

ANNUAL TOWN MEETING
Town of Dennis
May 8, 2012

Robert C. Chamberlain, Moderator, called the Annual Town Meeting held at the Nathaniel H. Wixon Middle 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, Juanita Donlin, Daniel Chamberlain, Robert Mezzadri and Thomas Perrino, Head Teller.

Moderator Chamberlain asked the assembly to kindly rise as the Honor Guard and Girls Scouts lead the citizens of Dennis in the Pledge of Allegiance. This was to honor the 100th Birthday of the Girl Scouts. The Honor Guard consisted of Lietenant Tony Kent, Firefighter Michael Hersey, and the Girl Scouts were Madison Doucette, Jaclyne Gillis, Tarra Coppinger and Brianna Kelley.

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

The Henry C. Boles Achievement Awards were presented by Committee Member Julia Johnson. The Henry C. Boles Achievement Award Committee was named in honor of the late Selectman Henry C. Boles, who served from 1973 to 1977. Mr. Boles' leadership and extensive personal contribution to town programs was largely responsible for Dennis winning recognition in 1978 as an All-American Town. Mr. Boles set a high standard of excellence for citizen participation in town government. He died in 1979.

The Committee honors the memory of Henry Boles by encouraging our younger residents to exhibit examples of good citizenship and community involvement. The committee unanimously voted to present a \$100 check to a third grade boy and girl graduating from Ezra Baker Elementary School and to one eighth grade young man and woman graduating from the Nathaniel Wixon Middle School.

The awards were presented to Miss Rhea Brennan and Master Thomas Julian, students at the Ezra Baker Elementary School. Both Rhea and Thomas have demonstrated excellent examples of citizenship, cooperation, diligence, kindness, and friendship as witnessed by their classmates and teachers. They exhibit good sportsmanship and respect for adults and fellow students. They are leaders among their peers.

From the Nathaniel H. Wixon Middle School: Miss Taylor McKenzie and Mr. Kyle Rogers. Taylor is a good student who works well with her peers and is sought as a partner because she is kind and reliable. She participates in a school lunch group as a role model for children who struggle socially in school. Taylor is the type of person who looks out for the student who feels left out. Her concern for others extends to her community work helping people understand Rhett Syndrome.

Kyle Rogers is a well-rounded young man who is respected by his peers as well as the teachers at Wixon. He is the epitome of a responsible and diligent student. Kyle works well in groups and is always willing to share his ideas with others. As a mentor for a fifth grade student at Wixon, Kyle is invaluable. He is a worthy candidate for the Henry Boles Award.

All of this year's recipients are a credit to their families, their schools, and our community.

Barbara "Bobbie" Trepte, widow of the honored Donald Trepte, presented the 2012 Donald Trepte Memorial Scholarship Award to Daniel DiMatteo.

Daniel will be graduating from Cape Cod Technical High School in June and has somehow managed to maintain a 3.76 grade point average in addition to his many extra curricular activities. His high school years have been devoted to academics, community service and sports and he has taken part in many events that have been of benefit to Dennis and our citizens.

Just to name a few of Daniel's many accomplishments... He was appointed by the Town of Dennis Board of Selectmen to be the student representative and voting member of the Dennis Recreation Committee, he has played baseball, basketball and football while at Cape Cod Tech. He was elected baseball captain and basketball co-captain for the 2011-2012 year and shown his team mates by example how they had to work hard academically and as a team, as he helped them to improve their individual skills on the court. Due to his hard work on and off the court while excelling in his academic work, he was inducted into the National Honor Society program in October of 2010 and currently ranks 7th in his class of 174 seniors.

Daniel's community service record is outstanding. He has been a volunteer on and participated in numerous road race events, is a Dennis Recreation youth Basketball coach, a Cape Cod Basketball Clinic Volunteer and a Dennis Police National Night Out Volunteer. and he is a voting member of the Dennis Recreation Committee.

Last month Cape Cod Tech mailed out a pamphlet to over 7000 7th and 8th grade students across Cape Cod advertising Cape Cod Tech. The pamphlet featured Daniel, the leadership he has shown throughout his past 4 years and overall how much he has done for the school. He worked hard to teach the value of working with others towards a common goal, playing within the structure of established rules, discipline, loyalty, responsibility and most importantly leadership. He believes that in doing right rather than following the crowd and his actions are proof of that.

Among other honors he is a National Technical Honor Society Member, he participated in the 2011 Babe Ruth World Series, is a Yarmouth Rotary Club Rising Star, and was Grand Marshall of the 2011 Graduating Class of Cape Cod Tech and was awarded the John and Abigail Adam's Scholarship Award in 2010. He is also student Representative on the Cape Cod Tech Plumbing Advisory Board.

Daniel's parents have always stressed the importance of community service and that is why he feels that it is important to have a leadership role within the community and to be involved with what goes on at a young age.

Daniel applied to and was accepted by 3 universities and has chosen to attend Westfield State University because of its excellent Criminal Justice program. He plans to get a police job, preferably with the Dennis Police Department where he could keep in touch with the local community. After a few years of being a Police Officer he hopes to be assigned to the Crime Prevention and Community Policing Unit, a most worthy ambition. Daniel is a credit to his family, his school and his community.

The 2012 Skip Nelson Award was presented by Juanita Donlin. The Dennis Advisory Committee on Disabilities presented the award to Muriel Hanger. She is the Historian on the committee and has a very positive attitude toward life. Muriel was not able to be present at the Annual Town Meeting so a taped copy of the meeting will be presented to her at a later date. On behalf of the Selectmen and the Committee, Juan read the Proclamation:

PROCLAMATION

- WHEREAS Muriel Hanger was born in New London, Connecticut, where she attended private school. After graduating from school she moved to New York City where she accepted a position with Saks 5th Avenue eventually working her way up as a buyer. After 12 years with Sak's 5th she relocated to Boston, Massachusetts; and
- WHEREAS In the 1950's Muriel purchased a Cape Cod summer home in Dennis. In the late 1960's Muriel relocated permanently to Dennis and worked in real estate for the next 30 years; and
- WHEREAS Muriel Hanger served as a Town of Dennis election poll worker for over 35 years, is an active member of the Dennis Advisory Committee on Disabilities since 1997, for over 30 years was a volunteer driver for low vision people so they could attend monthly meetings, has served on the Josiah Dennis Manse Committee since 1978, served on the Hearse House Restoration Committee and the Dennis Cemetery Education Center Committee and is a volunteer and member of the Dennis Union Church for over 35 years; and

THEREFORE, BE IT RESOLVED

It is with great pride this eight day of May in the year Two Thousand Twelve, The Board of Selectmen on behalf of the people of Dennis congratulate Muriel Hanger on receiving the 2012 Skip Nelson Award.

FURTHER, BE IT RESOLVED

We collectively extend our most sincere gratitude and appreciation to Muriel Hanger for her many years of Volunteer Service to the Town of Dennis and its residents.

ARTICLE 1: On motion of Town Clerk Theresa Bunce, duly seconded, it was unanimously voted to accept the reports of the Town Officers as presented.

ARTICLE 2: No reports submitted: To accept the unpublished reports of the following committees:

ARTICLE 3: On motion of Selectman 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 4: On motion of Finance Committee Chairman James Plath, duly seconded, it was unanimously voted as amended to raise and appropriate \$26,343,089 for the article:

Transfer \$120,000 from Overlay Reserve to Finance Committee Reserve Fund, Line Item #8a.

Transfer \$73,883 from the Cable Special Revenue Fund to Town Administrator Personal Services, Line Item #3.

Transfer \$40,000 from Overlay Reserve to Town Administrator, Capital Outlay, Line Item #6.

Transfer \$6,251 from Cable Special Revenue Fund to Legal, Purchase of Services, Line Item #29.

Transfer \$18,000 from Free Cash to Natural Resources, Purchase of Services, Line Item #45.

Transfer \$20,486 from Cable Special Revenue Fund To Central Purchasing Purchase of Services, Line Item #13.

Transfer \$5,000 from Waterways Maintenance & Improvement Fund to Central Purchasing Supplies, Line Item #14.

Transfer \$1,038 from Cable Special Revenue Fund to Central Purchasing Supplies, Line Item #14.

Transfer \$81,785 from the Cable Special Revenue Fund to Information Tech & Data Management Personal Services, Line Item #31.

Transfer \$25,000 from the Cable Special Revenue Fund to Information Tech & Data Management Purchase of Services, Line Item #32.

Transfer \$4,967 from the Cable Special Revenue Fund to Public Property/Buildings, Personal Services, Line Item #51.

Transfer \$10,401 from the Cable Special Revenue Fund to Property/Liability Insurance, Other Charges – Expenditures, Line Item #56.

Transfer \$1,075,000 from the Ambulance Receipts Reserve for Appropriations Account to Fire Dept. Personal Services, Line Item #63.

Transfer \$51,000 from Waterways Maintenance & Improvement Fund to Harbormaster Capital Outlay, Line Item #80.

Transfer \$25,000 from Cemetery Lots Sales Account to Dept. of Public Works, Personal Services, Line Item #85.

Transfer \$10,000 from Cemetery Perpetual Care Interest Account to Dept. of Public Works, Personal Services, Line Item #85.

Transfer \$1,000 from the Bass River Receipts Reserved Account to Beach Purchase of Service Line Item #130.

Transfer \$10,000 from the Beach Improvement Account to Beach Purchase of Service Line Item #130.

Transfer \$817 from the Cable Special Revenue Fund to Fringe Benefits, Workers Comp., Line Item #152.

Transfer \$1,165 from the Cable Special Revenue Fund to Fringe Benefits, Unemployment Insurance, Line Item #153.

Transfer \$13,665 from the Cable Special Revenue Fund to Fringe Benefits, Retirement Contribution, Line Item #154.

Transfer \$20,785 from the Cable Special Revenue Fund to Fringe Benefits, Group Insurance, Line Item #155.

Transfer \$1,579 from the Cable Special Revenue Fund to Fringe Benefits, Medicare Tax, Line Item #156.

Transfer \$685,000 from the Community Preservation Act Fund to Retirement of Debt Principal, Line Item #148.

Transfer \$19,525 from the Septic Loan Program Account to Retirement of Debt Principal, Line Item #148.

Transfer \$227,350 from the Community Preservation Act Fund to Long Term Debt – Interest, Line Item #149, and any unexpended transfer be returned to the Community Preservation Act Fund.

Making a total of \$28,891,786.

And further recommend that said appropriations be allocated in accordance with line item amounts defined under the column, FinCom Recommended FY2012.

OPERATING BUDGET FY 2013

GENERAL GOVERNMENT

SELECTMEN

1	Purchase of Services	3,213.00
2	Other Charges – Expenditure	8,000.00
TOTAL		11,213.00

TOWN ADMINISTRATOR

3	Personal Services	556,213.00
3A	Settlements	28,000.00
4	Purchase of Services	28,300.00
5	Other Charges - Expenditure	7,500.00
6	Capital Outlay	45,000.00
TOTAL		665,013.00

FINANCE COMMITTEE

7	Purchase of Services	1,200.00
8	Other Charges - Expenditure	1,400.00
8A	Reserve Fund	135,000.00
TOTAL		137,600.00

ACCOUNTANT

9	Personal Services	164,339.00
10	Purchase of Services	36,000.00
11	Supplies	500.00
12	Other Charges - Expenditure	2,505.00
TOTAL		203,344.00

CENTRAL PURCHASING

13	Purchase of Services	463,112.00
14	Supplies	457,234.00
TOTAL		920,346.00

ASSESSORS

15	Personal Services	292,814.00
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16	Purchase of Services	3,134.00
17	Supplies	700.00
18	Other Charges - Expenditure	7,255.00
19	Capital Outlay	0.00
TOTAL		303,903.00

REVALUATION

20	Personal Services	22,851.00
21	Purchase of Services	33,000.00
22	Supplies	250.00
23	Other Charges - Expenditure	322.00
TOTAL		56,423.00

TREASURER/COLLECTOR

24	Personal Services	239,115.00
25	Purchase of Services	27,040.00
26	Supplies	3,387.00
27	Other Charges - Expenditure	3,020.00
TOTAL		272,562.00

LAW DEPARTMENT

28	Personal Services	81,381.00
29	Purchase of Services	165,300.00
30	Other Charges - Expenditure	2,300.00
TOTAL		248,981.00

INFORMATION TECH & DATA

31	Personal Services	210,243.00
32	Purchase of Services	172,585.00
33	Supplies	5,913.00
34	Other Charges - Expenditure	660.00
35	Capital Outlay	50,000.00
TOTAL		439,401.00

TAX TITLE/FORECLOSURE

36	Purchase of Services	12,000.00
TOTAL		12,000.00

CLERK

37	Personal Services	77,017.00
38	Purchase of Services	7,300.00
39	Supplies	400.00
40	Other Charges - Expenditure	1,520.00
TOTAL		86,237.00

ELECTIONS

41	Personal Services	29,825.00
42	Purchase of Services	18,211.00
43	Supplies	1,100.00

TOTAL **49,136.00**

NATURAL RESOURCES/CONSERVATION

44 Personal Services 317,778.00
45 Purchase of Services 25,600.00
46 Supplies 13,150.00
47 Other Charges - Expenditure 2,560.00
TOTAL **359,088.00**

PLANNING

48 Personal Services 119,231.00
49 Purchase of Services 400.00
50 Other Charges - Expenditure 1,000.00
TOTAL **120,631.00**

PUBLIC PROPERTY/BUILDINGS

51 Personal Services 342,024.00
52 Purchase of Services 123,823.00
53 Supplies 63,125.00
54 Other Charges - Expenditure 13,300.00
55 Capital Outlay 4,200.00
TOTAL **546,472.00**

PROPERTY/LIABILITY INSURANCE

56 Other Charges - Expenditure 283,205.00
TOTAL **283,205.00**

TOWN REPORTS

57 Purchase of Services 8,500.00
TOTAL **8,500.00**

POLICE

58 Personal Services 4,145,931.00
59 Purchase of Services 132,344.00
60 Supplies 56,101.00
61 Other Charges - Expenditure 8,012.00
62 Capital Outlay 137,500.00
TOTAL **4,479,888.00**

FIRE

63 Personal Services 3,739,770.00
64 Purchase of Services 209,625.00
65 Supplies 146,700.00
66 Other Charges - Expenditure 6,900.00
67 Capital Outlay 9,400.00
TOTAL **4,112,395.00**

BUILDING INSPECTOR

68	Personal Services	369,902.00
69	Purchase of Services	0.00
70	Supplies	2,761.00
71	Other Charges - Expenditure	8,167.00
TOTAL		380,830.00

ANIMAL CONTROL

72	Personal Services	86,255.00
73	Purchase of Services	8,050.00
74	Supplies	3,800.00
75	Other Charges - Expenditure	70.00
TOTAL		98,175.00

HARBORMASTER

76	Personal Services	201,509.00
77	Purchase of Services	35,836.00
78	Supplies	10,748.00
79	Other Charges - Expenditure	1,201.00
80	Capital Outlay	54,100.00
TOTAL		303,394.00

ENGINEERING/SURVEYOR

81	Personal Services	347,117.00
82	Purchase of Services	2,450.00
83	Supplies	2,913.00
84	Other Charges - Expenditure	1,100.00
TOTAL		353,580.00

DEPT. OF PUBLIC WORKS

85	Personal Services	1,462,733.00
86	Purchase of Services	119,527.00
87	Supplies	269,997.00
88	Supplies - Paving, Resurfacing	108,000.00
89	Other Charges - Expenditure	6,335.00
90	Capital Outlay	16,445.00
TOTAL		1,983,037.00

SNOW AND ICE REMOVAL

91	Personal Services	43,620.00
92	Purchase of Services	53,760.00
93	Supplies	38,257.00
TOTAL		135,637.00

STREET LIGHTING

94	Purchase of Services	183,404.00
TOTAL		183,404.00

WASTE COLLECT/DISPOSAL

95 Personal Services	452,582.00
96 Purchase of Services	524,082.00
97 Supplies	43,340.00
98 Other Charges - Expenditure	2,925.00
TOTAL	1,022,929.00

HEALTH INSPECTION SERVICE

99 Personal Services	323,541.00
100 Purchase of Services	28,070.00
101 Supplies	2,700.00
102 Other Charges - Expenditure	2,720.00
TOTAL	357,031.00

COUNCIL ON AGING

103 Personal Services	190,561.00
104 Supplies	2,500.00
105 Other Charges - Expenditure	5,425.00
TOTAL	198,486.00

VETERAN'S SERVICES

106 Purchase of Services	41,623.00
107 Other Charges - Expenditure	123,500.00
TOTAL	165,123.00

COMM. ON DISABILITIES

108 Purchase of Services	2,000.00
109 Other Charges - Expenditure	859.00
TOTAL	2,859.00

OTHER HUMAN SERVICES

110 Nauset Workshop	4,300.00
111 Cape Cod Child Development	5,000.00
112 Consumer Assist Council	550.00
113 Independence House	3,000.00
114 Legal Services	2,700.00
115 Salvation Army	2,500.00
116 Cape AIDS Resource	2,500.00
117 Sight Loss Services, Inc.	3,500.00
118 Elder Services/Meals	5,000.00
119 Family Pantry	4,500.00
120 Big Brothers/Big Sisters	2,000.00
121 C.C. Council of Churches	4,200.00
122 Gosnold Center	3,330.00
TOTAL	43,080.00

LIBRARY

123 Personal Services	237,330.00
124 Purchase of Services	19,393.00
125 Supplies	72,300.00
126 Other Charges - Expenditure	146,924.00
TOTAL	475,947.00

RECREATION

127 Personal Services	94,758.00
128 Purchase of Services	4,200.00
TOTAL	98,958.00

BEACHES

129 Personal Services	539,311.00
130 Purchase of Services	161,948.00
131 Supplies	23,265.00
132 Other Charges - Expenditure	8,575.00
133 Capital Outlay	16,700.00
TOTAL	749,799.00

GOLF

134 Personal Services	1,126,600.00
135 Purchase of Services	270,837.00
136 Supplies	346,849.00
137 Other Charges - Expenditure	8,165.00
138 Capital Outlay	5,000.00
TOTAL	1,757,451.00

HISTORICAL COMMISSION

139 Purchase of Services	1,500.00
140 Supplies	0.00
TOTAL	1,500.00

S. DENNIS HISTORIC DIST. COMM.

141 Personal Services	12,003.00
142 Purchase of Services	100.00
143 Supplies	224.00
TOTAL	12,327.00

HISTORICAL DIST-OKHRHD

144 Personal Services	30,531.00
145 Purchase of Services	300.00
146 Supplies	300.00
147 Other Charges - Expenditure	219.00
TOTAL	31,350.00

RETIREMENT OF DEBT PRINCIPAL

148 Debt Services	1,584,525.00
TOTAL	1,584,525.00

INTEREST LONG TERM DEBT

149 Debt Services	631,688.00
TOTAL	631,688.00

INTEREST SHORT TERM DEBT

150 Debt Services	4,170.00
TOTAL	4,170.00

FRINGE BENEFITS

151 Sick Pay Liability	5,000.00
152 Worker's Compensation	134,761.00
153 Unemployment Insurance	123,000.00
154 Retirement Contribution/Town	2,319,055.00
155 Group Insurance	2,155,852.00
156 Medicare Tax/Town Share	200,000.00
TOTAL	4,937,668.00

OTHER FINANCING USES

157 Debt Services	62,500.00
TOTAL	62,500.00

GRAND TOTAL	28,891,786.00
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ARTICLE 5: On motion of Cape Cod Regional Technical High School Committee Member Peter J. Nyberg, duly seconded, it was unanimously voted to approve an annual school budget for the Cape Cod Regional Technical High School in the amount of \$13,138,859 and to raise and appropriate \$1,537,717 as the Town's apportioned share of the operating expenses for the fiscal year beginning July 1, 2012.

ARTICLE 6: On motion of Dennis-Yarmouth Regional School District School Committee Member James Dykeman, duly seconded, it was unanimously voted to approve an annual school budget for the Dennis-Yarmouth Regional School District in the amount of \$50,664,083 and to raise and appropriate \$15,359,147 as the Town's assessment of the operating expenses for the fiscal year beginning July 1, 2012.

ARTICLE 7 On motion of Dennis-Yarmouth Regional School District School Committee Member James Dykeman, duly seconded, it was voted by majority to transfer \$60,000 from Cable Receipts to fund a tablet (iPad) technology project, including the purchase of hardware and software for the Wixon Middle Level Academy and the D-Y High School Stem Project.

ARTICLE 8: On motion of Board of Selectman Chairman Paul McCormick, duly seconded, it was unanimously voted to raise and appropriate \$69,678 to fix the fiscal year 2013 salary and compensations of the elected officers of the Town for the fiscal year commencing July 1, 2012 and ending June 30, 2013, as provided for in Massachusetts General Laws, Chapter 41, Section 108 and acts and amendment thereof, and raise and appropriate a sum of money therefore:

- 5 Selectmen at \$ 2,000 each
- 1 Moderator at \$ 450
- 1 Town Clerk at \$59,228

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

ARTICLE 9: On motion of Finance Committee Chairman James Plath, duly seconded, it was voted by majority to transfer \$403,224 from Free Cash to supplement the Fiscal Year 2012 line item appropriations under Article 4 of the May 3, 2011 Annual Town Meeting, as follows:

- a. Central Purchasing, Supplies, Line Item #16\$140,000
- b. Law Dept., Purchase of Services, Line Item # 31 \$ 65,000
- c. Fire, Personal Services, Line Item #65. \$115,000
- d. Fire, Purchase of Services, Line Item #66 19,000
- e. Beaches, Personal Services, Line Item #134 34,224
- f. Fringe Benefits, Unemployment Insurance, Line Item #158 . . . 30,000

Total \$ 403,224

ARTICLE 10: On motion of Board of Selectman Member Alan Tuttle, duly seconded, it was unanimously voted to transfer \$150,000 from Free Cash for the purpose of reducing the tax rate for the fiscal year beginning July 1, 2012.

ARTICLE 11: On motion of Board of Selectman Chairman Paul McCormick, duly seconded, it was unanimously voted to indefinitely postpone the article. To raise and appropriate or transfer from available funds a sum of money to pay for the following prior year's unpaid bills.

ARTICLE 12: On motion of Board of Selectman Member Heidi Schadt, duly seconded, it was unanimously voted to transfer \$487,280 from Free Cash ; transfer \$114,000 from the Beach Capital Improvement Fund; transfer \$100,000 from Waterways Dredge Fund; transfer \$10,000 from Waterways Capital Improvement Fund; transfer \$35,000 from Cable Receipts Fund; transfer \$50,000 from Bass River Park Receipts Fund; transfer \$369,225 from the Golf Capital Improvement Fund and transfer \$79,555 from Ambulance Receipts Fund for a total of \$1,245,060 to pay for the capital outlay items as follows:

ARTICLE 13: On motion of Board of Selectmen Member Heidi Schadt, duly seconded, it was voted by majority to raise and appropriate \$1,470,000 to fund the capital outlay equipment and projects for fiscal year 2013 as follows:

1. <u>DPW</u>			
a. Replace 1997 Catch Basin Cleaner (H18)	<u>\$238,000</u>		\$ 238,000
2. <u>Engineering</u>			
a. Drainage	\$ 83,000		
b. Sidewalks Eng/Construction	100,000		
c. Rt.28 Sidewalk Improvements-Design	125,000		
d. Secondary Roads	290,000		
d. Inman Road Culvert Replacement	<u>225,000</u>		\$ 823,000
3. <u>Fire Dept.</u>			
a. Replace Fire Pumper 115 (2 nd yr lease)	<u>137,000</u>		\$ 137,000
4. <u>Harbor</u>			
a. Pilings –South and North	<u>\$ 120,000</u>		\$ 120,000
5. <u>Municipal Buildings</u>			
a. Roofing/Siding, Trim (Highlands, Pines Annex)	\$ 92,000		
b. DPW Building Repairs/Support Joists	<u>60,000</u>		\$ 152,000
		GRAND TOTAL	\$1,470,000

ARTICLE 14: On motion of Board of Selectmen Member Heidi Schadt, duly seconded, it was unanimously voted to raise and appropriate \$397,000 to pay for the fiscal year 2013 capital outlay equipment as follows:

1. <u>DPW</u>			
a. Replace 2004 Chev. 1 Ton Dump (H1)	50,000		
b. Replace 1988 950 Loader (L1)	<u>255,000</u>		\$305,000
2. <u>Fire Dept.</u>			
a. Replace Ambulance 104 – 3-yr lease (1 st year)	<u>92,000</u>		\$ 92,000
		GRAND TOTAL	\$397,000

And further, to authorize the Board of Selectmen to enter into a three (3) year lease for the replacement of the Fire Dept. Ambulance as listed under paragraph 2(a).

ARTICLE 15: On motion of Board of Selectmen Member Heidi Schadt, duly seconded, it was unanimously voted to transfer \$150,000 from the Capital Improvement Fund and transfer \$140,000 from Free Cash to pay for the capital outlay equipment or projects for fiscal year 2013 as follows:

1. <u>DPW</u>		
a. Transfer Station Design & Construction	<u>\$ 150,000</u>	\$ 150,000
2. <u>School</u>		
a. Baker & Wixon – Various Repairs	<u>\$ 140,000</u>	\$ 140,000
	GRAND TOTAL	\$ 290,000

ARTICLE 16: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was voted by majority to raise and appropriate \$356,375 in anticipation of the receipt of \$304,676 from the Safer Grant, for the purpose of the Article, contingent upon a successful Proposition 2 ½ Override vote at the May 15, 2012 annual election.

ARTICLE 17: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to adopt a Community Preservation Committee budget for fiscal year 2013 in the total amount of \$1,249,150 and to appropriate and transfer from The Community Preservation Fund the following:

- 1) \$124,915 to be reserved for community housing;
- 2) \$35,985 to be reserved for open space;
- 3) \$124,915 to be reserved for historic preservation;
- 4) \$912,350 for debt service
- 5) \$-0- for short term interest
- 6) \$15,000 for Community Preservation Committee expenses; and
- 7) \$35,985 to be reserved for undesignated purposes.

ARTICLE 18: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to transfer \$50,000 from Free Cash to the Waterways Dredge and Maintenance Program Receipts Reserved and Capital Improvement Fund.

ARTICLE 19: On motion of Board of Selectmen Member Heidi Schadt, duly seconded, it was unanimously voted to raise and appropriate \$87,605 to be deposited into the Municipal Capital Stabilization Fund, as authorized by G.L. C.40, §5b to be used to purchase or fund capital equipment or projects.

ARTICLE 20: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to re-authorize for fiscal year 2013 the crediting to the Cable Receipts Revolving Fund, as established by vote of the Dennis Annual Town Meeting on May 4, 2010, Article 27, and pursuant to MGL Chapter 44, Section 53e ½, providing for a means by which monies received from cable receipts may, after receipt, be expended, and without further appropriation to fund cable related expenses, by the Board of Selectmen, up to a limit of fifty thousand dollars (\$50,000.00) during fiscal year 2013.

ARTICLE 21: On motion of Council on Aging Board Member Juanita Donlin, duly seconded, it was unanimously voted to re-authorize for fiscal year 2013 the crediting to the Council-On-Aging Revolving Fund, as established by vote of the Dennis Annual Town Meeting on May 2, 1995, Article 42, and pursuant to the MGL Chapter 44, Section 53e ½, providing for a means by which fees or charges received in connection with a Council-On-Aging program or activity, may after receipt, be applied directly and without further appropriation to support that program or activity, for expenditure by the Director of the Council-On-Aging, up to a limit of one hundred thousand dollars (\$100,000.00) during fiscal year 2013.

ARTICLE 22: On motion of Council on Aging Board Member Juanita Donlin, duly seconded, it was unanimously voted as amended to re-authorize for fiscal year 2013 the crediting to the Council On-Aging Bus Revolving Fund, as established by vote of the Dennis Annual Town Meeting on May 4, 2010, Article 29, and pursuant to MGL Chapter 44, Section 53e ½, providing a means by which fees or charges received from the operation of the Council-On-Aging bus may, after receipt and authorization by the Council-On-Aging Director, be applied directly and without further appropriation to support the operations of said bus, for expenditure by the Council on Aging Director, up to a limit of thirty-five thousand dollars (\$35,000.00) during fiscal year 2013.

ARTICLE 23: On motion of Golf Advisory Committee Member Eric Oman, duly seconded, it was unanimously voted to re-authorize for fiscal year 2013 the crediting to the Golf Department Revolving Fund, as established by vote of the Dennis Annual Town Meeting on May 4, 2010, Article 21, and pursuant to MGL Chapter 44, Section 53e ½, providing for a means by which 25% of cart rental fee received may after receipt, be applied directly without further appropriation to the fund to pay for the rental of golf carts. In addition, revenue from the golf course pro-shops fees or charges may be applied directly, without further appropriation to support the operations of the golf pro-shops. In addition, revenue from GHIN (Golf Handicap and Information Network) be applied directly, without further appropriation to the fund to pay Massachusetts Golf Association dues for members handicaps, after receipt and authorization by the Golf Director, be applied directly and without further appropriation to support the operations for expenditure by the Golf Director, up to a limit of three hundred thousand dollars (\$300,000) during fiscal year 2013.

ARTICLE 24: On motion of Library Board Member Mario Abate, duly seconded, it was unanimously voted to re-authorize for fiscal year 2013 the crediting to the Town Library Revolving Fund, as established by vote of the Dennis Annual Town Meeting on May 5, 1998, Article 16, and pursuant to MGL Chapter 44, section 53e ½, providing for a

means by which fees, fines or charges received in connection with a town library program or activity may, after receipt, be applied directly and without further appropriation to support that program or activity, for expenditure by the Library Director up to a limit of ten thousand dollars (\$10,000.00) during fiscal year 2013.

ARTICLE 25: On motion of Board of Health Member Thomas Perrino, duly seconded, it was unanimously voted to re-authorize for fiscal year 2013 the crediting to the Board of Health Medicare Reimbursement Revolving Fund, as established by vote of the Dennis Annual Town Meeting on May 3, 2005, Article 18, pursuant to MGL Chapter 44, Section 53e ½ , providing for a means by which reimbursements received from Medicare for flu shots may, after receipt, be applied directly and without further appropriation to the purchase of additional vaccine or other medical supplies, and costs associated with providing volunteer management and clinical support, by the Health Director up to a limit of twenty thousand dollars (\$20,000) during fiscal year 2013.

ARTICLE 26: On motion of Board of Selectmen Member Heidi Schadt, duly seconded, it was unanimously voted to rescind its acceptance of MGL Chapter 44, Section 53d, as voted under Article 13 of the May 2, 1988 Annual Town Meeting, establishing in the town treasury a revolving fund for the deposit of receipts received in connection with the conduct of self-supporting recreation and park services of the town, and, further, to authorize the establishment of a Recreation Revolving Fund pursuant to MGL Chapter 44, Section 53e 1/2 , providing for a means by which fees or charges in connection with a recreation program or activity, may after receipt, be applied directly and without further appropriation to support that program or activity, for expenditure by the Recreation Director, up to a limit of one hundred fifty thousand dollars (\$150,000) during fiscal year 2013.

ARTICLE 27: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to amend the Town Code under Chapter 48, Alcohol Beverages, Article 1 by deleting it in its entirety and adopting in its place the new "Alcohol Possession By Persons Under the Age Of 21 Years By-Law".

ARTICLE 1 Alcohol Possession By Persons Under the Age of 21 Years

§ 48-1. Prohibited activity.

No person being under 21 years of age and not accompanied by a parent or legal guardian, shall consume, possess, transport or carry on his person, any alcohol or alcoholic beverages; provided, however, that this section shall not apply to a person between the ages of 18 and 21 who knowingly possesses, transports or carries on his person, alcohol or alcoholic beverages in the course of his employment.

This by-law may be enforced by non-criminal disposition in accordance with Chapter 1, Section 1 of the Town By-laws and G.L. c.40, §21D, and each day on which a violation occurs shall be deemed a separate offense.

§ 48-2. Violations and penalties.

Any person violating any provision of this by-law shall be subject to a fine of \$50.00 for the First Offense, and \$150.00 for a Second Offense and subsequent offenses.

ARTICLE 28: On motion of Board of Selectmen Member Alan Tuttle, duly seconded, it was voted 181 yes to 36 no to amend the Town Code by adding to it the new "Door-To-Door Solicitation By-Law" as amended:

1. Title.

This chapter shall be known as the "Door-to –Door Solicitation By-law".

2. Findings and Intent.

The practice of door-to-door solicitation may create a risk to vulnerable populations such as the elderly and children, and the practice of strangers appearing without invitation at one's home can be intrusive, unpleasant, or frightening. Therefore, this chapter is intended to regulate door-to-door solicitation by registering door-to-door sales persons as defined herein and imposing reasonable time and manner restrictions on their activities

3. Definitions.

The words and phrases set forth below shall have the following meanings for purposes of this By-law:

SALES PERSON OR PERSONS - any person engaged in door-to-door sales.

SALES ORGANIZATION- any entity engaged in the supervision, recruitment, retention, or employment of a sales person or persons, including any person or representative thereof.

SALES SUPERVISOR- any person who directs or supervises a sales person or persons engaged in door-to-door sales.

DOOR-TO-DOOR SALES- the in-person solicitation for commercial purposes of sales of goods or services for present or future delivery or attempt to obtain gifts or contributions of money or any valuable thing for support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization by entry upon residential property, including multi-family or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk, or other adjacent property, without the prior invitation of the person to be solicited.

PERMIT- A door-to-door sales permit issued to a sales agent to engage in door-to-door sales in accordance with this chapter.

POLICE CHIEF – The chief of police of the Town of Dennis, or the chief's designee.

POLICE DEPARTMENT – The police department of the Town of Dennis.

4. Application Requirements.

- A. Each sales person must apply for a Permit individually to the Police Department during posted administrative hours by submitting a completed application, which shall include the following:
1. Government-issued photographic identification;
 2. Date of birth;
 3. Social security number (optional);*
 4. Permanent residential address;
 5. Home telephone number;
 6. Temporary local address;
 7. Current cell phone number;
 8. Sales organization information;
 9. Sales supervisor identity;
 10. Make, model, color, and registration number of any vehicle(s) used to transport the sales agent, his/her supervisor, or sales materials; and
 11. Such other identifying information as may be reasonably required, provided that such information is requested of all individual applicants.
- B. Application fees for permits for sales persons and sales organizations shall be established and adjusted from time to time by the Board of Selectmen, which fees shall be posted in the office of the Board of Selectmen, Town Clerk, and Police Department, and payment for such fee shall accompany each Permit application.
- C. The Police Chief shall have three business days from the date of the application to review and process the application and either deny or issue the permit. If a permit is denied, such denial may be appealed within seven days to the Town Hearing Officer, who shall review the application and any information available to the Police Chief that may be disclosed to said Hearing Officer and determine within seven days of the filing of such appeal whether to uphold the decision of the Police Chief.
- D. The permit shall be valid for 6 months, or such shorter time as may be requested by the applicant, and may be extended for up to 1 year upon a written request from the sales person or organization.

5. Issuance of Permits

The Police Chief shall routinely grant such permits without further inquiry, but shall, subject to the provisions of the Massachusetts Criminal Records Offender Statute, M.G.L. c. 6 §167 *et seq.*, and regulations promulgated thereunder, as well as any regulations and policies adopted by the Town implementing said law, conduct a criminal history records information check with respect to each applicant for a door-to-door sales permit or a sales organization permit. The Police Chief shall deny an application filed by a sales person whose permit has been revoked under this by-law within the two previous years, who provided false information on the permit application, or, who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking, entering, assault or larceny, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also deny an application from a sales person or the signatory to a sales organization permit application who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

6 . Duties of Door-to-Door Sales Persons.

- A. No sales person shall engage in door to door sales without first having applied for and received a Permit.
- B. No sales organization shall allow any sales person to engage in door to door sales that has not applied for and received a Permit.
- C. No sales supervisor shall direct or supervise, direct, or allow any sales person to engage in door to door sales that has not applied for and received a Permit.
- D. Each sales person shall carry the Permit at all times while engaged in door to door sales, and shall display said Permit for inspection by any person answering the door at a residential property where door-to-door sales are solicited, and upon request by any police officer or Town official.
- E. No sales person or supervisor shall use any vehicle to transport persons or materials for door-to-door sales unless said vehicle is identified in the Permit application and the exterior of said vehicle is marked with name of the sales organization. All lettering shall meet the standards applicable to commercial vehicles as required by state law.
- F. Any sales person shall peacefully and immediately depart from a residential property upon request by the occupant or any police officer.
- G. No sales person may falsely represent, directly or by implication, the purpose for which they are engaging in door-to-door sales or that such sales are being done on behalf of a governmental organization, a municipal employee or elected official

- H. Door-to-door sales shall not be conducted except during the hours between 9:00 a.m. and 8:00 p.m. year round.

7. Penalties.

- A. Violations of this bylaw may be enforced by non-criminal disposition in accordance with the Town's Non-Criminal Disposition Bylaw, Chapter 1, Section 1, and the provisions of G.L. c.40, §21D. Each day a violation exists shall constitute a separate violation.

Each violation of any provision of this By-Law shall be punished by a fine of One Hundred (\$100) Dollars for the first offense and Three Hundred (\$300) for second and any subsequent offense.

- B. The Police Chief may immediately suspend any permit issued hereunder in the event a sales person violates any provision of this by-law or any law intended to protect the public health and safety, and may revoke the permit after a hearing.

8 . Severability.

The invalidity of any portion or portions of this chapter shall not invalidate any other portion, provision or section thereof.

ARTICLE 29: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to appropriate and transfer the unexpended fund balances from the completed construction projects, in the total amount of \$40,095.39, to the Town Hall Annex Project voted at the November 16, 2010 Special Town Meeting under Article #9.

Article 31, Annual Town Meeting, May 4, 1999, DPW Complex	- \$12,884.99
Article 22, Annual Town Meeting, May 4, 2002, Library Building	- 21,686.16
Article 15, Annual Town Meeting, May 3, 2005, Police Station	- <u>5,524.24</u>
	\$40,095.39

ARTICLE 30: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to transfer \$3,200 from the Shellfish Mitigation Receipts Reserved for Appropriation Fund to purchase 200,000 7-10 mm soft shell clams as part of the Town's Soft Shell Clams Restoration Project.

ARTICLE 31: On motion of Planning Board Chairman Robert Mezzadri, duly seconded, it was unanimously voted to amend Section 1 of the Dennis Zoning By-Law, Administration and Interpretation by adding a new Section 1.10 Planning Board:

1.10 Planning Board

The Planning Board, when acting as a special permit granting authority, shall consist of seven members and two associate members, who shall be appointed by the Board of Selectmen, and when designated by the chairman of the Planning Board, shall sit on the Board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board. The Associate Members shall be appointed for a one-year term of office.

ARTICLE 32: On motion of Planning Board Chairman Robert Mezzadri, duly seconded, it was unanimously voted to amend the Town Code under Article V, Planning Board, by deleting §5-6 and §5-7 and replacing them with “§5-6 Authority to appoint; membership; terms”:

The Board of Selectmen shall appoint a Planning Board for the Town of Dennis, consisting of seven members, each of whom shall serve for a three-year term. The Planning Board, when acting as a special permit granting authority shall consist of the seven members and two associate members. The associate members shall be appointed by the Board of Selectmen for a one-year term of office, and when designated by the Chairman of the Planning Board, shall sit on the Board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the Board.

ARTICLE 33: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to transfer \$36,558 from Cable Receipts to the Capital Improvement Fund.

ARTICLE 34: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted, in accordance with the Selectmen's Fee Limitation By-Law, Chapter 36, Section 8-1, to adopt a new Residential Stormwater Management permit fee of \$25.00 and a new Commercial Stormwater Management Fee of \$50.00 as authorized under the Town's Stormwater Management By-Law, Chapter 154, Section 154-5 of the Town Code; and further, that the Board of Selectmen is hereby authorized to revise such fees from time to time, in accordance with said Selectmen's Fee Limitation By-Law.

ARTICLE 35: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to amend Chapter 79 of the Town Code, “Dogs and Other Animals By-Law” by adopting the following changes:

ARTICLE 1 General Regulations and Restrictions

§79-1 License and Tags, paragraph J., delete the wording in the first sentence and replace it with the following:

J. Any person who violates the provisions of §79-1A through I shall be subject to a written warning for the first offense, a fine of \$50.00 for the second offense and a \$100.00 fine for the third and subsequent offenses.

§79-2 Vaccination of dogs and cats against rabies, paragraph D, delete the wording in the first sentence and replace it with the following:

D. Any person who violates the provisions of §79-2A through C. shall be subject to a written warning for the first offense, a fine of \$50.00 for the second offense and a \$100.00 fine for the third and subsequent offenses.

ARTICLE II Restraint and Control

§79-5 Leashing and restraining, add the following paragraphs:

C. Violations and penalties. Any person who violates the provisions of Article II, §79-5, paragraphs A & B shall be subject to a written warning for the first offense, and shall be subject to payment of the following fines: \$30.00 for the second offense, \$50.00 for the third offense, and \$100.00 for the fourth and subsequent offenses. In addition, to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person may enforce these penalties through the Town's Non-criminal Disposition by-Law, Chapter 1, Article I.

D. Owner, handler or caretaker of any dog threatening persons or animals while off leash or not under immediate and effective voice control of a handler of said dog, as determined by the Animal Control Officer based upon the officer's witnessing of the behavior or after inquiry into the relevant facts, shall be subject to a fine of \$100.00 for the first offense, \$150.00 for the second offense and \$300.00 for the third and subsequent offenses. In addition to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person may enforce these penalties through the non-criminal disposition in accordance with G.L. c.40, §21D and the Town's Non-Criminal Disposition By-Law, Chapter 1, Article 1.

ARTICLE IV Enforcement

§79-8 Impoundment; record of impoundment; reclamation, add the following paragraph E.

E. An impoundment fee in the amount of \$15.00 per day for dogs, and \$10.00 per day for cats shall be charged to the owner of each animal that is held at the Animal Control Kennel. Medical expenses and or damage to kennel/cages incurred during impoundment shall be charged directly to the dog or cat owner. Such expenses may include, but are not limited to flea treatment, vaccination against rabies (required by state law) prior to discharging if the animal is not current on the vaccinations, and treatment for injuries or conditions that are causing pain or discomfort to the animal while it is in custody. The above impoundment fees, medical costs and damage costs

shall be paid in full directly to the Animal Control Department prior to release of the animal.

And further, by amending §79-8 paragraph D by deleting the words "and the payment of impoundment and board at the Pound, and the costs relevant to such impoundment" and inserting in place thereof, as well as any costs imposed under the provisions of §79-8 paragraph E".

ARTICLE V Dog Waste Removal

§79-9 Dog waste removal, at the end of paragraph A, add the following language:

"Anyone having custody or control of a dog in a public place shall have in their possession a device or equipment to pick up and remove dog feces. Individuals with disabilities aided by service dogs and law enforcement, emergency or rescue officials with dogs carrying out official duties are exempt from this paragraph.

Paragraph B, delete the first sentence and replace it with the following:

B. Violations and penalties. "Any person found in violation of Article V by the Animal Control Officer or Assistant Animal Control Officer shall be subject to payment of a fine of \$30.00 for the first offense; \$50.00 for the second offense and \$150.00 for the third and subsequent offenses".

ARTICLE 36: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to authorize the Board of Selectmen to accept as gift for general municipal purposes and the purposes of sale of a parcel of land owned by the estate of Dorothy Neale Dimmick, consisting of 9,181 square feet, more or less, shown on Assessors Map 212, Parcel 46 and as shown on Land Court Plan #32986b, Lot 11 on file with the Barnstable Registry District of the Land Court , and further, to authorize the Selectmen to convey said property for affordable housing purposes to a non-profit entity subject to the conditions as follows, and such other terms and conditions and for such consideration, which may be nominal consideration, as the Selectmen deem appropriate.

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 which may be exercised by the Town if the purchaser (a) does not obtain sufficient funding for the development of low and moderate income housing within 1 year from the date of conveyance, (b) fails to complete construction of such housing within 3

years from the date of conveyance, or (c) fails to use the property for the purposes provided herein;

3. The purchaser may request an extension of the date specified above from the Board of Selectmen;

ARTICLE 37: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for the general municipal purposes including, Route 134 safety improvements, a certain parcel of land owned by Edna H. Beaudoin, located at and known as 340 Route 134, South Dennis, containing .494 acres, more or less, and shown on Assessor's Map 128, Lot 39 and more particularly described in a deed recorded With Barnstable County Registry of Deeds in Book 10873, Page 309, and further, transfer \$15,900 from Free Cash for this purpose and any expenses related thereto, and to authorize the Board of Selectmen to enter into all agreements and take all actions necessary or appropriate to carry out this acquisition.

ARTICLE 38: On motion of Board of Selectmen Member Heidi Schadt, duly seconded, it was unanimously voted to accept as a public town way a portion of Sea Street in East Dennis from South Street to Coles Pond Drive, as shown on the plan hereinafter referred to, as reported at a public hearing on April 10, 2012, and recommended and laid out, altered, and relocated by the Board of Selectmen, and filed with the Town Clerk, and further, to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain on behalf of the Town, easements to use, for all purposes for which public ways are so laid out, as shown on a plan entitled "Plan of Land Sea Street in East Dennis, MA, 3/12/12, prepared by Paul E. Sweetser, Professional Land Surveyor" and further, transfer \$17,700 from Free Cash for this purpose and any expenses related thereto and to authorize the Board of Selectmen to take all related actions necessary or appropriate to effect this acquisition.

ARTICLE 39: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, a permanent easement as shown on a plan entitled "Plan of Easement for 359 Main Street, South Dennis" prepared by Coastal Engineering Company, Inc., dated April 9, 2012", a copy of which is on file in the office of the Town Clerk, for reconstruction of a retaining wall, located at 359 Main Street, South Dennis, and to authorize the Board of Selectmen to take all related actions necessary or appropriate to effect this acquisition.

ARTICLE 40: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, four permanent sidewalk easements as shown on plans entitled " Plan of Easement 59 Lower County Rd in West Dennis, Massachusetts for the Town of Dennis, March 15, 2012, scale: 1"=20'; "Plan of Easement 67 Lower County Rd in West Dennis, Massachusetts for the Town of Dennis, March 15, 2012, scale: 1"=20'; "Plan of Easement 40 Trotting Park Rd in West Dennis, Massachusetts for the Town of Dennis, March 15, 2012, scale: 1"=20'; " Plan of Easement 3 Windward

Rd in West Dennis, Massachusetts for the Town of Dennis, March 15, 2012, scale: 1"=20', all prepared by Ronald T. Poole, P.L.S. Outermost Land Survey, Inc., copies of which are on file in the office of the Town Clerk, and further, transfer \$500.00 from Free Cash for this purpose and any expenses related thereto and to authorize the Board of Selectmen to take all related actions necessary or appropriate to effect this acquisition.

ARTICLE 41: On motion of Board of Selectmen Member Alan Tuttle, duly seconded, it was unanimously voted to appropriate and transfer \$8,000 from the Private Roads Betterment Fund created by Chapter 117 of the Acts of 1997 to pay down the principal and interest costs associated with the borrowing authorized under Article 26 of the May 4, 2010 Annual Town Meeting, for funding temporary repairs to the following private ways in South Dennis: Hazelwood Road, White Lane, Donnie Way, Chris Way, Danielle Drive, Captain Jud Road and Matthew Street.

ARTICLE 42: On motion of Board of Selectmen Member Wayne Bergeron, duly seconded, it was unanimously voted to appropriate and transfer \$45,000 from the Public Road Betterment Fund created by Chapter 117 of the Acts of 1997 to pay down the principal and interest costs associated with the borrowing authorized under Article 25 of the May 4, 2010 Annual Town Meeting for funding for the laying out as Town Ways, acquisition costs and improvements to the following ways in South Dennis: Uncle Stanley's Way, Hinckley Pond Drive and Tuckoosa Road.

ARTICLE 43: On motion of Board of Selectmen Member Heidi Schadt, duly seconded, it was unanimously voted to appropriate and transfer \$213,125 from the Beach Capital Improvement Fund to pay down the principal and interest costs associated with the borrowing authorized under Article 29 of the May 3, 2011 Annual Town Meeting for funding the design, engineering and construction of a new Corporation Beach Bathhouse.

ARTICLE 44: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to accept as a town way and layout of Acacia Way, West Dennis, as described and identified as follows and authorize the Board of Selectmen to acquire by gift, purchase or take by eminent domain, 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 transfer \$39,395 from the Public Road Betterment Fund 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).

- a. Acacia Way – In the village of West Dennis, running northerly from Pond Street to the end of the cul-de-sac, over the land of John Pozzi and others, for a distance of 300 feet, more or less, as shown on the plan entitled "Subdivision Plan of Land in West Dennis, Mass for James G. Buckley", dated

November 8, 1978, as prepared by J.M. Monahan, Jr. & Associates, and recorded in the Barnstable County Registry of Deeds on November 8, 1978, in Plan Book 332, Page 42, and on plans filed with the Town Clerk.

ARTICLE 45: On motion of Board of Selectmen Chairman Paul McCormick, duly seconded, it was unanimously voted to borrow \$20,240 to make temporary repairs to the Janet Road, a private road in West Dennis, open to and used by the general public within Dennis, pursuant to the provisions of MGL c.80 and the Town of Dennis "Temporary Repairs on Private Ways By-Law", Chapter 156, Section 3-6, adopted at the May 3, 2005 Annual Town Meeting under Article 31, and in accordance with the vote to the Board of Selectmen on January 31, 2012, declaring that the repairs to said private way are required because of public necessity and convenience, and further that the owners of said land benefited by said temporary repairs shall be assessed their proportionate share of betterments as specified in said by-law and, in accordance with Chapter 117 of the Acts of 1997 (Town of Dennis Betterment Assessment and Fund Act).

ARTICLE 46: On motion of Board of Selectmen Member Alan Tuttle, duly seconded, it was unanimously voted to borrow \$28,665 to make temporary repairs to the following private roads in Dennis: Village Green, Match Point, and Red Cedar Circle; said roads are open to and used by the general public within Dennis, pursuant to the provisions of MGL c.80 and the Town of Dennis "Temporary Repairs on Private Ways By-Law" adopted at the May 3, 2005 Annual Town Meeting under Article 31, and in accordance with the vote to the Board of Selectmen on January 31, 2012, declaring that the repairs to said private ways are required because of public necessity and convenience, and further, that the owners of said land benefited by said temporary repairs shall be assessed their proportionate share of betterments, as specified in said by-law and, in accordance with Chapter 117 of the Acts of 1997 (Town of Dennis Betterment Assessment and Fund Act).

ARTICLE 47: On motion of Board of Selectman Member Sheryl McMahon, duly seconded, it was unanimously voted to indefinitely postpone the article. To see if the Town will vote to amend Article 5 of the December 9, 1986 Special Town Meeting to add the following "the family Anatidae (including, but not restricted to ducks, geese and swans)".

ARTICLE 48: On motion of Don Davidson, duly seconded, it was unanimously voted to indefinitely postpone the article. To see if the Town of Dennis will Vote to Amend Section 12 Seasonal Resort Community District's Subsection 12.8 Provisions Specific to Seasonal Cottages Part A. by making the noted deletion (strike-through) and addition (bold italic)

~~A. Seasonal Cottages may have a footprint of up to 900 sf exclusive of the area identified in subsection C. below.~~

A. Seasonal Cottages may have a footprint of up to 150% of the average base area of all cottages in their colony documented by the Dennis Assessing

Department as of September 5, 2010, exclusive of the area identified in subsection C below.

ARTICLE 49: On motion of Board of Selectmen Member Sheryl McMahon, duly seconded, it was unanimously voted to postpone the article. To see if the Town will vote to amend the Town Code under Chapter 19, Article VII, Affordable Housing Trust Fund By-Law, by deleting the By-Law in its entirety, and inserting in its place thereof the following new By-Law, or take any action relative thereon:

DENNIS AFFORDABLE HOUSING TRUST FUND

Section 19-8: Authority; establishment.

In accordance with the provisions of G.L. c. 44, §55C, as amended, the Town of Dennis hereby establishes a trust to be known as the "Dennis Affordable Housing Trust Fund" (the "Trust").

Section 19-9: Purpose.

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Dennis (the "Town") for the benefit of low and moderate income households. In furtherance of this purpose, the Trustees are hereby authorized, in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property, both real and personal, in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property held by the Trust and the net earnings thereof shall be used exclusively for benefit of all the inhabitants of the Town for the preservation and creation in the Town of affordable housing for the purposes for which this Trust was formed, and no part of the activities of the Trust shall consist of propaganda or otherwise an attempt to influence legislation, or participation in or intervention in (including the publication or distributions of statements) any political campaign on behalf of any candidate for public office and no part of the net earnings of this Trust shall inure, or be payable to or for the benefit of any private individual or corporation.

Section 19-10: Tenure of Trustees.

There shall be a Board of Trustees (the "Board") consisting of seven Trustees who shall be appointed by the Board of Selectmen. Only persons who are residents of the Town shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years. Any Trustee who ceases to be a resident of the Town shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are at least five Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be

vested in such succeeding Trustee jointly with the remaining Trustees. Any Trustee may be removed by the Board of Selectmen for cause, or no cause. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Section 19-11: Meetings of the Trust.

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Section 19-12: Powers of Trustees.

The Board of Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of G.L. Chapter 44, Section 55C:

- (1) To accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation, grants of funds or other property tendered to the Trust in connection with provisions of any zoning by-law or any other by-law or any general law or special act of the Commonwealth or any other source including money from G.L. c. 44B;
- (2) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income, subject to the Board of Selectmen's approval of the Trustees' recommendation thereof;
- (3) To sell, lease, exchange, transfer or convey any real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust real property as the Trustees deem advisable notwithstanding the length of any such lease or contract, subject to the Board of Selectmen's approval of the Trustees' recommendation thereof;
- (4) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust, subject to the Board of Selectmen's approval of the Trustees' recommendation thereof;
- (5) To employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;
- (6) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- (7) To apportion receipts and charges between income and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (8) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of

- substitution, to vote any securities or certificates of interest, and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (9) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
 - (10) To carry property for accounting purposes other than acquisition date values;
 - (11) To borrow money on such terms and conditions and from such sources as the Trustees deem advisable, and to mortgage and pledge Trust assets as collateral to the extent of the value of the Trust's assets, subject to the Board of Selectmen's approval of the Trustees' recommendation thereof; and if the amount to be borrowed, mortgaged, pledged is greater than the value of the Trust's assets, then it will be subject to a favorable two-thirds (2/3) vote of a special or annual town meeting;
 - (12) To make distributions or divisions of principal in kind;
 - (13) To compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. Chapter 44, Section 55C, to continue to hold the same for such period of time as the Board may deem appropriate;
 - (14) To construct, manage or improve real property and, to abandon any property which the Trustees determine not to be worth retaining, subject to the Board of Selectmen's approval of the Trustees' recommendation thereof;
 - (15) To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate;
 - (16) To extend the time for payment of any obligation to the Trust;
 - (17) To become the lottery and monitoring agent for affordable housing and accept compensation for those services into the Fund; and
 - (18) To monitor the expiring use of any affordable housing in the Town.

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning by-law, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

Section 19-13: Acts of Trustees.

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No

license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust property.

Section 19-14: Liability.

The Trust is a public employer and the Trustees are public employees for the purposes of G.L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A. Notwithstanding the foregoing, neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein.

Section 19-15: Taxes.

The Trust is exempt from G.L. Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

Section 19-16: Accounts.

The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Board of Selectmen.

Section 19-17: Governmental Body

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of G.L. Chapter 39.

Section 19-18: Board of the Town.

The Trust is a board of the Town for purposes of G.L. Chapter 30B and Section 15A of G.L. Chapter 40; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said Chapter 30B.

Section 19-19: Duration of the Trust.

This Trust shall be of indefinite duration. However, it may be terminated by a majority vote of an annual or special town meeting, in accordance with G.L. c. 4, §4B, provided that an instrument of termination together with a certified copy of the town Meeting vote are recorded with the Barnstable County Registry of Deeds and the Barnstable Registry District of the Land Court. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 19-20: Amendments.

This Trust may be amended from time to time except as to those provision specifically required under G.L. c. 44, §55C, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, provided that in each case,

a certificate of amendment has been recorded with said Deeds and said Registry District of the Land Court.

Section 19-21: Titles.

The titles to the various Sections herein are for convenience only and are not to be considered part of said Sections nor shall they affect the meaning or the language of any such Section.

It was unanimously voted to adjourn (dissolve) the meeting at 9:07 p.m. on May 8, 2012.

A True Copy, Attest:

Theresa T. Bunce, Town Clerk