



## **Board of Selectmen** **Public Meeting Minutes** **March 31, 2015**

The regular meeting was called to order at 6:00 p.m. in the Town Hall Hearing Room by Chairman Erik Tolley. Selectmen present: Norm Holcomb, Tracy Post, James Quirk, and Michael Stone. Also attending: Town Administrator, William Hinchey. The Board of Selectmen gave the Pledge of Allegiance.

### **1. Public Announcement and Comments**

Eugene Curry, attorney representing the property owner whose property and private range is the subject of the firearms petition article, commented on his client's rights and the legality of the range on his private property.

Vida Morris commented on the School Budget and asked about the legality of deficit spending. Mr. Hinchey explained the process through each fiscal year for departments to make up a deficit by end of fiscal year. Additionally, comments were made by Ms. Morris on the ARC project and the Tony Kent Arena.

Mr. Ed Teague, representing the Bass River Rod & Gun Club, commented on the proposed petition article on firearms and gun range restrictions, and expressed the Club's opposition to this article due, in part, to the need for this range as a qualifying facility for the Dennis Police Department.

Andrea St. Germain commented on recent and upcoming events within the school district, particularly on the career day that will be held at D-Y High School on April 2, 2015.

### **2. Annual Town Meeting (ATM) Actions**

a. Article #34 - Establishment and Protection of Child Safety Zones. Michelle Conover, as petitioner for this article, briefed the Board on the background research she conducted in preparing this article. Chief Fredrickson provided comments regarding the usefulness this by-law would have as an additional tool for his officers. The Board had questions that Ms. Conover responded to, as well as thanking her for her efforts in preparing this article. Town Counsel, Bruce Gilmore, commented that the ACLU has filed suit against the City of Lynn for adopting a similar ordinance.

**MOTION: To move that the Board of Selectmen recommend Warrant Article #34 - Establishment and Protection of Child Safety Zones - for inclusion in the ATM Warrant.**

**Motion by: Mike Stone**

**Seconded by: Tracy Post**

**Yea 5    Nay 0**

b. Article #35 – Discharge of Firearms. Mr. Bryan Day, as petitioner for this article, briefed the Board on his article and the background material provided to the Board. Mr. Day described shooting that is taking place on private property in his neighborhood but he indicated his by-law is intended to address potential safety concerns throughout Town. Mr. Curry, representative for Mr. Williams, rebutted some of the claims made by Mr. Day. Discussion was held on how this by-law might affect the Bass River Rod & Gun Club as it is currently written. Mr. Day stated that he

planned to amend his by-law. The Board addressed safety concerns regarding types of firearms used at this private range. Chief Frederickson commented on safety concerns that are not addressed by any regulation currently in place for private ranges. The Chief further explained that YPD has responded to approximately 18 calls from neighbors to the range since 2011. The calls were for noise and potential violations of the law. An incident report was prepared but no violations of the law were found.

**MOTION: To move that the Board of Selectmen not recommend Warrant Article #35 - Discharge of Firearms in the ATM Warrant.**

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5    Nay 0**

c. Articles #36 and #37 - Motorcycle Rides and Noise Citations. Mr. Harris Contos, as petitioner for this article, briefed the Board on his article and explained his concerns regarding quality of life for the residents of Yarmouth due to his view that the current by-law for excessive vehicle noise is not being enforced. Selectman Post reiterated Chief Frederickson's comment that the Town does not require permits for motorcycle rides.

**MOTION: To move that the Board of Selectmen not recommend Warrant Articles #36 and #37 - Motorcycle Rides and Noise Citations in the ATM Warrant**

**Motion by: Tracy Post**

**Seconded by: Jim Quirk**

**Yea 5    Nay 0**

d. Annual Operating Budgets

1) Article #1 - FY-15 Supplemental Budget. Mr. Hinchey briefed the Board on the recommended FY15 Supplemental Budget and the two items (Police, Fire and Highway Department contract settlements, and snow and ice expenditures for the fiscal year).

**MOTION: To move that the Board of Selectmen recommend Warrant Article #1 - FY15 Supplemental Budget for inclusion in the ATM Warrant.**

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5    Nay 0**

2) Article #16 - Appropriation to Stabilization Fund. Mr. Hinchey explained to the Board the purpose of this article is to stabilize the Town's Stabilization Fund by transferring, or appropriating, cash from the Free Cash General Fund and the Overlay Reserve to the Stabilization Fund.

**MOTION: To move that the Board of Selectmen recommend Warrant Article #16 - Appropriation to Stabilization Fund for inclusion in the ATM Warrant.**

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5    Nay 0**

3) Article #3 - Golf Enterprise Operating Budget; Article #4 - Water Special Revenue Operating Budget; and Article #5 - Septic Enterprise Operating Budget.

**MOTION: To move that the Board of Selectmen recommend Warrant Article #3 - Golf Enterprise Operating Budget; Article #4 - Water Special Revenue Operating Budget; and Article #5 - Septic Enterprise Operating Budget for inclusion in the ATM Warrant.**

**Motion by: Mike Stone**

**Seconded by: Jim Quirk**

**Yea 5    Nay 0**

4) Article #7 - Cape Cod Technical High School Assessment.

**MOTION: To move that the Board of Selectmen recommend Warrant Article #7 - Cape Cod Technical High School Assessment for inclusion in the ATM Warrant.**

**Motion by: Tracy Post                      Seconded by: Jim Quirk                      Yea 5    Nay 0**  
5) Article #8 - Town Routine Capital Budget

**MOTION: To move that the Board of Selectmen recommend Warrant Article #8 - Town Routine Capital Budget for inclusion in the ATM Warrant.**

**Motion by: Norm Holcomb                      Seconded by: Tracy Post                      Yea 5    Nay 0**

6) Article #9 - Capital Leases.

**MOTION: To move that the Board of Selectmen recommend Warrant Article #9 - Capital Leases for inclusion in the ATM Warrant.**

**Motion by: Norm Holcomb                      Seconded by: Jim Quirk                      Yea 5    Nay 0**

7) FY16 Operating Budget Article; D-Y School District Assessment Article; and Capital Exclusion Article. At Selectman Holcomb's request, Mr. Hinchey explained the debt service line items in the Town Operating Budget. The Board held discussion on the three articles simultaneously with specific concerns on the school's potential override, the debt exclusion article, and capital spending.

**MOTION: To move that the Board of Selectmen recommend Warrant Article #2 - Town Operating Budget for inclusion in the ATM Warrant.**

**Motion by: Norm Holcomb                      Seconded by: Tracy Post                      Yea 5    Nay 0**

**MOTION: To move that the Board of Selectmen remove the Capital Exclusion Warrant Article from the ATM Warrant.**

**Motion by: Norm Holcomb                      Seconded by: Tracy Post, with regret                      Yea 5    Nay 0**

The Board chose to hold their recommendation on the D-Y School District Assessment until Town Meeting, pending the School Committee's actions on potentially cutting their FY16 budget.

Prior to signing the ATM Warrant, Mr. Hinchey mentioned that Article #22 - CPA Affordable Housing had one project removed from the article, which Selectman Post had voted against at the March 10, 2015 Board of Selectmen meeting due to the cost of the project.

**MOTION: To move that the Board of Selectmen accept Selectman Post's change of vote to vote in favor of Article #22 - CPA Affordable Housing to reflect a 5-0 recommendation for the Article.**

**Motion by: Tracy Post                      Seconded by: Norm Holcomb                      Yea 5    Nay 0**

The Board signed the ATM Warrant.

### **3. Board of Selectmen**

#### **a. Board and Committee Actions:**

1) Drive-In Site Utilization Committee: To appoint Tom Roche, Planning Board Representative; Ken Driscoll, CEDC Representative; and Bob Churchill, Parker's River Marine Park Committee Representative, to regular, representative positions for six-month terms to expire October 2015; and to appoint Gerry Manning, Todd Olson, Peter Slovak, and Jim Saben to regular, at-large positions for six-month terms to expire October 2015.



# DISTRIBUTED MATERIAL AGENDA PACKET

- Warrant Articles for March 31 Agenda
- Proposed 2015 ATM Warrant
- Memo to BOS from Appointments Chairman dated March 26, 2015 re: Drive-In Site Utilization Committee Appointments
- Letter to BOS from Bass River Farmers Market dated March 20, 2015 re: entertainment license fee waiver, sign permit fee waiver, and tent permit fee waiver
- Memo to Town Administrator from Jennifer Copeland dated March 26, 2015 re: donations for Forest Road and Buck Island Community Gardens
- Memo to BOS from Town Administrator dated March 27, 2015 re: 208 Process - Wastewater Management Agencies
- FINCOM Agenda for March 25, 2015