



## **Board of Selectmen** **Regular Meeting Minutes** **February 9, 2016**

*The regular meeting was called to order at approximately 7:00 p.m. in the Town Hall Hearing Room by Chairman Tolley. Selectmen present: Norm Holcolm, Jim Quirk, Tracy Post, and Michael Stone. Also attending: Interim Town Administrator, Peter Johnson-Staub. The Board of Selectmen gave the Pledge of Allegiance.*

### **1. Public Announcements & Comments**

*Ms. Vida Morris asked for a status of a previously announced meeting between Town Administration and Mr. Jim Hoar regarding his former position as sailing coach for the Sailing Center. Mr. Johnson-Staub responded that a meeting had been scheduled between Town Administration and Mr. Hoar for January 19, 2016. Mr. Hoar did not appear for that meeting; however his attorney did appear for the meeting. Mr. Johnson-Staub stated that Mr. Hoar's attorney was informed that Town Administration was still interested in meeting with Mr. Hoar to try to reconcile differences and seek to have him return as the Sailing Center coach. Subsequently, the Town Administration received a media release stating that Mr. Hoar was no longer interested in returning to the Sailing Center in his previous position and that matter is now considered closed.*

*Ms. Morris asked the status of the search for a new Town Administrator which was voted on in January. Chairman Tolley stated that the issue has not been brought before the Board since that vote but anticipated it would be in the near future.*

*Ms. Morris asked, in view of the Finance Committee Chairman's previous comments regarding the Finance Committee's non-support for expending additional funds for a Town Administrator search, how much money was allocated and spent for the initial search. Mr. Johnson-Staub stated he did not remember exactly what the Board allocated but the Collins Center was paid \$15,000.00 for the search contract, plus some relatively minor expenses for travel and administrative expenses. Selectmen Stone responded to a portion of Ms. Morris' question that approximately \$1,000.00 was spent in other related expenses. Ms. Morris asked that once the Board moves forward with a new search that a new selection committee be appointed that does not include any current or former town employees or anyone closely associated with the Board. Ms. Morris stated that she strongly recommends a new committee be comprised of town citizens who are very familiar with the Town and the Town's business.*

*Ms. Morris commented that the School Committee's next meeting on February 10, 2016 will include an executive session for the purpose of discussing litigation. She stated she is not aware of any pending litigation with the school board but thought it might be in relation to a separation of church and state matter currently being discussed. Ms. Morris strongly urged the Board of Selectmen to inform the School Board that they are not authorized to obligate any taxpayer funds for legal expenses.*

*Ms. Morris asked if including return envelopes with town bills is really necessary as many people come into Town Hall to pay their bills. She asked that someone look into the possibility of eliminating return envelopes in an attempt to save money.*

*Ms. Christine Greeley, as Chairman of the Yarmouth Substance Abuse Committee (Y-SAC) thanked the Board for moving forward with the committee appointment process this evening as she will be unable to remain for the duration of the meeting. She did want to make a few comments regarding the committee. The Committee is making great progress and has been chosen by the County to be the site for a town hall forum in April; the exact date is still being negotiated. Additionally, the Committee has been asked by Gosnold to jointly apply with Falmouth for a drug-free community grant of \$625,000 which would be jointly shared by the two communities. The grant would, in part, fund an employee that would be shared by the towns working on substance abuse prevention programs. One of the requirements of the grant application is that the towns have a standing substance abuse committee. The deadline for the grant application is March 18, 2016. Ms. Greeley commented that there are two minor corrections to the appointments memorandum: correcting the spelling of Lt. Carty's name; and the withdrawal of Norman Peterson as an alternate member. She also commented on making our parks and beaches "marijuana-free zones" even for medically-prescribed marijuana, and brought awareness to a recent trend of people being able to purchase a certificate through the internet which will certify your pet as a service animal, regardless of the species of pet or legitimacy of that pet being a service animal.*

*Mr. Joe Glynn commended the town employees on the snow removal efforts during the recent snow storms. Additionally, he asked that the Board consider a future agenda item to relocate the current polling location on Higgins Crowell Road to an alternate location to allow for polling and candidate advertising without violating the Town by-law.*

*Mr. Glynn also commented on the School Board holding executive session, potentially, without Yarmouth's representative being present. He felt that Yarmouth voters are being disenfranchised when their School Committee member is not present for meetings.*

## **2. Public Hearing**

a. Proposed Parks and Beach Rules and Regulations Changes (1st hearing). Director of Parks and Recreation, Pat Armstrong, briefed the Board on the proposed changes to the current policy. She commented that the recommended changes have been reviewed by Director of Natural Resources, Karl von Hone; Police Chief, Frank Frederickson; and Director of Health, Bruce Murphy. Ms. Armstrong mentioned that the proposed changes are based on practices that no longer apply to town parks and beaches, requests and/or comments from residents or visitors, and considerations and recommendations from other Town staff which include items not allowed (i.e., alcoholic beverages, firearms and fireworks, dogs between May 15 through Labor Day, smoking, skateboarding, etc.).

Ms. Crystal Tosi, program coordinator for Mass Audubon, read a letter from the Director of Coastal Waterbird Program, Mass Audubon, expressing her desire that the Board place the same time-of-year restrictions recommended for Seagull Beach to Gray's Beach due to the nesting of Piping Plover and Reseate Terns, whose nesting activities occur in April and May.

Selectman Holcomb expressed concern that dogs (on leashes or otherwise) on boardwalks does not allow for people to avoid being in close proximity with dogs. Director von Hone commented that he felt appropriate signage outlining the rules, and specifically dog owners maintaining control of their dogs so as not to interfere with other patrons of the beaches or parks, would be sufficient to address that issue.

Selectman Quirk stated that he felt the new rules and regulations should specifically list all Town parks, beaches, and parking lots rather than a generic "town parks and beaches." He also

asked why the age limitation for parental supervision was changed from 8 years of age to 11 years of age. Ms. Armstrong stated that they were unable to find any specific guidance regarding age limitations for adult supervision but felt 8 years of age was too young for unsupervised children. Mr. Quirk also asked about the level of staff supervision required to enforce the rules and regulations on all of the Town's properties. Director von Hone commented that he doesn't anticipate any additional personnel necessary to enforce changes to the rules. Selectman Post had some concerns regarding posting of lifeguards on duty for specific times. She felt that if we are unable to have lifeguards on duty due to personnel shortages, and we have posted hours, we could be placing the town at risk in the event of an incident. Ms. Post also stated that we must be careful in excluding pets from parks and beaches in the case of service animals.

Selectman Stone had several comments and recommendations for clarification:

- Item 3: discharge of firearms or fireworks without a permit. He suggested those items be listed separately to avoid any confusion of discharging firearms.
- Item 4: he asked for clarification between an open fire and some other type of fire. Ms. Armstrong explained that the difference is an open fire being a bon fire as opposed to a closed fire being a cooking fire in some sort of cooking vessel, with the permission of the fire department.
- Item 6: clarification of overnight camping and parking needs to be clarified that no camping is allowed on the beach.
- Item 7: horses and other pets should be clarified as horses, pets, and all other animals.
- Item 8: clarification of the language; the heading "the following are prohibited" therefore "prohibited" needs to be removed from this item. He recommends "at all times" be added to item 8B. Item 8D should be clarified to include not only "owners" of dogs, but any person having custody of the dog at the time.
- Item 10: add additional language to include depositing trash anywhere in parks, beaches, or ways to water.
- Item 14: recommend clarifying specific areas where smoking is prohibited.
- Final statement regarding penalties for violations should be changed to indicate a penalty for "each" violation.

Chairman Tolley asked about the prohibition of skateboarding. Ms. Armstrong explained that skateboarding in parks and parking lots creates a safety hazard for both visitors to the parks and beaches as well as the skateboarder. Additionally, the skateboarders have caused damage to benches in the parks. Chairman Tolley asked for clarification on the discharge of firearms if a person has a hunting permit. Item 3 will be changed to include the prohibition of discharging a firearm except in compliance with applicable hunting laws and regulations.

The issue of mandating an age limit for adult supervision was further discussed. The Board is not comfortable with the current language. Ms. Armstrong stated that the Recreation Commission will again review the language in the proposed changes and make additional recommendations.

Chairman Tolley stated that the second hearing will be on March 1st, 2016 for interested parties. Additionally, due to that date being voting day, the Selectmen meeting will be at an alternate location which will be announced via the agenda.

### **3. Review of ATM Warrant Financial Articles**

Mr. Johnson-Staub explained to the Board the financial articles in the packet for their review include the supplemental budget items, operating budget, transfers of funds, enterprise fund

articles, etc. He explained the D-Y School assessment and budget that Superintendent Woodbury presented to the Finance Committee which reflected a reduced budget. However, due to the shift in enrollment, Yarmouth's assessment is increased by 4.44%. A discussion was held on projected enrollments going forward and various ways the town could pay for the increased enrollment assessment.

Mr. Johnson-Staub explained the Enterprise fund budgets, noting there is an increase in the Golf budget. Revenue increases are anticipated upon the completion of the renovations to the Bass River restaurant which are ongoing at this time. The Water and Septage enterprise funds were explained, including budget increases for capital improvements. The service enhancements article was explained in that funds from free cash will be requested to fund substance abuse and homeless activities, public safety training, library materials, the tree program, and conservation land management. Chief Frederickson provided information to the Board on the active shooter training program that he is requesting funds for. Town Librarian Jane Cain explained to the Board what the Library Materials funding request is for (books, e-books, audio books, etc.). The tree program funding request is a one-time request to provide for tree maintenance which has been under-funded in prior years, and a one-time request for conservation land management to augment the volunteer services that Natural Resources utilizes.

The remaining financial articles are the standard articles presented at each town meeting for Tourism Revenue Preservation, Stabilization, and salary and wage adjustments.

#### **4. Interim Town Administrator Appointment**

**MOTION: To move that the Board of Selectmen authorize Peter Johnson-Staub to take a leave of absence from his position as Assistant Town Administrator/Director of Community Services for the duration of his appointment as Interim Town Administrator and that he shall return to his position as Assistant Town Administrator/Director of Community Services when his Interim Town Administrator appointment ends. Also, to move that the Board of Selectmen enter the employment agreement with Peter Johnson-Staub as submitted.**

**Motion by: Tracy Post**

**Seconded by: Norm Holcomb**

**Yea 3 Nay 0 Abstain 2**

#### **5. Board of Selectmen**

a. Board and Committee Appointments.

**MOTION: To move that the Board of Selectmen appoint 13 regular positions for one-year terms to run through February 2017 on the Yarmouth Substance Abuse Committee for Christine Greeley, Bruce Murphy, Lt. Pat Carty, Jim Roberts, Ken Jenks, Melony Ellis, Paul Deignan, Linda Colby, Lisa Donoghue, Jean Brennan, David Akin, Mary Vilbon, and Trish Wright; and 8 alternate positions for one-year terms to run through February 2017 on the Yarmouth Substance Abuse Committee for Jon Sawyer, Leila Maxwell, Braydon Barrett, Alice Bowen, Patricia Champ, Mary Cotoia, Renee Goodwin, and Michael Sahagian.**

**Motion by: Tracy Post**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen accept, with thanks, the resignation of Joseph Sarnosky from the Recycling and Solid Waste Advisory Committee.**

**Motion by: Tracy Post**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**



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

**Motion by: Jim Quirk**

**Seconded by: Norm Holcomb**

**Yea 5**

**Nay 0**

c. Town Administrator Updates. Mr. Johnson-Staub mentioned that one item in the consent agenda is the St. Patrick's Parade Committee requesting a \$700 fee waiver. The Board discussed their position on not granting fee waivers to any group that receives funds from another source (tourism fund, CEDC, etc.).

## **7. Adjourn**

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

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5**

**Nay 0**

Respectfully submitted,



Linda Dennehy

## DISTRIBUTED MATERIAL AGENDA PACKET

- Proposed Parks and Beach Rules and Regulations Changes
- Email to BOS from Mr. Mayo dated February 3, 2016 re: Comments on Beaches and Parks
- Letter to BOS from Joyce & Roger Jenks dated February 3, 2016 re: Proposed Town Rules and Regulations for Parks and Beaches
- FY17 ATM Warrant Financial Articles 1-5, 15, 16, 17 18, and 19
- Proposed Motion for Interim Town Administrator Appointment
- Memo to BOS from Appointments Chairman dated February 3, 2016 re: Appointment of Regular and Alternate Members to the Yarmouth Substance Abuse Committee (Y-SAC)
- Letter to Town Clerk from Mr. Harris Contos dated January 7, 2016 re: Chairman of the Town Library Board
- Letter to BOS from Joseph Sarnosky dated January 26, 2016 re: Resignation from RASWAC
- Board of Selectmen Meeting Minutes of January 5, 2016
- Board of Selectmen Meeting Minutes of January 26, 2016
- Bond Authorization Votes: \$2,500,000 for the Septage Facility repairs and the refinancing of \$1,150,000 for various bond issues.
- Letter to BOS from St. Patrick's Parade Committee dated January 4, 2016 re: Request for YPD, YFD, and DPW fee waivers
- Memo to Town Administrator from YFD dated January 27, 2016 re: Gifts
- Memo to Town Administrator from YFD dated January 27, 2016 re: Gifts
- Memo to BOS from YPD dated February 2, 2016 re: Donation Request
- Finance Committee Meeting Minutes of January 20, 2016
- Finance Committee Agenda for January 27, 2016
- Finance Committee Meeting Minutes of January 27, 2016
- Finance Committee Agenda for February 3, 2016
- Board of Health Meeting Agenda for January 25, 2016
- Letter from Goldberg & Weigand, LLP dated January 29, 2016 re: James Hoar
- CC copy of letter to Town of Barnstable from Mr. Stephen T. Spewock dated January 27, 2016 re: Repaving Project
- Email from Town Clerk dated February 2, 2016 re: Nomination Papers
- Memo to BOS from Acting Town Administrator dated February 3, 2016 re: Request for Free Disposal Stickers
- Email to BOS from Jennifer Snowden dated February 3, 2016 re: Michelle Conover
- Letter to BOS from Michelle Conover dated February 3, 2016 re: DYRSD's Calmer Choice MBSR Curriculum with attachment
- Updated Tentative Warrant Article List for FY17 ATM
- Memo to Acting Town Administrator from Finance Director dated February 3, 2016 re: Permanent Bonding and Bond Refinancing
- Memo to BOS from Assistant Town Administrator dated February 4, 2016 re: Bond Rating Sustained at AA+ with S&P Report
- Dennis-Yarmouth Regional School District FY17 Budget Presentation