



Board of Selectmen

The Wellfleet Board of Selectmen will hold a public meeting on Monday, April 23, 2018 at 6:00 p.m. at the Wellfleet Elementary School Teachers' Lounge, 100 Lawrence Rd, Wellfleet, MA 02667. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

I. Announcements, Open Session and Public Comments [6:00 pm]

Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.

II. Appointments / Reappointments

- A. **Lilli-Ann Green** – Cape Cod National Seashore Advisory Board (re-appointment as voting member)
- B. **Kathleen Bacon** – Cape Cod National Seashore Advisory Board (re-appointment as alternate member)

III. Business – Consider amending recommendations for 2018 Annual Town Meeting.

IV. Executive Session and Adjournment

- A. Pursuant to M. G.L. c. 30A, §21(1) - To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual (Harbormaster Michael Flanagan – appeal of grievances).



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
April 23, 2018

II

APPOINTMENTS / REAPPOINTMENTS

REQUESTED BY:	BOS
DESIRED ACTION:	Reappoint Lilli-Ann Green to the Cape Cod National Seashore Advisory Board.
PROPOSED MOTION:	I move to reappoint Lilli-Ann Green as a voting member to the Cape Cod National Seashore Advisory Board for a two-year term ending July 6, 2020.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667

IN REPLY REFER TO:
A18

April 16, 2018

Dermis Murphy, Chairman
Town of Wellfleet Board of Selectmen
Wellfleet Town Hall
300 Main Street
Wellfleet, MA 02667

Dear Mr. Murphy:

The Cape Cod National Seashore Advisory Commission has been established by section 8 of Public Law 87-126 (August 7, 1961), as amended, to consult with the Secretary of the Interior with respect to matters relating to the development of Cape Cod National Seashore.

Pursuant to the enabling legislation, a copy of which is enclosed, the Secretary of Interior appoints one of the 10 Commission voting members, and one voting alternate, from nominations submitted by the Town of Wellfleet Board of Selectmen. The terms of the voting and alternate members currently serving in that capacity, Lilli Green and Kathleen Bacon will expire July 6, 2018. However, Lilli Green and Kathleen Bacon will continue to serve until successors are appointed in accordance with the Commission's charter.

Accordingly, I invite you to recommend, within 30 days of the date of this letter, individuals for consideration in appointing one voting member and one voting alternate member to the Commission. All appointments are for 2-year terms. For each nomination please submit a resume with home and business address, telephone numbers, date of birth, and Social Security number. Please indicate which individual you are nominating as the voting member and alternate member respectively.

Please address your recommendations to Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667. I will forward all nominations to the Policy Office of the National Park Service once I have received a complete package with all requested information. Policy office staff will review the nominations with Department of the Interior. An appointment letter from the Secretary of the Interior will then be sent directly to each appointee.

If you have any questions or need additional information, please feel free to contact me at (508) 957-0739. I look forward to receiving your response in this matter of mutual interest.

Sincerely,

Brian T. Carlstrom
Superintendent
Enclosure



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
April 23, 2018

II

APPOINTMENTS / REAPPOINTMENTS

REQUESTED BY:	BOS
DESIRED ACTION:	Reappoint Kathleen Bacon to the Cape Cod National Seashore Advisory Board.
PROPOSED MOTION:	I move to reappoint Kathleen Bacon as an alternate member to the Cape Cod National Seashore Advisory Board for a two-year term ending July 6, 2020.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
April 23, 2018

III

BUSINESS

REQUESTED BY:	BOS
DESIRED ACTION:	Consider amending recommendations for 2018 Annual Town Meeting
PROPOSED MOTION:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



ANNUAL TOWN MEETING

PROPOSED MOTIONS

NOTE:

These motions were prepared by the Town Administrator as a guide for persons desiring to offer affirmative motions under each article. They are not meant to preclude the offering of alternate motions.

ARTICLE 1: FY 2019 Operating Budget.

MOTION:

I move that the Town vote to approve the Selectmen's Fiscal Year 2019 Town Operating Budget as printed in the warrant (Appendix A) in the amount of \$18,208,336, with each item to be considered a separate appropriation, including fixing the salaries and compensation of all elected officers of the Town for Fiscal Year 2019, and including approving the Nauset Regional School District and Cape Cod Regional Technical High School District budgets for Fiscal Year 2019, with funding for the Operating Budget provided in the following manner:

Raise and Appropriate	\$16,483,336
Ambulance Fund	\$ 340,000
Beach Fund	\$ 1,000,000
SEMASS Fund	\$ 325,000
Recreation Fund	\$ 60,000

Vote Required: Simple Majority

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 6-0.

ARTICLE 2: FY 2018 Year End Transfers.

MOTION:

I move that the Town approve the following fiscal year 2018 operating budget transfers as printed in the warrant:

From Dept 158 Tax Title to Dept 124 General Administration \$1,500;
From Free Cash to Dept 189 Housing Authority \$15,000;
From Dept 753 Short Term Interest to Dept 220 Fire \$10,000;
From Free Cash to Dept 300 Elementary School \$48,780;
From Dept 158 Tax Title to Cultural District \$5,000;
From Dept 753 Short Term Interest to Dept 630 Recreation \$10,000;
From Dept 913 Unemployment Compensation to Dept 699 Beach Dept \$20,000;
From Dept 179 Shellfish Encumbrance to Dept 699 Beach Dept \$16,478;
From Free Cash to Dept 699 Beach Dept \$26,522
For a total of \$153,280

Vote Required: Simple Majority

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 6-0.

The Cultural Council: Recommends 11-0.

ARTICLE 3: FY 2019 Capital Budget.

MOTION:

I move to raise and appropriate \$1,808,966 and transfer \$20,000 from the Septic Fund for a total appropriation of \$1,828,966 to fund the FY 2019 capital debt service costs as printed in the warrant as Appendix B and further that the town vote to:

- transfer from free cash \$500,000
- to raise and appropriate \$149,767 and
- to transfer \$20,500 from the Shellfish Fund,

for a total of \$670,267 to fund the FY 2019 Capital Improvement Plan as listed in appendix B in the Annual Town Meeting warrant.

Vote Required: Simple Majority

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 6-0.

ARTICLE 4: FY 2019 Marina Enterprise Budget.

MOTION:

I move that the Town vote that \$651,171 be appropriated to operate the fiscal year 2019 Marina Enterprise Fund with the following sums;

- \$612,500 to come from Marina Enterprise Fund revenues
- \$31,671 to come from Marina Enterprise Retained Earnings
- \$2,000 to come from the Waterways Fund
- \$5,000 to come from the Shellfish Fund
- and further, that \$55,300 be appropriated from the Marina Enterprise revenues to the general fund to reimburse for indirect costs.

Vote Required: Simple Majority

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 7-0.

ARTICLE 5: FY 2019 Water Enterprise Budget.

MOTION:

I move that the Town vote that \$278,486 be appropriated to operate the fiscal year 2019 Water Enterprise Fund with the following sums;

- \$165,530 to come from Water Enterprise Fund revenues
- \$112,956 to be appropriated from the General Fund
- and further, that \$5,000 to be appropriated from Water Enterprise revenues to the general fund to reimburse for indirect costs.

Vote Required: Simple Majority

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 7-0.

ARTICLE 6: Collective Bargaining Agreement Wellfleet Police Officers Union.

MOTION:

I move that the sum of **\$37,891** be and hereby is raised and appropriated to pay costs of funding a one year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union covering the term of July 1, 2017 through June 30, 2018, and further that the Town Accountant is authorized to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Vote required: Simple Majority

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Reserves recommendation to Town Meeting.

ARTICLE 7: Collective Bargaining Agreement Wellfleet Police Officers Union.

MOTION:

I move that the sum of **\$29,561** be and hereby is raised and appropriated to pay costs of funding the first year of a three-year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union covering the term of July 1, 2018 through June 30, 2021, and further that the Town Accountant is authorized to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Vote required: Simple Majority

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Reserves recommendation to Town Meeting.

ARTICLE 8: Non-Union and Other Personnel Salaries & Compensation.

MOTION:

I move that the sum of **\$15,000** be and hereby is raised and appropriated to pay the cost of wage and salary adjustments for non-union and other personnel effective July 1, 2018, and further that the Town Accountant is authorized to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

Vote Required: Simple Majority

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 6-0.

ARTICLE 9: Chapter 90 Road Repairs.

MOTION:

I move that the Town vote to accept the sum of **\$245,493**, or such other amount that the Commonwealth declares as available funds, as the Commonwealth's share of the cost of work under Massachusetts General Laws, Chapter 90, said funds to be expended for the purposes stated in the warrant under the supervision of the Board of Selectmen.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

ARTICLE 10: Other Post-Employment Benefits ("OPEB") Appropriation.

MOTION:

I move that the sum of **\$250,000** be raised and appropriated to the Other Post-Employment Benefits Liability Trust Fund.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

ARTICLE 11: Contribution to Marina Enterprise Stabilization Fund.

MOTION:

I move that the Town vote to transfer the sum of **\$10,000** from the Marina Enterprise Fund to the Marina Enterprise Stabilization Fund.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

ARTICLE 12: Transfer to Stabilization Fund.

MOTION:

I move that the sum of **\$155,000** be raised and appropriated to the Stabilization Fund.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

ARTICLE 13: Create a Special Purpose Stabilization Fund for Capital Improvements.

MOTION:

I move that pursuant to Massachusetts General Law Chapter 40, section 5B that the Town of Wellfleet create a Special Purpose Stabilization Fund for capital improvements

Two-thirds vote required to create Stabilization Fund.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

ARTICLE 14: Create a Special Purpose Stabilization Fund for Dredging.

MOTION:

I move that pursuant to Massachusetts General Law Chapter 40, section 5B that the Town of Wellfleet create a Special Purpose Stabilization Fund for maintenance dredging.

Two-thirds vote required to create Stabilization Fund.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

ARTICLE 15: Transfer to LCCATV Fund.

MOTION:

I move that the Town transfer **\$114,000** from the Cable receipts fund to fund local access television programming.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Cable Advisory Committee: Recommends 3-0.

ARTICLE 16: Community Preservation-Administrative Expenses, Debt Service and Allocation of Reserves

MOTION:

I move that the Town vote to set aside from Community Preservation Fund estimated annual revenues the sum of \$29,511.50 for administrative expenses of the Community Preservation Committee for Fiscal Year 2019, the sum of \$58,950 for Open Space Debt Service, the sum of \$73 for the Open Space Reserve Fund, the sum of \$59,023 for the Community Housing Reserve Fund and the sum of \$59,023 for the Historic Resources Reserve Fund and the sum of \$383,649.50 for the 2019 Budgeted Reserve for general Community Preservation Fund purposes.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

ARTICLE 17: Community Preservation-Affordable Housing Trust Fund.

MOTION:

I move that Article 17 be accepted and adopted as printed in the warrant and that the sum of \$58,000 be appropriated from the Community Preservation Fund community housing reserves and the sum of \$42,000 be appropriated from the Community Preservation Fund Fiscal Year 2019 estimated revenue for the purposes of supporting affordable housing.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 5-0.

Housing Authority: Recommends 4-0.

ARTICLE 18: Community Preservation-Making Homes Affordable.

MOTION:

I move that Article 18 be accepted and adopted as printed in the warrant and that the sum of \$100,000 be appropriated from the Community Preservation Fund Fiscal Year 2019 estimated revenue for the purposes of contributing to the cost of, and therefore supporting, Making Homes Affordable, a program to assist with the purchase of workforce housing for low and moderate income eligible first-time home buyers within the Town of Wellfleet and to authorize the Board of Selectmen to enter into a grant agreement to set forth the terms and conditions thereof.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 5-0.

Housing Authority: Recommends 4-0.

ARTICLE 19: Community Preservation-Rescind Prior Article.

MOTION:

I move the Town vote to rescind the appropriation of \$180,000 from the Community Preservation Fund Balance, previously approved pursuant to Article 21 of the 2014 Annual Town Meeting and return the \$180,000 to the Community Preservation Fund Balance.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 5-0.

Housing Authority: Recommends 4-0.

ARTICLE 20: Community Preservation-Habitat for Humanity Grant.

MOTION:

I move that Article 20 be accepted and adopted as printed in the warrant and that the sum of \$240,000 be appropriated from Community Preservation Fund Undesignated Fund Balance for the purposes of contributing to the cost of, and therefore supporting community housing, two affordable homes at 2082 Route 6 by Habitat for Humanity of Cape Cod, Inc and that the Board of Selectmen be authorized to enter into a grant agreement with Habitat for Humanity, Inc for said purposes, and further, that the Board of Selectmen acquire an affordable housing restriction on said units.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 5-0.

Housing Authority: Recommends 4-0.

ARTICLE 21: Community Preservation-Eastham Affordable and Workforce Housing Agreement.

MOTION:

I move that Article 21 be accepted and adopted as printed in the warrant and that the sum of \$100,000 be appropriated from the Community Preservation Fund undesignated Fund Balance for the purpose of contributing to the cost of, and therefore supporting community housing, the construction of a 65 unit rental

complex for affordable and workforce housing by Penrose, LLC in Eastham, Massachusetts and that the Board of Selectmen be authorized to enter into an agreement with Penrose LLC for said purposes, and further, that the Board of Selectmen acquire an affordable housing restriction on said units.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 5-0.

Housing Authority: Recommends 4-0.

ARTICLE 22: Community Preservation-Cape Housing Institute.

MOTION:

I move that Article 22 be accepted and adopted as printed in the warrant and that the sum of \$7,000 be appropriated from the Community Preservation Fund Fiscal Year 2019 estimated revenue to the Community Development Partnership sponsored Cape Housing Institute for the purposes of supporting community housing and further that the Board of Selectmen be authorized to enter into a grant agreement with the Community Development Partnership for said purpose.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 5-0.

Housing Authority: Recommends 4-0.

ARTICLE 23: Community Preservation-Park by Preservation Hall.

MOTION:

I move that Article 23 be accepted and adopted as printed in the warrant and that the sum of \$39,000 be appropriated from Community Preservation Fund Fiscal Year 2019 estimated revenue to Preservation Hall, Inc. for the purpose of contributing to the cost of preserving the Town-owned Park at 335 Main Street for open space and recreational use, and further that the Board of Selectmen be authorized to enter into a grant agreement with Preservation Hall, Inc. for said purpose.

Vote Required: Simple Majority

Board of Selectmen: Recommends 3-2.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

Open Space Committee: Recommends 4-0.

ARTICLE 24: Community Preservation – Form B Inventories.

MOTION:

I move that Article 24 be accepted and adopted as printed in the warrant and that the sum of \$20,000 be transferred from the Community Preservation Fund Historic Reserves to the Wellfleet Historical Commission for the purpose of contributing to the cost of, and therefore supporting the preservation, rehabilitation and restoration of historic resources by the creation of additional Form B inventories, storage upgrades and conducting a workshop for owners of historic homes.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

ARTICLE 25: Transfer of Unexpended Bond Proceeds-Renovate old COA Building.

MOTION:

I move that the town authorize the re-purposing and appropriation of unexpended bond proceeds in the amount of **\$588,958** previously authorized under Article 1 of the 2016 November Special Town Meeting to pay for the costs of designing, constructing, equipping and furnishing the renovation of the existing police station, which funds are no longer needed for said purpose, and to transfer **\$227,202.63** from the bond premium related to the issuance of bonds on the Police Station borrowing for a total of **\$816,160.63** to pay for the costs of construction, including design and engineering services and other costs related to the renovations of the former COA Building at 95 Lawrence Road and for the payment of all other costs incidental and related thereto, to be expended under the direction of the Town Administrator and the Director of Public Works.

Vote Required: Majority Vote

Board of Selectmen: Recommends 4-1.

Finance Committee: Recommends 6-0.

ARTICLE 26: Petioned Article – Limitation as to use of old COA building at 95 Lawrence Road.

MOTION:

I move that Town voters advise the Board of Selectmen through a non-binding resolution to limit the use of the old COA building property at 95 Lawrence Road to housing only.

Vote Required: Simple Majority

Board of Selectmen: Does Not Recommend 3-2.

Finance Committee: Does Not Recommend 6-0.

ARTICLE 27: Increase Marijuana Sales Tax to 3%.

MOTION:

I move the Town 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

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

ARTICLE 28: Water Resources Director.

MOTION:

I move that the sum of **\$150,000** be and hereby is raised and appropriated to pay the costs of funding a new Water Resources Director positions, provided, however that no funds shall be expended 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. chapter 59, section 21C (Proposition 2 ½).

Vote Required: Simple Majority

The Board of Selectmen: Recommends 4-1.

Finance Committee: Recommends 6-0.

Board of Water Commissioners: Recommends 5-0.

Comprehensive Wastewater Management Planning Committee: Recommends

Personnel Board: Does Not Recommend 3-1.

Mayo Creek Restoration Committee: Recommends 4-0.

Natural Resources Advisory Board: Does Not Recommend 4-1.

ARTICLE 29: Increase to Stipend for Selectmen.

MOTION:

I move that the Town vote to raise and appropriate \$7,500 for the purpose of increasing the annual stipend for the members of the Board of Selectmen to \$2,500 each.

Vote Required: Simple Majority

Board of Selectmen: Recommends 3-2.

Finance Committee: Recommends 6-0.

ARTICLE 30: Acceptance of Revised Wellfleet Town Charter.

MOTION:

I move that the town meeting, pursuant to the authority in Article 89 of the Amendments to the Massachusetts Constitution and in the Home Rule Procedures Act, General Laws, Chapter 43B, Section 10, propose an amendment to the Wellfleet Home Rule Charter by replacing the current text of the Charter in its entirety with the text in Appendix G of the warrant for this meeting with the following five edits to the text in Appendix G:

- Modify section 3-5-3 by replacing the reference to "MGL chapter 48, section 42" with a reference to "MGL chapter 48 sections 42, 43 and 44."
- Modify section 3-6-1 by re lettering the second subsection "(d)" as subsection "(e)."
- Modify section 4-1-3 by striking the reference to "this Charter" and replacing it with "Chapter 4 of this Charter."
- Modify section 5-3-2, by inserting subsection (m) "Deleted <date of 2019 ATE>"
- Modify section 6-5-5 (line 5) by striking "not less than forty-five nor more than sixty days" and replacing it with "not less than sixty-four nor more than eighty days."

Note that all references to "<date of 2019 ATE>" be replaced by the date of the annual town election at which the Charter amendment is approved by the voters.

Vote Required: Simple Majority

Board of Selectmen: Reserve Recommendation to town meeting 5-0.

Charter Review Committee: Recommends 7-0.

ARTICLE 31: Extend the Charge of the Charter Review Committee.

MOTION:

I move that the Town vote to extend the charge of the Charter Review Committee as printed in the warrant under article 31.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Charter Review Committee: Recommends 7-0.

Bylaw Committee: Recommends: 3-0.

ARTICLE 32: Amend Town of Wellfleet General Bylaws – Town Treasury Payments.

MOTION:

I move that the Town vote to amend its General Bylaws, Article III, section 5 as printed in the warrant in article 32.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

Bylaw Committee: Does Not Recommend 3-0.

ARTICLE 33: Amend Town of Wellfleet General Bylaw – Setting Annual Reimbursement Rate.

MOTION:

I move that the Town vote to amend its General Bylaws Article V, section 2 as printed in the warrant in article 33.

Vote Required: Simple Majority
Board of Selectmen: Recommends 5-0.
Bylaw Committee: Recommends 3-0.

ARTICLE 34: Amend Town General Bylaw - Polystyrene Reduction Bylaw.

MOTION:

I move that the Town vote to amend its General Bylaws, Article VII, section 46, Polystyrene Reduction Bylaw, section 4, Administration and Enforcement as printed in the warrant in article 34.

Vote Required: Simple Majority
Board of Selectmen: Recommends 5-0.
Recycling Committee: Recommends 0-0.
Bylaw Committee: Recommends 3-0.

ARTICLE 35: Animal Control By-Law.

MOTION:

I move to amend the General Bylaws by deleting Article VII, Section 25 and Article XV in its entirety and inserting in place thereof the new Article XV as printed in the warrant in article 35.

Vote Required: Simple Majority
Board of Selectmen: Recommends 5-0.
Bylaw Committee: Recommends 3-0.

ARTICLE 36: Animal Control By-Law. (Petitioned Article)

MOTION:

I move to amend the General Bylaws by deleting Article XV and Article 7 Section 25 and inserting a new Article XV in their place as printed in the warrant under Article 36.

Vote Required: Simple Majority
Board of Selectmen: Does not recommend 5-0.
Bylaw Committee: Does not recommend 3-0.

ARTICLE 37: Zoning Bylaw Amendment – Home Occupation 6.22.2.

MOTION:

I move to amend the section 6.22.2 of the Zoning Bylaws in regards to Home Occupation as printed in the warrant under article 37.

Vote Required: Two Thirds Vote
Board of Selectmen: Reserves recommendation to Town Meeting 5-0.
Planning Board: Recommends 5-0.
Bylaw Committee: Recommends 3-0.

ARTICLE 38: Petition to Amend Home Occupation Bylaw 6.22.2.

MOTION:

I move to amend the section 6.22.2 of the Zoning Bylaws in regards to Home Occupation as printed in the warrant under article 38.

Vote Required: Two Thirds Vote

Board of Selectmen: Reserves recommendation to Town Meeting 5-0.

Planning Board: Does not recommend 5-0.

Bylaw Committee: Does not recommend 3-0.

ARTICLE 39: Petition to Amend Home Occupation Bylaw.

MOTION:

I move to add to section 6.22.1 to the Zoning Bylaws in regards to Home Occupation as printed in the warrant under article 39.

Vote Required: Two Thirds Vote

Board of Selectmen: Reserves recommendation to Town Meeting 5-0.

Planning Board: Does not recommend 5-0.

Bylaw Committee: Does not recommend 3-0.

ARTICLE 40 : Zoning Bylaw Amendment - New Section 6.6. - Affordable Flexible Residential Design, Section.

MOTION:

I move to add a new section 6.6A to the Zoning Bylaws in regards to Affordable Flexible Residential Design as printed in the warrant under article 40, with the correction that all references to 6.6 in said article be revised to state 6.6A.

Vote Required: Two Thirds Vote

Board of Selectmen: Reserves recommendation to Town Meeting 5-0.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

ARTICLE 41: Zoning Bylaw Amendment - Section 9.3 Medical Marijuana Overlay District.

MOTION:

I move to amend Section 9.3 of the Zoning Bylaws, Medical Marijuana Overlay District and replace it with a new section 9.3, Marijuana Overlay District, by amending Section 5.3, Use Regulations, and by amending Section 5.3.2 footnote 7, as printed in the warrant under article 41.

Vote Required: Two Thirds Vote

Board of Selectmen: Reserves recommendation to Town Meeting 5-0.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

ARTICLE 42: Zoning Bylaw Amendment - Large-Scale Ground-Mounted Solar Photovoltaic Installations.

MOTION:

I move to amend section 8.6 of the Zoning Bylaws, Large Scale Ground-Mounted Solar Photovoltaic Installations, as printed in the warrant under article 42.

Vote Required: Two Thirds Vote

Board of Selectmen: Reserves recommendation to Town Meeting 5-0.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

ARTICLE 43: Zoning Bylaw Amendment – (Petitioned Article).

MOTION:

I move to amend the Zoning Bylaws by amending Section II, Section 2. 1, Definitions and Section V, Section 5.3, Use Regulations as petitioned and as printed in the warrant under article 43.

Vote Required: Two Thirds Vote

Board of Selectmen: Reserves recommendation to Town Meeting 5-0.

Planning Board: Does not recommend 5-0.

Bylaw Committee: Does not recommend 3-0.

ARTICLE 44: Zoning Bylaw Amendment – Food Trucks.

MOTION:

I move to amend Section II, Section 2.1 of the Zoning Bylaws, Food Trucks, as printed in the warrant under article 44.

Vote Required: Two Thirds Vote

Board of Selectmen: Reserves recommendation to Town Meeting.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

ARTICLE 45 : Zoning Bylaw Amendment – Section 5.3.2 Use Regulations.

MOTION:

I move to amend section V, Section 5-3 of the Zoning Bylaws, Use Regulations, Food Trucks, as printed in the warrant under article 45.

Vote Required: Two Thirds Vote

Board of Selectmen: Reserves recommendation to Town Meeting.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

ARTICLE 46: Disposition of Town Owned Property – 0 West Main Street.

MOTION:

I move that Article 46, the disposition of town owned land at 0 West Main Street, be accepted and adopted as printed in the warrant.

Vote Required: Two-Thirds Vote

Board of Selectmen: Recommends 4-0.

Finance Committee: Recommends 6-0.

ARTICLE 47: Easement for Eversource to install transformer.

MOTION:

I move that the Town vote to convey an easement to Eversource for the installation of an additional transformer in the rear parking lot of Town Hall, as printed in Article 47 in the warrant.

Vote Required: Two Thirds Vote

Board of Selectmen: Recommends 4-0.

ARTICLE 48: 120 Paine Hollow affordable housing project.

MOTION:

I move that the Town 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, as printed in Article 48 in the warrant.

Vote Required: Majority Vote

Board of Selectmen: Recommends 4-0.

ARTICLE 49: Septic System Easement for 15 Harding Lane.

MOTION:

I move that the Town vote to convey a septic system easement for 15 Harding Lane, as printed in Article 49 in the warrant.

Vote Required: Two Thirds Vote

Board of Selectmen: Recommends 4-1.

Natural Resources Advisory Board: Recommends 5-0.

Open Space Committee: Recommends 4-0.

ARTICLE 50: Municipal Hearing Officer.

MOTION:

I move that the Town vote to accept the provisions of Massachusetts General Law, Chapter 40U, for the purpose of designating a Municipal Hearing Officer as printed in the warrant in Article 50.

Vote Required: Majority Vote

Board of Selectmen: Recommends 5-0.

ARTICLE 51: Approval of Wellfleet Housing Needs Assessment and Action Plan.

MOTION:

I move that the Town vote to accept the Wellfleet Housing Needs Assessment and Action Plan as required by the General Bylaws in Article 3, section 14 and as printed in the warrant in Article 51 and appendix F.

Vote Required: Two Thirds Vote

Board of Selectmen: Recommends 5-0.

ARTICLE 52: Room Occupancy Tax.

MOTION:

I move that the Town vote approve article 52, to petition the General Court for special legislation to allow the Town to impose a Room Occupancy Tax on seasonal property rentals, as printed in the warrant.

Vote Required: Majority Vote

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

CONSENT AGENDA

MOTION:

Articles 53-56: I move that Articles 53 through 56 inclusive be accepted and adopted as printed in the warrant.

Vote Required: Simple Majority

ARTICLE 53: Disposal of Personal Property.

Board of Selectmen: Recommends 4-0.

ARTICLE 54: Authorize Town Collector to use all means for collecting taxes.

Board of Selectmen: Recommends 5-0.

ARTICLE 55: DEP Liability

Board of Selectmen: Recommends 5-0.

ARTICLE 56: Local contributions to the Nauset Regional School.

Board of Selectmen: Recommends 5-0.

SECTION VIII: PETITIONED ARTICLES

ARTICLE 57: Town Hall Lawn (Petitioned Article).

MOTION:

I move that Town voters advise the Board of Selectmen through a non-binding resolution to re-consider the plan for the Town Hall Lawn as petitioned in article 57 in the warrant.

Vote Required: Simple Majority

Board of Selectmen: Does Not Recommend 5-0.

ARTICLE 58: Leasing of Town owned beach parking lots (Petitioned Article).

MOTION:

I move that Town voters advise the Board of Selectmen through a non-binding resolution that the leasing of town owned beach parking lots should be approved via a town meeting vote as petitioned in article 58 in the warrant.

Vote Required: Simple Majority

Board of Selectmen: Does Not Recommend 5-0.

ARTICLE 59: To hear reports of the Selectmen, Town Officers, and all other Committees.

MOTION:

I move that Article 59 be accepted as printed in the warrant.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.

ARTICLE 60: Any other business that may legally come before the meeting.

MOTION:

I move that Article 60 be accepted as printed in the warrant.

Vote Required: Simple Majority

Board of Selectmen: Recommends 5-0.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

April 23, 2018

IV

EXECUTIVE SESSION and ADJOURNMENT

REQUESTED BY:	BOS
DESIRED ACTION:	Enter in Executive Session based on G.L. c. 30A, §21(a)(1)
PROPOSED MOTION:	<p><u>Dennis Murphy</u>: I move to adjourn the public meeting at _____ and enter in executive session for the following reasons:</p> <p>1. Pursuant to G.L. c. 30A, §21(a)(1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:</p> <ul style="list-style-type: none">i. to be present at such executive session during deliberations which involve that individual;ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;iii. to speak on his own behalf; andiv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense. <p>The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining</p>



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

April 23, 2018

	<p>agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual. (Harbormaster Michael Flanagan – appeal of grievances).</p> <p>The board will not reconvene in public session after the executive session.</p> <p>Roll Call Vote.</p>
VOTED:	<p>Murphy____ Reinhart ____ Bacon ____</p> <p>Wilson _____ Houk _____</p>