

**SPECIAL TOWN MEETING  
Town of Dennis  
October 29, 2019**

Robert C. Chamberlain, Moderator, called the Annual Town Meeting held at the Nathaniel H. Wixon School to order at 7:00 p.m. He declared a quorum present and noted that the Warrant had been posted by Wayne Bergeron, Constable.

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 Brian Carey, DY School Committee, duly seconded, it was unanimously voted to amend Article #9 of the Annual Town Meeting on May 7, 2019 by reducing the School budget from \$62,001,508 to \$61,801,508 for the Dennis Yarmouth Regional School District for the Fiscal Year beginning July 1, 2019, and further to reduce the amount to be raised and appropriated from \$16,491,782 to \$16,353,901 for a reduction of \$137,881.

**ARTICLE 2.** On motion of Brian Carey, DY School Committee, duly seconded, it was voted 355 yes to 121 no, that consistent with the "Agreement Between the Towns of Dennis and Yarmouth Establishing a Regional School District (District) as most recently amended in Spring 2013", to accept further amendments to Sections 4(b) and 4(d) of said Agreement, which have been initiated and approved by a vote of the Regional School Committee on August 26, 2019, which would allocate the percentage split of District operating and capital costs as follows:

Section 4 (d) shall be replaced in its entirety, as follows:

With respect to the percentage split of the District's operating costs by and between Dennis and Yarmouth (i) the split for operating costs for the Commonwealth's designated minimum required contribution shall be in accordance with the statutory formula under M.G.L. c.70; and (ii) the split for all operational costs above the minimum required contribution shall be based upon percentage share of the five-year rolling average of foundation enrollment, beginning with Fiscal Year 2016, for each town. For the purposes of this Agreement, the term foundation enrollment shall be in substantial conformance with the definition utilized by the Commonwealth's Department of Elementary and Secondary Education ("DESE").

Section 4 (b) shall be amended by adding the following subsection (4), as follows:

With respect to the percentage split of the District's capital costs and expenditures (i) Yarmouth shall bear 65% and Dennis shall bear 35% of the capital cost split for the building project to replace the Mattacheese and Wixon Schools to be located on Station Avenue; and (ii) the capital cost split for all other capital expenses and projects shall be in accordance with the current Regional Agreement, as may be otherwise amended.

**ARTICLE 3.** On motion of Chris Foley, Community Preservation Committee member, duly seconded, it was unanimously voted, pursuant to Community Preservation Act, G.L. c.44B, to appropriate and transfer \$250,000 from the Community Preservation Historic Preservation Reserves Fund as a grant to the Cape Cod Center for the Arts, Inc. for the Cape Playhouse pursuant to a grant agreement between the Board of Selectmen and Cape Cod Center for the Arts, Inc. to fund the exterior re-shingling and renovations of windows and entrances located at 820 Main St. (Route 6A) Dennis, MA 02638 and further, to authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as they deem appropriate, which shall include a historic preservation restriction to be acquired by the Town.

**ARTICLE 4.** On motion of Chris Foley, Community Preservation Committee member, duly seconded, it was unanimously voted, pursuant to Community Preservation Act, G.L. c.44B, to appropriate and transfer \$47,500 from the Community Preservation Historic Preservation Reserves Fund as a grant to the Cape Cod Center for the Arts, Inc. for the Cape Cinema pursuant to a grant agreement between the Board of Selectmen and Cape Cod Center for the Arts, Inc. to fund the replacement of the roof, including new flashing, gutters and downspouts at 35 Hope Lane Dennis, MA 02638 and further, to authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as they deem appropriate, which shall include a historic preservation restriction to be acquired by the Town.

**ARTICLE 5.** On motion of Jeff Treiber, Community Preservation member, duly seconded, it was unanimously voted, pursuant to Community Preservation Act, G.L. c.44B, to appropriate and transfer \$35,000 from the Community Preservation Historic Preservation Reserves Fund as a grant to the Dennis Historical Commission, pursuant to a grant agreement between the Board of Selectmen and Dennis Historical Commission to fund an archeological walkover to identify and preserve any cultural assets located at 481 Main St. South Dennis, MA and further, to authorize the Board of Selectmen to enter into said agreement, upon such terms and conditions as they deem appropriate.

**ARTICLE 6.** On motion of Diane Rochelle, Community Preservation Committee member, duly seconded, it was voted 406 yes to 14 no, pursuant to the Community Preservation Act, G.L. c.44B, the sum of \$343,000 is appropriated from the Community Preservation Fund as a grant to the Josiah Dennis Manse Committee in order to stabilize and extensively repair the timber frame including replacement of the foundation, sidewalls, shingles, and roof, of the West Schoolhouse located at 61 Whig Street Dennis, MA 02638 pursuant to a grant agreement between the Board of Selectmen and the Josiah Dennis Manse Committee; that to meet such appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow \$343,000 under G.L. c. 44B or any other enabling authority, and issue bonds and notes therefor; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with c. 44, § 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount and further, to authorize the Board of Selectmen to enter into said grant agreement with said Committee, upon such terms and conditions as the Board of Selectmen shall deem appropriate; or take any other action necessary to carry out this project.

**ARTICLE 7.** On motion of Henry Kelley, Community Preservation Committee member, duly seconded, it was unanimously voted pursuant to the Community Preservation Act, G.L. c.44B, the sum of \$353,561 is appropriated from the Community Preservation Fund as a grant to the Jericho Historic Center Committee pursuant to a grant agreement between the Jericho Historic Center Committee and the Board of Selectmen for the restoration work required at the Captain Baker House and Barn and to include ADA accessible parking and walkways at 90 Old Main Street South Dennis, Massachusetts 02660 including all costs incidental and related thereto; that to meet said appropriation, transfer \$95,561 from the Community Preservation Historical Preservation Reserves Fund and to authorize the Treasurer with the approval of the Board of Selectmen, to borrow \$258,000 under G.L. c. 44B or any other enabling authority, and issue bonds and notes therefor; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with c. 44, § 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount and further, to authorize the Board of Selectmen to enter into said grant agreement with the Jericho Historic Center Committee upon such terms and conditions as the Board of Selectmen shall deem appropriate, which shall include a historic preservation restriction to be acquired by the Town; or take any other action necessary to carry out the project.

**ARTICLE 8.** On motion of Frank Dahlstrom, Community Preservation Committee member, duly seconded, it was unanimously voted to authorize the Conservation Commission, with the approval of the Board of Selectmen to acquire by purchase for open space and conservation purposes pursuant to G.L. c. 40, §8C and G.L. c. 44B, a conservation restriction in the property located at 402 Main Street (Route 6A), Dennis, Massachusetts 02638, Barnstable County containing 13.98 acres of undeveloped forest and marsh land, more or less, and shown on

Assessor's Map as Assessor's Parcel ID No. 280-1-0, and shown on Land Court Plan No. 30095B as Lot 159, and more particularly described in Certificate of Title No. 27445 filed with the Barnstable Registry District of the Land Court in Registration Book 211, Page 65; and to appropriate the sum of \$400,000 for said acquisition including all costs incidental and related thereto; that to meet said appropriation, to transfer \$200,000 from the Community Preservation Open Space and Recreation Reserves, and to authorize the Treasurer with the approval of the Board of Selectmen, to borrow \$200,000 under G.L. c. 44B or any other enabling authority, and issue bonds and notes therefor; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with C. 44, § 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount and further, to authorize the Board of Selectmen and the Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient on behalf of the Town to affect said acquisition and further to authorize the Conservation Commission with the approval of the Board of Selectmen to acquire a conservation restriction on said property from the Dennis Conservation Trust and/or other qualified entities, pursuant to G.L. c. 184, §§ 31-33; or take any other action necessary to carry out the project.

**ARTICLE 9.** On motion of Regina White, Community Preservation Committee member, duly seconded, it was unanimously voted, pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$125,000 from the Community Preservation Affordable Housing Reserves Fund as a grant to the Dennis Municipal Affordable Housing Trust pursuant to a grant agreement between the Dennis Municipal Affordable Housing Trust and the Board of Selectmen for purpose of funding the development of affordable housing projects for low and moderate income homes and further, to authorize the Board of Selectmen to enter into a grant agreement with said Dennis Municipal Affordable Housing Trust upon such terms and conditions as it deems appropriate.

**ARTICLE 10.** On motion of Bob Mezzadri, Board of Selectmen member, duly seconded, it was voted by majority to amend its local room occupancy excise under G.L. c. 64G, §3A from 4 percent to 6 percent effective January 1, 2020, and further it is the intention of Town meeting that the entire amount of the increased revenue received by the Town from the additional 2 percent rooms excise tax be appropriated in future fiscal years to the wastewater stabilization fund.

**ARTICLE 11.** On motion of John Terrio, Board of Selectmen member, duly seconded, it was unanimously voted to accept General Laws c. 40, § 39M, which establishes a special "Municipal Water Infrastructure Investment Fund" that may be appropriated and spent for maintenance, improvements and investments to municipal drinking, wastewater and stormwater infrastructure assets, and further to approve a property tax surcharge in the amount of 1 percent of the taxes assessed annually on real property, which will be dedicated to the fund, the surcharge to be imposed starting with taxes assessed for Fiscal Year 2021, beginning on July 1, 2020 provided that the ballot question required by General Laws c. 40, § 39M is approved by the voters at the 2020 Annual Town Election.

**ARTICLE 12.** On motion of Chris Flanagan, Board of Selectmen member, duly seconded, it was unanimously voted to grant an easement to NSTAR ELECTRIC COMPANY, d/b/a Eversource Energy 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 131 Hokum Rock Road Dennis, shown on a plan recorded with Barnstable Registry of Deeds in Plan Book 176, Page 127, the locations of such easements are shown on the plan dated August 7, 2019, a copy of which is on file in the office of the Town Clerk, on such terms and conditions which the Board of Selectmen may determine.

**ARTICLE 13.** On motion of Chris Lambton, Board of Selectmen member, duly seconded, it was unanimously voted to transfer \$45,000 from free cash for the purpose of making any necessary repairs to Scargo Tower.

**ARTICLE 14.** On motion of Bob Mezzadri, Board of Selectmen member, duly seconded, it was unanimously voted to transfer \$24,000 from free cash for the purpose of purchasing parking kiosks at various locations in the Town.

**ARTICLE 15.** On motion of Sheryl McMahon, Board of Selectmen member, duly seconded, it was unanimously voted to transfer \$186,297.44 from free cash to be deposited into the Other Post-Employment Benefits (OPEB) Trust Fund for future payments of health and dental benefits of retirees.

**ARTICLE 16.** On motion of John Terrio, Board of Selectmen member, duly seconded, it was defeated by majority to petition the General Court for special legislation authorizing the establishment of a Glass Recycling Special Revenue Fund as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments hereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

**AN ACT AUTHORIZING THE TOWN OF DENNIS TO ESTABLISH A GLASS RECYCLING SPECIAL REVENUE FUND.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

**SECTION 1.** Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, there is hereby established in the Town of Dennis a special fund to be known as the Glass Recycling Special Revenue Fund. The town treasurer shall deposit into the fund all revenue generated or collected by the Town in connection with glass recycling.

**SECTION 2.** The town treasurer is hereby authorized, without further appropriation, to expend money in the Fund to make payments for the costs of operating the glass recycling program. Any revenue in the fund may be appropriated by the Town of Dennis at any time for any lawful purpose.

**SECTION 3.** This act shall take effect upon its passage.

**ARTICLE 17.** On motion of Chris Lambton, Board of Selectmen member, duly seconded, it was unanimously voted to transfer \$157,091 from free cash to cover emergency expenses for the Department of Public Works as a result of the straight-line winds associated with an F1 Tornado that occurred on July 23, 2019.

It was unanimously voted to adjourn (dissolve) the meeting at 9:09 p.m. on October 29, 2019.

A True Copy, Attest:

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Theresa T. Bunce, MMC/CMMC  
Dennis Town Clerk