



Board of Selectmen

RECEIVED
TOWN OF WELLFLEET
2017 FEB 24 PM 1:18

The Wellfleet Board of Selectmen will hold a public meeting on Tuesday, February 28, 2017 at 7:00 p.m. at the Wellfleet Senior Center, 715 Old Kings Highway, Wellfleet, MA 02667. It is anticipated that the meeting will be recorded by the Town. Anyone else desiring to record the meeting may do so only after notifying the chair and may not interfere with the conduct of the meeting in doing so.

- I. Announcements, Open Session and Public Comment [7:00]** *Note: Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comment.*
- II. Public Hearing(s) 7:05 p.m.**
 - A.** To revoke the commercial shellfish license of Karl Barrio. (Continued from 2/14/17)
 - B.** To amend the Town of Wellfleet Taxicab Rules and Regulations by deleting Taxicab and inserting Passenger Vehicles for Hire.
 - C.** To amend the Town of Wellfleet Beach Drop off fees.
- III. Use of Town Property**
 - A.** Wellfleet Elementary School PTA to Use Baker Field on May 27, 2017, 8 am – 5 pm for WESFest.
- IV. Business 7:30 p.m.**
 - A.** White Ribbon Day Proclamation for March 2, 2017 [Police Chief Fisette] (5 min.)
 - B.** Nauset Regional School District – Final FY 18 Budget Request [Sup. Tom Conrad]. (20 min.)
 - C.** FY 2018 Budget Update [TA] (15 min)
 - D.** 2017 Annual Town Meeting articles placement and recommendations. Review Fire Department staffing needs and Plastic Ban Bylaw Change request by the Recycling Committee separately (15 min)
 - E.** Discussion of bylaw change designating signers for bi-weekly warrants. (15 min.)
 - F.** Discuss site visits to old COA building & old Shellfish Shack; & possible disposition of buildings. (15 min.)
 - G.** Approval of a grant application & letter of recommendation for Green Communities Grant Program. (5 min.)
 - H.** Extension of deadline for purchasing 2017 Commercial Shellfishing Permits under Section 6.1.4 (the Hardship Exemption) of the Wellfleet Shellfishing Policy and Regulations to March 15, 2017. (5 min.)
 - I.** Request of Ronald Martin for the Town to consider abandoning the old Town Way abutting the Cluster Residential Development of Cape End Realty Trust on Route 6 in South Wellfleet. (10 min.)
 - J.** Request for approval of tax bill insert for the Recycling Committee. (5 min.)
 - K.** Request for approval of joint tax bill insert for CRS/Taxation Aide Program. (5 min.)
 - L.** Request for Real Estate Transfer Tax proposal insert into Town Warrant. (5 min.)
- V. Town Administrator's Report 9:30 p.m.**
- VI. Topics for Future Discussion**
- VII. Correspondence and Vacancy Report**
- VIII. Minutes [February 14, 2017]**
- IX. Executive Session and Adjournment**
 - A.** To consider release of executive session minutes of December 13, 2016 and January 10, 2017.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

II

II. PUBLIC HEARING(S)

REQUESTED BY:	Shellfish Constable
DESIRED ACTION:	Revoke the commercial shellfish license of Karl Barrio.
PROPOSED MOTION:	I vote to revoke the commercial shellfish license of Karl Barrio for a violation of Shellfishing Policy and Regulations Section 4.14 Possession of Seed Restriction above 5% that occurred on November 23, 2016.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET
PUBLIC HEARING

Notice is hereby given that the Wellfleet Board of Selectmen will hold a public hearing on Tuesday, February 28, 2017 at 7:05 p.m. in the Wellfleet Council on Aging to consider the following:

- To amend the Town of Wellfleet Taxicab Rules and Regulations by deleting Taxicab and inserting Passenger Vehicles for Hire
- To amend the Town of Wellfleet Beach Drop off fees

WELLFLEET BOARD OF SELECTMEN



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

INCIDENT REPORT

Officer Information

Enforcing Officer: Andy Koch

Date of Offense: 11/23/16 Date of Report: 1/17/17

Ticket Numbers: none This is not a violation

Offender Information

Name of Offender: Karl Barrio

Address of Offender:

Offense Information

Specific Bylaw and/or Regulations: 4.1.4 Possession of seed above 5%

On the 23rd of November I checked Karl Barrio's catch and after gauging all his oysters he had harvested 18% undersized oysters. I confiscated his catch and wrote a letter along with pictures to Selectmen. He had 86 short oysters 483

Phone (508) 349-0325



Fax (508) 349-0305



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

January 17, 2017

To: Board of Selectmen
From: Andy Koch Shellfish Constable
Re: Karl Barrio

I would like to request a hearing to consider revoking Karl Barrio's commercial shellfish license for a violation which occurred on November 23, 2016. A copy of the incident report is attached.

Sincerely,

Andrew Koch
Shellfish Constable

JAN 17 2017

Phone (508) 349-0325



Fax (508) 349-0305

11.4. Non Criminal Disposition

Enforcement shall include without limitation the noncriminal disposition procedure provided in [MGL Chapter 40; Section 21D](#)

11.5. Penalty Fees^[11]~~SEP~~The penalties for violation of any of these regulations shall be assigned by the Shellfish Department and shall consist of a fine of \$50 for the first offense, a fine of \$150 for the second offense, and a fine of \$300 for the third offense. In the event of a fourth offense within a period of 5 years, there will be an automatic permit suspension.

11.6. Duration of Shellfishing Permit Suspensions^[11]~~SEP~~ Holders of Wellfleet shellfish permits shall have their permit suspended by the Board of Selectmen for a period of not less than three (3) days nor more than fourteen (14) days for the first offense, suspended for not less than thirty (30) days nor more than sixty (60) days for the second offense, and suspended not less than ninety (90) days for the third offense. In any instance where the permit was due to expire during the proposed suspension period, the suspension may be invoked during the next calendar year. Additionally, the beginning date of the suspension shall be determined by the Board of Selectmen.

11.7 Revocation of Shellfishing Permit

The Board of Selectmen reserves the right to revoke any such permit for particularly egregious violations and/or a pattern of abuse of these regulations. In the event that a permit is revoked, that individual may not harvest shellfish in the Town nor be aboard any vessel which is actively engaged in shellfishing until their permit is restored, with licensed areas being the only exception. A public hearing must be held within 30 days to allow a permit holder to appeal the revocation or suspension of said permit.

11.8. Acceptance of Suspension Without Request for Appeal^[SEP] The enforcing officer may offer the offender of any of these regulations the opportunity to immediately accept the suspension of his or her permit for the minimum specified time to begin the following calendar day. In this case, the offender must surrender his or her permit and agree in writing to the suspension. Acceptance or rejection of this offer will in no way affect the disposition of the fine.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

II

II. PUBLIC HEARING(S)

REQUESTED BY:	Community Services Director
DESIRED ACTION:	To amend the Town of Wellfleet Taxicab Rules and Regulations by deleting Taxicab and inserting Passenger Vehicles for Hire.
PROPOSED MOTION:	I vote to amend the Town of Wellfleet Taxicab Rules and Regulations by deleting Taxicab and inserting Passenger Vehicles for Hire.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

TOWN OF WELLFLEET

~~Taxicab~~ Passenger Vehicles for Hire Rules and Regulations

1. ~~Taxicab~~ Passenger Vehicles for Hire Owners

- a) No person shall engage in the business of transporting persons for hire in a vehicle without first having obtained a business license from the Wellfleet Board of Selectmen authorizing him/her to engage in such business.
- b) No ~~taxicab~~ Passenger Vehicles for Hire shall be operated unless a valid ~~taxicab~~ Passenger Vehicle for Hire license, ~~taxi~~ Passenger Vehicle for Hire operator license, and a current ~~taxicab~~ Passenger Vehicle for Hire registration from the Department of Motor Vehicles are in place.
- c) No ~~taxicab~~ Passenger Vehicle for Hire license shall be issued by the Board of Selectmen until the applicant has presented proof of the vehicle's insurance and the applicant provides a certificate of insurance naming the Town of Wellfleet as the certificate holder. A certificate of insurance for workers' compensation shall be required for any ~~taxi~~ Passenger Vehicle for Hire company with employees or subcontractors.
- d) A license issued for any ~~taxicab~~ Passenger Vehicle for Hire is not transferable.
- e) A person or recording listing hours of operation shall be available at all times when the ~~cab~~ Passenger Vehicle for Hire is not in operation.
- f) A ~~taxi~~ Passenger Vehicle for Hire sign shall be placed on the roof of the ~~cab~~ Passenger Vehicle for Hire and illuminated at all times when the ~~cab~~ Passenger Vehicle for Hire is available.
- g) A fare shall be a person or persons picked up and dropped off together. Multiple fares may be carried.
- h) Fares shall be based on the shortest possible route regardless of route taken.
- i) Rates and Fares between specific points shall be posted in the cab at all times.

RATES:

- First passenger - \$6.00 first mile; \$2.00 per additional ½ mile or fraction thereof.
- \$2 each additional passenger in fare.
- \$6 surcharge 2 a.m. to 6 a.m.
- Senior Discount – the larger of 10% or \$2.00.
- Waiting time will be charged at \$4.00 per 5 minute increments. The first 5 minutes of waiting time at the point of hire shall be free.
- No charge for 2 shopping bags or one suitcase. Additional bags \$.50. Additional suitcases \$2.00.
- Flat one way rate from Wellfleet to Provincetown or Orleans - \$45.00.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST

Tuesday, February 28, 2017

II. PUBLIC HEARING(S)

REQUESTED BY:	Community Services Director
DESIRED ACTION:	To amend the Town of Wellfleet Beach Drop-Off Fees.
PROPOSED MOTION:	I vote to amend the Town of Wellfleet Beach Drop-Off Fees as printed.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

To: BOS
From: Suzanne Grout Thomas, Director of Community Services
Date: February 2, 2017
Re: Busses

On July 12, 2016, the BOS approved the language below at my request.

*"9 to 24 people capacity vehicle: \$100 per drop off
25 to 50+ people capacity vehicle: \$200 per drop off*

Vehicle: Any vehicle registered as a bus, livery, limousine or taxi and all vehicles capable of seating more than eight (8) adults regardless of how owned, operated or registered.

These fees apply to all vehicles dropping off individuals at town owned beach parking lots, including but not limited to both lots at White Crest and Cahoon Hollow.

The only exception is for shuttle busses originating from the Town owned parking lots at the ocean beaches, Newcomb Hollow, Cahoon Hollow, White Crest and Maguire Landing that have received permission from the Board of Selectmen to operate."

This approach did not work for several reasons. (1) bus size didn't always correlate with the number of people on board, especially with the larger busses. (2) I got complaints from people that rented a vehicle to drop off 8 or nine people and who were charged the \$100 fee. (3) Many bus drivers disavowed knowing about the fee; had no check and or cash to pay the fee and (4) promises to pay the fee by mail retroactively did not come to pass.

The reason for the fees was to offset the additional costs for personnel and services created by the extra bodies at the pay beaches. The fee structure was based on a \$5 per capita charge depending on the size of the busses. The Town did take in \$9,100 in fees which extends to 1820 people. However, we didn't get fees for approximately 30% of the busses for the reasons stated above. Cape Cab created a specialized Wellfleet service that had people park at the Elementary School or Marina or at the Dunkin Donuts lot, for free, and then take a Cape Cab van where they would be dropped off for free at Cahoon Hollow.

Town Counsel advises that banning busses or any other vehicles from dropping people off is not advisable. Therefore, I would like to recommend that the 2016 language be deleted from the fee structure and the following added:

"Walk-Ins/Drop Offs at Pay Beaches – Cahoon Hollow and White Crest Beach

There will be a \$5 daily fee for all person(s) who walk in or are dropped off by vehicles that do not display a valid Wellfleet Beach Parking Permit at Cahoon Hollow or White Crest Beach between the hours of 9am and 5pm during the summer season.

The only exception is for shuttle busses originating from the Town owned parking lots at the ocean beaches, Cahoon Hollow and White Crest that have received permission from the Board of Selectmen to operate."



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

III

III. USE OF TOWN PROPERTY

REQUESTED BY:	Wellfleet Elementary School PTA
DESIRED ACTION:	Approval of use Baker Field for WESFest on May 27, 2017
PROPOSED MOTION:	I move to approve the request of Wellfleet Elementary School PTA for WESFest at Baker Field on May 27, 2017 from 8 am to 5 pm. The event fee is waived; a signed property use agreement is required.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

**TOWN OF WELLFLEET
APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY**

Applicant Kathryn Kniel Affiliation or Group Wellfleet Elementary PTA
Telephone Number 508-246-1314 Mailing Address 100 Lawrence Rd
Email address KatyKniel@comcast.net Wellfleet, MA 02587
Town Property to be used (include specific area) Bakers Field

Date(s) and hours of use: May 27, 2017 8am - 5pm with rain date TBD.

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also please indicate if fees will be charged by applicant.

Our annual Carnival, WES Fest. North American Amusement
will once again bring rides + games and have trucks on
field. This event has 60 volunteers throughout the day. Use of
Town Stage from Recreation Dept. is requested as usual. Parking
available at lot and across from field. Food will be offered, Hot Dogs, Pizza
Describe any Town services requested (police details, DPW assistance, etc.) Kathryn Kniel et al as usual. Event
will run just as it has
only if town feels it is needed for the past 8 years.

NOTE TO APPLICANTS: All applications must be accompanied by a non refundable \$20.00 processing fee.
Applications must be received at least 30 days prior to the first event date to insure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

_____ Approved as submitted

_____ Approved with the following condition(s): _____

_____ Disapproved for following reason(s): _____

Date: 2/8/17

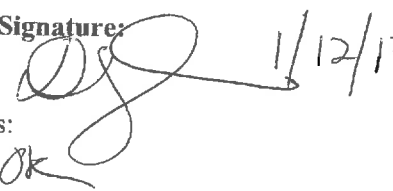

Processing Fee: _____


Fee: _____

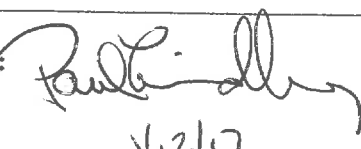
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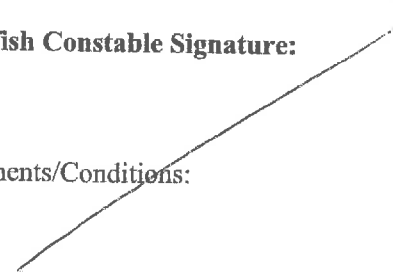
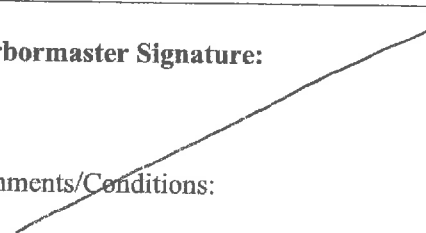
APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

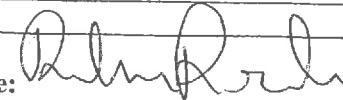
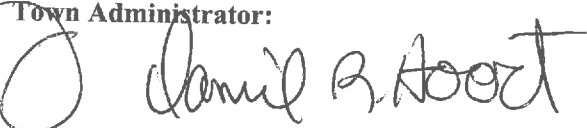
WES Fest 2017

Health/Cons. Agent Signature:  1/12/17 Comments/Conditions: OK Permits/Inspections needed:	Inspector of Buildings Signature:  02.08.17 Comments/Conditions: Permits/Inspections needed:
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Police Dept. Signature:  1/12/17 Comments/Conditions: OK	Fire Dept. Signature: Richard J. Pawley Jr (#) Comments/Conditions:
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DPW Signature:  1/12/17 Comments/Conditions: OK	Beach Dept. Signature: DCS SG Thomas 2/8/17 Comments/Conditions: OK - will need a signed property use agreement once organizational meeting is held.
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Shellfish Constable Signature:  Comments/Conditions:	Harbormaster Signature:  Comments/Conditions:
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Recreation Dept. Signature:  OK with a paid Rec Supervisor Comments/Conditions:	Town Administrator:  Comments/Conditions:
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BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS A.

REQUESTED BY:	Police Chief
DESIRED ACTION:	Designate March 2, 2017 as White Ribbon Day
PROPOSED MOTION:	I move to vote to designate March 2, 2017 as White Ribbon Day and to sign the proclamation as printed.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Town of Wellfleet Proclamation

MASSACHUSETTS WHITE RIBBON DAY 2017

March 2, 2017

WHEREAS the majority of women and men in our community are deeply concerned about the pressing problem of violence against women, sexual assault and domestic violence;

AND WHEREAS the many cultures represented in our community are all affected, including heterosexual, gay, bisexual and transgender individuals, communities of color, immigrants, the youth, the aged, the infirmed and the differently-abled;

AND WHEREAS the White Ribbon Day Campaign believes that the majority of men wish to make a positive contribution towards ending this violence;

AND WHEREAS our municipality wishes to take tangible steps to raise awareness and to support survivors and hold offenders accountable in our community, along with other municipalities across the commonwealth;

AND WHEREAS our municipality recognizes the important life saving work of Independence House and Children's Cove located within Barnstable County;

AND WHEREAS the White Ribbon Day Pledge states: "From this day forward, I promise to be a part of the solution in ending violence against women.";

BE IT RESOLVED:

1. That Thursday March 2, 2017 is proclaimed WHITE RIBBON DAY in the Town of Wellfleet.
2. That all municipal employees, particularly men, are encouraged to wear the 'white ribbon' during the week of White Ribbon Day.
3. That white ribbons will be available to all visitors to the Wellfleet Town Hall or the Wellfleet Police station during the week of White Ribbon Day.

Dan Hoort
Town Administrator

Dennis Murphy
Chairperson

Brian Carlson
Assistant Town Administrator

Jerry Houk

Ronald L. Fisette
Police Chief

Berta Bruinooge

Michael P. Hurley
Police Lieutenant

Helen Miranda Wilson

Richard Pauley
Fire Chief

Janet Reinhart

Paul Lindberg
Assistant DPW Director

WELLFLEET BOARD OF SELECTMEN

Joseph Powers
Town Clerk



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS B.

REQUESTED BY:	Superintendent Tom Conrad
DESIRED ACTION:	Approve NRMS and NRHS FY 2018 Budget Requests
PROPOSED MOTION:	I move to vote to approve the FY 2018 budget requests for Nauset Regional Middle School and Nauset Regional High School.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

NAUSET REGIONAL SCHOOL DISTRICT
FY 2018 BUDGET WORKSHEET
OPERATING BUDGET
February 15, 2017
APPROVED REDUCTIONS
REGION OPERATING BUDGET

		Proposed Budget	Dollar Increase	% Increase
Budget February 2, 2017 version 1				
		\$ 22,466,343	\$ 1,202,912	5.66%
HS/MS/RO Negotiations Savings		(87,000)		
RO Architectural/Engineering Design Services	8770	(30,000)		
Increase in Medicaid Income		(50,000)		
Cape Cod Tech Consulting Income		(33,000)		
Firebird Vending Income		(20,000)		
Total Updated Budget February 9, 2017 Version 2				
After Proposed Reductions--LIST A				
		\$ 22,246,343	\$ 982,912	4.62%
MS General Repairs Reductions	8061/8062	\$ (25,000)		
HS General Repairs Reductions	8360/8361	\$ (25,000)		
HS/MS Staffing Retirements and Movements		\$ (100,000)		
MS Building Use Income		\$ (60,000)		
HS Building Use Income		\$ (10,000)		
HS Technology Reductions		\$ (30,000)		
MS Technology Reductions		\$ (20,000)		
Total Updated Budget February 9, 2017 Version 2				
After Proposed Reductions--LIST B				
		\$ 21,976,343	\$ 712,912	3.35%
Use of E & D Funds		\$ -		
Total Updated Budget February 9, 2017 Version 2				
After Proposed Reductions--LIST C				
		\$ 21,976,343	\$ 712,912	3.35%
Net Metering Credits		\$ (21,905)		
Transportation Fuel Escalation Charges MS	8754	\$ (8,707)		
Transportation Fuel Escalation Charges HS	8751	\$ (9,388)		
Total Updated Budget February 9, 2017 Version 2				
After Proposed Reductions--LIST D				
		\$ 21,936,343	\$ 672,912	3.16%
Cape Cod Tech Consulting Income FY18		\$ -		
MS Budget End of Year Funds Return to E & D		\$ -		
HS Budget End of Year Funds Return to E & D		\$ -		
Total Updated Budget February 9, 2017 Version 2				
After Proposed Reductions--LIST E				
		\$ 21,936,343	\$ 672,912	3.16%

NAUSET REGIONAL SCHOOL DISTRICT
FY 2018 BUDGET WORKSHEET
OPERATING BUDGET
 February 15, 2017
APPROVED REDUCTIONS
REGION OPERATING BUDGET

DEBT TO BE FUNDED	\$	250,957	\$	(9,681)	-3.71%
<hr/>					
TOTAL ASSESSMENT AFTER APPROVED REDUCTIONS OF FEBRUARY 15, 2017	\$	22,187,300	\$	663,231	3.08%
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NAUSET REGIONAL SCHOOL DISTRICT
FY 2017 BUDGET WORKSHEET
NAUSET MIDDLE SCHOOL
February 27, 2017

NAUSET MIDDLE SCHOOL

			Dollar Increase	% Increase
Budget December 6, 2016 version 1		\$ 7,915,026	\$ 272,573	3.57%
Retirement Salaries Teachers	8011	(42,347)		

Total Updated Budget January 12, 2017 Version 2		\$ 7,872,679	\$ 230,226	3.01%
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Retirement Salaries Teachers	8011	\$ (32,575)		
Total Updated Budget February 2, 2017 Version 3		\$ 7,840,104	\$ 197,651	2.59%

Approved Reductions February 15, 2017 SC Meeting:

Negotiations Savings		\$ (36,364)		
General Repairs Reductions	8061/8062	(25,000)		
Staffing Retirements and Movements	8011	(20,000)		
Technology Reductions	8008/8032	(20,000)		
Net Metering Credits	8066	(10,952)		
Total Updated Budget February 27, 2017 Version 4		\$ 7,727,788	\$ 85,335	1.12%

NAUSET REGIONAL SCHOOL DISTRICT
FY 2017 BUDGET WORKSHEET
NAUSET HIGH SCHOOL
February 27, 2017

NAUSET HIGH SCHOOL

			Dollar Increase	% Increase
Budget December 6, 2016 version 1		\$ 11,424,599	\$ 292,787	2.63%
Retirement Salaries Teachers	8311	\$ (34,374)		
Retirement Salaries Teachers	8311	\$ (19,696)		
Total Updated Budget January 12, 2017 Version 2		\$ 11,370,529	\$ 238,717	2.14%
Retirement Salaries Teachers	8311	\$ (43,057)		
Retirement Salaries Teachers	8311	\$ (45,843)		
Total Updated Budget February 2, 2017 Version 3		\$ 11,281,629	\$ 149,817	1.35%
Approved Reductions February 15, 2017 SC Meeting:				
Negotiations Savings		\$ (49,256)		
General Repairs Reductions	8360/8361	(25,000)		
Staffing Retirements and Movements	8311	(80,000)		
	8308/8329/			
Technology Reductions	8332/8362	(30,000)		
Net Metering Credits	8366	(10,953)		
Total Updated Budget February 27, 2017 Version 4		\$ 11,086,420	\$ (45,392)	-0.41%

NAUSET REGIONAL SCHOOL DISTRICT
FY 2017 BUDGET WORKSHEET
February 27, 2017

Combined Budgets

		Dollar Increase	% Increase
NAUSET MIDDLE SCHOOL	\$ 7,727,788	85,335	1.12%
NAUSET HIGH SCHOOL	11,086,420	(45,392)	-0.41%
Total Combined Updated Budgets February 27, 2017 Ver 4	\$ 18,814,208	\$ 39,943	0.21%

REGION ENROLLMENT SUMMARY FOR FY18 TOWN ASSESSMENTS

RESIDENT STUDENTS ATTENDING NAUSET MIDDLE SCHOOL & NAUSET HIGH SCHOOL:

TOWN	GRADE 6	GRADE 7	GRADE 8	sub total	GRADE 9	GRADE 10	GRADE 11	GRADE 12	GRADE SP	sub total	Gr. 9-12	GRAND TOTAL
Brewster	67	60	68	195	73	75	63	74	5		290	485
Eastham	20	29	34	83	28	45	35	33	1		142	225
Orleans	28	33	20	81	33	35	24	37	1		130	211
Wellfleet	18	25	22	65	17	13	19	28	3		80	145
TOTAL >>	133	147	144	424	151	168	141	172	10		642	1066

Source: October 1, 2016 District Enrollment Report x2

RESIDENT STUDENTS ATTENDING OTHER MIDDLE & HIGH SCHOOLS BY CHOICE:

TOWN	GRADE 6	GRADE 7	GRADE 8	sub total	GRADE 9	GRADE 10	GRADE 11	GRADE 12	GRADE SP	sub total Gr. 9-12	GRAND TOTAL
Brewster	1	0	4	5	1	3	1	2	0	7	12
Eastham	3	1	3	7	0	0	0	0	0	0	7
Orleans	0	0	0	0	0	2	0	2	0	4	4
Wellfleet	1	1	4	6	0	0	1	0	0	1	7
TOTAL >>>	5	2	11	18	1	5	2	4	0	12	30

Source: October 1, 2016 Foundation Enrollment Report 3 Dept. of Elem & Secondary Education (DESE) as of 12.30.2016

RESIDENT STUDENTS ATTENDING OTHER MIDDLE & HIGH SCHOOLS - CHARTER SCHOOLS

TOWN	GRADE 6	GRADE 7	GRADE 8	sub total Gr. 6-8	GRADE 9	GRADE 10	GRADE 11	GRADE 12	GRADE SP	sub total Gr. 9-12	GRAND TOTAL
Brewster	11	6	13	30	3	3	3	3	0	12	42
Eastham	6	6	4	16	1	1	0	0	0	2	18
Orleans	5	7	2	14	0	2	1	0	0	3	17
Wellsfleet	1	6	0	7	0	0	0	0	0	0	7
TOTAL >>>	23	25	19	67	4	6	4	3	0	17	84

Source: October 1, 2016 Foundation Enrollment Report 3 Dept. of Planning & Secondary Education / DESE



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS C.

REQUESTED BY:	TA
DESIRED ACTION:	Hear 2018 Budget Update
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Michaela Miteva

From: Dan Hoort
Sent: Thursday, February 23, 2017 11:44 AM
To: Board of Selectmen
Subject: FY 2018 Budget Update

PLEASE DO NOT REPLY ALL

Dear Selectmen,

I will ask that this be on the agenda for next Tuesday so you may discuss if you choose to do so. I attended the Finance Committee meeting last evening and heard their concerns about the current proposed FY 18 budget. I expect they will be sending a communication to you expressing their concerns.

The current proposed budget reflects an increase of 5.1% from the FY 2017 budget (see schedule below). While this may seem alarming if we dig down a little deeper it's clear what is driving the increase and unfortunately we have little control over those items. Outside of the Education and Insurance & Benefits the budget presented by staff has increased 2.47%. The addition of a full-time building inspector to the FY 2018 budget increased the budget by 0.28%, excluding that decision the budget presented increased by 2.19% which I believe is a very frugal responsible budget.

Overall our education budget is increasing by 7.71%. We are the only town in our regional school district which had a student population increase. We had three additional students attending the Nauset Regional Schools, while the other three towns saw a collective decrease of fifty-two students. That made our proportionate share increase by 0.78%, the school budget itself increased by 3.08%, combine those two and we have a 9.43% increase in our assessment. Cape Cod Regional Technical High School (CCRTHS) had a 1.89% budget increase with Wellfleet having nine students attending, up from seven the prior year. That results in a 31% increase in our CCRTHS assessment. I believe I speak for most when I say Wellfleet wants to have a diverse community including lots of children. We have a responsibility to educate our children.

Our retirement assessment increased by 9.39%, up from the 5% I had estimated. The health insurance increase is projected at 11%. Neither of these items are in our short-term control. Education and Insurance & Benefits account for 50.1% of our budget and we have limited ability to change those areas. That leaves 49.9% (\$8,837,699) of our budget other than Education and Insurance and Benefits. 35.1% of our budget is for payroll which leaves 14.8% for everything else.

Payroll: Almost every employee is part of a collective bargaining agreement or is a contract employee, there are few short term options to cut payroll costs. If we look at cutting payroll it most likely means a cut in services. Do we reduce the hours at the Library, at the Council of Aging, at Town Hall, at the Transfer Station? Do we eliminate committee secretaries and require boards and committees to take their own minutes? Do we cut seasonal staff in recreation or at the beaches?

Other Expenses: In the short term the 14.8% of the budget for other expenses is where we might be able make cuts. However, even in that area we are somewhat limited. We wouldn't want to cut our snow and ice budget, we can't cut our veteran's services budget, we can't really cut our budget for the audit, it's difficult to cut our utility costs, do we want to cut our human services grants? There are no easy fixes here.

In the upcoming year staff will continue to look for both increased efficiencies in our operations and additional sources of revenue. The Selectmen may or may not wish to implement the ideas, but staff should at least present the options. Revenue options may include paid parking, the expansion of the room occupancy tax and increased fees. We have to explore every opportunity.

	FY 2016 Budget	FY 2016 Actual	FY 2017 Budget	FY 2018 Dept. Request	FY 2018 TA Budget	
General Government	1,681,855	1,490,719	1,676,118	1,680,033	1,679,708	0.21%
Public Safety	3,179,293	3,060,134	3,192,321	3,305,180	3,298,180	3.32%
Public Works	1,826,391	1,766,670	1,938,957	2,023,032	2,023,032	4.34%
Human Services	597,445	556,351	587,395	613,926	607,855	3.48%
Culture and Recreation	1,120,499	1,094,149	1,092,954	1,127,274	1,125,774	3.00%
Interest Accounts	25,150	0	25,150	25,150	25,150	0.00%
Contract Adjustments	12,260	12,000	111,774	0	78,000	
	8,442,893	7,980,023	8,624,669	8,774,595	8,837,699	2.47%
Education	5,154,591	4,986,807	5,403,199	5,591,915	5,819,701	7.71%
Unclassified Accounts	2,593,633	2,556,001	2,808,850	3,085,049	3,037,969	8.16%
	16,191,117	15,522,831	16,836,718	17,451,559	17,695,369	5.10%

Dan

Daniel R. Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
(508) 349-0300



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS D.

REQUESTED BY:	TA
DESIRED ACTION:	Place and recommend articles for the 2017 Annual Town Meeting Warrant
PROPOSED MOTION:	I move to vote to place and recommend Article # for the 2017 ATM Warrant.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

ANNUAL TOWN MEETING WARRANT
TOWN OF WELLFLEET



MONDAY, APRIL 24, 2017

Wellfleet Elementary School
7:00 PM

REMINDER:

Vote at Town Election

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

Location – Senior Center

TABLE OF CONTENTS

FINANCIAL and PROPOSITION 2½ TERMS	2
TOWN MEETING PROCEDURES.....	3
FINANCE COMMITTEE STATEMENT	4
ANNUAL TOWN MEETING WARRANT	5
SECTION I: BUDGET ARTICLES	6
SECTION II: ADDITIONAL FINANCIAL ARTICLES	7
SECTION III: CHARTER AMENDMENTS, GENERAL BYLAWS and ACCEPTANCE of STATUTES ARTICLES	14
SECTION IV: ZONING BY LAW AMENDMENT ARTICLES	16
SECTION V: DISPOSITION OF TOWN PROPERTY ARTICLES	27
SECTION VI: UNCLASSIFIED ARTICLES	27
SECTION VII: STANDARD ANNUAL ARTICLES	28
SECTION VIII: STANDARD CLOSING ARTICLES	31
FY 2017 OPERATING & CAPITAL BUDGETS SUMMARY	31
APPENDIX A: FY 2017 OPERATING BUDGET	32
APPENDIX B: FY 2017 CAPITAL BUDGET	38
APPENDIX C: FY 2017 MARINA ENTERPRISE BUDGET	40
APPENDIX D: FY 2017 WATER ENTERPRISE BUDGET	42
APPENDIX E: FY 2017 WAGE & SALARY LIST	44
MAPS FOR ARTICLES 45 & 46	45

FINANCIAL & PROPOSITION 2½ TERMS

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

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

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

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

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

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

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

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

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

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

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

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

TOWN MEETING PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

FINANCE COMMITTEE STATEMENT

A Statement to the Voters from the Wellfleet Finance Committee

TBD

ANNUAL TOWN MEETING WARRANT

Monday, April 24, 2017

The Commonwealth of Massachusetts

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

GREETING:

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

ALSO

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

Question 1 Shall the Town of Wellfleet be allowed to assess an additional \$147,300 in real estate and personal property taxes for the purpose of funding two additional firefighter/paramedic positions for the fiscal year beginning July first, 2018?

Question 2 Shall the Town of Wellfleet be allowed to assess an additional \$250,000 in real estate and personal property taxes to deposit into the Other Post-Employment Benefits (OPEB) Trust Fund in FY 2018?

Question 3 Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bonds or notes issued by the Town in order to pay costs of new bathrooms, building repairs and other capital improvements at the Baker Field recreation area for the Recreation Department, and for the payment of all other costs incidental and related thereto?

Question 4 Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bonds or notes issued by the Town in order to pay costs of purchasing a fire inspection/prevention vehicle for the Fire Department, and for the payment of all other costs incidental and related thereto?

Question 5 Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bonds or notes issued by the Town in order to pay costs of purchasing a new transportation vehicle for the Council on Aging, and for the payment of all other costs incidental and related thereto?

SECTION I: BUDGET ARTICLES

ARTICLE 1: FY 2018 Operating Budget. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2018 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2018, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

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

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

Requests to Date:

FROM	TO	AMOUNT	EXPLANATION
Free Cash	220 Fire Department OT	\$135,000	Subsidy for Over-Time due to staff retirement, resignation and long-term injury
Free Cash	220 Fire Department Contract Services	\$35,000	Subsidy to cover deficit in the FD Contract Services as a result of unforeseen pump repairs to Engine 95, Engine 89 and Engine 93.
			Fund payments to Shellfish Constable per agreement

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

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

ARTICLE 3: FY 2018 Capital Budget. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2018 Town Capital Budget, or do or act anything thereon.

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

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

ARTICLE 4: FY 2018 Marina Enterprise Budget. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2018 Marina Enterprise Fund Budget, or do or act anything thereon.

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

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

ARTICLE 5: FY 2018 Water Enterprise Budget. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the Fiscal Year 2018 Water Enterprise Fund Budget, or do or act anything thereon.

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

SUMMARY: This Article requests approval of the FY2018 Water Enterprise Fund Budget. (See Appendix D, page 41)

SECTION II: ADDITIONAL FINANCIAL ARTICLES

ARTICLE 6: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association Unit A beginning **July 1, 2017** or do or act anything thereon.

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

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

ARTICLE 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the first year of a collective bargaining agreement

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

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

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

ARTICLE 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association Unit C, beginning **July 1, 2017**, or do or act anything thereon.

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

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

ARTICLE 9: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money necessary to fund the first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union, beginning **July 1, 2017**, or do or act anything thereon.

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

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

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

Board of Selectmen: Recommendation reserved to Town Meeting.

Finance Committee: Recommendation reserved to Town Meeting.

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

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

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

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

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

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

ARTICLE 13: Other Post-Employment Benefits (“OPEB”) Appropriation. To see if the Town will vote to raise and appropriate, borrow, 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, provided that the appropriations shall be contingent on a Proposition 2 ½ Capital Outlay ballot question:

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This amount will help to fund the Town’s share of future health insurance costs for current employees and retirees. As of June 30, 2014 the actuarial valuation of Wellfleet’s unfunded liability for these costs was \$8,469,997. Fund balance as of December 31, 2016 was **\$877,000**.

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Marina Advisory Committee: Recommendation reserved to Town Meeting.

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

future capital improvements to the Marina. Fund balance as of December 31, 2016 was \$20,032.

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: With a two-thirds vote, the Town may appropriate into this fund in any year an amount not to exceed ten percent of the prior year's tax levy. These funds are a reserve to stabilize tax rates from year to year due to unexpected financial requirements. The December 31, 2016 Stabilization Fund balance was \$607,162. No funds were added to the stabilization fund at the 2015 or 2015 annual town meetings. Fund balance is currently \$231,500 below the goal in the Selectmen's fiscal policy of 5% of the operating budget.

ARTICLE 16: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$53,000, or any other sum, for the purpose of providing additional support for the Water Enterprise Fund, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Board of Water Commissioners: Recommends 3-0.

SUMMARY: This article proposes additional funding to insure that the Water Enterprise Fund has adequate reserves for anticipated future costs.

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Board of Water Commissioners: Recommends 3-0.

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

ARTICLE 18: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2018 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$29,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2017; and further to appropriate from Community Preservation Fund estimated revenues a sum of \$55,000 for open space debt service; a sum of \$3,000 to reserve for open space; a sum of \$58,000

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

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

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

Historical Commission: Recommends 0-0.

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

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

Historical Commission: Recommends 0-0.

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

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

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

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

Historical Commission: Recommends 0-0.

Local Housing Partnership: Recommends 0-0.

Housing Authority: Recommends 0-0.

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

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

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 0-0.

Housing Authority: Recommends 0-0.

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

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

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

Finance Committee: Recommends 0-0.

Community Preservation Committee: Recommends 4-0-1.

Local Housing Partnership: Recommends 0-0.

Housing Authority: Recommends 0-0.

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

ARTICLE 24: To see if the Town will vote to allow the \$324,000 that was approved under article 23 at the 2013 annual town meeting for Baker Field restrooms only be allowed to be used for not only bathroom, but for building upgrades and other improvements to the Baker Field recreation area and for the payment of all other costs incidental and related thereto.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

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

ARTICLE 25: To see if the Town will vote to appropriate the sum of \$38,000 or any other sum for the purpose of paying the cost of purchasing a fire prevention and inspection vehicle for the Fire Department and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (9) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½) or take any other action in relation thereto. *Two-thirds vote required*

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 9-0.

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

ARTICLE 26: To see if the Town will vote to appropriate the sum of \$40,000 or any other sum for the purpose of paying the cost of purchasing a replacement transportation vehicle for the Council on Aging and for the payment of all other costs incidental and related thereto, and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (9) of the General Laws, or pursuant to any other

enabling authority, and to issue bonds or notes of the Town therefore; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½) or take any other action in relation thereto. ***Two-thirds vote required***

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 9-0.

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

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

ARTICLE 27: Proposal to Amend Town of Wellfleet Demolition Delay bylaw - Article 14, Wellfleet General Bylaws

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

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

Board of Selectmen: Recommends 0-0.

Historical Commission: Recommends 5-0.

Bylaw Committee: Recommends 0-0.

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

ARTICLE 28: To see if the Town will vote to amend the General Bylaws by adding a Section to Article VII of the General Bylaws as follows:

Polystyrene Reduction Bylaw

Purpose and Intent

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

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

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

Definitions

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

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

“Food Establishments” shall mean operations, including food trucks, that store, prepare, package, serve, vend or otherwise provide food for human consumption, requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this Bylaw. As such, schools, farmers markets and other public venues are included in this Bylaw.

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

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

Use Regulations

Polystyrene food service ware and new packaging materials shall no longer be distributed or sold at any food or retail establishment or public venue beginning June 1, 2018. [Any stock remaining after that date](#)

shall be accepted for disposal free of charge at the Wellfleet Transfer Station/Recycling Center. HEALTH AGENT approved 2/23/2017; awaiting response from DPW DIRECTOR.

Permitted are:

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

Administration and Enforcement

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

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

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

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

(Request of the Recycling Committee)

Board of Selectmen: Recommends 0-0.

Recycling Committee: Recommends 5-0.

Bylaw Committee: Recommends 0-0.

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

SECTION IV: ZONING BY LAW AMENDMENT ARTICLES

ARTICLE 29 To see if the Town will vote to amend the Zoning Bylaws by amending Section VIII Administration, Sections 8.2.1 and 8.2.2 as follows: (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **bold** type.)

SECTION 8.2 PERMITS REQUIRED

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

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

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

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

(Request of the Planning Board)

ARTICLE 30: To see if the Town will vote to amend the Zoning Bylaws by amending Section VIII Administration, Section 8.4.2.4 as follows: (Deleted language appears as ~~striketrough~~ type; proposed language appears in **bold** type.)

8.4 BOARD OF APPEALS^[1]

8.4.2.4 Each application for a special permit shall be filed by the petitioner with the Town Clerk and a copy of said application, including the date and time of the filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority (SPGA). Special permits shall be issued only following a public hearing to be held within sixty-five days of the date certified by the Town Clerk of the filing of the application after filing by the applicant of an application with the SPGA and with the Town Clerk, calculated from the date certified by the Town Clerk. Special permits shall lapse within two years, **and not** including such time required to pursue or wait the determination of an appeal from the grant thereof, ~~in if~~ a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

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

(Request of the Planning Board)

ARTICLE 31 To see if the Town will vote to amend the Zoning Bylaws by amending Section VI General Regulations, Section 6.20.4 and Section VIII Administration, Section 8.4.2.4 as follows: (Deleted language appears as ~~striketrough~~ type; proposed language appears in **bold** type.)

6.20.4 Adult entertainment uses by special permit, criteria, and conditions

Expiration

A special permit to conduct an adult entertainment use shall expire after a period of ~~two~~ **three** calendar years from its date of issuance and shall be automatically renewable for successive ~~three-~~**three-**year periods thereafter, provided that a written request for such renewal is made to the special permit granting authority prior to said expiration and that no objection to said renewal is made and sustained by the special permit granting authority based upon public safety factors applied at the time that the original special permit was granted.

8.4 BOARD OF APPEALS^[SEP]

8.4.2.4 Each application for a special permit shall be filed by the petitioner with the Town Clerk and a copy of said application, including the date and time of the filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority (SPGA). Special permits shall be issued only following a public hearing to be held within sixty-five days of the date certified by the Town Clerk of the filing of the application after filing by the applicant of an application with the SPGA and with the Town Clerk, calculated from the date certified by the Town Clerk. Special permits shall lapse within ~~two years~~ **three years**, and ~~not~~ including such time required to pursue or wait the determination of an appeal from the grant thereof, ~~in~~ **if** a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

SUMMARY: In 2016 the Legislature enacted, and Governor Baker signed into law, several amendments to the Zoning Act (MGL c. 40A). Amendments to MGL c. 40A Section 9 allow, but do not require, a municipality to extend the special permit lapse period from two years to three years. Extending the lapse period allows developers and owners to adapt more easily to economic recessions and unfavorable labor and market conditions. Town Counsel has advised the Planning Board that the special permit lapse period in Sections 8.4.2.4 and Section 6.20.4 should be consistent. The additional proposed amendments to Section 8.4.2.4 would bring that section into compliance with MGL c. 40A Section 9.

(Request of the Planning Board)

ARTICLE 32: To see if the Town will vote to amend the Zoning Bylaws by amending Section IX Overlay Districts, Section 9.3.11.2 as follows: (Deleted language appears as ~~striketrough~~ type; proposed language appears in **boldface** type.)

9.3.11.2 The SPGA shall require the Applicant to post a bond at the time of construction in an amount adequate to pay the costs of removal of the RMD in the event the Town must remove the RMD. The value of the bond shall be based upon the ability to completely remove all the items noted in 9.3.11.1 and properly clean the RMD at prevailing wages. The value of the bond shall be

determined based upon the Applicant's supporting information provided to the SPGA, consisting of three (3) written bids to meet the noted requirements. Use of consultants by the SPGA may be required at the expense of the applicant when evaluating or comparing the bids. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the RMD at prevailing wages. Notwithstanding the above, the bond amount is subject to review by the SPGA every three (3) years. ~~(See "Potential Medical Marijuana Dispensary Overlay Zones" map below.)~~

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

(Request of the Planning Board)

ARTICLE 33: To see if the Town will vote to amend the Zoning Bylaws by amending Section III, Section 3.3 Zoning Map and Section IX Overlay Districts, Section 9.1.2 Districts Established and Section 9.2.2 Overlay District Defined as follows: (Deleted language appears as ~~striketrough~~ type; proposed language appears in **boldface** type.)

3.3 ZONING MAP

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

9.1.2 Districts Established

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

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

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

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

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

9.2.2 Overlay District Defined

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

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

ARTICLE 34 To see if the Town will vote to amend the Zoning Bylaw by deleting the definitions "Sign" and "Sign, Area of" from Section II, Section 2.1 Definitions and deleting Section VII Signs in its entirety, and replacing these deletions with the language below, or take any other action related thereto. (Deleted language appears as ~~striketrough~~ type; proposed language appears in **boldface** type.)

SECTION II

2.1 DEFINITIONS

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

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

SECTION VII SIGNS

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

~~7.2 SIGNS NOT REQUIRING PERMITS~~

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

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

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

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

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

~~7.3 SIGNS REQUIRING PERMITS~~

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

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

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

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

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

~~7.4 GENERAL PROHIBITIONS~~

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

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

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

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

7.5 LOCATION OF SIGNS

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

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

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

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

7.6 MAINTENANCE OF SIGNS

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

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

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

7.7 NON-CONFORMING SIGNS

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

7.8 PERMITS

~~7.8.1 No sign shall be erected or altered without a permit granted by the building Inspector,~~

~~except that signs authorized by Sections 7.2.1, 7.2.2, 7.2.3, 7.2.4 and 7.2.5 may be erected without a sign permit.~~

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

SECTION II

2.1. DEFINITIONS

Signs - See Section VII Signs.

Sign, Area of - See Section VII Signs

SECTION VII - SIGNS

7.1. OBJECTIVES

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

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

7.2. DEFINITIONS

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

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

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

7.3. ADMINISTRATION AND EXEMPTIONS

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

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

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

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

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

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

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

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

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

7.4. LOCATION OF SIGNS

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

7.4.2. Signs that project over a public right of way shall be allowed only in the Central District and only on buildings which cannot meet setback requirements. Such signs shall not project

more than 3 feet from the face of the building, and must have a minimum clearance of 9 feet above the public right of way. No Signs shall project over roadways. Signs projecting over a public right of way, including sidewalks, must be approved by the Board of Selectmen.

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

7.5. SIGNS NOT REQUIRING PERMITS

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

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

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

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

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

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

7.6. SIGNS REQUIRING PERMITS

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

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

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

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

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

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

7.7. GENERAL PROHIBITIONS

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

7.7.2. The source of any Sign's illumination which is visible from any public way or from any premises other than that upon which the Sign is located is prohibited.

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

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

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

7.7.6. Off-premises Signs are prohibited.

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

7.8. MAINTENANCE OF SIGNS

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

7.8.2. Any Sign that is deemed by the Building Inspector to be unsafe, not properly permitted, or to be a prohibited Sign must be removed forthwith upon issuance of a citation to the owner. After 30 consecutive days of non-compliance, the Building Inspector may cause the Sign to be removed

at the owner's expense, subject to constitutional limitations and pursuant to the Building Inspector's authority to enforce this Bylaw under Section 8.1. and General Laws c. 40A, §7.

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

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

ARTICLE 35: To see if the Town will vote to amend the Zoning Bylaws by repealing Section VI General Regulations, Section 6.30 Formula Business Special Permit, and by deleting the definition of “Business, Formula” from Section II Definitions, and further by deleting the reference to “Business, Formula” from the Commercial Use table in Section 5.3.2. as follows: (Deleted language appears as ~~strikethrough~~ type; proposed language appears in **boldface** type.)

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

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

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

~~6.30 FORMULA BUSINESS SPECIAL PERMIT~~ 6.30

~~(ATM 4/25/11)~~

6.30.1 Purpose

~~The purpose and intent of the Formula Business regulation is to address the adverse aesthetic, community character, and general welfare impact of standardized businesses on Wellfleet's historic and residential areas as well as gateways to the Town. Formula businesses will have a negative~~

~~impact on the town's historical and cultural relevance, unique Cape Cod rural character, and overall attractiveness as a small town, locally-oriented tourist destination. These uses are therefore restricted in order to maintain Wellfleet's distinct community and natural experiences.~~

6.30.2 Applicability

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

6.30.3 Standards and Criteria

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

- ~~1. Approval of the formula based business establishment will not substantially alter or detract from the established character of the location.~~
- ~~2. Approval of the formula based business establishment will contribute to a diverse and appropriate blend of businesses in its location.~~
- ~~3. The formula based business establishment will be compatible with existing surrounding uses; has been designed and will be operated in a non-obtrusive manner to preserve the location's community character; and the proposed intensity of uses on the site is appropriate given the uses permitted on the site and on adjoining sites.~~
- ~~4. There shall not be a substantial impact to the public safety from increased traffic. At the discretion of the Planning Board, the applicant may be required to submit a traffic study, prepared by a Registered Professional Engineer, approved by the board so as to ensure pedestrian and vehicular safety both on the site and accessing and egressing from it.~~
- ~~5. There shall not be any adverse impacts to the roadway or abutting properties from the loading area. The applicant shall submit a plan indicating the provision for rubbish removal, including the dumpster location with proper screening and buffering so that there are not any substantial adverse impacts to abutting properties.~~
- ~~6. Minimize obstruction of scenic views from publicly accessible locations; Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from~~

~~public ways or premises residentially used or zoned; Minimize glare from headlights and lighting intrusion.~~

~~7. Ensure compliance with the provisions of this Zoning Ordinance, including parking and landscaping.~~

~~8. Architecture and signage must reflect and/or compliment surrounding architecture and signage.~~

SUMMARY: The current Section 6.30 has no standing in law. As part of its October 6, 2015 decision vacating the Board of Appeals' February 8, 2012 denial of Cumberland Farms' application for two special permits, the Commonwealth of Massachusetts Land Court declared Wellfleet's 6.30 Formula Business Special Permit bylaw invalid both facially and as applied. Therefor the bylaw is no longer enforceable, and repealing it will avoid future confusion and/or possible litigation.

(Request of the Planning Board)

ARTICLE 36: To see if the Town will vote to amend the Zoning Bylaws by amending Section II, Section 2.1, Definitions and Section V, Section 5.3, Use Regulations by inserting the language below, in alphabetical order, where appropriate, or take any other action related thereto.

Section II Definitions

Section 2.1

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

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

Section 5.3.2 Use Regulations

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

SUMMARY: The appropriate use of land is regulated under the Town of Wellfleet Zoning By-Laws (WZBL). As per WZBL Section 5.2, uses not listed in WZBL Section 5.3 Use Regulations are prohibited unless the Board of Appeals "...determines that the use closely resembles in its neighborhood impact(s) a use listed as permitted or authorized under special permit, in the same zoning district." Inserting the language above into the WZBL provides clear statement of where land may be used for Food Trucks. Food Trucks operating on land other than public or private streets will be an allowed land use by Special Permit in the Central (CD) and Commercial (C) Zoning Districts, where similar uses (i.e. retail businesses and food establishments) are already permitted. Certain Food Truck uses have been exempted to 1) allow the Town of Wellfleet to continue licensing Food Trucks to operate on public land under certain circumstances, and 2) permit Food Trucks to cater private events in any zoning district.

(Request of the Planning Board)

SECTION V: DISPOSITION OF TOWN PROPERTY ARTICLES

ARTICLE 37: Disposition of Town property. Pleasant Point bulkhead land area. To see if the Town will vote pursuant to Article III, Section 7 of the Town Bylaws to transfer the care, custody and control of a parcel of land off Pleasant Point Road, approximately 10,100 square feet, as shown on a sketch plan entitled "Portion of Approved Plan of Record for DEP File # SE77-1367 for Marine Bulkhead," a copy of which is on file with the Town Clerk, being a portion of that property identified as Assessor's Map 35-1, Parcel 210, and described in a Judgment in Tax Lien Case recorded with the Barnstable Registry of Deeds in Book 13615, Page 321, from the tax title custodian for tax title purposes, to the Board of Selectmen for the purpose of conveyance to the abutting owners, being the owners of Map 35-1, Parcel 112, Parcel 113, Parcel 114 and Parcel 115, for the purpose of reconstructing the existing bulkhead, provided that the any such conveyance shall require the abutting owners to pay any and all costs and expenses associated with said conveyance, including, but not limited to, the costs of a survey, any and all permits and approvals required to reconstruct said bulkhead and legal fees, and on such other terms and conditions as the Board of Selectmen shall determine, including the payment to the Town of additional consideration for said conveyance and the imposition by the Town of any restrictions on the premises conveyed, or do or act anything thereon. *Two-thirds vote required.*

Board of Selectmen: Recommends 0– 0.

Open Space Committee: Recommend 0-0.

Finance Committee: Recommends 0– 0.

Planning Board: Recommends 0– 0.

Conservation Commission: Recommends 0– 0.

Natural Resources Advisory Board: Recommends 0– 0.

SUMMARY: The portion of the property which is proposed to be conveyed consists of approximately 10,000 square feet and is presently occupied by an existing bulkhead protecting

four residential properties and associated stairs. The existing timber bulkhead is failing and replacement has been approved by the Conservation Commission.

ARTICLE 38: To see if the Town will vote to grant “Septic System Easement Area” for 15 Kendrick Avenue for the purposes of access and repair, or do or act anything thereon. *Two-thirds vote required.*

Board of Selectmen: Recommends 0– 0.

Open Space Committee: Recommend 0-0.

Planning Board: Recommends 0– 0.

Conservation Commission: Recommends 0– 0.

Natural Resources Advisory Board: Recommends 0– 0.

ARTICLE 39: To see if the Town will vote to transfer care, custody, management and control of Assessors Map 8 Parcel 270 from the board or commission currently having custody thereof and from the purpose for which said property is currently held, to the Wellfleet Conservation Commission for open space purposes, or to do or act anything thereon.

Board of Selectmen: Recommends 0– 0.

Open Space Committee: Recommend 0-0.

Planning Board: Recommends 0– 0.

Conservation Commission: Recommends 0– 0.

Natural Resources Advisory Board: Recommends 0– 0.

Summary: The land is marshland that abuts existing conservation properties.

ARTICLE 40: To see if the Town will vote to transfer care, custody, management and control of Assessors Map 41 Parcel 189 from the board or commission currently having custody thereof and from the purpose for which said property is currently held, to the Wellfleet Conservation Commission for open space purposes, or to do or act anything thereon.

Board of Selectmen: Recommends 0– 0.

Open Space Committee: Recommend 0-0.

Planning Board: Recommends 0– 0.

Conservation Commission: Recommends 0– 0.

Natural Resources Advisory Board: Recommends 0– 0.

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

SECTION VI: UNCLASSIFIED ARTICLES

ARTICLE 41: To see if the Town will vote to continue the Charter Review Committee created by a vote of the 2016 Annual Town Meeting for 1 (one) year, and further to direct the committee to report back to the next Annual Town Meeting, or do or act anything thereon

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

SUMMARY: 2016 Annual Town Meeting vote approved creation of a 7-member Charter Review Committee and such committee was charged to report back to the next Annual Town Meeting. This article extends the Charter Review Committee's timeline so they may report back to Town Meeting voters at the 2018 Annual Town Meeting.

(Requested by the Charter Review Committee)

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a room occupancy tax on vacation rentals not currently subject to such tax; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

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

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

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

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

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

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

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

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

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

Board of Selectmen: recommends 4 – 0.

Finance Committee: recommends 5 – 2.

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

ARTICLE 43: To see if the Town will vote to request Wellfleet Selectmen authorize all Town officials to refrain from using Town funds and other resources for the enforcement of federal immigration laws in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the fourth amendment of the United States constitution.

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

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 9-0.

Summary:

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

SECTION VII: STANDARD ANNUAL ARTICLES

ARTICLE 44: To see if the Town will vote to authorize the Town Administrator or his designee to dispose of the following articles of personal property by trade in or sale, or do or act anything thereon.

None at time of printing.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 9-0.

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

ARTICLE 45: To see if the Town will vote in accordance with G. L. c. 41, §38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 0-0.

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

ARTICLE 46: To see if the Town will vote to assume liability in the manner provided by G. L. c. 91, §29 and 29A, as most recently amended, for damage that may be incurred for work to be performed by the Department of Environmental Protection of Massachusetts for improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, excluding the Herring River and Herring River Dike, in accordance with G. L. c. 91, §11, and to authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, or do or act anything thereon.

Board of Selectmen: Recommends 0-0.

Finance Committee: Recommends 9-0.

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

ARTICLE 47: To see if the Town will vote pursuant to the provisions of G. L. c. 71, §16B, to reallocate the sum of the Town's required local contributions to the Nauset Regional School District in accordance with the Nauset Regional School District Agreement, rather than according to the formula of the Education Reform Act, so-called, for fiscal year 2018, or do or act anything thereon.

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

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

SECTION VIII: STANDARD CLOSING ARTICLES

ARTICLE 48: 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 49: To act on any other business that may legally come before the meeting.

Board of Selectmen: Recommends 0-0.

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

ANNUAL TOWN MEETING WARRANT

April 24, 2017

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

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

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

Wellfleet Board of Selectmen

Dennis Murphy, Chair

Berta Bruinooge, Vice Chair

Janet Reinhart, Clerk

Helen Miranda Wilson

Jerry Houk

Constable's Return of Service

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

Date: _____

Constable: _____

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

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

APPROPRIATIONS	FY2015	FY2016	FY2017	FY2018
Operating Budget	\$15,230,157	\$15,903,219	\$16,639,217	
Capital Debt Service	\$1,507,378	\$1,270,180	\$1,546,368	
Capital Expenditures	\$1,021,555	\$625,514	\$624,248	
Articles (estimated)	\$859,457	\$1,023,749	\$800,359	
Other: Overlay, Cherry Sheet	\$557,064	\$579,459	\$477,299	
TOTAL:	\$19,175,611	\$19,402,121	\$20,087,491	

FUNDING SOURCES

Allowable Tax Levy	\$16,116,727
Receipts Reserved	\$1,542,000
<u>Other (Local Receipts, Chapter 90, etc.)</u>	\$2,428,764
TOTAL:	\$20,087,491

The total proposed Town expenditures are increased approximately 3.53%, over last fiscal year, principally because there has been an increase in the cost of expenses the Town cannot directly control such as the Town's share of employee medical insurance, retirement costs and insurance. The operating budget does not include most wage and salary increases because at press time negotiations with the remaining bargaining units were still in progress, however the estimated amount for articles includes an estimate of the cost of these wage and salary adjustments.

Not included in the funding sources above are two proposed Proposition 2 ½ overrides to fund Article 13 (\$60,000 for an additional police officer) and Article 28 (\$150,000 for additional snow and ice removal from private roads.) Other than the override for these articles and debt exclusions for proposed borrowing, the proposed budget is within Proposition 2 ½ limits.

The Capital Budget in Article 3 includes debt service (principal and interest payments due during the fiscal year on outstanding debt) and capital expenditures which do not require borrowing. Additional capital projects which require borrowing are in two separate articles: Article 29 (street sweeper); and Article 27 (engineering to extend the Municipal Water System.)



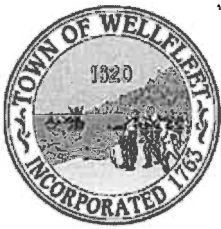
BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS E.

REQUESTED BY:	Charter Review Committee
DESIRED ACTION:	Approve bylaw amendment
PROPOSED MOTION:	<p>I move to vote to amend the town's general bylaws in Article III, section 5 so it reads as follows: Section 5. No money shall be paid from the Town Treasury without a warrant or order therefore directed to the Treasurer, signed by a majority of the Selectmen or, if so designated by the Board, one of its members and the Town Administrator. 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.</p> <p>And to insert said amendment into the April 24th, 2017 annual town meeting warrant.</p>
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS F.

REQUESTED BY:	BOS
DESIRED ACTION:	Discuss site visits to the Old COA and old Shellfish Shack that took place on February 3, 2017 and possibly consider disposition of Town property.
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELFLEET

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To: Building and Needs Assessment Committee
From: Harry Sarkis Terkanian, Chair
Subject: Shellfish Building, Old Council on Aging Building and South Wellfleet Fire Station
Date: January 20, 2017
CC: Mark Vincent, DPW Director and Paul Lindberg, Assistant DPW Director

The Board of Selectmen, through the Town Administrator, has requested recommendations from this committee on the use or disposition of the above three buildings. This memorandum is to brief the Committee on information I acquired as Town Administrator and also from a meeting and site visits with DPW Director Vincent and Assistant DPW Director Lindberg on January 20, 2017.

Existing space needs.

Both Town Hall and the DPW Building are crowded. The Town Hall contains 11 offices, two meeting rooms a break room, copy/mail room, two vaults and restrooms. There are 16 full time employees and two part time employees in the building. Departments include: IT (1 part time staff), Accounting (3 staff), Assessing (2 staff), Clerk (2 staff), Treasurer (1 staff), Collector (1 staff), Recreation (2 staff), Water and Committee Staff (1 full time and 1 part time staff) and Administration (4 staff). The basement hearing room also doubles as file storage. Meeting space is at a premium. With the advent of early voting it has been difficult to provide space with sufficient privacy for those choosing to avail themselves of this opportunity (this problem has always existed with persons voting absentee ballots in person, but prior to early voting, numbers had been low.)

The DPW building is also crowded. There are four DPW staff, five staff in the health and conservation offices and the conference room is occupied by approximately 20 file cabinets and desks for two part time inspectors, an AmeriCorps volunteer and the Zoning Board and Board of Health secretary. There are seven storage bays at the rear of the DPW building; 3 are used by the DPW, the remaining four are divided between the Shellfish, Marina and Recreation departments. Parking at the DPW building is also at a premium.

Relieving the overcrowding in these two buildings could allow for improved operations.

Shellfish Building, Kendrick Ave.

This building, originally a restroom/bath house, had in recent years been occupied by the Shellfish Department. The building is a one and one-half story 22 feet by 32 feet (704 square feet) building on a slab foundation. The building is carried as a capital asset valued by the assessors at \$82,500. Visually, the exterior and roof are in poor condition. The heating and septic systems are not functional. A December 2013 inspection

performed by Target Inspections revealed the presence of mold in significant levels. As a result the Shellfish Department office was moved to the beach sticker building at the Marina. While this move has improved the conditions under which the Shellfish Department operates, the beach sticker building has no central heat and, as a result, water is shut off during the winter leaving the occupants with no toilet facilities other than the public restrooms beyond the Harbormaster office. Heat is provided by electric space heaters. The Shellfish Building is located in a velocity (VE zone) flood zone. I understand from the DPW that the slab foundation is cracked and the septic system has failed. Given the low current assessed value of the building, it should be assumed that any repairs to the building will require full building code compliance including flood proofing. This will require raising the building (approximately eight feet) for it to be one foot above the elevation of the flood plain and will present issues for replacement of the septic system. The building was evaluated as part of an evaluation of the waterfront buildings by Turowski2 Architecture, Inc. The September 29, 2014 report is available on the town web site (See the Waterfront Needs and Building Assessment on the Projects page under the Reports and Documents section.) The architect's recommendation was "Remove the building from service/demolish." I have not physically inspected the building.

In April 13, 2014 and November 20, 2014 memoranda to the Selectmen I reported on the Shellfish Building as follows:

Waterfront Buildings. With a relocation of beach sticker sales to the Old COA renovation of the waterfront buildings would become more of a manageable project since only the Shellfish Department, Harbormaster offices and renovate restroom facilities would have to be considered. The existing Shellfish Building, which is in extremely poor condition, could be razed if deed restrictions permit.

Old Council on Aging Building, Lawrence Road.

The Old COA Building was originally a government surplus building moved to the site by Head Start under a lease of the site from the Town. The date of original construction is unknown. The building is a single story of 2080 square feet on poured concrete full basement. It is currently valued by the Town at \$91,700. The building was used by Head Start and was the original Council on Aging building. After the COA and Head Start vacated the building it was used by the Town as meeting space. A visual inspection on January 20, 2017 reveals a foundation in apparent good condition but the building structure is beyond repair and is open to the weather in places. Currently a limited portion of the basement is used as a storage area by the Harbormaster. There is a septic system and well on site and town water is available. In discussing the rehabilitation possibilities for the building, the DPW Director was of the opinion that everything above the foundation be removed and replaced by a manufactured building. If the existing 2,080 square feet provides insufficient space a slab foundation could be added adjacent to the existing foundation to support a larger structure.

Possible uses of the structure include relocation of the building health and conservation staff which would allow the recovery of the DPW conference room and provide office space for a relocated water department (the water system SCADA system terminates at the DPW building.) Additionally the basement could be used for archival document storage, the Recreation department could be relocated from Town Hall, or beach sticker sales could be relocated from the Marina. Relocating the Recreation Department to the Old COA and Water Department staff to the DPW building would free up two Town Hall

offices for use as additional meeting and voting space, to relieve congested office space or for additional staff and would provide relief to the document storage issues at town hall.. Relocating the Recreation Department would place it close to the Elementary School as most recreation programs are located either at Baker Field or the Elementary School. (Note: The possibility of relocating the Recreation Department to the Elementary School should also be examined.) Moving beach sticker sales to the Old COA would alleviate parking issues at the Marina during summer weekends and would provide an opportunity to refurbish the beach sticker building for used by the Shellfish Department.

In April 13, 2014 and November 20, 2014 memoranda to the Selectmen I reported the condition of this building and its possible use as follows:

Old COA Building. We have not yet commenced a study of this building, but the consensus is that the existing structure should be replaced with a manufactured building installed on the existing foundation. A number of uses for a reconstructed building suggest themselves, as follows. Relocation of the Recreation Department office from Town Hall to this building. This would enable the recreation department to operate out of renovated space at Baker Field during the spring, summer and fall and out of the old COA building during the winter. This places the recreation department offices proximate to where their activities are and allows the Baker Field building to remain a “three seasons” structure. It also frees up some badly needed space in Town Hall. A second use would be to use the basement for archival storage. Additional uses could include an office for the Water Department and some additional meeting space. Finally, relocating beach sticker sales to this building would provide some Marina parking relief during busy summer weekends. It is this latter use that will require coordination with renovation of the waterfront structures.

South Wellfleet Fire Station.

Constructed around 1975 the building is a single story frame structure on slab. The assessing department does not have building measurements or a value. It is essentially a two bay garage with a small attached office and mechanical space. The building garage bays are currently completely occupied by the DPW as winter storage for the street sweeper, mowers, a brush chipper, a generator and miscellaneous other equipment. The building has a heating system, a well and a septic system, but all are presently de commissioned as the office is unused. The garage bays are thought to be too small for modern fire equipment. On January 23, 2017 I met with the Fire Chief to discuss possible use of the building by the Fire Department. The Chief reported that he saw no possible use of the building by the Fire Department in the foreseeable future beyond possible use as winter boat storage. The limited space available, distance and dimensional constraints would limit the building’s utility to the department and the DPW’s storage needs would have to be met elsewhere.



TOWN OF WELFLEET

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

To: Dan Hoort, Town Administrator
From: Harry Sarkis Terkanian, Chair, Building and Needs Assessment Committee
Subject: Committee Recommendations on the Shellfish Building, Old COA Building
and South Wellfleet Fire Station
Date: January 27, 2017
CC: Committee Members, Mark Vincent, DPW Director

The following is an abstract of the draft minutes of the Committee meeting on January 25, 2017 regarding the above three buildings including the Committee recommendations. Also attached is a January 20, 2017 memorandum which provided background information for the Committee.

If you place this on a Board of Selectmen agenda, please let me know so that I can insure that the Committee is represented at the meeting.

1. Shellfish Building. The Committee reviewed a memorandum dated January 20, 2017 by Mr. Terkanian summarizing the information available to him about the condition of the three buildings on the agenda. Mr. Guilderson noted that in 2010 the Committee with the assistance of their building inspector Paul Murphy had reviewed the condition of the building and recommended its removal. After discussion it was moved by Mr. Donoghue, seconded by Mr. Horowitz and voted 4 – 0 to: “Recommend that the Shellfish Building be demolished, septic system be removed, water service capped, utilities removed and the site restored.”
2. Old Council on Aging Building. The Committee reviewed condition of the building based on the memorandum and information presented by the DPW. The building has been unoccupied for approximately ten years and is open to the weather. The DPW is of the opinion that the foundation is in good condition but the structure itself is not salvageable. It was noted that a manufactured building could be placed on the foundation at less cost than a building constructed on site. The building is secured, but the presence of an unoccupied building across the street from the Elementary School was of concern to Committee members. Possible use of the building discussed included office space for the Recreation Committee, Water Department and/or Health and Conservation, additional meeting space, beach sticker sales and use of the basement for records archive (with appropriate climate control). On motion by Mr. Horowitz, seconded by Mr. Donoghue, it was voted 4 – 0 to: “Recommend that the building be demolished and the foundation capped pending a plan to replace the structure once appropriate use of the space is determined.”
3. South Wellfleet Fire Station. The Committee reviewed the condition of the building on the memorandum and information from the DPW. The DPW has

been performing routine maintenance of the building. It was noted that the Fire Chief sees no foreseeable use of the building by the Fire Department. Since the building is essentially garage space and is actively being used by the DPW for seasonal storage of equipment, the Committee consensus was that this used continue. Mr. Guilderson recommended that restoring the building heating system to operating condition could prolong the life of the building. On motion by Mr. Donoghue, seconded by Mr. Guilderson it was voted 4 – 0 that: “The building continue to be used for DPW seasonal storage, the heating system be placed in service and the DPW continue its program of repairs for the building.”



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS G.

REQUESTED BY:	ATA
DESIRED ACTION:	Approve a grant application and sign a letter of interest for Green Communities Grant.
PROPOSED MOTION:	I move to vote to approve a grant application for the Police Station Renovation Project and authorize the Chair of the Board to sign the application and a letter of interest for the Green Communities Grant.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



TOWN OF WELLFLEET

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

MEMORANDUM

TO: BOARD OF SELECTMEN
FROM: ASSISTANT TOWN ADMINISTRATOR
SUBJECT: GREEN COMMUNITY GRANT APPLICATION – POLICE STATION RECONSTRUCTION
DATE: 2/23/2017
CC: TOWN ADMINISTRATOR

I am seeking the approval of the Board of Selectmen for the submission of a grant application to the Massachusetts Department of Energy Resources Green Communities Competitive Grant Program, the execution of the Certification Form for the application and a letter of support.

This grant application is seeking funds for the installation of the following energy efficiency measures at the newly reconstructed Police Station. The measures include: High Performance Split System Heat Pumps, Opaque Wall Insulation, Roof Insulation, High Performance Interior Lighting, Site Lighting and Lighting Controls.

The total estimated Green Communities grant request for these improvements is \$120,442 with utility incentives of \$24,195 coming from the Cape Light Compact for an estimated total project cost of \$144,618. The maximum amount of grant award per applicant for the Green Communities Competitive Grant Program shall be two hundred and fifty thousand dollars (\$250,000).

I have attached the Certification Form and a draft letter of support from the Board of Selectmen to be included with the application. I have also requested and expect to receive letters of support from the Wellfleet Police Relief Association, the Wellfleet Fire Department, our State Legislators Sarah Peake and Julian Cyr and a letter from our Owners Project Manager firm Pomroy Associates.

The anticipated electric savings (using 16.93 cents/kWh) is roughly \$18,119.16 per year.

Attachment A

Project Narrative for Town of Wellfleet

Wellfleet's Total Energy Consumption for the Previous Year in MMBTU

As described in Table 2 of the Green Community Annual Report for Wellfleet, the total energy consumption for the Town of Wellfleet in MMBTU is 10,248.

Proposed Project

Purpose: The requested funds would support energy efficiency measures that are part of a complete reconstruction project for the Wellfleet Police Station. These requested grant funds would be used to modernize the building and add efficiency improvements. The Wellfleet Police Station is located at 35 Gross Hill Road in Wellfleet. The building is located on 1.1 acres of land. It is a two story structure built into the hillside. The building has a septic system but is located on the public water supply. There is a conduit for electrical/cable between the Police Station and the Fire Station across the street.

The Town of Wellfleet constructed this combined Police and Fire Station structure in the early 1980's. The structure had served as a combined Police and Fire Department until 2009. These two departments occupied the building together with the Police Department using the upper floor and the Fire Department occupied the lower floor. Over the course of the past three decades this Public Safety Building has had numerous problems and deficiencies. Some of the building problems have been addressed, others have not. In 2004 the Town hired Keenan & Kenny Architects and had conceptual plans prepared for a major renovation of and addition to the Public Safety Building. The Town ultimately decided to reject this concept and design a stand-alone Fire Station. In 2009 the town constructed a new Fire Station across the street from this structure and the Police Department remained and has maintained operation from this location till now. Most of the space in the Public Safety Building previously used as the Fire Station is presently being utilized principally as storage. The town and police department have identified a number of physical deficiencies with the structure to continuing serving the Department and the community as a Police Station. In addition, the Police Station has a number of programmatic deficiencies. New technology and changes in public safety operations have required some modification in the facilities.

Benefits: The Town and all of its residents will benefit from a modernized building that will allow for the department to run at optimum capacity. The efficiency improvements are designed to both make the building more efficient as well as support a healthy building for its employees and other occupants.

Timeline: The reconstruction project is will begin in early 2017 and be completed by September 2018.

Procurement required and status: The Town has awarded a construction contract through an open bid process. The contract with the selected firm has been signed and is in effect. An Owners Project Manager that has been contracted for this reconstruction project and is overseeing all aspects of project implementation.

Anticipated Impact, qualitatively and quantitatively: As the voters recently approved this full reconstruction project at a Special Town Meeting in November 2016 with an increase in the real estate

taxes, any assistance with costs will help all of the taxpayers in town to mitigate the anticipated \$119 increase in real estate taxes annually.

The anticipated electric savings (using 16.93 cents/kWh) is roughly \$18,119.16 per year. These avoided costs can help the Police Department to control costs to better assist their population with policing needs in the town.

How the project supports the municipality's five (5) year ERP: Based upon Table 2 of the Green Community Annual Report for the Town of Wellfleet, the town has already realized a reduction in total energy consumption (in MMBTUs) by more than 22.2%. This project would further reduce the energy consumption by an estimated 364 MMBTU. For the buildings portion, there was an increase in usage that could be countered by this project.

Why grant funding is required to complete the project: The requested grant funds can help to mitigate the potential for any value-engineering that may remove efficiency in the construction.

Identify all permits required and the status of each permit: All permits for the construction project have been reviewed and approved by the Building Department and other required agencies. All other required permits are approved and in effect.

Identify any other approvals required, (e.g. local, state, federal, and the status of each approval needed): The project was approved at Special Town Meeting in November 2016 and passed at the ballot box in November 2016. There are no other approvals required.

Opportunities for education and outreach and a detailed plan to accomplish them: The Wellfleet Building Needs and Assessment Committee has held numerous meetings and made several public presentations to the Board of Selectmen, Finance Committee and Town citizens regarding the planning, design and final plans for this full reconstruction project. This committee will continue to keep the Town decision makers and voters educated about this project as it moves through the various phases of implementation.

Complete Accounting and Approved Budget for the Project

Hard Bid Construction Value	\$5,138,800
Architectural and Engineering Fees	\$325,000
Land Survey and Geotechnical Engineering	\$18,500
Material Testing & Building Commissioning	\$38,700
Project Management and Clerk of the Works	\$326,200
PPD Furnishings, Furniture & Equipment	\$182,000
Communications & Security Equipment	\$417,400
Utility Company Backcharges (Temp and New)	\$40,000
CATV and Fiber Optics Services	\$15,000
Moving Costs	\$30,000
Printing/Legal/Advertisements	\$14,000
Total Owner's Indirect Costs	\$1,406,800

Project Contingency	\$585,720
Total Project Cost	\$7,131,320
Total Potential Project Cost	\$7,476,320

Building Name and/or Location	Project Name (Description) ¹	Projected Project Completion (month/year) (optional)	Projected Annual Electricity Savings or Generation (kWh) ²	Projected Annual Natural Gas Savings (therms) ²	Projected Annual Oil Savings (other fuel) ²	Projected Annual Energy Savings ² (\$)	Total Project Cost (\$) ¹	GC Grant Funding (\$) ¹	Utility Incentives (\$)	Other Grants (please list source in column N) (\$)	Town Contribution (\$)	Funding Source(s) for Other Grants and Town Contribution	Audit or Study Reference	Audit or Study Page Reference(s) ⁵	Supporting Document(s) and Page Reference(s) ⁶	Part of Performance Contract? (yes or no)
Wellfleet Police Station	DOAS with VRF	Sep-18	68,146	0	0	0	\$12,266.28	\$94,666.00	\$77,829.50	\$17,036.50	\$0.00		Cape Light Compact/Wellfleet Police	4	n/a	no
Wellfleet Police Station	High Performance Split System Heat Pumps	Sep-18	2,311	0	0	0	\$415.98	\$2,806.00	\$2,218.25	\$577.75	\$0.00		Cape Light Compact/Wellfleet Police	4	n/a	no
Wellfleet Police Station	Opaque Wall Insulation	Sep-18	2,826	0	0	0	\$508.68	\$9,913.00	\$9,206.50	\$706.50	\$0.00	Please note that the project costs include only incremental costs rather than total costs.	Cape Light Compact/Wellfleet Police	4	n/a	no
Wellfleet Police Station	Roof Insulation	Sep-18	1,100	0	0	0	\$198.00	\$25,647.00	\$20,372.00	\$275.00	\$0.00		Cape Light Compact/Wellfleet Police	4	n/a	no
Wellfleet Police Station	High Performance Interior Lighting	Sep-18	20,152	0	0	0	\$3,627.36	\$10,480.00	\$5,442.00	\$5,038.00	\$0.00		Cape Light Compact/Wellfleet Police	4	n/a	n
Wellfleet Police Station	Site Lighting	Sep-18	11,344	0	0	0	\$2,041.92	\$1,000.00	\$449.52	\$510.48	\$0.00		Cape Light Compact/Wellfleet Police	4	n/a	n
Wellfleet Police Station	Lighting Controls	Sep-18	1,145	0	0	0	\$206.10	\$106.67	\$55.14	\$51.53	\$0.00		Cape Light Compact/Wellfleet Police	4	n/a	n
Wellfleet	(Insert new rows here)	N/A	107,024	0	0	0	\$19,264.32	\$144,616.67	\$120,422.91	\$24,195.76	\$0.00	\$0.00	N/A	N/A	N/A	N/A

NOTE: This table has been formatted so that the projects are directly transferable to/from Table A of the Energy Reduction Plan and Annual Reports in order to minimize the reporting burden of Green Communities.

- [1] A municipality may submit proposals for as many projects as it wishes. Projects must comply with all requirements specified in the full guidance document.
- [2] Please estimate only the projected direct annual cost and energy savings.
- [3] For other fuels, please specify in column header fuel and units (ex. gallons). DOEER will perform the calculations for MMABU and GHGs.
- [4] Total project cost = sum of all funding sources (columns 1-4)
- [5] Please note that the total grant request does not need to equal your total grant allocation at this time. For example, if an audit or engineering study needs to be performed, then this request should be for the cost of that study. A subsequent request should be made to pay for the measures/buildings audited or studied. *Please note: Only audits that are at a minimum an ASHRAE Level 2 audit will be eligible for Green Communities Grant funding.*
- [6] Please provide a specific page number/range from the audit or study that provides funding request and project details.
- [7] Proposed projects should be completed within approximately one year from contract execution.

The Wellfleet Board of Selectmen unanimously voted at their meeting held on Tuesday, February 28, 2017, to send this letter of support for the Town's grant application to the Massachusetts Department of Energy Resources and the Green Communities Competitive Grant Program for 2017.

The Town of Wellfleet is proudly designated as a Green Community and works hard every day to be an example of a community that cares about the environment and a sustainable future. The work conducted through this Board of Selectmen and the Town's Energy Committee and staff continues to be an example of our commitment to the Green Community Program and sets a standard for other municipalities to follow.

The Town of Wellfleet is submitting this competitive grant application to the Green Communities grant program to help support efforts to create an energy efficient and more sustainable Police Station. With overwhelming support from Special Town Meeting in November of 2016, and with the required approval at the ballot box, the Town of Wellfleet received appropriation and authorization to fund the \$7M Police Station reconstruction project. The contracts have been awarded and the work is just beginning.

The Town has obtained the expertise of Pomroy Associates as the Owners Project Manager and the architectural services of Kaestle Boos Associates, Inc., to oversee all aspects of this project. The project also receives oversight and guidance from the Town Building Needs and Assessment Committee and the Police Station Reconstruction Committee.

The Wellfleet Board of Selectmen urge your positive consideration and approval of this grant application and thanks you for all of your efforts to help make Massachusetts cities and towns leaders in energy conservation and environmental sustainability.

The total estimated grant request for these improvements to the newly constructed Police Station is \$120,442 with utility incentives of \$24,195 for an estimated total project cost of \$144,618.

Thank you for your consideration of this grant application.

Sincerely,

Dennis Murphy
Chair, Board of Selectmen

ATTACHMENT C – CERTIFICATION OF APPLICATION

The Certification of Application below must be completed, scanned and uploaded as a PDF file.

CERTIFICATION OF APPLICATION

The **Chief Executive Officer** must complete this certification.

I, _____ am authorized to execute said Application on behalf of -
_____, the applying municipality and verify that the
information in the Green Communities Competitive Grant Application is true.

[Signature of Chief Executive Officer]

[Title of Chief Executive Officer]

[Date]

NOTE: The Chief Executive Officer is defined as the manager in any city having a manager and in any town having a city form of government, the mayor in any other city, and the board of selectmen in any other town unless some other officer or body is designated to perform the functions of a chief executive officer under the provisions of a local charter or laws having the force of a charter.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS H.

REQUESTED BY:	SAB
DESIRED ACTION:	Extend the deadline for purchasing 2017 Commercial Shellfishing Permits under Section 6.1.4 (the <u>Hardship Exemption</u>) of the Wellfleet Shellfishing Policy and Regulations to March 15, 2017.
PROPOSED MOTION:	I move to vote that all grant holders, endorsed by the State for the harvest and sale of undersized shellfish in 2017 be allowed to apply for a 2017 Town Commercial Permit under Section 6.1.4 (the <u>Hardship Exemption</u>) of the Wellfleet Shellfishing Policy and Regulations and that all such applications must be submitted by March 15th.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

The DMF will now allow a Wellfleet aquaculturist endorsed by the State for the harvest and sale of undersized shellfish to also hold a Commercial Shellfish Permit (for fishing in the wild). Up until recently, our grant holders with that endorsement had to choose annually whether to hold a commercial permit or to farm and sell petites and gems. According to the DMF, as of yesterday, there are 32 grants holders who have this endorsement. Meanwhile, the deadline for applying for Commercial Permit slid by (see 6.1.2, below

I move that all grant holders, endorsed by the State for the harvest and sale of undersized shellfish in 2017 be allowed to apply for a 2017 Town Commercial Permit under Section 6.1.4 (the Hardship Exemption) of the Wellfleet Shellfishing Policy and Regulations and that all such applications must be submitted by March 15th.

SUMMARY:

This situation meets all three requirements in S. 6.1.4 for such exemptions.

Wellfleet Shellfishing Regulations Sections relevant to this motion:

6.1.2. Commercial Permit Requirements

Annual commercial permits will be issued from **December 31st through January 31st** of the permit year, subject to a thirty (30) day review of the application by the Shellfish Constable. Annual commercial permits are valid from Jan. 1

through Dec. 31. Permits will only be issued after the applicant has shown proof of having a valid State commercial permit with a shellfish endorsement and a valid shellfish transaction card from the DMF. [CMR 322 7.01 \(2\) g, i, k](#)

[6.1.3 Commercial Fee Schedule]

6.1.4. Hardship Exemption

The Board of Selectmen may at its discretion grant permits after January 31st if the applicant demonstrates all three of the following conditions:

- that unusual circumstances existed which would reasonably excuse a failure to file an application prior to February 1st, and
- that a substantial hardship would be caused by the refusal of a permit, and
- that the granting of the late permit would not affect the opportunity of applicants, who have applied in a timely manner, to harvest a reasonable quantity of shellfish.



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS I.

REQUESTED BY:	Ronald Martin
DESIRED ACTION:	Consider abandoning the old Town Way in South Wellfleet
PROPOSED MOTION:	TBD
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____



Board of Selectmen

Request for Placement on Agenda

Name: Ronald Martin
Address: 30 Old Bay Rd. Wellfleet, Ma 02667
Company or Organization Representing: Great Woodsfield Homeowner's Assn
Phone Number: 508 237-0176
Email Address: REM904@SBCGLOBAL.NET

Specific Request: The Planning Board requests that the Selectmen consider abandoning the old Town Way abutting the Cluster Residential Development of Cape End Realty Trust, on Route 6 in South Wellfleet. This way exists legally, but has not been used in approximately twenty years.

To be Filed out by Dept.

Applicant Notified: 2/23/17 Date of Hearing: 2/28/17

Date Request Completed: _____



TOWN OF WELLFLEET
PLANNING BOARD

WELLFLEET, MASSACHUSETTS 02667

*file -
Parent
Christ*

May 21, 1985

Gerald Houk, Chairman
David H. Ernst
Charles F. Thibodeau
Board of Selectmen
Town of Wellfleet

To the Selectmen:

The Planning Board requests that the Selectmen consider abandoning the old Town Way abutting the Cluster Residential Development of Cape End Realty Trust on Route 6 in South Wellfleet. This way exists legally, but has not been used in approximately twenty years.

Yours very truly,

Lyle B. Butts
Lyle B. Butts
Vice-Chairman

LBB:bvo



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS J.

REQUESTED BY:	Recycling Committee (Loni Briggs)
DESIRED ACTION:	Approve tax bill insert
PROPOSED MOTION:	I move to vote to approve the request of the Recycling Committee for a spring tax bill insert as printed.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

green tips

Wellfleet 2017

ENJOY ECO-FRIENDLY alternatives to throw-away plastic cups and other single-use food and beverage containers and utensils

H2O

Refill your water bottle with clean, fresh Wellfleet tap water

COMMUNITY CUTLERY

Borrow stainless steel forks, knives, spoons (service for up to 400 available). Inquire at the Wellfleet Public Library

SUPPORT CREATIVE ENVIRONMENTAL CAMPAIGNS

like Nauset Regional High School's Youth Against Plastic Pollution (YAPP) ceramic mugs project

#this is not a plastic cup

CHOOSE REUSABLE BAGS

Wellfleet has a single-use plastic bag ban. Learn more about green initiatives at wellfleetreycles.org and massgreen.org

COMPOST FOOD WASTE

In the USA, 40% of food we produce is thrown out.* Waste less now. Have a compost pile visitors can use.

* Natural Resources Defense Council

**reduce
reuse
recycle**

wellfleetreycles.org





BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS K.

REQUESTED BY:	CRS/Taxation Aide Committee
DESIRED ACTION:	Approve tax bill insert
PROPOSED MOTION:	I move to vote to approve the request of the CRS/Taxation Aide Committee for a joint insert with the spring tax bill as printed.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____
REQUESTED BY:	
DESIRED ACTION:	
PROPOSED MOTION:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Important Flood Property Protection Information

Approximately 500 structures in the Town of Wellfleet are in a high-risk flood zone known as the Special Flood Hazard Area, shown as flood zones beginning with the letters A and V on a flood map. If you are interested in ways to reduce flood risk to your home or business, the Town of Wellfleet Building Inspector, is available to discuss possible flood mitigation efforts with you. By providing a resource to discuss flood mitigation options with you, we meet requirements of the National Flood Insurance Program's Community Rating System, a program that provides discounts to flood insurance policyholders in exchange for actions taken within the Town to reduce flood risk. This service is intended to provide you with as much information as possible regarding how to protect your home or businesses from flooding. To schedule an appointment, please call the Building Department at 508-349-0309.

IMPORTANT NOTICE FOR RESIDENTS HAVING TROUBLE PAYING PROPERTY TAXES

The Wellfleet Taxation Aid Fund was established for the benefit of our elderly or disabled residents who because of income (or disability) have difficulty paying their property tax bills. Grants are made once each year, and have averaged about \$ 620. A simple application is required and all personal information and award notifications are held in the strictest of confidence. Funds for these grants are from voluntary donations from fellow Wellfleet taxpayers; no Town or other public funds are involved. We urge all eligible residents to apply for these awards. Applications for the FY18 award cycle are due Friday June 30, 2017. They are available at the Library, Town Hall and the Senior Center (COA). Assistance in filling out the application is available at the COA.

NOTE TO ALL TAXPAYERS

We wish to remind all Wellfleet taxpayers that their continued generous support of the Taxation Aid Fund is most welcome, through their voluntary contributions at tax time. No amount is too small, and all contributions are fully tax deductible. Donations can be added to your tax check, or a separate check to the T.A.F. can be sent to Town Hall, 300 Main St. We thank you very much!

Name (Please print)

Wellfleet Address

Amount Donated



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IV

BUSINESS L.

REQUESTED BY:	Bob Dubeau
DESIRED ACTION:	Consider Real Estate Transfer Tax proposal insert into 2017 Annual Town Meeting Warrant
PROPOSED MOTION:	I move to vote to insert Real Estate Transfer Tax proposal into 2017 Annual Town Meeting Warrant
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s): _____
VOTED:	Yea _____ Nay _____ Abstain _____

Article: 0.5% Real Estate Transfer Fee: A Home Rule Petition.

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a 0.5% real estate transfer tax as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF WELFLEET TO IMPOSE A 0.5% REAL ESTATE TRANSFER TAX.

Section 1. There is hereby imposed a real estate transfer tax equal to 0.5% (half percent, ½%) of the purchase price upon the transfer of any real property interest in any real property situated in the Town of Wellfleet. Said tax shall be the liability of the seller of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said tax shall not affect such liability of the seller. The tax shall be paid to the Town of Wellfleet. The receipts collected in each fiscal year shall be deposited in the Town's Affordable Housing Trust Fund.

Section 2. The following transfers of real property interests shall be exempt from the real estate transfer tax:

- (a) Transfers to the Government of the U. S., The Commonwealth, the Town of Wellfleet and to any of their instrumentalities, agencies or subdivisions.
- (b) Transfers made without additional consideration to confirm, correct, and modify transfers previously made.
- (c) Transfers with consideration of less than \$100.00 which include, but are not limited to, the following: name change, transfer into trust or out of trust where grantor and grantee are the same party.
- (d) Transfers among or between immediate family members including spouses, parents, children, grandparents, grandchildren, step parents, step children, brothers and sisters.
- (e) Transfers to any charitable organization as defined in Clause 3 of Section 5 of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.
- (f) The first \$500,000 of the purchase price shall be exempt from the tax.

Section 3. (a) The fee imposed shall be due at the time of the transfer of the real property interest. (b) The seller shall pay interest on any unpaid amount of the tax at the rate the Town collects on unpaid real estate taxes. (c) The Town shall notify a seller by registered or certified mail of any failure to discharge the amount in full of fee due. (d) All tax and interest required to be paid under this Act shall constitute a personal debt of the seller and may be recovered in an action of contract.

Section 4. This Act shall take effect on passage.

Sales in Wellfleet for Fiscal year 2017

100-200 thousand dollar sales: 3,916,900
200-300 thousand dollar sales: 7,501,800
300-400 thousand dollar sales: 16,288,725
400-500 thousand dollar sales: 23,474,300

Total for sales from 100,000 to 500,000 = 51,181,725

600-700 thousand dollar sales: 12,918,094
700-800 thousand dollar sales: 8,151,000
800-900 thousand dollar sales: 5,052,933
900-1 million+ sales: 40,078,783

Total for sales from 900,000 to a million+ = 66,200,810

Contracts .5

33,100,405

51,181,725
+ 66,200,810



0.28 .5

total 117,382,535

✓

500-600	600-700	700-800	800-900	900-1,000.000.
		725.000	862.933	1,650.000
		775.000	800.000	1,093.000
		725.000	860.000	5.100.000
		700.000	880.000	1,000.000
		795.000	800.000	1,250.000
666.935		711.000	850.000	3,400.000
668.470		712.000		1,250.000
637.500		750.000		1,500.000
660.000		753.000		
620.000		715.000		1,093.000
650.000		790.000		901.500
630.000				4,750.000
610.000				1,850.000
600.000				1,240.000
658.750				1,250.000
625.000				1,100.000
690.884				1,300.000
634.055				1,715.833
659.000				1,225.000
635.000				1,175.000
695.000				1,400.000
630.000				1,247.950
645.000				910.000
635.000				1,387.500
642.500				1,300.000
TOTAL				
21,918,044	8,151,000	4,140,842	40,028,783	65,348,729

TOTAL
P. 44

FEE'S
General

51,181,725

Total
7,500

5,052,933

40,028,783

66,200,810

51,181,725
117,382,535

Total RE



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

V

TOWN ADMINISTRATOR'S REPORT



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleetma.org

To: Board of Selectmen
From: Dan Hoort, Town Administrator
Subject: Town Administrator's Report
Date: February 24, 2017

This report is for the period February 11, 2017 through February 24, 2017.

1. General
 - a. Working to update a paper on the Shellfish industry in Wellfleet. The paper will be used when requesting funding for dredging to exhibit the impact of the shell fishing industry on the Wellfleet economy.
2. Fiscal Matters
 - a. Budget process is nearing completion.
 - b. Capital Improvement Program is being finalized.
3. Meetings
 - a. February 15 – Meeting with Wellfleet Arbor Committee.
 - b. February 16 – Police Officers union negotiations.
 - c. February 16 – Met with Jon D'Angelo of Senator Warren's office regarding dredging.
 - d. February 21 – Attended Shellfish forum presented by Local Comprehensive Plan Committee.
 - e. February 22 – Police Building Committee meeting.
 - f. February 22 – Finance Committee meeting.
 - g. February 23 – State of the Town address for Community Forum.
 - h. February 24 – Meeting with Prez Hall representatives.
 - i. February 24 – Meeting Senator Cyr and Representative Peake regarding state funding for dredging.
4. Complaints.
 - a. Snow plowing on Aaron Rich Road.
5. Miscellaneous.
 - a. Annual Town Meeting warrant is up to date. Only petitioned articles, if any, are outstanding.
 - b. Town Clerk Joe Powers and ATA Carlson are working on a training program for staff and committee/board members on open meeting law, public record requests and parliamentary procedures for running a meeting.
6. Personnel Matters:
 - a. New Town Accountant started on February 27th.
 - b. Water Clerk/Committee Secretary position is currently being advertised.
 - c. Shellfish Constable position is currently being advertised.

[illegible]



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

VII

CORRESPONDENCE AND VACANCY REPORT

Date: February 24, 2017
To: Board of Selectmen
From: Michaela Miteva
Re: Vacancies on Town Boards

Building and Needs Assessment Committee (5 Members)

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

Cable Advisory Committee (5 Members)

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

Commission on Disabilities (up to 7 Members)

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

Comprehensive Wastewater Management Planning Committee (7 Members)

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

Cultural Council (no more than 15 members)

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

Energy Committee (11 members total)

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

Finance Committee (9 members, 2 alternate)

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

Herring Warden (1 Warden, 1 Assistant Warden)

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

Personnel Board (4 members + TA + FinCom Rep)

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

Recycling Committee (11 members)

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

Shellfish Advisory Board (7 Members, 2 Alternates)

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



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

VIII

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of meeting minutes
PROPOSED MOTION:	I move to approve the minutes of February 14, 2017 as printed/as amended.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



DRAFT
Wellfleet Board of Selectmen
Minutes of February 14, 2017
Wellfleet Senior Center

Present: Selectmen Helen Miranda Wilson (at 7:05 pm), Janet Reinhart; Berta Bruinooge, Jerry Houk; Town Administrator Dan Hoort, Assistant Town Administrator Brian Carlson;

Regrets: Dennis Murphy, Chair

In the absence of Dennis Murphy, acting chair Bruinooge called the meeting to order at 7:00 PM.

Announcements, Open Session and Public Comment [7:00]

- ☐ Bruinooge encouraged the public to speak into the microphones, so they can be heard on TV.
- ☐ Hoort said that Open Cape have online form at www.opencape.org for residents and businesses to fill in for expressing interest for fiberoptic service.
- ☐ Chief Ronald Fisette said that the 2016 Police Report will be posted on the Police Station web site.
- ☐ Hoort invited the public to attend the seminar "How do we support shellfishing?" on February 21, 2017 at Wellfleet Preservation Hall.

Public Hearing(s) [7:05]

Bruinooge opened the public hearing at 7:05 pm.

Public Hearing: Application from Patrick Winslow for a 3-acre shellfish grant at Indian Neck.

MOTION 217-195: Wilson moved to approve Patrick Winslow's application for the license to use parcels #2000-10 comprising 3 acres on a plan prepared for H.Y.L.T.A. Trust and recorded with the Barnstable County Book of Deeds as Plan Book 650, page 17, for the purposes of aquaculture, for an initial period of two years. Access to the area shall be specified on the lease, as required by the Town's Shellfish Regulations, Section 7.5.1. Permission from the owner has been confirmed, pursuant to the Town's Shellfish Regulations Section 7.5. Reinhart seconded and the motion passed 4-0.

Public Hearing: To revoke the commercial shellfish license of Karl Barrio

Bruinooge explained that Karl Barrio is unable to attend due to illness.

MOTION 217-196: Reinhart moved and Houk seconded to postpone the public hearing to revoke the commercial shellfish license of Karl Barrio to February 28, 2017. The motion passed 4-0.

Appointments/Reappointments: Janice Plaue to Local Comprehensive Plan Working Group

Jan Plaue expressed her interest to serve as School Representative to the Local Comprehensive Plan Working Group.

MOTION 217-197: Reinhart moved Wilson and seconded to appoint Janice Plaue to Local Comprehensive Plan Working Group. The motion passed 4-0.

Fire Chief Rich Pauley introduced the two new full time hires of the Fire Department.

Appointment of Firefighter/Paramedic Mathew Burns

MOTION 217-198: Reinhart moved and Wilson seconded to appoint Mathew Burns to Full Time Firefighter/Paramedic. The motion passed 4-0.

Appointment of Firefighter/Paramedic Holly Kuhn

MOTION 217-199: Wilson moved and Reinhart seconded to appoint Holly Kuhn as Full Time Firefighter/Paramedic. The motion passed 4-0.

Business: Approve Change Order for the Wellfleet Police Station Renovation project for temporary and new water hook-ups.

Harry Terkanian, Chair of the Police Station Building Committee, explained the need for the change order to cover the cost for temporary and permanent water connections during construction and for the renovated building. Chief Fissette answered Wilson's question why a new water connection will be needed to meet the new building codes.

MOTION 217-200: Reinhart moved and Bruinooge seconded to approve Change Order #3 for \$10,434.88 for the Wellfleet Police Station Renovation project for temporary and new water hook-ups and authorize the Town Administrator to sign the change order. The motion passed 4-0.

Business: Review of Cape Cod Technical High School FY2018 budget request

Sup. Bob Sanborn gave a PowerPoint presentation¹ for the proposed capital improvement of the Cape Cod Regional Technical High School and the proposed FY2018 Operating Budget. The Selectmen and the Town Administrator were very impressed with the 1.89% operating budget increase for FY 2018.

MOTION 217-201: Reinhart moved and Houk seconded to approve the FY2018 Cape Cod Regional Technical High School Budget request. The motion passed 4-0.

Business: Final review of the Nauset Regional School District FY2018 budget request

Hoort gave an update on the preliminary estimate and said that Wellfleet's assessment for Wellfleet will go up by 12% and the overall draft budget request is up to 5.54%. No action was taken. Superintendent of NRSD Tom Conrad will be coming to the Board with final budget request on February 28, 2017.

Business: Vote to open the 2017 Annual Town Meeting warrant and articles review

Hoort briefly introduced the first draft of the 2017 ATM and explained that this is in effort to get the selectmen familiar with the coming warrant articles. Wilson said that the Charter Review Committee has asked to designate one Board member to sign routine bill warrants, but was not sure if this needs to be a warrant article in order for the change to take effect. Terkanian said that he believes that a vote by the Board of Selectmen is all that is needed, but will double check and report to the Board. Wilson suggested involving the Bylaw Committee and give its members opportunity to review the warrant.

MOTION 217-202: Wilson moved and Reinhart seconded to vote to open the 2017 Annual Town Meeting warrant. The motion passed 4-0.

Business: Vote to approve the 2016 Board of Selectmen Annual Report²

Wilson and Houk offered constructive suggestions to the Board of Selectmen Annual Town Report.

MOTION 217-203: Wilson moved and Reinhart seconded to vote to approve the 2016 Board of Selectmen Annual Report as revised by Wilson and Houk. The motion passed 4-0.

Business: Consider placing a Non-Binding Public Advisory Question for the 2017 Spring Ballot to protect public health & safety by moving spent fuel at Pilgrim Nuclear Power Plant to secure dry casks

Moe Barocas presented a Non-Binding Public Advisory Question³ for the 2017 Spring Ballot to protect public health and safety by moving spent fuel at Pilgrim Nuclear Power Station to secure dry casks. He talked about the age of the plant and the technology. He said that seven towns have voted to place this on

their 2017 ballots. He read the proposed ballot question. The audience expressed support by applauding Barocas.

MOTION 217-204: Reinhart moved to place a Non-Binding Public Advisory Question for the 2017 Spring Ballot to protect public health and safety by moving spent fuel at Pilgrim Nuclear Power Station to secure dry casks. Wilson seconded and the motion passed 4-0.

Business: Discussion of placing an Immigration and Civil Rights Protection article in the 2017 Annual Town Meeting Warrant

Judy Taylor & Martha Gordon presented a proposed article⁴ request by reading it. Taylor provided a background information that this was already done in 2003 as a result of the Patriot Act. It was article 47, that passed at 2003 Annual Town Meeting. She said that almost an identical to the proposed article was already placed on the Brewster Town Warrant, and other towns are considering it. Wilson supported placing this article, but suggested making sure this it is legally sound. Gordon explained that this article falls under 10th Amendment.

MOTION 217-205: Reinhart moved and Wilson seconded to place an Immigration and Civil Rights Protection article in the 2017 Annual Town Meeting Warrant. The motion passed 4-0.

Business: Shellfish Department - staffing during the period in transition

Hoort explained how he intends to handle the transition and recommended appointing John Mankevetch as Interim Shellfish Constable effective March 1, 2017. He said that he will form an advisory group to help with the hiring process and bring four finalists to the Board.

MOTION 217-206: Houk moved to appoint John Mankevetch as an Interim Shellfish Constable effective March 1, 2017. Discussion ensued, where Wilson raised concerns that during the meeting on January 24, 2017 Mankevetch said that he will not be able to enforce regulations unless there is support from the Board of Selectmen. She said that regulations should be enforced regardless of whether the Board will support it or not. Houk said that sometimes the Board of Selectmen has acted out of compassion and not always what is in black and white on paper. Bruinooge and Houk expressed confidence in the interim appointment. Reinhart seconded and the motion passed 4-0.

Business: Status of Open Cape in Wellfleet

Hoort gave a brief update on the Status of Open Cape Fiberoptic Network in Wellfleet. He confirmed that several town buildings have been connected and currently OpenCape.org is gauging interest in residential fiberoptic services. He explained that if businesses and residents like fiberoptic service, they should express interest by going to OpenCape.org and submitting a non-binding interest form. Former Fire Chief Dan Silverman shared his previous experience with the fiberoptic service and the challenges to the Cape. He encouraged people to express interest in order to get the fiberoptic infrastructure to Wellfleet.

Business: Vote to set an estimated temporary increased resident population of Wellfleet as of July 10, 2017 to be 30,000 as required by M.G.L. Ch. 138, §17.

MOTION 217-207: Wilson moved and Reinhart seconded to vote to set an estimated temporary increased resident population of Wellfleet as of July 10, 2017 to be 30,000 as required by M.G.L. Ch. 138, §17. The motion passed 3-1 (Houk).

Wilson requested to find out what the numbers were in previous years and who estimates the numbers.

Town Administrator's Report⁵

Hoort presented his report and said that he has met with Rep Peake and Senator Sear for the HRRP, and has a scheduled a meeting on Harbor dredging for next week.

Topics for Future Discussion

- Wilson requested to officially designate the Planning Board to update the Zoning Maps.
- Reinhart requested that the TA remind boards and committees to get minutes approved and posted in a timely fashion.
- Wilson requested town counsel's opinion on licensing regarding Cumberland Farms.

Correspondence⁶ and Vacancy⁷ Report

- Wilson talked about Steve Oliver's communication and allegations for Curt Felix's business establishment and asked the TA to check with the Building Inspector and Health Agent if these were true. Hoort will research this and report back to the Board.
- Reinhart suggested writing to all concerned citizens for the HRRP that the Selectmen are also concerned and care about the project. Bruinooge reminded that Dennis Murphy had already responded that all HRRP concerns should be brought to the Friends of the Herring River's attention and not to the Board of Selectmen. Wilson said that there will be a presentation by the Shellfish Advisory Board about the HRRP on February 28 and encouraged everyone to attend.

Minutes [January 24 and February 3, 2017]

MOTION 217-207: Wilson moved and Reinhart seconded to approve the minutes⁸ of January 24, 2017 as amended by Wilson. The motion passed 4-0.

MOTION 217-208: Wilson moved and Bruinooge seconded to approve the minutes⁹ of February 3, 2017 as amended by Wilson. The motion passed 4-0.

Adjournment and Executive Session

MOTION 217-194: Wilson moved and Reinhart seconded to adjourn the public meeting at 8:45 pm and enter in executive session and not go back in open session for the following reasons: Pursuant to G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining and litigation if the Chair declares that an open meeting may have a detrimental effect on the Town's bargaining position for WEA Units A, B and C. The motion passed by a roll call vote where each Bruinooge, Wilson, Reinhart and Houk said "Aye".

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials:

¹ Cape Tech Capital and Operating Budget Request for FY2018

² 2017 Board of Selectmen Annual Town Report - draft

³ Non-Binding Public Advisory Question for the 2017 Spring Ballot to protect public health and safety by moving spent fuel at Pilgrim Nuclear Power Station to secure dry casks

⁴ Proposed article to protect Civil Rights and Immigration

⁵ Town Administrator's Report of January 5, 2017

⁶ Correspondence Report of February 14, 2017

⁷ Vacancy Report of January 20, 2017

⁸ Draft minutes of 1/24/17

⁹ Draft minutes of 2/3/17



BOARD OF SELECTMEN

AGENDA ACTION REQUEST
Tuesday, February 28, 2017

IX

EXECUTIVE SESSION AND ADJOURNMENT

REQUESTED BY:	TA
DESIRED ACTION:	Adjourn public meeting and enter into executive session.
PROPOSED MOTION:	I move to adjourn the public meeting and enter into executive session and not go back in open session for the following reasons: A. To consider release of executive session minutes of December 13, 2016 and January 10, 2017.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ ROLL CALL VOTE:
VOTED:	Yea _____ Nay _____ Abstain _____