



## **Board of Selectmen** **Regular Meeting Minutes** **February 23, 2016**

*The regular meeting was called to order at 6:00 p.m. in the Town Hall Hearing Room by Chairman Tolley. Selectmen present: Norm Holcolm, Jim Quirk, Tracy Post, and Michael Stone. Also attending: Interim Town Administrator, Peter Johnson-Staub. The Board of Selectmen gave the Pledge of Allegiance.*

### **1. Public Announcements & Comments**

Swearing-In Ceremony - Fire Chief Phil Simonian introduced Deputy Fire Chief Jon Sawyer and Lt. James Roberts. He read brief biographies on both men. Town Clerk Phil Gaudet read the oath of office and swore in Deputy Chief Sawyer and Lt. Roberts.

*A town resident commented on his disappointment with the Board regarding their inability to reach a consensus on the selection of a town administrator.*

*Vida Morris commented on the town's "donation" of land for the purpose of affordable housing as well as \$200,000 spent last year on the Chapin Beach project. She asked that the Board be more prudent with taxpayer funds. Ms. Morris asked about departmental budget presentations being made during upcoming meetings. Mr. Johnson-Staub explained that there will not be a department-by-department budget presentation. Additionally, Ms. Morris asked if taxpayer money might not be spent better on less "luxurious" vehicles than one Parks & Rec SUV she observed parked in front of town hall the week prior. Ms. Johnson-Staub advised Ms. Morris that each vehicle purchased by the town is reviewed by town administration and the Capital Budget Committee for its need and price.*

*Ms. Andrea St. Germaine, School Committee, made the following announcements:*

- M. E. Small participated in a very successful "Jump Rope for Heart" program which raised nearly \$4,000.*
- Additionally, on March 10th M. E. Small will be hosting a brain-building engineering program from 6:30 to 7:30 p.m.*
- Mattacheese will be hosting Mr. Bill Philips who is the founder of "New Beginnings," a program sponsored by the Massachusetts Department of Public Health.*
- D-Y High School was the top high school for blood donors for 2015 with 100 units of blood donated.*
- MSBA has moved the Mattacheese School further up on their list, however, there would need to be an amendment to the regional agreement regarding apportionment of funds between the towns.*
- A teacher from the District, Jan Wixon, passed away unexpectedly recently. Ms. St. Germaine asked for a moment of silence in honor of Ms. Wixon.*

### **2. Public Hearing**

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

a. New All Alcohol License for Tasty Buffet. Ms. Zhao Su Yang, Manager, and Mr. Jun Bin Zhang were present for the hearing. Mr. Michael Stusse, attorney for the applicants, was also present for the hearing. Selectman Stone read the legal ad into the record. Mr. Stusse requested to amend the application to remove Mr. Bin Zhang as a director for the corporation at this time as state law requires a director of a corporation must be a U.S. citizen. Though Mr. Bin Zhang has been in the country for many years and holds a valid green card, he has not yet attained citizenship. Mr. Stusse advised the Board he has amended the application with the State online.

**MOTION: To move that the Board of Selectmen allow the amendment to the application by changing the officers in the corporation to reflect the amendment filed with the state.**

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

Mr. Stusse explained to the Board that the restaurant will continue to operate as the previous owners operated it. The restaurant is a buffet restaurant that caters to bus tours primarily during the shoulder seasons and they plan to sell beer and wine, and hopefully mixed drinks in the near future. The seating arrangements and layout will remain the same. The fire department has inspected the facility and indicated there had been an issue over the winter with the sprinkler system, which is being repaired at this time.

Selectman Post asked about the certificate of insurance (COI) being missing from the application package. Mr. Stusse explained that the insurance company asked for payment before issuing a COI and he wanted to ensure the Board would issue the license before spending money on insurance but will have the COI as soon as the license is approved. Ms. Post asked about TIPS and AIM certification; Mr. Stusse assured the Board both Ms. Su Yang and Mr. Bin Zhang will both be fully certified and one or both will be on the premises at all times. As additional staff is added, they will be certified as well.

Selectman Stone informed the applicants that they do not appear to have a great deal of experience operating an establishment and he is concerned that they will be able to meet the lengthy list of requirements, training, and certifications required by the town and the state to operate an establishment, particularly one that serves alcohol. Mr. Stusse assured the Board that all requirements will be in place prior to the restaurant opening on April 1, 2016.

**MOTION: To move that the Board of Selectmen close the public hearing.**

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen grant the license subject to receipt of the certificate of insurance, the return receipt cards, and completion of required training.**

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

The Licensing Chairman, Mr. Stone, turned the meeting back over to Chairman Tolley.

### **3. Review of Annual Town Meeting Warrant Articles**

Mr. Johnson-Staub briefed the Board on the routine capital funding article and the planning and feasibility studies article.

A discussion was held concerning the expenditure of \$200,000 for wastewater planning. Selectman Holcomb expressed concern about getting public input before committing to the new concept plan. DPW Director Jeff Colby provided detailed information on what the \$200,000 would pay for in terms of the concept project. Mr. Colby also explained to the Board the request for the

DPW Building study to determine the best way to proceed with upgrading and/or replacing several DPW buildings that in dire need of replacing or renovating. Town Library Director Jane Cain explained the library study expenditure which is expected to provide the best options for upgrading and possibly centralizing the libraries. Chief Frederickson and Chief Simonian explained to the Board what the dispatch study is expected to provide in terms of efficiency to emergency response time. The Board felt the Chiefs may be able to provide information and data on what system(s) and location(s) are best suited to meet the town's needs without spending \$25,000 on an outside study.

Chairman Tolley expressed his opinion that he feels presenting this article at town meeting is going to be a failure as it appears to be spending \$300,000 for studies. It was suggested that the projects should be broken out into separate articles so the voters can better identify the projects they may choose to support or reject.

The Board asked to move the capital budget article to another meeting and asked that additional information be provided to them regarding the age and mileage of the vehicles to be replaced. Article 8 will be revisited as part of the March 15th budget and capital hearing. An additional meeting was scheduled for March 22nd for discussion and votes on capital articles.

Article 12 was reviewed which is a \$2,000,000 Bayberry Hills Golf Course Improvement project which will be funded from the Golf Enterprise Fund. Article 13 is a housekeeping article to rescind \$50,000 from a Flax Pond Borrowing article from 2009 which was not borrowed, and rescinding \$165,000 of the original debt exclusion appropriation of \$400,000 for construction of a bathroom addition under Article 17 from 2011. Article 14 was briefed by Mr. Johnson-Staub which will be included in Superintendent Woodbury's D-Y Budget and Capital presentation to the Board. The Board discussed the need to obtain input from both town's Boards and Finance Committees as well as the School Board with regard to capital investments in schools and reach a new district agreement.

#### **4. Town Counsel Selection Process**

Chairman Tolley expressed his opinion that based on receiving 10 letters of interest from law firms, he recommends the Board members review the packages and score each firm from 1 - 10. The Board could then decide to interview the top 3-5 firms. Selectman Quirk stated that of the 10 applicants, only 3 are from the Cape. He is in favor of a local firm as opposed to one from a distance. Additionally, he mentioned that one of the applicants is currently serving as special counsel for Yarmouth at this time. Selectmen Post and Stone expressed their views that the quality of the attorney or firm is a primary concern but would like, if possible, to look at local firms as the fees for travel time for an attorney off-Cape could result in excessive charges. The Board agreed to begin the process with interviewing four firms that are on-Cape or relatively close to the Cape. The Board agreed to conduct a single-topic workshop meeting on April 5th to interview 4 law firms.

#### **5. Town Administrator Search**

The Board discussed initiating another search, the funds that would be needed to conduct another search, and the timeframe for beginning the search. Mr. Johnson-Staub explained that we can issue a request for quotes or an RFP. Selectman Post asked about a new selection committee as some members of the last committee are not interested in being on another selection committee. The Board discussed the option of not appointing a selection committee but screening candidates themselves and narrowing down the list of candidates for interviews. The Board decided they will not appoint a selection committee but will handle the entire process themselves.

## 6. Board of Selectmen

### a. Board and Committee Appointments.

**MOTION: To move that the Board of Selectmen appoint Mr. Bob Isadore as the Town of Yarmouth's Representative to the Barnstable County Human Rights Commission for a three-year term to run through February 2019.**

**Motion by: Tracy Post**

**Seconded by: Mike Stone**

**Yea 5 Nay 0**

### b. Approval of Minutes

**MOTION: To move that the Board of Selectmen Approve and Hold the Board of Selectmen Executive Session minutes of January 26, 2016 and February 9, 2016.**

**Motion by: Jim Quirk**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**

### c. Individual Items

1) Selectman Holcomb commented on the school budget discussed at last night's School Committee meeting, particularly the yearly increases which can be anticipated due to wages negotiated with the teachers union by the school board last year. Mr. Holcomb expressed his concern that we could very well see yearly increases in Yarmouth's assessment for that reason and if enrollment continues to rise for Yarmouth students.

Mr. Holcomb also commented on the information he received from Mr. Johnson-Staub and our Assessor on the tax adjustments made for retirees over age 65. Given that a substantial number of those seniors who are on fixed incomes already and face a mortgage and tax burden that consumes much of their income, the Board should be looking at ways to adjust eligibility for tax adjustments.

2) Selectman Quirk commented that he is sympathetic to Mr. Holcomb's position regarding our senior citizens' tax burden but also feels the same can be said for some of the younger residents of the town as well. He also commented that he has a connection to Justice Scalia in that he served as an Alter Boy for his wedding many years ago.

3) Selectman Post mentioned that it is not too late to drop off your census if you have not already done so. Ms. Post also mentioned that we should consider reaching out to the town of Dennis to meet with their leadership on some of the pressing school issues.

4) Chairman Tolley apologized to the department heads that have had to sit through the meeting for 3-1/2 hours and for moving the capital budget article to a later meeting. Also, he wanted to remind everyone that next week's meeting will be held at the Yarmouth campus of Bridgewater State University.

## 7. Town Administrator's Items

a. Consent Agenda. Red Face Jack's temporary extension of premise for the St. Patrick's Day Parade on March 5, 2016.

Donations:

- YFD

- Elizabeth Cohan \$ 75.00  
**TOTAL \$ 75.00**

**MOTION: To move that the Board of Selectmen approve the Consent Agenda.**

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

b. Town Administrator Updates. None.

## **8. Adjourn**

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

**Motion by: Jim Quirk Seconded by: Tracy Post Yea 5 Nay 0**

Respectfully submitted,



Linda Dennehy

## **DISTRIBUTED MATERIAL AGENDA PACKET**

- Annual All Alcohol Restaurant License for Tasty Buffet, Inc.
- Proposed FY17 ATM Warrant Articles 8, 9, 11, 12, 13, and 14
- Memo to BOS from Appointments Chairman dated February 19, 2016 re: Human Rights Commission Appointment
- Board of Selectmen Executive Session Meeting Minutes of January 26, 2016
- Board of Selectmen Executive Session Meeting Minutes of February 9, 2016
- Letter to BOS from Red Face Jack's dated February 15, 2016 re: Temporary Extension of Premise Request for the St. Patrick's Day Parade
- Memo to Interim Town Administrator from YFD dated February 9, 2016 re: Gifts
- Board of Selectmen Projected 2016 Agenda Items
- Email to Mr. Johnson-Staub from Town Counsel dated February 18, 2016 re: Removal of School Committee Member
- Email to Interim Town Administrator from Selectman Holcomb dated February 10, 2016 re: Overtime
- Email to Interim Town Administrator from Selectman Holcomb dated February 15, 2016 re: Service Enhancement Explanations