

WARRANT OF THE SELECT BOARD

May 2, 2023
TOWN OF DENNIS
ANNUAL TOWN MEETING

THE COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE, ss.

GREETINGS

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to meet at the Nathaniel H. Wixon School, 901 Route 134, South Dennis, in said Town, on Tuesday, the 2nd of May, 2023, at 7:00 in the evening, then and there to act on the following articles:

DENNIS WARRANT WITH FINANCE COMMITTEE & SELECT BOARD
RECOMMENDATIONS

ARTICLE 1: Written Reports

To see if the Town will vote to accept the reports of the Town Officers as presented.

(By the Select Board)

Select Board: Voted 3-0-0 to place the article.

ARTICLE 2: Oral Reports

To hear and act on any heretofore unpublished committee reports.

(By the Select Board)

Select Board: Voted 3-0-0 to place the article.

ARTICLE 3: FY2023 BUDGET SUPPLEMENTS

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to supplement the following Fiscal Year 2023 Line Item appropriations under Article 4 of the May 3, 2022 Annual Town Meeting; or to take any other action relative thereto.

- | | |
|------------------------------|-----------|
| A. Fire Department over-time | \$181,636 |
| B. Snow & Ice | \$100,000 |

(By the Finance Committee)

Select Board: Voted 4-0-0 to place and support the article.

Finance Committee: Voted 7-0-0 to recommend transferring \$181,636 from the Ambulance Receipts Reserved for Appropriation Fund and \$100,000 from Free Cash for a total of \$281,636 to supplement the Fiscal Year 2023 Line Item appropriations under Article 4 of the May 3, 2022 Annual Town Meeting.

ARTICLE 4: FY2024 OPERATING BUDGET

To see what sums of money the Town will vote to raise and appropriate or transfer from available funds for the operating expenses of the Town for the fiscal year commencing July 1, 2023 and ending June 30, 2024.

(By the Finance Committee)

Select Board: Voted 5-0-0 to place and support the article.

The Finance Committee voted 7-0-0 to recommend to raise and appropriate \$41,852,346 for the purpose of this article, and further to recommend to transfer

\$242,122 from PEG Access and Cable Related Fund to Information Technology & Data Management Personal Services, Line Item #26,

\$119,720 from the PEG Access and Cable Related Fund to Information Technology & Data Management Purchase of Services, Line Item #27,

\$2,224 from the PEG Access and Cable Related Fund to Information Technology & Data Management Supplies, Line Item #28,

\$50,000 from the PEG Access and Cable Related Fund to Information Technology & Data Management Cable Related Expenditures, Line Item #29,

\$16,450 from the PEG Access and Cable Related Fund to Information Technology & Data Management Capital Outlay, Line Item #30,

\$900,000 from Ambulance Receipts Fund to Fire Dept. Personal Services, Line Item #55,

\$1,000 from the Bass River Receipts Fund to Beach Purchase of Service, Line Item #126,

\$190,000 from the Community Preservation Fund to Long Term Debt Principal, Line Item #142,

\$45,250 from the Community Preservation Fund to Long Term Debt Interest, Line Item #143,

\$7,000 from the Community Preservation Fund to Short Term Interest, Line Item #144 and any unexpended shall be transferred back to the Community Preservation Fund,

\$15,000 from the Septic Loan Program Fund to Long Term Debt Principal, Line Item #142,

\$160,000 from the Waterways Dredge and Maintenance Capital Improvement Fund to Long Term Debt Principal, Line Item #142,

\$110,250 from the Waterways Dredge and Maintenance Capital Improvement Fund to Long Term Debt Interest, Line Item #143,

\$295,000 from the Beach Capital Improvement Fund to Long Term Debt Principal, Line Item #142,

\$23,125 from the Beach Capital Improvement Fund to Long Term Interest, Line Item #143,

\$85,000 from the Golf Capital Improvement Fund to Long Term Debt Principal, Line Item #142,

\$32,375 from the Golf Capital Improvement Fund to Long Term Debt Interest, Line Item #143,

\$190,000 from the Solid Waste/Recycle Capital Improvement Fund to Long Term Debt Principal, Line Item #142,

\$131,150 from the Solid Waste/Recycle Capital Improvement Fund to Long Term Debt Interest, Line Item #143 and

\$300,000 from the Safer Grant Stabilization Fund to Fire Dept. Personal Services, Line Item #55, For a total of \$44,768,012;

And further recommend that said appropriations be allocated in accordance with line item amounts defined under the column, Finance Committee Recommended FY2024.

ARTICLE 5: ELECTED OFFICIALS SALARIES FY24

To see if the Town will vote to fix the salary and compensation of the following elected officers of the Town for the Fiscal Year commencing July 1, 2023 and ending June 30, 2024, as provided for in Massachusetts General Laws, Chapter 41, §108 and acts and amendment thereof, and raise and appropriate or transfer from available funds a sum of money therefore; or to take any other action relative thereto.

5 Selectmen	\$10,000 (\$2,000) each
1 Moderator	\$450
<u>1 Town Clerk</u>	<u>\$93,605</u>
Total	\$104,055

(By the Select Board)

Select Board: Voted 6-0-0 to place and support the article.

Finance Committee: Voted 6-1-0 to fix the Fiscal Year 2024 salaries and compensation of elected officers as delineated in Article 5 of the warrant; and that the Town vote to raise and appropriate \$104,055 for the purpose of the article.

ARTICLE 6: CAPE COD REGIONAL TECHNICAL HIGH SCHOOL OPERATING ASSESSMENT AND DEBT SERVICE

To see if the Town will vote to approve an annual school budget for the Cape Cod Regional Technical High School for the Fiscal Year beginning July 1, 2023 and see what sums of money the Town will vote to raise and appropriate or transfer from available funds for the operating expenses of the Cape Cod Regional Technical High School system for the Fiscal Year beginning July 1, 2023; or to take any other action relative thereto.

(By the Cape Cod Regional Technical High School)

Select Board: Voted 5-0-0 to place and support the article in the amount of \$16,750,000 for the annual school operating and capital budget and to raise and appropriate \$1,318,861 as the Town's assessment and \$604,941 for debt services for total operating expenses for the Town of \$1,923,802 for the Cape Cod Regional Technical High School for the Fiscal Year beginning July 1, 2023.

Finance Committee: Voted 6-0-0 to recommend the article in the amount of \$16,750,000 for the annual school operating and capital budget and to raise and appropriate \$1,318,861 as the Town's assessment and \$604,941 for debt services for total operating expenses for the Town of \$1,923,802 for the Cape Cod Regional Technical High School for the Fiscal Year beginning July 1, 2023.

ARTICLE 7: DENNIS-YARMOUTH REGIONAL SCHOOL DISTRICT ASSESSMENT AND DEBT SERVICE
To see if the Town will vote to approve an annual school budget for the Dennis-Yarmouth Regional School District for the Fiscal Year beginning July 1, 2023 and to see what sums of money the Town will vote to raise and appropriate or transfer from available funds for the operating expenses of the Dennis-Yarmouth Regional School District for the Fiscal Year beginning July 1, 2023 or to take any other action relative thereto.

(By the Dennis-Yarmouth Regional School Committee)

Select Board: Voted 3-0-0 to place the article.

Finance Committee: Voted 7-0-0 to recommend indefinite postponement of the article.

ARTICLE 8: DENNIS-YARMOUTH REGIONAL SCHOOL DISTRICT PEG ACCESS FUNDING
To see if the Town of Dennis will vote to appropriate a sum of money from the PEG Access and Cable Related Fund for PEG Access Television per an Agreement with Dennis/Yarmouth Regional School District; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 3-0-0 to place and 5-0-0 to support the article.

Finance Committee: Voted 7-0-0 to recommend transferring \$23,549 from the PEG Access and Cable Related Fund for cable related expenditures of educational access television per an Agreement with the Dennis/Yarmouth Regional School District.

ARTICLE 9: CAPE MEDIA CENTER PEG ACCESS FUNDING
To see if the Town of Dennis will vote to appropriate \$110,444 from the PEG Access and Cable Related Fund for PEG Access Television per an Agreement with Cape Media Center; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 10: SHELLFISH MITIGATION FUND TRANSFER

To see if the Town will vote to expend from the Shellfish Mitigation Fund \$4,470 to be used for shellfish propagation:

1. Purchasing 100,000 R3 seed quahogs for recreational harvesting	\$2,020
2. 10 bags of remote set oysters for recreational harvesting at Old Field Bend/West Dennis Beach	\$ 200
3. Upweller maintenance (roof construction)	\$ 600
4. Boat Maintenance, gas, winterizing, etc.	\$1,000
5. Aquaculture Supplies (cages, posts, etc.)	\$ 500
6. Quahog relay State fee	<u>\$ 150</u>
	\$4,470

or to take any other action thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 11: CAPITAL OUTLAY - RAISE & APPROPRIATE

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase or fund the following capital outlay items; or to take any action relative thereto.

Department	Project	Amount
129 - Gen. Gov. (Fleet)	Replace 2011 Truck (Town 1)	\$74,300
129 - Gen. Gov. (Fleet)	Replace 2011 SUV (Town 6)	\$30,200
210 - Police	Ballistic Vests	\$10,000
210 - Police	Firearms Optics	\$32,000
210 - Police	Surveillance Equipment - Thermal Imaging	\$10,000
220 - Fire	Pumper 112- Year 4 of 4 Year Lease	\$204,948
220 - Fire	Replace Car 109- 2012 Explorer	\$72,000
301 - DYRSD	E. H Baker Innovation School Fire Alarm - Panel/Detectors	\$150,000
301 - DYRSD	D/Y Reg. H. S. Masonry Repairs, Pointing & Flashing	\$46,500
301 - DYRSD	D/Y Reg. H. S. Repair Lower Tennis Courts (\$80,000 total)	\$24,800
410 - Cemeteries	Water Main Replacement	\$19,069
411 - Engineering	Secondary Roads	\$600,000
411 - Engineering	Drainage	\$250,000
411 - Engineering	Sidewalks Engineering/Construction	\$300,000
411 - Engineering	Route 28 (DP-Harwich) Corridor Improvement Project	\$50,000
411 - Engineering	Guardrail Replacement	\$25,200
422 - Public Works	Replace 2011 Escape (DPW-5)	\$30,200
422 - Public Works	Traffic Signal Repairs	\$75,000
433 - Sanitation	Replace Entry Gate Operator	\$34,000
433 - Sanitation	Replace 2012 Roll off Truck (S-1)	\$334,200
433 - Sanitation	Replace Heavy Duty Containers (3-4)	\$51,250
630 - Recreation	Johnny Kelley Park fence replacement field 1	\$11,300
	Total R&A	\$2,434,967
	Recommended	\$2,434,967

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 5-1-0 to recommend to raise and appropriate \$2,434,967 for the purpose of the article.

ARTICLE 12: CAPITAL OUTLAY - OTHER FUNDING SOURCES

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to purchase or fund the following capital outlay items, and further, to authorize the Select Board to enter into a lease purchase agreement or agreements for a term not to exceed five (5) years; or to take any other action relative thereto.

402 Beach Capital Improvement Fund	Beach Stairs and Structure Replacement	\$55,000
	Beach Parking Lot	\$125,000
	Beach Mule Replacement (two)	\$34,200
	Subtotal:	\$214,200
406 Waterways Dredge & Maintenance Fund	Dredging - Sesuit (Outer)	\$200,000
	Subtotal:	\$200,000
420 Ambulance Receipts Reserved for Appropriation Fund	Replace Ambulance 106	\$720,000
	Subtotal:	\$720,000
460 Golf Course Capital Improvement Fund	Golf Equipment 4 of 4 Year Lease	\$11,500
	Toro Equipment 3 of 4 Year Lease	\$85,500
	Toro Equipment 2 of 4 Year Lease	\$75,000
	Kubota Tractor Lease 2 of 4 Year Lease	\$20,500
	Cart Path Repair	\$100,000
	Dennis Pines - Replace Four HVAC Units	\$142,000
	Dennis Highlands - Kitchen Hood Make-up Air	\$50,000
	Dump Truck	\$94,500
	Subtotal:	\$579,000
	Total Other Funding Sources	\$1,713,200

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 5-1-0 to recommend transferring \$214,200 from the Beach Capital Improvement Fund, \$200,000 from the Waterways Dredge & Maintenance Fund, \$720,000 from the Ambulance Receipts Reserved for Appropriation Fund, and \$579,000 from the Golf Course Capital Improvement Fund for the purpose of the article.

ARTICLE 13: BUILDING REPAIRS AND MAINTENANCE

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds a sum of money for repairs and maintenance of Town buildings; or to take any other action relative thereto.

(By the Select Board)

Select Board Voted 5-0-0 to place and support the article.

Finance Committee: Voted 5-1-0 to recommend transferring \$589,235 from free cash and \$60,765 from the Solid Waste & Recycling Capital Improvement Fund for a total of \$650,000 for the repairs and maintenance of Town buildings with oversight of the Select Board.

ARTICLE 14: REVOLVING FUNDS

To see if the Town will vote, pursuant to Chapter 44, §53E ½, of the Massachusetts General Laws and §33-1 of the Town By-Laws to establish the spending limits for existing revolving accounts for Fiscal Year 2024; or to take any other action relative thereto.

Program or Purpose	Authorized Representative or Board to Spend	FY2024 Authorization
COA Bus Revolving Fund - 562	Council on Aging Director	\$35,000
COA Revolving Fund - 565	Council on Aging Director	\$200,000
Golf Revolving Fund - 585	Golf Director	\$475,000
Board of Health Revolving Fund - 543	Health Director	\$10,000
Library Revolving Fund - 570	Library Director	\$15,000
Recreation Dept Revolving Fund - 590	Recreation Director	\$350,000
Cable Revolving Fund - 591	MIS Director	\$50,000

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 15: COMMUNITY PRESERVATION COMMITTEE BUDGET

To see if the Town will vote to approve a Community Preservation Committee Budget for Fiscal Year 2024 to appropriate or set-aside for future appropriation for the Fiscal Year 2024 Community Preservation Fund estimated annual revenues for each of the following purposes: community housing; open space; and historic preservation; and further, to appropriate sums of money for debt service, and for Community Preservation Committee Expenses; and to reserve for future appropriation from the Fiscal Year 2024 Community Preservation Fund estimated annual revenues a sum of money to be placed in the FY2024 Undesignated Reserve for general Community Preservation Act purposes; or to take any other action relative thereto.

(By the Community Preservation Committee)

Select Board: Voted 3-0-0 to place and support the article.

Finance Committee: Voted 7-0-0- to recommend a Community Preservation Committee Budget for Fiscal Year 2024 as follows to appropriate or set-aside for future appropriation for the Fiscal Year 2024 Community Preservation Fund estimated annual revenues for each of the following purposes:

- 1. 10% Reserved for Community Housing – \$197,591**
- 2. 10% Reserved for Open Space – \$197,591**
- 3. 10% Reserved for Historic Preservation – \$197,591**
- 4. Debt Service – \$235,250**
- 5. Short Term Interest – \$7,000**
- 6. Community Preservation Committee Expenses – \$30,000**
- 7. FY2024 Budgeted Reserve – \$1,110,884**

for a total of \$1,975,907 for the purpose of the article.

ARTICLE 16: SECURITY UPGRADES

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds a sum of money for security improvements and upgrades at Dennis municipal facilities; or to take any other action relative thereto.

(By the Select Board)

Select Board Voted 3-0-0 to place and 5-0-0 to support the transfer of \$515,000 from free cash and to raise and appropriate \$24,000 for the purpose of the article.

Finance Committee: Voted 6-0-0 to recommend transferring \$515,000 from free cash and to raise and appropriate \$24,000 to be added to Line 3 of the Town Administrator Budget, Article 4 of the May 2, 2023 Annual Town Meeting for a total of \$539,000 for the security improvements and upgrades at Dennis municipal facilities.

ARTICLE 17: ROOMS TAX TO WASTEWATER STABILIZATION TRANSFER

To see if the Town will vote to transfer a sum of money from Free Cash and Rooms Tax Revenue in the General Fund to the Wastewater Stabilization Fund for the purpose of future wastewater needs; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 5-1-0 to recommendation transferring \$23,350.10 from Free Cash and \$258,046.57 from FY2023 Rooms Tax Revenue in the General Fund to the Wastewater Stabilization Fund for a total of \$281,396.67 for the purpose the article.

ARTICLE 18: AMENDMENT - ROOMS TAX ALLOCATION TO WASTEWATER STABILIZATION FUND

To see if the Town will vote pursuant to Section 5B of Chapter 40 of the General Laws to amend the prior vote of Town Meeting under Article 50 of the May 7, 2019 Annual Town Meeting, by changing the percentage allocation of the Local Rooms Excise Tax to be dedicated to the Wastewater Stabilization Fund from 25 percent to 33 percent; or to take any other action relative thereto.

(Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 5-1-0 to recommendation the article.

ARTICLE 19: TOWN WEBSITE PLATFORM MIGRATION

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds a sum of money for the migration of the Town's website platform; or to take any other action relative thereto.

(By the Select Board)

Select Board Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend transferring \$39,274 from free cash for the purpose of the article.

ARTICLE 20: ELECTRIC VEHICLE CHARGING STATIONS – FIVE YEAR LEASE

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the implementation of an Electric Vehicle Charging Station Pilot Program to include cost of installation and maintenance of electric vehicle charging stations and to enter into a five-year lease agreement for the leasing of the charging stations; or to take any action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and support the article.

Finance Committee: Voted 6-1-0 to recommend transferring \$25,000 from free cash for the cost of implementing an Electric Vehicle Charging Station Pilot Program and further to authorize the Select Board to enter into a five-year lease agreement for the leasing of the charging stations.

ARTICLE 21: TRANSFER TO WASTEWATER STABILIZATION FUND

To see if the Town will vote to transfer from available funds a sum of money to the Wastewater Stabilization Fund for the purpose of future wastewater needs; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and support a transfer of \$350,000 from the Landfill Solar Special Revenue Fund and \$570,000 from free cash for the purpose of the article.

Finance Committee: Voted 5-1-0 to recommend transferring \$350,000 from the Landfill Solar Special Revenue Fund and \$570,000 from free cash for a total of \$920,000 to the Wastewater Stabilization Fund for future Wastewater needs.

ARTICLE 22: TEMPORARY REPAIRS TO OLD HILLS ROAD

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to make temporary repairs to Old Hills Road (from Old Bass River Road to Old Bass River Road, Assessor Map #330,331), a private road in Dennis, open to and used by the general public within Dennis, pursuant to the provisions of MGL Chapter 80 and the Town of Dennis “Temporary Repairs of Private Way By-Law”, Chapter 156 §3-6, adopted at the May 3, 2005 Annual Town Meeting under Article 31, and in accordance with the vote of the Select Board on March 1, 2022, declaring that the repairs to said private way are required because of public necessity and convenience, and further, that the owners of said land benefited by said temporary repairs shall be assessed their proportionate share of betterments as specified in said by-law, and in accordance with Chapter 117 of the Acts of 1997 (Town of Dennis Betterment Assessment and Fund Act); or take any other action relative thereto.

(By the Select Board)

Select Board: Voted 3-0-0 to place and 5-0-0 to support the article.

Finance Committee: Voted 7-0-0 to recommend borrowing \$524,579 for the purpose of the article.

ARTICLE 23: BARRIER BEACH PROTECTION/STABILIZATION FUND TRANSFER - PATHWAYS

To see if the Town will vote to transfer from the Barrier Beach Protection/Stabilization Fund \$2,750 to be used to install rope and post fencing along the toe of dune and the edge of salt marsh at the west end of West Dennis Beach, or to take any other action thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 24: TRANSFER FROM BEACH CAPITAL IMPROVEMENT FUND TO RESERVE FUND FOR HAIGIS BEACH

To see if the Town will vote to transfer \$18,500 from the Beach Capital Improvement Fund to the Finance Committee Reserve Fund for storm damage to the Haigis Beach sea wall or take any other action relative thereto;

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 25: TRANSFER FROM BEACH CAPITAL IMPROVEMENT FUND TO RESERVE FUND FOR BEACH NOURISHMENT

To see if the Town will vote to transfer \$39,000 from the Beach Capital Improvement Fund to the Finance Committee Reserve Fund for sand nourishment and soil testing for the Corporation Beach Coastal Bank, or take any other action relative thereto;

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.
Finance Committee: Voted 7-0-0 to recommend the article.

ARTICLE 26: TRANSFER TO CAPITAL IMPROVEMENT STABILIZATION FUND

To see if the Town will vote to transfer from free cash a sum of money to the Capital Improvement Stabilization Fund; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and support a transfer of \$3,429,877 from free cash for the purpose of the article.
Finance Committee: Voted 6-0-0 to recommend transferring \$3,429,877 from free cash to the Capital Improvement Stabilization Fund.

ARTICLE 27: BY-LAW AMENDMENT – PUBLICATION OF WARRANTS

To see if the Town of Dennis will vote to eliminate §40-3 of the Town By-Laws to strike the publication of warrants section as follows:

~~§ 40-3. Publication of warrants. [Amended 10-25-1973 STM, Art. 8]~~

~~All warrants for Special Meetings shall be published in one or more newspapers circulated within the Town~~

or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.
Finance Committee: Voted 6-0-0 to recommend the article.

ARTICLE 28: ZONING BY-LAW AMENDMENT – FLOODPLAIN DISTRICT

To see if the Town will vote to replace Section 6 Flood Zone in its entirety and replace it with a New Section 6 Flood Zone as written below:

Section 6: Floodplain District

6.1 STATEMENT OF PURPOSE AND BOUNDARIES

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

6.1.1 FLOODPLAIN DISTRICT BOUNDARIES

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Dennis designated as Zone A, AE, AH, AO, A99, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 16, 2014 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

6.2 ADMINISTRATION

6.2.1 ABROGATION AND GREATER RESTRICTION

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

6.2.2 DISCLAIMER OF LIABILITY

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

6.2.3 SEVERABILITY

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

6.2.4 DESIGNATION OF COMMUNITY FLOODPLAIN ADMINISTRATOR

The Town of Dennis hereby designates the position of Building Commissioner to be the official floodplain administrator for the town.

6.2.5 PERMITS

- a) The Town of Dennis requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- b) All applicants for development plans impacted by an "Area of Special Flood Hazard," shall complete the Town of Dennis Staff Review process, which coordinates review by the Dennis Planning, Natural Resources, Health, Engineering, Building, Police and Fire Departments, prior to filing for the first required permit.
- c) Dennis requires the applicant to obtain and submit documentation of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. This includes but is not limited to those regulations listed in Section 6.4.1.

6.2.6 REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

6.2.6 NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, the Natural Resources Director shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation 251
Causeway Street, 8th Floor
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I 99
High Street, 6th Floor
Boston, MA 02110

6.3 USE REGULATIONS

6.3.1 REFERENCE TO EXISTING REGULATIONS

a) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- Minimum Requirements of the Subsurface Disposal of Sewage Regulations Town of Dennis
- Dennis Wetland Protection By-law

b) Any variances from the provisions and requirements of the above referenced state or

local regulations may only be granted in accordance with the required variance procedures of these state or local regulations.

- c) Variances to the flood-resistant standards as found in the MA State Building Code may only be issued by the MA State Building Code Appeals Board.

Upon learning that an applicant intends to file for a variance from the State Building Code Appeals Board, the Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

The Town/City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

6.3.2 OTHER USE REGULATIONS

- a) In Zone A and AE, along watercourses that have a regulatory floodway designated on the Town of Dennis FIRM Map encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- b) Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- c) All new construction within Zone VE must be located landward of the reach of mean high tide.
- d) All subdivision proposals must be designed to assure that:
 - a) such proposals minimize flood damage;
 - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c) adequate drainage is provided to reduce exposure to flood hazards.
- e) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- f) When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

- g) In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- h) Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- i) In Zones A, AH, AE, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements, be on the site for less than 180 consecutive days, or be fully licensed and highway ready.

6.4 SPECIAL PROVISIONS FOR LIFTING EXISTING STRUCTURES TO NEW AND APPROPRIATE ELEVATIONS

(1) Notwithstanding the provisions of any other provision of the Dennis Zoning By-law to the contrary, except as otherwise provided pursuant to paragraph (3) of this subsection, a person shall be allowed to lift an existing structure located in an Area of Special Flood Hazard to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising without the need for Board of Appeals relief, provided, however, this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress, egress and accommodation of typical basement facilities.

(2) Appurtenant to lifting an existing structure, the existing structure may be relocated elsewhere on the lot as long as said relocation does not create a new, or increase the intensity of a setback nonconformity. For the purposes of accomplishing meeting the new and appropriate elevation, the restrictions found in Section 2.4.1.2 D 2 (a.k.a. the 40% rule) shall not apply.

(3) The exemption established pursuant to paragraph (1) of this subsection shall not be available to a person who has altered or is seeking to alter the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

6.5 PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Buildings lawfully existing prior to the adoption of these provisions.

6.6 VARIANCES TO THESE FLOODPLAIN DISTRICT ZONING BYLAWS

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

6.7 ENFORCEMENT

Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, either legal or equitable or both, or by fines of not more than three hundred (300) dollars for each offense. Each day that such offense continues shall constitute a separate offense.

6.8 DEFINITIONS

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AE, V, or VE.

ATTENDANT STRUCTURE means an area to accommodate utilities, laundry facilities or mechanicals which are otherwise typically located within a basement area.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISTRICT means floodplain district.

EXISTING STRUCTURE means any commercial or municipal structure or residential dwelling that currently exists, or existed prior to the catastrophic event, at the time a request is made to elevate.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National

Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river, creek, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIGHEST APPLICABLE FLOOD ELEVATION STANDARD means the one-percent (1%) FEMA base flood elevation plus up to an additional three (3) feet.

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for

greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW AND APPROPRIATE ELEVATION means any elevation to which a structure is raised, or is to be raised, that is equal to or higher than the applicable FEMA base flood elevation, provided, however, in no case shall the new and appropriate elevation exceed the highest applicable flood elevation standard.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of the first floodplain management regulation adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ORIGINAL DIMENSIONS means the exact vertical and horizontal dimensions of a structure as it presently exists.

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means the land area subject to flood and/or flood-related erosion hazards, and shown on a Flood Insurance Rate Map (FIRM) as Zone AE or VE.

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured

home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ZONE A means an area of special flood hazard without water surface elevations determined.

ZONE AE means area of special flood hazard with water surface elevations determined.

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined.

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONES X means an area of minimal or moderate flood hazards or areas of future-conditions flood hazard.

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area).

ZONE VE means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (see also Coastal High Hazard Area).

Or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 5-0-0 to place and support the article.

Finance Committee: Voted 6-1-0 to recommend the article.

ARTICLE 29: FUEL ASSISTANCE

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds \$15,000 for the fuel assistance program; or to take any other action relative thereto.

(By the Select Board)

Select Board Voted 6-0-0 to place and support the article.

Finance Committee: Voted 7-0-0 to recommend to raise and appropriate \$15,000 for the fuel assistance program.

ARTICLE 30: TRANSFER TO OTHER POST-EMPLOYMENT BENEFITS TRUST FUND

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited into the Other Post-Employment Benefits Trust Fund established under Chapter 479 of the Acts of 2009, to be used to fund future benefits; or take any other action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and support the article.

Finance Committee: Voted 7-0-0 to recommend transferring \$200,000 from the Landfill Solar Special Revenue Fund to the OPEB Trust Fund for the purpose of the article.

ARTICLE 31: BY-LAW AMENDMENT - ALLOCATION OF SOLID WASTE AND RECYCLING CAPITAL IMPROVEMENT FUND

To see if the Town of Dennis will vote amend Article XI, Section 19-14 of Chapter 19 of the General By-Laws of the Town by changing the percentage allocation of Transfer Station Permits and Recycling Revenue in the Solid Waste and Recycling Capital Improvement Fund effective July 1, 2023 as follows:

~~28%~~ 26.5% reserved for Debt Service expenditures and
~~1%~~ 2.5% reserved for Capital expenditures;

or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and support the article.

Finance Committee: Voted 7-0-0 to recommendation the article.

ARTICLE 32: WIXON SCHOOL

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds a sum of money for the assumed costs of the Wixon School upon the amendment of the current lease with the Dennis Yarmouth Regional School District which will remove the Wixon School from the lease; or to take any other action relative thereto.

(By the Select Board)

Select Board Voted 4-0-0 to place and support the article.

Finance Committee: Voted 7-0-0 to recommend transferring \$300,000 from free cash for purpose of the article.

ARTICLE 33: FIRE STATION 2 SUPPLEMENTAL COSTS (PADDOCKS PATH)

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay for additional costs to complete the Fire Station 2 project; or to take an action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and support the article.

Finance Committee: Voted 6-0-0 to recommend transferring \$300,000 from the Ambulance Receipts Reserved for Appropriation Fund to pay for additional costs to complete the Fire Station 2 project.

ARTICLE 34: 187 DEPOT ROAD AFFORDABLE HOUSING

To see if the Town will vote to authorize the Select Board to lease for a term of up to 99 years for the premises located at 187 Depot Road, shown on Assessor's Map 75 as Parcel 8 and shown on Land Court Plan No 15107-A, containing approximately .63 acres, for affordable housing purposes, on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems appropriate, and to accept on behalf of the Town an affordable housing restriction thereon, enforceable in perpetuity in compliance with G.L. Chapter 184, Sections 31-32, or take any other action relative thereto.

(By the Select Board)

Select Board Voted 4-0-0 to place and support the article.

Finance Committee: Voted 7-0-0 to recommend the article.

ARTICLE 35: 30 BOB CROWELL ROAD AFFORDABLE HOUSING

To see if the Town will vote to transfer the care, custody and control of all or a portion of a parcel of land located at 30 Bob Crowell Road, shown on Assessor's Map 173 as Parcel 36 as shown on a plan of land, a copy of which is on file with the Office of the Town Clerk, from the Town Treasurer held for tax title purposes to the Select Board for affordable housing purposes and for purpose of lease, and further to authorize the Select Board to lease for a term of up to 99 years the portion of the above-described premises for affordable housing purposes on such terms and conditions, and for such consideration, which may be nominal consideration, as the Select Board deems appropriate, and to

accept on behalf of the Town, an affordable housing restriction, enforceable in perpetuity in compliance with G.L. Chapter 184, Sections 31-32, or take any other action relative thereto.

(By the Select Board)

Select Board Voted 4-0-0 to place and support the article.

Finance Committee: Voted 5-2-0 to recommend the article.

ARTICLE 36: NITROGEN LOADING RESTRICTION AND EASEMENT – 8 ACORN DRIVE

To see if the Town will vote to transfer the care, custody and control from the Select Board held for drainage purposes to the Select Board for the purpose of designating the parcel of land located at 8 Acorn Road, shown on Town Assessor’s Map 263 as Parcel 14 and shown on a plan entitled “Nitrogen Credit Land Exhibit Plan for 8 Acorn Road, Dennis, MA, Prepared for Habitat for Humanity of Cape Cod,” dated April 26, 2022 prepared by J.M. O’ Reilly & Associates, Inc., a copy of which is on file with the Office of the Town Clerk; and further to authorize the Select Board to grant on said property a Title 5 nitrogen loading restriction and easement or a perpetual conservation restriction in a form which complies with the requirements of G.L. Chapter 184, Sections 31-32, and on such terms and conditions as the Select Board deems in the best interests of the Town, or take any other action relative thereto.

(By the Select Board)

Select Board Voted 4-0-0 to place and support the article.

Finance Committee: Voted 7-0-0 to recommend the article.

ARTICLE 37: NATIONAL OPIOID SETTLEMENT FUNDS

To see if the Town of Dennis will raise and appropriate or transfer from available funds a sum of money representing the National Opioid Settlement distributions received to date to provide the Town with support services to mitigate the impacts of the opioid epidemic under the direction of the Select Board; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and 5-0-0 to support the article.

Finance Committee: Voted 7-0-0 to recommend transferring \$42,899 from free cash for the purpose of the article.

ARTICLE 38: TRANSFER TO GENERAL PURPOSE STABILIZATION FUND

To see if the Town will vote to transfer from free cash a sum of money to the General Purpose Stabilization Fund; or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 4-0-0 to place and support a transfer of \$570,000 from free cash for the purpose of the article.

Finance Committee: Voted 6-0-0 to recommend transferring \$570,000 from free cash to the General Purpose Stabilization Fund.

ARTICLE 39: BY-LAW AMENDMENT – TOWN MEETING OUTSIDE OF THE TOWN

To see if the Town will vote to amend the General bylaws by adding a new §40.9 to the Town Code to read as follows:

§40.9. In the event that the Select Board determines that no suitable location within the Town is available to conduct a Special or Annual Town Meeting, the Select Board may call for such Town Meeting to be held at a school facility maintained by the Dennis-Yarmouth Regional School District located in the Town of Yarmouth;

Or to take any other action relative thereto.

(By the Select Board)

Select Board: Voted 3-0-0 to place and 5-0-0 to support the article.

Finance Committee: Voted 5-2-0 to recommend the article.

ARTICLE 40: CITIZEN’S PETITION – DISPERSAL OF SCHOOL CHOICE FUNDS TO INCLUDE ACCREDITED HOMESCHOOLS AND PRIVATE SCHOOLS

To see if the Town will vote to, ask the Select Board, acting on behalf of the Town, to petition the state legislature, to amend the Massachusetts General Laws governing the dispersal of School Choice funds, to include all other forms of alternative education, as currently allowed by the state, e.g., homeschool and private school participants, etc. In addition, the petition should be made with language requesting that any changes to the MGL’s should consider interim support to address any negative draw down impacts to the Public School System, during any resultant adjustment phase, or to take any other action relative thereto.

Explanation (Background Information/Justification)

This article is intended to encourage changes to the Massachusetts General Laws to extend the dispersal of School Choice funds to all other forms of state allowed alternative education, e.g., homeschool and private school participants, etc. Under the current School Choice laws, MGL Part I Title XII Chapter 76 Sections 12B & 12C, School Choice funds may only be dispersed to another Massachusetts public school or alternative state allowed charter schools, all other state allowed education alternatives, e.g., homeschool and private school participants, etc., are excluded from the School Choice program, and thus, excluded from any School Choice funds following the student thereto. State authorized School Choice funding following the student to one form of state allowed alternative education, while excluding School Choice funding from all other state allowed alternative forms of education, leans heavily towards being discriminatory.

Potential benefit for the Taxpayers: School Choice could eventually be a benefit to the taxpayers of Massachusetts, as well. Currently Charter Schools are entitled to receiving the full funding allotted for each child, although if future changes to the School Choice laws incorporate fractional funding vs full funding for all state allowed alternative education (including charter schools); families would have to pay a portion of the cost, which would result in wiser alternative educational choices and eventually a reduction in taxpayer burden.

Today, if the parent/student determines that state allowed homeschooling/private schooling is the correct educational choice for the student, they must pay 100% out of pocket. Only those of sufficient wealth can afford school choices outside the public/charter school system. Those families that do pay out of pocket are also paying taxes supporting a public school/charter system that does not suit their needs, without the ability to recoup funds legally allotted for their child's compulsory education.

National School Choice Week: The third week in January has been proclaimed "National School Choice Week" by Presidential, gubernatorial and mayoral proclamations (which includes homeschooling/private schooling); and has recently been further supported by Senate Simple Resolution 11 which passed by unanimous consent on February 1, 2023 and introduced to the House under Resolution H.Res.51 (2023-2024). For more information regarding "National School Choice Week", please go to website "schoolchoiceweek.com".

Many likely know that Arizona recently signed the most comprehensive School Choice program into law. Many other states have enacted similar programs. State-by-state School Choice information can also be found the "schoolchoiceweek.com" website.

Please join us to help end discriminatory leanings in education and vote for freedom of choice, educational diversity, fair/equitable treatment for all and greater student success.
(Citizen's Petition)

ARTICLE 41: FIRE STATION 2 DEMOLITION (OLD BASS RIVER ROAD)

To see if the Town of Dennis will vote to raise and appropriate or transfer from available funds a sum of money for the demolition of old Fire Station 2, including disposal costs, paving and lighting at the Site, including all costs incidental and related thereto; or to take any other action relative thereto.
(By the Select Board)

Select Board Voted 4-0-0 to place and support a transfer of \$375,000 from free cash for purpose of the article.

Finance Committee: Reserves recommendation to be made on Town Meeting floor.

ARTICLE 42: CHILDCARE SUBSIDIES

To see if the Town of Dennis will raise and appropriate or transfer from available funds a sum of money to provide Childcare Subsidies to Dennis residents; or to take any other action relative thereto.
(By the Select Board)

Select Board: Voted 4-1-0 to place and 4-0-0 to support the transfer of \$155,000 from the Landfill Solar Special Revenue Fund for the purpose of the article.

Finance Committee: Voted 3-2-1 to recommend indefinite postponement of this article.

**TOWN OF DENNIS
ANNUAL TOWN ELECTION
WARRANT**

Barnstable, ss.

To either of the Constables of the Town of Dennis:

GREETING:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in elections to meet at several precincts in said Town at the following places:

Precinct 1: Carleton Hall, 1006 Old Bass River Road, Dennis
Precinct 2: Dennis Senior Center, 1045 Route 134, East Dennis
Precinct 3: Dennis Public Library, 5 Hall St., Dennis Port
Precinct 4: 1867 West Dennis Graded School House, 67 School Street, West Dennis
Precinct 5: Dennis Police Station, 90 Bob Crowell Road, South Dennis

In said Dennis on Tuesday, the ninth day of May 2023, at 7:00 a.m. then and there to vote for election of the following officers:

- Two Select Board Members for three years.
- One Select Board Member for one year, to fill a Vacancy of an unexpired term.
- One Dennis-Yarmouth School Committee Member for three years.
- One Old Kings Highway Regional Historic District Commissioner for four years.
- One Dennis Housing Authority Member for five years.
- One Water District Commissioner for three years.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands 15th day of March in the year of our Lord, Two Thousand Twenty-three.

DENNIS SELECT BOARD

Christopher Lambton
John Terrio
James W. Plath
Paul McCormick
Chris Flanagan

A True Copy, Attest:

Theresa T. Bunce, Town Clerk

PERSUANT TO THE WITHIN WARRANT, I have notified and warned the Inhabitants of the Town of Dennis by posting up attested copies of the same at EACH OF THE POST OFFICES AND ON THE PRINCIPAL BULLETIN BOARD IN THE TOWN HALL OFFICES, SOUTH DENNIS, SEVEN (7) days before the date of the meeting, as within directed.

Gerald De Salvatore, Constable

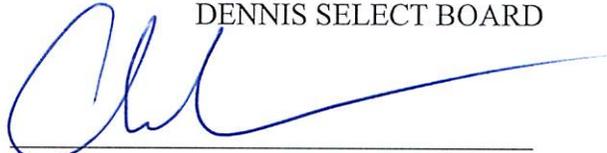
March 17, 2023

And you are directed to serve this WARRANT by posting up attested copies thereof at EACH OF THE POST OFFICES in said TOWN OF DENNIS at least SEVEN (&) days before the time of holding the said meeting.

HEREOF FAIL NOT, and make a due return of this WARRANT with your doings thereon to the TOWN CLERK, at the time and place of the meeting aforesaid.

Given unto our hands this 14th day of April in the year Two Thousand Twenty-three.

DENNIS SELECT BOARD



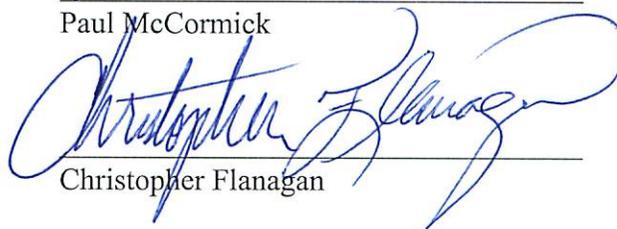
Christopher Lambton, Chair



John Terrio, Vice Chair



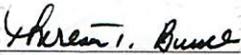
Paul McCormick



Christopher Flanagan

James Plath

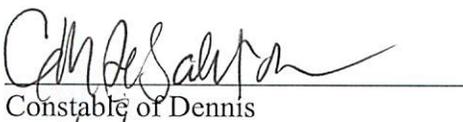
A true Copy, Attest



Theresa T. Bunce, Town Clerk

Barnstable, ss.

PERSUANT TO THE WITHIN WARRANT, I have notified and warned the Inhabitants of the Town of Dennis by posting up attested copies of the same at EACH OF THE POST OFFICES AND ON THE PRINCIPAL BULLETIN BOARD IN THE TOWN HALL OFFICES, SOUTH DENNIS SEVEN (7) days before the date of the meeting, as within directed.



Constable of Dennis

4/19/23

Date