

**SPECIAL TOWN MEETING
Town of Dennis
October 27, 2015**

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 Gerald DeSalvatore, Constable. Tellers were Gladys Kearney, Robert Duffy, Katie Clancy, Joe Bunce, Bob Mezzadri 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 Community Preservation Commission Member Diane Rochelle, duly seconded, it was unanimously voted, pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$61,738.00 from the Community Preservation Historic Preservation Reserves Fund as a grant to the Dennis Historical Society, Inc. pursuant to a grant agreement between the Board of Selectmen and the Dennis Historical Society, Inc. to fund the continuation of the Accessible Digital Archives Project, and further authorize the Board of Selectmen to enter into a grant agreement with the Dennis Historical Society, upon such terms and conditions as it deems appropriate, which agreement shall include, but not be limited to, requirements that the Dennis Historical Society make such digitally archived materials available to the general public and, in the event that the Historical Society decides to terminate the project and/or can no longer host public access to the same, turn such digital material over to the Town.

ARTICLE 2: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted, pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$100,000 from the Community Preservation Open Space/Recreation Reserves Fund and \$215,000 from the Undesignated Account as a grant to the Town of Dennis Recreation Department pursuant to a grant agreement between the Board of Selectmen and the Community Preservation Committee for the purpose of funding the completion of the Johnny Kelley Park Lighting Project, upon such terms and conditions as it deems appropriate.

ARTICLE 3: 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 \$25,820 from the Community Affordable Housing Reserves Fund as a grant to the Town of Dennis Planning Department, to fund a nineteen hour (19) a week Town employee position for an Affordable Housing Coordinator, and further to authorize the Community Preservation Committee to enter into an agreement with the Board of Selectmen upon such terms

and conditions as it deems appropriate, which agreement shall include, but not be limited to, the performance goals for the housing planner.

ARTICLE 4: On motion of Community Preservation Committee Member Juanita Donlin, duly seconded, it was unanimously voted, pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$500,000 from the Community Affordable Housing Reserves Fund as a grant to the Housing Assistance Corp. for the development costs of a affordable housing complex on Hokum Rock Road; and further to authorize the Board of Selectmen to enter into a grant agreement with the Housing Assistance Corp. upon such terms and conditions as it deems appropriate.

ARTICLE 5: On motion of Dennis Municipal Housing Trust Committee Member James Kryrimes, duly seconded, it was unanimously voted to transfer the care, custody, management and control of the parcel of land described below from the Town Treasurer for the purpose of sale at auction to the Board of Selectmen for the purpose of conveyance, and further to authorize the Board of Selectmen to convey the parcel of land located at 98 South Yarmouth Road Dennis, consisting of 8,440 square feet, more or less and shown on Assessor's Map 224 as Parcel 34, to a non-profit entity on such terms and conditions, as the Board of Selectmen deem appropriate, providing that the conveyance shall be subject to the following terms:

1. The property shall be used for the construction of low or moderate income housing, provided that, prior to the issuance of a building permit for such housing, the purchaser shall grant to the Town an affordable housing restriction, enforceable in perpetuity, free of liens and encumbrances, meeting the requirements of G.L. c.184, §§. 31-32;
2. The property shall be conveyed subject to a right of reverter, if the Board of Selectmen deems it appropriate, which may be exercised by the Town if the purchaser (a) does not obtain sufficient funding for the development of low or moderate income housing within one (1) year from the date of conveyance of the property; (b) fails to complete construction of such housing within three (3) years from the date of conveyance; or (c) fails to use the property for the purposes provided herein; and
3. The purchaser may request an extension of the date specified above from the Board of Selectmen;

And further to authorize the Board of Selectmen to accept said affordable housing restriction.

ARTICLE 6: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to authorize the Board of Selectmen 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) underground buried cables,

wires, conduits, pipes, splice boxes, manholes, hand-holes, wire distributing facilities, fixtures, appurtenances, service and lamp connections, with the wires and cables therein, and all necessary foundations, anchors, and other supporting appurtenances and (b) above-ground pedestals, concrete pads, transformers, switchgear and apparatus cabinets with the necessary wires, cables, terminals, fixtures and appurtenances, over, across, upon and under a certain parcel I of Town-owned land located at 812 Route 134, Dennis, shown as Lot 2 on a plan recorded with Barnstable Registry of Deeds in Plan Book 655, Page 68, in locations of which are shown on the sketch plan dated September 15, 2014, a copy of which is on file in the office of the Town Clerk, on such terms and conditions which the Board of Selectmen may determine.

ARTICLE 7: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to authorize the Board of Selectmen to convey a non-exclusive perpetual easement to Verizon New England, Inc. for such purposes to access, erect, construct, dig up, dredge, reconstruct, connect, install, lay operate, maintain, patrol, inspect, repair, replace, alter, extend or remove lines for transmission and/or distribution of telecommunication including the necessary poles, anchors, wires, cables, conduits, conductors, manholes and associated surface closures, terminal, pedestals, fixtures, pads, foundations, appurtenances and other apparatus and equipment deemed necessary for the purposes along, over, across, upon and under a portion of certain parcel of Town-owned land located at 812 Route 134, Dennis, shown as Lot 2 on a plan entitled "Route 134 Community Housing 812 Route 134 Dennis Massachusetts Approval Not Required" dated October 10, 2014 prepared by the Horsley Witten Group, Inc. recorded with Barnstable Registry of Deeds in Plan Book 655, Page 68, said easement area being shown on a plan filed with the office of the Town Clerk, on such terms and conditions which the Board of Selectmen may determine.

ARTICLE 8: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to authorize the Board of Selectmen to acquire by eminent domain for Town Landing purposes and to confirm the Town's title to the property shown as "Town Landing" off Harbor Road; and further to accept the alteration of the layout of the Town Landing off Harbor Road, as a public landing, as ordered by the Board of Selectmen in accordance with G.L. c. 82, §1, as shown on a sketch plan of land entitled "Sketch Plan of Land, Harbor Landing at Harbor Road, Dennis, MA," prepared by Outermost Survey, Inc. dated April 3, 2013 a copy of which is on file with of the Town Clerk; and further, to transfer a parcel of land shown on said plan as Parcel A containing 3,088 square feet, more or less, from the Board of Selectmen for the purpose of a Town Landing to the Board of Selectmen for purposes of conveyance; and further to authorize the Board of Selectmen to convey the fee simple title or lesser interest in said Parcel A, located on Town Landing off Harbor Road, in exchange for the Town's acquisition to the fee simple title to a portion of land off Harbor Road, shown on said plan as Parcel B containing 3,750 square feet, more or less, on such terms and

conditions as the Board of Selectmen deem in the Town's best interest; and further to authorize the Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said conveyance and acquisition.

ARTICLE 9: On motion of Board of Selectmen Member John Terrio, duly seconded, it was unanimously voted to appropriate the sum of \$1,230,000 for the purpose of constructing improvements to the Ezra H. Baker School Building located at 810 Route 28, West Dennis, MA, including all design costs, furnishings and equipment, and any other costs incidental or related thereto; that to meet said appropriation, authorize the Treasurer, with approval of the Board of Selectmen, to borrow said sum under G.L. Chapter 44, Section 7(3A) or any other enabling authority and to issue bonds or notes of the Town therefor.

ARTICLE 10: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was voted 168 no to 166 yes to authorize the Board of Selectmen to acquire by eminent domain, with the consent of the owner, a parcel of land with the buildings thereon, located at 684-694 Main Street, Dennisport, shown on a plan of land recorded with Barnstable County Registry of Deeds in Plan Book 150, Page 79 and Plan Book 212, Page 23 and more particularly described in deed recorded with said Deeds in Book 10388, Page 319 and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; and as funding therefor, to transfer the sum of \$459,576 from the free cash, including all costs incidental and related thereto; and further, the Selectmen will not execute and record an order of taking until one or more of the following conditions are met, which, in the opinion of the Board of Selectmen in its sole discretion, are adequate to reasonably protect the Town from future environmental liability:

- (1) The seller furnishes an indemnification agreement and/or a statement of environmental liability from Exxon Mobil running to the Town;
 - (2) The Town secures a covenant not to sue from the Commonwealth of Massachusetts under the Commonwealth's Brownfields Program;
 - (3) The Town obtains a further agreement from the seller with respect to allocation of the costs to perform asbestos remediation in the building and to provide a pollution liability insurance policy.
- (4) and further; that the underground storage tanks be removed from the property prior to the Town's acquisition.

ARTICLE 11: On motion of Board of Selectmen Member John Terrio, duly seconded, it was unanimously voted to transfer \$42,750 from the insurance recovery account and \$46,250 from ambulance fees to fund the first year of a three year lease for an ambulance.

ARTICLE 12: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to transfer \$5,795 from free cash to supplement Article 9, item 1 (D.P.W. Scale) of the 2015 Annual Town Meeting.

ARTICLE 13: On motion of Board of Selectmen Member Alan Tuttle, duly seconded, it was unanimously voted to transfer \$25,805.00 from free cash to the Capital Improvement Fund.

ARTICLE 14: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to indefinitely postpone the article.

To see if the Town will vote to establish a Pay-As-You -Throw (PAYT) program. Pay-As-You-Throw has been shown to increase recycling and decrease the amount of trash tonnage at recycling centers. The Pay-As-You-Throw program will require transfer station users to purchase Town of Dennis PAYT trash bags or to take any other action relative thereto.

ARTICLE 15: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to indefinitely postpone the article.

To see if the Town will vote, in accordance with the Selectmen's Fee Limitation By - Law, to establish the following new fees;

- Daily Pass @ \$10.00 (New - for users without sticker, must have PAYT bags)
- Large Bags; 33 gallon capacity @ \$2.00 each
- Medium Bags; 15 gallon capacity @ \$1.00 each
- Small Bags; 8 gallon capacity @ .60 each ,

and further, that said fee may be amended from time to time by the Board of Selectmen in accordance with the By-Law, or take any other action relative thereto.

ARTICLE 16: On motion of Board of Selectmen Member John Terrio, duly seconded, it was voted by majority to transfer \$75,000 from free cash and \$75,000 from the Waterways Improvement Fund for the purpose of designing and constructing the Harbor East Side comfort station including a septic system.

ARTICLE 17: On motion of Board of Selectmen Member John Terrio, duly seconded, it was voted by majority to transfer \$100,000 from the Beach Capital Improvement fund for the purpose of designing a bathhouse and septic system for the Mayflower Beach Concession stand.

ARTICLE 18: On motion of Dennis Waterways Commission Member Walter Hulse, duly seconded, it was defeated by majority vote to transfer \$65,000 from the Beach

Capital Improvement Fund for the purpose of designing and constructing new stairs at Corporation Beach.

ARTICLE 19: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to transfer \$15,000 from free cash to fund the fuel assistance special article

ARTICLE 20: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was voted by majority to transfer \$30,000 from free cash to promote tourism in the Town of Dennis.

ARTICLE 21: On motion of Board of Selectmen Member Alan Tuttle, duly seconded, it was voted by majority to adopt the following open container by-law:

No persons shall drink any alcoholic beverage as defined in Massachusetts General Law Ch.138 § 1 or possess an open container of the same, whether full or partly full, while on, in or upon any public way or way or other place to which the public has a right of access as invitees or licensees, without the consent of the owner or person in control thereof.

Violations and penalties; This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, enforcement by criminal complaint pursuant to MGL c. 40, § 21 or by noncriminal disposition pursuant to MGL c. 40, § 21D, by those persons authorized under Ch.1 § 1-3 of the Town Code. The fine for violation of this bylaw shall be \$100 for the first offense, \$200 for a second offense and \$300 for a third or subsequent offense.

ARTICLE 22: On motion of Zoning Board of Appeals Chairman Robert Mezzadri, duly seconded, it was unanimously voted to amend Section 2.2.2.7 Use Regulation Schedule, Industrial, Utility and Other Uses Subsection 7.i Commercial Scale Solar Energy Electrical Generator: subsection 7.1 as illustrated below:

PRINCIPAL USES	DISTRICT									
	R-40 R-60	Quivet Neck/Crowe's Pasture Resource Protection District	RR	LB	EB	GC-I	GC-II GC-III	I	DPVC Area A	DPVC Area B
7. INDUSTRIAL, UTILITY AND OTHER USES										
i. Commercial Scale Solar Energy Electrical Generator	N <i>except S*</i>	N	N	N	N	S	S	Y	N	N

It was unanimously voted to adjourn (dissolve) the meeting at 8:30 p.m. on October 27, 2015