amended by striking out the words “board of selectmen” and inserting in place thereof the
213 following words:- select board.

214 SECTION 68. Subsection (e) of section 6 of said chapter 5 of said charter is hereby
215 amended by striking out the words “board of selectmen” and inserting in place thereof the
216 following words:- select board.

217 SECTION 69. Subsection (a) of section 7 of said chapter 5 of said charter is hereby
218 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
219 place thereof, in each instance, the following words:- select board.

220 SECTION 70. Subsection (e) of section 8 of said chapter 5 of said charter is hereby
221 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
222 place thereof, in each instance, the following words:- select board.

223 SECTION 71. Item (7) of said subsection (e) of said section 8 of said chapter 5 of said
224 charter is hereby further amended by striking out the word “selectmen”, each time it appears in
225 number 7, and inserting in place thereof, in each instance, the following words:- select board.

226 SECTION 72. Subsection (c) of section 1 of chapter 6 of said charter is hereby amended
227 by striking out the words “board of selectmen” and inserting in place thereof the following
228 words:- select board.

229 SECTION 73. Subsection (b) of section 3 of said chapter 6 of said charter is hereby
230 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
231 place thereof, in each instance, the following words:- select board.

232 SECTION 74. Subsection (b) of section 4 of chapter 6 of said charter is hereby amended
233 by striking out the word “third”, and inserting in place thereof the following word:- second.

234 SECTION 75. Said subsection (b) of said section 4 of said chapter 6 of said charter is
235 hereby further amended by striking out the words “board of selectmen” and inserting in place
236 thereof the following words:- select board.

237 SECTION 76. Subsection (e) of said section 4 of said chapter 6 of said charter is hereby
238 amended by striking out the words “January 31st”, and inserting in place thereof: - the first
239 Tuesday in February.

240 SECTION 77. Said subsection (e) of said section 4 of said chapter 6 of said charter is
241 hereby further amended by striking out the words “board of selectmen”, each time it appears, and
242 inserting in place thereof, in each instance, the following words:- select board.

243 SECTION 78. Subsection (f) of said section 4 of said chapter 6 of said charter is hereby
244 amended by striking out the words “board of selectmen”, each time it appears, and inserting in
245 place thereof, in each instance, the following words:- select board.

246 SECTION 79. Subsection (g) of said section 4 of said chapter 6 of said charter is hereby
247 amended by striking out the words “board of selectmen” and inserting in place thereof the
248 following words:- select board.

249 SECTION 80. Subsection (b) of section 5 of said chapter 6 of said charter is hereby
250 amended by striking out the words “board of selectmen” and inserting in place thereof the
251 following words:- select board.

252 SECTION 81. Subsection (b) of section 6 of said chapter 6 of said charter is hereby
253 amended by striking out the word “third” and inserting in place thereof the following word:-
254 second.

255 SECTION 82. Said subsection (b) of said section 6 of said chapter 6 of said charter is
256 hereby further amended by striking out the words “January 31st” and inserting in place thereof
257 the following words:- the first Tuesday in February.

258 SECTION 83. Said subsection (b) of section 6 of said chapter 6 of said charter is hereby
259 further amended by striking out the words “board of selectmen”, each time it appears, and
260 inserting in place thereof, in each instance, the following words:- select board.

261 SECTION 84. Subsection (d) of said section 6 of said chapter 6 of said charter is hereby
262 amended by striking out the words “board of selectmen” and inserting in place thereof the
263 following words:- select board.

264 SECTION 85. Subsection (b) of section 8 of said chapter 6 of said charter is hereby
265 amended by striking out the words “board of selectmen” and inserting in place thereof the
266 following words:- select board.

267 SECTION 86. Subsection (a) of section 10 of said chapter 6 of said charter is hereby
268 amended by striking out the words “board of selectmen” and inserting in place thereof the
269 following words:- select board.

270 SECTION 87. Subsection (b) of said section 10 of said chapter 6 of said charter is
271 hereby amended by striking out the words “board of selectmen” and inserting in place thereof the
272 following words:- select board.

273 SECTION 88. Subsection (a) of section 2 of chapter 7 of said charter is hereby amended
274 by striking out the words “board of selectmen” and inserting in place thereof the following
275 words:- select board.

276 SECTION 89. Subsection (b) of section 3 of chapter 7 of said charter is hereby amended
277 by striking out the words “board of selectmen” and inserting in place thereof the following
278 words:- select board.

279 SECTION 90. Subsection (c) of section 6 of said chapter 7 of said charter is hereby
280 amended by striking out the words “board of selectmen” and inserting in place thereof the
281 following words:- select board.

282 SECTION 91. Section 3 of chapter 8 of said charter is hereby amended by striking out
283 the words “board of selectmen” and inserting in place thereof the following words:- select board.

284 SECTION 92. If this act is passed within 64 days of the second Tuesday in May, 2019,
285 then section 16 of this act shall take effect on January 1 of the year next following.

286 SECTION 93. This act shall take effect upon its passage.