

# 2018 ANNUAL TOWN MEETING

## ANNUAL TOWN MEETING MINUTES

Monday, April 23, 2018

Having been advised by the Town Clerk that a quorum was present, Daniel Silverman, Moderator, called the Town Meeting to order at 7:12 pm at the Wellfleet Elementary School at 100 Lawrence Road. The final tally of voters present at this meeting was 307.

The Moderator thanked Radu Luca, Executive Assistant to the Town Administrator, for his assistance in assembling the materials to be presented at Town Meeting.

He also recognized Dennis Murphy for his service on the Board of Selectmen which will end after the Annual Town Election on April 30, 2018 and the following individuals who retired from the Town of Wellfleet since the last Town Meeting:

Lenny Croteau	Marina
Thomas Ferreira,	Captain, Fire Department
Marianne Millette-Kelly	Elementary School Teacher
Elaine O’Keefe	Elementary School Teacher
Jan Worthington	Police Department dispatcher

The Moderator also acknowledged two town employees will be retiring soon:  
Marianne Nickerson                      Town Collector, 42 years, retiring in June  
Nancy Porteus                              Elementary School Teacher, 27 years, also retiring in June.

He also introduced Carolyn M. Murray, Esq. who is representing the Town’s Counsel, KP Law as well as Town Clerk Joe Powers who was also appointed as Assistant Town Administrator and will serve in both roles.

The Moderator asked for a moment of silence to remember the following individuals who served the Town of Wellfleet and had passed away since the last Town Meeting:

Barbara Atwood	Beach Program, Beach Study Committee
Margery Avirett	Constitution Bicentennial Committee
Alan Dodge	Historic Review Board
Richard Law	Election Worker
Marion Nickerson	Wellfleet Elementary School
Robert Paine	Board of Health, Coastal & Pond Access Committee
Paul Pilcher	Board of Selectmen, Barnstable County Assembly of Delegates, Housing Authority, Local Comprehensive Planning Committee, Economic Development Committee
Elizabeth Sorrell	Finance Committee
Richard Wallace	Open Space Committee, Marina Advisory Board

He also asked for a moment of silence in memory of Yarmouth Police Sergeant Sean Gannon who was killed in the line of duty on April 12, 2018 while serving as a member of the Cape Cod Regional Law Enforcement SWAT Team.

The Moderator informed the Town Meeting that no new business will be taken up after 10:00 pm and reminded the assembly of the rules of order and decorum.

He asked for unanimous consent to limit speakers, other than the proponent of the article, to three minutes and no more than twice without consent of the town meeting.

Unanimous consent was not granted so it was moved by Ms. Loewenstein and seconded that speakers be limited to three minutes. The Moderator declared the motion carried on a two-thirds voice vote.

He read the Warrant notice and the Constable’s Return of Service into the record and proceeded to the business of the Town Meeting.

## **ARTICLE 1: FY 2019 Operating Budget**

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

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

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 6-0.

Ms. Grout Thomas moved and it was seconded that Article 1, Department 541, Council on Aging, be amended on increase the total line item by \$4,000.00 for a new department total of \$238,790.00 with said monies to be raised and appropriated.

A majority vote is required for adoption. The Moderator declared the amendment carried on a voice vote. Upon objection by a voter, the Moderator called for the Tellers to come forward to be sworn and to count votes by hand.

The following were appointed and sworn by the Town Clerk as Tellers for the evening; Elspeth Hay, Brian Scalley, Peter Stewart and Nancy Winslow.

By a counted vote of 124 in favor and 129 opposed, the Moderator declared the motion failed. Discussion ensued on the main motion as previously stated.

A majority vote vote is required for adoption. The Moderator declared the motion carried on a voice vote.

## **ARTICLE 2: FY 2018 Year End Transfers**

Ms. Reinhart moved and it was seconded that the Town approve the following fiscal year 2018 operating budget transfers as printed in the warrant:

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

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 6-0.

The Cultural Council: Recommends 11-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

## **ARTICLE 3: FY 2019 Capital Budget**

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

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

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

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

#### **ARTICLE 4: FY 2019 Marina Enterprise Budget**

Ms. Bacon moved and it was seconded that the Town vote that \$651,171 be appropriated to operate the fiscal year 2019 Marina Enterprise Fund with the following sums;

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

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 7-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous vote.

#### **ARTICLE 5: FY 2019 Water Enterprise Budget**

Mr. Houk moved and it was seconded that the Town vote that \$278,486 be appropriated to operate the fiscal year 2019 Water Enterprise Fund with the following sums;

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

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 7-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

#### **ARTICLE 6: Collective Bargaining Agreement Wellfleet Police Officers Union**

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

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 5-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

#### **ARTICLE 7: Collective Bargaining Agreement Wellfleet Police Officers Union**

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

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 7-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

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

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

The Board of Selectmen: Recommends 5-0.

The Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

## **ARTICLE 9: Chapter 90 Road Repairs**

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

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

## **ARTICLE 10: Other Post-Employment Benefits (“OPEB”) Appropriation**

Mr. Houk moved and it was seconded that the sum of \$250,000 be raised and appropriated to the Other Post-Employment Benefits Liability Trust Fund.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

## **ARTICLE 11: Contribution to Marina Enterprise Stabilization Fund**

Mr. Murphy moved and it was seconded that the Town vote to transfer the sum of \$10,000 from the Marina Enterprise Fund to the Marina Enterprise Stabilization Fund.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

## **ARTICLE 12: Transfer to Stabilization Fund**

Ms. Reinhart moved and it was seconded that the sum of \$155,000 be raised and appropriated to the Stabilization Fund.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

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

Ms. Miranda Wilson moved and it was seconded that pursuant to Massachusetts General Law Chapter 40, section 5B that the Town of Wellfleet create a Special Purpose Stabilization Fund for capital improvements

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

#### **ARTICLE 14: Create a Special Purpose Stabilization Fund for Dredging**

Ms. Bacon moved and it was seconded that pursuant to Massachusetts General Law Chapter 40, section 5B that the Town of Wellfleet create a Special Purpose Stabilization Fund for maintenance dredging.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

#### **ARTICLE 15: Transfer to LCCATV Fund**

Mr. Houk moved and it was seconded that the Town transfer \$114,000 from the Cable receipts fund to fund local access television programming.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Cable Advisory Committee: Recommends 3-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

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

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

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

#### **ARTICLE 17: Community Preservation-Affordable Housing Trust Fund**

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

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

Community Preservation Committee: Recommends 5-0.

Local Housing Partnership: Recommends 5-0.

Housing Authority: Recommends 4-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

#### **ARTICLE 18: Community Preservation-Making Homes Affordable**

Mr. Sorkin moved and it was seconded that Article 18 be accepted and adopted as printed in the warrant and that the sum of \$100,000 be appropriated from the Community Preservation Fund Fiscal Year 2019 estimated revenue for the purposes of contributing to the cost of, and therefore supporting, Making Homes Affordable, a program to assist with the purchase of workforce housing for low and moderate

income eligible first-time home buyers within the Town of Wellfleet and to authorize the Board of Selectmen to enter into a grant agreement to set forth the terms and conditions thereof.

Board of Selectmen: Recommends 5-0.  
Finance Committee: Recommends 6-0.  
Community Preservation Committee: Recommends 5-0.  
Local Housing Partnership: Recommends 5-0.  
Housing Authority: Recommends 4-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

#### **ARTICLE 19: Community Preservation-Rescind Prior Article**

Mr. Sorkin moved and it was seconded the Town vote to rescind the appropriation of \$180,000 from the Community Preservation Fund Balance, previously approved pursuant to Article 21 of the 2014 Annual Town Meeting and return the \$180,000 to the Community Preservation Fund Balance.

Board of Selectmen: Recommends 5-0.  
Finance Committee: Recommends 6-0.  
Community Preservation Committee: Recommends 5-0.  
Local Housing Partnership: Recommends 5-0.  
Housing Authority: Recommends 4-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

#### **ARTICLE 20: Community Preservation-Habitat for Humanity Grant.**

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

Board of Selectmen: Recommends 5-0.  
Finance Committee: Recommends 6-0.  
Community Preservation Committee: Recommends 5-0.  
Local Housing Partnership: Recommends 5-0.  
Housing Authority: Recommends 4-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

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

Ms. McIlroy moved and it was seconded Article 21 be accepted and adopted as printed in the warrant and that the sum of \$100,000 be appropriated from the Community Preservation Fund undesignated Fund Balance for the purpose of contributing to the cost of, and therefore supporting community housing, the construction of a 65 unit rental complex for affordable and workforce housing by Penrose, LLC in Eastham, Massachusetts and that the Board of Selectmen be authorized to enter into an agreement with Penrose LLC for said purposes, and further, that the Board of Selectmen acquire an affordable housing restriction on said units.

Board of Selectmen: Recommends 5-0.  
Finance Committee: Recommends 6-0.  
Community Preservation Committee: Recommends 5-0.  
Local Housing Partnership: Recommends 5-0.  
Housing Authority: Recommends 4-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

## **ARTICLE 22: Community Preservation-Cape Housing Institute**

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

Board of Selectmen: Recommends 5-0.  
Finance Committee: Recommends 6-0.  
Community Preservation Committee: Recommends 5-0.  
Local Housing Partnership: Recommends 5-0.  
Housing Authority: Recommends 4-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

## **ARTICLE 23: Community Preservation-Park by Preservation Hall**

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

Board of Selectmen: Recommends 3-2.  
Finance Committee: Recommends 6-0.  
Community Preservation Committee: Recommends 5-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

## **ARTICLE 24: Community Preservation – Form B Inventories**

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

Board of Selectmen: Recommends 5-0.  
Finance Committee: Recommends 6-0.  
Community Preservation Committee: Recommends 5-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

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

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

Board of Selectmen: Recommends 4-1.  
Finance Committee: Recommends 6-0.

Mr. O'Hara moved and it was seconded that Article 25 be indefinitely postponed. A majority vote is required for adoption. The Moderator declared the motion for indefinite postponement carried on a voice vote.

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

Mr. Putnam moved and it was seconded that Article 26 be indefinitely postponed. A majority vote is required for adoption. The Moderator declared the motion for indefinite postponement carried on a voice vote.

## **ARTICLE 27: Increase Marijuana Sales Tax to 3%**

Mr. Houk moved and it was seconded that the Town accept the provisions of General Laws Chapter 64N, Section 3, as amended by Section 13 of Chapter 55 of the Acts of 2017 for the purpose of imposing a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Wellfleet to anyone other than a marijuana establishment at the rate of three percent.

Board of Selectmen: Recommends 5-0.  
Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

## **ARTICLE 28: Water Resources Director.**

Ms. Reinhart moved and it was seconded that the sum of \$150,000 be and hereby is raised and appropriated to pay the costs of funding a new Water Resources Director positions, provided, however that no funds shall be expended unless and until the Town shall have voted to assess an additional \$150,000 in real estate and personal property taxes pursuant to the provisions of G. L. chapter 59, section 21C (Proposition 2 ½.)

The Board of Selectmen: Recommends 4-1.  
Finance Committee: Does not recommend 6-2.  
Board of Water Commissioners: Recommends 5-0  
Comprehensive Wastewater Management Planning Committee: Recommends 5-0  
The Personnel Board: Does not recommend 3-1  
Mayo Creek Restoration Committee: Recommends 4-0  
Natural Resources Advisory Board: Does not recommend 4-1

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote. Upon objection by a voter, the Moderator called for the Tellers to count votes by hand.

By a counted vote of 147 in favor and 89 opposed, the Moderator declared the motion was adopted.

## **ARTICLE 29: Increase to Stipend for Selectmen**

Ms. Bacon moved and it was seconded that the Town vote to raise and appropriate \$7,500 for the purpose of increasing the annual stipend for the members of the Board of Selectmen to \$2,500 each.

Board of Selectmen: Recommends 3-2.  
Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

Ms. Reinhart moved and it was seconded that the Annual Town Meeting be recessed until Tuesday, April 24, 2018 at 6:30 pm at the Wellfleet Elementary School.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

The Annual Town Meeting recessed at 10:13 pm.



# **ANNUAL TOWN MEETING MINUTES**

Tuesday, April 24, 2018

Having been advised by the Town Clerk that a quorum was present, Daniel Silverman, Moderator, called the Town Meeting to order at 6:37 pm at the Wellfleet Elementary School at 100 Lawrence Road. The final tally of voters present at this meeting was 243.

The Moderator asked for a moment of silence to remember Tim Woodman.

## **ARTICLE 30: Acceptance of Revised Wellfleet Town Charter.**

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

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

And as amended as this Town Meeting.

### **Substitute motions:**

Mr. Terkanian moved and it was seconded that the Town vote to strike from the proposed charter Section 5-4-2 d) which reads “the Shellfish Constable”, to re-letter the subsections of Section 5-4-2 following subsection d), and to insert in Section 3-6-1 d) “a Shellfish Constable” in place of the current text.

The substitute motion requires a majority vote for adoption. The Moderator declared the substitute motion was adopted by voice vote.

Ms. Grout-Thomas moved and it was seconded that the Town vote to add the words “Town Administrator” to proposed charter Section 5-1-2 after the words “make an interim”.

The substitute motion requires a majority vote for adoption. The Moderator declared the substitute motion was adopted by voice vote.

Ms. Lowenstein moved and it was seconded that the Town voted to replace the word “thirty” with the word “sixty” after the word “within” in the proposed charter section 7-5-2.

The substitute motion requires a majority vote for adoption. The Moderator declared the substitute motion was adopted by a unanimous voice vote.

Mr. Terkanian moved and it was seconded that the Town voted to adopt the main motion as amended.

Board of Selectmen: Reserve Recommendation to town meeting 5-0.  
Charter Review Committee: Recommends 7-0.

Board of Selectmen: Recommends 4-1.  
Charter Review Committee: Recommends 7-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a 2/3 majority voice vote.

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

Mr. Terkanian moved and it was seconded that the Town vote to extend the charge of the Charter Review Committee as printed in the warrant under article 31.

Board of Selectmen: Recommends 5-0.  
Charter Review Committee: Recommends 7-0.  
Bylaw Committee: Recommends: 3-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

**ARTICLE 32: Amend Town of Wellfleet General Bylaws – Town Treasury**

**MOTION: Made by HELEN MIRANDA WILSON**

Ms. Miranda Wilson moved and it was seconded that the Town vote to amend its General Bylaws, Article III, section 5 as printed in the warrant in article 32.

Board of Selectmen: Recommends 5-0.

Bylaw Committee: Does Not Recommend 3-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

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

Mr. Murphy moved and it was seconded that the Town vote to amend its General Bylaws Article V, section 2 as printed in the warrant in article 33.

Board of Selectmen: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

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

Ms. Reinhart moved and it was seconded that the Town vote to amend its General Bylaws, Article VII, section 46, Polystyrene Reduction Bylaw, section 4, Administration and Enforcement as printed in the warrant in article 34.

Board of Selectmen: Recommends 5-0.

Recycling Committee: Recommends 6-0.

Bylaw Committee: Recommends 3-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

**Procedural Motions for Articles 35 and 36**

Mr. Feliz moved and it was seconded to combine Articles 35 and 36.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

Ms. Miranda Wilson moved and it was seconded to indefinitely postpone Articles 35 and 36.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

**ARTICLE 37: Zoning Bylaw Amendment – Home Occupation 6.22.2.**

Mr. Parent moved and it was seconded to amend the section 6.22.2 of the Zoning Bylaws in regards to Home Occupation as printed in the warrant under article 37.

Board of Selectmen: Recommendation 5-0.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a voice vote.

**ARTICLE 38: Petition to Amend Home Occupation Bylaw 6.22.2.**

Mr. Parent moved and it was seconded to indefinitely postpone Article 38.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

**ARTICLE 39: Petition to Amend Home Occupation Bylaw.**

Mr. Parent moved and it was seconded to indefinitely postpone Article 39.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

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

Mr. Parent moved and it was seconded to add a new section 6.6A to the Zoning Bylaws in regards to Affordable Flexible Residential Design as printed in the warrant under article 40, with correction that all references to 6.6 in said article be revised to state 6.6A.

Board of Selectmen: Recommends 5-0.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a voice vote.

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

Mr. Cole moved and it was seconded to indefinitely postpone Article 41. A majority vote is required for adoption. The Moderator declared the motion carried on a hand count vote with 128 in favor and 61 opposed.

Ms. Reinhart moved and it was seconded that the Annual Town Meeting be recessed until Wednesday, April 25, 2018 at 6:30 pm at the Wellfleet Elementary School.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

The Annual Town Meeting recessed at 10:07 pm.

# **ANNUAL TOWN MEETING MINUTES**

Wednesday, April 25, 2018

Having been advised by the Town Clerk that a quorum was present, Daniel Silverman, Moderator, called the Town Meeting to order at 6:58 pm at the Wellfleet Elementary School at 100 Lawrence Road. The final tally of voters present at this meeting was 188.

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

Mr. Parent moved and it was seconded to amend section 8.6 of the Zoning Bylaws, Large Scale Ground-Mounted Solar Photovoltaic Installations, as printed in the warrant under article 42.

Board of Selectmen: Recommends 5-0.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

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

Mr. Felix moved and it was seconded to amend the Zoning Bylaws by amending Section II, Section 2.1, Definitions and Section V, Section 5.3, Use Regulations as petitioned and as printed in the warrant under article 43.

Board of Selectmen: Recommends 5-0.

Planning Board: Does not recommend 5-0.

Bylaw Committee: Does not recommend 3-0.

A two-thirds majority is required for adoption. The Moderator declared the motion failed to achieve a two-thirds majority.

## **ARTICLE 44: Zoning Bylaw Amendment – Food Trucks.**

Mr. Parent moved and it was seconded to amend Section II, Section 2.1 of the Zoning Bylaws, Food Trucks, as printed in the warrant under article 44.

Board of Selectmen: Recommends 5-0.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a voice vote.

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

Mr. Parent moved and it was seconded to amend Section V, Section 5-3 of the Zoning Bylaws, Use Regulations, Food Trucks, as printed in the warrant under article 45.

Board of Selectmen: Recommends 5-0.

Planning Board: Recommends 5-0.

Bylaw Committee: Recommends 3-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a voice vote.

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

Mr. Murphy moved and it was seconded that Article 46, the disposition of town owned land at 0 West Main Street, be accepted and adopted as printed in the warrant.

Board of Selectmen: Recommends 4-0.

Finance Committee: Recommends 6-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

**ARTICLE 47: Easement for Eversource to install transformer.**

Mr. Houk moved and it was seconded that the Town vote to convey an easement to Eversource for the installation of an additional transformer in the rear parking lot of Town Hall, as printed in Article 47 in the warrant.

Board of Selectmen: Recommends 4-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a voice vote.

**ARTICLE 48: 120 Paine Hollow affordable housing project**

Ms. Miranda Wilson moved and it was seconded that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, a fee interest in the land, and any improvements thereon, located at 120 Paine Hollow Road, as printed in Article 48 in the warrant.

Board of Selectmen: Recommends 4-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

**ARTICLE 49: Septic System Easement for 15 Harding Lane.**

Ms. Bacon moved and it was seconded that the Town vote to convey a septic system easement for 15 Harding Lane, as printed in Article 49 in the warrant.

Board of Selectmen: Recommends 4-1.

Natural Resources Advisory Board: Recommends 5-0.

Open Space Committee: Recommends 4-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a voice vote.

**ARTICLE 50: Municipal Hearing Officer**

Ms. Reinhart moved and it was seconded that the Town vote to accept the provisions of Massachusetts General Law, Chapter 40U, for the purpose of designating a Municipal Hearing Officer as printed in the warrant in Article 50.

Board of Selectmen: Recommends 5-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

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

Ms. McIlroy moved and it was seconded that the Town vote to accept the Wellfleet Housing Needs Assessment and Action Plan as required by the General Bylaws in Article 3, section 14 and as printed in the warrant in Article 51 and appendix F.

Board of Selectmen: Recommends 5-0.

Planning Board: Recommends 5-0.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

**ARTICLE 52: Room Occupancy Tax.**

Mr. Murphy moved and it was seconded that the Town vote approve article 52, to petition the General Court for special legislation to allow the Town to impose a Room Occupancy Tax on seasonal property rentals, as printed in the warrant.

Board of Selectmen: Recommends 5-0.

Finance Committee: Recommends 6-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

## **CONSENT AGENDA**

Ms. Reinhart moved and it was seconded that Articles 53 through 56 inclusive be accepted and adopted as printed in the warrant.

Board of Selectmen: Recommends all.

### **ARTICLE 53: Disposal of Personal Property**

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

### **ARTICLE 55: DEP Liability**

### **ARTICLE 56: Local contributions to the Nauset Regional School.**

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

### **ARTICLE 57: Town Hall Lawn (Petitioned Article)**

Mr. Cole moved and it was seconded that Town voters advise the Board of Selectmen through a non-binding resolution to re-consider the plan for the Town Hall Lawn as petitioned in article 57 in the warrant.

Board of Selectmen: Does Not Recommend 5-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

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

Mr. Terkanian moved and it was seconded to indefinitely postpone Article 58.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

### **ARTICLE 59: To hear reports of the Selectmen, Town Officers, & other Committees.**

Mr. Houk moved and it was seconded that Article 59 be accepted as printed in the warrant.

Board of Selectmen: Recommends 5-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a voice vote.

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

Ms. Miranda Wilson moved and it was seconded that Article 60 be accepted as printed in the warrant.

Board of Selectmen: Recommends 5-0.

A majority vote is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

The Moderator informed Town Meeting of the following appointments made by him:

Ms. Nancy Winslow is re-appointed to the Social/Human Services Advisory Committee for a 3-year term, through the 2021 Annual Town Meeting, with thanks.

Ms. Madeleine Entel is re-appointed to the Social/Human Services Advisory Committee for a 3-year term, through the 2021 Annual Town Meeting, with thanks.

Mr. Roger Putnam is re-appointed to the Bylaw Committee for a 3-year term, through the 2021 Annual Town Meeting, with thanks.

Mr. Robert Fitzgerald is re-appointed to a 3-year term on the Cape Cod Regional Vocational Technical High School Committee, through the 2021 Annual Town Meeting, with thanks.

In accordance with Sections 7-1-1 and 7-1-3 of the Town Charter, the Moderator asked the Town Meeting to approve the following appointments to the Finance Committee.

Mr. Fred Magee for a 3-year term, through the 2021 Annual Town Meeting;

Mr. Robert Wallace for a 3-year term, through the 2021 Annual Town Meeting; and

Mr. Ira Wood for a 3-year term, through the 2021 Annual Town Meeting.

The appointments were approved by a unanimous voice vote.

The Moderator recognized Dennis Murphy for his years of service to the town as a member of the Board of Selectmen.

Mr. Gerry Parent, Chair of the Planning Board, thanked Town Meeting for their support of the Planning Board's articles and recognized Denny O'Connell for his years of service on the Planning Board.

**Dissolution of the Annual Town Meeting**

Ms. Reinhart moved and it was seconded that the Annual Town Meeting be dissolved.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

The Annual Town Meeting was dissolved at 8:37pm.

A TRUE RECORD ATTEST:

A handwritten signature in black ink, appearing to read "J. F. Powers", written in a cursive style.

Joseph F. Powers, Town Clerk

DATED: April 25, 2018