

SPECIAL TOWN MEETING MINUTES
Monday, November 28, 2005

In accordance with the Warrant the Moderator opened the meeting at 7:10pm. Thanks to Jacqueline Wildes Beebe and congratulations to Suzanne Grout Thomas as her replacement. Thanks to Fire Chief Hight who is retiring. A moment of silence for those Town residents that have passed away included Jeanne McCord, Margaret Meany, Joseph Menengas, and Florence Grossman.

ARTICLE 1. 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 2005-2006:

| <u>FROM</u> | <u>TO</u> | <u>AMOUNT</u> |
|--------------------------------|--|---------------|
| #420 DPW Salaries and Wages | #442 Well. Mun. Water System Operating Expenses | \$ 60,000 |
| Free Cash | 1) #121 Audit | \$ 5,000 |
| | 2) #520 Together We Can – The Juice Bar | <u>2,500</u> |
| | | \$ 7,500 |
| Beach Fund | 1) #699 Beach Program Operating Expenses | \$ 11,698 |
| | 2) #422 DPW General Highways | <u>23,000</u> |
| | | \$ 34,698 |
| Waterways Fund | Special Revenue Fund: Estuaries | \$ 22,012 |
| Free Cash | Line #196 Consultancy | \$ 5,000 |

FINANCE COMMITTEE RECOMMENDS 7-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote as printed with one addition, transferring \$5,000 from Free Cash to Line 196, Consultancy

At this time the Daniel Silverman, Moderator, steps down and the Town Clerk held the election for temporary Moderator. Benjamin Zehnder was duly elected.

ARTICLE 2. To see if the Town will vote to transfer the care, custody, management and control of a portion of the land described below owned by the Town, located at 335 Main Street and being a portion of the premises described in deed to the Town recorded with Barnstable County Registry of Deeds in Book 14142, Page 238 and identified on Tax Assessor’s Map 14 as Parcel 173 all as shown on a Sketch Plan entitled “Sketch of Land in Wellfleet made for the Cape Cod Five Cents Savings Bank” filed with the Town Clerk and currently held by the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of granting a permanent easement for the benefit of the Cape Cod Five Cents Savings Bank and its property located at 345 Main Street, and to authorize the Board of Selectmen to grant said easement upon such terms and conditions as it shall determine appropriate.

FINANCE COMMITTEE RECOMMENDS 7-0-1

BUILDING AND NEEDS ASSESSMENT COMMITTEE RECOMMENDS 3-0

335 MAIN STREET COMMITTEE RECOMMENDS 8-0

PLANNING BOARD DOES NOT RECOMMEND 3-2

BOARD OF SELECTMEN RECOMMENDS 5-0

Tellers sworn – John Connors, Bruce Drucker.

Hand count to hear question 2/3 vote attained 258 in favor 76 against

Loses – failed to attain a 2/3 vote 220 in favor 136 against

ARTICLE 3. To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise and to accept the deed to the Town of fee simple interest in the parcel of land and the buildings thereon located at 2896 State Highway, Wellfleet containing 60,560 square feet of land, more or less being the same land described in Deed recorded with Barnstable County Registry of Deeds in Book 15888, Page 168, Assessors' Map No.13, Parcel No.3, known as the Gutsy Bender's Restaurant, said property to be held under the care, custody, control, and management of the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase and further to appropriate \$625,000 for said acquisition, to determine whether said sum shall be raised by borrowing or otherwise, by whom expended.

FINANCE COMMITTEE RECOMMENDS 8-0. The purchase price seems to be very reasonable for this piece of property.

BUILDING AND NEEDS ASSESSMENT COMMITTEE RECOMMENDS 3-0

BOARD OF SELECTMEN RECOMMENDS 5-0

2/3 vote attained that the Town hereby authorizes the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise and to accept the deed to the Town of fee simple interest in the parcel of land and the buildings thereon located at 2896 Highway, Wellfleet containing 60,560 square feet of land, more or less being the same land described in Deed recorded with Barnstable County Registry of Deeds in Book 15,888, Page 168, Assessors' Map No.13, Parcel 3, known as the Gutsy Bender's Restaurant, said property to be held under the care, custody, control, and management of the Board of Selectmen, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase and, further, that the sum of \$625,000 be and herby is appropriated to pay the costs of the acquisition of the foregoing property, and for the payment of all other costs incidental and related thereto, and to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to chapter 44 S. 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

ARTICLE 4. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$200,000, or any other sum, for the purpose of demolishing the rectory portion of the 335 Main Street property.

FINANCE COMMITTEE RECOMMENDS 7-0-1

BUILDING AND NEEDS ASSESSMENT COMMITTEE RECOMMENDS 3-0

335 MAIN STREET COMMITTEE RECOMMENDS 8-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Indefinitely Postponed passes by a voice vote

ARTICLE 5. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$300,000, or any other sum, for the purpose of designing a new Fire Station.

FINANCE COMMITTEE RECOMMENDS 8-0. The Finance Committee believes the Town needs a new fire station. These are the preliminary costs and we urge your support.

BUILDING AND NEEDS ASSESSMENT COMMITTEE RECOMMENDS 3-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Indefinitely Postponed passes by a voice vote

Motion to amend by adding "Police Station" ruled beyond the scope of the Article by the Moderator.

At this time the Temporary Moderator, Benjamin Zehnder, steps down and Daniel Silverman resumes the Chair.

ARTICLE 6. To see if the Town will vote to accept the provisions of M.G.L. Chapter 71, 16B, which would allocate the sum of the member towns' FY'07 contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called.

FINANCE COMMITTEE RECOMMENDS 8-0

BOARD OF SELECTMEN RECOMMENDS 5-0

Unanimous voice vote as printed in the Warrant

ARTICLE 7. To act on any other business which may legally come before the meeting.

BOARD OF SELECTMEN RECOMMENDS 5-0

Voice vote as printed in the Warrant

The Moderator gave thanks to Benjamin Zehnder for a job well done. As this time the Moderator made the appointment of Barbara Woodbury to the ATM 2007 to fill the unexpired term of Sheila Kelly. The Moderator asked for the Town Meeting opinion to have future meeting televised and received a negative response. There being no further business a motion to dissolve the Special Town Meeting was passed by a voice vote at 10:30PM.

Attest:

Dawn E. Rickman
Town Clerk/Treasurer

**SPECIAL TOWN ELECTION
TUESDAY, NOVEMBER 29, 2005**

The polls opened at 12noon by the Warden, Richard Hazen. The ballot box read 0000. At 2:00pm the box was opened reading 174 and emptied to prevent jamming. The box was opened at 5:30pm reading 388 and emptied to prevent jamming. The polls were closed at 7:00pm by the Warden with the box reading 450. Workers included: Richard Hazen- Warden; Barbara Atwood- Clerk; Christine Hight, Robert Hanky, Ann Fox, Ruth Anne Dykeman- Inspectors; Eleanor Hazen, Marilee Frazier – Counters; Barbara Souther- Tallier; Michael S. Parlante and Frauke Rosenthal – Constables.

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 the bonds or notes issued by the Town in order to pay for design of a new Fire Station?

YES 240
NO 195
BLANKS 16

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 the bonds or notes issued by the Town in order to purchase the Gutsy Bender Restaurant property (Map 13, Parcel 3), located at 2896 State Highway, Wellfleet, Massachusetts?

YES 288
NO 160
BLANKS 2

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 the demolition of the rectory at 335 Main St.?

YES 223
NO 213
BLANKS 14

Attest:

Dawn E. Rickman
Town Clerk/Treasurer