

ANNUAL TOWN MEETING
Town of Dennis
May 7, 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 Korrin Dean, Constable. Tellers were Robert Duffy, Katie Clancy, Maryellen Fabiano-Stowe, Tracy Monroe, Paul McCormick, Jr., Caroline McAdams, Helene Savicki, Catie Dupuy 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 Alternative Energy Committee member Rick Bardine, duly seconded, it was unanimously voted to accept the reports as set forth in the handout available at this Town Meeting (unpublished committee reports, oral, there were none).

ARTICLE 2. On motion of Town Clerk Theresa Bunce, duly seconded, it was unanimously voted to accept the reports (Town Officers written reports, there were none).

ARTICLE 3: On motion of Finance Committee Chairman Jim Plath, duly seconded, it was unanimously voted to transfer \$410,637 from free cash to supplement the Fiscal Year 2019 Line Item appropriations under Article 6 of the May 8, 2018 Annual Town Meeting as follows:

- A. Fire Department over-time – \$335,000
- B. Seasonal Salaries – \$75,637

ARTICLE 4: On motion of Finance Committee Chairman Jim Plath, duly seconded, it was unanimously voted to raise and appropriate \$34,816,546 for the following:

Transfer \$100,000 from Overlay Reserve to Finance Committee Reserve Fund, Line Item #7A

Transfer \$244,900 from Cable Receipts Reserved for Appropriations to Information Technology & Data Management Personal Services, Line Item #28

Transfer \$10,000 from the Cable Receipts Reserved for Appropriations to Technology & Data Management Purchase of Services, Line Item #29

Transfer \$10,000 from the Cable Receipts Reserved for appropriations to Property/Liability Insurance, Other Charges, Line Item #52

Transfer \$900,000 from Ambulance Receipts Reserve for Appropriations to Fire Dept. Personal Services, Line Item #59

Transfer \$1,000 from the Bass River Receipts Reserved for Appropriations to Beach Purchase of Service Line Item #127

Transfer \$5,000 from the Cable Receipts Reserved for Appropriations to Fringe Benefits, Worker's Comp. Line Item #148

Transfer \$3,000 from the Cable Receipts Reserved for Appropriations to Fringe Benefits, Unemployment Insurance, Line Item #149

Transfer \$40,000 from the Cable Receipts Reserved for Appropriations to Fringe Benefits, Retirement Contribution, Line Item #150

Transfer \$38,000 from the Cable Receipts Reserved for Appropriations to Fringe Benefits, Group Insurance, Line Item #151

Transfer \$690,000 from the Community Preservation Act Fund to Retirement of Debt Principal, Line Item #143

Transfer \$25,000 from the Community Preservation Act Fund to Short Term Interest, Line Item #145

Transfer \$48,000 from the Community Preservation Act Fund to Long Term Debt Interest; Line Item #144 and any unexpended shall be transferred back to the Community Preservation Act Fund.

Transfer \$20,000 from the Septic Loan Program Account to Retirement of Debt Principal, Line Item #143

Making a total of \$36,951,446

And further recommend that said appropriations be allocated in accordance with line item amounts defined under the column, Finance Committee Recommended FY2020.

OPERATING BUDGET FY 2019

GENERAL GOVERNMENT

SELECTMEN

1	Purchase of Services	29,213.00
2	Other Charges – Expenditure	13,150.00
TOTAL		42,363.00

TOWN ADMINISTRATOR

3	Personal Services	470,853.00
3A	Settlements	665,284.00
4	Purchase of Services	20,132.00
5	Other Charges - Expenditure	5,250.00
TOTAL		1,162,519.00

FINANCE COMMITTEE

6	Purchase of Services	1,200.00
7	Other Charges - Expenditure	3,400.00
7A	Reserve Fund	245,805.00
TOTAL		250,405.00

ACCOUNTANT

8	Personal Services	237,835.00
9	Purchase of Services	50,000.00
10	Supplies	500.00
11	Other Charges - Expenditure	7,370.00
TOTAL		295,705.00

CENTRAL PURCHASING

12	Purchase of Services	709,807.00
13	Supplies	307,000.00
14	Other Charges – Expenditure	5,120.00
TOTAL		1,021,927.00

ASSESSORS

15	Personal Services	288,487.00
16	Purchase of Services	1,100.00
17	Supplies	1,450.00
18	Other Charges - Expenditure	1,850.00
TOTAL		292,887.00

REVALUATION

19	Purchase of Services	45,303.00
20	Supplies	2,600.00
TOTAL		47,903.00

TREASURER/COLLECTOR

21	Personal Services	352,978.00
22	Purchase of Services	36,590.00
23	Supplies	1,387.00
24	Other Charges - Expenditure	690.00
TOTAL		391,645.00

LAW DEPARTMENT

25	Personal Services	100,118.00
26	Purchase of Services	155,300.00
27	Other Charges - Expenditure	2,200.00
TOTAL		257,618.00

INFORMATION TECH & DATA

28	Personal Services	303,243.00
29	Purchase of Services	258,597.00
30	Supplies	5,913.00
31	Capital Outlay	47,000.00
TOTAL		614,753.00

TAX TITLE/FORECLOSURE

32	Purchase of Services	16,000.00
TOTAL		16,000.00

CLERK

33	Personal Services	85,953.00
34	Purchase of Services	10,200.00
35	Supplies	400.00
36	Other Charges - Expenditure	1,920.00
TOTAL		98,473.00

ELECTIONS

37	Personal Services	13,800.00
38	Purchase of Services	13,687.00
39	Supplies	900.00
TOTAL		28,387.00

NATURAL RESOURCES/CONSERVATION

40	Personal Services	399,452.00
41	Purchase of Services	33,100.00
42	Supplies	10,685.00
43	Other Charges - Expenditure	2,800.00
TOTAL		446,037.00

PLANNING

44	Personal Services	147,343.00
45	Purchase of Services	400.00
46	Other Charges - Expenditure	1,300.00
TOTAL		149,043.00

PUBLIC PROPERTY/BUILDINGS

47	Personal Services	534,649.00
48	Purchase of Services	235,700.00
49	Supplies	101,325.00
50	Other Charges - Expenditure	8,235.00
51	Capital Outlay	0.00
TOTAL		879,909.00

PROPERTY/LIABILITY INSURANCE

52	Other Charges - Expenditure	458,200.00
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TOTAL **458,200.00**

TOWN REPORTS

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

POLICE

54 Personal Services 5,463,721.00
55 Purchase of Services 212,725.00
56 Supplies 82,651.00
57 Other Charges - Expenditure 13,602.00
58 Capital Outlay 189,000.00
TOTAL **5,961,699.00**

FIRE

59 Personal Services 4,951,696.00
60 Purchase of Services 291,705.00
61 Supplies 176,208.00
62 Other Charges - Expenditure 6,900.00
63 Capital Outlay 16,400.00
TOTAL **5,442,909.00**

BUILDING INSPECTOR

64 Personal Services 357,538.00
65 Supplies 3,500.00
66 Other Charges - Expenditure 8,500.00
TOTAL **369,538.00**

ANIMAL CONTROL

67 Personal Services 109,717.00
68 Purchase of Services 8,820.00
69 Supplies 3,800.00
70 Other Charges - Expenditure 210.00
TOTAL **122,547.00**

HARBORMASTER

71 Personal Services 265,739.00
72 Purchase of Services 15,730.00
73 Supplies 10,298.00
74 Other Charges - Expenditure 1,201.00
75 Capital Outlay 47,100.00
TOTAL **340,068.00**

D/Y Regional School Sys.

76 Purchase of Services 0.00
TOTAL **00.00**

ENGINEERING/SURVEYOR

77 Personal Services 400,751.00
78 Purchase of Services 2,900.00
79 Supplies 5,550.00
80 Other Charges - Expenditure 1,100.00
TOTAL **410,301.00**

DEPT. OF PUBLIC WORKS

81 Personal Services 1,795,528.00
82 Purchase of Services 140,329.00
83 Supplies 279,735.00
84 Supplies - Paving, Resurfacing 108,000.00
85 Other Charges - Expenditure 13,335.00
86 Capital Outlay 9,690.00
TOTAL **2,346,617.00**

SNOW AND ICE REMOVAL

87 Personal Services 93,620.00

88	Purchase of Services	118,123.00
89	Supplies	38,257.00
	TOTAL	250,000.00

STREET LIGHTING

90	Purchase of Services	78,000.00
	TOTAL	78,000.00

WASTE COLLECT/DISPOSAL

91	Personal Services	606,446.00
92	Purchase of Services	610,621.00
93	Supplies	38,215.00
94	Other Charges - Expenditure	4,665.00
	TOTAL	1,259,947.00

HEALTH INSPECTION SERVICE

95	Personal Services	344,106.00
96	Purchase of Services	28,320.00
97	Supplies	3,500.00
98	Other Charges - Expenditure	3,000.00
	TOTAL	378,926.00

COUNCIL ON AGING

99	Personal Services	222,947.00
100	Supplies	2,500.00
101	Other Charges - Expenditure	6,450.00
	TOTAL	231,897.00

VETERAN'S SERVICES

102	Purchase of Services	48,337.00
103	Other Charges - Expenditure	160,000.00
	TOTAL	208,337.00

COMM. ON DISABILITIES

104	Purchase of Services	500.00
105	Other Charges - Expenditure	2,359.00
	TOTAL	2,859.00

OTHER HUMAN SERVICES

106	Capabilities	5,000.00
107	Cape Cod Child Development	5,000.00
108	ARC of Cape Cod	750.00
109	Consumer Assist Council	800.00
110	Independence House	3,500.00
111	South Coastal Legal Services	3,200.00
112	Salvation Army	4,000.00
113	AIDS Support Group of Cape Cod	2,500.00
114	Sight Loss Services, Inc.	4,500.00
115	Elder Services/Meals	5,000.00
116	Family Pantry	6,000.00
117	Big Brothers/Big Sisters	1,500.00
118	Hands of Hope	5,000.00
119	Gosnold Center	6,000.00
0	SSCAC-Fuel Assistance	15,000.00
	TOTAL	67,750.00

LIBRARY

120	Personal Services	293,852.00
121	Purchase of Services	67,398.00
122	Supplies	98,018.00
123	Other Charges - Expenditure	128,345.00
	TOTAL	587,613.00

RECREATION

124 Personal Services	128,728.00
125 Purchase of Services	4,200.00
TOTAL	132,928.00

BEACHES

126 Personal Services	668,958.00
127 Purchase of Services	128,537.00
128 Supplies	23,715.00
129 Other Charges - Expenditure	8,575.00
130 Capital Outlay	16,700.00
TOTAL	846,485.00

GOLF

131 Personal Services	1,273,924.00
132 Purchase of Services	158,700.00
133 Supplies	376,849.00
134 Other Charges - Expenditure	8,123.00
135 Capital Outlay	5,000.00
TOTAL	1,822,596.00

HISTORICAL COMMISSION

136 Purchase of Services	1,000.00
TOTAL	1,000.00

S. DENNIS HISTORIC DIST. COMM.

137 Personal Services	11,341.00
138 Purchase of Services	250.00
139 Supplies	224.00
TOTAL	11,815.00

HISTORICAL DIST-OKHRHD

140 Personal Services	28,710.00
141 Purchase of Services	750.00
142 Supplies	300.00
TOTAL	29,760.00

RETIREMENT OF DEBT PRINCIPAL

143 Debt Services	1,755,000.00
TOTAL	1,755,000.00

INTEREST LONG TERM DEBT

144 Debt Services	262,875.00
TOTAL	262,875.00

INTEREST SHORT TERM DEBT

145 Debt Services	150,086.00
TOTAL	150,086.00

FRINGE BENEFITS

147 Sick Pay Liability	25,000.00
148 Worker's Compensation	140,000.00
149 Unemployment Insurance	135,697.00
150 Retirement Contribution/Town	3,402,092.00
151 Group Insurance	3,397,718.00
152 Government Taxes/Tn. Share	317,112.00
TOTAL	7,417,619.00

GRAND TOTAL **36,951,446.00**

Making a total of \$36,951,446.00

ARTICLE 5: On motion of Selectman Sheryl McMahon, duly seconded, it was unanimously voted to fix the Fiscal Year 2020 salaries and compensation of elected officers of the Town for the Fiscal Year commencing July 1, 2019 and ending June 30,

2020, as provided for in Massachusetts General Laws, Chapter 41, §108 and acts and amendment thereof, and that the Town raise and appropriate \$93,950 as follows:

5 Selectmen at \$2,000 each
1 Moderator at \$450
1 Town Clerk at \$83,500

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

ARTICLE 6: On motion of Selectmen Chris Flanagan, duly seconded, it was unanimously voted to raise and appropriate \$300,000 and transfer into the Fire Department Staffing Special Purpose Stabilization Fund to reserve for future budgetary needs at the completion of a 3 year FEMA grant for eight new firefighters, said amount to be transferred to the Future Budgetary Needs Stabilization Fund. At the close of the FEMA Safer Grant (3 years) these funds will be transferred to the Fire Department's budget.

ARTICLE 7: On motion of Selectman Bob Mezzadri, duly seconded, it was unanimously voted to transfer \$48,108 from Cable Receipts to the Capital Improvement Fund.

ARTICLE 8: On motion of Finance Committee Chair James Plath, duly seconded, it was unanimously voted to approve an annual school budget for the Cape Cod Regional Technical High School in the amount \$15,087,000 for the fiscal year beginning July 1, 2019 and to raise and appropriate \$1,445,771 as the Town's assessment and \$908,731 for debt service for the operating expenses of said school for the Fiscal Year beginning July 1, 2019.

ARTICLE 9: On motion of Selectman Sheryl McMahon, duly seconded, it was unanimously voted to raise and appropriate \$16,491,782 for the Fiscal Year 2020 operating expenses of the D-Y School District and a total budget of \$62,001,508.

ARTICLE 10: On motion of School Committee Member Brian Carey, duly seconded, it was defeated 226 yes to 344 no, to have the Town vote, consistent with the "Agreement Between the Towns of Dennis and Yarmouth Establishing a Regional School District as most recently amended in Spring 2013," to accept further amendments to said Agreement, which have been initiated and approved by a vote of the Regional School Committee on April 29, 2019, by substituting a new Section 4 to the Regional Agreement relating to the apportionment and payment of costs and revenue as set forth in the handout available at this Town Meeting.

SECTION 4. APPORTIONMENT AND PAYMENT OF COSTS AND REVENUE

(a) Definition of Costs

For the purpose of apportioning assessments to the member towns, costs shall be divided into two (2) categories, as follows:

(1) Capital costs, which shall consist of the costs of: acquiring land and constructing, reconstructing, adding to, and equipping a school building or buildings; remodeling and making extraordinary repairs to a school building or buildings; constructing sewerage systems and sewerage treatment and disposal facilities; purchasing or using such sewerage systems with municipalities; leasing, with an option to purchase, equipment for educational purposes; any other projects or acquisitions of a capital nature which the District is or may be authorized to finance by borrowing; and debt service on bonds and notes of the District issued to finance capital costs.

(2) Operating costs which shall consist of all costs of the District other than capital cost

(b) Apportionment of Capital Costs

Capital costs shall be apportioned as follows:

(1) Such costs incurred on or after the effective date of this amended agreement shall be apportioned to the member towns separately with respect to each district school facility, as follows:

a. Such costs incurred in connection with any particular district elementary school (PreK-3) shall be the sole responsibility of the member town in which such school resides and whose students are primarily residents of that member town.

b. Such costs incurred in connection with any particular district high school shall be apportioned between the member towns on the basis of 35% of the costs to Dennis and 65% of the costs to Yarmouth.

c. As long as Wixon (Grades 4-5) and Mattacheese (Grades 6-7) are serving as district schools the capital costs associated with Wixon will be the responsibility of Dennis and the capital costs associated with Mattacheese will be the responsibility of Yarmouth. When a new district school is built for grade 4-7 the capital costs will be split as designated in Section 4 (b)(1)(d) below.

d. Such cost incurred in connection with any new district schools that may be built shall be apportioned 100% to the town in which the school is located unless the school to be built is serving students from both member towns, then costs shall be apportioned between the member towns on the basis of 35% of the costs to Dennis and 65% of the costs to Yarmouth.

e. Whenever bonding is required for a capital project(s) for a regional district school facility the split of the bond costs will be 35% to Dennis and 65% to Yarmouth and will remain the same for the life of the bond.

(2) Any capital costs incurred prior to this 2019 amendment will continue to be paid according to the split costs agreed upon at the time of the project.

(c) Apportionment of Operating Costs

Apportionment of operating costs will utilize the Massachusetts Chapter 70 Statutory School funding formula. Any amount above required minimum contributions and state and district revenue will be divided by the two towns based on the following:

FY20	32% for Dennis and 68% for Yarmouth
FY21	33% for Dennis and 67% for Yarmouth
FY22	33% for Dennis and 67% for Yarmouth
FY23	34% for Dennis and 66% for Yarmouth
FY24	35% for Dennis and 65% for Yarmouth

Operating costs shall include the minimum local contributions and costs that exceeds the minimum local contribution, including but not be limited to the costs of operation and maintenance of the District's central administration office and staff, the responsibilities of which are District-wide, and the costs of transportation of pupils to and from school, food services, employees' retirement, and insurance, and capital costs not otherwise apportioned under section 4(b). The decision of the Committee as to whether any operating or capital costs are attributable to a particular district school facility or solely to the district school facilities located in one member town shall be final and conclusive.

(d) Times of Payment of Apportioned Costs

(1) Capital costs. At least fifteen (15) days before the date on which any indebtedness (consisting of interest or principal and interest on bonds and notes) incurred by the District to finance capital costs is payable, each member town shall pay to the District its respective share of the amount that is so payable by the District on said date. All other capital costs not consisting of payments on account of indebtedness as aforesaid shall be paid in the same manner as operating costs.

(2) Operating costs. Each member town shall pay to the District in each fiscal year its proportionate share, determined as provided in subsection 4(c), of the operating costs. The annual share of each member town shall be paid in twelve (12) equal

installments at such times that each installment except the first shall be paid on or before the first day of each month of the fiscal year, and the first such installment shall be paid on or before the fifteenth day of the first month of the fiscal year.

(e) Definition of Revenue

For purposes of apportioning revenue received by the District, the Regional School District shall apportion the following General Fund categories as defined herein:

- i. MGL Chapter 70 State Aid received from the Commonwealth of Massachusetts
- ii. Other General Fund Revenues
- iii. Massachusetts School Building Assistance, and
- iv. Transportation Aid

(f) Apportionment of Revenue

The above noted revenues shall be apportioned as follows:

- i. All state aid will be subtracted from the total budget pursuant to Department of Elementary and Secondary Education Regulations.
- ii. District and other General Fund Revenues: Will be subtracted from the total budget
- iii. Massachusetts School Building Assistance: As an “offset” to the applicable corresponding capital construction cost.
- iv. Transportation Aid: As an “offset” to the total cost of pupil transportation.

ARTICLE 11: On motion of Board of Selectmen member Robert Mezzadri, duly seconded, it was defeated 268 yes to 275 no, to supplement the appropriation voted under Article 9 for the Dennis Yarmouth Regional School District for the Fiscal Year 2020 at an enrollment split of 32% for Dennis and 68% for Yarmouth as set forth in the amendment to the regional school district agreement approved under Article 10; and to raise and appropriate \$469,504 to supplement the appropriation made under Article 9 for a total appropriation of \$16,961,286.

ARTICLE 12: On motion of Dennis/Yarmouth School Committee member Brian Carey, duly seconded, it was unanimously voted subject to Chapter 71 Section 16G ½ to establish the Dennis Yarmouth Regional School District Stabilization Fund.

ARTICLE 13: On motion of Zoning Board Chair Doria DiManno, duly seconded, it was unanimously voted to amend the Dennis Zoning By-law to add provisions for Collaborative Workspace by amending Section 2.2.2.5 to add p. Collaborative Workspace; amend Sections 9.2.2, 9.3.2, 9.5.2, and 9.6.2 relative to Allowed Uses in the West Dennis Village Center Zoning Districts to add Collaborative Workspace to the lists of Allowed Uses; and amend Section 5 Definitions to add **COLLABORATIVE WORKSPACE**. Additions shown in **BOLD**.

Amend Section 2.2.2

PRINCIPAL USES	DISTRICT									
	R-40 R-60	Quivet Neck/Crowe’s Pasture Resource Protection District	R R	LB	E B	GC-I	GC-II GC-III	I	DPVC Area A	DPVC Area B
5. COMMERCIAL USES										
p. Collaborative	N	N	N	N	N	Y	Y	Y	Y	Y

PRINCIPAL USES	DISTRICT									
		R-40 R-60	Quivet Neck/Crowe's Pasture Resource Protection District	R R	LB	E B	GC-I	GC-II GC-III	I	DPVC Area A
Workspace										

Amend Sections 9.2.2, 9.3.2, 9.5.2, and 9.6.2 relative to Allowed Uses in the West Dennis Village Center Zoning Districts to add:

- **Collaborative Workspace**

Amend Section 5 Definition

Collaborative Workspace – shared space for those looking to lease a work area and have access to a shared pool of amenities, like conference rooms, office supplies, and internet and tech connections. Facilities provide space for networking, events, working alone or with others, pop-up shops, and workshops. Collaborative Workspaces may include services such as retail sales, food services, facilities for professional office, light manufacturing, research and development, common storage, packing, and distribution. Such facilities encourage business collaboration and provide opportunities for product aggregation, information sharing, and partnering on events and market promotion.

ARTICLE 14: On motion of Board of Selectmen Chair Paul McCormick, duly seconded, it was unanimously voted to raise and appropriate \$2,228,282 for the purposes listed below, and further, to authorize the Board of Selectmen to enter into a lease purchase agreement or agreements for a term not to exceed five (5) years.

Department	Project	Amount
Town Fleet	Replace 2011 4WD Tahoe (Town 2)	\$34,000
Information Technology	Copier Replacement Year 2	\$43,000
Natural Resources	Crowes Pasture Maintenance Burn	\$11,910
Municipal Buildings	Replacement of Stairs at Landings/Beaches	\$35,000
Police	Firearms Replacement and Purchase	\$42,800
Police	Taser Replacements	\$49,800
Police	IT Server Replacement	\$22,000
Police	IT Desktop Computer Replacement	\$10,000
Police	Cruiser Mobile Computer Replacement	\$10,000
Police	Radar Units Purchase	\$10,000
Fire	Fire Pumper 114	\$180,000
Fire	Station Vehicle Exhaust	\$27,000
Fire	Car 103	\$48,000
Harbor	Maintenance Dredging	\$175,000
Harbor	Outboard Engine Replacement	\$22,000
Harbor	Sesuit Infrastructure – Dock Utilities	\$15,000
Dennis-Yarmouth Schools	Bullet Resistant Window Treatments	\$7,954
Dennis-Yarmouth Schools	Outside Security Doors	\$9,773
DPW – Cemeteries	Oak Ridge Cemetery Master Plan	\$80,000
Engineering	Secondary Roads	\$500,000
Engineering	Drainage	\$200,000
Engineering	NPDES Small MS4 General Permit	\$50,000
Engineering	Route 28 (WD) Sidewalk Improvements	\$150,000
Engineering	Sidewalks	\$99,045
Engineering	Guard Rail Replacement	\$50,000
DPW – Highway	Replace 2008 One Ton Dump Truck (H-	\$70,000

	10)	
DPW – Highway	Replace 2008 One Ton Truck (H3)	\$50,000
DPW – Highway	Replace 2006 Mower	\$14,000
Health	Wastewater Implementation Plan	\$200,000
Recreation	Swings – Seaview Park	\$12,000
	Total Raise and Appropriate	\$2,228,282

ARTICLE 15: On motion of Board of Selectmen Chair Paul McCormick, duly seconded, it was unanimously voted to transfer:

\$410,700 from the Beach Capital Improvement Fund
 \$90,200 from the Waterways Dredge Fund
 \$284,288 from the Ambulance Fund
 \$266,407 from the Golf Improvement Fund

for a total of \$1,051,595 for the purposes listed below, and further, to authorize the Board of Selectmen to enter into a lease purchase agreement or agreements for a term not to exceed five (5) years.

402 – Beach Capital Improvement Fund	Mayflower Beach Bathhouse & Concession P&I	\$300,000
	Beach Parking Lots – Paving	\$60,700
	Beach Rescue Mule	\$16,000
	Accessible Beach Boardwalk/Mats	\$34,000
	Total	\$410,700
406 – Waterways Dredge	Sesuit Harbor Dredging P&I	\$90,200
	Total	\$90,200
420 – Ambulance Fund	Town Wide Defibrillator Program	\$15,000
	Ambulance Stretcher Mounts/Retrofits	\$135,000
	Ambulance 105	\$134,288
	Total	\$284,288
460 – Golf Course Capital Improvement Fund	Golf Equipment Lease Year 2 of 4	\$62,526
	Golf Equipment Lease Year 4 of 4	\$59,856
	Dennis Highlands Clubhouse P&I	\$144,025
	Total	\$266,407
	Total Other Funding Sources	\$1,051,595

ARTICLE 16: On motion of Board of Selectmen member Sheryl McMahon, duly seconded, it was voted 409 yes to 11 no, to transfer \$36,200 from the Beach Capital Improvement Fund for the purposes listed below, and further, , to authorize the Board of Selectmen to enter into a lease purchase agreement or agreements for a term not to exceed five (5) years.

402 – Beach Capital Improvement Fund	Full Matrix Solar Message Board Trailer	\$18,100
	Full Matrix Solar Message Board Trailer	\$18,100
	Total	\$36,200

ARTICLE 17: On motion of Board of Selectmen member Christopher Flanagan , duly seconded, it was unanimously voted to to approve a Community Preservation Committee Budget for Fiscal Year 2020 as follows: to set-aside for future appropriation for the Fiscal Year 2020 Community Preservation Fund estimated annual revenues for each of the following purposes:

- 1) 10% Reserved for Community Housing - \$152,193
- 2) 10% Open Space - \$152,193
- 3) 10% Reserved for Historic Preservation - \$152,193

and to appropriate from Community Preservation Act estimated annual revenues

- 4) Debt Service - \$738,000
- 5) Short Term Interest - \$25,000
- 6) Community Preservation Committee Expenses - \$30,000
- 7) FY2020 Budgeted Reserve - \$272,352

for a total of \$1,521,931 for the article.

ARTICLE 18: On motion of Board of Selectmen member Christopher Flanagan , duly seconded, it was unanimously voted to authorized to acquire by gift, purchase or eminent domain, for open space and conservation purposes pursuant to G.L. c. 40, §8C and G.L. c. 44B, the fee interest in the property located at 481 Main Street, South Dennis, Barnstable County, Massachusetts, containing 13.11 acres of land, more or less, and shown on Assessor's Map as Assessor's Parcel ID No. 139-14-0, and more particularly described in a deed recorded with Barnstable County Registry of Deeds in Book 25098, Page 296 on such terms and conditions as the Board of Selectmen deem in the best interests of the Town, said property to be under the care, custody, management and control of the Conservation Commission; and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow \$1,400,000 for a period of 10 years, 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 Chapter 44, Section 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 file on behalf of the Town any and all applications deemed necessary for grants and reimbursements from the Commonwealth of Massachusetts under G.L. c. 132A, § 11(the so-called "LAND Grant" program) or any other application for funds and to contract for, accept and expend any such grants, provided, however, that the authorized amount of the borrowing under this vote shall be reduced by the amount of any grants or aid received at the time of such borrowing; 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 effect said acquisition; and further to authorize the Board of Selectmen to grant a conservation restriction on said property to the Dennis Conservation Trust and/or other qualified entities, pursuant to G.L. c. 184, §§ 31-33; and that the Board of Selectmen is authorized to take any other action necessary to carry out the project.

ARTICLE 19: On motion of Dennis Affordable Housing Trust member Regina White, duly seconded, it was unanimously voted pursuant to the Community Preservation Act, G.L. c.44B, to appropriate and transfer \$175,000 from the Community Preservation Affordable Housing Reserves Fund as a grant to the Dennis Municipal Affordable Housing Trust between the Dennis Municipal Affordable Housing Trust and the Board of Selectmen for the development of affordable housing projects, and further 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 20: On motion of Board of Selectmen member John Terrio, duly seconded, it was unanimously voted to amend Chapter 19 of the General Bylaws of the Town by adding a new Section 19-14 to Article XI Solid Waste and Recycling Capital Improvement Fund By-Law, pursuant to Chapter 302 of the Acts of 2018 which authorized the establishment of said fund.

Article XI Solid Waste and Recycling Capital Improvement Fund

19-14 In accordance with Chapter 302 of the Acts of 2018, the Board of Selectmen is hereby authorized to increase the portion of the revenue derived from the Transfer Station Permits and Recycling Revenue to be deposited into the Solid Waste and

Recycling Capital Improvement Fund as follows:

- i) (28%) reserved for Debt Service expenditures and (1%) reserved for Capital expenditures for a total of 29%.

ARTICLE 21: On motion of Board of Selectmen member John Terrio, duly seconded, it was unanimously voted to appropriate \$4,500,000 to pay costs of the design and construction of the Dennis Transfer Station, including the payment of all costs incidental and related thereto; that to meet this appropriation \$400,000 shall be transferred from the Solid Waste and Recycling Capital Improvement Fund, and the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$4,100,000 under and pursuant to Chapter 44, Section 8(21) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the payment of the principal and interest on any borrowing authorized under this vote shall be made in the first instance from the Solid Waste and Recycling Capital Improvement Fund, but such borrowing shall be a general obligation of the Town; that 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 Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

ARTICLE 22: On motion of Board of Selectmen member Sheryl McMahon , duly seconded, it was unanimously voted, pursuant to Chapter 44, Section 53E ½, of the Massachusetts General Laws to set the spending limits for the various revolving funds for Fiscal Year 2020 as follows:

Program or Purpose	Authorized Representative or Board to Spend	FY2020 Authorization
COA Bus Revolving Fund	Council On Aging Director	35,000
COA Revolving Fund	Council On Aging Director	120,000
Golf Revolving Fund	Golf Director	400,000
Board of Health Revolving Fund	Health Director	4,000
Library Revolving Fund	Library Director	15,000
Recreation Department Revolving Fund	Recreation Director	165,000
Cable Revolving Fund	MIS Director	50,000

ARTICLE 23: On motion of Board of Selectmen member Sheryl McMahon, duly seconded, it was unanimously voted to transfer \$400,000 from free cash to be deposited into the Other Post-Employment Benefits Liability Trust Fund established under Chapter 479 of the Acts of 2009 to be used to fund future benefits.

ARTICLE 24: On motion of Board of Selectmen Robert Mezzadri, duly seconded, it was voted by majority to transfer \$5,000 from free cash to fund the activities of the Substance Use Disorder Commission.

ARTICLE 25: On motion of Board of Selectmen member John Terrio, duly seconded, it was unanimously voted to transfer \$354,000 from free cash to fund the addition to the Dennis Senior Center.

ARTICLE 26: On motion of Board of Selectmen member John Terrio, duly seconded, it was unanimously voted to transfer \$200,830 from free cash for the continuation of repairs to the existing Dennis Senior Center.

ARTICLE 27: On motion of Board of Selectmen Chair Paul McCormick, duly seconded, it was unanimously voted to transfer \$53,167.26 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and the Dennis Police Patrol Officers Local 417 Union for Fiscal Year 2020.

ARTICLE 28: On motion of Board of Selectmen Chair Paul McCormick, duly seconded, it was unanimously voted to transfer \$23,247.29 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and the Dennis Police Sergeants IBPO Local 579 Union for Fiscal Year 2020.

ARTICLE 29: On motion of Board of Selectmen chair Paul McCormick, duly seconded, it was unanimously voted to transfer \$7,429.80 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and the Dennis Police Superior Officers Union for Fiscal Year 2020.

ARTICLE 30: On motion of Board of Selectmen member Chris Flanagan, duly seconded, it was unanimously voted to transfer \$30,817.07 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and American Federation of State, County and Municipal Employees Council 93 Local 2977 - Unit A Union for Fiscal Year 2020.

ARTICLE 31: On motion of Board of Selectmen member Chris Flanagan, duly seconded, it was unanimously voted to transfer \$8,740.86 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and American Federation of State, County and Municipal Employees Council 93 Local 2977 – Unit B Union for Fiscal Year 2020.

ARTICLE 32: On motion of Board of Selectmen member Bob Mezzadri, duly seconded, it was unanimously voted to transfer \$38,890.86 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and Service Employees International Union, Local 888 – Unit A for Fiscal Year 2020.

ARTICLE 33: On motion of Board of Selectmen member Bob Mezzadri, duly seconded, it was voted to transfer \$43,524.52 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and Service Employees International Union, Local 888 – Unit B for Fiscal Year 2020.

ARTICLE 34: On motion of Board of Selectmen member John Terrio, duly seconded, it was unanimously voted to transfer \$72,399.86 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and the Dennis Professional Firefighters, IAFF Local 2583 personnel for Fiscal Year 2020.

ARTICLE 35: On motion of Board of Selectmen member John Terrio, duly seconded, it was unanimously voted to transfer \$37,068.37 from the May 7, 2019 Annual Town Meeting under Article #4 line item 3A Town Administrator's Settlements to fund a collective bargaining agreement between the Town and Mass Laborers' District Council Union for Fiscal Year 2020.

ARTICLE 36: On motion of Board of Selectmen member Robert Mezzadri, duly seconded, it was unanimously voted to borrow \$172,040 to make temporary repairs to a portion of Whittier Drive (from Thoreau Drive southerly for a distance of 700 feet, more or less, then 770 feet, more or less, easterly and northerly to a cul-de-sac) a private road in Dennis, open to and used by the general public within Dennis, pursuant to the provisions of MGL Chapter 80 and the Town of Dennis "Temporary Repairs of Private Way By-Law", Chapter 156 § 3-6, adopted at the May 3, 2005 Annual Town Meeting under Article 31, and in accordance with the vote of the Board of Selectmen on February 26, 2019, 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 37: On motion of Board of Selectmen member Robert Mezzadri, duly seconded, it was unanimously voted to borrow \$277,872 to pay costs of temporary repairs to a portion of Grazing Field Lane (from Seaside Avenue southerly for a distance of 990 feet, more or less, to a cul-de-sac) a private road in Dennis, open to and used by the general public within Dennis, pursuant to the provisions of MGL Chapter 80 and the Town of Dennis "Temporary Repairs of Private Way By-Law", Chapter 156 § 3-6, adopted at the May 3, 2005 Annual Town Meeting under Article 31, and in accordance with the vote of the Board of Selectmen on February 26, 2019, 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 38: On motion of Board of Selectmen Chair Paul McCormick, duly seconded, it was unanimously voted to authorize the Board of Selectmen to acquire the vacant parcel, located at 1005B Old Bass River Road, Assessor's Map 330, Parcel 29-0 and as referenced in Land Court Case 38229 and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; and further as funding therefor to transfer \$9,000 from free cash for purposes of expansion and access at the Dennis Village Cemetery, for said acquisition and associated costs and any other costs incidental and related thereto.

ARTICLE 39: On motion of Solid Waste & Recycling Committee member Allyson Schmidt, duly seconded, it was defeated 132 yes to 159 no to adopt the following as a general by-law and to insert it into the Code of the Town of Dennis, Massachusetts as Chapter 135, Article I, 135-1:

Effective October 1, 2020, the procurement by the Town of Dennis of either water or any other single-use beverage in plastic containers of any size is prohibited, and the sale, including the vending of water or any beverage in single-use plastic containers is prohibited on town property.

Any Town department when engaged in public safety operations shall be exempt from this By-law.

In the event of a declaration (by Emergency Management Director, or other duly authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Dennis residents, the Town shall be exempt from this By-law until seven (7) calendar days after such declaration has ended.

ARTICLE 40: On motion of Planning Board Chair Dorria DiManno, duly seconded, it was unanimously voted to amend the Town of Dennis Zoning Bylaw to add provisions related to pool fencing by amending Section 3 General Regulations to add new Section 3.3 Swimming Pools Additions shown in BOLD:

Section 3.3 Swimming pools

Swimming Pools whether aboveground or in-ground, having a depth or 18 inches or more or a surface of 150 sq. ft. or more shall be enclosed by a non-climbable safety fence not less than four feet in height with a self-latching gate. In the case of aboveground pools such safety fence may consist of the pool wall and fence around the top rail or deck thereof provided the stairs to such pool are removable, swing out of use or are fenced. Swimming pools shall be subject to structural setbacks found in Section 2.2.2 of this by-law. In all cases the setback shall be measured from the nearest point of the coping of an in-ground pool or the nearest point of the top rail or deck of an aboveground pool to each lot line.

ARTICLE 41: On motion of Planning Board Chair Dorria DiManno, duly seconded, it was defeated 40 yes to 148 no to amend the Town of Dennis Zoning Bylaw to add provisions related to retaining walls by amending Section 3 General Regulations to add new Section 3.2 Retaining Walls and amend Section 5 Definitions to amend STRUCTURES to delete the exemption for retaining walls and add new definition RETAINING WALLS. Additions shown in BOLD deletions shown in ITALICS.

Section 5 Definitions

Add:

RETAINING WALLS: A wall designed to resist the lateral displacement of soil or other material.

Amend as follows:

STRUCTURE An assembled combination of materials at a fixed location to give support or shelter, exclusive of boundary or retaining walls, fences, flag poles, self contained heating or ventilating equipment and the like.

Add New Section 3.2 Retaining Walls

3.2 Retaining Walls: Retaining walls may be constructed upon the issuance of a Building Permit, subject to the following exemptions, restrictions and conditions:

Exemptions: Retaining walls shall be exempt from the conditions and restrictions below when (a) a retaining wall has been approved by the Conservation Commission to function as a sea wall or (b) when a retaining wall meets the minimum requirements to meet state sanitary codes for raised septic systems.

1. Height Limits: In the Front Yard setback, retaining walls shall not exceed five (5) feet in height, except by Special Permit as provided in this section. In the Side and Rear setbacks, retaining walls shall not exceed six (6) feet in height, except by Special Permit as provided in this section. The applicable Special Permit Granting Authority may issue a Special Permit to allow retaining walls to exceed the said height limits after considering the effect on safety, views, and access to light and air, relating to the property on which the retaining wall is located, neighboring properties, and the Town as a whole. The height of retaining walls shall be the vertical distance of the highest point of the retaining wall above the average natural grade of the ground undisturbed adjoining the retaining wall before any construction is commenced.

2. Setbacks: Retaining walls shall be set back a minimum of five (5) feet from any property line. Retaining walls of greater than five (5) feet shall be set back one (1) additional foot for every foot of height.

3. Screening: Retaining walls shall be screened with ground plantings when located within a front yard.

4. Stormwater Control: Retaining wall drainage shall follow the Town's Stormwater regulations to ensure that stormwater does not adversely affect adjacent properties, town or private ways.

ARTICLE 42: On motion of Planning Board Chair Dorria DiManno, duly seconded, it was unanimously voted to amend the Town of Dennis Zoning Bylaw to:

- Amend Section 5 Definitions by deleting 12 and replacing it with 30, and deleting *holocaust* and replacing it with *disaster* in definition of TEMPORARY MOBILE HOME as follows

ADDITIONS IN BOLD, DELITIONS IN *ITALICS*

TEMPORARY MOBILE HOME A mobile home used by the owner and occupier of a residence which has been destroyed by a fire or other natural **disaster** *holocaust* placed on the site of such residence and residing in such home for a period not to exceed **30** 12 months while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the state sanitary code.

ARTICLE 43: On motion of Board of Selectmen member Bob Mezzadri, duly seconded, it was unanimously voted to amend Chapter 169 of the Town By-Law Article I as follow:

1. Add the following exception to the end of §169-1: “ Exception- The Building commissioner may issue a building permit for a temporary “mobile home” when a residence has been destroyed by fire or other natural disaster in accordance with M.G.L. Chapter 40A and the Town of Dennis Zoning By-Law without approval from the Selectmen.”;

ARTICLE 44: On motion of Board of Selectmen member John Terrio, duly seconded, it was unanimously voted to adopt the Illicit Discharge Bylaw as a general bylaw the following:

Bylaw Governing Discharges to the Municipal Storm Drain System

SECTION 1. PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Dennis's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this by-law are:

1. to prevent pollutants from entering the Town of Dennis's municipal separate storm sewer system (MS4);
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges; and

5. to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this by-law, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Board of Health (hereafter, the "Board"), its employees or agents designated to enforce this by-law.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251, *et seq.*) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sump pumps, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with a National Pollutant Discharge Elimination System ("NPDES") Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 8, subsection 1, of this by-law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Dennis.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and

any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock, sand, salt, soils;
- (10) construction wastes and residues; and
- (11) noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

SECTION 3. APPLICABILITY

This by-law shall apply to any and all illicit discharges entering the municipally owned storm drainage system.

SECTION 4. AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Nothing in this by-law is intended to replace the requirements or authority of any other bylaw, state, federal or superseding authority.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

The Board shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to any employees or agents of the Board.

SECTION 6. REGULATIONS

The Board may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

SECTION 7. PROHIBITED ACTIVITIES

Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm drain system (MS4), into a watercourse, or into the waters of the Commonwealth, or abutting property.

Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the Board.

Pumping of Water. No person shall direct, discharge, lead, or pump water, clear or otherwise, including groundwater and/or rooftop runoff, onto any public ways or streets, adjacent property, into the Town's municipal separate storm drain system, or into any watercourse or waters of the Commonwealth. Any pumping of groundwater shall be done in such a way that the water is contained in its entirety on the originating property and shall not create a public nuisance to the Town or abutting properties.

Discharging of Pool Water. No person shall pump pool water, dechlorinated or otherwise onto any public ways or streets, adjacent property, into the Town's municipal separate storm drain system, or into any watercourse or waters of the Commonwealth. Any pumping of pool water shall be done in such a way that the

water is contained in its entirety on the originating property and shall not create a public nuisance to the Town or abutting properties.

SECTION 8. EXEMPTIONS

The following non-stormwater discharges or flows are exempt from this by-law provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:

- (1) Discharge or flow resulting from firefighting activities;
- (2) Waterline flushing;
- (3) Flow from potable water sources;
- (4) Springs;
- (5) Natural flow from riparian habitats and wetlands;
- (6) Diverted stream flow;
- (7) Uncontaminated groundwater infiltration directly into the drainage system and/or MS4 as defined in 40 CFR 35.2005(20),
- (8) Incidental discharges from landscape irrigation or lawn watering;
- (9) Water from individual residential car washing;
- (10) Discharge from street sweeping of minor amounts of water during operations;
- (11) Dye testing, provided verbal notification is given to the Board prior to the time of the test;
- (12) Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (13) Discharges for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

SECTION 9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop

an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Board and/or any other authorized Town Official and/or any other authorized employee or agent of the Town may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 10. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Town of Dennis Fire and Police Departments and the Board of Health. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Board written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 11. ENFORCEMENT

The Board or an authorized agent of the Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

Civil Relief. If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Orders. The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Dennis may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Dennis including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for

the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

Criminal Penalty. Any violation of any provision of this by-law, regulation, order or permit issued thereunder, shall be punishable by a criminal penalty of not more than \$100 per violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Dennis may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Chapter I, Article I of the Town of Dennis Bylaws. The fine for the 1st violation shall be \$100. The fine for the 2nd violation shall be \$200. The fine for the 3rd and all subsequent violations shall be \$300. Each day or part thereof that such violation(s) occurs or continues shall constitute a separate offense. The Town of Dennis may also impose additional penalties for reimbursement of labor and/or materials used to temporarily remedy the violation.

Entry to Perform Duties Under this By-Law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.

Appeals. The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

Remedies Not Exclusive. The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

SECTION 12. SEVERABILITY

The provisions of this by-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this by-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this by-law.

SECTION 13. TRANSITIONAL PROVISIONS

Residential property owners shall have 90 days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period;

ARTICLE 45: On motion of Alternative Energy Committee Chair Rick Bardine, duly seconded, it was voted by majority to amend the Dennis Town Code by adopting a General Bylaw – Stretch Energy Code for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, with an effective date of January 1, 2020, a copy of which is on file with the Town Clerk, as follows:

Chapter 157 Stretch Energy Code

§1 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

§2 Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code – Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

§4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

§5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Dennis Town Code under the General Bylaws, Chapter 157 of the Town Code. The Stretch Code is enforceable by the Building Inspector and effective as of January 1, 2020;

ARTICLE 46: On motion of Board of Selectmen member Chris Flanagan, duly seconded, it was unanimously voted to amend the building department fee schedule, in accordance with the Selectmen's Fee Limitation By-Law to eliminate the Building Department fees that have been ~~stricken through~~ and to establish increases or decreases and the new fee items all shown in **bold** and that said fees may be amended from time to time by the Board of Selectmen in accordance with the By-Law; or take any other action relative thereto.

Building	Residential	Current	New
	Flat Application Fee		\$ 26
New Construction 100 sq.ft. or less			\$ 64
New Construction over 100 sq. ft. (per sq. ft.)			\$0.64
Dwelling Units		\$0.54	\$ -
Dwelling Additions		\$0.58	\$ -
Accessory Building Over 120 sq. ft. , up to 500 sq. ft.		\$ 115	\$ -
Accessory Building Over 500 Sq. ft.		\$ 75	\$ -
Accessory Structure Under 120 sq. ft.		\$ 75	\$ -
Foundation Only			\$200
Minor Interior Changes, Sheet Metal/Etc.		\$ 49	\$ -

100 sq. ft. or less: All Alterations Renovations, Repairs Otherwise Not Specified	\$ -	\$ 64
Major Interior/Exterior Changes/Sheet Metal etc.	\$0.58	\$ -
Over 100 sq. ft.: All alterations/renovations or repairs otherwise not specified		\$0.64
Conversion of Existing Building to Dwell Units - Per Unit	\$235	\$ -
Fire Alarms	\$ 50	\$ -
Smoke/CO Detectors	\$ 50	\$ -
Above Ground Swimming Pool	\$ 50	\$ 65
In-Ground Swimming Pool	\$ 50	\$100
Tennis Courts (Open to Weather)	\$ 67	\$ -
Decks & Open Porch	\$0.65	\$ -
Relocation/Moving (Includes New Foundation)	\$150	\$ -
Tents	\$ 37	\$ 30
Fences	\$ 17	\$ -
Residing, Re-Roofing	\$ 41	\$ 50
Windows and Exterior Doors	\$ 49	\$ 50
Chimney/Fireplace (New & Reconstruction)	\$ 0.65	\$ -
Roofing & Siding Combination		\$ 90
Roofing or Siding & Window/Door Combination		\$ 90
Roofing & Siding & Window/Door Combination		\$ 130
Weatherization		\$ 50
<u>Demolition</u>		
Principle Buildings	\$ 250	\$ 225
Accessory Buildings (over 200 sq. ft.)	\$ 87	\$ 65
<u>Commercial</u>		
Application Fee	\$ 73	\$ -
New Construction (all use groups)	\$ 0.72	\$ -
New Construction (All Use Groups 100 sq. ft. or Less)	\$ -	\$ 80
New Construction (All Use Groups over 100 sq. ft.)	\$ -	\$ 0.80
Additions	\$ 0.76	\$ -
Foundation Only		\$ 300
Alterations/Renovations/Repairs		
Minor Less Than 500 sq. ft./Sheet Metal	\$ 90	\$ -
100 sq. ft. Or Less Alterations/Renovations/Repairs	\$ -	\$ 85
Major More Than 500 sq. ft.	\$ 0.66	\$ -
All Alterations, Renovations, Repairs Over 100 sq. ft.	\$ -	\$ 0.85
Fire Alarms/Sprinkler Systems/Carbon Monoxide Detector. Smoke Detector	\$ 100	\$ -
Roofing	\$ -	\$ 100
Siding	\$ -	\$ 100
Window & Exterior Doors	\$ -	\$ 100
Weatherization	\$ -	\$ 100
Swimming Pools	\$ 152	\$ 200
Tennis Courts	\$ 152	\$ -
Decks & Open Porch	\$ 0.60	\$ -
Relocation/Moving (Includes New Foundation)	\$ 250	\$ -
Foundation Only	\$ 300	
Demolition		
Principle Buildings	\$ 250	\$ 322
Accessory Buildings	\$ 66	\$ -

Accessory Buildings (Over 120 sq. ft.)	\$ -	\$ 85
Miscellaneous		
Reports of Permits Issued to Public (Time Available Only)	\$ 20	
Home Occupation Permit (No Construction)	\$ 35	\$ -
Zoning Application/Determination	\$ 40	\$ -
Equipment/Appliance Installation		
Roof Mounted Air/Heating System	\$ 58	\$ -
Central Vacuum Systems	\$ 40	\$ -
Liquid Fuel Heating Systems	\$ 47	
Solid Fuel (Wood/Coal/Pellet)	\$ 21	\$ 40
Elevators	\$ 120	
Wind Generators/Mills/Communication Towers per foot	\$ -	\$ 5
TV Dishes	\$ 38	\$ -
Alternative Energy (Free Standing one and two family) per sq. ft.	\$ -	\$ 0.25
Alternative Energy (Roof Mounted one and two family)	\$ -	\$ 135
Alternative Energy (Free Standing Commercial)		0.30 sq. ft. - Maximum \$50,000
Alternative Energy (Roof Mounted Commercial) Per Unit	\$ -	\$525 - Maximum \$2,100
Sheet Metal		
Residential Per Unit		\$ 50
Commercial Per Unit	\$ -	\$ 100
Pre-Permit Plan Review (Time Available Only)		
Residential 1 & 2 Family	\$ 38	\$ -
All Others	\$ 140	\$ -
Change In Use - New Construction	\$ 75	\$ -
Zoning Referral (Without a Building Permit for Cause Only)	\$ 50	\$ -
Pre-Building Code Structures, Certificates, of Occupancy for Cause Only		
Temporary Uses	\$ 40	\$ -
All Others	\$ 115	\$ -
Foundation Permit (Separate From Building Permit For Cause Only)	\$ 40	\$ -
Zoning Compliance Certificate	\$ 75	\$ -
Certificate of Inspection		
Under Article 1 §108.5.1 Building Code	\$ 80	\$ -
Certificate of Inspection	\$ -	\$ 80
Change in Use	\$ 84	\$ -
Record Search (Time Available Only)	\$ 20	\$ -
Permits Renewals		
1st Renewal	\$ 40	
2nd Renewal	\$ 75	
Permits/Certificates/Services Not Otherwise Specified		
Residential	\$ 16	\$ -
All Other Uses	\$ 27	\$ -
Record Search (Time Available Only)	\$ 20	\$ -

Re-Inspections (For Work Not Ready For Inspection, Incomplete Work, Incorrect Work, or Failure of Inspector to Gain Access to Premises)	\$ 80	\$ 40
Removal of Stop Work Order	\$ 55	
Replacement of Lost Permit/Inspection Cards	\$ 35	\$ -
Historic District Compliance Inspection; Where No Building Permit is Required	\$ 19	\$ -
Building Permit Amendments (After Permit Issue)	\$ 36	\$ -
*Construction Started Prior to Permit Issuance - Double Permit Cost		
Plumbing Permits		
Residential New Construction		
1-10 Fixtures Per Unit	\$ 130	\$ -
Each Additional Fixture Per Unit	\$ 15	\$ -
Commercial New Construction		
1-4 Fixtures Per Unit	\$ 167	\$ -
Each Additional Fixture Per Unit	\$ 15	\$ -
Commercial Additions/Renovations/Repair/Replace (To Existing Unit)		
1-4 Fixtures Per Unit	\$ 80	\$ -
Each Additional Fixture Per Unit	\$ 19	\$ -
Hot Water Heaters (3)	\$ 46	\$ -
Re-inspection Fee (4) Commercial/Residential	\$ 78	\$ -
Gas Hot Water Heater (Replacement)		
Combination Plumbing & Gas Hot Water Heater	\$ 62	\$ -
Electric Hot Water Heater	\$ 46	\$ -
Building Permit Amendment (After Permit Issuance)	\$ 34	\$ -
Gas Permits		
Residential/Commercial Units		
Heater/Ranges/Furnaces/Dryer Other, When Permit is For Single Appliance Installation	\$ 43	\$ -
When Combination of Appliances in Single Unit		
1st Appliance	\$ 64	\$ -
Each Additional Appliance	\$ 19	\$ -
Re-inspection Fee (4) Commercial/Residential	\$ 79	\$ -
Building Permit Amendment (After Permit Issuance)	\$ 34	\$ -
Residential Plumbing and Gas (one and two family)		
First Fixture	\$ -	\$ 50
Each Additional Fixture	\$ -	\$ 10
Commercial Plumbing and Gas		
First Fixture	\$ -	\$ 60
Each Additional Fixture	\$ -	\$ 15
Combination Plumbing/Gas 1 Fixture		
Water Heaters/Boilers	\$ -	\$ 75
Change of Contractor	\$ -	\$ 50
*Permit Issued for Work Started Before Permit Issued (Except as Allowed By Code for Emergency) Work Shall Double Permit Fee		

ARTICLE 47: On motion of Board of Selectmen Chair Paul McCormick, duly seconded, it was unanimously voted to grant an easement to NSTAR ELECTRIC COMPANY, d/b/a Eversource Energy as delineated in the warrant.

To see if the Town will vote 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 825 Old Bass River Road Dennis, shown on a plan recorded with Barnstable Registry of Deeds in Plan Book 329, Page 44, in locations of which are shown on the sketch plan dated October 18, 2017, 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 48: On motion of Board of Selectmen member Bob Mezzadri, duly seconded, it was unanimously voted to expend \$11,500 from the Shellfish Mitigation Fund to be used for shellfish propagation:

- Purchasing 100,000 R-6mm soft shell clams for transplant into Chapin Beach and Bass River (\$1600);
- Purchasing 84,000 R1.5 (2mm-3mm) quahog/hard clam for recreational and commercial harvesting (\$1,100)
- Purchasing 20,000 R-8 (12mm) "field plant" Oyster Seed for grow out at Crowes Pasture (\$1,000);
- Repair/Upgrade of the existing Upweller used for grow out of shellfish seed, boat maintenance & aquaculture supplies (\$7,800).

ARTICLE 49: On motion of Board of Selectmen Vice-Chair 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 50: On motion of Board of Selectmen Chair Paul McCormick, duly seconded, it was unanimously voted to accept Paragraph 4 of Chapter 40, Section 5B of the General Laws and dedicate, without further appropriation, to the Town's Wastewater Stabilization Fund twenty-five percent of the local option rooms excise that the Town receives on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, pursuant to its acceptance of General Laws Chapter 64G, Section A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in Fiscal Year 2020 which begins on July 1, 2019; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years.

ARTICLE 51: On motion of Board of Selectmen member John Terrio, duly seconded, it was unanimously voted to transfer \$485,000 from the Solar Special Revenue fund to the Wastewater Stabilization Fund for the purpose of future wastewater needs.

ARTICLE 52: On motion of Board of Selectmen Vice-Chair Sheryl McMahon, duly seconded, it was unanimously voted to transfer \$810,000 from free cash to the Capital Improvement Fund.

ARTICLE 53: On motion of Board of Selectmen Vice-Chair Sheryl McMahon, duly seconded, it was unanimously voted to transfer \$810,000 from free cash to the Stabilization Fund.

It was unanimously voted to adjourn (dissolve) the meeting at 10:29 p.m. on May 7, 2019.

A True Copy, Attest:

Theresa T. Bunce, MMC/CMMC
Dennis Town Clerk