

SPECIAL TOWN MEETING MINUTES
Monday, April 25, 2005

In accordance with the Warrant the Moderator opened the Annual Town meeting at 7:00 pm. He introduced the new Health/Conservation Agent and thanks to outgoing Emily Beebe. The question was put to the voters if they would like to start town meeting at 6:30pm in the future. They indicated that they would like to try this new time. A moment of silence was given to Gilbert Franklin, Arno Masters and Miriam Reed for their service to the Town. A unanimous consent was given to limit debate to five minutes. A motion was passed to recess the Annual Town Meeting until the conclusion of the Special Town Meeting at 7:15pm.

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 of money necessary to supplement the operating and/or capital budgets of the various Town departments for the current fiscal year 2004-2005.

Requests to date:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Free Cash	1) #153 Computerization	\$ 10,000
	2) #417 DPW Facilities	36,000
	3) #423 DPW Snow Removal	40,000
	4) #913 Unemployment	8,000
	5) #916 Medicare	5,000
	6) #945 Liab/Prop/Comp Ins.	<u>5,000</u>
		\$104,000
Free Cash	#123 Town Administrator – Op. Exp.	\$ 500
Beach Fund		<u>500</u>
		\$ 1,000
ATM 4/26/04 Article 5	#442 DPW Coles Neck Water	\$ 30,000
Fund 033 Library Roof Repair	Fund 034 Church Roof Repair	\$ 8,443.77
Fund 060 Marina Shared Facilities: Electricity	Operating Budget: Electricity	\$ 8,000
Marina Retained earnings	Marina Capital budget	\$57,900

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

Voice vote as read

ARTICLE 2. To see if the Town will vote to transfer the sum of \$25,315, or any other sum, in anticipation of reimbursement to be received under Chapter 246B of the Acts of 2002 as provided under G.L. 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.

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

Voice vote to transfer the sum of \$152,947 from available funds in anticipation of reimbursement to be received under Chapter 291 of the Acts of 2004 as provided under B.L. Ch. 90 as amended.

Motion to dissolve the special town meeting passes by a unanimous voice vote

Attest:
Dawn E. Rickman
Town Clerk/Treasurer

ANNUAL TOWN MEETING MINUTES
Monday, April 25, 2005

The Annual Town Meeting was reconvened at 7:15pm.

ARTICLE 1. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2006 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2006.

**SELECTMEN
BUDGET**

114 MODERATOR	
Salaries & Wages	200
Operating Expenses	353
DEPARTMENT TOTAL	553
115 CONSTABLES	
Salaries & Wages	100
Operating Expenses	10
DEPARTMENT TOTAL	110
121 AUDIT	
Operating Expenses	20,000
DEPARTMENT TOTAL	20,000
122 SELECTMEN	
Salaries & Wages	4,000
Operating Expenses	4,500
DEPARTMENT TOTAL	8,500
123 TOWN ADMINISTRATOR	
Salaries & Wages	156,802
Operating Expenses	4,500
DEPARTMENT TOTAL	161,302
124 GENERAL ADMINISTRATION	
Salaries & Wages	153,476
Longevity	660
Operating Expenses	17,830
DEPARTMENT TOTAL	171,966
131 FINANCE COMMITTEE	
Operating Expenses	250
DEPARTMENT TOTAL	250
132 RESERVE FUND	50,000
135 TOWN ACCOUNTANT	
Salaries & Wages	100,853
Longevity	1,160
Operating Expenses	9,500
DEPARTMENT TOTAL	111,513
141 ASSESSOR	
Salaries & Wages	82,654
Longevity	560
Operating Expenses	36,525
DEPARTMENT TOTAL	119,739

**SELECTMEN
BUDGET**

145 TOWN CLERK/TREASURER	
Salaries & Wages Elected	57,691
Salaries & Wages	32,612
Longevity	1,120
Operating Expenses	37,685
DEPARTMENT TOTAL	129,108
146 TOWN COLLECTOR	
Salaries & Wages Elected	51,184
Salaries & Wages Part-Time	10,005
Longevity	1,200
Operating Expenses	12,490
DEPARTMENT TOTAL	74,879
151 LEGAL EXPENSES	85,000
152 PERSONNEL BOARD	
Operating Expenses	0
DEPARTMENT TOTAL	0
153 COMPUTERIZATION	
Operating Expenses	50,000
DEPARTMENT TOTAL	50,000
158 TAX TITLE	
Operating Expenses	15,000
DEPARTMENT TOTAL	15,000
162 ELECTIONS/REGISTRATION	
Salaries & Wages	4,000
Stipend	150
Operating Expenses	1,800
DEPARTMENT TOTAL	5,950
171 CONSERVATION COMM.	
Operating Expenses	2,250
DEPARTMENT TOTAL	2,250
174 PLANNING DEPARTMENT	
Operating Expenses	1,735
DEPARTMENT TOTAL	1,735
176 BOARD OF APPEALS	
Operating Expenses	2,000
DEPARTMENT TOTAL	2,000
177 OPEN SPACE COMMITTEE	
Operating Expenses	1,500
DEPARTMENT TOTAL	1,500
178 HERRING WARDEN	
Salaries & Wages Stipend	300
DEPARTMENT TOTAL	300
179 SHELLFISH	
Salaries & Wages	133,071
Holiday	0
Longevity	640
Operating Expenses	18,965
DEPARTMENT TOTAL	152,676
180 SHELLFISH CONS/PROP	
Operating Expenses	31,735
DEPARTMENT TOTAL	31,735

**SELECTMEN
BUDGET**

181 SHELLFISH ADV COMM	
Operating Expenses	100
DEPARTMENT TOTAL	100
183 NAT. RESOURCES ADV BD	
Operating Expenses	1,000
DEPARTMENT TOTAL	1,000
189 HOUSING AUTHORITY	
Operating Expenses	5,000
DEPARTMENT TOTAL	5,000
190 BEACH FAC. UPGRADE	
Operating Expenses	21,000
DEPARTMENT TOTAL	21,000
191 TOWN PROPERTY	
Operating Expenses	0
DEPARTMENT TOTAL	0
195 TOWN REPORTS & WARR	
Operating Expenses	12,200
DEPARTMENT TOTAL	12,200
196 CONSULTANCY	
Operating Expenses	10,000
DEPARTMENT TOTAL	10,000
TOTAL GENERAL GOVERNMENT	1,245,366
210 POLICE	
Salaries & Wages	662,616
Salaries & Wages Specials	52,000
Overtime	70,000
Night Differential	12,065
Holiday	16,290
Longevity	3,360
Quinn Educ Incentive	111,255
EMT/EMD	3,000
Uniform Allowance	3,200
Stipend Detective/Prosecut	2,400
In-House Training	3,905
Officer in Charge	3,000
Operating Expenses	87,435
Capital Equipment	34,000
DEPARTMENT TOTAL	1,064,526
215 COMMUNICATIONS	
Salaries & Wages	219,969
Overtime	23,000
Overtime (Police)	8,130
Night Differential	4,525
Holiday	5,395
Longevity	1,720
EMT/EMD	2,200
Uniform Allowance	4,000
Incentive	1,000
In-House Training	1,550
Operating Expenses	9,250
DEPARTMENT TOTAL	280,739

**SELECTMEN
BUDGET**

220 FIRE	
Salaries & Wages	493,865
Overtime	123,150
Holiday	18,163
Longevity	3,340
Incentive	5,000
Stipend	44,800
Rescue	60,000
Ambulance	35,000
Day/Weekend Man	18,460
Operating Expenses	120,295
Capital Equipment	12,405
DEPARTMENT TOTAL	934,478
241 BUILDING DEPARTMENT	
Salaries & Wages	143,009
Longevity	480
Operating Expenses	7,950
DEPARTMENT TOTAL	151,439
292 DOG OFFICER	
Salaries & Wages	25,467
Stipend	1,000
Longevity	200
Operating Expenses	6,000
DEPARTMENT TOTAL	32,667
293 TRAFFIC/PARK CONTROL	
Stipend	1,750
Operating Expenses	2,215
DEPARTMENT TOTAL	3,965
294 DPW FORESTRY	
Operating Expenses	4,000
DEPARTMENT TOTAL	4,000
298 GREENHEAD FLY CONTROL	
Operating Expenses	1,200
DEPARTMENT TOTAL	1,200
299 DPW TRAF CNTRL/ST SIGNS	
Operating Expenses	2,900
DEPARTMENT TOTAL	2,900
TOTAL PUBLIC SAFETY	2,475,914
300 ELEMENTARY SCHOOL	
Operating Expenses	1,893,804
301 NAUSET REG SCHOOL DIST	
Assessment	1,553,615
302 CAPE COD REG TCH HS DIST	
Assessment	264,209
TOTAL EDUCATION	3,711,628

**SELECTMEN
BUDGET**

417 DPW FACILITIES	
Operating Expenses	205,100
Capital Equipment	0
DEPARTMENT TOTAL	205,100
420 DEPT PUBLIC WORKS	
Salaries & Wages	773,915
Overtime	16,500
Weekend Differential	2,500
Holiday	7,950
Longevity	760
Operating Expenses	101,500
Capital Outlay	0
DEPARTMENT TOTAL	903,125
422 DPW GENERAL HIGHWAYS	
Operating Expenses	42,000
DEPARTMENT TOTAL	42,000
423 DPW SNOW REMOVAL	
Overtime	23,000
Operating Expenses	12,000
DEPARTMENT TOTAL	35,000
424 DPW STREET LIGHTS	
Operating Expenses	23,500
DEPARTMENT TOTAL	23,500
425 DPW DIKES BRIDGES PRK LT	
Operating Expenses	4,900
DEPARTMENT TOTAL	4,900
426 DPW SURVEY & ENG	
Operating Expenses	5,000
DEPARTMENT TOTAL	5,000
433 DPW TRANSFER STATION	
Operating Expenses	214,950
DEPARTMENT TOTAL	214,950
442 WELL. MUN. WATER SYSTEM	
Operating Expenses	17,400
DEPARTMENT TOTAL	17,400
443 WESLEY SWAMP PUMP	
Operating Expenses	1,600
DEPARTMENT TOTAL	1,600
TOTAL DPT. OF PUBLIC WORKS	1,452,575
510 BOARD OF HEALTH	
Salaries & Wages	118,624
Longevity	180
Operating Expenses	17,150
DEPARTMENT TOTAL	135,954
520 HUMAN SERVICES	
Operating Expenses	47,550
DEPARTMENT TOTAL	47,550

**SELECTMEN
BUDGET**

541 COUNCIL ON AGING	
Salaries & Wages	111,589
Longevity	860
Operating Expenses	19,000
DEPARTMENT TOTAL	131,449
542 COUNCIL ON AGING BRD	
Operating Expenses	210
DEPARTMENT TOTAL	210
543 VETERANS SERVICES	
Other Assessments	10,530
Veterans Benefits	4,650
DEPARTMENT TOTAL	15,180
TOTAL HUMAN SERVICES	330,343
610 LIBRARY	
Salaries & Wages	220,109
Longevity	3,080
Operating Expenses	74,025
DEPARTMENT TOTAL	297,214
630 RECREATION	
Salaries & Wages	93,245
Salaries & Wages Seasonal	39,440
Overtime	1,000
Longevity	560
Operating Expenses	57,320
Capital Equipment	4,655
DEPARTMENT TOTAL	196,220
690 HISTORICAL COMMISSION	
Operating Expenses	600
DEPARTMENT TOTAL	600
691 HISTORICAL REVIEW BRD.	
Operating Expenses	200
DEPARTMENT TOTAL	200
692 DPW HOL CELEBRATIONS	
Operating Expenses	1,500
DEPARTMENT TOTAL	1,500
699 BEACH PROGRAM	
Salaries & Wages Seasonal	174,291
Overtime	3,090
Longevity	0
Operating Expenses	42,625
Capital Equipment	500
DEPARTMENT TOTAL	220,506
TOTAL CULTURE & REC.	716,240
753 SHORT TERM INTEREST	30,000
756 INT ON R/E TAX REFUNDS	250
TOTAL SHORT TRM DEBT SERV	30,250

**SELECTMEN
BUDGET**

911 COUNTY RETIREMENT	
Retirement	538,417
913 UNEMPLOYMENT COMP	
Unemployment Insurance	15,000
914 GROUP INS. HEALTH	
Medical	768,614
915 GROUP INSURANCE LIFE	
Life	5,350
916 MEDICARE TOWN SHARE	
Town Share	68,600
940 DEBT SERVICE COSTS	7,000
944 INSURANCE RESERVE	3,000
945 LIAB/PROP/COMP INS	206,879
946 SURETY BONDS	1,150
TOTAL MISCELLANEOUS	1,614,010
TOTAL OPERATING BUDGET	11,576,326

FINANCE COMMITTEE RECOMMENDS 5-2. .
BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote the Selectmen’s fiscal year 2006 Town Operating budget, including fixing the salaries and compensation of all elected officers of the town for fiscal year 2006 as printed in the annual Town Meeting Warrant, the total operating budget, thus to be \$11,576,326 with funding for the operating budget provided in the following manner:

Raise and appropriate	\$10, 472, 355	and transfer from
Ambulance Fund	\$266,320	
Beach Fund	\$532,000	
SEMASS Fund	\$24,000	
Recreation Fund	\$45,000	
State Aid to Libraries	\$4,118	
Perpetual Care Interest	\$3,500	
Sale of Cemetery Lots	\$4,500	
Free Cash	\$144,000	
Debt Exclusion Reduction Reserve	\$1,575	
Land Bank	\$78,958	for a total appropriation of
\$11,576,326		for this purpose.

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 2006 Town Capital Budget.

**SELECTMEN
BUDGET**

ACCOUNTING	
Upgrade/Software	0
Replace Copier	0
ASSESSOR	
Copier	0

COMPUTERIZATION	
Equip./Hardware Replacement	32,000
SHELLFISH DEPARTMENT	
Replace Pickup (1)	25,000
Replace A.T.V.	5,000
TOTAL GEN. GOVERNMENT	62,000
ELEMENTARY SCHOOL	
Technology	15,000
Exterior Siding (Old Section)	0
Hydraulic Lift	0
Replace Cafeteria Dishwasher	0
Replace Copier	0
Replace Cafeteria Floor	0
Replace Intercom System	0
ADA-Classroom Door Closures	0
Exterior Doors (Old Section)	0
Replace Floor Coverings	10,000
Paint Interior Trim (Phase I of II)	10,000
Parking Lot Surface Maint.	10,500
TOTAL EDUCATION	45,500
POLICE	
Replace Cruiser Radar Units	0
Copier	0
Bullet Proof Vests	0
Replace Defibrillators	16,000
FIRE	
Fire Suppression	6,000
Replace Pagers	0
Replace Duty Truck	42,000
TOTAL PUBLIC SAFETY	64,000
DPW EQUIPMENT	
Technology	0
Sign Machine	0
Snow Plow	0
3/4 Ton Pickup Truck	0
Replace Refuse Trailers	0
Custodial Vehicle	0
Sander	14,000
Wood Chipper	35,000
3/4 Ton 4-Wheel Drive Pickup	35,000
DPW PROJECTS	
Railroad Ave. Drainage	0
Refurbish Baker's Field Building	0
Town Hall Septic System	0
Replace Library Carpet	0
Pave Town Hall Parking Lot	45,000
Resurface Tennis Courts	19,000
Replace Library HVAC	25,000
Replace Town Hall Windows	38,000
SELECTMEN	
BUDGET	
DPW PROJECTS CONT'D	
Library Exterior Lighting	5,000
Rec. Fields Repair/Replace	20,000
TOTAL DEPT PUBLIC WORKS	236,000
DEBT SERVICE PRIN. LONG-TRM.	
Fire Truck Replacement	0
Marina – Dredging	0
DPW Trucks	23,200
Whitman Property	37,700

Fire Engine	35,000
DPW Sweeper	30,000
Church Planning	25,000
Municipal Water System	35,000
Elem School Renov/Addtn	250,000
DPW Garage	5,000
DPW Garage Facility	135,000
Land Bank – Geiger	10,000
Library Roof	15,000
Catholic Church	45,000
Land Bank – Chavchavadze	35,000
Municipal Water System	20,000
Senior Center	65,000
Municipal Water System	35,311
SUB-TOTAL	801,211

DEBT SERVICE INT. LONG-TRM.

Fire Truck Replacement	0
Marina – Dredging	0
DPW Trucks	580
Whitman Property	943
Fire Engine	657
DPW Sweeper	1,950
Church Planning	1,625
Municipal Water System	5,180
Elem School Renov/Addtn	52,755
DPW Garage	1,361
DPW Garage	65,678
Land Bank – Geiger	10,640
Library Roof	10,007
Catholic Church	29,452
Land Bank – Chavchavadze	23,318
Municipal Water System	11,595
Senior Center	39,943
Municipal Water System	19,733
SUB-TOTAL	275,417
TOTAL DEBT SERVICE	1,076,628
TOTAL CAPITAL BUDGET	1,484,128

FINANCE COMMITTEE RECOMMENDS 7-0-1
BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote the Selectmen’s fiscal year 2006 Capital budget as printed in the annual town Meeting Warrant. The total Capital Budget, thus to be \$1,484,128 with funding for the total capital budget provided in the following manner:

Raise and appropriate	\$1,127,128
Ambulance Fund	\$56,680
Fire Truck Replacement Fund	\$7,320
SEMASS Fund	\$236,000
Shellfish Fund	\$57,000 for a total appropriation of \$1,484,128 for this purpose.

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 2006 Marina Services Enterprise Fund Budget.

**SELECTMEN
BUDGET**

MARINA ENTERPRISE FUND	
Salaries & Wages Full Time	48,626
	38,007
Salaries & Wages Seasonal	45,000
Overtime	4,000
Double Time	500

Weekend Differential	1,000
Holiday	1,600
SALARY SUBTOTAL	138,733
Electricity	10,000
Repair & Maintenance	
Services	3,000
Contract Services	6,000
Medical Services	100
Seminars & Training	100
Telephone	2,000
Postage	500
Printing	750
Advertising	100
Office Supplies	2,000
Repair & Maintenance	
Supplies	4,000
Vehicular Supplies	1,000
Gasoline & Diesel	2,000
Gasoline/Diesel For Sale	120,000
Medical Supplies	200
Other Supplies	1,500
Uniforms	1,000
Travel	500
Dues & Memberships	500
Credit Card Fees	4,000
Equipment	1,000
Equipment (line item)	2,000
Costs (General Fund)	33,000
EXPENSE SUBTOTAL	195,250
TOTAL	333,983
MARINA RESERVE FUND	50,000
MARINA ADV. COMM	100
MARINA CAP. OUTLAY	95,000
TOTALS FOR FUND	479,083

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

Unanimous voice vote for the Selectmen's fiscal year 2006 Marina Enterprise fund Budget as printed in the annual town Meeting Warrant. The total budget, thus to be \$446,083 with \$443,583 to be appropriated in the Marina Services Enterprise Fund, \$410,583 from Marina Services Revenue, \$2,500 from the Beach Fund, and \$33,000 to be appropriated in the General fund and funded from the Marine Services Revenue.

ARTICLE 4. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$65,000, or any other sum, for the purpose of purchasing and outfitting a six wheel dump truck with snow plow.

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

2/3 voice vote carries and the sum of \$65,000 be appropriated to purchase and outfit a new six-wheel dump truck; that to meet this appropriation, the Town treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$65,000 under and pursuant to G.L. Ch. 44 S7(9), or any other enabling authority therefore.

ARTICLE 5. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$140,000, or any other sum, for the purpose of purchasing and outfitting a front end loader.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0-1

2/3 Voice vote carries and the sum of \$140,000 be appropriated to purchase and outfit a new front-end loader; that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$140,000 under and pursuant to G.L. Ch. 44 S. 7(9), or any other enabling authority therefore.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$44,020 for Wellfleet's share of capital improvements and equipment replacement expenses for the Nauset Regional High School and Nauset Regional Middle School and that no funds may be expended unless the Town votes to exempt the amount required for such purpose from the provisions of Proposition 2 ½ so-called.

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

Unanimous voice vote to raise and appropriate the sum of \$44,020 for the purpose of funding Wellfleet's portion of the Nauset Regional High School and Middle School capital improvement budget and further that no funds may be expended unless the town votes to exempt the amount required for such purposes from the provisions of Proposition 2 ½ so-called.

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$10,000, or any other sum, for the purpose of partially funding informational programs of the Wellfleet Chamber of Commerce and that no funds may be expended unless the Town votes to exempt the amount required for such purpose from the provisions of Proposition 2 ½ so-called.

FINANCE COMMITTEE RECOMMENDS 8-0
BOARD OF SELECTMEN RECOMMENDS 4-0-1

Voice vote to raise and appropriate the sum of \$10,000 for the purpose of partially funding tourist informational programs of the Wellfleet Chamber of Commerce, and further that no funds may be expended unless the town votes to exempt the amount required for such purposes from the provisions of Proposition 2 ½ so-called.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$5,500, or any other sum, as necessary to fund wage adjustments for unionized and contract personnel for FY 2006 and/or any contract settlements as may be negotiated by the Board of Selectmen.

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

Unanimous voice vote to raise and appropriate the sum of \$5,500 for the purpose of funding wage adjustments for the teamsters Union.

ARTICLE 9. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of Two Thousand Five Hundred and 00/100 (\$2500.00) dollars to finance operational costs relative to the operation of the Juice Bar for Wellfleet students from the Nauset Regional School District and to authorize the Board of Selectmen to enter into a contract and

expend such funds for this purpose, or to take any other action relative thereto. The Juice Bar, a substance free alternative for teens of the Nauset region located in Orleans, is operated and managed by Nauset Together We Can Prevention Council, Inc., a non-profit organization. **(by petition)**

FINANCE COMMITTEE DOES NOT RECOMMEND
BOARD OF SELECTMEN DOES NOT RECOMMEND 4-1

Voice vote to transfer from Free Cash the sum of two thousand five hundred and 00/100 (\$2,500) dollars to finance operational costs of the Juice Bar for Wellfleet students from the Nauset Regional School District, and to enter into a contract and expend such funds for this purpose.

ARTICLE 10. To see if the Town will vote to transfer the sum of \$152,947, or any other sum, in anticipation of reimbursement to be received under Chapter 291 of the Acts of 2004 as provided under G.L. 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.

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

Voice vote to transfer \$152,131 from available funds in anticipation of reimbursement to be received under Chapter 291B of the Acts of 2004 as provided under G.L. Ch. 90 as amended.

ARTICLE 11. To see if the Town will vote to amend the General Bylaws for the fees charged by the Town Clerk as follows: (old rates are strikeouts with the proposed new rates following)
The fees charged by the Town Clerk under Chapter 262, § 34 of the General Laws as follows:

Chapter 262, Section 34

Subsection

- (11) For entering amendment, of a record of the birth of an illegitimate child subsequently legitimized - ~~\$10.00~~ \$20.00
- (12) For correcting error in the record of birth - ~~\$10.00~~ \$20.00
- (13) For furnishing certificate of birth - ~~\$5.00~~ \$10.00
- (13a) For furnishing an abstract copy of record of birth - ~~\$5.00~~ \$10.00
- (14) For entering delayed record of birth - ~~\$10.00~~ \$20.00
- (20) For filing certificate of a person conducting business under any title other than his real name - \$20.00
- (21) For filing by a person conducting business under any other title other than his real name or statement of change of his residence, or of his discontinuation, retirement or withdrawal from, or of a change of location of such business - ~~\$10.00~~ \$15.00
- (22) For furnishing certified copy of certificate of person conducting business under any other title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business - \$5.00
- (24) For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth - \$20.00
- (29) For correcting errors in a record of death - ~~\$5.00~~ \$10.00
- (30) For furnishing a certificate of death - ~~\$5.00~~ \$10.00
- (30a) For furnishing an abstract copy of a record of death - ~~\$5.00~~ \$10.00
- (42) For entering notice of intention of marriage and issuing certificate thereon - ~~\$20.00~~ \$25.00
- (43) For entering certificate of marriage filed by persons married out of the Commonwealth - ~~\$5.00~~ \$10.00
- (44) For issuing certificate of marriage - ~~\$5.00~~ \$10.00
- (44a) For furnishing an abstract copy of a record of marriage - ~~\$5.00~~ \$10.00
- (45) For correcting errors in a record of marriage - ~~\$10.00~~ \$20.00
- (54) For recording power of attorney - ~~\$10.00~~ \$20.00

- (57) For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof - \$20.00
- (58) For recording the name and the owner of a certificate of registration as a physician or osteopath in the Commonwealth - \$20.00
- (62) For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cables or attachments under the provisions of Section 22 of Chapter 166, additional fee for each street or way included in the order. Flat rate - ~~\$20.00~~ \$25.00 Additional Fee - ~~\$1.00~~ \$5.00
- (66) For examining records or papers relating to birth, marriage or death upon the application of any person, the actual expense thereof, but not less than - \$10.00
- (67) For copying any manuscript or record pertaining to a birth, marriage or death - \$5.00

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

Unanimous voice vote as printed in the Warrant

ARTICLE 12. To see if the Town will vote to amend the General Bylaws, by inserting a new ARTICLE XIV, Community Preservation Act Committee, to read as follows:

TOWN OF WELLFLEET GENERAL BYLAWS

ARTICLE XIV

COMMUNITY PRESERVATION ACT COMMITTEE

Section 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to G.L. Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Planning Board as designated by the Board for a term of three years.

One member of the Recreation Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.

One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

One member of the Local Housing Partnership as designated by the Partnership for an initial term of two years and thereafter for a term of three years.

Two members to be appointed by the Board of Selectmen, one member to be appointed for a term of one year and thereafter for a term of three years, one member to be appointed for a term of two years and thereafter for a term of three years.

Should any of the Commissions, Boards, Authorities or Committees who have appointment authority under this Bylaw no longer exist for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen. Any person designated by a Commission, Board, Authority or Committee may be recalled by an affirmative vote of that Commission, Board, Authority or Committee.

Section 2: Duties

(1). The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation. The committee may consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

(2). The Community Preservation Committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to the Town Meeting shall include their anticipated costs.

(3). The Community Preservation Committee may include, in its recommendation to the Town Meeting, a recommendation to set aside funds for later spending for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation.

The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3 of the Act, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so

issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel.

Except as otherwise provided in this bylaw, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of G.L Chapter 44. The maturities of each issue of bonds or notes issued under this bylaw may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

The Community Preservation Committee shall submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to the Town Administrator and Town Meeting for approval.

Section 3: Requirement for a quorum and majority vote

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee (five members) shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote.

Section 4: Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with G.L. Chapter 44B.

Section 5: Severability

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

FINANCE COMMITTEE RECOMMENDS 8-0
BYLAW COMMITTEE RECOMMENDS 3-0
CONSERVATION COMMISSION RECOMMENDS 6-0
HISTORICAL COMMISSION RECOMMENDS 7-0
PLANNING BOARD RECOMMENDS 6-0
RECREATION COMMITTEE RECOMMENDATION
HOUSING AUTHORITY RECOMMENDS 5-0
OPEN SPACE/LAND BANK COMMITTEE DOES NOT RECOMMEND 3-1-1
LOCAL HOUSING PARTNERSHIP RECOMMENDS 7-0
BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote as printed

ARTICLE 13. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or otherwise for conservation purposes, including passive recreation under the provision of G.L. c. 40, Section 8C, a portion of the Chequessett Yacht and Country Club property situated in the Town of Wellfleet, consisting of 25 acres, more or less, together with all rights and easements and subject to all rights and easements of record, which land is shown on Tax Assessor's map 19 as a portion of lot 81, and is shown more fully on a Sketch Plan of Land entitled, "Chequessett 25-acre Parcel Conveyance Yield Study – Option 1: Conventional Subdivision Per R-1 Zoning District, Horsley Witten Group, Sandwich, MA, 02/28/05" and filed with the Town Clerk; and, further, to appropriate \$1,205,000, or any other amount, to pay for the costs of this acquisition, which amount includes \$5,000 to pay for all related closing costs and other incidental expenses, and further to fund this purchase pursuant to Chapter 293 of the Acts of 1998 (the "Cape Cod Land Bank Act"), and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$1,200,000 under and pursuant to the Cape Cod Land Bank Act, Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and for the payment of closing costs related to this purchase, the sum of \$5,000 is hereby appropriated from funds of the Town collected pursuant to the Cape Cod Land Bank Act; provided, however, that no sums shall be borrowed or expended hereunder unless and until the Board of Selectmen shall have made a determination, prior to December 31, 2010, that the Town has received grants or gifts equal to at least 50% of the purchase price of the property described above, which amounts shall be used together with the funds appropriated by this vote, to pay said purchase price; and further to authorize the Conservation Commission and the Board of Selectmen to grant a perpetual conservation restriction with respect to the property described above as authorized under M.G.L. c. 184 §§ 31-33 to the Wellfleet Conservation Trust and/or other agencies as mutually agreed between the parties at the time of closing; and to authorize the Conservation Commission and the Board of Selectmen to apply for and accept any such grants, gifts or donations which may be available for this acquisition and to enter into all agreements and execute any and all instruments, including a Self-Help Program Grant Agreement with The Commonwealth of Massachusetts which may contain restrictions and covenants, and to take any and all actions necessary to carry out the purpose of this article.

FINANCE COMMITTEE RECOMMENDS 8-0
OPEN SPACE/LAND BANK COMMITTEE RECOMMENDS 4-0
CONSERVATION COMMISSION RECOMMENDS 6-0
BOARD OF SELECTMEN RECOMMENDS 5-0
HOUSING AUTHORITY RECOMMENDS 4-0

2/3 Voice vote carries to authorize the board of Selectmen to acquire by purchase, gift or otherwise for conservation purposes, including passive recreation under the provision of G.L. C.40, S. 8C, a portion of the Chequessett Yacht and Country club property situated in the Town of Wellfleet, consisting of 25 acres, more or less, together with all rights and easements and subject to all rights and easements of record, which land is shown on Tax Assessor's map 19 as a portion of lot 81, and

more fully shown on a Sketch Plan of Land entitled, "Chequessett 25-acre Parcel Conveyance Yield Study - Option 1: Conventional Subdivision Per R-1 Zoning District, Horsley Witten Group, Sandwich, MA 02/28/05" and filed with the Town Clerk;

and further, that the sum of \$1,205,000 is hereby appropriated to pay for the costs of this acquisition, which amount includes \$5,000 to pay for all related closing costs and other incidental expenses, and that to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$1,200,000 under and pursuant to Chapter 293 of the Acts of 1998, as amended (the "Cape Cod Land Bank Act"), c.44 S7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and for the payment of closing costs related to this purchase, the sum of \$5,000 is hereby appropriated from funds of the Town collected pursuant to the Cape Cod Land Bank Act; provided, however, that no sums shall be borrowed or expended hereunder unless and until the Board of Selectmen shall have made a determination, prior to December 31, 2010, that the town has received grants or gifts equal to at least 50% of the purchase price of the property described above, which amounts shall be used together with the funds appropriated by this vote, to pay said purchase price; and further that the Conservation Commission and the Board of Selectmen are hereby authorized to grant a perpetual conservation restriction with respect to the property described above as authorized under G.L. c. 184 S 31-33 to the Wellfleet Conservation Trust and/or any other agency as mutually agreed between the parties at the time of closing; and that the Conservation Commission and the Board of Selectmen are each hereby authorized to apply for and accept any such grants, gifts or donations which may be available for this acquisition and to enter into all agreements and execute any and all instruments, including a Self-Help Program Grant Agreement with The Commonwealth of Massachusetts which may contain restrictions and covenants, and to take any and all actions necessary to carry out the purpose of this vote.

ARTICLE 14. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or otherwise for conservation purposes, including passive recreation under the provision of G.L. c. 40, Section 8C, the land situated in the Town of Wellfleet known as the Geiger property, consisting of 4.63 acres, more or less, together with all rights and easements and subject to rights and easements of record, which land is shown on Tax Assessor's map 29 as a portion of lot 335, and more fully shown as Lot 3 on a plan of land entitled "Subdivision Plan of Land in Wellfleet made for Harvey Geiger, Scale 1" = 50', December 31, 2003, Slade Associates, Inc., Registered Land Surveyors, Rt. 6 & Pine Point Rd., Wellfleet, MA 02667," recorded in the Barnstable County Registry of Deeds in Plan Book 593, Page 22; and further, to appropriate \$505,000, or any other amount, to pay for the costs of said acquisition, which amount shall include \$5,000 for the payment of closing costs and other incidental expenses, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$500,000 under and pursuant to Chapter 293 of the Acts of 1998, as amended (the "Cape Cod Land Bank Act"), Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor, and for the payment of closing costs related to this purchase, the sum of \$5,000 is hereby appropriated from funds of the Town collected pursuant to the Cape Cod Land Bank Act; provided, however, that no funds shall be borrowed or expended hereunder, unless and until the Board of Selectmen has made a determination that the Town has received a binding commitment of not less than \$250,000 from the Wellfleet Conservation Trust, a non-profit organization, and/or the Massachusetts Department of Fish and Game, to be used solely as part of the purchase price of the property described herein; and, further, to authorize the Conservation Commission and the Board of Selectmen to grant a perpetual conservation restriction as authorized under G.L. c. 184 §§ 31-33 to the Wellfleet Conservation Trust and the Massachusetts Department of Fish and/or Game at the time of closing; and to authorize the Conservation Commission and the Board of Selectmen to apply for and accept any such grants, gifts or donations which may be available for this acquisition and to enter into all agreements and execute all instruments, including a Self-Help Program Grant Agreement with The Commonwealth of Massachusetts which may contain restrictions and covenants, and to take any and all actions necessary to carry out the purpose of this article.

FINANCE COMMITTEE RECOMMENDS 8-0

OPEN SPACE/LAND BANK COMMITTEE RECOMMENDS 5-0
CONSERVATION COMMISSION RECOMMENDS 6-0
BOARD OF SELECTMEN RECOMMENDS 5-0
HOUSING AUTHORITY RECOMMENDS 4-0

2/3 voice vote to authorized the Board of Selectmen to acquire by purchase, gift or otherwise for conservation purposes, including passive recreation under the provisions of G.L. c.40, S8C, the land situated in the Town of Wellfleet known as the Geiger property, consisting of 4.63 acres, more or less, together with all rights and easements and subject to rights and easements of record, which land is shown on Tax Assessor's map 29 as a portion of lot 335, and more fully shown as Lot 3 on a plan of land entitled "Subdivision Plan of Land in Wellfleet made for Harvey Geiger, Scale 1" = 50', December 31, 2003, Slade Associates, Inc., Registered Land Surveyors, Rt. 6 & Pine Point Rd., Wellfleet, MA 02667," recorded in the Barnstable County Registry of Deeds in Plan Book 592, Page 22; and further, that the sum of \$505,000 is hereby appropriated to pay for the costs of said acquisition, which amount shall include \$5,000 for the payment of closing costs and other incidental expenses, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$500,000 under and pursuant to chapter 293 of the Acts of 1998, as amended (the "Cape Cod Land Bank Act"), c. 44, S7(3) of the General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor, and for the payment of closing costs related to this purchase, the sum of \$5,000 is hereby appropriated from funds of the Town collected pursuant to the Cape Cod Land Bank Act; provided, however, that no funds shall be borrowed or expended hereunder, unless and until the Board of Selectmen has made a determination that the Town has received a binding commitment of not less than \$250,000 from the Wellfleet conservation Trust, a non-profit organization, and/or the Massachusetts Department of Fish and Game, to be used solely as part of the purchase price of the property described herein; and, further, that the Conservation Commission and the Board of Selectmen are each authorized to grant a perpetual conservation restriction as authorized under G.L. c. 184 S31-33 to the Wellfleet Conservation Trust and the Massachusetts Department of Fish and Game at the time of closing; and that the conservation Commission and the Board of Selectmen are each authorized to apply for and accept any such grant, gifts or donations which may be available for this acquisition and to enter into all agreements and execute all instruments, including a Self-Help Program Grant Agreement with the commonwealth of Massachusetts which may contain restrictions and covenants, and to take any and all actions necessary to carry out the purpose of this vote.

ARTICLE 15. To see if the Town will vote to appropriate the sum of \$15,000 to be expended from Land Bank funds for appraisals and to support necessary expenditures associated with proposed and/or Town Meeting approved land acquisition projects.

FINANCE COMMITTEE RECOMMENDS 8-0
OPEN SPACE/LAND BANK COMMITTEE RECOMMENDS 4-0
BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote as printed in the Warrant

ARTICLE 16. To see if the Town will vote to transfer from the Board of Selectmen for general municipal purposes to the Conservation Commission for conservation purposes including passive recreation, pursuant to G.L. c.40, § 8C, the property located on 35 Paine Hollow Road being described as approximately 1.98 acres of land shown on Assessor's Map 29 as Lot 401 and being the land described in a deed recorded with Barnstable County Registry of Deeds as Book 10434, Page 55, and further to direct the Town Clerk to record an attested copy of the vote of this Article with Barnstable County Registry of deeds.

OPEN SPACE/LAND BANK COMMITTEE RECOMMENDS 5-0
CONSERVATION COMMISSION RECOMMENDS 6-0
BOARD OF SELECTMEN RECOMMENDS 5-0

2/3 Voice vote carries as printed in the Warrant

ARTICLE 17. To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION IX, OVERLAY DISTRICTS, Section 9.1.2, Districts Established, as follows:

9.1.2 Districts Established

For the purposes of this section, there is hereby established in the Town of Wellfleet two Wellhead Protection Districts which are overlay districts superimposed on the zoning districts. The Wellhead Protection Districts consist of:

District I – the land bounded by LeCount Hollow Road from 150 feet west of its intersection with Ocean View Drive to State Route 6; State Route 6 from LeCount Hollow Road to Old County Road; Old County Road from State Route 6 to Cahoon Hollow Road; Cahoon Hollow Road from Old County Road to a point 150 feet west of its intersection with Ocean View Drive; a line 150 feet west of Ocean View Drive running from Cahoon Hollow Road to LeCount Hollow Road excluding any land that lies in a Commercial District on the effective date of this bylaw.

District II – the land within a one-half mile radius of the Coles Neck well.

The Wellhead Protection Districts established by this section are shown on a map entitled "Wellhead Protection Districts in the Town of Wellfleet", dated April 2005, which is on file in the office of the Town Clerk.

These overlay districts shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses.

PLANNING BOARD RECOMMENDS 5-0
BOARD OF HEALTH RECOMMENDS 4-0
BOARD OF SELECTMEN RECOMMENDS 5-0

2/3 Voice vote as printed in the Warrant. Planning Board report given

ARTICLE 18. To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION IX, OVERLAY DISTRICTS, Section 9.1.4, Wellhead Protection Districts, Use Regulations, as follows:

9.1.4 Use Regulations

9.1.4.1 Allowed:

1. All uses permitted in the underlying zoning districts except those uses specifically prohibited herein shall be allowed in a Wellhead Protection District. Nothing contained in the following list would prohibit uses customarily incidental to the principal use of land for residential purposes. New residential development, and maintenance, repair and alteration of existing structures are allowed with appropriate permits.
2. Nothing contained in the following list would prohibit uses customarily incidental to the use of land for outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted; foot, bicycle and/or horse paths and bridges.
3. For purposes of this Section 9.1, "normal household use and household quantity of hazardous material or waste", means any or all of the following:
 - a) 550 gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator, and
 - b) 25 gallons (or the dry weight equivalent) or less of other hazardous materials on site at any time, including oil not used for heating or to supply an emergency generator, and
 - c) a quantity of hazardous waste at the Very Small Quantity Generator level as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.353.
 - d) change in ownership shall require conversion to a double wall oil tank

4. For purposes of this Section 9.1, “commercial” means requiring use, generation or storage of hazardous materials or waste in quantities greater than those allowed for normal household use and household quantities.

9.1.4.2 Prohibited:

1. Landfills and open dumps as defined in 310 CMR 19.006;
2. Landfilling of sludge or septage as defined in 310 CMR 32.05;
3. Automobile recycling, automobile graveyards and junkyards as defined in G.L. c. 140B, Section 1;
4. Stockpiling and disposal of snow and ice from highways and streets located outside of the Wellhead Protection District that contain de-icing chemicals such as sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;
5. Sales, storage or transportation of liquid petroleum products of any kind, except those incidental to:
 - a) normal household use,
 - b) the heating of a structure or
 - c) required waste oil retention facilities;
6. Storage of sludge or septage;
7. Storage or disposal of road salt or de-icing chemicals unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
8. Storage of animal manure except when associated with a permitted use, in accordance with the Board of Health standards for Best Management Practices;
9. Facilities that generate, treat, store or dispose of hazardous waste subject to G.L. c. 21E except the following licensed or permitted activities:
 - a) Very small quantity generators (VSQG) as defined under 310 CMR 30.00;
 - b) Waste oil retention facilities required by G.L. c.21C, Section 52A; and
 - c) Water remediation treatment works approved under 314CMR 5.00;
 - d) Home occupations and Service Trades operating in accordance with VSQG codes and the Wellfleet Zoning By-laws and Board of Health Regulations;
10. Storage of pesticides, herbicides, fertilizers and soil conditioners except for normal household use or for use in agriculture, horticulture, floriculture or viticulture on parcels of land of more than five (5) acres, provided storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
11. The use, generation, storage, treatment or disposal of toxic or hazardous materials or wastes in quantities greater than those associated with normal household use;
12. The removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations for the construction of building foundations or the installation of utility works;
13. Underground fuel storage tanks except as required for the use of liquid propane for normal residential use, the heating of a structure or to supply an emergency generator;
14. Storage for resale of heating fuels, including but not limited to oil, coal, gas and kerosene;
15. Metal plating, finishing and polishing;

16. Chemical and bacteriological laboratories;
17. Commercial boat, motor vehicle, and aircraft cleaning, service and repair;
18. Commercial furniture stripping, painting and refinishing;
19. Treatment or disposal works that are subject to 314CMR 5.00, Groundwater Discharge Permit Program, except the following:
 - a) the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
 - b) the placement of an existing subsurface sewage disposal system(s) with wastewater treatment works with a design capacity no greater than the design capacity of the existing system(s);
 - c) treatment works approved by the Department of Environmental Protection (DEP) designed for the treatment of contaminated ground or surface waters;
20. Auto service or repair, trucking and bus terminals, gas stations, commercial laundry, dry cleaning establishments, car washes, airports, commercial accommodations, industrial and commercial uses which discharge process wastewater on-site; parking lots set apart primarily to accommodate off-site activities;
21. Individual sewage disposal systems that are designed to receive more than 110 gallons of sewage per quarter acre under ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, provided that:
 - a) replacement or repair of a system, which will not result in an increase in design capacity over the original design capacity of 310 CMR 15.00, whichever is greater, shall be exempted, and
 - b) in cluster subdivisions the total sewage flow shall be calculated based on the number of percable lots in the entire parcel;
 - c) lots which are protected by the provisions of G.L. c. 111 Section 127P as of the effective date of this bylaw shall be permitted to install individual sewage disposal systems in accordance with the applicable provisions of the State Sanitary Code during the period of protection if any;
 - d) alternative sewage disposal systems meeting the requirements of and approved by the Board of Health;
22. Any floor drainage systems in existing facilities, in facilities, in industrial or commercial process areas or hazardous material and/or hazardous waste storage areas which discharge to the ground without DEP permits or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the State plumbing code, 248 CMR 2.00), connect the drain to a municipal sewer system (with all appropriate permits and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies;
23. Any other use which involves as a principal activity or use, the generation, storage, use, treatment, transportation or disposal of hazardous materials.

9.1.4.3 Lot Coverage:

Unless the applicant demonstrates that all run-off is recharged on-site, no more than 15% of the total area of any lot shall be rendered impervious by the installation of buildings, structures and paved surfaces. If all recharge is disposed of on-site, no more than fifty-percent (50%) of the total upland area of any lot shall be made impervious by the installation of buildings, structures, and paved surfaces.

9.1.4.4 Site Clearing

A minimum of thirty (30%) of the total upland area of any lot shall be retained in its natural state. This shall not prevent the removal of dead, diseased or damaged trees.

9.1.4.5 Exemptions

The Zoning Board of Appeals may grant a special permit to exempt a use from the requirements of this section, provided that the applicant demonstrates that the proposed use at that location cannot adversely affect any developed or planned public water supply. Applications for such a special permit shall be referred to the Water Commissioners, Conservation Commission, Planning Board and Board of Health within seven (7) days of their receipt for their review and comment prior to the conclusion of the Zoning Board of Appeals' hearing on the proposal. Failure by any of the above named commissions or boards to respond to the Zoning Board of Appeals within forty-five (45) days shall be considered a confirmatory response.

PLANNING BOARD RECOMMENDS 5-0
 BOARD OF HEALTH RECOMMENDS 4-0
 BOARD OF SELECTMEN RECOMMENDS 5-0

2/3 Voice vote carries as printed in the Warrant. Planning Board report given

ARTICLE 19. To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION V, USES, Section 5.3.2, Commercial, by deleting “Service trades, (Business)”, and Section 5.3.1, Residential, by adding Service Trades as an allowed use in all districts with a Special Permit from the Zoning Board of Appeals.

5.3.1 Residential

	CD	R1	R2	NSP	C	C2
Service Trades	A	A	A	A	A	A

A = Use authorized under special permits as provided for in Section 8.4.2

PLANNING BOARD RECOMMENDS 5-0
 BOARD OF SELECTMEN RECOMMENDS 5-0

2/3 Voice vote carries as printed in the Warrant. Planning Board report given

ARTICLE 20. To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION II, DEFINITIONS, by adding the following definition of “Shed”.

Shed – A single story detached accessory building or structure which has dimensions that do not exceed one hundred twenty (120) square feet of floor area or 12 feet in height, which is used for a purpose which is customarily incidental and subordinate to the use of the principal building, and which is located on the same lot. Such buildings or structures shall not be heated, and shall not be used as a dwelling unit, guest unit or commercial accommodation.

PLANNING BOARD RECOMMENDS 5-0
 BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed in the Warrant. Planning Board report given

ARTICLE 21. To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION VI, GENERAL REGULATIONS, Section 6.2, Accessory Building, as follows:

6.2 Accessory Buildings

No accessory building or structure, except a shed, permitted sign or a temporary roadside stand, shall be located within a required front or side yard area or nearer to the rear lot line than 10 feet. Sheds, as defined in Section II of this By-law, must be located a minimum of 30 feet from the front line and 5 feet from the side and rear lines. The door or access to a shed must be to the inside of the property on which it is located if a shed is located within 25 feet of the side lot line or 10 feet of the rear lot line.

PLANNING BOARD RECOMMENDS 5-0
 BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed in the Warrant. Planning Board report given

ARTICLE 22. To see if the Town will vote to accept the provisions of G.L. 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 5-0

Unanimous voice vote as printed in the Warrant.

ARTICLE 23. To see if the Town will vote to authorize the Board of Selectmen to file special legislation with the General Court to reallocate the sum of their local contribution to the Nauset Regional School District by a majority vote of the Boards of Selectmen.

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

Unanimous voice vote as printed in the Warrant

ARTICLE 24. To see if the Town will vote to authorize the Board of Selectmen in accordance with bidding requirements of the General Bylaws of the Town, to dispose of or trade in the following vehicles:

<u>Items</u>	<u>Estimated Value</u>
1979 Ford Fire truck	\$ 5,000
1997 Ford One Ton Pickup Truck	5,000
1998 International Six Wheel Dump Truck	20,000
1998 John Deere Front End Loader	40,000
2000 Chevrolet Pickup Truck	10,000
2000 Chevrolet Tahoe SUV	12,225
2001 Dodge ¾ Ton Pickup Truck	7,000
2001 Yamaha ATV	2,000

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

Unanimous voice vote as printed in the Warrant

At this time there was unanimous voice consent to take Articles 25, 26 and 27 as a group.

ARTICLE 25. To see if the Town will vote to accept gifts offered to the Town since the 2004 Annual Town Meeting and appearing on a list dated March 1, 2005 and posted in the Office of the Town Clerk.

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

Unanimous voice vote as printed in the Warrant

ARTICLE 26. To see if the Town will vote in accordance with G.L. 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 5-0

Unanimous voice vote as printed in the Warrant

ARTICLE 27. To see if the Town will vote to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the 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 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 5-0

Unanimous voice vote as printed in the Warrant

ARTICLE 28. To hear reports of the Selectmen, Town Officers, and all other Committees and to act thereon and to continue for one year any ad hoc committee unless otherwise specified.

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed in the Warrant
Committees to be continued are: Beach Study Committee, Bylaw Committee, and Charter Review Committee.

ARTICLE 29. To act on any other business which may legally come before the meeting.

BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote as printed in the Warrant

At this time the Moderator did the following appointments:

Social Human Services Francis Corbin to ATM 2008
Bylaw Committee Robert Costa to ATM 2008
Regional Technical H.S. Eric Winslow to ATM 2008

The Following appointments were approved unanimously by Town Meeting:

Finance Committee William Carlson to ATM 2006
Carl Caruso to ATM 2008
Nancy Bone to ATM 2008
Macgregor Hay to ATM 2008

The Moderator in agreement with the Beach Administrator and the Board of Selectmen gave out 10 free Beach Stickers for maintaining a quorum throughout the Town Meeting.

The Town Clerk noted that this was the first time that the Annual Town Meeting was completed in one night, within three hours and there was no motions for amendments.

There being no further business a motion to dissolve the Town Meeting passed at 10pm.

Attest:

Dawn E. Rickman
Town Clerk/Treasurer

**ANNUAL TOWN ELECTION
MAY 2, 2005**

In accordance with the Warrant the Warden opened the polls at 12:00 Noon at the Wellfleet Council on Aging. The ballot box read 0000. At 1:30pm the ballot box was opened and emptied reading 169. At 3:05 pm the box was opened and emptied reading 321. At 5:20pm the box was opened and emptied reading 460. The box did not ring twice; therefor the count should be 462. At 6:30pm the box was opened and emptied reading 551. the polls were closed at 7:00pm by the Warden with the box reading 584 (actual ballot count 586).

Workers included: Alfred Hill- Warden; Barbara Atwood- Clerk; Ann Fox, Ruth Ann Dykeman, Christine Hight and Richard Bailey – Inspectors; Eleanor Hazen, Marilee Frazier, Ruth Marriott, Judith Rhodes, Katherine Stillman, Pearl Johnson, Barbara Stevens, Frances Hartswick and Kelly Chapman- counters; Barbara Souther and Barbara Stevens, Talliers; Michael Parlante and Frauke Rosenthal – Constables.

MODERATOR – One position, one year

Daniel R. Silverman (incumbent)	518	*
Write ins	3	
Blanks	65	

SELECTMAN- One position, three years

Dale Donovan (Incumbent)	441	*
Write ins	5	
Blanks	140	

WELLFLEET SCHOOL COMMITTEE – Two positions, three years

Terri A. Frazier (Incumbent)	521	*
Morton Inger (Incumbent)	483	*
Blanks	1	

WELLFLEET LIBRARY TRUSTEES – Two positions, three years

Mary McFeely (Incumbent)	484	*
Reatha T. Ciotti	413	*

CONSTABLE – One position, two years

Michael S. Parlante (Write in)	17	*
Various other write ins	21	

CEMETERY COMMISSIONER – One position, three years

Betsey J. Patterson (Incumbent)	484	*
Blanks	102	

WELLFLEET HOUSING AUTHORITY - One position, five years

Olga B. Kahn	463	*
Write ins	2	
Blanks	121	

WELLFLEET HOUSING AUTHORITY – One position, three years

Paul Pilcher (Write in)	34	*
Various other write ins	16	

QUESTION 1. Shall the Town of Wellfleet be allowed to assess an additional \$400,000 in real estate and personal property taxes for the purpose of funding the operating and capital budgets of the Town and the Public School System for the fiscal year beginning July first, two thousand and five?

YES	335
NO	224
BLANKS	7

QUESTION 2. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2 so-called, the amounts required to pay for the bonds or notes issued by the Town in order to pay for a new six wheel dump truck with snow plow?

YES	310
NO	265
BLANKS	11

QUESTION 3. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 1/2 so-called, the amounts required to pay for the bonds or notes issued by the Town in order to pay for a new front end loader?

YES	300
NO	279
BLANKS	7

QUESTION 4. Shall the Town of Wellfleet be allowed to assess an additional \$44,020 in real estate and personal property taxes for the purpose of funding school capital facilities maintenance and equipment replacement expenses for the High School and the Middle School for the Nauset Regional School District for the fiscal year beginning July first, two thousand and five?

YES	381
NO	199
BLANKS	6

QUESTION 5. Shall the Town of Wellfleet adopt Section 298 of Chapter 149 of the Acts of 2004, as approved by Town Meeting a summary of which appears below?

(The adoption of Section 298 of Chapter 149 of the Acts of 2004 allows the Town to replace the Cape Cod Open Space Land Acquisition Program with the Community Preservation Act and dedicate the three per cent property tax surcharge currently being assessed through fiscal year 2020, along with State matching funds that will be available to the Town under the Community Preservation Act ("the Act"), to a special "Community Preservation Fund" that may be appropriated and spent for certain open space, historic resources and affordable housing purpose, effective for the fiscal year beginning on July 1, 2005.)

YES	416
NO	159
BLANKS	11

QUESTION 6. Shall the Town of Wellfleet be allowed to assess an additional \$10,000 in real estate and personal property taxes for the purpose of funding informational services provided by the Chamber of Commerce for the fiscal year beginning July first, two thousand and five?

YES	335
NO	241
BLANKS	10

QUESTION 7. Shall the Town of Wellfleet be allowed to amend the Home Rule Charter by inserting under Chapter 3, Board of Selectmen, Section 6, Powers of Appointment, subsection 3-6-3 by adding the following phrase after "(g)", "(h) five members of a Board of Water Commissioners", and by further amending said Charter under Chapter 8, Appointed Town Boards, by renumbering Section "8" and "9" and "10" respectively, and by inserting a new Section 8 to read as follows:

"Section 8 Water Commissioners
8-8-1 A Board of Water Commissioners consisting of five members shall be appointed by the Board of Selectmen for three-year overlapping terms. 8-8-2 The Board of Water Commissioners shall exercise such powers and duties as prescribed by General Law, this Charter, and Bylaw.", as voted by Town Meeting April 26, 2004?

YES	303
NO	263
BLANKS	20

Attest:

Dawn E. Rickman
Town Clerk/Treasurer