



ANNUAL TOWN MEETING

Saturday June 5, 2021

NOON

Wellfleet Elementary School Ball Field

100 Lawrence Road

&

TOWN ELECTION

June 14, 2021

12PM-7PM

Wellfleet Senior Center

715 Old King's Highway

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DRAFT Warrant Articles revised 4-22-2021.

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
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 5, 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 WELLFLEET ELEMENTARY SCHOOL, 100 LAWRENCE ROAD in Wellfleet on the 5th day of June 2021, at ten o'clock in the morning, then and there to vote upon the following Articles:

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Article #	Page #	Description
1	8	Operating Budget
2	8	FY 21 Capital Budget
3	15	Marina Enterprise
4	15	Water Enterprise
5	15	CIP Nauset School Renovations
6	16	Wellfleet Employee Association
7	16	Non-union & Other Personnel
8	16	Fire Dept Staff- Override
9	17	Fire Dept Training
10	17	Water System Upgrade
11	18	CPC-Housekeeping
12	18	CPC- Rental Assistance Program
13	18	CPC- Housing Buy Down Program
14	19	CPC- Housing Institute 2020
15	19	CPC- Museum Phase 2 Historic Restoration
16	20	CPC- Cemetery Restoration Phase 3
17	20	Climate Change matching grant funds
		<u>Finance Articles Consent Agenda</u>
18	21	Chapter 90 Funds
19	21	OPEB-Town
20	21	Marina Ent Stabilization
21	22	Cable Access Television
22	22	Shellfish Revolving Fund
		<u>Other Articles – Bylaw Amendments</u>
23	22	Petitional article - Bylaw Amendment - plastic bottle ban
24	23	Bylaw Amendment – change town meeting start time
25	24	Petitioned article - Bylaw Amendment – Climate Policy
		<u>Other Articles – Disposition of Town Owned Land</u>
26	24	Disposition of Town-owned property-Map 14, parcel 30
27	25	Disposition of Town-owned property-Map 20, parcels 11, 12 and 16
28	25	Disposition of Town-owned property-Map 35-1, parcels 201, 209 and
210		
29	25	Authorize of Easement - Water Line Easement for 925 Chequesett Neck
Rd		
		<u>Unclassified Articles</u>
30	26	High Toss Road
31	26	Municipal Affordable Housing Trust
32	27	Petitioned article - Resolution to Change the State Flag/Seal of
Massachusetts		
		<u>Other Articles - Consent Agenda</u>
33	28	Dispose of Personal Property
34	28	Town Collector
35	29	DEP Liability
36	29	Nauset local contributions
		<u>Closing Articles</u>
37	29	Closing Articles

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Closing Articles

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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 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)

Selectboard: Recommends

Finance Committee: Recommends

Shellfish Dept and Shellfish Propagation were both recommended

SUMMARY: This Article requests approval of the Fiscal Year 2021 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.

Majority Vote Required

Selectboard: *Recommends 0-0*

***Insert spreadsheet Appendix**

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), and that to meet this appropriation the Town Treasurer, with the approval of the Selectmen, be and hereby is authorized to borrow for those purposes itemized in said Appendix B as being funded through borrowing under and pursuant to M.G.L. Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority, to issue bonds or notes of the Town therefor, and further, to authorize any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, to be applied to the payment of costs approved hereunder in accordance with M.G.L. c. 40, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs, or to do or act anything thereon.

(Requested by the Selectboard)

Article 3A: FY 2022 Debt Service

Raise and appropriate or transfer from free cash the sum of \$xxxx to fund the FY 2022 debt service budget as listed in appendix B, the Capital Budget, or to do or act anything thereon.

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Selectboard: Recommends 0-0.

Finance Committee: Recommends 0-0.

SUMMARY: This article requests town meeting voters authorize the payment of \$XXXX in debt service for the FY 2022 fiscal year.

Article 3B: Replace two Police Cruisers

To see if the Town will vote to borrow the sum of \$100,000 for the purchase of two replacement cruisers for the Police Department, and costs related thereto; or to do or act anything thereon. 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 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.

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: It is expected that these funds would be borrowed as a debt exclusion. 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

Raise and appropriate, transfer from available funds or borrow \$58,000 to replace the Fire and Rescue Command Car 81, and costs 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 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

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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.

Selectboard: Recommends 5-0

Finance Committee:

SUMMARY: This article requests authorization to replace the Fire & Rescue Command Car 81. Command Car 81 is a 2013 Tahoe with significant rust and corrosion of its undercarriage.

Effect on Property Taxes: It is expected that these funds would be borrowed as a debt exclusion. The cost of \$55,000 would be borrowed over five years and would add \$0.6 cents to the tax rate in the first year and would cost the owner of a median priced (\$538,524) single-family home \$3.20.

Article 3D: Public Works-Replace Guard Shack and Build Canopy Extension at Transfer Station

Raise and appropriate, transfer from available funds or borrow \$55,000 to replace the Guard Shack and extend the canopy at the Transfer Station, and costs related thereto.

Selectboard: Recommends 5-0

Finance Committee:

SUMMARY: This article requests authorization to replace the Guard Shack and extend the canopy at the Transfer Station.

Effect on Property Taxes: It is expected that these funds would be borrowed as a debt exclusion. The cost of \$55,000 would be borrowed over five years and would add \$0.6 cents to the tax rate in the first year and would cost the owner of a median priced (\$538,524) single-family home \$3.20.

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Article 3E: Portable Radio Replacements (12 Mobile / 32 Portable) To see if the town will Raise and appropriate, transfer from available funds or borrow \$85,000 for the purchase of portable radio replacements for the Fire Department, and costs related thereto; or to do or act anything thereon. 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 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:

Finance Committee:

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

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. 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 3F: Emergency Response Vessel Replacement To see if the town will Raise and appropriate, transfer from available funds or borrow the sum of \$290,000 for the purchase of an emergency response vehicle for the Marina Department, and costs related thereto; or to do or act anything thereon. 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 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.

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2/3 Majority Vote Required

Selectboard: *Recommends 5-0*

Finance Committee: *Recommends 0-0*

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

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. The cost of \$250,000 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 \$12.07.

Article 3G: All-Terrain Forklift To see if the Town will vote to Raise and appropriate, transfer from available funds or borrow borrow the sum of \$60,000 for the purchase of an all-terrain forklift for the Marina Department, and costs related thereto; or to do or act anything thereon. 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 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: *Recommends 0-0*

SUMMARY: This article requests authorization to purchase an all-terrain forklift for the Marina Department.

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. 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 3H: Public Works-Duck Creek Revetment Engineering

To see if the town will Raise and appropriate, transfer from available funds or borrow \$50,000 for the Duck Creek Revetment Engineering project, and costs related thereto. And that to meet this

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appropriation the Town Treasurer, with the approval of the Selectmen, 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.

Selectboard: Recommends 5-0

Finance Committee:

SUMMARY: Article 3H request authorization for the Duck Creek Revetment Engineering project.

Effect on Property Taxes: It is expected that these funds would be borrowed as a debt exclusion. The cost of \$50,000 would be borrowed over five years and would add \$0.5 cents to the tax rate in the first year and would cost the owner of a median priced (\$538,524) single-family home \$2.91.

Article 3I: 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 for the purchase of a replacement ¾ ton pick-up truck and plow for the Department of Public Works, and costs related thereto; or to do or act anything thereon. 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 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:

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: These funds will be borrowed as a debt exclusion. 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 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 borrow the sum of \$240,000 for the purchase of a replacement transfer station roll-off truck for the Department of Public Works, and costs related thereto; or to do or act anything thereon. 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 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:

Finance Committee:

SUMMARY: This article requests authorization to purchase a replacement transfer station roll-off truck for the Department of Public Works.

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. 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: Public Works-Replace Guard Shack and Build Canopy Extension at Transfer Station To see if the Town will vote to Raise and appropriate, transfer from available funds or borrow the sum borrow the sum borrow the sum of \$55,000 for the purchase of a replacement transfer station guard shack and new canopy extension for the Department of Public Works, and costs related thereto; or to do or act anything thereon. 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 M.G.L. c. 44, §7, or pursuant to any other enabling authority, and to issue

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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.

Selectboard: Recommends 5-0

Finance Committee:

SUMMARY: This article requests authorization to replace the Guard Shack and extend the canopy at the Transfer Station.

Effect on Property Taxes: It is expected that these funds would be borrowed as a debt exclusion. The cost of \$55,000 would be borrowed over five years and would add \$0.6 cents to the tax rate in the first year and would cost the owner of a median priced (\$538,524) single-family home \$3.20.

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. The cost of \$15,000 would be borrowed over five years and would add \$ to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home \$.

Article 3L: Public Works Substation Roof Replacement, old S. Wellfleet Fire Station To see if the Town will vote to borrow the sum of \$15,000 for the purchase of a replacement substation roof for the Department of Public Works, and costs related thereto; or to do or act anything thereon. 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 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: Recommends 0-0

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SUMMARY: This article requests authorization to purchase of a replacement substation otherwise known as the old South Wellfleet Fire Station roof for the Department of Public Works.

Article 3M: Keller's Corner Revetment To see if the Town will vote to Raise and appropriate, transfer from available funds or borrow the sum of \$50,000 for the purchase of engineering services of a revetment for Keller's Corner for the Department of Public Works, and costs related thereto; or to do or act anything thereon. 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 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:

Finance Committee:

SUMMARY: This article requests authorization for the engineering of a revetment for Keller's Corner for the Department of Public Works.

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. 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 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 for the purchase of engineering services of a revetment for Mayo Creek for the Department of Public Works, and costs related thereto; or to do or act anything thereon. 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 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

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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: *Recommends 0-0*

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

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. 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 To see if the Town will vote Raise and appropriate, transfer from available funds or borrow the sum of \$12,750 to repair and resurface the Mayo Beach Basketball Court, and costs related thereto; or to do or act anything thereon. 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 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: *Recommends 0-0*

SUMMARY: This article requests authorization to fund repair and resurfacing the Mayo Beach Basketball Court.

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Effect on Property Taxes: These funds will be borrowed as a debt exclusion. The cost of \$12,750 would be borrowed over five years and would add **XXX** to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home **XXX**.

Article 3P: Replacement of 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 to replace the backstops at Baker's Field, and costs related thereto; or to do or act anything thereon. 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 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: *Recommends 0-0*

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

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. The cost of \$35,000 would be borrowed over five years and would add **XXX** to the tax rate in the first year and would cost the owner of a median priced (\$545,200) single-family home **XXX**.

Article 3Q: Replace Bandstand Awning To see if the Town will vote to borrow the sum of \$25,175 to replace the bandstand awning, and costs related thereto; or to do or act anything thereon. 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 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.

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2/3 Majority Vote Required

Selectboard: *Recommends 5-0*

Finance Committee: *Recommends 0-0*

SUMMARY: This article requests authorization to fund the replacement of the bandstand awning.

Effect on Property Taxes: These funds will be borrowed as a debt exclusion. The cost of \$25,750 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 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 or do or act anything thereon.

Majority vote required.

(Requested by the Selectboard)

Selectboard: Recommends 5-0.

Finance Committee: Recommends 0-0.

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 or do or act anything thereon.

Majority vote required.

(Requested by the Selectboard)

Selectboard:

Finance Committee:

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 Vote Required

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ARTICLE 7: Wellfleet Police Officer’s 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:

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 the first year of the collective bargaining agreement to fund wage and salary for non-union and other personnel beginning July 1, 2021 or do or act anything thereon.

Majority vote required.

(Requested by the Selectboard)

Selectboard: Recommends 5-0

Finance Committee: Reserve 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.

Majority vote required

(Requested by the Selectboard
and the Fire Chief)

Selectboard: Recommends 5-0

Finance Committee: Recommends 9-0

SUMMARY: This article would fund the cost of adding two additional Firefighter/

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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: The 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 funds 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.

Majority vote required

Selectboard: Recommends 5-0

Finance Committee: Recommends xxxxxx

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 (3 rd) year would be required to reimburse 2/3 of the cost and those who left in their fourth (4 th) year would be required to reimburse the Town for 1/3 of the costs.

Article 11: Funding Additional Officer: To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$58,369 or any other sum, for the purpose of creating and funding a Full Time Academy trained police officer.

Majority Vote Require

Selectboard Recommends: 5-0

Finance Committee:

Summary: This article would fund a full-time academy trained police officer with the upcoming phasing out of the Massachusetts Reserve Program, this could result in the loss of 6-8 reserve officer positions within the department.

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ARTICLE 12: Wastewater Commercial Street PRB.

To see if the Town will vote to appropriate a sum of money, not to exceed \$450,000 to install a pilot bulkhead 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 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.

Summary: Duck Creek is one of the most significantly impaired embayment in Wellfleet. As such, it is challenging to meet the nitrogen reduction targets required for this water body. A permeable reactive barrier is a barrier that intercepts groundwater and removes most of the nitrogen in it. Several other Cape Cod towns are using PRBs as a means to address nitrogen loading in their water bodies. This pilot project to collect data on how they perform in Wellfleet. This will also install a bulkhead to protect the parking lots at this location and remove the rubble and the pile of pavement currently being used at this location. \$100,000 of this total will be for a hydrogeologic investigation of the flow of water and groundwater quality. \$350,000 will be used for the design, construction, and monitoring needed to quantify the nitrogen reduction. This authorization would enable to Town to 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 13: Wastewater Department & Project Management

To see if the Town will vote to raise and appropriate a \$200,000 or any other sum, to fund a Water/Wastewater Director, a Grant Writer, ongoing monitoring, testing & compliance, provided, however, that no sums shall be expended hereunder unless and until the Town have voted to assess an additional \$200,000 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 1/2); or to do or act anything thereon.

Summary: This asks the Town to fund a Water/Wastewater Director position, a grant writer, and ongoing monitoring, testing, and compliance. This authorization would enable the Town to operate and manage a department that would oversee water, wastewater operations and facilities. Having a grant writer on staff will enhance the Town's ability to offset project costs through grant funding.

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ARTICLE 14: Wastewater Shellfish Propagation & Rotating Closures

To see if the Town will vote to raise and appropriate a \$80,000 or any other sum, to fund additional Shellfish Propagation and a pilot rotating shellfish closure program, provided, however, that no sums shall be expended hereunder unless and until the Town have voted to assess an additional \$80,000 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 1/2); or to do or act anything thereon.

Summary: This is asking for \$40,000 a year to fund additional cultch and seed and \$40,000 a year for monitoring of three-year no harvest rotating closures zones of shellfish beds within the Town.

ARTICLE 15: Wastewater Septic System Upgrade Subsidy

To see if the Town will vote to appropriate a sum of money, not to exceed \$3,750,000 to subsidy the upgrading of pre-existing septic systems to high-performance enhanced Innovative & Alternative (I&A) Septic Systems, 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 1/2) or take any other action in relation thereto.

Summary: The Wastewater Planning Committee has proposed new regulations to the Board Health requiring all new septic systems, replacements in the case of failure, and if a property is transferred be upgraded to enhanced IA systems. Upgrading these systems to high-performance I&A systems will improve the groundwater quality and reduce the nutrient loading of Wellfleet Harbor. The Board of Health is also planning on requiring the replacement of all remaining cesspools. The funding asked for is a \$12,500 subsidy to property owners to pay for the additional costs to upgrade to one of these enhanced IA systems when their pre-existing system is required to be upgraded. This subsidy will reduce the cost to a homeowner to install an enhanced IA system to approximately the same net cost as installing a new Title V system. Wellfleet averages 60 septic system replacements per year. This funding ask is for the expected cost to upgrade 60 systems a year over five years for a total of 300 systems. Upgrading septic systems will be a critical element in addressing the Town's wastewater needs. This authorization would enable to Town to 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 16: Wastewater Septic System Responsible Management Entity

To see if the Town will vote to raise and appropriate a \$100,000 or any other sum, to fund an I&A Septic System Responsible Management Entity, provided, however, that no sums shall be

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expended hereunder unless and until the Town has voted to assess an additional \$100,000 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 1/2); or to do or act anything thereon.

Summary: A responsible management entity (RME) is required to ensure that I&A systems are well maintained and operating correctly as well as pre-existing conventional systems. A RME is a public or private entity that will perform monitoring and septic system management that otherwise might be charged to a property owner. **[Better Summary needed]**

ARTICLE 17: Wastewater Salt Marsh Restoration Hawes Pond Tidal Gate. To see if the Town will vote to appropriate a sum of money, not to exceed \$150,000 design and installation of tidal control facilities at Hawes Pond for Salt Marsh Restoration, 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 1/2) or take any other action in relation thereto.

SUMMARY: Hawes pond is a small saltwater pond and is the headwaters for Duck Creek. Up until the last few years, there was an active eel run into the pond. The culvert for this pond is at the intersection of Rt. 6 and Main Street. Mass DOT restricted the culvert to a one-directional flow blocking saltwater from entering the system and is causing degradation of the pond, creek, and surrounding marsh. Saltwater marshes are more effective in reducing the amount of nitrogen in the water that flows through them. The degraded condition of Hawes Pond likely contributes to the issues with nutrient loading found in the Duck Creek Watershed. Restoring two-directional flow will improve the health of Hawes Pond and likely reduce the amount of nitrogen entering Duck Creek. A tidal gate is a self-regulating control element that requires minimal long-term maintenance or monitoring. This authorization would enable to the Town to 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 18: Wastewater Salt Marsh Restoration Mayo Creek Tidal Gate. To see if the Town will vote to appropriate a sum of money, not to exceed \$150,000 design and installation of tidal control facilities at the Mayo Creek Causeway for Salt Marsh Restoration, 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

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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.

SUMMARY: Mayo creek is a 20+ acre degraded former salt marsh. The causeway between it and the harbor mooring basin is due to be reconstructed. An article for the engineering of the reconstruction appears elsewhere on this warrant. The Mayo Creek Restoration Committee extensively studied the potential of restoring the salt marsh and issued their final report recommending a partial tidal restoration with a tide gate controlling the amount of saltwater flowing into the system. Restoring function to this salt marsh will reduce the amount of nitrogen entering the harbor from the creek. Installing a tide gate with an outlet larger than the pre-existing culvert will also allow for faster outflows from the marsh in the case of significant rain events which cause flooding of surrounding properties. Studies have also concluded that allowing for increased tidal flow will likely reduce the build-up of black custard in the inner mooring basin. This authorization would enable to the Town to 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 19: Wastewater 95 Lawrence Rd Cluster Wastewater Treatment Facility. To see if the Town will vote to appropriate a sum of money, not to exceed \$1,931,886 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.

SUMMARY: The Town is contractually obligated as part of the 95 Lawrence Rd Housing Project's RFP 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 surrounding town building in 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, SRF financing, Cape Cod Water Protection Funds, Section 319 Federal

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grants, Massworks, USDA, EPA, DEP, and other sources of support that cannot be applied for without a Town commitment.

ARTICLE 20: Wastewater 95 Lawrence Rd Cluster Wastewater Treatment Facility Operating and Maintenance Costs

To see if the Town will vote to raise and appropriate a \$52,746 or any other sum, to fund the ongoing operating and maintenance costs of the 95, Lawrence Rd Wastewater Treatment Facility, provided, however that no sums shall be expended hereunder unless and until the Town have voted to assess an additional \$52,746 in real estate and personal property taxes pursuant to the provisions of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2 1/2); or to do or act anything thereon.

Summary: This will fund the expected ongoing costs of the proposed wastewater treatment facility servicing the 95 Lawrence Rd Housing Project and the surrounding town buildings.

ARTICLE 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 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)

Board of Selectmen: 5-0

Finance Committee: Recommends

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

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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 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)

- Board of Selectmen: Recommends 5-0**
- Finance Committee: Recommends**
- Community Preservation Committee: Recommends 7-0**
- Affordable Housing Authority: Recommends**
- Housing Partnership: Recommends**

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 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)

- Board of Selectmen: Recommends 5-0**
- Finance Committee: Recommends**
- Community Preservation Committee: Recommends 7-0**
- Affordable 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

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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 24:Community Preservation – Lower Cape Housing Institute \$7,5001

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)

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 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)

Board of Selectmen: Recommends

Finance Committee: Recommends

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

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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 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)

Board of Selectmen: Recommends

Finance Committee: Recommends

Community Preservation Committee: Recommends 7-0

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.

ARTICLE 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:

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 28: Other Post-Employment Benefits (“OPEB”) Appropriation. To see if the town will vote to raise and appropriate, or transfer from available funds the sum of xxxx or, any other sum, to be added to the Town’s Other Post-Employment Benefits Liability Trust Fund or do or act anything thereon.

ARTICLE 29: PEG Access and Cable Related Fund To see if the town will vote to accept the provisions of G.L. Chapter 44 Section 53F ¾ for the purpose of establishing a PEG Access and

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Cable Related Fund. And further to appropriate from the PEG Access and Cable Related Fund; or to do or act anything thereon.

To see if the Town will vote to appropriate from the Cable Franchise Fee Special Revenue Fund the sum of ONE HUNDRED THIRTY FIVE THOUSAND THREE HUNDRED SEVENTY DOLLARS (\$135,370) for the purpose of offsetting costs for Fiscal Year 2022 associated with cable-related purposes including but not limited to support of public, educational or governmental access cable television services, monitor compliance of the cable operator with the franchise agreement, or prepare for renewal of the franchise license; or to do or act anything thereon.

Majority Vote Required

Selectboard:

Finance Committee:

SUMMARY: This Article requests approval to appropriate from the Cable Franchise Fee Special Revenue Fund.

ARTICLE 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 31: Property Sale Tax Transfer (Selectboard Member Wilson)

SECTION : DISPOSITION OF TOWN PROPERTY ARTICLES

ARTICLE 32: Disposition of Town Land

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. *Two-thirds vote required.*

Selectboard: Recommends withhold

Open Space Committee: Reserve recommendation until town meeting.

Planning Board: Recommends

Conservation Commission: Reserve recommendation until town meeting.

Natural Resources Advisory Board: Recommends.

SUMMARY: This 2.00 acre parcel of land is land-locked and abuts the Clemens-Nowack and Nowack property.

SECTION VI: UNCLASSIFIED ARTICLES

ARTICLE 33: 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:

DRAFT Warrant Articles revised 4-22-2021.

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.

Warrant Articles approved by the selectboard in 2021.

ARTICLE 34: Open Space Article for 2021 Town Meeting

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.

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.

Selectboard Recommend 4-1

Open Space Committee

Natural Resource Advisory Board Black Custard Article

ARTICLE 35: 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 reduce the scope and expense of future north channel harbor dredging or do or act anything thereon.

Board of Selectmen:

SUMMARY: This article seeks funding for a study of Wellfleet's Marina to evaluate and develop an engineering and permit plan to replace Marina north channel dredging with a natural distribution of dredge spoils ("black custard") on to Duck Creek marshes.

(Request of the Natural Resources Advisory Board.)

Selectboard Recommends: 5-0

Article 36: Selectboard Member Curley Prevailing Wage Article

Petition to Exempt the Town of Wellfleet from Prevailing Wages on Small Projects.

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

DRAFT Warrant Articles revised 4-22-2021.

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

Explanation: 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 37: Agricultural Commission Right to Farm Chair DeVasto

To see if the Town will vote to establish an Agricultural Commission to address and represent agricultural issues and interests in the Town of Wellfleet.

The duties and responsibilities of the Commission shall include, but not be limited to:

- ◆ Serving as facilitators for encouraging the pursuit of agriculture and aquaculture in Wellfleet;
- ◆ Promoting agriculture and aquaculture-based economic opportunities for the Town;
- ◆ Acting as mediators, advocates, educators, and/or negotiators in an advisory capacity on farming issues for established Town Committees and Departments;
- ◆ Working for the preservation of agriculture lands owned by the town;
- ◆ Pursuing all initiatives appropriate to creating a sustainable agriculture community.

Commission Organization: The Commission shall be comprised of five members, at least three of whom shall be engaged in the business of farming or related agricultural industries. The Selectboard shall appoint two members for a three year term; two members for a term of two years, and three years thereafter, and one member for a term of one year and three years thereafter. Up to three alternate members will also be appointed by the Selectboard, each for one-year terms. Any vacancy shall be filled by the Selectboard.

Selectboard

Planning Board

Shellfish advisory Board

Right to Farm

§ 1 Legislative purpose and intent.

§ 2 Definitions.

DRAFT Warrant Articles revised 4-22-2021.

§ 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 ("HomeRule Amendment").

B.

This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands. Within 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 activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the Town.

§ 2

Definitions.

DRAFT Warrant Articles revised 4-22-2021.

- 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.

DRAFT Warrant Articles revised 4-22-2021.

- 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, aquaculture, 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.

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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 Advisory Council 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, may forward a copy of the grievance review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

§ 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:

Article 38 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

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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

Explanation: 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.

Selectboard Recommends: 5

Article 39 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

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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 benefitted 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 XX 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

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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.

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Article 40: NRAB Request– 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.

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.

(Request of the Natural Resources Advisory Board)

Article 41: Wellfleet Affordable Housing Trust Fund

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 FUND BY-LAW

Chapter 1: Purposes

The purpose of the Affordable Housing Trust Fund (hereinafter "Trust") shall be to provide for the creation and preservation 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

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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 of 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.

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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.

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- 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,

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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

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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.

ARTICLE 42:

MOTION: 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.]

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	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

(ADU}

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.

DRAFT Warrant Articles revised 4-22-2021.

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.

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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

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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 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.

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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

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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 43: Petitioned Article

We, the undersigned, do support the following proposed Zoning By-law change and request that it be placed on the 2021 Annual Town Meeting Warrant.

MOTION: 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". 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

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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.

DRAFT Warrant Articles revised 4-22-2021.

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.

Proposed Accessory Dwelling Unit By-law

We, the undersigned, do support the above article and request that it be placed on the 2021 Annual Town Meeting Warrant.

(inserted signatures will go here)

ARTICLE 44: 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 Board of Selectmen 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.

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Vicious 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.

[Formerly Article III “General”

Section 25 “Dog Leash Bylaw”]

Section 15.4 Dogs Must Be Leashed ~~No person shall permit a dog to enter within the boundaries of any cemetery in the Town of Wellfleet.~~ All dogs within the territorial limits of the Town of Wellfleet shall be restrained by a leash unless confined to 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 Board of Selectmen 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 15.10.2.(b)

Section 15.6. Barking and Other Noise Caused by Dogs

No person owning, keeping or otherwise responsible for a dog shall allow ~~or permit~~ 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 thirty (30) ~~15~~ minutes. The fact that such noise is plainly audible at said distance or continuing in excess of thirty (30) ~~15~~ minutes, or on a daily basis, or, off and on, for more than a week, shall be prima facie evidence of a violation.

15.7 No dog may be left unattended in a parked vehicle, between May 1st and October 1st.

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15.8 Licensing and Regulation of Vicious Dogs

15.8.1 Determination of Viciousness

The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Wellfleet Police Department, the Board of Selectmen, or the Town Administrator that any dog owned or kept within the Town of Wellfleet 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.

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 vicious and may make such orders as he or she deems necessary to ensure compliance with the provisions of these by-laws and to promote public safety.

15.8.3 Upon determination by the Animal Control Officer that a dog is vicious, the Animal Control Officer shall issue a written order to the owner or keeper of said dog concerning the restraint, **removal** 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 vicious and shall require the owner or keeper of such dog to comply with the requirements of **this Bylaw**. ~~Section 15.4, Subsection B of these by-laws.~~

15.8.4. Without limiting the generality of the foregoing, the Animal Control Officer may order that said dog be permanently removed from the Town of Wellfleet, 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 removed, the owner or keeper shall provide the Animal Control Officer with the name, address, and telephone number of the new owner or keeper of the vicious dog.

15.8.5 The owner or keeper of any dog determined to be vicious 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.

15.8.6 After 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.

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.

15.9 Control of Vicious Dogs

DRAFT Warrant Articles revised 4-22-2021.

15.9.1. The Animal Control Officer shall notify the Town Clerk of all dogs determined to be vicious pursuant to the terms of these by-laws.

15.9.2. The owner or keeper of any dog determined to be vicious in accordance with Subsection A of Section 15.4 of these by-laws, which has not been ordered euthanized or permanently removed from Town, shall re-license said dog as “vicious” within thirty days of such determination. A unique licensing number shall be assigned to a vicious dog by the Town Clerk. That number shall be noted on the town licensing files.

15.9.3. No vicious 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 vicious dog on the premises. The sign shall be visible and capable of being read from the public or private roadway.

15.9.4. All vicious 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 vicious dog upon any premises which does not have a locked enclosure or for any owner or keeper to allow any vicious 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 Board of Selectmen with respect to the vicious dog, or to comply with the provisions of these by-laws. In such event, the vicious 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. Vicious 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

15.9.5 License Revocation – If the Animal Control Officer determines that a vicious 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 banning the dog from the Town or euthanizing the dog. If the **Selectboard** revokes the license of said dog and do 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 vicious dog found outside of its enclosure in violation of these by-laws or any order issued by the Animal Control Officer, **Selectboard** or any Court.

15.10 Kennel Licenses, Inspection, and Regulation.

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.

DRAFT Warrant Articles revised 4-22-2021.

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.

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.

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.

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 vicious 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.

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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.

See Section 15.10 Fines and Penalties. ~~1. Fines—Any person maintaining a residential or commercial kennel after the license has been so revoked, or while such license is so suspended, or who has failed to obtain a license for the kennel in violation of this By-law, Section 15.5, may be punished by a fine of fifty dollars (\$50.00) for each day in violation of this By-law.~~

15.11. Fines and Penalties

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.

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

(a.) Section 15.5 Dog Waste Removal which shall be fined immediately as a First Offense and subsequently, as listed for the Third, Forth and subsequent offenses, with no written warning;

(b.) Section 15.9 Kennel Licenses, Inspection and Regulation 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.

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 may 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.

DRAFT Warrant Articles revised 4-22-2021.

- The State’s penalty fees 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.
- The State’s language can be found in MGL Chapter 140, §136-174F.

In addition:

- Not allowing leashed dogs to be walked in cemeteries is a local option, not a State requirement.
- One of our existing General By-laws, “Section 25 Dog Leash Bylaw”, has been moved to this Animal Control section for clarity and convenience.
- The term “Board of Selectmen” has been changed to “Selectboard” throughout, to reflect changes in our Charter.

STANDARD ANNUAL ARTICLES

SECTION VII: STANDARD ANNUAL ARTICLES

Voted on Together as part of a consent agenda

ARTICLE 45: To see if the Town will vote to authorize the Town Administrator or his designee to dispose of the following articles of personal property by trade in or sale, or do or act anything thereon.

Majority vote required.

None at time of printing.

Selectboard: Recommends 5-0.

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

ARTICLE 46: 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.

DRAFT Warrant Articles revised 4-22-2021.

ARTICLE 47: 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 48: To see if the Town will vote pursuant to the provisions of G. L. c. 71, §16B, to reallocate the sum of the Town's required local contributions to the Nauset Regional School District in accordance with the Nauset Regional School District Agreement, rather than according to the formula of the Education Reform Act, so-called, for fiscal year 2021, or do or act anything thereon.

Majority vote required.

Selectboard: Recommends 5-0.

SUMMARY: This annual request would apportion the operating budget of the Nauset Regional School District on a per pupil basis, rather than the Education Reform Act Formula. The Article will apportion the Nauset Regional School District Assessment for Fiscal 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 49: To hear reports of the Selectmen, Town Officers, and all other Committees and to act thereon, or do or act anything thereon.

Selectboard: Recommends 5-0.

ARTICLE 50: To act on any other business that may legally come before the meeting.

Selectboard: Recommends 5-0.

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