



Board of Selectmen **Public Meeting Minutes** **March 20, 2018**

The regular meeting was called to order at approximately 5 p.m. in the Town Hall Hearing Room by Chairman Tracy Post. Selectmen present: Tracy Post, Michael Stone, and Norm Holcomb. Also attending: Yarmouth Town Administrator Dan Knapik; Yarmouth Assistant Town Administrator, Chris Dwelley; Town Counsel, Jay Talerman; and Town Planner, Kathy Williams.

1. Public Announcements & Comments

Christine Greeley, resident, spoke against the Vineyard Wind project in Yarmouth and updated the board on her recent discussions with Yarmouth's elected officials.

Joseph Glynn, resident, spoke of the importance of the Scholarship Committee and of the importance for the public to get out and vote and go to town meeting.

Tom Baron, Housing Committee, announced that there is a ready renters affordable housing lottery currently available.

Vida Morris, resident, raised concerns regarding the D-Y School Building Committee and of the amount of representation the town of Dennis has on it. Selectmen Holcomb responded by saying that the town of Dennis is invested in the outcome of the School Building Committee and should have representation on it.

John Fallon, resident, thanked the town for the Cape Cod St Patrick Day Parade's success. Chairman Post thanked Mr. Fallon and the Parade committee for all of their work for putting on a great parade.

Tom Murphy, resident, spoke in opposition to the Drive-In Site petition article that would prevent any development on the property.

Tom Nickinello, resident, thanked the electrical linemen who got the town's power back on after the storm as well as the town's DPW who plowed the roads.

2. Dennis-Yarmouth Regional School District FY19 Budget Presentation

Ken Jenks, Assistant Superintendent of Dennis-Yarmouth Schools, presented the school district's FY19 budget. The presentation reviewed the school district's goals, projected state aid, projected local revenue, the impact of school choice, and average class sizes. The presentation also reviewed the budget's initial reductions as well as the district's next phase of restructuring services to students. The idea behind restructuring is to boost student achievement by reallocating resources to better respond to student needs. Restructuring of the Special Education department was also reviewed, with the goal of changes to improve student-to-teacher ratios. After feedback at the School Committee meeting, the proposed budget was changed to keep six social workers that were originally proposed to be cut from the budget. Overall the Superintendent recommended an FY19 budget of \$60,628,195.

Joseph Tierney, School Committee, added that he felt the budget number may be a little too high and could be reworked a little bit.

Selectmen Mark Forest entered the meeting at 5:45 PM.

Kristen Stone, resident, spoke against any potential cuts in the school budget and asked for the Board of Selectmen's support for the proposed school budget. Stephanie Flynn, resident and D-Y special education teacher, spoke of the importance of social workers in implementing special need programs. Peter Fasano, resident, spoke against any potential cuts to social workers. He suggested increasing property assessments in town as an alternate way of increasing town revenue. Jean Campbell, resident and D-Y special education teacher, spoke against any potential cuts in the school budget and spoke in favor of the Town investing in education for the future. Joe Goldstein, resident, spoke with concerns regarding Yarmouth's disproportionate amount of costs for paying for schools in comparison to Dennis. Kristen Phillips, resident, spoke against any potential cuts to social workers.

Selectmen Erik Tolley entered the meeting at 6:20 PM.

Alexandra Caldwell, resident, spoke in favor of investing in education in Yarmouth and urged the Board of Selectmen to recommend the school budget. Cookie Stuart, resident, spoke against any potential cuts to social workers and spoke in favor of investing in education in Yarmouth. Jim Saben, resident, spoke in defense of Mr. Jenks and said it was unfair to place the blame on him for any budget issues. Holly Port, resident and special education assistant, spoke against any potential cuts for social workers and asked for the Board of Selectmen's support for the proposed school budget.

Selectmen Tolley spoke of the difficult position that the Board of Selectmen are in when deciding on whether or not to recommend a school budget override. He raised questions as to whether or not things could be cut in the budget to avoid having to ask for an override and stated that the Selectmen will eventually be in the inauspicious position of recommending an override or deciding on an option with potentially worse ramifications.

Selectmen Holcomb raised questions regarding the financial presentation for the proposed school budget and stated his disappointment in a lack of information provided. He also questioned why classroom teachers were receiving 7% raises where other lay-offs are being proposed.

Selectmen Stone defended Mr. Jenks and stated that because someone doesn't agree with budget cuts, doesn't make it appropriate to criticize his character. He also stated that the school social workers are a vital aspect of the school's operations. Selectmen Forest stated his support for school social workers and urged the school district to explore alternative ways to cut the budget.

Chairman Post stated her concerns with the proposed budget increase and what it means for future budgets. She raised concerns with the fact that there is a substantial budget increase proposed with no programs being added, meaning that more increases in the future are likely to be requested. She suggested some long-term planning from the School Department is necessary.

Mr. Tierney reiterated that the six social workers will be a part of next year's budget and that the School Committee will need to find other places to make the necessary budget cuts.

The Board of Selectmen agreed to wait on making a recommendation until the budget is finalized. Chairman Post thanked Mr. Jenks and Mr. Tierney for their presentation and also thanked the public for their input and passion on the subject.

3. Town Charter Article Review

Chris Dwelley, Assistant Town Administrator, gave an overview of the Charter Review Committee's recent Town Charter Review. Mr. Dwelley reviewed the process the Committee followed and also reviewed proposed changes that the Committee suggested be made to the Town Charter. Selectmen thanked the Committee and supported their proposed changes.

4. Marijuana Articles Review

Jay Talerman, Town Counsel, reviewed the general and zoning bylaw process the Town of Yarmouth is undertaking regarding marijuana regulation. The town will be proposing a bylaw to ban marijuana in town as well as a backup bylaw that would regulate marijuana if the ban failed to pass.

Brad Goodwin, Chairman of the Planning Board, and Kathy Williams, Town Planner, reviewed the marijuana Zoning Bylaw that the Planning Board has proposed for a marijuana overlay district.

5. ATM Zoning Articles Review

Brad Goodwin, Chairman of the Planning Board, and Kathy Williams, Town Planner, also reviewed the proposed zoning article to amend Section 404 of the Zoning Bylaw. The proposed amendment would eliminate direct conversion of existing motel structures into housing and would require high density housing to be created by virtue of raze and replacing structures.

6. Petition Article Review - Drive-In Site

Brian Koelbel, Gateway Isles Association, reviewed the proposed petition article to direct the Board of Selectmen to forgo any activity regarding the Drive-In site. The presentation reviewed concerns with the process the Town has taken regarding development on the Drive-In site and also raised concerns regarding construction of a boardwalk over a marsh area with wetland protections.

Chairman Post reviewed a memo from Town Counsel that stated that the petition article, if approved, would only be advisory and non-binding in nature. Selectmen Holcomb voiced his opposition to the proposed article and stated that the Town's process regarding developing the site has been open and transparent, and that the Town supports development of the Drive-In site property.

7. Petition Article Review - Federal Immigration

Sara Porter reviewed the proposed article to request that the Board of Selectmen authorize all Town officials to refrain from using Town funds and Town resources for the enforcement of federal immigration laws. Chairman Post stated her opposition to the article and stated that the Board of Selectmen would never direct the police department not to follow the letter of the law. Selectmen Tolley clarified that this petition article would also be advisory and non-binding in nature. Selectmen Holcomb also stated his opposition to the proposed article.

8. Petition Article Review - Hockanom Rd./Ancient Way

Patrick Sullivan reviewed the proposed article to direct the town of Yarmouth to maintain, protect, and preserve Hockanom Road Ancient Way from Route 6A to its end at the marsh. The article also proposed that the town restore the land to its natural state prior to the destruction caused by King's Way uncontrolled water runoff so that it is passible in its entire length.

Correspondence was read into the record from the Cape Cod Mosquito Control Project. A memo was read into the record from Jeff Colby, DPW Director, which stated that the ancient way section of Hockanom Road is not a public way, therefore the Town's responsibility for maintaining it is discretionary. The petition article would be advisory and non-binding in nature.

9. CPA Articles Review

Gary Ellis, Chairman of the Community Preservation Committee, presented six Community Preservation Act articles for Town Meeting. The recommended funded articles are: FY 19 estimated annual revenue appropriations, municipal affordable housing trust, affordable housing projects, recreation projects, historic preservation projects, and open space acquisition projects.

Christine Greeley, resident, spoke in favor of the Yankee Village acquisition through CPA funds. Curt Sears, resident, spoke in favor of the Town investing in the Yankee Village property.

Joe Goldstein, Chairman of the Finance Committee, spoke regarding the Finance Committee voting unanimously against the \$275,000 recreation project at Sandy Pond. The Finance Committee had concerns that the cost for the Sandy Pond project was only for design of the project and not any actual construction. The Finance Committee also voted to approve only half of the request for the recreational project for pickle ball courts. The Finance Committee approved all of the other articles recommended by the CPA.

MOTION: To move to close the public hearing.

Motion by: Michael Stone

Seconded by: Erik Tolley

Yea 5 Nay 0

10. Board of Selectmen

1. Board and Committee Appointments:

MOTION: To move that the Board of Selectmen reappoint Richard Martin as a regular member to the Board of Appeals for a five-year term, which will run through January 2023.

Motion by: Michael Stone

Seconded by: Erik Tolley

Yea 5 Nay 0

MOTION: To move that the Board of Selectmen reappoint Richard Carroll, Nate Small, and Donald Sullivan as a regular members to the Community Housing Committee, for five-year terms, which will run through January 2023.

Motion by: Michael Stone

Seconded by: Erik Tolley

Yea 5 Nay 0

2. Approval of Minutes:

MOTION: To move that the Board of Selectmen approve the minutes of November 14, 2017.

**Motion by: Michael Stone
(Erik Tolley abstained)**

Seconded by: Mark Forest

Yea 4 Nay 0

3. Upcoming Agenda Review: The next Board of Selectmen meeting will be on March 22nd at the Dennis Senior Center. The meeting will be regarding the joint tri-town clean water partnership.

The meeting on March 27th will start at 5 pm for an executive session.

11. Town Administrator Items

a. Town Administrator Updates: the town has, again, been declined on a request for insurance reimbursements for the Bass Hole Boardwalk repairs. Funding for the repairs will be sought through the town's Community and Economic Development Committee. Mr. Knapik also thanked Town employees for their excellent response to the recent storm.

12. Adjourn

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

Motion by: Michael Stone

Seconded by: Mark Forest

Yea 5 Nay 0

Meeting adjourned at approximately 10:45 PM.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Charter Review Committee 2018 Process Overview Presentation with Summary of Recommended Changes and Charter with red-lined changes
- General By-Laws - Marijuana Establishments Articles Review
- Zoning Articles Review
- Memo to Town Administrator from Town Clerk dated January 25, 2018 re: 2018 Petitioned Articles
- Letter to BOS from Sara Porter dated March 20, 2018 re: Article 42 Petitioned Article - Federal Immigration (Non-binding)
- Petition Article for Hockanom Road/Ancient Way
 - Letter to BOS from Cape Cod Mosquito Control Project dated March 8, 2018 re: Hockanom Road
 - Memo to Town Administrator from Director of Public Works, Highway Superintendent, and Conservation Administrator dated February 28, 2018 re: Hockanom Road ATM 2018 Petition Article with "ANRs [ANR=Approved not required] and Ancient Ways"
- Memo to BOS from Chairman, Community Preservation Committee dated March 15, 2018 re: FY19 Community Preservation Act Warrant Articles
- Memo to Board of Selectmen from Appointments Chair dated March 6, 2018 re: Board of Appeals Appointment
- Memo to Board of Selectmen from Appointments Chair dated March 6, 2018 re: Community Housing Committee Reappointments
- Board of Selectmen Meeting Minutes of November 14, 2017
- 2018 BOS Upcoming Agenda Items Schedule
- Memo to Appointments Chair and Board of Selectmen from Affordable Housing/CDBG Program Administrator dated March 7, 2018 re: Certificate of Appointment of Trustees to the Affordable Housing Trust
- Application for Special Entertainment License from South Yarmouth Methodist Church for Easter Services at Bass River Pier
- Memo to Town Administrator from Senior Services dated March 1, 2018 re: Gifts to the Division of Senior Services
- Effective Treatment Strategies for Addicted Older Adults and Their Families and Caregivers Flyer
- Affordable Rental Housing Lottery Flyer