



Board of Selectmen
Public Meeting Minutes
May 12, 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, and Michael Stone. Also attending: Town Administrator, William Hinchey. The Board of Selectmen gave the Pledge of Allegiance.

1. Public Announcements and Comments

Chairman Tolley mentioned the passing of a long-time Yarmouth resident and friend, Charlie Kelleher.

Andrea St. Germaine made the following comments:

- *She thanked the residents who attended Town Meeting and their positive vote in support of the Schools.*
- *On Monday, May 11th, the Chinese students arrived and met with their host families. A total of 11 Chinese students will spend the week shadowing D-Y students.*
- *The Pops concert, featuring the D-Y concert band, the chorus, and the orchestra is being held on Wednesday, May 27, 2015 at 7 p.m. in the upper gym*
- *She attended the Law Day Essay Contest awards presentation on Friday, May 1st at the Barnstable District Court and mentioned two students from Station Avenue Elementary School who she overlooked mentioning at the last Board of Selectmen meeting.*
- *She attended the Massachusetts Association for School Committees which held its "Day on the Hill" at the State House in Boston. She commented on the speakers, and had the opportunity to have lunch with Representatives Whelan and Mannal.*
- *Selectman Post commented that the House budget was released today and that of the original \$18M in 9C cuts to the school transportation budget, \$5M was reinstated. We don't know yet what that will mean to our District.*
- *Selectman Holcomb asked if Rep. Mannal had mentioned state revenue proposals*
- *Selectmen Holcomb also asked if a Pilot Program would be feasible in Dennis and Yarmouth to generate revenue for the schools.*
- *Selectman Post mentioned that she would like to see the Board and the School Committee work more closely at an earlier time in the budget process.*

Vida Morris commented on the Cape Cod Commission organization and a \$7M deficit. She asked about the make-up of the Commission and Yarmouth's representation on the Commission with a view towards investigating the possibility of removing Yarmouth from the Commission.

She commented on a brochure she received in the mail from the D-Y Schools and asked where the money came from to prepare, print, and mail an elaborate piece of work when the School Committee previously indicated they cancelled the public relations project.

Additionally, she commented on the \$50K grant received for the Yarmouth Dog Park and asked that Town money earmarked for this project be returned to the Town.

2. Public Hearings

Chairman Tolley turned the meeting over to the Licensing Chair, Selectman Stone.

a. The Pale Orc application for a new wine and malt pouring license. Rose Smith spoke on behalf of The Pale Orc and requested of the Board to withdraw the application, without prejudice, and allow reapplication at a future date due to an additional abutter not receiving the requisite, statutory notice.

MOTION: To move that the Board of Selectmen accept The Pale Orc's request to withdraw their application without prejudice.

Motion by: Tracy Post

Seconded by: Erik Tolley

Yea 3 Nay 0 Abstention 1*

***Selectman Stone abstained.** He stated he and Attorney David Reid, who represents an abutter to The Pale Orc's application, share office space though they have separate practices. Selectman Stone has contacted the State Ethics Commission for their determination of a conflict of interest. Though the Commission does not believe there is a conflict of interest, the matter is still being reviewed by the Ethics Commission. Additionally, Selectman Stone has filed a disclosure with the Town Clerk. As such, he will abstain voting on this motion.

b. New Entertainment Licenses for Flax Pond. Selectman Stone read the legal ad into the record. Pat Armstrong, Director of Parks and Recreation, explained to the Board the application for entertainment licenses to expand the use of the Flax Pond Lodge for larger venues, such as weddings.

Terry Riley, a resident on Diane Avenue, commented on the noise level she and her neighbors expect will occur as a result of granting an entertainment license for Flax Pond.

Nancy Proulx, another resident on Diane Avenue, also commented on the noise already experienced by the neighborhood due to events at the schools, and traffic noise from the highways. She suggested that live entertainment and amplified music be restricted to inside the Lodge.

Lou Proulx, resident on Diane Avenue, provided the Board with an explanation of how sound waves travel through the air. Upon completion of his presentation, he stated his opposition to the entertainment license for Flax Pond.

John Walker, resident on Diane Avenue, commented on how the application for license was advertised and suggested alternate methods for informing the entire Town should be considered. He is also opposed to the entertainment license for Flax Pond.

Paul Rumul, President of Davenport Companies, commented on behalf of Thirwood Place, a senior living community operated by Davenport Companies. His concerns were for the residents of Thirwood Place and suggested a time limitation for outdoor entertainment with live music, possibly ending by 5:00 p.m. Additionally, he expressed his concerns for the Town being responsible for large events, particularly if alcohol is being served, the experience of Town employees overseeing large events, and event insurance concerns. He asked that the Board carefully consider each of these aspects of the application before reaching a decision to grant the license.

Selectman Stone read an abutter letter from Albert Lesh opposing the application for an entertainment license for Flax Pond, particularly the proposed hours that events would be able to use the facilities. He suggested a restriction on the time the facility could be used with outside entertainment.

Selectman Holcomb commented that he recently spoke to residents on Diane Avenue and they expressed their concerns to him on the issue of noise that will be associated with large, outside events with live and amplified entertainment.

Selectman Post asked Director Armstrong her justification for requesting a license for outdoor entertainment. Pat Armstrong explained her rationale and that she tried to encompass all the requests she might expect to receive for outdoor entertainment or use of Flax Pond. Selectman Post stated she wasn't convinced that the benefits of having outside entertainment outweighed the concerns of the residents of that neighborhood. Further, Selectman Post expressed concern on some of the issues raised by Mr. Rumul in terms of liability and managing large events. At this time, she is unable to support the application for an outside entertainment license. Selectman Post did indicate she would consider one-day entertainment applications for various shows, concerts, plays, etc.

Selectman Stone stated he agreed with the sentiments of Selectmen Holcomb and Post. He was convinced that outdoor entertainment would affect the quality of life for the residents of that neighborhood. He went on to ask Director Armstrong how managing indoor entertainment would impact noise levels. She explained that the Lodge has its own sound system and control board, which could be managed and controlled by her personnel. Additionally, if a function was held which would include the sound system, all windows and doors would be closed and the air conditioning system would be turn on for air flow, all of which would help contain the noise level.

Chairman Tolley commented that he agrees with Selectman Post that the Board has not considered any prior applications for outdoor entertainment, with amplification. He would be willing to consider outdoor acoustic entertainment requests up until 7 p.m.

Selectman Holcomb stated he would be willing to support an indoor entertainment license, with amplification, and an outdoor acoustic entertainment license.

Mr. Hinchey explained to the Board the option of limiting the license to indoor entertainment and utilize the single-day application process for each proposed outdoor event to maintain control of the events being held at Flax Pond. Selectman Post fully supported this option. Director Armstrong indicated she was comfortable with the direction of the Board and reiterated her desire for her staff to be good neighbors to the residents of Yarmouth.

MOTION: To move that the Board of Selectmen close the Public Hearing.

Motion by: Tracy Post

Seconded by: Norm Holcomb

Yea 4 Nay 0

MOTION: To move that the Board of Selectmen approve the entertainment license to include live and recorded music, amplification, dancing, theatrical exhibition, stage play, movies, cabaret, public show and TV. The hours of entertainment will be 9 a.m. to 9 p.m. indoors, striking 9 a.m. to 9 p.m. outdoors.

Discussion was held on the renewal process for the license and should it be included in this motion. A majority of the Board felt given the concerns expressed by residents at this meeting, the renewal process should not be automatic. Selectman Post amended her motion to include the license will be reviewed annually for renewal by the Board of Selectmen.

Motion by: Tracy Post

Seconded by: Norm Holcomb

Yea 4 Nay 0

c. Yarmouth Dog Park Regulations and Update (1st Reading). Karl von Hone, Director of Natural Resources, briefed the Board on the proposed regulations for the dog park and are based on dog park regulations from other communities but incorporating Yarmouth's guidelines and by-laws. The Board inquired about some of the specifics within the proposed Regulations (age requirements, number of dogs per owner at the park, etc.).

Selectman Stone asked for public comments. Vida Morris asked about the liability issues for the Town. Selectman Stone explained liability law, particularly with regard to dogs and dog owners. Director von Hone explained to Ms. Morris that the \$50K of Town funds earmarked for the Dog Park were never expended and remain in the Town's general fund.

The hearing will remain open to facilitate the 2nd reading at a date to be determined.

Selectman Stone turned the meeting back over to Chairman Tolley.

3. Yarmouth Summer Celebration Kick-Off Request for Waivers, Approvals, and Services Support

Linda Jean, representing the Yarmouth Celebration Committee; Pat Armstrong, Town Liaison to the Committee; and Paul Ronte, Red Jacket Resorts, Committee Member, brief the Board on the events planned for the summer celebration kick-off. The Board queried the panel on the costs and services expected from the Town and Town employees.

MOTION: To move that the Board of Selectmen recommend approval of the Yarmouth Summer Celebration Kick-Off request for waivers, approvals and services support as outlined in their applications.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 4 Nay 0

4. Fire Chief Hiring Process

Town Administrator Hinchey explained to the Board the possible options of the hiring process for the Fire Chief position. He further explained the various options available to them. Chairman Tolley commented that he would like to hold off on any discussion of the Fire Chief hiring process until Selectman Quirk is available to participate in the discussion and hiring process. The remaining Board members were in agreement. The matter will be on the agenda for the May 26, 2015 Board of Selectmen meeting.

5. Town Administrator Review

The Board each made comments regarding Mr. Hinchey's performance and praised his hard work and dedication to the Town.

6. Board of Selectmen

a. Board and Committee Actions: None.

b. Approval of Minutes.

MOTION: To move that the Board of Selectmen approve the Board of Selectmen Minutes for April 28, 2015.

Motion by: Tracy Post

Seconded by: Norm Holcomb

Yea 4 Nay 0

c. Individual Items:

1) Selectman Post reminded everyone of the following events:

- Town Election is next Tuesday, May 19, 2015
- The Shade Shelter Dedication Ceremony is Saturday, May 16, 2015 at 10 a.m. at Bass River Beach
- First Responders Motorcycle Ride is this Saturday, May 16, 2015, with bikers meeting in the YPD parking lot at noon
- This Sunday, May 17, 2015, starting at 10:30 a.m., YPD5K Run for a Reason is being held, starting at The Skipper Restaurant.
- On Friday, May 15, 2015, state public safety officials will conduct a "mock crash" event at D-Y High School
- Thursday, May 21st, the Seaside Chamber Auction will be held at the Red Jacket

2) Selectman Holcomb stated that whatever happens on Election Day, he has enjoyed serving on the Board and serving the Town. Additionally, Selectman Holcomb mentioned some of the items he has heard about as he's spoken to residents recently, particularly the snow & ice removal issue and in general, emergency response to natural disasters or weather events. Further, he received comments regarding the Town's capital spending plan, specifically our vehicle acquisition policy.

3) Chairman Tolley also thanked the Board and the Town and staff for the opportunity to serve.

4) Selectman Stone commented that he was quite happy to see the turnout for Town Meeting. Additionally, he attended Law Day at Barnstable District Court and was impressed with the turnout of public officials and parents. Selectman Stone commented on a Yarmouth student, as an example, and the amazing academic records, athletic records, and accomplishments at young ages for many Yarmouth students. He reminded the public of the 14th Annual Sheep Festival at Taylor-Bray Farm on June 14, 2015.

7. Town Administrator's Items

a. In response to Selectman Holcomb's remarks, Mr. Hinchey commented that the snow and ice policy will again be on the Selectmen agenda at a future date. The DPW and Town staff leadership continue to review and finalize plans to improve the emergency snow and ice response plan.

b. Consent Agenda:

- Open Meeting Law Complaint
- Applications for Special Entertainment License and Temporary Extension of Premise for the Skipper Restaurant for YPD 5K Run

- Proposed letter to DYRSD from Chairman, BOS dated May 8, 2015 re: High School Tennis Courts
- Letter to BOS from Yarmouth Port Library dated May 5, 2015 requesting a Tent Fee Waiver

Donations:

- Senior Services

- Carolyn Weeks	\$ 15.00
- Audrey Woessner	\$ 20.00
- Alice Bogus	\$ 25.00
- Ruth Gawle	\$ 25.00
- Frances Monick	\$ 25.00
- Joanne Brides	\$ 30.00
- Ice Cream Social Door Prize	\$ 31.00
- Barbara Young	\$ 75.00
- El Vozeolas	<u>\$100.00</u>

TOTAL \$ 346.00

MOTION: To move that the Board of Selectmen approve the consent agenda.

Motion by: Norm Holcomb

Seconded by: Tracy Post

Yea 4 Nay 0

c. Town Administrator Updates: Mr. Hinchey updated the Board on the Barnstable water issue and the meetings and negotiations that have occurred to date. This issue will be brought before the Board at a future date once the memorandum of understanding has been finalized.

8. Adjourn

MOTION: To move that the Board of Selectmen adjourn the meeting.

Motion by: Norm Holcomb

Seconded by: Mike Stone

Yea 4 Nay 0

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- New Annual License Application for The Pale Orc
- New Entertainment Licenses for Flax Pond Facility
- Yarmouth Dog Park Regulations and Update
- Yarmouth Summer Celebration Kick-Off Request for Waivers, Approvals, and Services Support
- Memo to BOS from Town Administrator dated May 7, 2015 re: Fire Chief Appointment
- Minutes for BOS Meeting of April 28, 2015
- Letter to BOS from Bruce P. Gilmore dated May 5, 2015 re: Open Meeting Law Complaints
- Applications for Special Entertainment License and Temporary Extension of Premise for the Skipper Restaurant for YPD 5K Run
- Proposed letter to DYRSD from Chairman, BOS dated May 8, 2015 re: High School Tennis Courts
- Letter to BOS from Yarmouth Port Library dated May 5, 2015 re: Tent Fee Waiver
- Memo to Town Administrator from Senior Services dated May 5, 2015 re: Gifts to Senior Services
- Taylor-Bray Farm Preservation Association Flyer for 14th Annual Sheep Festival
- Yarmouth Finance Committee Minutes of April 29, 2015
- Letter to BOS from Dennis Public Market dated May 6, 2015 re: Catering Liquor License Notification