



Board of Selectmen
Public Meeting Minutes
March 27, 2018

The regular meeting was called to order at approximately 6 p.m. in the Town Hall Hearing Room by Chairman Tracy Post. Selectmen present: Mike Stone, Mark Forest, Norm Holcomb, and Erik Tolley. Also attending: Yarmouth Town Administrator Dan Knapik; Yarmouth Assistant Town Administrator, Chris Dwelley; Director of Public Works Jeff Colby; and Finance Director Ed Senteio.

1. Public Announcements & Comments

Resident Curt Sears suggested the idea of placing temporary stop signs at intersections when the power goes out on stoplights in the future.

2. Public Hearing

a. Show-Cause Hearing for Black Sheep Bah & Grill. Licensing Chairman Stone read the legal notice into the record and had all the witnesses sworn under oath. The Black Sheep Bah and Grille is charged with four violations of the Yarmouth Rules and Regulations. Violations #3 and #4 are undisputed but the Black Sheep does not agree with violations #1 and #2.

Officers Gibney gave testimony of the events that took place on the evening of January 24th, 2018. A 20-year old employee of the Black Sheep Bah and Grille was arrested for suspicion of operating a motor vehicle under the influence of alcohol and the employee stated that he drank three shots at the Black Sheep. Officer Wenberg gave testimony of the events that took place on the afternoon of January 26th, 2018. During a follow-up compliance check to the Black Sheep, Officer Wenberg discovered that none of the staff waitressing or bartending at the time were TIPS certified. The situation has since been rectified and the servers are certified. Officer Magnuson testified that he met with owner James Liadis after the incident and he has taken steps to properly remedy the staff-training situation.

Manager Charles Wetherbee testified regarding typical employee procedures and also testified that he did not see the employee in question drink at the bar. Bartender David Kelley testified that he never served the employee in question any alcohol on the premises. Owner James Liadis testified that he was out of town for the night in question. He also testified that he made sure all of his servers were TIPS certified before reopening his business after the incident.

Officer Magnuson explained that in order for the Board to find the bar guilty of the first violation they are charged with, they would have to find that bar management knowingly allowed their employee to drink at the bar.

The Board agreed not to hold the establishment accountable for the first two charged violations due to the uncertainty of whether or not the employee was drinking on the premises.

It was agreed that the Black Sheep Bah and Grille was in violation of Yarmouth Rules and Regulations Section 1.09 (a): failure to train and maintain recertification requirements of an approved server program for bartenders and waitpersons, and in violation of Yarmouth Rules and

Regulations Section 1.01 (a) and (c): failure to have the Yarmouth Rules and Regulations available on the premises with a record of employee review.

Mr. Stone explained that Board members were not prepared to make a motion to find responsibility on violations #1 and #2. Further, Mr. Stone explained that no motions were necessary for violations #3 and #4 as the management of Black Sheep Bah and Grille stipulated to responsibility for those violations. Officer Magnuson stated that the establishment closed down for a day to get all employees TIPS certified, which is a mitigating factor in the Board's findings. Mr. Stone recommended to the Board members that a warning be issued.

MOTION: To move that the Board of Selectmen find Black Sheep Bah and Grille in violation of items #3 and #4, Section 1.09 (a) and Section 1.01 (a) and (c) and issue a warning.

Motion by: Tracy Post

Seconded by: Erik Tolley

Yea 5 Nay 0

Mr. Stone made some recommendations to the owners that they may want to consider whether they should allow anyone under the age of 21 access to the bar area; and whether the establishment should put into effect a plan that if a bartender is momentarily missing from the bar, that someone in management be at the bar area so that anyone under 21 years of age cannot gain access to alcohol.

3. Stretch Code Article Review

Shawn MacInnes, Director of Municipal Operations, gave a presentation regarding the possibility of Yarmouth adopting the Stretch Code at Annual Town Meeting. The program is a part of the Town's Green Communities Grant. The Stretch Code will require newly constructed buildings to meet higher energy efficiency standards. The Code does not pertain to residential additions.

4. Final ATM Article Review and Recommendations

Town Administrator Dan Knapik gave the Board a summary of Annual Town Meeting articles and upcoming budget challenges. The Selectmen discussed the challenges resulting from the upcoming large budget requests from the school system. Selectmen Holcomb stated that he would not support any potential school budget override vote. It was clarified that unforeseen late season snow and ice treatments for the Town (in Article #1 of the Warrant) will be paid for out of Free Cash. The Selectmen agreed not to recommend placing the funding of a new DPW building on the warrant this year but rather wait until next year when the Town knows what the cost of the new building will be.

MOTION: To move that the Board of Selectmen recommend article #1 on the Town Meeting Warrant.

Motion by: Erik Tolley

Seconded by: Mark Forest

Yea 4 Nay 1

(Selectmen Post voted in opposition due to funding of the Golf Enterprise through Free Cash)

MOTION: To move that the Board of Selectmen recommend article #2 on the Town Meeting Warrant.

Motion by: Erik Tolley

Seconded by: Norm Holcomb

Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #3 on the Town Meeting Warrant.

Motion by: Erik Tolley

Seconded by: Norm Holcomb

Yea 3 Nay 2

(Selectmen Post and Forest voted in opposition)

MOTION: To move that the Board of Selectmen recommend article #4 on the Town Meeting Warrant.

Motion by: Norm Holcomb

Seconded by: Mark Forest

Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #5 on the Town Meeting Warrant.
Motion by: Michael Stone **Seconded by:** Mark Forest Yea 5 Nay 0
Selectmen agreed to recommend article #6 from the Town Meeting floor.

MOTION: To move that the Board of Selectmen recommend article #7 on the Town Meeting Warrant.
Motion by: Erik Tolley **Seconded by:** Norm Holcomb Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #8 on the Town Meeting Warrant.
Motion by: Erik Tolley **Seconded by:** Mark Forest Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #9 on the Town Meeting Warrant.
Motion by: Norm Holcomb **Seconded by:** Mark Forest Yea 5 Nay 0
Selectmen agreed to recommend article #10 from the Town Meeting floor.

MOTION: To move that the Board of Selectmen recommend article #11 on the Town Meeting Warrant.
Motion by: Norm Holcomb **Seconded by:** Mark Forest Yea 5 Nay 0

Selectmen agreed to recommend article #12 from the Town Meeting floor.

MOTION: To move that the Board of Selectmen recommend article #13 on the Town Meeting Warrant.
Motion by: Michael Stone **Seconded by:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #14 on the Town Meeting Warrant.
Motion by: Mark Forest **Seconded by:** Michael Stone Yea 5 Nay 0

MOTION: To move that the Board of Selectmen withdraw article #15 from the Town Meeting Warrant.
Motion by: Mark Forest **Seconded by:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #16 on the Town Meeting Warrant.
Motion by: Michael Stone **Seconded by:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #18 on the Town Meeting Warrant.
Motion by: Erik Tolley **Seconded by:** Michael Stone Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #19 on the Town Meeting Warrant.
Motion by: Erik Tolley **Seconded by:** Mark Forest Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #20 on the Town Meeting Warrant.
Motion by: Erik Tolley **Seconded by:** Mark Forest Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #21 on the Town Meeting Warrant.
Motion by: Michael Stone **Seconded by:** Mark Forest Yea 5 Nay 0

Selectmen agreed to recommend article #22 from the Town Meeting floor.

MOTION: To move that the Board of Selectmen recommend article #23 on the Town Meeting Warrant.
Motion by: Norm Holcomb **Seconded by:** Mark Forest Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #25 on the Town Meeting Warrant.
Motion by: Michael Stone **Seconded by:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #26 on the Town Meeting Warrant.
Motion by: Erik Tolley **Seconded by:** Michael Stone Yea 5 Nay 0

Selectmen agreed to recommend articles #27, #28, and #29 from the Town Meeting floor.

MOTION: To move that the Board of Selectmen recommend articles #30-31 on the Town Meeting Warrant.

Motion by: Erik Tolley **Seconded by:** Michael Stone Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #33 on the Town Meeting Warrant.

Motion by: Michael Stone **Seconded by:** Mark Forest Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #34 on the Town Meeting Warrant.

Motion by: Erik Tolley **Seconded by:** Mark Forest Yea 5 Nay 0

MOTION: To move that the Board of Selectmen recommend article #38 on the Town Meeting Warrant.

Motion by: Norm Holcomb **Seconded by:** Mark Forest Yea 2 Nay 3
(Selectmen Post, Stone, and Tolley voted in opposition due to increased construction cost concerns)

Article #38 failed to get the Board's recommendation

MOTION: To move that the Board of Selectmen recommend article #39 on the Town Meeting Warrant.

Motion by: Erik Tolley **Seconded by:** Mark Forest Yea 5 Nay 0

MOTION: To move that the Board of Selectmen not recommend articles #40, #41, and #42 on the Town Meeting Warrant.

Motion by: Erik Tolley **Seconded by:** Mark Forest Yea 4 Nay 0
(Selectmen Stone abstained on making a recommendation for article #40)

Articles #40, #41, and #42 failed to get the Board's recommendation

5. Vote to Approve ATM Warrant

MOTION: To move that the Board of Selectmen approve the Annual Town Meeting Warrant.

Motion by: Erik Tolley **Seconded by:** Michael Stone Yea 5 Nay 0

6. Board of Selectmen

a. Upcoming Agenda Review. The next Board of Selectmen meetings will be April 10th, 2018 and April 24th, 2018.

b. Approval of Minutes:

MOTION: To move that the Board of Selectmen approve the minutes of January 3, 2018.

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

c. Individual Items. Selectmen Tolley urged the public to have patience with all the water/flooding issues around town.

7. Town Administrator Items

a. Consent Agenda. Mr. Knapik reviewed items on the consent agenda.

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

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

8. Adjourn

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

Motion by: Michael Stone **Seconded by:** Norm Holcomb Yea 5 Nay 0

Meeting adjourned at approximately 9:30.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Show-Cause Hearing for Black Sheep Bah & Grill, 720 Route 6A, Yarmouth Port, MA
- Art. 38 - Stretch Code Article Review Presentation
- 2018 ATM Warrant for Review and Recommendations
- 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
- 2018 Seasonal Alcohol and Entertainment Licenses
- Letter from DYRSH Department Chair for Music & Performing Arts dated March 23, 2018 re: "Cash & Coin" Donation Drive
- Memo to Town Administrator from Director of Senior Services dated March 22, 2018 re: EVERSOURCE and Emergency Planning