

TOWN OF WELLFLEET

ANNUAL TOWN MEETING MINUTES

Monday, April 27, 2009

In accordance with the Warrant the Moderator opened the meeting at 7:10pm. Announcements included the opening of the new Fire Station, Elementary School Community Day and a quorum has been met with 6% of the 2,592 voters. The Moderator made the meeting aware of the parliamentary procedures to be followed for the meeting. In memoriam with a moment of silence was given to the following: David Breen – Board of Health; Barbara Fegan – Selectman, Commission on disabilities, CZM representative, Social Human Services Advisory Committee; Carl Rasmussen – Planning Board; Florence Schmidt – Selectman, Council on aging, Public Safety Review Committee, Shellfish Advisory, Wellfleet Tercentary Committee, Beach Study Committee and Edson Rock – Conservation Commission. The Moderator requested the Town Meeting members adopt a rule for the meeting at five minutes per speaker which passed by a unanimous voice vote.

The Moderator at this time took Articles 2, 3 and 4 out of order as the Charter specifies that the Operating Budget should be the first article on the Annual Town Meeting Warrant.

ARTICLE 1: 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 2008-2009, or do or act anything thereon.

Requests to Date:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Free Cash	Debt Service	\$117,161.00
Free Cash	196 Consultancy	\$ 10,000.00
Free Cash	423 DPW Snow and Ice Removal	\$ 84,873.00
Free Cash	151 Legal Services	\$ 50,000.00
Beach Fund	699 Beach Program	\$ 4,841.00
026 Waterways Fund	510 Water Quality Monitoring	\$ 9,700.00
Ambulance Fund	220 Fire Department Overtime	\$30,000.00

FINANCE COMMITTEE RECOMMENDS 8-0; but has no recommendation on the Fire Department overtime transfer

MARINA ADVISORY COMMITTEE RECOMMENDS 6-0

BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote to accept and adopt as printed in the warrant along with an additional transfer of \$30,000 from the Ambulance fund to fire Department Overtime to fund additional overtime costs for FY2009

ARTICLE 2: 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 2010 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2010.

FINANCE COMMITTEE RECOMMENDS FINANCE COMMITTEE BUDGET 8-0

Specifically the Finance Committee does not agree with the placement of \$91,000 in the Operating Budget and requests that the Wellfleet Elementary School and Nauset Regional School capital projects appear on the Capital Budget page, in accordance with requirements of Charter Section 7-2-4.

SCHOOL COMMITTEE MADE NO REPORT

BOARD OF SELECTMEN RECOMMENDS 4-0

	SELECTMEN BUDGET
114 MODERATOR	
Salaries/ Wages/Fringe Benefits	200
Operating Expenses	<u>353</u>
DEPARTMENT TOTAL	553
115 CONSTABLES	
Salaries/ Wages/Fringe Benefits	100
Operating Expenses	<u>0</u>
DEPARTMENT TOTAL	100
121 AUDIT	21,000
122 SELECTMEN	
Salaries/ Wages/Fringe Benefits	5,000
Operating Expenses	<u>6,901</u>
DEPARTMENT TOTAL	11,901
123 TOWN ADMINISTRATOR	
Salaries/ Wages/Fringe Benefits	181,199
Operating Expenses	<u>3,900</u>
DEPARTMENT TOTAL	185,099
124 GENERAL ADMINISTRATION	
Salaries/ Wages/Fringe Benefits	107,282
Operating Expenses	<u>16,574</u>
DEPARTMENT TOTAL	123,856
131 FINANCE COMMITTEE	250
132 RESERVE FUND	20,000
135 TOWN ACCOUNTANT	
Salaries/ Wages/Fringe Benefits	105,362
Operating Expenses	<u>9,102</u>
DEPARTMENT TOTAL	114,464
141 ASSESSOR	
Salaries/ Wages/Fringe Benefits	86,009
Operating Expenses	<u>39,510</u>
DEPARTMENT TOTAL	125,519

	SELECTMEN BUDGET
145 TOWN CLERK/TREASURER	
Salaries/ Wages/Fringe Benefits	99,579
Operating Expenses	<u>27,885</u>
DEPARTMENT TOTAL	127,464
146 TOWN COLLECTOR	
Salaries/ Wages/Fringe Benefits	67,596
Operating Expenses	<u>12,930</u>
DEPARTMENT TOTAL	80,526
151 LEGAL EXPENSES	100,000
153 COMPUTERIZATION	122,300
158 TAX TITLE	8,000
162 ELECTIONS/REGISTRATION	
Salaries/ Wages/Fringe Benefits	4,700
Operating Expenses	<u>4,550</u>
DEPARTMENT TOTAL	9,250
171 CONSERVATION COMM.	2,525
174 PLANNING DEPARTMENT	3,235
176 BOARD OF APPEALS	1,950
177 OPEN SPACE COMMITTEE	1,500
178 HERRING WARDEN	
Salaries/ Wages/Fringe Benefits	<u>300</u>
DEPARTMENT TOTAL	300
179 SHELLFISH	
Salaries/ Wages/Fringe Benefits	132,751
Operating Expenses	<u>23,110</u>
DEPARTMENT TOTAL	155,861
180 SHELLFISH CONS/PROP	24,935
181 SHELLFISH ADV COMM	100
182 CHAMBER OF COMMERCE	10,000
183 NAT. RESOURCES ADV BD	300
189 HOUSING AUTHORITY	5,000
195 TOWN REPORTS & WARR	12,000
196 CONSULTANCY	20,000
TOTAL GENERAL GOVERNMENT	1,287,988
210 POLICE	
Salaries/ Wages/Fringe Benefits	1,042,907
Overtime	84,000
Operating Expenses	89,845
Capital Equipment	<u>0</u>
DEPARTMENT TOTAL	1,216,752

	SELECTMEN BUDGET
Salaries/ Wages/Fringe Benefits	262,859
Overtime	28,885
Overtime (Police)	9,820
Operating Expenses	<u>16,750</u>
DEPARTMENT TOTAL	318,314
 220 FIRE	
Salaries/ Wages/Fringe Benefits	738,271
Overtime	183,036
Operating Expenses	<u>176,400</u>
DEPARTMENT TOTAL	1,097,707
 241 BUILDING DEPARTMENT	
Salaries/ Wages/Fringe Benefits	183,010
Operating Expenses	<u>7,450</u>
DEPARTMENT TOTAL	190,460
 291 CIVIL DEFENSE	
Operating Expenses	0
 292 ANIMAL CONTROL	
Salaries/ Wages/Fringe Benefits	27,016
Operating Expenses	<u>4,700</u>
DEPARTMENT TOTAL	31,716
 293 TRAFFIC/PARK CONTROL	
Salaries/ Wages/Fringe Benefits	2,000
Operating Expenses	<u>1,715</u>
DEPARTMENT TOTAL	3,715
 298 GREENHEAD FLY CONTROL	1,200
 TOTAL PUBLIC SAFETY	2,859,864
 300 ELEMENTARY SCHOOL	2,188,933
 301 NAUSET REG SCHOOL DIST	1,868,768
 302 CAPE COD REG TCH HS DIST	143,008
 TOTAL EDUCATION	4,200,709
 417 DPW FACILITIES	
Operating Expenses	299,370
Capital Equipment	<u>0</u>
DEPARTMENT TOTAL	299,370
 420 DEPT PUBLIC WORKS	
Salaries/ Wages/Fringe Benefits	747,399
Overtime	27,256
Operating Expenses	<u>126,350</u>
DEPARTMENT TOTAL	901,005
 422 DPW GENERAL HIGHWAYS	58,800

	SELECTMEN BUDGET
423 DPW SNOW REMOVAL	
Overtime	23,000
Operating Expenses	<u>46,000</u>
DEPARTMENT TOTAL	69,000
424 DPW STREET LIGHTS	25,000
433 DPW TRANSFER STATION	242,675
441 WATER COMMISSIONERS	500
442 WELL MUN WATER SYSTEM	107,440
TOTAL DPT. OF PUBLIC WORKS	1,703,790
510 HEALTH/CONSERVATION	
Salaries/ Wages/Fringe Benefits	121,693
Operating Expenses	<u>24,600</u>
DEPARTMENT TOTAL	146,293
520 HUMAN SERVICES	52,272
541 COUNCIL ON AGING	
Salaries/ Wages/Fringe Benefits	153,823
Operating Expenses	<u>23,750</u>
DEPARTMENT TOTAL	177,573
542 COUNCIL ON AGING BRD	0
543 VETERANS SERVICES	
Other Assessments	12,545
Veterans Benefits	<u>4,767</u>
DEPARTMENT TOTAL	17,312
TOTAL HUMAN SERVICES	393,450
610 LIBRARY	
Salaries/ Wages/Fringe Benefits	241,988
Operating Expenses	<u>74,450</u>
DEPARTMENT TOTAL	316,438
630 RECREATION	
Salaries/ Wages/Fringe Benefits	148,991
Overtime	500
Operating Expenses	55,840
Capital Equipment	<u>4,500</u>
DEPARTMENT TOTAL	209,831
690 HISTORICAL COMMISSION	50
691 HISTORICAL REVIEW BRD.	50
692 DPW HOL CELEBRATIONS	1,500

	SELECTMEN BUDGET
699 BEACH PROGRAM	
Salaries/ Wages/Fringe Benefits	183,000
Overtime	1,000
Operating Expenses	44,350
Capital Equipment	<u>250</u>
DEPARTMENT TOTAL	228,600
TOTAL CULTURE & REC.	756,469
753 SHORT TERM INTEREST	15,000
756 INT ON R/E TAX REFUNDS	150
TOTAL SHORT TRM DEBT SERV	15,150
911 COUNTY RETIREMENT	721,501
913 UNEMPLOYMENT COMP	15,000
914 GROUP INS. HEALTH	986,382
915 GROUP INSURANCE LIFE	5,910
916 MEDICARE TOWN SHARE	87,405
940 BORROWING COSTS	3,000
944 INSURANCE RESERVE	3,000
945 LIAB/PROP/COMP INS	322,610
TOTAL MISCELLANEOUS	2,144,808
TOTAL OPERATING BUDGET	13,362,228

Unanimous voice vote to vote the Selectmen's fiscal year 2010 Town Operating budget, including fixing the salaries and compensation of all elected officers of the Town for fiscal 2010 as amended with funding for the Operating Budget provided in the following manner:

Raise and Appropriate	\$11,904,014
Ambulance Fund	\$ 275,000
Beach Fund	\$ 660,000
SEMass Fund	\$ 323,200
Recreation Fund	\$ 40,000
Shellfish Fund	\$ 75,000
State Aid to Libraries	\$ 3,769
Sale of Cemetery Lots	\$ 4,500
Perpetual Care Income	\$ 2,800
Debt Exclusion Reduction	\$ 945
Free Cash	\$ 73,000

For a total appropriation of \$13,362,228 for this purpose

Motion to amend by the Finance Committee's Fiscal Year 2010 Town Operating budget, including fixing the salaries and compensation of all elected officers of the Town for fiscal 2010 as printed in the yellow pages that were mail out, except to reduce Line 300, Elementary School, by \$18,802 to \$2,188,933, the total operating budget, thus to be \$13,433,744 with the funding for the Operating Budget provided in the following manner:

Raise and Appropriate	\$11,943,530
Ambulance Fund	\$ 275,000
Beach Fund	\$ 660,000
SeMASS Fund	\$ 323,200
Recreation Fund	\$ 40,000
Shellfish Fund	\$ 75,000
State Aid to Libraries	\$ 3,769
Sale of Cemetery Lots	\$ 4,500
Perpetual Care Income	\$ 2,800
Debt Exclusion Reduction	\$ 945
Free Cash	\$ 105,000 for a total appropriation of \$13,433,744 for this purpose

loses by a voice vote.

Motion to amend line #210 Capital budget to \$0 and decrease Free Cash by \$32,000 passes by a count of 190 in favor 137 against.

Motion to amend line #151 Legal expense to \$100,000 and decrease Raise and Appropriate by \$20,000 passes by a voice vote.

Motion to amend line 300 Elementary School to \$2,188,933 and decrease Raise and Appropriate by \$40,000 passes by a voice vote.

Motion to amend line #301 Nauset Regional School District to \$1,878,768 and decrease Raise and Appropriate by \$51,000 passes by a voice vote.

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 2010 Town Capital Budget.

FINANCE COMMITTEE RECOMMENDS FINANCE COMMITTEE BUDGET 8-0
 BOARD OF SELECTMEN RECOMMENDS 4-0

	FINANCE	COMMITTEE BUDGET
ELEMENTARY SCHOOL		
Technology		6,000
Paint Interior Trim (Phase II of II)		0
Bathroom Remodel		19,000
Replace Copier		0
Replace Broken Parking Lot Fence		5,000
Kitchen Floor Repair		10,000
NAUSET REGIONAL SCHOOLS		
Capital Facilities Improvements		<u>51,000</u>
TOTAL CAPITAL IMPROVEMENT		<u>91,000</u>

DEBT SERVICE PRIN. & INT. LONG-TRM.	
Municipal Water System	0
Elem School Renov/Addtn	239,077
DPW Garage	5,553
DPW Garage Facility	174,150
Land Bank – Geiger	19,023
Library Roof	22,580
Catholic Church	62,280
Land Bank – Chavchavadze	53,199
Municipal Water System	23,764
Senior Center	90,905
Municipal Water System	53,980
Septic Loan	10,000
Six Wheel Dump Truck	10,750
Backhoe	16,125
Front End Loader	26,875
Coles Neck Well	10,750
Landfill Capping/Closure	174,388
Water Tank Design	69,375
Boy Scout Well Field Design	71,988
Water Transmission Mains Design	34,835
Fire Station Land Purchase	65,975
Fire Station Design	35,430
DPW Road Grader	35,163
DPW Sweeper #2	46,650
DPW Front End Loader #2	38,013
DPW Flail Mower	20,493
DPW Refuse Trailer	17,200
Landfill Closure #2	11,905
Uncle Tim's Bridge	20,420
Fire Station Design #2	10,547
Fire Station Construction	663,269
335 Main Street Demolition	23,500
MUNI Water System Boy Scout	35,250
DPW One Ton Truck	10,519
MUNI Water System Boy Scout Camp	
TOTAL DEBT SERVICE	2,203,931

TOTAL CAPITAL BUDGET 2,294,931

Voice vote as amended the Finance Committee’s fiscal year 2010 Capital Budget as printed in the Warrant. The Capital budget thus to be \$2,294,931, said amount to be Raised and Appropriated.

ARTICLE 4: 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 2010 Marina Services Enterprise Fund Budget.

**FINANCE COMMITTEE RECOMMENDS 8-0
MARINA ADVISORY COMMITTEE RECOMMENDS 6-0
BOARD OF SELECTMEN RECOMMENDS 4-0**

	SELECTMEN BUDGET
511000 SALARIES & WAGES FULL TIME	61,914
511001 (ASSISTANT)	42,598
511500 SALARIES & WAGES SEASONAL	50,000
513000 OVERTIME	4,000
514100 WEEKEND DIFFERENTIAL	0
514300 HOLIDAY	1,600
514400 LONGEVITY	<u>1,100</u>
SALARY SUBTOTAL	161,212

521010 ELECTRICITY	13,500
521004 HEATING OIL	1,000
524000 REPAIR & MAINTENANCE	4,000
530000 CONTRACT SERVICES	6,000
530010 MEDICAL SERVICES	100
530020 SEMINARS & TRAINING	200
534001 TELEPHONE	1,500
534002 POSTAGE	700
534003 PRINTING	500
534004 ADVERTISING	200
542000 OFFICE SUPPLIES	2,500
543000 REPAIR/MAINTENANCE SUPPLIES	5,000
548000 VEHICULAR SUPPLIES	700
548001 GASOLINE & DIESEL	2,000
548002 GASOLINE/DIESEL FOR SALE	250,000
550000 MEDICAL SUPPLIES	200
558000 OTHER SUPPLIES	0
558001 UNIFORMS	700
571000 TRAVEL	0
573000 DUES & MEMBERSHIPS	450
573100 CREDIT CARD FEES	5,000
574000 INSURANCE PREMIUMS	0
585000 CAPITAL OUTLAY EQUIPMENT	1,000
EXPENSE SUBTOTAL	295,250
596001 DIRECT COSTS <i>H&L INSURANCE</i>	20,000
596002 INDIRECT COSTS <i>SHARED EMP</i>	9,000
596005 <i>BLDG/LIAB INSURANCE</i>	9,000
DIRECT & INDIRECT SUBTOTAL	38,000
EXPENSE SUBTOTAL	333,250
TOTAL	494,462
262 580500 MARINA RESERVE FUND	50,000
265 530000 MARINA ADVISORY COM	100
261 592500 CAPITAL OUTLAY	383,465
261 592500 SHORT TERM INTEREST	0
RESERVE SUB TOTAL	433,565
TOTALS FOR FUND	928,027

Unanimous voice vote that the following sums be appropriated to fund the Selectmen's fiscal year 2010 Marina Enterprise Fund Budget, a total of \$928,027; such sum to be provided in the following manner: \$667,027 from Enterprise Revenues, \$256,000 from retained earnings, \$5,000 from the Beach Fund and further that \$38,000 be raised and appropriated in the General Fund operating Budget and allocated to the Enterprise fund for funding.

ARTICLE 5: 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 \$3,570.00, or any other sum, to provide a 3% wage increase for the Town Clerk/Treasurer and the Town Collector.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote to raise and appropriate the sum of \$3,570 for the purpose of funding wage adjustments for the Town Clerk/Treasurer and Town Collector resulting in annual salaries of \$64,934 for the Town Clerk/Treasurer and \$57,609 for the Town Collector.

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from any available source of funds an amount of money sufficient to fund the first 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, 2009 through June 30, 2012.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote that the sum of \$78,722 be and hereby is raised and appropriated to pay costs of funding the first 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, 2009 through June 30, 2012, which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 7: To see if the Town will vote to fund the cost items of the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit B, which covers the period of July 1, 2007 through June 30, 2009, by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting warrant and Article 4 of the 2008 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote that the sum of \$80,458 be and hereby is appropriated to pay costs of funding a two year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit B, covering the term of July 1, 2007 through June 30, 2009 by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting and Article 4 of the 2008 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, said amount to be raised as follows, \$26,905 from FY 2008 Encumbered Funds and \$53,553 FY 2009 from Free Cash; which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 8: To see if the Town will vote to raise and appropriate or transfer from any available source of funds an amount of money sufficient to fund the first 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, 2009 through June 30, 2012.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote that the sum of \$18,741 be and hereby is raised and appropriated to pay costs of funding the first 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, 2009 through June 30, 2012, which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 9: To see if the Town will vote to fund the cost items of the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit C, which covers the period of July 1, 2007 through June 30, 2009, by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting warrant and Article 4 of the 2008 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

FINANCE COMMITTEE RECOMMEND 8-0
BOARD OF SELECTMEN RECOMMENDS 3-0

Voice vote that the sum of \$10,300 be and hereby is appropriated to pay costs of funding a two year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit C, covering the term of July 1, 2007 through June 30, 2009 by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting and Article 4 of the 2008 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, said amount to be raised as follows: \$2,336 from FY2008 Encumbered funds and \$7,964 from FY2009 Free Cash; which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 10: To see if the Town will vote to raise and appropriate or transfer from any available source of funds an amount of money sufficient to fund the first 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, 2009 through June 30, 2012.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote that the sum of \$55,830 be and hereby is raised and appropriated to pay costs of funding the first 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, 2009 through June 30, 2012, which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 11: To see if the Town will vote to fund the cost items of the first year of the collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit A, which covers the period of July 1, 2007 through June 30, 2009, by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual Town Meeting warrant and Article 4 of the 2008 Annual Town Meeting warrant for wage adjustments for unionized and contract personnel, which amount is sufficient to fund all of the cost items for the first year of said contract.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote that the sum of \$57,203 be and hereby is appropriated to pay costs of funding a two year collective bargaining agreement between the Town of Wellfleet and the Wellfleet employees Association, Unit A, covering the term of July 1, 2007 through June 30, 2009 by confirming the previous appropriation of funding voted under Article 4 of the 2007 Annual

Town Meeting and Article 4 of the 2008 Annual Town Meeting warrant for wage adjustment for unionized and contract personnel, said amount to be raised as follows, \$19,562 from FY2008 Encumbered funds and \$37,641 from FY2009 Free Cash; which amount is sufficient to fund all of the cost items for the first year 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 year of a three year collective bargaining agreement between the Town of Wellfleet and the Teamsters Union, Local No. 59, covering the term of July 1, 2008 through June 30, 2011.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote that the sum of \$16,761 be and hereby is raised and appropriated to pay costs of funding the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Teamsters Union, Local No. 59, covering the term of July 1, 2008 through June 30, 2011, said amount to be raised as follows: \$16,761 from FY2009 Free Cash; which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 13: 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.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0

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

ARTICLE 14: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$189,913, or any other sum, in anticipation of reimbursement to be received pursuant to Massachusetts General Laws, Chapter 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 4-0
FINANCE COMMITTEE RECOMMENDS 7-1

Voice vote that the sum of \$188,896 be transferred from available funds in anticipation of reimbursement to be received pursuant to Massachusetts General Law, Chapter 90, as amended.

ARTICLE 15: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32B, §20 as amended by Chapter 479 of the Acts of 2008 and to raise and appropriate and/or transfer from available funds the sum of \$50,000, or any other sum, to pay the Town's contribution to the Other Post Employment Benefits Liability Trust Fund.

FINANCE COMMITTEE DOES NOT RECOMMEND 8-1-0

This is a new initiative this year. The Town's Operating Budget was severely cut in order to fund this article. While the Article has merit, this is not a good time to introduce it. The Finance Committee feels that it could be put off to a future Town Meeting.

BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote that the Town accept the provisions of Massachusetts General Law, Chapter 32, Section 20 and Chapter 479 of the Acts of 2008, and that the sum of \$50,000 be and hereby is raised and appropriated to contribute to the Other Post Employment Benefits Liability Trust Fund.

ARTICLE 16: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$22,050 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2010; and further to appropriate from Community Preservation Fund estimated revenues a sum of \$72,222 for open space debt service; a sum of \$44,100 to reserve to for community housing; and further to reserve for future appropriation a sum of \$44,100 for historic resources, as well as a sum of \$2,628 to be placed in the 2010 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee.

FINANCE COMMITTEE RECOMMENDS 7-0

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS 6-0

OPEN SPACE COMMITTEE RECOMMENDS 4-0

HOUSING AUTHORITY RECOMMENDS 4-0

HISTORIC COMMISSION HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote to accept and adopt as printed in the Warrant

ARTICLE 17: To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44B, the sum \$300,000, and to appropriate the sum of \$255,900 from the Community Preservation Fund estimated annual revenues, and the sum of \$44,100 from the Community Housing Reserve, said sums to be transferred to the "Housing Now" project, to provide rental assistance and homeowner assistance programs and to contribute to the cost of, and thereby support, the purchase of available properties for the development of affordable housing.

FINANCE COMMITTEE RECOMMENDS 6-1

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS 6-0

HOUSING AUTHORITY RECOMMENDS 4-0

BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote to appropriate the sum of \$300,000 to fund a grant to the Wellfleet Housing Authority for the “Housing Now” project to provide rental assistance and homeowner assistance programs and to contribute to the cost of, and thereby support, the purchase of available properties for the development of affordable housing pursuant to a grant agreement, and further, to authorize the Board of Selectmen to enter into said grant agreement which agreement shall set forth the terms and conditions under which such funds may be expended, and to meet this appropriation \$44,100 be transferred from the Community Preservation Housing Reserve Fund and the sum of \$255,900 be transferred from the Community Preservation Fund estimated annual revenues.

ARTICLE 18: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, for open space, conservation and passive recreation purposes land situated in the Town of Wellfleet, Massachusetts, consisting of a vacant parcel described as follows: 1.53 acres, more or less, which is identified on Wellfleet Assessors’ Map 30, Lot 89, and , and described in a deed recorded with the Barnstable Land Court Registry District as Document #1,102,455 on Land Court Certificate # 187489. The above stated open space, conservation and passive recreation purposes are to be consistent with the provisions of Massachusetts General Laws, Chapter 40, §8C, 310 C.M.R. 22.00, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. Prior to the acquisition taking place, the Board of Selectmen must first have documentation that: (a) The Town Meeting has voted to designate \$100,000 from the Community Preservation Act revenues for this open space acquisition, (b) The Wellfleet Conservation Trust agrees to acquire a Conservation Restriction on the land for \$106,400, (c) The Board has commitments for a combination of Commonwealth grants and gifts from other sources that amount to \$223,600, and (d) The Board has received a commitment from the Wellfleet Conservation Trust to reimburse the Town for an amount of up to \$5,000 for related administrative, interest and legal costs.

And, further, to appropriate the sum of \$430,000 to pay for the land acquisition, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to the sum of \$330,000 in anticipation of revenue and grant receipts pursuant to the provisions of Chapter 149, §298 of the Acts of 2004, as amended by Chapter 352, §§129-133 of the Acts of 2004, the so-called Barnstable County Community Preservation Act, and/or to borrow money pursuant to the provisions of Massachusetts General Laws, Chapter 44, Section 7(3) and Section 8C, and/or any other enabling authority, and to issue notes and/or bonds of the Town therefore; provided that any borrowing authorized by this vote shall be reduced to the extent of any grants, gifts or other amounts received by the Town to account for this land purchase.

And, further, pursuant to Massachusetts General Law, Chapter 44B, to appropriate from the Community Preservation Fund estimated revenues, fund balance or open space reserves the sum of \$100,000 for this acquisition;

And, further to appropriate an amount of up to \$5,000 for related administrative, interest and legal costs associated with this acquisition with the provision that such costs will be reimbursed by the Wellfleet Conservation Trust;

And, further to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or 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, Massachusetts General Laws, Chapter 132A, Section 11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; and further provided that the Board of Selectmen does not close on this acquisition unless the Board of Selectmen has received written commitments from the Massachusetts Division of Conservation Services or other state or federal agency, the Wellfleet Conservation Trust, non-profit foundations or other sources of gifts or grants, that at least \$330,000 of the \$430,000 shall be gifted or reimbursed to the Town; and further provided that any such sums from non-municipal sources shall be deposited in the open space account of the Community Preservation Fund;

And, further to authorize the Board of Selectmen to grant to the Trustees of the Wellfleet Conservation Trust, for consideration of \$106,400.00, a perpetual Conservation Restriction on said premises pursuant to the provisions of General Laws, Chapter 184, Sections 31 through 33, allowing the aforementioned uses;

And further to authorize the Conservation Commission to assume the care, custody, control and management of the property;

And further to authorize the Board of Selectmen and Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary on behalf of the municipality to effect this purchase and obtain reimbursement funding;

FINANCE COMMITTEE RECOMMENDS 7-0-1

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS 6-0

OPEN SPACE COMMITTEE RECOMMENDS 4-0

BOARD OF SELECTMEN RECOMMENDS 4-0

2/3 voice vote that the Board of Selectmen is authorized to acquire by purchase, for open space, conservation and passive recreation purposes land situated in the town of Wellfleet, Massachusetts, consisting of a vacant parcel described as follows: 1.53 acres, more or less, which is identified on Wellfleet Assessors' Map 30, Lot 89, and described in a deed recorded with the Barnstable Land Court Registry District as Document #1,102,455 on Land Court Certificate #187489. the above stated open space, conservation and passive recreation purposes are to be consistent with the provisions of Massachusetts General Laws, Chapter 40, §8C,310 C.M.R. 22.00, and Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. Prior to the acquisition taking place, the Board of Selectmen must first have documentation that: (a) the Town Meeting has voted to designate \$100,000 from the Community Preservation Act fund balance for this open space acquisition, (b) The Wellfleet Conservation Trust agrees to acquire a Conservation Restriction on the land for \$106,400, (c) The Board of Selectmen has commitments for a combination of Commonwealth grants and gifts from other sources that amount to \$223,600, and (d) The Board has received a commitment from the Wellfleet Conservation Trust to reimburse the Town for an amount of up to \$5,000 for related administrative, interest and legal costs.

And, further, that the sum of \$430,000 is hereby appropriated to pay for the land acquisition, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to the sum of \$330,000 in anticipation of revenue and grant receipts pursuant to the provisions of Chapter 149, §298 of the Acts of 2004, as amended by Chapter 352, §§129-133 of the Acts of 2004, the so-called Barnstable County Community Preservation Act, and/or to borrow money pursuant to the provisions

of Massachusetts General Laws, Chapter 44, Section 7(3) and Section 8C, and/or any other enabling authority, and to issue notes and/or bonds of the Town therefore; provided that any borrowing authorized by this vote shall be reduced to the extent of any grants, gifts or other amounts received by the town on account of this land purchase.

And, further, that the sum of \$100,000 is appropriated to pay costs of this acquisition from Community Preservation Fund fund balance; And, further that the sum of \$5,000 is appropriated to pay administrative, interest and legal costs associated with this acquisition, with the understanding that these costs will be reimbursed by the Wellfleet Conservation Trust;

And, further, that the Board of Selectmen and the Conservation Commission are each authorized to apply for, accept and expend any funds which may be provided by the Commonwealth or 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, Massachusetts General Laws, Chapter 132A, Section 11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897; and further provided that the Board of Selectmen does not close on this acquisition unless the Board of Selectmen has received written commitments from the Massachusetts Division of Conservation Services or any other state or federal agency, the Wellfleet Conservation Trust, non-profit foundations or other sources of gifts or grants, that at least \$330,000 of the \$430,000 shall be gifted or reimbursed to the Town; and further provided that any such sums from non-municipal sources shall be deposited in the open space account of the Community Preservation Fund;

And, further, that the Board of Selectmen is authorized to grant to the Trustees of the Wellfleet Conservation Trust, for consideration of \$106,400, a perpetual Conservation Restriction on said premises pursuant to the provisions of General Laws, Chapter 184, Section 31 through 33, allowing the aforementioned uses;

And, further, that the Conservation Commission is authorized to assume the care, custody, control and management of the property; And that the Board of Selectmen and the Conservation Commission are each authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect this purchase and obtain reimbursement funding.

ARTICLE 19: To see if the Town will vote to accept Massachusetts General Laws, Chapter 44, §55C to establish a fund known as the Municipal Affordable Housing Trust Fund, the purpose of which is to provide for the creation and preservation of affordable housing in the Town of Wellfleet for the benefit of low and moderate income households.

FINANCE COMMITTEE RECOMMENDS 8-0
COMMUNITY PRESERVATION COMMITTEE RECOMMENDS 6-0
HOUSING AUTHORITY RECOMMENDS INDEFINITE POSTPONEMENT
BOARD OF SELECTMEN RECOMMENDS 4-0

Unanimous voice vote to Indefinitely Postpone

A motion to take Articles 32 and 33 up at this time loses as it failed to attain a 2/3 vote.

ARTICLE 20: To see if the Town will vote to instruct the Town’s representative in the General Court to file a home rule petition for a special act entitled, “An Act Relative to Shellfish License Fees in the Town of Wellfleet” to read as follows:

“Every Shellfish Grant licensee or transferee shall pay to the Town of Wellfleet, on or before a date to be fixed by the Selectmen, an annual fee of one hundred dollars per acre, or part thereof. If any such fee is not paid within six months after it becomes due the license shall thereupon be forfeited.”

FINANCE COMMITTEE RECOMMENDS 8-0
SHELLFISH ADVISORY COMMITTEE DOES NOT RECOMMEND 7-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote to Indefinitely Postpone

ARTICLE 21: To see if the Town will vote in accordance with Massachusetts General Laws, Chapter 71, §14 to create a special committee to be known as the Regional School District Planning Committee, to consist of three members, including one member of the Wellfleet Elementary school committee, to be appointed by the moderator; and authorize the Regional School District Planning Committees from two or more towns to join together to form a Regional School District Planning Board to explore areas of inter-district cooperation and related topics.

FINANCE COMMITTEE RECOMMENDS 8-0
SCHOOL COMMITTEE DOES NOT RECOMMEND
BOARD OF SELECTMEN RECOMMENDS 4-0

Loses by a voice vote

ARTICLE 22: To see if the Town will authorize the Board of Selectmen to petition the General Court to enact Special Legislation as follows:

Procedures for Procurement of Construction Projects and Services

“In the Town of Wellfleet, any procurement for the construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town estimated to cost less than \$5,000 shall be obtained through the exercise of sound business practices. The Town shall make and keep a record of each such procurement. Said record shall, at a minimum, include the name and address of the person from whom the services were procured. Written price quotations submitted in accordance with this subsection do not require bid deposits.

Every contract for the construction, reconstruction, installation, demolition, maintenance or repair of any building by the Town estimated to cost not less than \$5,000 but less than \$10,000 shall be awarded to the responsible person offering to perform the contract at the lowest price quotation; provided, however, that the Town shall seek written price quotations from no fewer than three persons customarily providing the work for which the contract is being made available. When seeking written quotation, the

Town shall make and keep a record of the names and addresses of all persons from whom price quotations were sought, the names of the persons submitting price quotations and the date and amount of each price quotation. Written price quotations submitted in accordance with this subsection do not require bid deposits.

This Act shall take effect immediately upon passage. The General Court may vary the form and substance of the requested legislation within the scope of the general public objective of the petition, or take any other action related thereto.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Unanimous voice vote to accept and adopt as printed in the Warrant

ARTICLE 23: To see if the town will vote to raise, appropriate or transfer from free cash the sum of \$25,000 for the Wellfleet Preschool Playgroup's operating expenses for fy 2010. (*By Petition*)

FINANCE COMMITTEE DOES NOT RECOMMEND 8-0

The Finance Committee understands that funding has been cut to the Wellfleet Preschool Playgroup, but Wellfleet taxpayers should not be bearing the burden for this private organization, especially in a year when the Town's Operating Budget has been severely cut. We already subsidize the Wellfleet Preschool Playgroup in that they pay no fee to use space for their operation at Wellfleet Elementary School.

SCHOOL COMMITTEE MADE NO RECOMMENDATION
BOARD OF SELECTMEN RECOMMEND 3-2

Voice vote that the sum of \$25,000 be transferred from Free Cash for the FY2010 operating expenses of the Wellfleet Preschool Playgroup.

At this time there was a unanimous voice vote to suspend the rules and hear Articles 24, 25, 26 and 27.

ARTICLE 24: To see if the Town will vote to accept gifts offered to the Town since the 2007 Annual Town Meeting and appearing on a list dated March 1, 2008 and posted in the Office of the Town Clerk.

Gifts during the past year include:

<u>Department</u>	<u>Gift Received</u>
♦ Council on Aging	1. Various durable medical equipment
♦ Library	1. Books, magazines, DVDs, CDs, and Museum passes valued at \$18,360

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Unanimous voice vote to accept and adopted as printed in the Warrant.

ARTICLE 25: To see if the Town will vote in accordance with Massachusetts General Laws, Chapter 41, §38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Unanimous voice vote to accept and adopt as printed in the Warrant

ARTICLE 26: To see if the Town will vote to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the Massachusetts General Laws, 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 Section 11 of Chapter 91 of the Massachusetts General Laws, and to authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Unanimous voice vote to accept and adopt as printed in the Warrant

ARTICLE 27: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 71, §16B, which would allocate the sum of the member towns' contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Unanimous voice vote to accept and adopt as printed in the Warrant

ARTICLE 28: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION II, DEFINITIONS, by deleting the existing definition of “Signs” and replacing it with the following:

2.1 Signs - Any display of lettering, logos, pictorial matter, objects, colors, lights, or illuminated tubes, or the application or attachment of same to any device, surface, structure, boundary wall or fence, which is visible to any member of the public, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted on the premises, excluding window displays of merchandise. A single sign may have two sides that are facing in different directions and will be measured as the larger area of the sides.

PLANNING BOARD RECOMMENDS 6-0
BY-LAW COMMITTEE RECOMMENDS 3-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Planning report given

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

ARTICLE 29: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION VII, SIGNS, by deleting the existing Sections 7.1 thru 7.5 and Section 7.8 and replacing it with the following, and to renumber accordingly the existing Sections 7.6 and 7.7 as Sections 7.9 and 7.10 respectively:

7.1 OBJECTIVES - To preserve and enhance town character by requiring that temporary, new, or replacement signs are compatible with their surroundings and are appropriately sized for their location. To promote the public welfare and safety through the elimination of roadside distractions.

7.2 PERMANENT SIGNS NOT REQUIRING PERMITS

7.2.1 One sign for each family residing on the premises indicating the owner or occupant provided that no sign shall exceed two square feet in area.

7.2.2 Directional and informational signs (such as Keep Out, No Trespassing, etc) not exceeding one square foot in area.

7.2.3 On-premises signs displayed by recognized IRS Code 501(c)(3) or 501(c)(4) non-profit organizations and official Town government departments limited to two signs with total area of signage not to exceed 12 square feet

7.3 PERMANENT SIGNS REQUIRING PERMITS

7.3.1 One sign not over six square feet in area advertising a Home Industry or Home Occupation.

7.3.2 A business other than Home Industry or Home Occupation not having frontage on Route 6 may have an aggregate total of twenty-four square feet of sign area. This includes the main business sign, which shall not exceed twelve square feet in area, and all accessory signs, including temporary signs.

7.3.3 Businesses, or a combination of businesses on a premise, having frontage on Route 6 may have an aggregate total of one hundred square feet of sign area. This includes a main business sign, which shall not exceed sixty-four square feet in area, and all accessory signs, including temporary signs.

7.3.4 In addition to the provisions of section 7.3.3 multiple businesses sharing frontage on Route 6 may each have one identifying sign not exceeding eight square feet in area mounted on or projecting from the building.

7.3.5 One sign bearing the name of a subdivision or condominium, not to exceed eighteen square feet in area OR one ladder type sign bearing multiple names of residents, provided that each name occupies a portion of the sign which does not exceed one square foot, may be erected at the entrance of a subdivision or unimproved Town way.

7.3.6 All off-premises signs displayed by recognized IRS Code 501(c)(3) or 501(c)(4) non-profit organizations and official Town government departments limited to two signs with total area of signage not to exceed 12 square feet

7.3.7 Signs to be installed on the roof of a building.

7.4 TEMPORARY SIGNS

Temporary signs are all signs which will be in place for a specific period. Unless specified otherwise in this Section, Temporary Signs shall be displayed for a period not to exceed 3 weeks to announce an activity or event. Such signs shall not be attached to fences, trees, utility poles, rocks, or other parts of a natural landscape, nor be placed in a position that will obstruct or impair traffic, or in any manner create a hazard or disturbance to the health, safety, and welfare of the general public. No more than one temporary single-sided or double-sided sign per applicant shall be permitted per lot at any given time.

7.5 TEMPORARY SIGNS NOT REQUIRING PERMITS

7.5.1 One temporary unlighted sign not over six square feet in area pertaining to the sale, rent or lease of the premises. Sign shall be removed within 2 days of transfer of title.

7.5.2 One temporary unlighted sign not over six square feet in area pertaining to the construction or renovation of the premises, such sign to be removed upon completion of the work or when Certificate of Occupancy is issued, whichever occurs earliest.

7.5.3 Temporary on-premises signs displayed by official Town government departments limited to two signs with total area of signage not to exceed 12 square feet.

7.5.4 Temporary on premises signs displayed by recognized IRS Code 501 (c) (3) non-profit organizations, limited to two signs with total area of signage not to exceed 12 square feet.

7.6 TEMPORARY SIGNS REQUIRING PERMITS

A cash deposit equal to the \$25.00 Temporary Sign Permit Fee shall be deposited with the Building Inspector to assure the removal of such signs upon expiration of the Permit period. The Building Inspector, after seven days written notice to the permit holder to remove such signs and the failure of the Permit holder to do so, shall cause such signs to be removed, and the cash deposit shall be forfeited to help defray the cost of removal. The seven days written notice provided herein shall be computed

from the date of mailing said notice. Said notice shall be directed to the Permit holder at the address provided to the Building Inspector on the permit application.

7.6.1 Moveable, folding, and/or collapsible supplemental signs at retail businesses. Limited to two signs with total area of signage not to exceed 16 square feet.

7.6.2 Sales at a retail business shall not be considered an activity or event. Temporary Signs for sales at a retail business shall be displayed for a period not exceeding 2 weeks beginning on the actual start date of the sale.

7.6.3 Off-premises signs displayed by official Town government departments and recognized IRS Code 501(c)(3) or 501(c)(4) non-profit organizations, not to exceed 12 square feet of total sign area.

7.6.4 Temporary on-premises signs displayed by official Town government departments that exceed 12 square feet, but shall not exceed a combined total of 30 square feet.

7.6.5 Special event banners which may only be used by official Town government departments and recognized IRS Code 501(c)(3) or 501(c)(4) non-profit organizations that are larger than six square feet may be permitted when approved by the Building Inspector. Such banners must be placed not more than one week prior to an event and must be removed within one day after the event publicized.

7.7 GENERAL PROHIBITIONS APPLICABLE TO ALL SIGNS

7.7.1 Flashing signs, signs containing moving parts, and signs which create the illusion of motion are prohibited.

7.7.2 The source of any sign's illumination which is visible from any public way or from any lot other than that upon which the sign is located is prohibited.

7.7.3 All signs internally illuminated by means of a concealed light source whereby all incandescent fluorescent, or neon devices are shielded from view by opaque or translucent materials, are prohibited, except for directional signs. All neon signs are prohibited.

7.7.4 Any sign which identifies a business, service, project, activity, or lessee which is defunct or which has not existed on the premises for twelve months shall be considered to be an abandoned sign and is prohibited.

7.7.5 In all R1, R2, and C2 Zoning Districts, no sign or sign supports shall be placed upon the roof of a building.

7.7.6 In any District, graffiti, such as images or lettering which is scratched, scrawled, painted, or marked in any manner on property is prohibited.

7.7.7 In any District, hand lettered non-commercial signs shall not exceed 2 sq. ft. per sign, nor exceed a total of 6 sq. ft. per lot.

7.7.8 Temporary signs may include sponsor promotion messages, logos or symbols, not to exceed ten percent (10%) of the signs total area.

7.7.9 Temporary signs shall not be illuminated.

7.7.10 Temporary signs shall not be placed upon the roof of a building.

7.8 LOCATION OF SIGNS

7.8.1 In Zoning District CD, all signs must be located on the owner's property in such a way as not to obstruct the view of traffic. In all other Zoning Districts, all signs shall be set back from the front property line by a distance of five feet, and must be located on the owner's property in such a way as not to obstruct the view of traffic. Exception: signs displayed by official town government departments or recognized IRS Code 501 (c) (3) non-profit organizations may be placed off premises. Such signs must be placed not more than one week prior to an event and must be removed within one day after the date of the event publicized.

7.8.2 Signs installed on the roof shall not project above the ridge of said roof. The top edge of the sign shall not be located more than one-half the vertical distance from the eave to the ridgeline, or 6 feet above the eave of the structure, whichever is higher.

7.8.3 Signs, which project over a public way, may be installed only in the Central District on buildings, which cannot meet setback requirements, and such projection is limited to four (4) feet from the face of the building. The minimum vertical clearance of projecting signs shall be eight feet from the public way or sidewalk.

7.8.4 Free-standing signs along Route 6 may not exceed a height of twelve feet above the paved surface of the roadway or eight feet above existing grade, whichever is lower. Freestanding signs on lots not having frontage on Route 6 may not exceed eight feet in height above the paved surface of the roadway.

PLANNING BOARD RECOMMENDS 6-0
 BY-LAW COMMITTEE DOES NOT RECOMMEND 3-0
 BOARD OF SELECTMEN RECOMMENDS 4-0

Planning Board report given
Loses - 137 in favor 87 against 2/3 voice vote not attained

A motion was made at this time to reconsider Article 28 loses by a voice vote.
 Motion to act on Articles 31 and 32 together passes by a 2/3 voice vote.

ARTICLE 30: To see if the Town will vote to amend the Wellfleet, Zoning By-laws, SECTION V – USES, Subsection 5.3.4, Institutional, by adding Municipal Wind Turbine as a use permitted by Special Permit in all districts, as follows:

5.3.4 Institutional	CD	R1	R2	NSP	C	C2
Municipal Wind Turbine ¹	O	O	O	A	O	O

O = An excluded or prohibited use A = Use authorized under special permits
¹ Special Permit authorized under Section 6.25 and 8.4.2 of these Zoning By-laws

BOARD OF SELECTMEN RECOMMENDS 4-0
 PLANNING BOARD RECOMMENDS 5-0
 BY-LAW COMMITTEE RECOMMENDS 3-0
 CONSERVATION COMMISSION RECOMMENDS 4-0
 ENERGY COMMITTEE RECOMMENDS 7-0

Planning Report given
2/3 voice vote attained to accept and adopt as printed in the Warrant.

ARTICLE 31: To see if the Town will vote to amend the Wellfleet, Zoning By-laws, SECTION VI – GENERAL REGULATIONS, by adding Subsection 6.25, MUNICIPAL WIND TURBINES, as follows:

6.25 MUNICIPAL WIND TURBINES

Purposes – The purpose of this by-law is to allow by Special Permit utility scale wind facilities on municipally owned land and to provide for standards for the placement, design, construction, monitoring, upkeep, modification and removal of wind facilities that address public safety and consideration of environmental and community impacts, including impacts on scenic, natural, historic resources, and provide adequate financial assurance for decommissioning. Any physical modifications to existing wind facilities that alters the type or increases the size of such facilities or other equipment shall require a Special Permit.

6.25.2 Definitions

Utility-Scale Wind Facility – a wind facility with a rated capacity of 100 KW or more and where the primary use of the facility is electrical generation to be provided into the electrical grid.

Wind Turbine (WT) – A device which converts wind energy to electrical energy, which typically includes a support tower.

Wind Facility (WF) – All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Rotor - The blades plus the hub to which the blades are attached

Tip Height - Height of the tip of the rotor blade when extended 90 degrees from grade, as measured from the base at grade of the support tower.

6.25.3 General Requirements

A. The Applicant shall be the WF operator, if one exists, and the Town of Wellfleet as the land owner.

B. Utility-Scale Wind Facilities shall be permitted by a Special Permit from the Planning Board acting as the Special Permit Granting Authority (SPGA) provided that the Planning Board makes a finding that the wind facility complies with the following conditions:

- 1) the specific site is an appropriate location for such use;
- 2) the use is not expected to adversely affect the surrounding area or neighborhood;
- 3) there is not expected to be any serious hazard to the public and general welfare of the Town, and no nuisance is expected to be created by the use;
- 4) the potential environmental benefits outweigh the potential adverse environmental impacts;
- 5) adequate and appropriate facilities and resources will be provided for the proper operation of the use.
- 6) adequate resources will be provided for the removal of the WF after its useful life.

Such permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

C. Compliance with Laws, Ordinances and Regulations - The construction and operation of all such wind facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all safety, construction, environmental, electrical, communications and aviation requirements.

D. Proof of Liability Indemnification - The Applicant shall provide evidence of adequate indemnification for all risks, including possibly by way of liability insurance in an amount and for the duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility. There shall be a minimum indemnification amount equal to two million dollars (\$2,000,000).

E. Site Control - The applicant shall provide documentation of the actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean the legal authority to prevent use or construction of any structure for human habitation within the setback areas.

6.25.4 General Siting Standards

A. The maximum allowable Tip Height shall be no greater than four hundred (400) feet.

B. Minimum setback distance for a WT from the Applicant's property line shall be at least equal to the maximum Tip Height. Set backs will be measured to the center of the tower base. The setback from an Applicant's lot line may be reduced with the written permission or granting of an easement to the Town by the abutting property owner(s) and the SPGA. Setbacks for facilities other than the tower will conform with Wellfleet Zoning Bylaws.

The SPGA may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a Special Permit under the provisions of this Section.

6.25.5 Design Standards

A. Color and Finish - The SPGA shall approve the WT color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

B. Lighting - WT(s) shall be lighted only, and only to the extent, if required by the Federal Aviation Administration. Lighting of the other parts of the WF, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be designed to minimize glare, and otherwise shielded and down cast to reduce light pollution.

C. Signs - Signs on the wind facility shall comply with the requirements of the Town's sign regulations, and shall be limited to:

- 1) Those necessary to identify the wind facility owner, provides a 24-hour emergency contact phone number, and warnings of any danger at the base of the wind facility.
- 2) Educational signs providing information about the facility and the benefits of renewable energy are exempt from the sign code, but must be approved as part of the SPGA permit process.
- 3) Advertising shall not be allowed on the WT except for reasonable identification of the manufacturer or operator of the wind facility.

D. Utility Connections - Reasonable efforts shall be made to locate utility connections from the wind facility underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

E. Appurtenant Structures - All appurtenant structures to such wind facilities shall be subject to reasonable regulations concerning the bulk and height of structures, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever feasible, structures should be shaded from view by vegetation and/or clustered to avoid adverse visual impacts.

6.25.6 Safety, Aesthetic and Environmental Standards

A. Emergency Services - The applicant shall provide a copy of the project summary and site plan to the local emergency services entity, as designated by the SPGA. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan.

B. Unauthorized Access – WT's and other structures part of the WF shall be designed to prevent unauthorized access.

C. Shadow/Flicker - A shadow and flicker analysis performed by an independent qualified engineer in order to determine the degree and effect of potential shadow and flicker upon abutting dwellings.

D. The wind facility and associated equipment shall conform to the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10), unless the Department and the SPGA agree that those provisions shall not be applicable. A Wind Facility will be considered to be violating these regulations if the source:

- 1) Increases the broadband sound level by more than 10dB(A) above ambient, or
- 2) Produces a "pure tone" condition - when an octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

These criteria are measured both at the property line and at the nearest inhabited dwelling. Ambient is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours. The ambient may also be established by other means with consent from the DEP.

For purposes of permit application consideration the SPGA will accept a sound modeling analysis performed by an independent qualified engineer which is consistent with the Massachusetts Department of Environmental Protection guidance for sound measurement (310 CMR 7.10) based on the WF manufacturer's sound information on the proposed WT.

The SPGA, in consultation with the DEP, shall determine whether such violations shall be measured at the property line or at the nearest inhabited residence.

E. Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind facility and is otherwise prescribed by applicable laws, regulations and ordinances.

6.25.7 Monitoring and Maintenance

A. Facility Maintenance - The wind facility shall be maintained in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security and safety measures. Site Access and Control shall be maintained to an acceptable level. The recipient of the Special Permit shall be responsible for the cost of maintaining the wind facility and any access road(s) and the cost of repairing any damage occurring as a result of operation and construction.

B. Modifications - All modifications to a wind facility made after issuance of the special permit shall require approval by the SPGA as provided in this section.

6.25.8 Abandonment or Decommissioning

A. Removal Requirements - Any wind facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind facility is scheduled to be decommissioned, the applicant shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than one hundred fifty (150) days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored, if a natural site to a state of reasonable conditions to revert back to its pre-construction natural state, or if a previously developed site a state similar to its prior state. More specifically, decommissioning shall consist of:

- 1) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
- 2) Disposal of all solid and hazardous waste in accordance with local and state disposal regulations.
- 3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The SPGA may allow the owner to leave designated below-grade foundations in order to minimize erosion and disruption to existing vegetation.

B. Abandonment - Absent notice of a proposed date of decommissioning, the facility shall be considered abandoned when the facility fails to operate for more than one year without the written consent of the SPGA. The SPGA shall determine in its decision what proportion of the facility is inoperable for the facility to be considered abandoned. If the owner/operator fails to remove the wind facility in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority to enter the property and physically remove the facility.

C. Financial Surety - The SPGA may require the applicant to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility, of an amount and form determined to be reasonable by the SPGA, but in no event to exceed one hundred twenty five percent (125%) of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

6.25.9 Application Process & Requirements

All applications shall be filed with the Wellfleet Town Clerk along with ten (10) copies and the required fee. Pursuant to section 53G of Chapter 44 of the Massachusetts General Laws, the SPGA shall have the authority to require that the applicant pay for necessary professional services reasonably required to review and to analyze adequately the contents of any site plan or related impact study.

Upon receipt of the application by the Wellfleet Town Clerk, the SPGA shall hold an advertised public hearing within sixty-five (65) days. Said advertisement shall appear in a local newspaper of general publication no less than fourteen (14) days prior to the scheduled public hearing. It shall be the responsibility of the SPGA to notify abutters and abutters to abutters within three hundred (300) feet via first class mail, with said mailing to take place no less than fourteen (14) days prior to the scheduled public hearing.

All Applications submitted under this section for final review shall include:

A. Completed application form.

B. Certified list of abutters and abutters to abutters within three hundred (300) feet prepared and certified by the Town of Wellfleet Assessor.

C. A site plan. All site plans shall be prepared by a Registered Land Surveyor or Registered Civil Engineer. All site plans shall be prepared at an appropriate scale suitable for the content of the topic covered on the sheet and shall include the following:

- 1) The location and boundaries of the lot including monuments, adjacent street/ways and a list showing names and addresses of direct abutters and abutters to the abutters within 300 feet,
- 2) Existing and proposed topography showing five (5) foot contours showing benchmark used and significant land features, natural and man made, including, but not limited to, the location of wetlands, streams, bodies of water, drainage swales and areas subject to flooding,
- 3) Proposed location and design of wind facility, including all turbines, ground equipment, appurtenant structures, transmission infrastructure, access, fencing, exterior lighting, etc., including dimensions and all elevations,
- 4) The existing and proposed location of driveways, walkways, access and egress points, and the location and number of parking spaces, all proposed changes to the landscape of the site, including grading, vegetation clearing and planting, and exterior lighting, other than FAA lights, and screening vegetation.

D. Certification of height approval from the Federal Aeronautics Administration (FAA)

E. Visualizations - The SPGA shall select between three and six sight lines, including from the nearest dwelling(s) and other public ways and or sites, with a view of the WF(s), for pre- and post-construction view representations. Sites for view representations shall be selected from populated areas or public ways within a 2-mile radius of the wind facility. View representations shall have the following characteristics:

- 1) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the WT(s) on the pre-construction photographs of existing views.
- 2) All view representation will include descriptions of the locations, distances, and focal length of camera lens used.

F. Include approvals from other regulatory boards and commissions required, including but not limited to the Board of Health, the Conservation Commission, the Historic Review Commission, but with the exception of a Special Permit from the Zoning Board of Appeals, if anticipated, or other permits which legally must succeed the Site Plan Approval by the SPGA.

G. Operation & Maintenance Plan - The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

The SPGA shall have the right upon good cause to waive all or any part of the above site plan content requirements, such waiver to occur within a duly noticed public meeting or public hearing.

6.25.10 SPGA Decision

The SPGA shall issue a decision within ninety (90) days following the date of the public hearing. The applicant shall be responsible for filing the SPGA decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner and the Planning Board Secretary.

6.25.11 Term of Special Permit

A special permit issued for a wind facility shall be valid for twenty five (25) years, unless extended or renewed. The time period may be extended or the permit renewed by the SPGA upon satisfactory operation of the wind facility. Request for renewal must be submitted at least one hundred eighty (180) days prior to expiration of the special permit. Submitting a renewal request shall allow for continued operation of the facility until the SPGA acts. At the end of that period (including extensions and renewals), the WF shall be removed as required by this section.

The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquires and complaints throughout the life of the project.

PLANNING BOARD RECOMMENDS 5-0
BY-LAW COMMITTEE RECOMMENDS 3-0
CONSERVATION COMMISSION RECOMMENDS 4-0
ENERGY COMMITTEE RECOMMENDS 7-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Planning Board report given
2/3 voice vote attained to accept and adopt as printed in the Warrant

A motion to adjourn until Tuesday, April 28, 2009 was passed at 11:10pm by a voice vote.

The meeting was reconvened at 7:04pm on Tuesday, April 28, 2009.

ARTICLE 32: To see if the Town will vote to appropriate a sum of money for the purpose of constructing a new water supply well located at the former Boy Scout Camp, located off Cahoon Hollow Road (Map 23, Lot 603), a water storage tank located off Lawrence Road (Map 13, Lot 2.1), water mains at various locations throughout the Town, 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 Chapter 44, Section 7 of the General Laws, or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, and to issue bonds or notes of the Town therefore; 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 Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2½), or take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDS 7-0-1
CONSERVATION COMMISSION RECOMMENDS 2-0-2
PLANNING BOARD RECOMMENDS 5-1
BOARD OF WATER COMMISSIONERS RECOMMENDS 4-0
BOARD OF HEALTH RECOMMENDS 4-0
WASTE WATER PLANNING COMMITTEE RECOMMENDS 4-0
BOARD OF SELECTMEN RECOMMENDS 4-0

2/3 voice vote that the sum of \$5,600,000 is hereby appropriated to pay costs of constructing a new water supply well located at the former Boy Scout Camp, located off Cahoon Hollow road (Map 23, Lot 603), a water storage tank located off Lawrence Road (Map 13, Lot 2.1), water mains at various locations throughout the Town, and for the payment of all other cost incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, and to issue bonds or notes of the Town therefore; 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 Chapter 59, Section 21C of the Massachusetts General Laws(Proposition 2 ½).

ARTICLE 33: To see if the town will accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws establishing water as an enterprise fund effective fiscal year 2011 (beginning July 1, 2010).

FINANCE COMMITTEE RECOMMENDS 8-0
PLANNING BOARD DID NOT VOTE
BOARD OF WATER COMMISSIONERS RECOMMENDS 4-0
BOARD OF HEALTH RECOMMENDS 4-0
WASTE WATER PLANNING COMMITTEE RECOMMENDS 4-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote to Indefinitely Postpone

ARTICLE 34: To see if the Town will vote to authorize the sale or other disposition of the following properties upon such terms and conditions as the Board of Selectmen shall establish including that a deed restriction stipulates that said properties shall be used only for water, waste water and gardening and that there shall be no further subdivision of the property; and to authorize and direct the Board of Selectmen to take any and all actions necessary or convenient therewith.

Map/Lot	Acres	Address	Map/Lot	Acres	Address
14-221	.02	0 West of Holbrook	30-134	.07	0 Cannon Hill Road
14-222	.17	0 West Main Street	30-139	.07	0 Cannon Hill Road
15-166	.18	0 Higgins Lane	30-161	.07	0 Off Pine Avenue
29-56	.08	0 Avery	30-164	.07	0 Off Pine Avenue

FINANCE COMMITTEE RECOMMENDS 8-0
 OPEN SPACE COMMITTEE DOES NOT RECOMMEND 7-0
 PLANNING BOARD DOES NOT RECOMMEND 7-0
 BOARD OF SELECTMEN RECOMMENDS 4-0

2/3 Voice vote that the custodian of the properties identified in Article 34 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 purposes of conveyance and that further, the Selectmen be authorized to sell or otherwise dispose of said properties but not subject to the use restrictions as printed in the Warrant, and to take any and all actions necessary or convenient therewith.

Motion to amend by adding the words “but not” passes by a voice vote.

ARTICLE 35: To see if the Town will vote to authorize the Board of Selectmen to convey by exclusive use easement or by fee an area of land containing approximately 942 square feet, more or less, of the so called Town Hall Parking Lot, more particularly shown on Assessors Map 15 as Parcel 52, for the purposes of commercial use in connection with the property known as 310 Main Street, more commonly known as Hatch’s Fish Market, 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 4-0

2/3 voice vote attained that the custodian of the portion of the land known as the Town Hall Parking lot described in the Warrant be changed from being held by the Selectmen for parking purposes to being held for the purpose of conveyance and that the Selectmen be authorized to convey, with whatever conditions they deem appropriate, the fee or exclusive use easement for the use of the owner of the property as described in the Warrant, and to take any and all actions necessary or convenient therewith.

ARTICLE 36: To see if the Town will vote pursuant to the provisions of G.L. c.43B, §10 to amend the Wellfleet Home Rule Charter by changing the elected positions of Town Clerk-Treasurer and Town Collector to appointed positions, and further to provide that the elected incumbents holding office as of the effective date of the amendment of the Charter shall become the first appointees to said positions, as follows:

(1) Amend Section 4-2, Elected Officers, Subsection 4-2-1, listing those officers to be elected, by deleting paragraphs (b) and (c), Town Clerk-Treasurer and Town Collector, respectively, and renumbering the remaining paragraphs accordingly;

(2) Amend Section 5-4, Responsibilities for Appointments, Subsection 5-4-2, authorizing appointment by the Town Administrator, subject to the approval of the Board of Selectmen, of a list of officers, by inserting in said list the Town Clerk, Town Treasurer, and Town Collector, as paragraphs (d) through (f), respectively; and

(3) Insert a new Chapter, Chapter 9, Transitional Provisions, and a new section, Section 9-1, Appointed Town Clerk, Town Treasurer, Town Collector, as follows:

The vote of the April 27, 2009 Annual Town Meeting to amend the Charter to change the elected positions of Town Clerk-Treasurer and Town Collector to the appointed positions of Town Clerk, Town Treasurer, and Town Collector shall take effect immediately upon approval by the voters at the 2010 Annual Town Election. At that time, the elected offices of Town Clerk-Treasurer and Town Collector shall be abolished and the terms of the elected incumbents terminated; provided, however, that the elected incumbents holding office as of the effective date of the amendment shall be the first appointees to the newly created appointed positions, and, notwithstanding the provisions of Section 5-4-2 of the Town Charter, shall remain in said positions until removal for cause or their sooner vacating of office.

FINANCE COMMITTEE DOES NOT RECOMMEND 8-0
BOARD OF SELECTMEN RECOMMENDS 5-0

Loses - 2/3 vote not attained

ARTICLE 37: To see if the town will vote pursuant to the provisions of G.L. c.43B to amend the Wellfleet Home Rule Charter to abolish the Personnel Board and remove all references thereto, as follows:

(1) Amend Section 3-6, Powers of Appointment, Subsection 3-6-3 listing appointments made by the Board of Selectmen, by deleting from said list the following paragraph, “(f) four members of a five-member personnel board”, and renumbering the remaining paragraphs accordingly;

(2) Amend Section 5-6, Responsibilities in Administrative Reorganization, Subsection 5-6-1, relative to the ability of the Town Administrator, with approval of the Board of Selectmen, with regard to positions under the Administrator’s supervision, by deleting the last sentence, which provides, “The creation of any new position shall require the approval of the Personnel Board.”;

(3) Amend Chapter 7-1, Finance Committee, Subsection 7-1-4, prohibiting members of the Finance Committee from holding other Town Offices, to remove reference to the Personnel Board by inserting a period after the words “Town Office” and deleting the remainder of the sentence;

(4) Amend Chapter 8, Appointed Town Boards, by deleting in its entirety Section 8-2, Personnel Board; and

(5) Amend Chapter 8, Appointed Town Boards, Section 8-10-7, imposing limitations on persons serving on more than one board, by deleting the words “Personnel Board”.

BOARD OF SELECTMEN RECOMMENDS 4-0
BYLAW COMMITTEE DOES NOT RECOMMEND 3-0

Loses – 2/3 vote not attained

ARTICLE 38: To see if the Town will vote to amend the Wellfleet General By-laws, Article II, Section 3 by deleting the Section in its entirety as follows:

~~**Section 3.** The Moderator shall enforce procedural rules in accordance with general law, the Charter, by-laws, and the latest revised edition of Robert's rules of order as identified in the rules of parliamentary procedure published by the Town Clerk in accordance with Chapter 2, Section 2-7-7 of the Charter.~~

BOARD OF SELECTMEN RECOMMENDS 4-0
BYLAW COMMITTEE RECOMMENDS 3-0

Unanimous voice vote to accept and adopt as printed in the Warrant

ARTICLE 39: To see if the Town will vote to amend the Wellfleet General By-laws, Article II, Section 8 by replacing “seven or more voters” with “one or more voters” as follows:

Section 8. On matters requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared is immediately questioned by ~~seven or more voters~~ **one or more voters** as provided in General Laws Chapter 39, Section 15 or as otherwise provided by these Bylaws.

BOARD OF SELECTMEN RECOMMENDS 4-0
BYLAW COMMITTEE RECOMMENDS 3-0

Voice vote to accept and adopt as printed in the Warrant

ARTICLE 40: To see if the Town will vote to amend the Wellfleet General By-laws by deleting Article VII, Sections 38, 39 and 40 in their entirety as follows, and renumbering the subsequent sections:

~~**Section 38.** The words "smoke" and "smoking" used in this article shall mean the possession of a lighted cigar, cigarette, pipe or other form of tobacco. The word "restaurant" used in the article shall mean a commercial establishment open to the public which serves food for consumption on the premises and provides indoor seating for fifty (50) or more persons.~~

~~**Section 39.** No licensee shall maintain a restaurant that does not contain an area comprising at least twenty-five percent (25%) of the total seating capacity of said restaurant designated by clearly visible signs as a "No Smoking Area". Further, no licensee shall permit smoking in a so designated area. Any licensee who violates this section shall be fined one hundred dollars (\$100) for each day or fraction of a day of violation. The Town of Wellfleet Police Department (including special officers), the Health Officer, and any other official whom the Board of Selectmen may from time to time designate shall have authority to enforce this section.~~

~~**Section 40.** No person shall smoke in a "No Smoking Area" in a restaurant designated in accordance with Section 39 of this Article. Any person who violates this section shall be fined ten dollars (\$10) for each offense. The Town of Wellfleet Police Department (including special officers), the Health Officer, and any other official whom the Board of Selectmen may from time to time designate shall have the authority to enforce this section.~~

BOARD OF HEALTH RECOMMENDS 4-0
BOARD OF SELECTMEN RECOMMENDS 4-0
BYLAW COMMITTEE RECOMMENDS 3-0

Unanimous voice vote to accept and adopt as printed in the Warrant

ARTICLE 41: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 140 §147A to allow the Town to enact by-laws and ordinances relative to the regulation of dogs, or do or act anything thereon.

BY-LAW COMMITTEE DOES NOT RECOMMEND 3-0
BOARD OF HEALTH DOES NOT RECOMMEND 4-0
BOARD OF SELECTMEN RECOMMENDS 4-0

Voice vote to accept the provisions of Massachusetts General Laws, Chapter 140, Section 147A to allow the Town to enact by-laws and ordinances relative to the regulation of dogs.

ARTICLE 42: To see if the Town will vote to amend the Wellfleet General By-laws by adding ARTICLE XV, ANIMAL CONTROL BYLAWS, as follows:

ARTICLE XV

ANIMAL CONTROL BYLAWS

Section 1 - Purpose

The purpose of this bylaw is the control of animals to prevent injury to property, persons, and animals.

Section 2 - Administration

The Board of Selectmen shall appoint an Animal Control Officer who, in addition to any other authorized enforcement officers, shall be responsible for the enforcement of these bylaws.

Section 3 - Definitions

Adequate Shelter- means a structure that is large enough for the animal, whether it be livestock or pet, to stand naturally, turn around and lay down inside of the structure without being exposed to the elements of weather. The roof and walls of the structure shall be waterproof and windproof. Bedding should be kept dry and changed regularly to preserve insulating qualities. Insulation and an inner wall should be included in shelter for dogs with short fur (examples: Pointers, Labrador Retrievers, Boxers, Staffordshire Terrier, Boxers, and Dachshunds) to provide adequate protection from cold. During cold weather a moveable flap should be placed over the entrance to a dog shelter to preserve the dog's body heat. Adequate shelter from sun may be provided by a tarp placed in a manner to provide deep shade and allow air to pass through for ventilation.

Adult - An individual 18 years of age or over.

Beach - The zone above the water line at a shore of a body of water, marked by an accumulation of sand, stone, or gravel that has been deposited by the tide or waves.

Commercial Kennel - A kennel maintained as a business for boarding and grooming of dogs, or which sells dogs born and raised on the premises from more than four (4) litters per year, or a kennel of 11 or more dogs.

Companion Animal/Pet - Any dog or cat or other domesticated animal normally maintained in or near the household of the owner or keeper who cares for such domesticated animal. Pet or companion animal shall not include a farm animal as defined in this section.

Domesticated Animals - Any of various animals that have been tamed and made fit for a human environment.

Farm Animal/Livestock - Any poultry, ungulate, species of cattle, sheep, swine, goat, llama, equine, or other fur-bearing animal which is raised for commercial or subsistence purposes.

Freshwater Beach - The zone above the water line at a shore of a body of water, marked by an accumulation of sand, stone, or gravel.

Kennel - Shall be one collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purpose including more than three (3) dogs, three (3) months

old or older, provided however, that a veterinary hospital shall not be considered a kennel under the intent of this bylaw.

Landing -A place for discharging and taking on passengers or cargo.

Licensing Period - The licensing period means the time between January 1st and the following December 31st of each calendar year, both dates inclusive.

Keeper - Any person, other than the owner, possessing, harboring, keeping, having an interest in, or having control or custody of an animal either permanently or on a temporary basis. If a person under the age of 18 owns or keeps the animal, that person's custodial parents or legal guardian shall be responsible for complying with all requirements of these bylaws.

Severe Injury - Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or corrective or cosmetic surgery

Vicious Dog - Any dog that attacks, bites or injures any human or domesticated animal without provocation or which, because of temperament, conditioning or training, has a propensity to attack, bite or injure humans or domesticated animals.

Section 4 - Control of Animals

No person owning or keeping a dog or other domesticated animal shall permit such dog or other domesticated animal to engage in the following activities:

- A. No person shall permit a dog to enter within the boundaries of any cemetery in the Town of Wellfleet. All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to property of their owners or keepers. Any dog found running at large will be removed and impounded. If it is the first offense subject to this section committed by a person within a calendar year, the charge shall be dismissed without the payment of any fine; if it is the second offense so committed in the calendar year, the payment of a fine of twenty-five (\$25) dollars shall operate as final disposition of the case; if it is the third offense so committed in a calendar year payment of a fine of thirty (\$30) dollars shall operate as final disposition of the case; if it is the fourth or subsequent offense so committed the payment of a fine of fifty (\$50) dollars shall operated as a final disposition of the case. The owner of any dog so removed is also liable for boarding expenses at the pound at the established rate. The Town of Wellfleet Police Department (including special officers), the Animal Control Officer, and any other officials whom the Board of Selectmen may from time to time designate shall have the authority to enforce this Section.
- B. No domesticated animals shall be allowed on the following Town Beaches and Landings: Powers Landing, Indian Neck Beach, Burton Baker Beach, Mayo Beach, and the Terminus of Chequessett Neck Road (The Gut). The penalty for a violation of this section shall be a fine of \$50 dollars per animal per incident.
- C. No domesticated animals shall be allowed on the following Town Beaches and Landings: Duck Harbor, Maguire Landing, White Crest Beach, Newcomb Hollow Beach or Cahoon Hollow Beach between the hours of 9:00am and 5:00pm from the 3rd Saturday in June through Labor Day. The penalty for a violation of this section shall be a fine of \$50 dollars per animal per incident.

- D. Ponds- Domesticated animals shall be allowed in the following freshwater ponds: Gull Pond, Long Pond, Great Pond, Duck Pond, Higgins Pond, the Sluiceway, Spectacle Pond, or Dyer Pond from October 16 through May 14. This is consistent with Cape Cod National Seashore Rules. The penalty for a violation of this section shall be a fine of \$50 dollars per animal per incident.
- E. Domesticated animals shall be kept away from bathers at all town landings and beaches at all times. The penalty for a violation of this section shall be a fine of \$50 dollars per animal per incident.
- F. Barking Dogs- No person owning, keeping, or otherwise responsible for a dog shall allow or permit said dog to annoy another person's reasonable right to peace or privacy by making loud or continuous noise, where such noise is plainly audible at a distance of one hundred fifty (150) feet from the building, premises, vehicle, or conveyance housing said dog, or such noise is continuous in excess of ten (10) minutes. The fact that such noise is plainly audible at said distance or continuous in excess of ten (10) minutes should be prima facie evidence of a violation. The penalty for a violation of this section shall be a fine of \$50 dollars per dog per incident.
- G. Dog Waste Removal- No person owning or keeping any dog shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach, wetland, in or upon any public property, in or upon the property of persons other than the owner or keeper of such dog, unless said person picks up any such waste and disposes of same in a sanitary manner. The penalty for a violation of this section shall be a fine of \$100 dollars per dog per incident.

Section 5 - Kennel Licenses and Inspection

- A. Any owner or keeper of four (4) up to and including ten (10) dogs three (3) months of age or older, being maintained at a single premises, shall secure a Kennel License from the Town Clerk. Any owner or keeper of a kennel maintained as a business for boarding or grooming of dogs, or which sells dogs born and raised on the premises from more than four (4) litters per year, or a kennel of eleven (11) or more dogs, three (3) months of age or older, shall obtain a Commercial Kennel License.
- B. Application and Issuance of License and Fees: A kennel license shall be issued annually by the Town Clerk upon written application by an owner or keeper of dogs and after inspection of the kennel and a determination is made by the Animal Control Officer that the conditions set forth in part C below are met. An application fee for a kennel license shall be fifty dollars (\$50.00) and one hundred fifty dollars (\$150.00) for a commercial kennel license. The Town Clerk shall, upon application, issue without charge a Commercial Kennel License to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, and for the relief of suffering among animals. A veterinary hospital shall not be considered a kennel unless it contains an area for the selling and boarding of dogs for anything other than medical purposes. Such license shall be in the form prescribed by the Town Clerk. With respect to commercial breeding kennels, such license shall be in lieu of any other license for any dog while kept at such kennel during any portion of the period for which such kennel license is issued. The holder of a license for a commercial boarding kennel shall require each dog kept therein to be licensed by the town in which the owner and dog reside if they shall be boarding the dog at a kennel.
- C. Conditions That Must Be Met For The Issuance Of A Kennel License: The

Animal Control Officer shall determine that: 1. The proposed licensed premises contains suitable space for the keeping of the specific breed(s) and number(s) of dogs, including both indoor and outdoor areas; 2. The proposed license premises contain a suitable shelter for the dogs which includes running water and an impervious floor suitable for sanitary maintenance; 3. The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel; and 4. A veterinarian's certificate verifying each dog six (6) months of age or older in currently vaccinated against rabies.

- D. Kennel licenses and commercial kennel licenses are non-transferable.
- E. The Animal Control Officer or any other agent authorized by the Town may at any reasonable time inspect a kennel or premises for which a kennel or Commercial Kennel License has been issued.
- F. If the Animal Control Officer or any other authorized agent, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or a humane condition, or if records are not kept as required by law, the Animal Control Officer shall, by written order, notify the license holder and the Town Clerk that the license has been revoked or suspended and shall state the reason(s) for the revocation or suspension. If a license has been suspended under this paragraph of Section 5, the license may be reinstated after re-inspection by the Animal Control Officer or any other authorized agent, and a determination by the Officer or agent that the kennel is kept in a sanitary and humane condition and/or that the kennel's records are kept as required by law. Notice of such determination shall be sent by mail to the license holder. A copy of the notice shall be given to the Town Clerk.
- G. Upon written petition of the Animal Control Officer, or of five (5) Wellfleet residents, filed with the Selectmen, setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at the kennel because of excessive barking or vicious disposition of said dogs, or other conditions connected with such kennel constituting a public nuisance, said Selectmen, within seven (7) days after the filing of such a petition, shall give notice to the owner or keeper of the kennel, the petitioner(s), and any other person the Selectmen determine should be given notice, of a public hearing to be held within fourteen (14) days after the date of such notice. Said notice shall also be posted on a Town bulletin board.
- H. Within seven (7) days after such public hearing, said Selectmen shall make an order either revoking or suspending such kennel license, or otherwise regulating said kennel or premises, or dismissing said petition. Written notice of any such order shall be mailed to the license holder, the petitioners, and any other person the Selectmen had notified concerning the public hearing. A copy of the notice should be given to the Town Clerk.
- I. Any person maintaining a kennel or commercial kennel without a license or after the license has been revoked or suspended, may be punished by a fine of fifty dollars (\$50.00) for each day in violation of said revocation or suspension in addition to any other legal remedies that may be available.

Section 6 - Unvaccinated Animals

All animals that are required by Massachusetts General Laws, Chapter 140, Section 145B to be vaccinated against rabies shall be vaccinated against rabies. Failure to do so will result in a \$50.00 fine and the owner or keeper of the non-vaccinated animal shall be given 10 days from the date of the

imposition of the fine to vaccinate said animal. The fine for failure to vaccinate after the 10 day period shall be \$50.00 per day / per pet, until said animal(s) is/are properly vaccinated by a licensed veterinarian in accordance with State Laws pertaining to rabies vaccinations with documentation provided to the Animal Control Officer.

Section 7 - Licensing and Regulation of Vicious Dogs

A. Determination of Viciousness

1. The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Wellfleet Police Department, the Board of Selectmen, or the Town Administrator that any dog owned or kept within the Town of Wellfleet has attacked, bitten, or injured any person or domesticated animal, or which by temperament, conditioning or training has a propensity to attack, bite or injure persons or domesticated animals.
2. The Animal Control Officer is authorized to make whatever inquiry is deemed necessary to determine the accuracy of said complaint, and if the Animal Control Officer determines that the complaint is accurate, the Officer shall find that the dog is vicious and may make such orders as he or she deems necessary to ensure compliance with the provisions of this Bylaw and to promote public safety.
3. Upon determination by the Animal Control Officer that a dog is vicious because it has attacked, bitten or injured any person or domesticated animal, or which by temperament, conditioning or training has a propensity to attack, bite or injure persons or domesticated animals, the Animal Control Officer shall issue an order to the owner or keeper of said dog concerning the restraint or disposal of such dog as they may deem necessary. At a minimum, said order shall require the owner or keeper of such dog to comply with the requirements of Section 7B of this bylaw.
4. Without limiting the generality of the foregoing, the Animal Control Officer may order that said dog be permanently removed from the Town of Wellfleet, that said dog be humanely euthanized in accordance with the provisions of Massachusetts General Laws 140, Section 151A, or that said dog be confined in accordance with such limitations as the Animal Control Officer deems appropriate. If a euthanization order is issued, a certificate must be provided to the Animal Control Officer confirming the action was carried out. If the Animal Control Officer determines that the dog is to be permanently removed, the owner or keeper shall provide the Animal Control Officer with the name, address, and telephone number of the new owner of the vicious dog.
5. The owner or keeper of any dog determined to be vicious by the Animal Control Officer may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within five (5) business days of the owner or keeper's receipt of the order. A copy of the hearing request shall also be delivered to the Animal Control Officer. The hearing request shall include an explanation of the measures that the owner or keeper intends to take to protect public safety pending disposition of the matter by the Board of Selectmen. If the Board of Selectmen determines that the measures described are inadequate, it may order that said dog be impounded, at the owner or keeper's expense, until such time as the Board of Selectmen rules otherwise.
6. After hearing, at which those testifying shall be sworn under oath, the Board of Selectmen may affirm the order, reverse or nullify the order, or issue any such order as it deems necessary to ensure compliance with the provisions of this by-law and the protection of public safety. The

determination of the Board of Selectmen after a hearing shall be final.

7. Nothing in this by-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with Massachusetts General Laws Chapter 140, Section 157.

B. Control of Vicious Dogs

1. The Animal Control Officer shall notify the Town Clerk of all vicious dogs as defined in this bylaw.
2. The owner or keeper of any dog determined to be vicious in accordance with part A of Section 7 of this bylaw, which has not been ordered euthanized or permanently removed from town, shall re-license said dog as “vicious” within thirty days of such determination. A unique licensing number shall be assigned to a vicious dog by the Town Clerk. That number shall be noted on the town licensing files.
3. No vicious dog shall be licensed by the Town of Wellfleet for any licensing period unless the owner or keeper of such vicious dog meets the following requirements:
 - A. The owner or keeper shall display a sign not to exceed one square foot on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and capable of being read from the public highway or roadway.
 - B. The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have a fenced enclosure, approved in writing by the Animal Control Officer, for the vicious dog on the property where the vicious dog will be kept or maintained when outside.
4. All vicious dogs shall be confined in an enclosure approved in writing by the Animal Control Officer. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure or for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure, unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or to sell or give away the vicious dog or to comply with the commands or directions of the Animal Control Officer and/or Board of Selectmen with respect to the vicious dog, or to comply with the provisions of this bylaw. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog. Vicious dogs shall not be permitted to run loose on any public or private way or any area within the Town of Wellfleet that is open to the general public, including but not limited to parks and beaches.

C. Enforcement and Penalties

1. License Revocation - If the Animal Control Officer determines that a vicious dog is being kept in the Town in violation of this bylaw or any order issued by the Animal Control Officer, Board of Selectmen or of any Court, the Animal Control Officer shall so notify the Selectmen. After giving notice to the owner or keeper of the hearing, the Selectmen shall hold a public hearing on whether to revoke the license of said dog or to take further action including banning the dog from the Town or euthanizing the dog. If the Selectmen revoke the license of said dog and do not order it to be euthanized, they shall notify the owner or keeper of the dog and the Town Clerk within ten (10) days that said dog will be impounded and destroyed if it is found within the Town after the succeeding seven days. If the Selectmen revoke the license of a vicious dog, once a ten

(10) day period after the notification of revocation has occurred, unless the owner or keeper has filed an appeal in accordance with Massachusetts General Laws Chapter 140 Section 157, the Animal Control officer or other authorized agent shall impound and destroy such dog as unlicensed if found within the Town. The Animal Control Officer or any Town of Wellfleet police officer shall seize and impound any vicious dog found outside of its enclosure in violation of this bylaw or any order issued by the Animal Control Officer, Board of Selectmen or any Court.

2. Non- Criminal Disposition - This regulation may be enforced by the Animal Control Officer or any Town of Wellfleet police officer. Whoever violates any provision of this bylaw may be penalized by a non criminal disposition process as provided in Massachusetts General Laws Chapter 40 Section 21D and the Town's non-criminal disposition by-law. If a non-criminal disposition is elected, then any person who violates any provision of this bylaw shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day for each day of violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
3. Whoever violates any provision of this bylaw or order of the Animal Control Officer and/or Board of Selectmen may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be fifty dollars (\$50.00), assessed in accordance with the provisions of Massachusetts General Laws Chapter 140 Section 173-174. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Any person who fails to comply with any order of the selectmen may be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than sixty days for a second or subsequent offense, or both. The Wellfleet Board of Selectmen may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Selectmen shall not preclude enforcement through any other lawful means.

Section 8 - Animal Inspections

Inspections of stables and kennels will be conducted annually or as necessary and shall be done during reasonable business hours by the Animal Control Officer.

Section 9 - Animals Left in Hot Cars

No owner or person having care and custody of any animal shall permit said animal(s) to be left in hot cars for any period of time upon any property in the Town of Wellfleet, whether public or private, between May 15th and through September 30th. Any person in violation of this bylaw shall be subject to a written warning for the first offense, a fine of fifty dollars (\$50.00) for the second offense and one hundred dollars (\$100.00) for the third and subsequent offenses. In addition to the above fines the owner or person having care and custody of said animal(s) would be subject to animal neglect and cruelty prosecution under Massachusetts General Laws Chapter 272 Section 77.

BOARD OF SELECTMEN RECOMMENDS 4-0
BY-LAW COMMITTEE DOES NOT RECOMMEND 3-0
BOARD OF HEALTH DOES NOT RECOMMEND 4-0

Voice vote to Indefinitely Postpone

ARTICLE 44: To hear reports of the Selectmen, Town Officers, and all other Committees and to act thereon.

BOARD OF SELECTMEN RECOMMENDS 4-0

Unanimous voice vote to accept and adopt as printed in the Warrant

ARTICLE 45: To act on any other business that may legally come before the meeting.

Voice vote to accept and adopt as printed in the Warrant

At this time the Moderator made the following appointments:

Barbara Woodbury – Regional Vocational Technical School Committee to the ATM 2012

Barbara Benes – Social Human Services Committee to the ATM 2012

Nancy Winslow – Social Human Services Committee to the ATM 2012

Lois Joan Platt – Social Human Services Committee to the ATM 2011

Paul Weber – Social Human Services Committee to the ATM 2010

Lizanne Stansell – By-Law Review Committee to ATM 2012

Samuel Bradford – Finance Committee to ATM 2012

Robert Wallace – Finance Committee to ATM 2012

Unanimous voice vote to approve appointments by consent of town meeting passed.

There being no further business a motion to adjourn passes by a voice vote at 10:02pm.

Attest:

**Dawn E. Rickman
Town Clerk**

**TOWN OF WELLFLEET
ANNUAL TOWN ELECTION
MAY 4, 2009**

In accordance with the Warrant the polls were opened by the Warden at 12:00 noon at the Council on Aging and the ballot box read 0000. The box was opened at 3:00pm to prevent jamming and the box read 250. The box was opened again at 5:30pm and the box read 424. The polls were closed at 7:00pm and the box read 520. There were 23 absentee ballots and 20% of the 2,592 voters turned out.

Workers included: Richard Hazen – Warden; Barbara Atwood – Clerk; Anne Fox, RuthAnn Dykeman, Phyllis Hill and Barbara Stevens – Inspectors; Barbara Souther – Tallier; Marilee Frazer and Ruth Marriott – Counters and Frauke Rosenthal - Constable.

MODERATOR – One position, one year

Harry S. Terkanian (Incumbent)	467 *
Write ins	2
Blanks	51

SELECTMEN- Two positions, three years

Jacqueline Wildes Beebe (Incumbent)	291 *
D. Ira Wood (Incumbent)	330 *
Berta Bruinooge (Write in)	169
Jonathan Portius (Write in)	5
Michael Rice (Write in)	4
Helen Miranda Wilson (Write in)	2
Michael Parlante (Write in)	2
Michael Frazier (Write in)	2
Roger Putnam (Write in)	1
Blanks	53

WELLFLEET SCHOOL COMMITTEE – Two positions, three years

Janis R. Plaue (Incumbent)	401 *
Jill Putnam (Incumbent)	403 *
Emily Beebe (Write in)	2
Jacqueline Beebe (Write in)	1
Berta Bruinooge (Write in)	1
Robert Kelly (Write in)	1
Blanks	89

WELLFLEET LIBRARY TRUSTEES – Two positions, three years

Jane P. Baron (Incumbent)	455 *
Janet M. Thomas (Incumbent)	432 *
Blanks	61

CEMETERY COMMISSIONER - One position, three years

Dawn E. Rickman (Incumbent)	455 *
Dale Donovan (Write in)	1
Leigh Burgess (Write in)	1
Henry Valdez (Write in)	1
Blanks	62

WELLFLEET HOUSING AUTHORITY – One position, five years

Judy Parris Taylor 437 *

Blanks 83

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 for a bond issued by the Town in order to pay for constructing a new water supply well located at the former Boy Scout Camp (Map 23, Lot 603), for constructing a water storage tank located at Lawrence Road (Map 13, Lot 2.1), for the installation of water mains at various locations throughout Town and for the payment of all other costs incidental and related thereto?

YES 304 *

NO 209

Blanks 7

Attest:

Dawn E. Rickman
Town Clerk/Treasurer