



## Wellfleet Selectboard

### **Note: Start Time of 6pm**

The Wellfleet Selectboard will hold a public meeting on **Thursday, March 16, 2023, at 6:00 p.m.** The Chapter 107 of the Acts of 2022, this meeting will be conducted solely in the virtual platform via ZOOM per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

**Join the meeting hosted in Zoom by using the following link:**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

By Phone: **phone to +1 929 205 6099** and enter **Meeting ID: 856 8960 4806** | **Passcode: 611877** Landline callers can participate by dialing \*9 to raise their hand.

**To Participate during public comment:**

- Zoom: Raise hand to be called on to speak.
- Phone: dial \*9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must be recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to outside the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at [wellfleet-ma.gov](http://wellfleet-ma.gov)

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### **I. *Announcements, Open Session and Public Comments***

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

### **II. *Business***

- A. National Opioid Settlement
- B. Ice Machine at the Pier

### **III. *Annual Town Meeting***

- A. *2023 Annual Town Meeting Warrant*
- B. *Residential Exemption Increase Warrant Article ~ Chair Curley*
- C. *Home Rule Petition Articles*
  - Year-Round Deed Restriction Home Rule Petition~ Board Member Bacon
  - Prevailing Wage Home Rule Legislative Petition. ~ Chair Curley
  - Expanded Residential Property Exemption: Home Rule Petition. ~ Chair Curley

- Home Rule Petition to Authorize the Town of Wellfleet to Establish a Real Estate Transfer Fee.

**IV. *Topics For Future Concern***

**V. *Adjourn Open Session and Enter into Executive Session ~ M.GL. c.30A, Sec. 21 purpose 7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.***

**A. Executive Session Minutes**

- July 12, 2021, ~ Reviewed by Town Counsel.
- August 9, 2021, ~ Reviewed by Town Counsel.
- November 10, 2021, ~ Reviewed by Town Counsel.
- December 17, 2021, ~ Reviewed by Town Counsel.
- February 3, 2021, ~ Reviewed by Town Counsel.
- January 20, 2022, ~ Reviewed by Town Counsel.
- May 17, 2022, ~ Reviewed by Town Counsel.
- June 6, 2022, ~ NOT VOTED
- June 7, 2022, ~ NOT VOTED
- June 10, 2022, ~ NOT VOTED
- June 16, 2022, ~ NOT VOTED
- August 23, 2022, ~ NOT VOTED
- August 30, 2022, ~ NOT VOTED
- September 1, 2022, ~ NOT VOTED
- September 27, 2022, ~ NOT FINALIZED WITH MOTIONS.
- October 4, 2022, ~ NOT VOTED
- November 15, 2022, ~ NOT VOTED
- December 20, 2022, ~ NOT VOTED
- January 12, 2023, ~ NOT VOTED
- January 17, 2023, ~ NOT VOTED

**VI. *Adjournment***



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

I

### ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

<b>REQUESTED BY:</b>	Wellfleet Selectboard
<b>DESIRED ACTION:</b>	Announcements to the board and public
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>NOTE:</b> Public comments must be brief. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

II

### BUSINESS

~ A ~

<b>REQUESTED BY:</b>	<b>Rich Waldo, Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>To review the email regarding the National Opioid Settlement</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed one will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

This litigation update is provided to government entities represented by the National Consortium and is protected by the attorney-client privilege. This is not a public record. Please place a notice of “Opioid Litigation Update” on your public meeting agendas but discuss these updates during executive session to preserve attorney-client privilege.

Dear Rebecca Roughley :

**ACTION STEP: Regardless of whether or not you have received the Participation Form Packages for the next set of national settlements, it is imperative that you schedule the New National Settlement on your March and/or early April meeting calendar. Failure to do so could jeopardize your local community’s ability to meet the April 18, 2023 sign-on deadline, which could potentially result in your local community not being able to participate and receive its portion of the settlement proceeds.**

By the end of the today, we expect all State Participation Form Packages to have gone out via *DocuSign*, other than the state of MI and MD.

### **How to Participate**

The Participation Form Packages are being sent as a “DocuSign” email from Rubris, which will include DocuSign instructions, Participation Agreements (and any other documents needed to participate, such as state MOUs or amendments to MOUs), and a cover letter describing the settlement and participation process.

If the DocuSign package needs to be executed by someone other than the individual “assigned” in the *DocuSign* package, there will be instructions to “re-assign” to the appropriate individual.

Please continue to look for the applicable documents as the **April 18th deadline to sign the same** will be on top of us before we know it. Please add the following email addresses to your “safe” list to protect against the Participation Form package being sent to a junk or spam folder: [dse\\_na3@docusign.net](mailto:dse_na3@docusign.net) and [opioidsparticipation@rubris.com](mailto:opioidsparticipation@rubris.com)

There are still a number of states that have opted not to use the Rubris *DocuSign* process and instead will be contacting eligible subdivisions on their own to solicit participation in the relevant settlements. So far these states (“wet-ink states”) are still AL, TX, OK, ID, and CO. Thus, if you are in those states, please note that the participation sign-on request is likely coming from that State’s AGO. Similarly, WV is currently on a different schedule.

### **Summary of National Settlements**

The new settlement proposals concern CVS, Walgreens, Walmart, Teva, and Allergan. These proposed settlements will provide up to \$20 billion in additional funding. The proposed settlements also include changes in corporate behavior to address the issues raised in the litigation. The amounts and general timeframes of payments are below:

- **CVS**
  - Maximum national payment (assuming 100% participation):  
\$5,022,083,578
  - Timing: Paid over 10 years.
  
- **Walgreens**
  - Maximum national payment (assuming 100% participation):  
\$5,522,528,766
  - Timing: Paid over 15 years.
  
- **Walmart**
  - Maximum national payment (assuming 100% participation):  
\$3,011,242,061
  - Timing: Primarily paid within 3 years, but if participation levels are not met until later, payment can extend over 6 years.
  
- **Teva**
  - Maximum national payment (assuming 100% participation):  
\$4,246,567,371.76
  - Timing: Paid over 6 years.
  
- **Allergan**
  - Maximum national payment (assuming 100% participation):  
\$2,372,972,184.12
  - Timing: Paid over 7 years.

As a reminder, executive summaries, FAQs, explanatory charts, settlement agreements, and other state specific information is available at the newly designed national opioid settlement website – <https://nationalopioidsettlement.com>

### **We Recommend Participation in the National Settlements**

As your outside counsel in the opioid litigation, we recommend that you participate in all of these settlements. Even though we believe the claims are strong, there is risk, uncertainty, delay, and expense associated with continued litigation against these entities. When taken together and in addition to the funding from the existing settlements, the funding from the new settlement proposals is meaningful. Accordingly, we believe it is in the best interests of our clients to participate in the proposed settlements.

**The deadline for submitting the Participations Agreements is quickly approaching, and time is running out so please make sure that these proposed National Settlements are on your March or early April meeting agendas to ensure the ability to sign-on prior to the deadline of April 18, 2023.**

As always, if you have any questions on the rollout or participation process, please feel free to reach out to [opioidsettlement@levinlaw.com](mailto:opioidsettlement@levinlaw.com).

**Peter J. Mougey**

*Shareholder/Chair, Securities & Business Litigation Department*

Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr and Mougey, P.A.

316 S. Baylen Street, Suite 600

Pensacola, FL 32502-5996

850.435.7019 (office)

[opioidlitigation@levinlaw.com](mailto:opioidlitigation@levinlaw.com)

**National Prescription Opioids Litigation Consortium**

**Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr & Mougey, P.A.**

Pensacola, Florida

[www.levinlaw.com](http://www.levinlaw.com)

**Baron & Budd, P.C.**

Dallas, Texas

[www.baronbudd.com](http://www.baronbudd.com)

**McHugh Fuller Law Group, PLLC**

Hattiesburg, Mississippi

[www.mchughfuller.com](http://www.mchughfuller.com)

**Hill, Peterson, Carper, Bee & Deitzler, PLLC**

Charleston, West Virginia

[www.hpcbd.com](http://www.hpcbd.com)

**Powell & Majestro, PLLC**

Charleston, West Virginia

[www.powellmajestro.com](http://www.powellmajestro.com)

**Greene, Ketchum, Bailey & Tweel, LLP**

Huntington, West Virginia

[www.greeneketchum.com](http://www.greeneketchum.com)

**Farrell & Fuller, LLC**

San Juan, Puerto Rico

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To ensure prompt delivery of these updates,  
please add [opioidlitigation@levinlaw.com](mailto:opioidlitigation@levinlaw.com) to your contacts and work with your IT department to ensure [levinlaw.com](http://levinlaw.com) is on your safe senders list.

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This email was sent to [rebecca.roughley@wellfleet-ma.gov](mailto:rebecca.roughley@wellfleet-ma.gov)  
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Levin Papantonio · 316 S Baylen St Ste 600 · Pensacola, FL 32502-5996 · USA

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Sincerely,  
Ryan Curley  
(508)-246-4718  
[Ryan.D.Curley@gmail.com](mailto:Ryan.D.Curley@gmail.com)





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

II

### BUSINESS

~ B ~

<b>REQUESTED BY:</b>	<b>Chair Ryan Curley</b>
<b>DESIRED ACTION:</b>	<b>To review, and approve the letter written to Representative Keating regarding the Town Pier Ice Machine</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the letter written in behalf of the Town of Wellfleet requesting funds in the sum of \$225,000. For two 5-ton ice machines to be placed at the pier.</b>
<b>SUMMARY:</b>	
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

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

www.wellfleet-ma.gov

Name, Title

Address

City, State, Zip

Subject:

Dear Representative Keating,

Wellfleet is one of the top ten ports in Massachusetts, the value of its commercial seafood landings. Wellfleet has approximately sixty commercial boats and over two hundred active commercial aquaculturists, shellfishers, and fishers. The Town estimates that around three hundred people derive their income directly from commercial fishing activities. The primary species landed are eastern oysters, northern quahogs, many other shellfish species, and fin fish. Oysters, in particular, have strict sanitation guidelines that are necessary to ensure they are safe for consumption. These guidelines require large amounts of ice suitable for human consumption. Oysters must be adequately iced from May 19<sup>th</sup> to October 19<sup>th</sup> within two hours of harvest or exposure.

Commented [RR1]: I don't understand this sentence?

There is no commercial-scale ice production anywhere within Wellfleet. As a result, shellfishers and commercial fishers often must travel to other towns to utilize their ice facilities. In particular, ice from Provincetown's pier is commonly used. Provincetown is a thirty-mile round trip from Wellfleet and can take between forty minutes to an hour and a half in driving time. This is a significant hardship to commercial fishers.

Commented [RR2]: This is great and a good way to end the paragraph

Smallholder farmers and wild harvesters characterize shellfishing in Wellfleet. Vibrio Control season occurs when shellfish production is highest, and the shellfishers constantly worry about their ice supply and the distances they have to go to procure ice. Ice is critical in maintaining a cold chain from the point of harvest to consumption. Wild harvesters are often forced to reduce their activity during the summer due to the lack of ice. Having enough ice also allows finfishers to compete on quality and receive a higher price than they otherwise would.

The Town estimates that in order to meet the demand, Wellfleet needs two 5-ton ice machines and a large ice storage container. The Town Marina is the ideal location to site the machines, and there are large flat areas allowing for easy truck access. There is a municipal

water supply readily available for ease of hook-up. The Marina serves as the Town's dedicated landing site for shellfish in the summer. A fee by volume would be charged to recover costs (water, power, maintenance). The machines could also serve the recreational and charter fleets as well. The Town, Army Corps of Engineers, and grant partners have made considerable investments within the last few years to increase the navigability of the town marina by dredging the channel, slip basion, and the federal mooring field. Having ice at the Marina enables the different user groups to further leverage the recent improvements generating significant economic returns as a result.

### **Requested Funds**

\$225,000. Includes two five-ton ice machines, ice locker, and installation.

### **Benefits**

Increase earning potential of shellfishers and fishers

Enough ice to meet demand.

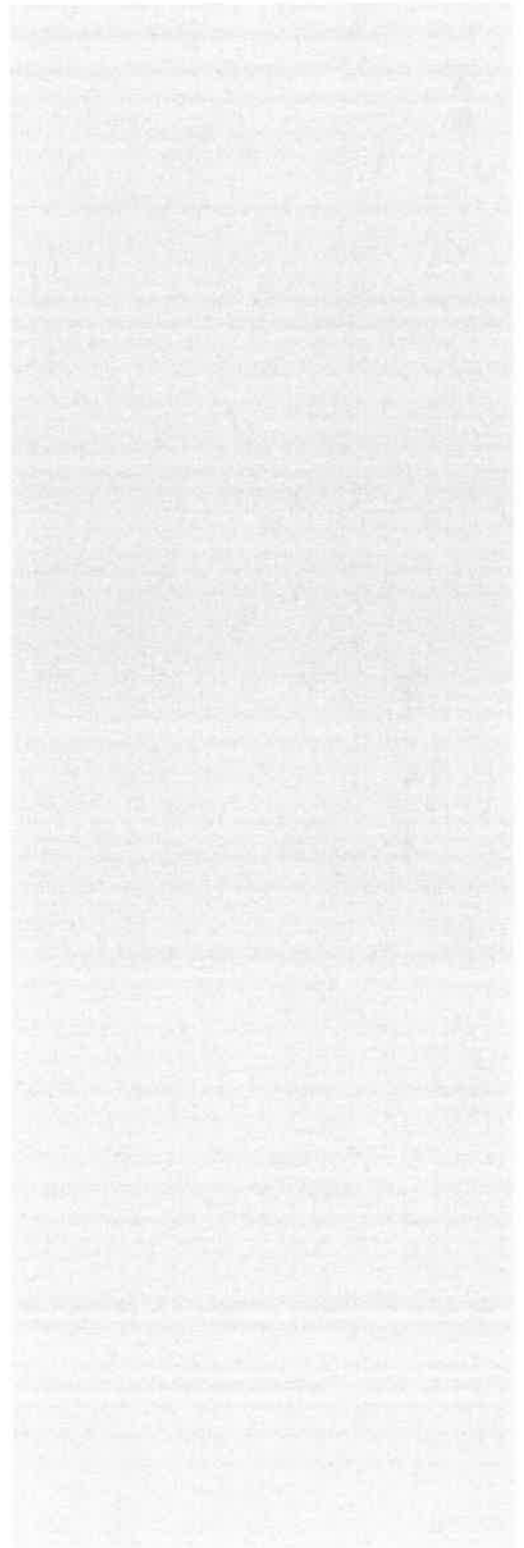
Improves the safety of shellfish

Reduce the distance traveled to procure ice, reducing the fuel use and driving time for shellfishers.

Increase appeal to commercial fishing boats and better equipped to serve the existing fleet.

Increase the appeal of local charter boats

Increase the appeal of the Town Marina for recreational boats.





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

III

### 2023 ANNUAL TOWN MEETING

~ A ~

<b>REQUESTED BY:</b>	<b>Rich Waldo, Town Administrator</b>
<b>DESIRED ACTION:</b>	<b>To review the 2023 Annual Town Meeting Warrant</b>
<b>PROPOSED MOTION:</b>	<b>I move to insert and recommend _____ warrant article as drafted and presented tonight in the 2023 Town Meeting Warrant.</b>
<b>Summary:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

III

## ANNUAL TOWN MEETING

~ B ~

<b>REQUESTED BY:</b>	Chair Ryan Curley
<b>DESIRED ACTION:</b>	To review and vote on a residential exemption increased warrant article
<b>PROPOSED MOTION:</b>	I move to insert and recommend the residential exemption increase warrant article as presented into the 2023 annual town meeting warrant.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## **Article XX Residential Exemption Increase**

Whereas significant cost increases for government services will have an impact on taxes paid by residents of the town.

Therefore be it resolved to advise the Wellfleet Selectboard to raise the residential exemption at the FY 24 annual tax classification hearing from 25% to 30%.

### **Summary:**

There have been significant increases in non-discretionary costs incurred by the town, including; insurance, employee benefits, fuel, and electricity costs, as well as the Nauset Regional School System FY24 budget. This has resulted in the need to request an operational override from voters. To offset a significant amount of the cost increases for residents, the Selectboard can set the residential tax exemption at 30%. This would take effect before the tax bills for any spending approved at this town meeting, and the ballot are produced. We are asking the voters for their opinion.

The residential exemption reduces your tax bill by excluding a portion of your residential property's value from taxation if it is your primary residence. The exemption is offset by a slight increase in the property tax for properties that are not the primary residence of the owner/s or very high-value properties. Increasing the exemption to 30% will reduce the effective net tax on a median accessed home by 4.53%. The median assessed value for FY 23 is \$794,041. At the current 25% exclusion and tax rate, an average taxpayer saves \$1,184 on their tax bill. In FY23, 773 properties claimed the exemption out of 4,248. Only 18% of Wellfleet's Residential Properties are primary residences. Increasing the exemption from 25% to 30% would save residents with a median-priced home approximately \$250 on their tax bill and increase the tax on residential properties that are not primary residences by \$56. The Selectboard voted to raise the exemption in 2021 from 20% to 25% last year to mitigate the impact of last year's override.

## **Article XX Residential Exemption Increase**

Whereas increases in the cost of government services increases the taxes paid by residents of the town.

Whereas the Nauset Regional School System has a significant increase in the FY24 budget.

Whereas insurance, employee benefits, fuel, and electricity costs have increased significantly increasing costs.

Whereas these costs necessitate asking the voters for an operational override.

Therefore, be it resolved to advise the Wellfleet Selectboard to raise the residential exemption at the FY 24 annual tax classification hearing from 25% to 30%

**Summary:** The residential exemption reduces your tax bill by excluding a portion of your residential property's value from taxation if it is your primary residence. The exemption is offset by a slight increase in the property tax for properties that are not the primary residence of the owner/s or very high-value properties. Increasing the exemption to 30% will reduce the effective net tax on a median assessed home by 4.53%. The Median assessed value for FY 23 is \$794,041. At the current 25% reduction and tax rate, an average taxpayer saves \$1,184 on their tax bill. In FY23, a total of 773 properties claimed the exemption out of a total of 4248, and only 18% of Wellfleet's Residential Properties are primary residences. Increasing the exemption from 25% to 30% will save residents with a median-priced home approximately \$250.49 on their tax bill and increase the tax on residential properties that are not primary residences by \$55.72. The Selectboard voted to raise the exemption in 2021 from 20% to 25% last year to mitigate some of the impacts of last year's override.



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023



## ANNUAL TOWN MEETING HOME RULE PETITIONS ~ C ~

<b>REQUESTED BY:</b>	<b>Kathleen Bacon, Selectboard Member</b>
<b>DESIRED ACTION:</b>	<b>To review, insert, and recommend the year-round deed restriction home rule petition</b>
<b>PROPOSED MOTION:</b>	<b>I Move to insert and recommend the year-round deed restriction home rule petition as presented into the FY 2023 ATM Warrant.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## **Article XX Year-Round Deed Restriction Home Rule Petition**

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to provide as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**Summary:** *This article will create a Home Rule Petition to allow the Town of Wellfleet to create a year-round deed restriction program to promote year-round housing occupancy. Managed by the Year Round Market Rate Rental Housing Trust (YRMRRHT), with approval from the Select Board, this program would allow the Town to purchase deed restrictions from homeowners and developers to permanently limit the occupancy of a given unit via a year-round housing occupancy restriction for rental or ownership housing. This would be a voluntary program where homeowners could sell a deed restriction to the Town, for a yet to be determined amount, whereby the deed restriction would live with the property in perpetuity and would only allow for the property to be occupied by an owner or renter who lived at the property year-round with no Area Median Income (AMI) restrictions.*



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

III

### ANNUAL TOWN MEETING HOME RULE PETITION ARTICLES ~ C ~

<b>REQUESTED BY:</b>	Chair Ryan Curley
<b>DESIRED ACTION:</b>	To review and insert the Prevailing Wage Home Rule Legislative Petition
<b>PROPOSED MOTION:</b>	I Move to insert and Recommend the Prevailing Wage Home Rule Legislative Petition it to the FY 2023 ATM Warrant.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea ____ Nay ____ Abstain ____

**ARTICLE XX: Prevailing Wage Home Rule Legislative Petition.** To see if the Town will vote to petition the General Court to enact a special act of the Town of Wellfleet, the text of which is set forth below, and that the General Court be authorized with the approval of the Selectboard to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation to secure its passage, as follows:

AN ACT RELATIVE TO THE PREVAILING WAGE IN THE TOWN OF WELLFLEET  
Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Town of Wellfleet shall be exempt from complying with Sections 26 through 27G of Chapter 149 of the General Laws for projects estimated to cost \$75,000 or less.

SECTION 2. This act shall take effect on the first day of the fiscal year following passage of this act and shall apply to taxes levied for fiscal years beginning that fiscal year and thereafter. Or to take any other action relative thereto.

(Requested by Selectboard Member  
Curley) *Majority Vote Required*

**Selectboard:  
Recommends**

**SUMMARY:** In the interest of reducing the costs borne by Wellfleet taxpayers this would exempt construction projects with a total cost under \$50,000 from prevailing wage determinations reducing the overall costs of small projects within the Town. This potentially would also open more Town projects to local tradesfolk.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

III

# ANNUAL TOWN MEETING HOME RULE PETITION ARTICLES

~ C ~

<b>REQUESTED BY:</b>	Chair Ryan Curley
<b>DESIRED ACTION:</b>	To review and insert the Expanded Residential Property Exemption: Home Rule Petition
<b>PROPOSED MOTION:</b>	I Move to insert and Recommend the Expanded Residential Property Exemption: Home Rule Petition
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

## **Article XX Expanded Residential Property Exemption: Home Rule Petition. .**

Town will vote to petition the General Court to enact a special act of the Town of Wellfleet, the text of which is set forth below, and that the General Court be authorized with the approval of the Selectboard to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation to secure its passage, as follows:

AN ACT EXPANDING THE EXEMPTION FOR RESIDENTIAL PROPERTY IN THE TOWN OF WELLFLEET

*Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:*

SECTION 1. Notwithstanding section 5C of chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as class one residential in the town of Wellfleet as certified by the Commissioner of Revenue to be assessed all local property at its full and fair cash valuation, and with the approval of the Selectboard, there shall be an exemption equal to not more than 35 per cent of the average assessed value of all class one residential parcels within the town of Wellfleet, or such other maximum percentage as may be established from time to time by the General Court; provided, however, that the exemption shall be applied only to: (i) the principal residence of the taxpayer as used by the taxpayer for income tax purposes; or (ii) a residential parcel occupied by a resident of the Town of Wellfleet, other than the taxpayer, occupied on a year-round basis and used as the resident's principal residence for income tax purposes. The town of Wellfleet may adopt and amend criteria to determine who qualifies as a resident under this act. This exemption shall be in addition to any exemptions allowed under section 5 of said chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10% of its full and fair cash valuation, except through the applicability of clause eighteenth of said section 5 of said chapter 59. Where, under the provisions of said section 5 of said chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the town of Wellfleet and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the board of assessors of the town of Wellfleet in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the Board of Assessors of the Town of Wellfleet in writing on a form approved by the board of assessors, on or before the deadline for an application for exemption under section 59 of said chapter 59. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to section 59 of chapter 59 of the General Laws.

SECTION 3. This act shall take effect on the first day of the fiscal year following passage of this act and shall apply to taxes levied for fiscal years beginning that fiscal year and thereafter.

Or to take any other action relative thereto.

*Majority Vote Required*

**Selectboard recommends**

**5-0 Finance Committee:**

**SUMMARY:** In the interest of creating and retaining year-round rental housing for residents of Wellfleet this article would allow the Selectboard to petition the General Court to expand the Residential Tax Exemption (RTE) to property owners who rent their property on a year-round basis. In order to qualify, the property would need to rent on a year-round basis to a resident of Wellfleet who declares the property to be their principal residence for income tax purposes.



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

III

# ANNUAL TOWN MEETING HOME RULE PETITION ARTICLES

~ C ~

<b>REQUESTED BY:</b>	Chair Ryan Curley
<b>DESIRED ACTION:</b>	To review and insert the Home Rule Petition to authorize the Town of Wellfleet to Establish a Real Estate Transfer Fee
<b>PROPOSED MOTION:</b>	I Move to insert and Recommend the home rule petition to authorize the Town of Wellfleet to establish a real estate transfer fee into the 2023 annual town meeting warrant
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**As Approved 5.17.21**

**Article \_\_\_ Home Rule Petition to Authorize the Town of Wellfleet to Establish a Real Estate Transfer Fee.**

To see if the Town will vote to petition the General Court to enact a special act of the Town of Wellfleet, the text of which is set forth below, and that the General Court be authorized with the approval of the Selectboard to make constructive changes in the text thereof as may be necessary or advisable in order to accomplish the intent of this legislation to secure its passage, as follows:

**AN ACT AUTHORIZING THE TOWN OF WELFLEET TO ESTABLISH A REAL ESTATE TRANSFER FEE**

*Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:*

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry



for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Seasonal" shall be defined as a period commencing April 1 of each calendar year and termination November 30 of the same calendar year.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Wellfleet acting by and through its Selectboard.

SECTION 2. There is hereby imposed a Real Estate Transfer Fee equal to (A.) fee in the amount of one (1) percent of said purchase price shall be due and payable by the seller; and (B.) a fee in the amount of one (1) percent of said purchase price shall be due and payable by the purchaser upon the transfer of any real property interest in any real property situated in the Town of Wellfleet. Said fee shall be the liability of the buyer and 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 fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Wellfleet. The first \$50,000 collected in each fiscal year shall be deposited in the Town's Capital Improvement Stabilization Fund. The remaining funds collected each fiscal year shall be deposited into the Wellfleet Affordable Housing Trust.

SECTION 3. The following transfers of real property interests shall be exempt from the Real Estate Transfer Fee:

A. First-time homebuyers who live in the home for at least five (5) years. A lien shall accompany the deed stating that "There is running with the land a lien equal to the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met."

B. Transfers to the Government of the U.S., The Commonwealth, the Town of Wellfleet and any of their instrumentalities agencies or sub-divisions, such as the Wellfleet Housing Authority and The Wellfleet Housing Trust.

C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.

D. Transfers of convenience with consideration under \$100.00 which include: name change, into trusts, out of trust, etc.

E. Transfers to any charitable organization as defined in Clause Third of Section Five 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. Transfers between immediate family members, marriage partners, parents and children, grandchildren, step-parents and step-children, brothers and sisters, or beneficiaries of an estate.

G. 120% of the previous fiscal year's median single-family home assessed value as assessed by the Wellfleet Town Assessor. This exemption shall not apply to properties occupiable on a seasonal basis only. This exemption shall not apply to properties with a sale price above \$2,000,000.

SECTION 4.

A. The fee imposed shall be due at the time of the transfer of the real property interest.

B. The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid Real Estate Taxes.

C. The Town shall notify a buyer by Registered or Certified Mail of any failure to discharge the amount in full of fee due.

E. The fee shall be paid to the Wellfleet, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Barnstable County, and the assistant recorder for the registry district of Barnstable County, shall neither record nor register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. The Town is authorized to provide for the collection and securing a lien of any outstanding transfer fee. The Town shall have such remedies to collect said amount as provided by law with respect to the collection of real property taxes. Failure to comply with this requirement shall not affect the validity of any instrument.

SECTION 5. Annual Report. The Town shall prepare and issue an annual report that (i) identifies fee receipts by payer category and unit type; and (ii) quantifies housing programs funded, including type and purpose.

SECTION 6. Severance Clause. The determination or declaration that any provision of this act is beyond the authority of the General Court or is preempted by law or regulation shall not affect the validity or enforceability of any other provisions.

SECTION 7. This Act shall take effect on passage.

*Majority vote required.*

**Selectboard Recommends**

**5-0 Finance Committee:**

**SUMMARY:** This home rule petition establishes a real estate transfer fee within the Town of

Wellfleet. The income generated by this fee will solely fund small capital projects and housing in the town. Wellfleet needs as many funding sources as possible to address our housing crisis. This fee is assessed on the sale of a property 120% over the median home value and excludes transfers between family members or beneficiaries of estates. Only the sale value over 120% of the median would be subject to the fee. This fee creates a modest but consistent source of revenue of approximately \$250,000 in a typical year and is sorely needed to start addressing Wellfleet's housing issues. The median sale price in of a single-family home in Wellfleet was \$940,000 in 2019 it was \$555,000. Since 2019 the median sale price has increased by approximately 70%.

**Commented [RC1]:** Updated summary not going to try to recalc the revenue due to the amount of work that entails. But the Estimate should be reasonably close



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

IV

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### TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

V

### Adjourn Open Session,

### Enter into executive session, not to return into Open Session

<b>REQUESTED BY:</b>	Selectboard
<b>DESIRED ACTION:</b>	To adjourn and enter into executive session
<b>PROPOSED MOTION:</b>	<p>Pursuant to G.L. c. 30A, §21(a) <i>Adjourn Open Session and Enter into Executive Session ~ M.G.L. c.30A, Sec. 21 purpose 7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.</i></p>
<b>SUMMARY:</b>	<p>Executive Session Minutes July 12, 2021, ~ Reviewed by Town Counsel. August 9, 2021, ~ Reviewed by Town Counsel. November 10, 2021, ~ Reviewed by Town Counsel. December 17, 2021, ~ Reviewed by Town Counsel. February 3, 2021, ~ Reviewed by Town Counsel January 20, 2022, ~ Reviewed by Town Counsel. May 17, 2022, ~ Reviewed by Town Counsel. June 6, 2022, ~ NOT VOTED June 7, 2022, ~ NOT VOTED June 10, 2022, ~ NOT VOTED June 16, 2022, ~ NOT VOTED August 23, 2022, ~ NOT VOTED August 30, 2022, ~ NOT VOTED September 1, 2022, ~ NOT VOTED September 27, 2022, ~ NOT FINALIZED WITH MOTIONS. October 4, 2022, ~ NOT VOTED November 15, 2022, ~ NOT VOTED December 20, 2022, ~ NOT VOTED January 12, 2023, ~ NOT VOTED January 17, 2023, ~ NOT VOTED</p>



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: March 16, 2023

VI

### ADJOURNMENT

<b>REQUESTED BY:</b>	Selectboard Chair Ryan Curley
<b>DESIRED ACTION:</b>	To Adjourn
<b>PROPOSED MOTION:</b>	I move to Adjourn open session.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____