

SPECIAL TOWN MEETING

**Town of Dennis
October 17, 2017**

Robert C. Chamberlain, Moderator, called the Special 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 Stephen Calemno, Constable. Tellers were Robert Duffy, MaryEllen Fabiano-Stowe, Paul McCormick Jr., Joeseeph Bunce, Helene Savicki and Paul Covell, Head Teller.

Moderator Chamberlain asked the assembly to kindly rise and salute the flag as we recite the Pledge of Allegiance.

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

ARTICLE 1: On motion of Board of Selectmen Member, Sheryl McMahan, duly seconded, it was unanimously voted to appropriate and transfer \$11,800 from the Community Preservation Affordable Housing Reserves Fund as a grant to the Dennis Planning Department pursuant to a grant agreement between the Board of Selectmen and the Dennis Planning Department to fund the Affordable Housing Coordinator Position, and further, authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as it deems appropriate.

ARTICLE 2: On motion of Community Preservation Committee Member Christopher Foley, duly seconded, it was unanimously voted pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$150,000 from the Community Preservation Affordable Housing Reserves Fund as a grant to the Habitat for Humanity of Cape Cod, Inc. pursuant to a grant agreement between the Board of Selectmen and the Habitat for Humanity of Cape Cod, Inc. to fund the Construction of Three Affordable Houses at 98 South Yarmouth Road, South Dennis, MA 02660, as further described in the warrant, and further, authorize the Board of Selectmen to enter into said agreement and to acquire and affordable housing restriction with respect to said property, upon such terms and conditions as it deems appropriate.

ARTICLE 3: On motion of Board of Selectmen Member Sheryl McMahan, duly seconded, it was unanimously voted to appropriate and transfer \$50,000 from the Community Preservation Affordable Housing Reserves Fund and \$300,000 from the Undesignated Reserve Fund as a grant to the Dennis Municipal Affordable Housing Trust pursuant to a grant agreement between the Board of Selectmen and the Dennis Municipal Affordable Housing Trust to fund the Affordable Rental Housing Expansion Program and further, authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as they deem appropriate.

ARTICLE 4: On motion of Community Preservation Committee Member Diane Rochelle, duly seconded, it was unanimously voted pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$78,024 from the Community Preservation Historic Preservation Reserves Fund as a grant to the Dennis Public Library pursuant to a grant agreement between the Board of Selectmen and the Dennis Public Library to fund the Digitization of the Register and Barnstable Patriot Newspapers, and further, authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as it deems appropriate.

ARTICLE 5: On motion of Community Preservation Committee Member Dorria DiManno, duly seconded, it was unanimously voted pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$37,500 from the Community Preservation Historic Preservation Reserves Fund as a grant to the Dennis Historical Society pursuant to a grant agreement between the Board of Selectmen and the Dennis Historical Society to fund the Architectural and Consulting Services for the Captain Theophilus Baker House at the Jericho Historical Center, South Dennis, and further, authorize the Board of Selectmen to enter into said agreement and to authorize the acquisition of an historic preservation restriction on the property, upon such terms and conditions as it deems appropriate.

ARTICLE 6: On motion of Community Preservation Committee Member Christopher Foley, duly seconded, it was unanimously voted, pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$5,150 from the Community Preservation Historic Preservation Reserves Fund as a grant to the Dennis Historical Society pursuant to a grant agreement between the Board of Selectmen and the Dennis Historical Society to fund the hosting and maintenance of the Accessible Digital Archives and further, authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as they deem appropriate.

ARTICLE 7: On motion of Community Preservation Committee Member Dorria DiManno, duly seconded, it was unanimously voted, pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$35,000 from the Community Preservation Historic Preservation Reserves Fund as a grant to the Dennis Historical Commission pursuant to a grant agreement between the Board of Selectmen and the Dennis Historical Commission to fund the Ava Archaeological Survey Project Phase One and further, authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as they deem appropriate.

ARTICLE 8: On motion of Community Preservation Committee Member Diane Rochelle, duly seconded, it was unanimously voted, pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$35,000 from the Community Preservation Open Space and Recreation Reserves Fund as a grant to the Dennis Department of Natural Resources and Dennis Council on Aging pursuant to a grant agreement between the Board of Selectmen and the Dennis Department of Natural Resources and Dennis Council on Aging to create land for recreational use by funding the development of a passive recreation area and path at 416 Route 134, East Dennis,

MA 02641, Map and Parcel 264-29 and 1077 Route 134, East Dennis, MA 02641, Map and Parcel 290-24, and further, authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as it deems appropriate.

ARTICLE 9: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to appropriate and transfer \$206,800 from the Community Preservation Open Space and Recreation Reserves Fund as a grant to the Dennis Recreation Department pursuant to a grant agreement between the Board of Selectmen and the Dennis Recreation Department to fund the Restoration of Tennis Courts at Wixon School, 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 Finance Committee Chairman James Plath, duly seconded, it was unanimously voted to raise and appropriate \$175,772 for the purpose of hiring 4 firefighters with a breakdown as follows:

- \$121,969 transfer to line item #61-Fire Salary/Wage Account
- \$19,073 transfer to line item #157-Group Insurance Account
- \$1,788 transfer to line item #158-Medicare Account
- \$32,942 transfer to the OPEB Trust Fund

And also to transfer from Free Cash \$40,000 to Line item #64 Other Charges/Expenditures beginning January 1, 2018 to supplement the Fire Departments FY2018 Budget.

ARTICLE 11: On motion of Finance Committee Chairman James Plath, duly seconded, it was unanimously voted to raise and appropriate \$175,772 for the purpose of hiring 4 firefighters, in addition to the 4 firefighters approved in Article 10 with a breakdown as follows:

- \$121,969 transfer to line item #61-Fire Salary/Wage Account
- \$19,073 transfer to line item #157-Group Insurance Account
- \$1,788 transfer to line item #158-Medicare Account
- \$32,942 transfer to the OPEB Trust Fund

And also to transfer from Free Cash \$40,000 to Line item #64 Other Charges/Expenditures beginning January 1, 2018 to supplement the Fire Departments FY2018 Budget.

ARTICLE 12: On motion of Board of Selectmen Member Robert Mezzadri, duly seconded, it was unanimously voted to transfer the sum of \$9,500 from the Beach

Capital Improvement Fund for the replacement of playground equipment at the West Dennis Beach.

ARTICLE 13: On motion of Dennis Solid Waste and Recycling Committee Member Marla Vincent, duly seconded, it was voted by majority that the Town of Dennis continue to support maintaining a Swap Shop based recycling exchange center at the Dennis Transfer Station.

ARTICLE 14: On motion of Board of Selectmen Member John Terrio, duly seconded, it was voted by majority in accordance with the Selectmen's Fee Limitation By-Law, to establish a new resident recycling only fee in the amount of \$35.00 and further, that said fee may be amended from time to time by the Board of Selectmen in accordance with said by-law.

ARTICLE 15: On motion of Planning Board Chairman Dorria DiManno, duly seconded, it was voted 284 Yes to 61 No to amend to amend the Zoning Bylaws by adding a new Section 14, MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section 14, "Marijuana Establishments":
Section 14 Marijuana Establishments

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Dennis.

ARTICLE 16: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was voted by majority to amend the General Bylaws by adding a new Chapter 196, MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Chapter 196, "Marijuana Establishments":
Chapter 196

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G, §1, to including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Dennis.

ARTICLE 17: On motion of Petitioner Robert Brennan, duly seconded, it was voted by 294 Yes to 46 No to amend Section 12.6 of the Zoning Bylaw by striking the language stricken below and inserting the language underlined below. 12.6 Provisions Affecting All Seasonal Resort Communities

A. Seasonal Resort Communities may be open between April 1st and ~~October 31st~~ December 31st, inclusive. Seasonal Resort Communities may provide for short term ~~use~~ overnight occupancy, 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.

B. Seasonal Resort Community facility office and recordkeeping. All seasonal resort communities shall may maintain an office on the premises. ~~The Office shall be occupied at all times the Seasonal Resort Community is open for occupation by residents.~~ Each Seasonal Resort Community shall maintain a record of unit occupancy between January 1st and March 31st, which shall be available for inspection by the Building Commissioner upon request

ARTICLE 18: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to transfer \$50,000 from Free Cash to promote tourism in the Town of Dennis.

ARTICLE 19: On motion Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to transfer \$8,030 from Free Cash to fund the fuel assistance special article.

ARTICLE 20: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

It was unanimously voted to adjourn (dissolve) the meeting at 8:03 p.m. on October 17, 2017.