

SPECIAL TOWN MEETING MINUTES
Monday, October 24, 2011

The Moderator, Bruce Bierhans, opened the meeting at 7:05pm in accordance with the Warrant. There was a moment of silence in memory of the following persons that gave service to the Town: Herbert Daitch – Comprehensive Planning Coordinating Committee; Katherine Sugg – Recreation Committee; Lawrence Mott – Board of Fire Engineers; Joseph Burgess – Highway Surveyor, Social Human Services Advisory Committee, Special Police Officer, Police Department and Henry Valdez – Recreation Committee. The Moderator gave a brief explanation of the rules of the meeting and the voters approved the 5 minutes limit on speakers.

ARTICLE 1: To see if the Town will approve the **\$6,529,186** borrowing authorized by the Nauset Regional School District, for the purpose of paying costs to replace the windows, exterior doors, and the roofs at Nauset Regional High School located at 100 Cable Road, North Eastham MA 02651 including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Nauset Regional School Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities.

Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of thirty-seven point thirty-two percent (37.32%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA. By Nauset Regional School Committee

BOARD OF SELECTMEN recommends 5-0
FINANCE COMMITTEE recommends 6-2
BUILDING AND NEEDS ASSESSMENT COMMITTEE has no recommendation
LOCAL COMPREHENSIVE PLANNING COMMITTEE recommends 4-0

Voice vote that the Town approve the \$6,529,186 borrowing authorized by the Nauset Regional School District, for the purpose of paying costs to replace the windows, exterior doors, and the roofs at Nauset Regional High School located at 100 Cable Road, North Eastham, MA 02651, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Nauset Regional School Committee.

That the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs

the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities.

Provided further that any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of thirty-seven point thirty-two percent (37.32%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any action relative thereto.

Provided further that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the interest and principal on said borrowing from the limitations on taxes imposed by MGL 59, Section 21C (Proposition 21/2); and that the amount of the borrowing authorized by the district shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

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 of money necessary to supplement the operating and/or capital budgets of the various Town departments for the current fiscal year 2011-2012.

FROM	TO	AMOUNT
Ambulance Fund	Communications	\$39,000

BOARD OF SELECTMEN recommends 4-0-1
FINANCE COMMITTEE recommends 6-2

Voice vote to accept and adopt Article 2 as printed in the Warrant

ARTICLE 3: To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, undesignated fund balance or affordable housing reserve the sum of \$156,000 to contribute to the cost of, and thereby support of, the Rental Subsidy project to secure and increase Affordable Housing using existing housing.

BOARD OF SELECTMEN recommends 4-0-1
FINANCE COMMITTEE recommends 8-0
COMMUNITY PRESERVATION COMMITTEE recommends 6-0
LOCAL HOUSING PARTNERSHIP recommends 8-0
HOUSING AUTHORITY recommends 5-0

Voice vote to appropriate the sum of \$156,000.00, pursuant to MLG C44B from the Community Preservation Fund to contribute to the cost of, and thereby support of, the Rental Subsidy project to secure and increase Affordable Housing using existing housing.

ARTICLE 4: To see if the Town will vote to authorize the sale of the parcels identified below, and for that purpose, to change the purpose for which they are held from being held by the Treasurer for tax title purposes to being held by the Board of Selectmen for the purpose of conveyance on such terms and conditions as the Selectmen may establish, and in connection therewith, to authorize the Board of Selectmen to take any and all actions necessary or convenient therewith.

Map/Lot	Acres	Address	Map/Lot	Acres	Address
19/154	0.15	15 Summit Avenue	30/625	0.01	0 Lecount Hollow
19/155	0.18	295 Chequessett Neck Road	35/173	0.02	0 Pleasant Point Road
23/67	0.32	65 Designers Way	36/164	0.05	0 Old Wharf Road
30/606	0.09	0 South of Wireless	36/285	0.04	0 Old Wharf Road

BOARD OF SELECTMEN recommends 5-0
 FINANCE COMMITTEE recommends 8-0
 OPEN SPACE COMMITTEE recommends 6-0
 CONSERVATION COMMISSION has no recommendation
 PLANNING BOARD recommends 7-0
 NATURAL RESOURCES ADVISORY BOARD recommends 3-0

2/3 voice vote attained that the custodian of the properties identified in Article 4 and the purpose for which they are held be changed from being held by the Treasurer for purposes of tax title to being held by the Selectmen for purpose of conveyance and that further, the Selectmen be authorized to sell or otherwise dispose of said properties as printed in the warrant.

ARTICLE 5: To see if the Town will vote to authorize the sale of the parcel identified below, and for that purpose, to change the purpose for which they are held from being held by the Treasurer for tax title purposes to being held by the Board of Selectmen for the purpose of conveyance on such terms and conditions as the Selectmen may establish, and in connection therewith, to authorize the Board of Selectmen to take any and all actions necessary or convenient therewith.

Map/Lot	Acres	Address
14/112	0.57	90 Freeman Avenue

BOARD OF SELECTMEN does not recommend 2-3
 FINANCE COMMITTEE recommends 8-0
 HOUSING AUTHORITY does not recommend 5-0
 OPEN SPACE COMMITTEE does not recommend 6-0
 CONSERVATION COMMISSION does not recommend 6-0
 PLANNING BOARD does not recommend 7-0
 NATURAL RESOURCES ADVISORY BOARD does not recommend 7-0

Voice vote to Indefinitely Postpone

ARTICLE 6: To see if the Town will vote to transfer from available funds, accept gifts and grants or borrow the sum of Three Hundred Thirty Thousand and 00/100 (\$330,000.00) Dollars, more or less, for the purpose of acquiring a perpetual conservation restriction, that includes provision for public access, on property at 40 Old County Road, Wellfleet, Assessor's Map 30, Parcel 67.1 and a portion of Parcel 67, for conservation and passive recreation purposes, and consisting of approximately 3.7 acres; provided that no funds may be expended unless and until the Town receives notification that it has been awarded grants and/or gifts for the full amount of the appropriation.

BOARD OF SELECTMEN recommends 5-0

FINANCE COMMITTEE recommends 8-0-1

OPEN SPACE COMMITTEE recommends 6-0

CONSERVATION COMMISSION recommends 6-0

PLANNING BOARD recommends 7-0

NATURAL RESOURCES ADVISORY BOARD recommends 3-0

2/3 voice vote that the Town appropriate the sum of \$330,000.00 for the purchase of a conservation restriction from the Wellfleet Conservation Trust on property at 40 Old County Road, Assessor's Map 30, Parcel 67.1 & part of 67, and further, to authorize the Board of Selectmen and Conservation Commission to enter into said perpetual conservation restriction, pursuant to MGL Ch. 184, Section 31-33, and provided further that the Board of Selectmen and Conservation Commission are hereby authorized to accept said conservation restriction pursuant to Ch. 184, Section 31-33; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow the sum of \$330,000 under and pursuant to Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, provided, however, that no amounts shall be borrowed or expended hereunder until (i) the Selectmen have determined that the Town has been awarded a State LAND grant in the amount of at least \$171,600, and (ii) that the Town has received at least \$158,400 toward this acquisition from the Town by the Wellfleet Conservation Trust; that the Board of Selectmen and the Conservation Commission are authorized and directed to apply for, accept and expend any funds which may be provided by the Commonwealth of other public or private sources to defray a portion or all of the costs of acquiring this property, including but not limited to funding under the Self-Help Act, General Laws, Chapter 132A, Section 11 (now, so-called LAND grants), and that the amount of any borrowing authorized by this vote shall be reduced by the amount of any grants or gifts received by the Ton on account of this acquisition prior to the sale of such notes or bonds.

ARTICLE 7: To see if the Town will vote to transfer the custody of and to change the purposes for which the below-described property is held from being held by the Board of Selectmen for general municipal purposes to being in the custody of the Conservation Commission for conservation and passive recreation purposes pursuant to G.L. c.40, sec. 8C, being the property located at 6 Old King’s Highway, approximately 2.65 acres of land shown on Assessor’s Map 30 as Lot 68 and being more particularly described in a deed recorded with the Barnstable County Registry of Deeds as Book 14040 Page 229 and further to direct the Town Clerk to record an attested copy of the vote of this Article with Barnstable County Registry of Deeds, provided that the Selectmen have voted, prior to this meeting, that the property is not needed for general municipal purposes.

BOARD OF SELECTMEN recommends 5-0
FINANCE COMMITTEE recommends 7-1-1
OPEN SPACE COMMITTEE recommends 6-0
PLANNING BOARD has no recommend 2-2

2/3 voice vote to accept and adopt Article 7 as printed in the Warrant

ARTICLE 8: To see if the Town will vote to raise and appropriate or transfer from available funds \$5,000 and to authorize the Board of Selectmen to accept, by purchase, gift, eminent domain or otherwise, an easement from property owners adjacent to the property known as 1050 Bound Brook Island Road and shown on Assessors Map 7 as Lot 47 for the installation of a municipal water service, upon such terms and conditions as the Board of Selectmen shall establish, and to authorize and direct the Board of Selectmen to take any and all actions necessary or convenient therewith.

BOARD OF SELECTMEN recommends 5-0
FINANCE COMMITTEE recommends 8-0
BOARD OF WATER COMMISSIONERS recommends 5-0

2/3 voice vote to transfer \$5,000 from the Consultancy 196 budget line and to authorize the Board of Selectmen to accept, by purchase, gift, eminent domain or otherwise, and easement from the property owners of 20 Whitetail Lane (Map 7 Lot 40) for the installation of municipal water service to the property located at 1050 Bound Brook Island Road (Map 7 Lot 47).

ARTICLE 9: To see if the Town will vote to rescind the action taken under Article 11, of November 1, 1978 Special Town Meeting, which accepted Chapter 40 Section 8H, establishing a Recycling Commission consisting of five members (By request of the Board of Selectmen).

BOARD OF SELECTMEN recommends 5-0
RECYCLING COMMISSION has no recommendation

Voice vote to accept and adopt Article 9 as printed in the Warrant

ARTICLE 10: To see if the Town will vote to rescind the action taken under Article 26, of April 23, 1990 Annual Town Meeting, which established a Beach Study Committee of seven members. (By request of the Board of Selectmen).

BOARD OF SELECTMEN recommends 5-0

Voice vote to accept and adopt Article 10 as printed in the Warrant

ARTICLE 11: To act on any other business that may legally come before the meeting

Voice vote to accept and adopt Article 11 as printed in the Warrant.

There being no further business a motion to adjourn was passed at 8:40pm.

Attest:

Dawn E. Rickman
Town Clerk/Treasurer

**SPECIAL TOWN ELECTION
OCTOBER 25, 2011**

In accordance with the Warrant, the Warden, Robert Hankey, opened the polls at the Senior Center at 715 Old King's Highway at 12:00 noon with the ballot box reading 0000.

The ballot box was emptied at 2:30pm reading 112 to prevent jamming. The ballot box was emptied at 6:15pm reading 263 to prevent jamming. The polls were closed by the Warden at 7:00pm with ballot box reading 278. (11% of 2,568 voters) Workers included Robert Hankey – Warden; Barbara Atwood – Clerk; Ann Fox, Ruth Ann Dykeman, Phyllis Hill and Barbara Stevens – Inspectors; Frauke Rosenthal – Constable; Barbara Souther – Tallier; Ruth Marriott and Marilee Frazier – Counters.

QUESTION 1. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required to pay the Wellfleet's allocable share of the bond issued by the Nauset Regional School District for the purpose of paying costs to replace the windows, exterior doors, and the roofs at Nauset Regional High School located at 100 Cable Road, Eastham, MA, including the payment of all costs incidental or related thereto?

YES	-	232	*
NO	-	46	

Attest:

Dawn E. Rickman
Town Clerk/Treasurer