

**TOWN OF DENNIS
SPECIAL TOWN MEETING
NOVEMBER 15, 2011**

Robert C. Chamberlain, Moderator, called the Special 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 George Sawyer, Constable. Tellers were Daniel Chamberlain, Gladys Kearney, Paul McCormick, Robert Mezzadri, John Schnaible and Paul Covell, Head Teller.

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

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

ARTICLE 1: Unanimously Voted: To transfer the care, custody, management and control from the Board of Selectmen for purposes of a town dump to the Board of Selectmen for purposes of a town dump and for purposes of leasing for a renewable energy project of two certain parcels of land described in orders of taking recorded with Barnstable County Registry of Deeds in Book 915, Page 600 and Book 1499, Page 115 known as the sanitary landfill area, and further to authorize the Board of Selectmen on behalf of the Town of Dennis to enter into a lease and power purchase agreement with American Capital Energy, or a special purpose entity with American Capital Energy as its manager, for a period of up to twenty (20) years for the construction and operation of a net-metered solar voltaic facility to be located on the above-described property, and further to authorize the Board of Selectmen to grant any necessary easements to the lessee, including without limitation, a temporary construction easement, an access easement for the purpose of maintaining the solar array, a solar easement, and an easement to permit interconnection of the solar array to the local utility grid, on such terms and conditions determined by the Board of Selectmen to be in the best interests of the Town, and to further authorize the Board of Selectmen to enter into a tax agreement with American Capital Energy, or a special purpose entity with American Capital Energy as its manager, pursuant to the provisions of General Laws C, 59, Sec. 38h, to establish the method for determining and calculating real estate and personal property taxes for the facility.

ARTICLE 2: Unanimously Voted: To transfer \$50,500 from free cash to be used for improvements to the town owned property known as the "Melpet Farm Stable Barn".

ARTICLE 3: Unanimously Voted: To authorize the Board of Selectmen to seek Special Legislation allowing for the creation of a Melpet Farm Stable Operations and Improvement Fund, in which the revenue collected from the rental of said stable shall be deposited, and the Board of Selectmen are hereby authorized to expend, without further appropriation, twenty-five percent (25%) of the revenue in said fund, each Fiscal Year, only for operations and improvement to the Melpet Farm Stable. Said fund shall be maintained by the Town Treasurer as a separate account, subject to Chapter 44 of the General Law, and any interest earned thereon shall be credited to and become part of the separate account.

ARTICLE 4: Voted by Majority: To transfer \$33,500 from free cash to pay for the construction, reconstruction and/or replacement and related costs of the West Dennis Beach Dune and for the dredging of the mouth of Swan Pond River.

ARTICLE 5: Voted by Majority: To appropriate and transfer \$32,000 from the Community Preservation Historic Preservation Reserves Fund to the Dennis Historical Society, Inc. under a grant agreement, to continue the digital archiving of historical documents and artifacts.

ARTICLE 6: Unanimously Voted: To appropriate and transfer \$35,000 from the Community Preservation Historic Preservation Reserves Fund to the Town of Dennis

for the restoration and preservation of the historic Obed Baxter Fence located at the South Dennis Congregational Church Cemetery, a town managed cemetery.

ARTICLE 7: Voted by Majority: Pursuant to the Community Preservation Act, G.L. C. 44b, to appropriate and transfer \$400,000 from the Community Preservation Affordable Housing Reserves Fund and \$70,000 from the Community Preservation Undesignated Reserves Fund as a grant to the Housing Assistance Corporation for the development costs, of the planned affordable housing project on land known as "Melpet Farm", and to authorize the Board of Selectmen to enter into a grant agreement with said Housing Assistance Corporation setting forth the terms and conditions upon which the funds may be expended, which agreement shall require that said housing assistance corporation provide the Town with an affordable housing restriction on said property meeting the requirements of G.L. C. 184, and authorize the Board of Selectmen to accept said restriction.

ARTICLE 8: Voted 181 yes to 65 no: Pursuant to the Community Preservation Act, G.L. C. 44b, to authorize the Board of Selectmen to acquire by eminent domain, with the consent of the owner, a parcel of land located at 683 Route 28, Dennisport, owned by David Maslin consisting of 0.08 acres, more or less, and shown on Assessors Map 91 as Parcel 20, and being shown as Parcel B, Parcel F and Parcel D on a plan entitled "Plan of Land in Dennisport, Mass. For Henry Carlton & Linda R. Maloney and Robert F. & Edith K. Henderson, Parcels A & C- Henry Carlton Maloney et ux Parcel B- Robert F. Henderson et ux," dated April 14, 1956 prepared by S.R. Sweetser, Engineer, recorded with Barnstable County Registry of Deeds in plan book 128, page 141, for municipal park purposes pursuant to G.L. C 45, §7 to be held under the care, custody, control, and management of the Board of Selectmen, and further to appropriate and transfer \$148,000 from the Community Preservation Open Space/Recreation Reserves Fund for the acquisition, including all costs incidental and related thereto, and to authorize the Board of Selectmen to enter into any agreements and execute any and all instruments as may be necessary to effect said acquisition.

ARTICLE 9: Unanimously Voted: To indefinitely postpone the Article.

ARTICLE 10: Unanimously Voted: To transfer \$83,066 from Article 4, Line Item #4, Town Administrator Settlements of the May 3, 2011 Annual Town Meeting to fund a collective bargaining agreement between the Town and the Service Employees International Union, Local 888 personnel for fiscal year 2012.

ARTICLE 11: Unanimously Voted: To transfer \$15,000 from free cash to the Fuel Assistance Program Fund.

ARTICLE 12: Voted 90 yes to 145 no: To rescind the vote made on Article 2 of the Special Town Meeting held on Tuesday, October 11, 2011 which voted:

"To request the Board of Selectmen to take such action as is necessary to complete the process under Section 8 of the Agreement between the Towns of Dennis and Yarmouth establishing a Regional School District so that the Town can withdraw grades Kindergarten through Eight from the District. The request specifically includes having the School Committee propose an amendment to the Agreement setting forth the terms of the withdrawal and submit such an amendment to the Towns of Dennis and Yarmouth for adoption at the next Annual Town Meeting, and to secure an accounting from the District Treasurer of the Town's projected liability for any unpaid operating costs as is required by the Agreement."

ARTICLE 13: Unanimously Voted: To authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, temporary construction easements, and a temporary easement for wetland replication, on a portion of property located at 537 Upper County Road, South Dennis as shown on a plan entitled "Dennis Upper County Road Bridge Property Plan and Parcel Summary Sheet, dated October 2011, a copy of which is on file in the office of the Town Clerk and further; and to vote to transfer \$500.00 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 14: Unanimously Voted: To authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, the fee in a portion of the property located at 64 Upper County Road shown on a plan entitled "Dennis, Route 134 and Upper County Road Safety Improvements Project, Preliminary Right of Way Plans" dated August 2011, a copy of which is on file in the office of the Town Clerk, and further, to vote to transfer \$3834.00 from Chapter 90 Funds 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 15: Unanimously Voted: To authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, temporary construction easements and sidewalk easements as shown on a plan entitled "Dennis, Route 134 and Upper County Road Safety Improvements Project, Preliminary Right of Way Plans" dated August 2011, a copy of which is on file in the office of the Town Clerk, and to transfer \$875.00 from Chapter 90 Funds 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 16: Unanimously Voted: To authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, a permanent sidewalk easement as shown on a plan entitled: "Exhibit A" Sidewalk Easement at 6 Lighthouse Road, Assessor Map 30, Parcel 19, Dennisport, MA prepared by the Town of Dennis Department of Public Works Engineering Division, August 3, 2011, Scale L" = 40', a copy of which is on file in the office of the Town Clerk, and further, to transfer \$125.00 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 17: Unanimously Voted: To indefinitely postpone the Article.

ARTICLE 18: Unanimously Voted: To transfer \$20,000 from free cash to promote tourism in the Town of Dennis.

ARTICLE 19: Unanimously Voted: To return to the Capital Improvement Fund \$9,153.74 from the remaining balances in the Fiscal Year 2011 Capital Outlay Equipment or Projects voted under Article 13 of the May 4, 2010 Annual Town Meeting:

1. \$ 96.00 - Town Administrator Dept. Vehicle
2. \$ 2,805.00 - Natural Resources Dept. Vehicle
3. \$ 5,101.74 – Municipal Buildings Dept. Vehicle
4. \$ 42.00 – DPW Vehicle
5. \$ 987.00 – Health Dept.
6. \$ 122.00 - Beach Dept. Vehicle

TOTAL \$9,153.74

ARTICLE 20: Unanimously Voted: To accept as public town ways the portions of Hemlock Lane and Bellgrove Road, both located in South Dennis, the metes and bounds of which are shown on the plan hereinafter referred to, as reported at a public hearing on November 1, 2011, and recommended and laid out, altered, relocated and/or portions discontinued 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 in the Town of Dennis are used, the lands within said lines of said layouts of said ways, as so laid out, as shown on a plan entitled "Plan Of Easement, South Dennis, Massachusetts, Relocation of Hemlock Lane & Bellgrove Road, prepared for Town of Dennis, scale: 1" = 80', September 20, 2011" prepared by John Z. Demarest Jr., P.L.S., professional land surveyor, and further to transfer \$2,200 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 21: Unanimously Voted: To amend the Town Code, under Chapter 159, Taxation, Article 1, Licenses And Permits Of Delinquent Taxpayers By-Law, §159-1, Paragraph B, First Sentence, by adding the language in bold typeface:

B. The licensing authority may, except as provided in §159-2 below, deny revoke or suspend any license or permit which it has the authority to issue, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the tax collector, **or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised, or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector;** provided, however, that written notice is given to the party and the tax collector as required by applicable provisions of law and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice.

ARTICLE 22: Unanimously Voted: To transfer \$132,400 free cash to the Beach Capital Improvement Fund.

ARTICLE 23: Unanimously Voted: To transfer \$2,000 in the Donald P. Trepte Scholarship Fund from the Nonexpendable Account to the Expendable Account.

ARTICLE 24: Unanimously Voted: To transfer \$4,500 from free cash to supplement Fiscal Year 2012 Line Item Appropriation #156, Fringe Benefits, Sick Pay Liability, as voted under Article 4 of the May 3, 2011 Annual Town Meeting.

ARTICLE 25: Unanimously Voted: To transfer \$50,000 from the appropriation voted under Article 16, 2. Engineering, b. Guardrail Replacement, of the May 3, 2011 Annual Town Meeting, to supplement the appropriation voted in said article under 2. A. Drainage.

It was unanimously voted to adjourn (dissolve) the meeting at 9:05 p.m. on November 15, 2011.

A True Copy Attest:

Theresa T. Bunce, Town Clerk