

SPECIAL TOWN MEETING MINUTES

September 24, 2018

In accordance with the Warrant, Daniel Silverman, Town Moderator, brought the meeting to order at 7:07p.m at the Wellfleet Elementary School Gymnasium at 100 Lawrence Road. The quorum requirement of 6% of the 2,823 registered voters was met with 295 voters present.

A moment of silence was given to those who served the town and passed away since the last Town Meeting: Ralph Bratberg, Sarah Paine Curley, Clifford Dalby, Elaine LaChapelle, Don Palladino and Barbara Stevens as well as for Arthur Medici who passed away at Newcomb Hollow Beach on September 15, 2018.

The Moderator recognized the following town employees who recently retired as Police Department Dispatchers: Donna Holloway, Cheryl Mulligan and Jan Worthington.

The Moderator asked for and Town Meeting accepted by unanimous consent a limit on speeches to three minutes per speaker.

The following people were appointed Tellers by the Moderator:

Moe Barocas

Yvonne Barocas

Bill Carlson

Lucas Scott

The warrant and return of service was read into the record by the Moderator and Town Meeting proceeded to the business at hand.

ARTICLE 1: Lease of Landfill for Solar Photovoltaic Facility

Ms. Reinhart moved and it was seconded that the Town transfer the care, custody, and control of the parcel of land known as the Wellfleet landfill and located at 370 Cole's Neck Road, Wellfleet, MA, as shown on Assessor's Map 7 as Parcel 28, from the board or official having care, custody and control jointly to such board or official for the purposes for which such parcel is currently held, and to the Select Board for the purpose of leasing and granting easements on, over or under such parcel for the installation of a solar photovoltaic facility on such parcel; and to authorize the Select Board to lease, through a written lease agreement, all or a portion of such parcel of land for the installation of a solar photovoltaic facility for a period of up to 20 years and to grant such easements on, over or under such parcel of land as necessary or convenient to serve the facility; and take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the lease agreement and easements, all of which agreements, easements and documents shall be on such terms and conditions and for such consideration as the Select Board deems in the best interests of the Town.

The Select Board voted 5-0, the Finance Committee voted 8-0 and the Energy Committee voted 5-0 to recommend adoption of the main motion.

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

ARTICLE 2: PILOT Agreements for Solar photovoltaic Facilities

Ms. Wilson moved and it was seconded to authorize the Select Board to enter into one or more agreements for payment in lieu of taxes and to take any actions and execute any other documents or ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such

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PILOT agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Select Board deems in the best interests of the Town as printed in article 2 in the warrant.

The Select Board voted 5-0, the Finance Committee voted 8-0 and the Energy Committee voted 5-0 to recommend adoption of the main motion.

The Moderator declared the motion was adopted on unanimous voice vote.

ARTICLE 3: Solar Power Purchase Agreement

Ms. Carlson moved and it was seconded to authorize the Select Board to enter into one or more net solar power purchase agreements with the owner(s) of solar photovoltaic facilities for periods of up to 20 years, and take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer such agreements, all of which agreements and documents shall be on such terms and conditions and for such consideration as the Select Board deems in the best interests of the Town as printed in article 3 in the warrant.

Majority Vote Required

(This article was requested by the Energy Committee)

Select Board: Recommends 5-0

Finance Committee: Recommends 8-0

Energy Committee: Recommends 5-0

7:43pm Ms. Carlson moved and it was seconded that

7:44pm Unanimous voice vote

ARTICLE 4: Prior Year Invoices

Motion: MOTION BY JERRY HOUK

I move to transfer \$21,720 from the beach fund for the purpose of paying fiscal year 2018 unpaid bills as printed in the warrant.

9/10 Vote Required

(This article was requested by the Select Board)

Select Board: Recommends 5-0

Finance Committee: Recommends 8-0

7:44pm Mr. Houk moved and it was seconded that

7:45pm Unanimous voice vote

ARTICLE 5: Authorization to fund new full-time firefighter/paramedic/emt

Motion: MOTION BY KATHLEEN BACON

I move to transfer funds from the FY 2019 Fire Department call fire fighter budget to the salaries and wages, full-time staff budget in order to hire an additional full-time fire fighter/paramedic/EMT.

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Majority Vote Required

(This article was requested by the Select Board and the Fire Chief)

Select Board: Recommends 5-0

Finance Committee: Recommends 8-0

Moderator recused himself at 7:46pm

Town Clerk took nominations

Ms. Reinhart moved to nominate Harry S. Terkanian and it was seconded. Mr. Terkanian accepted the nomination.

Ms. Lowenstein moved and it was seconded to close nominations.

Unanimous to close nominations

Mr. Terkanian was elected by unanimous voice vote of the Town Meeting.

[] moved to close nominations

Elected by Unanimous Consent

Clerk sworn in Mr. Terkanian 7:47pm

7:47pm Ms. Bacon moved and it was seconded that

Linda Shuster (7:48pm)

TA Dan Hoort (7:49pm)

Jane ??

Chief Pauley

Dan Silverman

7:56PM Carried by a majority voice vote.

ARTICLE 6: Funding for New Lifeguard Stations

Motion: MOTION BY JERRY HOUK

I move to transfer the sum of \$39,844 from the Beach Fund for the purpose of funding the purchase of four anodized aluminum lifeguard towers and costs related thereto.

Majority Vote Required

(This article was requested by the Select Board)

Select Board: Recommends 5-0

Finance Committee: Does Not Recommend 6-0-2

Moderator returned to the dais

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7:57PM Mr. Houk moved and it was seconded that

7:58PM Motion carried by majority vote by voters cards shown

ARTICLE 7: Easement to Verizon for 35 Lawrence Road (Police Station)

Motion: MOTION BY JUSTINA CARLSON

I move that the Town will vote to convey an easement to Verizon for the installation of poles, wires and other equipment to service the police station at 35 Lawrence Road (Assessor's Map 13, Parcel 16), and that the Select Board be authorized to take any action necessary to carry out this vote.

Two-thirds vote required.

(This article was requested by the Select Board)

Select Board: Recommends 5-0

8:00PM Ms. Carlson moved and it was seconded that

Unanimous voice vote

ARTICLE 8: Limitation on Number of Marijuana Dispensaries in Town

Motion: MOTION BY HELEN MIRANDA WILSON

I move that the Town vote to amend the General Bylaws by adding a new Section 47 to Article VII, a Marijuana Establishment Bylaw as printed in the warrant in article 8; with the deletion of a typographical error in the fourth line: strike the words "such establishments".

Majority Vote Required

(This article was requested by the Select Board)

Select Board: Recommends 5-0

Bylaw Committee: Does Not Recommend 3-0

8:01pm Ms. Wilson moved and it was seconded that

Roger Putnam (8:03pm)

HMW (8:04pm)

Ennie McDonald (8:07pm)

Tom Flynn (8:11pm)

Justina Carlson (8:11pm)

Mark Gabriele (8:14pm) - Carolyn M. Murray, Counsel, KPLaw

Daniel Parkington (8:15pm) – CMM

Kathleen Bacon (8:17pm)

John Wolf (8:19pm) – CMM

Dustin Curley (8:20pm)

Bob Costa (8:21pm) - CMM

Justina Carlson (8:23pm)

HMW (8:24pm)

Michael DeVasto (8:25pm) – HMW

Fred Magee (8:26pm) - HMW

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Sheila Lyons (8:30pm)
Tim O'Hara (8:32pm) - HMW
Bruce Bierhans (8:35pm)
Ennie McDonald (8:37pm)
Steve Reid? (8:38pm)

8:39pm Carried on a voice vote

ARTICLE 9: Acquisition of Property at 3 Kendrick Avenue

Motion: MOTION BY JANET REINHART

I move to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, on such terms and conditions as the Select Board deems appropriate, the parcel of land with the improvements thereon located at 3 Kendrick Avenue, which parcel is shown as Map 21, Parcel 112, for general municipal purposes, and for the purpose of conveyance or lease; to borrow up to \$898,000 for the foregoing acquisition and costs related thereto, provided, however, that such vote shall be contingent upon approval by the voters of the Town at an election of a Proposition 2 ½ debt exclusion question in accordance with General Laws Ch. 59, Section 21C(k) as printed in the warrant in article 9; and further, that the Town Treasurer, with the approval of the Select Board, be and hereby is authorized to borrow said amount under and pursuant to Chapter 44, Section 7 or 8 of the General Laws, or pursuant to any other enabling authority, to issue bonds and notes therefor, provided that 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, may be applied to the payment of costs approved hereunder accordance with General Laws Ch. 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Two-thirds vote required.

Select Board: Recommends 5-0
Finance Committee: Does Not Recommend 8-0
Conservation Commission: Recommends 5-0
Marina Advisory Committee: Recommends 5-1
Shellfish Advisory Board: Recommends 4-0

8:39pm Ms. Reinhart moved and it was seconded that
Janet Lowenstein (8:42pm)
Irene Daitch (8:43pm)
Dan Hoort (8:44pm)
Nancy Civetta (8:47pm)
Tom Flynn (8:53pm)
Kathleen Bacon (8:56pm)
Dick Elkin (8:58pm)
HMW (9:00pm)
Dustin Curley (9:01pm)
Jean Shaffer (9:02pm) - Janet Reinhart
Jude Ahern (9:10pm)
[Medical situation – recessed 9:12pm – resumed 9:20pm]
Jude Ahern (9:20pm)
Harry Terkanian (9:23pm)
Moe Barocas (9:25pm)

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Kathy Granlund (9:27pm)
Brent Harrold (9:28pm)
Nathan Johnson (9:29pm)
Stephen Polowczyk (9:29pm)
Bonnie Shepard (sp?) (9:30pm)
Justina Carlson (9:32pm)
Kathleen Bacon (9:34pm)
Ms. Tash (9:34pm) – TA Dan Hoort
HMW (9:36pm)

9:37pm

Declared failed on 2/3 vote

Voter card -

Tellers 179 in favor; 72 opposed. Motion carries on a 2/3 counted vote.

Paul Cullity – thank for service on Charter Review Committee
Denny O’Connell – Charter Review Committee (member at large replacing Rev. Cullity)
Planning Board nominate new member

Adjournment:

Moved by Reinhart
Seconded Lowenstein

To Adjourn

At 9:52pm Unanimous