



## Board of Selectmen Regular Meeting Minutes June 21, 2016

*The regular meeting was called to order at 7:00 p.m. in the Town Hall Hearing Room by Chairman Jim Quirk. Selectmen present: Tracy Post, Mike Stone, Norm Holcomb, and Erik Tolley. Also attending: Interim Town Administrator, Peter Johnson-Staub.*

### **1. Yarmouth Fire Department Pinning Ceremony**

Chief Simonian presented five new call firefighters who just finished their training at the Barnstable Fire Academy. Joseph Bono, Nicholas Pedini, Patrick Holmes, Stephan Napolitan, and Joshua Kane were sworn in and pinned as Yarmouth firefighters.

### **2. Public Announcements & Comments**

*Mr. Steve Krintzman apologized for interrupting the last Board of Selectmen meeting with his comments from the back of the room. He again voiced his disappointment with the Board for not appointing Mr. Johnson-Staub as the town administrator despite the sentiments voiced at town meeting and at several Board of Selectmen meetings.*

*Ms. Vida Morris asked if a new town administrator search could be funded from the unspent portion of the town administrator's salary. Chairman Quirk stated that possibility has not been discussed and the Board was looking at multiple options for funding the search. Ms. Morris also commented on the wastewater project and asked what organization was driving this project and what has changed from five years ago when the residents defeated the proposed project at town meeting. Selectman Holcomb responded that a number of things have changed over the past five years in that environmental organizations have advanced the timeline to treat the nitrogen levels in our waterways, the technology has improved, and the Board and staff have revised the funding options which will result in little to no tax increases on residents.*

*Ms. Linda Jean and Ms. Nancy Smith provided an update to the Board on six Habitat for Humanity projects that have begun in Yarmouth. They reported that the road, foundations, and utilities are in. The families have already been chosen for these six homes and they will participate in building their homes. Ms. Smith explained the qualification requirements for families to be approved for a Habitat for Humanity home.*

*Ms. Jean also briefed the Board on the Summer Celebration events beginning at the end of the week.*

*Mr. Joe Glynn congratulated the scholarship recipients. Additionally, he asked the Board to keep an open mind and consider all options presented during the Mattacheese feasibility study.*

b. Scholarship Awards Presentation. The Scholarship Committee Chairman, John Mincieli, thanked his fellow committee members for their time and effort in reviewing the many scholarship submissions. He commented on the sources of funding for the scholarships as the Frederick Howe Educational Endowment and the taxpayers of Yarmouth who contribute to the scholarship fund. He explained that over \$14,000 is being awarded to 27 students. Mr. Mincieli and Superintendent

Carol Woodbury presented the scholarship awards to the recipients. Selectman Post thanked Mr. Mincieli for all of his hard work in chairing the committee for many years.

### 3. Wastewater Update

Mr. Johnson-Staub introduced the wastewater update and provided an overview of the planning completed so far and what items remain. Mr. David Young from CDM Smith provided the required annual update of the town's plan for compliance with Section 208 of the Clean Water Act. He stated that three watershed reports have been submitted on behalf of the town: Lewis Bay, Bass River, and Parker's River. The Parker's River total maximum daily load (TMDL) of nitrogen has been received. The Mass Estuaries Project (MEP) study provides data for setting TMDL, which was completed in 2010. The release of this report appears to signal renewed attention of the Department of Environmental Protection. Mr. Young reminded the Board that the MEP report for Bass River was received two years ago, which needs to be incorporated into the town's comprehensive wastewater management plan. He further explained the ongoing design studies including the Bass River preliminary design, the reevaluation of the collection and conveyance systems for regional partnerships, the reevaluation of the recharge sites to minimize costs of shared wastewater systems, and the development of concept level cost estimates based on new design proposals.

Mr. Johnson-Staub concluded the presentation by explaining there is still much preliminary work to be done on a project of this size and the Board will have many opportunities to review and comment on future plans, as will the public. He stated that he anticipates late summer or early fall as the timeframe to begin the public input process.

Selectman Holcomb commented that given the studies that have already been done and the impact of widening Parker's River Bridge, how do all of the various studies and plans get built into the overall plan to ensure we don't "overbuild." Mr. Young responded that the wastewater management plan already includes the widening of Parker's River Bridge. The Bass River has not been studied as extensively as Parker's River but there will need to be further evaluation of the Bass River given the numerous sub-watersheds that impact the Bass River. Mr. Holcomb asked about financing and sharing of costs among the towns and if Yarmouth would be financing just Yarmouth's portion of the project or part of the capital costs for the treatment plant. Mr. Young explained that the cost savings for each town would come in the area of operations of a single treatment plant rather than towns paying for multiple treatment plants. He commented that he has held meetings with three off-Cape towns that formed a regional treatment commission; their shared costs were based on their town's individual flow and commissioners were also appointed based on the percentage of flow to the regional plant. All of those details can be written into a regional agreement.

Selectman Post asked from which town (Barnstable or Dennis) Yarmouth receives more underground detrimental contaminants. Mr. Young explained that Yarmouth has a larger share of the load from Bass River (56%) to Dennis' share of 44%. Yarmouth has the smaller share of Lewis Bay, which we share with Barnstable.

Chairman Quirk asked if it would be more difficult to partner with Barnstable given the equipment they already have in place. Mr. Young stated that it all comes down to where an acceptable effluent recharge site is built. Chairman Quirk also asked if substantial land-takings would be necessary to build the facility. Mr. Young commented that right now, all the parcels that are being looked at for either treatment plants or piping are in town roads or on town-owned

parcels. Chairman Quirk also asked about bridge widening on Route 6 and that both bridges would need to be widened.

**MOTION: To move that the Board of Selectmen approve the submission of the Section 208 Watershed Report as presented.**

**Motion by: Tracy Post**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**

#### **4. Public Hearing**

a. New Taxi License for Adam Long dba Long's Taxi and Airport Transportation, 20 Dolphin Way, South Yarmouth. Chairman Quirk turned the meeting over to Selectman Stone. Mr. Stone read the legal ad into the record. Mr. Long explained that his business is more of a livery service than a taxi service and consists primarily of transportation to and from the airport. He has no employees and one vehicle (his private vehicle), with no signage. He has sent letters to all abutters and he has received responses from them with no issues raised. Selectman Post asked Mr. Long if there was a requirement for a CORI check. Mr. Long said there is a requirement and it is run through the police department. Selectman Stone asked about the fee structure. Mr. Long stated that his fees are based on Barnstable's rate as a livery driver. Yarmouth combines livery and taxi licenses as one. Mr. Stone asked Mr. Long how someone contacts him for service. Mr. Long stated he uses Google advertisement services.

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

**Motion by: Erik Tolley**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen approve the new taxi license application for Long's Taxi and Airport Transportation.**

**Motion by: Jim Quirk**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**

Selectman Stone turned the meeting back over to Chairman Quirk.

#### **5. Board of Selectmen**

a. Review Goals & Action Plan - FY2016. Selectman Tolley suggested that since the Board just received the goals and action plan and it is quite a bit of information to absorb, that this agenda item be moved to the July 12, 2016 Board meeting to give Board members time to fully review the material.

b. Board and Committee Actions. Appointments Chairman Tolley asked Chairman Quirk to move forward with the agents of the local licensing authority since he has been working on these appointments prior to the Board reorganization. Chairman Quirk commented that the delay in appointing the agents was to allow time to see how the new rules and regulations panned out. Additionally, Chairman Quirk spoke to Phil Magnuson about the list and asked that any non-police individuals be removed from the list since there is a provision in our rules and regulations that state if you fail to allow an agent into your establishment, it is a violation of the rules and regulations.

**MOTION: To move that the Board of Selectman to appoint the agents of the local licensing authority as presented in the agenda packet.**

**Motion by: Erik Tolley**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

c. Town Administrator Selection Committee Appointments. Selectman Holcomb mentioned that at a previous meeting, the Board agreed that each Board member would come forward with a nominee for the Selection Committee. He stated that he has an individual that he is ready to

nominate. Also, with regard to Board participation on the committee and town counsel's input that no more than two Board members could be included in the Selection Committee without an open meeting law violation, Mr. Holcomb felt that Board member participation on the Selection Committee could intimidate the other three members of the Committee or make them feel uncomfortable. He stated he feels the committee should consist of five individuals, not to include Board members. Chairman Quirk agreed with that opinion and is willing to step aside and nominate someone else in his place. He also stated he felt Board participation would not serve the process well.

Selectman Post stated that Barnstable's selection committee included council members and seemed to work well for them. She felt she could be professional with a group of people and not make them feel uncomfortable. Ms. Post felt it is important that the Board participate on the Selection Committee. Selectman Tolley stated that he has always been an advocate of less Selectmen involvement rather than more. He does not doubt the integrity of a Select Board member to do their job but he does agree with Selectman Holcomb in that some people can or may be influenced by a Selectman's opinion. He is also prepared to bring forward a nominee for the committee. Chairman Quirk agreed with Mr. Holcomb as well and will not participate in the Selection Committee; he also has a nominee for the committee. Ms. Post will have a nominee to bring forward at the next Selectmen meeting.

d. Upcoming Agenda Review. Mr. Johnson-Staub mentioned there are several policy discussion items on the July 12th agenda: tax exemptions, economic development, fire overtime, and a tax classification hearing. Just added to the upcoming agenda are the Town Administrator Selection Committee and the Committee appointments for the July 12th meeting. The July 19th meeting will include a shellfish license hearing; the Dakota Partners informational update to the Board on the Cavalier property development project, which may be moved to a later date; the TIP improvements which will include a list of projects the Board can review and prioritize; and a Route 6A improvement update.

e. Individual Items

1) Selectman Tolley congratulated Chairman Quirk on his new position of Chairman of the Select Board. He offered his help should Mr. Quirk require any assistance.

2) Selectman Holcomb mentioned that he attended the Route 6A public meeting held at the fire house about a week ago. He wanted to publicly thank Mr. Johnson-Staub and the staff for the work they did to prepare for this meeting. Mr. Holcomb also mentioned that he has had numerous discussions with Yarmouth Port residents on the condition of Bass Hole. He is aware that staff is in the process of reviewing the work needed and any options available in the way of grants to fund improvements to Bass Hole. The beach area is diminishing each year and the grasses are overrunning what was already a small beach. He asked the Board and the staff to support moving forward with a plan to recover this town resource.

3) Selectman Stone mentioned that he was at Taylor-Bray Farm last weekend for their annual Sheep Festival. The refurbished house was open for tours with many archeological items on display. He commented that the tour was very informative and educational. The farm is a Yarmouth asset but is wholly supported by donations and fundraising. He thanked the people that live on and run the farm for their work and dedication to the farm.

Mr. Stone also mentioned that he attended the annual Yarmouth Restaurant Alcohol Education Seminar yesterday which was held at Red Faced Jack's. He commented that it was

pretty well attended. There were presentations by the district attorney's office, Officer Phil Magnuson spoke about the local regulations, and the main speaker held an interactive presentation on how to recognize fake ID's and how to watch patrons and anticipate those who may be heading towards intoxication. Overall the presentation was very good.

4) Selectman Post asked Mr. Stone to inform the Board the next time one of these seminars is being held so that Board members can attend if they are able to. She also reminded the public about the Summer Celebration Kick-off and encouraged people to attend the many events. Ms. Post also asked about the Knights of Columbus' use of town property application for an event they wanted to hold on June 25th. Chairman Quirk and Mr. Johnson-Staub advised that they were told the event is not going forward. Ms. Post asked that the Board take some action to ensure the event does not occur and to rescind the hand-held sign permit. Chairman Quirk advised that the Board cannot take action it is not authorized to take since the event is protected by the first amendment.

Ms. Post mentioned that she received an email from the Wydah Pirate Museum announcing their grand opening and ribbon cutting ceremony on Wednesday, June 22nd at 10 a.m. Selectman Post mentioned that since the matter was raised during public comments she wanted to ensure the entire public knew that Mr. Johnson-Staub withdrew his candidacy for the town administrator position. She thanked him for his leadership.

## 6. Town Administrator's Items

### a. Consent Agenda:

1) Memo to BOS from Town Treasurer dated June 16, 2016 re: Bond Anticipation Note, which is the \$125,000 borrowing approved for the Bass River Golf Course restaurant improvements. The Board's approval on the consent agenda is required to executive a short-term borrowing.

2) Special Liquor License Renewal from Ryan Family Amusements for the Beach BBQ in conjunction with Celebrate Yarmouth, Inc.

3) Special Entertainment License Renewal from Yarmouth Seaside Festival

### Donations:

- Health Department
  - Operations Center for the Substance Abuse and Mental Health Services Administration \$500.00
- YFD
  - L. B & B. J. Rogers \$ 30.00
- Parks & Recreation
  - Paul Staffier \$150.00
  - Christine Ruocco \$150.00
  - Cathy Fowler \$150.00
  - Thomas Homer \$150.00
  - Rosemary Blacquier \$150.00

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|------------------|-----------------|
| - Marcia Allar   | \$150.00        |
| - Tracy Anderson | \$150.00        |
| - Tim Harris     | \$150.00        |
| - Dina Safa      | <u>\$150.00</u> |

**TOTAL: \$ 1,880.00**

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

**Motion by: Erik Tolley                      Seconded by: Norm Holcomb                      Yea 5      Nay 0**

b. Town Administrator Updates. Mr. Johnson-Staub mentioned a problem property on Knob Hill Road in that the Board of Health will be holding a hearing on Monday to consider condemning the property. There are people living in the home but there is no heat, electricity or water to the property. Our housing coordinator, Mary Waygan, has been asked to assist the individuals living in the home to locate alternate housing.

Mr. Johnson-Staub also mentioned the Route 6A improvements which are ongoing. We have been talking with MassDOT who will begin paving portions of the roadway in need, which is quicker than anticipated. They will also be doing some vegetation management in some overgrown areas.

## 7. Adjourn

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

**Motion by: Erik Tolley                      Seconded by: Norm Holcomb                      Yea 5      Nay 0**

Respectfully submitted,



Linda Dennehy

## DISTRIBUTED MATERIAL AGENDA PACKET

- Email to Town Administrator's Office from Chairman, Scholarship Committee dated May 27, 2016 re: 2016 Yarmouth Scholarship Award Winners
- New Taxi/Limousine Permit Application from Adam Long dba Long's Taxi and Airport Transportation, 20 Dolphin Way, South Yarmouth, MA
- PowerPoint presentation on Wastewater Status Report
- Proposed Letter to Cape Cod Commission from Interim Town Administrator dated June 22, 2016 re: Watershed Reports Watershed Reports
- BOS FY2016 Goals and Action Plan
- 2016-2017 Appointments: Agents of the Local Licensing Authority
- Email from Selectman Holcomb dated June 16, 2016 re: Town Administrator Search Committee
- BOS Projected 2016 Agenda Items
- Memo to BOS from Town Treasurer dated June 16, 2016 re: Bond Anticipation Note
- Special Liquor License Renewal from Ryan Family Amusements for Beach BBQ in conjunction with Celebrate Yarmouth, Inc.
- Special Entertainment License Renewal from Yarmouth Seaside Festival
- Memo to BOS from Director of Health dated April 4, 2016 re: Donation
- Memo to Interim Town Administrator from YFD dated June 14, 2016 re: Gift
- Memo to BOS from Parks & Rec dated June 13, 2016 re: Donations
- Letter to BOS, YPD, Licensing Department, and Director of Recreation dated June 15, 2016 re: Catering Liquor License Notification
- Letter to Chairman, Board of Selectmen from Commonwealth of Massachusetts Department of Housing & Community Development dated May 27, 2016 re: Yarmouth's Housing Production Plan
- Finance Committee Agenda for June 22, 2016