

ANNUAL TOWN MEETING
Town of Dennis
May 2, 2017

Robert C. Chamberlain, Moderator, called the Annual Town Meeting held at the Nathaniel H. Wixon Innovation School to order at 7:00 p.m. He declared a quorum present and noted that the Warrant had been posted by Korrin Dean, Constable. Tellers were John Schnaible, Robert Duffy, Katie Clancy, Maryellen Fabiano-Stowe, Trish McDowell and Paul Covell, Head Teller.

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

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

Chairman of the Board of Selectmen, Paul McCormick, awarded a Proclamation to Peter Nyberg and noted all that he had contributed to the Town of Dennis:

“Peter “P.J.” Nyberg, began working at the Dennis Police Department as a Patrolman from 1962 to 1963 and as a Special Officer from 1964 to 1974. Following a 12 year career with the Dennis Police Department, Peter was elected as Constable and served the citizens of Dennis from 1977 to 1989.

Peter served on the Dennis Police Department Building Committee for two years and helped plan and implement the construction of a new Police Department. Following the successful conclusion of the Police Station project, Peter joined the Town Offices Building Committee, whose work was critical to the renovation of the old Police Station for a new comprehensive Town Hall Office site. In 2001, Peter joined the Capital Outlay Committee to assist with the Town’s equipment and capital project review and planning. He assisted the Town with its identification of capital needs and fiscal planning during his six years with the Committee. Additionally, he assisted with wastewater planning while serving on the Comprehensive Wastewater Management Task Force from 2004 to 2007.

His service to the Cape Cod Regional Technical High School. Since the inception of the Cape Cod Regional Technical High School Committee in 1972, Peter has served faithfully as the Dennis Representative. He was involved with its initial construction, oversight of the many programs of study offered, and with the current Massachusetts School Building Authority (MSBA) study focusing on the future needs of the school. It is with great appreciation that we acknowledge his 45 years of dedicated service to the Cape Cod Regional Technical High School and the education of Dennis students.”

ARTICLE 1. To hear and act on any heretofore unpublished committee reports.
(MOTION) No vote taken.

ARTICLE 2. To see if the Town will vote to accept the reports of the Town Officers as presented. **(MOTION)** No vote taken.

ARTICLE 3: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to raise and appropriate \$84,910 to pay the salaries and compensation of elected officials as follows:

- 5 Selectmen at \$2,000 each
- 1 Moderator at \$450
- 1 Town Clerk at \$74,460

And that the salaries and compensations be fixed as given in this article and further, that all other elected officers serve without compensation.

ARTICLE 4: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to indefinitely postpone the article.

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay for the following prior year's unpaid bill, or take any other action relative thereto;

ARTICLE 5: On motion of Finance Committee Chairman James Plath, duly seconded, it was unanimously voted to transfer \$250,000 from free cash for snow and ice expenses and \$172,206 for Fire Department over time for a total of \$422,206.00 to supplement the following Fiscal Year 2017 Line Item appropriations under Article 6 of the May 3, 2016 Annual Town Meeting.

ARTICLE 6: On motion Finance Committee Chairman James Plath, duly seconded, it was unanimously voted to raise and appropriate \$32,370,786 for the following:

Recommend to transfer \$100,000 from Overlay Reserve to Finance Committee Reserve Fund, Line Item#7A

Recommend to transfer \$71,985 from the Cable Receipts Reserved for Appropriations to Town Administrator Personal Services, Line Item #3

Recommend to transfer \$5,000 from Cable Receipts Reserved for Appropriations to legal, Purchase of Services, Line Item #27.

Recommend to transfer \$1,000 from Cable Receipts Reserved for Appropriations to Central Purchasing Purchase of Services, Line Item #12.

Recommend to transfer \$23,000 from Cable Receipts Reserved for Appropriations to Central Purchasing Supplies, Line Item #13.

Recommend to transfer \$145,000 from Cable Receipts Reserved for Appropriations to Information Technology & Data Management Personal Services, Line Item #29.

Recommend to Transfer \$10,500 from the Cable Receipts Reserved for Appropriations to Technology & Data Management Purchase of Services, Line Item #30.

Recommend to Transfer \$10,000 from the Cable Receipts Reserved for appropriations to Property/Liability Insurance, Other Charges, Line Item #54.

Recommend to transfer \$605,515 from Ambulance Receipts Reserve for Appropriations to Fire Dept. Personal Services, Line Item #61.

Recommend to transfer \$36,000 from Waterways Maintenance & Improvement Fund to Harbormaster Capital Outlay, Line Item #77.

Recommend to transfer \$1,000 from the Bass River Receipts Reserved for Appropriations to Beach Purchase of Service Line Item #130.

Recommend to Transfer \$1,000 from the Cable Receipts Reserved for Appropriations to Fringe Benefits, Worker's Comp. Line Item #154.

Recommend to transfer \$3,000 from the Cable Receipts Reserved for Appropriations to Fringe Benefits, Unemployment Insurance, Line Item #155

Recommend to Transfer \$20,000 from the Cable Receipts Reserved for Appropriations to Fringe Benefits, Retirement Contribution, Line Item #156.

Recommend to Transfer \$27,000 from the Cable Receipts Reserved for Appropriations to Fringe Benefits, Group Insurance, Line Item #167

Recommend to transfer \$690,000 from the Community Preservation Act Fund to Retirement of Debt Principal, Line Item #147.

Recommend to Transfer \$20,000 from the Septic Loan Program Account to Retirement of Debt Principal, Line Item #150.

Recommend to transfer \$112,200 from the Community Preservation Act Fund to Long Term Debt Interest; Line Item #148 and any unexpended shall be transferred back to the Community Preservation Act Fund.

Making a total of \$34,252,986

And further recommend that said appropriations be allocated in accordance with line item amounts defined under the column, Finance Committee Recommended FY2018.

OPERATING BUDGET FY 2017

GENERAL GOVERNMENT

SELECTMEN

1	Purchase of Services	4,213.00
2	Other Charges – Expenditure	10,060.00
TOTAL		14,273.00

TOWN ADMINISTRATOR

3	Personal Services	531,351.00
3A	Settlements	102,865.00
4	Purchase of Services	30,450.00
5	Other Charges - Expenditure	5,250.00
TOTAL		669,916.00

FINANCE COMMITTEE

6	Purchase of Services	1,200.00
7	Other Charges - Expenditure	1,400.00
7A	Reserve Fund	245,805.00
TOTAL		248,405.00

ACCOUNTANT

8	Personal Services	227,997.00
9	Purchase of Services	44,000.00
10	Supplies	500.00
11	Other Charges - Expenditure	2,305.00
TOTAL		274,802.00

CENTRAL PURCHASING

12	Purchase of Services	536,903.00
13	Supplies	287,000.00
14	Other Charges – Expenditure	5,120.00
TOTAL		829,023.00

ASSESSORS

15	Personal Services	285,431.00
16	Purchase of Services	1,100.00
17	Supplies	1,250.00
18	Other Charges - Expenditure	5,050.00
TOTAL		292,831.00

REVALUATION

19	Personal Services	.00
20	Purchase of Services	50,600.00
21	Supplies	2,600.00
TOTAL		53,200.00

TREASURER/COLLECTOR

22	Personal Services	324,758.00
23	Purchase of Services	36,590.00
24	Supplies	1,387.00

25 Other Charges - Expenditure	2,495.00
TOTAL	365,230.00

LAW DEPARTMENT

26 Personal Services	95,569.00
27 Purchase of Services	155,300.00
28 Other Charges - Expenditure	2,200.00
TOTAL	253,069.00

INFORMATION TECH & DATA

29 Personal Services	212,678.00
30 Purchase of Services	167,599.00
31 Supplies	5,913.00
32 Other Charges - Expenditure	.00
33 Capital Outlay	47,000.00
TOTAL	433,190.00

TAX TITLE/FORECLOSURE

34 Purchase of Services	16,000.00
TOTAL	16,000.00

CLERK

35 Personal Services	93,072.00
36 Purchase of Services	7,200.00
37 Supplies	400.00
38 Other Charges - Expenditure	1,920.00
TOTAL	102,592.00

ELECTIONS

39 Personal Services	13,300.00
40 Purchase of Services	12,559.00
41 Supplies	900.00
TOTAL	26,759.00

NATURAL RESOURCES/CONSERVATION

42 Personal Services	384,304.00
43 Purchase of Services	27,300.00
44 Supplies	10,685.00
45 Other Charges - Expenditure	2,800.00
TOTAL	425,089.00

PLANNING

46 Personal Services	142,487.00
47 Purchase of Services	400.00
48 Other Charges - Expenditure	750.00
TOTAL	143,637.00

PUBLIC PROPERTY/BUILDINGS

49 Personal Services	555,564.00
50 Purchase of Services	168,041.00
51 Supplies	101,275.00
52 Other Charges - Expenditure	23,742.00
53 Capital Outlay	0.00
TOTAL	848,622.00

PROPERTY/LIABILITY INSURANCE

54 Other Charges - Expenditure	410,541.00
TOTAL	410,541.00

TOWN REPORTS

55 Purchase of Services	8,500.00
TOTAL	8,500.00

POLICE

56 Personal Services	5,146,344.00
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57	Purchase of Services	182,344.00
58	Supplies	71,101.00
59	Other Charges - Expenditure	10,012.00
60	Capital Outlay	189,000.00
TOTAL		5,598,801.00

FIRE

61	Personal Services	4,450,171.00
62	Purchase of Services	258,145.00
63	Supplies	163,200.00
64	Other Charges - Expenditure	6,900.00
65	Capital Outlay	7,400.00
TOTAL		4,885,816.00

BUILDING INSPECTOR

66	Personal Services	407,222.00
67	Supplies	2,761.00
68	Other Charges - Expenditure	8,000.00
TOTAL		417,983.00

ANIMAL CONTROL

69	Personal Services	103,610.00
70	Purchase of Services	8,350.00
71	Supplies	3,800.00
72	Other Charges - Expenditure	70.00
TOTAL		115,830.00

HARBORMASTER

73	Personal Services	255,306.00
74	Purchase of Services	35,224.00
75	Supplies	10,298.00
76	Other Charges - Expenditure	1,201.00
77	Capital Outlay	47,100.00
TOTAL		349,129.00

D/Y REGIONAL SCHOOL SYS.

78	Purchase of Services	.00
TOTAL		.00

ENGINEERING/SURVEYOR

79	Personal Services	400,261.00
80	Purchase of Services	2,900.00
81	Supplies	4,950.00
82	Other Charges - Expenditure	1,100.00
TOTAL		409,211.00

DEPT. OF PUBLIC WORKS

83	Personal Services	1,714,148.00
84	Purchase of Services	132,475.00
85	Supplies	272,365.00
86	Supplies - Paving, Resurfacing	108,000.00
87	Other Charges - Expenditure	8,835.00
88	Capital Outlay	4,668.00
TOTAL		2,240,491.00

SNOW AND ICE REMOVAL

89	Personal Services	93,620.00
90	Purchase of Services	93,123.00
91	Supplies	38,257.00
TOTAL		225,000.00

STREET LIGHTING

92	Purchase of Services	83,000.00
TOTAL		83,000.00

WASTE COLLECT/DISPOSAL

93 Personal Services	536,703.00
94 Purchase of Services	527,034.00
95 Supplies	34,715.00
96 Other Charges - Expenditure	3,925.00
TOTAL	1,102,377.00

HEALTH INSPECTION SERVICE

97 Personal Services	355,652.00
98 Purchase of Services	28,320.00
99 Supplies	3,500.00
100 Other Charges - Expenditure	2,900.00
TOTAL	390,372.00

COUNCIL ON AGING

101 Personal Services	216,101.00
102 Supplies	2,500.00
103 Other Charges - Expenditure	6,450.00
TOTAL	225,051.00

VETERAN'S SERVICES

104 Purchase of Services	46,471.00
105 Other Charges - Expenditure	160,000.00
TOTAL	206,471.00

COMM. ON DISABILITIES

106 Purchase of Services	500.00
107 Other Charges - Expenditure	2,359.00
TOTAL	2,859.00

OTHER HUMAN SERVICES

108 Capabilities	5,000.00
109 Cape Cod Child Development	5,000.00
110 ARC of Cape Cod	0.00
111 Consumer Assist Council	0.00
112 Independence House	3,000.00
113 South Coastal Legal Services	3,000.00
114 Salvation Army	4,000.00
115 AIDS Support Group of Cape Cod	2,500.00
116 Sight Loss Services, Inc.	4,500.00
117 Elder Services/Meals	5,000.00
118 Family Pantry	5,500.00
119 Big Brothers/Big Sisters	1,500.00
120 Hands of Hope	5,000.00
121 Gosnold Center	6,000.00
TOTAL	50,000.00

LIBRARY

122 Personal Services	272,482.00
123 Purchase of Services	69,748.00
124 Supplies	94,396.00
125 Other Charges - Expenditure	128,345.00
TOTAL	564,971.00

RECREATION

126 Personal Services	118,072.00
127 Purchase of Services	4,200.00
TOTAL	122,272.00

BEACHES

128 Personal Services	615,865.00
130 Purchase of Services	141,780.00
131 Supplies	23,265.00

132 Other Charges - Expenditure	8,575.00
133 Capital Outlay	16,700.00
TOTAL	806,185.00

GOLF

134 Personal Services	1,246,117.00
135 Purchase of Services	247,467.00
136 Supplies	361,849.00
137 Other Charges - Expenditure	8,165.00
138 Capital Outlay	5,000.00
TOTAL	1,868,598.00

HISTORICAL COMMISSION

139 Purchase of Services	1,500.00
TOTAL	1,500.00

S. DENNIS HISTORIC DIST. COMM.

140 Personal Services	11,097.00
141 Purchase of Services	250.00
142 Supplies	224.00
TOTAL	11,571.00

HISTORICAL DIST-OKHRHD

143 Personal Services	28,292.00
144 Purchase of Services	750.00
145 Supplies	300.00
146 Other Charges - Expenditure	.00
TOTAL	29,342.00

RETIREMENT OF DEBT PRINCIPAL

147/150 Debt Services	1,740,000.00
TOTAL	1,740,000.00

INTEREST LONG TERM DEBT

148 Debt Services	418,339.00
TOTAL	418,339.00

INTEREST SHORT TERM DEBT

149 Debt Services	140,957.00
TOTAL	140,957.00

FRINGE BENEFITS

153 Sick Pay Liability	25,000.00
154 Worker's Compensation	130,912.00
155 Unemployment Insurance	135,697.00
156 Retirement Contribution/Town	3,097,101.00
167 Group Insurance - HRA	3,150,586.00
168 Government Taxes/Tn. Share	291,885.00
TOTAL	6,831,181.00

OTHER FINANCING USES

169 Debt Services	.00
TOTAL	.00

GRAND TOTAL **34,252,986.00**

Making a total of \$34,252,986.00

ARTICLE 7: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to approve a Community Preservation Committee Budget for Fiscal Year 2018 as follows: to set-aside for future appropriation for the Fiscal Year 2018 Community Preservation Fund estimated annual revenues for each of the following purposes:

- 1) 10% Reserved for Community Housing - \$141,319
- 2) 10% Reserved for Open Space - \$141,319
- 3) 10% Reserved for Historic Preservation - \$141,319
- 4) Debt Service - \$802, 200
- 5) Short-term interest - \$12,000
- 6) Community Preservation Committee Expenses - \$30,000
- 7) FY2018 Budgeted Reserve - \$ 145,035

for a total of \$1,413,192 for the article.

ARTICLE 8: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to accept as Town ways and the layout of the road in South Dennis, known as Uncle Bill's Way, and further, to authorize the Board of Selectmen to acquire by gift, purchase or take by eminent domain on behalf of the Town, the lands or interest in the land within the lines of said layout, including any drainage easements shown on the plan, subject to outstanding easements granted to public utility companies for the installation of electricity, telephone, gas, water or other services, and to borrow \$438,200 to be used for acquisition costs and improvements to said way, and the owners of said lands benefited by said laying out and improvements shall be assessed their proportionate share of betterments in accordance with the provisions of MGL Chapter 80, and Chapter 117 of the Acts of 1997 (Town of Dennis Betterment Assessment and Fund Act).

ARTICLE 9: On motion of Board of Selectmen Member Cleon Turner, duly seconded, it was unanimously voted to approve Article 9 to authorize the Town Clerk to correct the clerical error on Article V11, §36-8.1 of the Town General Bylaws that occurred when the Fee Limitation Bylaw was published pursuant to an amendment that was voted under Article 40 of the 2009 Annual Town Meeting, so that the bylaw will read: Notwithstanding any By-Law to the contrary, no public facility user fee license or permit fee or charge which is authorized by bylaw or which may be authorized by By-Law to be set by the Selectmen, excluding all Golf Fees with the exception of Golf Membership fees shall be valid or collected for a fee of One Hundred Dollars (\$100) or more if an increase in such fee in any calendar year exceeds an amount greater than five percent (5%) of the amount effective the previous calendar year, and for a fee of less than One Hundred Dollars (\$100) if an increase in such fee in any calendar year exceeds an amount greater than fifteen percent (15%) of the amount effective the previous calendar year, unless, in either event, such amount is set by vote of a Dennis Town Meeting. Any portion of the applicable maximum fee increase for any year set forth above which is not exercised shall not be waived and may be applied to an increase in such fee in a future year. For any such fee that is in effect April 1, 1990, an increase which is greater than the applicable percentage set forth above shall be established by vote of a Dennis Town Meeting. Any such fee or charge not in effect on April 1, 1990, shall not be set or collected unless such fee is established by vote of a Dennis Town Meeting. This By-Law shall not prohibit rounding up a fee increase to the next highest dollar amount. No such fee or charge in effect on April 1, 1990, shall be reduced by adoption of this By-Law.

ARTICLE 10: On motion of Board of Selectmen member, Cleon Turner, duly seconded, it was unanimously voted to raise and appropriate \$2,116,630 to fund the capital items or projects for Fiscal Year 2018 as follows:

Department	Project	Amount
Dept. of Natural Resources	Replace 1985 Boat, motor & trailer	\$18,300
	Piping Plover Management Pan	\$34,100
Engineering	Secondary Roads	\$400,000
	Sidewalks Eng./Construction	\$150,000
	Dennis Port Rte.28 Sidewalks	\$50,000
	Guardrail Replacement	\$25,000
	Drainage	\$150,000
Fire Dept.	Fire Station #2/ Feasibility Plan	\$50,000

	Replace Ambulance Computers	\$35,000
	Portable Fire Radio Equipment	\$19,000
	Replace 2006 Ford Expedition	\$45,000
	Town wide Defibrillator Program	\$53,000
General	Nobscussett Rd. Land Purchase DEBT	\$102,925
GIS	Encroachments on Town Owned Land	\$25,000
	Surveying & Appraisals Owner's Unknown North of the Dennis Transfer Station	\$25,000
Golf	Dennis Highlands Golf Course Renovations	\$100,000
	Dennis Highlands Clubhouse Renovations	\$18,000
Harbor	Infrastructure: Bulkheads, Piers & Docks	\$250,000
Public Works	Replace 2008 One Ton (H2)	\$52,000
	Refurbish 2005 Street Sweeper (H27)	\$115,000
	Replace 2007 Pick-up Truck	\$64,000
Municipal Buildings	Beach Bathrooms/Septic Upgrades	\$130,000
Police	Portable Radio Replacement Digital Upgrade	\$43,000
	Mobile Radio Replacement Digital Upgrade	\$35,000
Sanitation	Transfer Station Design/ Construction	\$127,305
	TOTAL	\$2,116,630

ARTICLE 11: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to transfer:

\$179,978 from the Beach Capital Improvement Fund
 \$250,000 from the Solar Stabilization Fund
 \$89,000 from the Ambulance Fund
 \$393,000 from the Golf Improvement Fund
 \$248,000 from the Dredge Fund
 \$35,000 from the Waterways Maintenance/ Improvement Fund

for a total of \$1,194,978 for the purpose of the article, and further, to authorize the Board of Selectmen to enter into a lease purchase agreement or agreements for a term not to exceed five (5) years.

ARTICLE 12: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to transfer from balances in completed capital articles; Article #10 ATM May, 2014- \$44,038.03, Article #8 ATM May, 2015- \$4,415.00, Article #9 ATM May, 2015-\$1,150.00, Article #9 ATM May, 2015-\$3,674.00, Article #10 ATM May, 2015-\$63,605.50 and transfer \$617.47 from free cash for a total of \$117,500, to pay for the Ezra Baker School entry reconfiguration and security upgrades.

ARTICLE 13: On motion of Board of Selectmen Member John Terrio, duly seconded, it was unanimously voted to transfer \$77,500 from free cash to apply to the Nathaniel H. Wixon School asbestos abatement

ARTICLE 14: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to approve Article 14, in accordance with the Selectmen's Fee Limitation by-Law, to amend the following Municipal Building Rental Fees:

- a. Carleton Hall: 12 Month Contract for 1 use per month fee increase from \$903 to \$1370 Annually
- b. Carleton Hall: 12 Month Contract for 12 rentals at 1 rental per month fee increase from \$73 to \$115 Per Use
- c. Carleton Hall: 12 Month Contract for 2 rentals per month for 24 uses per year fee increase from \$1348 to \$2042 Annually
- d. Carleton Hall: 12 Month Contract for 24 rentals at 2 rental per month fee increase from \$58 to \$85 Per Use

e. Carleton Hall: 12 Month Contract for 1 rental per week for 52 weeks fee increase from \$2255 to \$3413 Annually

f. Carleton Hall: 12 Month Contract for 1 rental per week for 52 weeks fee increase from \$41 to \$65 Per Use

g. Carleton Hall: One time use daily rental fee increase from \$136 to \$175 and further, that said fee may be amended from time to time by the Board of Selectmen in accordance with said by-law.

ARTICLE 15: On motion of Dennis Yarmouth Regional School District School Committee Chairman Brian Carey, duly seconded, it was unanimously voted to approve an annual School Budget for the Dennis-Yarmouth Regional School District in the amount \$58,336,399 and to raise and appropriate \$16,627,414 as the Town's assessment of the operating expenses for the fiscal year beginning July 1, 2017.

ARTICLE 16: On motion of Cape Cod Regional Technical School Committee Member Peter Nyberg, duly seconded, it was unanimously voted to approve an annual school budget for the Cape Cod Regional Technical High School in the amount \$ 14,732,000 of for the fiscal year beginning July 1, 2017 and to raise and appropriate \$1,303,183 as the Town's assessment for the operating expenses of said school for the fiscal year beginning July 1, 2017.

ARTICLE 17: On motion of Planning Board Chairman Robert Mezzadri, duly seconded, it was unanimously voted to amend Section 6.6 Definitions by adding the following:

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

"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.

"Highest applicable flood elevation standard" means the one-percent (1%) FEMA base flood elevation plus up to an additional three (3) feet.

"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.

"Original dimensions" means the exact vertical and horizontal dimensions of a structure as it presently exists.

Add new Section 6.7 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.

ARTICLE 18: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was defeated 83 yes to 176 no to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a local sales tax on the sale of medical marijuana; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF DENNIS TO IMPOSE A LOCAL SALES TAX ON THE SALE OF MEDICAL MARIJUANA

Section 1. (a) Notwithstanding the provisions of section 6 of chapter 64H or any other general or special law to the contrary, the Town of Dennis is hereby authorized to impose a local sales tax upon (1) the retail sale of medical marijuana sold by a medical marijuana treatment center licensed by the commonwealth pursuant to chapter 369 of the acts of 2012 originating within the town, (2) the wholesale sale of medical marijuana by a treatment center located in the town to another treatment center located in another municipality, (3) the wholesale sale of medical marijuana cultivated in the Town of Dennis to a licensed medical marijuana treatment center located in another municipality, and (4) the wholesale value of medical marijuana cultivated in the Town of Dennis and sold by a licensed medical marijuana treatment center located in another municipality. The sales tax imposed under this Act shall be at a rate of 5 per cent of the gross receipts from the retail or wholesale sale of medical marijuana. The sales tax imposed under this section shall be paid to the Treasurer of the Town on a quarterly basis.

Section 2. This act shall take effect upon passage.

ARTICLE 19: On motion of Petitioner Leonard Solomon, duly seconded, it was voted 159 yes to 110 no, in keeping with current practices, that the town funds and other resources be refrained, not be used in taking action against immigrants, unless otherwise presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution; and to see if the Town will request the Dennis Selectmen to advocate for the civil liberties and human rights of all Dennis residents and visitors regardless of race, ethnicity, religion, ability, sexual and gender identity, national origin or citizenship and immigration status.

ARTICLE 20: On motion of Petitioner Donald Davidson, duly seconded, it was defeated 8 yes to 226 no, to amend section 12.6 (Seasonal Resort Community: Provisions Affecting All Seasonal Resort Communities) of the Zoning Bylaw by adding thereto the following language;

A. Seasonal Resort Communities may be open between April 1st and October 31st, inclusive. Seasonal Resort communities may provide for short term use, up to four days in any thirty day period, during the remainder of the year, provided that there is an occupancy permit which ensure sanitary facilities are provided, and provided that the Owner/Manager submits a written report to the Building Commissioner, signed under the penalties of perjury, no later than December 1st, January 1st, February 1st, March 1st and April 1st, listing (1) the dates on which the seasonal resort community was open during the immediately preceding respective months of November, December, January, February, and March, and (2) the cottages which were occupied on said dates.

ARTICLE 21: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to transfer \$44,478 from Cable Receipts to the Capital Improvement Fund.

ARTICLE 22: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to change the Cable Receipts Special Revenue Fund to a Receipts Reserved for appropriation fund and adopt MGL Chapter 44 § 53F ³/₄.

ARTICLE 23: On motion of Board of Selectmen Member Cleon Turner, duly seconded, it was unanimously voted, pursuant to Chapter 44, Section 53E ¹/₂, of the Massachusetts General Laws: to reauthorize the use of existing revolving accounts to be applied directly and without further appropriation for Fiscal Year 2018 as follows:

Program or Purpose	Authorized Representative or Board to Spend	Department Receipts	FY2018 Authorization
COA Bus Revolving Fund	Council On Aging Director	Fees and charges received from the operation of the Council-On-Aging Bus after receipts are to be applied to support the operations of said bus.	35,000
COA Revolving Fund	Council On Aging Director	Fees or charges received in connection with the Council-On-Aging program or activity after receipt are to be applied to support that program or activity.	120,000
Golf Revolving Fund	Golf Director	25% of Golf Cart Rental Fees received are to pay for the Towns lease of golf carts, revenue from the Golf Course Pro-Shops fees or charges are to support the operations of the Golf Pro-Shops and a portion or all of the Assistant Golf Directors' salary along with benefits may be paid from the golf revolving fund revenue from the Golf Handicap & Information Network are to pay the Massachusetts Golf Association dues for member's handicaps.	350,000
Board of Health Revolving Fund	Health Director	Reimbursements received from Medicare for flu shots are to purchase additional vaccine or other medical supplies, and costs associated with providing volunteer management and clinical support.	20,000
Library Revolving Fund	Library Director	Fees, fines and charges received in connection with a Town Library program or activity, after receipt, are to be applied to support that program or activity.	15,000
Recreation Department Revolving Fund	Recreation Director	Fee or charges in connection with a recreation program or activity after receipt are to be applied to support that program or activity.	150,000
Cable Revolving Fund	MIS Director	Monies received from Cable Receipts may, after receipt, be expended, and without further	50,000

appropriation to fund cable related expenses.

ARTICLE 24: On motion of Board of Selectmen Member Cleon Turner, duly seconded, it was unanimously voted to amend the General Bylaws by adding a new by-law section as follows:

Revolving Accounts;

There are hereby established the following Revolving Accounts:

Program or Purpose	Authorized Representative or Board to Spend	Department Receipts
COA Bus Revolving Fund	Council On Aging Director	Fees and charges received from the operation of the Council-On-Aging Bus after receipts are to be applied to support the operations of said bus.
COA Revolving Fund	Council On Aging Director	Fees or charges received in connection with the Council-On-Aging program or activity after receipt are to be applied to support that program or activity.
Golf Revolving Fund	Golf Director	25% of Golf Cart Rental Fees received are to pay for the Towns lease of golf carts, revenue from the Golf Course Pro-Shops fees or charges are to support the operations of the Golf Pro-Shops and a portion or all of the Assistant Golf Director's salary along with benefits may be paid from the golf revolving fund, revenue from the Golf Handicap & Information Network are to pay the Massachusetts Golf Association dues for member's handicaps.
Board of Health Revolving Fund	Health Director	Reimbursements received from Medicare for flu shots are to purchase additional vaccine or other medical supplies, and costs associated with providing volunteer management and clinical support.
Library Revolving Fund	Library Director	Fees, fines and charges received in connection with a Town Library program or activity, after receipt, are to be applied to support that program or activity.
Recreation Department Revolving Fund	Recreation Director	Fee or charges in connection with a recreation program or activity after receipt are to be applied to support that program or activity.
Cable Revolving Fund	MIS Director	Monies received from Cable Receipts may, after receipt, be expended, and without further appropriation to fund cable related expenses.

All revolving accounts are subject to the annual limitations on expenditure established by Town Meeting, and limitations as otherwise set forth in General laws Chapter 44, Section 53E and ½;

ARTICLE 25: On motion of Board of Selectmen Member John Terrio, duly seconded, it was unanimously voted that the sum of \$1,043,000 be appropriated to pay costs of constructing the Mayflower Beach Bathhouse, including the payment of all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that while such bonds or notes shall be general obligations of the Town, it is intended that the payment of the principal and interest on such bonds or notes shall be made from the Beach Capital Improvement Fund.; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs

approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

ARTICLE 26: On motion of Board of Selectmen Member John Terrio, duly seconded, it was unanimously voted, in accordance with the Selectmen's Fee Limitation by-Law, to amend the following Transfer Station Fee:

Second Transfer Station Pass fee increase from \$15.00 to \$20.00 and further, that said fee may be amended from time to time by the Board of Selectmen in accordance with said by-law.

ARTICLE 27: On motion of Board of Selectmen Member John Terrio, duly seconded, it was unanimously voted to authorize the Board of Selectmen to seek special legislation to establish a Solid Waste and Recycling Capital Improvement Fund.

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, there shall be a special fund in the Town of Dennis to be known as the Solid Waste and Recycling Capital Improvement Fund. There shall be deposited into the fund, without further appropriation, a portion of the fees collected from the sale of Transfer Station Permits and Recycling revenue. Appropriations from the fund shall be made by the Town of Dennis by a vote of Town Meeting only for Transfer Station related capital improvements provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

SECTION 2. 5% of fees collected from the sale of Transfer Station permit and 5% of recycling revenue shall be deposited into the Solid Waste and Recycling Capital Improvement Fund. Thereafter, the Board of Selectmen of the Town of Dennis may, if authorized by by-law, increase or decrease the portion of the transfer station sticker or recycling revenue deposited into the fund.

SECTION 3. The Solid Waste and Recycling Capital Improvements Fund shall be maintained by the town treasurer as a separate account, subject to any applicable provisions of chapter 44 of the General Laws and any interest earned thereon shall be credited to or become part of the separate account.

SECTION 4. This act shall take effect upon its passage.

ARTICLE 28: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to assume liability in the manner provided by Section 29, Chapter 91 of the Massachusetts General Laws as amended, for all damages that may be incurred by the work to be performed by the Mass. Department of Environmental Management for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tidewaters, foreshores, and shores along a public beach in accordance with Section 11 of Chapter 91 of the Massachusetts General Laws and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth.

ARTICLE 29: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to transfer \$9,490 from the Shellfish Mitigation Fund for the purpose of:

1. Purchasing 100,000 R-6mm soft shell clams for transplant into Chapin Beach and Bass River (\$1600);
2. Purchasing 200,000 R1.5 (2mm-3mm) quahog/hard clam for recreational and commercial harvesting (\$2400);
3. Purchasing 20,000 R-8 (12mm) "field plant" Oyster Seed for grow out at Crowes Pasture (\$990);
4. Purchasing 300 bags of remote set oysters for recreational harvesting in

West Dennis & Bass River Restoration (\$4500);

ARTICLE 30: On motion of Town Clerk Theresa Bunce, duly seconded, it was unanimously voted to transfer \$7,450 from free cash to purchase four Electronic Poll Pads and to upgrade the existing Poll Pad.

ARTICLE 31: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to amend Town Code Chap. 55 – Boats; by deleting Section 55-9: Prohibited Storage.

ARTICLE 32: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted, in accordance with the Selectmen's Fee Limitation By-Law, to establish a new boat storage fee of \$20 per foot, and further, that said fee may be amended from time to time by the Board of Selectmen in accordance with said by-law.

ARTICLE 33: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to authorize the Board of Selectmen to seek special legislation to establish a Waterways Capital Improvement Fund as follows:

SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, there shall be a special fund in the Town of Dennis to be known as the Waterways Capital Improvement Fund. 50% percent of the fees collected for boat storage shall be deposited into the fund, without further appropriation. Appropriations from the fund shall be made by the Town of Dennis for improvements to the waterways groundwork provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

SECTION 2. 50% of fees collected from the boat storage fee revenue shall be deposited into the Waterways Capital Improvement Fund .Thereafter, the Board of Selectmen of the Town of Dennis may, if authorized by by-law, decrease the portion deposited into the fund.

SECTION 3. The Waterways Capital Improvement Fund shall be maintained by the town treasurer as a separate account, subject to any applicable provisions of chapter 44 of the General Laws and any interest earned thereon shall be credited to or become part of the separate account.

SECTION 4. This act shall take effect upon its passage.

ARTICLE 34: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to change the name and purpose of the Capital Stabilization Fund to the Wastewater Stabilization Fund and to transfer \$300,000 from the Solar Special Revenue Fund to the Wastewater Stabilization Fund.

ARTICLE 35: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to transfer \$125,000 from the Wastewater Stabilization Fund to be deposited into a receipts reserve account and to establish a Swan Pond Shellfish Program account to purchase oyster seed, oyster cages, necessary labor and related equipment for the creation of a shellfish implementation project as recommended by the Dennis Comprehensive Wastewater Management Program Study.

ARTICLE 36: On motion of Board of Selectmen Member Sheryl McMahan, duly seconded, it was unanimously voted to transfer \$300,000 from the Solar Special Revenue Fund to the OPEB Liability Trust Fund established under Chapter 479 of the Acts of 2009.

ARTICLE 37: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted, in accordance with the Selectmen's Fee Limitation By-Law, to establish a new Off Road Vehicle (ORV) Off Season (valid after Labor Day – to May 1) Sticker fee of \$100, effective December 1, 2017, and further, that said fee may be amended from time to time by the Board of Selectmen in accordance with said by-law.

ARTICLE 38: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted, in accordance with the Selectmen's Fee Limitation by-Law, to amend the following Department of Natural Resources Fees:

- a. Resident Off Road Vehicle (ORV) Pass -increase from \$100.00 to \$150.00
- b. Non-Resident Off Road Vehicle (ORV) Pass- increase from \$200.00 to \$300.00

with an effective date of December 1, 2017, and further, that said fee may be amended from time to time by the Board of Selectmen in accordance with said by-law.

ARTICLE 39: On motion of Board of Selectmen Member John Terrio, duly seconded, it was voted by majority to transfer \$200,000 from free cash to pay for the Preliminary Engineering Design and the State Environmental Notification Form (ENF) filing for Dr. Bottero Road Protection.

The purpose of the article is to develop a preliminary (25%) engineering design based on the final Dr. Bottero Road Expanded Alternatives Analysis completed in August 2016. The design would be used to file an Environmental Notification Form (ENF) and start the MA Environmental Policy Act (MEPA) process with the state and federal permitting agencies. Through this process the Town will be able to determine what additional studies will be required to satisfy agency concerns (such as shellfish surveys, endangered species evaluation, sediment budget analysis, etc.). This process will also identify if an Environmental Impact Report (EIR) will be required.

The MEPA process will provide comments from the agencies which will set the specific permitting requirements which must be met as we move forward to finalize a final engineering design. Additional monies will be requested at the Fall town meeting to continue with the design and permitting process

ARTICLE 40: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to transfer \$8000 from free cash to purchase four police bicycles for seasonal patrols.

ARTICLE 41: On motion of Board of Selectmen Member John Terrio, duly seconded, it was unanimously voted to transfer \$50,000 from Article 19, 8A and \$60,000 from Article 19 8B from the May 6, 2014 Annual Town Meeting and to raise and appropriate \$27,000 from the Capital Outlay for a total of \$137,000 for the replacement of siding, trim, windows and doors and any necessary incidental work related thereto at the Dennis Pines Clubhouse.

ARTICLE 42: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to authorize the Board of Selectmen, for purposes of constructing, operating and maintaining sidewalks and for all other purposes for which sidewalks are now or hereafter may be used in the Commonwealth, to grant the fee, permanent utility easements and temporary construction easements and any other easements or property interests associated with the Massachusetts Department of Transportation (MassDOT) Route 28 Sidewalk Reconstruction Project in Dennis Port in, on, over, across, under and along the parcels as shown on a plan entitled "Plan and Profile on Main Street (Route 28) in the Town of Dennis, Barnstable County, Preliminary Right-of-Way, prepared by Vanasse, Hangen, Brustli, Inc. dated August 1, 2013, revised January 20, 2017, a copy of which is on file with the Town Clerk and as may be amended, on such terms and conditions as the Board of Selectmen may determine, and further, to authorize the Board of Selectmen to take all related actions necessary to effectuate this project.

ARTICLE 43: On motion of Finance Committee Chairman James Plath, duly seconded, it was unanimously voted to transfer \$400,000 from free cash to the Capital Improvement Fund.

ARTICLE 44: On motion of Finance Committee Chairman James Plath, duly seconded, it was unanimously voted to transfer \$400,000 from free cash to the Stabilization Fund.

It was unanimously voted to adjourn (dissolve) the meeting at 9:22 p.m. on May 2, 2017.

A True Copy, Attest:

Theresa T. Bunce, CMC/CMMC
Dennis Town Clerk