

ANNUAL TOWN MEETING MINUTES
Monday, April 26, 2004

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 2005 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2005,

114	MODERATOR	
	Salaries & Wages	200
	Operating Expenses	<u>270</u>
	DEPARTMENT TOTAL	470
115	CONSTABLES	
	Salaries & Wages	100
	Operating Expenses	<u>10</u>
	DEPARTMENT TOTAL	110
121	AUDIT	
	Operating Expenses	<u>20,000</u>
	DEPARTMENT TOTAL	20,000
122	SELECTMEN	
	Salaries & Wages	5,000
	Operating Expenses	<u>3,000</u>
	DEPARTMENT TOTAL	8,000
123	TOWN ADMINISTRATOR	
	Salaries & Wages	141,758
	Operating Expenses	<u>5,000</u>
	DEPARTMENT TOTAL	146,758
124	GENERAL ADMINISTRATION	
	Salaries & Wages	142,670
	Longevity	900
	Operating Expenses	<u>17,830</u>
	DEPARTMENT TOTAL	161,400
131	FINANCE COMMITTEE	
	Operating Expenses	<u>250</u>
	DEPARTMENT TOTAL	250
132	RESERVE FUND	50,000
135	TOWN ACCOUNTANT	
	Salaries & Wages	90,529
	Longevity	470
	Operating Expenses	<u>9,500</u>
	DEPARTMENT TOTAL	100,499
141	ASSESSOR	
	Salaries & Wages	78,225
	Longevity	240
	Operating Expenses	<u>36,525</u>
	DEPARTMENT TOTAL	114,990
145	TOWN CLERK/TREASURER	
	Salaries & Wages Elected	54,378
	Salaries & Wages	30,785
	Longevity	620
	Operating Expenses	<u>37,685</u>
	DEPARTMENT TOTAL	123,468

146 TOWN COLLECTOR	
Salaries & Wages Elected	48,245
Salaries & Wages Part-Time	9,425
Longevity	660
Operating Expenses	<u>11,790</u>
DEPARTMENT TOTAL	70,120
151 LEGAL EXPENSES	65,000
152 PERSONNEL BOARD	
Operating Expenses	0
DEPARTMENT TOTAL	0
153 COMPUTERIZATION	
Operating Expenses	<u>50,000</u>
DEPARTMENT TOTAL	50,000
158 TAX TITLE	
Operating Expenses	<u>15,000</u>
DEPARTMENT TOTAL	15,000
162 ELECTIONS/REGISTRATION	
Salaries & Wages	4,000
Stipend	150
Operating Expenses	<u>1,800</u>
DEPARTMENT TOTAL	5,950
171 CONSERVATION COMM.	
Operating Expenses	<u>2,050</u>
DEPARTMENT TOTAL	2,050
174 PLANNING DEPARTMENT	
Operating Expenses	<u>1,735</u>
DEPARTMENT TOTAL	1,735
176 BOARD OF APPEALS	
Operating Expenses	<u>1,950</u>
DEPARTMENT TOTAL	1,950
177 OPEN SPACE COMMITTEE	
Operating Expenses	<u>1,500</u>
DEPARTMENT TOTAL	1,500
178 HERRING WARDEN	
Salaries & Wages Stipend	300
Operating Expenses	<u>0</u>
DEPARTMENT TOTAL	300
179 SHELLFISH	
Salaries & Wages	124,075
Overtime	0
Weekend Differential	0
Holiday	0
Operating Expenses	<u>18,965</u>
DEPARTMENT TOTAL	143,320
180 SHELLFISH CONS/PROP	
Operating Expenses	<u>31,735</u>
DEPARTMENT TOTAL	31,735
181 SHELLFISH ADV COMM	
Operating Expenses	<u>100</u>
DEPARTMENT TOTAL	100

183 NAT. RESOURCES ADV BD	
Operating Expenses	<u>50</u>
DEPARTMENT TOTAL	50
189 HOUSING AUTHORITY	
Operating Expenses	<u>5,000</u>
DEPARTMENT TOTAL	5,000
195 TOWN REPORTS & WARR	
Operating Expenses	<u>12,200</u>
DEPARTMENT TOTAL	12,200
196 CONSULTANCY	
Operating Expenses	<u>5,000</u>
DEPARTMENT TOTAL	5,000
TOTAL GENERAL GOVERNMENT	1,136,955
210 POLICE	
Salaries & Wages	620,384
Salaries & Wages Specials	52,000
Overtime	60,000
Night Differential	12,065
Holiday	15,275
Longevity	3,440
Quinn Educ Incentive	105,860
EMT/EMD	3,200
Uniform Allowance	3,200
Stipend Detective/Prosecut	1,600
In-House Training	3,555
Officer in Charge	3,000
Operating Expenses	87,435
Capital Equipment	<u>34,000</u>
DEPARTMENT TOTAL	1,005,014
215 COMMUNICATIONS	
Salaries & Wages	200,896
Overtime	22,940
Overtime (Police)	7,400
Night Differential	4,525
Holiday	3,970
Longevity	1,640
EMT/EMD	2,200
Uniform Allowance	4,000
Incentive	1,000
In-House Training	1,550
Operating Expenses	<u>9,250</u>
DEPARTMENT TOTAL	259,371
220 FIRE	
Salaries & Wages	409,267
Overtime	119,563
Holiday	15,469
Longevity	2,530
Paramedic on Call	0
Incentive	5,000
Stipend	44,800
Rescue	61,800
Ambulance	32,605
Day/Weekend Man	18,460
Operating Expenses	102,550
Capital Equipment	<u>12,405</u>
DEPARTMENT TOTAL	824,449

241 BUILDING DEPARTMENT	
Salaries & Wages	127,820
Longevity	300
Operating Expenses	<u>7,000</u>
DEPARTMENT TOTAL	135,120
291 CIVIL DEFENSE	
Operating Expenses	
DEPARTMENT TOTAL	0
	0
292 DOG OFFICER	
Salaries & Wages	
Stipend	24,085
Operating Expenses	1,000
DEPARTMENT TOTAL	<u>6,000</u>
	31,085
293 TRAFFIC/PARK CONTROL	
Stipend	
Operating Expenses	1,500
DEPARTMENT TOTAL	<u>2,215</u>
	3,715
294 DPW FORESTRY	
Operating Expenses	<u>4,000</u>
DEPARTMENT TOTAL	4,000
298 GREENHEAD FLY CONTROL	
Operating Expenses	<u>1,200</u>
DEPARTMENT TOTAL	1,200
299 DPW TRAF CNTRL/ST SIGNS	
Operating Expenses	<u>2,900</u>
DEPARTMENT TOTAL	2,900
TOTAL PUBLIC SAFETY	2,266,854
300 ELEMENTARY SCHOOL	
Operating Expenses	1,838,645
301 NAUSET REG SCHOOL DIST	
Assessment	1,455,645
302 CAPE COD REG TCH HS DIST	
Assessment	<u>228,600</u>
TOTAL EDUCATION	3,522,890
417 DPW FACILITIES	
Operating Expenses	189,150
Capital Equipment	3,000
DEPARTMENT TOTAL	192,150
420 DEPT PUBLIC WORKS	
Salaries & Wages	686,199
Overtime	16,000
Weekend Differential	2,500
Holiday	7,950
Longevity	500
Operating Expenses	94,200
Capital Outlay	<u>4,800</u>
DEPARTMENT TOTAL	812,149
422 DPW GENERAL HIGHWAYS	
Operating Expenses	<u>42,000</u>
DEPARTMENT TOTAL	42,000

423 DPW SNOW REMOVAL	
Salaries & Wages	0
Overtime	23,000
Operating Expenses	<u>12,000</u>
DEPARTMENT TOTAL	35,000
424 DPW STREET LIGHTS	
Operating Expenses	<u>26,000</u>
DEPARTMENT TOTAL	26,000
425 DPW DIKES BRIDGES PRK LT	
Operating Expenses	<u>4,900</u>
DEPARTMENT TOTAL	4,900
426 DPW SURVEY & ENG	
Operating Expenses	<u>5,000</u>
DEPARTMENT TOTAL	5,000
433 DPW TRANSFER STATION	
Operating Expenses	<u>159,090</u>
DEPARTMENT TOTAL	159,090
442 DPW COLES NECK WATER	
Operating Expenses	<u>12,595</u>
DEPARTMENT TOTAL	12,595
443 WESLEY SWAMP PUMP	
Operating Expenses	<u>1,600</u>
DEPARTMENT TOTAL	1,600
TOTAL DPT. OF PUBLIC WORKS	1,290,484
510 BOARD OF HEALTH	
Salaries & Wages	113,995
Longevity	120
Operating Expenses	<u>17,150</u>
DEPARTMENT TOTAL	131,265
520 HUMAN SERVICES	
Operating Expenses	<u>47,550</u>
DEPARTMENT TOTAL	47,550
541 COUNCIL ON AGING	
Salaries & Wages	96,940
Longevity	670
Operating Expenses	<u>17,140</u>
DEPARTMENT TOTAL	114,750
542 COUNCIL ON AGING BRD	
Operating Expenses	<u>210</u>
DEPARTMENT TOTAL	210
543 VETERANS SERVICES	
Other Assessments	9,530
Veterans Benefits	<u>4,650</u>
DEPARTMENT TOTAL	14,180
TOTAL HUMAN SERVICES	307,955

610 LIBRARY	
Salaries & Wages	188,945
Longevity	1,610
Operating Expenses	<u>72,625</u>
DEPARTMENT TOTAL	263,180
630 RECREATION	
Salaries & Wages	77,925
Salaries & Wages Seasonal	52,170
Overtime	1,000
Longevity	240
Operating Expenses	57,320
Capital Equipment	<u>1,895</u>
DEPARTMENT TOTAL	190,550
690 HISTORICAL COMMISSION	
Operating Expenses	<u>50</u>
DEPARTMENT TOTAL	50
692 DPW HOL CELEBRATIONS	
Operating Expenses	<u>1,500</u>
DEPARTMENT TOTAL	1,500
699 BEACH PROGRAM	
Salaries & Wages Seasonal	150,465
Overtime	3,000
Longevity	180
Operating Expenses	37,365
Capital Equipment	<u>500</u>
DEPARTMENT TOTAL	<u>191,510</u>
TOTAL CULTURE & REC.	646,790
753 SHORT TERM INTEREST	30,000
756 INT ON R/E TAX REFUNDS	<u>250</u>
TOTAL SHORT TRM DEBT SERV	30,250
911 COUNTY RETIREMENT	
Retirement	511,077
913 Unemployment Insurance	15,000
914 GROUP INS. HEALTH	
Medical	698,740
915 GROUP INSURANCE LIFE	
Life	5,210
916 MEDICARE TOWN SHARE	
Town Share	62,180
944 INSURANCE RESERVE	3,000
945 LIAB/PROP/COMP INS	180,600
946 SURETY BONDS	<u>1,050</u>
TOTAL MISCELLANEOUS	<u>1,476,857</u>
TOTAL OPERATING BUDGET	10,679,035

Unanimous voice vote as amended the Selectmen's fiscal year 2005 Town Operating Budget, including fixing the salaries and compensation of all elected officers of the Town for fiscal year 2005 as printed in the annual Town Meeting Warrant with reductions in the Nauset Regional line to \$1,455,645 and the Wellfleet Elementary line to \$1,838,645, the total operating budget, thus to be \$10,679,035 with funding for the total operating budget provided in the following manner:

<i>Raise and appropriate</i>	<i>\$9,550,004</i>
<i>Ambulance Fund</i>	<i>311,800</i>
<i>Beach Fund</i>	<i>517,058</i>
<i>Dog fund</i>	<i>303</i>
<i>Fire Truck Replacement Fund</i>	<i>7,320</i>
<i>SEMASS Fund</i>	<i>181,150</i>
<i>Recreation fund</i>	<i>44,800</i>
<i>Shellfish Fund</i>	<i>51,000</i>
<i>State Aid to Libraries</i>	<i>7,600</i>
<i>Perpetual Care Interest</i>	<i>1,650</i>
<i>Sale of Cemetery Lots</i>	<i>6,350</i>

For a total appropriation of \$10,679,035

Motion to amend by decreasing line 180 to \$31,735 and line 196 to \$5,000 passes by a voice vote.

Motion to amend by decreasing line 220 to \$9,000 loses by a voice vote.

Motion to amend by decreasing line 294 to \$1,000 loses by a voice vote.

Motion to amend by decreasing line 433 to \$155,090 loses by a voice vote.

Motion to amend by decreasing line 520 to \$40,000 loses by a voice vote.

Motion to amend by decreasing line 699 to \$35,865 loses by a voice vote.

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 2005 Town Capital Budget,

ACCOUNTING	
Upgrade/Software	0
Replace Copier	5,000
ASSESSOR	
Software Maintenance	0
Assessing Maps	0
Revaluation	0
Copier	7,500
COMPUTERIZATION	
Equip./Hardware Replacement	17,000
Library - Technology Upgrade	0
SHELLFISH DEPARTMENT	
Boat Trailer	0
COUNCIL ON AGING	
Copier	0
TOTAL GEN. GOVERNMENT	29,500
 ELEMENTARY SCHOOL	
Technology	15,000
Paint Exterior Trim	0
Exterior Siding (Old Section)	0
Ext. Steps & Handicap Ramp	0
Door Openers - Handicap Bath	0
Wooden Gutters	0
Hydraulic Lift	0
Replace Cafeteria Dishwasher	0
Replace Copier	0
Replace Cafeteria Floor	0
Replace Intercom System	20,000
Replace Floor Coverings	10,000
ADA-Classroom Door Closures	5,000
Exterior Doors (Old Section)	10,000
TOTAL EDUCATION	60,000

POLICE	
Intoxilyzer Breath Test Machine	0
Replace Cruiser Radar Units	0
Copier	0
Bullet Proof Vests	8,200
FIRE	
Fire Suppression	6,000
Replace Pagers	<u>5,200</u>
TOTAL PUBLIC SAFETY	19,400

DPW EQUIPMENT	
Tractor	0
3/4 Ton 4x4 Pickup	0
Technology	0
Sign Machine	0
Snow Plow	0
3/4 Ton Pickup Truck	0
Replace Refuse Trailers	0
Sander	12,000
Custodial Vehicle	30,000
Railroad Ave. Drainage	0
Refurbish Baker's Field Building	0
E. Commercial St. Drainage	0
Town Hall Septic System	20,000
Replace Library Carpet	12,000
Town Hall Carpet	<u>0</u>
TOTAL DEPT PUBLIC WORKS	74,000

DEBT SERVICE PRIN. LONG-TRM.

Fire Truck Replacement	0
Marina – Dredging	30,000
DPW Trucks	23,200
Whitman Property	37,700
Fire Engine	35,000
DPW Sweeper	35,000
Church Planning	25,000
Municipal Water System	36,569
Elem School Renov/Addtn	260,000
DPW Garage	5,000
DPW Garage Facility	140,000
Land Bank – Geiger	10,000
Library Roof	15,000
Catholic Church	45,000
Land Bank – Chavchavadze	39,900
Municipal Water System	22,600
Senior Center	75,000
Municipal Water System	<u>35,068</u>
SUB-TOTAL	870,037

DEBT SERVICE INT. LONG-TRM.

Fire Truck Replacement	0
Marina – Dredging	773
DPW Trucks	1,740
Whitman Property	2,828
Fire Engine	1,838
DPW Sweeper	2,825
Church Planning	2,250
Municipal Water System	6,534
Elem School Renov/Addtn	61,343
DPW Garage	1,530
DPW Garage	72,415
Land Bank – Geiger	10,978
Library Roof	10,513
Catholic Church	31,001

Land Bank – Chavchavadze	25,028
Municipal Water System	12,567
Senior Center	43,143
Municipal Water System	19,946
SUB-TOTAL	<u>307,252</u>
TOTAL DEBT SERVICE	1,177,289
TOTAL CAPITAL BUDGET	1,360,189

Unanimous voice vote as amended the Selectmen's fiscal year 2005 Capital Budget as printed in the Annual Town Meeting Warrant. The total Capital Budget thus to be \$1,360,189, the funding for the total budget provided in the following manner:

<i>Raise and appropriate</i>	<i>\$1,268,989</i>
<i>Ambulance fund</i>	<i>11,200</i>
<i>SEMASS Fund</i>	<i>74,000</i>
<i>Shellfish Fund</i>	<i>6,000</i>
<i>For a total appropriation of</i>	<i>\$1,360,189</i>

Motion to amend by decreasing Shellfish Boat trailer to \$0 passes by a voice vote.

Motion to amend by decreasing School Technology to \$10,000, Floor coverings to \$5,000, ADA classroom door to \$0 and Exterior doors to \$5,000 loses by a voice vote.

Motion to amend by decreasing Police vests to \$0 loses by a voice vote.

Motion to amend by decreasing Police vests to \$8,200 passes by a voice vote.

Motion to amend by decreasing Sander to \$0, Custodian vehicle to \$15,000 and Library carpet to \$0 loses 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 2005 Marina Services Enterprise Fund Budget

MARINA ENTERPRISE FUND	
Salaries & Wages Full Time	47,210
	36,900
Salaries & Wages Seasonal	45,000
Overtime	4,000
Weekend Differential	1,000
Holiday	1,600
Longevity	0
SALARY SUBTOTAL	135,710
Repair & Maintenance Services	1,500
Contract Services	2,500
Seminars & Training	100
Telephone	1,500
Postage	500
Printing	750
Advertising	100
Office Supplies	1,500
Repair & Maintenance Supplies	3,500
Vehicular Supplies	500
Gasoline & Diesel	1,500
Medical Supplies	200
Other Supplies	1,000
Uniforms	1,000
Travel	500
Dues & Memberships	350
Equipment	1,000
Equipment (line item)	2,000
Costs (General Fund)	45,000
EXPENSE SUBTOTAL	<u>65,000</u>
TOTAL	200,710

MARINA RESERVE FUND	90,000
MARINA ADV. COMM	100
MARINA CAP. OUTLAY	<u>65,000</u>
TOTALS FOR FUND	355,810

Unanimous voice vote the Selectmen's fiscal year 2005 Marina Enterprise fund Budget as printed in the Annual Town Meeting Warrant. The total budget, thus to be \$355,810 with \$308,310 to be appropriated in the Marina Services Enterprise Fund, \$308,310 from Marina Services Revenue, \$2,500 from the Beach Fund, and \$45,000 to be appropriated in the General Fund and funded from the Marina Services Revenue.

ARTICLE 4. To see if the Town will vote to amend Article III Town Affairs, of the Town of Wellfleet General Bylaws by adding Section 14 Wellfleet Water System Expansion Financing as follows:

“Any expansion of the Wellfleet Water System will be financed entirely, to the extent legally permissible, through user fees or any other financing vehicle outside the General Fund deemed appropriate by the Board of Selectmen.”

FINANCE COMMITTEE RECOMMENDS 5-1-1. The majority of the Finance Committee feels that users should pay for the upgrading of their property, and not the general taxpaying public.

BYLAW COMMITTEE DOES NOT RECOMMEND 3-0

BOARD OF SELECTMEN RECOMMENDS 4-1

Loses as amended by a voice vote.

Motion to amend by deleting the word “entirely” passes by a voice vote.

ARTICLE 5. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000 including benefits, or any other sum to fund one (1) full-time Water Department/Department of Public Works employee.

FINANCE COMMITTEE DOES NOT RECOMMEND 4-3. The majority of the Finance Committee feels that this position is premature. There are two DPW employees who are certified to conduct lower level water inspections and who could receive training to fulfill the need for an inspector of the recently extended water system without hiring additional staff. There are three choices: (1) have a current DPW employee (with proper training and certification) monitor the system. (2) Add a new employee with long range wage and benefit implications. (3) Hire a consultant on a short or long term basis. If a DPW employee is used, there will be a corresponding reduction in current services.

PERSONNEL BOARD RECOMMENDS 3-0

BOARD OF SELECTMEN RECOMMENDS 3-2

Voice vote to raise and appropriate \$50,000

Motion to amend by adding the words “and to do other DPW related tasks” loses by a voice vote.

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$65,000 to fund contract services to operate the expanded Wellfleet Water System.

FINANCE COMMITTEE RECOMMENDS 5-3. The majority of the Finance Committee thinks that fiscally, this is the prudent action to take at this time.

BOARD OF SELECTMEN DOES NOT RECOMMEND 5-0

Unanimous voice vote to Indefinitely Postpone

A motion passes by a voice vote to adjourn until 7:00pm Tuesday, April 27, 2004 at 10:35pm

The meeting was opened at 7:00pm by the Moderator on Tuesday, April 27, 2004.

ARTICLE 7. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$50,000, or any other sum, for the purpose of development of a redundant water source and installation of a larger capacity pump at the Cole's Neck well field.

FINANCE COMMITTEE RECOMMENDS 8-0. The Town may have a responsibility to allow property owners whose drinking water is not potable to hook up to the municipal water system. This article is a vehicle to allow this to happen.

BOARD OF SELECTMEN RECOMMENDS 5-0

BOARD OF HEALTH RECOMMENDS 5-0

2/3 voice vote attained to appropriate the sum of \$50,000 for the purpose of funding a new well at the Coles Neck well field, including all expenses incidental and related thereto; to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to GL Ch. 44, S7, or any other enabling authority, therefore.

Motion to amend by adding the wording "and further that no funds may be expended unless the Town votes to exempt the amounts required to pay for the bonds or notes issued by the Town for such purpose from the provisions of Proposition 2 ½ so-called" loses by a voice vote.

ARTICLE 8. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$100,000, or any other sum, for the purpose of site evaluation, engineering services and design of a water storage tower, or do or act anything thereon.

FINANCE COMMITTEE DOES NOT RECOMMEND 6-2. The majority of the Finance Committee feels this article is premature and would like to see further planning and public input regarding municipal water services, zoning, wastewater management and other downtown issues prior to spending funds for this article.

BOARD OF SELECTMEN RECOMMENDS 3-2

BOARD OF HEALTH HAS NO RECOMMENDATION

Indefinitely Postponed by a count of 131 in favor 99 against

Motion to amend by adding wording "request the Cape cod Commission to do the work" was ruled beyond the scope of the article by the Moderator.

Motion to amend by adding wording "and further that no funds may be expended unless the Town votes to exempt the amounts required to pay for the bonds or notes issued by the Town for such purpose from the provisions of Proposition 2 ½, so-called" loses by a voice vote.

Richard Robicheau and Richard Morrill were sworn as tellers.

ARTICLE 9. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$90,000, or any other sum, as necessary to fund wage adjustments for unionized and contract personnel for FY 2005 and/or any contract settlements as may be negotiated by the Board of Selectmen.

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote to raise and appropriate the sum of \$90,000 to fund wage adjustments for contract and unionized personne.l

ARTICLE 10. 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 \$3,080, or any other sum, to provide a 3% wage increase for the Town Clerk/Treasurer and Town Collector.

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote to raise and appropriate the sum of \$3,080 to fund wage adjustments for the Town Clerk/Treasurer and Tax Collector.

At this time a consideration of taking Articles 11-15 inclusive was passed by a unanimous voice vote.

ARTICLE 11. To see if the Town will vote to transfer the sum of \$127,632, or any other sum, in anticipation of reimbursement to be received under Chapter 246B of the Acts of 2002 as provided under M.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 7-0
BOARD OF SELECTMEN RECOMMENDS 5-0
Unanimous voice vote as printed

ARTICLE 12. To see if the Town will vote to accept gifts offered to the Town since the 2003 Annual Town Meeting and appearing on a list dated March 1, 2004 and posted in the Office of the Town Clerk.

FINANCE COMMITTEE RECOMMENDS 7-0
BOARD OF SELECTMEN RECOMMENDS 5-0
Gifts during the past year include: Library – books, magazines, audios, videos, DVDs, museum passes, video equipment from the Friends of the Wellfleet Libraries; DPW – brush chipper; Council on Aging – furniture, kitchen appliances/supplies, phone system, entrance sign, grand opening celebration from the Friends of the Council on Aging, and various items including living room furnishings, artwork/paintings/woven tapestry and assorted medical supplies; Fire Department – one Life Pac Twelve, one Heart Stream AED, four AED Storage Boxes.
Unanimous voice vote as printed

ARTICLE 13. To see if the Town will vote in accordance with G.L. c. 41, § 38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector.

FINANCE COMMITTEE RECOMMENDS 7-0
BOARD OF SELECTMEN RECOMMENDS 5-0
Unanimous voice vote as printed

ARTICLE 14. 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 7-0
BOARD OF SELECTMEN RECOMMENDS 5-0
Unanimous voice vote as printed

ARTICLE 15. 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 7-0
BOARD OF SELECTMEN RECOMMENDS 5-0
Unanimous voice vote as printed

ARTICLE 16. 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>
1984 International Trash Truck	\$ 5,000
1967 Caterpillar Grader	1,500
1996 Ford F-350	3,000
1995 Ford Crown Victoria	1,500
2000 Ford Crown Victoria	1,000
1984 Sea Ox Rescue Boat/Motor/Trailer	5,000

1994 John Deere backhoe

10,000

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed in the Warrant with the addition of one (1) John Deere backhoe with an estimated value of \$10,000

At this time the Moderator, Daniel Silverman indicated that he would have to step down for Article 17 and 23; therefor, the Town Clerk held the election for a Temporary Moderator. Harry S. Terkanian was elected and took the chair.

ARTICLE 17. To see if the Town will vote to accept the provisions of Section 12 of Chapter 46 of the Acts of 2003 to enable the Town to offer health insurance to Call Firefighters and charge such employees 100% of the premiums.

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 3-0

Unanimous voice vote pursuant to Section 12 of Chapter 46 of the Acts of 2003 to include Call firefighters in the definition of "employee" for the purposes stated in Art. 17.

Daniel Silverman returned to the chair at this time.

ARTICLE 18. To see if the Town will vote to authorize the creation of a seven member Charter Review Committee, which shall consist of a member of the Board of Selectmen, a member of the Planning Board, a member of the Bylaw Committee and four members at-large, all appointed by the Moderator, and further to direct such committee to report back to Town Meeting no later than the next regular Annual Town Meeting.

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as amended

Motion to amend by adding wording "as designated by each board" was withdrawn.

Motion to amend by adding wording " at-large, all" after the word "members" passed by a voice vote.

ARTICLE 19. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$85,000, or any other sum, for the purpose of purchasing and outfitting a backhoe.

FINANCE COMMITTEE RECOMMENDS 6-0-1

BOARD OF SELECTMEN RECOMMENDS 5-0

2/3 voice vote attained to appropriate the sum of \$85,000 for the purpose of purchasing and outfitting a new backhoe, including all expenses incidental and related thereto; to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to GL Ch. 44, S.7, or any other enabling authority, therefore.

ARTICLE 20. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$300,000, or any other sum, for the purpose of replacement and/or construction of Uncle Tim's Bridge.

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote to raise and appropriate the sum of \$22,900 for repairs to Uncle Tim's Bridge including all expenses related thereto.

Motion on original article to amend by adding wording "and further that no funds may be expended unless the Town votes to exempt the amounts required to pay for the bonds or notes issued by the Town for such purpose from the provisions of Proposition 2 ½ so-called" loses by a voice vote.

Motion on original article fails to attain a 2/3 vote.

Motion to reconsider after Article 21 passes by a voice vote.

ARTICLE 21. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$1,000,000, or any other sum, for the purpose of replacement and/or construction of Lt. Island Bridge, or do or act anything thereon.

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

2/3 voice vote attained to appropriate the sum of \$1,000,000 for the purpose of replacement and/or construction of Lt. Island Bridge, including all expenses incidental and related thereto; to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to GL Ch. 44, S.7, or any other enabling authority, therefore, and further that no funds may be expended unless the Town votes to exempt the amounts required to pay for the bonds or notes issued by the Town for such purpose from the provisions of Proposition 2 ½ so-called.

Motion to amend by adding the wording “and further that no funds may be expended unless the Town votes to exempt the amounts required to pay for the bonds or notes issued by the Town for such purpose from the provisions of Proposition 2 ½ so-called” passes by a voice vote.

Motion to amend by deleting the word “construction” and add the words “structural and safety upgrades” loses by a voice vote.

ARTICLE 22. To see if the Town will vote to raise and appropriate and/or transfer from available funds or borrow the sum of \$1,500,000, or any other sum, for the purpose of capping the landfill.

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote to raise and appropriate the sum of \$1,500,000 for the purpose of capping the landfill, including all expenses incidental and related thereto; to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to GL Ch. 44, S. 8, or any other enabling authority, therefore.

A motion made to adjourn until Wednesday, April 28, 2004 at 7:00pm passes by a voice vote at 10:35pm.

The meeting reconvened on Wednesday, April 28, 2004 at 7:00pm.

At this time the Daniel Silverman steps down from the chair and Harry S. Terkanian takes the chair.

ARTICLE 23. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000 including benefits, or any other sum, to fund one (1) full-time Firefighter/Paramedic position, and that no funds may be expended unless the Town votes to exempt the amount required for such position from the provisions of Proposition 2½ so-called.

FINANCE COMMITTEE DOES NOT RECOMMEND 4-3. The Finance Committee notes that two new full-time Firefighter/Paramedic positions were added just two years ago. This new position would also entail about \$11,000 in overtime in the first year, which is not included in the \$50,000 requested in the article (but is included in the Fire Department’s operating budget). Total activity in the Fire Department has **not** steadily increased: In 2001 there were 1362 calls, in 2002 there were 1316 calls and in 2003 there were 1349 calls, (an average of 1342 calls per year), which suggests a leveling off of activity. Full-time additions to staff should be put off in this year of economic stress. It is noted that there have been some new additions in the call firefighter personnel and hopes this will continue to be a focus of the Fire Department. A minority of the Finance Committee feels it is a small investment to insure the Town will continue to receive the superior emergency service it has come to expect.

PERSONNEL BOARD RECOMMENDS 3-0

BOARD OF SELECTMEN RECOMMENDS 3-2

Voice to raise and appropriate the sum of \$50,000 for the purpose of funding a new firefighter/paramedic position, and further that no funds may be expended unless the Town votes to exempt the amount required for such position from the provisions of Proposition 2½ so-called.

At this time Daniel Silverman resumes the chair.

ARTICLE 24. 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 2½ so-called.

FINANCE COMMITTEE RECOMMENDS 4-2-1

BOARD OF SELECTMEN VOTED 2-2

Voice vote to transfer from Free Cash the sum of \$10,000 for the purpose of partially funding informational programs of the Wellfleet Chamber of Commerce.

ARTICLE 25. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$9,500, or any other sum, for fireworks and that no funds may be expended unless the Town votes to exempt the amount required for such purpose from the provisions of Proposition 2½ so-called, and to authorize the Board of Selectmen to accept gifts to be added to the funds appropriated for this purpose.

FINANCE COMMITTEE RECOMMENDS 5-0-2. Fireworks have been an integral part of a small Town celebration of Independence Day. Local businesses and individuals make donations towards the fireworks, therefore “partially funding” them along with the Town. It should be noted that there are supplemental costs, such as Police Department overtime (\$2,850 last year), Fire Department overtime (\$1,362 in 2003) and clean-up by the DPW.

BOARD OF SELECTMEN RECOMMENDS 3-2

Voice vote to raise and appropriate the sum of \$9,500 for the purpose of partially funding the annual 4th of July fireworks display, and further that no funds may be expended unless the Town votes to exempt the amount required for such purpose from the provisions of Proposition 2½ so-called.

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to convey to the Executrix of the will of Edward J. Lynch or to John J. Simonian, the parcel of land located at Western Avenue and shown as Parcel 291 on Assessors’ Map Sheet 36 and also shown as Lot 291 on a plan recorded with Barnstable County Registry of Deeds in Plan Book 29, Page 31 acquired by the Town through Low Value Tax Taking recorded with Barnstable County Registry of Deeds in Book 10434, Page 78.

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed

ARTICLE 27. To see if the Town will vote to amend Article VII General Section 19 of the General Bylaws of the Town of Wellfleet so that Section 19 as revised should read:

“It shall be unlawful for any person to consume alcoholic beverages on public highways or in public parking places, including vehicles thereon, including all Town owned property, within the Town of Wellfleet. However, the Board of Selectmen may make exceptions to this bylaw in the case of special events and are authorized to issue special permits to private vendors to serve beer and wine exclusively in accordance with general law, and bylaws governing the issuance of temporary liquor licenses.”

BYLAW COMMITTEE RECOMMENDS 3-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed

ARTICLE 28. To see if the Town will vote to amend the first sentence of the second paragraph of Article VII, Section 36 of the General Bylaws, “Parking in Spaces Reserved for Handicapped Persons” by replacing the words “twenty-five dollars (\$25.00)” with “three-hundred dollars (\$300.00)” to read as follows: “Any person who violates this Section shall be fined three-hundred dollars (\$300.00) and the vehicle may be removed in accordance with the provisions of MGL 266, Section 120D.

FINANCE COMMITTEE RECOMMENDS 7-0

BYLAW COMMITTEE HAS NO RECOMMENDATION
BOARD OF SELECTMEN RECOMMENDS 5-0
Unanimous voice vote as printed

ARTICLE 29. 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 pursuant to c. 40, § 8C the property located on 145 Pole Dike Road being described as approximately 3.4 acres of land shown on Assessors' Map 12 as Lot 224 (commonly known as the sandpit) and being a portion of land described in a deed recorded with Barnstable County Registry of Deeds as Book 236, Page 73, and shown on a plan entitled "Plan of Land in Wellfleet made for the Town of Wellfleet" made by Slade & Associates and dated February 20, 2004 and containing 3.4 acres of land, more or less, according to said plan, and further to direct the Town Clerk to record an attested copy of the vote of this Article with Barnstable County Registry of Deeds.

FINANCE COMMITTEE RECOMMENDS 7-0

OPEN SPACE/LAND BANK COMMITTEE RECOMMENDS 6-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed. Board of Selectmen stated property not needed for General municipal purpose.

ARTICLE 30. To see if the Town will vote to accept the provisions of M.G.L. c. 59, § 5K, as amended by Chapter 184, § 53 of the Acts of 2002, to establish a property tax work-off program for taxpayers over 60 years old to grant abatements up to \$750, pursuant to the adoption of local program rules, first available in fiscal year 2005.

FINANCE COMMITTEE RECOMMENDS 6-1. This program can be a win-win situation for the Town and for resident taxpayers who need assistance in paying their property taxes.

BOARD OF ASSESSORS RECOMMENDS 3-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed

ARTICLE 31. To see if the Town will vote to accept the provisions of M.G.L. c.59,§5(41A), and to vote for the maximum qualifying gross receipts amount permitted in said statute of \$40,000, beginning in fiscal year 2005.

FINANCE COMMITTEE RECOMMENDS 7-0. The fiscal impact on the Town if this article is passed would be very limited and would allow more citizens in need to remain in their homes. Raising the requested limits is more in keeping with the times.

BOARD OF ASSESSORS RECOMMENDS 3-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as read

ARTICLE 32. To see if the Town will vote to accept the provisions M.G.L. c.59, § 5 (41C) as amended by Chapter 184 of the Acts of 2002 beginning with the fiscal 2005 real estate tax billing period as follows:

1) Change the qualifying age from 70 to 65.

2) Increase income limits from \$13,000 to \$20,000 if single and from \$15,000 to \$30,000 if married.

3) Change the asset limits from \$28,000 to \$40,000 if single and from \$30,000 to \$55,000 if married.

4) Change the asset deductions from "up to 3 Family" to "Up to 4 Family".

5) Increase the exemption amount from \$500 to \$1,000.

FINANCE COMMITTEE RECOMMENDS 6-1. See remarks on Article 31.

BOARD OF ASSESSORS RECOMMENDS 2-1

BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote as printed

Unanimous consent to take Articles 33-36 at the same time

ARTICLE 33. 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 “Home Occupation” and replacing it with the following:

Home Occupation – An occupation or profession that is customarily carried on in a dwelling unit building or other structure accessory to a dwelling unit by a member of the family residing in the dwelling unit, such occupation or profession being clearly incidental and secondary to the use of the dwelling unit for residential purposes. Occupations and professions allowed under this definition shall be carried out subject to the requirements in Article VI, Section 6.22 of this By-law.

PLANNING BOARD RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMENDS 5-0

Unanimous voice vote and Planning Board report given

ARTICLE 34. To see if the Town will vote to amend the Wellfleet Zoning By-laws, SECTION VI, GENERAL REGULATIONS, by adding Section 6.22, HOME OCCUPATIONS, as follows:

6.22 HOME OCCUPATIONS

6.22.1 Allowed occupations and professions

In particular, a home occupation, as defined in SECTION II, DEFINITIONS, includes, but is not limited to the following:

Antique Shop, Art Gallery, Artists Studio, and Craft Shop making and selling traditional Cape Cod products produced on the premises. ATM 4/24/89

Dressmaker

Home cooking & selling of such products produced upon the premises.

Opening of shellfish, the storage and use of fishing equipment or other traditional fishing activities.

Professional office of a physician, dentist, lawyer, engineer, architect or accountant within a dwelling occupied by the same.

Real Estate Offices.

Service trades (electrician, carpenter, general contractor, plumber, service contractor or the like).

However, a home occupation shall not be interpreted to include the following:

Tourist home

Barber shop & beauty parlors

Commercial stables & kennels

Restaurants & tea rooms

Convalescent homes

Mortuary establishments

Stores, trades or business not herein accepted.

6.22.2 Requirements and Standards

Home Occupations shall conform to the following standards:

1) The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

2) No more than one person outside the family shall be employed in the home occupation

3) There shall be no exterior display, no exterior sign except as permitted under Section VII, no exterior indication of the home occupation or variation from the residential character of the principal building.

4) No offensive noises, vibration, smoke, dust, odor, heat or glare shall be produced.

5) The floor area used by the home occupation shall not exceed 25% of the total floor area of the principal and any accessory building.

6) No outside storage of home-occupation-related materials or equipment is permitted on the occupant's premises unless concealed from view of neighbors and street by a fence or suitable plantings of evergreen or deciduous shrubs and trees.

PLANNING BOARD RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote and Planning Board report given

ARTICLE 35. 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 “Service Trade” and replacing it with the following:

Service Trade – An occupation or business which provides service to customers primarily in or on the customers’ homes or premises, including but not limited to such trades as carpentry, masonry, plumbing and heating, electrical work, well drilling, lawn maintenance, and landscape services. Such service trades may be operated out of the provider’s residence subject to the requirements in Article VI, Section 6.23 of this By-law.

PLANNING BOARD RECOMMENDS 7-0
 BOARD OF SELECTMEN RECOMMENDS 5-0
Unanimous voice vote and Planning Board report given

ARTICLE 36. To see if the Town will vote to amend the Wellfleet Zoning By-laws, SECTION VI, GENERAL REGULATIONS, by adding Section 6.23, SERVICE TRADES, as follows:

6.23 SERVICE TRADES

6.23.1 Requirements and Standards

Service trades, as defined in SECTION II, DEFINITIONS, may be operated out of the provider’s residence subject to the following restrictions:

- A. The business is secondary to the use of the dwelling unit for residential purposes;
- B. No more than two (2) employees other than household members may report to the provider’s residence for regular work on the premises;
- C. No outdoor storage of service-related materials or equipment is permitted on the provider’s premises unless concealed from view of neighbors and street by a concealing fence enclosing said materials and equipment;
- D. No more than two (2) motor vehicles (as that term is defined by the Massachusetts General Laws, Chapter 90, Section 1, but containing no more than six (6) wheels), used exclusively in the service trade, may be kept on the provider’s premises;
- E. Deliveries may be made to the provider’s premises no more frequently than an average of five (5) times a week;
- F. There shall be no exterior sign or other display except as permitted under the Sign Code for a residential district, and no exterior indication of the service trade which detracts from or is in conflict with the residential character of the principal building and area;
- G. The buildings and premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas smoke, dust, noise, and electrical disturbances. In the case of electrical disturbances, no equipment or process shall be used which unreasonably creates visual or audible interference in any radio or television receivers off the premises.
- H. The floor area used shall not exceed thirty percent (30%) of the total livable floor space in the principal building; and
- I. All parking shall be off-street, and long term parking (more than six (6) hours) shall be limited to two (2) vehicles, excluding the resident’s personal household vehicle.

PLANNING BOARD RECOMMENDS 7-0
 BOARD OF SELECTMEN RECOMMENDS 5-0
Unanimous voice vote and Planning Board report given.

ARTICLE 37. To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION 5.3.2, USE REGULATIONS, Commercial, by changing Service trades (Business) to a use authorized under special permit in District NSP, as follows:

5.3.2 Commercial

	CD	R1	R2	NSP	C	C2
Service trades (Business)	A	A	A	⊖ A	A	A

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

O = An excluded or prohibited use

PLANNING BOARD RECOMMENDS 7-0
 BOARD OF SELECTMEN RECOMMENDS 5-0
Take no action by vote of 91 in favor 66 against and Planning Board report given

Motion to add wording “provided prior approval from Nation Seashore Park is obtained before implementation” loses by a voice vote.

ARTICLE 38. To see if the Town will vote to amend the Town of Wellfleet Zoning Map and By-laws, SECTION III, DISTRICTS, Section 3.3, ZONING MAP, by deleting the effective date of “Dated October 1997” and replacing it with “Dated April 2004”.

PLANNING BOARD RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0
Unanimous voice vote and Planning Board report given

ARTICLE 39. 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 ~~the two~~ Wellhead Protection Districts which ~~is an~~ **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 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 bounded by the Truro town line, the east side of Route 6 from the Truro town line to the north side of Gull Pond Road, the north side of Gull Pond Road to its intersection with Gross Hill Road, the north side of Gross Hill Road from Gull Pond Road to Ocean View Drive, the west and northerly sides of Ocean View Drive to Newcomb Hollow Beach, then northerly along the Atlantic Ocean shoreline to the Truro town line.

The Wellhead Protection Districts established by this section ~~is~~ **are** shown on a map entitled "~~Proposed~~ Wellhead Protection Districts **In the Town of Wellfleet**", dated ~~March 26, 1997~~ **April 2004**, which is on file in the office of the Town Clerk. ~~This~~ **These** overlay districts shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses.

PLANNING BOARD RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Take no action by voice vote and Planning Board report given

ARTICLE 40. To see if the Town of Wellfleet will vote as follows:

WHEREAS, housing costs in Wellfleet continue to escalate due to the pressure created by the tourist/second home market, which threatens the ability of residents to remain in Wellfleet and the ability of businesses to access the labor force they need; and

WHEREAS, the Town of Wellfleet considers it a top public policy priority to preserve affordable rental housing; and

WHEREAS, the Town desires to increase the number of rental housing units in Wellfleet that are affordable;

THEREFORE, the Town's representative in the General Court is instructed to file a home rule petition for a special act entitled, "An Act Relative to Property Tax Exemptions for Rental Properties in the Town of Wellfleet Restricted as Affordable Housing" to read as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, dwelling units occupied by income eligible occupants and rented in accordance with Fair Market Rental Guidelines shall be exempt from taxation under Chapter 59 of the General Laws.

SECTION 2. All occupants of the affordable dwelling unit shall upon initial application and annually thereafter on the first of September, submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit. Specifically, all dwelling units must be rented to those meeting the guidelines for a low or moderate income family. For the purpose of this section, low income families shall have an income less than eighty (80) percent of the Town of Wellfleet median family income, and moderate income families shall have an income between eighty (80) and one hundred twenty (120) percent of the Town of Wellfleet median family income, as determined by the United States Department of Housing and Urban Development (HUD) Published Income Guidelines, and as may from time to time be amended.

SECTION 3. Maximum rents shall be established in accordance with HUD published Fair Market Rental Guidelines. Property owners are required to submit to the Town or its agent information on the rents to be charged. Each year thereafter on the first of September, they shall submit information on annual rents charged and a signed lease to the Town or its agent. Forms for this purpose shall be provided. Rents may be adjusted annually in accordance with amendments to the Fair Market Rental Guidelines.

SECTION 4. Such exemption shall be equal to the tax otherwise owed on the property based on the assessed value of the entire property, including any accessory dwelling units, multiplied by the square feet of the living space of all dwelling units on the property that are restricted to occupancy by low or moderate income households, divided by the total square feet of all

structures on the property. For any property with a single dwelling unit, the exemption allowed shall not exceed 50% of the tax otherwise owed. For purposes of determining the assessed value of the entire property, if by income approach to value, such assessment shall assume that all housing units are rented at fair market value.

SECTION 5. The date of determination as to the qualifying factors required by this act shall be September first of each year.

SECTION 6. This act shall be submitted to the voters of said Town at the next annual or special Town election in the form of the following question which shall be placed upon the official ballot to be used at said election: Shall an act passed by the General Court in the year 2004 entitled "An Act Relative to Property Tax Exemptions for Rental Properties in the Town of Wellfleet Restricted as Affordable Housing", be accepted? If a majority of the voters cast in answer to said question is in the affirmative, then Sections 1, 2, 3, 4 and 5 of this act shall thereupon take effect, but not otherwise.

SECTION 7. Section 6 of this act shall take effect upon its passage. The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approved amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that are within the scope of the general public objectives of this petition.

PLANNING BOARD RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as read (deleting the word "accessory")

ARTICLE 41. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact the following Special Legislation, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition but only with the prior approval of the Board of Selectmen, and the Board of Selectmen is hereby authorized to approve amendments within the scope of the vote, or do or act anything thereon:

Affordable Housing Trust Fund

Notwithstanding the provisions of any general or special law to the contrary, the Town of Wellfleet may establish and maintain a special fund to be known as the Affordable Housing Trust Fund. The Trust may accept monies obtained through private and public gifts, grants and appropriations made by Town Meeting.

The Town Treasurer of the Town of Wellfleet shall be the custodian of the fund and may deposit proceeds in national banks or invest the same in securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. Any interest earned on the fund shall be added to and become part of the final fund.

Trustees for the fund shall be the Wellfleet Housing Authority. Expenditures from the Affordable Housing Trust Fund shall be authorized by a majority vote of said Housing Authority in consultation with the Wellfleet Local Housing Partnership. Monies in the fund may be expended at the direction of the Trustees without further appropriation for the purpose of promoting and expanding the affordable housing inventory in the Town of Wellfleet, including costs and expenses associated with research, acquisition, creation, construction, maintenance, rehabilitation, re-location, program administration, and legal and engineering fees incurred in connection with said purpose.

FINANCE COMMITTEE RECOMMENDS 7-0. This is another way to increase affordable housing in Wellfleet which would not be at the taxpayer's expense.

HOUSING AUTHORITY RECOMMENDS 4-0

LOCAL HOUSING PARTNERSHIP RECOMMENDS 5-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote with change deleting the word "Clerk/"

ARTICLE 42. 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 to continue the Beach Study Committee and Computer Advisory Committee also heard the Housing authority report.

ARTICLE 43. To see if the Town will amend the Wellfleet Zoning By-Law, Section 6.21, Affordable Accessory Dwelling Units, by striking paragraph (C) of Section 6.21.3 and replacing it with the following:

C. Affordable accessory dwelling units within or attached to a principal dwelling, principal structure or garage that is pre-existing nonconforming shall not increase the nonconforming nature of that structure, except that any pre-existing accessory building may be eligible for conversion to an affordable accessory dwelling unit, regardless of whether the building is presently occupied by an income-eligible household. (by petition)

PLANNING BOARD DOES NOT RECOMMEND 7-0

BOARD OF SELECTMEN DOES NOT RECOMMEND 4-0-1

Fails to attain 2/3 vote Planning Board report given

ARTICLE 44. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of Two Thousand and 00/100 (\$2,000.00) 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 the Nauset Together We Can Prevention Council, Inc., a non-profit organization. (by petition)

FINANCE COMMITTEE DOES NOT RECOMMEND 7-0. The Finance Committee suggests that the appropriate place to handle this article is through the Human Services Committee and the Human Services budget. It is noted that the recently hired director of the Juice Bar resigned due to lack of participation by young people. If this article passes, our budget deficit would increase and this amount would have to be added to the override.

BOARD OF SELECTMEN DOES NOT RECOMMEND 3-1-1

Loses by a voice vote

ARTICLE 45. To see if the Town will vote to adopt the following proposed order to the Wellfleet Home Rule Charter:

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.

BOARD OF SELECTMEN DOES NOT RECOMMEND 4-1

2/3 voice vote attained 120 in favor 30 against

Motion to Indefinitely Postpone loses by a vote of 46 in favor and 96 against.

Motion to amend by deleting the balance of 8-8-1 after word “terms” passes by a voice vote.

Motion to amend to change term to “one” loses by a voice vote.

ARTICLE 46. To see if the Town will accept the provisions of Chapter 32B, Sections 9D ½ and 9E to allow the Town to pay for Retired Employees and the surviving spouses of retired employees the same percentage of health insurance and life insurance premiums as is paid for active employees. (by petition)

FINANCE COMMITTEE DOES NOT RECOMMEND 6-0-1. Passage of this article would mean that people who are not now working for the Town of Wellfleet would receive the benefits of current and future negotiated contracts. This is an unnecessary burden on the taxpayers; it is estimated that the cost for the first year would be \$36,698. If this article passes, our budget deficit would increase and this amount would have to be added to the override.

BOARD OF SELECTMEN DOES NOT RECOMMEND 4-0-1

Loses by a voice vote

ARTICLE 47. To act on any other business which may legally come before the meeting.
BOARD OF SELECTMEN RECOMMENDS 5-0
Voice vote

At this time the Moderator made the following appointments:

Nancy Winslow to the Social/Human Services Committee to fill the unexpired term (ATM2006) of Nancy Durkee who recently passed away.

Joan Platt to the Social/Human Services Committee to ATM 2007.

Paul Weber to the Social/Human Services Committee to ATM2007.

Harry S. Terkanian to the Bylaw Committee to ATM2007.

Openings available – Regional Vocational Technical School Committee – three year term

Charter Review Committee – 4 members at large

Board of Selectmen, Planning Board and Bylaw Committee to nominate one of their members and forward name to Moderator

Resignations – Anne Suggs, Timothy Woodman and Ira Wood from the Finance Committee

Unanimous voice vote approval of the following Finance Committee appointments:

Nancy Bone to ATM 2005

Carl Caruso to ATM 2005

John Makely to ATM 2006

Sylvia Smith to ATM 2007

Berta Bruinooge to ATM 2007

Patricia Foley to ATM 2007

The Town Meeting gave their thanks to retired Committee Secretary, Birgitta Olson, for her service to the Town.

There being no further business a motion to dissolve the Town Meeting passed by a voice vote at 10:30pm.

Attest:

Dawn E. Rickman
Town Clerk/Treasurer