

ANNUAL TOWN MEETING MINUTES

Monday, April 25, 2011

The Commonwealth of Massachusetts

In accordance with the Warrant Harry Terkanian, Town Moderator opened the meeting at 7:15pm. A moment of silence was given to the following employees/committee members that have passed away in 2010: David Rose – Fire Department; Helen Olsen – Council on Aging, Historical Commission; William Corcoran – Selectman, Hearing Officer, Finance Committee, Constable, Commission on Disabilities, Board of Fire Engineers; A. Simone Reagor – Citizens Economic Committee, Local Historic Study Group; Abbott O. Paine – Marina Advisory Board, Natural Resources Advisory Board. Various school personnel were introduced to the Town Meeting members. The Moderator also went over the Town Meeting rules and a unanimous voice vote passed to suspend the rules for speaking to an article.

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 2012 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2012:

Board of Selectmen Recommends 4-0 Finance Committee Recommends 7-0

OPERATING BUDGET

<u>FISCAL YEAR 2012</u>		
		FY 2012			
		Selectmen			
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114	MODERATOR				
	Salaries & Wages		200		
	Operating Expenses		353		
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		Department Total	553		
115	CONSTABLES				
	Salaries & Wages		100		
121	AUDIT				
	Services		21,000		
122	SELECTMEN				
	Salaries & Wages		5,000		
	Operating Expenses		6,945		
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		Department Total	11,945		
123	TOWN ADMINISTRATOR				
	Salaries & Wages		184,702		
	Operating Expenses		5,500		
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		Department Total	190,202		

		FY 2012
		Selectmen
124	GENERAL ADMINISTRATION	
	Salaries & Wages	112,388
	Operating Expenses	16,390
	Department Total	<u>128,778</u>
131	FINANCE COMMITTEE	
	Operating Expenses	250
132	RESERVE FUND	
	Transfers	20,000
135	TOWN ACCOUNTANT	
	Salaries & Wages	126,275
	Operating Expenses	8,510
	Department Total	<u>134,785</u>
141	ASSESSORS	
	Salaries & Wages	100,346
	Operating Expenses	40,570
	Department Total	<u>140,916</u>
145	TOWN CLERK/TREASURER	
	Salaries & Wages	109,761
	Operating Expenses	20,225
	Department Total	<u>129,986</u>
146	Town/Tax Collector	
	Salaries & Wages	73,079
	Operating Expenses	13,970
	Department Total	<u>87,049</u>
151	LEGAL EXPENSES	
	Services	80,000
153	COMPUTERIZATION	
	Operating Expenses	140,580
158	TAX TITLE	
	Services	20,000
162	ELECTIONS/REGISTRATION	
	Salaries & Wages	4,700
	Operating Expenses	4,550
	Department Total	<u>9,250</u>
171	CONSERVATION COMMISSION	
	Operating Expenses	2,525

		FY 2012
		Selectmen
174	PLANNING BOARD	
	Operating Expenses	3,135
176	ZONING BOARD OF APPEALS	
	Operating Expenses	1,880
177	OPEN SPACE COMMITTEE	
	Operating Expenses	1,400
178	HERRING WARDEN	
	Stipend	300
179	SHELLFISH	
	Salaries & Wages	155,319
	Overtime	305
	Operating Expenses	21,110
	Department Total	<u>176,734</u>
180	SHELLFISH CONSERV/PROPAGATION	
	Operating Expenses	22,000
181	SHELLFISH ADVISORY COMMITTEE	
	Operating Expenses	100
182	CHAMBER OF COMMERCE	
	Operating Expenses	10,000
183	NATURAL RESOURCES ADVISORY BD	
	Operating Expenses	450
189	HOUSING AUTHORITY	
	Operating Expenses	5,000
195	TOWN REPORTS & WARRANTS	
	Operating Expenses	11,500
196	CONSULTANCY	
	Services	20,000
	TOTAL GENERAL GOVERNMENT	<u>1,410,418</u>

		FY 2012
		Selectmen
210	POLICE	
	Salaries & Wages	999,525
	Overtime	82,000
	Operating Expenses	<u>80,000</u>
	Department Total	1,161,525
215	COMMUNICATIONS/DISPATCHERS	
	Salaries & Wages	272,240
	Overtime	33,340
	Operating Expenses	<u>25,975</u>
	Department Total	331,555
220	FIRE	
	Salaries & Wages	749,434
	Overtime	214,759
	Operating Expenses	<u>146,450</u>
	Department Total	1,110,643
241	BUILDING DEPARTMENT	
	Salaries & Wages	203,741
	Operating Expenses	<u>11,141</u>
	Department Total	214,882
291	EMERGENCY MANAGEMENT TEAM	
	Operating Expenses	250
292	ANIMAL CONTROL OFFICER	
	Salaries & Wages	31,253
	Operating Expenses	<u>8,700</u>
	Department Total	39,953
293	TRAFFIC/PARKING CONTROL	
	Stipend	2,000
	Operating Expenses	<u>1,665</u>
	Department Total	3,665
	TOTAL PUBLIC SAFETY	<u>2,862,473</u>
300	ELEMENTARY SCHOOL	
	Operating Expenses	2,356,894
301	NAUSET REGIONAL SCH DISTRICT	
	Assessment	2,215,540
302	CAPE COD REG TECH HS DISTRICT	
	Assessment	<u>93,946</u>
	TOTAL EDUCATION	<u>4,666,380</u>

		FY 2012
		Selectmen
417	DPW FACILITIES	
	Operating Expenses	303,883
420	DPW OPERATIONS	
	Salaries & Wages	803,740
	Overtime	26,101
	Operating Expenses	<u>136,421</u>
	Department Total	966,262
422	DPW GENERAL HIGHWAYS	
	Operating Expenses	63,800
423	DPW SNOW REMOVAL	
	Salaries & Wages Overtime	23,000
	Operating Expenses	<u>46,000</u>
	Department Total	69,000
424	DPW STREET LIGHTS	
	Operating Expenses	25,000
433	DPW TRANSFER STATION	
	Operating Expenses	234,820
	TOTAL PUBLIC WORKS	<u>1,662,765</u>
510	HEALTH/CONSERVATION	
	Salaries & Wages	138,697
	Operating Expenses	<u>26,253</u>
	Department Total	164,950
520	HUMAN SERVICES GROUPS	
	Allotments	72,000
541	COUNCIL ON AGING	
	Salaries & Wages	173,239
	Operating Expenses	<u>25,100</u>
	Department Total	198,339
543	VETERANS SERVICES	
	Operating Expenses	18,322
	TOTAL HUMAN SERVICES	<u>453,611</u>
610	LIBRARY	
	Salaries & Wages	276,318
	Operating Expenses	<u>72,350</u>
	Department Total	348,668

		FY 2012
630	RECREATION	Selectmen
	Salaries & Wages	162,877
	Operating Expenses	61,144
	Department Total	<u>224,021</u>
690	HISTORICAL COMMISSION	
	Operating Expenses	50
691	HISTORICAL REVIEW BOARD	
	Operating Expenses	50
692	DPW HOLIDAY CELEBRATIONS	
	Operating Expenses	1,500
699	BEACH PROGRAM	
	Salaries & Wages	194,620
	Overtime	0
	Operating Expenses	45,100
	Department Total	<u>239,720</u>
	TOTAL CULTURE & RECREATION	<u>814,009</u>
753	SHORT TERM LOAN PRIN/INT	15,000
756	INTEREST ON R/E TAX REFUNDS	150
	TOTAL SHORT TERM DEBT SERV.	<u>15,150</u>
900	TRANSFER FROM LEGAL	30,000
911	RETIREMENT PLANS	
	Barnstable County Retirement	871,477
	Other	6,000
	Department Total	<u>877,477</u>
912	WORKERS COMPENSATION	
	Claims	38,420
913	UNEMPLOYMENT COMPENSATION	
	Claims	15,000
914	GROUP INSURANCE HEALTH	
	Premium Payments	1,097,100
915	GROUP INSURANCE LIFE	
	Premium Payments	5,900
916	MEDICARE TOWN SHARE	86,600

		FY 2012
		Selectmen
917	HEALTH INSURANCE STIPEND	25,000
940	DEBT BORROWING COSTS	0
945	LIAB/PROPERTY/COMP INS.	254,000
	Rounding	1
	TOTAL MISCELLANEOUS	<u>2,399,498</u>
	TOTAL OPERATING BUDGET	<u>14,274,304</u>

Voice vote as amended the Selectmen's Fiscal Year 2012 Town Operating Budget, including fixing the salaries and compensation of all elected officers of the Town for Fiscal Year 2012 as printed in the warrant with funding for the Operating Budget provided in the following manner:

<i>Raise and appropriate</i>	<i>\$12,880,128</i>	
<i>Ambulance Fund</i>	<i>\$280,000</i>	
<i>Beach Fund</i>	<i>\$664,000</i>	
<i>Fire/NPS Mutual Fire Fund</i>	<i>\$14,640</i>	
<i>Semass Fund</i>	<i>\$275,000</i>	
<i>Recreation Fund</i>	<i>\$39,000</i>	
<i>Shellfish Fund</i>	<i>\$95,000</i>	
<i>State Aid to Libraries</i>	<i>\$3,900</i>	
<i>Sale of Cemetery Lots</i>	<i>\$4,500</i>	
<i>Perpetual Care Income</i>	<i>\$1,700</i>	
<i>Debt Exclusion Reduction</i>	<i>\$1,136</i>	
<i>Sale of Real Estate</i>	<u><i>\$15,300</i></u>	
	<u><i>\$14,274,304</i></u>	<i>Total General Government</i>

Motion to amend by reducing line 151 by \$40,000 and adding \$30,000 to line 300 Elementary School operating expenses and adding \$10,000 to line 433 DPW Transfer Station operating expenses passes by a voice vote.

ARTICLE 2: To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums or money necessary to supplement the operating and/or capital budgets of the various Town departments for the current fiscal year 2010-2011

Requests to Date:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Beach Fund	Beach Program, Salaries and Wages	\$21,000
Beach Fund	Beach Program, Salaries and Wages	\$2,000
Beach Fund	Beach Operating Budget	\$3,000

TA Consultancy Encumbered	Cultural Council	\$2,000
Free Cash	DPW - Snow Removal	\$50,237
Free Cash	Administration Contract line	\$2,000
Waterways Fund	Health Dept. Water Sampling	\$4,700
Town Administrator Intern	Administration Contract line	\$3,000
Free Cash	DPW Contract Budget	\$4,000

Total transfers \$91,937

**Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-1**

Voice vote to accept and adopt as printed in the warrant, except that the transfer of \$5,000 from Free Cash to Fire Department Salaries be deleted, that the amount of the transfer from Free Cash to DPW-Snow Removal be amended to \$50,237 and further that the sum of \$3,000 from the Town Administrator's Intern line and \$2,000 from Free Cash be transferred to the Administration Contract line, and that \$4,000 be transferred from Free Cash to the DPW Contract line

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 2012 Town Capital Budget.

**Board of Selectmen Recommends 4-0
Finance Committee Recommends 6-1**

CAPITAL BUDGET			
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FISCAL YEAR 2012	FY 2012		
	Selectmen		
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153	COMPUTERIZATION		
	Fiber Optics Project	121,000	Debt
210	POLICE		
	Cruisers	60,000	R&A

		FY 2012	
220	FIRE	Selectmen	
	Fire Suppression	10,000	
	Radio System	9,500	
	Turn-out Gear	0	
	Hydrant Valves	0	
	Water/Ice Rescue	15,000	
	4" Supply Hose	8,000	
	Extractor Washing Machine	0	
	Department Total	42,500	Amb
300	ELEMENTARY SCHOOL		
	Roofing (Shingles Gym Area)	40,000	
	Bathroom Remodel	0	
	Replace Floor	0	
	Computers/Technology	0	
	Department Total	40,000	R&A
301	NAUSET REGIONAL SCH DISTRICT		
	Capital Projects	55,000	R&A
420	DPW OPERATIONS		
	Softball Infield	5,000	
	Police Station 1/2 Roof	12,000	
	Shingles		
	White Crest Parking Lot	55,500	
	Maguires Landing Parking Lot	61,700	
	Department Total	134,200	Debt
455	DPW COASTAL REMEDIATION	81,000	Debt
699	BEACH PROGRAM		
	Equipment ATV	8,000	Beach
710	DEBT SERVICE PRINCIPAL		
	DPW Garage Facility #1	135,000	
	Elementary School	0	
	DPW Garage Facility #2	5,000	
	Library Roof	15,000	
	Muni Building Church	40,000	
	Geiger Land Non-excl	15,000	
	Senior Center	60,000	
	Chavchavdze Land Non-excl	35,000	
	Muni Water GOB 1	15,000	
	Muni Water SRF	38,780	
	Muni Water GOB 2	0	
	Landfill Closure #1	100,000	
	DPW Backhoe Non-excl	0	
	Septic County Non-excl	10,000	
	DPW 6 Wheel Dump Truck	0	
	DPW Front End Loader	0	
	DPW Sweeper #2 Non-Excl	35,000	

DPW Grader	30,000	
Fire Station Property	40,000	
Fire Station Design #1	20,000	
DPW Front End Loader #2	30,000	
DPW Flail Mower	15,000	
DPW Refuse Trailer	10,000	
Landfill Closure #2	5,000	
Uncle Tim's Bridge	10,000	
Fire Station Design #2	5,000	
Fire Station Construction	355,000	
Debt Service Principal Total	<u>1,023,780</u>	R&A

DEBT SERVICE INTEREST

DPW Garage Facility #1	25,380	
Elementary School	0	
DPW Garage Facility #2	113	
Library Roof	6,260	
Muni Building Church	18,760	
Geiger Land Non-excl	7,810	
Senior Center	26,540	
Chavchavdze Land Non-excl	15,653	
Muni Water GOB 1	7,673	
Muni Water System SRF	15,207	
Muni Water GOB 2	0	
Landfill Closure #1	61,700	
DPW Backhoe Non-excl	0	
DPW 6 Wheel Dump Truck	0	
DPW Front End Loader	0	
DPW Sweeper #2 Non-Excl	4,025	
DPW Road Grader	3,063	
Fire Station Property	23,175	
Fire Station Design #1	10,925	
DPW Front End Loader #2	3,063	
DPW Flail Mower	1,338	
DPW Refuse Trailer	1,150	
Landfill Closure #2	3,450	
Uncle Tim's Bridge	7,650	
Fire Station Design #2	2,950	
Fire Station Construction	272,275	
Debt Service Interest Total	<u>518,160</u>	R&A

SHORT TERM LOAN PRIN/INTEREST

335 Main Street Demolition	20,900	
Boy Scout Well field Clean-up	31,350	
DPW One Ton Truck	9,066	
Wind Turbine	10,413	
Short Term Debt Service Total	<u>71,729</u>	R&A

Department Totals	541,700	
Debt Service Totals	<u>1,613,669</u>	
TOTAL CAPITAL BUDGET	<u><u>2,155,369</u></u>	

Voice vote the Selectmen's Fiscal Year 2012 Capital Budget as printed in the warrant with funding for the Capital Budget provided in the following manner:

<i>Raise and appropriate</i>	<i>\$2,104,869</i>
<i>Ambulance Fund</i>	<i>\$42,500</i>
<i>Beach Fund</i>	<u><i>\$8,000</i></u>
<i>Total capital budget</i>	<i>\$2,155,369</i>

ARTICLE 4: To see if the Town will vote to raise and appropriate and/or transfer from available funds, and/or authorize the transfer from various line items within current appropriations including \$10,000 from the Beach Fund and \$5,000 from the Waterways Fund, such sums of money necessary to fund the Fiscal Year 2012 Marina Services Enterprise Fund Budget.

**Board of Selectmen Recommends 4-0
Finance Committee Recommends 8-0**

MARINA ENTERPRISE FISCAL YEAR 2012	FY 2012 Selectmen
PERSONNEL	
Salaries/ Wages/Fringe Benefits	163,554
Overtime	2,000
Personnel Total	<u>165,554</u>
OPERATING EXPENSES	
Services	33,500
Supplies	210,900
Other Charges	6,500
Small Equipment	1,000
Operating Expenses Total	<u>251,900</u>
CAPITAL OUTLAY	
Engineering/Rehab	10,000
Rehab Debt Service Principal	105,000
Paving Debt Service Principal	150,000
Rehab Debt Service Interest	71,450
Paving Debt Service Interest	11,250
Capital Outlay Total	<u>347,700</u>
RESERVE FUND	50,000
MARINA ADVISORY COMMITTEE	100

	FY 2012 Selectmen
GENERAL FUND COSTS	
Health/Life Insurance	18,689
Pension	8,772
Shared Employees	13,634
Building/Liability Insurance	3,528
General Fund Costs Total	<u>44,623</u>
 MARINA ENTERPRISE TOTAL	 <u>859,877</u>

Unanimous voice vote that the following sums be appropriated to fund the Selectmen's Fiscal Year 2012 Marina Enterprise Fund Budget, a total of \$859,877; such sum to be provided in the following manner: \$628,500 from Marina Enterprise Revenues, \$216,377 from retained earnings, \$10,000 from the Beach Fund and \$5,000 from the Waterways fund. In addition, \$44,623 is to be raised and appropriated in the General Fund Operating Budget and allocated to the Marina Enterprise Fund.

ARTICLE 5: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2012 Water Enterprise Fund Budget, or do or act anything thereon.

**Board of Selectmen Recommends 4-0
Finance Committee Recommend 8-0
Board of Water Commissioners has no recommendation**

WATER ENTERPRISE FUND	
FISCAL YEAR 2012	FY 2012 Selectmen
WATER COMMISSIONERS	
Operating Expenses	500
 OPERATING EXPENSES	
Utilities	20,800
Services	251,500
Supplies	5,200
Other Charges	0
Small Equipment	<u> </u>
Insurance Premium	6,000
Operating Expenses Total	<u>283,500</u>

DEBT SERVICE PRINCIPAL

Water Tank Design	
Boy Scout Well field	65,000
Water Mains Design	25,000
Water System Construction	24,355
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Debt Service Principal Total	114,355

DEBT SERVICE INTEREST

Water Tank Design	
Boy Scout Well field	2,438
Water Mains Design	1,875
Water System Construction	35,060
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Debt Service Interest Total	39,373

GENERAL FUND COSTS

Shared Employees	5,000
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WATER ENTERPRISE TOTAL

442,728

Voice vote the Selectmen's Fiscal Year 2012 Water Enterprise Fund Budget as printed in the warrant and such sum to be provided for in the following manner: \$91,203 from available funds and \$351,525 from Connection Fees and User Charges. In addition \$5,000 is to be raised and appropriated in the General Fund Operating Budget and allocated to the Water Enterprise Fund.

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds the additional sum of \$30,000 to fully fund the Fiscal Year 2012 Wellfleet Elementary School Budget, provided that this additional appropriation be contingent on the approval at the Annual Town Election of a Proposition 2½ levy limit override under Massachusetts General Laws Chapter 59, §21C (g), or do or act anything thereon.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 6-0
Citizens Economic Committee Recommends 6-0

Unanimous voice vote to Indefinitely Postpone

ARTICLE 7: To see if the Town will vote to raise and appropriate or transfer from available funds the additional sum of \$251,000 to fully fund the Town's share of the Fiscal Year 2012 Nauset Regional School District Budget, provided that this additional appropriation be contingent on the approval at the Annual Town Election of a Proposition 2½ levy limit override under Massachusetts General Laws Chapter 59, §21C (g).

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0
Citizens Economic Committee Recommends 6-0

Voice vote that the Town raise and appropriate the additional \$251,000 required to fully fund the Town's share of the Nauset Regional School District budget for Fiscal Year 2012, provided that this additional appropriation be contingent on the approval at the Annual Town Election of a Proposition 2 ½ levy limit override under Massachusetts General Laws Chapter 59 S21C(g).

ARTICLE 8: 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 \$3,788, or any other sum, to provide a 3% wage increase for the Town Clerk/Treasurer and the Town Collector.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

Voice vote that the sum of \$3,788 be raised and appropriated for the purpose of funding wage adjustments for the Town Clerk/Treasurer and Town Collector resulting in annual salaries of \$68,891 for the Town Clerk/Treasurer and \$61,120 for the Town Collector.

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from any available source of funds and/or confirm a previous appropriation of funding voted under Article 1 of the 2010 Annual Town Meeting warrant for an amount of money sufficient to fund the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Union, Local 326A, Massachusetts Coalition of Police, AFL-CIO, covering the term of July 1, 2010 through June 30, 2013.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 5-0

Voice vote that the sum of \$131,020 be and hereby is transferred from the Quinn incentive line to pay costs of funding the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Union, Local 326A, Massachusetts Coalition of Police, AFL-CIO, covering the term of July 1, 2010 through June 30, 2013, which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from any available source of funds and/or confirm a previous appropriation of funding voted under Article 1 of the 2010 Annual Town Meeting warrant for an amount of money sufficient to fund the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Permanent Firefighters Association, IAFF Local No. 2975A, covering the term of July 1, 2010 through June 30, 2013.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 5-0

Voice vote that the sum of \$13,560 be and hereby is transferred from available funds to pay costs of funding the first year of a three year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Permanent Firefighters Association, IAFF Local No. 2975A, covering the term of July 1, 2010 through June 30, 2013, which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 11: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000, or any other sum, for the purpose of contributing to the Stabilization Fund.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

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

ARTICLE 12: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money in anticipation of reimbursement to be received pursuant to Massachusetts General Laws, Chapter 90 as amended; said funds to be expended to repair and resurface Town roads and to carry out other authorized projects under the direction of the Department of Public Works.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

Unanimous voice vote that the Town accept the sum of \$248,852 that the State declares as available funds as the State's share of the cost of work under Massachusetts General Laws, Chapter 90, Section 34 (2)(a), said funds to be expended for the purposes stated in the warrant under the supervision of the Board of Selectmen.

ARTICLE 13: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000, or any other sum, to pay the Town’s contribution to the Other Post Employment Benefits Liability Trust Fund.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

Voice vote that the sum of \$50,000 be raised and appropriated to contribute to the Other Post Employment Benefits Liability Trust Fund.

ARTICLE 14: To see if the Town will vote to raise and appropriate a sum of money for the purpose of paying two bills from previous fiscal years:

Janice Gray	Sound Technician for Town Meeting	\$210
Valli Property Services	Town Clock	\$250

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

Unanimous voice vote that the sum of \$460 is hereby appropriated to pay costs of paying bills from previous fiscal years.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money for the purpose of funding paving projects, roof repairs, coastal pollutant remediation and recreation field maintenance and for the payment of all other incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (3A) of the Massachusetts General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2½).

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

This borrowing of \$215,200 will fund:
Repaving White Crest and Maguire Landing parking lots, \$117,200
Repairing a portion of the roof at the Police Station, \$12,000
Design and installation of coastal pollution remediation drainage, \$81,000 Refurbishing the infield of the Softball Field, \$5,000

2/3 voice vote that the sum of \$215,200 is appropriated for the purpose of funding paving projects, roof repairs and recreation field improvements and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3a), Section 7 (6) and Section 7(25) of the Massachusetts General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 1/2).

Motion to amend amount to \$98,000 loses by a voice vote.

ARTICLE 16: To see if the Town will vote to appropriate a sum of money for the purpose of funding the installation of fiber optic computer cables and network at various Town facilities and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(28) of the Massachusetts General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 1/2).

Board of Selectmen Recommends 4-0
Finance Committee Recommends 5-1-1
Local Comprehensive Plan Implementation Committee Recommends 4-0

Loses – fails to attain a 2/3 vote

Bradford Williams and Bethia Brehmer were sworn as counters.

In favor -207

Against - 127

ARTICLE 17: To see if the Town will vote to rescind the following (allowing the borrowing capacity to be adjusted):

Amount	Purpose	Voted
\$174,000	Landfill Capping	Annual Town Meeting, April 26, 2004, Article 22
\$1,200,000	Chequessett Yacht & Country Club open space	Annual Town Meeting, April 25, 2005, Article 13
\$1,417,499	Marina Seawall	Special Town Meeting, March 26, 2007,

		Article 1
\$2,246	DPW – front end loader	Annual Town Meeting, April 28, 2008, Article 16
\$245,823	Wind Turbine design and development	Special Town Meeting, October 26, 2009, Article 2

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

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

ARTICLE 18: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$24,600 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2012; and further to appropriate from Community Preservation Fund estimated revenues a sum of \$73,463 for open space debt service; a sum of \$49,200 to reserve for community housing; and further to reserve for future appropriation a sum of \$49,200 for historic resources, as well as a sum of \$172,907 to be placed in the 2012 Budgeted Reserve for general Community Preservation Act purposes.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0
Community Preservation Committee Recommends 6-0
Open Space Committee Recommends
Housing Authority Recommends 4-0
Historic Commission has no Recommendation

Unanimous voice vote to accept and adopted as printed in the warrant except to delete from the last three lines the phrase “and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee.”

ARTICLE 19: To see if the Town will vote to appropriate a sum of money for the purpose of constructing a new athletic and recreation field located off Lawrence Road (Map 13, Lot 2.1), and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (25) of the General Laws or any other enabling legislation. And further that the Town vote to authorize the Board of Selectmen to apply to the Massachusetts Department of Conservation and Recreation for a Parkland Acquisitions and Renovations for Communities (PARC) grant to fund a portion of the project cost.

Board of Selectmen Recommends 4-0
Finance Committee Does Not Recommend 4-1
Recreation Committee Recommends 4-0
Local Comprehensive Plan Implementation Committee 4-0

Loses – fails to attain a 2/3 vote

ARTICLE 20: To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44B, to appropriate from the Community Preservation Fund estimated annual revenues or fund balance the sum of \$26,680 to contribute to the design cost of, and thereby support, the creation of a Community Health, Fitness and Recreation Area at 95 Lawrence Road (Map 13, Lot 2.1).

Board of Selectmen Recommends 4-0
Finance Committee Does Not Recommend 4-1
Recreation Committee Reserves Recommendation to Town Meeting
Community Preservation Committee Recommends 6-0
Local Comprehensive Plan Implementation Committee 4-0

Unanimous voice vote to Indefinitely Postpone

ARTICLE 21: To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44B, to appropriate from the Community Preservation Fund estimated annual revenues or fund balance the sum of \$95,950 to contribute to the cost of, and thereby support, the creation of a Community Health, Fitness and Recreation Area at 95 Lawrence Road (Map 13, Lot 2.1).

Board of Selectmen Recommends 4-0
Finance Committee Does Not Recommend 4-1
Recreation Committee Reserves Recommendation to Town Meeting
Community Preservation Committee Recommends 6-0
Local Comprehensive Plan Implementation Committee 4-0

Unanimous voice vote to Indefinitely Postpone

ARTICLE 22: To see if the town will transfer from the Community Housing Reserve account the sum of \$23,000 to the Wellfleet Affordable Housing Trust Fund to be expended by the Housing Authority for the purposes of Affordable Housing Support from the Wellfleet Community Preservation Fund.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 5-1-1
Community Preservation Committee Recommends 6-0
Local Housing Partnership Recommends 8-0
Housing Authority Recommends 4-0

Voice vote to accept and adopt as printed in the Warrant

ARTICLE 23: To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 7(3B), to transfer a sum of money from the Uncle Tim's Bridge Construction budget to a budget for road drainage improvements.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

Unanimous voice vote that the sum of \$739.39 is hereby transferred from amounts originally borrowed to pay costs of the Uncle Tim's Bridge Construction Project, to pay costs of various surface drainage projects within the Town, and for the payment of all other costs incidental and related thereto.

ARTICLE 24: To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44, Section 7(3B), to transfer a sum of money from the Landfill Capping fund to a fund for road drainage improvements.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 6-1

Unanimous voice vote that the sum of \$55,000 is hereby transferred from amounts originally borrowed to pay costs of capping the Landfill, to pay costs of various surface drainage projects within the Town, and for the payment of all other costs incidental and related thereto.

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for a term not more than five (5) years on such additional terms as the Selectmen determine, space at Town-owned and operated beaches and other Town-owned locations for the service of soft drinks, food, sun protective items, excluding clothing, and the renting of small boats and related accessories, during the time such beaches and locations are supervised and open to the public. Concessions shall be granted on the basis of competitive bids.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

Voice vote to accept and adopt as printed in the warrant.

ARTICLE 26: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum of money to pay costs of constructing, reconstructing and repairing various public roads within the Town, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (6) of the Massachusetts General Laws, or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2½), or take any other action relative thereto, and to authorize the Selectmen to apply to the Massachusetts Executive Office of Transportation for grant funding under the SMALL TOWN ROAD ASSISTANCE PROGRAM (STRAP).

Board of Selectmen Recommends 4-0
Finance Committee Recommends 5-0

2/3 voice vote that the sum of \$150,000 is appropriated to pay costs of constructing, reconstructing and repairing various public roads within the Town, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(6) of the Massachusetts General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½).

ARTICLE 27: To see if the Town will vote to authorize the Board of Selectmen in accordance with bidding requirements of the General By-laws of the Town, to dispose of or trade in the following property to date:

<u>Items</u>	<u>Estimated Value</u>
2005 Chevy Silverado Pickup	\$1,000

Board of Selectmen Recommends 4-0
Finance Committee Recommends 5-0

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

ARTICLE 28: To see if the Town of Wellfleet will vote to require that the Board of Selectmen and the Town Administrator cease any action to transfer any Dispatch Services to the Town of Harwich in order to allow time for public education and discussion in order for the voters of Wellfleet to make an educated decision as to whether or not they want these services transferred to another town and further that any vote on this issue take place no sooner than six months from the date of this vote and must take place at either a Special or Annual Town Meeting. *(By Petition)*

Board of Selectmen Does Not Recommend 4-0
Finance Committee Does Not Recommend 6-1
Local Comprehensive Plan Implementation Comm. Does Not Recommend 4-0

Voice vote to Indefinitely Postpone

At this time the Town Meeting voted to suspend the rules to accept Articles 29, 20 and 31 together.

ARTICLE 29: To see if the Town will vote in accordance with Massachusetts General Laws, Chapter 41, Section 38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector.

Board of Selectmen Recommends 4-0
Finance Committee Recommends 7-0

Unanimous voice vote to accept and adopt as printed in the warrant.

ARTICLE 30: To see if the Town will vote to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the Massachusetts General Laws, as most recently amended, for damage that may be incurred for work to be performed by the Department of Environmental Protection of Massachusetts for improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, excluding the Herring River and Herring River Dike, in accordance with Section 11 of Chapter 91 of the Massachusetts General Laws, and to authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth.

Board of Selectmen Recommends 4-0

Finance Committee Recommends 7-0

Unanimous voice vote to accept and adopt as printed in the warrant.

ARTICLE 31: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 71, Section 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.

Board of Selectmen Recommends 4-0

Finance Committee Recommends 7-0

Unanimous voice vote to accept and adopt as printed in the warrant.

ZONING ARTICLES (Articles 32 – 38)

Proposed language in BOLD TYPE.

Deleted language in STRIKETHROUGH TYPE.

ARTICLE 32: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, **SECTION II, Definitions**, by adding "Gross Floor Area", to amend the Town of Wellfleet Zoning By-laws, **SECTION V, Uses**, by amending the R1 and R2 requirements in Section 5.4.3 and adding Section 5.4.3.2, Maximum Gross Floor Area Allowed By-right in the R1 and R2 Districts, and to amend the Town of Wellfleet Zoning By-laws, **Section VI, GENERAL REGULATIONS**, by adding **Section 6.26 Gross Floor Area Special Permit**, as follows:

Gross Floor Area (GFA) - The sum of the horizontal area(s) of the floors of a building and its accessory buildings on a lot, including porches in excess of 400 sq. ft. and decks five (5) feet or more above ground in excess of 400 sq. ft., and excluding cellars, basements, attics and sheds. All dimensions shall be measured between exterior faces of

exterior walls, or exterior floor faces of decks. Floor area with a ceiling height of less than five (5) feet shall not be included in floor calculation.

5.4.3 Maximum Building Coverage	CD	R1	R2	C	C2
Maximum Building Coverage	15%	15% ¹	15% ¹	25%	15%

¹ For all uses in the District except Residential uses. Residential uses are subject to the provisions of Section 5.4.3.2.

5.4.3.2 Maximum Gross Floor Area Allowed By-right in the R1 and R2 Districts ¹	
Lot Area	By-right Gross Floor Area ²
10,000 sq. ft. or less (less than ¼ acre)	15 % of Lot Area
Greater than 10,000 to 20,000 sq. ft. (approximately ¼ to ½ acre)	1,500 sq. ft. + 10 % of Lot Area over 10,000 sq. ft.
Greater than 20,000 to 30,000 sq. ft. (approximately ½ acre to ¾ acre)	2,500 sq. ft. + 5 % of Lot Area over 20,000 sq. ft.
Greater than 30,000 sq. ft. (approximately ¾ acre and above)	3,000 sq. ft. + 1 % of Lot Area over 30,000 sq. ft.

¹ No construction may cause any single family dwelling to exceed the By-Right Gross Floor Area limitation of this Section except by Special Permit under Section 6.26.

² All lots 20,000 s.f. and above with a single family dwelling that does not exceed its GFA allowance shall be granted the following by-right Gross Floor Area bonus toward an accessory building: Twenty-five percent (25%) of the lot’s Gross Floor Area.

6.26 Gross Floor Area Special Permit

6.26.1 Purpose

The purpose of the Gross Floor Area Special Permit for residential properties is to review proposed structures and additions to existing structures that seek to exceed their by-right allowable GFA in order to ensure protection of the legitimate interests of the adjoining property owners; to encourage construction that is sensitive to the scale, size and massing of buildings; to afford continued public visual access to ponds, rivers, marshes, the ocean and the bay; to protect environmental needs and concerns of the Town, and to ensure that development or redevelopment maximizes consideration of the impact on abutting land, the neighborhoods and the community at large.

6.26.2 Requirements

The Zoning Board of Appeals (ZBA) is hereby designated the Special Permit Granting Authority for Special Permits issued under this Section. No building meeting the requirements in the Applicability section of this by-law shall be issued a building permit without first obtaining a Special Permit from the ZBA.

6.26.3 Applicability

Development proposals, be they new or additions to existing structures that exceed the By-Right Gross Floor Area allowance for their lot size in Section 5.4.3.2 of this Zoning By-law shall require Special Permit approval under this Section.

6.26.4 Application of Other Laws and Regulations

Sites and developments to which this section applies shall comply with the regulations of this section as well as all applicable Town Zoning Bylaws, Town regulations and the requirements of the Commonwealth of Massachusetts prior to any construction being undertaken.

6.26.5 Site Alteration

1. No building permit, site clearing, filling, grading, material deliveries or construction shall be initiated on any site to which this section applies until any required Residential Site Plan Special Permit is obtained from the ZBA.

2. Nothing herein shall be construed to prohibit such site clearing or altering as may be necessary to conduct pre-development studies such as geotechnical tests, soil borings, wetlands determination, percolation tests for septic systems as required by the Board of Health, or other similar tests required by any law or regulation of standing.

6.26.6 Review Standards and Criteria

In order to minimize the potential detriment that may result from residential construction that is large in scale, either in relation to the size of the parcel on which it is located or to the characteristic development of the surrounding area, and to maintain consistency with the District Objectives of the zoning districts in which the development site is located, the following general and specific criteria shall apply to Special Permit applications under section 5.4.3.2, in addition to the Special Permit Criteria imposed by Section 8.4.2:

General criteria: The Board shall consider the adequacy of the site, in terms of size and location, for the proposed size and siting within the parcel of the structure and the likely impact of the increased intensity of use resulting from exceeding the by-right GFA limitation, including potential detriment to the surrounding area, community amenities and natural or historic characteristic of a site and neighborhood in which it is located.

Specific criteria:

1. The development site shall be preserved in its natural state to the maximum extent, so as to minimize removal or alteration of native vegetation, soil and other natural features such as existing or natural slopes, flood plains, hilltops, dunes and coastal banks and to preserve the integrity and scenic qualities of natural features. The applicant shall demonstrate that any grading or earth-moving resulting from construction in excess of that amount allowed by right shall be designed and executed so as to maintain final site contours consistent with existing terrain both on and adjacent to the site.

2. Proposed structures shall minimize obstruction of water views and other scenic views from publicly accessible locations.
3. Proposed structures shall preserve and protect unusual or rare natural features of the parcel and historical features of existing structures.
4. Construction and siting of proposed structures shall be designed to protect unusual or significant environmental resources, including groundwater quality and recharge volume and the water quality of potentially affected coastal and surface water bodies and, for that purpose, storm water infiltration systems shall be designed so that natural runoff characteristics shall not be increased, groundwater recharge is maximized, pollution impacts are minimized and neighboring properties will not be adversely affected.
5. Exterior lighting shall be designed and maintained so as to protect adjacent properties and the night sky from intrusive lighting; electric, telephone, cable and other utility lines shall be installed underground unless specifically waived.
6. Proposed structures shall be integrated into the existing terrain and surrounding landscape, and, while variation in detail, form, siting and setting shall be encouraged, construction shall maintain compatibility of height, scale and bulk in relation to existing development within the neighborhood by avoiding substantial differences in scale and mass.
7. On sites with significant slope or other grade changes, structures shall be sited and designed so as to minimize extreme variation in mass and scale when viewed from various perspectives and variation in scale and mass of segments of a structure shall be encouraged as a means to avoid excessive downhill exterior wall faces.

6.26.7 Effect

A Residential Site Plan approved by the Zoning Board of Appeals becomes the official development plan for a site within the Town of Wellfleet. The endorsed Residential Site Plan is legally binding upon the holder and any future owner(s).

A Special Permit granted under this section shall lapse within two (2) years of the date granted, which shall not include such time required to pursue or await the determination of an appeal of said Special Permit, if a substantial use has not commenced or if construction has not begun except for good cause.

Board of Selectmen Recommends 4-0

Planning Board Recommends 5-2

By-law Committee Does Not Recommend 3-0

Local Comprehensive Plan Implementation Committee Recommends 4-0

Citizens Economic Committee Does Not Recommend 3-2-1

Planning Board Report Given

Loses – fails to attain a 2/3 vote In favor – 128 Against – 162

Motion to hear previous question passes by a 2/3 voice vote.

At this time a motion to recess until 7:00pm Tuesday, April 26, 2011 passes at 10:50pm.

The Moderator opened the meeting at 7:02pm on Tuesday, April 26, 2011, and reminded the Town Meeting of the Rules.

ARTICLE 33: To see if the Town will vote to amend the Zoning By-laws, Section 5.4.3.1, Maximum Site Coverage in the National Seashore Park, by changing the title of the section to “Maximum Gross Floor Area in the National Seashore Park” and by changing the subheading Maximum Site Coverage to “Maximum Gross Floor Area”; and further by deleting subsections (a), (b), (c) and (d) and adding a new subsection (a) as follows:

5.4.3.1 Maximum Site Coverage in the National Seashore Park	
Maximum Gross Floor Area in the National Seashore Park	
Lot Area	Maximum Site Coverage Gross Floor Area
Less than 10,500 sq. ft. (just under ¼ acre)	5% Maximum Building Coverage
10,501 sq. ft. to 21,000 sq. ft. (~ ¼ to .48 acre)	1,050 sq. ft. plus 7.4% of lot area over 10,500
21,001 to 42,000 sq. ft. (.48 to .97 acre)	1,825 sq. ft. plus 3.2% of lot area over 21,000
42,001 to 84,000 sq. ft. (.97 to 1.92 acre)	2,500 sq. ft. plus 1.43% of lot area over 42,000
84,001 to 126,000 sq. ft. (1.92 to 2.89 acres)	3,100 sq. ft. plus 1.2% of lot area over 84,000
126,001 sq. ft. (2.89 acres and above)	3,600 sq. ft.

Within the NSP District with a Lot Area over 10,500 sq. ft., the following provisions shall apply:

(a) As used within this Section the following terms shall have the definitions indicated below:

Dwelling Space Area shall mean the total of the Floor Area, Livable within a dwelling plus the floor area of garage space attached to or built into a dwelling, and the floor area in excess of 750 square feet of the aggregate floor area of all Exterior Spaces.

Exterior Spaces shall mean screened porches, and decks thirty six (36) inches or more above grade.

(b) Calculation of Site Coverage: Within the NSP District Site Coverage shall be calculated by adding the Dwelling Space Area to the gross horizontal area of the floors of any detached structure(s) having a roof. The following shall be excluded from this calculation: attic space, cellars and/or basement floor area not devoted to residential use, and any Shed. As indicated above, only the floor area in excess of 750 square feet of the aggregate floor area of the Exterior Spaces shall be included in the calculation of Dwelling Space Area.

(c) The Maximum Site Coverage of a Lot within the NSP District shall conform to the above table.

(d) In no event shall the site coverage of the Dwelling Space Area on any lot exceed 2,800 square feet nor shall the Maximum Site Coverage of any lot exceed 3,600 square feet.

(a) The Maximum Gross Floor Area of a Lot within the NSP District shall conform to the above table. In no event shall the Gross Floor Area of a dwelling on any lot exceed 2,800 square feet nor shall the Maximum Gross Floor Areas of the dwelling and its accessory buildings of any lot exceed 3,600 square feet.

Board of Selectmen Recommends 4-0

Planning Board Recommends 6-1

By-law Committee Recommends 3-0

Local Comprehensive Plan Implementation Committee Recommends 4-0

Planning Board Report Given

Unanimous voice vote to refer back to the Planning Board for further study.

ARTICLE 34: To see if the Town will vote to amend the Zoning By-laws, Section 6.24, NATIONAL SEASHORE PARK DISTRICT SPECIAL PERMIT, by amending subsection 6.24.2 as shown below, and by deleting in its entirety the STANDARDS AND CRITERIA of Section 6.24.3, and replacing it with new STANDARDS AND CRITERIA below:

6.24.2 APPLICABILITY

A National Seashore Park District Special Permit is required for any private property within the boundaries of the Cape Cod National Seashore whose owner proposes to tear down, build anew, make alterations to, or relocate existing buildings, or add new accessory buildings that would:

- a. exceed the Maximum ~~Site Coverage~~ **Gross Floor Area** in the National Seashore Park District listed in Section 5.4.3.1 of this By-law, or
- b. otherwise increase the nonconforming nature of the structure, within the standards of §6.1.5 of this By-law.
- c. nothing in Section 6.24 shall be construed as authorizing the issuance of a special permit which exceeds the limitations for Maximum Gross Floor Area of a Dwelling ~~Space Area~~ and for ~~Site Coverage~~ **Gross Floor Area** set forth in Section 5.4.3.1 (a) (~~d~~).

6.24.3 STANDARDS AND CRITERIA

In addition to the standards and criteria listed in Section 8.4.2 of this By-law, the following criteria shall apply to properties within the National Seashore Park District that are subject to a Special Permit:

1. The development site shall be preserved in its natural state to the maximum extent, so as to minimize removal or alteration of native vegetation, soil and other natural features such as existing or natural slopes, flood plains, hilltops, dunes and coastal banks and to preserve the integrity and scenic qualities of natural features. The applicant shall demonstrate that any grading or earth-moving resulting from construction in excess of that amount allowed by right shall be designed and executed so as to maintain final site contours consistent with existing terrain both on and adjacent to the site.
2. Proposed structures shall minimize obstruction of water views and other scenic views from publicly accessible locations.
3. Proposed structures shall preserve and protect unusual or rare natural features of the parcel and historical features of existing structures.
4. Construction and siting of proposed structures shall be designed to protect unusual or significant environmental resources, including groundwater quality and recharge volume and the water quality of potentially affected coastal and surface water bodies and, for that

purpose, storm water infiltration systems shall be designed so that natural runoff characteristics shall not be increased, groundwater recharge is maximized, pollution impacts are minimized and neighboring properties will not be adversely affected.

5. Exterior lighting shall be designed and maintained so as to protect adjacent properties and the night sky from intrusive lighting; electric, telephone, cable and other utility lines shall be installed underground unless specifically waived.

6. Proposed structures shall be integrated into the existing terrain and surrounding landscape, and, while variation in detail, form, siting and setting shall be encouraged, construction shall maintain compatibility of height, scale and bulk in relation to existing development within the neighborhood by avoiding substantial differences in scale and mass.

7. On sites with significant slope or other grade changes, structures shall be sited and designed so as to minimize extreme variation in mass and scale when viewed from various perspectives and variation in scale and mass of segments of a structure shall be encouraged as a means to avoid excessive downhill exterior wall faces.

8. In addition to the Maximum Gross Floor Area table allowance for the lot size, the Board shall consider the Cape Cod National Seashore's 50% Use Guideline. Proposed development shall not exceed the 50% formula unless the Board finds that the development shall not have a significant adverse impact on the scenic views and on the prevailing scale, mass and character of the neighborhood and zoning district.

Board of Selectmen Recommends 4-0
Planning Board Recommends 6-1
By-law Committee Recommends 3-0
Local Comprehensive Plan Implementation Committee recommends 4-0
Planning Board Report Given

Unanimous voice vote to refer back to the Planning Board for further study.

ARTICLE 35: To see if the Town will amend the Zoning By-law by amending Section II, DEFINITIONS, by adding Restaurant, Fast Food and Restaurant, Formula, by amending Section V, USE REGULATIONS, Section 5.3.2, Commercial, by adding “Fast Food Restaurant” and “Formula Restaurant” and by amending Section 6, GENERAL REGULATIONS, by adding Section 6.29, FAST FOOD AND FORMULA RESTAURANT PROHIBITION, as follows:

Restaurant, Fast Food: A restaurant with drive-up window service, or that otherwise receives payment and/or dispenses products to patrons while in their vehicles.

Restaurant, Formula: A restaurant that stands alone or with other use(s), and which prepares food and beverage on site for sale to the public, and which is required by contractual or other arrangement or as a franchise to offer any of the following features:

Standardized menu, trademark or service mark, defined as a word, phrase, symbol, design or logo, or a combination of words, phrases, symbols, designs and/or architecture, façade, or color scheme that identifies the restaurant as one (1) of twenty-five (25) or more other restaurants worldwide.

5.3.2 Commercial	CD	R1	R2	NSP	C	C2
Restaurant, Fast Food ⁵	O	O	O	O	O	O
Restaurant, Formula ⁵	O	O	O	O	O	O

O = An excluded or prohibited use

⁵ The use limitations pertaining to Fast Food Restaurant and Formula Restaurant shall apply whether the use is a principal use or accessory use

Section: 6.29 FAST FOOD & FORMULA RESTAURANT PROHIBITION

Purpose: The Cape Cod seaside character of Wellfleet is unique, and is important to the people of the community and their collective identity as a community, as well as to the visiting public. Far more than most Cape Cod towns, Wellfleet retains its rural village character, which is integral to the fabric of the community. Wellfleet is also traditionally home to small, locally owned and operated businesses. In these senses, Wellfleet has maintained its identity in a manner rare in the region.

The purpose and intent of the Formula Based Restaurant Prohibition is to address the adverse impact (in terms of noise, litter, traffic, and aesthetically inappropriate development) that standardized fast food and formula restaurants would have on Wellfleet's distinctive Cape Cod character, general welfare, and historical and cultural relevance as a rural community. These uses are therefore prohibited in order to preserve and protect the unique and locally-oriented community experience of Wellfleet, and all that this offers to its citizens and tourists alike as a treasured destination. This policy is also consistent with the policy direction of the Town's Comprehensive Plan, the Cape Cod Commission Act, and the enabling act of the Cape Cod National Seashore, with which Wellfleet is intimately and intricately associated.

Board of Selectmen Recommends 4-0

Planning Board Recommends 7-0

By-law Committee Does Not Recommend 3-0

Citizens Economic Committee does not recommend 5-0-1

Local Comprehensive Plan Implementation Committee recommends 2-2

Planning Board report given

Unanimous voice vote to accept and adopt as printed in the warrant.

A call for the question passed by a unanimous voice vote.

ARTICLE 36: To see if the Town will amend the Zoning By-law by amending Section II, Definitions, by adding Business, Formula; by amending Section V, Use Regulations, Section 5.3.2 Commercial, by adding “Business, Formula” as a use allowed by Special Permit in the Commercial District, and as a prohibited use in all other Districts; and by adding Section VI, GENERAL REGULATIONS, by adding Section 6.30, FORMULA BUSINESS SPECIAL PERMIT, as follows:

Business, Formula: a retail trade business which does or is required by contractual or other arrangement or as a franchise to maintain any of the following features:

Standardized (formula) array of merchandise, exterior trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols, designs, and/or architecture, façade that identifies the business as one (1) of twenty-five (25) or more other businesses worldwide.

5.3.2 Commercial	CD	R1	R2	NSP	C	C2
Business, Formula	O	O	O	O	A	O

A = Use authorized under special permit

O = An excluded or prohibited use

Section 6.30 FORMULA BUSINESS SPECIAL PERMIT

6.30.1 Purpose

The purpose and intent of the Formula Business regulation is to address the adverse aesthetic, community character, and general welfare impact of standardized businesses on Wellfleet’s historic and residential areas as well as gateways to the Town. Formula businesses will have a negative impact on the town’s historical and cultural relevance, unique Cape Cod rural character, and overall attractiveness as a small town, locally-oriented tourist destination. These uses are therefore restricted in order to maintain Wellfleet’s distinct community and natural experiences.

6.30.2 Applicability

The proposed use of any building or structure for a Formula Business, as defined herein, shall require a Special Permit issued by the Planning Board.

6.30.3 Standards and Criteria

The property owner shall complete and submit an application for a Special Permit to the Planning Board in accordance with the Wellfleet Planning Board Guidelines and Procedures. The following standards and criteria shall apply to Special Permit applications under Section 6.30, in addition to the Special Permit Criteria imposed by Section 8.4.2:

1. Approval of the formula based business establishment will not substantially alter or detract from the established character or natural aesthetic of the location.

2. Approval of the formula based business establishment will contribute to a diverse and appropriate blend of businesses in its location.
3. The formula based business establishment will be compatible with existing surrounding uses; has been designed and will be operated in a non-obtrusive manner to preserve the location's community character and ambiance; and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites.
4. There shall not be a substantial impact to the public safety from increased traffic. At the discretion of the Planning Board, the applicant may be required to submit a traffic study, prepared by a Registered Professional Engineer, approved by the board so as to ensure pedestrian and vehicular safety both on the site and accessing and egressing from it.
5. There shall not be any adverse impacts to the roadway or abutting properties from the loading area. The applicant shall submit a plan indicating the provision for rubbish removal, including the dumpster location with proper screening and buffering so that there are not any substantial adverse impacts to abutting properties.
6. Minimize obstruction of scenic views from publicly accessible locations; Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned; Minimize glare from headlights and lighting intrusion.
7. Ensure compliance with the provisions of this Zoning Ordinance, including parking and landscaping.
8. Architecture and signage must reflect and/or compliment surrounding architecture and signage.

Board of Selectmen Recommends 4-0

Planning Board Recommends 6-0-1

By-law Committee Does Not Recommend 3-0

Citizen's Economic Committee does not recommend 5-0-1

Local Comprehensive Plan Implementation Committee recommends 3-1

Planning Board Report Given

2/3 voice vote attained to accept and adopted as printed in the warrant.

ARTICLE 37: To see if the Town will amend the Zoning By-laws, Section 5.3 USE REGULATIONS, by adding the use description “Dwelling, Affordable” by special permit in all districts except the NPS District under subsection 5.3.1 Residential in alphabetical order and Section VI, GENERAL REGULATIONS by adding Section 6.28, PROVISIONS TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE DWELLINGS IN WELLFLEET, as follows:

5.3.1 Residential	CD	R1	R2	NSP	C	C2
Dwelling, Affordable	A	A	A	O	A	A

A = Use authorized under special permit

O = An excluded or prohibited use

6.28 PROVISIONS TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE DWELLINGS IN WELLFLEET

6.28.1 Purpose

The purpose of this by-law is to further the goal of encouraging various lot sizes and housing types for persons of various income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable year round dwellings, and for the purpose of helping people who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and maintaining a stable economy by preventing out-migration of residents who provide essential services.

6.28.2 Definitions

Affordable Dwelling Development - A tract of land of fifty thousand square feet (50,000 sf) or more containing units of residential housing, of which at least twenty-five percent (25%) are encumbered by affordable dwelling deed restrictions.

Dwelling, Affordable - A dwelling unit which is subject to an affordable dwelling restriction, pursuant to Section 6.28.7, and on a minimum lot size of 20,000 sf

6.28.3 Authority

The Planning Board is hereby designated the special permit granting authority for all Affordable Dwelling Development applications under this by-law, and shall have the power to hear and decide applications for special permits and to adopt regulations for carrying out its duties under this by-law.

For the purpose of promoting the development of affordable dwellings in Wellfleet, the Planning Board may by special permit allow the creation of Affordable Dwellings in residential and commercial zoning districts consistent with Section 5.3.1 of the Zoning By-laws. All Affordable Dwellings created shall be for the primary and sole domicile of the eligible tenant or owner for year-round occupancy.

6.28.4. Special Permit Requirements for Affordable Dwellings

A. The Planning Board shall have the discretion to reduce the off-street parking requirements otherwise applicable under Section 3.1.3.2 where:

- (1) the number of units to be restricted under Section 6.28 equals or exceeds twenty-five percent (25%) of the total units, and;
- (2) the applicant demonstrates that the proposed parking is sufficient to address the parking needs of the Affordable Dwelling and/or Affordable Dwelling Development.

B. The second unit created, and at a minimum, every fourth unit created there-after shall be deed restricted as permanently affordable units, per the applicable standards in Section 6.28.7 below.

C. An Affordable Dwelling Unit must have the following minimum areas:

- studio two hundred fifty (250) square feet
- one bedroom units seven hundred (700) square feet
- two bedroom units nine hundred (900) square feet
- three bedroom units one thousand two hundred (1,200) square feet
- four bedroom units one thousand four hundred (1,400) square feet

D. The Affordable Dwelling Development must conform to all other requirements of the Zoning By-law. In the event that a provision of Section 6.28 conflicts with another provision of the By-law, the provisions of Section 6.28 shall control.

6.28.5 Standards and Criteria

In reviewing applications under this by-law, the Planning Board shall apply the following standards and criteria:

- A. At least twenty-five percent (25%) of all dwelling units created under this by-law shall be restricted as provided for under 6.28.7;
- B. At least twenty-five percent (25%) of the total number of bedrooms within any Affordable Dwelling Development shall be within said restricted dwelling units;
- C. The applicant has conformed to the standards and criteria of this by-law and will deliver the needed Affordable Dwelling Units;
- D. The proposed development is suitable for the proposed location, with proportions, orientation, materials, landscaping and other features that provide a stable and desirable character complementary and integral with the site's natural features;

E. The development, density increase or relaxation of zoning standards has no material, detrimental effect on the character of the neighborhood or Town and is consistent with the performance standards in Section 8.4.2 of the Wellfleet Zoning By-laws.

6.28.6 Area, Setback and Frontage Requirements for Affordable Dwelling Units and Developments

A. The Planning Board shall have discretion to reduce or suspend the minimum area and frontage requirements otherwise applicable under Section 5.4.1 of the Wellfleet Zoning By-laws for an Affordable Dwelling Development, provided however that there must be at least 10,000 square feet of lot area for each bedroom created in an Affordable Dwelling Development.

B. Where an applicant proposes to divide the tract of land that is the locus of a proposed Affordable Dwelling Development, the minimum lot size shall be twenty thousand (20,000) square feet for each affordable unit. All other units included in the development shall comply with lot area requirements in Section 5.4.1 of this Zoning By-law.

C. The Planning Board may, in its sole discretion, reduce the front, side or rear yard setback requirements of Section 5.4.2, provided however, that said setbacks shall be no less than ten (10) feet.

D. In the case of a subdivided lot, the Planning Board shall have discretion to reduce or suspend the minimum road width for access and frontage may be created through the establishment of a common driveway deemed to provide safe and adequate access.

E. The Planning Board shall have the discretion to permit a density of less than 10,000 square feet for each bedroom if the applicant can demonstrate to the satisfaction of the Planning Board and the Board of Health that the sewage disposal system servicing the development will result in nitrogen loading of less than ten (10) parts per million.

6.28.7 Affordable Dwelling Restrictions

As a condition to any special permit issued under Section 6.28, the applicant shall be required to execute an affordable dwelling restriction (“Restriction”) in a form acceptable to the Planning Board. All restrictions shall be for perpetuity or the longest period allowed by law. The special permit shall not be exercised until the applicant records the Restriction in the Registry of Deeds.

A. The Restriction shall provide that units made available for ownership shall be made available to households earning at or below eighty percent (80%) of the Barnstable County median income (BCMI), adjusted for household size.

The initial sales price of such units shall be calculated on the basis of what a household at seventy percent (70%) of the BCMI could afford to pay (assume a household size of one more than the number of bedrooms in the unit). In determining this amount:

- 1) no more than thirty percent (30%) of the household's gross income may be allocated to housing costs (mortgage principal and interest, real estate taxes, house and private mortgage insurance, and any homeowners' association or condominium fees);
- 2) current interest rates offered for thirty (30) year, no point fixed rate loans with down payments of 5% of total cost shall be applied; and
- 3) current real estate taxes for the Town of Wellfleet shall be used.

B. Any lot containing an Affordable Dwelling shall be subject to a recorded restriction that shall restrict the lot owner's ability to convey interest in the Affordable Dwelling except leasehold estates for the term of the restriction or sale to an income qualified individual or family in accordance with Section 6.28.7 below.

C. It shall be a condition upon every special permit issued under this by-law that the applicant shall comply with any Massachusetts Department of Housing and Community Development ("DHCD") regulations under Chapter 40B of the Massachusetts General Laws and guidelines for qualification of the dwelling units created under this By-law towards the Town's subsidized housing inventory, including but not limited to the form of the affordable dwelling restriction and regulations concerning tenant selection and marketing, unit design standards, and income eligibility standards and maximum rent or sale price.

D. In the event that a dwelling unit subject to a restriction created under this By-law becomes vacant, the owner shall give written notice to the Wellfleet Housing Authority. It is the intent of this by-law that a local preference shall be used in filling vacancies to the extent permitted by DHCD regulations and guidelines and state or federal laws.

E. An Affordable Dwelling available for rental shall be rented to households earning at or below eighty percent (80%) of the Barnstable County median income (BCMI), adjusted for household size. Maximum rents for studio, one-bedroom, two-bedroom, etc., units respectively, shall be in accordance with current Housing and Urban Development (HUD) published Fair Market Rental Guidelines for Barnstable County.

All occupants of the affordable dwelling shall upon initial application and annually thereafter submit to the Town or its agent necessary documentation to confirm their eligibility for the dwelling unit.

Property owners are required to submit to the Town or its agent information on the rents to be charged along with a lease for a one year period. Each year thereafter they shall submit information to the Town or its agent on annual rents charged along with a one year lease.

F. This section shall not prevent a lot owner from building an affordable dwelling that meets the requirements of this by-law and from transferring such dwelling and lot to an income eligible immediate family member (sibling, parent or child) by gift or inheritance, provided that the restriction required by Section 6.28.7 is properly recorded prior to issuance of a building permit.

G. Penalty – Failure to comply with any provision of this section may result in fines established in Section 8.3 of the Wellfleet Zoning By-laws. Any profits or proceeds from leasing, rental or sale which has not received prior consent from the Wellfleet Housing Authority, shall be paid to the Wellfleet Affordable Housing Trust Fund.

6.28.8 Procedure

A. The property owner shall complete and submit an application for a Special Permit to the Planning Board demonstrating that the Standards and Criteria of Section 6.28.5 have been met.

B. The Planning Board shall hold a public hearing in accordance with the procedures and requirements set forth in Section 9 of Massachusetts General Law, Chapter 40A.

C. After approval of the Special Permit, the property owner shall complete and submit to the Inspector of Buildings an application for a Building Permit.

D. The property owner shall obtain a Certificate of Occupancy from the Inspector of Buildings prior to the affordable dwelling(s) being occupied. Or do or act anything thereon.

Board of Selectmen Recommends 3-1
Planning Board Recommends 5-0-1
Housing Authority Recommends 4-0
Local Housing Partnership Recommends 8-0
Local Comprehensive Planning Committee has no recommendation
Planning Board report given

2/3 voice vote to accept and adopt as printed in the warrant.

ARTICLE 38: To see if the Town will vote to amend the Wellfleet Zoning By-laws as follows:

1. Amend Section 5.3 USE REGULATIONS by adding the classification "Accessory Dwelling Unit" in table 5.3.1 as follows:

<i>5.3.1 Residential</i>	<i>CD</i>	<i>R1</i>	<i>R2</i>	<i>NSP</i>	<i>C</i>	<i>C2</i>
<i>Accessory Dwelling Unit³</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>O</i>	<i>O</i>	<i>O</i>

³ *Subject to the provisions of Section 6.25 of this By-law*

2. Amend SECTION VI - GENERAL REGULATIONS, by adding a new Section 6.25 Accessory Dwelling Units as follows:

6.25 ACCESSORY DWELLING UNITS

A maximum of one Accessory Dwelling Unit may be located within or attached to a principal dwelling or garage, subject to the standards and conditions listed below:

- 1. No Accessory Dwelling Unit shall be allowed on any lot containing less than 20,000 square feet of contiguous upland.*
- 2. There shall not be more than a total of two dwellings (including the Accessory Dwelling Unit) on any lot containing an Accessory Dwelling Unit.*
- 3. No Accessory Dwelling Unit shall contain more than 1000 square feet of gross interior floor area (measured from interior faces of exterior walls), or fifty (50%) percent of the gross interior floor area of the principal dwelling, whichever is smaller.*
- 4. No structure containing an Accessory Dwelling Unit shall be located nearer any front, side or rear lot line than the minimum yard requirements set forth in Table 5.4.2 of this By-law as applicable to single family dwellings.*
- 5. No Accessory Dwelling Unit shall contain more than two bedrooms, or shall cause the lot to exceed the maximum number of bedrooms permissible under then-current state or local septic system or other health regulations.*
- 6. No Accessory Dwelling Unit shall be permitted as a separate structure or shall be located within or attached to any structure other than a principal dwelling or garage.*
- 7. The owner of the property must occupy as a primary residence either the principal dwelling or the Accessory Dwelling Unit. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence confirmed by listing on the annual town census*
- 8. No Accessory Dwelling Unit shall be separated by ownership from the principal dwelling (By petition).*

Board of Selectmen Does Not Recommend 3-1

Planning Board Recommends 3-2-1

By-law Committee Does Not Recommend 2-0

Local Comprehensive Planning Committee does not recommend 4-0

Planning Board Report Given

Loses – 2/3 voice vote not attained

A motion to amend by changing CD, R1 and R2 to A loses.

LAND USE (Articles 39 – 45)

ARTICLE 39: To see if the Town will vote to authorize the sale or other disposition of the following properties upon such terms and conditions as the Board of Selectmen shall establish; and to authorize and direct the Board of Selectmen to take any and all actions necessary or convenient therewith.

Map/Lot	Acres	Address	Map/Lot	Acres	Address
16/648	0.17	0 Off Long Pond Road	29/481	0.04	0 Highland Ave. (Off)

Or do or act anything thereon.

- Board of Selectmen Recommends 4-0**
- Finance Committee Recommends 5-0**
- Open Space Committee Recommends 6-0**
- Planning Board has no Recommendation**

2/3 voice vote attained as printed that the custodian of the properties identified in Article 39 and the purpose for which they are held be changed from being held by the Treasurer for purposes of tax title to begin held by the Selectmen for purposes of conveyance and that further, the Selectmen be authorized to sell or otherwise dispose of said properties.

ARTICLE 40: To see if the Town will vote to transfer to the Conservation Commission for conservation and passive recreation purposes the care, custody, control and management of the following parcels acquired after non-payment of real estate taxes:

Map/Lot	Acres	Location
29/489	7.07	Fox Island Marsh/off Pilgrim Spring

and to authorize the Board of Selectmen to grant to the Wellfleet Conservation Trust, for consideration of One Dollar (\$1.00), a perpetual Conservation Restriction on said premises pursuant to the provisions of Massachusetts General Laws, Chapter 184, Sections 31 through 33, allowing the aforementioned uses at the time of recording the deed of transfer of control to the Conservation Commission.

- Board of Selectmen Recommends**
- Finance Committee Recommends 6-0**
- Conservation Commission has no Recommendation**

2/3 voice vote to transfer from the Board of Selectmen for general municipal purposes to the Conservation Commission for conservation purposes pursuant to Massachusetts General Laws, Chapter 40, Section 8C the property located at Fox Island Marsh off Pilgrim Spring as described in the warrant and further to direct the Town Clerk to record an attested copy of the vote of this article with the Barnstable County Registry of Deeds.

ARTICLE 41: To see if the Town will vote to change the purpose for which the property described herein is held from being held for municipal purposes to being held for conveyance of an easement and to authorize the grant of an easement upon the property at 300 Main Street (Town Hall Parking Lot), identified as Wellfleet Assessors Map 15, 52, to the owners of 310 Main Street (Hatch’s Market), identified as Wellfleet Assessor’s Map 14, Lot 201, for the installation, use, repair and maintenance of a water line, upon such terms and conditions as the Board of Selectmen shall establish, and to authorize the Board of Selectmen to take any and all actions necessary or convenient therewith.

Board of Selectmen Recommends 4-0
Board of Water Commissioners Recommends 3-0

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

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift permanent public way and sidewalk easements and licenses on the following parcels of land located on Main Street:

Map/Lot	Address	Map/Lot	Address
14-170	361 Main Street	14-180	301 Main Street
14-172	345 Main Street	14-181	295 Main Street
14-175	321 Main Street	15-18	220 Main Street
14-176	317 Main Street	15-28	230 Main Street
14-177	313 Main Street	15-49	276 Main Street
14-178	309 Main Street	15-50	282 Main Street
14-179	305 Main Street	15-51	286 Main Street

and shown more particularly on a plan entitled “Water System Expansion, Curbing and Sidewalk Improvements, Proposed Curbing and Sidewalk” on file with the Town Clerk, and to authorize the Board of Selectmen to enter into all agreements and take all other actions necessary or appropriate to carry out these acquisitions.

Board of Selectmen Recommends 4-0
Board of Water Commissioners Recommends 3-0

Unanimous voice vote to Indefinitely Postpone.

ARTICLE 43: To see if the Town will vote to change the purpose for which certain land is held from being for road purposes to being held for road purposes and the conveyance of an easement, and to authorize the Board of Selectmen to grant an easement appurtenant to and for the benefit of land now owned by Thomas P. Stossel and Kerry Maguire, known as 5 Samoset Avenue and shown on Assessors Map 28 as Lot 186, for the purposes of construction, maintenance, repair and replacement of a timber wall bulkhead and rock revetment upon land of the Town located within a portion of the layout of Hiawatha Road adjacent to said 5 Samoset Road, upon such terms and conditions as the Board of Selectmen shall establish, and to authorize the Board of Selectmen to take any and all actions necessary or convenient therewith.

**Board of Selectmen Recommends 4-0
Conservation Commission Has No Recommendation**

2/3 voice vote attained that the custodian of the portion of the land known as Hiawatha Road described in the warrant be changed from being held by the Selectmen for road purposes to being held for the purpose of conveyance and that the Selectmen be authorized to convey, with whatever conditions they deem appropriate, the nonexclusive use easement for the use of the owner of the property as described in the warrant, and to take any and all actions necessary or convenient therewith.

ARTICLE 44: To see if the Town will vote to authorize the Board of Selectmen to accept a gift easement to the Town from property owners adjacent to the property known as 1050 Bound Brook Island Road and shown on Assessors Map 7 as Lot 47 for the installation of a municipal water service, upon such terms and conditions as the Board of Selectmen shall establish, and to authorize and direct the Board of Selectmen to take any and all actions necessary or convenient therewith.

**Board of Selectmen Recommends 4-0
Board of Water Commissioners Recommends 3-0**

Unanimous voice vote to Indefinitely Postpone

ARTICLE 45: To see if the Town will vote to authorize the Board of Selectmen to negotiate an easement with the owners the property known as 0 Commercial Street and shown on Assessors Map 15 as Lot 100 for the installation of a road drainage outlet, upon such terms and conditions as the Board of Selectmen shall establish, and to authorize the Board of Selectmen to take any and all actions necessary or convenient therewith.

**Board of Selectmen Recommends 4-0
Conservation Commission Reserves Recommendation to Town Meeting**

Unanimous voice vote to Indefinitely Postpone.

**CHARTER AMENDMENTS, GENERAL BY-LAWS
AND REGULATIONS, RESOLUTIONS (Articles 46 – 52)**

ARTICLE 46: To see if the Town will vote to accept Massachusetts General Laws, Chapter 138, Section 33B to allow the sale of alcoholic beverages by holders of on-premises licenses at 10:00 a.m. on Sundays.

**Board of Selectmen Recommends 4-0
By-Law Committee Recommends 3-0**

Voice vote to accept and adopt as printed in the warrant.

ARTICLE 47: To see if the Town will vote to amend the Wellfleet General By-laws, Article VII, General, by adding Section 44, Biodegradable Packaging, as follows:

Section 44. Biodegradable Packaging Effective May 1, 2012, all packaging added to or supplied by vendors or commercial establishments within the Town of Wellfleet for merchandise of any type being removed from the establishment shall comply with such rules and regulations requiring the use of biodegradable packaging to the maximum extent reasonably practicable as might be established by the Recycling Committee. Biodegradable packaging" means any packaging other than plastic or styrofoam.

**Board of Selectmen Reserves Recommendation to Town Meeting
Recycling Committee Reserves Recommendation to Town Meeting
Conservation Commission Recommends 5-0**

Voice vote to Indefinitely Postpone. In favor – 104 Against - 75

A motion that “Effective May 1, 2012, all packaging added to or supplied by vendors or commercial establishments within the Town of Wellfleet for merchandise of any type being removed from the establishment shall be biodegradable. “Biodegradable packaging” means any packaging other than plastic or polystyrene.” Loses

Tellers sworn were John Morrissey and Bethia Brehmer.

ARTICLE 48: To see if the Town will vote to amend Section 2 of the Council on Aging by-laws regarding the composition of the Council on Aging board, as follows:

Section 2. The Board of Selectmen shall appoint the Council on Aging consisting of seven ~~(7)~~ **at least eleven (11)** members.

**Board of Selectmen Recommends 4-0
Council on Aging Reserves Recommendation to Town Meeting**

Voice vote to Indefinitely Postpone.

ARTICLE 49: To see if the Town will vote to direct the moderator to appoint a Social and Human Services Committee of four members and the Council on Aging Director as an Ex-officio member instructed to review the social and human services at present supported by the Town of Wellfleet and by the local community, especially those which provide support for Wellfleet residents of limited means, and to make recommendations for the improvement of such services in a report to the Annual Town Meeting, and further providing that those members currently serving on the Social/Human Services Committee shall remain members until the expiration of their current appointment .

Board of Selectmen Recommends 4-0
Social and Human Services Committee Recommends 4-0

Unanimous voice vote to accept and adopt as printed in the warrant.

ARTICLE 50: To see if the Town will vote to abolish all existing personnel by-laws and to request the Board of Selectmen to appoint a Personnel Board to consult with the Town Administrator and the Board of Selectmen to develop new personnel guidelines and or by-laws.

Board of Selectmen Recommends 4-0

Voice vote to Indefinitely Postpone

Original motion to accept and adopt as printed did not pass.

ARTICLE 51: To see if the Town will vote to pass a non-binding resolution to petition Congress to take steps towards *[sic]* an amendment allowing Congress to ban altogether *[sic]* or impose reasonable limits on the spending by large corporations on elections. In no wise will this hinder the First Amendment rights of any citizen or individual corporate CEO. *(By Petition)*

Board of Selectmen Makes No Recommendation

Unanimous voice vote to Indefinitely Postpone

ARTICLE 52: To see if the Town will vote to adopt:

A Nonbinding Resolution Calling Upon the United States Congress to Pass and Send to the States for Ratification, a Constitutional Amendment to Restore the First Amendment and Fair Elections to the People.

We, the voters at the 2011 Annual Town Meeting of the Town of Wellfleet, affirm our belief that the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations.

The United States Supreme Court's 2010 decision in Citizens United v. Federal Election Commission, overturned longstanding precedent prohibiting corporations and unions from spending their general treasury funds in public elections. We believe that the ruling created a serious and direct threat to our democracy and the conduct of free and fair elections, by permitting corporations to drown out the voices of ordinary persons. Already we have seen our political process flooded with newly unleashed corporate money, resulting in historically unprecedented campaign expenditures.

The people of the United States have previously used the Constitutional Amendment process to correct decisions of the United States Supreme Court that invade or invalidate democratic institutions, including elections.

NOW, THEREFORE, BE IT RESOLVED THAT WE, THE VOTERS AT THE 2011 ANNUAL TOWN MEETING OF THE TOWN OF WELLFLEET, CALL UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION A CONSTITUTIONAL AMENDMENT TO RESTORE THE FIRST AMENDMENT AND FAIR ELECTIONS TO THE PEOPLE, AND FURTHER, WE CALL UPON THE MASSACHUSETTS GENERAL COURT TO PASS ONE OR MORE RESOLUTIONS ASKING THOSE ACTIONS.

[Officials of the Town of Wellfleet shall send a copy of this resolution to the state and federal representatives and senators serving the Town of Wellfleet, and to the Governor of the Commonwealth of Massachusetts and the President of the United States.] (*By Petition*)

Board of Selectmen Makes No Recommendation

Voice vote to accept and adopt as printed in the warrant

At this point of the meeting a standing ovation was given to Harry Terkanian for his 25 years as Moderator of Town Meeting. He is not seeking re-election and will be working in the private sector.

ARTICLE 53: To hear reports of the Selectmen, Town Officers, and all other Committees and to act thereon.

Board of Selectmen

Voice vote to accept and adopt as printed in the warrant

ARTICLE 54: To act on any other business that may legally come before the meeting.

At this point of the meeting the Moderator made the following appointments:

Finance Committee:

Stephen Oliver to fill the unexpired term of Donna Robertson to ATM 2013

Reappoint Janet Loewenstein to ATM 2014

Reappoint Elizabeth Sorrell to ATM 2014

Stephen Polowczyk to replace the ending term of Robert Kelly to ATM 2014

Social and Human Services:

Reappoint Francis Corbin to ATM 2014

Reappoint Lois Joan Platt to ATM 2014

Bylaw Committee:

Lizanne Stanzell to ATM 2014

These appointments received a unanimous voice vote of consent.

The Moderator acknowledged the two Selectmen, Dale Donovan and Jacqueline W. Beebe, who have decided not to seek reelection. A stand ovation was given.

There being no further business a motion to adjourn was passed by a voice vote at 10:20pm.

Attest:

Dawn E. Rickman
Town Clerk/Treasurer

ANNUAL TOWN ELECTION MINUTES

May 2, 2011

In accordance with the Warrant the Warden, Robert Hankey declared the polls opened at 12 noon and the ballot box read 0000. At 2:15 pm the Constable, Michael Parlante opened the ballot box reading 205 to prevent jamming. At 3:30 pm the Constable opened the ballot box reading 285 to prevent jamming. At 5:00 pm the Constable opened the ballot box reading 419 to prevent jamming. At 7:00 pm the Warden declared the polls closed. The Constable, Frauke Rosenthal removed the ballots with the box reading 572. The turnout was 22% of the total 2,259 voters. There were 24 absentee ballots. Workers included Ruth Ann Dykeman, Ann Fox, Barbara Stevens and Phyllis Hill – Inspectors; Janet Morrissey – Clerk; Marilee Frazier, Martha Dilts and Susan Messina – Counters and Barbara Souther – Tallier.

MODERATOR – One position, one year

Bruce Bierhans	466
Various write-ins	4
Blanks	102

SELECTMAN – One position, three years

Paul Pilcher	455
Various write-ins	9
Blanks	108

SELECTMAN – One position, one year

Mark Borrelli	262	*
Robert Kelley	207	
Various write-ins	4	
Blanks	99	

WELLFLEET SCHOOL COMMITTEE – Two positions, three years

Terri A. Frazier (Incumbent)	481
Morton Inger (Incumbent)	460
Blanks	64

WELLFLEET LIBRARY TRUSTEES – Two positions, three years

Reatha Ciotti (Incumbent)	466
Mary McFeely (Incumbent)	472
Blanks	88

CEMETERY COMMISSIONER – One position, three years

Betsey J. Patterson (Incumbent) 468
Blanks 104

QUESTION 1. Shall the Town of Wellfleet be allowed to assess an additional \$30,000 in real estate and personal property taxes for the purpose of funding the Wellfleet Elementary School budget for the fiscal year beginning July first 2011?

Yes 361 * Moot – transfer made at Town Meeting
No 140
Blanks 71

QUESTION 2. Shall the Town of Wellfleet be allowed to assess an additional \$251,000 in real estate and personal property taxes for the purpose of funding the Town’s share of the Nauset Regional School District budget for the fiscal year beginning July first 2011?

Yes 409 *
No 154
Blanks 9

QUESTION 3. Shall an act passed by the General Court inn the year 2010 entitled ‘An Act Relative to Property Tax Exemptions for Rental Properties in the Town of Wellfleet Restricted as Affordable Housing’, be accepted?

Yes 362 *
No 161
Blanks 49

QUESTION 4. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay for bonds or notes issued by the Town in order to pay for paving projects, roof repair and recreation field maintenance, and for the payment of all other costs incidental and related thereto?

Yes 348 *
No 193
Blanks 31

QUESTION 5. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay for bonds or notes issued by the Town in order to pay for the installation of fiber optic cables and a network at various Town facilities, and for the payment of all other costs incidental and related thereto?

Yes 224
No 206 Moot – failed at Town Meeting
Blanks 42

QUESTION 6. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay for bonds or notes issued by the Town in order to pay for constructing, reconstructing and repairing various public roads within the Town, and for the payment of all other costs incidental and related thereto?

Yes	384 *
No	159
Blanks	29

Attest:

Dawn E. Rickman
Town Clerk