

ARTICLE III

TOWN AFFAIRS

Section 1. All deeds, conveyances, leases, discharges or mortgages, bonds, agreements, contracts or other instruments which shall be given by the Town and which to be valid in law require to be signed, sealed and acknowledged shall, unless other provision is or may be made by law or special vote of a Town Meeting, be signed and acknowledged by the Selectmen in behalf of the Town and shall be sealed by the Town Clerk with the common seal of the Town.

Section 2. The seal of the Town shall be circular in form in the margin the words: "Town of Wellfleet, Incorporated 1763". The device shall represent the first visit of the Pilgrims to Wellfleet Bay; in the foreground are seen the natives and grampus on the beach; approaching from the left the shallop of the Pilgrims and in the background the wooded hills and the date "1620".

Section 3. The financial year of the Town shall begin on the first day of July in each year and end with the last day of June following.

Section 4. The Selectmen shall annually, not less than two weeks before the Annual Town Meeting, cause to be printed and distributed among the taxpayers and voters of the Town a detailed report of the receipts and expenditures from the books of the Town Treasurer during the preceding year with such other information and recommendations as they may deem proper, with detailed estimates of the amounts of money which will be required for the current financial year, combined with reports of all various town offices, and when practicable the reports of all committees appointed by the Town, together with the Warrant for said Town Meetings held during the previous town year.

All Officers and committees of the Town shall file with the Selectmen not later than January 5 their annual reports.

Section 5. No money shall be paid from the Town Treasury without a warrant or order therefore directed to the Treasurer, signed by a majority of the Selectmen. No money granted for special purpose shall be applied to any other use, unless by a vote of the Town, and no orders shall be drawn upon the Treasurer for any purpose not authorized by a vote of the Town or by the statutes of the Commonwealth. The orders drawn against any appropriation shall not exceed the same.

Section 6. All persons, committees, boards, and officers who are elected at a Town Meeting or the annual Town Election, or appointed by town authority, shall be notified by the Town Clerk, and sworn in before assuming the duties of their offices.

Section 7. No Town real property shall be disposed of except as particularly and individually authorized by the voters at Town Meeting. The Open Space Committee shall hold an advertised public hearing on any proposed article to dispose of a parcel or parcels to

Town real property and shall report its recommendation or recommendations to the Town Meeting prior to the vote on such article. Any Town real property shall be disposed of by the Selectmen only by exchange authorized by a Town Meeting vote or by sale by open bidding at public auction, subject to a minimum bid established by the Board of Assessors. Not less than fourteen (14) days prior to such auction, notice of such auction shall be posted in at least three (3) conspicuous places within the Town and shall be published in at least two (2) newspapers of general circulation in the Town. No town real property or interest therein shall be transferred or conveyed except as particularly and individually authorized by the voters at Town Meeting. This section shall also apply to licenses for an indefinite term or for a term of more than 5 years.

Notwithstanding anything contained herein, any Town real property, the title, restrictions, or boundaries of which is or are under adjudication by any court may be disposed of in any manner recommended in writing by the Town Counsel and a majority of the Board of Selectmen and approved by a two-thirds vote of the Town Meeting. Further, notwithstanding anything contained herein to the contrary, any transfer of real property to the Wellfleet Housing Authority for the exclusive purpose of providing rental housing to low and moderate income residents of all ages eligible to receive state, county or federal subsidies provided said rental housing shall be made available to Wellfleet residents under a local preference program to the extent permissible by law, shall be exempt from this bylaw, if said transfer is approved by a 2/3 vote of the Town meeting and a majority vote of the Housing Authority. Further, notwithstanding anything contained therein to the contrary, any transfer of real property to a duly organized nonprofit corporation for the purpose of providing affordable housing exclusively to low or moderate income residents of the Town of Wellfleet shall be exempt from this bylaw provided said transfer is approved by a 2/3 vote of Town Meeting.

Any Town personal property which the Town Administrator determines to have no market value shall be transferred to the Department of Public Works for disposal. Any other Town personal property valued by the Town Administrator at less than five hundred dollars (\$500) may be disposed of by the Town Administrator only by sale or exchange. All other Town personal property may be disposed of only by sale or exchange and as particularly and individually authorized by the voters at a Town Meeting. Such Town personal property or properties shall be sold or exchanged by the Selectmen, only by sealed bid, subject to a minimum bid established by the Town Administrator. Not less than fourteen (14) days prior to the opening of bids for any such sale or exchange, an invitation for bids for said sale or exchange shall be posted in at least three (3) conspicuous places within the Town and shall be published in at least two (2) newspapers of general circulation in the Town. Notwithstanding anything contained herein to the contrary, a transfer of personal property which was received by the Town as a gift, to the original donor or her-his heir shall be exempt from the provisions of this bylaw, if approved by a majority vote of the Town Meeting.

Requirements of this bylaw are in addition to the requirement for the disposal of Town property set forth in the General laws.

Section 8. Each officer and committee of the Town shall annually within ten days after the close of the financial year file with the Selectmen and Finance Committee an inventory of all property of the Town in their possession.

Section 9. Every order for payment of money shall designate the appropriation against which the same is drawn.

Section 10. All persons collecting monies for the Town of Wellfleet of having town money in their care shall be bonded and the town shall bear the cost of all surety bonds.

Section 11. All fees that the Town Clerk and Tax Collector are lawfully authorized to collect by virtue of their offices shall be collected and paid into the Town Treasury within thirty days of receipt.

Section 12. Solid Waste Disposal Fees

A. All fees charged by the Town of Wellfleet for disposal of solid waste at the municipal transfer station/landfill shall be set annually by the Board of Health after same have been approved by the Board of Selectmen. Said fees shall be set by a vote of the Board of Health only after (1) a public hearing, notice of which shall be posted at Town Hall and published in a newspaper distributed in Wellfleet at least seven (7) days prior to any such public hearing and (2) after the Board of Health has received written notice from the Board of Selectmen that they have voted to approve the proposed fee schedule.

Section 13. Pursuant to M.G.L. Ch. 41, Section 38A, the Tax Collector shall be designated as the Town Collector with the duty, in addition to those as Tax Collector, under the title of Town Collector to collect all accounts due the Town as provided by said statute.

The Town Collector shall in the collection of such accounts have all the remedies provided by M.G.L. Ch. 60, Section 35, 36 and 93 for the collection of taxes on personal estate.

All bills for accounts due the Town shall state that all checks, drafts of money orders shall be made payable to or to the order of the Town and not to or to the order of any officer, board or commission.

This section shall not apply to the collection of interest on investments of sinking or trust funds.

Section 14. No Policy or Management Plan for the town shall be submitted for regional or state certification without:

- (i) the review and approval of the town Board or committee designated by Town Meeting, if any; and
- (ii) approval by a 2/3 vote of Town Meeting.