

Board of Selectmen Regular Meeting April 9, 2013

Executive Session (Room A)

1. Bargaining Strategies

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

Public Announcements & Comments (Hearing Room)

Chairman Tolley thanked the voters who attended the Annual Town Meeting.

Mr. Peter Kenney spoke about CVEC, their proposed solar system projects, an IG investigation and requests that Selectmen hold a Q&A between the public and CVEC regarding their business practices. Chairman Tolley asked Mr. Hinchey to work on inviting CVEC in to a future meeting.

Ms. Vida Morris asked if she could ask Mr. Peter Kenney a question, which Chairman Tolley stated this meeting was not the venue for other members of the public to ask questions on items that were brought up during public comment. That can be done in private. Ms. Morris asked if the CVEC issues were going to impact the school energy budget that is relying on solar projects between CVEC and Republic. Ms. Morris asked about the road repair projections and concerned with the tax rate. Ms. Morris stated that she was upset with how the Town Moderator conducted the Town Meeting.

The meeting was turned over to Licensing Chairman Curt Sears

Public Hearing

1. Transfer and Alteration of Premise of Annual All Alcohol License

A.B. Pizza II, Inc. dba Royal II Restaurant & Grill, Apostolos Bolanos, manager from Village Pizza, 715 Route 6A, Yarmouth Port

Chairman Sears read the legal ad. Application was represented by Atty. Nick Ambliotus and described the business operations and alterations to the premise. Mr. Phil Morris spoke against the expansion of the business to the outside deck which would raise the possibility of noise pollution. Ms. Karen Alexander spoke against the application to expand the service and consumption of alcohol outside on the deck, and requested that regular service be limited to 9pm. Ms. Vida Morris asked if construction of the deck has begun. Mr. Sears stated that construction has begun and is allowed by zoning to have food service on the deck. Mr. Napos Papetus spoke in favor of the business expanding to the outdoor deck. Mr. Spyro Mitrokastas spoke favorably of Mr. Bolanos as a business owner in the Town of Dennis. Mr. Peter Kenney spoke in favor of Mr. Bolanos' business in Dennis and in favor of the expansion of service of alcohol on the outdoor deck. Ms. Janice Cokool spoke about the foliage on the property and requested an improved border to help diminish the noise. Mr. Peter James spoke about the history of the property and supports Mr. Bolanos. Mr. Christopher James spoke in favor of the application and expansion of the service/consumption.

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

Motion by: Jim Quirk Seconded by: Tracy Post Yea 5 Nay 0

Mr. Sears confirmed that the latest closing time for the business is 9:30pm. Mr. Holcomb asked if the owners would be willing to speak with the abutters. Mr. Bolanos stated that he would be happy to meet with the abutters. Mr. Holcomb asked how the alcohol will be served. Mr. Bolanos stated that the servers will get the alcohol from the bartender and serve it to the customer. Mr. Bolanos stated he personally will be at the establishment and will be monitoring the outside area. Mr.

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Bolanos also mentioned that there are plans already to add foliage to the landscape. Mr. Quirk stated he is comfortable with issuing the license. Mr. Tolley asked how people will be prevented from leaving the deck. Mr. Bolanos stated he will have certified servers. Mr. Tolley stated that though Yarmouth is a lax community he suggests there is a gate or other measures taken to control alcohol from leaving the deck area from the egress. Ms. Post questioned if the outside service could be restricted to 9pm, for the comfort of the neighborhood. Mr. Sears asked what the hours of existing operation. Mr. Bolanos stated that the existing hours are from 11am till 1am. No entertainment is being proposed at this location. Mr. Bolanos stated that there will be a stone wall built with foliage planted.

<u>MOTION:</u> To move that the Board of Selectmen transfer the existing licenses.

Motion by: Jim Quirk Seconded by: Tracy Post Yea 5 Nay 0

The Board discussed various hours of operation to accommodate the neighbors, the fence and barrios. MOTION: To move that the Board of Selectmen approve the expansion of the premise with service on the deck till 9:30 the condition that arbivytes are planted by the fence to manage the noise, subject to the Old Kings Highway approval of the fence. Deck must be cleared by 10pm.

Motion by: Jim Quirk Seconded by: Tracy Post Yea 5 Nay 0

The meeting was turned back to Chairman Tolley.

Annual Town Election

1. Review of Petitioned Ballot Question

Ms. Mary Zepernick is requesting a placement of a petitioned ballot question to close down the nuclear power plant in Plymouth. She read the language of the petitioned article. Ms. Zepernick stated that 12 towns on the Cape have placed this article on either the Town Meeting warrant or election ballot. Ms. Zepernick stated that the Pilgrim Nuclear Power plant is the same type of reactor and same age as the one in Japan. Mr. Quirk asked if their license was renewed, which Ms. Zepernick affirmed the license was renewed. Ms. Diane Turkel spoke about the license renewal hearing that took place last year. Mr. Quirk asked what will the petition do if the license has been renewed for another 20 years. Ms. Turkel stated that it will allow the public be aware and strengthen the opportunities to pursue a closure or revoking of a license. Ms. Post stated that regardless of her opinion the ballot question it allows the public to show their opinion in a non-binding way. Mr. Tolley stated that he is not comfortable with placing the ballot question before the voters when only one side of the story is not available to the public. Mr. Peter Kenney briefed the board on licensing of a nuclear power plant and safe storage of spent fuel cores. Ms. Turkel also spoke about the nuclear waste plans for Plymouth's plant. Mr. Sears stated that there is time if the opposing side would like to make a presentation prior to the election.

<u>MOTION:</u> To move that the Board of Selectmen place the petitioned ballot question on the Election Ballot.

Motion by: Tracy Post Seconded by: Curt Sears Yea 4 Nay 1

Mr. Hinchey reviewed the Roads Ballot question and summarized the information paragraph that will be included on the ballot. Mr. Tolley did not like the question language and wondered if it could be revised to clearly define what the Town is requested rather than the language DOR recommends. Mr. Hinchey stated that the DOR language is fairly set in stone.

2. Approval of Annual Town Election Ballot

MOTION: To move that the Board of Selectmen approve the Annual Town Election Ballot Motion by: Jim Quirk Seconded by: Curt Sears Yea 5 Nay 0

Department of Public Works Updates

1. LED Streetlights

Kevin Gallagher updated the Board on the Cape Light Compact LED Streetlight program that is being implemented and installed throughout the Cape. The lights should all be installed by June 2014. The project is fully funded by CLC. There is a survey on Facebook and on the Town's site.

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April 9, 2013 Minutes Approved 9/24/13 Ms. Post asked if the residents paying for a streetlight will qualify to have theirs replaced with LED and capture some of the savings as well. Mr. Allaire stated that there is a BOS policy which the current paying residents do not qualify for a streetlight. The Board would need to amend their policy in order for those streetlights to be replaced and included in the program. Mr. Hinchey reviewed the current options of lit vs. non-illuminated streetlights.

2. Exit 8 at RT 6 Project Initiation

Mr. Allaire reviewed the safety issues at the exit and ramps. The exit is the 5th highest accident location on Cape Cod. Funding through the State will be sought.

3. Winslow Gray & Route 28 Intersection

Mr. Allaire reviewed the past concepts of the relocation of the roads and combining the traffic intersections. The current level of service is rated as "E" and combining the two intersections would bring the rating up to "A". Takings of private property would be required; there are two lots owned by the same owner. Mr. Allaire recommended the Cape Cod Commission complete their Corridor study and see if Mass Highway is interested in doing the improvements. Recommendations have been made to the State to upgrade the lights but nothing transpired.

4. Parkers River Bridge Update

Mr. Allaire reviewed the ecological restoration work to date, funding and DER participation. The current proposal would require \$1.4M for the Town's share of replacement of the bridge and fish run improvements. There is a capital request but prioritization level is unknown.

5. Roadside Trimming Program

Mr. Rob Angell updated the Board on the roadside trimming program that DPW Highway has been completing throughout the Town.

6. Wellhead Protection

Mr. Allaire reviewed the wellhead protection plan. DEP is satisfied with the Town's efforts to protect their water supplies. Mr. Holcomb asked about a Wellhead Protection Plan being recommended back in 2004 and why it had been accomplished yet. Mr. Hinchey stated that there were a series of recommendations in the report from 2012 that DEP is satisfied with what has been implemented from the 2004 report. There was discussion on the requirement contents from both reports. Mr. Allaire reviewed the current Board of Health regulations pertaining to septic systems. The Board discussed reports and options that are available considering the levels of density.

7. Bike Path Update

Mr. Allaire updated the Board on the progress of extending the Cape Cod Rail Trail through Yarmouth. Senator Wolf and Rep. Cleon Turner have been assisting with the project. Both Dennis and Yarmouth have agreed to do minor maintenance on the trail. Approvals are slow to be accomplished due to the property being owned by the Rail. Town Meeting approval as well as Zoning Board of Appeals approval is required.

Board of Selectmen

1. Individual Items

Mr. Holcomb asked if the ARC wind turbine was going to be placed on an upcoming meeting. Mr. Tolley stated that the Board left the issue with a directive to Town Counsel to assist with the Old Kings Highway brief, per Town Counsel's recommendation. Mr. Holcomb also asked what the school's intention of the playground equipment at Lawrence MacArthur. He thought there might be an opportunity to reuse the equipment over at the 6A playground. Mr. Quirk stated that the equipment is owned by the School. Mr. Holcomb spoke about the Housing Authority's Request for Proposal for a 60 unit development on the Forest Road property. Mr. Holcomb is upset with the fact that the Housing Authority never reached out to the Board sub-committee. There was discussion on the theory of purchasing the property from the Housing Authority.

Mr. Tolley reminded the Board that the evaluations of the Town Administrator needs to be submitted to him ASAP. Mr. Tolley announced that prescient 5 & 6 will need to be moved back to the Cape Cod Realtors building even though the Board voted on March 19th to move it to Mattacheese.

<u>MOTION:</u> To move that the Board of Selectmen moved precinct 5&6 location back to the Cape Cod realtors Association building.

Motion by: Tracy Post Seconded by: Curt Sears Yea 5 Nay 0

Mr. Tolley stated that he would like to form a Social Media Policy Committee and have it placed on a future agenda. He will be working with the Police Chief and Deputy Chief to formulate a draft.

Town Administrator's Items

- 1. Consent Agenda
 - Donations
 - 1. Division of Senior Services

DIVISION OF SELLION SELVICES	
The Foot Nurse, LLC	\$195.00
Nancy Hosmer	\$66.00
 Sven E. Sieman Revocable Trust 	\$10,500.00
Marietta Fitzgerald	\$30.00
Helen Priest	\$20.00
 Helga Savage 	\$50.00
 D. Kelly Yancey 	\$25.00
 Elizabeth Breton 	\$50.00
Jean Doherty	\$25.00
 Sandra White 	\$50.00
Wanda Loring	\$25.00
 Joan Minyard 	\$25.00
 Dorothy McFarland 	\$25.00
 Maribeth Nickerson 	\$10.00
 Georgia Neydorff 	\$25.00
 Carolyn Weeks 	\$20.00
Mary Ann Benes	\$100.00
 Marilyn McDermott 	\$25.00
Mr & Mrs. Cormier	\$20.00
Eleanor Lemire	\$10.00
Phyllis DeFeo	\$10.00
Anonymous	\$170.00
 Joseph Guardino 	\$204.00
 Margaret Taylor 	\$76.00
Mary Alex	\$20.00
AA	\$80.00
Maria Corman	\$15.00
 Ray Petrucelli 	\$20.00
 Charles Kelliher 	\$100.00
Maureen Boland	\$10.00
 Barbara Holmes 	\$25.00
Ray O'Leary	\$20.00
 Diane Day 	\$50.00
 Marcel Larue 	\$100.00
Cecile Fallows	\$75.00
Avis Carter	\$25.00
 Richard Redding 	\$50.00
 Pamela Newman 	\$35.00
 Margrit Nye 	\$25.00
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	John Crowley	\$50.00
	Barbara Young	\$75.00
	 Alice Bogus 	\$25.00
	 Marja Watson 	\$50.00
	· -	\$11,684.00
2.	Recreation Division	411,001100
	Senior Softball League	\$1,000.00
	<u> </u>	\$1,000.00
3.	Town Libraries	, ,
•	Josephine Altavilla	\$30.00
	 Dennis-Yarmouth Newcomers Club 	\$250.00
	Robert Dunfy	\$100.00
	 Craig Johnson, Inc. 	\$50.00
	<u> </u>	\$430.00
4	Police Department	¥ 100100
••	Town of Rahoboth	\$150.00
	Town of Franklin	\$420.00
	- TOWITOTT TATIKITI	\$570.00
_	All T D C D	\$37 U.UU
5.	Admin - Town Promotion Program	.
	Cash	\$42.00
		\$42.00

TOTAL \$13,726.00

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

Motion by: Tracy Post Seconded by: Norm Holcomb Yea 5 Nay 0

Adjourn

MOTION: To move that the Board of Selectmen adjourn the meeting at 10:06pm

Motion by: Jim Quirk Seconded by: Tracy Post Yea 5 Nay 0

Respectfully submitted,

Distributed Material

Annual Town Election

- 1. Review of Petitioned Ballot Question
 - > Revised summary of proposed petitioned ballot question