

ANNUAL TOWN MEETING MINUTES

Monday, April 26, 2010

In accordance with the Warrant the Moderator opened the meeting at 7:06pm when a quorum of 152 was met (6% of 2,529 voters). A moment of silence was given in memoriam to David Rose – Fire Department and Helen Olsen – COA, Historical Commission .The Moderator explained the rules of the Town Meeting. Time limit of 5 minutes was approved by Town Meeting.

ARTICLE 1: 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 2011 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2011.

Board of Selectmen Recommends 5-0

Finance Committee Recommends 8-0

	SELECTMEN
	BUDGET
114 MODERATOR	
Salaries/ Wages/Fringe	
Benefits	200
Operating Expenses	353
DEPARTMENT TOTAL	553
115 CONSTABLES	
Salaries/ Wages/Fringe	
Benefits	100
Operating Expenses	0
DEPARTMENT TOTAL	100
121 AUDIT	21,000
122 SELECTMEN	
Salaries/ Wages/Fringe	
Benefits	5,000
Operating Expenses	6,845
DEPARTMENT TOTAL	11,845
123 TOWN ADMINISTRATOR	
Salaries/ Wages/Fringe	
Benefits	181,599
Operating Expenses	5,500
DEPARTMENT TOTAL	187,099
124 GENERAL ADMINISTRATION	
Salaries/ Wages/Fringe	
Benefits	110,543
Operating Expenses	16,855
DEPARTMENT TOTAL	127,398
131 FINANCE COMMITTEE	250

	SELECTMEN BUDGET
132 RESERVE FUND	20,000
135 TOWN ACCOUNTANT	
Salaries/ Wages/Fringe	
Benefits	122,555
Operating Expenses	8,302
DEPARTMENT TOTAL	130,857
141 ASSESSOR	
Salaries/ Wages/Fringe	
Benefits	97,351
Operating Expenses	37,370
DEPARTMENT TOTAL	134,721
145 TOWN CLERK/TREASURER	
Salaries/ Wages/Fringe	
Benefits	106,538
Operating Expenses	21,085
DEPARTMENT TOTAL	127,623
146 TOWN COLLECTOR	
Salaries/ Wages/Fringe	
Benefits	70,951
Operating Expenses	12,930
DEPARTMENT TOTAL	83,881
151 LEGAL EXPENSES	120,000
153 COMPUTERIZATION	145,065
158 TAX TITLE	20,000
162 ELECTIONS/REGISTRATION	
Salaries/ Wages/Fringe	
Benefits	4,700
Operating Expenses	4,550
DEPARTMENT TOTAL	9,250
171 CONSERVATION COMM.	2,525
174 PLANNING DEPARTMENT	3,135
176 BOARD OF APPEALS	1,880
177 OPEN SPACE COMMITTEE	1,400
178 HERRING WARDEN	
Salaries/ Wages/Fringe	
Benefits	300
DEPARTMENT TOTAL	300

	SELECTMEN BUDGET
179 SHELLFISH	
Salaries/ Wages/Fringe	
Benefits	150,053
Operating Expenses	20,610
DEPARTMENT TOTAL	170,663
180 SHELLFISH CONS/PROP	22,935
181 SHELLFISH ADV COMM	100
182 CHAMBER OF COMMERCE	10,000
183 NAT. RESOURCES ADV BD	450
189 HOUSING AUTHORITY	5,000
195 TOWN REPORTS & WARR	12,000
196 CONSULTANCY	20,000
TOTAL GENERAL GOVERNMENT	1,390,030
210 POLICE	
Salaries/ Wages/Fringe	
Benefits	1,071,699
Overtime	80,000
Operating Expenses	79,933
Capital Equipment	0
DEPARTMENT TOTAL	1,231,632
215 COMMUNICATIONS/DISPATCH	
Salaries/ Wages/Fringe	
Benefits	270,629
Overtime	26,000
Overtime (Police)	8,840
Operating Expenses	15,975
DEPARTMENT TOTAL	321,444
220 FIRE	
Salaries/ Wages/Fringe	
Benefits	736,870
Overtime	191,300
Operating Expenses	151,200
DEPARTMENT TOTAL	1,079,370
241 BUILDING DEPARTMENT	
Salaries/ Wages/Fringe	
Benefits	199,198
Operating Expenses	6,260
DEPARTMENT TOTAL	205,458

	SELECTMEN BUDGET
291 CIVIL DEFENSE	
Operating Expenses	0
292 ANIMAL CONTROL	
Salaries/ Wages/Fringe	
Benefits	30,271
Operating Expenses	3,850
DEPARTMENT TOTAL	34,121
293 TRAFFIC/PARK CONTROL	
Salaries/ Wages/Fringe	
Benefits	2,000
Operating Expenses	1,665
DEPARTMENT TOTAL	3,665
298 GREENHEAD FLY CONTROL	<u>0</u>
TOTAL PUBLIC SAFETY	2,875,690
300 ELEMENTARY SCHOOL	2,270,134
301 NAUSET REG SCHOOL DIST	1,916,758
302 CAPE COD REG TCH HS DIST	<u>80,821</u>
TOTAL EDUCATION	4,267,713
417 DPW FACILITIES	
Operating Expenses	280,887
Capital Equipment	0
DEPARTMENT TOTAL	280,887
420 DEPT PUBLIC WORKS	
Salaries/ Wages/Fringe	
Benefits	778,959
Overtime	26,100
Operating Expenses	127,521
DEPARTMENT TOTAL	932,580
422 DPW GENERAL HIGHWAYS	58,800
423 DPW SNOW REMOVAL	
Overtime	23,000
Operating Expenses	46,000
DEPARTMENT TOTAL	69,000
424 DPW STREET LIGHTS	25,000
433 DPW TRANSFER STATION	235,613

	SELECTMEN BUDGET
441 WATER COMMISSIONERS	0
442 WELL MUN WATER SYSTEM	0
TOTAL DPT. OF PUBLIC WORKS	1,601,880
510 HEALTH/CONSERVATION	
Salaries/ Wages/Fringe Benefits	134,512
Operating Expenses	25,800
DEPARTMENT TOTAL	160,312
520 HUMAN SERVICES	52,275
541 COUNCIL ON AGING	
Salaries/ Wages/Fringe Benefits	167,898
Operating Expenses	23,356
DEPARTMENT TOTAL	191,254
542 COUNCIL ON AGING BRD	0
543 VETERANS SERVICES	
Other Assessments	14,107
Veterans Benefits	4,800
DEPARTMENT TOTAL	18,907
TOTAL HUMAN SERVICES	422,748
610 LIBRARY	
Salaries/ Wages/Fringe Benefits	269,097
Operating Expenses	72,646
DEPARTMENT TOTAL	341,743
630 RECREATION	
Salaries/ Wages/Fringe Benefits	159,805
Overtime	0
Operating Expenses	54,032
Small Equipment	3,500
DEPARTMENT TOTAL	217,337
690 HISTORICAL COMMISSION	50
691 HISTORICAL REVIEW BRD.	50

	SELECTMEN BUDGET
692 DPW HOL CELEBRATIONS	1,500
699 BEACH PROGRAM	
Salaries/ Wages/Fringe	
Benefits	183,330
Overtime	0
Operating Expenses	43,900
Small Equipment	0
DEPARTMENT TOTAL	<u>227,230</u>
TOTAL CULTURE & REC.	787,910
753 SHORT TERM INT	15,000
756 INT ON R/E TAX REF	<u>150</u>
TOTAL SHORT TRM DEBT SERV	15,150
911 COUNTY RETIREMENT	828,416
912 WORKERS' COMP	30,000
913 UNEMPLOY COMP	15,000
914 GROUP INS. HEALTH	1,035,000
915 GROUP INS LIFE	5,900
916 MEDICARE TWN SH	90,100
917 HEALTH INS. STIPEND	25,000
940 BORROWING COSTS	3,000
944 INSURANCE RESERVE	0
945 LIAB/PROP/COMP INS	<u>254,000</u>
TOTAL MISCELLANEOUS	2,286,416
TOTAL OPERATING BUDGET	13,647,537

Voice vote the Selectmen's Fiscal Year 2011 Town Operating Budget, including fixing the salaries and compensation of all elected officers of the Town for Fiscal Year 2011 as printed in the warrant except to increase Line 911 Barnstable County Retirement by \$85,266 and to decrease line 300, Wellfleet Elementary School by \$12,634; the total operating budget thus to be \$13,647,537 with funding for the Operating Budget provided in the following manner:

Raise and appropriate	\$12,255,837
Ambulance Fund	\$260,000
Beach Fund	\$681,612
SEMASS Fund	\$310,000
Recreation Fund	\$38,000
Shellfish Fund	\$90,000
State Aid to Libraries	\$4,400
Sale of Cemetery Lots	\$4,500
Perpetual Care Income	\$2,000
Debt Exclusion Reduction	\$1,188

ARTICLE 2: To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums or money necessary to supplement the operating and/or capital budgets of the various Town departments for the current fiscal year 2009-2010.

FROM	TO	AMOUNT
DPW Salaries/Wages	COA–Contracted Services with Visiting Nurses Association	\$3,000
Contract was underfunded for FY2010		
DPW Salaries/Wages	Fire Department Operating	\$2,000
5% Town match for grant funds for air pack refill station		
Waterways Fund	DPW General Highways	\$11,000
Investigation of tidal gates at Herring River Dike		
Waterways Fund	Health Dept. Water Sampling	\$4,700
To continue Harbor water sampling for the Mass Estuaries Project		
Free Cash	Fire Department Overtime	\$25,000
To cover unexpected overtime costs		
Ambulance Fund	Fire Department Overtime	\$25,000
To cover unexpected overtime costs		
Fire Department Holiday	Fire Department Overtime	\$3,275
Interdepartmental transfer		
Fire Department Longevity	Fire Department Overtime	\$1,980
Interdepartmental transfer		
Fire Dept Education Incentive	Fire Department Overtime	\$1,000
Interdepartmental transfer		
Fire Department Fire/Rescue	Fire Department Ambulance	\$13,025
Interdepartmental transfer		
Free Cash	DPW Operating	\$22,000
To offset unexpected vehicle repair costs and Water Commissioners administration costs		
Beach Fund	DPW Operating	\$2,500
To repair beach access damaged by storms		
Free Cash	Shellfish Department	\$15,000
To purchase a department boat. Sale of two existing boats for \$12,000 will offset the cost, resulting in a net cost of \$3,000		
Free Cash	DPW Snow and Ice Removal	\$23,703
To cover unexpected overtime costs due to severe winter		
Beach Fund	Beach Operating Budget	\$6,000
Upgrades and repairs to guard shacks and lifeguard stands, additional canoe racks at Gull Pond, additional Mutt Mitts and dispensers, additional beach signage		
Beach Fund	Beach Operating Budget	\$2,000
To purchase a paddle rescue board to replace 8 year old board that takes on water		

Board of Selectmen Recommends 5-0
 Finance Committee Recommends 9-0

Voice vote to accept and adopt as printed in the warrant except to add an additional transfer of \$13,703 from Free Cash to DPW Snow and Ice Removal to fund further unanticipated costs for FY 2010 and an additional transfer of \$2,500 from the Beach Fund to DPW Operating Budget to repair beach access damaged by storms.

ARTICLE 3: 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 2011 Town Capital Budget.

Board of Selectmen Recommends 5-0
 Finance Committee Recommends 8-0

	SELECTMEN BUDGET
SHELLFISH	
Replace Ford Ranger	0
TOTAL GENERAL GOVERNMENT	0
POLICE	
Replace Aging Police Cruiser	30,000
FIRE	
Fire Suppression	7,500
Turn-out Gear	10,000
Storage Shed	0
Hydrant Valves	7,500
SCBA Apparatus	0
Air Refill Station	0
Replace Tanker 96	0
Sub-total	25,000
TOTAL PUBLIC SAFETY	55,000
DEPT PUBLIC WORKS	
Replace TH Carpet	0
Police Station Rood Repair	0
Refurbish Softball Field Infield	0
Pave Rear Pkg Lot at White Crest	0
Pave Pkg Lot at Maguire's Landing	0
TOTAL PUBLIC WORKS & FACILITIES	0
ELEMENTARY SCHOOL	
Computers/Technology	6,000
Exterior Painting	12,000
Bathroom Remodel	16,000
Replace Kitchen Floor	0
Replace Floor Coverings	6,000
Parking Lot Fence	0
Sub-total	40,000
NAUSET REGIONAL SCHOOLS	
Capital Facilities Improvements	55,000
Sub-total	55,000
TOTAL EDUCATION	95,000
<hr/> TOTAL CAPITAL IMPROVEMENT <hr/>	<hr/> 150,000 <hr/>

	SELECTMEN BUDGET
DEBT SERVICE LONG-TRM. PRIN. & INT.	
Municipal Water System (SHN)	0
Elementary School Renovation/Addition	214,620
DPW Garage	5,335
DPW Garage Facility	167,333
Land Bank – Geiger	23,478
Library Roof	21,928
Catholic Church	60,540
Land Bank - Chavchavadze	51,930
Municipal Water System (GOB1)	23,220
Senior Center	88,730
Municipal Water System (SRF)	53,983
Septic Loan	10,000
Six Wheel Dump Truck	10,375
Backhoe	15,563
Front End Loader	25,938
Coles Neck Well (GOB2)	10,375
Landfill Capping/Closure	165,450
Fire Station Land Purchase	64,575
Fire Station Design #1	31,625
DPW Road Grader	34,113
DPW Sweeper #2	40,250
DPW Front End Loader #2	34,113
DPW Flail Mower	16,863
DPW Refuse Trailer	16,675
Landfill Closure #2	8,625
Uncle Tim's Bridge	18,000
Fire Station Design #2	8,125
Fire Station Construction	644,875
335 Main Street Demolition	22,080
DPW One Ton Truck	9,583
Boy Scout area clean-up	34,200
TOTAL DEBT SERVICE	1,932,500
TOTAL CAPITAL BUDGET	2,082,500

Unanimous voice vote to raise and appropriate the Selectmen's Fiscal Year 2011 Capital Budget as printed in the warrant except to add a line in the Debt Service Principal and Interest Budget in the amount of \$34,200 for the Boy Scout area clean-up; the total Capital Budget thus to be \$2,082,500.

ARTICLE 4: To see if the Town will vote to raise and appropriate and/or transfer from available funds, and/or authorize the transfer from various line items within current appropriations including \$5,000 from the Beach Fund and \$5,000 from the Waterways Fund, such sums of money necessary to fund the Fiscal Year 2011 Marina Services Enterprise Fund Budget.

Board of Selectmen Recommends 5-0
 Finance Committee Recommends 7-0

MARINA ENTERPRISE DESCRIPTION	SELECTMEN BUDGET
PERSONNEL	
SALARIES/WAGES/FRINGE	
BENEFITS	160,269
OVERTIME	2,000
<u>TOTAL PERSONNEL</u>	<u>162,269</u>
OPERATING EXPENSES	
SERVICES	32,500
SUPPLIES	211,596
OTHER CHARGES	6,500
SMALL EQUIPMENT	1,500
<u>TOTAL OPERATING EXPENSES</u>	<u>252,096</u>
CAPITAL OUTLAY	
ENGINEERING/REHAB	20,000
REHAB DEBT SERVICE PRINCIPAL	110,000
REHAB DEBT SERVICE INTEREST	150,000
PAVING DEBT SERVICE PRINCIPAL	75,300
PAVING DEBT SERVICE INTEREST	16,500
<u>TOTAL CAPITAL OUTLAY</u>	<u>371,800</u>
RESERVE FUND	50,000
MARINA ADVISORY COMMITTEE	100
GENERAL FUND COSTS	
HEALTH/LIFE INSURANCE	22,213
PENSION	9,048
SHARED EMPLOYEES	13,340
BUILDING/LIABILITY INSURANCE	3,903
<u>TOTAL GENERAL FUND COSTS</u>	<u>48,504</u>
<u>BUDGET TOTAL</u>	<u>884,769</u>

Unanimous voice vote that the following sums be appropriated to fund the Selectmen's Fiscal Year 2011 Marina Enterprise Fund Budget, a total of \$884,769; such sum to be provided in the following manner: \$627,769 from Marina Enterprise Revenues, \$247,000 from retained earnings, \$5,000 from the Beach Fund and \$5,000 from the Waterways Fund. In addition, \$48,504 is to be raised and appropriated in the General Fund Operating Budget and allocated to the Marina Enterprise Fund.

ARTICLE 5: 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 2011 Water Services Enterprise Fund Budget.

Board of Selectmen Recommends 5-0
 Finance Committee Recommends 8-0
 Board of Water Commissioners Recommends 5-0

WATER ENTERPRISE DESCRIPTION	SELECTMEN BUDGET
WATER COMMISSIONERS	500
OPERATING EXPENSES	
UTILITIES	14,600
SERVICES	180,500
SUPPLIES	5,200
OTHER CHARGES	3,600
INSURANCE PREMIUM	2,000
SHARED EMPLOYEES	3,000
<u>TOTAL OPERATING EXPENSES</u>	<u>208,900</u>
RESERVE FUND	0
CAPITAL DEBT SERVICE	
WATER TANK DESIGN	62,100
BOY SCOUT WELLFIELD	69,713
WATER MAINS DESIGN	27,750
BOY SCOUT WELLFIELD	0
WATER SYSTEM CONSTRUCTION	59,415
<u>TOTAL CAPITAL OUTLAY</u>	<u>218,978</u>
<u>BUDGET TOTAL</u>	<u>428,378</u>

Unanimous voice vote the Selectmen’s Fiscal Year 2011 Water Enterprise Fund Budget as printed in the warrant, deleting \$79,302 from the Reserve Fund line, deleting \$121,440 from the Boy Scout Well Field Debt Service and adding \$900 to the Water System Construction Debt Service line, for a new total of \$428,378, such sum to be provided for in the following manner: \$218,978 from available funds and \$204,400 from Connection Fees and User Charges. In addition \$5,000 is to be raised and appropriated in the General Fund Operating Budget and allocated to the Water Enterprise Fund, and further that the water fund balances be transferred to the water enterprise fund effective July 1, 2010.

ARTICLE 6: To see if the Town will vote to revise the annual salary set by the Town Meeting under Article One for Elected Officials in order to raise and appropriate and/or transfer from available funds the sum of \$3,680, or any other sum, to provide a 3% wage increase for the Town Clerk/Treasurer and the Town Collector.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 7-0

Voice vote to raise and appropriate the sum of \$3,680 for the purpose of funding wage adjustments for the Town Clerk/Treasurer and Town Collector resulting in annual salaries of \$66,822 for the Town Clerk/Treasurer and \$59,337 for the Town Collector.

ARTICLE 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000, or any other sum, for the purpose of contributing to the Stabilization Fund.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 7-0

2/3 voice vote attained to raise and appropriate the sum of \$50,000 to contribute to the Stabilization Fund.

ARTICLE 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money in anticipation of reimbursement to be received pursuant to Massachusetts General Laws, Chapter 90 as amended; said funds to be expended to repair and resurface Town roads and to carry out other authorized projects under the direction of the Department of Public Works.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 8-0

Unanimous voice vote to accept the sum of \$200,856 that the State declares as available funds as the State's share of the cost of work under Massachusetts General Laws, Chapter 90, Section 34 (s2)(a), said funds to be expended for the purposes stated in the warrant under the supervision of the Board of Selectmen

ARTICLE 9: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 32B, Section 20 as amended by Chapter 479 of the Acts of 2008 and to raise and appropriate and/or transfer from available funds the sum of \$50,000, or any other sum, to pay the Town's contribution to the Other Post Employment Benefits Liability Trust Fund.

Board of Selectmen Recommends 5-0

Finance Committee Recommends 7-0

Unanimous voice vote to raise and appropriate the sum of \$50,000 to contribute to the Other Post Employment Benefits Liability Trust Fund.

ARTICLE 10: To see if the Town will vote to appropriate a sum of money for the purpose of stormwater remediation planning, design and construction and for the payment of all other 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 7 of the General Laws or pursuant to any other enabling authority, or pursuant to any other enabling authority, 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 2½).

Board of Selectmen Recommends 5-0

Finance Committee Recommends 7-0

Board of Health Recommends 5-0

Conservation Commission Recommends 5-0

Natural Resources Advisory Board Recommends 3-0

Planning Board Recommends 6-0

Shellfish Advisory Board Recommends 7-0

Local Comprehensive Plan Implementation Committee Recommends 5-0

2/3 voice vote attained to appropriate the sum of \$500,000 to pay costs of storm water remediation planning, design and construction 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 7 of the General Laws or pursuant to any other enabling authority 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)

ARTICLE 11: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$24,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2010; and further to appropriate from Community Preservation Fund estimated revenues a sum of \$75,408 for open space debt service; a sum of \$48,000 to reserve to for community housing; and further to reserve for future appropriation a sum of \$48,000 for historic resources, as well as a sum of \$26,692 to be placed in the 2011 Budgeted Reserve for general Community Preservation Act purposes.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 7-0
Community Preservation Committee Recommends 8-0
Open Space Committee Recommends 5-0
Housing Authority Recommends 3-0
Historic Commission has no Recommendation

Unanimous voice vote to accept and adopt as printed in the warrant except to delete from the last three lines the phrase “and further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee”.

ARTICLE 12: To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or historic preservation reserve the sum of \$250,000 to contribute to the cost of, and thereby support, the restoration of the Pond Hill School, located at 3067 Old Paine Hollow Road, Assessor’s Map 30, Lot 85, with the contingency that not more than \$25,000 be released for immediate design needs, and the South Wellfleet Neighborhood Association raise \$50,000 before any of the remaining \$250,000 of funds be released by the Community Preservation Committee.

Board of Selectmen Recommends 4-0-1
Finance Committee Recommends 7-0
Community Preservation Committee Recommends 8-0
Historic Commission has no Recommendation
Local Comprehensive Plan Implementation Committee 5-0

Voice vote to appropriate the sum of \$250,000 to fund a grant to the South Wellfleet Neighborhood Association for the preservation of the Pond Hill School, pursuant to a grant agreement, and further, to authorize the Board of Selectmen to enter into said grant agreement which agreement shall set forth the terms and conditions under which such funds may be expended, including a provision that not more than \$25,000 be released for immediate design needs, and that the South Wellfleet Neighborhood Association raise \$50,000 before any of the remaining \$225,000 of funds be released, and further to meet this appropriation \$92,100 be transferred from the Historic Preservation Reserve Fund and the sum of \$157,900 be transferred from the Community Preservation Fund estimated annual revenues.

ARTICLE 13: To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or community housing reserve the sum of \$25,000 to contribute to the cost of, and thereby support, the construction of an affordable single-family home by Habitat for Humanity of Cape Cod, located at 285 Chequessett Neck Road Assessor's Map 12, Lot 295.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 7-0
Community Preservation Committee Recommends 8-0
Housing Authority Recommends 3-0
Local Comprehensive Plan Implementation Committee 5-0

Voice vote to appropriate the sum of \$25,000 to fund a grant to Habitat for Humanity of Cape Cod for the construction of an affordable single-family home at 285 Chequessett Neck Road pursuant to a grant agreement, and further, to authorize the Board of Selectmen to enter into said grant agreement which agreement shall set forth the terms and conditions under which such funds may be expended, and to meet this appropriation \$25,000 be transferred from the Community Housing Reserve Fund.

ARTICLE 14: To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or historic preservation reserve the sum of \$100,000 to contribute to the cost of, and thereby support, the restoration of the Hatch Cottage, located 309 Bound Brook Way, Assessor's Map 6, Lot 8, to preserve as a historic Modern Style House available for educational purposes with the contingency that funds not be released until a lease has been received and approved by the Community Preservation Committee.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 5-2
Community Preservation Committee Recommends 7-0-1
Historic Commission has no Recommendation
Local Comprehensive Plan Implementation Committee 5-0
Citizens Economic Committee Recommends

Voice vote to appropriate the sum of \$100,000 to fund a grant to the Cape Cod Modern House Trust pursuant to a grant agreement for the restoration of the Hatch Cottage, and further, to authorize the Board of Selectmen to enter into said grant agreement which agreement shall set forth the terms and conditions under which such funds may be expended, and to meet this appropriation, the sum of \$100,000 be transferred from the Community Preservation Fund estimated annual revenues.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money for the purpose of planning for comprehensive wastewater management and for the payment of all other 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 7 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 2½).

Board of Selectmen Recommends 5-0

Finance Committee Recommends 6-0-1

Board of Health Recommends 5-0

Wastewater Planning Committee Recommends 5-0

Planning Board Recommends 6-0

Shellfish Advisory does not Recommend 4-3

Local Comprehensive Plan Implementation Committee Recommends 5-0

NRAB Recommends 3-0

2/3 voice vote attained to appropriate the sum of \$500,000 to pay costs of planning for comprehensive wastewater management 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 7 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 21 C of the Massachusetts General Laws (Proposition 2 ½).

ARTICLE 16: To see if the Town will vote to authorize the Board of Selectmen in accordance with bidding requirements of the General By-laws of the Town, to dispose of or trade in the following property to date:

<u>Items</u>	<u>Estimated Value</u>
1998 26 foot Privateer fiberglass boat	\$8,000
2000 19 foot Carolina flat bottom skiff	\$1,500
1996 Ford Ambulance	\$1,500
2003 Chevrolet Silverado pick up truck	\$2,500
1995 Fabrex Trash Trailer	\$1,000
1998 Honda Forman ATV	\$600
EM Scotchlite heat lamp applicator	\$600

Board of Selectmen Recommends 5-0
 Finance Committee Recommends 9-0

Voice vote to accept and adopt as printed in the warrant, except that the value of the 2000 19 foot Carolina flat bottom skiff be changed from \$4,000 to \$1,500.

ARTICLE 17: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$_____ for the purpose of funding a new pre-kindergarten class. (*By Petition*)

Board of Selectmen Recommends Indefinite Postponement 5-0
 Finance Committee Does Not Recommend 9-0

Unanimous voice vote to Indefinitely Postpone

ARTICLE 18: To see if the Town will vote to accept gifts offered to the Town since the 2009 Annual Town Meeting and appearing on a list dated March 1, 2010 and posted in the Office of the Town Clerk.

Gifts during the past year include:

<u>Department</u>	<u>Gift Received</u>
Fire Department	2 Pictures for the Conference Room – Donated by National TeleCom
	2 King Size Knitted Afghans – Donated by Grace Ebert

Council on Aging, Senior Center

Wii and games donated by Bruce Bierhans, Esq.

Wellfleet Library

Drawing by Nancy Webb – gift of the artist
From the Friends of the Wellfleet Library:
Small laser color copier
Laptop computer
Kindle
Books
DVDs
Audio books
Museum passes
Proquest Genealogy database subscription
Mango Foreign Language learning database subscription

Recreation Department

Vinyl sides and top for our Baker's Field Tent donated by Party of Cape Cod

Board of Selectmen Recommends 5-0
Finance Committee Recommends 9-0

At this time a motion to suspend the rules and act on Articles 18-21 as printed passes by a voice vote.

ARTICLE 19: To see if the Town will vote in accordance with Massachusetts General Laws, Chapter 41, Section 38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 9-0

Voice vote as printed

ARTICLE 20: To see if the Town will vote to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the Massachusetts General Laws, 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 Section 11 of Chapter 91 of the Massachusetts General Laws, and to authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 9-0

Voice vote as printed

ARTICLE 21: To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 71, Section 16B, which would allocate the sum of the member towns' contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called.

Board of Selectmen Recommends 5-0

Finance Committee Recommends 9-0

Voice vote as printed

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to renovate the Wellfleet Public Library and to further authorize the Board of Selectmen and/or the Library Trustees to apply for and expend any grant funds that may become available for the project.

Board of Selectmen Recommends 5-0

Unanimous voice vote to Indefinitely Postpone

ARTICLE 23: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, **SECTION VI, General Regulations**, Section 6.25, Municipal Wind Turbines, Subsection 6.25.4, A., to increase the maximum allowable Tip Height from four hundred (400) to four hundred fifteen (415) feet, as follows:

6.25.4 General Siting Standards

A. The maximum allowable Tip Height shall be no greater than ~~four hundred (400)~~ **four hundred fifteen (415)** feet.

Board of Selectmen Recommends Indefinitely Postpone 3-2

Planning Board Recommends Indefinitely Postpone 4-2

Energy Committee Recommends 5-0

By-Law Committee Recommends 3-0

Local Comprehensive Plan Implementation Committee Recommends 5-0

Planning Board report given

Tellers sworn were Martha Carroll and Thomas Reinhart.

Motion to Indefinitely Postpone passes In favor 128 Against 126

ARTICLE 24: To see if the Town will vote to amend the Wellfleet Zoning Bylaw, **Section VI, General Regulations**, Section 6.25, Municipal Wind Turbines, Subsection 6.25.3 by adding the following:

F. Prior to filing an application for a Special Permit, but not more than 180 days prior to filing the application, the Applicant shall arrange for a balloon or crane test at the proposed site or at a site not more than 100 feet from the proposed site. The balloon test shall be conducted for duration of not less than six hours during full daylight. The date range and time of the test shall be advertised in a newspaper of general circulation in the Town at least 7 days prior to the test, but not more than 30 days prior to the test. In addition, notice shall be provided to the Town Administrator, abutters and abutting Historic Commissions and to the Town Clerks of all adjacent towns. The balloon test shall demonstrate the hub height and maximum rotor blade tip height of the Wind Turbine Generator by tethering one balloon at the hub height and one balloon at the maximum tip height of a rotor blade for the turbine model to which the Special Permit will apply.

Board of Selectmen Recommends 5-0

Planning Board Recommends Indefinitely Postpone 6-0

Energy Committee Recommends Indefinitely Postpone

By-Law Committee Recommends 3-0

Local Comprehensive Plan Implementation Committee Recommends 5-0

**Planning Board report given
2/3 voice vote to accept and adopt as amended**

Motion to amend by changing 120 to 180 days, add “range” after date in third sentence, change 14 to 7 days and 21 to 30 days passes by a voice vote.

ARTICLE 25: to see if the town will vote to amend the Wellfleet Zoning Bylaw, Section VI, GENERAL REGULATIONS, Section 6.25 WIND TURBINES by adding the following subsection:

6.25.3. F. Prior to filing an application for a Special Permit, but not more than 60 days prior to filing the application, the Applicant shall arrange for a balloon or crane test at the proposed site, or at a site previously approved by the SPGA that is within 3,000 feet of the actual site, to illustrate the height of the proposed facility. The balloon test will be conducted within a reasonable date and time range, at the determined location and for a duration of not less than six hours during full daylight. Such information shall be advertised in a newspaper of general circulation in the town at least 14 days, but not more than 21 days prior to the test. The balloon test shall reasonably demonstrate the hub and maximum height of the Wind Turbine. In addition, notice shall be provided to the town, abutters and abutting Historic Commissions and an identical courtesy notice shall be sent to the Town Clerk of all adjacent towns. *(By Petition)*

Board of Selectmen Does Not Recommend 5-0

Planning Board Recommendations Indefinite Postponement 6-0

Energy Committee Reserves Recommendation to Town Meeting

By-Law Committee Does Not Recommend 3-0

**Planning Board report given
Voice vote to take no action**

ARTICLE 26: To see if the Town will vote to amend the Wellfleet Zoning By-laws, SECTION VII, SIGNS, by amending Section 7.3.4 as follows:

7.1 OBJECTIVES - To preserve and enhance town character by requiring new or replacement signs which are compatible with their surroundings and are appropriately sized for their location. To promote the public welfare and safety through the elimination of roadside distractions.

7.2 SIGNS NOT REQUIRING PERMITS

7.2.1 One sign for each family residing on the premises indicating the owner or occupant provided that no sign shall exceed two square feet in area.

7.2.2 One sign not over six square feet in area advertising a Home Occupation.

7.2.3 Directional signs not exceeding one square foot in area.

7.2.4 One temporary unlighted sign not over six square feet in area pertaining to the sale, rent or lease of the premises, except in the National Seashore Park District, where the sign shall not exceed two square feet in area.

7.2.5 One temporary unlighted sign not over six square feet in area pertaining to the construction or renovation of the premises, such sign to be removed upon completion of the work.

7.3 SIGNS REQUIRING PERMITS

7.3.1 One sign not over six square feet in area advertising a Home Industry.

7.3.2 A business other than Home Industry or Home Occupation located off Route 6 may have an aggregate total of twenty-four square feet of sign area. This includes the main business sign, which shall not exceed twelve square feet in area, and all accessory signs, including temporary signs.

7.3.3 Businesses having frontage on Route 6 may have an aggregate total of one hundred square feet of sign area. This includes a main business sign, which shall not exceed sixty-four square feet in area, and all accessory signs, including temporary signs.

7.3.4 Multiple businesses sharing the same parcel of land may have in addition to the signage permitted under Sections 7.3.2 or 7.3.3 one identifying sign for each additional business not exceeding eight square feet for businesses having frontage on Route 6, or six square feet for businesses located off Route 6, in an area mounted on or projecting from the building.

7.3.5 One sign bearing the name of a subdivision or condominium, not to exceed eighteen square feet in area OR one ladder type sign bearing multiple names of residents, provided that each name occupies a portion of the sign which does not exceed one square foot may be erected at the entrance of a subdivision or unimproved Town way.

7.4 GENERAL PROHIBITIONS

7.4.1 Flashing signs, signs containing moving parts, and signs which create the illusion of motion are prohibited.

7.4.2 The source of any sign's illumination which is visible from any public way or from any lot other than that upon which the sign is located is prohibited.

7.4.3 All signs internally illuminated by means of a concealed light source whereby all incandescent fluorescent, or neon devices are shielded from view by opaque or translucent materials, are prohibited, except for directional signs. All neon signs are prohibited.

7.4.4 Any sign which identifies a business, service, project, activity, or lessor which is defunct or which has not existed on the premises for twelve months shall be considered to be an abandoned sign and is prohibited.

7.5 LOCATION OF SIGNS

7.5.1 All signs shall be set back from roadways by a distance of five feet, and must be located on the owner's property in such a way as not to obstruct the view of traffic.

7.5.2 Signs installed on the roof may not project above the ridge of said roof.

7.5.3 Signs, which project over a public way, may be installed only in the Central District on buildings, which cannot meet setback requirements, and such projection is limited to six feet from the face of the building. The minimum clearance of projecting signs shall be eight feet from the public way.

7.5.4 Free-standing signs along Route 6 may not exceed a height of twelve feet above the paved surface of the roadway or eight feet above existing grade. Freestanding signs off Route 6 may not exceed eight feet in height.

7.6 MAINTENANCE OF SIGNS

7.6.1 All signs must be maintained in a secure and safe condition.

7.6.2 Any sign which is deemed by the Building Inspector to be unsafe or to be a prohibited sign must be removed forthwith upon issuance of a citation to the owner. After 30 days of non-compliance, the Building Inspector may cause the sign to be removed at the owner's expense.

7.6.3 Wrapping signs is prohibited. Signs may be removed for winter storage or covered with painted plywood panels or other rigid material. Removal of signs for storage or maintenance shall not jeopardize protection provided under Section 7.7 of this Sign Code.

7.7 NON-CONFORMING SIGNS

7.7.1 Non-conforming signs in existence at the time of adoption of this by-law shall be allowed to remain until such time as the premises are transferred or sold and the name or use is changed.

7.8 PERMITS

7.8.1 No sign shall be erected or altered without a permit granted by the building Inspector, except that signs authorized by Sections 7.2.1, 7.2.2, 7.2.3, 7.2.4 and 7.2.5 may be erected without a sign permit.

(By Petition)

Board of Selectmen Recommends 5-0
Planning Board Recommendations 5-0-1
By-Law Committee Recommends 2-0-1
Local Comprehensive Plan Implementation Committee Recommends 5-0

**Planning Board report given
2/3 voice vote to accept and adopt as printed in the warrant**

ARTICLE 27: To see if the Town will vote to appropriate a sum of money for the purpose of planning, design and construction of water mains at various locations throughout the Town, 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 (3) 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 2½).

Board of Selectmen Recommends 3-1
Finance Committee Recommends 9-0
Conservation Commission Reserves Recommendation to Town Meeting
Planning Board Recommends in accordance with April 2010 revised layout 6-0
Board of Water Commissioners Recommends 5-0
Board of Health Recommends 5-0
Wastewater Planning Committee Recommends 5-0
Local Comprehensive Plan Implementation Committee Recommends 5-0

2/3 voice vote to appropriate the sum of \$4,800,000 to pay costs of planning, designing and constructing water mains at various locations throughout the Town, 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 (3) 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 until (i) the Selectmen have determined that the town has been awarded a federal grant for this project in the amount of at least \$2,400,000, and (ii) 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). The amount authorized to be borrowed by this vote shall be reduced to the extent of any grants received by the Town on account of this project.

ARTICLE 28: To see if the Town will vote to accept the layouts as public ways of Grist Mill Way, Chris Drive, Goldenrod Lane and Mayflower Drive, all as shown on plans entitled “Freeman’s Mill Ridge Plan of Land in Wellfleet,” dated March 1987, prepared by Slade Associates, Inc.; “Plan of Land in Wellfleet Being a Subdivision of Portions of Land as Shown on L. C. Ps. No. 39288A & 40697A and Lot 1 as shown on L. C. P. No. 31939B,” dated September 1986, prepared by Slade Associates, Inc. and “Plan of Land in Wellfleet Being a Subdivision of Lot 2, as shown on L. C. P. No. 31939A” dated April 1981, prepared by Slade Associates, Inc., copies of which are on file in the Office of the Town Clerk, and in connection therewith, to authorize the Board of Selectmen to acquire by gift or eminent domain such interests in land as may be necessary or convenient, including the fee or easements for public way, utility or other purposes.

Board of Selectmen Recommends 4-0
 Finance Committee Reserves Recommendation to Town Meeting
 Board of Water Commissioners Reserves Recommendation to Town Meeting

Voice vote to Indefinitely Postpone

ARTICLE 29: To see if the Town will vote to authorize the sale or other disposition of the following properties upon such terms and conditions as the Board of Selectmen shall establish; and to authorize and direct the Board of Selectmen to take any and all actions necessary or convenient therewith.

Map/Lot	Acres	Address
35/35	0.14	44 Bay View Avenue
35/36	0.06	0 Bay View Avenue
35/121	0.21	0 Pleasant Point Road

Board of Selectmen Recommends 5-0
 Finance Committee Recommends 9-0
 Open Space Committee Reserves Recommendation to Town Meeting
 Planning Board Recommends provided establishment of a \$20,000 minimum bid per lot
 Local Comprehensive Plan Implementation Committee Recommends 5-0

2/3 voice vote that the custodian of the properties identified in Article 29 and the purpose for which they are held be changed from being held by the Treasurer for purposes of tax title to being held by the Selectmen for purposes of conveyance and that further, the Selectmen be authorized to sell or otherwise dispose of said properties subject to the use restrictions as printed in the warrant, and to take any and all actions necessary or convenient therewith.

At this time a motion to reconsider Article 23 loses by a voice vote.

ARTICLE 30: To see if the Town will vote to authorize the Wellfleet Conservation Commission to grant an easement upon the property at 50 Beach Street, identified as Wellfleet Assessors Map 35, Parcel 26, and/or that portion of Water Street abutting said parcel, appurtenant to the property at 40 Beach Street, identified as Wellfleet Assessors Map 35, Parcel 9, for the installation, use, repair and maintenance of sewage disposal system components, upon such terms and conditions as the Conservation Commission shall establish, and to authorize and direct the Conservation Commission to take any and all actions necessary or convenient therewith. *(Placed on Warrant by Board of Selectmen by request of Ben Zehnder)*

Board of Selectmen Recommends 4-0-1
Finance Committee Does Not Recommend 8-1
Conservation Commission Recommends 5-0

2/3 voice vote as printed

ARTICLE 31: To see if the town will vote pursuant to the provisions of Massachusetts General Laws, Chapter 43B to amend the Wellfleet Home Rule Charter, Sections 7-2 Submission of Budget and Budget Message, Section 7-3, Action on Proposed Budget, and 7-5 Capital Improvement Plan, as follows:

Section 7-2 Submission of Budget and Budget Message

7-2-1 On or before the thirty-first of October of each year, the Board of Selectmen shall prepare and issue a policy statement relating to the budget for the ensuing Fiscal Year. The statement shall establish the outer limits of possible budget growth for all municipal departments. The policy statement shall be sent to all other officials responsible for preparing budget requests. A copy of the statement shall be filed with the Town Clerk.

7-2-2 Not later than the 31st of October the Board of Selectmen and the Finance Committee shall set a date for the Town Administrator to submit to the above bodies a comprehensive budget for all Town functions for the ensuing Fiscal Year and an accompanying budget message, unless otherwise provided by General Law or By-law.

Section 7-3 Action on Proposed Budget

7-3-1 The Board of Selectmen shall adopt the budget, with or without amendments, promptly, and in any case within thirty days, and shall then submit it to the Finance Committee.

7-3-2 The Finance Committee shall conduct one or more public meetings on the proposed budget and shall issue recommendations and detailed explanations on all financial articles in print and make copies available to the voters at least fourteen days prior to the first session of the Annual Town Meeting. In preparing its recommendations, the Committee may require any Town division, department, board, or office to furnish it with appropriate financial reports and

budgetary information. Such recommendations and explanations shall be printed as part of the Warrant.

7-3-3 The Board of Selectmen and the Finance Committee shall hold joint public meetings to review budget requests with department heads.

Section 7-5 Capital Improvement Plan

7-5-1 In the month following the Annual Town Meeting, the Town Administrator shall, after consultation with members or alternates of the Finance Committee, prepare a five-year Capital Improvement Plan in a form approved by the Finance Committee, consistent with standards established by the Finance Committee and shall include information requested by the Finance Committee. The Plan shall include:

- (a) a clear summary of its contents;
- (b) a list of all Capital Improvements proposed to be undertaken during the next five fiscal years, together with supporting data;
- (c) cost estimates, methods of financing, and recommended time schedules;
- (d) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The information may be revised and shall be extended each year with regard to Capital Improvement pending or in the process of construction or acquisition.

7-5-2 The Capital Improvement Plan shall be submitted to the Finance Committee and the Board of Selectmen not later than the 1st of June. Within thirty days the Finance Committee shall prepare and submit a report and its recommendations on the Capital Improvement Plan to the Town Administrator and the Board of Selectmen. A copy of the report shall be filed with the Town Clerk.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 9-0
By-Law Committee Recommends 3-0

2/3 voice vote as amended

A motion to not include the changes to 7.3.1, 7.3.2 and 7.3.3 passes by a vote of 70 in favor and 69 against.

ARTICLE 32: To see if the Town will vote to amend the Wellfleet General By-laws, TOWN CLERK FEES, (42) For entering notice of intention of marriage and issuing certificate thereon, by increasing the fee from **\$25** to **\$40**.

Board of Selectmen Recommends 5-0
Finance Committee Recommends 9-0
By-Law Committee Recommends 3-0

Unanimous voice vote to accept and adopt as printed in the warrant

ARTICLE 33: To see if the Town will vote to amend the Wellfleet General By-laws, Article VII, General, Section 9, Posting and painting of buildings, etc., as follows:

Section 9. No person shall place, post or affix in any manner, paint or write or cause to be painted, printed or written, a notice, advertisement, or bill upon a post, fence, wall or building or property in the Town, including Town property, unless he has previously obtained the consent to do so from the person or persons having possession of such fence, pole, post, wall or building or property. With respect to Town property, permission must be obtained from the Board of Selectmen.

Board of Selectmen Recommends 5-0

Planning Board Recommends 5-0-1

By-Law Committee Recommends 3-0

Local Comprehensive Plan Implementation Committee Recommends 5-0

Voice vote to accept and adopt as printed in the warrant

ARTICLE 34: To see if the Town will vote to amend the Wellfleet General By-laws by adding definitions to Section 15.3 and by adding Section 15.5 Kennel Licenses and Inspections to the Animal Control By-laws, as follows:

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.

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.

15.5 Kennel licenses, inspection, and regulation.

A. 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.

B. Application and Issuance of 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.

C. 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.

D. 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 Board of Selectmen of that determination and the facts upon which it is based. The Board of Selectmen 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 Board of Selectmen after a new hearing.

E. Upon written petition of any person or persons, filed with the Board of Selectmen, 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 Selectmen, 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 Selectmen 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 Selectmen shall make an order either revoking or suspending such kennel license, or otherwise regulating said kennel or premises, or dismissing said petition.

F. 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.

G. Violations 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.

2. Non-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 §15.5 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.

Board of Selectmen Recommends 5-0

By-Law Committee Recommends 3-0

Board of Health has no Recommendation

Voice vote to accept and adopted as printed in the warrant, except that in Section 15.5, Subsection D, all references to the Board of Health be changed to Board of Selectmen.

ARTICLE 35: To see if the Town will vote to amend the Wellfleet General By-law, WELLFLEET ENVIRONMENTAL PROTECTION BY-LAW, as follows:

Article 1. The purpose of this by-law is to protect the natural resources and wetlands existing in the Town of Wellfleet by controlling activities deemed to have a significant or cumulative adverse effect upon environmental values, including but not limited to the following:

- public or private water supply
- groundwater supply and quality
- prevention of pollution
- flood control
- fisheries
- land containing shellfish
- storm damage prevention
- erosion control
- wildlife habitat

Article 2. The term "person" as used in this by-law shall include any individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, the Commonwealth or political subdivision thereof, including the Town of Wellfleet, administrative agency, public or quasi-public corporation of body, or any other legal entity or its representative, agent or assigns.

Article 3. No person shall remove, fill, dredge or alter any fresh water wetland, coastal wetland, bank, beach, dune, flat, marsh, wet meadow, bog, swamp or any estuary, creek, river, stream, pond, lake or any land within 100 feet of the foregoing areas or any land under the ocean, land subject to tidal action or coastal storm flowage, land subject to flooding (bordering or isolated); or land in an Area of Critical Environmental Concern* with the exception of privately owned upland areas in the Bound Brook and Griffin Island areas which are not within the jurisdiction of the Massachusetts Wetland Protection Act or the current jurisdiction of the Wellfleet Environmental By-law other than in the course of maintaining, repairing, or replacing (but not substantially changing or enlarging) an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without filing written notice of his intention to so remove, fill, dredge or alter with the Conservation Commission of the Town of Wellfleet and without receiving and complying with an Order of Conditions as issued by said Commission. Such Notice of Intent shall be sent by certified mail or be hand-delivered to the Commission at the Town Offices and shall include such plans as may be necessary to describe and clearly delineate all proposed activity, its relation to, and its effect on the above-named wetland resources. The same Notice, plans and specifications required to be filed by an applicant under Massachusetts General Laws, Chapter 131, §40, plus the parcel number and the assessor's, map number as kept in the Town Offices in Wellfleet may be accepted as fulfilling the requirements of the by-laws. The Commission, in its discretion, may hear any oral presentation under this by-law at the same public hearing required to be held under the provisions of said Chapter 131, §40, of the Massachusetts General Laws. Upon the written request of any person, the Commission may make a Determination of Applicability of this by-law to any work. Procedures in connection with such a Request for Determination shall be as provided in Massachusetts General Laws, Chapter 131, §40 and Regulations thereunder as applicable and in effect on the date of the filing of such Request. Definitions set forth in said chapter and section and the regulations in effect as of the date of this by-law as issued by the Department of Environmental Protection thereunder, are hereby made a part of this by-law.

*Areas of Critical Environmental Concern (ACECs) are places in Massachusetts that receive special recognition because of the quality, uniqueness and significance of their natural and cultural resources. These areas are identified and nominated at the community level and are reviewed and designated by the state's Secretary of Environmental Affairs. ACEC designation creates a framework for local and regional stewardship of critical resources and ecosystems.

The Commission and its agent may enter upon the land upon application of a Notice of Intent for purposes of reviewing and monitoring projects which the proposed work is to be done in response to a request for a prior determination of applicability of this by-law or for the purpose of carrying out its duties under this by-law, and may make or cause to be made such examination or survey as deemed necessary.

If any work subject to an Order of Conditions issued under this by-law is not substantially completed within three (3) years from the date of issuance of said Order of Conditions, a new

Notice of Intent must be filed, public hearing(s) held and the work re-conditioned or denied by the Commission as seems appropriate under the circumstance at the time. In lieu of the applicant filing a new Notice of Intent, the Commission may, after a request in writing and a public hearing before the three (3) year expiration date, allow an original Order of Conditions to be extended for a period not to exceed two (2) years.

Article 4. If the Conservation Commission has failed to hold a public hearing within twenty-one (21) days of filing a Notice of Intent under this by-law, or if the Commission, after closing such a hearing has failed within twenty-one (21) days therefrom to issue an Order, or, if the Commission upon written request by any person to determine whether this by-law is applicable to any work, fails within twenty-one (21) days from the filing of such request with the Commission to make any determination, the project shall be deemed approved unless, the applicant requests or agrees to an extension beyond the twenty-one (21) days. Any person aggrieved by the Commission's Order, determination of failure to act may appeal to Superior Court, Barnstable County, pursuant to the provisions of Massachusetts General Laws, Chapter 249, §4. Filing of a Notice of Intent or a Request for Determination may be accomplished in the same manner as provided in Massachusetts General Laws, Chapter 131, §40 and regulations thereunder, as may be applicable and in effect on the date of such filing, and shall conform in all respects with any submission guidelines adopted by the Commission as part of its Regulations.

Article 5. The Conservation Commission is empowered to deny permission for any removal, dredging, filling, or altering within the areas subject to protection under this by-law, regardless of any mitigation proposed, including creation of new wetlands, if in its judgment, such denial is necessary to preserve environmental quality of resources and area defined in Article 3 of this by-law. The Commission may, as alternative to a denial, impose such conditions as it deems necessary to contribute to the protection and preservation of resources described in Article 3 and the values as listed in Article 1, in accordance with the purpose of this by-law.

Article 6. The Notice required by Article 3 of the by-law shall not apply to emergency projects necessary for the protection of the health or safety of the citizens of the Town of Wellfleet and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town of Wellfleet. Emergency projects shall mean any projects certified to be an emergency by the Commissioner of the Department of Environmental Protection or by the Conservation Commission, or other authorized local officials. In no case shall any removal, filling, dredging, or alteration authorized by such emergency certification extend beyond the time necessary to abate the emergency. The Commission is empowered to hold a post-emergency hearing in order to set conditions for any further remedial measures necessary. *No proposed changes to Articles 7 – 10*

Board of Selectmen Recommends 5-0

By-Law Committee Does Not Recommend 2-1

Conservation Commission Recommends 5-0

Local Comprehensive Plan Implementation Committee Recommends 5-0

Voice vote as amended

Motion to amend by adding “with the exception of privately owned upland areas in the Bound Brook and Griffin Island areas which are not within the jurisdiction of the Massachusetts Wetland Protection Act or the current jurisdiction of the Wellfleet Environmental By-law passes by a voice vote.

ARTICLE 36: To hear reports of the Selectmen, Town Officers, and all other Committees and to act thereon.

Board of Selectmen Recommends 5-0

Unanimous voice vote to accept and adopt as printed in the warrant

ARTICLE 37: To act on any other business that may legally come before the meeting.

Voice vote to accept and adopt as printed in the warrant

At this time the Moderator made the following appointments:

Sylvia Smith to the Finance Committee to ATM 2013

John Morrissey to the Finance Committee to ATM 2013

The voters gave their advice and consent by a voice vote.

The Moderator gave mention that Richard Rosenthal will be retiring in September and they gave a standing ovation.

There being no further business a motion to recess was passed by a voice vote.

Respectfully submitted:

Dawn E. Rickman
Town Clerk/Treasurer

ANNUAL TOWN ELECTION MINUTES
May 3, 2010

In accordance with the warrant the Warden, Robert Hankey, opened the polls at 12 noon and the ballot box read 0000. At 12:35pm one turn did not ring. At 1:20pm the ballot box was opened reading 200 and the count was correct. At 3:00 pm the ballot box was opened reading 402. At 3:20pm one marked ballot was voided and voter given a replacement. At 4:45pm the ballot box was opened reading 600. At 7:00pm the polls were declared closed and the ballot box was emptied reading 802 which represented 32% of 2,529 voters. 53 voted absentee. Workers included Barbara Atwood – Clerk; Ruth Ann Dykeman, Ann Fox, Phyllis Hill and Barbara Stevens – Inspectors; Frauke Rosenthal – Constable; Marilee Frazier, Ruth Marriott, Susan Messina and Martha Dilts – Counters; Barbara Souther – Tallier.

MODERATOR – One position, one year

Harry S. Terkianian (Incumbent)	696 *
Write ins	1
Blanks	105

SELECTMEN – Two positions, three years

Jerry Houk (Incumbent)	408 *
Michael May (Incumbent)	402
Berta Bruinooge	544 *
Write ins	5
Blanks	9

TOWN CLERK/TREASURER – One position, three years

Dawn E. Rickman (Incumbent)	702 *
Write ins	2
Blanks	98

TOWN COLLECTOR – One position, three years

Marianne L. Nickerson (Incumbent)	695 *
Write ins	1
Blanks	106

WELLFLEET SCHOOL COMMITTEE – One position, three years

Elizabeth Pontius	642 *
Write ins	2
Blanks	158

REGIONAL SCHOOL COMMITTEE – One position, three years

Jonathan M. Porteus (Incumbent)	656 *
Write ins	2
Blanks	144

WELLFLEET LIBRARY TRUSTEES – Two positions, three years

Dian K. Reynolds (Incumbent)	645 *
Margaret Stolnacke (Incumbent)	662 *
Blanks	122

CEMETERY COMMISSIONER – One position, three years

Bonnie Robicheau (Incumbent) 669 *
Blanks 133

WELLFLEET HOUSING AUTHORITY – One position, five years

Harry Peabody (Incumbent) 625 *
Blanks 177

WELLFLEET HOUSING AUTHORITY – One position, three years

Mary Fontenerosa (Incumbent) 611 *
Blanks 191

CONSTABLES – Two positions, three years

Michael Parlante (Write in) 22 *
Richard Robicheau (Write in) 21 *
Various write ins 35
Blanks 721

QUESTION 1. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay for bonds or notes issued by the Town in order to pay for planning, design and construction of water mains at various locations throughout the Town for the municipal water system and for the payment of all other costs incidental and related thereto?

YES 449 *
NO 317
BLANKS 36

QUESTION 2. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay for bonds or notes issued by the Town in order to pay for development of a comprehensive Town-wide wastewater plan, and for the payment of all other costs incidental and related thereto?

YES 415 *
NO 350
BLANKS 37

QUESTION 3. Shall the Town of Wellfleet be allowed to exempt from the provisions of Proposition 2 ½ so-called, the amounts required to pay for bonds or notes issued by the Town in order to pay for stormwater remediation planning, design and construction, and for the payment of all other costs incidental and related thereto?

YES 461 *
NO 301
BLANKS 40

Attest:

Dawn E. Rickman
Town Clerk