

**TOWN OF DENNIS
SPECIAL TOWN MEETING
OCTOBER 27, 2009**

THE COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE, SS.

To any of the Constables or other persons of the Town of Dennis in the County of Barnstable:

GREETING:

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 elections and Town affairs, to meet at the **NATHANIEL H. WIXON MIDDLE SCHOOL AUDITORIUM, 901 ROUTE 134, SOUTH DENNIS**, in said Town of Dennis on the **27th DAY OF OCTOBER next at 7:00 PM**, then and there to take action on the following articles:

**DENNIS WARRANT WITH BOARD OF SELECTMEN AND FINANCE COMMITTEE
RECOMMENDATIONS**

ARTICLE 1:

To see if the Town will vote to accept Section 40 of Chapter 653 of the Acts of 1989 which amends M.G.L. Chapter 59, Section 2A(a), and authorizes the Town to assess new buildings, structures, or other physical improvements added to real property between January second and June thirtieth for the fiscal year beginning on July first. As a result, new construction or improvements building on the parcel during the first six months of the year will now be reflected in the assessed valuation of the parcel a fiscal year earlier; however, the statute does not change the January first assessment date, and the taxable unit, ownership and value of real estate parcels will still be determined as of January first. The assessment of personal property is not effected by this legislation and mortgages upon buildings or other things, which the land upon which they are erected or to which they are affixed are taxable as real estate defined in the statute, shall be deemed mortgages of real estate for the purpose of taxation, and shall be taxed under Section Eleven to Twelve B, of Chapter 59, inclusive; or take any other action relative thereto.

(By the Board of Assessors)

BOS: 5-0-0 to recommend the article as printed.

FC: 4-0-0 to recommend the article as printed.

ARTICLE 2

To see if the Town will vote to appropriate and transfer a sum of money from the Community Preservation Historic Preservation Reserves Fund and a sum of money from the Community Preservation Undesignated Reserves Fund to the Town of Dennis for continued historic preservation of the Rev. Josiah Dennis Manse Museum, or take any other action relative thereto.

(By the Community Preservation Committee)

BOS: 5-0-0 to recommend the article as printed.

FC: 6-0-0 to recommend to appropriate and transfer \$100,000 from the Community Preservation Historic Preservation Reserves Fund and appropriate and transfer \$408,074 from the Community Preservation Undesignated Reserves Fund for the purpose of the article.

ARTICLE 3

To see if the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen to borrow a sum of money in anticipation of revenue under the Community Preservation Act, M.G.L. Chapter 44B, Section 11, and pursuant to M.G.L. Chapter 44, Section 7, Paragraph (3A), or any other enabling authority, for the continued historic preservation of the Rev. Josiah Dennis Manse Museum, or take any other action relative thereto.

(By the Community Preservation Committee)

BOS: 5-0-0 Recommend to place on warrant.

FC: Recommendation to be made at Town Meeting.

ARTICLE 4

To see if the Town will vote to appropriate and transfer a sum of money from the Community Preservation Historic Preservation Reserves Fund to the Dennis Historical Society under a grant agreement for historical archives of documents and artifacts., or take any other action relative thereto.

(By the Community Preservation Committee)

BOS: 5-0-0 to recommend the article.

FC: 6-0-0 to recommend to appropriate and transfer \$30,000 from the Community Preservation Historic Preservation Reserves Fund for the purpose of the article.

ARTICLE 5

To see if the Town will vote to appropriate and transfer a sum of money from the Community Preservation Open Space and Recreation Reserves Fund to the Town of Dennis for the continued site development of the Bass River Park, West Dennis, or take any other action relative thereto.

(By the Community Preservation Committee)

BOS: 5-0-0 to recommend the article.

FC: 6-0-0 to recommend to appropriate and transfer \$51,450 from the Community Preservation Open Space and Recreation Reserves Fund for the purpose of the article.

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the provisions of a collective bargaining agreement between the Town and the Dennis Police Sergeants IBPO Local 579 for Fiscal Year 2010, or take any other action relative thereto.

(By the Selectmen)

BOS: 5-0-0 to recommend the article.

FC: 5-0-0 to recommend a transfer of \$33,396.50 from the May 5, 2009 Annual Town Meeting, Article 4, Line Item #5, Town Administrator Settlements for the purpose of the article.

ARTICLE 7

To see if the Town will vote to amend the Town Code by adding to it the following new Stormwater Management By-Law and further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of the Town of Dennis:

“STORMWATER MANAGEMENT BY-LAW

IT IS HEREBY DETERMINED THAT:

Construction Site stormwater runoff and post-construction stormwater discharges may permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn may increase flooding, stream channel erosion, non-point source pollution, sediment transport and deposition, and decrease groundwater recharge;

Construction Site stormwater runoff and post-construction stormwater discharges can adversely affect public safety, public and private property, surface water, groundwater resources, drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of land and water.

It is in the public interest to regulate Construction Site stormwater runoff and post-construction stormwater discharges in order to minimize the impacts identified above.

1. PURPOSE

- A) The purpose of this By-law is to manage land development in order to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse impacts of construction site stormwater runoff and post-construction stormwater discharges. This Bylaw seeks to meet this purpose through the following objectives:
- 1) Establish decision-making processes surrounding Construction Site activities that protect the integrity of the watershed and preserve the health of water resources;
 - 2) Require that Construction Site activities maintain the post-construction runoff characteristics as equal to or less than the pre-construction runoff characteristics;
 - 3) Establish minimum Construction Site and post-construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 - 4) Encourage the use of nonstructural stormwater management practices or “low-impact development” practices; i.e. grass swales, french drains, etc.;
 - 5) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
 - 6) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this By-law; and,
 - 7) Establish administrative procedures, fees and fines for violations for the submission, review, approval or disapproval of applications for stormwater management permits, and for the inspection of approved active projects, and long-term follow up.

B) Nothing in this By-law is intended to replace the requirements of the Town of Dennis Wetlands Protection Bylaw, Zoning By-law, Subdivision Rules & Regulations, Board Of Health Regulations or any other By-law that may be adopted by the Town of Dennis, or any State or Federal requirement, law, regulation or policy. Any activity subject to the provisions of this By-law must comply with all other applicable Town, State or Federal requirements.

2. DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this By-law. Additional definitions may be adopted by separate regulation:

ADVERSE IMPACT: Having a deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

ALTERATION: Any activity, which will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, earthmoving, paving, and modification of existing vegetation.

BUILDING COMMISSIONER: Means the Town of Dennis Building Commissioner or his/her designee.

CONSTRUCTION SITE: Any site where activity is proposed or occurs that involves the alteration of more than five hundred (500) contiguous square feet of land.

HOTSPOT AREA: Land uses or activities, without regard to square footage, that have the potential for high stormwater runoff pollutant loadings, including, but not limited to, auto fueling facilities, fleet storage yards, road salt storage areas and designated snow disposal areas, staging areas for construction or landscaping operations, commercial and industrial outdoor maintenance, storage or loading areas.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the Federal government, to the extent permitted by law, and any officer, employee or agent of such person.

STORMWATER MANAGEMENT PERMIT: A document signed by the Town of Dennis Building Commissioner which allows the alteration of the land within a Hotspot Area or Construction Site based upon the person's proposed work on a project plan which was submitted as required by this Stormwater Management By-law.

3. AUTHORITY

This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the voters of the Town of Dennis at the October 27, 2009 Special Town Meeting under Article 7.

4. ADMINISTRATION

- A) The Town of Dennis Board of Selectmen shall adopt, and may periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), fines and penalties, application requirements, procedures and administration of this Stormwater Management Bylaw, after conducting a public hearing to receive comments on any proposed rules and regulations, or revisions thereto. Failure by the Town of Dennis Board of Selectmen to promulgate such rules and regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this By-law.

- B) The Building Commissioner shall administer, implement and enforce this By-law. Any powers granted to or duties imposed upon the Building Commissioner may be delegated by the Building Commissioner to his/her designee.

- C) The Building Commissioner may take any of the following actions as a result of an application for a Storm Water Management Permit: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice.

5. APPLICABILITY

- A) All persons that create a Construction Site or Hotspot Area are required to satisfy the purpose and intent of this By-law and in accordance with the “Dennis Stormwater Management Rules and Regulations”, as revised.

- B) In addition, all construction sites altering more than 20,000 square feet of total area, and all Hotspot areas are required to secure a Stormwater Management Permit prior to starting any land disturbance within the person’s property.

- C) The following exemptions from this Stormwater Management By-law apply:
 - 1) Any land disturbance 500 square feet or less.

 - 2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;

- 3) Emergency activities necessary to protect public health or safety, so long as all necessary emergency permits or emergency certifications have been or will be obtained;
- 4) Normal maintenance and improvements of Town of Dennis Publicly Owned Roads.
- 5) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-law.

6. ENFORCEMENT

- A) This By-law shall be administered by the Building Commissioner. The Building Commissioner shall approve no application of any kind nor drawings or specifications which are not in all respects in conformance with this By-law.
- B) The Building Commissioner shall be under the supervision of the Board of Selectmen and shall be subject to such administrative procedures as it may prescribe for the proper conduct of this office. The Building Commissioner shall submit an annual report in January of each year of the work of his office.
- C) The Building Commissioner shall make inspections of all sites covered under this By-law within the Town and may, for these purposes, enter upon the premises where such operations are carried on at all reasonable times.
- D) Violations and Penalties.
 - 1) Any person, corporation or entity found in violation of any provisions of this Bylaw shall be punished by a fine in accordance with the following schedule of fines, and each day that the violation continues shall constitute a separate offense:

Number of Offense	Penalty
First Offense *****	Written Notice Of Violation.
Second Offense *****	\$100.00
Third Offense and Subsequent Offenses *****	\$300.00

- 2) Notice of violation and procedure shall be in accordance with M.G.L.A. C.40, para.21D (Non-criminal disposition).

7. SEVERABILITY

The invalidity of any section, provision, paragraph, sentence or clause of this By-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

(By the Selectmen)

BOS: 5-0-0 to recommend the article as printed.

FC: 6-0-0 to recommend the article as printed.

ARTICLE 8

To see if the Town will vote to make reductions in the Fiscal Year 2010 Operating Budget's line item appropriations voted under Article 4 of the May 5, 2009 Annual Town Meeting, in the amounts as follows:

1. Town Administrator Purchase of Services,	Line Item #6	\$ 1,500
2. Town Administrator, Out of State Travel,	Line Item #7	500
3. Accountant, Other Charges, Expenditures,	Line Item #15.....	1,000
4. Central Purchasing, Purchase of Services,	Line Item \$16	2,000
5. Central Purchasing, Supplies,	Line Item #17.....	41,000
6. Assessors, Purchase of Services,	Line Item #19.....	150
7. Assessors, Supplies,	Line Item #20.....	350
8. Assessors, Other Charges, Expenditures,	Line Item #21.....	1,500
9. Treasurer/Collector, Purchase of Services,	Line Item #29.....	3,000
10.Treasurer/Collector, Supplies,	Line Item #30.....	600
11.Treasurer/Collector, In-state Travel,	Line Item #31.....	400
12, Data Processing, Supplies,	Line Item #37.....	4,200
13. Data Processing, Other Charges, Expend.,	Line Item #38.....	800
14. Tax Title/Foreclosures,	Line Item #40.....	1,000
15. Town Clerk, Mileage	Line Item #44.....	400
16. Elections, Personal Services,	Line Item #46.....	900
17.Elections, Supplies,	Line Item #48.....	200
18. Natural Resources/Cons.	Line Item #49.....	2,750
19. Purchase of Services,	Line Item #51.....	1,500
20. Planning, Purchase of Services,	Line Item #54.....	800
21. Planning, Other Charges, Expenditures	Line Item #55.....	200
22, Public Property & Bldgs., Pers. Services	Line Item #56.....	2,500
23. Public Property & Bldgs., Purch.of Servs.	Line Item #57.....	500
23. Public Property & Bldgs, Supplies	Line Item #58.....	500
24. Public Property & Bldgs, Other Charges	Line Item #59.....	1,500
25. Prop, /Liability Insurance, Other Charges	Line Item #61.....	45,000

26. Police, Personal Services, (w/Quinn Bill)	Line Item #63.....	227,486
27. Police, Capital Outlay,	Line Item #67.....	2,500
28. Fire, Personal Services,	Line Item #68.....	10,000
29. Fire, Supplies,	Line Item #70.....	10,000
30. Building Inspector, Supplies,	Line Item #74.....	998
31. Building Inspector, Other Charges	Line Item #75.....	1,869
32. Plumbing Inspection, Supplies	Line Item #78.....	83
33. Plumbing Inspection, Other Charges	Line Item #79.....	950
34. Electrical Inspection, Other Charges	Line Item #82.....	500
35. Harbormaster, Personal Services	Line Item #88.....	3,000
36. Harbormaster, Purchase of Services	Line Item #89.....	2,000
37. Shellfish, Purchase of Services	Line Item #94.....	500
38. Shellfish, Supplies	Line Item #95.....	250
39. Dept. of Public Works, Purchase of Srvs.	Line Item #104.....	980
40. Dept. of Public Works, Supplies, Paving	Line Item#106.....	17,000
41. Waste Collection/Disposal, Pers.Srvs.	Line Item#111.....	7,000
42. Waste Collection/Disposal, Purch.of Srvs.	Line Item #112.....	83,970
43. Waste Collection/Disposal, Supplies	Line Item #113.....	1,050
44. Health Inspection Service, Pers. Srvs.	Line Item #116.....	500
45. Health Inspection Service, Purch.of Srvs.	Line Item #117.....	3,300
46. Health Inspection Service, Supplies	Line Item #118.....	800
47. Health Inspection Service, Other Charges	Line Item #119.....	400
48. Council On Aging, Personal Services	Line Item #120.....	6,687
49. Library, Personal Services	Line Item #142.....	848
50. Library, Purchase of Services	Line Item #143.....	1,568
51. Library, Other Charges & Expenditures	Line Item #145.....	2,584
52. Recreation, Purchase of Services	Line Item #148.....	1,000
53. Beaches, Personal Services	Line Item #151.....	15,000
54. Golf, Purchase of Services	Line Item #157.....	5,000
55. So. Dennis Historic District, Pur.of Srvs.	Line Item #164.....	50
56. So. Dennis Historic District, Supplies	Line Item #165.....	100
57. Historical Dist –OKHRHD, Pur.of Srvs.	Line Item #168.....	200
58. Historical Dist – OKHRHD, Supplies	Line Item #169.....	200
59. Historical Dist – OKHRHD, Other Charges	Line Item #170.....	50
60. Fringe Benefits, Workers Compensation	Line Item #176.....	<u>15,000</u>

TOTAL: \$538,173

or take any other action relative thereto.

(By the Selectmen)

BOS: 5-0-0 to recommend the article as printed.

FC: 6-0-0 to recommend the article as printed.

ARTICLE 9

To see if the Town will vote, in accordance with the Selectmen’s fee limitation by-law, to reclassify and adopt the following new Building/Electrical and Plumbing Inspection Fees:

Building – Residential & Commercial

- Alternative Energy (Residential) 45’ and under in height per unit.....200.00 – (New Fee)
- Alternative Energy (Free Standing Commercial) per unit.....500.00 – (New Fee)
- Alternative Energy (Roof Mounted) includes array’s..... 100.00 – (New Fee)

Electric Residential / Commercial

- New Description - Alarms/Ground/CO – (Re-Classified)
- Septic Pumps/Air Condition Units/ Generator – (Re-Classified)
- Change of Service/Alternative Energy (Roof Mounted) – (Re-Classified)

(New description & fee – Commercial)

- Alternative Energy (free standing) 45’ and under – per unit... 50.00 – (New Fee)
- Alternative Energy (free standing) over 45’ – per unit.....100.00 – (New Fee)

Plumbing – Residential & Commercial

- (New description)
- Alternative Energy (Free Standing).....per Unit – (Added to Existing)
- Alternative Energy (Roof Mounted).....per Unit – (Added to Existing)

or take any other action relative thereto.

(By the Selectmen)

BOS: 5-0-0 to recommend the article as printed.

FC: 6-0-0 to recommend the article as printed.

ARTICLE 10

To see if the Town will vote to transfer a sum of money from free cash to the Capital Improvement Fund, said sum representing the total of the closed out balances in the following special articles voted under Article 12 of the May 6, 2008 Annual Town Meeting.

a.110171-58581	#12ATM5/08 – Replace 4WD	Nat.Res./Cons.	\$ 580.36
b.110220-58581	#12ATM5/08 – Monoxide	Fire	433.15
c.110422-58581	#12ATM5/08 – 10 Wheel Truck	DPW	25,013.06
d.110422-58582	#12ATM5/08 – Replace Grader	DPW	3,553.70
e.110422-58583	#12ATM5/08 – Loader/Sweeper	DPW	6,931.19
f. 110422-58584	#12ATM5/08 – Replace Dump Truck	DPW	4,479.00
g.110422-58585	#12ATM5/08 – Replace Dump Truck	DPW	770.62
h.110422-58586	#12ATM4/08 – Replace Dump Truck	DPW	1,244.00
i. 110422-58588	#12ATM5/08 – Wood Chipper	DPW	8,123.81
j.110422-58589	#12ATM5/08 – Air Compressor	DPW	10.00
k.110422-58590	#12ATM5/08 - Gravely Mower	DPW	65.00
l. 110630-58581	#12ATM5/08 – Bleachers	Recreation	<u>25.00</u>
		TOTAL	\$51,228.89

or take any other action relative thereto.

(By the Selectmen)

BOS: 5-0-0 to recommend the article.

FC: 7-0-0 to recommend a transfer of \$51,228.89 from free cash to the Capital Improvement Fund.

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 FOURTEEN (14) days before the time of holding 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 day of October in the year of our Lord, Two Thousand Nine.

DENNIS BOARD OF SELECTMEN

Paul R. McCormick, Chairman

Sheryl A. McMahon, Vice Chairman

Heidi S. Schadt

Wayne A. Bergeron

Alan M. Tuttle

A True Copy, Attest

Theresa T. Bunce, Town Clerk

BARNSTABLE, ss.

PURSUANT 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, FOURTEEN (14) days before the date of the meeting, as within directed.

Constable of Dennis

Date

