



Board of Selectmen Regular Meeting Minutes August 2, 2016

The regular meeting was called to order at approximately 6:00 p.m. in the Town Hall Hearing Room by Chairman Jim Quirk. Selectmen present: Tracy Post, Mike Stone, and Norm Holcomb. Also attending: Interim Town Administrator, Peter Johnson-Staub.

1. Public Announcements & Comments.

Holly Shaker commented on the number of homes around the town that have considerable "junk" in the yards, creating an unsightly appearance in the various neighborhoods. She asked the Board if it were possible to have an "eyesore law" similar to other communities. She provided pictures of random "eyesore" properties to the Board demonstrating some of the examples of yards that have become cluttered with all manner of items such as old cars, boats, mattresses, and other debris.

2. Town Administrator Selection Committee

Mr. Richard Kobayashi, Senior Associate from the Collins Center introduced himself and explained his role in recommencing the town administrator search. He just completed meeting with the Selection Committee and stated he was confident his staff and the Committee will provide a number of credible candidates to the Board for consideration. He then introduced Mr. DeWitt Davenport who was selected as Chairman of the Selection Committee. Mr. Davenport explained to the Board that he hopes to be helpful to the process, that he finds the process very interesting, and considers the committee's work as a tremendous responsibility to the Board and the residents of Yarmouth. He stated that, having just met with the committee for over an hour, the committee is very engaged.

The Board and the Committee have reviewed the proposed charge. Chairman Quirk asked Mr. Kobayashi and Mr. Davenport if they are able to work within the timeframe the Board has proposed; both stated they could. Chairman Quirk asked Mr. Kobayashi how quickly he would expect responses to the advertising. Mr. Kobayashi stated he has already received responses telephonically, even though the advertisement has only been out for a week and the deadline is Labor Day. He does anticipate a good number of respondents.

Selectman Post asked Mr. Davenport if he felt anything in the charge should be amended given his experience as a member of previous selection committees. Mr. Davenport stated he did not think any changes needed to be made to the charge. He did ask the Board if they would like periodic updates during the committee's review process. Ms. Post stated she did not think that was necessary.

Selectman Holcomb asked Mr. Kobayashi what is meant by "fully vetted" candidates. Mr. Kobayashi explained that after the screening committee provides their recommended candidates, the Collins Center performs professional reference checks, commissions criminal background record checks, credit checks, and verification of educational credentials. Mr. Holcomb stated that after the last search where two of the four candidates selected for Board interviews withdrew their names from consideration at the last minute, does the Screening Committee or the Collins Center

question the candidates about their level of sincerity in moving forward with the process or whether the candidates have other positions they are considering. Mr. Davenport stated that the committee's questions will be phrased so as to be open-ended so the committee can attempt to ascertain their level of interest and their reason for applying for this position.

Selectmen Stone stated that reading through the provided materials he saw that the committee's goal is to advance 3-5 candidates. He felt that 5 is a good number but 3 is not given that 2 of the 4 finalists from the previous search withdrew at the last moment leaving the Board with only 2 candidates to interview. Mr. Stone stated he does not want a similar situation to occur with this search and asked Mr. Kobayashi if the minimum number should be 5 instead of 3. Mr. Kobayashi explained, having been through this process 50 times with his firm, that he has not had a serious problem with candidates dropping out. Unfortunately, candidates who apply will frequently apply for several positions, will have personal decisions to make, and these factors are also a part of the process. He did assure the Board that the Collins Center will do its very best to ensure the Board has good, solid choices. Mr. Kobayashi stated his organization is strongly against specifying a numerical minimum, stating it is better to have the process and the quality of the pool of candidates drive the number of candidates presented to the Board.

MOTION: To move that the Board of Selectmen approve the town administrator selection committee charge with the inclusion of the date of the Collins Center Scope of Services.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 4 Nay 0

3. Public Hearings

Chairman Quirk turned the meeting over to Licensing Chairman Stone.

a. Special Wine & Malt License, Barnstable County Beekeepers Association. Ms. Kim Concra and Ms. Mary-Jane Beach were present for the hearing. Licensing Chairman Stone read the legal ad into the record. Ms. Concra explained that the Barnstable County Beekeepers Association is hosting an educational community event at the Cultural Center of Cape Cod in South Yarmouth on September 17th. She explained that the Beekeepers Association has been in existence for over 40 years but has just recently been award 501C3 status. The Association is asking for a one-day special wine & malt license for their event which will allow Cape Cod Beer to provide and pour beer to the attendees of the event. Ms. Concra explained that Cape Cod Beer is not able to provide or pour wine so that part of the application is withdrawn.

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

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 4 Nay 0

MOTION: To move that the Board of Selectmen approve the special wine & malt license for the Barnstable County Beekeepers Association as presented.

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 4 Nay 0

b. Commercial & Demolition (C&D) Fee Hearing (2nd Reading). Ms. Roby Whitehouse and DPW Director Jeff Colby made the presentation to the Board. Ms. Whitehouse clarified some information from the first hearing in that Barnstable County Procurement Office did a county-wide bid for C&D removal fees. As a result of that process, there was an increase in Yarmouth's bid amount by \$20. She further provided a detailed fee analysis which shows projected revenues for FY17. Selectman Holcomb asked for clarification on the projected revenue figures. Because of the increase in our costs and fee increases occurring after the fiscal year started, Mr. Johnson-Staub explained there will need to be a supplemental appropriation article at town meeting, the funds likely to be transferred from free cash.

Selectman Post expressed concern that an increase in our fees will make us less competitive and result in decreased volume and revenue. She asked if we could lessen the increase of our fees and still meet revenue projections, or how are we justifying the increase. Mr. Colby explained that we are trying to get back to the \$41/ton as quickly as possible to avoid increasing resident sticker fees. Selectman Holcomb asked if the C&D fee increase was anticipated in the budget. Mr. Colby said it was not. Mr. Holcomb also asked if we have a list of customers that are generating our revenue with the thought that if we had 10 vendors that generated 80% of our business, they could be contacted regarding their sensitivity to price increases. Ms. Whitehouse responded that our facility receives customers from a wide variety of places, other towns, contractors, homeowners, etc.

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 proposed construction and demolition fee schedule, modified to allow flexibility of increasing or lowering fees, up to \$145 and up to \$175 for mixed loads.

Motion by: Norm Holcomb

Seconded by: Tracy Post

Yea 4 Nay 0

4. Committee Reports

a. Community Economic Development Committee (CEDC). Mr. Peter Smith, Chairman of the CEDC, and Community Development Director Karen Greene, were present for the committee update to the Board. Mr. Smith provided the Board with an overview of the committee's activities over the past year, having met 12 times in 2015 and largely focusing on the Tourism Revenue Preservation Fund special events. The committee has met 9 times in 2016 thus far, and largely focused on the tourism program. They list their accomplishments as the continued work on the Packet Landing Pavilion, a review of MassDOT plans for Route 6, revising the Board of Selectmen's Slat Sign Policy, and finalizing the Gateway sign design. Mr. Smith asked the Board to review the committee's proposed revised charge and provide their suggestions for any changes to the charge.

The Board commented on the updated charge and appreciates the committee's attempt to balance their efforts between tourism and economic development. Selectman Stone suggested that perhaps an event center would be a development which would bring more tourist dollars to the town. Selectman Post commented that she thinks the committee also needs to identify what the barriers are that prevent new economic growth in the town.

Mr. Smith explained that they have streamlined the volunteer process in that they only conduct one interview to prospective committee members where they used to do three interviews. The committee is also looking to spend more time on ideas to bring more events and therefore more tourists into the town. He addressed the physical improvements that have been done or are in progress (slat signs, Packet Landing Pavilion, etc.). He also commented that there isn't a lot to do at night in the way of entertainment. The committee will work with the Zoning Board and Planning Board to address any obstacles that may be hindering evening entertainment development. Selectman Post asked if we could better utilize social media. Mr. Smith stated we do use social media and have a Facebook page through the Chamber of Commerce. Additionally, funds are spent to advertise events. Ms. Greene commented that we do need help from event-goers on how they hear about events they would like to attend.

The Board members discussed various types of events and entertainment that might work in our climate and environment.

MOTION: To move that the Board of Selectmen approve the revised Community Economic Development Committee Charge.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 4 Nay 0

The Board discussed the Seaside Festival and the possibility of waiving some of the fees associated with the festival. The Board members were in agreement with waiving some fees since they committed to helping the festival committee out last year. Selectman Holcomb suggested that before the Board agrees to an amount, they need to have some input from the committee on their needs. Chairman Quirk asked that this item be on an upcoming agenda and asked Mr. Smith to be present for that meeting. The Board would also like the data on what fees are charged by the town for the Seaside Festival.

b. Board of Appeals. Mr. Steve DeYoung, Chairman of the Board of Appeals, and Mr. Bryant Palmer were present for the annual update to the Board. Mr. DeYoung acknowledged the other board members and administrative assistance from Ms. Sandi Clark. He then proceeded to outline the Board of Appeals role which is prescribed by Massachusetts General Law. He also described the Board's responsibility to hear and decide applications for special permits and variances. Mr. DeYoung outlined the meetings and applications the Board has reviewed, noting that of the 70 applications, 64 were granted (in whole or in part) and 6 were withdrawn.

Selectman Post asked Mr. DeYoung that from the 70 applications, did he find any common threads of issues that could be solved or did most of them require a full Board of Appeals review. Mr. DeYoung stated that his Board tries to avoid any issues that are better suited to the Planning Board. He also stated that Town Planner Kathy Williams asked him if he would be interested in a joint meeting with the Planning Board and Board of Appeals. He stated he is amenable to meeting with the Planning Board. Mr. Palmer added that he attends all of the Planning Board meetings and has offered a Board of Appeals perspective on some issues that have come up.

Selectman Stone commented that on occasion, it has been difficult for the Board of Appeals to assemble a quorum for their meetings and asked Mr. DeYoung what we could do to attract a pool of candidates. Mr. DeYoung mentioned that at each meeting, the Board of Appeals tries to work that topic into the meeting. The Board of Appeals moved the time for their meetings from 7 p.m. to 6 p.m. in an effort to better meet the board members' schedules.

5. Two Hearings Policy Review

Mr. Johnson-Staub stated that Selectman Holcomb asked to have this item placed on an agenda and outlined to the Board that we currently have a two-hearing policy for approval of fees and the Board has generally followed that policy for amending Selectmen policies though there is not a written policy regarding hearings for that.

Selectman Holcomb explained that his reasoning for requesting the Board to discuss this topic is to allow the Board, and the public, to be aware of a particular topic and to allow time to think about the comments and proposed policy after an initial hearing before adopting the policy. The Board members agreed that a two-hearing policy is a good policy to ensure a thorough review and discussion is held before adopting or changing a policy. The Board members also felt a clear presentation of the issue before a hearing, including financial data, is imperative for the Board members to make an informed decision.

6. Board of Selectmen

a. Board and Committee Actions.

Chairman Quirk asked for a motion to reappoint Jan Norris to the Historical Commission for a regular three-year term to run through July 2019 and to reappoint Beverly Bachand as the Historical Commission's representative to the Community Preservation Committee for a regular three-year term to run through July 2019.

MOTION: To move that the Board of Selectman reappoint Jan Norris to the Historical Commission for a regular three-year term to run through July 2019 and to reappoint Beverly Bachand as the Historical Commission's representative to the Community Preservation Committee for a regular three-year term to run through July 2019.

Motion by: Norm Holcomb

Seconded by: Mike Stone

Yea 4 Nay 0

b. Upcoming Agenda Review. Mr. Johnson-Staub provided an overview of the upcoming agenda items for the Board of Selectmen meetings. He also informed the Board that the Dakota Partners will be making a presentation to the Board on the Cavalier Motel redevelopment in the near future. This presentation is a conceptual plan which will not include many specific details. The purpose of this discussion is to gauge the Board's support of the proposal in concept without committing the Board to final approval of the project.

c. Approval of Minutes for June 21, 2016.

MOTION: To move that the Board of Selectman approve the Board of Selectmen Regular Meeting Minutes for June 21, 2016.

Motion by: Tracy Post

Seconded by: Norm Holcomb

Yea 4 Nay 0

d. Individual Items.

1) Selectman Stone commented that he is very interested in seeing the fee breakdown for the Seaside Festival. He further commented that last year when the Seaside Festival Committee came before the Board looking for fee waivers, Selectmen Tolley suggested to them that they needed a partner to assist with the planning, organizing, and fundraising to keep the festival on track. Mr. Stone supports the town helping the Seaside Festival Committee in any way it can to ensure its success.

Mr. Stone also mentioned that he attended the raising of the walls event for the Habitat for Humanity project in West Yarmouth and stated it was a nice event. Ms. Mary Waygan was on hand to mention all of the people, organizations, and businesses that contribute to the Habitat for Humanity projects.

2) Selectman Post commented that tonight is the "National Night Out" which is normally held on Tuesday evenings, which makes it difficult for the Board members to attend but wanted the police department to know the Board members support them.

3) Chairman Quirk commented on the passing of Chuck Bilezikian, resident of Yarmouth and former owner of the Christmas Tree Shops.

7. Town Administrator's Items

a. Consent Agenda:

- NOAA Coastal Ecosystem Resiliency Grant Letter - Parker's River Tidal Restoration
- SEIU Contract Approval dated July 28, 2016
- Let's Go Fishing Clinic Fee Waiver of \$150.00
- Barnstable County Beekeepers' Association Fee Waiver of \$120.00

Donations:

• Parks & Rec	
- Joseph Mirisola	\$500.00
- Elaine Augot	\$150.00
- Matt D'Intino	\$150.00
- Carol Hill-Rondolette	\$150.00
- Merissa Court	\$150.00
- Jessica Gow	\$150.00
- Andrea Reiger	\$150.00
- Megan Solyak	\$150.00
- Cynthia Krusen	\$150.00
- Stephen Napolitano	\$150.00
- William Principe	\$150.00
- Melissa Carter	\$150.00
• YPD	
- Genevieve Stauble	\$ 50.00
• YFD	
- Joan A. Martell	\$ 25.00
- Harvey O. & Barbara D. Dolloff	\$100.00
- Laura Ward	\$100.00
- TOPS	<u>\$ 25.00</u>
TOTAL	\$2,450.00

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

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 3 Nay 1

b. Town Administrator Updates. Mr. Johnson-Staub informed the Board that we received an email from Andy Gottlieb, Cape Cod Water Protection Collaborative, asking for support of a \$300,000 state funding grant for a pilot project for a new individual septic wastewater technology which would test residential septic treatment. Mr. Johnson-Staub asked the Board for authorization to sign a letter of support for this funding. The Board supports the project and authorized Mr. Johnson-Staub to sign a letter indicating the Town of Yarmouth's support.

Mr. Johnson-Staub mentioned kudo's he wanted to give out to the Building and Health Departments for their assistance to Emerald Physicians who recently opened a new office in South Yarmouth. He also wanted to recognize the Parks and Recreation Department for the free movies

they are showing throughout the summer at Parker's River Beach which have been partially sponsored by TD Bank. TD Bank notified Parks and Rec that they could not fully fund the movies as previously planned, but Parks and Recreation Department, the Yarmouth Chamber of Commerce, and the Cape Cod Arts Foundation where able to provide the remaining support needed for the movies.

8. Adjourn

MOTION: To move that the Board of Selectmen adjourn the meeting.
Motion by: Tracy Post Seconded by: Norm Holcomb Yea 4 Nay 0

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Sample Charge for the Town Administrator Selection Committee
- Special Wine & Malt License Hearing for Barnstable County Beekeepers Association (Beekeeper Ball Fundraiser)
- Memo to BOS from Director of Community Development dated July 28, 2016 re: CEDC Annual BOS Meeting
- Memo to BOS from Director of Community Development dated July 28, 2016 re: Seaside Festival
- Letter to BOS from Chairman, Yarmouth Zoning Board of Appeals dated July 26, 2016 re: Annual Update to BOS
- Legal Ad for Construction and Demolition Fee Increase Public Hearing with PowerPoint presentation
- Email to Conservation Commissioner from Joan Carr dated July 19, 2016 re: Resignation
- Memo to BOS from Appointments Chairman dated July 26, 2016 re: Historical Commission Appointments
- BOS Projected 2016 Agenda Items
- Board of Selectmen Meeting Minutes for June 21, 2016
- NOAA Coastal Ecosystem Resiliency Grant Letter - Parker's River Tidal Restoration
- Memo to BOS from Interim Town Administrator dated July 28, 2016 re: SEIU Contract Approval, with contract for signature
- Memo to Interim Town Administrator from Assistant Recreation Director dated July 21, 2016 re: Fee Waiver for Participants of Let's Go Fishing Clinic
- Memo to BOS from Parks & Recreation dated July 20, 2016 re: Donations
- Memo to BOS from YPD dated July 13, 2016 re: Donation Approval Request
- Memo to Interim Town Administrator from YFD dated July 19, 2016 re: Gift
- Letter to BOS from Eileen Bourne dated July 13-17, 2016 re: Cavalier Property Development
- Cape Cod Commission Workshop/ Meeting Agenda for July 21, 2016
- Board of Health Meeting Agenda for August 1, 2016