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TOWN OF WELLFLEET

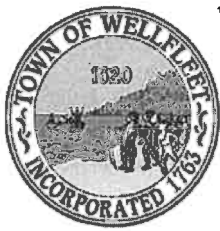
2017 MAR 13 PM 1:12

Board of Selectmen

The Wellfleet Board of Selectmen will hold a public meeting on Wednesday, March 15, 2017 at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

MEETING AGENDA & PACKET

- I. Announcements, Open Session and Public Comment [7:00]** *Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.*
- II. Public Hearing(s) [7:05]**
 - A.** In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing to consider the following: To amend the Shellfish Policy and Regulations: 7.16. Undersized Oysters, Quahogs and Surf Clams.
- III. Licenses - NONE**
- IV. Appointments/Reappointments - NONE**
- V. Use of Town Property - NONE**
- VI. Business**
 - A.** Nauset Regional High School request for \$1.3M Feasibility Study CIP article and ballot question. [Superintendent Tom Conrad]
 - B.** 2017 Annual Town Meeting Warrant – additional article placement, recommendations and close the warrant.
 - C.** Request for change order for Tennis Court reconstruction project [Becky Rosenberg]
 - D.** Discussion of the Shellfish Constable job description
- VII. Town Administrator's Report**
- VIII. Topics for Future Discussion**
- IX. Correspondence and Vacancy Report**
- X. Adjournment & Executive Session**
 - A.** Pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining and litigation if the Chair declares that an open meeting may have a detrimental effect on the Town's bargaining and litigating position, the Board will review the current collective bargaining status and strategy recommendations for WEA Units A, B and C.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, March 14, 2017

II

II. PUBLIC HEARING(S)

REQUESTED BY:	SAB
DESIRED ACTION:	Approve amendment to Shellfish Policy and Regulations
PROPOSED MOTION:	I move to vote to amend the Shellfish Policy and Regulations: 7.16. <u>Undersized Oysters, Quahogs and Surf Clams</u> as printed.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

7.16. Undersized Oysters, Quahogs and Surf Clams

7.16.1 Containers Holding Undersized Shellfish Must Be Tagged

All containers that hold market-bound, aquaculture-raised shellfish whose size is less than that allowed by the State when that species is harvested from the wild (petite oysters whose greatest length is between 2 1/2 and 3", quahogs whose hinge width is between 7/8" and 1", or surf clams whose shell diameter is between 1 1/2" and 5") must be tagged with the words "AQUACULTURE-RAISED" or "FARM RAISED".

7.16.2 Sale Only from Grower to Primary Buyer

The primary sale of undersized, aquaculture-raised (oysters whose greatest length is between 2 1/2 and 3", quahogs whose hinge width is between 7/8 and 1", and surf clams whose shell diameter is between 1 1/2 and 5") must only be between the aquaculturists or their licensed employee, and a licensed wholesale dealer that is also a "primary buyer of shellfish". If the aquaculturist is also licensed as a primary buyer, they he or she may be considered as the primary buyer of their own product.

7.16.3 State Endorsement Required

~~Aquaculturists who grow and then harvest undersized shellfish for sale must have the required endorsement on their propagation permit granted by the State, allowing them to sell undersized shellfish for consumption.~~

7.16.4 Petite Oysters

An aquaculture license holder may harvest and sell farm-raised petite oysters whose greatest length is between 2.5 and 3 inches both in and out of State. if:

- ~~a. they do not have a Town of Wellfleet commercial shellfish permit;~~
- ~~b. they have documented proof of purchase of seed;~~
- ~~c. they are limited to selling petite oysters for a term of not less than a year beginning with the routine issuance of an annual propagation permit from the State.~~

7.16.5 Undersized Quahogs aka "Gems" or "Vongoles"

An aquaculture license holder may harvest and sell farm-raised quahogs whose hinge width is between 7/8" and 1" if:

- a. They are sold only to primary buyers on the inter-state shippers list that distribute them out-of-state. The in-state distribution of aquaculture farm raised quahogs whose hinge width is under 1" is prohibited;
- b. They have documented proof of purchase of seed.
- ~~c. they do not have a Town of Wellfleet commercial shellfish permit;~~
- ~~d. they are limited to selling such farm-raised quahogs whose hinge width is more than 7/8 and less than 1" for a term of not less than a year beginning with the routine issuance of an annual propagation permit from the State;~~

7.16.6 Undersized Sea/Surf Clams aka "Butter" Clams

An aquaculture license holder may harvest and sell farm-raised surf clams whose shell diameter is between 1 1/2 and 5" both in and out of state if:

- a. They have documented proof of purchase of seed.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, March 14, 2017

VI

BUSINESS A.

REQUESTED BY:	Superintendent Tom Conrad and NRHS Committee
DESIRED ACTION:	Consider placing an article for \$1.3M feasibility study for NRHS
PROPOSED MOTION:	1. I move to vote to place and recommend article _____.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Nauset Public Schools

78 Eldredge Park Way, Orleans, Massachusetts 02653

Phone: 508-255-8800 • Fax: 508-240-2351 • <http://nausetschools.org>

Mr. Thomas M. Conrad
Superintendent of Schools

Keith E. Gauley
Assistant Superintendent

Giovanna B. Venditti
Director of Finance and Operations

Dr. Ann M. Caretti
Director of Student Services

Barbara Lavoine
Director of Technology

To: Town Administrators
From: Thomas M. Conrad *TML*
Date: March 10, 2017
Re: Ballot Question Wording as specified by the MSBA

FORM OF SCHOOL DISTRICT MEMBER TOWN/CITY BALLOT QUESTION

Shall the (*City/Town of*) be allowed to exempt from the provisions of proposition Two and one-half, so-called, the amounts required to pay the (*City/Town*)'s allocable share of the bond issued by the *Nauset Regional School District* for the purpose of paying costs of a feasibility study for the Nauset Regional High School, 100 Cable Road, N. Eastham, MA, 02651, including the payment of all costs incidental or related there to.

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Nauset Public Schools

78 Eldredge Park Way, Orleans, Massachusetts 02653
Phone: 508-255-8800 • Fax: 508-240-2351 • <http://nausetschools.org>

Mr. Thomas M. Conrad
Superintendent of Schools

Keith E. Gauley
Assistant Superintendent

Dr. Ann M. Caretti
Director of Student Services

Giovanna B. Venditti
Director of Finance and Operations

Barbara Lavoine
Director of Technology

To: Town Administrators
From: Thomas M. Conrad *TMC*
Date: March 10, 2017
Re: Items Requested for SOI

Please provide the following:

After Town Meeting:

- Certified copy of the Warrant with the Constable's return of posting
- Certified copy of the Extract of the vote
- Certified copy of the Town Meeting Minutes-showing where and when the meeting took place and if a quorum was present
- Certification from the Town Clerks-if the vote was amended or reconsidered

After Town Election: (from Towns who wanted their share of debt service excluded)

- Certified copy of the Selectmen's minutes whereby they voted to put the question on the ballot
- Certified copy of the Election Warrant with the Constable's return of posting
(This may be combined in the Town Meeting Warrant)
- Certified copy of the Ballot
- Certified copy of the Results

Please forward all documents to:

Nauset Regional School District
Attn: Jim Nowack
78 Eldredge Park Way
Orleans, MA 02653

Forms of Member Town Article and Motion for Debt Approval

Article _____. To see if the Town will approve the \$1,300,000 borrowing authorized by the Nauset Regional School District, for the purpose of paying costs of a feasibility study for the Nauset Regional High School 100 Cable Road N. Eastham, MA 02651 including the payment of all costs incidental and related thereto (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Motion _____. That the Town hereby approves the \$1,300,000 borrowing authorized by the Nauset Regional School District, for the purpose of paying costs of a feasibility study for the Nauset Regional High School 100 Cable Road N. Eastham, MA 02651 including the payment of all costs incidental or related thereto (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. The amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

If the approval is to be conditioned upon a debt exclusion vote, the following sentence should be added at the end of the paragraph above:

The approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 1/2).



Nauset Public Schools

78 Eldredge Park Way, Orleans, Massachusetts 02653
Phone: 508-255-8800 • Fax: 508-240-2351 • <http://nausetschools.org>


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Superintendent of Schools

Keith E. Gauley
Assistant Superintendent

Dr. Ann M. Caretti
Director of Student Services

Giovanna B. Venditti
Director of Finance and Operations

Barbara Lavoine
Director of Technology

To: Town Administrators
From: Ann M. Tefft, District Secretary 
Date: March 10, 2017
Re: Vote of the Nauset Regional School Committee

I, Ann M. Tefft, Secretary of the School Committee of the Nauset Regional School District, Orleans, Massachusetts, in the Nauset District, certify that at a meeting of the Regional School Committee held on March 9, 2017, of which all members of the Committee were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appear upon the official record of the Committee in my custody:

Nauset Regional School District
School Committee Feasibility Study Vote

VOTED: That the Nauset Regional School District hereby appropriates the amount of One Million, Three Hundred Thousand Dollars (\$1,300,000) for the purpose of paying costs of *a feasibility study for the Nauset Regional High School, 100 Cable Road, N. Eastham MA, 02651*, including all costs incidental and related thereto (the "Study") said amount to be expended under the direction of the School Committee. To meet this appropriation the District is authorized to borrow said amount under and pursuant to M.G.L. Chapter 71, Section 16(d), and the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that the Massachusetts School Building Authority's ("MSBA's") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District; provided further, that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. Any premium received by the District upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER VOTED: That within seven (7) days from the date on which this vote is adopted the Secretary be and hereby is instructed to notify the Board of Selectmen of each of the member towns of this District as to the amount and general purposes of the debt herein authorized, as required by the District Agreement and by Chapter 71, Section 16(d), of the General Laws.

Nauset Believes ... Every Child Matters

**Nauset Regional School District
High School MSBA Feasibility Study
Member Town's Share**

FY 18 Assessment %		45.6780%	21.1864%	19.6610%	13.4746%	
	<u>Total</u>	#	<u>Brewster</u>	<u>Eastham</u>	<u>Orleans</u>	<u>Wellfleet</u>
Feasibility Study Budget	1,300,000		593,814	275,423	255,593	175,170
Maximum Potential MSBA share*	(493,350)		(225,352)	(104,523)	(96,998)	(66,477)
Local Share	806,650		368,462	170,900	158,595	108,693

* MSBA reimbursement calendar year 2017 rate for Nauset is 37.95%. This rate changes annually in January. This rate only applies to eligible expenses and within the feasibility study budget all other expenses are born entirely by the District and its' member Towns.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, March 14, 2017

VI

BUSINESS B.

REQUESTED BY:	BOS and TA
DESIRED ACTION:	Place and Recommend articles and close the 2017 ATM Warrant
PROPOSED MOTION:	<ol style="list-style-type: none">1. I move to vote to place and recommend article _____.2. Repeat until all articles are place and recommended.3. I move to vote to close the 2017 Annual Town Meeting Warrant.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

ANNUAL TOWN MEETING WARRANT
TOWN OF WELLFLEET



MONDAY, APRIL 24, 2017

**Wellfleet Elementary School
7:00 PM**

REMINDER:

Vote at Town Election

Monday, May 1, 2017, noon - 7:00 p.m.

Location – Senior Center

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FINANCIAL & PROPOSITION 2½ TERMS

Chapter 59, section 21C of the Massachusetts General Laws is commonly referred to as Proposition 2½ (Prop. 2½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

LEVY: The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

LEVY CEILING: This is the maximum the levy can be. The ceiling equals 2.5% of the Town's full and fair cash value. The levy limit is equivalent to a tax rate of \$25.00.

LEVY LIMIT: The maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases, such as debt exclusions.

LEVY LIMIT INCREASE: The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

NEW GROWTH: New construction and new parcel subdivision may also increase the Town's levy limit.

OVERRIDE: A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

DEBT EXCLUSION: This type of override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question, the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

DEBT SERVICE: The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest owed on any particular bond issue.

ENCUMBRANCE: A reservation of funds to cover obligations chargeable to but not yet paid from a specific appropriation account.

CAPITAL OUTLAY EXPENDITURES EXCLUSION: This type of override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question, the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

CONTINGENT VOTES: Chapter 59, section 21C (m) permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE/DEBT EXCLUSION). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Board of Selectmen. If a referendum is called by the Selectmen, it must take place within forty-five days of the Town Meeting vote.

TOWN MEETING PROCEDURES

A quorum of 6% of the Town's registered voters must be present in order to conduct business.
(Charter: Sect. 2-1-3)

Voters are identified by voter cards, issued when they check in with the registrars at the beginning of the meeting.

Only voters may participate in voice votes. In case of a counted vote, voters will be identified by their voter cards.

Non-voters who have been admitted to the meeting must sit in the section designated for them. Nonvoters who may wish to speak must identify themselves, and may address the meeting only by permission of the Moderator. (Charter: Sect. 2-1-2).

No voter will be allowed to speak until recognized by the Moderator.

Voters may only speak twice to any motion or amendment unless authorized by the Moderator. The provisions of this clause shall not apply to a) the person making the motion under an Article, and b) those persons required to be in attendance under the provisions of Charter Section 2-7-5. (Charter: Sect. 2-7-8).

All motions, including all amendments, must be in writing and be legible. Exceptions for very simple motions or amendments are at the discretion of the Moderator. (General Bylaws: Sect. II-2)

The order of consideration of the Articles as printed in the Warrant may be changed only by a two-thirds vote. (Charter: Sect. 2-7-4)

Some other common motions which require more than a simple majority to pass:

Zoning Bylaws	2/3 majority
To incur debt	2/3 majority
To transfer or sell Town land	2/3 majority
To approve charter amendments	2/3 majority
To pay unpaid bills of a prior fiscal year	4/5 majority at an Annual Town Meeting 9/10 majority at a Special Town Meeting

A motion to reconsider must be made at the same session as the vote it seeks to reconsider. It can only be made after some intervening business, and must be made within one hour of the vote to be reconsidered. It is debatable to the same extent as the motion it seeks to reconsider, and it requires a majority vote. (Charter: Sect. 2-7-9)

DRAFT

FINANCE COMMITTEE STATEMENT

A Statement to the Voters from the Wellfleet Finance Committee

Throughout every year, the Finance Committee focuses on what happens to your tax dollars. Once again we invite you to join us in a careful scrutiny of the budget pages for Fiscal Year 2018 and the Financial Articles included in this Annual Town Meeting Warrant. Our goal is to maintain excellent services and fiscal stability through a balanced Budget and to stay within a 2½ % increase in operating costs. The Town of Wellfleet continues to maintain a Standard and Poor's credit rating "AAA." A triple "A" credit rating is Standard and Poor's highest credit rating and will enable the Town to borrow on more favorable terms should the need arise. This rating is the result of the prudent fiscal management policies the Town has and continues to pursue.

- This year the draft budget we were asked to review was significantly above the 2½ % increase in operating costs. (Note: by the time of the Annual Town Meeting, the draft budget may have changed.) While we understand that the operating budget includes many legally mandated costs and some costs outside the Town's control, we also know that a significant property tax increase is likely to cause financial difficulties for many year-round resident taxpayers. Therefore, we urged the Board of Selectmen to lead by doing all they were able to do to reduce this tax increase—including the use of the Town's free cash.
- Also, we requested that once this year's ATM is concluded, the Board of Selectmen appoint a task force to explore ways to address the structural deficits in our current budgets to avoid significant levels of property tax increases in the future.

As your Finance Committee, we are asked to review and vote on every financial Article of the Warrant in advance of Town Meeting. When we feel an issue requires input from us on Town Meeting floor we attempt to provide it. Voters are encouraged to question any decision of this Committee they feel needs explanation.

As always we pay careful attention to the Town's Capital Budget Plan and are making good progress towards the goal of a 10-year fiscal plan pertaining to Wellfleet's infrastructure.

We continue our commitment to improve fiscal communication between the Finance Committee, the Board of Selectmen and the Department Heads. Once again the Department Heads did a fine job of keeping their budgets reasonable in light of our fiscal restraints.

Please consider carefully Finance Committee recommendations for the money-related Articles and Fiscal Year 2018 budget when you vote on them at this Town Meeting.

Respectfully submitted,

The Wellfleet Finance Committee

ANNUAL TOWN MEETING WARRANT

Monday, April 24, 2017

The Commonwealth of Massachusetts

To either of the Constables in the Town of Wellfleet in the County of Barnstable:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet in the **WELLFLEET ELEMENTARY SCHOOL, 100 LAWRENCE ROAD in Wellfleet on the 24th day of April, 2017, at seven o'clock in the evening**, then and there to vote upon the following Articles:

ALSO

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet at the **WELLFLEET SENIOR CENTER, 715 OLD KING'S HIGHWAY in Wellfleet on Monday the 1st day of May, 2017, between twelve o'clock noon and seven o'clock p.m.**, then and there to vote for the election of the following Town officers: one Moderator for one year; one Selectmen for three years; two member of the Wellfleet Elementary School Committee for three years; one member of the Nauset Regional School Committee for three years; two Library Trustees for three years; one Cemetery Commissioner for three years. Also, to vote on the following questions:

Question 1: Shall the Town of Wellfleet be allowed to assess an additional \$147,300 in real estate and personal property taxes for the purpose of funding two additional firefighter/paramedic positions for the fiscal year beginning July first, 2017?

Question 2: Whereas, the original design for the Pilgrim Nuclear Power Station (PNPS) spent fuel pool was for 880 assemblies and now holds over 2,822 densely racked and tightly packed assemblies, and;

Whereas, the PNPS spent fuel pool holds over 11 times the amount of cesium released at Chernobyl, and;

Whereas, the MA Attorney General Office 2006 report cited an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas, 885 Boraflex panels, which prevent criticality and fire, will be susceptible to unacceptable levels of deterioration by September 2017, and;

Whereas, the the PNPS spent fuel pool is vulnerable to terrorist and cyber attack, and;

Whereas, citizens of the Town of Wellfleet find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner.

Therefore, Should the people of the Town of Wellfleet direct the town's government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim

Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interests of the Town of Wellfleet and its inhabitants and visitors?

Question 3: JOE TO PROVIDE

SECTION I: BUDGET ARTICLES

ARTICLE 1: FY 2018 Operating Budget. 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 2018 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2018, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This Article requests approval of the Fiscal Year 2018 Operating Budget (See Appendix A, page ____.) This Article also sets the salaries of elected officials as per the budget and approves the budgets of the two regional school districts.

ARTICLE 2: FY 2017 Year End Transfers. To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money necessary to supplement the operating and/or capital budgets of the various Town departments for the current Fiscal Year 2017, or do or act anything thereon.

Requests to Date:

FROM	TO	AMOUNT	EXPLANATION
Free Cash	220 Fire Department OT	\$135,000	Subsidy for over-time due to staff retirement, resignation and long-term injury
Free Cash	220 Fire Department Contract Services	\$35,000	Subsidy to cover deficit in the FD Contract Services as a result of unforeseen pump repairs to Engine 95, Engine 89 and Engine 93.
Free Cash	179 Shellfish Department	\$76,441	Fund payments to Shellfish Constable per agreement
Free Cash	520 Human Services	\$26,000	Additional funding for preschool voucher program
Free Cash	520 Human Services	\$25,000	Funding for Navigator Program

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

SUMMARY: This Article requests transfers and additional funding for the operating budget for the fiscal year ending June 30, 2017. Additional requests may be added at Town Meeting.

ARTICLE 3: FY 2018 Capital Budget. 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 2018 Town Capital Budget, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.
Finance Committee: Recommends 0-0.

SUMMARY: This Article requests approval of appropriations and transfers for the Fiscal Year 2018 Capital Budget. Capital items that require borrowing are in separate articles later in the warrant. (See Appendix B, page 46)

ARTICLE 4: FY 2018 Marina Enterprise Budget. 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 2018 Marina Enterprise Fund Budget, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.
Finance Committee: Recommends 0-0.
Marina Advisory Committee: Recommendation reserved to Town Meeting.

SUMMARY: This Article requests approval of the Fiscal Year 2018 Marina Services Enterprise Fund Budget. (See Appendix C, page 47)

ARTICLE 5: FY 2018 Water Enterprise Budget. 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 2018 Water Enterprise Fund Budget, or do or act anything thereon.

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 0-0.
Board of Water Commissioners: Recommends 3-0.

SUMMARY: This Article requests approval of the FY2018 Water Enterprise Fund Budget. (See Appendix D, page 49)

SECTION II: ADDITIONAL FINANCIAL ARTICLES

ARTICLE 6: 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 first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association Unit A beginning **July 1, 2017** or do or act anything thereon.

Board of Selectmen: Recommendation reserved to Town Meeting.
Finance Committee: Recommendation reserved to Town Meeting.

SUMMARY: Town meeting approval is necessary to fund the first year of collective bargaining agreements.

ARTICLE 7: 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 first year of a collective bargaining agreement

between the Town of Wellfleet and the Wellfleet Employees Association Unit B, beginning **July 1, 2017** or do or act anything thereon.

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

SUMMARY: Town meeting approval is necessary to fund the first year of collective bargaining agreements.

ARTICLE 8: 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 first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association Unit C, beginning **July 1, 2017**, or do or act anything thereon.

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

SUMMARY: Town meeting approval is necessary to fund the first year of collective bargaining agreements.

ARTICLE 9: 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 first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union, beginning **July 1, 2017**, or do or act anything thereon.

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

SUMMARY: Town meeting approval is necessary to fund the first year of collective bargaining agreements.

ARTICLE 10: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund wage and salary adjustments for non-union personnel beginning **July 1, 2017**, or do or act anything thereon.

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

SUMMARY: This appropriation funds wage and salary adjustments for certain non-union personnel.

ARTICLE 11: Additional Fire Department Staff: To see if the Town will vote to raise and appropriate and/or transfer from any available source of funds **\$147,300**, or any other sum for the purpose of funding two new Firefighter/Paramedic positions; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to assess an additional

\$147,300 in real estate and personal property taxes pursuant to the provisions of G. L. c. 59, §21C (Proposition 2 ½), or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This article would fund the cost of adding two additional Firefighter/Paramedics. Costs include starting salary of each position (\$51,660), uniforms and protective clothing (\$1,650), holiday and call back costs (\$10,500) and an estimate of benefits and training costs (\$9,840). The total payroll, estimated benefits and training costs of each position is \$73,650.

ARTICLE 12: Chapter 90 Road Repairs. 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 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, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This Article will allow the Town to contract for paving services and other authorized projects in anticipation of receiving State reimbursement.

ARTICLE 13: Other Post-Employment Benefits (“OPEB”) Appropriation. To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of **\$250,000**, or any other sum, to be added to the Town’s Other Post-Employment Benefits Liability Trust Fund.:

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This amount will help to fund the Town’s share of future health insurance costs for current employees and retirees. As of June 30, 2014 the actuarial valuation of Wellfleet’s unfunded liability for these costs was \$8,469,997. Fund balance as of December 31, 2016 was \$1,130,226.

ARTICLE 14: To see if the Town will vote to raise and appropriate and/or transfer from the Marina Parking fund the sum of **\$10,000**, or any other sum, for the purpose of contributing to the Marina Enterprise Stabilization Fund, or do or act anything thereon. ***Two-thirds vote required.***

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Marina Advisory Committee: Recommendation reserved to Town Meeting.

SUMMARY: With a two-thirds vote, the Town may appropriate into this fund in any year an amount not to exceed ten percent of the prior year’s tax levy. These funds are a reserve for

future capital improvements to the Marina. Fund balance as of December 31, 2016 was \$30,042.

ARTICLE 15: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$75,000**, or any other sum, for the purpose of contributing to the Stabilization Fund, or do or act anything thereon. ***Two-thirds vote required.***

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: With a two-thirds vote, the Town may appropriate into this fund in any year an amount not to exceed ten percent of the prior year's tax levy. These funds are a reserve to stabilize tax rates from year to year due to unexpected financial requirements. The December 31, 2016 Stabilization Fund balance was \$682,689. Fund balance is currently 201,000 below the goal in the Selectmen's fiscal policy of 5% of the operating budget.

ARTICLE 16: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$53,000**, or any other sum, for the purpose of reimbursing the Water Enterprise Fund for hook-up fees to town owned buildings, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Board of Water Commissioners: Recommends 3-0.

SUMMARY: This article proposes to transfer funds to the Water Enterprise Fund for the original hook-up fees for town owned buildings. The transfer was not made at the time of the construction.

ARTICLE 17: To see if the Town will vote to transfer from the Cable Receipts Fund monies to operate local television access programming and to fund upgrades to equipment for the operation of the two local access television channels, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Board of Water Commissioners: Recommends 3-0.

SUMMARY: This article provides funding for the local government programming (channel 18) and Lower Cape Community Access Television (channel 99). COMCAST, through your cable TV bills, provides the funding to the cable receipts fund.

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 2018 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of **\$29,000** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2018; and further to appropriate from Community Preservation Fund estimated revenues a sum of **\$55,000** for open space debt service; a sum of **\$3,000** to reserve for open space; a sum of **\$58,000**

to reserve to for community housing; and further to reserve for future appropriation a sum of **\$58,000** for historic resources as recommended by the Community Preservation Committee, as well as a sum of **\$377,000** to be placed in the 2018 Budgeted Reserve for general Community Preservation Act purposes, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

SUMMARY: This is an annual CPC housekeeping article. \$29,000 is 5% of estimated revenues for administrative expenses, as provided by the Community Preservation Act. Open Space's 10% is allocated as the funding source for Land Bank debt service in the capital budget. This year, after debt service has been met, Open Space begins to establish its own Reserve with the remaining \$3,000. Community Housing's 10%, and Historic Resources' 10% are reserved respectively for housing and historic preservation purposes. The balance of \$377,000 is reserved for general CPA purposes.

ARTICLE 19: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of \$34,162 to contribute to the cost of, and thereby support, for the historic restoration of the Town of Wellfleet cemeteries, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

Historical Commission: Recommends 0-0.

SUMMARY: This is Phase Two of a multi-part cemetery restoration plan presented by the Wellfleet Cemetery Commissioners. Having suffered from benign neglect for many years, many monuments are in need of repair. Cemeteries are irreplaceable outdoor museums of our history. They have served our people for hundreds of years and will for hundreds more if cared for properly.

ARTICLE 20: To see if the Town will vote, pursuant to MGL c.44B, to raise and appropriate from the Community Preservation fund estimated annual revenues, fund balance or community housing reserve the sum of \$20,000 to prepare an historical plan for the Town of Wellfleet, continue completion of the Form B inventories of historic properties in Wellfleet, and prepare the nomination for the National Register listing of Pamet Point Road or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

Historical Commission: Recommends 0-0.

SUMMARY: The Historical Commission's goal is to create a comprehensive historical plan which will include an inventory and street-view assessment of all buildings and structures over

75 years old. In addition, they plan to prepare a nomination for listing on the National Register of Historic Places a new Pamet Point Road Historic District. The Historical Commission's consultant will be able to continue compiling "Form B" inventories — fact sheets on historic properties in Wellfleet — which are stored at the Wellfleet Public Library and are available online at the Massachusetts Historical Commission's website: www.mhc-macris.org (Massachusetts Cultural Resource Information System).

ARTICLE 21: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of \$200,000 to the Wellfleet Affordable Housing Trust Fund for the purposes of Affordable Housing Support from the Wellfleet Community Preservation Fund, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

Historical Commission: Recommends 0-0.

Local Housing Partnership: Recommends 0-0.

Housing Authority: Recommends 0-0.

SUMMARY: The Housing Authority's intent is to preserve, increase and support affordable housing in Wellfleet by building a robust Wellfleet Affordable Housing Trust Fund. Holding funds in a Trust allows for immediate expenditures to take advantage of unexpected opportunities without having to wait for a Town Meeting vote in order to carry out the full range of housing activities. This could mean purchase of land for Habitat houses, fund a Buy Down or acquire existing housing that could be used for rentals or senior housing.

ARTICLE 22: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves or fund balance the sum of \$101,838 to contribute to the cost of, and thereby support, for the Housing Rental Assistance Program, or do or act anything thereon.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 0-0.

Housing Authority: Recommends 0-0.

SUMMARY: This will complete the Housing Authority's request that was partially funded at Special Town Meeting in fall. Using existing housing in Wellfleet, the program will continue to serve the community need for affordable rentals. The program provides subsidies to landlords to bring rental rates down to affordable levels for income qualified applicants. Applicants are expected to pay 30% of their income toward the rent, and the subsidy makes up the difference.

ARTICLE 23: To see if the Town will vote, pursuant to MGL, c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, budgeted reserves, fund balance or community housing reserve the sum of \$50,000 to contribute to the cost of, and thereby support, the

construction of Governor Prence Residences, Affordable Housing units in Eastham, contingent upon completion of the project, or do or act anything thereon.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 4-0-1.

Local Housing Partnership: Recommends 0-0.

Housing Authority: Recommends 0-0.

SUMMARY: The Community Development Partnership proposes to build two apartment buildings with a total of 50 units having 44 affordable units. A contribution towards this project may give Wellfleet residents or workers local preference in the first lottery for the affordable units.

ARTICLE 24: Transfer of Unexpended Bond Proceeds - To see if the Town will vote to transfer the \$324,000 authorized to be borrowed under Article 24 at the 2013 Annual Town Meeting to pay costs of upgrading the Baker Field restrooms, which funds are no longer needed to pay costs of such project, to pay costs of building upgrades and other improvements to the Baker Field recreation area and for the payment of all other costs incidental and related thereto; or take any other action relative thereto.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This article seeks to reauthorize the funding that was originally approved for restrooms at the Baker Field recreation area and use it for restrooms, building repairs and other improvements.

ARTICLE 25: Fire Department Vehicle - To see if the Town will vote to appropriate the sum of \$38,000, or any other sum, for the purpose of paying the cost of purchasing a fire prevention and inspection vehicle for the Fire Department 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 authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, or to take any other action in relation thereto. *Two-thirds vote required*

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 9-0.

SUMMARY: This article approves the purchase of a fire inspection and prevention vehicle for the Fire Department.

ARTICLE 26: Council on Aging Vehicle Replacement - To see if the Town will vote to appropriate the sum of \$40,000, or any other sum, for the purpose of paying the cost of purchasing a replacement transportation vehicle for the Council on Aging 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 (1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, or to take any other action in relation thereto. *Two-thirds vote required*

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 9-0.

SUMMARY: This article requests funding to purchase a replacement transportation vehicle for the Council on Aging. The current vehicle, an RAV4 with 125,000 miles, served 1,001 passengers in calendar year 2016. Transportation needs are growing each year and require a reliable vehicle.

ARTICLE 27: Beach Recycling Program Pilot. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the sum of **\$50,000**, or any other sum, for the purpose of providing daily single stream recycling and other trash pickup to the Wellfleet beaches, Baker Field Recreation area and to the Marina; provided that such appropriation shall be contingent on the passage of a Proposition 2 ½ capital exclusion ballot question:

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This amount will fund the daily pickup of single stream recycling and possibly trash at town beaches, the Baker Field Recreation area and the Marina. There are currently no recycling options at these areas and past efforts have not proven to be successful. This program is a one-year pilot to determine if single stream recycling at our beaches will improve recycling.

ARTICLE 28: To see if the town will vote to rescind the following borrowing authorization previously approved by town meeting:

2016 Annual Town Meeting Article 27: \$95,000.00 for plans for the extension of the water supply system on Briar Lane.

SUMMARY: the new OCHS CEO, Patricia Nadle, stated in a memo to the BOS dated August 23, 2016, that "an acceptable quality water source has been identified...we suggest that the municipal water request made by OCHS should be withdrawn or put on hold at this time while OCHS further evaluates the future of this location.

(Petitioned article)

SECTION III: CHARTER AMENDMENTS, GENERAL BYLAWS and ACCEPTANCE of STATUTES ARTICLES

ARTICLE 29: Proposal to Amend Town of Wellfleet Demolition Delay bylaw - Article 14, Wellfleet General Bylaws

Under Section 3 'Procedure' -- proposal to amend section 3.5 to read:

3.5 If after hearing, the Board determines that the proposed work would destroy or substantially diminish an historic value, it is empowered to impose a demolition delay of up to **eighteen (18) months** ~~twelve (12) months~~ from the date of said hearing to afford an opportunity to develop alternatives to demolition. (*Amended October 26, 2009, STM, Art. 12, approved by Attorney General November 10, 2009.*)

Board of Selectmen: Recommends 0-0.

Historical Commission: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

SUMMARY: The proposed bylaw amendment would extend the demolition delay period from 12 months to 18 months.

(Requested by the Historical Commission)

ARTICLE 30: To see if the Town will vote to amend the General Bylaws by adding a Section to Article VII of the General Bylaws as follows:

Polystyrene Reduction Bylaw

Purpose and Intent

The use and disposal of polystyrene has significant impacts on our town and our environment, including but not limited to:

1. harm to marine and terrestrial animals through ingestion
2. pollution and degradation of the terrestrial and coastal environment
3. human exposure to styrene, which is derived from benzene and used in the manufacture of polystyrene. Occupational studies have shown risks for leukemia and lymphoma, and genetic damage to white blood cells. Styrene is “reasonably anticipated to be a human carcinogen” (US Department of Health and Human Services, 2016)
4. disposal burdens of difficult to recycle plastics for solid waste collection and recycling facilities

With the goal of protecting the health of its citizens and the unique natural beauty and irreplaceable natural resources of Wellfleet, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by June 1, 2018.

Definitions

“Polystyrene Disposable Food Service Containers and Cutlery” shall mean single-use disposable products for serving or transporting food or beverages, such as take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This shall mean both foam and rigid polystyrene products including, but not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable freezer chests and disposable catering trays.

“Foam Polystyrene” and “Polystyrene” shall mean derivatives of the base chemical, styrene. Polystyrene is the generic term for the commonly known product Styrofoam, a trademark of Dow Chemical. It bears the recycling number 6.

“Food Establishments” shall mean operations, including food trucks, that store, prepare, package, serve, vend or otherwise provide food for human consumption, requiring a permit to operate in accordance with the State

Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this Bylaw. As such, schools, farmers markets and other public venues are included in this Bylaw.

“Retail Establishments” shall mean operations including, but not limited to: galleries, gift shops, liquor stores and other businesses serving the public.

“Public Venues” shall mean operations including, but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library, and the Wellfleet Elementary School.

Use Regulations

Polystyrene Disposable Food Service Containers and Cutlery, disposable coolers and new polystyrene packaging materials shall no longer be distributed or sold at any food or retail establishment or public venue beginning June 1, 2018. Any stock remaining after that date shall be accepted for disposal free of charge, through June 30, 2018, at the Wellfleet Transfer Station/Recycling Center.

Permitted are:

1. Polystyrene packing peanuts and foam packaging reused from shipments coming to Wellfleet
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from a wholesaler or out of town supplier
3. Polystyrene foam freezer chests enclosed in durable rigid plastic

Administration and Enforcement

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L.c.40, Section 21D and ARTICLE VII GENERAL SECTION 37. PENALTIES AND ENFORCEMENT of the Town’s General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense:	\$100 fine
Second Offense:	\$200 fine
Third and Subsequent Offenses:	\$400 fine for each offense

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any Establishment failing to comply with this Bylaw.

(Request of the Recycling Committee)

Board of Selectmen: Recommends 0-0.

Recycling Committee: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

SUMMARY: This article will expand the existing Plastic Bag Ban bylaw.

SECTION IV: ZONING BY LAW AMENDMENT ARTICLES

ARTICLE 31: To see if the Town will vote to amend the Zoning Bylaws by amending Section VIII Administration, Sections 8.2.1 and 8.2.2 as follows: (Deleted language appears as ~~striketrough~~ type; proposed language appears in **bold** type.)

SECTION 8.2 PERMITS REQUIRED

8.2.1 Construction or operations under a building or special permit shall conform to any subsequent amendment of this by-law unless the use or construction is commenced within a period of not ~~less than~~ **six more than twelve** months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

~~8.2.2 Non-complying, nonconforming structures 10 years or older. Non-complying nonconforming structures which are 10 years or older and which are provided protections under MGL c.40A, §7 are entitled to treatment as lawfully pre-existing non-conforming structures as provided in this Bylaw.~~

8.2.2 Nonconforming structures 10 years or older. Any structure or alteration to a structure in existence for a period of at least 10 years shall be deemed to be a legally nonconforming structure under MGL c. 40A, §7 and this Bylaw, provided that no notice of an action, suit, or proceeding as to an alleged violation of MGL c. 40A or this Bylaw has been recorded in the registry of deeds, as provided in MGL c. 40A, §7.

SUMMARY: In 2016 the Legislature enacted, and Governor Baker signed into law, several amendments to the Zoning Act (MGL c. 40A). The proposed amendments to the Wellfleet Zoning Bylaws will bring the Bylaws into compliance with amendments made to MGL c. 40A Sections 6 and 7.

(Request of the Planning Board)

Board of Selectmen: Recommends 0-0.

Planning Board: Recommends 5-1-0.

Bylaw Committee: Recommends 3-0.

ARTICLE 32: To see if the Town will vote to amend the Zoning Bylaws by amending Section VIII Administration, Section 8.4.2.4 as follows: (Deleted language appears as ~~striketrough~~ type; proposed language appears in **bold** type.)

8.4 BOARD OF APPEALS^(SEP)

8.4.2.4 Each application for a special permit shall be filed by the petitioner with the Town Clerk and a copy of said application, including the date and time of the filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority (SPGA). Special permits shall be issued only following a public hearing to be held within sixty-five days of the date certified by the Town Clerk of the filing of the application after filing by the applicant of an

application with the SPGA and with the Town Clerk, calculated from the date certified by the Town Clerk. Special permits shall lapse within two years, **and not** including such time required to pursue or wait the determination of an appeal from the grant thereof, ~~in if~~ a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Board of Selectmen: Recommends 0-0.

Planning Board: Recommends 5-0-1.

Bylaw Committee: Recommends 3-0.

SUMMARY: In 2016 the Legislature enacted, and Governor Baker signed into law, several amendments to the Zoning Act (MGL c. 40A). The proposed amendments to the Wellfleet Zoning Bylaws will bring the Bylaws into compliance with amendments made to MGL c. 40A Section 9.

(Request of the Planning Board)

ARTICLE 33: To see if the Town will vote to amend the Zoning Bylaws by amending Section IX Overlay Districts, Section 9.3.11.2 as follows: (Deleted language appears as ~~striketrough~~ type; proposed language appears in **boldface** type.)

9.3.11.2 The SPGA shall require the Applicant to post a bond at the time of construction in an amount adequate to pay the costs of removal of the RMD in the event the Town must remove the RMD. The value of the bond shall be based upon the ability to completely remove all the items noted in 9.3.11.1 and properly clean the RMD at prevailing wages. The value of the bond shall be determined based upon the Applicant's supporting information provided to the SPGA, consisting of three (3) written bids to meet the noted requirements. Use of consultants by the SPGA may be required at the expense of the applicant when evaluating or comparing the bids. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the RMD at prevailing wages. Notwithstanding the above, the bond amount is subject to review by the SPGA every three (3) years. (~~See "Potential Medical Marijuana Dispensary Overlay Zones" map below.~~)

Board of Selectmen: Recommends 0-0.

Planning Board: Recommends 5-0-1.

Bylaw Committee: Recommends 3-0.

SUMMARY: This is a housekeeping article. The deleted sentence was a directive to Annual Town Meeting voters, and was not intended to be part of the Bylaw.

(Request of the Planning Board).

ARTICLE 34: To see if the Town will vote to amend the Zoning Bylaws by amending Section III, Section 3.3 Zoning Map and Section IX Overlay Districts, Section 9.1.2 Districts Established and Section 9.2.2 Overlay District Defined as follows: (Deleted language appears as ~~striketrough~~ type; proposed language appears in **boldface** type.)

3.3 ZONING MAP

Said districts are bounded as shown on **the Town of Wellfleet Zoning Map, which is on file in the office of the Town Clerk. That map and a map entitled "Zoning Map Wellfleet, MA." Dated October 2004 which accompanies and which, with all explanatory matter thereon is hereby made a part of this By-law.** The responsibility for keeping the zoning map current will be that of the Board of Selectmen or its designee.

9.1.2 Districts Established

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

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

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

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

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

9.2.2 Overlay District Defined

The Main Street Overlay District shall extend along the south side of Main Street, one lot in depth, from Bank Street to Holbrook Avenue. The Main Street Overlay District established by this section is shown on **the Town of Wellfleet Zoning Map, a map entitled "Main Street Overlay District in the Town of Wellfleet", dated April 2006,** which is on file in the office of the Town Clerk. Within the Main Street Overlay District, special permits are required under this by-law for all uses and structures required to obtain a special permit by the underlying Central District zoning district.

Board of Selectmen: Recommends 0-0.

Planning Board: Recommends 5-0-1.

Bylaw Committee: Recommends 3-0.

SUMMARY: This is a housekeeping article. In 2016, the Cape Cod Commission redesigned and digitized all Town zoning maps into one document. Deleting references to map dates from these sections of the Zoning Bylaws eliminates the need to make additional amendments should redesigns occur in the future. (Request of the Planning Board)

ARTICLE 35: To see if the Town will vote to amend the Zoning Bylaw by deleting the definitions "Sign" and "Sign, Area of" from Section II, Section 2.1 Definitions and deleting Section VII Signs in

its entirety, and replacing these deletions with the language below, or take any other action related thereto. (Deleted language appears as ~~strike~~through type; proposed language appears in **boldface** type.)

SECTION II

2.1 DEFINITIONS

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

~~Sign, Area of~~ An area determined by multiplying the extreme width by the extreme height of the sign, including borders, but excluding supports which do not bear advertisement.

SECTION VII SIGNS

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

~~7.2 SIGNS NOT REQUIRING PERMITS~~

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

~~7.2.2 One sign not over six square feet in area advertising a Home Occupation.~~

~~7.2.3 Directional signs not exceeding one square foot in area.~~

~~7.2.4 One temporary unlighted sign not over six square feet in area pertaining to the sale, rent or lease of the premises, except in the National Seashore Park District, where the sign shall not exceed two square feet in area.~~

~~7.2.5 One temporary unlighted sign not over six square feet in area pertaining to the construction or renovation of the premises, such sign to be removed upon completion of the work.~~

~~7.3 SIGNS REQUIRING PERMITS~~

~~7.3.1 One sign not over six square feet in area advertising a Service Trade Home Business.~~

~~7.3.2 A business other than or Home Occupation or Service Trade Home Business not having frontage and access on Route 6, or having frontage and access on Route 6 but located in a Zoning District other than the Commercial District, may have an aggregate total of twenty-four square feet of sign area. This includes the main business sign, which shall not exceed twelve square feet in area, and all accessory signs, including temporary signs.~~

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

~~7.3.4 Multiple businesses sharing the same parcel of land may have in addition to the signage permitted under Section 7.3.2 or 7.3.3 one sign for each additional business not exceeding eight square feet for businesses having frontage on Route 6, or six square feet for businesses located off Route 6, in area mounted on or projecting from the building.~~

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

~~7.4 GENERAL PROHIBITIONS~~

~~7.4.1 Flashing signs, signs containing moving parts, and signs which create the illusion of motion are prohibited.~~

~~7.4.2 The source of any sign's illumination which is visible from any public way or from any lot other than that upon which the sign is located is prohibited.~~

~~7.4.3 All signs internally illuminated by means of a concealed light source whereby all incandescent fluorescent, or neon devices are shielded from view by opaque or translucent materials, are prohibited, except for directional signs. All neon signs are prohibited.~~

~~7.4.4 Any sign which identifies a business, service, project, activity, or lesser which is defunct or which has not existed on the premises for twelve months or more shall be considered to be an abandoned sign and is prohibited.~~

~~7.5 LOCATION OF SIGNS~~

~~7.5.1 All signs shall be set back from roadways by a distance of five feet, and must be located on the owner's property in such a way as not to obstruct the view of traffic.~~

~~7.5.2 Signs installed on the roof may not project above the ridge of said roof.~~

~~7.5.3 Signs, which project over a public way, may be installed only in the Central District on buildings, which cannot meet setback requirements, and such projection is limited to six feet from the face of the building. The minimum clearance of projecting signs shall be eight feet from the public way.~~

~~7.5.4 Free-standing signs along Route 6 may not exceed a height of twelve feet above the paved surface of the roadway or eight feet above existing grade. Freestanding signs off Route 6 may not exceed eight feet in height.~~

7.6 MAINTENANCE OF SIGNS

~~7.6.1 All signs must be maintained in a secure and safe condition.~~

~~7.6.2 Any sign which is deemed by the Building Inspector to be unsafe or to be a prohibited sign must be removed forthwith upon issuance of a citation to the owner. After 30 days of non-compliance, the Building Inspector may cause the sign to be removed at the owner's expense.~~

~~7.6.3 Wrapping signs is prohibited. Signs may be removed for winter storage or covered with painted plywood panels or other rigid material. Removal of signs for storage or maintenance shall not jeopardize protection provided under Section 7.7 of this Sign Code.~~

7.7 NON-CONFORMING SIGNS

~~7.7.1 Non-conforming signs in existence at the time of adoption of this bylaw shall be allowed to remain until such time as the premises are transferred or sold and the name or use is changed.~~

7.8 PERMITS

~~7.8.1 No sign shall be erected or altered without a permit granted by the building Inspector, except that signs authorized by Sections 7.2.1, 7.2.2, 7.2.3, 7.2.4 and 7.2.5 may be erected without a sign permit.~~

~~(Attorney General approval with the understanding that signs containing non-commercial messages may be displayed without the requirement of obtaining any form of permit. See Matthews v. Needham, 764 F.2d 58 (1985))~~

SECTION II

2.1. DEFINITIONS

Signs - See Section VII Signs.

Sign, Area of - See Section VII Signs

SECTION VII - SIGNS

7.1. OBJECTIVES

To preserve and enhance Town character by requiring new or replacement Signs which are compatible with their surroundings, are appropriately sized for their location and appropriate for the Zoning District within which a Sign is located without unduly restricting the conduct of lawful enterprise or expression.

To promote the public welfare and safety through the elimination of roadside distractions.

7.2. DEFINITIONS

7.2.1. Sign - Any display of lettering, logos, pictorial matter, flags other than governmental flags, banners, objects, colors, lights, or illuminated tubes, or the application or attachment of same to any device, surface, structure, boundary wall or fence, which is visible to any member of the public, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted on the premises, excluding window displays of merchandise.

7.2.2. Sign Area - The area within a single rectangle enclosing all the display area of the Sign(s), including borders, frames, structural members, and without deduction for open space or other irregularities. The area is determined by multiplying the extreme width by the extreme height above the lowest 3 feet of the supports. A single Sign may have two sides that are facing in different directions and will be measured as the larger area of the sides.

7.2.3. Sign, Temporary - Any Sign that is displayed for not more than 30 days within a calendar year. All Temporary Signs shall be related to a temporary event or activity.

7.3. ADMINISTRATION AND EXEMPTIONS

7.3.1. This Bylaw shall be administered by the Building Inspector. Except as required by law and as otherwise set forth below, no Sign shall be erected without a permit issued by the Building Inspector.

7.3.2. Signs erected by the Municipal, County, State or Federal government as may be deemed necessary for their respective functions are exempted from the provisions of the Sign Bylaw.

7.3.3. Signs required by Municipal, County, State or Federal regulation or law are exempted from the provisions of this Sign Bylaw.

7.3.4. One flag per business to a maximum size of 15 square feet is exempted from the provisions of this Sign Bylaw.

7.3.5. All Signs must be located on the premises of the use, business, occupation, event or activity for which the sign conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly.

7.3.6. All Temporary Signs shall be removed promptly upon conclusion of the events or activities announced thereon.

7.3.7. A non-conforming Sign in existence at the time of adoption of this bylaw shall be allowed to remain until one or more of the following conditions occurs: the Sign is substantially relocated, replaced, reconstructed, or the name or use of the premises related to the Sign is changed.

7.3.8. When the provisions of this Bylaw, or the drawing and specifications approved thereunder, or the terms of a permit issued thereunder, are not complied with, a stop work or removal order shall be served on the property owner and/or his representative, tenant, or person in possession of the property by the Building Inspector, and a copy thereof shall be posted at the site of the violation. Such stop work or removal order shall not be removed except by written notice from the Building Inspector's office after satisfactory evidence has been supplied that the violation has been corrected. Failure to comply with such stop work or removal order shall constitute a violation of this Bylaw. Any person violating any provision of the Bylaw shall be fined as provided in Section 8.3 from the time that the stop work or removal order is first served, for each offense.

7.3.9. Persons aggrieved by this Bylaw, or actions of the Building Inspector relative to it, may appeal to the Wellfleet Zoning Board of Appeals pursuant to Section 8.4.1.

7.4. LOCATION OF SIGNS

7.4.1. All Signs must be located on the premises in such a way as not to obstruct the view of traffic or create other safety hazards. Signs must be located with at least a 2 foot setback from the property line.

7.4.2. Signs that project over a public right of way shall be allowed only in the Central District and only on buildings which cannot meet setback requirements. Such signs shall not project more than 3 feet from the face of the building, and must have a minimum clearance of 9 feet above the public right of way. No Signs shall project over roadways. Signs projecting over a public right of way, including sidewalks, must be approved by the Board of Selectmen.

7.4.3. Signs, including Temporary Signs, shall not be placed on sidewalks.

7.5. SIGNS NOT REQUIRING PERMITS

7.5.1. One Sign for each family residing on the premises indicating the owner or occupant provided that no Sign shall exceed 2 square feet of Sign Area.

7.5.2. One unlighted sign for Home Occupations on each premises not exceeding 6 square feet of Sign Area or 5 feet in height, advertising all Home Occupation(s).

7.5.3. On each premises, not more than four unlighted directional Signs, each not exceeding 1 square foot of Sign Area.

7.5.4. On each premises, one unlighted Sign related to the sale, rent or lease, may be displayed while the premises, or any part thereof, is on offer for sale, rent or lease. Such Sign shall not exceed 6 square feet of Sign Area or 5 feet in height, except in the National Seashore Park District, where the Sign shall not exceed 2 square feet of Sign Area, or 3 feet in height.

7.5.5. On each premises, one unlighted Sign may be displayed while the premises, or any part thereof, is subject to a valid building permit. Such Sign shall not exceed 6 square feet of Sign Area or 5 feet in height and shall be related to the building permit. All such signs shall be removed prior to issuance of a Certificate of Occupancy.

7.5.6. Signs not requiring permits under this Section 7.5 shall not be included in the aggregate limits under Section 7.6.

7.6. SIGNS REQUIRING PERMITS

7.6.1. Service Trade Home Business(es) may have one Sign not exceeding 6 square feet of Sign Area or 5 feet in height on each premises.

7.6.2. Except as provided in 7.6.3. below, a business may have an aggregate total of 24 square feet of Sign Area on each premises, including Temporary Signs. No Sign shall exceed 12 square feet of Sign Area. No freestanding Sign shall exceed the greater of 8 feet in height above the natural grade, or 8 feet above the grade of the adjacent roadway. Signs may be attached to the building, however Signs attached to building sides shall not project more than 3 feet from the building and must have a minimum clearance of 9 feet above the ground level. Signs shall not project above the roof line.

7.6.2.1. For each premises located as provide in 7.6.2 and having multiple businesses, the premises may have additional Sign Area of 6 square feet for each business.

7.6.3. For a business on a premises having frontage on and access onto Route 6 and located in the Commercial District, the business may have an aggregate total of 64 square feet of Sign Area, including Temporary Signs. No Sign shall exceed 36 square feet of Sign Area. No Sign shall exceed the greater of 10 feet in height above the natural grade or 10 feet above the grade of the adjacent roadway. Signs may be attached to the building, however Signs attached to building shall not project more than 3 feet from the building sides and must have a minimum clearance of 9 feet above ground level. Signs shall not project above the roof line.

7.6.3.1. For each premises located as provided in 7.6.3 and having multiple businesses, the premises may have additional Sign Area of 9 square feet for each business.

7.6.4. One Sign bearing the name of a subdivision or condominium, not to exceed 12 square feet of Sign Area or 8 feet in height. Alternatively, the subdivision or condominium may have one ladder-type Sign, not to exceed 8 feet in height bearing multiple names of residents, provided that each name Sign does not exceed 1 square foot in Sign Area.

7.7. GENERAL PROHIBITIONS

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

7.7.2. The source of any Sign's illumination which is visible from any public way or from any premises other than that upon which the Sign is located, or light which is directed above the sign toward the sky, is prohibited.

7.7.3. All Signs internally illuminated by means of any concealed light source are prohibited, except for directional Signs.

7.7.4. All neon, neon-like or Signs made of lights, including but not limited to Light Emitting Diode (LED), are prohibited.

7.7.5. Any Sign which identifies a business, service, project, or activity, that is defunct or which has not existed on the premises for 12 consecutive months or more shall be considered to be an abandoned Sign and is prohibited.

7.7.6. Off-premises Signs are prohibited.

7.7.7. Signs installed on the roof, or on building, shall not project above the ridge of said roof.

7.8. MAINTENANCE OF SIGNS

7.8.1 All Signs must be maintained in a secure and safe condition.

7.8.2. Any Sign that is deemed by the Building Inspector to be unsafe, not properly permitted, or to be a prohibited Sign must be removed forthwith upon issuance of a citation to the owner. After 30 consecutive days of non-compliance, the Building Inspector may cause the Sign to be removed at the owner's expense, subject to constitutional limitations and pursuant to the Building Inspector's authority to enforce this Bylaw under Section 8.1. and General Laws c. 40A, §7.

7.8.3. Wrapping of Signs is prohibited. Signs may be removed for winter storage or covered with painted plywood panels or other rigid material. Removal of Signs for storage or maintenance shall not jeopardize protection provided under Section 7.3.7. of this Bylaw.

Board of Selectmen: Recommends 0-0.

Planning Board: Recommends 5-0-1.

Bylaw Committee: Recommends 3-0.

SUMMARY: The objectives of the Sign Bylaw changes are mainly: 1.) to incorporate sign-related definitions into the Section VII Sign Bylaw for better understanding, 2.) to reorganize the principal sections into a more logical sequence, 3.) to control the sizes of the largest signs in Town which are, and should be, mainly on Route 6 in the Commercial District (C), and 4.) to amend the Bylaws to comply with the 2015 Supreme Court decision regarding the unconstitutionality of content-based regulation of speech (Reed v. Town of Gilbert).

(Request of the Planning Board)

ARTICLE 36: To see if the Town will vote to amend the Zoning Bylaws by repealing Section VI General Regulations, Section 6.30 Formula Business Special Permit, and by deleting the definition of “Business, Formula” from Section II Definitions, and further by deleting the reference to “Business, Formula” from the Commercial Use table in Section 5.3.2. as follows: (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **boldface** type.)

~~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	Ø	Ø	Ø	Ø	A	Ø

~~6.30 FORMULA BUSINESS SPECIAL PERMIT~~ 6.30

(ATM 4/25/11)

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 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 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 0-0.

Planning Board: Recommends 6-0.

Bylaw Committee: Recommends 3-0.

SUMMARY: The current Section 6.30 has no standing in law. As part of its October 6, 2015 decision vacating the Board of Appeals' February 8, 2012 denial of Cumberland Farms'

application for two special permits, the Commonwealth of Massachusetts Land Court declared Wellfleet's 6.30 Formula Business Special Permit bylaw invalid both facially and as applied. Therefor the bylaw is no longer enforceable, and repealing it will avoid future confusion and/or possible litigation.

(Request of the Planning Board)

ARTICLE 37: To see if the Town will vote to amend the Zoning Bylaws by amending Section II, Section 2.1, Definitions and Section V, Section 5.3, Use Regulations by inserting the language below, in alphabetical order, where appropriate, or take any other action related thereto.

Section II Definitions

Section 2.1

Food Truck – A readily movable, non-motorized trailer or cart or a motorized wheeled vehicle that is designed and equipped to cook, prepare, and/or serve food for retail sale while parked on land other than a public or private street, and shall include any food truck, food cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle. All Food Trucks must be registered with the Massachusetts Registry of Motor Vehicles, as required. The following Food Truck uses are exempt from this definition and do not require a special permit:

- a. A Food Truck operating at a special event approved by the Board of Selectmen, such as Oysterfest, a carnival or similar event;
- b. A Food Truck operating as an accessory use to an outdoor municipal or governmental recreational use, including but not limited to public beaches, municipal playing fields or similar use; and
- c. A Food Truck catering a private event in any zoning district, which shall remain on the property for a period not to exceed 24-hours.

Section 5.3.2 Use Regulations

5.3.2 Commercial	CD	R1	R2	NSP	C	C2
Food Truck	A	O	O	O	A	O

Board of Selectmen: Recommends 0-0.

Planning Board: Recommends 5-1-0.

Bylaw Committee: Recommends 3-0.

SUMMARY: The appropriate use of land is regulated under the Town of Wellfleet Zoning By-Laws (WZBL). As per WZBL Section 5.2, uses not listed in WZBL Section 5.3 Use Regulations are prohibited unless the Board of Appeals "...determines that the use closely resembles in its neighborhood impact(s) a use listed as permitted or authorized under special permit, in the same zoning district." Inserting the language above into the WZBL provides clear statement of where land may be used for Food Trucks. Food Trucks operating on land

other than public or private streets will be an allowed land use by Special Permit in the Central (CD) and Commercial (C) Zoning Districts, where similar uses (i.e. retail businesses and food establishments) are already permitted. Certain Food Truck uses have been exempted to 1) allow the Town of Wellfleet to continue licensing Food Trucks to operate on public land under certain circumstances, and 2) permit Food Trucks to cater private events in any zoning district.

(Request of the Planning Board)

SECTION V: DISPOSITION OF TOWN PROPERTY ARTICLES

ARTICLE 38: Disposition of Town property. Pleasant Point bulkhead land area. To see if the Town will vote pursuant to Article III, Section 7 of the Town Bylaws to transfer the care, custody and control of a parcel of land off Pleasant Point Road, approximately 10,100 square feet, as shown on a sketch plan entitled "Portion of Approved Plan of Record for DEP File # SE77-1367 for Marine Bulkhead," a copy of which is on file with the Town Clerk, being a portion of that property identified as Assessor's Map 35-1, Parcel 210, and described in a Judgment in Tax Lien Case recorded with the Barnstable Registry of Deeds in Book 13615, Page 321, from the tax title custodian for tax title purposes, to the Board of Selectmen for the purpose of conveyance to the abutting owners, being the owners of Map 35-1, Parcel 112, Parcel 113, Parcel 114 and Parcel 115, for the purpose of reconstructing the existing bulkhead, provided that the any such conveyance shall require the abutting owners to pay any and all costs and expenses associated with said conveyance, including, but not limited to, the costs of a survey, any and all permits and approvals required to reconstruct said bulkhead and legal fees, and on such other terms and conditions as the Board of Selectmen shall determine, including the payment to the Town of additional consideration for said conveyance and the imposition by the Town of any restrictions on the premises conveyed, or do or act anything thereon. *Two-thirds vote required.*

Board of Selectmen: Recommends 0– 0.

Open Space Committee: Recommend 0-0.

Finance Committee: Recommends 0– 0.

Planning Board: Recommends 0– 0.

Conservation Commission: Recommends 0– 0.

Natural Resources Advisory Board: Reserved to Town Meeting.

SUMMARY: The portion of the property which is proposed to be conveyed consists of approximately 10,000 square feet and is presently occupied by an existing bulkhead protecting four residential properties and associated stairs. The existing timber bulkhead is failing and replacement has been approved by the Conservation Commission.

ARTICLE 39: To see if the Town will vote to grant "Septic System Easement Area" for 15 Kendrick Avenue for the purposes of access and repair, or do or act anything thereon. *Two-thirds vote required.*

Board of Selectmen: Recommends 0– 0.

Open Space Committee: Recommend 0-0.

Planning Board: Recommends 0– 0.

Conservation Commission: Recommends 0– 0.
Natural Resources Advisory Board: Reserved to Town Meeting.

Summary: This easement is required to provide an access for the purposes of repairs and maintenance to an existing septic system located on Town land.

ARTICLE 40: To see if the Town will vote to transfer care, custody, management and control of Assessors Map 8 Parcel 270 from the board or commission currently having custody thereof and from the purpose for which said property is currently held, to the Wellfleet Conservation Commission for open space purposes, or to do or act anything thereon.

Board of Selectmen: Recommends 0– 0.
Open Space Committee: Recommend 0-0.
Planning Board: Recommends 6-0-0.
Conservation Commission: Recommends 0– 0.
Natural Resources Advisory Board: Recommends 5 – 0.

Summary: The land is marshland that abuts existing conservation properties. Map 8 Parcel 270 is north of Brown's Neck Road and south of Cole's Neck Road and Peace Valley Road

ARTICLE 41: To see if the Town will vote to transfer care, custody, management and control of Assessors Map 41 Parcel 189 from the board or commission currently having custody thereof and from the purpose for which said property is currently held, to the Wellfleet Conservation Commission for open space purposes, or to do or act anything thereon.

Board of Selectmen: Recommends 0 – 0.
Open Space Committee: Recommends 0-0.
Planning Board: Recommends 6-0-0.
Conservation Commission: Recommends 0 – 0.
Natural Resources Advisory Board: Recommends 5 – 0.

Summary: The lot is marshland that abuts conservation land on Mill Hill Island.

SECTION VI: UNCLASSIFIED ARTICLES

ARTICLE 42: To see if the Town will vote to continue the Charter Review Committee created by a vote of the 2016 Annual Town Meeting for 1 (one) year, and further to direct the committee to report back to the next Annual Town Meeting, or do or act anything thereon

Board of Selectmen: Recommends 0-0.
Bylaw Committee: Recommends 0-0.
Charter Review Committee: Recommends: 0-0.

SUMMARY: 2016 Annual Town Meeting vote approved creation of a 7-member Charter Review Committee and such committee was charged to report back to the next Annual Town

Meeting. This article extends the Charter Review Committee's timeline so they may report back to Town Meeting voters at the 2018 Annual Town Meeting.

(Requested by the Charter Review Committee)

ARTICLE 43: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a room occupancy tax on vacation rentals not currently subject to such tax; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

An Act Relative to the Application of the Local Option Room Occupancy Excise Tax to Seasonal Rental Properties in the Town of Wellfleet.

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by G. L. c. 64G, §3A or other law, as the same may be amended from time to time, the Town of Wellfleet shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said Town by any operator at the rate of up to but not exceeding five (5) percent of the total amount of rent of each such occupancy.

Section 2. For the purpose of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in G. L. c. 64G, §1 and as follows:

“Occupancy”, the use or possession, or the right to the use or possession of any room or rooms in a bed and breakfast establishment, bed and breakfast home, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of ninety consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest, or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by G. L. c. 64G, §1 and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium dwelling as defined by G. L. c. 183A, or time-share as defined by G. L. c. 183B, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of G. L. c. 64G, §2.

Section 4. All operators of seasonal rental properties or other transient accommodations shall be responsible for assessing, collecting, reporting, and paying such excise tax as set forth in G. L. c. 64G, §3-6, 7A and shall be liable in the same manner as operators in G. L. c. 64G, §7B.

Section 5. This Act shall take effect upon its passage.

The General Court may only make clerical or editorial changes of form to said bill, unless the Board of Selectmen approves amendments thereto before its enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or do or act anything thereon.

Board of Selectmen: recommends 4 – 0.

Finance Committee: recommends 5 – 2.

SUMMARY: Renews previous petition voted at the 2015 Annual Town Meeting which has not been acted upon by the State Legislature. Representative Peake's office has requested that it be re-voted for the next legislative session. The petition would make vacation rentals subject to the same rooms tax as is currently paid by hotels and motels.

ARTICLE 44: SAFE COMMUNITIES ACT - To see if the Town will vote to request Wellfleet Selectmen authorize all Town officials to refrain from using Town funds and other resources for the enforcement of federal immigration laws in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the fourth amendment of the United States constitution.

And furthermore to see if the Town will vote to request Wellfleet Selectmen protect the civil liberties and human rights of all Wellfleet residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin or citizenship and immigration status.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 9-0.

SUMMARY: This article seeks to reaffirm the Town's commitment to the values of freedom, justice and equality for all Wellfleet residents and visitors and enables all residents and visitors to lead lives of peace and dignity free from fear, harassment and violence.

SECTION VII: STANDARD ANNUAL ARTICLES

ARTICLE 45: To see if the Town will vote to authorize the Town Administrator or his designee to dispose of the following articles of personal property by trade in or sale, or do or act anything thereon.

None at time of printing.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 9-0.

SUMMARY: This Article authorizes the Town Administrator or his designee to dispose of surplus/outdated supplies and equipment during the fiscal year. All money received for the disposal of such goods is to be placed in the General Fund, as appropriate. Any credit for trade in value will be applied against the purchase of the replacement vehicle.

ARTICLE 46: To see if the Town will vote in accordance with G. L. c. 41, §38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This Article authorizes the Town Collector when appointed to use all pertinent sections of the Massachusetts General Laws to collect taxes due.

ARTICLE 47: To see if the Town will vote to assume liability in the manner provided by G. L. c. 91, §29 and 29A, 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 G. L. c. 91, §11, and to authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 9-0.

SUMMARY: The Commonwealth requires that the Town annually assume all liability for damages that may occur when work is performed by the Massachusetts Department Environmental Management within tidal and non-tidal waterways within the Town.

ARTICLE 48: To see whether the Town will vote to direct the Board of Selectmen not to allow any permit applications for the Herring River Restoration Project until, and unless, the project proponents give assurance that they will provide appropriate insurance and security to protect fishermen, aquaculturists, local business owners, private property owners, and town-owned property, for potential damages, financial losses and legal expenses that could result from the Project.

(Petitioned Article)

ARTICLE 49: To see whether the town will vote to direct the Board of Selectmen not to allow any permit applications for the Herring River Restoration Project until, and unless, the Project has been modified so that no herbicides will be used in the project area.

(Petitioned Article)

ARTICLE 50: To see if the Town will vote pursuant to the provisions of G. L. c. 71, §16B, to reallocate the sum of the Town's required local contributions to the Nauset Regional School District in

accordance with the Nauset Regional School District Agreement, rather than according to the formula of the Education Reform Act, so-called, for fiscal year 2018, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This annual request would apportion the operating budget of the Nauset Regional School District on a per pupil basis, rather than the Education Reform Act Formula. The Article will apportion the Nauset Regional School District Assessment for Fiscal 2018 to the four member Towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four Towns establishing the Nauset Regional School District, and has been applied in each of the past fifteen years by Town Meeting vote.

SECTION VIII: STANDARD CLOSING ARTICLES

ARTICLE 51: To hear reports of the Selectmen, Town Officers and all other Committees and to act thereon, or do or act anything thereon.

Board of Selectmen: Recommends 5-0.

ARTICLE 52: To act on any other business that may legally come before the meeting.

Board of Selectmen: Recommends 0-0.

SUMMARY: Moderator's appointments are made under this article.

ANNUAL TOWN MEETING WARRANT

April 24, 2017

And you are hereby directed to serve this Warrant by posting attested copies thereof, one in the Post Office in Wellfleet and one in the Post Office in South Wellfleet, fourteen (14) days at least before the date of said meeting.

Hereof fail not and make due return of the Warrant with your doings thereon, to the Town Clerk, at the time of the meeting aforesaid.

Given under our hands this ____ day of March, 2017.

Wellfleet Board of Selectmen

Dennis Murphy, Chair

Berta Bruinooge, Vice Chair

Janet Reinhart, Clerk

Helen Miranda Wilson

Jerry Houk

Constable's Return of Service

I have served the foregoing Warrant by posting attested copies thereof in the Post Office in Wellfleet and the Post Office in South Wellfleet and by delivering to the Town Administrator printed copies of the Warrant of a number not less than the number of registered voters in the Town on _____, which is at least fourteen (14) days before the date of said meeting, as within directed.

Date: _____

Constable: _____

APPENDIX A & B
ARTICLES 1 & 3
FY 2018 OPERATING & CAPITAL BUDGETS SUMMARY

The Fiscal Year 2018 Operating Budget generally provides for the continuation of all services delivered during the previous fiscal year. A breakdown of the entire budget showing expenditures requiring Town Meeting approval and revenue estimates follows.

APPROPRIATIONS	FY2015	FY2016	FY2017	FY2018
Operating Budget	\$15,230,157	\$15,903,219	\$16,639,217	\$17,672,279
Capital Debt Service	\$1,507,378	\$1,270,180	\$1,546,368	\$1,820,602
Capital Expenditures	\$1,021,555	\$625,514	\$624,248	\$485,000
Articles (estimated)	\$859,457	\$1,023,749	\$824,024	\$463,000
Other: Overlay, Cherry Sheet	\$557,064	\$579,459	\$510,078	\$464,181
TOTAL:	\$19,175,611	\$19,402,121	\$20,169,660	\$20,905,062

FUNDING SOURCES

Allowable Tax Levy	\$16,851,633
Receipts Reserved	\$1,532,000
<u>Other (Local Receipts, Chapter 90, etc.)</u>	<u>\$2,521,429</u>
TOTAL:	\$20,905,062

The total proposed Town expenditures are increased approximately 3.64%, over last fiscal year, principally because there has been an increase in the cost of expenses the Town cannot directly control such as the Town's share of employee medical insurance, retirement costs and insurance. The Town's share of the Nauset Regional School District (Nauset) budget increased by 8.7% due to enrollment increases. The Town of Wellfleet has three additional students attending Nauset while the other three towns in the region are seeing a decrease of fifty-two students.

Not included in the funding sources above are three proposed Proposition 2 ½ overrides to fund Article 111 (\$147,300) for two additional full-time Firefighters/Paramedics and Article 26 to purchase a Fire Department fire prevention and inspections vehicle and article 27 to purchase a new transportation vehicle for the Council on Aging. Other than the override for these articles and debt exclusions for proposed borrowing, the proposed budget is within Proposition 2 ½ limits.

The Capital Budget in Article 3 includes debt service (principal and interest payments due during the fiscal year on outstanding debt) and capital expenditures which do not require borrowing.

**OPERATING BUDGET
FISCAL YEAR 2018**

APPENDIX A

	FY 2016	FY 2017	FY 2018	FY 2018	FY 2018
	Actual	Budget	Dept Head	Town Admin	Selectmen
GENERAL GOVERNMENT					
114 - MODERATOR					
Salaries & Wages	200	200	200	200	200
Operating Expenses	86	225	225	225	225
Total	286	425	425	425	425
115 - CONSTABLES					
Salaries & Wages	50	100	100	100	100
Total	50	100	100	100	100
121 - AUDIT					
Operating Expenses	21,900	22,500	22,500	22,500	22,500
Total	21,900	22,500	22,500	22,500	22,500
122 - SELECTMEN					
Salaries & Wages	3,000	5,000	5,000	5,000	5,000
Operating Expenses	2,594	4,370	4,370	4,370	4,370
Total	5,594	9,370	9,370	9,370	9,370
123 - TOWN ADMINISTRATOR					
Salaries & Wages	209,470	196,650	203,940	203,940	203,940
Operating Expenses	9,736	12,900	12,925	12,925	12,925
Total	219,206	209,550	216,865	216,865	216,865
124 - GENERAL ADMINISTRATION					
Salaries & Wages	119,745	114,317	117,682	117,682	117,682
Operating Expenses	18,177	19,593	19,593	19,593	19,593
Total	137,922	133,910	137,275	137,275	137,275
131 - FINANCE COMMITTEE					
Operating Expenses	167	275	300	300	300
Total	167	275	300	300	300
132 - RESERVE FUND					
TRANSFERS	0	80,000	83,000	83,000	83,000
Total	0	80,000	83,000	83,000	83,000
135 - TOWN ACCOUNTANT					
Salaries & Wages	163,177	185,998	159,106	159,106	159,106
Operating Expenses	7,416	8,971	9,650	9,650	9,650
Total	170,593	194,969	168,756	168,756	168,756
141 - ASSESSOR's OFFICE					
Salaries & Wages	112,095	112,145	114,290	114,290	114,290
Operating Expenses	49,171	51,250	47,950	47,950	47,950
Total	161,266	163,395	162,240	162,240	162,240
145 - TREASURER					
Salaries & Wages	129,554	111,437	111,950	111,625	111,625
Operating Expenses	15,407	27,860	26,450	26,450	26,450
Total	144,961	139,297	138,400	138,075	138,075
146 - COLLECTOR					

OPERATING BUDGET

APPENDIX A

Salaries & Wages	78,659	84,504	86,638	86,638	86,638
Operating Expenses	13,856	13,980	13,980	13,980	13,980
Total	92,515	98,484	100,618	100,618	100,618
151 - LEGAL SERVICES					
Operating Expenses	81,872	101,300	101,300	101,300	101,300
Total	81,872	101,300	101,300	101,300	101,300
153 - COMPUTERIZATION					
Operating Expenses	160,200	145,028	157,933	157,933	157,933
Total	160,200	145,028	157,933	157,933	157,933
158 - TAX TITLE					
Operating Expenses	150	11,000	11,000	11,000	11,000
Total	150	11,000	11,000	11,000	11,000
161 - TOWN CLERK					
Salaries & Wages	63,337	64,550	66,457	66,457	66,457
Operating Expenses	5,804	7,694	7,574	7,574	7,574
Total	69,141	72,244	74,031	74,031	74,031
162 - ELECTIONS/REGISTRATION					
Salaries & Wages	2,587	4,550	3,550	3,550	3,550
Operating Expenses	2,211	4,500	4,500	4,500	4,500
Total	4,798	9,050	8,050	8,050	8,050
171 - CONSERVATION COMMISSION					
Operating Expenses	2,452	3,630	3,630	3,630	3,630
Total	2,452	3,630	3,630	3,630	3,630
174 - PLANNING BOARD					
Operating Expenses	1,558	11,135	10,435	10,435	10,435
Total	1,558	11,135	10,435	10,435	10,435
176 - ZONING BOARD OF APPEALS					
Operating Expenses	1,553	1,756	1,756	1,756	1,756
Total	1,553	1,756	1,756	1,756	1,756
177 - OPEN SPACE COMMITTEE					
Operating Expenses	0	1,500	1,500	1,500	1,500
Total	0	1,500	1,500	1,500	1,500
178 - HERRING WARDEN					
Salaries & Wages	2,200	2,200	2,200	2,200	2,200
Operating Expenses	0	300	0	0	0
Total	2,200	2,500	2,200	2,200	2,200
179 - SHELLFISH					
Salaries & Wages	165,701	174,025	178,675	178,675	178,675
Operating Expenses	12,555	18,425	18,425	18,425	18,425
Total	178,256	192,450	197,100	197,100	197,100
180 - SHELLFISH CONSERVATION/PROPAGATION					
Operating Expenses	7,800	22,000	22,000	22,000	22,000
Total	7,800	22,000	22,000	22,000	22,000

181 - SHELLFISH ADVISORY COMMITTEE					
Operating Expenses	0	100	100	100	100
Total	0	100	100	100	100
182 - CHAMBER OF COMMERCE					
Operating Expenses	13,000	10,000	10,000	10,000	10,000
Total	13,000	10,000	10,000	10,000	10,000
183 - NATURAL RESOURCE ADVISORY BD					
Operating Expenses	300	1,150	1,150	1,150	1,150
Total	300	1,150	1,150	1,150	1,150
184 - ECONOMIC DEVELOPMENT					
Operating Expenses	0	0	0	0	0
Total	0	0	0	0	0
189 - HOUSING AUTHORITY					
Operating Expenses	0	5,000	5,000	5,000	5,000
Total	0	5,000	5,000	5,000	5,000
195 - TOWN REPORTS & WARRANTS					
Operating Expenses	9,129	13,000	13,000	13,000	13,000
Total	9,129	13,000	13,000	13,000	13,000
196 - CONSULTANCY					
Operating Expenses	3,850	21,000	20,000	20,000	20,000
Total	3,850	21,000	20,000	20,000	20,000
Total-General Gov't	1,490,719	1,676,118	1,680,033	1,679,708	1,679,708
DEPARTMENT OF PUBLIC SAFETY					
210 - POLICE					
Salaries & Wages	1,117,395	1,209,024	1,219,606	1,219,606	1,219,606
Operating Expenses	129,622	100,700	121,135	114,135	114,135
Total	1,247,017	1,309,724	1,340,741	1,333,741	1,333,741
215 - COMMUNICATIONS/DISPATCHERS					
Salaries & Wages	333,876	337,585	348,949	348,949	348,949
Operating Expenses	18,764	22,700	18,200	18,200	18,200
Total	352,640	360,285	367,149	367,149	367,149
220 - FIRE					
Salaries & Wages	1,068,985	1,112,766	1,110,208	1,110,208	1,110,208
Operating Expenses	173,690	189,610	213,333	213,333	213,333
Total	1,242,675	1,302,376	1,323,541	1,323,541	1,323,541
241 - Building Department					
Salaries & Wages	162,911	156,223	204,338	204,338	204,338
Operating Expenses	6,838	11,071	11,300	11,300	11,300
Total	169,749	167,294	215,638	215,638	215,638
291 - EMERGENCY MANAGEMENT					
Operating Expenses	0	500	5,000	5,000	5,000

OPERATING BUDGET
APPENDIX A

	Total	0	500	5,000	5,000	5,000
292 - ANIMAL CONTROL OFFICER						
Salaries & Wages		34,492	41,992	42,962	42,962	42,962
Operating Expenses		9,921	3,900	3,900	3,900	3,900
Total		44,413	45,892	46,862	46,862	46,862
293 - TRAFFIC/PARKING CONTROL						
Salaries & Wages		2,000	2,000	2,000	2,000	2,000
Operating Expenses		1,640	4,250	4,250	4,250	4,250
Total		3,640	6,250	6,250	6,250	6,250
Total-Public Safety		3,060,134	3,192,321	3,305,180	3,298,180	3,298,180

EDUCATION

300 - ELEMENTARY SCHOOL						
BUDGET ESTIMATE		0	2,535,847	2,652,879	2,652,879	2,652,879
Salaries & Wages		1,710,681	0	0	0	0
Operating Expenses		547,918	0	0	0	0
Total		2,258,599	2,535,847	2,652,879	2,652,879	2,652,879
301 - NAUSET REGIONAL SCHOOL DISTRICT						
NRSD ASSESSMENT		2,580,829	2,732,103	2,800,406	2,969,904	2,969,904
Total		2,580,829	2,732,103	2,800,406	2,969,904	2,969,904
302 - CAPE COD REG TECH HS DISTRICT						
OTHER ASSESSMENTS		147,379	135,249	138,630	173,827	173,827
Total		147,379	135,249	138,630	173,827	173,827
TOTAL EDUCATION		4,986,807	5,403,199	5,591,915	5,796,610	5,796,610

DEPARTMENT OF PUBLIC WORKS

417 - DPW FACILITIES						
Operating Expenses		314,941	315,100	338,100	338,100	338,100
Total		314,941	315,100	338,100	338,100	338,100
420 - DPW OPERATIONS						
Salaries & Wages		861,405	918,398	959,243	959,243	959,243
Operating Expenses		148,307	151,875	150,950	150,950	150,950
Total		1,009,712	1,070,273	1,110,193	1,110,193	1,110,193
422 - DPW HIGHWAYS						
Operating Expenses		57,057	92,900	92,900	92,900	92,900
Total		57,057	92,900	92,900	92,900	92,900
423 - DPW SNOW REMOVAL						
Salaries & Wages		30,725	45,000	45,000	45,000	45,000
Operating Expenses		71,973	83,180	83,180	83,180	83,180
Total		102,698	128,180	128,180	128,180	128,180
424 - DPW STREET LIGHTS						
Operating Expenses		7,734	10,600	10,600	10,600	10,600
Total		7,734	10,600	10,600	10,600	10,600

433 - DPW TRANSFER STATION					
Operating Expenses	274,528	321,804	342,959	342,959	342,959
Total	274,528	321,804	342,959	342,959	342,959
434 - RECYCLING COMMITTEE					
Operating Expenses	0	100	100	100	100
Total	0	100	100	100	100
Total Public Works	1,766,670	1,938,957	2,023,032	2,023,032	2,023,032
HUMAN SERVICES					
510 - HEALTH/CONSERVATION					
Salaries & Wages	149,078	144,807	147,674	147,674	147,674
Operating Expenses	17,507	23,295	23,779	23,779	23,779
Total	166,585	168,102	171,453	171,453	171,453
520 - HUMAN SERVICES					
Grants	139,998	180,000	180,000	180,000	180,000
Total	139,998	180,000	180,000	180,000	180,000
541 - COUNCIL on AGING					
Salaries & Wages	184,033	174,818	179,854	179,854	179,854
Operating Expenses	39,749	36,400	53,355	47,355	47,355
Total	223,782	211,218	233,209	227,209	227,209
542 - COUNCIL on AGING BOARD					
Operating Expenses	0	600	600	600	600
Total	0	600	600	600	600
543 - VETERAN's SERVICES					
OTHER ASSESSMENTS	15,991	16,557	16,665	16,594	16,594
VETERANS BENEFITS	9,995	10,918	12,000	12,000	12,000
Total	25,986	27,475	28,665	28,594	28,594
Total Human Services	556,351	587,395	613,926	607,855	607,855
CULTURE AND RECREATION					
610 - LIBRARY					
Salaries & Wages	289,243	296,263	316,947	316,947	316,947
Operating Expenses	109,088	113,162	112,650	112,650	112,650
Total	398,331	409,425	429,597	429,597	429,597
630 - RECREATION					
Salaries & Wages	207,778	207,846	212,715	212,715	212,715
Operating Expenses	74,596	71,736	74,483	72,983	72,983
Total	282,374	279,582	287,198	285,698	285,698
660 - COMMUNITY SERVICES DIRECTOR					
Salaries & Wages	82,111	79,092	82,374	82,374	82,374
Operating Expenses	0	650	650	650	650
Total	82,111	79,742	83,024	83,024	83,024
690 - HISTORICAL COMMISSION					
Operating Expenses	77	100	100	100	100

OPERATING BUDGET

APPENDIX A

	Total	77	100	100	100	100
692 - HOLIDAY CELEBRATIONS						
Operating Expenses		1,167	1,200	1,200	1,200	1,200
Total		1,167	1,200	1,200	1,200	1,200
696 - Cultural Council						
Operating Expenses		2,000	2,000	2,000	2,000	2,000
Total		2,000	2,000	2,000	2,000	2,000
699 - Beach Program						
Salaries & Wages		249,233	234,655	250,155	250,155	250,155
Operating Expenses		78,856	86,250	74,000	74,000	74,000
Total		328,089	320,905	324,155	324,155	324,155
Total Culture & Rec.		1,094,149	1,092,954	1,127,274	1,125,774	1,125,774
INTEREST ACCOUNTS						
Short Term Loan Prin/Int		0	25,000	25,000	25,000	25,000
R/E TAX REFUND INTEREST		0	150	150	150	150
Total Interest Accounts		0	25,150	25,150	25,150	25,150
UNCLASSIFIED ACCOUNTS						
911 - RETIREMENT ASSESSMENT						
Barnstable County Retirement		985,738	1,051,633	1,150,399	1,150,399	1,150,399
912 - WORKERS COMPENSATION						
Injury Claims		71,444	100,500	100,000	100,000	100,000
913 - UNEMPLOYMENT COMPENSATION						
Claims		21,275	25,000	25,000	25,000	25,000
914 - GROUP HEALTH INSURANCE						
Premiums		1,081,339	1,172,000	1,348,000	1,300,920	1,300,920
915 - Group Life Insurance						
Premiums		6,598	6,120	6,300	6,300	6,300
916 - Town Share Medicare						
Tax Payments		98,767	102,500	105,500	105,500	105,500
917 - Health Insurance Stipend						
Employee Stipends		0	49,497	49,850	49,850	49,850
940 - Miscellaneous						
Tax Workoff Program		37	0	0	0	0
945 - Property/Liability Insurance						
Premiums		290,803	301,600	300,000	300,000	300,000
990 - Interfund Transfers						
Transfers		0	0	0	0	0
Payroll Contract Adjustments						
Salaries & Wages		12,000	111,774	0	78,000	78,000
Total Unclassified Accts		2,556,001	2,920,624	3,085,049	3,115,969	3,115,969
OPERATING BUDGET TOTAL		15,510,831	16,836,718	17,451,559	17,672,278	17,672,278

Dept	Description	FY 2018	Raise & Appropriate	Fund from Ambulance Fund	Fund from Beach Fund	Borrow	Prior Town Meeting Articles
153 COMPUTERIZATION							
	Fiber Optic Network - Phase 4	\$25,000					\$25,000
	Wireless Town Network - Phase 3	\$5,000					\$5,000
	Network Upgrades - Phase 5	\$20,000					\$20,000
	Upgraded Phone System	\$30,000					\$30,000
179 SHELLFISH							
	Outboard Motor Replacement (skiff)	\$12,000	\$12,000				
210 POLICE							
	Replace radios	\$15,000	\$15,000				\$15,000
	Cruiser Replacement	\$40,000	\$40,000				
220 FIRE							
	Water Supply Development	\$7,000					\$7,000
	Turnout Gear	\$14,000		\$14,000			
	Ambulance Replacement #99	\$285,000		\$285,000			
	Fire Prevention/Inspection Vehicle	\$38,000				\$38,000	
	4" Hose Replacement	\$9,000	\$9,000				
	Portable Radios	\$35,000					\$35,000
	Replace Mobile Data Terminals	\$14,000	\$14,000				
300 EDUCATION							
	Elementary School	\$40,000	\$40,000				
	Nauset Regional School District High School	\$66,000	\$66,000				
	Nauset Regional HS MSBA Feasibility Study	\$0					
420 DPW Operations							
	Town Hall-Elevator controls upgrade	\$10,000					\$10,000
	Transfer Station-Concrete Pad expansion	\$40,000	\$40,000				
	Lt. Island Bridge repair	\$160,000	\$160,000				
437 DPW VEHICLES							
	Replace Pick-up truck with plow	\$45,000					\$45,000
541 COUNCIL ON AGING							
	Replace Vehicle	\$40,000				\$40,000	
610 LIBRARY							
	Assessment of Septic System	\$1,000	\$1,000				
	Upper Parking Lot Improvements	\$5,000	\$5,000				
630 RECREATION							
	Baker Field Playground Rehab	\$83,000	\$83,000				
TOTAL CAPITAL BUDGET		1,039,000	485,000	299,000	0	78,000	192,000

APPENDIX C ARTICLE 4
FY 2018 MARINA SERVICES ENTERPRISE FUND BUDGET

The Marina operates from May 15th to October 15th. The enterprise fund is self-supporting. The Marina Enterprise Fund will reimburse the General Fund \$55,300 for Marina expenses carried in the general operating budget such as employee salaries and benefits and the cost of shared employees.

FY 2018 Estimated Revenues

Mooring and Slip Fees	385,000
Fuel Sales	160,000
Parking and Other	47,500
Beach Sticker Bldg Rent	10,000
Waterways Fund	2,000
Shellfish Fund	5,000
Marina Enterprise Fund Retained Earnings	40,282
Total Revenues	649,782

FY 2018 Estimated Expenditures

Salaries and Wages	178,232
Operating Expenditures	217,250
Capital Outlay (Debt Service)	159,000
Reserve	40,000
Reimburse General Fund costs	55,300
Total Expenditures	649,782

MARINA ENTERPRISE FUND

APPENDIX C

	FY 2016	FY 2017	FY 2018	FY 2018 Town Admin	FY 2018 Selectmen
	Actual	Budget	Dept Head		
PERSONNEL					
Salaries & Wages	166,632	171,253	173,652	173,652	173,652
Overtime	1,144	2,000	2,000	2,000	2,000
Holiday/Longevity	2,925	2,580	2,580	2,580	2,580
TOTAL PERSONNEL	170,701	175,833	178,232	178,232	178,232
OPERATING EXPENSES					
Services	41,744	31,600	34,150	34,150	34,150
Supplies	126,368	172,000	174,500	174,500	174,500
Other Charges	5,693	7,600	7,600	7,600	7,600
Small Equipment	1,293	1,000	1,000	1,000	1,000
TOTAL OPERATING EXPENSES	175,098	212,200	217,250	217,250	217,250
CAPITAL OUTLAY					
Engineering, Marina Rehab	9,496	20,000	20,000	20,000	20,000
Rehab Debt Service, Principal	105,000	105,000	105,000	105,000	105,000
Rehab Debt Service, Interest	38,149	34,402	34,000	34,000	34,000
TOTAL CAPITAL OUTLAY	152,645	159,402	159,000	159,000	159,000
RESERVE	11,256	40,000	40,000	40,000	40,000
GENERAL FUND COSTS					
Health/Life Insurance	33,000	33,000	33,000	33,000	33,000
Pension	9,000	9,000	9,000	9,000	9,000
Shared Employees	9,200	9,200	9,200	9,200	9,200
Bldg/Liability Insurance	4,100	4,100	4,100	4,100	4,100
TOTAL GEN. FUND COSTS	55,300	55,300	55,300	55,300	55,300
MARINA ENTERPRISE TOTAL	565,000	642,735	649,782	649,782	649,782

APPENDIX D ARTICLE 5
FY 2018 WATER SERVICES ENTERPRISE FUND BUDGET

The Water Services Enterprise Fund is intended to be self-supporting. FY 2018 estimated water revenue includes connection fees (\$49,251), water use charges (\$92,150) and deferred connection fee payments from connections in previous years (\$58,040) which, together with other fees of \$1,050 results in total Water System revenue of \$200,491. A \$38,846 transfer from the Water Services Enterprise Fund Balance and an appropriation of \$45,000 are necessary to adequately fund the Water Services Enterprise Fund operations. The Water Enterprise Fund will reimburse the General Fund \$5,000 for Water Enterprise expenses carried in the general operating budget such as employee salaries and benefits and the cost of shared employees.

FY 2018 Estimated Revenues

Connection Fees	75,530
Water use charges	76,515
General Fund transfer	77,977
<u>Appropriated</u>	<u>53,000</u>

<u>Total Revenue</u>	<u>283,022</u>
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FY 2018 Expenses

Salaries and Wages	25,000
Operations	141,875
Debt Service	111,147
Expenses in the operating budget	5,000

<u>Total Expenses</u>	<u>283,022</u>
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**WATER ENTERPRISE FUND
FISCAL YEAR 2018**

APPENDIX D

	FY 2016	FY 2017	FY 2018	FY 2018	FY 2018
	Actual	Budget	Dept Head	Town Admin	Selectmen
PERSONNEL					
Secretary and Clerk	19,807	25,000	25,000	25,000	25,000
TOTAL PERSONNEL	19,807	25,000	25,000	25,000	25,000
OPERATING EXPENSES					
Utilities-Electricity	10,663	10,000	12,000	12,000	12,000
Services-Whitewater, Inc	68,970	78,675	78,675	78,675	78,675
Services-Whitewater					
Contingency	9,848	25,000	25,000	25,000	25,000
Services-Environmental Partners	0	3,000	4,500	4,500	4,500
Services-Other	4,240	7,800	7,800	7,800	7,800
Supplies	2,645	10,500	10,600	10,600	10,600
Other Charges	1,208	7,500	3,300	3,300	3,300
TOTAL OPERATING EXPENSES	97,574	142,475	141,875	141,875	141,875
DEBT SERVICE					
Phase II Principal	25,642	25,642	25,642	25,642	25,642
Phase I Principal	27,395	27,395	27,395	27,395	27,395
Phase II Interest	27,500	26,795	26,090	26,090	26,090
Phase I Interest	33,627	32,030	32,020	32,020	32,020
TOTAL DEBT SERVICE	114,164	111,862	111,147	111,147	111,147
SHARED EMPLOYEES	0	5,000	5,000	5,000	5,000
WATER ENTERPRISE TOTAL	231,545	284,337	283,022	283,022	283,022

SALARY/WAGE LIST

APPENDIX E

POSITION	UNION	FY2017 SALARY/WAGES	FY2018 SALARY/WAGES
Animal Control Officer	W	\$34,132.46	N
Assessor (35 hrs)	W	\$68,537.74	N
Assessor's Data Collector (35 hrs)	W	\$44,650.42	N
Assistant DPW Director	W	\$78,328.85	N
Assistant Health/Conservation Agent	W	\$45,427.78	N
Assistant Librarian - Children's (35 hrs)	W	\$51,508.25	N
Assistant Librarian – Tech. Services (35 hrs)	W	\$47,986.16	N
Assistant Recreation Director	W	\$54,159.80	N
Assistant Shellfish Constable	W	\$55,472.95	N
Assistant to Town Accountant (35 hrs)	W	\$48,824.75	N
Assistant to Town/Clerk Treasurer (35 hrs)	W	\$44,000.00	N
Beach Canoe/Small Boat Manager	W	\$4,500.00	\$5,000.00
Call - Lieutenant/Paramedic	W	\$32.88/HR	N
Call - EMT	W	\$16.35 - \$32.23/HR	N
COA Office Assistant (35 hrs)	W	\$38,463.47	N
COA Office Manager (35 hrs)	W	\$44,669.05	N
COA Outreach Coordinator (35 hrs)	W	\$51,526.88	N
Committee Secretary (18 hrs)	W	\$24384.34	N
Committee Secretary/Water Clerk (28 hrs)	W	\$38,047.00	N
Committee Secretary BOH (10 hrs/month)	W	\$1,789.28	N
Community Service Director (35 hrs)	W	\$80,673.68	N
DPW Administrative Assistant (40 hrs)	W	\$45,321.29	N
Deputy Shellfish Constable	W	\$48,111.28	N
Health/Conservation Agent	W	\$76,401.84	N
Health/Building Clerk (20 hrs)	W	\$21,989.77	N
Fire Department Admin Assistant (35 hrs)	W	\$46,010.80	N
Health/Building Admin Assistant (35hrs)	W	\$45,427.78	N
Inspector of Buildings (18 hrs)	W	\$13,810.16	N
Inspector of Buildings (40hrs)	W	\$77,000.00	
Library Assistant (35 hrs)	W	\$50,017.41	N
Library Assistants (19 hrs)	W	\$10,000.00 - \$20,267.16	N
Library Director (35 hrs)	W	\$73,185.00	N
Principal Clerk (35 hrs)	W	\$44,669.05	N
Recreation Director	W	\$62,432.37	N
Shellfish Constable	W	\$74,694.73	N
Town Accountant (35 hrs)	W	\$79,451.32	N
Town Accounting Clerk (25 hrs)	W	\$27,487.22	N
Town Tax Collector Clerk (10hrs)	W	\$14,849.42	N
Video Coordinator (20 hrs)	W	\$28,057.50	N

Clerk/Dispatcher	CU	\$64,321.02	\$66,295.35
Dispatchers	CU	\$49,029.92 - \$53,420.62	\$50,769.92 - \$54,954.57
DPW Building/Grounds Custodian	T	\$44,223.84 - \$46,833.84	\$44,928 - \$47,590.40
DPW Driver/Laborer I/Operator	T	\$48,232.80 - \$54,872.64	\$49,025.60 - \$49,795.20
DPW Driver/Laborer II	T	\$54,872.64	\$55,744.00
DPW Facilities Maintenance	T	\$54,872.64	\$55,744.00
DPW Heavy Truck Driver/Mechanic Asst.	T	\$54,872.64	\$55,744.00
DPW Transfer Station Working Forman	T	\$58,004.64	\$58,947.20
DPW Mechanic	T	\$57,566.16	\$58,489.60
DPW Working Foreman	T	\$61,053.12	\$62,046.40
DPW Gate Attendant	T	\$42,866.64	\$43,555.20
Harbormaster	T	\$72,203.04	\$73,361.60
Assistant Harbormaster	T	\$49,673.52	\$50,460.80
Fire Captain/Paramedic	F	\$74,000.00	\$75,480.48
Fire Lt./Paramedic	F	\$68,240.86 - \$68,853.51	\$69,605.67 - \$70,230.58
Firefighter/Paramedic	F	\$50,649.17 - \$52,287.06	\$50,649.16 - \$52,287.06
Elementary School Teachers P/T & F/T	S	\$45,529 - \$93,759	\$11,512 - \$92,735
Elementary School - Secretary to Principal	S	\$27.30/HR	\$58,422
Elementary School - Librarian 60% /40%	S	\$93,759	\$37,762
Elementary School Custodians	S	\$19.49 - \$26.42	\$36,978 - \$56,543
Elementary School Nurse	S	\$71,207.91	\$75,908
Elementary School Education Assistant	S		\$14,957 - \$38,837
Elementary School Secretary	S		\$33,191
Elementary School Cafeteria	S	\$13.33 - \$18.84	\$10,534 - \$27,513
Town Administrator	C	\$115,000	\$117,300
Assistant Town Administrator	C	\$82,594.50	N
Executive Assistant to the Town Administrator	C	\$58,140.00	N
DPW Director	C	\$101,866.72	\$106,002.94
Elementary School Principal <i>includes long./mile</i>	C	\$111,961	\$119,029
Fire Chief	C	\$105,509.43	\$107,622.32
Police Chief	C	\$128,345	\$130,910
Police Lieutenant	C	\$114,190	\$116,475
Town Clerk	C	\$64,821	N
Town Treasurer	C	\$66,300	N
Police Officer	P	\$46,388 - \$76,343.71	N
Police Sergeant	P	\$73,370.29 - \$87,345.59	N
COA Van Drivers	PB	\$15.00/HR	\$15.00/HR
COA Exercise Instructor	PB	\$30.00/CLASS	\$30.00/CLASS
COA Cook	PB	\$25.00/HR	\$25.00/HR
Community Service Officer	PB	\$14.57/HR	N
CPC Coordinator (9hrs/wk)	PB	\$28.00/HR	N
Police Matron	PB	\$15.08 - \$31.06/HR	N
Relief Dispatcher	PB	\$15.39 - \$15.70	N

Special Police Officer	PB	\$16.01 - \$17.05/HR	N
School Crossing Guard	PB	\$32.31/DAY	N\$16.01 - \$17.05
Town Tax Collector	PB	\$69,146.01	N
Alternate Inspectors	N	\$33 /Inspection	\$33/inspection
Electrical Inspector	\$25/HR	\$33 /Inspection	\$33/inspection
Plumbing/Gas Inspector	\$25/HR	\$33 /Inspection	\$33/inspection

C = Contract

CU = Communicators Union

E = Elected

T = Teamsters Union

W = Wellfleet Employees Association

N = Ongoing contract negotiations

P = Police Federation

PB = Personnel Board

S = School Union

F = Firefighters Union

PRSRT STD
U.S. POSTAGE
PAID
CCP & DF, MA
PERMIT NO. 15



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, March 14, 2017

VI

BUSINESS B.

REQUESTED BY:	Becky Rosenberg, Recreation Director
DESIRED ACTION:	Approve Change Order for the Baker Field Tennis Courts.
PROPOSED MOTION:	I move to vote to approve the requested Change Order for Baker Filed Tennis Courts as printed.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Change Order Explanation Tennis Court Project.

The Recreation Department is requesting a change order from the original contract for the Baker's Field Tennis Court Project consisting of the following:

ADD:

Removable Pickle Ball Posts (6 sets)	\$4,000
Pickle Ball Sleeves (6 sets)	\$4,020
Post and sleeve installation	\$1,500
Benches inside courts	\$2,280
Additional door added to fencing	\$3,825
Total	\$15,625

REMOVE:

Synthetic Windscreen	\$1400
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Total Cost: \$14,225

Explanation for Change Order:

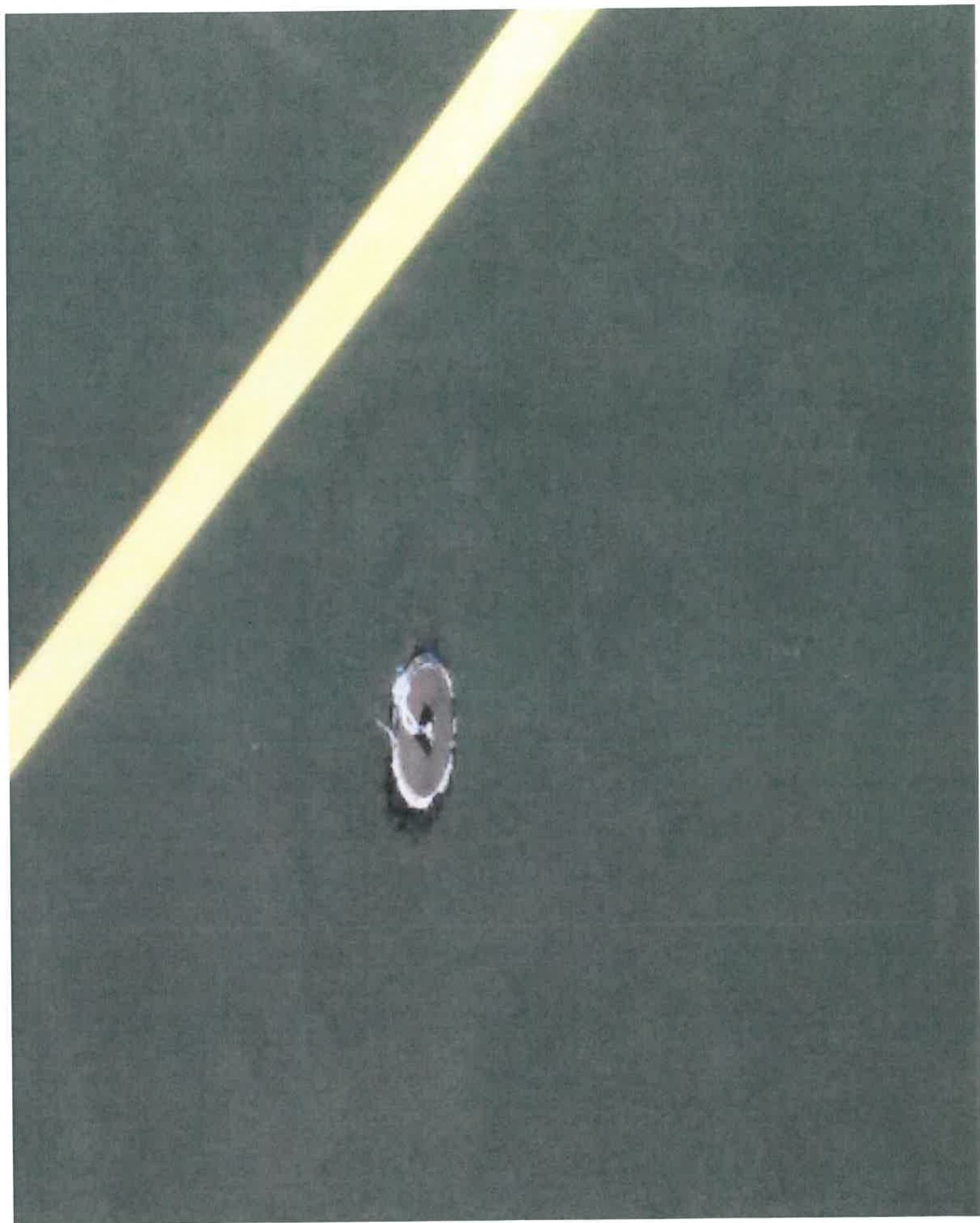
In the last three years the Wellfleet Recreation Pickle Ball program has grown exponentially. It has been the most popular adult program ever offered. We have had to add many extra sessions. This has led to thousands of dollars of increased revenue for the department. The ability to use removable pickle ball posts on the courts will add a new dimension to the courts by adding the ability to use the courts for pickle ball or tennis. Removable posts are more viable than the portable type which are not ideally suited for outdoor use, and must be replaced every couple of years. Pickle Ball is the fastest growing sport among seniors and young adults and many public tennis facilities are converting their courts so that they can be used for both tennis and pickle ball. (Please see picture of Brooks Park Courts in Harwich) With proper posts and nets the recreation department will be able to host even more pickle ball events such as tournaments and round robins creating the potential for even more revenue for the Town

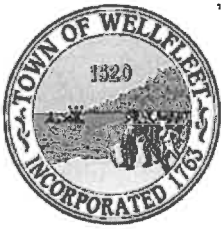
Addition of removable posts will facilitate more efficient maintenance because the posts will not be left out in the winter months which leads to rusting of the winding mechanism.

Benches to place equipment and rest in between sets are standard on public tennis courts.
Fencing Upgrade: By increasing the number of doors on the fencing around the courts it will be easier to retrieve balls which go over the fence and for parents playing to check on children using the adjacent playground.









BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, March 14, 2017

VI

BUSINESS C.

REQUESTED BY:	BOS
DESIRED ACTION:	Review the Shellfish Constable Job Description
PROPOSED MOTION:	N/A
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet, Massachusetts
Job Description

Position Title:	Shellfish Constable	Grade Level:	
Department	Shellfish	Date:	
Reports to:	Town Administrator	FLSA Status	

Statement of Duties: The Shellfish Constable performs a variety of environmental, ecological, and law enforcement duties to protect and manage the Town's shellfisheries, natural resources, and aquaculture areas. Enforces all policies, statutes, ordinances, by-laws, Town Charter and regulations relating to shellfish, marine fisheries, lobsters, wetlands, water quality and natural resources. The position protects the public health and assists in all aspects of environmental and ecological management including administration and management of the shellfish propagation program and research. Responds and assists other departments with matters relating to the marine ecology of the Town and conducts active public education and outreach. Employee is required to perform all similar or related duties.

Supervision Required: Under administrative direction of the Town Administrator, the employee is familiar working from municipal policies, goals, and objectives. The employee establishes the department's short and long-range objectives, own performance standards, and assumes direct accountability for department results; employee may if applicable act as an independently elected official over a department. Consults with supervisor only where clarification, interpretation, or exception to municipal policy may be required. The employee is responsible for the development and implementation of departmental policies, goals, objectives and budgets. The employee is expected to take the initiative to resolve conflicts which arise and coordinate with others as necessary.

Supervisory Responsibility: Employee is accountable for the direction and success of all department programs accomplished through others. The manager is responsible for analyzing program objectives, determining the various work operations needed to achieve them, estimating the financial and staff resources required, allocating the available funds and staff, reporting periodically on the achievement and status of the program objective; and recommending new goals. The manager typically formulates or recommends program goals and develops plans for achieving short and long-range objectives; determines organizational structure operating guidelines and work operations; formulates, prepares and defends budget and manpower requests and accounts for effective use of funds and staff provided; coordinates program efforts within the unit and with other departments; delegates authority to subordinate supervisors and holds them responsible for the performance of their unit's work; reviews work in terms of accomplishment of program objectives and progress reports, approves standards establishing quality and quantity of work; and assists or oversees the personnel function, including or effectively recommending hiring, training, and disciplining of employees.

The employee provides direct supervision over two (2) full-time employees who work at the same location and the same work schedule, a few may be dispersed to other locations throughout the community. Work operations may be subject to substantial cyclic or seasonal fluctuations, or substantial changes in work procedures, volume, or products, which are (or can be) reasonably

Shellfish Department
Shellfish Constable/
2/28/2017

Town of Wellfleet, Massachusetts
Job Description

anticipated and planned for in advance, e.g., recreational activities or fiscal year end.

Confidentiality: Regular access at the departmental level to a wide variety of confidential information, including personnel records, client records, criminal investigations, court records, financial records.

Accountability: Duties include department level responsibility for technical processes, service delivery, and contribution to municipal wide plans and objectives and fiscal responsibility for the department including buildings, equipment and staffing utilization. Consequences of errors, missed deadlines or poor judgment could severely jeopardize department operations or have extensive financial and/or legal repercussions to the municipality and danger to public health and safety.

Judgment: Guidelines provide limited guidance to perform the essential functions of the position. They may be in the form of administrative or organizational policies, general principals, legislation or directives that pertain to a specific department or functional area. Extensive Judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized as the department or functional area's authority in interpreting the rules, regulations, policies and guidelines, in determining how they should be applied, and in developing operating policies and practices.

Complexity: The work consists of employing many different concepts, theories, principles, techniques and practices relating to an administrative or professional field. Assignments typically concern such matters as studying trends in the field for application to the work; assessing the effectiveness of services and recommending improvements.

Work Environment: The nature of duties may involve continuous presence of unpleasant or irritating elements, such as considerable noise, odors, chemical fumes, traffic, bio hazards, electricity, dust, smoke, heat, cold, oil, dirt or grease. Work is continually performed outdoors, regardless of weather conditions. Work generally contains one or more constant elements of stress such as being on call for 24 hours or being under prolonged pressure during emergency situations. Employee may be required to work beyond normal business hours in response to seasonal conditions and emergency situations or to attend evening meetings.

Nature and Purpose of Relationships: Relationships are constantly with co-workers, the public, groups and/or individuals such as civic leaders, peers from other organizations, representatives of professional organizations, and the news media. The employee serves as a spokesperson or recognized authority of the organization in matters of substance or considerable importance. The employee speaks on behalf of the department to communicate departmental practices, procedures, regulations or guidelines. The employee may be required to discuss controversial matters where tact is required to avoid friction and obtain cooperation.

Occupational Risk: Essential functions regularly present potential risk of injuries from

Shellfish Department
Shellfish Constable/
2/28/2017

Town of Wellfleet, Massachusetts
Job Description

improper exposure which could result in the loss of time from work. Examples of personal injury include but are not limited to exposure to extreme weather conditions, burns from chemicals, steam or fire, traffic, bio hazards, severe muscular strains from working with extremely heavy material, falls from heights in excess of three feet and illness from exposure to communicable diseases. Special safety precautions, training, or protective clothing such as gowns, coats, gloves, glasses, hard hats or boots is required.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Patrols the town's shell fishing and conservation areas, (fishing areas, beaches, open space, landings, etc.) to enforce applicable rules, policies, statutes, by-laws, directives and regulations. Issues warnings or citations and takes any condoned actions including arrests to secure the public health and safety and the preservation of persons, property and natural resources.

Patrols all assigned areas (by auto, boat or afoot) to enforce statutes, by-laws, directives and regulations relevant to the taking of marine fish, shellfish and inland fish and taking all relevant actions including arrest to pursue enforcement and prevent potential hazards.

Pursues all actions to insure compliance with all natural resource rules, policies, statutes, by-laws and regulations such as checking licenses and examining take of hunters, fisherman and trappers, inspecting equipment, boarding vessels to check for violations, checking off-road vehicle permits, enforces parking restrictions, maintaining proper conduct in conservation areas, court appearances, etc.

Supervises all shellfish propagation projects, maintains all aspects of shellfish as related to public health and safety; assists local, State and Federal agencies to collect samples from contaminated substrate and collects water samples from pollution sources.

Conducts appropriate research, including surveys of shellfish abundance. Directs and conducts at least a three (3) year propagation program.

Submits to the Town Administrator, the Board of Selectmen, the Shellfish Advisory Board and the Natural Resources Advisory Board a monthly report on the numbers and species of shellfish taken, the number and types of violations reported and significant departmental activities, together with recommendations and reports of actions taken relative to the closing and opening of shellfish areas.

Issues commercial shell fishing licenses, assists individuals in securing relevant permits and licenses as well as information.

Shellfish Department
Shellfish Constable/
2/28/2017

Town of Wellfleet, Massachusetts
Job Description

Pursues all preparatory work for Conservation Commission business (on-site inspections, report and research activities, etc.), and Shellfish Advisory Board; inspects projects in progress for compliance with rules, policies, statutes, by-laws, regulations and restrictions and make educated recommendations when appropriate.

Assists with and advises on all environmental and ecological projects. Provides informational and technical resource internally to the Town Administrator, Board of Selectmen, staff, Town committees and commissions, etc., and to external agents.

Serves as staff liaison to committees, commissions, task forces, etc., keeping administration informed, making recommendations concerning regulations, and related issues.

Maintains required activities logs, reports, documentation, records, and manuals.

Carries out water sampling of known pollution sources, working closely with the Town Health and Conservation Agent and Department.

Maintains departmental equipment (trucks, boats, radios, tools, etc.) to assure lasting efficient use.

Responds to citizen's requests or complaints through proper procedures, referral and response.

Works cooperatively with all departments to assure effective, efficient Town management and the safety and preservation of its natural resources.

Attends training and educational seminars to maintain knowledge and keep abreast of changes in laws, regulations and enforcement practices and techniques.

Provides support for compliance to the shell fishing community by communicating information about local, State and Federal regulations and statutes.

Attends meetings of the Shellfish Advisory Board and works with them to review and revise the Town's shellfishing policy and regulations.

Submits annual report on shellfish activities for the year with an updated five-year plan.

Recommended Minimum Qualifications

Education and Experience: Position requires a Bachelor's degree or equivalent in Natural Resources Management, Environmental Science, or related field; a minimum of seven to ten (7-10) years of experience in environmental management, or related field; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

Shellfish Department
Shellfish Constable/
2/28/2017

Town of Wellfleet, Massachusetts
Job Description

If the employee has had no previous experience in shellfishery management and enforcement then satisfactory completion of the Massachusetts Shellfish Officers Qualifications courses as certified by the Massachusetts Maritime Academy shall count toward the minimum required experience and shall be successfully completed within one year of employment.

Special Requirements

Employee must successfully complete First Responder and CPR training; Valid Class D Motor Vehicle Operator's license. Certification as a MA. Shellfish Constable. As a condition of employment must pass a CORI background check. Water testing certification, scuba diving and/or boating licenses and basic lifesaving are desirable.

Knowledge, Abilities and Skills:

Knowledge: Comprehensive knowledge of state and local environmental laws, including but not limited to, the regulations of the Massachusetts Division of Marine Fisheries, hunting, shellfish propagation, and wetland protection. Knowledge of biology and economics.

Abilities: Ability to enforce rules and regulations firmly and impartially. Ability to operate small boats, clam pumps, winch and other shellfish harvesting equipment. Ability to enforce laws and regulations in an impartial manner.

Skills: Operation of small boats, clam pumps, winch and other shellfish harvesting equipment, making observations and recording information. Proficient carpentry and boat handling skills

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Physical Skills: Work requires moderate intermittent physical strength and effort daily, such as, lifting heavy objects, carrying the object(s) and stacking them or placing them in a vehicle or storage area. In addition, pulling, pushing, standing or walking for the full work day may also be involved. A great deal of physical effort must be exerted at this level. Travel, particularly during adverse weather conditions and troublesome road conditions and at times during the evening, is required.

Motor Skills: Duties may involve assignments requiring application of hand and eye coordination with finger dexterity and motor coordination. Examples include operating a computer, using power tools, operating a boat, harvesting equipment, or climbing a ladder.

Visual/Auditory Skills: The employee is required to constantly read documents, personal computer screens and written reports for general understanding and routinely for analytical purposes. The employee must have the auditory ability to listen and comprehend. The employee is regularly required to determine color differences.

Shellfish Department
Shellfish Constable/
2/28/2017

Town of Wellfleet, Massachusetts
Job Description

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Shellfish Department
Shellfish Constable/
2/28/2017



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, March 14, 2017

VII

TOWN ADMINISTRATOR'S REPORT



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667
Tel (508) 349-0300 Fax (508) 349-0305
www.wellfleetma.org

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: March 9, 2017

This report is for the period February 25, 2017 through March 10, 2017.

1. General

- a. Town meeting warrant is in final draft for Selectmen. Much of the past two weeks has been spent working on the warrant.
- b. Working to update a paper on the Shellfish industry in Wellfleet. The paper will be used when requesting funding for dredging to exhibit the impact of the shell fishing industry on the Wellfleet economy.

2. Fiscal Matters

- a. Budget process is complete.
- b. Capital Improvement Program is complete.

3. Meetings

- a. March 2 – Meeting to review playground equipment for the Mayo Beach recreation area.
- b. March 3 – Meeting regarding Mayo Creek Restoration grant.
- c. March 7 – Meet with work force looking at economic development.
- d. March 7 – Received Herring River Restoration update.
- e. March 7 – Staff followed web presentation on payroll tracking software that would improve efficiency.
- f. March 9 – Herring River Restoration Executive Council meeting.

4. Complaints.

- a. One dog complaint for failure to license.

5. Miscellaneous.

- a. Town Clerk Joe Powers and ATA Carlson are working on a training program for staff and committee/board members on open meeting law, public record requests and parliamentary procedures for running a meeting.
- b. I will be out of the office on March 10th and 13th visiting family in Michigan to celebrate my mother's 90th birthday.

6. Personnel Matters:

- a. Water Clerk/Committee Secretary position has gone through first round interviews.
- b. Shellfish Constable position is currently being advertised.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, March 14, 2017

IX

CORRESPONDENCE AND VACANCY REPORT

Date: March 9, 2017
To: Board of Selectmen
From: Jeanne Maclauchlan
Re: Vacancies on Town Boards

Building and Needs Assessment Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Cable Advisory Committee (5 Members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	1 year
Requesting Appointment: No applications on file		

Commission on Disabilities (up to 7 Members)

Vacant Positions	Appointing Authority	Length of Term
6 Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Comprehensive Wastewater Management Planning Committee (7 Members)

Vacant Position	Appointing Authority	Length of Term
3 Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Cultural Council (no more than 15 members)

Vacant Positions	Appointing Authority	Length of Term
1 position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Energy Committee (11 members total)

Vacant Positions	Appointing Authority	Length of Term
1 BOS Rep	Board of Selectmen	3 years

Finance Committee (9 members, 2 alternate)

Vacant Positions	Appointing Authority	Length of Term
2 Alternate Positions	Town Moderator	3 years
Requesting Appointment: No applications on file		

Herring Warden (1 Warden, 1 Assistant Warden)

Vacant Positions	Appointing Authority	Length of Term
1 Assistant Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Personnel Board (4 members + TA + FinCom Rep)

Vacant Positions	Appointing Authority	Length of Term
1 Position	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Recycling Committee (11 members)

Vacant Positions	Appointing Authority	Length of Term
2 Positions	Board of Selectmen	3 years
Requesting Appointment: No applications on file		

Shellfish Advisory Board (7 Members, 2 Alternates)

Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Board of Selectmen	3 years
Requesting Appointment: No Applications on file		

[illegible]



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, March 14, 2017

X

EXECUTIVE SESSION AND ADJOURNMENT

REQUESTED BY:	TA and BOS
DESIRED ACTION:	Adjourn public meeting and enter into executive session.
PROPOSED MOTION:	<p>I move to adjourn the public meeting and enter into executive session and not go back in open session for the following reasons:</p> <p>A. Pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining and litigation if the Chair declares that an open meeting may have a detrimental effect on the Town's bargaining and litigating position, the Board will review the current collective bargaining status and strategy recommendations for WEA Units A, B and C.</p>
ACTION TAKEN:	<p>Moved By: _____ Seconded By: _____</p> <p>ROLL CALL VOTE:</p>
VOTED:	Yea _____ Nay _____ Abstain _____