



ANNUAL TOWN MEETING

Saturday June 26, 2021

10AM

Wellfleet Elementary School Ball Field

100 Lawrence Road

&

TOWN ELECTION

June 30, 2021

12PM-7PM

Wellfleet Senior Center

715 Old King's Highway

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 Selectboard. 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 Selectboard. 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 Selectboard. If a referendum is called by the Selectmen, it must take place within forty-five days of the Town Meeting vote.

TOWN MEETING PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

FINANCE COMMITTEE STATEMENT

A Statement to the Voters from the Wellfleet Finance Committee

To the voters and citizens of the Town of Wellfleet:

The Finance Committee (FinCom) is an advisory board to the Selectboard, the Town Administrator and Town Meeting on financial matters of concern to the voters of the Town of Wellfleet.

These include major capital, staffing and operational outlays for the town's departments as well as the financial impact of large projects like harbor dredging, water/wastewater management and affordable housing.

In 2020, the FinCom has also become more focused on understanding the potential financial consequences to the town of the COVID-19, based on whether the pandemic lasts for a year or two or becomes a longer-term phenomenon that affects the financial profile of the town.

The Finance Committee is a volunteer committee of Wellfleet residents. The committee meets monthly (or more often as necessary) throughout the year to review budgets and issues that have financial implications for the town.

The FinCom makes its budget recommendations (pro and con) by casting votes at open meetings. Its opinions are made available in the Warrant at Town Meeting alongside those of the Selectboard and other appropriate boards.

On the occasions where its financial recommendations differ from those of the Selectboard, the FinCom is always prepared to explain its reasoning in response to questions from the voters.

We continue to work with the Selectboard and the Town Administrator to keep budgets transparent and understandable for the citizens of Wellfleet. Members of the public are encouraged to attend our meetings.

Respectfully submitted,

Fred Magee, Chair

Kathy Granlund, Linda Pellegrino, Stephen Polowczyk, Jenn Rhodes, Sarah Robin, Jeff Tash, Robert Wallace, Ira Wood

ANNUAL TOWN MEETING WARRANT

Saturday June 26, 2021

The Commonwealth of Massachusetts

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

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wellfleet qualified to vote in Town Affairs, to meet in the ball field across the street from WELLFLEET ELEMENTARY SCHOOL, 100 LAWRENCE ROAD in Wellfleet on the 26th day of June 2021, at ten o'clock in the morning, then and there to vote upon the following Articles:

SECTION I: BUDGET ARTICLES

ARTICLE 1: FY 2022 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 2022 Town Operating Budget (Appendix A) and fix the salaries and compensation of all elected officers (Appendix E) of the Town for Fiscal Year 2022 or do or act anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Selectboard:

Finance Committee:

SUMMARY: This Article requests approval of the Fiscal Year 2022 Operating Budget (See Appendix A) This Article also sets the salaries of elected officials (appendix E) as per the budget and approves the budgets of the two regional school districts.

ARTICLE 2: FY 2021 Budget Transfers. To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within FY 2021 appropriations such sums of money necessary to supplement the operating of the various Town Departments; or to do or act anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Selectboard:

Finance Committee:

SUMMARY: This article requests transfers and additional funding for the FY 2021 operating budget ending June 30, 2021. Additional requests may be added at Town Meeting.

ARTICLE 3: FY 2022 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 2022 Town Capital Budget (Appendix B), or to do or act anything thereon.

(Requested by the Selectboard)

Majority Vote Required

Selectboard: recommends (5 – 0)

Finance Committee:

SUMMARY: This article is the Town’s proposed capital spending for FY 2022 and includes debt service (principal and interest) for existing long term debt.

ARTICLE 4: FY 2022 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 2022 Marina Enterprise Fund Budget (Appendix C) or do or act anything thereon.

Majority vote required.

(Requested by the Selectboard)

Selectboard: Recommends (5-0)

Finance Committee:

Marina Advisory Committee:

SUMMARY: This Article requests approval of the Fiscal Year 2022 Marina Services Enterprise Fund Budget. (See Appendix C)

ARTICLE 5: FY 2022 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 2022 Water Enterprise Fund Budget (Appendix D) or do or act anything thereon.

(Requested by the Selectboard)

Majority vote required.

Selectboard: recommends (5 – 0)

Finance Committee:

Water Commissioners:

SUMMARY: This Article requests approval of the FY2022 Water Enterprise Fund Budget. (See Appendix D)

ARTICLE 6: Prior Year Invoices. To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or to take any other action relative thereto.

4/5 Majority Vote Required

Selectboard:

Finance Committee:

SUMMARY: Requests may be presented at town meeting.

SECTION II: ADDITIONAL FINANCIAL ARTICLES

ARTICLE 7: Wellfleet Police Officers Union Contract. To see if the Town will vote to raise and appropriate funds in an amount of money sufficient to fund a one-year extension on the collective

bargaining agreement between the Town of Wellfleet and the Wellfleet Police Officers Union beginning July 1, 2021; or to do or act anything thereon.

Majority Vote Required

**Selectboard: Reserves recommendation to town meeting
Finance Committee:**

SUMMARY: Town Meeting approval is required to fund the 1st year of a collective bargaining agreement.

ARTICLE 8: Non-Union and Other Personnel Salaries & Compensation. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money sufficient to fund wage and salary adjustments for non-union and other personnel beginning July 1, 2021 or do or act anything thereon.

Majority vote required.

Selectboard: Recommends 4-0

Finance Committee: Reserves recommendation until Town Meeting.

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

ARTICLE 9: Additional Fire Department Positions. To see if the Town will vote to raise and appropriate and/or transfer from any available source of funds \$168,080, or any other sum, for the purpose of funding two new Firefighter/EMT/Paramedic positions; provided, however that no sums shall be expended hereunder unless and until the Town have voted to assess an additional \$168,000 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 ½), or do or act anything thereon

(Requested by the Selectboard and the Fire Chief)

Majority vote required

Selectboard: Recommends 5-0

Finance Committee: Recommends 9-0

SUMMARY: This article would fund the cost of adding two additional Firefighter/EMT/Paramedics. Funding, if approved would be through a Proposition 2 ½ override. Costs for each position include starting salary of each position (\$62,240), uniforms and protective clothing (\$2,000), holiday and call back costs (\$7,000) and an estimate of benefits and training costs (\$12,800). The total payroll, with estimated benefits and training costs of one position is \$84,040.

Effect on Property Taxes: If a Proposition 2 ½ override is approved a the Town election he cost of \$168,080 would add s.s cents to the tax rate and would cost the owner of a median priced (\$xxx,xxx) single-family home \$ss.ss.

ARTICLE 10: Funding for Paramedic Training Program. To see if the Town will vote to appropriate and/or transfer from Ambulance Fund the sum of \$10,000, or any other sum, for the

purpose of creating and funding a paramedic training fund to pay for paramedic training for current or future Wellfleet Fire and Rescue staff or do or act anything thereon.

(Requested by the Selectboard and the Fire Chief)

Majority vote required

Selectboard: Recommends 5-0

Finance Committee:

SUMMARY: This article would fund a paramedic training program for the Wellfleet Fire and Rescue Department with the intent to improve recruiting and retention for the Department. Paramedics who leave the department within two (2) full years of employment would be required to reimburse the Town for the full cost. Paramedics who left the department in their third (3rd) year would be required to reimburse 2/3 of the cost and those who left in their fourth (4th) year would be required to reimburse the Town for 1/3 of the costs.

ARTICLE 11 (3B): Replace two Police Cruisers. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow to the sum of \$100,000, or any other sum, for the purchase of two replacement cruisers for the Police Department, and costs related thereto. And that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Or to take any other action in relation thereto.

(Requested by the Police Chief)

2/3 Majority Vote Required

Selectboard: Recommends 5-0

Finance Committee:

SUMMARY: This article funds the replacement of two police cruisers in poor condition. Both are becoming significantly more expensive to maintain and frequently are out of service compromising the department's emergency response capabilities.

Effect on Property Taxes: If a debt exclusion is authorized at the Town election these funds would be borrowed. The cost of \$100,000 would be borrowed over five years and would add \$1.1 cents to the tax rate in the first year and would cost the owner of a median priced (\$538,524) single-family home \$5.81.

ARTICLE 3C: Replace Fire & Rescue Command Car 81. MOVED TO CAPITAL BUDGET 5/17/21

ARTICLE 12 (3E): Portable Radio Replacements (12 Mobile / 32 Portable). To see if the Town will vote to raise and appropriate, transfer from available funds or borrow \$85,000, or any other sum, for the purchase of portable radio replacements for the Fire Department, and costs related thereto. And

that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or to take any other action in relation thereto.

(Requested by the Fire Chief)

2/3 Majority Vote Required

Selectboard: Recommends 4-0

Finance Committee:

SUMMARY: This article requests authorization to purchase portable radio replacements for the Fire Department.

Effect on Property Taxes: If a debt exclusion is approved at the Town election these funds will be borrowed. The cost of \$85,000 would be borrowed over five years and would add \$0.008 to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home \$4.76.

ARTICLE 13 (3F): Emergency Response Vessel Replacement. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$290,000, or any other sum, for the purchase of an emergency response vehicle for the Marina Department, and costs related thereto. And that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Or to take any other action in relation thereto.

(Requested by the Harbormaster)

2/3 Majority Vote Required

Selectboard: Recommends 5-0

Finance Committee:

Marina Advisory Committee:

SUMMARY: This article requests authorization to purchase a replacement emergency response vehicle for the Marina Department.

Effect on Property Taxes: If a debt exclusion is approved at the Town election these funds will be borrowed. The cost would be borrowed over five years and would add \$0.022 to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home \$12.07.

ARTICLE 3G: All-Terrain Forklift. REMOVED 5/17/21

ARTICLE 14 (3D): Replacement ¾ ton Pick-up Truck & Plow. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$60,000, or any other sum, for the purchase of a replacement ¾ ton pick-up truck and plow for the Department of Public Works, and costs related thereto. And that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Or to take any other action in relation thereto.

(Requested by the DPW Director)

2/3 Majority Vote Required

Selectboard: Recommends 4-0

Finance Committee:

SUMMARY: This article requests authorization to purchase a replacement for a 2003 ¾ ton pick-up truck and plow package for the Department of Public Works.

Effect on Property Taxes: If a debt exclusion is approved at the Town election these funds will be borrowed. The cost of \$60,000 would be borrowed over five years and would add \$0.006 to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home \$3.55.

ARTICLE 15 (3J): Transfer Station Roll-Off Truck Replacement. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$240,000, or any other sum, for the purchase of a replacement transfer station roll-off truck for the Department of Public Works, and costs related thereto. And that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 M.G.L. c. 59, §21C (Proposition 2½). Any

premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Or to take any other action in relation thereto.

(Requested by the DPW Director)

2/3 Majority Vote Required

**Selectboard: Recommends 4-0
Finance Committee:**

SUMMARY: This article requests authorization to purchase a replacement transfer station roll-off truck for the Department of Public Works. The current truck is a model year 2001 truck.

Effect on Property Taxes: If a debt exclusion is approved at the Town election these funds will be borrowed. The cost of \$240,000 would be borrowed over five years and would add \$0.022 to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home \$12.02.

ARTICLE 3K: Replace Guard Shack and Build Canopy Extension at Transfer Station. REMOVED 5/17/21

ARTICLE 3L: Roof Replacement, Old S. Wellfleet Fire Station. REMOVED 5/17/21

ARTICLE 3M: Keller's Corner Revetment. REMOVED 5/17/21

ARTICLE 16 (3N): Mayo Creek Revetment & Engineering. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$50,000, or any other sum, for the purchase of engineering services for a revetment for Mayo Creek for the Department of Public Works, and costs related thereto. And that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Or to take any other action in relation thereto.

2/3 Majority Vote Required

Selectboard: Recommends 5-0

Finance Committee:

SUMMARY: This article requests authorization to purchase engineering services for replacing the revetment at Mayo Creek.

Effect on Property Taxes: If a debt exclusion is approved at the Town election these funds will be borrowed. The cost of \$50,000 would be borrowed over five years and would add \$0.004 to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home \$2.41.

ARTICLE 30: Repair and Resurface Mayo Beach Basketball Court. REMOVED 5/17/21

ARTICLE 17 (3P): Replacement of Baseball Backstops at Baker’s Field. To see if the Town will raise and appropriate, transfer from available funds or borrow the sum of \$35,000, or any other sum, to replace the backstops at Baker’s Field, and costs related thereto. And that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Or to take any other action in relation thereto.

2/3 Majority Vote Required

Selectboard: Recommends 5-0

Finance Committee:

Recreation Committee:

SUMMARY: This article requests authorization to fund the replace of the backstops at Baker’s Field which are in disrepair.

Effect on Property Taxes: If a debt exclusion is approved at the Town election these funds will be borrowed. The cost of \$35,000 would be borrowed over five years and would add \$XX to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home \$XX.

ARTICLE 3Q: Replace Marina Bandstand Awning. REMOVED 5/17/21

ARTICLE 3S: Town Hall Shelving MOVED TO CAPITAL BUDGET 5/17/21

ARTICLE 3T: Microfilm Town Records MOVED TO CAPITAL BUDGET 5/17/21

ARTICLE 18 (3U): Amend Rate of Local Excise Tax on Short Term Rentals. To see if the Town will vote to amend the applicable local excise tax rate imposed on occupancy pursuant to M.G.L. c. 64G, §3A to six (6.00%) percent, effective on January 1, 2022, or take any other action in relation thereto.

Majority vote required.

Selectboard: Recommends (4 - 1)

Finance Committee:

SUMMARY: This article proposes raising the tax on short term rentals and room occupancy taxes from the current rate of 4% to 6% effective this January 1st.

ARTICLE 19 (3V): Main Street/Rt. 6 Engineering Design. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow to the sum of \$138,000, or any other sum, for the purpose of preparing a study, plans and designs, permitting and preparation of construction and other related documents as required by the Commonwealth of Massachusetts in preparation for Route 6 and Main Street intersection improvements, and that to meet this appropriation the Town Treasurer, with the approval of the Selectboard, be and hereby is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7 (5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; 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 M.G.L. c. 59, §21C (Proposition 2½). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Or to take any other action in relation thereto.

2/3 Majority Vote Required

Selectboard: Recommends (5 - 0)

Finance Committee:

SUMMARY: This article requests additional borrowing authority to fund the continuing design process for the Route 6/Main Street intersection.

ARTICLE 20 (): Wastewater Commercial Street PRB Hydrogeological Assessment & Engineering. To see if the Town will vote to appropriate a sum of money, not to exceed \$50,000, for engineering & hydrogeological assessment for a Permeable Reactive Barrier at 117 & 111 East Commercial Street, Assessor's Map 15 Parcels 106 & 107, 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 Selectboard be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 8 of the General Laws, or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, 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.

2/3 Majority Vote Required

Selectboard:

Finance Committee:

Conservation Committee:

Comprehensive Wastewater Management Planning Committee:

SUMMARY: Duck Creek is one of the most significantly nitrogen impaired embayments in Wellfleet. A permeable reactive barrier is a carbon source that removes nitrogen and other pollutants from groundwater. Several other Cape Cod towns are using PRBs as a means to

address nitrogen loading in their water bodies. This authorization is for the initial hydrological assessments and design of the PRB. The Town will seek grant sources, SRF financing, Cape Cod Water Protection Funds, Section 319 Federal grants, Massworks, USDA, EPA, DEP, and other sources of support that cannot be applied for without a Town commitment.

ARTICLE 21 (19): Wastewater Mitigation/ 95 Lawrence Rd Cluster Wastewater Treatment Facility. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, not to exceed \$1,931,886, or any other sum, for the purpose of, designing, permitting, and constructing of wastewater facilities in conjunction with an Affordable Housing Project at 95 Lawrence Road, including connecting nearby Town buildings in Phase I, 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 8 of the General Laws, or pursuant to any other enabling authority including the Massachusetts Water Pollution Abatement Trust, 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.

2/3 Majority Vote Required

Selectboard recommends (5 - 0)

Finance Committee:

Housing Authority:

Board of Health:

Natural Resources Advisory Board:

Comprehensive Wastewater Planning Management Committee:

SUMMARY: The Town is contractually obligated as part of the 95 Lawrence Rd Housing Project's Request For Proposals to provide part of the costs for advanced wastewater treatment facilities located at this site. The plan is to install a cluster system servicing both the housing project and the Wellfleet Elementary School, the Police Station, and Fire Station in Phase I. Connecting these town-owned buildings will result in a net improvement of water quality in the neighborhood even after accounting for the housing project. Phase II is planned to connect a number of the surrounding properties to this system which will cost significantly less money than individual septic system upgrades, a centralized sewer system, or any other means evaluated. This project will result in a net reduction of groundwater pollution and nutrient loading in the Duck Creek Watershed. This authorization would enable to Town to seek grant sources, State Revolving Fund financing, Cape Cod Water Protection Funds, Section 319 Federal grants, Massworks, USDA, EPA, DEP, and other sources of support that cannot be applied for without a Town commitment.

ARTICLE 22 (27): Chapter 90 Funds; To see if the Town will vote to authorize the Selectboard to apply for and accept State Grants from the Massachusetts Department of Transportation Highway Division (Chapter 90), and to expend those funds for the purposes of state approved Chapter 90 projects, services, and purchases; or to do or act anything thereon.

Majority Vote Required

Selectboard recommends (4 - 0)

Finance Committee:

SUMMARY: This Article requests approval to give the Selectboard authority in which to, apply for, accept, and expend funds from Chapter 90 sources.

ARTICLE 23 (29): Public, Educational and Governmental (PEG) Access and Cable Related Fund To see if the town will vote to accept the provisions of M.G.L. Chapter 44 Section 53F ¾ for the purpose of establishing a PEG Access and Cable Related Fund. And further to appropriate from the PEG Access and Cable Related Fund; or to do or act anything thereon.

Majority Vote Required

Selectboard recommends (5 - 0)

Finance Committee:

Cable Advisory Committee:

SUMMARY: This Article requests acceptance the statute creating a fund to manage cable TV license fees. It formalizes Wellfleet's current practice.

ARTICLE 24 (30): Shellfish Revolving Fund Spending Limit. To see if the Town will vote to establish a spending limit for FY2022 of \$50,000 for the Shellfish Revolving Fund established pursuant to MGL Chapter 44, Section 53E½.

Majority vote required.

Selectboard Recommends: 5-0

Finance Committee:

Shellfish Advisory Board:

SUMMARY: The purpose of this article is to establish the spending limit for the Shellfish Revolving Fund which was established for propagation efforts. The Shellfish Department's propagation efforts include the seeding of quahogs and oysters in all Wellfleet waterways which also contributes to improving water quality and natural oyster set in our harbor to benefit growers and spat collectors. This revolving fund takes the responsibility for funding the shellfish department's budget line 180 out of the taxpayer's pockets and puts it in the hands of those who make their living in the shellfish industry and those who harvest shellfish recreationally. The Shellfish Propagation Revolving Fund revenues will be derived from shellfish grant revenue and permit fees. The Revolving Fund expenditures may be used for the propagation, cultivation, protection and study of shellfish only.

ARTICLE 25 (35): Disposal of Dredging Spoils. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$25,000, or any other sum, for the purpose of investigating and recommending practical engineering methods to determine alternatives for the disposition of dredging spoils, to reduce the scope and expense of future North Channel Harbor dredging projects, or do or act anything thereon.

(Request of the Natural Resources Advisory Board.)

Majority Vote Required

Board of Selectmen: Recommends 5-0

Finance Committee: Recommends

Marina Advisory Committee: Recommends
Natural Resources Advisory Board: Recommends

SUMMARY: This article seeks funding for a study of Wellfleet's Marina to evaluate and develop an engineering and permit plan to distribute North Channel dredging spoils ("black custard") onto the marshes of Duck Creek, replacing the way they are currently disposed of,

ARTICLE 26 (42): Wellfleet Harbor Flora and Fauna Survey. To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of \$60,000, or any other sum, for the purpose of broadly initiating a field survey of the fauna and flora in Wellfleet harbor, especially shellfish and finfish, as a basis for future actions to preserve and enhance this environment, or to do or act on anything thereon.

(Request of the Natural Resources Advisory Board)

Majority Vote Required

Selectboard recommends (5 - 0)

SUMMARY: This article seeks funds to complete a broad overview of the state of Wellfleet harbor as recommended in the Harbor Management Plan (March 2021). It replicates a study by the Division of Marine Fisheries, which is now nearly 50 years old. Current funding is for a harbor wide study of shellfish and finfish. NRAB views this work as a critical step in establishing a baseline for future management, as well as identifying and preserving the health of the harbor in view of climate change and other environmental impacts.

SECTION III: COMMUNITY PRESERVATION ARTICLES

ARTICLE 27 (21): Community Preservation – Administrative Expenses, Debt Service, and Allocation of Reserves. To see if the Town will vote to hear and act on the report of the Community Preservation Committee (CPC) on the Fiscal Year 2022 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$34,815.75 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2022; and further to appropriate from Community Preservation Fund estimated revenues a sum of \$30,450.00 for open space debt service; a sum of \$39,181.50 reserve for open space; a sum of \$69,631.50 to reserve to for community housing; and further to reserve for future appropriation a sum of \$69,631.50 for historic resources as recommended by the Community Preservation Committee, as well as a sum of \$452,604.75 to be placed in the 2022 Budgeted Reserve for general Community Preservation Act purposes, or do or act anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Board of Selectmen: Recommends 5-0

Finance Committee:

Community Preservation Committee: Recommends 7-0

SUMMARY: This is an annual CPC housekeeping article. Out of a total projected revenue figure of \$696,315.00 for Fiscal Year 2022, \$34,815.75 is the 5% of estimated for administrative expenses, as provided by the Community Preservation Act. Open Space's 10% is allocated as the funding source for Land Bank debt service in the capital budget. There is a remainder of \$39,181.50 to be placed in an Open Space Reserve after debt service has been

met. This is the last year that Community Preservation funds are needed for Open Space debt service. Community Housing's 10%, and Historic Resources' 10% are reserved respectively for housing and historic preservation purposes. The balance of \$452,604.75 is reserved for approved CPA projects in any category including Recreation.

ARTICLE 28 (22): Community Preservation – Affordable Housing Trust \$500,000. To see if the Town will vote, pursuant to MGL c.44B, to appropriate \$54,632.00 from the Community Preservation Fund budgeted housing reserve and \$445,368.00 from projected Fiscal Year 2022 revenues for a total of \$500,000.00 to contribute to the cost of, and thereby support, for building the financial capacity of Affordable Housing Trust, or do or act anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Board of Selectmen: Recommends 5-0

Finance Committee:

Community Preservation Committee: Recommends 7-0

Housing Authority:

Local Housing Partnership:

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

ARTICLE 29 (23): Community Preservation – Veterans Home \$15,000. To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2022 housing reserve, the sum of \$15,00.00 to contribute to the cost of the Veterans Home in Dennis, offering supportive housing to homeless veterans from the Cape and Islands Veterans Outreach Center and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof, or do or act anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Board of Selectmen: Recommends 5-0

Finance Committee:

Community Preservation Committee: Recommends 7-0

Housing Authority:

Local Housing Partnership:

SUMMARY: The five-bedroom home in Dennis, located at 1341 Route 134, will provide temporary housing, counseling, case management, monitoring by a registered nurse, employment training, and financial and nutritional counseling for veterans to help empower them to move forward into their own independent and sustainable living situations. The facility will be open to veterans from all Cape towns. It is the nearest housing available for Wellfleet veterans, who number 192, according to census data.

ARTICLE 30 (24): Community Preservation – Lower Cape Housing Institute \$7,500.00. To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Undesignated Fund Balance the sum of \$7,500.00 to contribute to the cost of, and thereby support, for

the continuance of the Community Development Partnership sponsored Lower Cape Housing Institute in Fiscal Year 2022 and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof or do or act anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Board of Selectmen: recommend 5-0

Finance Committee:

Community Preservation Committee: Recommends 7-0

Housing Authority:

Local Housing Partnership:

SUMMARY: The Community Development Partnership (CDP) is offering the Lower Cape Housing Institute for a fifth year. The CDP seeks contributions from the eight participating towns towards the costs of continued training and technical assistance to develop better understanding of Community Housing needs and to support the town in meeting its housing production goals. Sessions are free to Town officials and other interested parties.

ARTICLE 31 (25): Community Preservation – Ephemeral Historical Artifacts \$12,000.

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund Fiscal Year 2022 historical reserve, the sum of \$12,000.00 to the Wellfleet Historical Society & Museum for the purpose of the preservation and storage of museum artifacts and to authorize the Selectboard to enter into a grant agreement to set forth the terms and conditions thereof or do or act anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Board of Selectmen: Recommends 4-0

Finance Committee:

Community Preservation Committee: Recommends 7-0

SUMMARY: Sensitive materials such as old maps, textiles, paintings, documents on paper, photographs, postcards and prints require specific types of storage, including consistent humidity and temperature levels, and acid free containment. The Historical Society & Museum project would provide a designated storage area to protect the donations that have been entrusted to their care and add security cameras to critical areas in the museum.

ARTICLE 32 (26): Community Preservation – Stage for Baker’s Field Pavilion \$17,450.

To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Undesignated Fund Balance the sum of \$17,450.00 for the purchase of a stage for the Baker’s Field Pavilion, and to enter into a grant agreement to set forth the terms and conditions thereof, or to do or act anything thereon.

(Requested by the Community Preservation Committee)

Majority Vote Required

Board of Selectmen: Recommends 4-0

Finance Committee:

Community Preservation Committee: Recommends 7-0

Recreation Committee:

SUMMARY: An upgraded stage system will increase the types of events offered at Baker's Field Pavilion and enable the Recreation Department to offer popular programming into the shoulder seasons. The proposed stage is for a durable 12'x16'x24-48" all terrain structure appropriate to the setting and easily stored and set up as needed.

SECTION III: DISPOSITION OF TOWN PROPERTY ARTICLES

ARTICLE 33 (32): Disposition of Town Land Map #30, Parcel #14. To see if the Town will vote to transfer care, custody, management and control of Assessors Map 30, Parcel 14 Town owned property from the board or commission currently having custody thereof and from the purpose for which said property is currently held, to the Selectboard for the purpose of selling upon such terms as the Selectboard deems to be in the best interest of the Town.

2/3 Majority Vote Required

Selectboard:

Open Space Committee: Reserve recommendation until Town Meeting.

Planning Board:

Conservation Commission: Reserves recommendation until Town Meeting.

Natural Resources Advisory Board:

SUMMARY: This 2.00 acre parcel of land in a subdivision is land-locked and is near Kincaid Street and the Rail Trail extension. If the Town decides to allow the Selectboard to offer it for sale, it will be done through a bidding process.

ARTICLE 34: Disposition of Town Land: Transfer of Map #30, Parcel #186 and Map #42, Parcel #137 to Conservation Commission. To see if the Town will vote to transfer care, custody, management and control two properties shown on Assessor's Map 30, Parcel 186, Map 42, Parcel 137 for purposes of open space conservation or to do or act anything thereon.

2/3 Majority Vote Required

Selectboard Recommend 4-1

Open Space Committee: Recommends

Conservation Commission: Recommends

SUMMARY: Map 30-Parcel 186 is a 2.06 acre wetlands marsh property in Blackfish Creek abutting conservation lands owned by the Wellfleet Conservation Trust and Mass Audubon Society. Map 42 – Parcel 137 is 3.26 acres of wetlands marsh in the Fresh Brook Estuary and abuts the Town owned Bayberry Hill Conservation Land and Trail property off Lt. Island Road.

SECTION V: UNCLASSIFIED ARTICLES

ARTICLE 35 (33): Accept Layout of High Toss Road. To see if the Town will vote to accept as a Town way the road known as High Toss Road, between Pole Dike Road and Duck Harbor Road, as heretofore laid out by the Selectboard and shown on a plan entitled "Plan of Land High Toss Road, Wellfleet, MA Being a 40' Public Way as Laid Out by the Town of Wellfleet," dated April 6, 2020, prepared by Outermost Land Survey, Inc., and on file with the Town Clerk, and to authorize the Selectboard to acquire on behalf of the Town by gift, purchase, or eminent domain an easement to use

High Toss Road, as herein described, for all purposes for which public ways are used in the Town of Wellfleet, and drainage, utility, access, and/or other easements related thereto, or do or act anything thereon.

Majority vote required

Selectboard: Recommends (5 – 0)

Planning Board: Recommends

SUMMARY: This Article authorizes the Town to secure title to High Toss Road between Pole Dike Road and Duck Harbor Road. The Town has maintained this section of road for years, but does not have clear title to the land. Accepting the road as a Town way will facilitate permitting and funding the Herring River Restoration Project.

ARTICLE 36 (37): Underground Fuel Tanks at the Marina. To see if the Town will vote to amend the action taken by the Town under Article 23 of the 2019 Annual Town Meeting to provide that the replacement marina fuel storage tanks shall be below ground rather than above ground, or take any other action in relation thereto.

Majority Vote Required

Selectboard: Recommends (5 – 0)

Marina Advisory Committee: Recommends

SUMMARY: At the 2019 Town Meeting, the town voted to appropriate the sum of \$526,208 or any other sum for the purpose of removing the existing fuel storage tanks at the Marina and purchasing and installing new above ground fuel storage tanks at the Wellfleet Marina and for the payment of all other costs incidental and related thereto. After getting the engineering work done it was deemed that underground tanks were a more suitable option. This vote will allow the Town to use the funding that has already been appropriated to locate the fuel tanks in the optimal location.

SECTION VI: BYLAWS, INITIATIVE PETITIONS

ARTICLE 37 (31): 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 WELLFLEET 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

1. 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 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."

C. 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.

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

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

F. 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.

G. Transfers between immediate family members, marriage partners, parents and children, grandchildren, step-parents and step-children, brothers and sisters, or beneficiaries of an estate.

H. 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.

D. 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 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. According to the Cape and Islands Association of Realtors, the median sale price in Barnstable County has jumped 48.5% and 27.5% in Wellfleet compared to last year. The median sale price for the year to date in Wellfleet for a single-family home is \$760,000.

ARTICLE 38 (36):Prevailing Wage 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 \$50,000 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 (5 – 0)

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.

ARTICLE 39 (38): Agricultural Commission. To see if the Town will vote to authorize the Selectboard to establish an Agricultural Commission for the Town of Wellfleet to encourage the

pursuit and promotion of agriculture and agricultural based economic opportunities in Wellfleet, and further, to authorize the Selectboard to create a charge for the Commission regarding its composition, purpose, duties and responsibilities.

Majority Vote Required

Selectboard: Recommends (3 - 2)

Planning Board:

Shellfish Advisory Board:

Zoning Board of Appeals:

Board of Health:

SUMMARY: A town agricultural commission (AgCom) is a standing committee of town government, created through a vote of Town Meeting and appointed by the Selectboard or governing body of the town. AgComs represent the farming community, encourage the pursuit of agriculture, promote agricultural economic development and protect farmlands and farm businesses, and preserve, revitalize and sustain agricultural businesses and land. Agricultural Commissions do not have any legal mandate or enforcement authority. There are over 172 Agricultural Commissions within the Commonwealth of Massachusetts and there are 140 towns that have local Right to Farm Bylaws. There are currently 9 towns on the Cape and Islands that have Ag Coms.

ARTICLE 40 (38A)–Right to Farm Bylaw. To see if the Town will vote to adopt the following as a general bylaw of the Town:

Right to Farm

- § 1 Legislative purpose and intent.
- § 2 Definitions.
- § 3 Right to farm declaration.
- § 4 Disclosure notification
- § 5 Resolution of disputes.
- § 6 Severability clause.
- § 7 Relationship to existing Bylaws, rules, and regulations.

§ 1. Legislative purpose and intent.

A. The purpose and intent of this bylaw is to state with emphasis the right to farm accorded to all citizens of the commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder, including but not limited to MGL c. 40A, § 3, paragraph 1; MGL c. 90, § 9, MGL c. 111, § 125A and MGL c. 128, § 1A. We the citizens of Wellfleet restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

B. This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands. Withing the Town of Wellfleet by allowing permitted agriculture uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the Town.

C. This bylaw encourages the pursuit of homesteading in order to promote self-sufficiency and food security. It further protects homestead farming within the Town of Wellfleet by allowing agricultural uses and related activitiesto function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the Town.

§ 2 Definitions.

A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

B. The word "homestead" shall include any parcel or contiguous parcels of land where a person and/or family cultivates the land and practices agriculture in order to become more self-sufficient.

C. The words "farming," "agriculture," "homesteading" or their derivatives shall include, but not be limited to, the following:

- 1 Farming of any kind including the cultivation and tillage of the soil and aquaculture.
- 2 Dairying
- 3 Production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities.
- 4 Growing and harvesting of forest products upon forestland, and any other forestry or lumbering operations.
- 5 Raising of livestock, including horses.
- 6 Keeping of horses as a commercial enterprise; and
- 7 Keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

D. "Farming" may encompass activities including, but not limited to, the following:

- 1 and transportation of slow-moving farm equipment over roads within the Town.

- 2** Control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals.
- 3** Application of manure, fertilizers and pesticides.
- 4** Conducting agriculture-related educational and farm based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm.
- 5** Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto.
- 6** Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- 7** On-farm relocation of earth and the clearing of ground for farming operations.

§ 3. Right to farm declaration.

The right to farm is hereby recognized to exist within the Town of Wellfleet. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those commercial agricultural and farming operations. and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

§ 4 Disclosure notification.

Copies of the disclosure notification shall be prepared by the Town and included on a one-time basis with the mail out of Town real estate tax bills. Following the initial mail out, copies of the disclosure notification will be included on a continuing basis with the mail out of municipal lien certificates.

DISCLOSURE NOTIFICATION:

It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural and aquacultural resources for the production of food and other agricultural products and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to,

activities that cause attendant incidental noise, dust and odors associated with normally accepted agricultural practices. Buyers or occupants are also informed that any property within the Town may be impacted by commercial agriculture, aquiculture, and other farming activities.

§ 5 Resolution of disputes.

A Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Selectboard, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or the Selectboard may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance and report its recommendations to the referring Town authority within an agreed upon time frame.

B The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance involving all concerned parties, and report its recommendations to the Board of Health within an agreed-upon time.

§ 6 Severability clause.

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The town of Wellfleet hereby declares the provisions of this bylaw to be severable.

§ 7 Relationship to Existing Bylaws, Rules and Regulations.

Notwithstanding anything contained herein to the contrary, nothing in this bylaw shall supersede any existing Town or National Seashore bylaw, zoning bylaw, rule or regulation, and all such existing bylaws, rules and regulations shall continue in full force and effect.

Majority Vote Required

Selectboard recommends (3 – 1 – 1)

Shellfish Advisory Board: Recommends

Board of Health: Recommends

Zoning Board of Appeals: Recommends

Summary: A right-to-farm bylaw is a general bylaw that encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the community by allowing permitted agricultural uses and related activities to function with minimal conflict with abutters and town agencies. There are over 140 towns in Massachusetts that have Right to Farm Bylaw. Similar bylaws that were adopted in the towns of Orleans, Dennis, Yarmouth, Harwich and Falmouth.

ARTICLE 41 (39): Expanding Residential Property Exemption: Home Rule 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 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 assessing 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 allowable 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 be rented on a year round basis to a resident of Wellfleet who declares the property to be their principle residence for income tax purposes.

ARTICLE 42 (40): A Home Rule Petition Authorizing the Commissioner of Capital Asset Management and Maintenance to Grant an Easement in the Town of Wellfleet. 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 COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT AN EASEMENT 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 sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the Commissioner of Capital Asset Management and Maintenance, in consultation with the Commissioner of conservation and recreation, may convey, for no monetary consideration, a permanent nonexclusive easement to Judith Blakeley Life Estate, Richard Blakeley Remainderman, and Blackfish Creek Shellfish Company in a portion of a certain parcel of land located within the town of Wellfleet, under the care and control of the Department of Conservation and Recreation and held for conservation and recreation purposes, described in a deed recorded with the Barnstable County Registry of Deeds in book 3377, page 069. The easement may be granted solely for purposes of a curb cut for vehicular access, the benefited land being described in a deed recorded with the Barnstable County registry of deeds in book 15500, page 50, and shall be subject to the further requirements of this act and subject to such additional terms and conditions consistent with this act as the Commissioner of Capital Asset Management and Maintenance may prescribe in consultation with the Department of Conservation and Recreation.

The easement described in this section shall be comprised of XXX square feet of land, more or less, identified as “_____” as shown on the plan of land entitled “_____” dated _____, prepared by _____. The plan shall be filed with the Department of Conservation and Recreation and to be recorded with the Barnstable County registry of deeds along with the easement.

Modifications to the easement description set forth in the plan and the plan may be made by the division of capital asset management and maintenance for conformance with this act. The easement shall be granted without warranties or representations by the Commonwealth.

SECTION 2. Notwithstanding any general or special law to the contrary, the Commissioner of conservation and recreation may grant a license or permit for nominal consideration to Judith Blakeley Life Estate to provide Judith Blakeley Life Estate with use and occupation of the above referenced parcel, and liability and responsibility for such use and occupation, and, for the purposes of this act, such licenses or permits shall govern until the grant of easement authorized in this act takes effect.

SECTION 3. No easement instrument conveying, by or on behalf of the Commonwealth, the easement described in Section 1 shall be valid unless such easement instrument provides that the easement shall be used solely for the purposes described in said Section 1. The easement instrument shall include a clause that shall state that if the easement ceases to be used by the grantees, or their successors or assigns, for the purposes described in section 1 at any time, the easement shall terminate

and all rights shall revert to the Commonwealth under the care and control of the Department of Conservation and Recreation, upon such terms and conditions as the Commissioner may determine.

SECTION 4. The fair market value of the easement described in Section 1, or the value in use as proposed, shall be based on independent professional appraisals, as commissioned by the Commissioner of Capital Asset Management and Maintenance. Judith Blakeley Life Estate shall compensate the Commonwealth in an amount greater than or equal to the full and fair market value, or the value in use of the easement as proposed, whichever is greater, as determined by the independent appraisals, plus the reasonable cost of such appraisal. All money paid to the Commonwealth by Judith Blakeley Life Estate as a result of the conveyances authorized by this section shall be deposited in the General Fund. The Commissioner of Capital Asset Management and Maintenance shall submit the appraisals and a report thereon to the inspector general for review and comment. The inspector general shall review and approve the appraisals and the review shall include an examination of the methodology utilized for the appraisals. The inspector general shall prepare a report of the review and file the report with the Commissioner of Capital Asset Management and Maintenance for submission by the Commissioner to the house and senate committees on ways and means and the Senate and House chairs of the Joint Committee on State Administration and Regulatory Oversight. The Commissioner shall submit copies of the appraisals, the report thereon and the inspector general's review and approval, and comments, if any, to the House and Senate Committees on Ways and Means and the Senate and House chairs of the Joint Committee on State Administration and Regulatory Oversight prior to the execution of the conveyance authorized by this Act.

SECTION 5. As a condition of the conveyance authorized in Section 1, Judith Blakeley Life Estate shall, in addition to any compensation from Judith Blakeley Life Estate to the Commonwealth required pursuant to Section 3, compensate the Commonwealth for the easement described in this act through the transfer to the Department of Conservation and Recreation of land or an interest therein or funding for the acquisition of land or an interest therein equal to or greater than the appraised value of the easement as determined pursuant to this act. The fair market value of any land or interest in land proposed to be conveyed by Edge to the Department pursuant to this Section shall be included within the appraisal required by Section 3. The land or interest therein or funding shall be acceptable to the Department of Conservation and Recreation and any land or interest therein, whether conveyed by Judith Blakeley Life Estate or acquired by the department, shall be permanently held and managed for conservation and recreation purposes by the department. All payments made to the Commonwealth pursuant to this section shall be deposited in the Conservation Trust established in Section 1 of chapter 132A of the General Laws.

Majority Vote Required

Selectboard recommends (5 – 0)

SUMMARY: This Home Rule Petition asks the State to grant an easement to the Blakeley family so that they can continue to access the shellfish equipment storage area and the HACCP facility for processing and holding shellfish on the rear portion of their property. Both uses are necessary for their commercial shellfishing business. The Blakeleys have crossed through what is now a Department of Conservation and Recreation (DCR) Rail Trail parking lot to access this portion of their property with no problems, dating back to when it was still a railroad bed. The Bike Trail parking lot is currently being renovated by the DCR. In March the Blakeleys' access was blocked by the State. They were informed that the reconstruction of the parking lot will permanently block this access. Because of the layout of the family's property, the location of their septic system, and proximity to wetlands, there is no other practical way to reach their

HACCP facility with commercial trucks and trailers except through the DCR lot. Restoring their access requires legislative intervention.

ARTICLE 43 (41): To see if the Town will vote to support the Blakeley's request to have a curb cut into the state-owned parking lot on Lecount Hollow Road.

Majority Vote Required

Selectboard recommends (5 – 0)

ARTICLE 44: Wellfleet Affordable Housing Trust Bylaw. To see if the Town will vote pursuant to the authority of General Laws Chapter 44, Section 55C to adopt the following as a general bylaw of the Town:

WELLFLEET AFFORDABLE HOUSING TRUST BY-LAW

Chapter 1: Purposes

The purpose of the Affordable Housing Trust Fund (hereinafter "Trust") shall be to provide for the creation, preservation, and support of affordable housing in the Town of Wellfleet (the "Town") for the benefit of low and moderate income households and for the funding and support of community housing as defined in and in accordance with the provisions of Massachusetts General Laws, Chapter 44B ("Chapter 44B"), and, in furtherance of this purpose, to acquire by gift, purchase, or otherwise, real estate and personal property, both tangible and intangible, of every sort and description; to use such property, both real and personal, in such manner as the Trustees shall deem most appropriate to carry out such purpose; provided however, that all property comprising this Trust and the net earnings thereof shall be used only in the Town exclusively for the benefit of all of the Inhabitants of the Town for the creation and preservation of affordable housing therein. The Trust is authorized to provide for, fund and support low and moderate income households earning up to 120% of the Area Median Income.

Chapter 2: Tenure of Trustees and Appointment

The Trustees hereunder shall be appointed by the Selectboard. One of the Trustees shall be a member of the Selectboard. Trustees shall serve for a term not to exceed two years. Trustees may be reappointed at the discretion of the Selectboard, with no limit on the number of terms that a Trustee can serve. To the extent possible, the Selectboard shall appoint as Trustees individuals with backgrounds or interests in affordable housing, and specifically those with financial, legal or development expertise, or experience and perspective on housing preservation. A majority of the Trustees shall be residents of the Town of Wellfleet.

There shall be no less than five and no more than seven Trustees of the Trust.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Land Registration Office.

If a Trustee shall die, resign, be removed or suspended, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Selectboard to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Land Registration Office. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.

Trustees may be removed by the Selectboard at any time for cause following an opportunity for a hearing. For purposes of this bylaw, the term "cause" shall include, but not be limited to, violation of any local, state or federal law; incapacity to perform the duties of a Trustee; and acts of a Trustee that, in the opinion of the Selectboard, are negligent or detrimental to the Town of Wellfleet or the Trust.

Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Chapter 3: Meetings of the Trust

There shall be quarterly meetings if the Trust at such time and at such place as the Trustees shall determine. A written notice stating the place, day, hour, and agenda of each meeting of the Trust shall be posted at Town Hall at least 48 hours before the date of such meeting in accordance with G.L. c. 30A, Sections 18-25. A quorum at any meeting shall be a majority of the Trustees qualified and present in person. Special meetings may be called by the Chair or by any two (2) Trustees.

Chapter 4: Powers of Trustees

The power and duties of the Trustees shall include the following, all of which shall be carried on in furtherance of the purposes and in compliance with the terms set forth in Section 55C and this By-Law:

- a** To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any bylaw or any general or special law or any other source, including money from Chapter 44B; provided, however, that any such money received from Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the Community Preservation Committee for inclusion in the community preservation initiatives report, Form CP-3, to the Department of Revenue;
- b** To purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income.
- c** To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract.
- d** To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements, including those for Community Preservation Act funds and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust.
- e** To employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary.
- f** To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable.

- g** To apportion receipts and charges between income and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise.
- h** To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person.
- i** To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate.
- j** To carry property for accounting purposes other than acquisition date values.
- k** To borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge trust assets as collateral.
- l** To make distributions or divisions of principal in kind.
- m** To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of Section 55C, to continue to hold the same for such period of time as the Trustees may deem appropriate.
- n** To manage or improve real property; and to abandon any property which the Trustees has determined not to be worth retaining.
- o** To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate.
- p** To extend the time for payment of any obligation to the Trust; and
- q** To provide funds for the benefit of low- and moderate-income households to assist in the acquisition, creation, preservation, rehabilitation and support of housing affordable for such families.

The Trustees shall have these and all powers set forth in G. L. c. 44, § 55C, and shall refrain from exercising any powers in such manner as to violate the provisions of said statute.

Chapter 5: Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. The Trustees may, by instrument executed by all the Trustees, delegate to any attorney, agent, or employee such other powers and duties as they deem advisable, including power to execute, acknowledge or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for the account of the Trustees of the Trust. The Trustees shall not delegate the authority to amend the Trust and no such delegation shall be effective. No Trustee shall be required to give bond. No license of court shall be required to

confirm the validity of any transaction entered into by the Trustees with respect to the Trust estate. No one dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon the order of the Trustees. No Trustee shall be liable for the acts, negligence or defaults of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel nor for other acts or omissions in good faith.

Chapter 6: Status of Trust and Board of Trustees

The Trust is a public employer, and the Trustees are public employees for purposes of G. L. c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G. L. c. 258. The Trust is a governmental body for purposes of G. L. 30A, Sections 18-25, the Open Meeting Law. The Trust is also a board of the Town for purposes of G. L. c. 30B, the Uniform Procurement Act, and G. L. c. 40, Section 15, provided, however, that agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempted from G. L. c. 30B. Notwithstanding the foregoing, neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town.

Chapter 7: Custodian of Funds

The Town of Wellfleet Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. Costs associated with the independent audit shall be borne by the Trust. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Selectboard.

Chapter 8: Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning by-law, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Trust within one year of the date they were appropriated into the Trust, remain Trust property.

Chapter 9: Taxes

The Trust is exempt from General Laws Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereof.

Chapter 10: Duration of the Trust

This Trust shall continue until terminated by a vote of the Wellfleet Town Meeting. Upon termination of the Trust, the Trustees, with the approval of the Selectboard, may sell all or any portion of the Trust property, both real and personal, and, following the payment of all obligations and liabilities of the Trust and the Trustees, shall transfer to the Town the net assets of the Trust, which shall be held by the Selectboard for affordable housing purposes.

Chapter 11: Compensation of Trustees

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Wellfleet. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

Chapter 12: Annual Report

The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the Wellfleet Selectboard by January 31 of each year and will be included in the Town's Annual Report. The Annual Report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

(Request of the Wellfleet Affordable Housing Trust)

Majority Vote Required

Selectboard: Recommends (4 – 0)

Affordable Housing Trust: Recommends (6 – 0)

Finance Committee; Recommends

Housing Authority: Recommends

Local Housing Partnership: Recommends

SUMMARY: This proposed bylaw reflects the powers granted to affordable housing trusts under MGL chapter 44 section 55C and expands the authority of the Trust to allow creation, preservation, and support of housing in the Wellfleet for families earning up to 120% of Area Median Income.

ARTICLE 45: Accessory Dwelling Units. To see if the Town will vote to delete 6.21 Affordable Accessory Dwelling Units of the Wellfleet Zoning By-laws and substitute the following sections in place thereof, and to amend the Table of Contents and Sections 2.1, 5.3, 5.46, 5.47, and 8.3 as follows.

TABLE OF CONTENTS

[~~"Affordable Accessory Dwelling Units"~~ is hereby deleted and "Accessory Dwelling Units" is substituted in place thereof.]

SECTION II

2.1 DEFINITIONS

[~~Dwelling Affordable Accessory~~ is hereby deleted and the following definition is substituted in place thereof.]

Dwelling, Accessory: a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling or other principal structure that shall be leased year-round.

5.3. Use Regulations

Table 5.3.1 is amended as follows: Insert "Dwelling, Accessory" between "Conversion of Dwelling Unit" and "~~Dwelling, Affordable Accessory~~"

["P" is a permitted use. "A" is a use authorized under special permits.]

| | CD | R1 | R2 | NSP | C | C2 |
|-------------------------------------------|----|----|----|-----|---|----|
| Dwelling, Accessory Unit | P | P | P | A | P | P |
| Dwelling, Affordable Accessory | Ø | Ø | Ø | Ø | A | Ø |

[5.4.6. **Intensity of Use Application to Affordable Accessory Dwelling Units** is hereby deleted and the following section is substituted in place thereof.]

5.4.6. Intensity of Use Application to Accessory Dwelling Units (ADUs)

An Accessory Dwelling Unit shall consist of a minimum of 200 square feet of Livable Floor Area, subject to any requirements of the State.

[5.4.7 **Intensity of Use Application to the Conversion of Dwelling Units** is hereby amended and the following section in bold is inserted.]

5.4.7 Intensity of Use Application to the Conversion of Dwelling Units

No dwelling unit shall be converted into two or more units unless each resulting unit consists of a minimum of 600 square feet of livable floor area; the external appearance of the structure is not changed; the front, side and rear yard requirements of the district in which located are met; and the lot area is not less per dwelling than the lot requirement of the district in which located, **except in the case of an Accessory Dwelling Unit, as provided in Section 6.21 of these Zoning By-laws.**

6.21 Accessory Dwelling Unit (ADU)

6.21.1 Purpose: To enable an increase of year-round rental housing opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs, and to support a stable and diverse year-round community and a robust local workforce.

6.21.2 Accessory Dwelling Unit (ADU)

An Accessory Dwelling, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws is an additional dwelling unit allowed on a single lot in all districts of the Town if in compliance with all Town, Commonwealth of Massachusetts and Federal statutes, by-laws and regulations where applicable, unless otherwise allowed by this bylaw.

6.21.2. Accessory Dwelling Units are allowed either as a Detached Building, or as a separate dwelling unit within or attached to a Dwelling, a building used for a Principal Use; or within or attached to any Accessory Building, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

6.21.2.2 Accessory Dwelling Units shall be no larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

6.21.2.3. Ownership of an Accessory Dwelling Unit cannot be separated from that of the principal use.

6.21.2.4. The rights and requirements of this By-law shall be transferred upon any transfer of ownership of a property containing an Accessory Dwelling Unit built under the provisions of this By-law.

6.21.2.5. A property owner may choose to cease to use an Accessory Dwelling Unit by formally reporting its change in use to the agent designated by the Town Administrator to administer and monitor such units and altering it to meet the requirements of a permitted use. The agent will then register this change in use with the Building Inspector, the Health Agent and the Town Assessor.

6.21.3 Procedure

6.21.3.1 The property owner shall apply for and receive a Building Permit for an Accessory Dwelling Unit from the Building Inspector before construction or use may begin.

6.21.3.2 Once an Accessory Dwelling Unit has received a Certificate of Occupancy, it shall not be occupied or used until registered with the agent designated by the Town Administrator to administer and monitor such units who will maintain a current record of such units and register them with the Town's Assessor, Building Department, and Health Department.

6.21.4 Monitoring

An Affidavit of Compliance signed by the property owner shall be submitted initially, when the unit is first occupied or used, and then annually, on September 1st or the nearest business day, to the agent designated by the Town Administrator to monitor and administer such Units to confirm that the Accessory Dwelling Unit or Units are being leased for a minimum of a year, and not otherwise leased or occupied for any other purpose, and that they shall be used as a dwelling, according to the standards and conditions of this By-law.

6.21.5 Enforcement and Penalties

Upon a written determination by the Building Inspector that the property owner has failed to comply with these provisions the property owner shall bring the unit or units into compliance within thirty (30) days of such written notice pursuant to Massachusetts General Law Chapter 40A Section 7. In addition, the Building Inspector shall impose any and all fines and penalties referenced in Section 8.3 of these By-laws.

6.21.6. Opportunity for Affordable Housing Property Tax Exemption

A property owner who leases an Accessory Dwelling Unit affordably and in compliance with this By-law, as specified by the Special Act of 2010 and adopted by Wellfleet voters in May 2011 may apply to the agent designated by the Town Administrator to administer and monitor such units to receive an application for a property tax exemption.

[8.3 Penalty is hereby amended and the following sections in bold are inserted therein.]

8.3 Penalty Any person violating any of the provisions of these Bylaws may be fined not more than \$50.00 for each offense, except in the case of violations of Section 6.21 Accessory Dwelling Units, the fine shall be \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

(Request of the Local Housing Partnership)

2/3 Majority Vote Required

Selectboard: Recommends

SUMMARY: The purpose of this bylaw is to enable an increase of year-round rental opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs; and to support a stable and diverse year-round community with a robust local workforce.

Wellfleet's year-round housing crisis is well documented. The need for year-round rentals has become increasingly pressing as more and more year-round homes are converted to short term and seasonal use. There are often no year-round rentals available at any price. From young people and families to seniors and well-paid professionals, finding and keeping a year-round rental is less and less possible. Our shellfishing families are particularly vulnerable as they are required by regulations to be domiciled in Wellfleet. Businesses of all types and even the Town's departments struggle to find employees because of the high cost and lack of year-round housing. This will impact both residents and visitors as it is already affecting the quality of life and economic sustainability of the town.

This By-law would allow Accessory Dwelling Units (ADUs) which are additional, size-restricted dwellings, on a single lot with an existing dwelling or structure or other Principal use, in all Zoning districts if in compliance with all applicable By-laws and regulations. Properties in the National Seashore Park would require a Special Permit. Such dwellings can be no larger than 1,200 square feet of Livable Floor Area. Before an ADU can be used or occupied it must be registered with an agent designated by the Town Administrator to administer and monitor such units. Such units **MUST** be leased and occupied year-round with an Affidavit of Compliance filed annually with the Town by the property owner. ADUs do not have limits on who can rent based on income, and there is no set rent for ADUs. The property owner may lease the unit at market rates or may take advantage of the Affordable Housing Tax Exemption if leased affordably as determined by the Town. ADUs cannot be rented seasonally, weekly or daily. The property owner may live in the unit year-round themselves after filing the required Affidavit of Compliance.

ARTICLE 46: Accessory Dwelling Units.__To see if the Town will vote to amend the Wellfleet Zoning Bylaw by:

deleting 6.21 Affordable Accessory Dwelling Units of the Wellfleet Zoning By-laws and substitute the following sections in place thereof, and to amend the Table of Contents and Sections 2.1, 5.3, 5.46, 5.47, and 8.3 as follows.

TABLE OF CONTENTS

[Affordable Accessory Dwelling Units" is hereby deleted and "Accessory Dwelling Units" is substituted in place thereof.]

SECTION II

2.1 DEFINITIONS

[Dwelling, Affordable Accessory is hereby deleted and the following definition is substituted in place thereof.]

Dwelling, Accessory: a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling or other principal structure that shall be leased year-round.

5.3. Use Regulations

[Table 5.3.1 is amended as follows: Insert Dwelling, Accessory between "Conversion of Dwelling Unit" and "Dwelling, Affordable". Delete ~~Dwelling Affordable Unit.~~"]

["P" is a permitted use". "A" is a use authorized under special permits.]

| | | | | | | |
|------------------------------------------|----------|----------|----------|----------|----------|----------|
| 5.3.1 Residential | CD | R1 | R2 | NSP | C | C2 |
| Dwelling, Accessory | P | P | P | A | P | P |
| Dwelling Affordable Accessory | A | A | A | A | A | A |

5.4.6. Intensity of Use Application to Affordable Accessory Dwelling Units is hereby deleted and the following section is substituted in place thereof.]

5.4.6. Intensity of Use Application to Accessory Dwelling Units (ADU)

An Accessory Dwelling Unit shall consist of a minimum of 200 square feet of Livable Floor Area.

[5.4. 7 Intensity of Use Application to the Conversion of Dwelling Units is hereby amended and the following section in bold is inserted.]

5.4.7 Intensity of Use Application to the Conversion of Dwelling Units

No dwelling unit shall be converted into two or more units unless each resulting unit consists of a minimum of 600 square feet of livable floor area; the external appearance of the structure is not changed; the front, side and rear yard requirements of the district in which located are met; and the lot area is not less per dwelling than the lot requirement of the district in which located, except in the case of an Accessory Dwelling Unit, as provided in Section 6.21 of these Zoning By-laws.

6.21 Accessory Dwelling Unit (ADU)

6.21.1 Purpose: To enable an increase of year-round rental housing opportunities; to encourage greater diversity of housing types appropriate to residents with varying needs, and to support a stable and diverse year-round community and a robust local workforce.

6.21.2 Accessory Dwelling Unit (ADU)

An Accessory Dwelling, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws is an additional dwelling unit allowed on a single lot in all districts of the Town if in compliance with all Town, Commonwealth of Massachusetts and Federal statutes, by-laws and regulations where applicable.

6.21.2.1 Accessory Dwelling Units may be allowed either as a Detached Building, or as a separate dwelling unit within or attached to a Dwelling, a building used for a Principal Use; or in any Accessory Building, as defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

6.21.2.2 Accessory Dwelling Units shall be no larger than one thousand two hundred (1,200) square feet of Livable Floor Area as that term is defined in Section 2.1 DEFINITIONS of the Wellfleet Zoning By-laws.

6.21.2.3. Ownership of an Accessory Dwelling Unit cannot be separated from that of the principal use.

6.21.2.4. The rights and requirements of this By-law shall be transferred upon any transfer of ownership of a property containing an Accessory Dwelling Unit built under the provisions of this By-law.

6.21.2.5. A property owner may choose to cease to use an Accessory Dwelling Unit by formally reporting its change in use to the agent designated by the Town Administrator to administer and monitor such units and altering it to meet the requirements of a permitted use. The agent will then register this change in use with the Building Inspector, the Health Agent and the Town Assessor.

6.21.3 Procedure

6.21.3.1 The property owner shall apply for and receive a Building Permit for an Accessory Dwelling Unit from the Building Inspector before construction or use may begin:

6.21.3.2 Once an Accessory Dwelling Unit has received a Certificate of Occupancy, it shall not be occupied or used until registered with the agent designated by the Town Administrator to administer and monitor such units who will maintain a current record of such units and register them with the Town's Assessor, Building Department, and Health Department.

6.21.4 Monitoring

An Affidavit of Compliance signed by the property owner shall be submitted initially, when the unit is first occupied or used, and then annually, on September 1st or the nearest business day, to the agent designated by the Town Administrator to monitor and administer such Units to confirm that the Accessory Dwelling Unit or Units are being leased for a minimum of a year, and not otherwise leased or occupied for any other purpose, and that they shall be used as a dwelling, according to the standards and conditions of this By-law.

6.21.5. Opportunity for Affordable Housing Property Tax Exemption

A property owner who leases an Accessory Dwelling Unit affordably and in compliance with this By-law, as specified by the Special Act of 2010 and adopted by Wellfleet voters in May 2011 may apply to the agent designated by the Town Administrator to administer and monitor such units to receive an application for a property tax exemption.

6.21.6. Enforcement and Penalties

Upon a written determination by the Building Inspector that the property owner has failed to comply with these provisions the property owner shall bring the unit or units into compliance within thirty (30) days of such written notice pursuant to Massachusetts General Law Chapter 40A Section 7. In addition, the Building Inspector shall impose any and all fines and penalties referenced in Section 8.3 of these By-laws.

[8.3 Penalty is hereby amended and the following sections in bold are inserted therein.]

8.3 Penalty Any person violating any of the provisions of these By-laws may be fined not more than

\$50.00 for each offense, except in the case of violations of Section 6.21 Accessory Dwelling Units the fine shall be \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

(By petition)

2/3 Majority Vote Required

Selectboard: Recommends

Planning Board: Recommends

Housing Authority: Recommends

Local Housing Partnership: Recommends

ARTICLE 47 (47A): Amend Animal Control Bylaw. To see if the Town will vote to amend general bylaw by deleting Article III Section 25 Dog Leash Bylaw and by amending Article XV Animal Control Bylaw striking the existing text and replacing it with the following:

ARTICLE XV ANIMAL CONTROL

15.1 Purpose

The purpose of these by-laws is the control of animals to prevent injury to property, persons and animals.

15.2 Administration

The Selectboard shall appoint an Animal Control Officer who, in addition to any other authorized enforcement officers, shall be responsible for the enforcement of these by-laws.

15.3 Definitions

For the purposes of this bylaw, the following terms shall have the following definitions:

Adequate shelter – Means a structure that is large enough for the animal to stand naturally, turn around and lie down inside of the structure without being exposed to the elements of weather. The roof and walls of the structure are waterproof and windproof. Bedding must be kept dry and changed regularly to preserve insulating qualities. Insulation and an inner wall must be included in shelter for dogs with short fur (example: Pointers, Staffordshire Terriers, Boxers, Labrador Retrievers) to provide adequate protection from cold. During cold weather a moveable flap must be placed over the entrance to a shelter to preserve the animal's body heat. Adequate shelter from sun may be provided by a tarp placed in a manner to provide deep shade and allow air to pass through for ventilation.

Beach – The zone above the water line at a shore of a body of water, marked by an accumulation of sand, stone, or gravel that has been deposited by the tide or waves.

Domesticated Animal – Any of various animals that have been tamed and made fit for a human environment.

Keeper – Any person, other than the owner, possessing, harboring, keeping, or having control or custody of a dog either permanently or on a temporary basis. If a person under the age of 18 owns or keeps a dog, that person's custodial parent(s) or legal guardian(s) shall be responsible for complying with the requirements of these by-laws.

Kennel, commercial – A kennel maintained as a business where four (4) or more dogs three (3) months of age or older are kept for the breeding, boarding, sale, in-residence training, grooming or other business purposes, and including any shop where dogs are on sale or a kennel of ten (10) or more dogs regardless of the purpose for which the kennel is maintained.

Kennel, residential – Means a collection of four (4) up to and including nine (9) dogs, three (3) months of age or older, owned or kept on a single premises, maintained for any non-commercial purpose except for the sale of one litter per year; provided, however, that a veterinary hospital shall not be considered a kennel unless it contains an area for the selling or boarding of dogs for other than medical purposes.

Dangerous Dog – Any dog that attacks, bites or injures any human or domesticated animal without provocation or which, because of its temperament, conditioning or training, has a propensity to attack, bite or injure humans or domesticated animals.

Licensing Period – The licensing period means the time between January 1st and the following December 31st of each year, both dates inclusive.

Section 15.4 Dogs Must Be Leashed. All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to the property of their owners. Any dog found running at large will be removed and impounded. The owner of any dog so removed is also liable for boarding expenses at the pound at the established rate. The Town of Wellfleet Police Department (including special officers), the Animal Control Officer, and any other officials whom the Selectboard may from time to time designate shall have the authority to enforce this Section.

Section 15.5 Dog Waste Removal. All dog owners, keepers or persons having control of a dog are responsible for immediately removing and disposing of all solid wastes produced by said dog on any property (other than the property of the dog owner) in a sanitary manner and where it will not cause pollution, either directly or indirectly.

No written warning shall be given.

Penalties shall be imposed as per Section 15.11.2. (b)

Section 15.6. Barking and Other Noise Caused by Dogs. No person owning, keeping or otherwise responsible for a dog shall allow said animal to annoy another person's reasonable right to peace or privacy by making loud or other continuing noise, where such noise is plainly audible at a distance of 100 feet from the building, premises, vehicle, or other means of conveyance or housing of said dog, or where such noise is continuing for fifteen (15) minutes. The fact that such noise is plainly audible at said distance or continuing in excess of fifteen (15) minutes on a daily basis shall be prima facie evidence of a violation.

Section 15.7. Animals in parked Vehicles. No animal may be left unattended in a parked vehicle at any time of year.

Section 15.8 Licensing and Regulation of Dangerous Dogs.

Section 15.8.1. Determination of a Dog Being Dangerous. The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Wellfleet Police Department, the Selectboard, or the Town Administrator that any dog owned or kept within the Town of Wellfleet has attacked, bitten, or injured any person or domesticated animal, or which by its temperament, conditioning or training has a propensity to attack, bite or injure persons or domesticated animals.

Section 15.8.2. The Animal Control Officer is authorized to make whatever inquiry is deemed necessary to determine the accuracy of said complaint, and if the Animal Control Officer determines that the complaint is accurate, the Officer may find that the dog is dangerous and may make such orders as he or she deems necessary to ensure compliance with the provisions of this By-law and to promote public safety.

Section 15.8.3. Upon determination by the Animal Control Officer that a dog is dangerous, the Animal Control Officer shall issue a written order to the owner or keeper of said dog concerning the restraint or disposal of such dog as they may deem necessary. At a minimum, said order shall state that the dog has been determined to be dangerous and shall require the owner or keeper of such dog to comply with the requirements of this Bylaw.

Section 15.8.4. Without limiting the generality of the foregoing, the Animal Control Officer may order that said dog be humanely euthanized in accordance with the provisions of Massachusetts General Laws, Chapter 140, Section 151A, or that said dog be confined in accordance with such limitations as the Animal Control Officer deems appropriate. If an order to euthanize is issued, a certificate must be provided to the Animal Control Officer confirming the action was carried out. If the Animal Control Officer determines that the dog is to be permanently given or sold to new owner, ~~removed~~, the new owner or keeper shall provide the Animal Control Officer with the name, address, and telephone number of the new owner or keeper of the dog.

Section 15.8.5. The owner or keeper of any dog determined to be dangerous by the Animal Control Officer may request a hearing before the Selectboard. Said request shall be in writing and received by the Selectboard within five (5) business days of the owner's or keeper's receipt of the Animal Control Officer's order. A copy of the hearing request shall also be delivered to the Animal Control Officer. The hearing request shall include an explanation of the measures that the owner or keeper intends to take to protect public safety pending disposition of the matter by the Selectboard. If the Selectboard determines that the measures described are inadequate, it may order that said dog be impounded, at the owner's or keeper's expense, until such time as the Selectboard rules otherwise.

Section 15.8.6. After a hearing, at which those testifying shall be sworn under oath, the Selectboard may affirm the order, reverse or nullify the order, or issue any such order as it deems necessary to ensure compliance with the provisions of these by-laws and the protection of public safety. The determination of the Selectboard after a hearing shall be final.

Section 15.8.7. Nothing in this by-law is intended to limit or restrict the authority of the Selectboard to act in accordance with Massachusetts General Laws, Chapter 140, Sect.157.

Section 15.9. Control of Dangerous Dogs.

Section 15.9.1. The Animal Control Officer shall notify the Town Clerk of all dogs determined to be dangerous, pursuant to the terms of this By-law.

Section 15.9.2. The owner or keeper of any dog determined to be dangerous in accordance with this By-law, which has not been ordered euthanized, shall re-license said dog as "dangerous" within thirty days of such determination. A unique licensing number shall be assigned to such a dog by the Town Clerk. That number shall be noted in the Town licensing files.

Section 15.9.3. No dangerous dog shall be licensed by the Town of Wellfleet for any licensing period unless the owner or keeper of such vicious dog displays a sign not to exceed one square foot on his or her premises warning that there is a dangerous dog on the premises. The sign shall be visible and capable of being read from the public or private roadway.

Section 15.9.4. All dangerous dogs shall be confined in an enclosure approved in writing by the Animal Control Officer. It shall be unlawful for any owner or keeper to maintain a dangerous dog upon any premises which does not have a locked enclosure or for any owner or keeper to allow any

such dog to be outside of the dwelling of the owner or outside of the enclosure, unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or to sell or give away the vicious dog or to comply with the orders or directions of the Animal Control Officer and/or the Selectboard with respect to the vicious dog, or to comply with the provisions of these by-laws. In such event, the dangerous dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog. Dangerous dogs shall not be permitted to run loose on any public or private way or any area within the Town of Wellfleet that is open to the general public, including but not limited to parks and beaches.

Section 15.9.5. License Revocation. If the Animal Control Officer determines that a dangerous dog is being kept in the Town in violation of these by-laws or any order issued by the Animal Control Officer, of the Selectboard, or of any Court, the Animal Control Officer shall so notify the Selectboard. After giving notice to the owner or keeper of the hearing, the Selectboard shall hold a public hearing on whether to revoke the license of said dog or to take further action including euthanizing the dog. If the Selectboard revokes the license of said dog and does not order it to be euthanized, they shall notify the owner or keeper of the dog and the Town Clerk within ten (10) days that said dog will be impounded and euthanized if it is found within the Town after the succeeding seven days. The Animal Control Officer or any Town of Wellfleet police officer shall seize and impound any dangerous dog found outside of its enclosure in violation of this By-law or any order issued by the Animal Control Officer, Selectboard or any Court.

Section 15.10. Kennel Licenses, Inspection, and Regulation.

Section 15.10.1. Requirement for Kennel License. Any owner or keeper of four (4) up to and including nine (9) dogs, three (3) months of age or older, being maintained at a premises, shall secure a Residential Kennel License. The Town Clerk shall not issue a Residential Kennel License unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that each dog three (3) months of age or older is currently vaccinated against rabies. Any owner or keeper of ten (10) or more dogs, three (3) months of age or older, or of a premises maintained as a commercial kennel, shall obtain a Commercial Kennel License.

Section 15.10.2. Application and Issuance of Kennel License and Fees. A Residential or Commercial Kennel License shall be issued annually by the Town Clerk upon written application by an owner or keeper of dogs and after inspection of the kennel and a determination, made by the Animal Control Officer, that the basic standards of cleanliness, proper care, confinement and adequate shelter of said dogs exist on the premises. The name and address of the owner or keeper of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog, three (3) months of age or older, is currently vaccinated against rabies and kennel cough, shall be kept on file on the premises and available for inspection by the Animal Control Officer or any authorized persons. Such license shall be in the form prescribed by the Town Clerk.

The Residential Kennel License fee shall be fifty dollars (\$50.00). The Commercial Kennel License fee shall be one hundred fifty dollars (\$150.00). The Town Clerk shall, upon application, issue without charge a Commercial Kennel License to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, and for the relief of suffering among animals. The holder of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the current dog license information of the town of where the dog resides. A veterinary hospital shall not be considered a kennel unless it contains an area for the selling or boarding of dogs for other than medical purposes, in which case it shall apply for a Commercial Kennel License. The license period for a kennel license shall be from January 1 to December 31, inclusive. Kennel licenses are non-transferrable.

Section 15.10.3. Inspection. The Animal Control Officer, Animal Health Inspector, or any agent authorized by the Town may at any reasonable time inspect any kennel or premises for which a Residential or Commercial Kennel License has been issued.

Section 15.10.4. Loss of Kennel License. If the Animal Control Officer, Animal Health Inspector, or other authorized agent, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or humane condition, or if records are not kept as required by law, the inspecting officer shall notify the Selectboard of that determination and the facts upon which it is based. The Selectboard may, by order after a hearing, revoke or suspend such license. If a license has been revoked or suspended, the license may be reinstated after inspection and a reinstatement order by the Selectboard after a new hearing.

Section 15.10.5. Procedure for Complaint to the Selectboard. Upon written petition of any person or persons, filed with the Selectboard, setting forth that they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel because of excessive barking or dangerous disposition of said dogs, or other conditions connected with such kennel constituting a public nuisance, said Selectboard, within seven (7) days after the filing of such a petition, shall give notice to the owner or keeper of the kennel, the petitioner(s), and any other person the Selectboard determine should be given notice, of a public hearing to be held within fourteen (14) days after the date of such notice. Said notice shall also be posted on a Town bulletin board. Within seven (7) days after such public hearing, said Selectboard shall make an order either revoking or suspending such kennel license, or otherwise regulating said kennel or premises, or dismissing said petition.

Section 15.10.6. Petition for Relief to Court. The holder of a kennel license or other person who is the subject of an order under Section 15.5E may petition the district court for relief in accordance with Massachusetts General Laws, Chapter 140, Section 137C.

Section 15.11. Fines and Penalties.

Section 15.11.1. Criminal Disposition. In addition to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person, may enforce this By-law by Non-Criminal Disposition. If a Non-Criminal Disposition process, as provided in Massachusetts General Laws, Chapter 40, Section 21D and the Town's Non-Criminal disposition By-law is elected, then any person who violates the provisions of ARTICLE XV, Section §15. of the Town's General By-laws shall be subject to the following enforcement fines and penalties.

The enforcing officer may give a written warning for the first offense or shall impose the following fines:

| | |
|--------------------------------|----------|
| First Offense | \$50.00 |
| Second Offense | \$100.00 |
| Third Offense | \$300.00 |
| Fourth and subsequent offenses | \$500.00 |

Each day or portion thereof shall constitute a separate offense. If more than one, each provision violated shall constitute a separate offense.

Section 15.11.2. These penalties shall apply to all violations of Wellfleet's General Bylaws, ARTICLE XV ANIMAL CONTROL, Section 15 except that:

(a.) Sections 15.4 Dogs Must be Leashed and Section 15.6. Barking and Other Noise Caused by Dogs. Owners or keepers of dogs found in violation shall be fined \$50.00 for each offense;

(b.) Section 15.5 Dog Waste Removal Owners or keepers of dogs found to be in violation shall be fined immediately as a First Offense and subsequently as listed for the Third, Forth and subsequent offenses, with no written warning;

(c.) Section 15.9 Kennel Licenses, Inspection and Regulation Kennel owners shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day for each day of violation. Each day or portion thereof shall constitute a separate offense. If more than one, each provision violated shall constitute a separate offense.

Majority vote required

Selectboard: Recommends: (4 – 1)

Cemetery Commissioners: Recommend 2-1

SUMMARY: Most of the substantive changes in this Bylaw will bring it into compliance with recent changes in Massachusetts General Law. For example:

- The State now uses the term “dangerous”, not "vicious”.
- A dangerous dog can no longer simply be removed from the Town, but may be given away or sold, if the Dangerous Dog restrictions and obligations are carried out by the new owner.
- The State’s penalty fees for certain violations are what are included in our Section 15.7; we cannot be more lenient. In addition, these fines already exist in our Beach Regulations and should not be in conflict with them.
- The State now prohibits leaving an animal unattended in a vehicle at *any* time of year.
- Many of the State’s laws regarding domestic animal management can be found in MGL Chapter 140, §136-174F.

In addition:

- The State does not prohibit dogs from being walked in cemeteries.
- One of our existing General By-laws, “Section 25 Dog Leash Bylaw”, has been moved to this Animal Control section for clarity and convenience.

SECTION VII: STANDARD ANNUAL ARTICLES
(Voted on together as part of a consent agenda.)

ARTICLE 48: To see if the Town will vote to authorize the Town Administrator or the Town Administrator’s designee to dispose of the following articles of personal property by trade in or sale, or do or act anything thereon.

Majority vote required.

Selectboard: Recommends 5-0.

Finance Committee

SUMMARY: This Article authorizes the Town Administrator or his designee to dispose of surplus/outdated supplies and equipment over \$1,500 in value during the fiscal year. All money received for the disposal of such goods is to be placed in the General Fund, as appropriate. Any credit for trade in value will be applied against the purchase of the replacement vehicle.

ARTICLE 49: 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.

Majority vote required.

Selectboard: Recommends 5-0.

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

ARTICLE 50: 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.

Majority vote required.

Selectboard: Recommends 5-0.

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

ARTICLE 51: To see if the Town will vote to accept the provisions of Massachusetts General Law chapter 71, & 16B, which would reallocate the sum of the member Towns' contribution to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education reform Formula, so-called, or to take any other action relative thereto.

(Request of Nauset Regional School Committee)

Majority vote required.

Selectboard: Recommends 5-0.
Nauset Regional School Committee:

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 2021 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 IX: STANDARD CLOSING ARTICLES

ARTICLE 52: To hear reports of the Selectmen, Town Officers, and all other Committees and to act thereon, or do or act anything thereon.

Majority Vote Required

Selectboard: Recommends 5-0.

ARTICLE 53: To act on any other business that may legally come before the meeting.
Majority Vote Required

Selectboard: Recommends 5-0

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

*****INSERT ELECTION WARRANT HERE*****

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

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

Given under our hands this ____ day of May, 2021.

Wellfleet Selectboard

Michael DeVasto, Chair

Janet Reinhart

Justina Carlson

Helen Miranda Wilson

Ryan Curley, Clerk

Constable's Return of Services

I have served the foregoing warrants by posting attested copies thereof in the Post Office in Wellfleet and in the Post Office in South Wellfleet on May ____, 2021, which is at least fourteen (14) days before the date of said meeting, as directed.

Date: _____

Constable: _____

APPENDICES A & B

ARTICLES 1 and 3

FY 2022 OPERATING and CAPITAL BUDGET SUMMARIES

The Fiscal Year 2022 Operating Budget generally provides for the continuation of all services delivered during the previous fiscal year. A breakdown of the entire operating and capital budgets showing expenditures requiring Town Meeting approval together with revenue estimates follow.

| APPROPRIATIONS | FY2019 | FY2020 | FY2021 | FY2022 |
|--------------------------------------------------|---------------------|---------------------|---------------------|---------------|
| Operating Budget | \$17,946,134 | \$18,359,787 | \$19,039,847 | |
| Debt Service | \$1,828,966 | \$1,871,735 | \$1,692,296 | |
| Capital Expenditures | \$670,267 | \$255,319 | \$71,000 | |
| Articles (estimated) | \$464,720 | \$528,157 | \$430,277 | |
| Other Charges (Overlay, assessments, etc.) | \$516,476 | \$555,000 | \$649,986 | |
| TOTAL | \$21,841,216 | \$22,250,058 | \$23,076,473 | |

FUNDING SOURCES:

Allowable Tax Levy
Receipts Reserved
Other Local Receipts
Total

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.

INSERT APPENDICES A, B-1 & B-2 HERE