ANNUAL TOWN MEETING
MONDAY, APRIL 23, 2018, 7:00 pm
Wellfleet Elementary School

&

ANNUAL ELECTION WARRANT
MONDAY, APRIL 30, 2018, NOON - 7:00 pm
Wellfleet 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)

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

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:

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).

FINANCE COMMITTEE STATEMENT

A Statement to the Voters from the Wellfleet Finance Committee

The Finance Committee (FinCom) is a volunteer committee of Wellfleet Residents who serve to advise both the Selectboard and the voters of the town of Wellfleet. The FinCom meets monthly throughout the year to review and evaluate budgets and to look at various issues that have financial implications for the town. FinCom members serve as liaisons to Town Departments, Boards and Committees. We attend meetings and return with observations regarding financial issues that will help shape the decisions the FinCom ultimately makes. The FinCom is also responsible for approving a number of transfers to and from various budget lines in order to rectify shortfalls at the end of the fiscal year.

Traditionally the FinCom has focused primarily on the Town Budget and the Capital Budget in preparation for the Annual Town Meeting in April. Working with the Town Administrator, Department Heads and other Boards and Committees, and in conjunction with the Selectboard, the FinCom reviews all the department and Enterprise Fund budgets each year to evaluate fiscal responsibility and try to identify areas where less or more spending might be necessary. At Town Meeting the FinCom tries to address any areas where its recommendations differ from those of the Selectboard and to answer questions from the voters where financial issues are concerned.

In addition to being the watchdogs of the Town's finances, starting with the upcoming fiscal year the FinCom is also looking towards the future of the town and starting to play a role in helping the residents of Wellfleet plan for the future of their town. There are always going to be fiscal challenges ahead and the Finance Committee is working towards being able to proactively inform the residents of what, when and how much these challenges might cost so that voters can better understand what decisions will have to be made, not just in the upcoming budget year but in the years and decades to come. It will be up to the voters to decide whether and how to handle those, but the Finance Committee can play a vital role in informing the taxpayers of major upcoming expenses and advise them of the implications of the decisions they have to make.

We continue to work with the Selectboard and the Town Administrator to keep budgets transparent for the citizens of Wellfleet.

Current Finance Committee members are: Kathy Granlund, Janet Loewenstein, Linda Pellegrino, Fred Magee, Stephen Polowczyk, Robert Wallace, Jeff Tash and Ira Wood. Xanthe Labovites is our Recording Secretary and in addition to recording minutes, creating and distributing agendas, reserving meeting rooms and handling correspondence she plays a vital role in maintaining the public record of all our meetings. Without her help, the Committee would have a much more difficult time functioning and we are thankful for all she does.

Respectfully submitted,
Janet Loewenstein, Chair

ANNUAL TOWN MEETING WARRANT

Monday, April 23, 2018

The Commonwealth of Massachusetts

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

GREETINGS:

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 23rd day of April, 2018, at seven o'clock in the evening, then and there to vote upon the following Articles:

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9	2.	FY 2018 Year End Transfers
10	3.	FY 2019 Capital Budget
10	4.	FY 2019 Marina Enterprise Fund Budget
10	5.	FY 2019 Water Enterprise Fund Budget
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15	20.	Community Preservation-Habitat for Humanity Appropriation
15	21.	Community Preservation-Appropriation for Eastham Housing
16	22.	Community Preservation-Cape Housing Institue Appropriation
16	23.	Community Preservation-Town Park at 335 Main St
16	24.	Community Preservation-Wellfleet Historical Plan Form B Inventories
17	25.	Repurpose of old COA Building on Lawrence Road
17	26.	Petitioned Article-Old COA Building on Lawrence Road
17	27.	White Crest Beach parking lot expansion
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20	32.	Extend the Charge of the Charter Review Committee
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SECTION I: BUDGET ARTICLES

ARTICLE 1: FY 2019 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 2019 Town Operating Budget and fix the salaries and compensation of all elected officers (appendix E) of the Town for Fiscal Year 2019 or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0

SUMMARY: This Article requests approval of the Fiscal Year 2019 Operating Budget (See Appendix A, page 59) This Article also sets the salaries of elected officials (appendix E) as per the budget and approves the budgets of the two regional school districts.

ARTICLE 2: FY 2018 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 2018, or do or act anything thereon.

(Requested by the Board of Selectmen)

REQUESTS TO DATE:

FROM	TO	AMOUNT	EXPLANATION
158 Tax Title	124 General Administration	$1,500	Copier lease and contract services
Free Cash	189 Housing Authority	$15,000	Legal defense fees
753 Short Term Loan Interest	220 Fire Department	$10,000	Overtime costs
Free Cash	300 Elementary School	$48,780	Additional cost for special needs students
158 Tax Title	Cultural District	$5,000	Match to state grant.
753 Short Term Loan Interest	630 Recreation Department	$10,000	Increased cost of portable toilets
913 Unemployment Compensation	699 Beach Department	$20,000	Increased cost of portable toilets
179 Shellfish S&W encumbrance	699 Beach Department	$16,478	Increased cost of portable toilets
Free Cash	699 Beach Department	$26,522	Increased cost of portable toilets

Total $153,280

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0
Cultural Council: Recommends 11-0

SUMMARY: This Article requests transfers and additional funding for the operating budget for the fiscal year ending June 30, 2018. Additional requests may be added at Town Meeting.

ARTICLE 3: FY 2019 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 2019 Town Capital Budget, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.

SUMMARY: This Article requests approval of appropriations and transfers for the Fiscal Year 2019 Capital Budget. Capital items that require borrowing are in separate articles later in the warrant. (See Appendix B, page 66)

ARTICLE 4: FY 2019 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 2019 Marina Enterprise Fund Budget, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 7-0.
Marina Advisory Committee: Recommends 0-0

SUMMARY: This Article requests approval of the Fiscal Year 2019 Marina Services Enterprise Fund Budget. (See Appendix C, page 68)

ARTICLE 5: FY 2019 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 2019 Water Enterprise Fund Budget, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 7-0
Board of Water Commissioners: Recommends 0-0

SUMMARY: This Article requests approval of the FY2019 Water Enterprise Fund Budget. (See Appendix D, page 70)

SECTION II: ADDITIONAL FINANCIAL ARTICLES

ARTICLE 6: Collective Bargaining Agreement Wellfleet Police Officers Union. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund a one-year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union, beginning July 1, 2017, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0
Finance Committee: Reserve recommendation to town meeting

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

ARTICLE 7: Collective Bargaining Agreement Wellfleet Police Officers Union. 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 three-year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union, beginning July 1, 2018, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0
Finance Committee: Reserve recommendation to town meeting

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

ARTICLE 8: Non-Union and Other Personnel Salaries & Compensation. 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 and other personnel beginning July1, 2018, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0
Finance Committee: Recommends 6-0

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

ARTICLE 9: 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.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.

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

ARTICLE 10: 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 or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0

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, 2016, the actuarial valuation of Wellfleet's unfunded liability for these costs was $7,987,654. Fund balance as of December 31, 2017 was $1,477,128.

ARTICLE 11: 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.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0
Marina Advisory Committee:

SUMMARY: By a majority 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, 2017 was $40,222.

ARTICLE 12: Transfer to Stabilization Fund. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of $155,000, or any other sum, for the purposes of contributing to the Stabilization Fund, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0
Finance Committee: Recommends 6-0

SUMMARY: By a majority 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, 2017 Stabilization Fund balance was $759,189. With this contribution the Stabilization Fund balance will meet the Selectmen's fiscal policy goal of 5% of the operating budget.

ARTICLE 13: Create a Special Purpose Stabilization Fund for Capital Improvements.
To see if the Town will vote, pursuant to General Laws Chapter 40, section 5B, to create a Special Purpose Stabilization Fund for capital improvements; or to take any other action relative thereto.
Two-thirds vote required to create Stabilization Fund.

[Requested by the Board of Selectmen]

Board of Selectmen: Recommends 5-0
Finance Committee: Recommends 6-0

Summary: Should the Town begin to receive funds from a recreational marijuana dispensary the receipts, by town meeting vote, may be deposited into the Capital Improvement Stabilization Fund and used for public safety and other related capital expenditures. Should the expansion of the room occupancy tax to all short-term rentals be implemented the Town would also have the option of depositing a portion of the receipts into a Capital Improvement Stabilization Fund.

ARTICLE 14: Create a Special Purpose Stabilization Fund for Maintenance Dredging
To see if the Town will vote, pursuant to General Laws Chapter 40, section 5B, to create a Special Purpose Stabilization Fund for maintenance dredging; or to take any other action relative thereto.
Two-thirds vote required to create Stabilization Fund.

[Requested by the Board of Selectmen]

Board of Selectmen: Recommends 5-0
Finance Committee: Recommends 6-0

Summary: The Town has indicated a desire to perform maintenance dredging. This fund would be used to collect funds for maintenance dredging. Funding sources might include Marina parking receipts, room occupancy tax receipts, etc. The existence of a Maintenance Dredging Stabilization Fund and deposits of monies into the fund would exhibit to both federal and state decision makers that the Town is committed to maintenance dredging.

ARTICLE 15: Transfer to LCCATV Fund. To see if the Town will vote to transfer from the Cable Receipts Fund $114,000 to fund local television access programming for the operation of the two local access television channels, 99 and 22, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0
Finance Committee: Recommends 6-0
Cable Advisory Committee: Recommends 3-0

SUMMARY: This article provides funding for the local government programming (channel 22) and Lower Cape Community Access Television (channel 99). COMCAST, through your cable TV bills, provides the funding to the cable receipts fund.

ARTICLE 16: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of **$29,511.50** to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2019; and further to appropriate from Community Preservation Fund estimated revenues a sum of **$58,950** for open space debt service; a sum of **$73** to reserve for open space; a sum of **$59,023** to reserve to for community housing; and further to reserve for future appropriation a sum of **$59,023** for historic resources as recommended by the Community Preservation Committee, as well as a sum of **$383,649.50** to be placed in the 2019 Budgeted Reserve for general Community Preservation Act purposes, or do or act anything thereon.

(Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

SUMMARY: This is an annual CPC housekeeping article. Out of a total projected revenue figure of $590,230 for Fiscal Year 2019, $29,511.50 is the 5% of estimated 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. There is a remainder of $73 to be placed in an Open Space Reserve after debt service has been met. Community Housing's 10%, and Historic Resources' 10% are reserved respectively for housing and historic preservation purposes. The balance of $383,649.50 is reserved for approved CPA projects.

ARTICLE 17: To see if the Town will vote, pursuant to MGL c.44B, to appropriate and transfer $58,000 from the Community Preservation Fund community housing reserves and appropriate $42,000 from estimated annual revenues, for a total sum of $100,000.00 to be granted to the Wellfleet Affordable Housing Trust Fund for the purposes of supporting affordable housing, or do or act anything thereon. (Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.
Community Preservation Committee: Recommends 5-0.
Housing Authority:
Local Housing Partnership: Recommends 5-0.

SUMMARY:
The Community Preservation Act allows communities to allocate funds to the Affordable Housing Trust. This offers the Affordable Housing Committee a way to respond in a timely manner to appropriate market opportunities for land acquisition, building purchase, essential maintenance needs and other allowed activities.

ARTICLE 18: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, the sum of $100,000.00 to contribute to the cost of, and thereby support, Making Homes Affordable, a program to assist with the purchase of workforce housing for low and moderate income eligible first-time buyers within the Town of Wellfleet, and to authorize the Selectmen to enter into a grant agreement to set forth the terms and conditions of said grant, or do or act anything thereon. (Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.
Community Preservation Committee: Recommends 5-0.
Housing Authority:
Local Housing Partnership: Recommends 5-0.

SUMMARY: This proposal is targeted for Workforce Housing. The plan is to offer down payment, closing cost and/or repair help in the form of a forgivable loan or grant of up to $20,000 to eligible first-time home buyers. Based on 2017 CPC Barnstable county Moderate Income figures, eligibility would be based on an income of less than $90,200 for a family of four; $81,180 for a family of three; $72,160 for a household of two; and $63,140 for a household of one.

ARTICLE 19: To see if the Town will vote, pursuant to MGL c.44B, to rescind the appropriation of $180,000 from the Fund Balance, approved pursuant to Article 21 of the 2014 Annual Town Meeting and return the $180,000 to the CPA Fund Balance or do or act anything thereon.
(Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.
Community Preservation Committee: Recommends 5-0.
Housing Authority:
Local Housing Partnership: Recommends 5-0.

SUMMARY: In order to proceed with the project for the construction of two Habitat homes at 2082 Rte. 6, this Article, approved at the 2014 Annual Meeting, needs to be rescinded. There cannot be two projects designated for the same location.

ARTICLE 20: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund undesignated Fund Balance the sum of $240,000 to contribute to the cost of, and thereby support the construction by Habitat for Humanity of Cape Cod, Inc. of two affordable homes at 2082 Rte. 6 (Assessor's Map 29, Parcel 129) and to authorize the Board of Selectmen to enter into a grant agreement with Habitat Humanity, Inc. and to acquire, on behalf of the Town, affordable housing restriction on such units, or do or act anything thereon.
(Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.
Community Preservation Committee: Recommends 5-0.
Housing Authority:
Local Housing Partnership: Recommends 5-0.

SUMMARY: Habitat plans to construct two year-round affordable homes, a 2-bedroom and a 3-bedroom. Applicants will be chosen based upon eligibility at or below 65% of the median income. Sweat equity is utilized in the construction process. The houses will be deed restricted to remain affordable in perpetuity.

ARTICLE 21: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund undesignated Fund Balance the sum of $100,000 to contribute to the cost of, and thereby support, the construction of a 65-unit rental complex for Affordable and Workforce housing to be located in Eastham, Massachusetts, and to authorize the Board of Selectmen to enter into an agreement with Penrose LLC and to acquire, on behalf of the Town, an affordable housing restriction on such units, or do or act anything thereon. (Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.
Community Preservation Committee: Recommends 5-0.
Local Housing Partnership: Recommends 5-0.

SUMMARY: This is an opportunity for Wellfleet to collaborate regionally and contribute to the creation in Eastham, off Brackett Road, of low income (50) and moderate income (15)

year-round rental units. While the project is set in Eastham, there are no geographic restriction placed on the moderate-income units that could be available to Wellfleet's workforce.

ARTICLE 22: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, the sum of $7,000 to be granted to the Community Development Partnership sponsored Cape Housing Institute in Fiscal Year 2019 for the support of community housing, or do or act anything thereon.
(Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.
Community Preservation Committee: Recommends 5-0.
Housing Authority:
Local Housing Partnership: Recommends 5-0.

SUMMARY:
The highly praised seminars offered by the Community Development Partnership (CDP) last year is being expanded. CDP is seeking contributions from the participating towns towards the costs of another seminar series to develop better understanding of Community Housing needs and to create more effective advocates for Affordable Housing.

ARTICLE 23: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, the sum of $39,000 to contribute to the cost of preserving open space and land for recreational use at the Town-owned park located at 335 Main St. by Preservation Hall, Inc and further, to authorize the Board of Selectmen to enter into a grant agreement for said purpose, or do or act anything thereon. (Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 3-2.
Finance Committee: Recommends 6-0.
Community Preservation Committee: Recommends 5-0.

SUMMARY: Preservation Hall is in charge of the grounds at 335 Main Street, a town owned park under their care. This project is meant to provide mitigation planting to buffer Wesley Swamp, replace fencing and improve landscaping behind the hall. This is an Open Space/Recreation project.

ARTICLE 24: To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Historic budgeted reserves the sum of $20,000 to contribute to the cost of, and thereby support the preservation, rehabilitation and restoration of historic resources through the support of the Wellfleet Historical Plan by the creation of additional Form B inventories, storage upgrades and a workshop for owners of historic homes or do or act anything thereon.
(Requested by the Community Preservation Committee)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.
Community Preservation Committee: Recommends 5-0.

SUMMARY: The Historical Commission intends to complete additional Form B inventories, upgrade their storage at the Library, continue the Historical Plan and offer a workshop for owners of historic properties.

ARTICLE 25: Transfer of Unexpended Bond Proceeds. To see if the Town will vote to transfer the unexpended funds authorized to be borrowed under Article 24 at the 2013 Annual Town Meeting to pay costs of the renovations of the Police Station, which funds are no longer needed to pay costs of such project, and to transfer from said unexpended funds and $227,202.63 from the bond premium related to the issuance of bonds on the Police Station borrowing to pay costs of construction, including design and engineering services and other costs related to the renovations of the former COA Building at 95 Lawrence Road; or take any other action relative thereto.

(Requested by the Board of Selectmen)

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

SUMMARY: The former COA building has sat vacant for approximately fifteen years. Renovating this property for office and storage space would benefit the Wellfleet Library, children and adults who are involved in the Recreation Department, the Health and Conservation Department, the Building Department, Wellfleet Television and the long-term storage needs of the Town.

ARTICLE 26: To see if the Town will vote to advise the Board of Selectpersons to vote limit the use of the town owned building at 95 Lawrence Road, known as the old Senior Center, to affordable housing use only. (Printed Verbatim as Submitted and Required - Petitioned Article)

Board of Selectmen: Does Not Recommend 3-2
Finance Committee: Does Not Recommend 6-0

ARTICLE 27: Expansion of White Crest Beach parking lot. To see if the Town will vote to appropriate a sum of money, for the design, permitting (if any) and construction of the expansion of the White Crest Beach parking lot up to a maximum of five hundred (500) spaces 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, to issue bonds or notes of the Town therefor, and further, to authorize any premium received by the Town 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, to be applied to the payment of costs approved hereunder in accordance with G.L. c. 40, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, or to take any other action in relation thereto. ***Two-thirds vote required.***

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.

SUMMARY: Five years ago there were approximately 800 spaces along Ocean View Drive. This article would restore the Town to 790 spaces as we replace those lost to erosion. This article requests funding to expand the parking lot at White Crest beach to a maximum of five hundred spaces. The expansion is intended to replace the spaces that are being lost to erosion on the ocean side of Ocean View Drives. If this preservation of spaces does not move forward and

current erosion patterns continue there will be a time in the not too distant future where parking is no longer available for the ocean beaches. The cost of the expansion will be paid out of the increased revenue received from the lot.
Effect on Property Taxes: There would be no effect on property taxes from this article. The cost of borrowing would be paid from the added parking revenue collected.

ARTICLE 28: Increase Marijuana Sales Tax to 3%. To see if the town will vote to accept the provisions of General Laws Chapter 64N, Section 3, as amended by Section 13 of Chapter 55 of the Acts of 2017 for the purpose of imposing a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Wellfleet to anyone other than a marijuana establishment at the rate of three percent (3%), or do or act anything thereon

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.
Finance Committee: Recommends 6-0.

SUMMARY: Municipalities have the adopting the local sales tax on recreational marijuana at a rate of 3%. Imposing the sales tax will help lessen percentage of local revenue that comes from property taxes.

ARTICLE 29: Water Resources Director: To see if the Town will vote to raise and appropriate and/or transfer from any available source of funds $150,000, or any other sum for the purpose of funding a new position to implement the Town's required Wastewater Management Plan and oversee the management of the Town's Water System within the Enterprise Fund; provided, however that no sums shall be expended hereunder unless and until the Town shall have voted to assess an additional $150,000 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 4-1.
Finance Committee: Recommends 6-0.

SUMMARY: The Town does not currently have any capacity to implement a State and Federally required wastewater plan and is required to do so under the State and EPA approved "208 Plan". The Wastewater Committee and the Board of Water Commissioners have worked together to find a cost efficient and economical solution which involves staffing the needs of Wastewater, which are currently un-staffed, while at the same time assuming management of the Water System to create efficiencies. The position funding includes compensation ($90,000-$100,00) and benefits/office space ($50,000).
Effect on Property Taxes: The cost of $150,000 in the first year would add 6.4 cents to the tax rate and would cost the owner of a median priced single-family home ($510,000) $32.49.

ARTICLE 30: To see if the Town will vote to increase the Stipend for Selectmen to $2,500 per year for each member of the Board of Selectmen, and further, that the sum of $7,500 be raised and appropriated for the purpose of funding said increase effective July 1, 2018,or do or act anything thereon.

[Requested by the Board of Selectmen]

Board of Selectmen: Recommends 3-2.
Finance Committee: Recommends 6-0.

Summary: The Selectmen's stipend, currently $1,000 per year, was set in 1986 and has not changed since that time. The financial impact of changing the stipend is an additional $1,500 per year per Selectman or $7,500 a year for the five positions. The increased stipend may encourage more citizens to run for office.

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

ARTICLE 31: Acceptance of Revised Wellfleet Town Charter. Approval of Revised Wellfleet Town Charter. To see if the Town will vote to accept the revised Town Charter as presented by the Charter Review Committee, the full text of which is printed as Appendix G to this warrant and is on file in the office of the Town Clerk during normal business hours of Town Hall and posted on the Town's website at www.wellfleet-ma.gov. A summary of the proposed Charter amendments is as follows, or do or act anything thereon.

(Requested by the Charter Review Committee)

Board of Selectmen: Reserve Recommendation to town meeting. 5-0
Charter Review Committee: Recommends 0-0.

SUMMARY: The Charter Review Committee was created by Town meeting vote under article #32 of the 2016 Annual Town meeting and extended by article #43 at the 2017 Annual Town meeting. This vote requests approval of the revised charter as presented by the Charter Review Committee. The next step will be a vote at the May 2019 Annual Town Election.

ARTICLE 32: Extend the Charge of the Charter Review Committee. 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) additional year, and further to direct the committee to report back to the next Annual Town Meeting, or do or act anything thereon

(Requested by the Charter Review Committee)

Board of Selectmen: Recommends 5-0
Bylaw Committee: Recommends.

SUMMARY: 2016 Annual Town Meeting vote approved creation of a 7-member Charter Review Committee appointed by the Moderator and such committee was charged to report back to the next Annual Town Meeting. The Committee has submitted proposed amendments to the existing Charter in the previous article for consideration by the Town Meeting. If accepted by the Town Meeting, the Charter, as amended, will be voted at Annual Town Election in May of 2019. This article extends the Charter Review timeline so they may continue to progress the Charter to the Town Election and report back to Town Meeting voters at the 2019 Annual Town Meeting.

ARTICLE 33: Proposal to Amend Town of Wellfleet General Bylaws. To see if the Town will vote to amend its General Bylaws, Article III, section 5 by adding the text shown in **bold** and deleting the text shown as ~~strike through~~ below such that the bylaw, as amended shall read:

Section 5. No money shall be paid from the Town Treasury without a warrant or order therefore directed to the Treasurer. **Such warrant or order shall be** signed by a majority of the Selectmen **or by a member designated by the Board of Selectmen pursuant to M.G.L. Ch. 41, Section 56.** No money granted for special purpose shall be applied to any other use, unless by a vote of the Town, and no orders shall be drawn upon the Treasurer for any purpose not authorized by a vote of the Town or by the statutes of the Commonwealth. The orders drawn against any appropriation shall not exceed the same**.**

[Requested by the Board of Selectmen]

Board of Selectmen: Recommends 5-0.

Bylaw Committee: Recommends 0-0.

SUMMARY: The timely signing of warrants has often proven to be difficult if Selectmen are out of town or unable to get to town hall because of other commitments. Payrolls and other routine payment may be inconveniently delayed for days because of this.

ARTICLE 34: Proposal to Amend Town of Wellfleet General Bylaw. To see if the Town will vote to amend its General Bylaws Article V, section 2 by adding the text shown in **bold** and deleting the text shown as ~~strike through~~ below such that the bylaw, as amended shall read:

ARTICLE V TRANSPORTATION
Section 2. When any officer or member of any board, paid or unpaid is called upon to go to any point outside the Town of Wellfleet on official business connected with the duties of his**/her** office, he**/she** shall be entitled to receive pay for transportation on the following basis: a sum per mile for travel for said fiscal year **as set annually by the IRS** ~~as the Selectmen shall annually determine and set prior to October 1st of the preceding fiscal year~~ within the state, and reimbursement for actual costs for travel outside of the state. When any year round employee is called upon to go from his/her office during the normally scheduled working hours or is called to duty beyond normally scheduled working hours, to any point within the Town of Wellfleet on official business connected with the duties of his/her office, he/she shall be entitled to receive compensation for transportation at the rate per mile for travel for said fiscal year as the Selectmen shall annually determine and set prior to October 1st of the preceding fiscal year, upon presentation to the Town Accountant of an itemized bill within thirty days**.**

[Requested by the Board of Selectmen]

Board of Selectmen: Recommends 5-0.
Bylaw Committee: Recommends 0-0.

SUMMARY: This change is to remove an unneeded step in a process. The IRS sets the reimbursement rate each year which is followed by the Board of Selectmen's approval of the rate. This bylaw change would automatically accept the rate set by the IRS.

ARTICLE 35: Proposal to Amend Town of Wellfleet General Bylaw. To see if the Town will vote to amend its General Bylaws, Article VII, section 46, Polystyrene Reduction Bylaw, section 4, Administration and Enforcement by adding the text shown in **bold** and deleting the text shown as ~~strike through~~ below such that the bylaw, as amended shall read:

Section 4. 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 Offense and	~~$400 fine~~
Each Subsequent:	**$300 fine**

[Requested by the Recycling Committee]

Board of Selectmen: Recommends 5-0.
Recycling Committee: Recommends 0-0.
Bylaw Committee: Recommends 0-0.

SUMMARY: The original article approved at the 2017 Annual Town meeting in article 31 provided for a $400 fine for the third and each subsequent offense which exceeds the maximum of $300 allowed by law. The amendment corrects that error.

ARTICLE 36: Animal Control By-Law. To see if the Town will vote to amend the General Bylaws by deleting Article VII, Section 25 and Article XV in its entirety and inserting in place thereof the following:

ARTICLE XV - ANIMAL CONTROL

SECTION 1. PURPOSE.
The purpose of this bylaw is control of animals to prevent injury to property, persons and animals.

SECTION 2. ADMINISTRATION.
a. The Board of Selectmen shall annually appoint an Animal Control Officer who shall be responsible for the enforcement of this bylaw and the General Laws relating to the regulation of animals.
b. For purposes of this bylaw and Massachusetts General Laws, Chapter 140, section 157, the Board of Selectmen shall be the Hearing Authority.

SECTION 3. CONTROL OF ANIMALS.
No person owning, harboring or having the custody or control of a dog shall permit such dog to enter or remain upon the following property at the time indicated:

a. PUBLIC SCHOOL GROUNDS. Dogs shall not be allowed on any school department property while schools are in session, including recreational and extracurricular activities whether conducted on school grounds or elsewhere.

b. TOWN OF WELLFLEET PROPERTY. Dogs entering in or remaining upon public property of the Town of Wellfleet are subject to such Town rules or regulations as may, from time to time, be adopted to regulate dogs on specific properties. A violation of any such regulation shall also be a violation of this bylaw.

c. CEMETERY GROUNDS. No dog shall be allowed upon any cemetery grounds at any time in the Town of Wellfleet.

d. DOG EXCREMENT AND REMOVAL. No owner shall permit a dog to defecate upon public ways, beaches, or Town-owned land or structures without immediately and permanently removing the excrement there from, nor shall said person permit such excrement to remain on private property without consent of the owner or occupant of same.

SECTION 4. ROAMING AT LARGE.
a. No owner or keeper of any dog shall cause or permit such dog, whether licensed or unlicensed, to run at large within the Town of Wellfleet, or permit such dog to wander unrestrained on public or private property other than the premises of the owner or keeper or the premises of another person with knowledge and

permission of such other person. A dog is under restraint within the meaning of this bylaw if it is controlled by a leash or within a vehicle being driven or parked.

b. Unrestrained or unlicensed dogs may be caught and confined by the Animal Control Officer or any police officer of the Town of Wellfleet. A dog so confined may be held for not more than seven days. If the owner or keeper of the dog claims it and pays the sum of $40 for each day that the dog has been held, the dog shall be returned to its owner or keeper. Any dog not claimed by the owner or keeper within said seven-day period may be subject to euthanization or adoption as set forth in Massachusetts General Laws, Chapter 140, sections 151A and 167, as may be amended from time-to-time.

SECTION 5. NUISANCE AND DANGEROUS DOGS

a. The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Wellfleet Police Department, the Board of Selectmen, or the Town Administrator, that any dog owned or kept within the Town of Wellfleet is a Nuisance Dog or Dangerous Dog, as those terms are defined in Massachusetts General Laws, Chapter 140, Section 136A and 157, as may be amended from time-to-time.

b. The Animal Control Officer shall require that said complaints be in writing and is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance, as provided in Massachusetts General Laws, Chapter 140, section 157, as may be amended from time-to-time

c. Any person aggrieved by an order of the Animal Control Officer, may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within five (5) business days of issuance of the Animal Control Officer's order. A copy of the hearing request shall also be delivered to the Animal Control Officer. If no such request is filed within the time specified herein, the order of the Animal Control Officer shall be final.

d. Upon receipt of a timely request, the Board of Selectmen shall convene a public hearing, which shall include an examination of the complainant under oath, to determine whether the dog is a Nuisance Dog or Dangerous Dog. Based on the credible evidence and testimony presented at said public hearing, the Board of Selectmen may affirm the Animal Control Officer's order, reverse and nullify the Animal Control Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance, as provided in Massachusetts General Laws, Chapter 140, section 157, as may be amended from time-to-time. The determination of the Board of Selectmen after a hearing shall be final.

e. The Animal Control Officer shall notify the Town Clerk of all dogs that have been designated as Dangerous Dogs in accordance with this section and/or Massachusetts General Laws, Chapter 140, section 157.

f. The Owner or keeper of any dog(s) designated as Dangerous Dogs in accordance with this section and/or Massachusetts General Laws, Chapter 140, section 157 which have not been ordered euthanized shall relicense said dog(s) as "Dangerous" within thirty days of such determination. A unique licensing number shall be assigned to a Dangerous Dog by the Town Clerk. That number shall be noted on the town licensing files.

g. The owner or keeper of a Dangerous Dog shall notify within 12 hours the Animal Control Officer if said dog is unconfined, has attacked, another dog or has attacked a human, or has died or has been sold or given

away; the owner or keeper shall also provide the Animal Control Officer with the name, address and telephone number of the new owner of the Dangerous Dog.

h. Nothing in this By-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with G.L. c. 140, §157.

SECTION 6. LICENSING.
a. All dogs 6 months or over must be licensed and tagged. The registering, numbering, and licensing of dogs, if kept in the Town of Wellfleet, shall be conducted in the office of the Town Clerk.

b. The annual License Period shall run from January 1st to December 31st of each calendar year.

c. The Town Clerk shall not issue a license tag for the dog unless the owner of the dog provides proof of rabies vaccination or certification from a veterinarian that such dog is exempt from rabies vaccination.

d. The annual fees to be charged by the Town of Wellfleet for the issuance of license tags for dogs shall be:

Males and Females $10.00
Neutered Males and spayed Females $5.00 (a certificate of neutering or spaying is required prior to license issuance).

e. The owner or keeper shall cause each dog to wear around its neck or body a collar or harness to which he shall securely attach the license tags. If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the Town Clerk at a cost of $5.00 per substitute tag.

f. Kennels – the owner or keeper of a pack or collection of more than 4 dogs, 3 months old or older, on a single premises, shall obtain one of the below types of kennel licenses, as defined in MGL Ch. 140 S. 136A, and pay the required annual fee.

	5 dogs	6-10 dogs	More than 10 dogs
Personal Kennel	$100	$125	$150

Domestic Charitable Corporation Kennel	No fee if incorporated exclusively for purposes outlined in MGL c.140, §137A
Commercial Boarding or Training Kennel	$300
Commercial Breeder Kennel	$300
Veterinary Kennel	$150

A Kennel License shall be in lieu of licensing dogs individually.

No Kennel License shall be issued or renewed until the premises have been inspected and approved by the Animal Control Officer.

An owner or keeper of a pack or collection of 4 dogs or less, 3 months or older, on a single premises, may obtain a kennel license in lieu of licensing the dogs individually.

No Commercial Board or Training Kennel, Commercial Breeder Kennel, or Veterinary Kennel Licenses shall be issued unless the applicant demonstrates compliance with any other applicable laws concerning the operation of a business or commercial enterprise from the subject premises.

g. Further, the town will charge a late fee of Fifty Dollars ($50.00) to be paid by owners or keepers of record each year who license said dog or dogs on or after July 1st. The late fee is in addition to the license fee. The late fee shall not apply to a dog new to the Town of Wellfleet which is issued a license on or after July 1st of the license period.

h. All money received from issuance of dog licenses by the Town of Wellfleet or recovered as fines or penalties by said Town under provisions of Chapter 140 relating to dogs, shall be paid into the Treasury of the town.

SECTION 7. ENFORCEMENT AND PENALTIES.
a. This Bylaw, with the exceptions of Sections 5 and 6, may be enforced by the Animal Control Officer, Town Official or any police officer of the Town through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c.40, §21, and noncriminal disposition in accordance with G.L. c. 40, §21D, and the Town Bylaws, "Non-Criminal Disposition." When enforced in accordance with G.L. c.40, §21, the maximum penalty shall be $300.00 and each day a violation exists shall constitute a separate violation.

1. When enforced through noncriminal disposition, the penalties shall be as follows:
First violation: Written Warning;
Second violation: $100.00; and
Third and subsequent violations within a 12-month period of first violation: $300.00.

b. For purposes of enforcement through non-criminal disposition, any violation of the provisions of this by-law occurring more than 12 months after a first offense shall constitute a new and separate violation.

c. The Animal Control Officer or any Town of Wellfleet police officer shall seize and impound any dog found outside of its enclosure in violation of this Bylaw or any order issued by the Animal Control Officer, the Board of Selectmen or the Court.

d. The Wellfleet Board of Selectmen may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Selectmen shall not preclude enforcement through any other lawful means.

(Requested by the Board of Selectmen, the Town Clerk and the Town Administrator)

Board of Selectmen: Reserves Recommendation to town meeting 5-0

SUMMARY: This updates the animal control by-law to reflect changes in MGL, c.140 enacted in 2010 and eliminates duplicate provisions in the existing general by-laws.

ARTICLE 37: Animal Control By-Law. **(Petitioned Article)**
To see if the Town will vote to amend the General Bylaws by striking Article XV and Article 7 Section 25 and of the General Bylaws and inserting in place thereof the following to provide one consistent regulation and conform to Massachusetts changes to the animal control law:

ARTICLE XV ANIMAL CONTROL

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

15.2. ADMNISTRATION.

a. The Board of Selectmen shall annually appoint an Animal Control Officer who shall be responsible for the enforcement of this bylaw and the General Laws relating to the regulation of animals.

b. For purposes of this bylaw and Massachusetts General Laws, Chapter 140, section 157, the Board of Selectmen shall be the Hearing Authority.

15.3 DEFINITIONS: Domestic animal shall mean any domesticated animal including, dogs, cats, lamas, horses, alpacas, ferrets, pigs, cows, goats, sheep, or any other domesticated animal, except gerbils, mice, guinea pigs, snakes and other caged domestic animals.

15.3a CONDUCT OF DOMESTIC ANIMALS. No person owning, harboring or having the custody or control of a domestic animal shall permit such domestic animal to enter or remain upon the following property at the time indicated:

a. PUBLIC SCHOOL GROUNDS. Domestic animals shall not be allowed on any school department property while schools in Wellfleet are in session, including recreational and extracurricular activities, whether conducted on school grounds or elsewhere, unless as part of a school sponsored program or legally recognized assist or service animals.

b. SALT WATER BEACHES AND LANDINGS.

All Domestic Animals must be leashed or under the owner or handlers direct visual and verbal control at all times on all Town Beaches and Landings:

Duck Harbor	White Crest Beach	Duck Pond
Powers Landing	Cahoon Hollow Beach	Mayo Beach
Indian Neck Beach	Newcomb Hollow	Marina
Burton Baker Beach	Gull Pond	Terminus of Chequessett
Maguire Landing at	Long Pond	Neck Road (the Gut)
Lecount Hollow	Great Pond	

All Domestic Animals must be leashed at all times from the 3rd Saturday in June through Labor Day on the following: Indian Neck, Nauset Road, Burton Baker, Mayo Beach and Powers Landing.

All Domestic Animals must be leashed at all times from the 3rd Saturday in June through Labor Day during the hours of 9am to 5pm on lifeguarded portions of the following beaches: Newcomb Hollow, Cahoon Hollow, White Crest and Maguire Landing at LeCount Hollow. Passing through to unprotected areas of the beach and National Seashore, on leash, is permitted.

c. FRESHWATER PONDS.

All Domestic Animals must be leashed at all times from 3rd Saturday in June through Labor Day on the following Freshwater Pond beaches: Gull Pond, Great Pond, Long Pond, Duck Pond, Higgins Pond, the Sluiceway, Spectacle Pond, or Dyer Pond.

d. CEMETERY GROUNDS. No Domestic Animals may be at any cemetery grounds at any time in the Town of Wellfleet except under specified circumstances. Domestic animals are not allowed in any Town owned cemetery, except that a domestic animal may attend the funeral of a member of its keeper's family and may accompany family members to visit the grave site of a deceased family member. Under these circumstances, the domestic animal must be kept on a six-foot or shorter leash. The domestic animal may not urinate or defecate on grave sites or gravestones. Persons allowing or bringing domestic animals into Town-owned cemeteries other than as service animals, or to attend the funeral of a member of its keeper's family or accompanying family members to visit a grave site shall be subject to a fine not to exceed S100.

e. PUBLIC PARKS. All Domestic Animals must be leashed at all times in Town Parks from the 3rd Saturday in June through Labor Day.

f. WELLFLEET MARINA. All Domestic Animals must be leashed at all times in the Marina.

g. DOMESTIC ANIMAL EXCREMENT AND REMOVAL. No owner shall permit a domestic animal to defecate upon public ways, beaches, or Town-owned land or structures without immediately and permanently removing the excrement there from (except for horses, cows and other herbivores), nor shall said person permit such excrement to remain on private property without consent of the owner or occupant of same.

15.3b. ROAMING AT LARGE.

a. It shall be unlawful for any domestic animal to run at large, except when accompanied by the owner or custodian, or when used for hunting, for guarding, working, or herding livestock, for supervised competition and exhibition, or for training for such. For the purpose of this section, "accompanied" means that the owner or must be able to see or hear, or both, or have reasonable knowledge of where the domestic animal is hunting, where training is being conducted, where trials are being held, or where the domestic animal is guarding, working, or herding livestock.

In this section, "at large" means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such domestic animal.

b. At Large or unlicensed domestic animals may be caught and confined by the Animal Control Officer or any police officer of the Town of Wellfleet. A domestic animal so confined may be held for not more than seven days. If the owner or keeper of the dog claims it and pays the sum of $40 for each day that the domestic animal has been held, the domestic animal shall be returned to its owner or keeper. Any domestic animal not claimed by the owner or keeper within said seven day period may be subject to euthanization or adoption as set forth in Massachusetts General Laws, Chapter 140, sections 151A and 167, as may be amended from time-to-time.

15.4. NUISANCE AND DANGEROUS DOMESTIC ANMALS

a. The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Wellfleet Police Department, the Board of Selectmen, or the Town Administrator, that any domestic animal owned or kept within the Town of Wellfleet is a Nuisance Domestic animal or Dangerous Domestic animal, as those terms are defined in Massachusetts General Laws, Chapter 140, Section 136A and 157, as may be amended from time-to-time.

b. The Animal Control Officer shall require that said complaints be in writing and is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance, as provided in Massachusetts General Laws, Chapter 140, section 157, as may be amended from time-to-time

c. Any person aggrieved by an order of the Animal Control Officer may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within five (5) business days of issuance of the Animal Control Officer's order. A copy of the hearing request shall also be delivered to the Animal Control Officer. If no such request is filed within the time specified herein, the order of the Animal Control Officer shall be final.

d. Upon receipt of a timely request, the Board of Selectmen shall convene a public hearing, which shall include an examination of the complainant under oath, to determine whether the domestic animal is a Nuisance Animal or Dangerous Animal. Based on the credible evidence and testimony presented at said public hearing, the Board of Selectmen may affirm the Animal Control Officer's order, reverse and nullify the Animal Control Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance, as provided in Massachusetts General Laws, Chapter 140, section 157, as may be amended from time-to-time. The determination of the Board of Selectmen after a hearing shall be final.

e. The Animal Control Officer shall notify the Town Clerk of all domestic animals that have been designated as Dangerous Animals in accordance with this section and/or Massachusetts General Laws, Chapter 140, section 157.

f. The Owner or keeper of any domestic animal designated as Dangerous Animals in accordance with this section and/or Massachusetts General Laws, Chapter 140, section 157, which have not been ordered euthanized shall relicense said domestic animals as "Dangerous" within thirty days of such determination. A unique licensing number shall be assigned to a Dangerous Animal by the Town Clerk. That number shall be noted on the Town licensing files.

g. The owner or keeper of a Dangerous Animal shall notify within 12 hours the Animal Control Officer if said animal is unconfined, has attacked another animal or has attacked a human, or has died or has been sold or given away; the owner or keeper shall also provide the Animal Control Officer with the name, address and telephone number of the new owner of the Dangerous Animal.

h. Nothing in this By-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with G.L. c. 140. S 157.

15.5. LICENSNG.

a. All domestic animals 6 months or over must be licensed and tagged. The registering, numbering, and licensing of domestic animal, if kept in the Town of Wellfleet, shall be conducted in the office of the Town Clerk.

b. The annual License Period shall run from January 1s to December 31st of each calendar year.

c. The Town Clerk shall not issue a license tag for a dog unless the owner of a dog or other rabies susceptible animal provides proof of rabies vaccination or certification from a veterinarian that such dog is exempt from rabies vaccination.

d. The annual fees to be charged by the Town of Wellfleet for the issuance of license tags for domestic a animals shall be:
Males and Females $15.00
Neutered Males and spayed Females $10.00 (a certificate of neutering or spaying is required)

e. The owner or keeper shall cause each domestic animal to wear around its neck or body a collar or harness to which he shall securely attach the license tags. If the tag becomes lost, the owner or keeper of the domestic animal shall immediately secure a substitute tag from the Town Clerk at a cost of $5.00.

f. Kennels — the owner or keeper of a pack or collection of more than 4 domestic animal, 3 months old or older, on a single premises, shall obtain one of the below types of kennel licenses, as defined in MGL Ch. 140 S. 136A, and pay the required annual fee

	5 domestic animals	6-10	More than 10
Personal Kennel	$100	S125	$150

Domestic Charitable Corporation Kennel No fee if incorporated

exclusively for purposes outlined in MGL c. 140, 5137A

Commercial Boarding or Training Kennel $300

Commercial Breeder Kennel $300

Veterinary Kennel $150

A. Kennel License shall be in lieu of licensing domestic animals individually. No Kennel License shall be issued or renewed until the premises have been inspected and approved by the Animal Control Officer. An owner or keeper of a pack or collection of 4 domestic animals or less, 3 months or older, on a single premises, may obtain a kennel license in lieu of licensing the domestic animals individually. No Commercial Board or Training Kennel, Commercial Breeder Kennel, or Veterinary Kennel Licenses shall be issued unless the applicant demonstrates compliance with any other applicable laws concerning the operation of a business or commercial enterprise from the subject premises.

B. Further, the Town will charge a late fee of Fifty Dollars (S50.00) to be paid by owners or keepers of record each year who license said domestic animal(s) on or after July 1st. The late fee is in addition to the license fee.

C. All money received from issuance of domestic animal licenses by the Town of Wellfleet, or recovered as fines or penalties by said Town under provisions of Chapter 140 relating to domestic animals, shall be paid into the Treasury of the Town.

15.6. ENFORCEMENT AND PENALTIES.

a. This Bylaw, with the exceptions of Sections 5 and 6, may be enforced by the Animal Control Officer, Town Official or any police officer of the Town through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c.40, section 21, and noncriminal disposition in accordance with G.L. c. 40, section 21D, and the Town Bylaws, "Non-Criminal Disposition." When enforced in accordance with G.L. c.40, section 21, the maximum penalty shall be $300.00 and each day a violation exists shall constitute a separate violation.

1. When enforced through noncriminal disposition, the penalties shall be as follows:
First violation: Written Warning
Second violation: $ 100.00
Third and subsequent violations within a 12-month period of first violation: $ 300.00

b. For purposes of enforcement through non-criminal disposition. any violation of the provisions of this by-law occurring more than 12 months after a first offense shall constitute a new and separate violation.

c. The Animal Control Officer or any Town of Wellfleet police officer shall seize and impound any domestic animal found outside of its enclosure in violation of this Bylaw or any order issued by the Animal Control Officer, the Board of Selectmen or the Court

d. The Wellfleet Board of Selectmen may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Selectmen shall not preclude enforcement through any other lawful means or do or act anything thereon.

(Printed Verbatim as Submitted and Required - Petitioned Article)

Board of Selectmen: Reserves recommendation to town meeting 5-0

SUMMARY: This amendment to the animal control bylaw provides consistent time periods for enhanced animal control in all town areas: 1)eliminates different time periods in different areas; 2) uses the same period as beach stickers for ease of administration; and 3) provides consistency with amendments to the Massachusetts General Laws under Chapter 193 of the Acts of 2012. It also repeals Article 7 Section 25 in the Town Charter to provide a uniform regulatory framework.

SECTION IV: ZONING BY LAW AMENDMENT ARTICLES

ARTICLE 38: Zoning Bylaw Amendment. To see if the Town will vote to amend the Zoning Bylaws by amending 6.22.2 (5) Home Occupation as follows: (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **bold** type. (**Two- thirds vote required**)

(5.) No exterior storage of Home Occupation related materials or equipment is permitted on the Home Occupation premises unless **reasonably screened from abutters and street by a stockade type fence 6' in height.** ~~concealed from view of abutters and street by a fence or suitable plantings of evergreen or deciduous shrubs and trees.~~ **However, equipment as noted in Sections (9) and (10) of 6.22.2 are exempt from screening, as well as any boats, vehicles, trailers or accessory structures.**

(Request of the Planning Board)

Board of Selectmen: Reserves recommendation to town meeting 5-0
Planning Board: Recommends 5-0
Bylaw Committee:

SUMMARY: The proposed amendment to the Home Occupation zoning bylaw has been brought forward in an effort to make clearer how materials that are used for home occupation business may be used and housed on the locus.

ARTICLE 39: Petition to Amend Home Occupancy Bylaw. **(Petitioned Article)**
To see if the Town will vote to amend the Zoning bylaws to amend the language in line 5 of 6.22.2 requirements and standards. (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **bold** type.)

- Remove 6.22.2 line 5 existing language: 5) ~~No exterior storage of Home Occupation related materials or equipment is permitted on the Home Occupation premises unless concealed from view of the abutters and street by a fence or suitable plantings of evergreen or deciduous shrubs and trees.~~

- Replace 6.22.2 line 5 to read: **5) No exterior storage of Home Occupation-related materials or equipment is permitted on the Home Occupation premises unless reasonably screened from abutters and street by natural features, and/or suitable plantings of evergreens or deciduous shrubs and trees. A 6ft stockade type fence shall be deemed sufficient screening for all intents and purposes. Equipment as noted in section (9) and (10) of 6.22.2 are exempt from screening as well as any boats, or accessory structures.**

(Two-thirds vote required)

(Printed Verbatim as Submitted and Required - Petitioned Article)

Board of Selectmen: Reserves recommendation to town meeting 5-0
Planning Board: Does not recommend 5-0
Bylaw Committee:

SUMMARY: The current bylaw lacks clarity and leaves the traditional practices of shellfishing at risk to lawsuits. Amending the Home Occupancy Bylaw to include specific language pertaining to the industry will protect and preserve this traditional way of life.

ARTICLE 40: Petition to Amend Home Occupancy Bylaw. **(Petitioned Article)**
To see if the Town will vote to amend the Zoning bylaws to add an additional purpose to the HOME OCCUPANCY Bylaw Section 6.22.1 (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **bold** type.)

- **In order to protect the traditional fabric of Wellfleet's historic shellfishing industry, Marine Aquaculture and shellfishing shall be allowed by right as a home occupation, customarily subordinate to residential use. (Two-thirds vote required)**

(Printed Verbatim as Submitted and Required - Petitioned Article)

Board of Selectmen: Reserves recommendation to town meeting 5-0
Planning Board: Does not recommend 5-0
Bylaw Committee:

SUMMARY: The current bylaw lacks clarity and leaves the traditional practices of shellfishing at risk to lawsuits. Amending the Home Occupancy Bylaw to include specific language pertaining to the industry will protect and preserve this traditional way of life.

ARTICLE 41 : **Zoning Bylaw Amendment.** To see if the Town will vote to amend the Zoning Bylaws by adding a new Section 6.6. - Affordable Flexible Residential Design, Section, as follows:

6.6 Affordable Flexible Residential Design

6.6.1 Purpose

A. The purpose of this Section 6.6 of the Wellfleet Zoning By-laws is to provide a residential development zoning provision with flexible dimensional regulations to encourage efficient site layout that minimizes land consumption and creates opportunities for diversified and affordable housing. The Town wishes to encourage Affordable Flexible Residential Design (AFRD) as an alternative to conventional development because AFRD results in creation of more affordable housing for year-round residents, while allowing more design flexibility to encourage more efficient site layout and preservation of contiguous open space.

B. The goals of AFRD are:
   1. To encourage and to promote the provision of affordable housing for year-round residents.
   2. To allow greater flexibility and creativity in the design of residential developments.
   3. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision.
   4. To facilitate the construction and maintenance of streets, utilities, and public services in a more efficient manner.
   5. To further housing and land use goals of the Local Comprehensive Plan.

6.6.2 Definitions

In this Section 6.6 the following terms have the meaning indicated:

Base Allowable Density – The maximum number of lots or units that could be built on a site under a conventional subdivision plan, as demonstrated in a preliminary subdivision plan, in accordance with Section 6.6.7.

Common Open Space - Any Open Space set aside, dedicated, designated, or reserved for use as passive recreation, natural buffers, and active recreation as permitted by this Section 6.6. Common Open Space shall be contiguous wherever possible and shall not include roadways, parking areas, or private yards.

Affordable Flexible Residential Design ("AFRD") - A residential development in which at least 30% of the Base Allowable Density is composed of Affordable Dwelling Units and buildings are clustered together with allowance for reduced lot sizes and frontage. The land not included in the building lots is preserved as Open Space. AFRD may include residential subdivisions or residential development where the property is held in condominium or other form of ownership in which the property is not subdivided.

Income Eligible Household – A one or more person household whose maximum income does not exceed 80% of the area median income, adjusted for household size, or as otherwise established by the DHCD Guidelines.

Open Space – For the purposes of this Section 6.6 of the Zoning By-laws, Open Space shall mean any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for use and enjoyment of the owners and occupants of an AFRD, as permitted by this Section 6.6.

6.6.3 Applicability

A. AFRD is allowed by special permit under zoning, in accordance with this Section 6.6, for development that proposes to provide at least 30% of the Base Allowable Density number, as determined in accordance with Section 6.6.7, as Affordable Dwelling Units for Income Eligible Households.

B. The minimum area required for an AFRD development is 60,000 s.f. of contiguous upland.

C. AFRD is subject to the requirements of the *Rules and Regulations Governing the Subdivision of Land, Wellfleet, Mass* ("Subdivision Rules and Regulations") as applicable, except where modification is allowed in accordance with Section 6.6.6, and subject to any other generally applicable non-zoning land use regulations. AFRD may be proposed in the NSP, CD, R1, R2, C, and C2 zoning districts except that any AFRD development in the NSP must comply with the Act of Congress of August 7, 1961 which provided for the establishment of the Cape Cod National Seashore and the regulations promulgated thereunder. If subdivision approval is not required because a new roadway is not proposed, an applicant may nevertheless apply for AFRD subject to the requirements of this Section 6.6.

6.6.4 Special Permit Granting Authority

The Planning Board shall act as the special permit granting authority for AFRD applications. The Planning Board may adopt, and from time to time amend, rules and regulations consistent with the provisions of this Section 6.6, G.L c.40A and other provisions of the Massachusetts General Laws, and the Subdivision Rules and Regulations, and shall file a copy of said rules and regulations with the Town Clerk.

6.6.5 Relationship to Subdivision Rules and Regulations
Nothing herein shall exempt a proposed subdivision from compliance with other applicable provisions of the Wellfleet Zoning By-laws or the Subdivision Rules and Regulations, nor shall it affect the right of the Board of Health to approve, condition or disapprove a subdivision plan in accordance with the provision of such Subdivision Rules and Regulations. In any case where the Subdivision Rules and Regulations conflict with zoning, the Wellfleet Zoning Bylaws govern.

6.6.6 Modification of Subdivision Roadway
The Planning Board may reduce applicable subdivision road construction standards (including but not limited to roadway width, centerline radii, curbing, cul-de-sac radius, drainage requirements, etc.), and not withstanding these reductions, subdivision road constructions will not apply to Base Allowable Density calculations in Section 6.6.7.B where, in the opinion of the Planning Board, such reductions will result in enhanced overall site design and provide adequate and safe access for the development.

6.6.7 Base Allowable Density

A. The base number of dwelling units permitted under AFRD shall not exceed that which would be permitted under a conventional ("grid") subdivision that complies with the Wellfleet Zoning By-laws, Subdivision Rules and Regulations and any other applicable laws and regulations of the Town or the state.
B. To determine the Base Allowable Density, an applicant shall submit a preliminary subdivision plan that demonstrates the allowable base number of units. The Subdivision Rules and Regulations shall apply to the preliminary subdivision plan layout without waivers.
C. The Planning Board may grant a density bonus for additional dwellings in accordance with Section 6.6.8. The number of dwelling units shall not exceed the Base Allowable Density except where the Planning Board has granted a density bonus.

6.6.8 Density bonus
The Planning Board may grant a density bonus in exchange for the provision of deed restricted affordable housing or lot(s). For each Affordable Dwelling Unit provided under this section, one additional dwelling unit may be permitted.

6.6.9 Types of residential development
The allowable dwelling units may be developed as single-family or multiple family dwelling units, provided that the number of dwelling units does not exceed the Base Allowable Density as determined in Section 6.6.7, or as allowed in Section 6.6.8, where a density bonus is granted.

6.6.10 Dimensional requirements

A. *Minimum AFRD Area*: The minimum area for an AFRD development is 60,000 s.f. contiguous upland.

B. *Minimum lot size*: There is no minimum size for lots within an AFRD. The limiting factor on lot size in AFRD is the need for adequate water supply and sewage disposal. Therefore, minimum lot size shall be sufficient to meet Board of Health requirements for disposal of sewage and protection of water supply.

C. *Frontage*: There is no numerical requirement for road frontage in AFRD. Each lot must have legal, actual and adequate frontage so as to allow vehicular access to a public way or a way

approved under subdivision rules and regulations. Actual and adequate frontage shall be determined by the Planning Board.

D. *Setbacks*: The minimum setback for any building from a property line shall be 10 feet. In no event shall any dwelling be closer than 20 feet to each other. However, all setbacks from the perimeter lot line AFRD area shall be 30 feet for front and rear and 25 feet for sides.

6.6.11 Site Design

A. Lot Arrangement: Lots shall be located in a manner that protects scenic views, wildlife habitat, hilltops, ponds, steep slopes, and other sensitive environmental resources and land of conservation value, while facilitating pedestrian and bicycle circulation.

B. AFRD proposals are required to design the site using the following process:

1. Identify Conservation Value: areas such as wetlands, buffer zones, habitat, cultural resources, etc. shall be identified and removed from the base allowable density calculations as noted in 6.6.7.
2. Place the dwellings to maximize residents' access to open space, preservation of views, privacy, etc.
3. Align roads, ways, and trails to provide vehicular and pedestrian access.
4. Draw lot lines around the dwellings, or in the case of a condominium development the designated areas shall be delineated.

C. Shared Driveways: Shared driveways serving no more than five (5) dwelling units may be allowed in the AFRD, provided that adequate vehicular access to the site has been provided by a way, or ways, that meets the following criteria:

1. Minimum width: 10 feet, with 2-foot clear area on each side and pull-off areas;
2. Maximum grade: 10%;
3. Driveway design can accommodate vehicular travel and provide direct ingress and a rapid response time for emergency vehicles. The Board may require that secondary access be provided for reasons of public safety and convenience.

6.6.12 Application Requirements

A. Pre-Application meeting: A pre-application discussion is required between the applicant and the Planning Board. The purpose of this informal meeting is to introduce the applicant to the AFRD zoning and Subdivision Rules and Regulations and discuss the applicant's objectives prior to developing engineered plans and other application materials.

B. Application materials - Applicants shall submit sixteen (16) copies of an AFRD application and plans which shall comply with the submission requirements of the Subdivision Rules and Regulations and which shall also indicate proposed land and building area, location of common open space and upland area. The plans shall be prepared by a team including a registered civil engineer and a registered land surveyor.

1. Preliminary Plan and Existing Conditions Plans: Prior to submission of a special permit application, applicants shall submit a preliminary subdivision plan in accordance with the Subdivision Rules and Regulations for the purposes of

determining the number of lots/units possible on in the AFRD (i.e. Base Allowable Density), in accordance with Section 6.6.7. For this reason, it is recommended that a copy of an existing conditions plan be submitted at this stage. The existing conditions plan shall include but not be limited to existing topography at two-foot (2') contours, wetlands, waterbodies and the 100-year floodplain., existing rights of way, easements, and existing structures, the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views, watershed divides and drainage ways, fences and stone walls, roads, driveways, and cart paths.

2. Definitive Plan: The definitive subdivision plan shall be submitted with the special permit application. Where an AFRD development is not a subdivision of land, the AFRD development plan shall conform to the submission requirements for a definitive plan.
3. Other materials: Applicants shall also include a statement indicating the proposed use and ownership of the open space, where applicable.

C. The Planning Board may conduct the public hearing for the AFRD special permit concurrently with a public hearing for the subdivision in conformity with the provisions of G.L. c. 41, Section 81K -81GG and the Subdivision Rules and Regulations.

D. Strict compliance with the requirements of these Subdivision Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest, and not inconsistent with the Subdivision Control Law. The application for approval of a definitive plan must be accompanied by a written request for waiver of strict compliance with the Subdivision Rules and Regulations, the regulation sought to be waived, the nature and location of the waiver sought, and a statement by the Applicant's surveyor or engineer that such waiver is consistent with each of the purposes set forth in Section 1.03 of the Subdivision Rules and Regulations.

6.6.13 Approval Criteria

A. The Planning Board may grant a special permit for an AFRD application upon making the following determinations:

1. The proposed development meets the goals and purposes of AFRD.
2. The proposed development is suitable for the proposed location, and the layout of the developed areas, including buildings, roads, and utilities, conforms to the natural features of the parcel, minimizes the amount of land to be disturbed, protects sensitive resources on site, and provides an efficient design of streets and ways and utilities.
3. The proposed development complies with the special permit standards of Section 8.4.2 of the Wellfleet Zoning By-laws.

6.6.14 Common Open Space Requirements

A. Required Open Space: AFRD areas greater than 10 acres shall provide a minimum of 25% of the site area of the parcel as permanently protected Open Space, except where reduction is allowed, as set forth in Section 6.6.14B below. Applicants are encouraged to retain natural vegetation for screening, roadway buffers, and natural resource protection to the maximum extent feasible.

B. Applicants are encouraged to include wetlands and waterbodies within the Open Space, however the amount of wetland that may count towards the Open Space requirement shall not exceed the percentage of wetland on the entire site under existing conditions. Roadway rights of way shall not count toward the area to be provided as Open Space.

C. The Planning Board may reduce the Open Space requirement for AFRD proposals with one or more of the following characteristics:

1. The number of affordable units provided exceeds 50 % of the Base Allowable Density.
2. The project site is located within a half mile (½ - mile) of Wellfleet Center Historic District or Paine Hollow Historic District.
3. More than 50% of the existing project site is previously disturbed.
4. The project site contains an historic structure(s), and the historic structure will remain in its current location or moved elsewhere on the site.
5. The project is located adjacent to Open-Space land such as the National Seashore, conservation land, wetland, or similar type Open-Spaced areas, if the layout of the AFRD benefits outweigh the Open-Space benefits.

6.6.15 Permissible Uses of Open Space

A. Purposes: Open Space shall be used solely for passive recreation or conservation purposes by residents. At least half of the required Open Space may be required by the Planning Board to be left in a natural state. The proposed use of the Open Space shall be specified in the AFRD application.

B. Infrastructure in Open Space: A minimal amount of storm-water infrastructure may be located in the Open Space area provided it is designed as Low Impact Development as defined by the Massachusetts Department of Environment Protection in its regulations and guidance and does not significantly impact the features to be preserved. If the applicant demonstrates to the satisfaction of the Planning Board that that there are practical difficulties in locating required septic fields within the areas to be developed, the fields may be located in adjacent parts of the Open Space provided the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or waterbodies, and enhances the site plan.

6.6.16 Open Space Restriction

A. Except as provided on Section 6.6.16.B, the Open Space shall be protected with a permanent restriction. The applicant shall provide a permanent restriction or restrictions (conservation, open space or similar) in favor of a government entity, a land trust, homeowners association, or a not-for-profit organization with a mandate that includes land conservation.

B. In the case of an AFRD that is less than or equal to 10 acres with more limited Open Spaces to be used primarily by its residents, the Planning Board may accept as adequate protection the combination of homeowners' association, deed or covenant restrictions, and the conditions in the special permit decision.

6.6.17 Encumbrances

All areas to be set aside as Open Space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances.

6.6.18 Design Requirements

The location of Open Space provided through this Section 6.6 shall be consistent with the policies contained in the Local Comprehensive Plan and the Open Space and Recreation Plan, as amended from time to time and on file with the Town. The following design requirements shall apply to Open Space and lots provided through this Section 6.6, as applicable:

A. Open Space shall be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of Open Space (less than 100' wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between Open Space areas.
B. Open Space shall be arranged to protect valuable natural and cultural environments such as wetland buffers, unfragmented forestland and significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites and to avoid development in hazardous areas such as floodplains and steep slopes. The development plan shall take advantage of the natural topography of the parcel and cuts and fills shall be minimized.
C. Open Space may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.
D. Where the proposed development abuts or includes a body of water or a wetland, these areas and the 100' buffer to such areas, as stated in Article 3 of the Wellfleet Environmental Protection By-law, shall be incorporated into the Open Space. Where appropriate, reasonable access shall be provided to shorelines.
E. The maximum number of house lots compatible with good design shall abut the Open Space and all house lots shall have reasonable physical and visual access to the Open Space through internal roads, sidewalks or paths. An exception may be made for resource areas vulnerable to trampling or other disturbance.
F. Development along existing scenic roads and creation of new driveway openings on existing regional roadways shall be minimized.
G. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to abutting conservation land.

6.6.19 Affordability Restriction

A. As a condition to an AFRD special permit, the applicant shall be required to execute an affordable dwelling restriction ("Restriction") for each Affordable Dwelling Unit using DHCD's universal Affordable Housing Deed Rider and governed by the terms and conditions of the DHCD Guidelines. All restrictions shall be for perpetuity or the longest period allowed by law. No certificate of occupancy shall be issued until the applicant has provided proof of recording of the restriction in the Registry of Deeds to the Planning Board and the Building Inspector. Local preference for Affordable Dwelling Units shall be provided to the extent allowed by DHCD Guidelines.
B. It shall be a condition upon every special permit issued under this Section 6.6 that the applicant shall comply with any DHCD regulations under Chapter 40B of the Massachusetts General Laws and the DHCD Guidelines for qualification of the dwelling units created under this Section 6.20 towards the Town's subsidized housing inventory, including but not limited to the form of the affordable dwelling restriction and regulations concerning tenant selection and marketing, unit design standards, and income eligibility standards and maximum rent or sale price.

6.6.20 Severability:
If any provision of this Section 6.6 is held invalid by a court of competent jurisdiction, the remainder of Section 6.6 shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this Section 6.6 shall not affect the validity of the remainder of the Wellfleet Zoning By-laws.

(Request of the Planning Board).

Board of Selectmen: Reserves recommendation to town meeting 5-0
Planning Board: Recommends 5-0
Bylaw Committee:

SUMMARY: The proposed AFRD bylaw has been created to help create opportunities for the development of additional affordable housing units through the use of flexible dimensional regulations.

ARTICLE 42: **Zoning Bylaw Amendment.** To see if the Town will vote to amend the Zoning Bylaws by amending Section 9.3 Medical Marijuana Overlay District as follows: (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **boldface** type.) (**Two-thirds vote required)**

(Request of the Planning Board)

9.3 MARIJUANA OVERLAY DISTRICT (MOD)

9.3.1 Establishment

The ~~Medical~~ Marijuana Overlay District (~~M~~MOD) is established as an overlay district, which is shown on the Zoning Map on file with the Town Clerk. Within the ~~M~~MOD, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. If the provisions of the MOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MOD conflict with the requirements of the underlying district, the requirements of the ~~M~~MOD shall control. Land within the MOD may be used either for:
(1) a Registered Marijuana Dispensary (RMD), in which case the requirements set forth in this Section shall apply; ~~or~~
(2) a Recreational Marijuana Cultivation Site, as defined herein;
(3) a Recreational Marijuana Establishment (RME), as defined herein;
(4) a Recreational Marijuana Product Manufacturer, as defined herein;
(5) a Recreational Marijuana Retailer (RMR) as defined herein;
(6) a Recreational Marijuana Testing Facility; or
(7) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply.

9.3.2 Purpose

To provide for the location of RMDs **and RMEs** in accordance with **Chapter 55 of the Acts of 2017 and M.G.L. c.94G,** the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., **as amended by Chapter 55 of the Acts of 2017 and G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017,** in locations suitable for lawful RMDs **and RMEs** and to minimize adverse impacts of RMDs **and RMEs** on adjacent properties, residential neighborhoods, historic sites, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of RMDs **and RMEs**.

9.3.3 Definitions

9.3.3.1 Where not expressly defined in the Zoning Bylaws, terms used in the ~~M~~MOD Bylaw shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., **as amended by Chapter 55 of the Acts of 2017 and G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017,** ~~and~~ the Commonwealth of Massachusetts Department of Public Health (MDPH) Regulations promulgated thereunder, 105 CMR 725.001, et seq., **M.G.L. c.94G or by regulations promulgated by the Commonwealth of Massachusetts Cannabis Control Commission (CCC),** as they may be amended or superseded, and otherwise by their plain language.

9.3.3.2 Registered Marijuana Dispensary (RMD) - Also known as a Medical Marijuana Treatment Center, means ~~a not-for profit~~ an entity registered under 105 CMR 725.100 **or any superseding regulations to be promulgated by the CCC,** that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products (MIPs), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to a site of dispensing, cultivation, and/or preparation of marijuana, which site is expressly designated in the Certification of Registration issued by the MDPH **or CCC**.

9.3.3.3 Recreational Marijuana Cultivation Site: A Recreational Marijuana Establishment licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined by G.L. c. 94G and pursuant to regulations to be promulgated by the Cannabis Control Commission.

9.3.3.3.1 Recreational Marijuana Establishment ("RME"): A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in G.L. c.94G, §1.

9.3.3.3.2 Recreational Marijuana Establishments for On-premises Social Consumption: Any marijuana retailer licensed to purchase marijuana and marijuana products from a recreational marijuana establishment and to sell marijuana and marijuana products on its premises to consumers for purposes of consumption of the marijuana and marijuana products on its premises either as the principal use or as an accessory or incidental use.

9.3.3.3.3 Recreational Marijuana Product Manufacturer: An entity licensed by the Cannabis Control Commission to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

9.3.3.3.4 Recreational Marijuana Retailer ("RMR") - An entity licensed by the Cannabis Control Commission to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

9.3.3.3.5 Recreational Marijuana Testing Facility: An entity licensed by the Cannabis Control Commission to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

9.3.3.3.5 Special Permit Granting Authority (SPGA) – As used in this Section 9.3, the Town of Wellfleet Zoning Board of Appeals.

9.3.3.3.6 State Law - Collectively, G. L. c.94C, App. §1-1 et seq. and the MDPH Regulations promulgated thereunder, 105 CMR 725.001, et seq., **Chapter 55 of the Acts of 2017, G.L. c.94G, G.L.**

c. 94I (when enacted) and any superseding regulations promulgated by the CCC pertaining to recreational or medical marijuana dispensaries, as they may be amended or superseded, and any successor or re-codified version of any regulation issued by an agency of the Commonwealth of Massachusetts with jurisdiction for certifying or regulating the production and/or sale of marijuana for medical **and/or recreational use**.

9.3.4 Location

The ~~M~~MOD consists of certain portions of the land within the C and C-2 District, as follows:

a) Commercial District - The land described in the Town of Wellfleet Zoning Bylaw, District Descriptions as subsections (2) and (3); and

b) Commercial 2 District – The land described in the Town of Wellfleet Zoning Bylaw, District Descriptions as subsection (1).

9.3.4.1 An RMD **and RME** may be permitted in the ~~M~~MOD pursuant to a Special Permit granted pursuant to this Section 9.3 and Subsection 8.4.2 of the Wellfleet Zoning Bylaws**, provided, however, that Recreational Marijuana Establishments for On-Premises Social Consumption, as defined herein, are expressly prohibited.**

9.3.4.2 An RMD **or an RME** may not be located within **three hundred** (300) feet of the following:

a) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;

b) Child Care Facility;

c) Playground;

d) Youth Center;

e) Public Beach or Pond; or

f) Other facility in which minors commonly congregate, excluding the Cape Cod National Seashore and the Cape Cod Rail Trail.

g) Notwithstanding the above, the properties separated by U.S. Route 6 from an RMD **or an RME** shall be excluded from this list of protected uses.

9.3.4.3 The distance under this Section is measured in a straight line from the nearest point of the property line of the protected uses identified in Subsection 9.3.4.2 to the nearest point of the property line of the proposed RMD **or RME**.

9.3.4.4 A special permit issued pursuant to this Section may, at the discretion of the SPGA, provide for reduction of the distance from protected uses pursuant to Section 9.3.4.2 by no more than twenty-five percent (25%), provided that:

a) the Applicant demonstrates that the RMD **and RME** would otherwise be effectively prohibited within the municipality; and

b) the Applicant demonstrates that the RMD **and RME** will employ adequate security measures to prevent diversion of marijuana to minors or those who are not qualifying patients **or customers** pursuant to State Law.

9.3.5 General Requirements and Conditions

9.3.5.1 All RMDs **and RMEs** shall be contained within a building or structure, except that no RMD **or RME** shall be located inside a building containing a residential unit, including transient housing such as motels and cottages**, or, in the case of an RMD only, the RMD shall not be located** ~~or~~ in buildings that contain the office of a medical doctor or doctor of osteopathy or other professional practitioner authorized by State Law to issue a certification for a qualifying patient for the use of marijuana.

9.3.5.2 The hours of operation of a RMD **or RME** shall be set by the SPGA, but in no event shall said RMD **or RME** be open to the public between the hours of 8:00 PM and 8:00 AM.

9.3.5.3 Except as specified in State Law, no smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises or grounds of any RMD **or RME.**

9.3.5.4 Signage for RMDs and RMEs

In addition to meeting the requirements of State Law and the Town of Wellfleet Zoning Bylaws, the following additional requirements and restrictions shall apply:

a) A sign visible from the exterior of the building in which the RMD is located shall be displayed either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Registration card issued by the MA Department of Public Health required," **or "Registration card issued by the MA Cannabis Control Commission required**." The required sign shall not exceed six (6) square feet in area, shall be easily readable, and shall not be included in the signage calculation in Subsection 9.3.5.4 **b). For an RME, a sign legible from the exterior of the building in which the RME is located shall be displayed either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment." For a facility that is a co-located RMD and RME a sign legible from the exterior of the building in which the RMD/RME is located shall be displayed either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "If under 18 years old, must possess a Medical Use of Marijuana Program Registration Card issued by the Commonwealth of Massachusetts, and be accompanied by a personal caregiver who also possesses a Medical Use of Marijuana Program Registration Card issued by the Commonwealth of Massachusetts; if under 21 years old, but at least 18 years old, must possess a Medical Use of Marijuana Program Registration Card issued by the Commonwealth of Massachusetts."**

b) Exterior signage shall comply with Wellfleet Zoning Bylaws, except that:

1. no RMD **or RME** shall have a permanent or temporary freestanding accessory sign or off-premise signage;
2. permitted signage, excluding any state required signage, shall be limited to twelve (12) square feet in area;
3. in accordance with State Law, no RMD **or RME** external signage shall be illuminated except for a period of 30 minutes before sundown until closing.

c) Be in accordance with all other provisions of State Law.

9.3.5.5 Fencing and gates shall be in accordance with State Law and with all Town of Wellfleet Bylaws. To the extent practicable, fencing shall be consistent with the character of surrounding properties.

9.3.5.6 Landscaping shall be in compliance with Wellfleet Zoning Bylaws, except that in accordance with State Law, RMDs shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

9.3.5.7 Lighting shall be designed and maintained so as to protect adjacent properties and the night sky from intrusive lighting; however, in accordance with State Law, the exterior perimeter of the RMD or RME shall be sufficiently lit to facilitate surveillance.

9.3.5.8 Security and alarm systems for RMDs **and RMEs** shall be in accordance with State Law and Town of Wellfleet General Bylaws, and shall be adequate to prevent and detect diversion, theft, or loss of marijuana or unauthorized intrusion, utilizing commercial grade equipment.

9.3.5.9 Pesticide and fertilizer storage and use shall be in accordance with State Law and with all applicable state and local statutes, bylaws, and regulations.

9.3.5.10 Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured,

managed, and disposed of in accordance with State Law and all other applicable statutes and bylaws and regulations of the Town.

9.3.5.11 In accordance with G. L. c. 44, §53 G and regulations adopted by the Zoning Board of Appeals, the SPGA may engage, at the Applicant's expense, professional and technical consultants, including legal counsel, to assist the SPGA Board with its review of any application pursuant to this Bylaw. Failure of the applicant to pay for any such consultant review expense shall be grounds for denial of the application.

9.3.5.12 All RMD's or RME's must only access and egress from Route 6 or ways within the MOD Overlay District

9.3.6 Special Permit Procedure

9.3.6.1 The SPGA shall act in accordance with provisions, regulations, requirements, conditions and limitations set forth in this Section 9.3 and in accordance with Subsections 8.4.2 of the Wellfleet Zoning Bylaw, and with State Law and any other applicable Massachusetts General Laws.

9.3.6.2 An applicant for the RMD **or RME** Special Permit shall file with the Wellfleet Town Clerk all required forms, plans and supporting documentation along with an original and twelve (12) copies and required fees. The Town Clerk shall stamp the application with the date received and shall immediately notify the SPGA of a submitted application packet.

The SPGA may refer any application pursuant to this Bylaw for review by other boards, departments or officers as it deems appropriate, including, but not limited to the Inspector of Buildings, Fire Department, Planning Board, Police Department, Board of Health, the Conservation Commission, the Department of Public Works. Such boards, departments or officers shall review the application and shall submit their written recommendations, if any, to the referring authority within 35 days of receipt of referral of the application, or the application shall be deemed to be unopposed.

All plans and maps shall be prepared, stamped and signed by the appropriate registered design professional licensed to practice in the Commonwealth of Massachusetts, at a scale not greater than one-inch equals thirty feet (1" = 30'). Site plans shall include North arrow and locus map.

Applications shall include all additional materials and fees as required by the SPGA, including the following:

a) Twelve (12) copies of the Applicant's application to and Certificate of Registration as an RMD received from the MDPH **or twelve (12) copies of the Applicant's application to the CCC**;

b) a single copy of all required licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies for the RMD **or RME**;

c) the name and address of each owner of any interest in the RMD **or RME** or the property on which it is proposed to be located;

d) If the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If one or more of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;

e) evidence of the Applicant's ownership of or right to use and control the site of the RMD **or RME** for the RMD **or RME**, as applicable, such as a deed or lease; for any property located within the Cape Cod National Seashore (CCNS), a copy of the notice sent by registered mail, return receipt requested, to the Superintendent of the CCNS.

f) a detailed floor plan of the premises of the proposed RMD **or RME** that identifies the square footage available and describes the functional areas of the RMD **or RME**, including areas for the preparation of any MIP;

g) detailed site plans that include the following information:

1. Compliance with the requirements in 6.3.13a (Other Uses) of the Wellfleet Zoning Bylaws for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Bylaw, to the extent not in conflict with any term of the registration of the RMD **or RME**;
2. Provision for convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
3. Provision for convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
4. Analysis of the adequacy of the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
5. Proposed building elevations; design and appearance of structures, signs, screening and landscaping; and
6. Provisions for adequate water supply, septic, surface and subsurface drainage and light;

h) a description of the security measures, including but not limited to lighting, fencing, gates, and employee security policies, approved by MDPH **or CCC** for the RMD **or RME**, **as applicable**;
i) a copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by MDPH **or CCC** for the RMD **or RME, as applicable**;
j) a copy of the policies and procedures for patient or personal caregiver home-delivery approved by MDPH **or CCC** for the RMD **or RME, as applicable**;
k) a copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by MDPH **or CCC or RME, as applicable**;
l) a copy of proposed waste disposal procedures;
m) proof of liability insurance that is in accordance with 105 CMR 725.105(Q) **or any applicable regulations promulgated by the CCC**;
n) a description of proposed financial surety to satisfy the requirements of Subsection 9.3.11.2; and
o) any waivers from MDPH **or the CCC regulations** issued for the RMD **or RME, as applicable**.

9.3.6.3 After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA shall determine whether the application meets the standards, purpose and intent of §9.3 and the standards and conditions of §8.4.2 generally applicable to special permits, and if so determined, may approve the special permit with conditions consistent with this Bylaw.

9.3.7 Special Permit Conditions on RMDs and RMEs

The SPGA may impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect groundwater quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this Section 9.3 and the Wellfleet Zoning Bylaws. In addition to any specific conditions applicable to the Applicant's RMD **or RME**, a Special Permit granted under this Bylaw shall include the following general conditions:

a) Hours of operation, including dispatch of home deliveries.
b) The permit holder shall file a copy of any Incident Report required under State Law with the Inspector of Buildings and the SPGA within 24 hours of ~~creation~~ **the incident** by the RMD **or RME**. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
c) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by MDPH, **CCC** or the Division of Administrative Law Appeals, as applicable, regarding the

RMD **or RME** with the Inspector of Buildings and SPGA within 48 hours of receipt by the RMD **or RME.**
d) Each RMD **or RME** permitted under this Bylaw shall as a condition of its Special Permit file an annual report with the SPGA no later than January 31, providing a copy of all current applicable state permits, licenses, and registrations for the RMD, **RME**, and/or its owners, certificate of liability insurance that is in accordance with State Law and demonstrate continued compliance with the conditions of the Special Permit.
e) The permit holder shall provide to the Inspector of Buildings and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
f) The Special Permit shall be limited to the current Applicant and shall lapse if the permit holder ceases operating the RMD **or RME**.
g) The Special Permit shall lapse upon the expiration or termination of the Applicant's registration by MDPH **or the CCC**.
h) The permit holder shall notify the Inspector of Buildings and SPGA in writing within 48 hours of the cessation of operation of the RMD **or RME** or the expiration or termination of the permit holder's registration with MDPH **or the CCC.**
i) As-Built conditions, post-construction, shall be submitted to the Inspector of Buildings prior to issuance of an Occupancy Permit. Any changes or subsequent alterations to previously filed As Built conditions shall be submitted to the Inspector of Buildings upon completion of work.

9.3.8 Off-site Cultivation as Authorized by RMD Certificate of **Registration or License Issued by Cannabis Control Commission**

In the case of cultivation of marijuana at a site other than the Dispensary, **or in the case of a Recreational Marijuana Cultivation Site,** where, 1.) the Certificate of Registration **or License issued by the CCC, as applicable**, identifies the cultivation site, and 2.) the cultivation site meets the requirements of G. L. c.40A, §3 for exemption from the use restriction in the zoning district in which the cultivation site is located, the cultivation of marijuana at such a site shall not require an additional Special Permit pursuant to Subsections 9.3.6 and 9.3.7; but shall be considered within the area subject to the conditions imposed on the RMD **or Recreational Marijuana Cultivation Site** special permit.

9.3.9 Prohibition Against Nuisances

No use shall be allowed in the ~~M~~MOD which creates a nuisance, including loitering, to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.
9.3.9.1 Prohibited Uses
Recreational marijuana establishments for on-premises social consumption, as defined herein, are prohibited
9.3.10 Modification and Alteration

All modification, remodeling, expansion, reduction, or other physical, non-cosmetic alteration of an RMD **or RME** made after issuance of the Special Permit shall require approval by the SPGA as provided in this Section 9.3

9.3.11 Abandonment or Discontinuance of Use

9.3.11.1 An RMD **or RME** shall be required to remove all material, including plants, products, waste, equipment and other paraphernalia:

a) prior to surrendering its state issued licenses or permits; or
b) within six months of ceasing operations, whichever comes first; and
c) in accordance with State Law and all other applicable federal, state, and local requirements.

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 **or RME** in the event the Town must remove the RMD **or RME**. 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 **or RME** 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 **or RME** at prevailing wages. Notwithstanding the above, the bond amount is subject to review by the SPGA every three (3) years.

Further, that the Town vote to amend Section II, 2.1 Definitions by adding, in alphabetical order, the following new definitions:

<u>Recreational Marijuana Cultivation Site:</u> A Recreational Marijuana Establishment (RME) licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers, as defined by G.L. c. 94G and pursuant to regulations to be promulgated by the Cannabis Control Commission.

<u>Recreational Marijuana Establishment (RME)</u>: A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in G.L. c.94G, §1.

<u>Recreational Marijuana Establishments for On-premises Social Consumption</u>: Any marijuana retailer licensed to purchase marijuana and marijuana products from a recreational marijuana establishment and to sell marijuana and marijuana products on its premises to consumers for purposes of consumption of the marijuana and marijuana products on its premises either as the principal use or as an accessory or incidental use.

<u>Recreational Marijuana Product Manufacturer</u>: An entity licensed by the Cannabis Control Commission to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

<u>Recreational Marijuana Retailer (RMR</u>): An entity licensed by the Cannabis Control Commission to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

<u>Recreational Marijuana Testing Facility</u>: An entity licensed by the Cannabis Control Commission to test marijuana and marijuana products, including certification for potency and the presence of contaminants

And further, that the Town vote to amend Section 5.3, Use Regulations, by amending the table under sub-heading Section 5.3.2 Commercial, by adding the following new uses in alphabetical order as uses allowed by Special Permit from the Zoning Board of Appeals and by changing footnote 7 for said uses

indicating that such uses are allowed in the Marijuana Overlay District in the C and C2 Zoning Districts as allowed by Section 6.35 of this Zoning By-law, such that the amended table shall state:

5.3.2 Commercial	**CD**	**R1**	**R2**	**NSP**	**C**	**C2**
Recreational Marijuana Cultivation Site	O	O	O	O	A7	A7
Registered Marijuana Dispensary (RMD)	O	O	O	O	A6	O
Recreational Marijuana Establishment	O	O	O	O	A7	A7
Recreational Marijuana Establishments for On-Premises Social Consumption	O	O	O	O	O	O
Recreational Marijuana Product Manufacturer	O	O	O	O	A7	A7
Recreational Marijuana Retailer	O	O	O	O	A7	A7
Recreational Marijuana Testing Facility	O	O	O	O	A7	A7

Footnote 6: Use authorized under special permits in the Marijuana Overlay District in the C Zoning District as provided for in Section 9.3 and as provided for in Section 8.4.2 of these Zoning By-laws.
Footnote 7: Use authorized under Special Permit in the Marijuana Overlay District in the C and C2 zoning districts pursuant to Section 9.3 and Section 8.4.2 of these Zoning By-laws, or take any other action related thereto.

Board of Selectmen: Reserves recommendation to town meeting 5-0
Planning Board: Recommends 5-0
Bylaw Committee:

SUMMARY:

ARTICLE 43: Zoning Bylaw Amendment. To see if the Town will vote to amend the Zoning Bylaws by amending Article X Large-Scale Ground-Mounted Solar Photovoltaic Installations, section 8.6 as follows: (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **boldface** type.) **(Two-thirds vote required)**

10.8.6 Height
Solar photovoltaic arrays shall not exceed **ten (10)** ~~six (6)~~ feet in height off the ground at their tallest orientation **as measured at the highest point of the ground under the array**. Accessory structures to LSGMSPI shall be subject to height requirements set in section 10.7 of this bylaw.
(Request of the Planning Board)

Board of Selectmen: Reserves recommendation to town meeting 5-0
Planning Board: Recommends 5-0
Bylaw Committee:

SUMMARY: The request to increase the height in the bylaw is being requested to provide for greater flexibility on the capped landfill site for the development of a solar array project that the Town is soliciting through a competitive RFP process. The increase in height will allow for more solar panels to be placed on the site thus producing enough electricity to cover nearly all of the Town's total energy use.

ARTICLE 44: Zoning Bylaw Amendments. To see if the Town will vote to amend the Zoning Bylaws as stated below: (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **boldface** type.) (**Two-thirds vote required)**

1. To see if the Town will vote to amend its Zoning By-laws, as most recently amended, by amending Section 5.3, Use Regulations, by inserting a new footnote 29 after the sub-headings for Section 5.3.2 Commercial, Sections 5.3.3 Commercial (Heavy) and Section 5.3.4 Institutional to read as follows: "29 Subject to Section 6.35 of this Zoning By-law," or take any other action relative thereto.

2. To see if the Town will vote to amend its Zoning By-laws, as most recently amended, by amending Section 2.1 Definitions by deleting the definition for "Business, Formula," or take any other action relative thereto.

3. To see if the Town will vote to amend its Zoning By-laws, as most recently amended, by amending Section 5.3, Use Regulations, Section 5.3.2 under the sub-heading "Commercial", be deleting "Business, Formula" from the use table, or take any other action relative thereto.

4. To see if the Town will vote to amend its Zoning By-laws, as most recently amended, by deleting Section 6.3.13 "Development of Significant Impact" in its entirety, or take any other action relative thereto?

5. To see if the Town will vote to amend its Zoning By-laws, as most recently amended, by deleting Section 6.3.14, Developer-Funded Impact Studies for "Development of Significant Impact", or take any other action relative thereto.

6. To see if the Town will vote to amend its Zoning By-laws, as most recently amended, by amending Section 8.4.2 by adding the following new sentence after the second sentence: "Granting of a special permit for Impactful Commercial Uses shall be governed by Section 6.35 of this Zoning By-law and shall not be subject to the provisions of Section 8.4.2," or take any other action relative thereto.

(Request of the Planning Board)

Board of Selectmen: Reserves recommendation to town meeting 5-0
Planning Board: Recommends 5-0
Bylaw Committee:

SUMMARY: These are housekeeping amendments and are changes to be made in response to the adoption of or amendments to other sections of the Zoning Bylaw.

ARTICLE 45: Zoning Bylaw Amendment – Food Trucks. To see if the Town will vote to amend the Zoning Bylaws by amending Section II, Section 2.1, Definitions or take any other action related

thereto. (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **bold** type. (**Two-thirds vote required)**

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.

(Request of the Planning Board)

Board of Selectmen: Reserves recommendation to town meeting
Planning Board: Recommends 5-0
Bylaw Committee:

ARTICLE 46 : Zoning Bylaw Amendment – Section 5.3.2 Use Regulations. To see if the Town will vote to amend the Zoning Bylaws by amending Section V, Section 5.3, Use Regulations by inserting the language below, in alphabetical order, where appropriate, or take any other action related thereto. (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **bold** type. (**Two-thirds vote required)**

Section 5.3.2 Use Regulations

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

(Request of the Planning Board)

Board of Selectmen: Reserves recommendation to town meeting
Planning Board: Recommends 5-0
Bylaw Committee:

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.

ARTICLE 47: Zoning Bylaw Amendment — **Petitioned Article**
Food Trucks. To see if the Town will vote to amend the Zoning Bylaws by amending Section Il, Section 2. l, Definitions and Section V, Section 5.3, Use Regulations by insetting the language below, in alphabetical order, where appropriate, or take any other action related thereto.
Two-thirds vote required.

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 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	A*

*only C2 parcels that are contiguous to Route 6; food truck traffic must use its access and egress on route 6 even if parcel has alternative access.

(Printed Verbatim as Submitted and Required - Petitioned Article)

Board of Selectmen: Reserves recommendation to town meeting 5-0
Planning Board: Does not recommend 5-0

SUMMARY: The appropriate use of land is regulated under the Town of Wellfleet Zoning By-Laws (WZBL). Inserting the language above into the WZBL provides a 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 District (CD). Commercial (C) and Commercial (C2 parcels contiguous to Route 6) Zoning Districts, where

similar uses (i.e. retail businesses and food establishments) are already permitted. Certain Food Truck uses have been exempted to l) 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. The language of this article is identical to the Planning Board's language except for the limited inclusion of C2.

SECTION V: DISPOSITION OF TOWN PROPERTY ARTICLES

ARTICLE 48: Disposition of Town Owned Property – 0 West Main Street. To see if the Town will vote pursuant to Article III, Section 7 of the Town Bylaws to transfer the care, custody, management and control from the tax title custodian of a parcel of land at 0 West Main Street, Parcel 14-222-0, and shown in a survey plan, entitled "Plan of Land in Wellfleet, Made for George D. And & Gail P. Baquis," dated April 1989, prepared by Slade Associates, Inc., recorded with the Barnstable County Registry of Deeds in Book 459, Page 61 to the Board of Selectmen for the purpose of conveyance to an abutting property owner, and further authorize the Board of Selectmen to reserve a drainage easement thereon or do or act anything thereon.
Two-thirds vote required. (Requested by the Board of Selectmen)

Board of Selectmen: Recommends 4-0.
Finance Committee: Recommends 6-0.

SUMMARY: This Article authorizes the Board of Selectmen to convey a small parcel of land of unknown ownership by giving a release deed to the abutter which merely states that the Town conveys any interest it has in the property (which may be no interest) to the abutter.

ARTICLE 49: Easement for Eversource to install transformer. To see if the Town will vote to convey an easement to Eversource for the installation of an additional transformer in the rear parking lot of Town Hall or do or act anything thereon. The request is for an easement on Town-owned property, being Assessor's Map 15, Parcel 52. ***Two-thirds vote required.***

Board of Selectmen: Recommends 4-0.

SUMMARY: This easement will allow Eversource to add an additional transformer to the downtown area which will help to alleviate power outages in certain areas. When power is out to certain areas Eversource will then have the ability to re-route power distribution and reduce the number of residents suffering power outages.

ARTICLE 50: Paine Hollow affordable housing project housekeeping. To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, a fee interest in the land, and any improvements thereon, located at 120 Paine Hollow Road, containing 4.89 acres, more or less, being Map 29, Lot 300 (formerly Map 202-24, Lot 68), as shown on a plan entitled "Sketch Plan showing land at Assessors Map 29, Parcel 300 Scale: 1"=100' on file with the Town Clerk, and to authorize the Board of Selectmen to sign all documents, including but not limited to an order of taking, and to take all other actions necessary or appropriate to carry out this vote; or take any other action relative thereto. ***Two-thirds vote required.***

(Requested by Board of Selectmen)

Board of Selectmen: Recommends 4-0.

SUMMARY: This is a housekeeping article to clear title to property mentioned above. This warrant article authorizes the Board of Selectmen to acquire the parcel, through eminent

domain, to confirm title in the entirety of the property. Legal counsel's opinion is that the taking would be against the Town only.

ARTICLE 51: Septic System Easement for 15 Harding Lane. To see if the Town will vote to convey an easement for operation, maintenance, repair and replacement of an existing septic system leach pit shown as "Proposed Leach Pit" on a plan entitled in part: "Site and Sewage Plan prepared for Earl R. Harding, Jr." which plan is dated April 19, 1994 and prepared by FELCO, INC, said easement to be located on Town-owned property, being Assessor's Map 15, Parcel 52, for the benefit of 15 Harding Lane, being Map 15, Parcel 45, or do or act anything thereon. ***Majority vote required.***

(Requested by Board of Selectmen)

Board of Selectmen: Recommends 4-1
Open Space Committee: Recommends
Board of Health: Recommends
Planning Board: Recommends
Conservation Commission: Recommends
Natural Resources Advisory Board: Recommends

SUMMARY: This easement is required to provide an easement for the maintenance and repair of an existing septic system that serves private property, i.e. 15 Harding Lane and is located on Town land.

SECTION VI: UNCLASSIFIED ARTICLES

ARTICLE 52: To see if the Town will vote to accept the provisions of Massachusetts General Law, Chapter 40U, for the purpose of designating a Municipal Hearing Officer to conduct hearings with respect to alleged bylaw and code violations, or do or act anything thereon.

(Requested by the Board of Selectmen)

Board of Selectmen: Recommends 5-0.

Summary: This statute will allow the Town to handle non-criminal dispositions ("tickets") in a similar manner to how parking tickets are handled.

ARTICLE 53: Approval of Wellfleet Housing Needs Assessment and Action Plan (appendix F). To see if the Town will vote to accept the Wellfleet Housing Needs Assessment and Action Plan as required under Article 4, section 14 of the Town's General Bylaws or do or act anything thereon. ***Two-thirds vote required.***

(Requested by the Housing Authority)

Board of Selectmen: Recommends 5-0.
Charter Review Committee: Recommends 0-0.

SUMMARY: The Wellfleet Housing Needs Assessment and Action Plan was created by the Wellfleet Housing Authority and Wellfleet Housing Partnership. The Plan will be submitted to the State of Massachusetts. The Town's bylaws require that any policy or management plan

being submitted for Regional or State certification be approved by a two-thirds vote at Town meeting. A summary of the plan is in Appendix F and the full plan is available on the Town's web site.

ARTICLE 54: Room Occupancy Tax. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, printed below, authorizing the Town to impose a room occupancy tax on seasonal 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, or do or act anything thereon.

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 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.

Board of Selectmen: recommends 5-0.
Finance Committee: recommends 6–0.

SUMMARY: Renews previous petition voted at the 2015 and 2017 Annual Town Meeting which has not been acted upon by the State Legislature. The petition would make vacation rentals subject to the same rooms tax as is currently paid by hotels and motels.

SECTION VII: STANDARD ANNUAL ARTICLES

ARTICLE 55: 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 4-0.

SUMMARY: This Article authorizes the Town Administrator or his designee to dispose of surplus/outdated supplies and equipment over $1,500 in value 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 56: 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 5-0.

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

ARTICLE 57: 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 5-0.

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 58: 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 2020, or do or act anything thereon.

Board of Selectmen: Recommends 5-0.

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 2020 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: PETITIONED ARTICLES

ARTICLE 59: Town Hall Lawn. To see if the Town will vote to for the petitioned article as described below:

-In Spring 2017 our Select Board held discussions and a public meeting was held at COA discussing a proposed PLAN by the volunteer Arbor Committee for a re-design of our Town Hall Lawn – Our Public Commons. Ultimately the decision was made to accept the proposed PLAN of the self-appointed Arbor Committee prior to the public information meeting at COA.

-Among other important proposals…this PLAN directs the TOWN to CUT DOWN THE TWO ELDER SPRUCE TREES that have graced the front of our Town Hall since earlier in the 20th Century.

-The Undersigned request an opportunity to VOTE at the Wellfleet Spring Town Meeting -2018 – as to whether a majority of our PUBLIC SENTIMENT agrees that these two venerable trees should be removed OR replaced….or whether this decision might be re-considered. We feel that this is an important Wellfleet Aesthetic Decision – a Quality-of-Life-in-Town decision – that affects us ALL….and should be discussed and voted upon at our TOWN Meeting.(By Petition)

AYE – for Re-consideration of the Plan – save the Spruce trees….

No….the proposed Plan should NOT be reconsidered – The spruce trees should be cut down.

(Printed Verbatim as Submitted and Required - Petitioned Article)

Board of Selectmen: Does Not Recommend 5-0

ARTICLE 60: Leasing of Town owned beach parking lots. To see if the Town will vote to adopt the following non-binding vote of public sentiment:

Require a town meeting vote for any leasing of town owned beach parking lots from hence forward. This vote will supersede the right of the BOS and Town Admin defined in Chapter 40 Section 3 of MA General Laws which allows leasing of public property for up to 30 years without Town meeting vote!

(Printed Verbatim as Submitted and Required - Petitioned Article)

Board of Selectmen: Does Not Recommend 5-0

SECTION IX: STANDARD CLOSING ARTICLES

ARTICLE 61: 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 62: To act on any other business that may legally come before the meeting.

Board of Selectmen: Recommends 5-0

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

ANNUAL TOWN ELECTION WARRANT

Monday, April 30, 2018

The Commonwealth of Massachusetts

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

GREETINGS:
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 30th day of April, 2018, 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; two for Board of Selectmen for three years; two for the Wellfleet Elementary School Committee for three years; two for the Board of Library Trustees for three years; one for the Cemetery Commission for three years; and one for the Housing Authority for five years. Also, to vote on the following questions:

Question 1:
Shall the Town of Wellfleet be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Cape Cod Regional Technical School District for the purpose of paying costs of designing, constructing, originally equipping and furnishing a new District High School to be located at 351 Pleasant Lake Avenue in Harwich, including the payment of all costs incidental or related thereto?

Question 2: Shall the Town of Wellfleet be allowed to assess an additional $150,000 in real estate and personal property taxes for the purpose of funding a Water Resource Director position for the fiscal year beginning July first, 2018?

2018 ANNUAL TOWN MEETING WARRANT &

2018 ANNUAL TOWN ELECTION WARRANT

And you are hereby directed to serve these warrants 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 meetings.

Hereof fail not and make due return of these warrants with your doings thereon, to the Town Clerk, at the time and place of said meetings.

Given under our hands this 20th day of March, 2018.

Wellfleet Board of Selectmen

_____	_____
Dennis Murphy, Chair	Janet Reinhart, Vice Chair
_____	_____
Kathleen Bacon, Clerk	Helen Miranda Wilson, Member
_____	
Jerry Houk, Member	

Constable's Return of Service

I have served the foregoing warrants 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 2019 OPERATING & CAPITAL BUDGETS SUMMARY

The Fiscal Year 2019 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	FY2016	FY2017	FY2018	FY2019
Operating Budget	$15,903,219	$16,639,217	$17,946,134	$18,252,990
Capital Debt Service	$1,270,180	$1,546,368	$1,820,602	$1,828,966
Capital Expenditures	$625,514	$624,248	$826,276	$670,267
Articles (estimated)	$1,023,749	$824,024	$540,158	$572,517
Other: Overlay, Cherry Sheet	$579,459	$510,078	$510,740	$516,476
TOTAL:	$19,402,121	$20,169,660	$21,643,910	$21,841,216

FUNDING SOURCES

Allowable Tax Levy	$17,693,404
Receipts Reserved	$ 1,775,500
Other Local Receipts, Chapter 90, etc.	$ 2,372,312
Total	$21,841,216

The FY 2019 operating budget as presented in appendix A has increased 1.71% and total town expenditures have increased 2.0%. A 0.78% drop in our Education budget contributed to the lower than usual budget increase as did a smaller health insurance premium hike of 6% as compared to 11% in FY 2018.

Not included in the funding sources are the following Proposition 2 ½ overrides:

Article 24	Walking Trail at COA Building	$ 82,000
Article 28	Water Resources Director	$150,000

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 2019
APPENDIX A

	FY 17 Actual	FY 18 Budget	FY 19 Dept Head	FY 19 Town Admin	FY 19 FinCom	FY 19 Selectmen
GENERAL GOVERNMENT						
114 -MODERATOR						
Salaries & Wages	200	200	200	200	200	200
Operating Expenses	0	225	225	400	400	400
Total	200	425	425	425	425	425
115 - CONSTABLES						
Salaries & Wages	50	100	100	100	100	100
Total	50	100	100	100	100	100
121 - AUDIT						
Operating Expenses	21,900	22,500	22,500	22,500	22,500	22,500
Total	21,900	22,500	22,500	22,500	22,500	22,500
122 - SELECTMEN						
Salaries & Wages	3,163	5,000	5,000	5,000	5,000	5,000
Operating Expenses	1,044	4,370	4,370	4,370	4,370	4,370
Total	4,207	9,370	9,370	9,370	9,370	9,370
123 - TOWN ADMINISTRATOR						
Salaries & Wages	187,530	203,200	224,646	224,646	224,646	224,646
Operating Expenses	15,943	12,925	12,475	12,475	12,475	12,475
Total	203,473	216,125	237,121	237,121	237,121	237,121
124 - GENERAL ADMINISTRATION						
Salaries & Wages	118,200	127,309	124,209	124,209	124,209	124,209
Operating Expenses	23,698	19,593	21,700	21,700	21,700	21,700
Total	141,898	146,902	145,909	145,909	145,909	145,909
131 - FINANCE COMMITTEE						
Operating Expenses	245	275	300	300	300	300
Total	245	275	300	300	300	300
132 - RESERVE FUND						
TRANSFERS	22,000	83,000	85,075	85,075	85,075	85,075
Total	22,000	83,000	85,075	85,075	85,075	85,075
135 - TOWN ACCOUNTANT						
Salaries & Wages	189,776	159,106	139,500	139,500	139,500	139,500
Operating Expenses	9,699	9,650	10,390	10,390	10,390	10,390
Total	199,475	168,756	149,890	149,890	149,890	149,890
141 - ASSESSOR's OFFICE						
Salaries & Wages	114,883	119,207	122,961	122,961	122,961	122,961
Operating Expenses	50,170	47,950	47,950	47,950	47,950	47,950
Total	165,053	167,157	170,911	170,911	170,911	170,911
145 – TREASURER/COLLECTOR						
Salaries & Wages	195,426	201,694	173,693	173,693	173,693	173,693
Operating Expenses	29,604	40,430	43,620	43,620	43,620	43,620
Total	225,030	242,124	217,313	217,313	217,313	217,313

FISCAL YEAR 2019

	FY 17 Actual	FY 18 Budget	FY 19 Dept Head	FY 19 Town Admin	FY 19 FinCom	FY 19 Selectmen
151 - LEGAL SERVICES						
Operating Expenses	106,839	101,300	103,300	103,300	103,300	103,300
Total	106,839	101,300	103,300	103,300	103,300	103,300
153 - COMPUTERIZATION						
Operating Expenses	149,003	157,933	157,933	157,933	157,933	157,933
Total	149,003	157,933	157,933	157,933	157,933	157,933
158 - TAX TITLE						
Operating Expenses	0	11,000	11,000	11,000	11,000	11,000
Total	0	11,000	11,000	11,000	11,000	11,000
161 - TOWN CLERK						
Salaries & Wages	63,578	69,000	71,040	71,040	71,040	71,040
Operating Expenses	3,562	7,574	13,194	13,194	13,194	13,194
Total	67,140	76,574	84,234	84,234	84,234	84,234
162 - ELECTIONS/REGISTRATION						
Salaries & Wages	4,970	3,550	5,320	5,320	5,320	5,320
Operating Expenses	6,054	4,500	6,184	6,184	6,184	6,184
Total	11,024	8,050	11,504	11,504	11,504	11,504
171 - CONSERVATION COMMISSION						
Operating Expenses	1,874	3,630	3,630	3,630	3,630	3,630
Total	1,874	3,630	3,630	3,630	3,630	3,630
174 - PLANNING BOARD						
Operating Expenses	1,905	10,435	10,435	10,435	10,435	10,435
Total	1,905	10,435	10,435	10,435	10,435	10,435
176 - ZONING BOARD OF APPEALS						
Operating Expenses	1,621	1,756	1,756	1,756	1,756	1,756
Total	1,621	1,756	1,756	1,756	1,756	1,756
177 - OPEN SPACE COMMITTEE						
Operating Expenses	0	1,500	1,500	1,500	1,500	1,500
Total	0	1,500	1,500	1,500	1,500	1,500
178 - HERRING WARDEN						
Salaries & Wages	2,200	2,200	2,200	2,200	2,200	2,200
Operating Expenses	181	0	300	300	300	300
Total	2,381	2,200	2,500	2,500	2,500	2,500
179 - SHELLFISH						
Salaries & Wages	206,299	182,155	207,452	195,091	195,091	195,091
Operating Expenses	10,314	18,425	18,425	18,425	18,425	18,425
Total	216,613	200,580	225,877	213,516	213,516	213,516
180 - SHELLFISH CONSERVATION/PROPAGATION						
Operating Expenses	8,061	22,000	46,000	46,000	46,000	46,000
Total	8,061	22,000	46,000	46,000	46,000	46,000

	FY 17 Actual	FY 18 Budget	FY 19 Dept Head	FY 19 Town Admin	FY 19 FinCom	FY 19 Selectmen
181 - SHELLFISH ADVISORY COMMITTEE						
Operating Expenses	0	100	100	100	100	100
Total	0	100	100	100	100	100
182 - CHAMBER OF COMMERCE						
Operating Expenses	10,000	10,000	10,000	10,000	10,000	10,000
Total	10,000	10,000	10,000	10,000	10,000	10,000
183 - NATURAL RESOURCE ADVISORY BD						
Operating Expenses	0	1,150	1,150	1,150	1,150	1,150
Total	0	1,150	1,150	1,150	1,150	1,150
189 - HOUSING AUTHORITY						
Operating Expenses	4,217	5,000	5,000	5,000	5,000	5,000
Total	4,217	5,000	5,000	5,000	5,000	5,000
195 - TOWN REPORTS & WARRANTS						
Operating Expenses	12,182	13,000	13,000	13,000	13,000	13,000
Total	12,182	13,000	13,000	13,000	13,000	13,000
196 - CONSULTANCY						
Operating Expenses	15,802	20,000	20,000	20,000	20,000	20,000
Total	15,802	20,000	20,000	20,000	20,000	20,000
Total-General Gov't	1,592,193	1,702,942	1,747,833	1,735,647	1,735,647	1,735,647
DEPARTMENT OF PUBLIC SAFETY						
210 - POLICE						
Salaries & Wages	1,207,759	1,262,568	1,287,834	1,287,834	1,287,834	1,287,834
Operating Expenses	105,710	121,935	118,635	118,635	118,635	118,635
Total	1,313,469	1,380,603	1,406,469	1,406,469	1,406,469	1,406,469
215 - COMMUNICATIONS/DISPATCHERS						
Salaries & Wages	336,624	348,949	354,657	354,657	354,657	354,657
Operating Expenses	21,817	18,200	20,200	20,200	20,200	20,200
Total	358,441	367,149	374,857	374,857	374,857	374,857
220 - FIRE						
Salaries & Wages	1,122,111	1,247,969	1,308,688	1,308,688	1,308,688	1,308,688
Operating Expenses	169,242	216,633	212,059	212,059	212,059	212,059
Total	1,291,353	1,464,602	1,520,747	1,520,747	1,520,747	1,520,747
241 - Building Department						
Salaries & Wages	179,909	203,836	209,634	209,634	209,634	209,634
Operating Expenses	16,417	11,300	11,300	11,300	11,300	11,300
Total	196,326	215,136	220,934	220,934	220,934	220,934
291 - EMERGENCY MANAGEMENT						
Operating Expenses	0	5,000	5,000	5,000	5,000	5,000
Total	0	5,000	5,000	5,000	5,000	5,000
293 – TRAFFIC/PARKING CONTROL						
Salaries & Wages	2,000	2,000	2,000	2,000	2,000	2,000
Operating Expenses	2,321	4,250	4,250	4,250	4,250	4,250
Total	4,321	6,250	6,250	6,250	6,250	6,250
Total-Public Safety	3,163,910	3,485,986	3,534,257	3,534,257	3,534,257	3,534,257

FISCAL YEAR 2019	FY 17	FY 18	FY 19	FY 19	FY 19	FY 19
	Actual	Budget	Dept Head	Town Admin	FinCom	Selectmen
EDUCATION						
300 - ELEMENTARY SCHOOL						
Budget Estimate	2,328,207	2,652,879	2,583,760	2,583,760	2,631,903	2,631,903
Total	2,328,207	2,652,879	2,583,760	2,583,760	2,631,903	2,631,903
301 - NAUSET REGIONAL SCHOOL DISTRICT						
NRSD ASSESSMENT	2,732,103	2,969,904	2,832,708	2,832,708	2,850,944	2,850,944
Total	2,732,103	2,969,904	2,832,708	2,832,708	2,850,944	2,850,944
302 - CAPE COD REG TECH HS DISTRICT						
OTHER ASSESSMENTS	135,250	173,827	257,361	268,755	268,755	268,755
Total	135,250	173,827	257,361	268,755	268,755	268,755
TOTAL EDUCATION	5,195,560	5,796,610	5,673,829	5,685,223	5,751,602	5,751,602
DEPARTMENT OF PUBLIC WORKS						
417 - DPW FACILITIES						
Operating Expenses	299,669	338,100	334,600	334,600	334,600	334,600
Total	299,669	338,100	334,600	334,600	334,600	334,600
420 - DPW OPERATIONS						
Salaries & Wages	883,328	964,535	980,155	980,155	980,155	980,155
Operating Expenses	120,905	150,950	149,550	149,550	149,550	149,550
Total	1,004,233	1,115,485	1,129,705	1,129,705	1,129,705	1,129,705
422 - DPW HIGHWAYS						
Operating Expenses	62,163	92,900	92,900	92,900	92,900	92,900
Total	62,163	92,900	92,900	92,900	92,900	92,900
423 - DPW SNOW REMOVAL						
Salaries & Wages	46,997	45,000	45,000	45,000	45,000	45,000
Operating Expenses	87,688	83,180	83,180	83,180	83,180	83,180
Total	134,685	128,180	128,180	128,180	128,180	128,180
424 - DPW STREET LIGHTS						
Operating Expenses	8,849	10,600	10,600	10,600	10,600	10,600
Total	8,849	10,600	10,600	10,600	10,600	10,600
433 - DPW TRANSFER STATION						
Operating Expenses	232,120	342,959	338,350	323,350	323,350	323,350
Total	232,120	342,959	338,350	323,350	323,350	323,350
434 - RECYCLING COMMITTEE						
Operating Expenses	0	100	100	100	100	100
Total	0	100	100	100	100	100
Total Public Works	1,741,719	2,028,324	2,034,435	2,019,435	2,019,435	2,019,435

OPERATING BUDGET APPENDIX A

FISCAL YEAR 2019	FY 17	FY 18	FY 19	FY 19	FY 19	FY 19
	Actual	Budget	Dept Head	Town Admin	FinCom	Selectmen
HUMAN SERVICES						
510 - HEALTH/CONS						
Salaries & Wages	150,543	154,216	161,456	161,456	161,456	161,456
Operating Expenses	16,744	23,779	28,629	28,629	28,629	28,629
Total	167,287	177,995	190,085	190,085	190,085	190,085
520 - HUMAN SERVICES						
Grants	179,140	205,000	205,000	205,000	205,000	205,000
Total	179,140	205,000	205,000	205,000	205,000	205,000
541 - COUNCIL ON AGING						
Salaries & Wages	180,034	185,177	189,765	189,765	189,765	189,765
Operating Expenses	39,603	47,355	49,025	49,025	45,025	45,025
Total	219,637	232,532	238,790	238,790	234,790	234,790
542 - COUNCIL ON AGING BOARD						
Operating Expenses	0	600	600	600	0	0
Total	0	600	600	600	0	0
543 - VETERAN's SERVICES						
OTHER ASSESSMENTS	16,557	16,594	16,926	16,926	16,830	16,830
VETERANS BENEFITS	8,446	12,000	12,000	12,000	12,000	12,000
Total	25,003	28,594	28,926	28,926	28,830	28,830
Total Human Services	591,067	644,721	663,401	663,401	658,075	658,075
CULTURE AND RECREATION						
610 - LIBRARY						
Salaries & Wages	301,085	328,774	337,346	337,346	337,346	337,346
Operating Expenses	110,142	112,650	122,050	122,050	122,050	122,050
Total	411,227	441,424	459,396	459,396	459,396	459,396
630 - RECREATION						
Salaries & Wages	204,288	217,643	242,556	236,957	226,957	236,957
Operating Expenses	73,642	72,983	81,149	75,149	75,149	75,149
Total	277,930	290,626	323,705	312,106	302,106	312,106
660 - COMMUNITY SERVICES DIRECTOR						
Salaries & Wages	85,363	86,277	88,491	88,491	88,491	88,491
Operating Expenses	650	650	650	650	650	650
Total	86,013	86,927	89,141	89,141	89,141	89,141
690 - HISTORICAL COMMISSION						
Operating Expenses	0	100	2,600	2,600	2,600	2,600
Total	0	100	2,600	2,600	2,600	2,600
692 - HOLIDAY CELEBRATIONS						
Operating Expenses	1,200	1,200	1,200	1,200	1,200	1,200
Total	1,200	1,200	1,200	1,200	1,200	1,200
696 - Cultural Council						
Operating Expenses	2,000	2,000	2,000	2,000	2,000	2,000
Total	2,000	2,000	2,000	2,000	2,000	2,000
699 - Beach Program						
Salaries & Wages	246,337	250,155	254,818	254,818	254,818	254,818
Operating Expenses	91,246	74,000	117,900	117,900	117,900	117,900
Total	337,583	324,155	372,718	372,718	372,718	372,718
Total Culture & Rec.	1,115,953	1,146,432	1,250,760	1,239,161	1,229,161	1,239,161

OPERATING BUDGET
FISCAL YEAR 2019

APPENDIX A

	FY 17 Actual	FY 18 Budget	FY 19 Dept Head	FY 19 Town Admin	FY 19 FinCom	FY 19 Selectmen
INTEREST ACCOUNTS						
Short Term Loan Prin/Int	4,320	25,000	25,000	25,000	25,000	25,000
R/E TAX REFUND INTEREST	0	150	150	150	150	150
Total Interest Accounts	4,320	25,150	25,150	25,150	25,150	25,150
UNCLASSIFIED ACCOUNTS						
911 - RETIREMENT ASSESSMENT						
Barnstable County Retirement	1,051,633	1,150,399	1,259,687	1,256,352	1,256,352	1,256,352
912 - Workers Compensation						
Injury Claims	98,359	100,000	102,000	115,000	115,000	115,000
913 - Unemployment Compensation						
Claims	1,323	25,000	25,000	25,000	25,000	25,000
914 - Group Health Insurance						
Premiums	1,202,258	1,300,920	1,444,021	1,379,027	1,379,027	1,379,027
915 - Group Life Insurance						
Premiums	6,319	6,300	6,489	6,500	6,500	6,500
916 - Town Share Medicare						
Tax Payments	107,008	105,500	112,500	112,500	112,500	112,500
917 - Health Insurance Stipend						
Employee Stipends	40,338	49,850	49,850	45,000	45,000	45,000
940 - Miscellaneous						
Tax Work off Program	61	0	0	0	0	0
945 - Property/Liability Insurance						
Premiums	297,961	300,000	309,000	305,000	305,000	305,000
990 – Inter fund Transfers						
Transfers	0	0	0	0	0	0
Payroll Contract Adjustments						
Salaries & Wages	0	78,000	44,654	44,654	44,654	44,654
Total Unclassified Accts	2,805,260	3,115,969	3,349,201	3,289,033	3,289,033	3,289,033
OPERATING BUDGET TOTAL	16,209,982	17,946,134	18,278,866	18,191,210	18,242,990	18,252,990

FY 2019 CAPITAL BUDGET APPENDIX B

Department	Request	FY 2019	Raise & Appropriate	Other
135 Town Accountant/Assessor	Software upgrades	$28,820	$28,820	
153 Info Technology	Phone system upgrade	$40,000	$40,000	
179 Shellfish Dept.	Ford F150 Truck	$20,500	$20,500	Shellfish Fund
210 Police	2 Police cruisers	$80,000	$80,000	
220 Fire & Rescue	Replace portable radios	$50,000	$50,000	
220 Fire & Rescue	Replace 4" supply hoses	$9,000	$9,000	
220 Fire & Rescue	Replace mobile data term.	$14,000	$14,000	
220 Fire & Rescue	Fire prevention and inspection vehicle	$38,000	$38,000	
220 Fire & Rescue	Replace turnout gear	$16,000	$16,000	
300 Elementary School	Interior wall covering	$88,000	$88,000	
300 Elementary School	Equipment replacement	$10,000	$10,000	
301 Nauset Regional School District (based on 12.6205% for Wellfleet)				
301 Nauset Middle School	Replace file server	$10,000	$1,262	
301 Nauset Middle School	General repairs	$25,000	$3,155	
301 Nauset Middle School	Replace classroom flooring	$30,000	$3,786	
301 Nauset Middle School	Flooring mold remediation	$14,000	$1,767	
301 Nauset Middle School	Auditorium air conditioning	$320,000	$40,386	
301 Nauset Middle School	Hallway interior lighting	$15,371	$1,940	
301 High School	General repairs	$25,000	$3,155	
301 High School	Replace two vans	$80,000	$10,096	
417 Facilities-Town Bldg.	Town Hall-Replace railing	$9,000	$9,000	
417 Facilities-Town Bldg.	Library-Bathroom upgrades	$8,000	$8,000	
417 Facilities-Town Bldg.	Library-Parking lot/sidewalk	$8,000	$8,000	
417 Facilities-Town Bldg.	Transfer Station-Paving	$16,000	$16,000	
420 DPW Operations	One ton truck with sander	$75,000	$75,000	
420 DPW Operations	Mower	$9,500	$9,500	
420 DPW Operations	Skid Steer Loader	$14,900	$14,900	
420 DPW Operations	100 yard refuse trailer	$70,000	$70,000	
699 Beach Program	White Crest parking lot	$1,600,000		$1,600,000 Borrow
Total		**$2,806,091**	**$670,267**	**$1,600,000**

DEBT SERVICE

710 **Debt Service**	FY 2018		FY 2019	
	Principal	Interest	Principal	Interest
Library Roof	$15,000	$800	$10,000	$550
Muni Building Church	$40,000	$3,100	$40,000	$2,300
Senior Center	$55,000	$6,300	$50,000	$6,250
Muni Water GOB 1	$15,000	$2,100	$15,000	$1,800
Muni Water SRF	$45,000	$6,384	$50,000	$4,315
Landfill Closure	$105,000	$23,100	$105,000	21,000
Septic County Non	$10,000		$10,000	
Fire Station property	$40,000	$8,352	$40,000	$6,450
Fire Station Design #1	$15,000	$4,075	$10,000	$800
Landfill Closure #2	$5,000	$1,324	$5,000	$1,050
Uncle Tim's Bridge	$10,000	$3,257	$15,000	$2,600
Fire Station Design #2	$5,000	$1,085	$20,000	$3,200
Fire Station Construction	$400,000	$118,311	$390,000	$95,850
Wastewater MWPAT	$8,446	$3,673	$8,629	$3,504
Various Projects	$245,000	$45,295	$240,000	$40,395
Police Station	$280,000	$245,000	$305,000	$225,273
BAN payoff (sidewalks)			$100,000	
Total	**$1,293,446**	**$472,156**	**$1,413,629**	**$415,337**
			FY 2019 Total	**$1,828,966**

Land Bank Purchases Paid from CPC Funds				
Geiger Land	$15,000	$1,450	$20,000	$1,100
Chavchavadze Land	$35,000	$3,550	$35,000	$2,850

APPENDIX C ARTICLE 4
FY 2019 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 2019 Estimated Revenues	
Mooring and Slip Fees	345,000
Fuel Sales	150,000
Dockage	56,000
Winter Storage	4,500
Other Income	12,000
Parking-seasonal	35,000
Waterways Fund	2,000
Beach Fund	10,000
Shellfish Fund	5,000
Marina Enterprise Fund Retained Earnings	31,671
Total Revenues	651,171

FY 2019 Estimated Expenditures	
Salaries and Wages	180,973
Operating Expenditures	238,998
Capital Outlay (Debt Service)	133,900
Reserve	42,000
Reimburse General Fund costs	55,300
Total Expenses	651,171

MARINA ENTERPRISE FUND APPENDIX C

	FY 2017 Actual	FY 2018 Budget	FY 2019 Dept Head	FY 2019 Town Admin	FY 2019 Selectmen
PERSONNEL					
Salaries & Wages	174,781	173,652	176,848	176,848	176,848
Overtime	1,956	2,000	2,000	2,000	2,000
Holiday/Longevity	3,535	2,580	2,825	2,825	2,825
TOTAL PERSONNEL	180,272	178,232	180,973	180,973	180,973
OPERATING EXPENSES					
Services	33,815	34,150	38,950	38,950	38,950
Supplies	129,455	174,500	176,223	176,223	176,223
Other Charges	5,614	7,600	7,625	7,625	7,625
Small Equipment	1,103	1,000	1,200	1,200	1,200
TOTAL OPERATING EXPENSES	169,987	217,250	217,250	217,250	217,250
CAPITAL OUTLAY					
Engineering, Marina Rehab	5,302	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	34,231	34,000	23,900	23,900	23,900
TOTAL CAPITAL OUTLAY	144,533	159,000	148,900	148,900	148,900
RESERVE	19,321	40,000	42,000	42,000	42,000
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
Building/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	569,413	649,782	651,171	651,171	651,171

APPENDIX D ARTICLE 5
FY 2019 WATER SERVICES ENTERPRISE FUND BUDGET

The Water Services Enterprise Fund is intended to be self-supporting when approximately 500 users are connected to the system and using Town water. An appropriation of $112,956 is necessary to adequately fund the Water 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 2019 Estimated Revenues	
Connection Fees	75,530
Water use charges	90,000
General Fund transfer	112,956
Total Revenue	278,486

FY 2019 Expenses	
Salaries and Wages	20,419
Operations	142,625
Debt Service	110,442
Expenses in the operating budget	5,000
Total Expenses	278,486

	FY 2017 Actual	FY 2018 Budget	FY 2019 Dept Head	FY 2019 Town Admin	FY 2019 Selectmen
PERSONNEL					
Secretary and Clerk	14,519	25,000	20,419	20,419	20,419
TOTAL PERSONNEL	14,519	25,000	20,419	20,419	20,419
OPERATING EXPENSES					
Utilities-Electricity	10,024	12,000	12,000	12,000	12,000
Services-Whitewater, Inc	70,840	78,675	78,675	78,675	78,675
Services-Whitewater Contingency	8,204	25,000	25,000	25,000	25,000
Services-Environmental Partners	4,300	4,500	4,500	4,500	4,500
Services-Other	14,600	7,800	7,800	7,800	7,800
Supplies	2,196	10,600	10,600	10,600	10,600
Other Charges	2,468	3,300	4,050	4,050	4,050
TOTAL OPERATING EXPENSES	112,632	141,875	141,875	141,875	141,875
DEBT SERVICE					
Principal & Interest	111,852	111,146	110,442	110,442	110,442
TOTAL DEBT SERVICE	111,852	111,146	110,442	110,442	110,442
SHARED EMPLOYEES	5,000	5,000	5,000	5,000	5,000
WATER ENTERPRISE TOTAL	244,003	283,021	278,486	278,486	278,486

POSITION	*Union*	*FY2018 Salary & Wages Budget*	*FY2019 Salary & Wages Budget*
Assessor (35 hrs)	W	$72,292	$74,100
Assessor's Data Collector (35 hrs)	W	$45,815	$46,961
Assistant DPW Director	W	$80,422	$82,432
Assistant Health/Conservation Agent	W	$47,916	$51,970
Assistant Librarian - Children's (35 hrs)	W	$52,845	$54,166
Assistant Librarian – Tech. Services (35 hrs)	W	$49,246	$50,477
Assistant Recreation Director	W	$55,406	$56,792
Assistant Shellfish Constable	W	$56,924	$62,207
Assistant to Town Accountant (35 hrs)	W	$53,336	$58,000
Assistant to Town Clerk & Treasurer (35 hrs)	W	$45,332	$46,455
Beach Canoe/Small Boat Manager	W	$5,000	$5,000
COA Office Assistant (35 hrs)	W	$41,228	$42,258
COA Office Manager (35 hrs)	W	$45,834	$46,980
COA Outreach Coordinator (35 hrs)	W	$52,910	$54,233
Committee Secretary (18 hrs)	W	$23,474	$24,061
Committee Secretary/Water Clerk	W	$40,642	$41,248
Community Service Director (35 hrs)	W	$84,577	$86,691
DPW Administrative Assistant (40 hrs)	W	$46,512	$53,236
Deputy Shellfish Constable	W	$49,361	$50,595
Health/Conservation Agent	W	$78,390	$80,350
Health/Building Clerk (20 hrs)	W	$24,060	$24,661
Fire Department Admin Assistant (40 hrs)	W	$49,515	$58,011
Health/Building Admin Assistant (35hrs)	W	$47,102	$48,280
Herring Warden		$2,200 per year	$2,200 per year
Inspector of Buildings (40hrs)	W	$79,310	$81,293
Asst. Library Director (35 hrs)	W	$54,340	$55,698
Library Assistants (19 hrs)	W	$10,285 - $21,052	$10,543 - $21,578
Library Director (35 hrs)	W	$75,096	$76,974
Principal Clerk (35 hrs)	W	$45,834	$46,980

Recreation Director	W	$66,117	$67,770
Selectmen		$1,000 per year	$1,000 per year
Shellfish Constable	W	$73,570	$73,625
Town Accountant (35 hrs)	W	$76,875	$79,500
Asst. Town Collector (35hrs)	W	$42,038	$49,000
Clerk/Dispatcher	CU	$64,995	$66,296
Dispatchers	CU	$50,770 - $53,877	$51,785 –$54,955
DPW Building/Grounds Custodian	T	$44,935 - $47,587	$45,834 – $48,539
DPW Driver/Laborer I/Operator	T	$45,381 - $49,794	$46,289 - $50,790
DPW Driver/Laborer II	T	$49,009	$49,989
DPW Facilities Maintenance	T	$55,756	$56,871
DPW Heavy Truck Driver/Mechanic Asst.	T	$55,756	$56,871
DPW Transfer Station Working Forman	T	$58,938	$60,117
DPW Mechanic	T	$58,493	$59,663
DPW Working Foreman	T	$62,036	$63,277
DPW Gate Attendant	T	$43,556	$44,427
Harbormaster	T	$73,361	$74,818
Assistant Harbormaster	T	$50,460	$51,459
Fire Captain/Paramedic	F	$75,480	$76,959
Fire Lt./Paramedic	F	$69,606	$70,998
Firefighter/Paramedic	F	$51,662 - $53,333	$53,212 - $54,400
Elementary School Teachers P/T & F/T	S		$30,904 - $94,826
Elementary School - Secretary to Principal	S		$60,068
Elementary School - Librarian 60% /40%	S		$28,064
Elementary School Custodians	S		$39,871 - $58,841
Elementary School Nurse	S		$87,8347
Elementary School Education Assistant	S		$6,657 - $40,621
Elementary School Secretary	S		$35,716
Elementary School Cafeteria	S		$12,378 - $30,534
Town Administrator	C		$119,646
Assistant Town Administrator	C		$90,000

Executive Asst. to Town Administrator	C	$59,884	$55,000
DPW Director	C	$103,904	$104,944
Elementary School Principal	C	$119,029	$121,821
Fire Chief	C	$107,882	$111,140
Police Chief	C	$130,910	$133,530
Police Lieutenant	C	$116,475	$118,805
Town Clerk	C	$68,000	$70,040
Town Treasurer/Collector	C	$68,289	$77,338
Town Tax Collector	PB	$71,220	$0
Police Officer	P	$49,263 - $58,709	$55,556 – 66,455
Police Sergeant	P	$68,962 - $89,093	$70,686 - $91,098
Alternate Inspectors	N	$33 /Inspection	$38/inspection
Electrical Inspector	$25/hr	$33 /Inspection	$38/inspection
Plumbing/Gas Inspector	$25/hr	$33 /Inspection	$38/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

TOWN OF WELLFLEET
Housing Needs Assessment and Action Plan

I. EXECUTIVE SUMMARY

This Housing Needs Assessment and Action Plan provides updated information on demographic, economic and housing characteristics and trends. This document further recommends strategies for the Town to implement to meet local housing goals and fulfill a vision for a safe and healthy community where a wide range of individuals and families can call home.

DEMOGRAPHIC PROFILE
Key findings from this Housing Needs Assessment include the following **demographic changes**:

Population Growth
Between 1990 and 2010, Wellfleet's net population increased by 10% to 2,750 residents compared to 20% and 76% increases in total housing units and seasonal units, respectively, during the same period. Clearly the seasonal and occasional housing markets have fueled new development.

Population projections estimate declines in the year-round population from 2,750 residents in 2010 to 2,675 or 2,421 residents by 2030 according to Metropolitan Area Planning Council (MAPC) and State Data Center calculations, respectively. It is important to emphasize that projections are not always borne out in fact, but at a minimum the trend toward seasonality of the population is expected to continue.

Age Distribution
All age categories below 45 years have experienced population losses while all those above involved considerable gains. For example, those between the ages of 25 and 34 declined by 49% between 1990 and 2015. Children under 18 decreased by 13% while those 65 years or older increased by 113%. In fact, Wellfleet's seniors are not only growing in number but are living longer and becoming frailer and therefore more reliant on the community's network of services.

Those in the 25 to 44 age range, raising their own families and establishing community roots, decreased by 62% between 1990 and 2015.

These population changes are much more extreme than for the Cape as a whole and state. While children comprised about 14% of Wellfleet's population in 2015, they were 16% and 21% of the county and state populations, respectively, while seniors were 34% of all residents in Wellfleet but 27% in the county and 15% statewide.

These demographic shifts are expected to continue with those below the age of 20 decreasing by 30% between 2010 and 2030 and those 65 years or older increasing by 74% to comprise 48% of all residents according to MAPC figures. State Data Center estimates are less extreme with projected decreases in those up to age 19 of 11% and a 46% increase in seniors to represent 44% of the total population.

Households

T**he number of households increased by 37%** between 1990 and 2010, higher than the net population growth of 25% and reflecting growing numbers of smaller households and an aging population. Average household size was 1.99 persons in Wellfleet compared to 2.24 and 2.53 persons for the county and state, respectively.

25% of all households had heads 65 years of age or older who were living alone.

ECONOMIC PROFILE

There have also been considerable **economic changes** including:

Income Distribution and Poverty

The 2015 census estimates suggest a median household income of $45,735, down from $66,109 in 2010, running counter to increasing income levels in other Cape communities with the exception of Truro and Provincetown. Such a substantial decrease is questionable however. It is interesting to note that almost 26% of Wellfleet residents in the labor market were self-employed.

28% of households earned more than $100,000 in 2010, while 17% had incomes below $25,000. In 2010.

Substantial income disparities are clear from the median income of homeowner and renter households of $53,611 and $22,045, respectively, in 2015. These income levels are based on the Town's year-round residents, not the occasional residents who occupy 63% of the housing stock and likely have significantly higher incomes to compete in the housing market.

The median income of senior households at $43,675 is lower than the county's at $47,464.

Poverty increased from 4.2% in 2010 to 11.7% according to 2015 census estimates, higher than the county at 8.7% but comparable to the state at 11.6%. **The 4.2% level of poverty in the 2010 census data may be more accurate however, given the 2015 census estimates steep declines in income levels.**

Employment

As a resort community, Wellfleet experiences **seasonal shifts in its labor force.** For example, the unemployment rate was 12.1% as of February 2017, up from 8.5% for 2016 as a whole. The seasonality of the job market also has some workers living on limited incomes during the winter.

The average weekly wage of $756 for those who work in Wellfleet translates into an annual income of about $39,500 and reflects the concentration of jobs in the lower-paying service sector that supports local tourism.

A key question arises regarding the community's capacity to meet the service needs of its residents and in fact the expanding needs of its seniors.

Projected decreases in younger adults will continue to erode the workforce and require older workers to fill in on lower-paying retail and service jobs and employees to come from places further and further away.

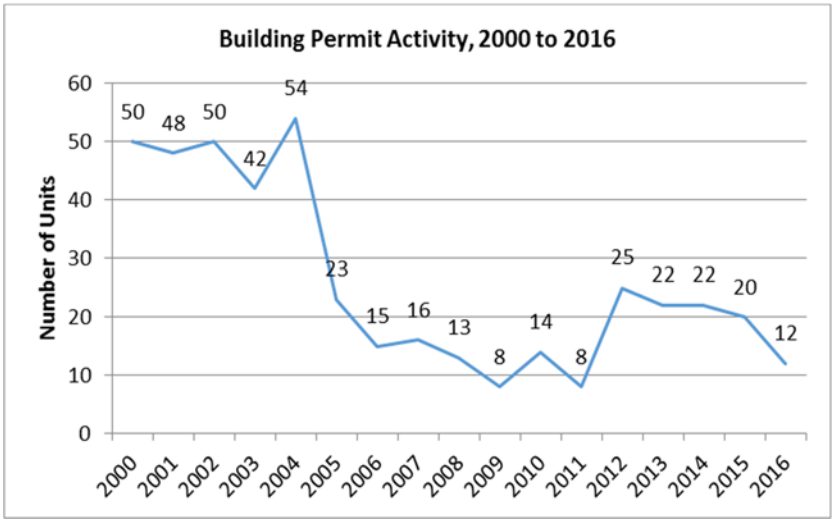
Special Needs

16.1% of residents claimed some type of disability, much higher than county and state levels of 13.4% and 11.5%, respectively. Also, 26% of those 65 years of age or older indicated they had some type of disability, which will likely increase as this population continues to age.

HOUSING PROFILE

Wellfleet has also experienced the following **major shifts in housing characteristics and trends**:

Housing Growth



Residential building activity has slowed down with the average annual number of permits for new single-family residential units between 2011 and 2016 of 16 units compared to 49 between 2000 and 2004.

The average per unit valuation was $201,106 between 2000 and 2004 and then increased to $377,095 between 2011 and 2016.

A total of 14 units were built in small multi-family properties between 2012 and 2013. The surge in unit numbers included in the above figure largely reflects these multi-family units.

There has been a significant amount of teardown activity where typically smaller older homes are demolished and replaced by somewhat larger and more modern ones, involving half of new residential permits in 2016. This would imply that net new housing growth is less than what is being reported in the census and building permit data.

Increases in seasonal or occasional units from 1,566 units in 1990 to 2,824 by 2015, representing an 80% increase, more than double the 37% growth rate for the year-round housing stock. Seasonal or second homes comprised 63% of all housing units according to 2015 census estimates.

There has been a loss of year-round rentals, declining by 42 units or by 13.5% during the 1990 to 2015 period, likely related to the conversion to owner-occupancy and/or seasonal or occasional use.

Housing Market Conditions

Wellfleet is experiencing very tight market conditions with vacancy rates of zero percent for both owner-occupied and renter-occupied properties according to 2015 census estimates. Realtors indicate that there was little inventory available in all price ranges during the spring when there is usually a surge of units coming on to the market. Homes are selling quickly when priced appropriately.

In 2000 there were 287 units or 36% of the owner-occupied, year-round housing stock valued below $200,000. This relatively affordable housing dwindled to 104 units or 8% as of 2015. On the other hand, those higher-end properties of $500,000 or more involved about 10% of the housing stock in 2000, increasing to 48% of all owner-occupied, year-round units as of 2015.

The single-family home market was at its peak in 2004 when the median house price was $650,000. Home values fluctuated considerably after that, declining to a low of $460,000 in 2015 and up a bit to $468,000 in 2016.

There is little remaining affordability in Wellfleet's single-family inventory but considerable affordability in the condominium market with 4.5% and 62.5% of units valued below $300,000, respectively. Most condos are seasonal however.

Real estate agents confirm that they typically see very few year-round or winter rental listings. The rental market in Wellfleet is complicated by decreasing numbers of these units in the context of seasonal shifts. Given the limited supply of year-round rentals, housing costs are high and it is difficult to find a two-bedroom year-round market rental for less than $1,400. Additionally, property owners can earn more in renting their homes for only a short period of time in the summer than renting year-round. Owners also want to be able to use their homes off and

on during the year. Another constraint to year-round rentals is the income of year-round residents that puts going rents to no more than the $1,400 to $1,600 range.

Affordability Gaps

The gap between median household income and the median single-family house price has widened. The median income earning household could likely afford a single-family home of about $185,000 based on 95% financing. **The affordability gap is about $310,000** - the difference between the price of the median priced single-family home ($468,000) and what a median income household ($45,735) can afford ($185,000).[1]

For those earning at 80% of area median income limit ($61,150 for a family of three), this gap is $217,500, the difference between the maximum they could afford of approximately $250,500 and the median single-family house price of $468,000.

There are also significant affordability gaps for condos as the median condo price of $232,000, as of the end of 2016, would require an income of about $65,721, which is considerably more than Wellfleet's median household income of $45,735 and the HUD area median income for Barnstable County of $61,150 for a household of three.[2] **The gap would be $83,000 for condos**, the difference between the median condo price ($232,000) and what a median income earning household could likely afford ($149,000).

The condo affordability gap for those households earning at the 80% AMI limit ($61,150 for a household of three) increases to an estimated $44,500 or the difference between the median condo price ($259,000) and what a household earning at $61,150 could probably afford ($214,500).

According to Assessor's data, only 18 homes or 0.6% of all *single-family homes* were affordable to households earning below the town's median income ($45,735) based on 2015 census estimates.

A lower-priced market rental of $1,400 for a two-bedroom unit would require an income of about $64,000 (assuming $200 in average utility bills and not paying more than 30% of income on housing costs). On the other hand, the median income earning renter ($22,045 based on 2015 census estimates) could afford a rent of only about $351 under the same assumptions. Consequently, the affordability gap would be more than $1,000, the difference between the market rental and what a median-income earning renter could afford. It is consequently not surprising that so many renters are paying far too much for their housing.

It is important to note that landlords often require first and last month's rent and a security deposit on monthly rentals, also creating **substantial up-front cash requirements for renters.**

Cost Burdens

A HUD report indicates that of the 1,682 year-round households included in this analysis, 718 or 43% were reported with cost burdens as they were paying more than 30% of their income on housing costs. Moreover, of these households **414 or 25% were spending more than half of their income on housing.**

494 households or 43% of households earning at or below 80% AMI were spending more than half of their income on housing costs.

There were 809 households, or 48% of all households, who were earning at or below 80% AMI. Of these, 728 households or about 90% were experiencing cost burdens.

[1] Figures based on 95% financing, interest of 5.0%, 30-year term, annual property tax rate of $6.83 per thousand, $250 monthly condo fee, and insurance costs of $4 per $1,000 for condominiums and $6 per thousand for single-family homes. The calculations are also based on the purchaser spending no more than 30% of gross income on mortgage (principal and interest), taxes and insurance. It is also assumes that the purchaser would be eligible for a subsidized mortgage program such as the ONE Mortgage Program or a MassHousing mortgage that would not require Private Mortgage Insurance.

[2] Ibid.

Almost one-third of Wellfleet's renter households are 62 years of age or older, 86% with cost burdens, while two-thirds of owner households were in this age range, 29% with cost burdens.

There were 568 renter households spending too much of their income on their existing housing. Reviewing the proportionate need of seniors, families, and single individuals, seniors comprise about 44% of those with cost burdens, families make-up about 21%, and non-elderly/non-family individuals 35%.

There were also 513 owner households spending too much of their income on their housing and about half of these households were seniors with families at 18% and non-elderly/non-family individuals 31%.

Subsidized Housing Inventory (SHI)

Wellfleet has 34 units in its Subsidized Housing Inventory (as of August 17, 2016), 13 (38.2%) of which are rental, 15 (44.0%) that involve homeownership units, and the remaining 7 (20.6%) through a Housing Rehab Loan Program. These units count towards the state's 10% state affordability goal with Wellfleet currently at 2.2%. Another 53 affordable units are in the development pipeline that will bring the percentage to 3.4%.

A combination of information on demographic shifts, cost burdens, affordability gaps, and the community's housing mix suggest the following targeted housing goals:

- 60 affordable units over 10 years
- 75% or 45 units projected as affordable rentals

  50% of rentals or 22 units for seniors and single persons/one-bedroom units

  40% or 18 units for small families/two-bedroom units

  10% or 5 units for large families/at least three-bedrooms

- 25% or 15 units projected as affordable ownership units

  20% or 3 units for seniors and single persons/one-bedroom units

  40% or 6 units for small families/two-bedroom units

  40% or 6 units for large families/at least three-bedroom units

- Handicapped accessibility and/or supportive services in at least 10% of all affordable units created in family housing and 20% of all units in affordable senior/single-person housing

SUMMARY OF HOUSING PRODUCTION GOALS

The state administers the Housing Production Program that enables cities and towns to adopt an affordable housing plan that demonstrates production of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (SHI). If this is accomplished in any calendar year, the town will have 12 months or 24 months, respectively, when it will have the likely ability to deny Chapter 40B comprehensive permit applications that it deems do not meet local needs.[3] Wellfleet would have to produce at least eight (8) affordable units annually to meet these annual production goals.

[3] If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however,

The state's subsidizing agencies have entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are now requiring that at least 10% of the units in affordable production developments that are funded, assisted or approved by a state housing agency have three (3) or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO's. etc.).

SUMMARY OF HOUSING STRATEGIES

The strategies summarized below are based on previous plans, the Housing Needs Assessment, local housing goals, local housing surveys and other community input (the May 27, 2017 Community-wide Housing Workshop in particular), and the experience of comparable communities in the area and throughout the Commonwealth. Some of the strategies reflect a continuation of efforts that have already proven effective in promoting affordable housing in Wellfleet. The strategies are grouped according to the type of action proposed – Building Local Capacity, Zoning, as well as Housing Development and Assistance – and categorized according to priority as those to be implemented within Years 1 and 2, those within Years 3 to 5, and longer term approaches. The strategies also reflect state requirements that ask communities to address a number of major categories of strategies to the greatest extent applicable:[4]

It is also important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.

Capacity Building Strategies

Specific actions to help build local capacity to address local housing needs are listed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda and build local support for new affordable housing initiatives.

- *Continue to conduct ongoing community outreach and education*
  The Town will continue to engage the community in discussions on affordable housing to present information on the issue needed to dispel myths and negative stereotypes and to help galvanize local support, political and financial, for new housing initiatives.

- *Hire a part-time Housing Coordinator*
  The Town will consider bringing on the necessary expertise to provide ongoing support to effectively coordinate the implementation of various components of the Housing Plan. The recently-introduced Cape Community Housing Partnership has surfaced the prospect of establishing a regional collaboration of communities to share the expertise of housing professionals which might be explored.

- *Provide sustainable funding sources and incentives*
  While Wellfleet is fortunate to have CPA funding and an Affordable Housing Trust Fund to support affordable housing, additional resources are needed to address the range of local needs and meet production goals. The Town recently approved a real estate transfer tax and room occupancy tax to create potential new funding for some amount of affordable housing but state legislative approval is still required. This Plan also includes other potential resources for consideration as investments or incentives for affordable housing production and preservation.

Zoning Strategies

Greater flexibility will be needed in the Town's Zoning By-law and new tools will be required to capture more affordable units and better guide new development to "smarter" locations.

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that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

[4] Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

- *Better promote affordable accessory dwelling units (AADU's)*
  The Town has made the promotion of affordable accessory dwelling units a priority since 2004 as such units represent effective and well-supported options for increasing community housing opportunities without resorting to new housing units. The Housing Plan recommends a number of provisions to better promote AADU's in the community.
- *Amend inclusionary zoning*
  Another potential zoning change would be to adopt inclusionary zoning with mandates of integrating affordable housing into new development coupled with incentives that include density bonuses and a formula for providing cash in-lieu of units that can be invested in other Town housing activities.
- *Integrate affordable housing into the Cluster Residential Development Bylaw*
  The Town will investigate amending its zoning to provide mandates and incentives for including affordable housing in its Cluster Residential Development by-law that promotes a smarter way of developing land besides the traditional subdivision and suburban sprawl.
- *Allow more diverse housing types in more areas*
  The Town should consider where somewhat denser housing development might be added, scrutinizing its zoning districts for opportunities to weave more diverse housing types, including multi-family housing, into neighborhoods.
- *Allow year-round use of condominiums*
  Since cottage colonies contain units that are comparable to condominiums and may offer some smaller and more affordable housing alternatives, the Town might consider creating greater flexibility in the zoning by-laws to enable these units to be converted to year-round use and to create other condos for year-round occupancy. At this point only one unit can be available for year-round occupancy in each existing colony.

Housing Development Strategies

To implement this Housing Plan, the Town will need to continue partnering with developers, non-profit and for profit, in the creation of additional affordable units as well as funding local housing initiatives.

- *Continue to partner with developers on privately owned sites*
  Continuing to work cooperatively with private developers, non-profit and for profit, has been a major thrust of Wellfleet's housing efforts and is a major component of this Housing Production Plan. With incentives created in the Zoning By-law to promote affordable housing and with the availability of the local and state "friendly 40B" options, the Town will continue to partner with developers to guide new development that incorporates affordable units and smart growth principles.

- *Continue to fund local housing programs*
  The Town should continue working with Bailey Boyd Associates and CDP on the funding and administration of the Housing Rehabilitation Program, also continuing to fund the BuyDown and Rental Assistance Programs, potentially tweaking program requirements as appropriate.
- *Continue to make suitable publicly-owned property available for affordable housing*
  While Town-owned property is limited, the Town should convey suitable, surplus publicly-owned properties to selected developers through a Request for Proposals (RFP) process that requires a significant amount of affordable housing.
- *Develop a Regional/Lower Cape housing development strategy*
  There are regional precedents for providing housing units and services, and the Town should continue to actively engage in the regional initiatives that are emerging as part of the Cape Community Housing Partnership and further discuss and invest in regional solutions to the Lower Cape's housing challenges.
- *Develop seasonal workforce housing*

Cape Cod has experienced summer labor shortages for decades. Efforts to modify zoning are needed to enable employers to build housing for seasonal workers. As suggested at the May 2017 Housing Workshop, the Town should pursue creative ways of providing seasonal workforce housing in appropriate locations and under reasonable conditions. Seasonal worker housing might also provide an opportunity for the Lower Cape communities to work together in support of such development.

Table I-1 provides a summary of these housing strategies.

Table I-1: Summary of Housing Strategies

Strategies	**Years 1-2**	**Years 3-5**	**Year 5+**	**# Affordable Units**	**Responsible Parties*** **
A. Capacity Building Strategies					
1. Continue to conduct ongoing community outreach	X			*	LHP, WHA + other sponsors
2. Hire a Part-time Housing Coordinator	X			*	BOS with LHP + WHA support
3. Provide sustainable funding sources and incentives for affordable housing	X			*	BOS with LHP + WHA support
B. Zoning Strategies					
1. Better promote AADU's	X			*	PB with LHP + WHA support
2. Adopt inclusionary zoning		X		*	PB with LHP + WHA support
3. Integrate affordable housing in the Cluster Residential Development bylaw		X		*	PB with LHP + WHA support
4. Allow more diverse housing types in more areas		X		*	PB with LHP + WHA support
5. Allow year-round use of condos			X	*	PB with LHP + WHA support
C. Development and Assistance Strategies					
1. Continue to partner with developers on private properties	X			6	PB/ZBA with LHP + WHA support

2. Continue to fund local programs	X			13	BOS/CPC with LHP + WHA support
3. Continue to make suitable public property available for affordable housing	X			26	BOS with LHP + WHA support
4. Develop a regional/Lower Cape housing development strategy		X		**	BOS with LHP + WHA support
5. Develop seasonal workforce housing			X	*	BOS with LHP + WHA support

**Indicates actions for which units are counted under housing development strategies, have an indirect impact on production, do not add to the Subsidized Housing Inventory, or cannot be counted toward production goals.*

*** Units can only potentially be counted if located in Wellfleet.*

*****Abbreviations**
Board of Selectmen = BOS
Local Housing Partnership = LHP
Wellfleet Housing Authority = WHA
Planning Board = PB
CPC = Community Preservation Committee
Zoning Board of Appeals = ZBA

WELLFLEET HOME RULE CHARTER

Adopted April 29, 1985

Amended May 2, 1988

Amended May 1, 1989

Amended May 4, 1992

Amended April 29, 1996

Amended May 1, 2000

Amended May 2, 2005

Amended May 5, 2008

Amended May 5, 2014

Amended May 4, 2015

Amended <date of 2019 ATE>

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TOWN OF WELLFLEET

HOME RULE CHARTER

PREAMBLE

We, the people of the Town of Wellfleet, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of local government and to take the fullest advantages inherent in the home rule amendments to the Constitution of the Commonwealth of Massachusetts, do hereby adopt the following home rule charter for this Town.

CHAPTER 1 TOWN INCORPORATION, FORM OF GOVERNMENT, AND POWERS

Section 1-1 Incorporation

1-1-1 The present Town of Wellfleet, within its territorial limits as now or as may hereafter be established by law, is hereby reincorporated and continued as a body corporate and politic with perpetual succession under the name- Town of Wellfleet.

Section 1-2 Form of Government

1-2-1 This document provides for an open town meeting-selectboard-town administrator form of municipal government, and it shall be known by the title: Wellfleet Home Rule Charter.

Section 1-3 Scope and Construction of Town Powers

1-3-1 The Town shall possess, exercise, and enjoy all powers possible under the constitution and statutes of the Commonwealth of Massachusetts as completely and fully as though they were expressly enumerated herein.

1-3-2 The powers of the Town under this Charter shall be construed liberally in its favor, and no specific charter grant of particular powers shall limit in any measure the general grant of power under Section 1-3-1.

Section 1-4 Intergovernmental Relations

1-4-1 Consistent with applicable constitutional or statutory provisions, the Town may exercise any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more other municipalities, civil divisions, or agencies, of any state or the United States government.

Section 1-5 Continuation of Existing Laws

1-5-1 Massachusetts General Laws (MGL), special acts of the General Court, bylaws, votes, rules, and regulations of, or pertaining to the Town, which are in force when this Charter takes effect and which are

not inconsistent with the provision of this Charter, shall continue in full force and effect until amended or rescinded by due course of law or expire by their own limitation.

Section 1-6 Amendment

1-6-1 This Charter may be replaced, revised or amended in accordance with the procedures set forth in the Home Rule Procedures Act, MGL Chapter 43B.

Section 1-7 Definitions

1-7-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words in this Charter shall have the following meanings:

(a) Bylaws. The word "bylaws" shall mean bylaws adopted by the Town.

(b) Charter. The word "Charter" shall mean this charter and any amendments to it made through any of the methods set forth in MGL.

(c) Committee. The word "committee" shall, where the context permits, mean any board, commission or committee, or other multiple-member body of the Town consisting of two or more persons, whether appointed or elected.

(d) Day. In computing time under this Charter, every calendar day shall be counted.

(e) Majority Vote. The words "majority vote" shall mean a majority of those present and voting provided that a quorum of the body is present.

(f) Town. The word "Town" shall mean the Town of Wellfleet.

(g) Town agency. The words "Town agency" shall mean any board, commission, committee, department, agency or office of the Town government.

(h) Voters. The word "voters" shall mean registered voters of the Town of Wellfleet.
CHAPTER 2 TOWN MEETING Section 2-1 Composition, Quorum, and Adjournment

2-1-1 The legislative powers of the Town shall be exercised by a town meeting open to all voters of the Town.

2-1-2 Inhabitants of the Town and other persons who are not voters shall be admitted to a specially designated section of the auditorium. The Moderator may grant such persons the power to speak on any article.

2-1-3 The quorum necessary for the conduct of town meeting business shall be six percent of the currently registered voters of the Town for all sessions of town meeting.

2-1-4 At the beginning of each session of each town meeting, the Moderator shall announce the minimum number of voters needed to constitute a quorum.

2-1-5 When the number of voters in attendance at a town meeting is determined by the Moderator to be less than the established quorum, the Moderator shall adjourn the meeting to a stated date, time, and place.

Section 2-2 Presiding Officer

2-2-1 A Moderator, elected in accordance with Section 4-2, shall preside at all sessions of the Town Meeting.

2-2-2 The Moderator shall enforce procedural rules in accordance with this Charter, MGL, bylaws, and the current edition of Town Meeting Time.

2-2-3 The Moderator shall appoint:

(a) the members and alternate members of the Finance Committee; and

(b) such members of the Cape Cod Regional Technical High School Committee as may be prescribed.

2-2-4 When the Moderator is unable to preside at a legally called town meeting, the Town Clerk or a member of the Selectboard shall preside for the election of an acting moderator to serve with all the powers of a moderator until the Moderator resumes the duties of the office. Section 2-3 Special Town Meetings

2-3-1 The Selectboard may call a special town meeting at any time and shall call a special town meeting upon request in writing of two hundred voters of the Town. A special town meeting shall not be held earlier than forty-five days after the date on which the Selectboard votes to schedule the meeting.

2-3-2 A special town meeting shall not be held earlier than fourteen days after the date on which a constable has certified that copies of the Warrant have been posted in two or more public places in the Town, including the Wellfleet Post Office and the South Wellfleet Post Office, and has deposited with the Town Administrator for distribution printed copies of the Warrant, of a number not less than the number of voters of the Town.

Section 2-4 Initiative

2-4-1 Any ten voters of the Town may secure the inclusion of an article in the Warrant of an annual town meeting by submitting a written petition to the Selectboard and filing it with the Town Clerk. At least one hundred voters may secure the same for a special town meeting.

2-4-2 The written petitions submitted under Section 2-4-1 shall be submitted at least sixty days prior to the date of an annual town meeting, and at least thirty-five days prior to the announced date of a special town meeting.

Section 2-5 Powers and Responsibilities

2-5-1 The Town Meeting shall consider and act upon, with or without amendments, all proposed bylaws.

2-5-2 The Town Meeting shall consider and act upon, with or without amendments, all proposed operating, enterprise and capital budgets, bond issues, and other financial proposals of the Town.

2-5-3 The Town Meeting may, through the Selectboard or a duly constituted special committee, investigate the affairs of any Town department, committee, officer, or function.

2-5-4 The Town Meeting shall consider all articles on the Warrant.

Section 2-6 Annual Town Meeting

2-6-1 The Annual Town Meeting shall convene annually on the fourth Monday in April in each year, unless otherwise provided by bylaw or by action of the Selectboard, to act upon annual operating, enterprise and capital budgets, other financial matters, and to consider and act upon such other business as may properly come before the meeting.

2-6-2 All proposed operating expenditures shall be included in a single article and shall be placed first in the Warrant.

2-6-2a A single article shall also be used to present all proposed capital expenditures which do not require a super majority or a capital or debt exclusion vote.

2-6-2b Each enterprise fund budget shall be included in a separate article.

2-6-3 The Warrant for each town meeting incorporating therein the appropriate recommendations, shall be prepared by the Selectboard and made available to residents of the Town at least fourteen days prior to the scheduled date of said town meeting.

2-6-4 The Annual Town Meeting shall not be held earlier than fourteen days after the date on which a constable certifies that copies of the Warrant have been posted in two or more public places in the Town including the Wellfleet Post Office and the South Wellfleet Post Office, and have deposited with the Town Administrator printed copies of the Warrant of a number not less than the number of voters of the Town.

Section 2-7 Procedures

2-7-1 The Selectboard shall include in the Warrant the recommendations of all committees received by the Selectboard in time for inclusion.

2-7-2 Deleted <date of 2019 ATE>.

2-7-3 Deleted <date of 2019 ATE>.

2-7-4 The order of consideration of the articles as printed in the Warrant may be changed only by a two-thirds vote of the Town Meeting.

2-7-5 Town officers, members of committees and department heads, or their duly designated representatives shall attend any town meeting for the purpose of furnishing information, when proposals affecting their particular office, committee, or department are included in the Warrant.

2-7-6 In all procedural matters, the Town Meeting shall follow rules of order as provided by this Charter, MGL, bylaws, and the current edition of Town Meeting Time.

2-7-7 Rules of parliamentary procedure in simplified form shall be prepared by the Town Clerk in consultation with the Moderator, and shall be made available for distribution to all those requesting them, and to those in attendance at all town meetings.

2-7-8 No person shall speak more than twice on the same question unless authorized to do so by the Moderator.

2-7-9 A motion to reconsider shall only be in order if made within one hour following the vote and at the same session. Such a motion may be made by any voter.

Section 2-8 Town Meeting Committees

2-8-1 All ad hoc committees created by a town meeting shall be appointed by the Moderator, unless the motion establishing such committee shall name the members, provide for their election, or provide for a different appointing authority.

2-8-2 All ad hoc committees created by a town meeting shall make a verbal report at the next town meeting that occurs at least six months after a quorum of the committee is appointed. Such a report shall serve to discharge such committee, unless the Town Meeting shall vote to prolong its existence for a period not exceeding one year. Written copies of such reports shall be submitted to the Town Clerk and to the Town Administrator, and shall be published in the next Annual Town Report.

2-8-3 Deleted <date of 2019 ATE>.

2-8-4 Moved to Section 2-8-2 <date of 2019 ATE>.

CHAPTER 3 SELECTBOARD

Section 3-1 The Selectboard

3-1-1 A Selectboard of five members shall be elected for three-year overlapping terms.

3-1-2 Members of the Selectboard shall receive such compensation as may be authorized and appropriated by the Town Meeting.

3-1-3 Vacancies on the Selectboard shall be filled by special election in accordance with the provisions of MGL.

3-1-4 Deleted <date of 2019 ATE>.

Section 3-2 Policy Leadership Responsibilities

3-2-1 Except as otherwise provided by this Charter, all executive powers of the Town shall be vested in the Selectboard. The Selectboard shall have all of the powers and duties given to boards of selectmen under the state constitution and MGL, and such additional powers and duties as may be authorized by this Charter, by bylaw, or by a vote of town meeting.

3-2-2 The Selectboard shall cause the laws for the governance of the Town to be enforced.

3-2-3 The Selectboard shall cause an up-to-date record of all its official acts to be kept.

3-2-4 The Selectboard shall serve as the goal-setting and policy-making agency of the Town. As such, the Board shall regularly direct the Town Administrator in carrying out its goals and policies.

Section 3-3 General Powers, Duties, and Responsibilities

3-3-1 The Selectboard shall have the power to enact rules and regulations and adopt policies for matters not otherwise governed by statute, this Charter, or bylaws, provided, however, that whenever an appropriation shall be necessary to implement such action, the vote of the Board shall be effective only if such appropriation has been authorized by the Town Meeting.

Section 3-4 Powers of Investigation

3-4-1 The Selectboard may conduct investigations and may authorize the Town Administrator or other agent to investigate the affairs of the Town or the conduct of any Town agency, including any doubtful claims against the Town, and for this purpose the Board may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The report of such investigation shall be placed on file in the office of the Town Clerk, and a report summarizing such investigation shall be printed in the next Annual Town Report.

Section 3-5 Specific Powers, Duties, and Responsibilities

3-5-1 The Selectboard shall act as the licensing authority of the Town and shall have the power and responsibility required to issue licenses, to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and impose such restrictions as it considers to be in the public interest, and further to enforce, or cause to be enforced the laws, rules, and regulations relating to all business for which it issues licenses.

3-5-2 The Selectboard shall establish a police department and shall appoint a Chief of Police in accordance with MGL Chapter 41, Section 97A.

3-5-3 The Selectboard shall establish a fire department and shall appoint a Fire Chief in accordance with MGL Chapter 48, Section 42.

3-5-4 The Selectboard shall be recognized as head of the Town government for all ceremonial purposes.

3-5-5 The Selectboard shall conduct all public hearings between the hours of 5 PM and 11 PM.

Section 3-6 Powers of Appointment

3-6-1 The Selectboard shall have the power to appoint:

(a) a Town Administrator as provided in Chapter Five of this Charter;

(b) a Town Counsel;

(c) a Police Chief; and

(d) moved to Section 5-4-2. <date of 2019 ATE>

(d) a Fire Chief.

(f) moved to Section 5-4-2 <date of 2019 ATE>.

(g) moved to Section 5-4-2 <date of 2019 ATE>.

(h) moved to Section 5-4-2 <date of 2019 ATE>.

(i) moved to Section 5-4-2 <date of 2019 ATE>.

(j) moved to Section 5-4-2 <date of 2019 ATE>.

3-6-2 The Selectboard shall also have the power to appoint:

(a) three members of a four member Board of Registrars of Voters for three-year overlapping terms; the fourth member shall be the Town Clerk by virtue of the office; and

(b) election officers in accordance with MGL.

3-6-3 The Selectboard shall have the power to appoint:

(a) five members and four alternate members of a Zoning Board of Appeals;

(b) five members of a Board of Health, one of whom shall be professionally qualified for the duties of the office, and two alternate members;

(c) seven members and two alternate members of a Planning Board;

(d) three members of a Board of Assessors, one of whom shall devote full working time to the duties of the office and shall be professionally qualified for the duties of the office as required by MGL

(e) seven members and two alternate members of a Conservation Commission;

(f) four members of a five member Personnel Board;

(g) five members of a Recreation Committee;

(h) five members and two alternate members of a Board of Water Commissioners; and

(i) members of a Local Comprehensive Planning Committee, the number and qualifications for membership of which shall be established by a vote of the Selectboard.

3-6-4 Where no other appointing authority is provided by this Charter, law or vote of the Town Meeting, the Selectboard shall be the appointing authority. The Selectboard shall appoint such other committees as may be in existence on the effective date of this Charter and such other committees as may be hereafter established by this Charter, bylaws or vote of the Town Meeting.

3-6-5 The committees enumerated in Section 3-6-3 and Section 3-6-4 shall be responsible to the Selectboard.

Section 3-7 Prohibitions

3-7-1 Except for the purpose of investigation authorized by this Charter, the Selectboard or its members shall not communicate directly with Town officers or employees who are subject to the direction and supervision of the Town Administrator without the express consent of the Town Administrator and only upon matters so approved. Neither the Selectboard nor its members shall give orders, expressed or implied, to any such officer or employee, either publicly or privately.

3-7-2 Members of the Selectboard shall be ineligible to serve on appointed committees to which the Selectboard is the appointing authority, except as authorized by the vote of the Annual Town Meeting.

CHAPTER 4 OTHER ELECTED TOWN BOARDS AND OFFICERS

Section 4-1 Elected Town Boards

4-1-1 Beginning with the first annual election held after the adoption of this Charter, Town committees to be elected by vote of the Town shall be:

(a) a Selectboard;

(b) a School Committee of five members;

(c) a Board of Library Trustees of six members;

(d) a Cemetery Commission of three members,

4-1-2 During the term for which a member is elected, and for one year following expiration of such term, no member of any elected committee under this Charter shall be eligible to accept any paid position under such committee or in the same department.

4-1-3 Vacancies on committees, established under this Charter and appointed by the Selectboard, except the Selectboard, shall be filled in accordance with the provisions of MGL Chapter 41, Section 11.

Section 4-2 Elected Officers

4-2-1 The following Town officers shall be elected by vote of the Town:

(a) A Moderator, for a one-year term.
(b) Two Constables for three-year terms.
(c) A representative to the Nauset Regional School Committee, for a three-year term.

4-2-2 Vacancies shall be filled in accordance with the provisions of MGL.

Section 4-3 Duties of Elected Boards and Officers

4-3-1 In addition to the powers and duties prescribed by MGL, this Charter and bylaws, Town officers designated in Section 4-2-1, and committees designated in Section 41-1, which have independent authority to make appointments to paid positions shall:

(a) cause to be written, approve, sign, and file with the Town Administrator, job descriptions of all paid positions under their direction; and
(b) provide all information requested by the Town Administrator and Finance Committee relating to the preparation of the annual operating budgets, the capital budget and the capital improvement plan.
(c) Deleted <date of 2019 ATE>.

CHAPTER 5 THE TOWN ADMINISTRATOR

Section 5-1 Appointment

5-1-1 The Selectboard, by an affirmative vote of at least four members, shall appoint a Town Administrator for an indefinite term to serve at its pleasure. The Selectboard shall, by majority vote, set contract terms and a compensation package for the Town Administrator.

5-1-2 In the event of vacancies on the Selectboard, the absence, or the inability to act, of not more than two members thereof, the remaining three members shall, by majority vote, make an interim appointment for a period not to exceed ninety days. Any person so appointed shall be eligible to be considered for appointment as Town Administrator.

5-1-3 In selecting a Town Administrator, the Selectboard shall search for candidates by placing an advertisement in the International City Management Association Newsletter or similar professional publication and in at least two newspapers having statewide or regional circulation.

Section 5-2 Qualifications

5-2-1 The Town Administrator and interim Town Administrator shall be appointed on the basis of educational, executive and administrative qualifications and experience. The educational qualifications

shall consist of at least a Bachelor's Degree, preferably in Public Administration, granted by an accredited, degree-granting college or university.

The professional experience shall include at least five years of prior, full-time, compensated, executive service in public or business administration. Alternatively, two years or more of professional experience and a Master's Degree in an appropriate discipline shall qualify any applicant.

Section 5-3 Duties

5-3-1 The Town Administrator shall be the chief administrative officer of the Town and shall be responsible for the direction and supervision of all employees, activities and departments placed by MGL, this Charter or bylaws under the control of the Selectboard.

5-3-2 The Town Administrator shall devote full working time to the duties of the office; shall not become a candidate for, or hold, any elected office while employed by the Town; and shall not engage in any business activity, except with the written consent of the Selectboard. The Town Administrator shall:

(a) attend all meetings of the Selectboard, except when excused, and shall have the right to speak but not to vote;
(b) assemble, prepare and present to the Selectboard and the Finance Committee all annual operating, enterprise and capital budgets of the Town and be responsible for the development and annual revision of the Capital Improvement Plan;
(c) be responsible for seeing that the budget is administered as adopted by the Town Meeting and in accordance with MGL, this Charter, and bylaws;
(d) keep the Selectboard fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the Selectboard;

(e) keep the Selectboard informed regarding the availability of federal, state and county funds and how such funds might relate to unmet long-range needs;
(f) prepare applications for grants;
(g) be responsible for the day-to-day administration of the Town's personnel system, in accordance with the Personnel Bylaw;
(h) act as the chief procurement officer for the Town and be responsible for the purchasing for all Town functions and departments, except those for the School Department;
(i) inform the Selectboard regarding vacancies in Town offices and committees to be filled by the Selectboard and inform the Selectboard when there are vacancies in departments under the supervision and control of the Town Administrator;
(j) coordinate the activities among committees concerned with municipal planning, including the physical, economic, and environmental development of the Town;
(k) develop, keep, and annually update a full and complete inventory of all property of the Town, both real and personal;
(l) cause copies of the Warrant incorporating the recommendations thereto for all Town Meetings to be mailed to each voter's postal address at least fourteen days prior to each Town Meeting and to cause copies of the Warrant incorporating the recommendations thereto to be made available in at least two public places in the Town of Wellfleet, including the Wellfleet Post Office and the South Wellfleet Post Office at least fourteen days prior to Town Meeting; and
(n) perform such other duties as may be required by this Charter, bylaws, or vote of the Selectboard.

(o) consult with the Board of Water Commissioners and implement when necessary any of their decisions concerning the Department of Public Works' function in relation to the Town's Municipal Water System.

Section 5-4 Responsibilities for Appointments

5-4-1 The Town Administrator shall appoint and, except as may otherwise be provided by MGL, this Charter, the Personnel Bylaw, or collective bargaining agreements, may suspend or remove any full-time, part-time or seasonal employees and inspectors, except those subject to Section 5-4-2 and those of the Library Trustees, Police Department, Fire Department and the School Committee.

5-4-2 Subject to disapproval by the Selectboard within fourteen days of notice of the proposed appointment by the Town Administrator, the Town Administrator shall also have the power to appoint and, except as may otherwise be provided by MGL, this Charter, the Personnel Bylaw, contract or collective bargaining agreement, may suspend or remove:

(a) directors and department heads;
(b) the Town Accountant;
(c) the Harbormaster;
(d) the Shellfish Constable;
(e) the Herring Warden;
(f) the Assistant Town Administrator;
(g) the Town Clerk;
(h) the Town Treasurer; and
(i) the Town Collector.

5-4-3 Notwithstanding any provision of this Charter, MGL, or bylaws to the contrary, one person may be appointed to serve as both Town Treasurer and Town Collector, and in such instance this shall be deemed to be a single position.

Section 5-5 Responsibilities for Personnel Administration

5-5-1 The Town Administrator shall administer and enforce the Personnel Bylaw, Selectboard policies, collective bargaining agreements and bylaws.

5-5-2 The Town Administrator shall cause to be written, approve, sign, and maintain in an up-to-date file the job description of all appointed positions under the direction of the Selectboard or Town Administrator. The Town Administrator shall maintain in said file an up-to-date listing of approved job descriptions of all appointed positions under the direction of other elected officers and committees.

Section 5-6 Responsibilities for Administrative Reorganization

5-6-1 The Town Administrator may, with the approval of the Selectboard, establish, reorganize, consolidate, or abolish any positions under the Town Administrator’s direction and supervision, except as otherwise provided by MGL and this Charter.

Section 5-7 Department of Public Works

5-7-1 Deleted <date of 2019 ATE>.

Section 5-8 Removal

5-8-1 The Selectboard may initiate the removal of the Town Administrator by adopting a resolution to that effect, stating the reasons therefor, provided that no such resolution shall be adopted within sixty days following any Town election that has resulted in a change in the incumbents on the Board.

5-8-2 The adoption of said resolution shall serve to suspend the Town Administrator for a period of not more than forty-five days, during which the salary shall continue to be paid. A copy of the resolution shall be delivered forthwith to the Town Administrator in person, or sent by registered mail to the Town Administrator's place of residence.

5-8-3 Within ten days following the adoption of such resolution, the Town Administrator may file a written request for a hearing. If such a hearing is requested, the Selectboard shall schedule it within three weeks of such filing. The Selectboard shall advertise the hearing in a newspaper of local or regional circulation and shall cause notices citing the purpose, location, time, and date to be posted in the Town Hall and in two or
more public places in the Town including the Wellfleet Post Office and the South Wellfleet Post Office.

5-8-3-1 The Moderator, or a person designated by the Moderator, shall preside at any such hearing.

5-8-3-2 At any such hearing, the reasons for the removal shall first be read aloud. The Town Administrator shall then have the right to respond, either personally or through counsel. The Selectboard and the Town Administrator shall have the right to call witnesses and to subpoena any and all Town records.

5-8-4 Final removal of any Town Administrator shall be effected by the affirmative vote of at least three members of the Selectboard at an open public meeting of the Selectboard held within seven days of the Town Administrator's requested public hearing, pursuant to Section 5-8-3. If no hearing has been requested, final removal may be effected by an affirmative vote of at least three members of the Selectboard held not earlier than fourteen days after the vote initiating the removal. The salary of the Town Administrator shall continue to be paid for a period of thirty days after the vote effecting removal from office, unless otherwise provided for by contract.

5-8-5 The Town Administrator shall provide the Selectboard with at least ninety days notice of an intended resignation, provided, however, that the Selectboard may, at its discretion, shorten or waive such requirement.

Section 5-9 Filling Vacancy

5-9-1 When a vacancy arises in the office of the Town Administrator, the Selectboard shall begin the search process for a replacement within fourteen days and proceed to fill the vacancy as soon as possible.

Section 5-10 Acting Town Administrator

5-10-1 The Selectboard may designate a Town employee or other person to exercise the rights and perform the duties of the Town Administrator during any vacancy caused by temporary absence, suspension, removal, resignation or death. The appointment shall be for a period not to exceed ninety days, and it may be renewed, for additional periods not to exceed ninety days each.

CHAPTER 6 ELECTION AND RECALL

Section 6-1 Town Elections

6-1-1 The regular election for all Town officers shall be by official ballot held on the first Monday after the fourth Monday in April each year.

6-1-2 All MGL provisions with regard to Town elections shall apply, except as may herein be provided by this Charter.

Section 6-2 Town Elections Nonpartisan

6-2-1 All Town elections shall be nonpartisan, and election ballots shall be printed without any party mark, emblem, vignette, or designation whatsoever.

Section 6-3 Eligibility of Town Voters

6-3-1 Any voter of the Town shall be eligible for election to any elected office or committee of the Town, provided however that no person shall be a candidate for or hold, concurrently, more than one paid elected Town office.

Section 6-4 Time of Taking Office

6-4-1 Any person duly elected to any office or committee shall take up the duties of office immediately following certification and having been sworn to the faithful performance of the duties of the office by the Town Clerk.

Section 6-5 Recall of Elected Officers

6-5-1 Any holder of an elected office may be recalled by the voters as herein provided.

6-5-2 Any twenty-five voters may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon issue to said voters copies of petition blanks demanding such recall. The blanks shall be issued with the Town Clerk's signature and official seal attached. They shall be dated, and shall contain the names of the persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to the said office.

6-5-2a The recall petition shall be returned to the Town Clerk within twenty days after the date on the petition blanks, signed by at least twenty percent of the voters, who shall add to their signatures the addresses of their residences.

6-5-3 A copy of the petition shall be entered in the Town records.

6-5-4 The Town Clerk shall, within twenty-four hours of receipt, submit the petition to the Registrars of Voters of the Town who shall forthwith certify thereon the number of signatures which are names of voters.

6-5-5 If the petition is found to be sufficient, the Town Clerk shall issue a certificate so stating and shall submit the certificate to the Selectboard. The Selectboard shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled. If the officer does not resign within five days thereafter, the Selectboard shall order an election to be held on a date fixed by them not less than forty-five nor more than sixty days after the date on the Town Clerk's certificate that a sufficient petition has been filed. However, if any other Town election is to occur within ninety days after the date of the certificate, the Selectboard shall postpone the holding of the recall election to the date of such other election.

6-5-6 Any officer whose recall is sought may not be a candidate to succeed to the same office. The nomination of candidates, the publication of the Warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of MGL relating to elections, and the election to replace the officer sought to be removed shall be held on the same day as the recall election.

6-5-7 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term, and shall not again be subject to recall during that term of office. If recalled, the incumbent shall be deemed removed upon the qualification of a successor who shall hold office during the unexpired term. If a successor fails to be sworn in within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

6-5-8 The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name and title of the elected officer whose recall is sought] be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall shall exceed thirty percent of the voters of the Town.

6-5-9 No person having been recalled or having resigned from office while recall proceedings were pending shall be appointed to any Town office within two years following said recall or resignation.

CHAPTER 7 FINANCIAL PROVISIONS AND PROCEDURES

Section 7-1 Finance Committee

7-1-1 A Finance Committee of nine members and two alternates shall be appointed by the Moderator for three-year overlapping terms with the approval by vote of the Town Meeting.

7-1-2 Any person duly appointed to the Finance Committee shall take up the duties of the office upon final adjournment of the Annual Town Meeting, after having been sworn to the faithful performance of the duties of the office by the Town Clerk.

7-1-3 Vacancies on the Finance Committee shall be filled by the Moderator within thirty days on an interim basis. Such appointments shall be approved by vote of the next Special or Annual Town Meeting. Any person appointed to fill out an unexpired term shall take up the duties immediately after being been sworn to the faithful performance of the duties of the office by the Town Clerk.

7-1-4 No member of the Finance Committee shall hold any other Town office, except that of a member of the Personnel Board, unless appointment to another Town office is specifically authorized by the Moderator.

Section 7-2 Submission of Budget and Budget Message

7-2-1 On or before the thirty-first of October of each year, the Selectboard shall prepare and issue a policy statement relating to the budget for the ensuing fiscal year. The statement shall recommend the outer limits of possible budget growth for all municipal departments. The policy statement shall be sent to all officials responsible for preparing budget requests. A copy of the statement shall be filed with the Town Clerk.

7-2-2 On or before the thirty-first of October of each year, the Selectboard and the Finance Committee shall set a date by which the Town Administrator shall submit to them the comprehensive budget for all Town functions for the ensuing fiscal year and an accompanying budget message, unless otherwise provided by MGL or bylaws.

7-2-3 The message shall explain the budget both in fiscal terms and in terms of work programs and shall be filed with the Town Clerk when issued. It shall: (a) outline the proposed financial policies of the Town for the ensuing fiscal year; (b) describe the important features of the budget; (c) indicate any major changes from the current year in financial policies; expenditures, and revenues, together with the reasons for such changes; (d) summarize the Town's debt position; and (e) include such other material as may be deemed appropriate.

7-2-4 The budget shall provide a complete financial plan for all Town funds and activities and shall be in such form as the Finance Committee may require. It shall indicate proposed expenditures for both current operations and capital projects during the ensuing year, detailed by departments, offices, committees, and purposes.

Section 7-3 Action on Proposed Budget – Repealed 4/30/13 Section 7-4 Budget Adoption

7-4-1 The Town Meeting shall adopt the budget, with or without amendments, prior to the beginning of the fiscal year.

Section 7-5 Capital Improvement Plan

7-5-1 The Town Administrator shall, after consultation with members of the Finance Committee, prepare a five year Capital Improvement Plan in a form approved by the Finance Committee, consistent with standards established by the Finance Committee. The Plan shall include:

(a) a clear summary of its contents;

(b) a list of all capital improvements proposed to be undertaken during the next five fiscal years, together with supporting data;

(c) cost estimates, methods of financing, and recommended time schedules; and

(d) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The information may be revised and shall be extended each year with regard to capital improvement spending or in the process of construction or acquisition.

7-5-2 The Capital Improvement Plan shall be submitted to the Finance Committee and the Selectboard not later than the first of October. Within thirty days the Finance Committee shall prepare and submit a report and its recommendations on the Capital Improvement Plan to the Town Administrator and the Selectboard. A copy of the report shall be filed with the Town Clerk.

7-5-3 The Finance Committee shall publish, in one or more newspapers of general circulation in the Town, a general summary of the Capital Improvement Plan and a notice stating:

(a) the times and places where copies of the Capital Improvement Plan are available for inspection; and

(b) the date, time, and place, not less than seven days following such publication, when the Committee shall conduct a public hearing on said plan.

Section 7-6 Deleted content moved to 7-5-3 <date of 2019 ATE>.

Section 7-7 Annual Audit

7-7-1 At least thirty days before the end of each fiscal year, the Selectboard shall retain a certified public accountant or an accounting firm to make an audit of all accounts, books, records, and financial transactions of every department and committee, including the School Department.

7-7-2 A copy of every auditor's report shall be filed with the Town Clerk and shall be a public record. A summary thereof shall be published in the next Annual Town Report. Section 7-8 Limit on Spending (subsection 7-8-1 deleted as of 4/29/96)

CHAPTER 8 TOWN COMMITTEES APPOINTED BY THE SELECTBOARD

Section 8-1 Board of Health

8-1-1 Moved to Section 3-6-3 (b) <date of 2019 ATE>.

8-1-2 The Board of Health shall exercise such public health functions as may be prescribed by MGL, this Charter, and bylaws.

Section 8-2 Personnel Board

8-2-1 A Personnel Board of five members shall be appointed for three-year overlapping terms. Four members shall be appointed by the Selectboard and one member shall be appointed by the Finance

Committee from its own membership. It shall consult from time to time with the Town Administrator on matters of personnel policy, practices and bylaws. It shall annually review the existing Personnel Bylaw and recommend to the Town Meeting such changes as it deems advisable in accordance with MGL, this Charter and bylaws.

Section 8-3 Board of Assessors

8-3-1 Moved to Section 3-6-3 (d) <date of 2019 ATE>.

8-3-2 The Board of Assessors shall exercise such powers and duties as are prescribed by MGL, this Charter, and bylaws.

Section 8-4 Zoning Board of Appeals

8-4-1 Moved to Section 3-6-3 (a) <date of 2019 ATE>

8-4-2 The Zoning Board of Appeals shall exercise such powers and duties as are prescribed by MGL, this Charter, and bylaws.

Section 8-5 Recreation Committee

8-5-1 Moved to Section 3-6-3 (g) <date of 2019 ATE>.

8-5-2 The Recreation Committee shall be responsible for advising the Recreation Director about the planning and managing of recreational programs and the physical facilities used by them.

Section 8-6 Planning Board

8-6-1 Moved to Section 3-6-3 (c) <date of 2019 ATE>.

8-6-2 The Planning Board shall make recommendations to the Town Meeting and to the Town Administrator on all matters concerning the physical, economic, and environmental development of the Town.

8-6-2a The Planning Board shall exercise such powers and duties as are prescribed by MGL, this Charter, and bylaws.

8-6-3 Deleted <date of 2019 ATE>.

8-6-4 The Town Administrator may appoint one or more members of a planning staff, provided that funds have been appropriated for that purpose. Any staff so appointed shall be professionally qualified by reason of education, training, and experience.

8-6-5 Any staff, if appointed, shall provide services to the Planning Board but shall be under the day-to-day supervision of the Town Administrator.

Section 8-6A: Local Comprehensive Planning Committee

8-6A-1 The Local Comprehensive Planning Committee shall be responsible for the development and periodic updating of the Local Comprehensive Plan which shall also serve as the master plan. A summary of said plan shall be submitted to the Town Meeting, which shall vote to adopt the summary, with or without amendments. After the summary has been acted on by the Town Meeting, the Planning Board shall consider the plan in making recommendations to the Town. The Committee shall report annually to the Town on the status of the master plan.

Section 8-7 Conservation Commission

8-7-1 Moved to Section 3-6-3 (e) <date of 2019 ATE>.

8-7-2 The Conservation Commission shall exercise such powers and duties as prescribed by MGL, this Charter, and bylaws.

Section 8-8 Board of Water Commissioners

8-8-1 Moved to Section 3-6-3 (h) <date of 2019 ATE>.

8-8-2 The Board of Water Commissioners shall have charge and control of all Wellfleet Municipal Water System subject to bylaws and requirements approved by a vote of the Town Meeting. The Board of Water Commissioners shall have all the powers, responsibilities and authority of boards of selectmen acting as water commissioners or to an elected board of water commissioners, granted by MGL except that the Board of Water Commissioners shall not have the powers of eminent domain nor be able to enter into contracts.

8-8-3 The Board of Water Commissioners shall establish, maintain and enforce the Wellfleet Municipal Water System Rules and Regulations

8-8-4 The Board of Water Commissioners, after consultation with the Town Administrator, shall choose and direct a well-qualified, licensed agent to monitor and implement the Municipal Water System. Any function related to the Municipal Water Systems to be performed by the Department of Public Works shall be assigned only through the Town Administrator.

8-8-5 Notwithstanding the provisions of Section 5-3-2 (h) of this Charter, except under emergency conditions, no contract relating to the Town's Municipal Water System shall be executed without prior approval of the Board of Water Commissioners.

8-8-6 The Board of Water Commissioners shall:

(a) correspond with federal, state or county agencies relating to the Town's Municipal Water System unless prohibited by contractual or statutory provisions;

(b) review all other correspondence with federal, state or county agencies relating to the Town's Municipal Water System; and

(c) receive copies of all correspondence from these agencies relating to the Town's Municipal Water System as soon as they are received by any Town official or committee.

Correspondence from the Board of Health is exempt from these provisions.

8-8-7 The Board of Water Commissioners shall be responsible for long-range planning for the provision of municipal water services. The Board shall prepare any long- range plans or management plans for the Municipal Water System required by the Massachusetts Department of Environmental Protection. The Board of Water Commissioners shall consult with the Selectboard, the Board of Health, the Conservation Commission, the Planning Board and the Town Administrator in the preparation of any long-range plans. Any long-range plan shall be filed with the Town Clerk. Any costs relating to the preparation of these plans may be included in the operating costs of the Wellfleet Municipal Water System or the Board may request an appropriation from the Town Meeting.

Section 8-9 Other Town Boards

8-9-1 Deleted <date of 2019 ATE>.

CHAPTER 8A TOWN COMMITTEES, GENERAL PROVISIONS

Section 8A-1 General Provisions

8A-1-1 All committees of the Town shall organize annually and elect a presiding officer and other necessary officers.

8A-1-2 All committees shall conduct their meetings in accordance with the provisions of this Charter, bylaws and MGL.

8A-1-3 During the term for which a member is appointed and for one year following expiration of such term, no member of any appointed committee, with the exception of a member of the Board of Assessors pursuant to Section 3-6-3 (d), shall be eligible to accept any paid position under such committee or in the same department.

8A-1-4 Any person duly appointed to any office or committee shall take up the duties of the office immediately after having been sworn to the faithful performance of the duties of the office by the Town Clerk.

8A-1-5 The absence of a member from four consecutive meetings of a committee shall serve to vacate the office, provided, however, that this provision shall not apply where said consecutive meetings occur within the same thirty day period. When such a vacancy has been created, the chairperson shall advise the appointing authority forthwith.

8A-1-6 Appointed regulatory committees shall conduct all public hearings between the hours of 5 p.m. and 11 p.m.

8A-1-7 No person shall serve simultaneously as a member of more than one of the following committees: Conservation Commission, Board of Health, Planning Board, Zoning Board of Appeals or the Board of Water Commissioners.

8A-1-8 When a committee as established by this Charter, by MGL or any other provision, includes alternate members, the chair of said committee may designate any alternate member to sit on the

committee in the case of absence, inability to act, conflict of interest on the part of any member thereof, or in the event of a vacancy, until said vacancy is filled.

8A-1-9 Alternates may serve on working groups established by a committee for any legal purpose.

CHAPTER 9 TRANSITIONAL PROVISIONS Deleted <2019 ATE date>.

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