

ANNUAL TOWN MEETING MINUTES

Monday, April 23, 2012

In accordance with the Warrant the Moderator, Bruce Bierhans, opened the meeting at 7:12pm at the Wellfleet Elementary School. A moment of silence was given to the following persons that passed away since the last town meeting: Kenneth Taylor – DPW employee, Lawrence Peters – Building Use Committee, 335 Main Street Committee and Cultural Council; Nolan Rozzelle – Elementary School substitute teacher; William Sturtevant – Building Inspector. The Moderator went over the housekeeping issues regarding 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 2013 Town Operating Budget, and fix the salaries and compensation of all elected officers of the Town for Fiscal Year 2013.

**Board of Selectmen recommends 5-0
Finance Committee recommends 9-0**

OPERATING BUDGET

FISCAL YEAR 2013

		FY 2013
		Selectmen
	MODERATOR	
114	Salaries & Wages	200
	Operating Expenses	353
	Moderator Total	553
	CONSTABLES	
115	Salaries & Wages	100
	AUDIT	
121	Services	21,000
	SELECTMEN	
122	Salaries & Wages	5,000
	Operating Expenses	6,700
	Selectmen Total	11,700
	TOWN ADMINISTRATOR	
123	Salaries & Wages	194,187
	Operating Expenses	5,500
	Town Administrator Total	199,687
	GENERAL ADMINISTRATION	
124	Salaries & Wages	124,540
	Operating Expenses	14,890
	General Administration Total	139,430
	FINANCE COMMITTEE	
131	Operating Expenses	250
	RESERVE FUND	
132	Transfers	20,000
	TOWN ACCOUNTANT	
135	Salaries & Wages	132,724
	Operating Expenses	8,555
	Town Accountant Total	141,279
141	ASSESSORS	
	Salaries & Wages	100,446
	Operating Expenses	41,708
	Assessors Total	142,154

		FY 2013
		Selectmen
TOWN CLERK/TREASURER		
145	Salaries & Wages	121,869
	Operating Expenses	20,225
	Town Clerk/Treasurer Total	142,094
TOWN/TAX COLLECTOR		
146	Salaries & Wages	74,309
	Operating Expenses	13,950
	Town/Tax Collector Total	88,259
LEGAL EXPENSES		
151	Services	110,000
COMPUTERIZATION		
153	Operating Expenses	140,500
TAX TITLE		
158	Services	20,000
ELECTIONS/REGISTRATION		
162	Salaries & Wages	4,700
	Operating Expenses	4,550
	Elections/Registration Total	9,250
CONSERVATION COMMISSION		
171	Operating Expenses	2,525
PLANNING BOARD		
174	Operating Expenses	3,735
ZONING BOARD OF APPEALS		
176	Operating Expenses	1,680
OPEN SPACE COMMITTEE		
177	Operating Expenses	1,500
HERRING WARDEN		
178	Operating Expenses	300
SHELLFISH		
179	Salaries & Wages	155,469
	Overtime	305
	Operating Expenses	20,450
	Shellfish Total	176,224
SHELLFISH CONSERV/PROPAGATION		
180	Supplies	22,000
SHELLFISH ADVISORY COMMITTEE		
181	Operating Expenses	100
CHAMBER OF COMMERCE		
182	Operating Expenses	13,000
NATURAL RESOURCES ADVSY BD		
183	Operating Expenses	1,100
HOUSING AUTHORITY		
189	Operating Expenses	5,000
TOWN REPORTS & WARRANTS		
195	Operating Expenses	11,500

		FY 2013
		Selectmen
CONSULTANCY		
196	Services	20,000
TOTAL GENERAL GOVERNMENT		<u>1,444,920</u>
POLICE		
210	Salaries & Wages	1,001,460
	Overtime	86,000
	Operating Expenses	76,825
	Police Total	<u>1,164,285</u>
COMMUNICATIONS/DISPATCHERS		
215	Salaries & Wages	270,125
	Overtime	33,595
	Operating Expenses	18,500
	Comm/Dispatchers Total	<u>322,220</u>
FIRE		
220	Salaries & Wages	793,008
	Overtime	213,049
	Operating Expenses	195,210
	Fire Total	<u>1,201,267</u>
BUILDING DEPARTMENT		
241	Salaries & Wages	150,602
	Operating Expenses	32,700
	Building Department Total	<u>183,302</u>
EMERGENCY MANAGEMENT		
291	Operating Expenses	500
ANIMAL CONTROL OFFICER		
292	Salaries & Wages	33,778
	Operating Expenses	8,100
	Animal Control Officer Total	<u>41,878</u>
TRAFFIC/PARKING CONTROL		
293	Stipend	2,000
	Operating Expenses	2,165
	Traffic/Parking Control Total	<u>4,165</u>
TOTAL PUBLIC SAFETY		<u>2,917,617</u>
ELEMENTARY SCHOOL		
300	Assessment	2,395,480
NAUSET REGIONAL SCH DISTRICT		
301	Assessment	2,341,611
CAPE COD REG TECH HS DISTRICT		
302	Assessment	68,036
TOTAL SCHOOL		<u>4,805,127</u>
DPW FACILITIES		
417	Operating Expenses	313,580
DPW OPERATIONS		
420	Salaries & Wages	716,936
	Overtime	26,100
	Operating Expenses	182,011
	DPW Operations Total	<u>925,047</u>

		FY 2013
		Selectmen
DPW GENERAL HIGHWAYS		
422	Operating Expenses	124,400
DPW SNOW REMOVAL		
423	Overtime	33,000
	Operating Expenses	60,300
	DPW Snow Removal Total	<u>93,300</u>
DPW STREET LIGHTS		
424	Operating Expenses	25,000
DPW TRANSFER STATION		
433	Operating Expenses	242,400
RECYCLING COMMITTEE		
434	Recycling Committee	500
	TOTAL PUBLIC WORKS	<u>1,724,227</u>
HEALTH/CONSERVATION		
510	Salaries & Wages	131,875
	Operating Expenses	43,357
	Health/Conservation Total	<u>175,232</u>
HUMAN SERVICES		
520	Group Services	72,000
COUNCIL ON AGING		
541	Salaries & Wages	173,439
	Operating Expenses	25,000
	Council on Aging Total	<u>198,439</u>
VETERANS SERVICES		
543	Assessment & Benefits	18,828
	TOTAL HUMAN SERVICES	<u>464,499</u>
LIBRARY		
610	Salaries & Wages	276,868
	Operating Expenses	72,350
	Library Total	<u>349,218</u>
RECREATION		
630	Salaries & Wages	165,994
	Operating Expenses	64,403
	Recreation Total	<u>230,397</u>
HISTORICAL COMMISSION		
690	Supplies	50
HISTORICAL REVIEW BOARD		
691	Supplies	50
DPW HOLIDAY CELEBRATIONS		
692	Supplies	1,500
ANNIVERSARY CELEBRATIONS		
693	250 th Anniversary Expenses	25,000
WELLFLEET CULTURAL COUNCIL		
696	Expenses	2,000
BEACH PROGRAM		
699	Salaries & Wages	195,620
	Overtime	0
	Operating Expenses	46,700
	Beach Program Total	<u>242,320</u>
	TOTAL CULTURE & RECREATION	<u>850,535</u>

		FY 2013 Selectmen
SHORT TERM LOAN PRIN/INTEREST		
753	S/T Note Interest	15,000
INTEREST ON R/E TAX REFUNDS		
756	Interest on R/E Tax Refunds	150
TOTAL SHORT TERM DEBT		<u>15,150</u>
RETIREMENT PLANS		
911	Barnstable County Retirement	872,682
	Other	6,000
Retirement Plans Total		<u>878,682</u>
WORKERS COMPENSATION		
912	Workers' Compensation	35,000
UNEMPLOYMENT COMPENSATION		
913	Insurance Claims	15,000
GROUP INSURANCE HEALTH		
914	Insurance Premiums	1,071,955
GROUP INSURANCE LIFE		
915	Insurance Premiums	5,900
TOWN SHARE MEDICARE		
916	Town Share Payments	89,200
HEALTH INSURANCE STIPEND		
917	Employee Stipends	22,276
MISCELLANEOUS		
940	Borrowing Costs	0
	Tax Work-off Program	0
	Legal Transfers 4/2011	0
Miscellaneous Total		<u>0</u>
PROPERTY/LIABILITY INSURANCE		
945	Insurance Premiums	270,100
TOTAL UNCLASSIFIED		<u>2,388,113</u>
TOTAL OPERATING BUDGET		<u>14,610,188</u>

Voice vote the Selectmen's Fiscal Year 2013 Town Operating Budget, including fixing the salaries and compensation of all elected officers of the Town for Fiscal Year 2012 as printed in the warrant with funding for the Operating Budget provided in the following manner:

Raise and appropriate	\$13,301,252
Ambulance Fund	\$160,000
Beach Fund	\$718,000
Waterways Fund	\$9,700
SEMASS Fund	\$275,000
Recreation Fund	\$40,000
Shellfish Fund	\$95,000
State Aid to Libraries	\$3,900
Sale of Cemetery Lots	\$5,560
Perpetual Care Income	\$640
Debt Exclusion Reduction	<u>\$1,136</u>
Total General Government	\$14,610,188

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 2011-2012.

Requests to Date:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Beach Fund	Beach Program, lifeguard chairs	\$5,000
Free Cash	Town Administration – salaries	\$4,783
Free Cash	General Administration – salaries	\$3,300
Free Cash	Fire Department – Salaries	\$7,437
Free Cash	Fire Department – Overtime	\$40,000
Free Cash	Fire Department – Holidays	\$9,000
Free Cash	Animal Control Officer – Salaries	\$5,000
Free Cash	Dept. Public Works – Salaries	\$1,484
Free Cash	Library Book budget	\$10,000
Free Cash	DPW vehicle repairs	\$25,000
DPW Snow removal	DPW Facilities maintenance budget	<u>\$10,000</u>
	Total transfers	\$121,004

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

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 2013 Town Capital Budget.

Board of Selectmen recommends 5-0
Finance Committee recommends 6-0

CAPITAL BUDGET	FY 2013
Fiscal Year 2013	Selectmen
COMPUTERIZATION	
Fiber Optics Project	40,000
TOWN HALL	
Town Hall Building Repair	8,500
POLICE	
Equipment Cruiser	0
Cruiser Equipment MDT	16,000
Police Total	16,000
FIRE	
Water Supply	6,000
Defibrillators	6,000
Fire Suppression	0
Cardiac Monitors	0
Radio System	0
Turn-out Gear	0
Water/Ice Rescue Equipment	0
4" Supply Hose	0
Jaws of Life	30,000
Fire Total	42,000
ELEMENTARY SCHOOL	
Gym Roof Shingles	40,000
NAUSET REGIONAL SCH DIST	
Capital Outlay	58,521
Short Term Interest	3,825
NRSD Total	62,346

	FY 2013
	Selectmen
DPW OPERATIONS	
DPW Building Repairs	5,500
Library HVAC System	125,000
	<u>130,500</u>
DPW OPERATIONS Total	
DPW OPERATIONS Total 130,500	
DPW VEHICLES	
One Ton Dump Truck	60,000
Mower	10,000
	<u>70,000</u>
DPW VEHICLES Total	
DPW VEHICLES Total 70,000	
COUNCIL ON AGING	
COA Building Repairs	5,000
RECREATION	
Floats	6,600
BEACH PROGRAM	
EQUIPMENT ATV	0
	<u>420,946</u>
TOTAL CAPITAL ITEMS	
TOTAL CAPITAL ITEMS 420,946	
DEBT SERVICE PRINCIPAL LONG TERM	
DPW Garage Facility	135,000
DPW Garage Facility	0
Library Roof	15,000
Muni Building Church	40,000
Geiger Land Non-excludable	15,000
Senior Center	60,000
Chavchavadze Land Non-excludable	35,000
Muni Water GOB 1	15,000
Muni Water SRF	39,991
Landfill Closure 1	100,000
Septic County Loans Non-excludable	10,000
DPW Sweeper 2 Non-excludable	35,000
DPW Grader	25,000
Fire Station Property	40,000
Fire Station Design 1	20,000
DPW Front End Loader	25,000
DPW Flail Mower	10,000
DPW Refuse Trailer	10,000
Landfill Closure 2	5,000
Uncle Tim's Bridge	10,000
Fire Station Design 2	5,000
Fire Station Construction	355,000
	<u>1,004,991</u>
Debt Service Principal Long term Total	
Debt Service Principal Long term Total 1,004,991	
DEBT SERVICE INTEREST LONG TERM	
DPW Garage Facility	18,293
DPW Garage Facility	0
Library Roof	5,578
Muni Building Church	16,940
Geiger Land Non-excludable	7,128
Senior Center	24,200
Chavchavadze Land Non-excludable	14,288
Muni Water GOB 1	7,088
Muni Water SRF	14,003
Landfill Closure	57,700
DPW Sweeper Non-excludable	2,713
DPW Road Grader	1,938
Fire Station Property	21,675
Fire Station Design 1	10,175
DPW Front End Loader	1,938
DPW Flail Mower	775
DPW Refuse Trailer	775
Landfill Closure	3,263
Uncle Tim's Bridge	7,275
Fire Station Design 2	2,763
Fire Station Construction	258,963
	<u>477,471</u>
Debt Service Interest Long Term Total	
Debt Service Interest Long Term Total 477,471	
TOTAL LONG TERM DEBT SERVICE	
TOTAL LONG TERM DEBT SERVICE 1,482,462	

	FY 2013
DEBT SERVICE SHORT TERM	Selectmen
335 Main Street	40,000
Boy Scout Well field	60,000
DPW One Ton Truck	16,400
Wind Turbine	30,677
Boy Scout Well field	1,200
DPW One Ton Truck	328
335 Main Street	800
W1nd Turbine	200
Coastal Remediation	5,000
Wastewater Studies	5,000
DPW Projects	2,152
Debt Service Short Term Total	161,757
TOTAL DEBT SERVICE	1,644,219
TOTAL CAPITAL BUDGET	2,065,165

Voice vote the Selectmen's Fiscal Year 2013 Capital Budget as printed in the warrant said amount to be raised and appropriated, with funding for the Capital Budget provided in the following manner:

Raise and appropriate	\$1,768,565
Ambulance Fund	\$36,000
Free Cash	<u>\$260,600</u>
Total Capital Budget	\$2,065,165

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 \$10,000.00 from the Beach Fund and \$5,000.00 from the Waterways Fund, such sums of money necessary to fund the Fiscal Year 2013 Marina Services Enterprise Fund Budget.

Board of Selectmen recommends 5-0
Finance Committee recommends 9-0
Marina Advisory Committee recommends 5-0

MARINA ENTERPRISE FISCAL YEAR 2013	FY 2013 Selectmen
PERSONNEL	
Salaries/Wages/Fringe Benefits	168,136
S/W Overtime	2,000
Personnel Total	170,136
OPERATING EXPENSES	
Services	33,300
Supplies	211,000
Other Charges	5,500
Small Equipment	1,000
Operating Expenses Total	250,800
CAPITAL OUTLAY	
Engineering/Rehab	10,000
Rehab Debt Service Principal	105,000
Paving Debt Service Principal	150,000
Rehab Debt Service Interest	67,513
Paving Debt Service Interest	5,625
Capital Outlay Total	338,138

	FY 2013
	Selectmen
RESERVE FUND	50,000
MARINA ADVISORY COMMITTEE	100
GENERAL FUND COSTS	
Health/Life Insurance	32,898
Pension	9,087
Shared Employees	9,208
Building/Liability Insurance	4,096
General Fund Costs Total	55,289
MARINA ENTERPRISE TOTAL	864,463

Voice vote to appropriate the following to fund the Selectmen's Fiscal Year 2013 Marina Enterprise Fund Budget, a total of \$864,463; such sum to be provided in the following manner: \$707,213 from Marina enterprise Revenues, \$142,250 from retained earning, \$10,000 from the Beach Fund and \$5,000 from the Waterways Fund. In addition \$55,289 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 2013 Water Enterprise Fund Budget.

**Board of Selectmen recommends 5-0
Finance Committee recommends 9-0
Board of Water Commissioners recommends 5-0**

WATER ENTERPRISE FISCAL 2013	FY 2013 Selectmen	DEBT SERVICE PRINCIPAL	FY 2013 Selectmen
WATER COMMISSIONERS			
Operating Expenses	500	Boy Scout well field	0
		Water Mains Design	25,000
PERSONNEL		Water System Construction	24,934
Salaries/Wages	24,570	Debt Service Principal Total	49,934
OPERATING EXPENSES		DEBT SERVICE INTEREST	
Utilities	11,000	Boy Scout Well field	0
Services	175,000	Water Mains Design	938
Supplies	6,500	Water System Construction	34,482
Other Charges	6,000	Debt Service Interest Total	35,420
Operating Expenses Total	198,500		
		GENERAL FUND COSTS	
		Shared Employees	5,000
		WATER ENTERPRISE TOTAL	313,924

Voice vote the Selectmen's fiscal Year 2013 Water Enterprise fund Budget as printed in the warrant, a total of \$313,924; such sum to be provided for in the following manner: \$50,619 from available funds and \$263,305 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.

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 \$3,901.00, 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 8-0

Voice vote that the sum of \$4,901 be raised and appropriated for the purpose of funding wage adjustments for the Town Clerk/Treasurer and Town Collector resulting in annual salaries of \$70,971 for the Town Clerk/Treasurer and \$62,341 for the Town Collector.

ARTICLE 7: To see if the Town will vote to transfer from any available source of funds an amount of money sufficient to fund the first year of a collective bargaining agreement between the Town of Wellfleet and the Wellfleet Department of Public Works Employees, Teamster Local No. 59, beginning July 1, 2011.

Board of Selectmen recommends 4-0
Finance Committee recommends 8-0

Voice vote that the sum of \$22,560 be and hereby is transferred from available funds in the Department of Public Budget to pay costs of funding the first year of a two year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Department of Public Works Employees, Teamsters Local No. 59 covering the term of July 1, 2011 through June 30, 2013, which amount is sufficient to fund all of the cost items for the first year of said contract.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds to 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 8-0

2/3 voice vote that the sum of \$50,000 be raised and appropriated to contribute to the Stabilization Fund.

ARTICLE 9: 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 G. L. c. 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

Voice vote to accept the sum of \$248,942 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 (2)(a), said funds to be expended for the purposes stated in the warrant under the supervision of the Board of Selectmen.

ARTICLE 10: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$100,000, 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 8-0

Unanimous voice vote that the sum of \$100,000 be raised and appropriated to contribute to the Other Post Employment Benefits Liability Trust Fund.

ARTICLE 11: To see if the Town will vote, pursuant to G. L. c. 44B, to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and to appropriate from the Community Preservation Fund estimated annual revenues a sum of \$23,610 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013; and further to appropriate from Community Preservation Fund estimated revenues a sum of \$71,416 for open space debt service; a sum of \$47,676 to reserve to for community housing; and further to reserve for future appropriation a sum of \$47,676 for historic resources, as well as a sum of \$12,654 to be placed in the 2013 Budgeted Reserve for general Community Preservation Act purposes.

Board of Selectmen recommends 5-0
Finance Committee recommends 8-0
Community Preservation Committee recommends 6-0
Open Space Committee recommends 4-0
Housing Authority recommends 4-0
Historical Commission recommends 6-0-1
Local Comprehensive Plan Implementation Committee recommends 4-0 as consistent with the Local Comprehensive Plan (LCP)

Unanimous voice vote that Article 11 be accepted and adopted as printed in the warrant.

ARTICLE 12: To see if the Town, pursuant to G. L. c. 44B, will vote to transfer from the Community Preservation Act estimated annual revenues, fund balance or community housing budgeted reserve the sum of \$127,000 for the purpose of extending the 20/20 Buy Down Program administered by the Local Housing Partnership.

Board of Selectmen recommends 5-0
Finance Committee recommends 8-0
Community Preservation Committee recommends 6-0
Local Housing Partnership recommends 6-0
Housing Authority recommends 4-0
Citizen's Economic Development Committee recommends 6-0
Local Comprehensive Plan Implementation Committee recommends 4-0 as consistent with the Local Comprehensive Plan (LCP)

Unanimous voice vote to appropriate \$127,000 from the Community Preservation Fund budgeted reserve fund balance to partially fund the 20/20 Buy Down Program administered by the Local Housing Partnership

ARTICLE 13: To see if the Town will vote, pursuant to G. L. c. 44B, to transfer from the Community Preservation Fund estimated annual revenues or fund balance the sum of \$30,000 to preserve and copy to alternative media historic records of the Town of Wellfleet, administered by the Wellfleet Historical Commission.

Board of Selectmen recommends 5-0

Finance Committee recommends 8-0

Community Preservation Committee recommends 6-0

Historical Commission recommends 6-0-1

Local Comprehensive Plan Implementation Committee recommends 4-0 *as consistent with the Local Comprehensive Plan (LCP)*

Unanimous voice to appropriate \$30,000 from the Community Preservation Fund budgeted reserve fund balance to fund the preservation and copying to alternative media of Wellfleet's historical records project.

ARTICLE 14: To see if the Town will vote, pursuant to G. L. c. 44B, to transfer from the Community Preservation Fund estimated annual revenues or fund balance the sum of \$73,500 to undertake the historic restoration of Cannon Hill/Hamblen Park consisting of parcels 150 and 151 on Assessor's Map 15, administered by the Wellfleet Historical Commission.

Board of Selectmen recommends 5-0

Finance Committee recommends 8-0

Community Preservation Committee recommends 6-0

Conservation Commission recommends 4-0

Historical Commission recommends 6-0-1

Open Space Committee recommends 4-0

Local Comprehensive Plan Implementation Committee recommends 4-0 *as consistent with the Local Comprehensive Plan (LCP)*

Natural Resource Advisory Board recommends 3-0

Unanimous voice vote to appropriate \$73,500 from the Community Preservation Fund estimated annual revenues for the purposes stated in the warrant Article.

ARTICLE 15: To see if the Town will vote, pursuant to G. L. c. 44B, to transfer from the Community Preservation Fund estimated annual revenues or fund balance the sum of \$100,000 to renovate the east wing of the Wellfleet Historic Museum, to the Wellfleet Historical Society, Inc.

Board of Selectmen recommends 5-0

Finance Committee recommends 8-0

Community Preservation Committee recommends 6-0

Historical Commission recommends 6-0-1

Local Comprehensive Plan Implementation Committee recommends 4-0 *as consistent with the Local Comprehensive Plan (LCP)*

Voice vote to appropriate \$100,000 from the Community Preservation Fund estimated annual revenues to fund the renovation of the east wing of the Wellfleet Historic Museum, to the Wellfleet Historical Society, Inc.

ARTICLE 16: To see if the Town will vote to rescind the authorizations contained in the vote on Article 6 of the Special Town Meeting of October 24, 2011 and to instead, vote pursuant to G. L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues or fund balance a sum of \$100,000 to purchase a perpetual conservation restriction that includes provision for public access, from the Wellfleet Conservation Trust on approximately 3.7 acres at 40 Old County Road, Assessor's Map 30, Parcel 67.1 & part of 67, for conservation and passive recreation purposes, and further, to authorize the Board of Selectmen and Conservation Commission to enter into said perpetual conservation restriction, pursuant to G. L. c. 184, §31-33, and provided further that the Board of Selectmen and Conservation Commission are hereby authorized to accept said conservation restriction pursuant to G. L. c. 184, §31-33.

Board of Selectmen recommends 5-0

Finance Committee does not recommend 3-3

Community Preservation Committee recommends 6-0

Conservation Commission recommends 4-0

Open Space Committee recommends 4-0

Planning Board recommends 4-0

Local Comprehensive Plan Implementation Committee recommends 4-0 *as consistent with the Local Comprehensive Plan (LCP)*

Natural Resource Advisory Board recommends 3-0

Voice vote to rescind the vote under Article 6 of the Special Town Meeting of October 24, 2011, and further, to authorize the Town, acting through the Conservation Commission with the approval of the Board of Selectmen, to purchase a perpetual restriction for conservation and passive recreation purposes on land of the Wellfleet Conservation Trust described in the Article and as shown on a plan of land entitled "Division Plan of Land in Wellfleet Made for Ralph H. & Dorothy H. Clover" on July 8, 2008, Plan #2008-77, endorsed by the Wellfleet Planning Board on July 23, 2008, as Lot 67.1 and part of Lot 67, excluding that area designated as Lot 67.2 on Assessor's Map 30, upon such terms and conditions including provision for public access as the Conservation Commission as custodian of the CR shall determine to be appropriate, and as funding therefor, to appropriate from the Community Preservation Fund estimated annual revenues the sum of \$100,000, and in connection therewith, to authorize the Board of Selectmen and the Conservation Commission to execute documents and take any other action necessary to accomplish the purpose of this motion.

ARTICLE 17: To see if the Town will vote to appropriate the sum of \$590,000 for the purpose of funding new sidewalks and paving of Bank Street and Commercial Street 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 G. L. c. 44, §7 (6) or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½).

Board of Selectmen recommends 5-0

Finance Committee recommends 7-0

Citizen Economic Development Committee recommends 6-0

Planning Board does not recommend 2-0-2

Citizen's Economic Development Committee recommends 6-0

Local Comprehensive Plan Implementation Committee recommends 4-0 as consistent with the Local Comprehensive Plan (LCP)

2/3 voice vote that the sum of \$590,000 be appropriated for the purpose of funding new sidewalks and paving of Bank Street and Commercial Street and 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(6) of the Massachusetts General Laws or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of Chapter 59, Section 21C of the Massachusetts General Laws (Proposition 2½).

ARTICLE 18: To see if the Town will vote to appropriate \$790,000 for the purpose of funding the construction of public restrooms at Mayo Beach and Baker's Field 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 G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of to G. L. c. 59, §21C (Proposition 2½).

Board of Selectmen recommends 5-0

Finance Committee recommends 6-0

Board of Health recommends 5-0

Conservation Commission recommends 4-0

Comprehensive Wastewater Management Planning Committee recommends 4-0

Planning Board recommend 4-0

Local Comprehensive Plan Implementation Committee recommends 4-0 as consistent with the Local Comprehensive Plan (LCP)

Loses – fails to attain a 2/3 vote

Tellers sworn: Peter and Ryan Williams For – 87 Against - 143

Motion to amend by deleting the words “Mayo Beach and” deemed beyond scope of article by the Moderator.

ARTICLE 19: To see if the Town will vote to appropriate \$300,000 for the purpose of funding the renovation and/or construction of a new structure on the former Council On Aging site located on 95 Lawrence Road or the former South Wellfleet Fire Station on 1076 State Highway Route 6, 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 G. L. c. 44, §7 (3) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however that no sums shall be borrowed or expended hereunder unless and until the Town shall have voted to exclude the amounts necessary to pay debt service on any bonds or notes issued pursuant to this vote from the limits of G. L. c. 59, §21C (Proposition 2½).

Board of Selectmen recommends 5-0
Finance Committee recommends 5-3-0
Planning Board recommends 2-1-1

Voice vote to Indefinitely Postpone

ARTICLE 20: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a room occupancy tax on vacation rentals not currently subject to such tax; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

An Act Relative to the Application of the Local Option Room Occupancy Excise Tax to Seasonal Rental Properties in the Town of Wellfleet.

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by G. L. c. 64G, §3A or other law, as the same may be amended from time to time, the Town of Wellfleet shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said Town by any operator at the rate of up to but not exceeding five (5) percent of the total amount of rent of each such occupancy.

Section 2. For the purpose of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in G. L. c. 64G, §1 and as follows:

“Occupancy”, the use or possession, or the right to the use or possession of any room or rooms in a bed and breakfast establishment, bed and breakfast home, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of ninety consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest, or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by G. L. c. 64G, §1 and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium dwelling as defined by G. L. c. 183A, or time-share as defined by G. L. c. 183B, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of G. L. c. 64G, §2.

Section 4. All operators of seasonal rental properties or other transient accommodations shall be responsible for assessing, collecting, reporting, and paying such excise tax as set forth in G. L. c. 64G, §3-6, 7A and shall be liable in the same in the same manners as operators in G. L. c. 64G, §7B.

Section 5. This Act shall take effect upon its passage.

The General Court may only make clerical or editorial changes of form to said bill, unless the Board of Selectmen approves amendments thereto before its enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Board of Selectmen recommends 4-1
Finance Committee recommends 7-0
Citizen's Economic Development Committee recommends 6-0

Voice vote to accept and adopt Article 20 as printed in the warrant.

The Moderator at this time accepted a motion to recess until 7:00pm on Tuesday, April 24, 2012 that passed by a voice vote at 10:30pm.

On Tuesday, April 24, 2012, the Moderator reconvened the meeting at 7:40pm with consent of the meeting to limit speaking to three minutes.

Articles 21-23 were consented to vote at the same time.

ARTICLE 21: To see if the Town will vote to accept gifts offered to the Town since the 2011 Annual Town Meeting and appearing on a list dated March 1, 2012 and posted in the Office of the Town Clerk.

Council on Aging - \$700 painting
Public Library - \$15,337 books, A/V materials, databases, and museum passes from the
Friends of the Wellfleet Library

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

Unanimous voice vote to accept and adopted as print in the warrant

ARTICLE 22: To see if the Town will vote in accordance with G. L. c. 41, §38 to authorize the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector.

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

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

ARTICLE 23: To see if the Town will vote pursuant to the provisions of G. L. c. 71, §16B, to reallocate the sum of the Town’s required local contributions to the Nauset Regional School District in accordance with the Nauset Regional School District Agreement, rather than according to the formula of the Education Reform Act, so-called, for fiscal year 2013.

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

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

ARTICLE 24: To see if the Town will vote to amend the Zoning By-laws by:

- (a) amending Section V USES, subsection 5.3.2, Commercial, to add “Solar Photovoltaic, Large-Scale Ground-Mounted Energy Generating Installation” as a permitted (as-of-right) principal use in the C-2 District, and
- (b) amending Section II, DEFINITIONS by adding the following definitions in alphabetical order: “Solar Photovoltaic Installation, Large-Scale Ground-Mounted,” “Solar Photovoltaic Installation, Rated Nameplate Capacity,” and “**Degraded or Previously Disturbed Land**” and
- (c) adding a new section to the Zoning By-law as SECTION X, entitled “**Large-Scale Ground-Mounted Solar Photovoltaic Installations**” as follows:

5.3.2 Commercial	CD	R1	R2	NSP	C	C2
Solar Photovoltaic, Large-Scale Ground-Mounted Energy Generating Installation	O	O	O	O	O	P ⁶

P = A permitted use

O = An excluded or prohibited use

Footnote 6. Provided parcel contains at least 75% degraded or previously disturbed land, is held in common ownership as of the date of this amendment and subject to site plan review by the Planning Board to assure compliance with the C-2 District Objectives contained in §3.2.

Definitions:

Solar Photovoltaic Installation, Large-Scale Ground-Mounted: A solar photovoltaic system that is a principal use on a site of at least 8.5 acres in common ownership and which is structurally mounted on the ground (not roof-mounted), and has a minimum nameplate capacity of 250 kW Direct Current (DC).

Solar Photovoltaic Installation, Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current.

Degraded or Previously Disturbed Land: An area where the natural surface of the land or vegetation thereon has been significantly altered or removed, by acts such as mowing, cutting, grading, excavation, paving or other construction activity, including land being redeveloped from prior commercial use.

SECTION X – LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

The purpose of this by-law is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

10.1 COMPLIANCE WITH LAWS, ORDINANCES AND REGULATIONS

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

10.2 BUILDING PERMIT AND BUILDING INSPECTION

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

10.2.1 EXPEDITED PERMITTING

A Large-Scale Ground Mounted Solar Photovoltaic Installation shall be subject to expedited permitting, as follows: All Town permits – including formal or informal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the use, development or redevelopment of land, buildings, or structures required by any issuing authority – applicable to the siting and construction of the Large-Scale Ground-Mounted Solar Photovoltaic Installation within the C2 zoning district shall issue within 1 year of submission of a completed application.

10.3 FEES

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

10.4 SITE PLAN REVIEW

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall require site plan review by the Planning Board prior to issuance of a building permit to authorize construction, installation or modification as further provided in this section. Reviews shall be conducted to assure compliance with all applicable law, and in particular, the C-2 District Objectives contained in §3.2.

10.4.1 GENERAL

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

10.4.2 REQUIRED DOCUMENTS

An application for site plan approval shall include the following documents:

- (a) A site plan showing:
 - i. Property lines and physical features, including roads, and pre- and post-construction topography for the project site;
 - ii. Proposed changes to the natural vegetation and landscaping present at the site, as well as proposed grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;

- iv. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name and address of and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project applicant, as well as all any property owners, if not the same as applicant;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section 1.5);
 - (c) An operation and maintenance plan (see also Section 1.6);
 - (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - (e) Proof of proposed liability insurance; and
 - (f) Description of financial surety proposed to satisfy the requirements of Section 10.12.3.

The Planning Board may waive any one or more of the above-listed documentary requirements as it deems consistent with the purposes of this section.

10.5 SITE CONTROL

The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

10.6 OPERATION AND MAINTENANCE PLAN

The project applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation and accessory structures, including but not limited to storm water controls at the site, as shall provide details as to the proposed general procedures for operation and maintenance of the installation.

10.7 UTILITY NOTIFICATION

No Site Plan Approval of a large-scale ground-mounted solar photovoltaic installation shall be issued and no such facility shall be constructed until evidence has been submitted to the Planning Board satisfactory to demonstrate that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

10.8 DIMENSIONAL AND DENSITY REQUIREMENTS

10.8.1 SETBACKS

For large-scale ground-mounted solar photovoltaic installations, the front, side and rear setbacks applicable in zoning District C-2 shall apply, except that where the lot abuts a Conservation-Recreation or Residential district, the side yard and rear yards shall not be less than 50 feet.

10.8.2 ACCESSORY STRUCTURES

All accessory structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, and open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to minimize visibility when viewed from adjoining Residential or Conservation-Recreation property.

10.9 DESIGN STANDARDS

10.9.1 LIGHTING

Lighting of solar photovoltaic installations shall comply with local, state and federal law. Lighting of accessory elements or structures shall be limited to that required for safety and operational purposes, and shall be shielded to avoid unnecessary visibility from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

10.9.2 SIGNAGE

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section VII of this Bylaw and shall identify the owner and provide a 24-hour emergency contact phone number.

10.9.3 UTILITY CONNECTIONS

To the extent practical, as determined by the Planning Board, in consideration of soil conditions, shape and topography of the site and requirements of the utility provider, all utility connections from or to the solar photovoltaic installation shall be installed underground; however, electrical transformers for utility interconnections may be above ground if required by the utility provider.

10.10 SAFETY AND ENVIRONMENTAL STANDARDS

10.10.1 EMERGENCY SERVICES

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. The Planning Board or the Fire Chief may require the owner or operator to cooperate with designated Town or regional emergency service providers in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner and operator, if not the owner, shall identify a responsible person and contact information for providing response to public inquiries throughout the presence of the installation at the site, whether or not operational.

10.10.2 LAND CLEARING, SOIL EROSION AND HABITAT IMPACTS

Clearing of natural vegetation shall be limited to that necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise required by applicable laws, regulations, and by-laws.

10.11 MONITORING AND MAINTENANCE

10.11.1 SOLAR PHOTOVOLTAIC INSTALLATION CONDITIONS

The large-scale ground-mounted solar photovoltaic installation owner and operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief. The owner and operator shall be

responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), other than public ways.

10.11.2 MODIFICATIONS

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

10.12 ABANDONMENT OR DECOMMISSIONING

10.12.1 REMOVAL REQUIREMENTS

Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 10.12.2 of this by-law shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

10.12.2 ABANDONMENT

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be abandoned within the meaning of this section when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the grant of site plan approval for the facility shall be deemed to be the consent of the owner and operator for the Town to enter the property and physically remove the installation.

10.12.3 FINANCIAL SURETY

Applicants for large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, in an amount not to exceed 125 percent of the projected cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Board of Selectmen recommends 5-0

Planning Board does not recommend 4-1

Energy Committee recommends 5-0

Local Comprehensive Plan Implementation Committee recommends 4-0 *as consistent with the Local Comprehensive Plan (LCP)*

Bylaw Revision Committee recommends 3-1

Planning Board report given

Voice vote to refer back to the Planning Board for further study

Motion to amend by changing the words "Planning Board" to "Zoning Board of Appeals" loses.

Motion to call the question passes by a 2/3 voice vote.

ARTICLE 25: To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, as follows:

- amend Section 8.4.2, which presently reads:

~~8.4.2 Special Permits—Except as provided in Section 6.6 and Section 6.18, the Board of Appeals shall have the authority to hear and decide all applications for special permits. Granting of a special permit for an adult entertainment use shall be pursuant to the requirements of Section 6.20, Adult Entertainment Uses, in addition to all other special permit requirements hereunder. The Board of Appeals, or the Planning Board under Section 6.18, shall not grant a special permit unless it finds that the benefits of the proposal to the Town will outweigh any adverse effects on the Town of the vicinity, taking into consideration the stated district objectives (Section 3.2) and, where germane, the following matters~~

- so that it reads:

8.4.2 Special Permits - The Board of Appeals shall be the Special Permit Granting Authority (SPGA) with authority to hear and decide all applications for special permits, except for those special permits where the Planning Board is expressly designated as the SPGA. Granting of a special permit for an adult entertainment use shall be pursuant to the requirements of Section 6.20, Adult Entertainment Uses, in addition to all other special permit requirements hereunder. The Board of Appeals, or the Planning Board acting as the SPGA, shall not grant a special permit unless it finds that the benefits of the proposal to the Town will outweigh any adverse effects on the Town or the vicinity, taking into consideration the stated district objectives (Section 3.2) and, where germane, the following matters. . . .

- and further, amend the first sentence of Section 8.4.2.4, which presently reads:

~~Section 8.4.2.4 Special permits shall be issued only following public hearings held within sixty five days after filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant.~~

- so that it reads:

Section 8.4.2.4 Each application for a special permit shall be filed by the petitioner with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority (SPGA). Special permits shall be issued only following a public hearing to be held within sixty-five days of the date of filing as certified by the Town Clerk.

- and amend the heading and text of, Section 8.5, which presently reads:

~~Section 8.5 APPEALS OF BOARD OF APPEALS DECISIONS—Any person aggrieved by a decision of the Board of Appeals must appeal within 20 days after filing of the Board’s decision with the Town Clerk to either the District Court, the Land Court or the Superior Court, in accordance with the provisions of M.G.L. Ch. 40A.~~

- so that it reads:

8.5 APPEALS - Any person aggrieved by a decision of the Board of Appeals or the Planning Board acting as Special Permit Granting Authority (SPGA) must appeal within 20 days after filing of the Board's decision with the Town Clerk to either the District Court, the Land Court or the Superior Court, in accordance with the provisions of G .L. c. 40A, §17.

- Board of Selectmen recommends 5-0**
- Planning Board recommends 7-0**
- Bylaw Committee recommends 3-0**

**Planning Board report given.
2/3 voice vote to accept and adopt Article 25 as printed in the warrant**

ARTICLE 26: To see if the Town will vote pursuant to G.L. c. 40, §15A to transfer the care, custody, management and control of the parcel described in this Article from the Treasurer for the purpose of sale at auction to the Board of Selectmen for general municipal purposes, and to authorize the Board of Selectmen to grant an easement or easements for a stone revetment upon a parcel of land located off Pleasant Point, being Assessors Map 35-1, Parcel 210, containing 7.660 acres, more or less, said parcel acquired by the Town by a Final Judgment in Tax Lien Case No. 121046 T.L., said easement conveyances to be on such terms and conditions as the Board of Selectmen shall determine.

Board of Selectmen recommends 5-0
Finance Committee has no recommendation
Conservation Commission has no recommendation
Planning Board recommends 4-1
Natural Resource Advisory Board does not recommend 3-0

Voice vote to Indefinitely Postpone

ARTICLE 27: To see if the Town will vote to accept the altered layout as a public way of Holbrook Avenue, to exclude from the layout of said Holbrook Avenue the parcel of land shown as "A = 77 Sq. Ft." shown on a plan of land entitled "Plan of Land in Wellfleet Made for the Town of Wellfleet Showing an Alteration of Holbrook Avenue," dated January 4, 2012, on file with the Town Clerk; and to authorize the Board of Selectmen to release all right, title and interest in said parcel of land.

Board of Selectmen recommends 4-0-1
Planning Board recommends 4-0

Unanimous voice vote to accept and adopt Article 27 as printed in the warrant

ARTICLE 28: To see if the Town will vote to transfer custody of Hamblen Park consisting of parcels 150 and 151 on Assessor's Map 15 from the Board of Selectmen to the Conservation Commission for conservation and passive recreation purposes to be consistent with other Town owned open space conservation and passive recreation lands.

Board of Selectmen recommends 5-0
Open Space Committee recommends 4-0
Conservation Commission recommends 4-0
Natural Resources Advisory Board recommends 3-0
Planning Board recommends 4-0
Historical Commission recommends 6-0-1
Local Comprehensive Plan Implementation Committee recommends 4-0 as consistent with the Local Comprehensive Plan (LCP)

Voice vote to transfer from the Board of Selectmen for general municipal purposes to the Conservation Commission for conservation purposes pursuant to Massachusetts General Laws, Chapter 40, Section 8C, the Hamblen Park consisting of parcels 150 and 151 on Assessor's Map 15.

ARTICLE 29. 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 septage 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.

Board of Selectmen recommends 5-0
Finance Committee recommends 7-1-0
Open Space Committee has no recommendation 5-0-1
Conservation Commission recommends 6-0
Planning Board recommends 4-0

2/3 voice vote as amended that the Board of Selectmen or the Conservation Commission be authorized to grant an easement over land shown as Parcel 26 on Assessors Map 35, for the installation, use, repair and maintenance of septage disposal system components, for such consideration and on such other terms and conditions as the Board of Selectmen deem in the best interest of the Town.

Motion to add the words “or Conservation Commission” passes by a voice vote.

ARTICLE 30: To see if the Town will vote to amend the General Bylaws by deleting in its entirety the Council on Aging Bylaw adopted October 15, 1973.

Board of Selectmen recommends 5-0
Council on Aging recommends 3-0

Voice vote to accept and adopt Article 30 as printed in the warrant

ARTICLE 31: To see if the Town will vote pursuant to the provisions of G. L. c. 43B, §10 to amend the Wellfleet Home Rule Town Charter to change the position of Town Clerk-Town Treasurer from elected to appointed as set forth below:

- (1) Amend **Section 4-2 Elected Officers**, Subsection **4-2-1**, listing those officers to be elected, by deleting paragraph (b) Town Clerk-Town Treasurer, and re-lettering the remaining paragraphs accordingly;
- (2) Amend **Section 3-6 Powers of Appointment**, Subsection **3-6-1**, authorizing appointment by the Board of Selectmen, by inserting in said list (h) Town Clerk and (i) Town Treasurer respectively; and
- (3) Insert a new Chapter as follows:

Chapter 9 TRANSITIONAL PROVISIONS

Section 9-1 Appointed Town Clerk and Town Treasurer

9-1-1 The vote of the 2012 Annual Town Meeting to amend the Charter to change the elected position of Town Clerk-Town Treasurer to the appointed positions of Town Clerk and Town Treasurer, shall take effect immediately upon approval by the voters at the 2013 Annual Town Election. At that time, the elected office of Town Clerk-Town Treasurer shall be abolished and the term of the elected incumbent terminated; provided, however, that the elected incumbent holding office as of the effective date of said Charter amendment shall be the first appointee to the newly created appointed positions, and, notwithstanding the provisions of Section 3-6-1 of the Town Charter, shall remain in said positions until the Board of Selectmen appoints a fully qualified person or persons to fill the offices. Thereafter, appointments to the positions shall be made in accordance with Section 3-6-1, and notwithstanding any provision of this Charter, or general or special law to the contrary, one person may be appointed to serve in both capacities, and, in such instances, such capacities shall be deemed a single position.

Board of Selectmen recommends 3-2
Finance Committee recommends 7-0

Loses – 2/3 voice vote not attained In favor – 95 Against - 63
Tellers sworn: Margaret McClellan and Janet Reinhart

Motion to call the question passes by a 2/3 voice vote.

A standing ovation was given to Dawn Rickman, Town Clerk/Treasurer for her service to the Town.

ARTICLE 32: To see if the Town will vote to adopt the following Organic Land Management Bylaw or act on anything related thereto.

6.31 ORGANIC LAND MANAGEMENT – TOWN LANDS & WATERWAYS

6.31.1 FINDINGS

All pesticides are toxic to some degree. The commonplace, widespread use of pesticides is both an environmental problem and a public health issue. All citizens, and in particular children, as well as other inhabitants of our natural environment, have a right to protection from exposure to hazardous chemicals and pesticides.

It is in the best interest of public health and the environment to eliminate the use of toxic pesticides on Town- owned land, ponds and waterways; to encourage the reduction and elimination of the use of toxic pesticide on private property; and to introduce and promote natural, organic cultural and management practices to prevent and, when necessary, control pest problems on Town-owned land.

6.31.2 PURPOSE

The purposes of these Organic Land Management Regulations are (1) to protect the public health by restricting the use of hazardous chemicals and pesticides on Town-owned land (2) to protect ground water, bays and estuaries, and drinking water supplies from damage caused by synthetic water-soluble fertilizers (3) to guarantee the right of the residents of Town the safe use of public land, (4) to encourage the reduction and elimination of the use of toxic pesticides and synthetic chemical fertilizers on private property.

6.31.3 DEFINITIONS

Organic Land Management (OLM) eliminates the use of toxic pesticides and synthetic chemical fertilizers. OLM practices include, but are not limited to:

- soil testing;
- addition of approved soil amendments and organic fertilizers as necessitated by soil test results, following, but not limited to the guidelines set forth by the Organic Land Care Program of the Northeast Organic Farmers' Association (NOFA) and/or the Organic Material Review Institute of Eugene, OR (OMRI), and/or The National Organic Program (NOP) or the equivalent;
- modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- the use of physical controls, including hand-weeding and over-seeding;
- the use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- eliminating pest habitats and conditions supportive of pest population increases.

Pesticides are defined by the Massachusetts Department of Food and Agriculture Pesticide Bureau as: "substances or mixtures of substances that prevent, destroy, repel, or mitigate pests, or defoliate, desiccate, or regulate plants." Pesticides are poisonous and include herbicides, mildewcides, fungicides, and insecticides.

Pests are undesirable plants, insects, fungi, bacteria, and rodents, birds and other animals. Common examples include crabgrass, knotweed, poison ivy, chinch bugs, grubs, and a variety of plant pathogens.

Fertilizer is any organic or inorganic material of natural or synthetic origin that is added to a soil to supply one or more plant nutrients essential to the growth of plants. Fertilizers are broadly divided into organic fertilizers (composed of enriched organic matter—plant or animal), or inorganic fertilizers (composed of synthetic chemicals and/or minerals).

Organic fertilizer includes naturally occurring organic materials, or naturally occurring mineral deposits typically composed of material produced through the decomposition process, animal by-products, or grains. Organic fertilizers improve biodiversity and long-term productivity of soils.

Synthetic fertilizer is any ammonia based nitrogen fertilizer, such as anhydrous ammonium nitrate and urea or any artificial nitrogen fertilizer.

Biosolids are the organic materials resulting from the treatment of sewage sludge

6.31.4 PROHIBITION

The use of pesticides, synthetic fertilizers and biosolids (as defined) by Town employees and/or by private contractors, for managing lawns, turf, ornamental beds, and trees is prohibited on all Town-owned lands and waterways.

6.31.5 APPROVED PEST PRODUCTS

Products on the approved list of Organic Land Care Program of the Northeast Organic Farmers' Association (NOFA) and/or the Organic Material Review Institute of Eugene, OR (OMRI), and/or; The National Organic Program (NOP), and/or the equivalent as determined by the Town Health and Conservation Agent. All pesticides except those that appear on the EPA 25(b) exempted list are subject to these Regulations. Pesticides considered minimum risk products that appear on the EPA Toxicity Category III & IV lists may be considered for an exempted use by the Town Health and Conservation Agent. Those products that meet the criteria for inclusion on the EPA Toxicity Category 1 & II lists are permanently prohibited.

6.31.6 INVENTORY OF PESTICIDES, SYNTHETIC FERTILIZERS, and BIOSOLIDS

A registry of all pesticides, synthetic fertilizers, and biosolids currently stored in or on Town-owned premises shall be compiled by the DPW Director who shall have authority to order the disposal of any such products through the Town's Hazardous Wastes Collection program.

6.31.7 EXEMPTIONS

All outdoor pest management activities taking place on Town-owned land shall be subject to Organic Land Management, except as follows:

- Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants and at wastewater treatment plants and related collection, distribution, and treatment facilities.
- Pesticides in contained baits or traps for the purpose of rodent control.
- Pesticides classified by the United States Environmental Protection Agency as exempt materials under 40CRF 152.25, or those pesticides of a character not requiring FIFRA regulation.

If pest situations pose a threat to human and animal health or the environmental quality and reasonable OLM efforts have been attempted without success, the Town Health and Conservation Agent may grant a waiver for the use of a specific pesticide on Town owned lands and waterways. The Agent must notify the Board of Health of this waiver in writing [by petition].

Board of Selectmen does not recommend 4-0

Board of Health does not recommend 3-0

Local Comprehensive Plan Implementation Committee recommends 4-0 as consistent with the Local Comprehensive Plan (LCP)

Bylaw Revision Committee does not recommend 3-0

Voice vote to Indefinitely Postpone

ARTICLE 33: To see if the Town will vote to enact Chapter ____ of the Town of Wellfleet General Bylaw, entitled “Stretch Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including future editions, amendments or modifications thereto, a copy of which is on file with the Town Clerk, or take any other action relative thereto [by petition].

Board of Selectmen has no recommendation
Energy Committee has no recommendation
Local Comprehensive Plan Implementation Committee recommends 4-0 *as consistent with the Local Comprehensive Plan (LCP)*

Voice vote to Indefinitely Postpone

ARTICLE 34: 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 Article 34 as printed in the warrant

ARTICLE 35: To act on any other business that may legally come before the meeting.

Board of Selectmen recommends 5-0

Unanimous voice vote to accept and adopt Article 35 as printed in the warrant

At this time the Moderator made the following appointments with the consent of Town Meeting:

- Nancy Winslow to the Social Human Services Committee to ATM 2015
- One vacancy to ATM 2015
- One vacancy to ATM 2014
- Robert Hankey to the Bylaw Review Committee to ATM 2015
- Samuel Bradford to the Finance Committee to ATM 2015
- Robert Wallace to the Finance Committee to ATM 2015
- Dennis Murphy to the Finance Committee to ATM 2015
- Anthony Tullio to the Cape Cod Tech Regional High School Committee to ATM 2014
- Edward Ebert to the Cape Cod Tech Regional High School Committee to ATM 2015

A standing ovation was given to outgoing Selectmen D. Ira Wood and Mark Borrelli for their service to the Town.

There being no further business a motion to adjourn was passed at 9:35pm by a voice vote.

Attest:

Dawn E. Rickman
Town Clerk/Treasurer