



Board of Selectmen
Regular Meeting
December 11, 2012

The open meeting was called to order at 7:00p.m. in the Town Hall Hearing Room by Chairman Erik Tolley. Selectmen present: Curt Sears, Norman Holcomb and Tracy Post. Also Attending: Town Administrator William G. Hinchey. Selectman Jim Quirk was tardy. The Board of Selectmen gave the pledge of allegiance.

Public Comment

Vida Morris asked about the RFP regarding 14 Lewis Road.

Judy Coughlin spoke about the Housing Authority Forest Road property and requested the Housing Authority to look for an alternative site on Route 28.

Jack McCormack reminded viewers that the Cape Cod Commission will be holding a public hearing regarding the Mayflower Place development on Mill Pond Road at Town Hall the following week.

Yarmouth Housing Authority CPA Contract

Represented by Ed Roderick and Ed Blackman, Niall Hopkins, John Reid, Mary Ann Walsh and Bambi Rosario. Mr. Hinchey briefly explained to the Board that the agreement between the Housing Authority and the Town has not been authorized for expenditure of CPA funds approved through a Town Meeting Vote. Mr. Roderick explained that the Housing Authority is ready to hire a consultant yet still open to opportunities for alternative sites if they come available. Mr. Blackman stated that he felt the housing Authority has been sensitive to the concerns voiced however the Housing Authority is still going to move forward with the development on Forest Road. Mr. Sears was concerned that the Housing Authority still presenting conflicting number of proposed units. Mr. Roderick stated that the consultant will determine the final number of units the Authority will be able to build. No other funds are available except the CPA funds. Mr. Sears was also concerned that the lawyer they hired charge \$700/hr. and the \$75,000 CPA funds of soft costs will not go too far at those rates. Mr. Hinchey stated that it is within the scope of the contract to be issued by phases. Ms. Post asked what options are available for the Board. Mr. Hinchey state that restrictions can be placed and the Board does not have to sign the contract. Mr. Blackman stated that he is available to form a sub-committee to look at options. Ms. Post stated that she was not comfortable approving of expenditures of CPA funds without a plan or the Housing Authority having additional and alternative funding sources invested in the project. Mr. Holcomb asked what alternative sites have already been considered and why the Housing Authority declined those sites. Mr. Blackman stated that the Housing Authority has not declined any alternative site. Mr. Hinchey stated that a number of Route 28 sites had been proposed to swap with the Forest Road site however the Housing Authority did not agree to the offer. Mr. Hinchey elaborated by stating the Town's offer was to purchase the Route 28 parcel and give it to the Housing Authority as a trade for the Forest Road property, and the Town would then turn the Forest Road property into Open Space. Any multiple ownership issues of the Route 28 property would be resolved prior to the Town giving it to the Housing Authority. Mr. Roderick stated the offer was not what the Housing Authority felt was good at this time yet still wanted to have that property available to them in the future for additional development opportunities. He said the Housing Authority did not want to give up the Forest Road property and did not feel trading the 18 acre parcel on Forest Road for a 5 acre parcel on Route 28 was a fair and equitable deal.

Mr. Quirk joined the meeting.

Mr. Holcomb stated that the Board is very clear in support towards Economic Development and Affordable Housing. Mr. Holcomb is concerned with the dramatic environmental impacts for the

existing neighborhood of any new development on the Forest Road Property. Mr. Blackman said the Housing Authority would be willing to put aside the issue on the Forest Road property. Ms. Post asked what issue were they willing to put aside? Mr. Blackman stated they were willing to put to the side the commitment to develop the Forest Road property at this time. Ms. Post then asked if the Housing Authority was willing to not develop the Forest Road property at this time why were they asking for the contract to be approved and spend CPA funds? Mr. Blackman said that there were going to be other sources of money. Mr. Roderick then stated that they would like to go forward with hiring a consultant to see what the Forest Road property will bear and that is the reason they need the contract awarded to complete the study. The Housing Authority had not ruled out if an alternative site is palatable on Route 28 or elsewhere in the town, the Housing Authority may re-look at Forest Road. Mr. Roderick stated that the Board of Selectmen were the ones that strongly encouraged them to develop the property yet received pushback from the residents. They entered discussions with the Town Administrator to hear other options because they want to make this work. And if they have to go forward without the support of the Town of Yarmouth then they will have to look for other resources. They do not want to that however; they want to be a good partner and neighbor. Ms. Post stated she felt being a good partner and neighbor is spending your financial resources wisely and making sure you have secured the funding in the end to bring the development to fruition otherwise funds will be wasted. Ms. Post asked if the title to the Route 28 was clear was the housing Authority interested in exchange for the Forest Road property? Mr. Blackman stated that he would be interested in having a conversation on that offer. Mr. Quirk stated that until new information is presented before the board he is unwilling to spend money for the sake of spending money. Mr. Holcomb stated that it would make more sense not to spend money on consultant fees but rather keep within the scope of the initial proposed number of units and work with the Town on the urgency of developing alternative sites for affordable housing. Mr. Tolley stated there are many items in the CPA application that have yet to be addressed. It is the sense of the board that they are not prepared not to enter into a contract this evening. Mr. Tolley suggested breaking the contract into two parts; one for soft costs and the other for actual construction costs. Mr. Sears stated that the acres on Route 28 has the potential for 68 units to be built on that location as oppose to the 30-40 units on Forest Road, therefore he felt the Housing Authority should consider that offer of more value. The Board discussed the Town Meeting votes and the direction for sub-committee negotiations. The Board agreed to form a sub-committee to negotiate a split contract and locating an alternative site in exchange for the Forest Road property only after a strategic plan is formed by the Housing Authority.

MOTION: To move that the Board of Selectmen form a Forest Road sub-committee of Erik Tolley, Jim Quirk and Norm Holcomb.

Motion by: Jim Quirk **Seconded by:** Curt Sears Yea 5 Nay 0

The meeting was turned over to Appointment Chairman Jim Quirk.

Board & Committee

1. Reappointment – Scholarship Committee [2 members]

MOTION: To move that the Board of Selectmen reappoint Sandy Rubenstein and Tom Kerr to the Scholarship Committee.

Motion by: Tracy Post **Seconded by:** Norm Holcomb Yea 4 Nay 0

2. Resignation

MOTION: To move that the Board of Selectmen accept with regret the resignation of Jamed Goldberg from the Historical Commission

Motion by: Curt Sears **Seconded by:** Tracy Post Yea 4 Nay 0

The meeting was turned back to Chairman Tolley

Board of Selectmen

1. Individual Items

Ms. Post announced the new Town Hall Art Gallery Exhibit by Joan Harvey available to view Monday – Friday from 8:30 - 4:30.

Town Administrator's Items

1. Consent Agenda

- 2013 Annual Alcohol License Renewals
- 2012-2013 Liquor License 2AM New Year's Eve Closing List
- Donations

1. Fire Department

▪ Stella & Joseph Mulligan	\$100.00
	<u>\$100.00</u>

2. Police

▪ Estate of Wilhelmina I Gomes	\$416.96
	<u>\$416.96</u>

3. Boardwalk Plank

▪ Joseph Campagna	\$150.00
▪ Mary Stevens	\$150.00
▪ Gloria Swanson	\$150.00
▪ Jacquelyn Boyden	\$150.00
▪ Susan Coppelman	\$150.00
▪ Kristine Mallinson	\$150.00
▪ Trevor Meyer	\$150.00
	<u>\$1050.00</u>

4. Libraries

▪ Cape Cod Cooperative Bank	\$500.00
▪ Linda Blum	\$200.00
▪ Francis Lloyd	\$100.00
▪ Marjorie Esselen Trust	\$100.00
	<u>\$900.00</u>

TOTAL \$2,110.00

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

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 5 Nay 0

2. Updates

- Medical Marijuana

Mr. Hinchey updated the Board on the votes regarding Medical Marijuana in Yarmouth and neighboring towns. The Board discussed the State's plans, and suggested having the Planning Board in to discuss this topic.

- Old Townhouse Rd & Forest Rd Intersection Update

Mr. Hinchey updated the Board on the construction of the intersection stopping till the spring.

Mr. Hinchey also updated the Board on the tax rate and shifts in property values.

Bayberry Golf Course Restaurant and Liquor License

Represented by Jim Armentrout and Golf Enterprise Committee members. Mr. Armentrout spoke about the purpose and benefits of a food service facility at the Golf Course. He stated that it is vital of the operation to have coordination between the course and the restaurant. Mr. Armentrout recommended and stated reasons as to why the Town should begin operating the Bayberry Course Restaurant since the current vendor has chosen not to renew the lease. If the Town takes over the operation there will be more consistency with hours of operation, continuity with the goals and mission of the course and maximizing the financial return to the Town and improved customer service. Mr. Sears was concerned with the appearance of a conflict of interest due to the Town

issuing its self a liquor license; however it has already been done at Bass River. The Board supported moving forward with the Town operating the Bayberry Golf Course Restaurant.

MOTION: To move that the Board of Selectmen support with the Golf Director proceeding with an alcohol license application for Bayberry Golf Course.

Motion by: Erik Tolley

Seconded by: Jim Quirk

Yea 4 Nay 1

Board of Health Motel License Renewals

Health Director Bruce Murphy gave the Board a brief background on the renewal process for motel licenses. A few motels have been granted a Zoning waiver of the 30-day stay regulation and are under review if those waivers will be extended. Ms. Post mentioned that there police notices of arrests where the individual was listed as residents of a motel. Ms. Post asked how that is possible since tenants must have a permanent resident other than that motel. Ms. Post asked if there was a way for the Board of Health to work with the PD in enforcing these rules. Mr. Murphy said the Hotel/Motel Team meets once a month or more to discuss violations which would allow the Board of Health to possibly revoke a license if violations are continuing. Ms. Post asked how many motels are utilizing the Work-Force Housing bylaw. Mr. Peter Johnson-Staub stated that "employee" housing is allowed by right and a permit is not required, if that employee is employed by that establishment. The motel team has a good idea of which establishments are utilizing that option. There is not a Work Force Housing bylaw in place currently but the Planning Board is working on a possible bylaw for the Annual Town Meeting which would allow housing for seasonal workers. Chief Frederickson mentioned the progress the Team and his department have been making towards enforcing rules. Mr. Tolley asked how three motels were granted variances for the extended stay through Zoning. Mr. Sears gave the background on the employee housing definition and encouraged the Motel Team to give updates more frequently to the Board.

Adjourn

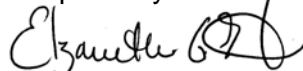
MOTION: To move that the Board of Selectmen adjourn the meeting at 9:21pm

Motion by: Tracy Post

Seconded by: Curt Sears

Yea 5 Nay 0

Respectfully submitted,



Elizabeth G. Hartsgrove

Distributed Material

Bayberry Golf Course Concessions

- Email from Bruce Gilmore to PJS, dated November 9, 2012. Re: Golf Restaurant Liquor License issues.

Board of Health Motel License Renewals

- Memo from Mark Grylls to PJS, dated December 7, 2012. Re: Motels authorized to exceed length of stay provisions.