

**SPECIAL TOWN MEETING MINUTES  
Monday, October 18, 2004**

In accordance with the Warrant the Moderator opened the meeting at 7:04pm. Quorum of 151 was met (6% of 2,504 voters). A moment of silence was given in memoriam for Beulah Downs Grout, Anthony Federico, Richard Dickey, William McCord, Richard Townsend, Leslie Hayman, Phyllis Baker, Lawrence Muir and William Magenau for their service to the Town.

**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 2004-2005.

Requests to date:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Free Cash	#132 Reserve Fund	\$ 29,049
	#191 Town Property	30,000
	#417 DPW Facilities	10,000
	Operating Expenses	
	#153 Computerization	<u>25,000</u>
		94,049
Beach Fund	#417 DPW Facilities	\$ 12,000
	Operating Expenses	
	#699 Beach Program	18,400
	Salaries & Wages	
	#699 Beach Program	4,500
	Contract Services	<u>\$ 34,900</u>
Municipal Relief Aid	#196 Consulting	<u>\$ 4,761</u>
		\$ 4,761

FINANCE COMMITTEE RECOMMENDS 5-0-1  
BOARD OF SELECTMEN RECOMMENDS 5-0  
*Unanimous voice vote as read*

At this time the Moderator steps down and the Town Clerk held election for Temporary Moderator. Harry W. Terkanian was elected.

**ARTICLE 2.** To see if the Town will vote to accept the provisions of M.G.L. c. 32 § 4(2)(b) to allow call firefighters the ability to buy back time for retirement purposes.

FINANCE COMMITTEE RECOMMENDS 5-0-1  
BOARD OF SELECTMEN RECOMMENDS 4-0  
*Voice vote as printed*

**ARTICLE 3.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$600,000, or any other sum, for the purpose of design and engineering services for the reconstruction of the Police/Fire Station.

FINANCE COMMITTEE DOES NOT RECOMMEND 6-0  
BOARD OF SELECTMEN RECOMMENDS TO INDEFINITELY POSTPONE 3-0  
*Unanimous voice vote to Indefinitely Postpone*

At this time Daniel Silverman returned to the Chair.

**ARTICLE 4.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$125,000, or any other sum, for the purpose of repairing Lieutenant Island Bridge.

FINANCE COMMITTEE RECOMMENDS 4-0-1

BOARD OF SELECTMEN RECOMMENDS 5-0

*Loses – fails to attain 2/3 vote*

*76 in favor*

*87 against*

Richard Robicheau and Richard Morrill sworn as tellers.

Motion that the sum of \$96,700 be appropriated to pay costs of repairing Lieutenant Island Bridge, including 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, is hereby authorized to borrow said amount, under and pursuant to Chapter 44, Section 7(4) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor fails to attain 2/3 vote.

**ARTICLE 5.** To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or otherwise for conservation purposes, including passive recreation under the provision of G.L. c. 40, Section 8C, the land situated in the Town of Wellfleet known as the Rinzler property, consisting of 6.0 acres, more or less, together with all rights and easements and subject to rights and easements of record, which land is shown on Tax Assessor's map 29 as a portion of lot 287, and more fully shown on a plan of land entitled, "Plan of Land in Wellfleet MA" prepared for Deborah Rinzler, dated 9/15/04 and prepared by Slade Associates; and, further, to appropriate a sum of \$370,000.00, or any other sum, for said acquisition, plus \$5,000 for closing costs and other incidental expenses, and further to fund this purchase pursuant to Chapter 293 of the Acts of 1998, the Land Bank so called and to authorize the Treasurer to issue general obligation bonds or notes under Section 7, C. 44 of the General Laws and/or section 7, of Chapter 293 in anticipation of revenue to be received under Section 6 of said Chapter 293, and further to authorize the Conservation Commission and the Board of Selectmen to grant a perpetual conservation restriction as authorized under M.G.L. c. 184 §§31-33 to the Wellfleet Conservation Trust at the time of closing; and to authorize the Conservation Commission and the Board of Selectmen to apply for and accept any such grants, gifts or donations which may be available for this acquisition and to enter into all agreements and execute any and all instruments, including a Self-Help Program Grant Agreement with the Commonwealth of Massachusetts which may contain restrictions and covenants, and to take any and all actions necessary to carry out the purpose of this article.

FINANCE COMMITTEE RECOMMENDS 5-0

OPEN SPACE/LAND BANK COMMITTEE RECOMMENDS 4-0

CONSERVATION COMMISSION RECOMMENDS 6-0

BOARD OF SELECTMEN RECOMMENDS 4-0

*2/3 voice vote that the Board of Selectmen is hereby authorized to acquire by purchase, gift or otherwise for conservation purposes, including passive recreation under the provision of GL C40, Section 8C, the land situated in the Town of Wellfleet known as the Rinzler property, consisting of 6.0 acres, more or less, together with all rights and easements and subject to rights and easements of record, which land is shown on Tax Assessor's map 29 as a portion of lot 287, and more fully shown on a plan of land entitled, "Plan of Land in Wellfleet MA" prepared for Deborah Rinzler dated 9/15/04 and prepared by Slade Associates; and further, that the sum of \$375,000 is hereby appropriated, which amount shall provide for the \$370,000 purchase price of the Property, and \$5,000 for the payment of all other costs incidental and related to the purchase of the property, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is hereby authorized to borrow \$370,000 of said amount under and pursuant to Chapter 293 of the Acts of 1998 entitled, the Land Bank so-called, 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, and \$5,000 is hereby appropriated from funds raised by the Town pursuant to the Cape Cod Land Bank Program; and further that the Conservation Commission and the Board of Selectmen are hereby authorized to grant a perpetual conservation restriction as authorized under MGL Ch 184 ss31-33 to the Wellfleet Conservation Trust at the time of closing on the aforesaid property, and that the Conservation Commission and the Board of Selectmen are hereby authorized to apply for and accept any such grants, gifts or donations which may be available for this acquisition and to enter into all agreements and execute any and all instruments, including a Self-Help Program Grant Agreement with the Commonwealth of Massachusetts which may contain restrictions and covenants as they shall deem necessary or appropriate.*

**ARTICLE 6.** To see if the Town will vote to adopt Section 298 of Chapter 149 of the Acts of 2004, which allows the Town to replace the Cape Cod Open Space Land Acquisition Program with the Community Preservation Act and dedicate the three per cent property tax surcharge currently being assessed through fiscal year 2020, along with state matching funds that will be available to the Town under the Community Preservation Act, to a special “Community Preservation Fund” that may be appropriated and spent for certain open space, historic resources and affordable housing purposes, effective for the fiscal year beginning on July 1, 2005.

FINANCE COMMITTEE RECOMMENDS 5-0

PLANNING BOARD RECOMMENDS 6-0

OPEN SPACE/LAND BANK COMMITTEE RECOMMENDS 4-0

HOUSING AUTHORITY RECOMMENDS 3-0

HISTORICAL COMMISSION RECOMMENDS 4-1

BOARD OF SELECTMEN RECOMMENDS 4-0

*Voice vote as read*

**ARTICLE 7.** To see if the Town will vote pursuant to Article III, Section 7 of the Town of Wellfleet Bylaws to authorize the Wellfleet Housing Authority to transfer custody and control of a portion of land shown as Lot 161 on Assessors Map 36 to the Board of Selectmen and to further authorize the Board of Selectmen to sell said parcel with proceeds going to affordable housing purposes.

FINANCE COMMITTEE RECOMMENDS 5-0

HOUSING AUTHORITY RECOMMENDS 3-0

BOARD OF SELECTMEN RECOMMENDS 5-0

*Unanimous voice vote as printed*

**ARTICLE 8.** To act on any other business which may legally come before the meeting.

BOARD OF SELECTMEN RECOMMENDS 5-0

*Thanks to SPAT was given for having a successful Oyster Festival. The Moderator told the Town Meeting that there was a vacancy on the Finance Committee and anyone interested should contact Town Hall.*

There being no further business a motion to adjourn passes at 8:25pm.

Attest:

Dawn E. Rickman