

**SPECIAL TOWN MEETING  
Town of Dennis  
October 3, 2020**

Robert C. Chamberlain, Moderator, called the Special Town Meeting held at the Nathaniel H. Wixon School to order at 10:00 a.m. He declared a quorum present and noted that the Warrant had been posted by Korrin Dean, Constable. Tellers were Robert Duffy, Katie Clancy, Helene Savicki, Paul McCormick, Jr. 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:** On motion of Brad Crowell, Cape Cod Regional Technical High School member, duly seconded, it was unanimously voted to amend Article #2 of the Annual Town Meeting from June 23, 2020 by reducing the Cape Cod Regional Technical High School budget from \$15,504,000 to \$15,289,584 for Fiscal Year beginning July 1, 2020 and further to reduce the amount to be raised and appropriated from \$2,225,594 to \$2,187,217 for a reduction of \$38,377.

**ARTICLE 2:** On motion of Jim Plath, Finance Committee Chair, duly seconded, it was unanimously voted to amend Article #1, Line #51 of the FY21 Operating Budget from the Annual Town Meeting of June 23, 2020 by increasing the Raise and Appropriate from \$36,096,406 to \$36,156,406 increase of \$60,000 to be used for the Insurance portion of the budget.

**ARTICLE 3:** On motion of Petitioner, Wayne Bergeron, duly seconded, it was voted by majority to indefinitely postpone the article. To see if the Town of Dennis will vote to adopt the following as a general by-law and insert it into the Code of the Town of Dennis, Massachusetts as chapter 70:

Chapter 70 Climate Policy

§70-1. Climate Policy

The Town of Dennis recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town. The Town of Dennis therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective; or take any other action relative thereto.

**ARTICLE 4:** On motion of Petitioner, Wayne Bergeron, duly seconded, it was voted by majority to adopt the following resolution:

Be it resolved that the Town of Dennis recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town. The Town of Dennis therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and

directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

**ARTICLE 5:** On motion of Petitioner, Barb Lambdin, duly seconded, it was voted by majority to indefinitely postpone the article. To see if the Town of Dennis will vote to prohibit engine assisted braking. The use of engine or exhaust assisted brakes (Engine Brakes, Jake Brakes) shall be prohibited on all streets in the Town of Dennis. Engine braking is allowed in an emergency situation in order to avoid injury or accident and the truck driver may use that claim as an affirmative defense if cited. Violations shall be enforced by the Dennis Police Department with an issuance of a civil violation and a fine of \$300 per violation; or take any other action relative thereto.

**ARTICLE 6:** On motion of Petitioner, Julie Kennie, duly seconded, it was voted by majority to indefinitely postpone the article. To see if the Town of Dennis will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Dennis, Massachusetts.

#### Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Dennis. Enforcement of this regulation will begin September 1, 2021.

#### Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

#### Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

#### Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G.L. Chapter 40 § 21D. The following penalties apply:

First violation: Written warning

Second violation: \$150 fine

Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Dennis. All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required; or take any other action relative there to.

Rationale:

Single-use plastic bottles impact environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging. Plastics pollute and impact our environment across their lifecycle from production to use to disposal.

Over 1,500 single-use plastic water bottles are used and discarded in the U.S. per second. Elimination of the use of single-use plastic water bottles will have a significant impact on future plastic-based pollution including the nation's greenhouse gas footprint and is consistent with protection of the natural environment in Dennis, Barnstable County, our nation and our earth, which we have a common responsibility to protect and steward.

**ARTICLE 7:** On motion of Petitioner, Tia Cross, duly seconded, it was voted by Majority to adopt a resolution in support of changing the state flag and seal of Massachusetts.

This resolution asks the citizens of the town of Dennis to request that our senators and representatives, through bills *H.27766* and *S.1877*, and that our Governor appoint a special commission to change the flag and seal of Massachusetts.

Motion: We, the voters of the Town of Dennis, support Bill *H.27766* and Bill *S.1877*, which call for an investigation by a special commission, including members of the legislature and representatives of Native Nations of Massachusetts, to recommend changes to the state seal and flag of the Commonwealth.

Explanation: The history of Massachusetts is full of conflict between the European colonists and the Native Nations who have lived in this region for thousands of years, who first extended their hand of friendship to the colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land.

In April of 1623, barely two years after the Pilgrims arrived on their shores, members of the Native nation for whom our state of Massachusetts is named were ambushed and killed by Myles Standish, first commander of Plymouth Colony. The current flag and seal show a copy of Myles Standish's colonial broadsword brandished above the head of a Native man. The belt binding the Native's cloak is modeled after a belt worn by Metacomet, a Wampanoag leader called King Philip by the English, who reluctantly had to fight a war in 1675-76 trying to prevent the increasing numbers of colonial settlers from taking over Wampanoag lands.

The history of relations since colonial times between the colonists and the Native Nations who lived here include forced internment of thousands of Christian "Praying Indians" on Deer Island in Boston Harbor where they died by the hundreds of exposure in 1675, and their subsequent enslavement in Boston, Bermuda and the Caribbean Islands. Starting in 1686, settlers were offered 401bs. sterling silver for the scalps of Native men, women and children. By 1722, they could get 100 lbs. sterling for scalps of Native men, 50 lbs. silver for scalps of women and children. Native people were kept in a state of serfdom, completely under the control of Massachusetts' leaders until the so-called Mashpee Rebellion of 1833, when they were finally able to govern their own people. From 1675, a law prohibited Native Americans from even stepping foot in Boston. That law was never repealed until 2004!

Whereas, the 400th anniversary of the arrival of European colonists, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction of Native Nations of this continent, is this year 2020, each of us has a chance to reflect upon this history. Native Americans have long suffered the many abuses of racism, the diminution and pollution of their ancestral land and the destruction of their sacred places.

We have the opportunity to create better relationships with all of the many Native Americans who are still very much here. A redesign of our state seal and flag is not only long overdue, it is an excellent opportunity for us non-Natives to extend our hands in friendship and respect.

Therefore, BE IT RESOLVED that the Town of Dennis hereby adopts this resolution in support of H.2776 and S.1877, a "Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth," and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve, report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

**ARTICLE 8:** On motion of Chris Lambton, Select Board Chair, duly seconded, it was unanimously voted to expend \$9,200 from the Shellfish Mitigation Fund to be used for shellfish propagation:

- Purchasing 85,000 R1.5 (2mm-3mm) quahog/hard clam for recreational and commercial harvesting,
- Purchasing 45,000 R-8 (12mm) oyster seed for recreational harvesting and Bass River Restoration ,
- Upweller Equipment (pumps, additional silos, piping),
- Boat Maintenance,
- Aquaculture Supplies (cages, posts, etc.).

**ARTICLE 9:** On motion of Sheryl McMahon, Select Board member, 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 of Town-owned land located at 901 Route 134 in South Dennis, The premises are more particularly described in the "order of Taking of the Fee Simple in Land in Dennis, Barnstable County, Massachusetts, By the Selectmen of Dennis for the Purpose of the School Department" filed in the Barnstable County Registry of Deeds in Book 1276, Page 515. The Premises are shown as a certain lot of land on plan entitles "Town of Dennis Proposed Taking for Municipal Purposes" dated January 24, 1963, by S.R. Sweetser, Surveyor, Dennis Mass., recorded in Barnstable County Registry of Deeds in Plan Book 188, Page 71. A copy of the sketch plan is on file in the office of the Town Clerk, on such terms and conditions which the Board of Selectmen may determine.

**ARTICLE 10:** On motion of Paul McCormick, Select Board member, duly seconded, it was unanimously voted to rescind the action take under Article 16 of the October 16, 2018 Special Town Meeting.

**ARTICLE 11:** On motion of Paul McCormick, Select Board member, duly seconded, it was voted by majority to amend the Dennis General Bylaw Chapter 88 to adopt the following:

### Article III - Single-Use Plastic Straws and Plastic Stirrers

#### **Single-Use Plastic Straw and Plastic Stirrer Ban**

##### INTENTIONS AND FINDINGS

It has been found that:

- 1) Plastic straws and plastic stirrers are rarely recycled.
- 2) Dennis's proximity to bodies of salt and fresh water means that plastic straws & plastic stirrers that go uncollected by DPW have a high chance of ending up on the beaches or in the water.
- 3) Plastic straws and plastic stirrers take up to 200 years to degrade.
- 4) Accidental ingestion of plastics, including straws, kills and injures many animals.
- 5) The degrading of plastic straws and plastic stirrers' releases chemicals toxic to wildlife and the environment.
- 6) The United States currently uses approximately 500 million straws per day.
- 7) There is a national movement to reduce and ban the use of plastic straws and plastic stirrers and reasonable affordable alternatives are available.

Because Dennis has a duty to protect the natural environment, and its preservation affects the economy and the health of its citizens, this amendment proposes to ban the sale or dispensing of single use plastic straws and plastic stirrers, including those made from polyethylene, polypropylene, and polystyrene, by any food establishment, retail establishment, or public venue in the Town of Dennis.

##### DEFINITIONS

"Plastic Straw" and "Plastic Stirrer" shall mean any single use plastic straw or plastic stirrer including but not limited to those made from polyethylene, polypropylene, and polystyrene.

"Food Establishment" shall mean any operation, including without limitation schools, farmers markets and other public venues, that stores, prepares, packages, serves, vends or otherwise provides food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for the purposes of this bylaw.

"Retail Establishment" shall mean any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food service establishments.

"Public Venues" shall mean operations including but not limited to meeting halls, churches, schools, Town buildings and offices.

##### USE AND REGULATIONS

Plastic straws and plastic stirrer shall not be used, dispensed, or sold by any Food Establishments or any Retail Establishment within the Town of Dennis on or after January

1, 2022. Any stock remaining after that date shall be accepted for disposal free of charge, through January 31, 2023, at the Dennis Transfer Station.

## EXEMPTIONS

In order to provide accessibility options for persons with disabilities and medical requirements, any beverage provider may, upon request and if immediately available at the beverage provider's current location, make plastic beverage straws available to any person with physical or medical needs. Medical packaging and medically required usage are exempted from this By-law provided that no reasonable alternatives are available. No beverage provider shall require proof of disability or need to receive a plastic beverage straw.

## ADMINISTRATION AND ENFORCEMENT

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including but not limited to non-criminal disposition pursuant to MGL Chapter 40 Section 21D and Article VII General Section 37. Penalties and Enforcement of the Town's General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense: \$50 fine

Second Offense: \$100 fine

Third and Subsequent Offenses: \$300 fine for each offense

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this Bylaw.

## SEVERABILITY

If any provision of this bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby.

**ARTICLE 12:** On motion of Sheryl McMahon, Select Board member, duly seconded, it was unanimously voted to amend the Town's General and Zoning Bylaws to change the name of the Board of Selectmen to the "Select Board," by striking out, in every instance in which they appear in reference to that body, the words "Board of Selectmen" or "Selectmen" and inserting in place thereof the words "Select Board"; and by striking out, in every instance in which they appear in reference to Board members individually, the word "Selectman" and "Selectmen" and inserting in place thereof the words "Select Board Member" or "Select Board Members"; and further to authorize the Town Clerk to make non-substantive, ministerial revisions to ensure that gender and numerical issues in related text is revised to properly reflect such change in title.

**ARTICLE 13:** On motion of Sheryl McMahon, Select Board member, duly seconded, it was unanimously voted to amend the General Bylaw, Article VII of the Town Code, by deleting §5-10.

(Attendance is addressed in the Code of Conduct for Boards, Committee, Commission.)

~~Chapter 5. Boards and Commissions Article VII. Removal of Appointed Officers  
[Adopted 10-26-1999 STM, Art. 16]~~

~~§ 5-10. Failure to attend meetings.~~

~~Where not inconsistent with Massachusetts General Laws, any appointed official who is a member of a multi-member board, committee or commission may be removed by the appointing authority after a public hearing for failure to attend more than three consecutive meetings. Failure to attend, if not adequately explained to the satisfaction of the appointing authority, shall be considered cause for removal.~~

**ARTICLE 14:** On motion of John Terrio, Select Board member, duly seconded, it was unanimously voted to accept as Town ways and the layout of the roads in East Dennis, known as Winding Oaks Lane, and further, to authorize the Board of Selectmen to acquire by gift, purchase or take by eminent domain on behalf of the Town, the lands or interest in the land within the lines of said layout, including drainage easements as shown on the layout plan, subject to outstanding easements granted to public utility companies for the installation of electricity, telephone, gas, water or other services, and to raise and appropriate, transfer from available funds or borrow a sum of money 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 betterment 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); or take any other action relative thereto.

Winding Oaks Lane- In the village of East Dennis, running northerly and easterly from Setucket Road to the end of the cul-de-sac, over the land of Robert H. McPhee and others, for a distance of 664 feet, more or less, as shown on “Definitive Subdivision Plan of Land Windward Village situated in Dennis, Mass.” dated August 21, 2017, revised October 12, 2017, prepared by Ryder and Wilcox, Inc., P.E. & P.L.S., PO Box 439, So. Orleans, MA 02662, and recorded in the Barnstable County Registry of Deeds on October 17, 2017 in book 672, page 53 and on file with the Town Clerk.

**ARTICLE 15:** On motion of Christopher Flanagan, Select Board Chair, duly seconded, it was unanimously voted to amend Chapter IV of the Town Code §138-8 Jumping and Diving from Bridges as follows:

To delete the following: ~~of Bass River from the Route 28 Bass River Bridge, the Highbank Bridge or the Penn Central Bridge.~~

§ 138-8

Prohibited activity.

No person shall jump or dive into the waters from any bridge in Dennis.

**ARTICLE 16:** On motion of John Terrio, Select Board member, duly seconded, it was unanimously voted to raise and appropriate \$1,020,000 to purchase or fund the following capital outlay items;

<b>Department</b>	<b>Project</b>	<b>Amount</b>
220 – Fire	Town wide Defibrillators Program-This is part of the program for all Town buildings for maintenance & purchase.	\$25,000
220 – Fire	Fire Pumper 111 Frame Replacement- This truck is now 12 years old and the truck is deteriorating due to the electrolysis process of the steel frame coming in contact over the years with the aluminum body. Cost includes unbolting the entire body unit and drive train (i.e.; engine and transmission) and reassembling the unit to a new frame to help extend the fire pumpers useful life for at least another 10 years.	\$145,000
411 – Engineering	Secondary Roads-Maintenance & repair on roadways as part of the Pavement Management Plan	\$500,000
411 – Engineering	Drainage-Replace failed drainage systems	\$200,000
411 – Engineering	NPDES Small MS4 General Permit- Federally mandated requirement for storm water quality, including permitting and consultant.	\$50,000
510 – Board of Health	Wastewater Implementation Plan-These funds are part of the ongoing process for Wastewater. Contractual obligations	\$100,000
	<b>Total R&amp;A</b>	<b>\$1,020,000</b>
	<b>Recommended</b>	

**ARTICLE 17:** On motion of John Terrio, Select Board member, duly seconded, it was voted by majority to transfer:

\$200,000 from the Waterways Maintenance Fund

\$145,000 from the Waterways Improvement Fund

for a total of \$345,000 to purchase or fund the following capital outlay items:

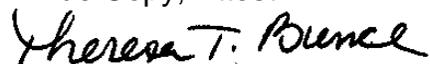
<b>Department</b>	<b>Project</b>	<b>Amount</b>
<b>406 – Waterways Maintenance</b>	Sesuit Infrastructure Place East Dock	\$200,000
	<b>Subtotal</b>	<b>\$200,000</b>
<b>421 – Waterways Improvement Fund</b>	Sesuit Infrastructure Place East Dock	\$85,000
	Design/Engineering Sesuit West-Design of West Side whole upland portion/Grant Awarded Seaport Economic Development-Match	\$60,000
	<b>Subtotal</b>	<b>\$145,000</b>
	<b>Total Other Funding Sources</b>	<b>\$345,000</b>

**ARTICLE 18:** On motion of Chris Lambton, Select Board member, duly seconded, it was voted by majority to transfer from free cash \$123,803.11 to fund a share of the Feasibility Study for the new Dennis Yarmouth Middle School.

**ARTICLE 19:** On motion of Chris Flanagan, Select Board Chair, duly seconded, it was unanimously voted to transfer \$50,032.32 from Cable Receipts to the Capital Improvement Fund.

It was unanimously voted to adjourn (dissolve) the meeting at 11:11 a.m. on October 3, 2020.

A True Copy, Attest:



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Theresa T. Bunce, MMC/CMMC  
Dennis Town Clerk