

# SPECIAL TOWN MEETING MINUTES

Monday, December 3, 2007

In accordance with the Warrant the Town Meeting was opened by the Moderator at 7:00pm.

**ARTICLE 1.** To see if the Town will vote to accept the following sum of money to the Cemetery Perpetual Care Fund for the following lots, namely James and Marcia Sexton the sum of \$250.00.

### **Unanimous voice vote as printed in the Warrant**

**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 of money necessary to supplement the operating and/or capital budgets of the various Town departments for the current fiscal year 2007-2008:

Requests to date:

<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
Free Cash	196 Consulting, Fire Station	\$7,000
<b>To fund geothermal energy consulting for the new Fire Station</b>		
Free Cash	196 Consulting, Fire Station	\$7,950
<b>To fund MESA review and telecommunications consulting for the new Fire Station</b>		
Free Cash	196 Consulting, Town Administrator	\$7,000
<b>To fund costs associated with the Town Administrator search</b>		
Free Cash	196 Consulting, Cable License	\$7,200
<b>To fund consulting for Cable License renewal</b>		
Free Cash	220 Fire Department	\$8,250
<b>To fund Automatic External Defibrillators reprogramming/replacement</b>		

FINANCE COMMITTEE RECOMMENDS 7-0

*The Finance Committee has received assurances that there will be sufficient certified free cash to cover these transfers.*

BOARD OF SELECTMEN RECOMMENDS 5-0

### **Voice vote as printed in the Warrant**

**ARTICLE 3:** To see if the Town will vote to transfer the sum of \$25,000 from Free Cash to Shellfish Capital Budget 179, for the purchase and to equip a new truck for the Shellfish Department..

FINANCE COMMITTEE DOES NOT RECOMMEND 7-0

*The Selectmen have voted to endorse the Finance Committee's recommendations for a vehicle rollover policy to justify decisions of replacing Town-owned vehicles. As the warrant goes to press, The Finance Committee has not been provided with the vehicle maintenance records and other data to indicate that a new shellfish truck is necessary at this time.*

*Minority opinion: This vehicle should not be bought with free cash. Replacement of this vehicle is not an emergency and it should be requested in the Shellfish Department's Capital Budget at the Annual Town Meeting.*

BOARD OF SELECTMEN RESERVES RECOMMENDATION TO TOWN MEETING

SHELLFISH ADVISORY DOES NOT RECOMMENDS 4-0

### **Unanimous voice vote to indefinitely postpone**

**ARTICLE 4:** To see if the Town will vote to transfer the sum of \$34,000 from Free Cash to Police Operating Budget 210, for the purchase and equip a new cruiser for the Police Department.

FINANCE COMMITTEE RECOMMENDS 7-1

*The Selectmen have voted to endorse the Finance Committee's recommendation for a vehicle rollover policy to justify decisions of replacing Town-owned vehicles. The Finance Committee has been provided with the Police Department's vehicle maintenance records and other data to indicate that a new cruiser is necessary at this time.*

*Minority opinion: This vehicle should not be bought with free cash. Rather, it should be requested in the Police Department's Budget at the Annual Town Meeting*

BOARD OF SELECTMEN RECOMMENDS

**Voice vote as printed in the Warrant**

**ARTICLE 5:** To see if the Town will transfer the sum of \$55,000 from Free Cash to Development/Town Property, Department 186 to fund legal and other associated costs to establish access to Town land within the Cape Cod National Seashore, designated as Map 42 Lot 601.

FINANCE COMMITTEE RECOMMENDS 8-0  
BOARD OF SELECTMEN RECOMMENDS 5-0  
OPEN SPACE COMMITTEE RECOMMENDS 4-0  
PLANNING BOARD RECOMMENDS 7-0

**Voice vote as printed in the Warrant**

A motion to amend by adding the wording after “601” – “provided that a irrevocable covenant be attached to the deed to this property specifying that it will never be developed or used for private gain or any commercial purpose” loses.

**ARTICLE 6:** To see if the Town will vote to authorize the Board of Selectmen in accordance with bidding requirements of the General Bylaws of the Town, to dispose of or trade in the following property to date:

<b>ITEM</b>	<b>ESTIMATED VALUE</b>
1998 Kawasaki Motorcycle	\$1,000
Shellfish Truck	\$5,000
2004 Police Cruiser	\$4,820
2003 Police Cruiser	\$4,370
FINANCE COMMITTEE RECOMMENDS 7-0	
BOARD OF SELECTMEN RECOMMENDS 5-0	

**Unanimous vote as printed in the Warrant**

**ARTICLE 7:** To see if the Town will vote to amend the Town of Wellfleet Zoning By-laws, SECTION VII, ADMINISTRATION, by adding **Section 8.2.2, Noncomplying, nonconforming structures 10 years or older**, as follows:

8.2.2 Noncomplying, nonconforming structures 10 years or older. Nonconforming structures which are 10 years or older and which are provided protections under MGL c.40A, §7 are entitled to treatment as lawfully preexisting non-conforming structures as provided in this By-law (Section 6.1.5) and as provided in MGL c.40A, §6.

BOARD OF SELECTMEN RECOMMENDS 5-0  
PLANNING BOARD RECOMMENDS 7-0  
BY-LAW COMMITTEE HAS NO RECOMMENDATION

**Unanimous voice vote to refer to the Planning Board for further study**

**ARTICLE 8:** To see if the Town will vote to authorize the Board of Selectmen to convey for nominal consideration or on such terms and conditions as they deem appropriate to Wilma M. Sulski the parcel of land being Lot A, containing 0.13 acres more or less, as shown on a plan entitled: “Plan of Properties in (So.) Wellfleet to be conveyed by Luther A. Crowell & Earl. W. Godwin, Scale 1 in. = 30 ft. Oct. 1978, Slade Associates, Registered Land Surveyors, East Main Street, at Route 6, Wellfleet, Massachusetts 02667”, recorded at Barnstable County Registry of Deeds in Plan Book 328 Page 31, acquired by the Town through a tax taking recorded with Barnstable County Registry of Deeds in Book 10434 Page 69.

BOARD OF SELECTMEN RECOMMENDS 5-0  
OPEN SPACE COMMITTEE RECOMMENDS 4-0

**Unanimous voice vote that the Town vote that the purpose for which the land described in Article 8 is held be changed to being held for the purpose of conveyance, and that the Board of Selectmen be authorized to convey said land as described in the Article.**

**ARTICLE 9:** To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or affordable housing

reserve, the sum of \$425,000 to contribute to the cost of, and thereby support, the purchase of property at 2082 State Highway (Route 6), Assessor's Map 29, Lot 129, for the development of affordable housing.

FINANCE COMMITTEE RECOMMENDS 7-0

*The Finance Committee believes that increasing the stock of affordable housing in Wellfleet is an important way to attract and retain: Town employees, trades people, public school educators, and young families. Affordable housing is one of the allowable uses of these funds under the enabling legislation.*

BOARD OF SELECTMEN RECOMMENDS 5-0

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS 7-0

LOCAL HOUSING PARTNERSHIP RECOMMENDS

HOUSING AUTHORITY RECOMMENDS 4-0

**Voice vote that the Town appropriate the sum of \$425,000 to fund a grant to the Wellfleet Housing Authority for the purchase of property at 2082 State Highway (Route 6) Assessors Map 29, Lot 129 for the purpose of creating affordable housing 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 provided further that the Board of Selectmen is hereby authorized to accept an affordable housing restriction pursuant to Ch. 184, Sec. 31-33, and to meet this appropriation \$84, 112 be transferred from the Community Preservation Housing Reserve fund and the sum of \$340,888 be transferred from the Community Preservation Reserve fund balance**

**ARTICLE 10:** To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or historic preservation reserve the sum of \$270,000 to contribute to the cost of, and thereby support, the purchase of a portion of the property at 258 Main Street, Assessor's Map 15, Lot 46, for the development of additional storage and exhibition space for the Wellfleet Historical Society Museum.

FINANCE COMMITTEE RECOMMENDS 5-2

*The Finance Committee believes this to be a worthy project.*

BOARD OF SELECTMEN RECOMMENDS 5-0

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS 7-0

HISTORICAL COMMISSION RECOMMENDS 7-0

**Voice vote to appropriate the sum of \$270,000 to fund a grant to the Wellfleet Historical Society for the purpose of the purchase of a portion of the property located at 258 Main Street, Assessor's Map 15, Lot 46 for the development of additional storage and exhibition space for its Museum 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, \$80,699 be transferred from the Community Preservation Historic Resources Reserve fund and the sum of \$189,301 be transferred from the Community Preservation Reserve fund balance.**

**ARTICLE 11:** To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or historic preservation reserve the sum of \$500,000 to contribute to the cost of, and thereby support, the restoration and renovation of a portion of the property at 335 Main Street, Assessor's Map 14, Lot 173, for the development of a community and cultural center to be known as Wellfleet Preservation Hall.

FINANCE COMMITTEE RECOMMENDS 2-1-3

*The Finance Committee believes this to be a worthy project but we need to be sure the Purchase and Sale Agreement has been signed before we recommend the warrant article.*

BOARD OF SELECTMEN RECOMMENDS 5-0

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS 5-2

335 MAIN STREET COMMITTEE RECOMMENDS 8-0

**Voice vote that the Town appropriate the sum of \$500,000 to fund a grant to the Wellfleet Preservation Hall for the purpose of the restoration and renovation of a portion of the property located at 335 Main Street, Assessor's Map 14, Lot 173 for the development of community and cultural center, 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, \$167,422 be transferred from the Community Preservation Reserve fund balance and the sum of \$332,578 be transferred from Community Preservation Fund estimated revenues**

**ARTICLE 12:** To see if the Town will vote, pursuant to MGL c.44B, to appropriate from the Community Preservation Fund estimated annual revenues or fund balance the sum of \$18,000 to contribute to the cost of, and thereby support, the restoration and renovation of the Skateboard Park at Mayo Beach.

FINANCE COMMITTEE DOES NOT RECOMMEND 7-0

*The Finance Committee believes that significant public funds have been recently expended for this project, and that the funds need to be raised without using public funds.*

BOARD OF SELECTMEN RECOMMENDS 5-0

RECREATION COMMITTEE HAS NO RECOMMEND

COMMUNITY PRESERVATION COMMITTEE RECOMMENDS 6-1

**Voice vote to appropriate from the Community Preservation Reserve fund balance the sum of \$18,000 to the Recreation Department for the completion of the skateboard Park project.**

**ARTICLE 13:** To see if the Town will vote pursuant to Article II, Section 7 of the Town of Wellfleet Bylaws to authorize the Board of Selectmen to transfer jurisdiction and control of land on Chequessett Neck Road and Atwood Avenue known as lots 106 on Assessor's Map 14 and Lot 295 on Assessor's Map 12 to the Habitat for Humanity of Cape Cod for the purpose of providing affordable housing for low and moderate income residents of all ages provided said property shall be made available to Wellfleet residents under a local preference program to the extent permissible by law; said land shall not exceed 0.71 acres. The deed transferring the land to the Housing Authority shall provide that in the event the land ceases to be used for the purposes provided herein or if the housing construction has not begun on the land within 10 years from the date the title to said land is transferred to the Housing Authority, the title to said land will revert back to the Town of Wellfleet and become vested in the inhabitants of the Town of Wellfleet.

FINANCE COMMITTEE RECOMMENDS 6-1

BOARD OF SELECTMEN RECOMMENDS 5-0

LOCAL HOUSING PARTNERSHIP HAS NO RECOMMENDATION

HOUSING AUTHORITY RECOMMENDS 4-0

**Because of a lack of recommendation a 2/3 voice vote was attained to hear article.**

**Voice vote to change the purpose for which the below-described land is held to being held for conveyance, and to authorize the Board of Selectmen to execute a deed to Habitat for Humanity of Cape cod transferring the land on Chequessett Neck Road and Atwood Avenue known as Lot 106 on Assessor's Map 14 and Lot 295 on Assessor's Map 12 for the purpose of providing affordable housing for low and moderate income residents of all ages provided said property shall be made available to Wellfleet residents under a local preference program to the extent permitted by law; and said deed shall provide that in the event the land ceases to be used for the purposes provided herein or if the construction of housing has not begun within 10 years from the date of the deed, the title to the land shall revert to the Town.**

**ARTICLE 14.** To see if the Town will vote pursuant to Article II, Section 7 of the Town of Wellfleet Bylaws to authorize the Board of Selectmen to transfer jurisdiction and control of land on Old King's Highway known as lots 110, 111 and 143 on Assessor's Map 16 to the Housing Authority for the purpose of providing affordable housing for low and moderate income residents of all ages provided said property shall be made available to Wellfleet residents under a local preference program to the extent permissible by law; said land shall not exceed 2.88 acres. The deed transferring the land to the Housing Authority shall provide that in the event the land ceases to be used for the purposes provided herein or if the housing construction has not begun on the land within 10 years from the date the title to said land is transferred to the Housing Authority, the title to said land will revert back to the Town of Wellfleet and become vested in the inhabitants of the Town of Wellfleet.

FINANCE COMMITTEE RECOMMENDS 7-0-1

*The Finance Committee believes this to be a worthy project. However, before recommending this article, we wanted more information about whether the Town may want to use this property as the site for a water tower.*

BOARD OF SELECTMEN RECOMMENDS TO INDEFINITELY POSTPONE  
 LOCAL HOUSING PARTNERSHIP HAS NO RECOMMENDATION  
 HOUSING AUTHORITY RECOMMENDS 4-0

**For lack of a recommendation a 2/3 voice vote was attained to hear the article**

**Unanimous voice vote to Indefinitely Postpone**

**ARTICLE 15.** To see if the Town will vote to appropriate a sum of money to pay costs of designing, constructing, originally equipping and furnishing a new fire station, 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(3) 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 General Laws (Proposition 2 ½).

FINANCE COMMITTEE RECOMMENDS 7-0

*The timing of the bid process prevented the Finance Committee from having the final cost of the new fire station by the time the warrant was printed. We require the final cost in order to recommend the warrant article. However, the Finance Committee wants Town Meeting to know that we are all in favor of the project.*

BOARD OF SELECTMEN RECOMMENDS 5-0

BUILDING NEEDS & ASSESSMENT RECOMMENDS 4-0

**2/3 Voice vote that the sum of \$6,595,598 be and hereby is appropriated to pay costs of designing, constructing, originally equipping and furnishing a new fire station, 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(3) of the 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 21 C of the General Laws (Proposition 2 ½).**

In addition to the construction cost, a number of other project costs will be included in the total appropriation request. Following is a breakdown of the estimated appropriation request:

Construction estimate (including sub-bids and construction contingency)	\$	6,947,000
Project manager & clerk of the works	\$	178,000
Architect's fees and reimbursables (construction administration)	\$	115,000
Civil engineering:		
Lawrence Road drainage repair	\$	50,000
Water line extension from elementary school	\$	35,000
Utilities (N-Star, propane tanks)	\$	50,000
Testing (soil, concrete, steel, paving)	\$	15,000
Communications systems (phone, data, paging)	\$	75,000
(This figure includes upgrading the phone system in the existing building)		
Furniture, fixtures, and equipment	\$	75,000
<b>Estimated total appropriation required:</b>	<b>\$</b>	<b>7,540,000</b>

Funds already approved by past Town Meetings or expended from other budgets for this project are as follows:

Property purchase	\$	625,000
Architect's design fees	\$	357,171
Owner's project manager, including geothermal feasibility studies	\$	34,000
Demolition and site geotechnical engineering (test borings)	\$	49,999
Cost estimates	\$	18,933
Telecommunications RFP, state regulatory filings	\$	7,600
<b>Total funds previously appropriated:</b>	<b>\$</b>	<b>1,092,703</b>

**ARTICLE 16.** To act on any other business which may legally come before the meeting.

**Unanimous voice vote as printed in the Warrant**

**There being no further business a motion to adjourn was passed at 9:42 pm.**

**Attest:**

**Dawn E. Rickman  
Town Clerk/Treasurer**

**SPECIAL TOWN ELECTION**

December 4, 2007

In accordance with the Warrant the polls were opened at 12:00 Noon by the Warden. The ballot box read 0000. Lunch provided by Dawn Rickman from Box Lunch. Very good as usual. At 12:20pm the Handicap voting machine was tested and sample ballot put through the ballot box. At 2:00 pm the ballot box was emptied reading 202. At 3:30 pm the ballot box was emptied reading 346. At 4:40 pm the ballot box emptied reading 475. At 5:45 pm the ballot box emptied reading 553. The polls closed at 7:00 pm with the ballot box reading 610 (609 because of the test ballot). The count represented 24% of the total voters 2,490. Workers included: Richard Hazen – Warden; Barbara Atwood – Clerk; Ruth Ann Dykeman. Christine Hight, Phyllis Hill and Barbara Stevens – Inspectors; Barbara Souther – Tallier; Eleanor Hazen and Marilee Frazier – Counters.

**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 the design, construction, equipping and furnishing of a new fire station and for the payment of all other costs incidental and related thereto?

YES – 337 \*  
NO - 272

**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 the design of a new transmission main from the Coles Neck well field?  
(This question was placed to correct wording of Coles Neck well field instead of Boy Scout)

YES – 374 \*  
NO - 229  
Blanks - 6

Attest:

Dawn E. Rickman  
Town Clerk