

ANNUAL TOWN MEETING MINUTES

Monday, April 22, 2013

The Moderator called the meeting to order at 7:08pm with a quorum of 159 met. The Nauset High Honors Chorus was present to sing before Town Meeting and gave a wonderful rendition of the National Anthem. There was a moment of silence for those residents that have passed away as follows: Paula Draper – COA driver; Samuel Hall – Board of Assessors; Patricia Foley – Finance Committee, Personnel Board Task Board; Miriam Muir – Teacher aide; Marian Parkinson – Historical Committee; Richard Souther – Police/fire dispatcher; Barbara Murphy – DPW seasonal worker; Robert Hankey – ZBA, Elections, Bylaw Revision Committee, Bylaw Review Committee; Robert Rowell – Assistant Shellfish Constable; Richard Hazen – elections; Faith Driggs – Council on Aging. There was Town Meeting consent for articles 28, and 32-35 to be taken up at once. After a brief discussion it was decided to leave the 5 minute rule.

ARTICLE 1: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2014 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2014

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0

OPERATING BUDGET		
FISCAL YEAR 2014		
		FY 2014
		SELECTMEN
114	MODERATOR	
	Salaries & Wages	200
	Operating Expenses	
	Dues	0
	Moderator Total	200
115	CONSTABLES	
	Salaries & Wages	100
121	AUDIT	
	Services	21,000
122	SELECTMEN	
	Salaries & Wages	5,000
	Operating Expenses	4,300
	Selectmen Total	9,300
123	TOWN ADMINISTRATOR	
	Salaries & Wages	193,811
	Operating Expenses	6,900
	Town Administrator Total	200,711
124	GENERAL ADMINISTRATION	
	Salaries & Wages	124,235
	Operating Expenses	17,893
	General Administration Total	142,128

OPERATING BUDGET		
FISCAL YEAR 2014		FY 2014
		SELECTMEN
131	FINANCE COMMITTEE	
	Operating Expenses	210
132	RESERVE FUND	
	Transfers	50,000
135	TOWN ACCOUNTANT	
	Salaries & Wages	132,973
	Operating Expenses	8,300
	Town Accountant Total	141,273
141	ASSESSORS	
	Salaries & Wages	100,546
	Operating Expenses	38,170
	Assessors Total	138,716
145	TOWN CLERK/TREASURER	
	Salaries & Wages	114,048
	Operating Expenses	20,210
	Town Clerk/Treasurer Total	134,258
146	TOWN COLLECTOR	
	Salaries & Wages	76,181
	Operating Expenses	13,950
	Town/Tax Collector Total	90,131
151	LEGAL EXPENSES	
	Services	100,000
153	COMPUTERIZATION	
	Operating Expenses	145,710
158	TAX TITLE	
	Services	12,500
162	ELECTIONS/REGISTRATION	
	Salaries & Wages	4,700
	Operating Expenses	4,550
	Elections/Registration Total	9,250
171	CONSERVATION COMMISSION	
	Operating Expenses	2,100
174	PLANNING BOARD	
	Operating Expenses	11,135
176	ZONING BOARD OF APPEALS	
	Operating Expenses	1,680

OPERATING BUDGET		
FISCAL YEAR 2014		FY 2014
		SELECTMEN
177	OPEN SPACE COMMITTEE	
	Operating Expenses	3,000
178	HERRING WARDEN	
	Stipend	300
179	SHELLFISH	
	Salaries & Wages	156,921
	Overtime	
	Operating Expenses	18,530
	Shellfish Total	175,451
180	SHELLFISH CONSERV/PROPAGATION	
	Operating Expenses	22,000
181	SHELLFISH ADVISORY COMMITTEE	
	Operating Expenses	100
182	CHAMBER OF COMMERCE	
	Operating Expenses	13,000
183	NATURAL RESOURCES ADVISORY BD	
	Operating Expenses	1,100
184	ECONOMIC DEVELOPMENT	
	Operating Expenses	25,000
189	HOUSING AUTHORITY	
	Operating Expenses	5,000
195	TOWN REPORTS & WARRANTS	
	Operating Expenses	11,500
196	CONSULTANCY	
	Services	60,000
210	POLICE	
	Salaries & Wages	1,017,535
	Overtime	83,000
	Operating Expenses	96,400
	Police /Department Total	1,196,935
215	COMMUNICATIONS/DISPATCHERS	
	Salaries & Wages	269,220
	Overtime	37,840
	Operating Expenses	18,500
	Communications Total	325,560

**OPERATING BUDGET
FISCAL YEAR 2014**

**FY 2014
SELECTMEN**

220	FIRE DEPARTMENT	
	Salaries & Wages	767,035
	Overtime	185,500
	Operating Expenses	184,900
	Fire Department Total	1,137,435
241	BUILDING DEPARTMENT	
	Salaries & Wages	148,702
	Operating Expenses	12,257
	Building Department Total	160,959
291	EMERGENCY MANAGEMENT	
	Operating Expenses	50
292	ANIMAL CONTROL OFFICER	
	Salaries & Wages	33,803
	Operating Expenses	2,550
	Animal Control Officer Total	36,353
293	TRAFFIC/PARKING CONTROL	
	Stipend	2,000
	Operating Expenses	2,165
		4,165
300	ELEMENTARY SCHOOL	
	Operations	2,415,497
301	NAUSET REGIONAL SCH DISTRICT	
	Assessment	2,360,388
302	CAPE COD REG TECH HS DISTRICT	
	Assessment	66,914
417	DPW FACILITIES	
	Operating Expenses	297,100
420	DPW OPERATIONS	
	Salaries & Wages	782,011
	Overtime	34,000
	Operating Expenses	148,055
	DPW Operations Total	964,066
422	DPW GENERAL HIGHWAYS	
	Operating Expenses	115,400
423	DPW SNOW REMOVAL	
	Overtime	33,000
	Operating Expenses	60,300
	DPW Snow Removal Total	93,300

OPERATING BUDGET		
FISCAL YEAR 2014		FY 2014
		SELECTMEN
424	DPW STREET LIGHTS	
	Operating Expenses	21,500
433	DPW TRANSFER STATION	
	Operating Expenses	267,950
434	RECYCLING COMMITTEE	
	Operating Expenses	100
442	MUNICIPAL WATER SYSTEM	
	Operating Expenses	94,400
510	HEALTH/CONSERVATION	
	Salaries & Wages	122,956
	Overtime	
	Operating Expenses	14,857
	Health/Conservation Total	137,813
520	HUMAN SERVICES	
	Services	82,000
541	COUNCIL ON AGING	
	Salaries & Wages	212,558
	Operating Expenses	17,160
	Council on Aging Total	229,718
543	VETERANS SERVICES	
	Assessment & Benefits	20,606
610	LIBRARY	
	Salaries & Wages	275,596
	Operating Expenses	87,610
	Library Total	363,206
630	RECREATION	
	Salaries & Wages	173,602
	Operating Expenses	65,237
	Recreation Total	238,839
690	HISTORICAL COMMISSION	
	Operating Expenses	250
691	HISTORICAL REVIEW BOARD	
	Operating Expenses	250
692	DPW HOLIDAY CELEBRATIONS	
	Operating Expenses	1,150
693	ANNIVERSARY CELEBRATIONS	
	Operating Expenses	0

OPERATING BUDGET		
FISCAL YEAR 2014		FY 2014
		SELECTMEN
696	WELLFLEET CULTURAL COUNCIL	
	Expenses	2,000
699	BEACH PROGRAM	
	Salaries & Wages	197,520
	Overtime	
	Operating Expenses	67,200
	Beach Program Total	264,720
753	SHORT TERM LOAN PRIN/INTEREST	
	S/T Note Interest	25,000
756	INTEREST ON R/E TAX REFUNDS	
	Interest	150
911	RETIREMENT PLANS	
	Barnstable County Retirement etc	928,426
912	WORKERS COMPENSATION	
	Claims	35,000
913	UNEMPLOYMENT COMPENSATION	
	Claims	10,000
914	GROUP INSURANCE HEALTH	
	Premiums	1,051,832
915	GROUP INSURANCE LIFE	
	Premiums	5,900
916	TOWN SHARE MEDICARE	
	Tax Payments	89,200
917	HEALTH INSURANCE STIPEND	
	Employee Stipends	25,000
940	MISCELLANEOUS	
	Tax Work Off Program	0
945	PROPERTY/LIABILITY INSURANCE	
	Premiums	252,000
TOTAL OPERATING BUDGET		14,847,985

Voice vote to accept the Selectmen’s Fiscal Year 2014 Town Operating Budget as printed in the warrant except that line item 177, Open Space Committee Operating Expense to be reduced to \$3,000 and line item 301, Nauset Regional School District Assessment be reduced to \$2,360,388, total Selectmen’s Fiscal Year 2014 Operating Budget becomes \$14,847,985, with each item to be considered a separate appropriation, including fixing the salaries and compensation of all elected officers of the Town for Fiscal Year 2014, and including approving the Nauset Regional School District budget for Fiscal Year 2014, with funding for the Operating Budget provided in the following manner:

Raise and appropriate	\$13,539,923
Ambulance Fund	\$180,000
Beach Fund	\$710,000
SEMASS Fund	\$265,000
Recreation Fund	\$45,000
Shellfish Fund	\$95,000
State Aid to Libraries	\$4,000
Sale of Cemetery Lots	\$5,500
Perpetual Care Income	\$500
Debt Exclusion Reduction	<u>\$3,062</u>
Total Operating Budget	\$14,847,985

ARTICLE 2: To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums or money necessary to supplement the operating and/or capital budgets of the various Town departments for the current Fiscal Year 2013

Requests to Date:

FROM	TO	AMOUNT	EXPLANATION
Beach Fund	Beach Program	\$22,089.92	To fund unanticipated expenses incurred in FY2013
Beach Fund	Beach Program	\$11,749.00	To fund the purchase of FY2013 supplies for Gull Pond
Clerk/Treasurer Stipend	Clerk/Treasurer - Contract Services	\$10,000.00	To fund records management
DPW Vehicle Fund 037	Capital Budget	\$42,983.00	To partially fund the purchase of a pick up truck with snow plow
DPW Landfill Capping Fund 035	Drainage/Remediation Fund 025	\$15,472.00	To fund drainage and remediation projects
Ambulance Replacement Fund	Fire Dept - Repair/Maintenance Services	\$19,500.00	To fund repairs necessary to bring Ambulance 97 & 98 to a condition to pass state ambulance inspection
Ambulance 5147 08	Fire - Overtime	\$5,000.00	To fund unexpected overtime

Fire Dept- S/W FT EE 5110 15	Fire Department - S/W FT SC 5110 16	\$22,856.19	To temporarily fund FY2013 Fire Department salaries and wages
Fire Dept - S/W FT EE 5110 16	Fire Dept - Overtime	\$10,249.19	To fund unexpected overtime
Fire Dept - Holiday	Fire Dept - Overtime	\$3,990.00	To fund unexpected overtime
Fire Dept - Stipend	Fire Dept - Overtime	\$5,000.00	To fund unexpected overtime
Free Cash	Fire Dept - Overtime	\$24,000.00	To fund unexpected overtime
Free Cash	Accounting - Salaries	\$1,012.00	To temporarily fund FY2013 Accounting salaries and wages
Free Cash	Administration - Contract Services	\$1,448.00	To fund two copier leases at Town Hall
Free Cash	DPW - Snow Removal	\$57,485.00	To fund unanticipated expenses incurred in FY2013 for snow plowing
Free Cash	Library - Salaries	\$6,000.00	To temporarily fund FY2013 Library salaries and wages
Free Cash	Police - Salaries	\$10,000.00	To temporarily fund FY2013 Police salaries and wages
Free Cash	Reserve Fund	\$25,000.00	
Free Cash	Consultancy	\$10,000.00	Tennis court engineering
Free Cash	Consultancy	\$2,500.00	To Fund preparation of a site plan on the Town's 5.2 acre parcel on Gull Pond to support rehab

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0

Voice vote that Article 2 be accepted and adopted as printed in the warrant, with the funding amount for snow removal to be \$57,485.00 and the following additional transfers: From Free cash to account 132 Reserve Fund \$25,000; From Free Cash to account 196 Consultancy \$10,000 for tennis court engineering; From Free Cash to account 196 Consultancy \$2,500 to fund preparation of a site plan on the Town's 5.2 acre parcel on Gull Pond to support permitting to rehab the property.

ARTICLE 3: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2014 Town Capital Budget.

**Board of Selectmen recommends 5-0
Finance Committee recommends 7-0**

**CAPITAL BUDGET
FISCAL YEAR 2014**

	FY 2014 SELECTMEN
COMPUTERIZATION	
Fiber Optics Project	
IT Net Projects	60,000
Computerization Total	60,000
SHELLFISH	
Pick-up Truck	0
TOWN HALL	
Building Repairs	
Floor Covering	30,000
Town Hall Total	30,000
POLICE	
CRUISER EQUIPMENT	
MDT	
POLICE CRUISER	34,000
TASERS	10,000
Police Department Total	44,000
FIRE	
Water Supply	
Command Car	
Defibrillators	
Ambulance	185,000
Fire Suppression	
Cardiac Monitors	60,000
Tanker	
Turn out Gear	8,000
Jaws of Life	
Fire Department Total	253,000
ELEMENTARY SCHOOL	
Roofing Shingles (Gym)	0
NAUSET REGIONAL SCH DISTRICT	
NRSD Capital Outlay	54,968
DPW FACILITIES	
HVAC System	9,500

CAPITAL BUDGET**FISCAL YEAR 2014****FY 2014
SELECTMEN****DPW OPERATIONS**

Herring River Handrail	21,000
Herring River Concrete	39,000
DPW Building Repairs	
Library HVAC System	
Radios Narrow Band	35,000
ADA Auto Doors	
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	95,000

**DPW TRANSFER
STATION**

Refuse Container	30,000
Yard Horse	35,000
Recycling Compactor	30,000
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	95,000

DPW VEHICLES

One Ton Dump Truck	
Pick up Truck Health Dept	
Pick up with Plow	12,017
Mower	
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	12,017

COUNCIL ON AGING

Building Repairs	
Storage Shed	5,000
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	5,000

LIBRARY

Paint Exterior	12,000
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RECREATION

Tennis Court Rehab	
Floats	
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	0

BEACH PROGRAM

Storage Shed	8,700
Paddle Boats Stand Up	5,100
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	13,800

**DEBT SERVICE PRIN L/T
CAP BDG**

DPW Garage Facility	135,000
Library Roof	15,000
Muni Building Church	40,000
Geiger Land Non excludable	15,000
Senior Center	55,000
Chavchavadze Land Non exclud	35,000
Muni Water GOB 1	15,000
Muni Water SRF	41,294
Landfill Closure/Capping #1	100,000
Septic County Non excludable	10,000

CAPITAL BUDGET**FISCAL YEAR 2014****FY 2014
SELECTMEN**

DPW Sweeper #2 Non excludable	35,000
DPW Grader	25,000
Fire Station Property	40,000
Fire Station Design #1	20,000
DPW Front End Loader	25,000
DPW Flail Mower	10,000
DPW Refuse Trailer	10,000
Landfill Closure/Capping #2	5,000
Uncle Tim's Bridge	10,000
Fire Station Design #2	5,000
Fire Station Construction	355,000
Total Long Term Principal	1,001,294

**DEBT SERVICE INT L/T
CAP BDG**

DPW Garage Facility	11,070
Library Roof	4,884
Muni Building Church	15,090
Geiger Land Non excludable	6,434
Senior Center	21,900
Chavchavadze Land Non exclud	12,888
Muni Water GOB 1	6,488
Muni Water SRF	12,706
Landfill Closure/Capping	53,700
DPW Sweeper #2 Non excludable	1,400
DPW Road Grader	1,000
Fire Station Property	20,175
Fire Station Design #1	9,425
DPW Front End Loader	1,000
DPW Flail Mower	400
DPW Refuse Trailer	400
Landfill Closure/ Capping #2	3,075
Uncle Tim's Bridge	6,900
Fore Station Design #2	2,575
Fire Station Construction	245,650
Total Long Term Interest	437,160

335 Main Street Demolition

Boy Scout Wellfield

DPW One Ton Truck

335 Main Street

Boy Scout Well field

DPW One Ton Truck

Wind Turbine

Coastal Water 27,500

Wastewater Studies 27,500

DPW Projects 215,200

Wind Turbine

Coastal Water 22,000

Wastewater Studies 22,000

CAPITAL BUDGET

FISCAL YEAR 2014

**FY 2014
SELECTMEN**

DPW Projects	2,152
NRSD Green Renovations	20,400
NRSD Green Renovations	2,040
Total Short Term Debt Service	338,792
TOTAL CAPITAL BUDGET	2,461,531

Voice to the Selectmen's Fiscal Year 2014 Capital Budget as printed in the warrant said amount to be funded in the following manner:

Raise and appropriate	\$2,005,763
Ambulance Fund	\$215,000
Beach Fund	\$13,800
Free Cash	\$226,968
Total Capital Budget	\$2,461,531

Motion to reduce from Free Cash \$10,000 for tasers from the Capital Budget loses by a count of 89 in favor and 135 against. Tellers sworn were Curtis Felix and Lezli Rowell.

ARTICLE 4: To see if the Town will vote to raise and appropriate and/or transfer from available funds, and/or authorize the transfer from various line items within current appropriations including **\$10,000** from the Beach Fund and **\$5,000** from the Waterways Fund, such sums of money necessary to fund the Fiscal Year 2014 Marina Services Enterprise Fund Budget

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0
Marina Advisory Committee recommends 6-0

**MARINA ENTERPRISE
FUND**

Fiscal Year 2014

**FY 2014
SELECTMEN**

PERSONNEL	
Salaries/Wages/Fringe	168,318
Benefits	
Overtime	2,400
Personnel Total	170,718

**CAPITAL BUDGET
FISCAL YEAR 2014**

**FY 2014
SELECTMEN**

OPERATING EXPENSES

Services	31,600
Supplies	236,500
Other Charges	5,500
Small Equipment	1,000
Operating Expenses	274,600
Total	

CAPITAL OUTLAY

Engineering/Rehab	20,000
Rehab Debt Service Principal	100,000
Paving Debt Service Principal	0
Rehab Debt Service Interest	63,575
Paving Debt Service Interest	0
Capital Outlay Total	183,575

RESERVE FUND 35,000

MARINA ADVISORY COMMITTEE 0

GENERAL FUND COSTS

Health/Life Insurance	33,000
Pension	9,000
Shared Employees	9,200
Building/Liability Insurance	4,100
General Fund Costs Total	55,300

MARINA ENTERPRISE TOTAL 719,193

Voice to appropriate the following to fund the Selectmen's Fiscal Year 2014 Marina Services Enterprise Fund Budget, a total of \$719,193; such sum to be provided in the following manner:

\$665,200 from Marina Enterprise Revenues

\$38,993 from retained earnings

\$10,000 from the Beach Fund and

\$5,000 from the Waterways Fund

In addition, \$55,300 is to be raised and appropriated in the General Fund Operating Budget and allocated to the Marina Enterprise Fund.

ARTICLE 5: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2014 Water Enterprise Fund Budget,

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0
Board of Water Commissioners recommends 5-0

The Water Services Enterprise Fund is intended to be self supporting. However, in FY 2014 there is a projected revenue shortfall of \$93,885 which will have to be funded by an appropriation in the operating budget. FY 2014 estimated water revenue includes connection fees (\$15,000), water use charges (\$58,625) and deferred connection fee payments from connections in previous years (\$71,750) which, together with a \$93,885 transfer from the operating budget, results in total water system revenues of \$239,260.

WATER ENTERPRISE FUND

FY 2014

	FY 2014 SELECTMEN
WATER COMMISSIONERS	
Operating Expenses	0
PERSONNEL	
Salaries & Wages	26,395
OPERATING EXPENSES	
Utilities	8,755
Services	127,700
Supplies	10,815
Other Charges	6,180
Operating Expenses Total	153,450
DEBT SERVICE PRINCIPAL	
Boy Scout Well Field	0
Water Mains Design	0
Water System Construction	25,532
Debt Service Principal Total	25,532
DEBT SERVICE INTEREST	
Boy Scout Well Field	0
Water Mains Design	0
Water System Construction	33,883
Debt Service Interest Total	33,883
GENERAL FUND SHARED	
Shared Employees	0
WATER ENTERPRISE TOTAL	239,260

Voice vote the Selectmen's Fiscal Year 2014 Water Enterprise Fund Budget as printed in the warrant, a total of \$239,260; such sum to be provided for in the following manner: \$145,375 from Connection Fees and User Charges. In addition \$93,885 is to be raised and appropriated in the General Fund Operating Budget and allocated to the Water Enterprise Fund.

ARTICLE 6: To see if the Town will vote to revise the annual salary set by the Town Meeting under Article One for Elected Officials in order to raise and appropriate and/or transfer from available funds the sum of **\$4,000**, or any other sum, to provide a 3% wage increase for the Town Clerk/Treasurer and the Town Collector.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0

Voice vote to raise and appropriate the sum of \$4,000 for the purpose of funding wage adjustments for the Town Clerk/Treasurer and Town Collector and to fix the salary accordingly to: \$73,100 for the Town Clerk/Treasurer and \$64,211 for the Town Collector.

ARTICLE 7: To see if the Town will vote pursuant to the provisions of G. L. c. 43B, §10 to amend the Wellfleet Home Rule Town Charter to change the positions of Town Clerk-Town Treasurer and Town Collector from elected to appointed as set forth below;

- (1) Amend **Section 4-2 Elected Officers**, Subsection **4-2-1**, listing those officers to be elected, by deleting paragraph (b) Town Clerk-Town Treasurer and (c) Town Collector, and re-lettering the remaining paragraphs accordingly;
- (2) Amend **Section 3-6 Powers of Appointment**, Subsection **3-6-1**, authorizing appointment by the Board of Selectmen, by inserting in said list (h) Town Clerk (i) Town Treasurer and (j) Town Collector respectively; and
- (3) Insert a new Chapter as follows:

Chapter 9 TRANSITIONAL PROVISIONS

Section 9-1 Appointed Town Clerk and Town Treasurer and Town Collector

9-1-1 The vote of the 2013 Annual Town Meeting to amend the Charter to change the elected positions of Town Clerk-Town Treasurer and Town Collector to the appointed positions of Town Clerk and Town Treasurer and Town Collector, shall take effect immediately upon approval by the voters at the 2014 Annual Town Election. At that time, the elected office of Town Clerk-Town Treasurer and Town Collector shall be abolished and the term of the elected incumbents terminated; provided, however, that the elected incumbents holding office as of the effective date of said Charter amendment shall be the first appointees to the newly created appointed positions, and, notwithstanding the provisions of Section 3-6-1 of the Town Charter, shall remain in said positions for a term ending on the same date as the end date of the current term of the elected incumbent and until the Board of Selectmen appoints a fully qualified person or persons to fill any vacancy in said offices. Thereafter, appointments to the positions shall be made in accordance with Section 3-6-1, and notwithstanding any provision of this Charter, or general or special law to the contrary, one person

may be appointed to serve in more than one such capacity, and, in such instances, such capacities shall be deemed a single position.

Board of Selectmen recommends 4-1

Finance Committee recommends 7-0

Bylaw Committee recommends 2-0. The Bylaw committee recommends an initial appointed term of at least three (3) years.

2/3 voice vote pursuant to General Laws, chapter 43B, section 10 (a) to propose the charter amendment set forth in Article 7.

ARTICLE 8: To see if the Town will vote pursuant to G. L. c. 43B, §10 to amend the Wellfleet Home Rule Charter, section 7-1-4, by adding at the end of said provision the following: “unless specifically authorized by vote of the Board of Selectmen.” As amended section 7-1-4 would read:

No member of the Finance Committee shall hold any other Town Office, except that of member of the Personnel Board, unless specifically authorized by vote of the Board of Selectmen.

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Bylaw Committee recommends 2-0

2/3 voice vote pursuant to General Laws, chapter 43b, section 10 (a) to propose the charter amendment set forth in the article. 135 in favor 57 against

A motion to change the words “Board of Selectmen” to “Moderator” loses.

ARTICLE 9: To see if the Town will vote to accept the provisions of G. L. c. 60, §3D and to establish an “Aid to the Elderly or Disabled Taxation Fund.”

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Board of Assessors recommends 3-0

SUMMARY: This statute authorizes the creation of a fund to provide tax relief to elderly or disabled persons. The fund would be funded by voluntary donations collected as part of the tax collection process. The fund would be administered by a committee consisting of the Treasurer, Chairman of the Board of Assessors and three citizens appointed by the Board of Selectmen who shall establish rules for administration of the fund.

Voice vote to accept the provisions of General Laws, chapter 60, section 3D and to establish an Aid to Elderly or Disabled Taxation Fund.

ARTICLE 10: To see if the Town will vote to set the interest rate payable under tax deferral agreements entered into pursuant to G. L. c. 59, §5, clause 18A and/or clause 41A to zero percent per annum or to any other rate not to exceed eight percent per annum.

Board of Selectmen recommends 5-0
Board of Assessors does not recommend 3-0
Finance Committee recommends 5-3

Voice vote to Indefinitely Postpone

ARTICLE 11: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first and second year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit A, beginning July 1, 2012.

Board of Selectmen recommends 5-0
Finance Committee recommends 8-0

Voice vote that the sum of \$19,097 be and hereby is transferred from free cash to pay costs of funding the first year and that the further sum of \$36,363 be and is hereby raised and appropriated to pay the costs of funding the second year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit A covering the term of July 1, 2012 through June 30, 2014, which amount is sufficient to fund all of the cost items for the first two years of said contract.

ARTICLE 12: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first and second year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit B, beginning July 1, 2012.

Board of Selectmen recommends 5-0
Finance Committee recommends 8-0

Voice vote that the sum of \$23,386 be and hereby is transferred from free cash to pay costs of funding the first year and that the further sum of \$47,474 be and is hereby raised and appropriated to pay the costs of funding the second year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit B covering the term of July 1, 2012 through June 30, 2014, which amount is sufficient to fund all of the cost items for the first two years of said contract.

ARTICLE 13: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first, second and third years of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit C, beginning July 1, 2012.

Board of Selectmen recommends 5-0

Finance Committee recommends 8-0

Voice vote that the sum of \$10,227 be and hereby is transferred from free cash to pay costs of funding the first year and that the further sum of \$13,591 be and is hereby raised and appropriated to pay costs of funding the second year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit C covering the term of July 1, 2012 through June 30, 2014, which amount is sufficient to fund all of the cost items for the first two years of said contract.

ARTICLE 14: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first, second and third years of a collective bargaining agreement between the Town of Wellfleet and the Communicators Union, Mass COP, beginning July 1, 2011.

Board of Selectmen recommends 5-0

Finance Committee reserves recommendation to Town Meeting

Voice vote to Indefinitely Postpone

ARTICLE 15: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money in anticipation of reimbursement to be received pursuant to G. L. c. 90 as amended; said funds to be expended to repair and resurface Town roads and to carry out other authorized projects under the direction of the Department of Public Works.

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Voice vote that the Town accept the sum of \$374,464, or such other amount that the State declares as available funds as the State's share of the cost of work under Massachusetts General Laws, Chapter 90, said funds to be expended for the purposes stated in the warrant under the supervision of the Board of Selectmen.

ARTICLE 16: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$150,000**, or any other sum, to pay the Town's contribution to the Other Post Employment Benefits Liability Trust Fund.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0

Voice vote that the sum of \$150,000 be raised and appropriated to contribute to the Other Post Employment Benefits Liability Trust Fund.

ARTICLE 17: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$50,000**, or any other sum, for the purpose of contributing to the Stabilization Fund.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0

2/3 voice vote attained that the sum of \$50,000 be raised and appropriated to contribute to the Stabilization Fund

ARTICLE 18: To see if the Town will vote, pursuant to G. L. c. 44B, to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of **\$25,000** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2014; and further to appropriate from Community Preservation Fund estimated revenues a sum of **\$69,322** for open space debt service; a sum of **\$50,000** to reserve for community housing; and further to reserve for future appropriation a sum of **\$50,000** for historic resources, as well as a sum of **\$215,678** to be placed in the 2014 Budgeted Reserve for general Community Preservation Act purposes.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0
Community Preservation Committee recommends 6-0
Open Space Committee recommends 6-0
Housing Authority recommends 3-0
Historical Commission recommends 5-0

Voice vote that Article 18 be accepted and adopted as printed

ARTICLE 19: To see if the Town, pursuant to G. L. c. 44B, will vote to transfer from the Community Preservation Fund estimated annual revenues, fund balance or budgeted reserves the sum of **\$15,000** for the purpose of Estate Planning for the support of affordable housing.

Board of Selectmen recommends 5-0
Finance Committee recommends 6-1
Community Preservation Committee recommends 6-0
Local Housing Partnership recommends 5-0
Housing Authority recommends 3-0

Voice vote that Article 19 be accepted and adopted as printed and that the sum of \$15,000 be transferred from CPA Fund Balance for the purposes of the article

The Moderator, Bruce Bierhans steps down at this time and the Town Clerk holds an election for the Interim Moderator. Daniel Silverman was nominated and so voted.

ARTICLE 20: To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$75,000** to contribute to the cost of, and thereby support, the restoration and renovation of Pond Hill School.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-1
Community Preservation Committee recommends 5-0-1
Historical Commission recommends 5-0

Voice vote that Article 20 be accepted and adopted as printed and that the sum of \$75,000 be transferred from CPA Fund Balance for the purposes of the article

ARTICLE 21: To see if the Town will vote, pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of **\$20,000** to contribute to the cost of, and thereby support, the restoration and rehabilitation of 335 Main Street Town Park.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0
Community Preservation Committee recommends 6-0
Open Space Committee recommends 7-0

Voice vote that Article 21 be accepted and adopted as printed and that the sum of \$20,000 be transferred from CPA Funds Balance for the purposes of the article

Bruce Bierhans resumes the chair as Moderator.

ARTICLE 22: To see if the Town will vote to appropriate the sum of **\$250,000** for the purpose of paying costs of purchasing a new Fire Department Tanker Truck and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, authorize the Town Treasurer, with the approval of the Selectmen to borrow said amount under and pursuant to G. L. c. 44, §7(9) or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G. L. c. 59, §21C (Proposition 2½).

Board of Selectmen recommends 4-1
Finance Committee recommends 8-0

2/3 voice vote attained that the sum of \$250,000 is appropriated to pay costs of purchasing and originally equipping a new Fire Department pumper truck and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to G.L. chapter 44, section 7(9) or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor. No sums shall be borrowed tor expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G.L. chapter 59, section 21C (Proposition 2 ½).

ARTICLE 23: To see if the Town will vote to appropriate the sum of **\$130,000** for the purpose of purchasing Lot L1 on Land Court Plan 10669-V on Chequessett Neck Road owned by the Chequessett Yacht and Country Club and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, authorize the Town Treasurer, with the approval of the Selectmen, to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority and to issue bonds to notes of the Town therefor; provided however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G. L. c. 59, §21C (Proposition 2 ½).

Board of Selectmen recommends 5-0 for easement
Finance Committee recommends 8-0
Natural Resources Advisory Board recommends 3-0
Open Space Committee recommends 4-0-1

Voice vote that the Town authorize the Board of Selectmen to accept an easement, five feet in width, for passage on foot only between Chequessett Neck Road and the waters of Wellfleet Harbor, on such terms and conditions as they deem appropriate, over a portion of Lot L1 shown on Land Court Plan 10669-V.

ARTICLE 24: To see if the Town will vote to appropriate **\$324,000** for the purpose of funding the construction of public restrooms at Baker’s Field and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow said amount under and pursuant to G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½).

Board of Selectmen recommends 5-0

Finance Committee recommends 6-0-1

Board of Health recommends 5-0

Conservation Commission does not recommendation 6-1

Comprehensive Wastewater Management Planning Committee recommends 5-0

Planning Board recommends 5-0

Natural Resources Advisory Board recommends 3-0

2/3 voice vote attained that the sum of \$324,000 is appropriated for the purpose of funding the construction of public restrooms at Baker’s Field and the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to chapter 44, section 7 (3) of the Massachusetts General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G.L. chapter 59, section 21C (Proposition 2 ½).

ARTICLE 25: To see if the Town will vote to raise and appropriate or transfer from available funds **\$60,000** for the purpose preparing plans and designs, permitting and preparation of construction and bid documents for the purpose of funding the construction of public restrooms at Baker’s Field.

Board of Selectmen recommends 5-0

Finance Committee recommends 4-2-1

Board of Health recommends 5-0

Conservation Commission reserves recommendation to Town Meeting

Comprehensive Wastewater Management Planning Committee recommends 5-0

Planning Board does not recommend 3-2

Natural Resources Advisory Board recommends 3-0

Voice vote to Indefinitely Postpone

ARTICLE 26: To see if the Town will vote to appropriate **\$375,000** for the purpose of funding the replacement of a portion of the roof on the Wellfleet Elementary School and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, authorize the Town Treasurer, with the approval of the Selectmen, to borrow said amount under and pursuant to G. L. c. 44, §7 (3A) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G. L. c. 59, §21C (Proposition 2½).

Board of Selectmen recommends 5-0

Finance Committee recommends 5-2. Finance Committee strongly recommends that this project be managed by the Town.

School Committee recommends 6-0

Voice vote that the Town of Wellfleet appropriate the sum of \$60,000 from free cash for the purpose of paying costs of a feasibility study for replacement of a portion of the roof of the Wellfleet Elementary School located at 100 Lawrence Road, Wellfleet, including the payment of all costs incidental thereto, and for which the Town of Wellfleet may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Board of Selectmen. The Town of Wellfleet acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and only any costs the Town of Wellfleet incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Wellfleet.

ARTICLE 27: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$25,000**, or any other sum, for the purpose of providing additional funding for the celebration of Wellfleet’s 250th anniversary, said funds to be spent under the direction of the Town of Wellfleet 250th Anniversary Committee.

Board of Selectmen recommends 3-2

Finance Committee does not recommend 7-0.

Voice vote that the sum of \$15,000 be raised and appropriated for the purposes of the article

A motion to reduce the sum from “\$25,000” down to “\$15,000” passes by a voice vote.

ARTICLE 28: To see if the Town will vote to authorize the Town Administrator or his designee to dispose of the following articles of personal property by trade in or sale;

2008 Ford Crown Victoria Police Interceptor
1999 Dodge Dakota pickup truck
1998 Honda ATV
1997 Ford F350 2WD diesel stake body dump truck
Steinert Spinet Piano

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0

Voice vote by consent

ARTICLE 29: To see if the Town will vote to amend the General Bylaws, Article III Town Affairs, Section 7, Paragraph 3 as follows:

Any Town personal property which the Town Administrator determines to have no market value shall be transferred to the Department of Public Works for disposal. Any other Town personal property valued by the Town Administrator at less than ~~five hundred~~ **one thousand, five hundred** dollars (\$1,500) may be disposed of by the Town Administrator only by sale or exchange. All other Town personal property may be disposed of only by sale or exchange and as particularly and individually authorized by the voters at a Town Meeting. Such Town personal property or properties shall be sold or exchanged by the Selectmen, only by sealed bid, subject to a minimum bid established by the Town Administrator. Not less than fourteen (14) days prior to the opening of bids for any such sale or exchange, an invitation for bids for said sale or exchange shall be posted in at least three (3) conspicuous places within the Town and shall be published in at least two (2) newspapers of general circulation in the Town. Notwithstanding anything contained herein to the contrary, a transfer of personal property which was received by the Town as a gift, to the original donor or her-his heir shall be exempt from the provisions of this bylaw, if approved by a majority vote of the Town Meeting. Requirements of this bylaw are in addition to the requirement for the disposal of Town property set forth in the General laws.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0
Bylaw Committee recommends 2-0

Voice vote that the Town amend the General Bylaws, Article III, section 7, paragraph 3 by striking “five hundred (\$500) dollars” and replacing it with “fifteen hundred (\$1,500) dollars.

ARTICLE 30: To see if the Town will vote to amend the Personnel Bylaw as follows:

PERSONNEL BYLAW

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Section 5 – Adoption and Amendment of Personnel Policies

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Section 8 – Personnel Board Advice and Recommendations

Section 1 – Purposes and Authorization

The purpose of the Town of Wellfleet Personnel Bylaw is to establish a fair system of personnel management that ensures uniform and efficient administration of personnel policies for Town employees. The role of the Personnel Board, in part, shall be to review and consider changes and amendments to the Personnel Bylaw as may be necessary and/or appropriate from time to time. Any such Personnel Board recommendations shall be made by the Personnel Board to the Town Meeting. The Personnel Board, in conjunction with the Town Administrator, shall, additionally, periodically review and consider changes to the Employee Personnel Manual.

This Personnel Bylaw is adopted pursuant to the authority granted by the G. L. c. 41, §108A and 108C.

This Personnel Bylaw shall supersede in their entirety Personnel Bylaw 1 and Personnel Bylaw 2 and any amendments and agreements directly related to the aforementioned Personnel Bylaws.

Section 2 – Application

All Town Departments and employee positions shall be subject to the provisions of this Personnel Bylaw except for elected officers and officials and employees of the School Department and except as otherwise provided by the Town Charter or Massachusetts laws. To the extent that any Town employee may be a union member and/or is subject to a collective bargaining agreement or written personal employment contract, in the event of a conflict between said agreement or contract and this Bylaw then said agreement or contract shall govern the terms and conditions of that employee's work.

Section 3 – Personnel System

The Personnel Board shall be responsible for the establishment and maintenance of a personnel system, classification plan, an annual job evaluation procedure and compensation plan, the administration of a grievance and disciplinary process, and the development of personnel policies pursuant to Section 5 of this Bylaw.

- (a) **Methods of Administration** – The Personnel Board, in conjunction with the Town Administrator or his designee, shall establish a system of administration which assigns specific responsibility for all elements of the personnel system, including, but not necessarily limited to: employee record keeping housed in the office of the Town Administrator; uniform recruitment, selection and hiring practices; maintaining the classification and compensation plans; monitoring the application of personnel policies, job evaluation procedures and periodic reviews; and evaluating the personnel system.
- (b) **Classification Plan** – A position Classification Plan for all Town employees subject to this Bylaw shall be established, based upon similarity of duties performed and responsibilities undertaken so that the same qualifications may be reasonably required for and the same schedule of pay may be applied to all positions in the same class. No Town employee may be appointed to a position not contained within the Classification Plan. Pursuant to the Town of Wellfleet Charter Chapter 5, Section 5-6-1, “The creation of any new position shall require the approval of the Personnel Board.”
- (c) **Compensation Plan** – A Compensation Plan for all positions subject to the Bylaw shall consist of a schedule of pay grades with any applicable rates and an official Town list detailing the assignment of each Town position to a specific pay grade. In its annual report to Town Meeting, the Personnel Board, with the assistance of the Finance Committee and the Town Administrator or his designee, shall summarize the Compensation Plan and attempt to detail the total annual costs to the Town for the services of its employees including, but not necessarily limited to, salary, benefits, and any projected but then unfunded costs as may be allocated on an annual basis and accrue to the taxpayers.
- (d) **Uniform Recruitment, Selection and Hiring Practices** – The Personnel Board, in conjunction with the Town Administrator or his designee, shall attempt to create uniform policies and practices for the recruitment, selection and hiring of Town Employees, including the use of standard written hiring agreements as deemed applicable. Such standard written hiring agreements shall not affect the status of the employee as an employee at will unless specifically stated therein.
- (e) **Personnel Policies** – Personnel policies shall be established and distributed to all Town employees in the form of an Employee Personnel Manual which shall detail certain of the terms and conditions of employment. Every Town employee will sign a form acknowledging receipt thereof, and agreement thereto.
- (f) **Performance Evaluations** – The Town has the right to evaluate an employee’s performance at any time, and where practicable, the evaluation should be done at least annually at the time of or as close as practicable to his or her anniversary of employment. In the event that an employee has had an evaluation at the end of his or her probationary period, then all subsequent evaluations should occur annually thereafter. At the time of the evaluation, the job description shall be updated as agreed upon by the supervisor and the Town Administrator who shall provide the employee with an opportunity to provide

input. All new employees, who shall include employees promoted to a new position, shall be on probation for a period determined by the Town Administrator which period shall not exceed one year. The Personnel Board, in conjunction with the Town Administrator or his designee, shall develop, monitor and periodically review a job evaluation process. Copies of all evaluations shall be kept in each employee's personnel file.

- (g) Disciplinary and Grievance Process – With the advice and consent of the Town Administrator, a disciplinary policy shall be established including, but not necessarily limited to, a method of addressing grievances arising from a claim of improper application of this Bylaw, personnel policies, the Employee Personnel Manual, or the disciplinary process. This list is not meant to be exhaustive. The grievance process cannot be used to infringe upon or supersede an Appointing Authority's authority to hire, discipline, and/or terminate an employee as provided in the Town Charter or other applicable Massachusetts laws.
- (h) Personnel Records – A centralized record keeping system to maintain essential employee records and protect confidential employment information shall be established, maintained and periodically monitored. All such records shall be kept by the Town Administrator or his designee. The Personnel Board shall develop a procedure and check list for who may be authorized and how such records may be accessed.
- (i) Other Elements – Any such other elements of a personnel system as may be deemed necessary, advisable or required by law may be established.

The Personnel Board shall maintain in writing the Classification Plan and the Compensation Plan described above. Neither of these Plans shall apply to those Town employees subject to a collective bargaining agreement or those Town employees with a written personal employment contract. The Personnel Board shall review annually each of the two Plans described in sections 3(b) and 3(c) hereof, and prepare a written summary to be presented to Town Meeting.

Section 4 – Amendment of Bylaws

The Personnel Board shall annually review the existing Personnel Bylaws and propose to Town Meeting such changes and amendments as it deems advisable in accordance with the General Law, the Town Charter and Bylaws. Such changes and amendments are subject to adoption by Town Meeting.

Section 5 – Adoption and Amendment of Personnel Policies

The Personnel Board, in conjunction with the Town Administrator or his designee, shall promulgate personnel policies in the form of an Employee Personnel Manual, which defines the rights, benefits and obligations of all Town Employees subject to this Bylaw. Further policies shall be adopted or amended as follows:

- (a) Preparation of Policies – The Personnel Board, in conjunction with the Town Administrator or his designee, shall prepare employment policies or amendments to such policies. Any person may propose a new employment policy or amendments to an existing employment policy. No proposal which has been considered in the previous twelve (12) months needs to be considered again. The Personnel Board shall be responsible for determining if a proposal is new or falls outside of the twelve (12) month

time limit. Any proposal must be submitted in writing to the Personnel Board by delivering seven (7) copies thereof to the office of the Town Administrator. The written proposal must contain the substance of the proposal as well as a statement describing the rationale for its acceptance. The Personnel Board shall schedule and hold a public hearing on all proposals in March annually, or if action is required sooner, at any time after public notice. Copies of all proposals to be considered by the Personnel Board shall be made available to the representatives of each employee collective bargaining unit and on the Town website.

- (b) Public Hearing – The Personnel Board and the Town Administrator or his designee shall present the proposed policies or amendments at a Public Hearing held after the Town employee work day concludes. Any person may attend the hearing, speak to or against the proposals or amendments and present information related thereto. Within twenty (20) days after the public hearing, the Personnel Board shall state its decision and the effective date of any newly adopted proposals and/or amendments.
- (c) Posting of New Policies and Amendments – The Personnel Board and the Town Administrator or his designee shall post the text of any newly adopted or amended policy in prominent Town employee work locations and on the Town website. Efforts will be made to distribute copies individually to all Town employees.
- (d) Computation of Time – In computing the time period in days under the Bylaw only business days shall be counted.

Section 6 – Severability

The provisions of the Bylaw and any policies and regulations adopted pursuant to the Bylaw are severable. If any portion of the Bylaw, personnel policies, Employee Personnel Manual, or regulations is found to be invalid, the remaining provisions of the Bylaw, personnel policies, Employee Personnel Manual and regulations shall remain in full force and effect.

Section 7 – Effective Date

The Bylaw shall take effect as provided by Massachusetts law.

Section 8 – Personnel Board Advice and Recommendations

The Personnel Board was formed to provide the Town with the benefit of particular knowledge, experience and expertise in employment matters, and will provide the Board of Selectmen with advice and recommendations regarding all such matters upon their request, or as the Personnel Board deems necessary and/or advisable.

Board of Selectmen recommends 5-0

Finance Committee recommends 8-0

Personnel Board recommends 3-0

Bylaw Committee recommends 2-0

Voice vote that Article 30 be accepted and adopted as printed in the warrant and that the Personnel Bylaws are amended accordingly

ARTICLE 31: To see if the Town will vote to amend the Demolition Delay Bylaw, General Bylaws, Article XIII as follows:

By striking the second and third paragraphs of Section 1, Purpose so the section, as amended will read:

Section 1. Purpose. The purpose of this ordinance is to protect from demolition historically significant buildings which reflect the historical, cultural or architectural heritage of the Town of Wellfleet, and to encourage the owners of such buildings to explore and develop acceptable alternatives to demolition such as preservation, renovation, restoration or relocation.

~~To achieve these purposes, a Historical Review board shall be appointed by the Selectmen in consultation with the Planning Board. The Historical Review Board, hereinafter referred to as "the Board", shall consist of three people chosen for their interest in and knowledge of historical structures. The Board shall be empowered to advise the Wellfleet Building Inspector with respect to the issuance of permits for demolition and to hold hearings to explore alternative to demolition.~~

~~The term of office of the members of the Historical Review Board shall be for a period of three, four, and five years respectively, and for a term of five years thereafter.~~

By adding the following definition to Section 2, Definitions:

2.4 Board. The Historical Commission, established by vote of the Town pursuant to Article 54 of the 1980 Annual Town Meeting.

And further, to see if the Town will vote to dissolve the Historical Review Board established by vote of the Town pursuant to Article 27 of the 1996 Annual Town Meeting.

Board of Selectmen recommends 5-0
Bylaw Committee recommends 2-0
Historical Review Board recommends 2-0
Historical Commission recommends 5-0
Planning Board recommends 4-0-1

Voice vote that Article 31 be accepted and adopted as printed in the warrant and that the Demolition Delay Bylaw, General Bylaws, Article XIII be amended accordingly and further that the Historical Review Board be dissolved.

ARTICLE 32: To see if the Town will vote to accept gifts offered to the Town since the 2012 Annual Town Meeting and appearing on a list dated April 1, 2013 and posted in the Office of the Town Clerk.

Gifts during the past year include:

<u>Department</u>	<u>Gift Received</u>
Public Library	\$27,055 books, A/V materials, databases, and museum passes from the Friends of the Wellfleet Library

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Voice vote by consent

ARTICLE 33: To see if the Town will vote in accordance with G. L. c. 41, §38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector.

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Voice vote by consent

ARTICLE 34: To see if the Town will vote to assume liability in the manner provided by G. L. c. 91, §29 and 29A, as most recently amended, for damage that may be incurred for work to be performed by the Department of Environmental Protection of Massachusetts for improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, excluding the Herring River and Herring River Dike, in accordance with G. L. c. 91, §11, and to authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth.

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Voice vote by consent

ARTICLE 35: To see if the Town will vote pursuant to the provisions of G. L. c. 71, §16B, to reallocate the sum of the Town’s required local contributions to the Nauset Regional School District in accordance with the Nauset Regional School District Agreement, rather than according to the formula of the Education Reform Act, so-called, for fiscal year 2014.

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Voice vote by consent

ARTICLE 36: To see if the Town will vote to amend the Zoning Bylaws by:

- (a) amending Section II, DEFINITIONS by adding the following definitions in alphabetical order: “Customer-Owned Generator;” “Degraded or Previously Disturbed Land;” “Solar Photovoltaic Array;” “Solar Photovoltaic Installation, Large-Scale Ground-Mounted (LSGMSPI);” “Solar Photovoltaic Installation, Large-Scale Ground-Mounted (LSGMSPI) Site Plan Review;” “Solar Photovoltaic Installation, Rated Nameplate Capacity;” and
- (b) amending Section V, USES, Subsection 5.3.2, Commercial, to add “Solar Photovoltaic Installation, Large-Scale Ground-Mounted” as a permitted (as-of-right) principal use in the C-2 District, and to add footnote 6, and
- (c) amending Section V, USES, Subsection 5.4.2, Minimum Yard Requirements, to add footnote 5 to the C2 District schedule and,
- (d) adding a new section to the Zoning Bylaw as SECTION X, entitled “Large-Scale Ground-Mounted Solar Photovoltaic Installations” as follows:

Definitions:

Customer-Owned Generator: A Large Scale Ground Mounted Solar Photovoltaic Installation owned by an entity other than the electric utility company.

Degraded or Previously Disturbed Land: An area where the natural condition of the land or vegetation thereon has been significantly altered, by acts such as mowing, cutting, grading, excavation, paving or other construction activity, including land being redeveloped from prior commercial use.

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

Solar Photovoltaic Installation, Large-Scale Ground-Mounted (LSGMSPI): A solar photovoltaic system, including all accessory structures, that is a principal use on a site of at least 8.5 acres in common ownership, and which is mounted on the ground (not roof-mounted), and has a minimum nameplate capacity of 250 kW Direct Current (DC).

Solar Photovoltaic Installation, Large-Scale Ground-Mounted (LSGMSPI) Site Plan

Review: A review by the Planning Board to determine conformance with all applicable Town of Wellfleet zoning bylaws.

Solar Photovoltaic Installation, Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current.

5.3.2 Commercial	CD	R1	R2	NSP	C	C2
Solar Photovoltaic Installation, Large-Scale Ground-Mounted (LSGMSPI)	O	O	O	O	O	P ⁶

P = A permitted use

O = An excluded or prohibited use

⁶ Provided parcel contains at least 75% degraded or previously disturbed land, is held in common ownership as of the date of this amendment, and subject to LSGMSPI site plan review by the Planning Board to assure compliance with the C2 District Objectives contained in Subsection 3.2, and as provided in Subsection 10.3 of this bylaw.

5.4.2 Minimum Yard Requirements	C2
Front (feet)	50 ^{3,5}
Side (feet)	35 ^{3,5}
Rear (feet)	35 ^{3,5}

⁵ Minimum front, side, and rear yard requirements for Large-Scale Ground-Mounted Solar Photovoltaic Installations (LSGMSPI) shall be 100 feet, except for accessory structures, which shall be subject to minimum front, side, and rear yard setback requirements of the C2 zoning district.

SECTION X – Large-Scale Ground-Mounted Solar Photovoltaic Installations

The purpose of this bylaw is to provide a review process for proposed large-scale ground-mounted solar photovoltaic installations (LSGMSPI) and provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, repair and/or removal of LSGMSPI. This section also pertains to physical modifications that alter the type, configuration, or size of these installations or related equipment.

10.1 Compliance with Laws, Bylaws, Policies, and Regulations

The construction and operation of all LSGMSPI shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All structures and fixtures forming part of a LSGMSPI shall be constructed in accordance with the State Building Code.

10.2 Building Permit and Building Inspection

No LSGMSPI shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

10.3 LSGMSPI Site Plan Review

LSGMSPI with 250 kW or larger of rated nameplate capacity shall require LSGMSPI site plan review by the Planning Board prior to issuance of a building permit to authorize construction, installation or modification as further provided in this section. Reviews shall be conducted to assure compliance with this Section X of the zoning bylaw, and with the C2 District Objectives contained in Subsection 3.2 of the zoning bylaw. In accordance with Section 22(c) of the Massachusetts Green Communities Act, LSGMSPI site plan review shall be expedited and completed within one (1) year after the date at which the Planning Board has determined the LSGMSPI site plan review application is complete.

10.3.1 General

10.3.1.1 All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts, at a scale of one inch equals forty feet (1" = 40').

10.3.2 Application Process and Requirements

10.3.2.1 In accordance with G. L. c. 44, §53G, the Planning Board may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the Planning Board with its review of the application. Failure to comply with the section shall be grounds for denial of the application.

10.3.2.2 Application Submission

Applicants for LSGMSPI site plan review shall file with the Wellfleet Town Clerk all required forms, plans and supporting documentation along with fourteen (14) copies and required fees. The Town Clerk shall stamp the application with the date received and shall immediately notify the Chair of the Planning Board of a submitted application packet.

10.3.2.3 Completeness Review

The Planning Board shall, within thirty (30) calendar days of the receipt of the application by the Town Clerk, determine whether the application is complete or incomplete and shall notify the applicant in writing by certified mail.

10.3.2.4 Incomplete Applications

If the Planning Board determines the application to be incomplete, the Board shall provide the applicant with a written explanation as to why the application is incomplete and request the information necessary to complete the application. Any additional information submitted by the applicant starts a new thirty (30) calendar day Completeness Review.

10.3.2.5 Waiver of Provisions

Upon the applicant's written request submitted as part of the application, the Planning Board may waive strict compliance with any provision of this Section X if it deems it in the public interest and determines that the intent of this Section X has been maintained.

10.3.3 Required Documents

An application for LSGMSPI site plan approval shall include the following documents:

- (a) A site plan showing:
 - (i) North arrow and locus map;
 - (ii) Property lines and physical features, including roads, delineation of any wetlands, and pre- and post-construction topography for the project site;
 - (iii) Proposed changes to the natural vegetation and landscaping present at the site, as well as proposed grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - (iv) Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - (v) Provisions for parking locations on site for at least two (2) service vehicles.
 - (vi) An electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - (vii) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - (viii) Name, address, license verification and contact information for proposed system installer(s);
 - (ix) Name, address, phone number and signature of the project applicant(s), as well as all property owner(s);
 - (x) The name, contact information and signature of any agent(s) representing the project proponent(s);
- (b) Documentation of actual or prospective access and control of the project site that satisfies Section 10.4;
- (c) An operation and maintenance plan that satisfies Section 10.5;
- (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (e) Proof of proposed liability insurance that satisfies Section 10.12;
- (f) Description of financial surety proposed to satisfy the requirements of Section 10.11.3; and
- (g) Evidence of utility company notification and acceptance of intent to install an inter-connected customer owned generator that satisfies Section 10.6.

10.4 Site Control

The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

10.5 Operation and Maintenance Plan

The project applicant shall submit a plan for the operation and maintenance of the LSGMSPI, which shall include measures for maintaining safe access to the installation and accessory structures, including but not limited to storm water controls at the site, and shall provide details as to the proposed general procedures for operation and maintenance of the installation.

10.6 Utility Notification

No LSGMSPI site plan approval shall be issued and no LSGMSPI shall be constructed until satisfactory evidence has been submitted to the Planning Board to demonstrate that the utility company that operates the electrical grid where the installation is to be located has deemed to have accepted the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

10.7 Accessory Structures

All accessory structures to LSGMSPI shall be subject to Town of Wellfleet zoning bylaws concerning the bulk and height of structures, lot area, setbacks, and open space, parking and building coverage requirements, except that no accessory structure to LSGMSPI shall exceed 15 feet in height. All such accessory structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to minimize visibility when viewed.

10.8 Design Standards

10.8.1 Fencing

Fencing shall be provided to control access to the LSGMSPI site and shall be consistent with the character of surrounding properties.

10.8.2 Landscape and Appearance

In accordance with C2 district objectives, the LSGMSPI shall be designed to minimize visual impact; the maximum amount of natural vegetation shall be preserved; details of construction and finish shall blend with the surroundings; additional screening shall be employed where practical and particularly to screen surrounding property.

10.8.3 Lighting

Lighting of LSGMSPI shall comply with local, state and federal law. Lighting of accessory elements or structures shall be limited to that required for safety and operational purposes, and shall be shielded to avoid unnecessary visibility from surrounding properties. Where feasible, lighting of the LSGMSPI shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

10.8.4 Signage

There shall be no signs on LSGMPI except a sign identifying the owner or operator and a 24-hour emergency contact phone number; no-trespassing signs; and any signs required to warn of danger. All signs shall comply with Section VII of the Wellfleet Zoning Bylaws.

10.8.5 Utility Connections

To the extent practical, as determined by the Planning Board, in consideration of soil conditions, shape and topography of the site and requirements of the utility receiving the power, all utility connections from or to the solar photovoltaic installation shall be installed underground; however, electrical transformers for utility interconnections may be above ground if required by the utility receiving the power.

10.8.6 Height

Solar photovoltaic arrays shall not exceed six (6) feet in height off the ground at their tallest orientation. Accessory structures to LSGMSPI shall be subject to height requirements set in section 10.7 of this bylaw.

10.9 Safety and Environmental Standards

10.9.1 Emergency Services

The LSGMSPI owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. The Planning Board or the Fire Chief may require the owner or operator to cooperate with designated Town or regional emergency service providers in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner and operator, if not the owner, shall identify a responsible person and contact information for providing response to public inquiries throughout the presence of the installation at the site, whether or not operational.

10.9.2 Land Clearing, Soil Erosion, Storm Water Control, and Habitat Impacts

Clearing of natural vegetation shall be limited to that necessary for the construction, operation and maintenance of the LSGMSPI or otherwise required by applicable laws, regulations, and bylaws. All storm water control plans shall either maintain or diminish preexisting runoff conditions. Any road or other surface on the lot shall comply with Article 7, Section 30 of the Wellfleet General Bylaw.

10.9.3 Hazardous waste

No hazardous waste shall be discharged on the site.

10.9.4 Herbicide and Pesticide Use

Use of herbicides and pesticides shall be consistent with all applicable Town of Wellfleet bylaws and policies.

10.9.5 Sound Levels

The sound levels under normal operating conditions, measured at the boundary of the lot on which the installation is sited, shall not be more than 5 decibels greater than would otherwise exist in the absence of such a facility.

10.10 Monitoring and Maintenance

10.10.1 Solar Photovoltaic Installation Conditions

The LSGMSPI owner and operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, continued compliance with landscaping and screening requirements, control of vegetation, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief. The owner and operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), other than public ways.

10.10.2 Modifications

All LSGMSPI external modifications requests made after the issuance of the original required building permit shall be forwarded to the Planning Board. All significant external modifications shall require LSGMSPI site plan review by the Planning Board.

10.11 Abandonment or Decommissioning

10.11.1 Removal Requirements

Any LSGMSPI which has reached the end of its useful life or has been abandoned consistent with Section 10.11.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Wellfleet Town Clerk and the Chair of the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- (a) Physical removal of all LSGMSPI, structures, equipment, security barriers and transmission lines from the site;
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

10.11.2 Abandonment

Absent notice to the Town Clerk of a proposed date of decommissioning or written notice of extenuating circumstances approved by the Planning Board, the solar photovoltaic installation shall be deemed abandoned within the meaning of this section when it fails to transmit power to the grid for more than one (1) year. If the owner or operator of the LSGMSPI fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the grant of Planning Board approval for the facility shall be deemed to be the consent of the owner and operator for the Town to enter the property and physically remove the installation and restore the site at the sole expense of the owner/operator.

10.11.3 Financial Surety

Applicants for LSGMSPI projects shall provide a form of surety, either through escrow account, bond or otherwise, satisfactory to the Planning Board, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, in an amount not to exceed 125 percent of the projected cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

10.12 Proof of Liability Insurance

The owner or operator of LSGMSPI shall provide the Town Clerk and the Planning Board with a certificate of insurance showing that the property has a minimum of two million dollars in liability coverage, and that the Town of Wellfleet is an additional named insured thereon. Such a certificate shall be supplied on an annual basis upon the renewal of said insurance policy.

10.13 Lapse of Approval

A Building Permit approval shall automatically lapse if the LSGMSPI is not installed and functioning within two (2) years or the LSGMSPI is abandoned.

Board of Selectmen recommends 5-0

Planning Board recommends 5-0

Energy Committee recommends 3-1

Bylaw Committee recommends 2-0

2/3 voice vote attained that Article 36 be accepted and adopted as printed in the warrant and that the Zoning Bylaw be amended accordingly

ARTICLE 37: To see if the Town will vote to amend the Town's Zoning Bylaw, as follows:

- add a new Section XI, **TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**, that would provide as follows, and further to amend the Table of Contents to add Section XI, "Temporary Moratorium on Medical Marijuana Treatment Centers":

SECTION XI TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS.

11.1 PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town of Wellfleet and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the

regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

11.2 DEFINITION

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

11.3 TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

Board of Selectmen recommends 5-0

Board of Health recommends 5-0

Planning Board recommends 5-0

Bylaw Committee recommends 2-0

Loses – fails to attain a 2/3 vote

Motion to call the question fails

ARTICLE 38: To see if the Town will vote to authorize the Board of Selectmen to obtain easements for properties located on Bank Street, Commercial Street and Holbrook Avenue impacted by sidewalk improvements.

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Planning Board recommends 4-0-1

Voice vote that the Board of Selectmen be authorized to accept easements from the owners of those properties described in Article 38

ARTICLE 39: To see if the Town will vote pursuant to Article III, Section 7 of the Town of Wellfleet Bylaws to authorize the Board of Selectmen to amend the restrictions on the use and development of a portion of land on Gull Pond Road known as lot #39 on Assessors' Map 8 which was previously conveyed with certain restrictions by the Town of Wellfleet to the Wellfleet Housing Authority by deed dated February 14, 2006 and recorded with Barnstable Registry of Deeds in Book 21718, Page 317, as amended by a Confirmatory Deed and Certificate of Waiver dated May 7, 2009 and recorded with said Registry in Book 23763, Page 164 (the "First Confirmatory Deed") and by a Confirmatory Deed and Certificate of Waiver dated December 12, 2012 and recorded with said Registry in Book 27189, Page 56 (the "Second Confirmatory Deed") so that the restrictions contained in the Second Confirmatory Deed are changed (by virtue of a third Confirmatory Deed and Certificate of Waiver which the Board of Selectmen is hereby authorized to execute) to read as follows:

"This deed conveys a fee simple determinable, with a possibility of reverter retained by the Town. The Property shall revert back to the Town upon the occurrence of any of the following events:

- (a) The Wellfleet Housing Authority ("Grantee") ceases to exist or function as a municipal housing authority, or to be recognized as a housing authority by the Commonwealth of Massachusetts Department of Housing and Community Development and its successors;
- (b) If any improvements constructed on the Property are not used for affordable housing and related purposes as provided in the Comprehensive Permit hereinafter described;
- (c) The Property is conveyed or transferred without the written consent of the Board of Selectmen of the Town;
- (d) The total number of bedrooms on the Property at any one period of time exceeds nine (9) bedrooms;
- (e) Grantee or its designee fails to commence housing construction on or before April 28, 2014.

"For purposes of this reverter, "affordable housing" shall mean the housing approved in the Decision of the Wellfleet Zoning Board of Appeals filed in the office of the Town of Wellfleet Town Clerk on October 30, 2008 granting a Comprehensive Permit pursuant to G. L. c. 40B, §20-23, which said Decision is recorded with said Registry in Book 23313, Page 194, as extended by Extension of Comprehensive Permit dated October 6, 2011 and recorded with said Registry in Book 27189, Page 55 and which said Decision requires that three (3) of the five (5) units to be built on the Property be sold to qualified households who earn no more than 80% of the area annual median income as established by the U.S. Department of Housing and Urban Development ("H.U.D.") at prices determined by the Commonwealth of Massachusetts Department of Housing and Community Development ("DHCD") and Barnstable County as the affordable prices ("the affordable units") and that two (2) of the five (5) units to be built on the Property be sold to qualified households who earn no more than 100% of the area annual median as

established by H.U.D at prices determined by DHCD and Barnstable County as the moderate prices (“the moderate units”).

“The Grantee shall cooperate with the Town in qualifying the affordable units located on the Property as part of the Town’s subsidized Housing Inventory under G. L. c. 40B, §20-23.

“The Grantee or its designee shall make the housing available to low and moderate income residents and to residents of the Town of Wellfleet under a local preference program to the extent permitted by law.

“The Town of Wellfleet acting by and through its Board of Selectmen hereby waives reverter conditions (a) and (c) above subject to the condition that the Grantee shall convey the property subject to the aforesaid Comprehensive Permit no later than April 28, 2014 to CHR GPR LLC, a Massachusetts Limited Liability Company with a usual place of business at 36 Conwell Street, P.O. Box 1015, Provincetown, MA. 02657.

By acceptance and filing of this Confirmatory Deed, the Grantee hereby consents to the terms and provisions hereof.”

Board of Selectmen recommends 5-0
Housing Authority recommends 3-0

Voice vote that the Article 39 be accepted as printed and that the Board of Selectmen be authorized to execute a third Confirmatory Deed and Waiver for property at 250 Gull Pond Road extending the date by which the construction of affordable housing must commence to on or before April 28, 2014, all as more fully set forth in the Article

ARTICLE 40: To see if the Town will vote, in accordance with G. L. c. 40, §15C, to designate the following as Scenic Roads:

Cannon Hill Road
Old Hay Road
Old Wharf Road

Board of Selectmen recommends 5-0
Planning Board recommends 4-0-1

Voice vote that Cannon Hill Road, Old Hay Road and Old Wharf Road be designated scenic roads pursuant to General Laws, chapter 40, section 15C

Motion to call the question passes by a voice vote

ARTICLE 41: To see if the Town will vote to authorize the Board of Selectmen to enter into a lease to allow OpenCape Corporation to install and maintain microwave equipment on the Water Tank or to take any other action regarding the same.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0
Board of Water Commissioners recommends 5-0
Planning Board recommends 5-0

Voice vote that Article 41 be accepted and adopted as printed in the Warrant

ARTICLE 42: 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, 2016, 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.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-0

Voice Vote that Article 42 be accepted and adopted as printed in the warrant

ARTICLE 43: To hear reports of the Selectmen, Town Officers, and all other Committees and to act thereon.

Board of Selectmen recommends 5-0

Voice vote that Article 43 be accepted and adopted as printed in the Warrant

ARTICLE 44: To act on any other business that may legally come before the meeting.

Board of Selectmen recommends 5-0

Voice vote that Article 44 be accepted and adopted as printed in the Warrant

At this point of the meeting the Moderator made the following appointments with consent of Town Meeting:

Lisa Benson to the Bylaw Review Committee to ATM 2015

Thomas Reinhart to Finance Committee to ATM 2016

Sylvia Smith to Finance Committee to ATM 2016

There being no further business a motion to adjourn was passed at 10:50pm by a voice vote.

Attest:

Dawn E. Rickman
Town Clerk/Treasurer