

SPECIAL TOWN MEETING
Town of Dennis
November 9, 2023

Robert C. Chamberlain, Moderator, called the Special Town Meeting held at the Dennis-Yarmouth Intermediate Middle School to order at 7:00 p.m. He declared a quorum present and noted that the Warrant had been posted by Gerry DeSalvatore, Constable. Tellers were Paul McCormick, Jr., Robert Duffy, Katie Clancy, Tracy Monroe and Paul Covell, Head Teller.

Moderator Chamberlain asked the assembly to kindly rise and salute the flag.

On motion of Finance Committee Chairman Robert Prall, duly seconded, it was unanimously voted to waive the formal reading of the Warrant.

Citation: was presented by State Representative, Christopher Flanagan and given to Peter McDowell.

“From the Massachusetts House of Representatives to Peter McDowell: Presented on behalf of the Speaker of the House, Christopher Flanagan and the entire membership of the Massachusetts House of Representatives. Peter McDowell, in recognition of your 58 years of combined service to the Town of Dennis, in over 14 roles as a Committee Member, Town Moderator and State Representative. Your service as a Finance Committee Member and Chair, for years 1995-2007 and again in 2013-2023, we thank you for your knowledge, passion and commitment you provided to enhancing the Community of Dennis, and I'll add, never being too shy to speak your mind, the entire membership extends it's very best wishes and expresses the hope and good fortune of continued success in all of your endeavors. I know that myself and everyone here, genuinely thanks you for your service to this Town and everything that you do for our Region and the Commonwealth.

Proclamation: was presented by Select Board Chair, Christopher Lambton and given to Peter McDowell.

WHEREAS, Peter McDowell was born in 1938 at the Cape Cod Hospital in Hyannis to his parents, Walter and Anna McDowell. Peter was born and raised in Dennis, attending Yarmouth High School and graduating Class of 1956. In the Fall of 1956, Peter left for basic training in New Jersey as an officer in the Army Reserve National Guard. He served until 1968 when he was Honorably Discharged as First Lieutenant.

WHEREAS, Peter went on to graduate from the General Motors Institute in Flint, Michigan and came back to Hyannis to work in several car dealerships, becoming the Service Manager at Pontiac before he ultimately found his niche in commercial real-estate. Peter began his own real estate business in 1965, that was one of Cape Cod's longest, independently owned real estate firms, bringing new business to the Cape and highlighting the real estate in Dennis. Peter has served on the National Association for Realtors for the past 50 years, as well as Chairman on the Realtor Public Policy Committee within the Massachusetts Association of Realtors; allowing him to serve with the most influential individuals in Massachusetts real estate.

WHEREAS, Peter also became involved in Town Government in 1965 after he was elected to the Town of Dennis Planning Board serving as a member until he was appointed as Chair in 1968. He served as the Town Moderator for 17 years from 1972 until 1989, on the Town Engineering Department Study Committee and on the Finance Committee as a member and the Chairman. In 1974, Peter was elected at the State level and became the State Representative for two terms representing Dennis, Yarmouth and Brewster. In 1978, he was chosen as running mate to Edward F. King as Lieutenant Governor. Peter has served the Town of Dennis on more than a dozen boards and committees; today he is serving his fifth term on the Board of Water Commissioners.

WHEREAS, Peter has devoted over 50 years to the real estate business on Cape Cod, bringing business and new opportunities to Dennis and making it a place of premier real estate. He has also spent countless hours serving on dozens of boards and committees in Dennis for almost 60 years.

THEREFORE, BE IT RESOLVED, On this 9th day of November, 2023, we the Dennis Select Board, take the opportunity to recognize Peter McDowell's major contributions to the Town of Dennis and thank him for his exceptional service. Peter' unwavering loyalty and dedication to serving his community is admired, commended, and will be truly missed.

Award: was presented by Finance Committee Chair, Robert Prall and given to Peter McDowell. "Peter McDowell, in appreciation of 58 years of dedicated, exceptional service to the Town of Dennis, presented by your friends on the Finance Committee November 2023.

ARTICLE 1. On motion of Robert Prall, Finance Committee Chair, duly seconded, it was unanimously voted to transfer \$10,360.63 from the Fire Station 2 Capital Project Fund, \$8,108.88 from the Ezra Baker Renovations Capital Project Fund, \$6,850.92 from the Highlands Renovation Capital Project Fund and \$311,426.57 from the Ambulance Receipts Fund for a total of \$336,747.00 to supplement the Fiscal Year 2024 Line Item appropriations under Article 4 of the May 2, 2023 Annual Town Meeting.

ARTICLE 2. On motion of Robert Prall, Finance Committee Chair, duly seconded, it was unanimously voted to transfer \$2,895.93 from the Community Preservation Fund Undesignated Fund Balance to supplement the Fiscal Year 2024 Line Item appropriations under Article 4 of the May 2, 2023 Annual Town Meeting.

ARTICLE 3. On motion of Robert Prall, Finance Committee Chair, duly seconded, it was unanimously voted to rescind the following borrowing authorizations

Purpose	Date Voted	Article #	Amt to Rescind	Reason
Hazlewood Repairs	5/4/2010	26	\$91,525	Paid with Betterment
Uncle Stan, Hinckley, Tukoo Repairs	5/4/2010	25	\$72,854	Paid with Betterment
Village Green Repairs	5/8/2012	46	\$28,665	Paid with Betterment
Janet Road Repairs	5/8/2012	45	\$20,240	Paid with Betterment
Black Ball Hill Repairs	5/6/2014	34	\$194,640	Paid with Betterment
Land Acquisition	5/5/2015	12	\$1,000,000	Grant Received
Rocky Ridge Repairs	5/3/2016	30	\$238,700	Paid with Betterment
W Dennis Repairs	5/3/2016	31	\$583,200	Paid with Betterment
Old Mayfair Repairs	5/8/2018	13	\$106,400	Paid with Betterment
Sesuit Harbor Dredging	5/8/2018	28	\$118,278	Project Completed

ARTICLE 4. On motion of Carlyn Carey, Select Board Member, duly seconded, it was unanimously voted to transfer \$720,000 from the Ambulance Receipts Reserved for Appropriation Fund for the purchase of a new ambulance.

ARTICLE 5. On motion of Christopher Lambton, Select Board Chair, duly seconded, it was unanimously voted to appropriate and transfer \$41,100 from the Community Preservation Historic Preservation Reserves for the Dennis Village Cemetery Preservation and Repair and any other costs related thereto.

ARTICLE 6. On motion of Christopher Lambton, Select Board Chair, duly seconded, it was unanimously voted to appropriate and transfer \$28,358 from the Community Preservation Historic Preservation Reserves for Architectural Consulting Services for Josiah Dennis Manse Preservation and Repair and any other costs related thereto.

ARTICLE 7. On motion of Christopher Lambton, Select Board Chair, duly seconded, it was unanimously voted to appropriate and transfer \$45,400 from the Community Preservation Historic Preservation Reserves for Architectural Consulting Services for West Dennis Graded School House and any other costs related thereto.

ARTICLE 8. On motion of Christopher Lambton, Select Board Chair, duly seconded, it was unanimously voted to appropriate and transfer \$100,000 from the Community Preservation Open Space and Recreation Reserves pursuant to a grant agreement between the Select Board and the Yarmouth-Dennis Baseball Club for the Red Wilson Field Fan Safety Project, and further to authorize the Dennis Select Board to enter into said agreement upon such terms and conditions as it deems appropriate.

ARTICLE 9. On motion of Christopher Lambton, Select Board Chair, duly seconded, it was unanimously voted to appropriate and transfer \$99,000 from the Community Preservation Open Space and Recreation Reserves pursuant to a grant agreement between the Board of Selectmen and the Friends of Bass River to fund the Upper Bass River Watershed Restoration Project, and further, authorize the Board of Selectmen to enter into said agreement upon such terms and conditions as it deems appropriate.

ARTICLE 10. On motion of Paul McCormick, Select Board member, duly seconded, it was unanimously voted to transfer \$5,000 from free cash to the Dennis Historical Commission for an American Revolution Memorial.

ARTICLE 11. On motion of Christopher Lambton, Select Board Chair, duly seconded, it was unanimously voted to appropriate and transfer \$91,000 from the Community Preservation Historic Preservation Reserves and \$524,350 from the Community Preservation Undesignated Reserves for a total of \$615,350 pursuant to a grant agreement between the Select Board and the Cape Cod Center for the Arts, Inc. for Completion of the Preservation Work on the Cape Playhouse Exterior and further, to authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as they deem appropriate.

ARTICLE 12. On motion of Paul McCormick, Select Board member, duly seconded, it was unanimously voted to raise and appropriate \$169,813.53 to fund a classification market adjustment for the NUMA, SEIU A and SEIU B bargaining units to supplement the Fiscal Year 2024 Line Item appropriations under Article 4 of the May 2, 2023 Annual Town Meeting.

ARTICLE 13. On motion of John Terrio, Select Board member, duly seconded, it was unanimously voted to authorize the Select Board to convey a non-exclusive perpetual utility easement to NSTAR ELECTRIC COMPANY, d/b/a Eversource Energy for such purposes, to install, construct, reconstruct, alter, extend, operate, inspect, maintain, repair, replace and remove (a) pad mount transformer, underground wires, cables, conduit, insulators, fittings and fixtures, and other supporting appurtenances deemed necessary by Grantee for the purposes specified above; collectively the "Equipment", and (b) together with the right and easement to enter upon the Premises, including vehicular access for construction and maintenance purposes, as may be necessary from time to time for all of the foregoing purposes, utilizing existing paved ways and parking areas on the Premises to the extent practicable. The premises are more particularly described in the Deed filed in the Barnstable County Registry of Deeds in Book 870, Page 78 and is a portion of the parcel identified on the 2023 Town of Dennis Assessor records as Map 310 Parcel 13-0. A copy of the sketch plan is on file in the office of the Town Clerk., on such terms and conditions which the Board of Selectmen may determine.

ARTICLE 14. On motion of Carlyn Carey, Select Board Member, duly seconded, it was unanimously voted to accept the provisions of MGL Chapter 59, Section 5, Clause 41D.

ARTICLE 15. On motion of Carlyn Carey, Select Board Member, duly seconded, it was unanimously voted to accept the provisions of MGL Chapter 59, Section 5K.

ARTICLE 16. On motion of Carlyn Carey, Select Board member, duly seconded, it was unanimously voted to accept the provisions of MGL Chapter 53 Section 9A.

ARTICLE 17. On motion of Paul McCormick, Select Board Member, duly seconded, it was unanimously voted to transfer \$1,500,000 from free cash to the Wastewater Stabilization Fund for the purpose of future wastewater needs.

ARTICLE 18. On motion of John Terrio, Select Board member, duly seconded, it was unanimously voted to amend By-Law Article VII, Section 36-8 Fees by deleting in its entirety and replacing it as set forth below:

§ 36-8 SELECT BOARD § 36-8.3

**ARTICLE VII
Fees**

[Adopted 9-9-1981 STM, Art. 22, Amended 11-9-2023 STM, Article 18]

§ 36-8. Power to establish. [Amended 11-9-2023 STM, Article 18]

The Select Board shall be empowered to establish a schedule of fees for all permits and for all special fees authorized by the Massachusetts General Laws and to make amendments thereto.

§ 36-8.1. Limitation. [Added 4-24-1990 STM, Arts. 1 and 2; amended 5-5-2009 ATM, Art. 40; 5-2-2017 ATM, Art. 9; 5-8-2018 ATM, Art. 30, Amended 11-9-2023 STM, Article 18]

Notwithstanding any bylaw to the contrary, the following fee changes require approval of Town Meeting.

Fee Amount	Annual Increase
Less than \$100	Exceeding 15% per year, cumulative
Greater than \$100	Exceeding 5% per year, cumulative
New Fee	

This bylaw shall not prohibit rounding up a fee increase to the next highest dollar. No such fee or charge in effect on April 1, 1990, shall be reduced by adoption of this bylaw.

§ 36-8.2. Exceptions. [Added 11-9-2023 STM, Article 18]

The following fees are exempt from the Fee By-law and may be changed with Select Board approval:

Golf Fees (except golf membership fees)
Transfer Station fees subject to market fluctuations

§ 36-8.3. Financial reporting. [Added 5-8-1990 STM, Art. 1; 5-8-2018 ATM, Art. 30, Amended 11-9-2023 STM, Article 18]

A Fee Book, to include the following, shall be made available to the public within two weeks of any Select Board fee hearing:

1. Prior fiscal year financial activity report of revenues and expenditures.
2. Subsequent fiscal year report of estimated revenues and expenditures.

ARTICLE 19. On motion of James Plath, Select Board Member, duly seconded, it was unanimously voted to transfer the care, custody, management and control of the following parcels of land described below from the Town Treasurer for the purpose of sale at auction to the Town of Dennis Conservation Commission for conservation purposes

Parcel #	Book-Page	Address	Village	Size (Acres)	Case #
49-103	10738-157	47 Regan Rd	West Dennis	.17	10325 TL
80-9	12775-295	7 Cove Ln	West Dennis	.26	117259 TL
101-40	12870-137	36 Indian Trail	Dennis Port	.33	119275 TL
100-12	21964-306	46 Indian Trail	Dennis Port	.33	117248 TL
100-13	12775-30	52 Indian Trail	Dennis Port	.22	117247 TL
115-51	4520-9	24 Depot Road	Dennis Port	.50	70994
374-5	DD/N	1163 Paddocks Path	East Dennis	.48	118306 TL
374-6	108466	42 Paddock's Path	East Dennis	.32	118307 TL
185-71	DOC#76712 5	2 Poplar Lane	South Dennis	2.53	659618

ARTICLE 20. On motion of Christopher Lambton, Select Board Chair, duly seconded, it was voted by majority to transfer \$29,500 from the Municipal Waterways Improvement Fund for supplemental funding of the Sesuit Harbor project or any other costs related thereto.

ARTICLE 21. On motion of James Plath, Select Board Member, duly seconded, it was unanimously voted to transfer \$70,000 from free cash for security improvements and upgrades at Dennis municipal facilities.

ARTICLE 22. On motion of James Plath, Select Board Member, duly seconded, it was unanimously voted to transfer \$100,000 from the Ambulance Receipts Reserved for Appropriation Fund to pay for additional costs to complete the Fire Station 2 project or any other costs related thereto.

ARTICLE 23. On motion of John Terrio, Select Board Member, duly seconded, it was unanimously voted to transfer from free cash \$300,000 for the cost of an Assessment, survey and testing for the Wixon School or any other costs related thereto.

ARTICLE 24. On motion of James Plath, Select Board Member, duly seconded, it was unanimously voted to raise and appropriate \$25,000 for the Architectural and Consulting Services for Carleton Hall or any other costs related thereto.

It was unanimously voted to adjourn (dissolve) the meeting at 7:51 pm on November 9, 2023.

A True Copy, Attest:

Theresa T. Bunce, MMC/CMMC
Dennis Town Clerk