

# **TOWN ADMINISTRATOR'S REPORT**

## **OCTOBER 5, 2021**

### **1. NATIONAL FIRE PREVENTION WEEK IS OCTOBER 3-9, 2021 –**

The Dennis Fire Department reminds residents this week is, National Fire Prevention Week is October 3-9, 2021. This year's theme, "Learn the Sounds of Fire Safety," will draw public attention to the different sounds that modern smoke and carbon monoxide (CO) alarms make – and what actions we should take when we hear them. Please click here for more information.

<https://www.mass.gov/news/fire-prevention-week-is-oct-3-9>

### **2. SELECT BOARD GOAL - WILLIAM CROWELL ROAD SURVEY –**

William Crowell Road Survey- the Select Board placed an article at the May 2021 Annual Town Meeting for funding to conduct a survey and complete an existing condition plan of the town area on William Crowell Road. The Town has contracted with BSC Group to complete this project, work has commenced on the monumentation reconnaissance and over next couple weeks will include a delineation and final survey work. In keeping with the Boards goal, town staff including Engineering, DPW, Natural Resources will coordinate once the survey work is complete to review what access may be available for a public overview area or pathway to the coastal beach in this location. We anticipate the survey work being completed this month and a final plan from BSC by September.

Update – The Town Engineer has informed me that the survey work has been performed on William Crowell Road and they are finalizing the delineation of resources areas to overlay on the plan. We anticipate the work being completed this month and per BSC Group, a final professional land survey plan in two weeks. More updates forthcoming as this is an active project.

### **3. DENNIS PINES CLOSED FOR AERATION –**

Reminder - The Dennis Pines will be aerating October 4-6<sup>th</sup>, the course and the pro-shop will be closed during aeration. Thank you for your understanding.

### **4. ASSOCIATION TO PRESERVE CAPE COD AWARDED SOUTHEAST NEW ENGLAND PROGRAM (SNEP) GRANT –**

The Association to Preserve Cape Cod (APCC) was successful with a Southeast New England Program (SNEP) Grant to prioritize boat ramps on Cape Cod for water quality improvements. Engineering provided a letter of interest for the grant so the Town of Dennis will be included in the analysis. The boat ramp has to be within the SNEP region. APCC is not including commitment of specific town match at this stage, but will include town time for participation in project planning in reporting and will seek more formal town commitment for priority sites we agree to move forward with for design. APCC would then work with towns as desired to seek subsequent grant funding to support permitting, final design, and construction.

### **5. DENNIS ANNUAL TOWN MEETING MAY 8, 2021 ARTICLE 34 PROHIBIT SALE OF SINGLE USE PLASTIC WATER BOTTLES**

As previously shared with the Select Board, Terri Bunce advised that the Attorney General's office has notified approval of Article 34 from the May 8, 2021 Annual Town Meeting:

Dear Ms. Bunce: Article 34 - We approve Article 34 from the May 8, 2021 Dennis Annual Town Meeting. Article 34 amends the Town's general by-laws to add a new by-law prohibiting the sale of single-use plastic water bottles. As further explained below, we approve the by-law because we find no conflict with state law or the state Constitution. The new by-law imposes a ban, beginning December 31, 2021, on the sale of "non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town." Section 1, "Sale of Single-use Plastic Water Bottles." The by-law defines a single-use plastic bottle as "a beverage container made from any type of plastic resin." Section 2, "Definitions." The by-law provides for exemptions related to a declaration of emergency affecting the availability or quality of drinking water. Section 3, "Exemptions". Lastly, the by-law provides for enforcement by the Town Manager pursuant to G.L. c. 40, § 21D. Section 4, "Enforcement." Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. The Town Clerk will be proceeding with the mandatory posting requirements of publishing in the newspaper for two consecutive weeks. The Town will also be notifying all businesses similar to the educational campaign that was done for the ban on plastic bags. The new by-law was initiated by a Citizens Petition and approved by Town Meeting and will begin on December 31, 2021.

As the Citizen's Petitioned Article was approved by Town Meeting voters, town staff is actively coordinating the following requirements:

The Town Clerk will be proceeding with the mandatory posting requirements of publishing in the newspaper for two consecutive weeks. The Town will also be notifying all businesses similar to the educational campaign that was done for the ban on plastic bags. The new by-law was initiated by a Citizens Petition and approved by Town Meeting and will begin on December 31, 2021. The Town Administration office will work closely with the Health Department on inspections and enforcement.

## **6. COMCAST CABLE NEGOTIATIONS –**

As the Select Board is aware, on March 12th the Town received formal notice from Comcast they are commencing the formal renewal process with the Town. I briefed the Board on the ascertainment process at your February 2, 2021 meeting.

Comcast Renewal Update 2-2-21 the outline below was provided to the Board on license renewal procedures; the Board the Town's Cable license is expired this year on July 11, 2021. The IT Director, Finance Director and I have been working with Town Counsel on the license renewal procedures. Dan Proto previously reviewed the results of the Cable subscriber survey that the Town conducted. In addition, I gave an overview to the Board on Cable Television Renewal License Procedures and a basic roadmap as suggested by Counsel. I reminded that the process, in general, is called "ascertainment", and it is designed to determine two separate things, both of which are essential to renewal negotiations: (1) is the cable operator in compliance with its current license? and (2) what are the Town's future community cable-related needs?

Update -

Comcast provided the town with a draft license agreement on September 20, 2021. All of the Cape Communities licenses have been up for renewal and the Cable provider has taken longer than previously anticipated to prepare the draft license.

We are now at the point in renewal procedures where the Board needs to set a public hearing date. In speaking with Counsel who has had informal negotiations with Cable operator, we are targeting and have advertised October 19<sup>th</sup> for the public hearing with the Select Board.

The term of the renewal license may be anything between 3 and 10 years. Our attorney recommends that we seek a 10-year term, to get a steady income stream in for the support of public access programming for the longest possible time, and also because we think that the long-term trend in 4 diminishing cable subscriber numbers means that in the long run, cable companies will be less generous in the future; FCC regulations and the federal Cable Act of 1984 prohibit any license granting authority from conditioning the renewal of a license on rates or programming demands. Accordingly, we will not to be able to negotiate for either of those two issues. Similarly, this is a cable television license only, and that means we have no power to negotiate anything dealing with the Comcast's provision of broadband internet service even though it passes through the same cables as the TV signals.

Further information will be provided, and our legal representative for KP Law will attend the Cable renewal public hearing at your next meeting.

Respectfully,

Elizabeth C. Sullivan, Town Administrator