

SPECIAL & ANNUAL TOWN MEETING

ARTICLE 47: Herring River Restoration Project insurance

ANNUAL TOWN MEETING MINUTES

Monday, April 24, 2017

Having been advised by the Town Clerk that a quorum was present, Daniel Silverman, Moderator, called the Town Meeting to order at 7:14 pm at the Wellfleet Elementary School at 100 Lawrence Road. The final tally of voters present at this meeting was 378.

The Moderator thanked Michaela Miteva, Executive Assistant to the Town Administrator, for her assistance in assembling the materials to be presented at Town Meeting.

He also recognized Berta Bruinooge for her service on the Board of Selectmen which will end after the Annual Town Election on May 1, 2017 as well newly retired town employees, Judy Taylor from the DPW and George White from the Fire Department.

The Moderator welcomed two new department heads who were hired since the last town meeting; Connie Boulos, Town Accountant and Justin Post, Building Inspector. He also introduced Carolyn M. Murray, Esq. who is representing the Town's Counsel, KP Law.

The Moderator asked for a moment of silence to remember the following individuals who served the Town of Wellfleet and had passed away since the last Town Meeting:

Marian Banner	Cultural Council
Stephen Durkee	Local Housing Partnership, Historical Commission
Paul Nossiter	Planning Board

The Moderator informed the Town Meeting that no new business will be taken up after 10:00 pm and reminded the assembly of the rules of order and decorum.

He read the Warrant notice and the Constable's Return of Service into the record and proceeded to the business of the Town Meeting.

Recess Annual Town Meeting to go into the Special Town Meeting

Mr. Murphy moved and it was seconded to recess the Annual Town Meeting for the purposes of opening the warrant for the Special Town Meeting.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

He then read the Warrant notice and the Constable's Return of Service into the record for the Special Town Meeting.

SPECIAL TOWN MEETING MINUTES

Monday, April 24, 2017

Article 1.

Mr. Murphy moved and it was seconded that the Town vote to adopt article 1 as printed in the special town meeting warrant.

The Board of Selectmen voted 5-0, the Finance Committee voted 7-0 and the Wellfleet Housing Authority voted 3-0 to recommend adoption of the main motion.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a two-thirds voice vote.

Article 2.

Ms. Bruinooge moved and it was seconded that the Town vote to adopt article 2 as printed in the special town meeting warrant.

The Board of Selectmen voted 5-0, the Finance Committee voted 6-0-1 and the Wellfleet Housing Authority voted 3-0 to recommend adoption of the main motion.

A motion was made and seconded to indefinitely postpone article 2. The Moderator declared the motion failed on a voice vote.

The discussion returned to the main motion under article 2. A two-thirds majority is required for adoption. The Moderator declared the motion carried on a two-thirds voice vote.

Motion to dissolve the Special Town Meeting.

It was moved and seconded that the Special Town Meeting be dissolved.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

The Special Town Meeting was dissolved at 8:02 pm.

Annual Town Meeting called to order.

The Moderator called the Annual Town Meeting to order at 8:02 pm.

ARTICLE 1: FY 2018 Operating Budget.

Ms. Reinhart moved and it was seconded that the Town vote to approve the Selectmen’s Fiscal Year 2018 Town Operating Budget as printed in the warrant (Appendix A) in the amount of \$17,594,278, with each item to be considered a separate appropriation, including fixing the salaries and compensation of all elected officers of the Town for Fiscal Year 2018, and including approving the Nauset Regional School District and Cape Cod Regional Technical High School District budgets for Fiscal Year 2018, with funding for the Operating Budget provided in the following manner:

Raise and Appropriate	\$16,201,278
Ambulance Fund	\$ 40,000
Beach Fund	\$ 950,000
SEMASS Fund	\$ 325,000
Recreation Fund	\$ 60,000
Shellfish Fund	\$ 18,000

The Board of Selectmen voted 4-0 to recommend adoption of the main motion while the Finance Committee voted 7-0 against adoption of the main motion.

Amendment #1

Mr. Polowczyk moved it and it was seconded that the Town vote to reduce the budget for Department 151 Law on page 46 of the Warrant by \$50,000 for a new department total of \$51,300.

A simple majority is required for adoption. The Moderator declared the motion failed on a voice vote.

Amendment #2

Mr. Polowczyk moved it and it was seconded that the Town vote to reduce the budget for Department 300 Elementary School on page 48 of the Warrant by \$70,000 for a new department total of \$2,582,879.

A simple majority is required for adoption. The Moderator declared the motion failed on a voice vote.

Amendment #3

Mr. Polowczyk moved it and it was seconded to that the Town vote to amend the motion for article 1 by reducing the total Operating Budget by \$86,000 from a total of \$17,594,278 to a total of \$17,

508,278 and by approving the transfer of \$260,000 from Free Cash as part of the total appropriation for the Operating Budget.

The Moderator ruled the amendment out of order.

The discussion returned to the main motion under Article 1 as moved by Ms. Reinhart.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 2: FY 2017 Year End Transfers

Ms. Wilson moved and it was seconded that the Town approve the following fiscal year 2017 operating budget transfers as printed in the warrant:

- From Free Cash to 220 Fire Department Overtime, \$135,000;
- From Free Cash to 220 Fire Department Contract Services \$35,000;
- From Free Cash to 179 Shellfish Department Wages, \$76,441;
- From Free Cash to 520 Human Services Grants, \$26,000;
- From Free Cash to 520 Human Services Grants, \$25,000.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 3: FY 2018 Capital Budget.

Mr. Murphy moved and it was seconded to raise and appropriate \$1,512,878, transfer from free cash \$287,724 and transfer \$20,000 from the Septic Fund for a total appropriation of \$1,820,602 to fund the FY 2018 capital debt service costs and further:

- to transfer from free cash \$512,276
- to transfer \$299,000 from the Ambulance Fund,
- to transfer \$7,000 from 2015 Annual Town Meeting article 3, vote tabulator
- to transfer \$60,000 from 2015 Annual Town Meeting article 3, COA Solar Array
- to transfer \$60,000 from 2014 Annual Town Meeting article 3, Information Technology
- and transfer \$65,000 from 2015 Annual Town Meeting article 3, Information Technology

for a total of \$1,003,276 to fund the FY 2018 Capital Improvement Plan as listed in appendix B in the Annual Town Meeting warrant, but excluding those items listed as funded by borrowing.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 4: FY 2018 Marina Enterprise Budget.

Ms. Bruinooge moved and it was seconded that the Town vote that \$649,782 be appropriated to operate the fiscal year 2018 Marina Enterprise Fund with the following sums,

- \$602,500 to come from Marina Enterprise Fund revenues
- \$40,282 to come from Retained Earnings
- \$2,000 to come from the Waterways Fund
- \$5,000 to come from the Shellfish Fund
- and further, that \$55,300 be appropriated from the Marina Enterprise revenues to the general fund to reimburse for indirect costs.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 5: FY 2018 Water Enterprise Budget.

Mr. Murphy moved and it was seconded that the Town vote that \$230,022 be appropriated to operate the fiscal year 2018 Water Enterprise Fund with,

- \$152,045 to come from Water Enterprise Fund revenues
- \$77,977 to be appropriated from the General Fund
- and further, that \$5,000 to be appropriated from Water Enterprise revenues. to the general fund to reimburse for indirect costs.

The Board of Selectmen voted 5-0, the Finance Committee voted 6-1 and the Board of Water Commissioners voted 5-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 6: Collective Bargaining Agreement WEA Unit A

Ms. Reinhart moved and it was seconded that the sum of \$23,479 be and hereby is raised and appropriated to pay costs of funding the first year of a three-year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit A covering the term of July 1, 2017 through June 30, 2020, and further that the Town Accountant is authorized to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 7: Collective Bargaining Agreement WEA Unit B.

Ms. Wilson moved and it was seconded that the sum of \$34,413 be and hereby is raised and appropriated to pay costs of funding the first year of a three-year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit B covering the term of July 1, 2017 through June 30, 2020, and further that the Town Accountant is authorized to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 8: Collective Bargaining Agreement WEA Unit C.

Mr. Murphy moved and it was seconded that the sum of \$9,754 be and hereby is raised and appropriated to pay costs of funding the first year of a three-year collective bargaining agreement between the Town of Wellfleet and the Wellfleet Employees Association, Unit C covering the term of July 1, 2017 through June 30, 2020, and further that the Town Accountant is authorized to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 9: Collective Bargaining Agreement Wellfleet Police Officers Union.

Ms. Bruinooge moved and it was seconded that article 9 be indefinitely postponed.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 10: Non-Union Personnell Salaries & Compensation.

Ms. Reinhart moved and it was seconded that the sum of \$6,535 be and hereby is raised and appropriated to pay the cost of wage and salary adjustments for non-union personnell, and further that the Town Accountant is authorized to allocate said sums to and among the accounts affected thereby in such amounts as are proper and required.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

Election of a Temporary Moderator

The Moderator recused himself prior to a motion regarding Article 11. In accordance with the provisions of MGL, c. 39, §14 as well as Section 2-2-4 of Chapter 2 of the Wellfleet Home Rule Charter, the Town Clerk presided over the election of a Temporary Moderator.

It was moved and seconded to open nominations for Temporary Moderator.

Mr. Murphy moved and it was seconded to nominate Harry Sarkis Terkanian. Mr. Terkanian accepted the nomination.

Mr. Wood moved and it was seconded to nominate Bruce A. Bierhans. Mr. Bierhans accepted the nominaiton.

There being no other nominations, it was moved and seconded to close nomination. The Town Clerk declared that the motion was adopted on a unanimous voice vote.

The Town Clerk then called for a vote on the nomination of Mr. Terkanian and it was declared the Town Clerk by a unanimous voice vote that Mr. Terkanian was so voted as Temporary Moderator.

After having been sworn by the Town Clerk, Mr. Terkanian presided over the meeting.

ARTICLE 11: Additional Fire Department Staff:

Ms. Reinhart moved and it was seconded that the sum of \$147,300 be and hereby is raised and appropriated to pay the costs of funding two new Firefighter/Paramedic positions, provided, however that no funds shall be expended unless and until the Town shall have voted to assess an additional \$147,300 in real estate and personal property taxes pursuant to the provisions of G. L. chapter 59, section 21C (Proposition 2 ½.)

The Board of Selectmen voted 4-0 and the Finance Committee voted 5-2 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

Town Moderator Daniel Silverman returned to preside over the meeting.

Mr. Murphy moved and it was seconded that the Annual Town Meeting be recessed until Tuesday, April 25, 2017 at 7:00 pm at the Wellfleet Elementary School.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

The Annual Town Meeting recessed at 10:07 pm.

ANNUAL TOWN MEETING MINUTES

Tuesday, April 25, 2017

Having been advised by the Town Clerk that a quorum was present, Daniel Silverman, Moderator, called the Town Meeting to order at 7:02 pm at the Wellfleet Elementary School at 100 Lawrence Road. The final tally of voters present at this meeting was 304.

ARTICLE 12: Chapter 90 Road Repairs.

Ms. Wilson moves and it was seconded that the Town vote to accept the sum of \$244,845, or such other amount that the Commonwealth declares as available funds, as the Commonwealth's share of the cost of work under Massachusetts General Laws, Chapter 90, said funds to be expended for the purposes stated in the warrant under the supervision of the Board of Selectmen.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 13: Other Post-Employment Benefits ("OPEB") Appropriation.

Mr. Murphy moved and it was seconded that the sum of \$250,000 be raised and appropriated to the Other Post-Employment Benefits Liability Trust Fund.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 14: Transfer \$10,000 from the Marina Parking fund to the Marina Enterprise Stabilization Fund.

Ms. Bruinooge moved and it was seconded that the Town vote to transfer the sum of \$10,000 from the Marina Enterprise Fund to the Marina Enterprise Stabilization Fund.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 15: Transfer \$75,000 to Stabilization Fund.

Mr. Houk moved and it was seconded that the sum of \$75,000 be raised and appropriated to the Stabilization Fund.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 16: Transfer to Water Enterprise Fund.

Ms. Wilson moved and it was seconded that the Town raise and appropriate the sum of \$53,000 to reimburse the Water Enterprise Fund for hook-up fees to town owned buildings.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 17: Transfer from Cable Advisory Receipts Fund.

Ms. Reinhart moved and it was seconded that the Town transfer \$215,744 from the Cable receipts fund to fund local access television programming.

- \$57,225 to fund Lower Cape Community Access Television,
- \$49,971 to fund Wellfleet Channel 18 and
- \$108,545 to fund capital items with said funds to be expended under the direction of the Town Administrator.

The Board of Selectmen voted 4-0, the Finance Committee voted 7-0 and the Cable Advisory Committee voted 3-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

Community Preservation Committee Report

Prior to a motion on Article 18, Ms. Rogers presented a report of the Community Preservation Committee regarding Articles 18 through 22.

ARTICLE 18: CPA Reserves and Admin Budget.

Ms. Plaué moved and it was seconded that the Town vote to set aside from Community Preservation Fund estimated annual revenues the sum of \$29,000 for administrative expenses of the Community Preservation Committee for Fiscal Year 2018, the sum of \$55,000 for open space debt service, the sum of \$3,000 for the Open Space reserve fund, the sum of \$58,000 for the Community Housing Reserve Fund and the sum of \$58,000 for the historic resources reserve fund and the sum of \$377,000 for the 2018 Budgeted Reserve for general Community Preservation Fund purposes.

The Board of Selectmen voted 4-0, the Finance Committee voted 7-0 and the Community Preservation Committee voted 5-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 19: CPA Cemetery Restoration

Mr. Agger moved and it was seconded that Article 19, Community Preservation funding for Cemetery Restoration, be accepted and adopted as printed in the warrant and that the sum of \$34,162 be transferred from CPA Historic Reserves for the purposes of the article.

The Board of Selectmen voted 4-0, the Finance Committee voted 7-0, the Community Preservation Committee voted 5-0 and the Historical Commission voted 6-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 20: CPA Form B Inventory.

Mr. Tash moved and it was seconded that Article 20, Community Preservation funding for Form B inventories of historic properties, be accepted and adopted as printed in the warrant and that the sum of \$20,000 be transferred from CPA Historic Reserves for the purposes of the article.

The Board of Selectmen voted 4-0, the Finance Committee voted 6-1, the Community Preservation Committee voted 5-0 and the Historical Commission voted 5-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 21: CPA Affordable Housing Assistance.

Ms. McIlroy moved and it was seconded that Article 21, Community Preservation funding for Affordable Housing Support through the Wellfleet Affordable Housing Trust Fund, be accepted and adopted as printed in the warrant and that the sum of \$200,000 be appropriated from CPA Fiscal Year 2018 estimated revenue for the purposes of the article.

The Board of Selectmen voted 4-0, the Finance Committee voted 7-0, the Community Preservation Committee voted 5-0, the Local Housing Partnership voted 5-0 and the Housing Authority voted 3-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 22: CPA Rental Housing Assistance.

Mr. Sorkin moved and it was seconded that Article 22, Community Preservation funding for the Housing Rental Assistance Program, be accepted and adopted as printed in the warrant and that the sum of \$101,838 be appropriated from CPA Fiscal Year 2018 estimated revenue for the purposes of the article.

The Board of Selectmen voted 4-0, the Finance Committee voted 7-0, the Community Preservation Committee voted 5-0, the Local Housing Partnership voted 5-0 and the Housing Authority voted 3-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 23: Gov. Prencce Residences Funding.

Mr. Sorkin moved and it was seconded to indefinitely postpone article 23.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 24: Transfer of Unexpended Bond Proceeds – Baker Field restrooms

Mr. Murphy moved and it was seconded that the town authorize the re-purposing and appropriation of unexpended bond proceeds in the amount of \$209,836 previously authorized under Article 24 of the 2013 Annual Town Meeting for upgrading the Baker Field restrooms, which funds are no longer needed for said purpose, to pay the costs of restroom improvements, building upgrades and other improvements to the Baker Field recreation area and for the payment of all other costs incidental and related thereto, to be expended under the direction of the Town Administrator, the Community Services Director and the Recreation Director.

The Board of Selectmen voted 4-0 and the Finance Committee voted 5-3 to recommend adoption of the main motion.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 25: Fire Department Prevention/Inspection Vehicle.

Ms. Bruinooge moved and it was seconded that the sum of \$38,000 be appropriated for the purpose of paying the costs of purchasing and initially equipping a fire prevention and inspection vehicle for the Fire Department 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 (1) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

The Board of Selectmen voted 5-0 and the Finance Committee voted 9-0 to recommend adoption of the main motion.

After declaring that the motion was adopted on a two-third voice vote, the Moderator doubted the result and called for the tellers.

The Moderator appointed Alex Hay, Barbara Cary, Mike Fisher and Kristen Shantz as tellers and they were sworn in by the Town Clerk.

The Moderator declared the motion did not achieve two-thirds majority with 165 in the affirmative and 101 in the negative.

ARTICLE 26: Council on Aging Vehicle Replacement

Ms. Reinhart moved and it was seconded that the sum of \$40,000 be appropriated for the purpose of paying the costs of purchasing and initially equipping a transportation vehicle for the Council on Aging Department 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 (1) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; , and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

The Board of Selectmen voted 5-0 and the Finance Committee voted 9-0 to recommend adoption of the main motion.

A two-thirds majority is required for adoption. The Moderator declared the motion carried on a two-thirds voice vote.

ARTICLE 27: Beach Recycling Program Pilot.

Mr. Houk and it was seconded that article 27 be indefinitely postponed.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 28: Rescind Borrowing Authorization for Wellfleet Municipal Water System (WMWS) Design Plans to OCHS.

Mr. Polowczyk moved and it was seconded that the town vote to rescind the borrowing authorization, in the amount of \$95,000 for plans for the extension of the water supply system on Briar Lane, as approved under article 27 of the 2016 Annual Town Meeting.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion and the Board of Water Commissioners voted 4-0-1 against adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 29: Nauset Regional High School Feasibility Study.

Mr. Easley moved and it was seconded that the Town vote to approve the \$1,300,000 borrowing authorized by the Nauset Regional School District, for the purpose of paying costs of a feasibility study for the Nauset Regional High School, 100 Cable Road N. Eastham, MA 02651 including the payment of all costs incidental and related thereto (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee; further, that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA, shall be the sole responsibility of the District and its member municipalities; provided, further, that any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; and further, that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. The approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 1/2).

The Board of Selectmen voted 4-0 and the Finance Committee voted 8-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 30: Amendment to Demolition Delay Bylaw.

Ms. Vivante moved and it was seconded that the Town vote to amend the demolition delay bylaw as printed in the warrant under article 30.

The Board of Selectmen voted 4-0, the Historical Commission voted 5-0 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 31: Plastic Ban Bylaw Amendment.

Ms. Briggs moved and it was seconded that the Town vote to amend the bylaws by adding a polystyrene reduction section as printed in the warrant in article 31 and as amended by substitute motion:

To amend the General Bylaws by adding a Section to Article VII of the General Bylaws as follows:

Polystyrene Reduction Bylaw

Section 1. Purpose and Intent

The use and disposal of polystyrene has significant impacts on our town and our environment, including but not limited to:

1. harm to marine and terrestrial animals through ingestion
2. pollution and degradation of the terrestrial and coastal environment
3. human exposure to styrene, which is derived from benzene and used in the manufacture of polystyrene. Occupational studies have shown risks for leukemia and lymphoma, and genetic damage to white blood cells. Styrene is “reasonably anticipated to be a human carcinogen” US Department of Health and Human Services, 2016)
4. disposal burdens of difficult to recycle plastics for solid waste collection and recycling facilities

With the goal of protecting the health of its citizens and the unique natural beauty and irreplaceable natural resources of the Town of Wellfleet, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by June 1, 2018.

Section 2. Definitions

“Polystyrene Disposable Food Service Containers and Cutlery” shall mean single-use disposable products for serving or transporting food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes, but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as **disposable freezer chests** and disposable catering trays.

“Expanded or Foam Polystyrene” and “Polystyrene” shall mean blown polystyrene (polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blown molding (extruded foam polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam.. It bears the recycling number 6.

“Food Establishments” shall mean any operations, including, without limitation, food trucks, schools, farmers markets and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered Food Establishments for the purposes of this Bylaw.

“Retail Establishments” shall mean any commercial business facility that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, convenience stores,

retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food services establishments.

“Public Venues” shall mean operations including, but not limited to meeting halls, churches, Town offices, the Senior Center, Recreation Department, Library, and the Wellfleet Elementary School.

Section 3. Use Regulations

Expanded or foam polystyrene food or beverage containers shall not be used or sold as disposable food service containers and cutlery Polystyrene disposable food service containers, cutlery, and new polystyrene packing peanuts shall not be used or sold by food establishments and/or retail establishments within the Town of Wellfleet on or after June 1, 2018. Any stock remaining after that date shall be accepted for disposal free of charge, through June 30, 2018, at the Wellfleet Transfer Station/Recycling Center.

This Bylaw shall not apply to:

1. Polystyrene packing peanuts and foam packaging reused from shipments coming to Wellfleet
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from a wholesaler or out of town supplier
3. Polystyrene foam freezer chests **enclosed in durable rigid plastic**

Section 4. Administration and Enforcement

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L.c.40, Section 21D and ARTICLE VII GENERAL SECTION 37. PENALTIES AND ENFORCEMENT of the Town’s General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense:	\$100 fine
Second Offense:	\$200 fine
Third and Subsequent Offenses:	\$400 fine for each offense

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any Establishment failing to comply with this Bylaw.

Section 5. Severability

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

The Board of Selectmen voted 4-0, the Recycling Committee voted 5-0, the Bylaw Committee voted 3-0 and the Shellfish Advisory Board voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 32: Zoning Bylaw Amendment. To see if the Town will vote to amend the Zoning Bylaws by amending Section VIII Administration, Sections 8.2.1 and 8.2.2

Mr. Parent, Chairman of the Planning Board, provided a report of the Planning Board regarding this article as well as Articles 33 through 38.

The Board of Selectmen voted 4-0, the Planning Board voted 5-1-0 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

Mr. Parent moved and it was seconded that the Town vote to amend the Zoning Bylaws in section 8.2 as printed in the warrant in article 32.

A two-thirds majority is required for adoption. The Moderator declared the motion carried by a two-thirds voice vote.

ARTICLE 33: Zoning Bylaw Amendment. Section 8.4.2.4

Mr. Parent moved and it was seconded that the Town vote to amend the Zoning Bylaws in section 8.4 as printed in the warrant in article 33.

The Board of Selectmen voted 4-0, the Planning Board voted 5-0-1 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

A two-thirds majority is required for adoption. The Moderator declared the motion carried by a unanimous voice vote.

ARTICLE 34: Zoning Bylaw Amendment. Section 9.3.11.2.

Mr. Parent moved and it was seconded that the Town vote to amend the Zoning Bylaws in section 9.3.11.2 as printed in the warrant in article 34.

The Board of Selectmen voted 4-0, the Planning Board voted 5-0-1 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

A two-thirds majority is required for adoption. The Moderator declared the motion carried by a unanimous voice vote.

ARTICLE 35: Zoning Bylaw Amendment.

Mr. Parent moved and it was seconded that the Town vote to amend the Zoning Bylaws as printed in the warrant in article 35.

The Board of Selectmen voted 4-0, the Planning Board voted 5-0-1 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

A two-thirds majority is required for adoption. The Moderator declared the motion carried by a unanimous voice vote.

ARTICLE 36: Zoning Bylaw Amendment – Signs

Mr. Parent moved and it was seconded to amend the Town’s Zoning Bylaw by amending Section II, 2.1 Definitions, and Section VII, Signs, as printed in the warrant under article 36.

The Board of Selectmen voted 4-0, the Planning Board voted 5-0-1 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

Mr. Felix moved and it was seconded to indefinitely postpone Article 36. The Moderator declared that the motion to indefinitely postpone was defeated on a voice vote.

The discussion returned to the main motion from Mr. Parent. A two-thirds majority is required for adoption of the main motion. The Moderator declared the motion carried by a two-third voice vote.

ARTICLE 37: Zoning Bylaw Amendment. repealing Formula Business Special Permit

Mr. Parent moved and it was seconded to amend the Town’s zoning bylaw by amending Section II, 2.1 Definitions, Section VI, General Regulations, Section 6.30, Formula Business Special Permit, and Section 5.3.2, the Commercial Use Table, as printed in the warrant under article 37.

The Board of Selectmen voted 4-0, the Planning Board voted 6-0 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

A two-thirds majority is required for adoption. The Moderator declared the motion carried by a two-third voice vote. This result was questioned by several voters. The Moderator then called for the tellers to come forward and conducted a hand count vote.

By a vote of 183 in the affirmative and 63 in the negative, the Moderator declared the motion was adopted by a two-thirds vote.

Mr. Murphy moved and it was seconded that the Annual Town Meeting be recessed until Tuesday, April 25, 2017 at 7:00 pm at the Wellfleet Elementary School.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

The Annual Town Meeting recessed at 10:11 pm.

ANNUAL TOWN MEETING MINUTES

Wednesday, April 26, 2017

Having been advised by the Town Clerk that a quorum was present, Daniel Silverman, Moderator, called the Town Meeting to order at 7:00 pm at the Wellfleet Elementary School at 100 Lawrence Road. The final tally of voters present at this meeting was 287.

ARTICLE 38: Zoning Bylaw Amendment – Food Trucks

Ms. Bruinooge moved and it was seconded to amend the Town's Zoning Bylaws regarding food trucks, by amending Section II, 2.1 Definitions and Section 5.3.2, the Commercial Use Table, as printed in the warrant under article 38.

The Board of Selectmen voted 3-1 to offer no recommendation while the Planning Board voted 5-1 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

A two-thirds majority is required for adoption of the main motion. The Moderator declared the motion did not carry by a two-third voice vote and was not adopted.

ARTICLE 39: Disposition of Town property - Pleasant Point bulkhead land area

Mr. Houk moved and it was seconded that Article 39, the disposition of town owned land at the Pleasant Point bulkhead, be accepted and adopted as printed in the warrant.

The Board of Selectmen voted 3-1, the Open Space Committee voted 5-0, the Finance Committee voted 7-0, the Planning Board voted 6-0-1, the Conservation Committee voted 3-1 and the Natural Resources Advisory Board voted 3-0 to recommend adoption of the main motion.

A two-third majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 40: Septic System Easement Access for 15 Kendrick Ave.

Ms. Reinhart moved and it was seconded that the Town vote to convey a septic system easement for 15 Kendrick Avenue, as printed in Article 40 in the warrant.

The Board of Selectmen voted 4-0, the Open Space Committee voted 5-0, the Planning Board voted 6-0, the Conservation Committee voted 4-0 and the Natural Resources Advisory Board voted 3-0 to recommend adoption of the main motion.

A two-third majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 41: Disposition of Town Land to Conservation Commission. Map 8, Parcel 270

Ms. Wilson moved and it was seconded that Article 41, the transfer of town land to the Conservation Commission, be accepted and adopted as printed in the warrant.

The Board of Selectmen voted 4-0, the Open Space Committee voted 6-0, the Planning Board voted 6-0, the Conservation Committee voted 3-0-1 and the Natural Resources Advisory Board voted 5-0 to recommend adoption of the main motion.

A two-third majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 42: Disposition of Town Land to Conservation Commission. Map, 41 Parcel 189

Mr. Murphy moved and it was seconded that Article 42, the transfer of town land to the Conservation Commission, be accepted and adopted as printed in the warrant.

The Board of Selectmen voted 4-0, the Open Space Committee voted 6-0, the Planning Board voted 6-0, the Conservation Committee voted 3-0-1 and the Natural Resources Advisory Board voted 5-0 to recommend adoption of the main motion.

A two-third majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 43: Extend the Charge of the Charter Review Committee.

Ms. Bruinooge moved and it was seconded that the Town vote to extend the charge of the Charter Review Committee as printed in the warrant under article 43.

The Board of Selectmen voted 4-0 and the Bylaw Committee voted 3-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 44: Room Occupancy Tax.

Mr. Houk moved and it was seconded that the Town vote to file a home rule petition to expand the room occupancy tax as printed in the warrant under article 44.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 45: Real Estate Transfer Tax

Ms. Reinhart moved and it was seconded that the article as printed in the warrant be amended to correct a typographical error in Section 1, line one, by striking the existing text that reads "(h%)" and replacing it with "(1/2%)" and further, I move that the Town vote to file a home rule petition to implement a real estate transfer tax as printed in the warrant under article 44, and as amended by this motion.

The Board of Selectmen voted 4-0, the Finance Committee voted 7-0, the Housing Authority voted 3-0 and the Local Housing Partnership voted 5-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 46: Safe Communities Act

Ms. Wilson moved and it was seconded that the Town vote to adopt the safe communities act as printed in the warrant under article 46.

The Board of Selectmen voted 5-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 47: Herring River Restoration Project insurance.

Ms. Baumgarten moved and it was seconded that the Town vote to recommend that the Board of Selectmen not allow any permit applications for the Herring River Restoration Project until, and unless, the project proponents give assurance that they will provide appropriate insurance and security to protect fishermen, aquaculturists, local business owners, private property owners, and town-owned property, for potential damages, financial losses, and legal expenses that could result from the Project.

The Board of Selectmen voted 4-0 and the Herring River Restoration Committee voted against adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion failed on a voice vote.

ARTICLE 48: Herring River Restoration Project - herbicides

Ms. Baumgarten moved and it was seconded that the Town vote to recommend that the Board of Selectmen not allow any permit applications for the Herring River Restoration Project until, and unless, the Project has been modified so that no herbicides will be used in the project area.

The Board of Selectmen voted 4-0 and the Herring River Restoration Committee voted against adoption of the main motion.

Mr. Terkanian moved and it was seconded that Article 48 be indefinitely postponed.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote and Article 48 was indefinitely postponed.

ARTICLE 49: The authorization of the Town Administrator or his designee to dispose of personal property by trade in or sale.

ARTICLE 50: The authorization of the Town Collector to use all means for collecting taxes, which the Treasurer may use when appointed Collector, or do or act anything thereon.

ARTICLE 51: To see if the Town will vote to assume liability in the manner provided by G. L. c. 91, §29 and 29A, as most recently amended, for damage that may be incurred for work to be performed by the Department of Environmental Protection of Massachusetts for improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshores and shores along a public beach, excluding the Herring River and Herring River Dike, in accordance with G. L. c. 91, §11, and to authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, or do or act anything thereon

ARTICLE 52: 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 2019, or do or act anything thereon.

The Board of Selectmen voted 4-0 and the Finance Committee voted 7-0 to recommend adoption of the main motion.

Mr. Murphy moved and it was seconded that Articles 49 through 52 inclusive be accepted and adopted as printed in the warrant.

A simple majority is required for adoption. The Moderator declared the motion carried on a unanimous voice vote.

ARTICLE 53: To hear reports of the Selectmen, Town Officers, and all other Committees

Ms. Bruinooge moved and it was seconded that Article 53 be accepted as printed in the warrant.

The Board of Selectmen voted 4-0 to recommend adoption of the main motion.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

ARTICLE 54: To act on any other business that may legally come before the meeting.

The Board of Selectmen voted 4-0 to recommend adoption of the main motion.

Mr. Houk moved and it was seconded that Article 54 be accepted as printed in the warrant.

Further, the Moderator presented his appointments to various boards and committees as follows:

To the Social/Human Services Advisory Committee:

Ms. Joan Platt is re-appointed to a 3-year term, through the 2020 ATM, with thanks.

Mr. Frank Corbin is re-appointed to a 3-year term, through the 2020 ATM, with thanks.

To the Bylaw Committee:

Ms. Elizabeth Stansell is re-appointed to a 3-year term, through the 2020 ATM, with thanks.

To the Regional Vocational Technical School Committee:

Mr. Anthony Tullio is reappointed to a 3-year term, through the 2020 ATM, with thanks.

To the Finance Committee:

Ms. Janet Lowenstein to 3-year term, through the 2020 ATM.

Mr. Stephen Polowczyk to a 3-year term, through the 2020 ATM.

The Moderator also expressed his thanks to Ms. Sieglinde Rogers for her service on the Finance Committee.

The motion by Mr. Houk requires a simple majority for adoption. The Moderator declared the motion carried on a voice vote.

Dissolution of the Annual Town Meeting

Ms. Reinhart moved and it was seconded that the Annual Town Meeting be dissolved.

A simple majority is required for adoption. The Moderator declared the motion carried on a voice vote.

The Annual Town Meeting was dissolved at 9:55pm.

A TRUE RECORD ATTEST:



Joseph F. Powers, Town Clerk

DATED: April 26, 2017