



## Board of Selectmen Regular Meeting Minutes April 12, 2016

The regular meeting was called to order at 6:00 p.m. in the Town Hall Hearing Room by Vice Chairman Post. Selectmen present: Norm Holcomb, Jim Quirk, and Michael Stone. Also attending: Interim Town Administrator, Peter Johnson-Staub.

### 1. Public Announcements & Comments

Ms. Andrea St. Germain, School Committee Member, reminded the Board and the public Yarmouth Police Department (YPD) will be hosting a "Think Before You Drink" presentation at Mattacheese Middle School on Wednesday, April 13, 2016 from 6:30 - 8:00 p.m. Mattacheese Middle School Open House will be held at same time. Wixon Middle School parents will be meeting tonight from 6:30-8:00 p.m. for all incoming 4th graders for next year. The DY High School held a musical presentation of "Legally Blonde" from 7 - 11 April 2016, which was well attended. Career Day will be held on April 13th at DY High School. The School Committee voted to authorize the Superintendent to submit to the Massachusetts School Building Authority a statement of interest for the Wixon and Small Schools; there is no dollar amount associated with the statement of interest as it is a needs-based program.

Ms. Vida Morris commented on the Packets Landing Pavilion Project and the funding sources associated with the project. Ms. Morris also commented on the Age-Friendly Community briefing and her opinion that we should not be partnering with other countries. She also stated she felt there was no legitimate reason for the Finance Committee to withhold funds from the Board to continue the Town Administrator search.

Mr. Steve Krintzman also commented on the town administrator search process and expressed his support for Mr. Johnson-Staub and requested the Board appoint him as Town Administrator.

Ms. Roby Whitehouse, Administrative Supervisor, and Mary Vilbon, Director of Yarmouth Chamber of Commerce, informed the Board and the public of the Town of Yarmouth Clean-Up Day to be held on Saturday, April 23, 2016, 9 a.m. to 12 p.m. Ms. Vilbon explained that the Chamber of Commerce is hoping to make this an annual event to involve the residents and business owners in Yarmouth. As an incentive to business owners, an award for "Best Curbside Appeal", the Chamber will be offering a trophy and two tickets to "Taste of Yarmouth" to the business that does the most clean-up of their property and business.

Ms. Vilbon also commented on upcoming events: the U.S. Navy Sea Chanters will be performing at Mattacheese Middle School on April 17th; a "Business After Hours" on Thursday, April 21st at Kingsway Grill from 5:00 - 7:00 p.m.; and on Wednesday, April 27th, the Chamber will host Candidates Night in the Hearing Room of Town Hall at 6:30 p.m.

### 2. Public Hearing

a. Proposed Rules and Regulations Governing Alcoholic Beverages. Selectman Post read the legal ad into the record and turned the hearing over to Selectman Stone. Mr. Stone noted that

two public hearings were held at the Yarmouth Police Station and were well attended and well received by the business community. Officer Magnuson outlined the substantive changes that are recommended to the rules and regulations, such as admissions to premises, business arrangements of licenses, training of staff members, outside alcohol service, club licenses, and violations and sanctions.

Mr. Tom Nickinello commented that he attended the hearings held at YPD and stated the proposed rules and regulations are a good compromise between the licensing authority and the establishment owners. He asked for clarification on the training requirements outlined in the proposed rules and regulations. Officer Magnuson advised him that all employees would need to complete one of the approved alcoholic beverage server training programs.

Selectman Holcomb stated that he was not ready to vote on the regulations and would like to have more time to absorb the material. Further, he had questions regarding the entertainment licensing portion of the proposed rules and regulations. Selectmen Stone explained that the suggestions made in the proposed rules and regulations do not restrict the Board from more lenient or more stringent penalties to a license holder.

Selectman Post stated that she is concerned with approving the rules and regulations now without knowing which establishments are effected and how.

Selectmen Holcomb again stated that he is not in favor of approving any changes at this time and feels the Board is rushing through this process. A discussion was held on an option to approve the rules and regulations with an effective date sometime in the future. Selectman Stone asked the Board for a motion to approve the proposed rules and regulations with an effective date of May 20, 2016 with the amendment that the outdoor section of the rules and regulations (Section Six) do not apply to golf courses.

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

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 3 Nay 1**

**MOTION: To move that the Board of Selectmen approved the Yarmouth Licensing Authority Alcohol Rules and Regulations with an effective date of May 20, 2016 with the following amendment: that Section Six does not apply to golf courses.**

**Motion by: Tracy Post**

**Seconded by: Jim Quirk**

**Yea 3 Nay 1**

Selectman Post stated she wanted to be on record as being uncomfortable with not conducting a second hearing; and Selectman Holcomb stated that he is opposed to the Board taking any action at this time and feels more time is needed to review the changes and allow the public an opportunity to respond to the recommended changes.

### **3. Age-Friendly Community Findings Report**

Senior Services Director Kathi Bailey and Jan Mutchler, Gerontology Institute, University of Massachusetts Boston, reported on the Age-Friendly Needs Assessment. Dr. Mutchler provided an overview to the Board on the survey conducted in Yarmouth and the findings of the survey by demographics. Some of the areas of concern indicated in the survey include housing and employment opportunities while areas of satisfaction include services available, transportation, and public safety.

Dr. Mutchler concluded that the age-friendly effort is well timed in that there is receptivity to intergenerational orientation to community development, to expanding housing and transportation, and a broad understanding that improving livability for younger residents is a part of the age-friendly mission.

Ms. Bailey briefed the Board on the Age-Friendly Yarmouth Continuous Improvement Plan which will require the transition of the Age-Friendly Community Team from a single purpose committee to a standing committee for continuous improvement in lieu of the Council on Aging.

Additionally, Ms. Bailey provided an overview of her trip report on the Yarmouth Delegation to China for an International Workshop on Age-Friendly Work and System Top-Design. She explained the systems in place in the United States (social security, health care) versus such programs not being in place in China. In an effort to further cooperation and exchanges in all areas of common interest with regard to senior services, a proposed Cooperation Agreement Memorandum is presented for the Board's approval.

Selectman Post asked Ms. Bailey if Yarmouth might be better served partnering with a country that already has systems and programs in place for their senior population that we might learn from. Ms. Bailey suggested that reaching out to other countries is certainly an option that she could explore. Selectman Quirk suggested this partnership with China will help that country learn how to establish senior programs and the benefits of such programs. Mr. Johnson-Staub commented that potential economic benefits of this partnership to Yarmouth potentially a senior services training facility in Yarmouth and growth in tourism and economic development at a zero dollar investment by the citizens of Yarmouth. He emphasized that no Town funds were used for the Yarmouth delegation visit to China.

#### **4. Naming of Bill Nixon Drive**

Deputy Chief Steve Xiarhos, Mrs. Karen Nixon and her daughters Colleen and Nicole, were present to request the Selectmen consider naming of the Bass River Golf Course main entrance driveway to Bill Nixon Drive and to approve other minor improvements to the entrance area at a very low cost and very low maintenance by the Town.

The Board commented their support of this effort and their fond remembrances of Bill Nixon.

**MOTION: To move that the Board of Selectmen approve the naming of Bill Nixon Drive.**

**Motion by: Tracy Post**

**Seconded by: Jim Quirk**

**Yea 4 Nay 0**

#### **5. Town Counsel Appointment**

Selectman Post stated that she would like to postpone any action on the town counsel appointment until Chairman Tolley is present. The Board members agreed; this item will be moved to the April 26, 2016 agenda.

#### **6. ATM Article #1 Recommendation**

Finance Chairman Joe Goldstein and Finance Committee member, Ken Mudie, spoke to the Board on the Finance Committee taking up the matter of transferring funds for another town administrator search. By a vote of 5-1 the committee recommended not to authorize another

transfer of funds for a new search. The Committee's view was since we are so close to town meeting, they felt the taxpayers of Yarmouth should have a voice in the matter.

Selectman Holcomb asked about the process going forward should a transfer of funds for another Town Administrator search be rejected at town meeting. Further, he expressed his view that he does not agree with the Finance Committee's position on not allowing a transfer of funds and does not look forward to a rehashing of the issue at town meeting.

Selectman Stone thanked Selectman Holcomb for his remarks and commented that he did not expect the degree of backlash from so many people in the town for voting the way he did and feels some people are attempting to intimidate him and Selectman Quirk into changing their votes. He feels strongly about his role as provided by the Town Charter and takes his responsibility to uphold the Charter very seriously.

**MOTION: To move that the Board of Selectmen make a motion under Article #1 that the Town vote to transfer from Free Cash and appropriate the sums of \$180,000 for snow and ice and \$20,000 for Town Administrator recruitment and selection costs.**

**Motion by:** Tracy Post

**Seconded by:** Norm Holcomb

**Yea 4 Nay 0**

## 7. Vote and Sign Election Warrant

**MOTION: To move that the Board of Selectmen approve and sign the Election Warrant.**

**Motion by:** Mike Stone

**Seconded by:** Norm Holcomb

**Yea 4 Nay 0**

## 8. Board of Selectmen

### a. Board and Committee Actions

1) Appointments Chairman Quirk read a letter of resignation from Evelyn Hayes as a member of the Board of Health.

**MOTION: To move that the Board of Selectmen accept with regret the resignation of Evelyn Hayes from the Board of Health.**

**Motion by:** Tracy Post

**Seconded by:** Norm Holcomb

**Yea 4 Nay 0**

2) Appointments Chairman Quirk is recommending the appointments of Christine Marzigliano and Deborah Chiumento to the Open Space Committee as regular members for appointments to run through July, 2018.

**MOTION: To move that the Board of Selectmen approve the appointments of Christine Marzigliano and Deborah Chiumento to the Open Space Committee as regular members for appointments to run through July 31, 2018.**

**Motion by:** Tracy Post

**Seconded by:** Norm Holcomb

**Yea 4 Nay 0**

3) Appointments Chairman Quirk is recommending the appointment of Dick Martin to the Board of Appeals as an alternate member for a one-year term to run through January, 2017.

**MOTION: To move that the Board of Selectmen approve the appointment of Dick Martin to the Board of Appeals as an alternate member for a one-year term to run through January, 2017.**

**Motion by:** Tracy Post

**Seconded by:** Mike Stone

**Yea 4 Nay 0**

### b. Individual Items

1) Selectman Holcomb mentioned the increasing instances of the Zika virus and asked about the Town's mosquito control program. Selectman Quirk stated he is a Commissioner on the Cape Cod Mosquito Control Project. He informed the Board that the project does monitoring, surveillance, trapping, and treatment for mosquitos on all of Cape Cod. He commented that the project treats for larvae and does not include spraying. Chief Phil Simonian advised the Board that the Barnstable County Emergency Regional Planning Committee will be holding a policy meeting on the Zika virus on Wednesday, April 20, 2016. YFD and the Board of Health will be attending this meeting.

Selectman Holcomb also commented on Andrea St. Germain's mention of an audit that was conducted on the D-Y Regional School District finances. A footnote to the audit concerned OPEB and indicated an unfunded liability of \$65M, which Mr. Holcomb was astounded by in that Yarmouth shares that responsibility with Dennis; Yarmouth's share is about two-thirds of that sum. His concern is that the Board needs to look at all of the District's financial obligations in the future.

2) Selectman Stone mentioned the Volunteers Appreciation Breakfast tomorrow morning and regrets he will be unable to attend but wanted to thank all the Town's volunteers for their hard work and dedication to the Town. Selectman Quirk reiterated the same thoughts with regard to the Town's volunteers, as did Selectman Post.

## 9. Town Administrator's Items

### a. Consent Agenda

- Cape Light Compact 's Request for BOS letter on National Grid Modernization Plan
- Applications for Special Entertainment Licenses for Celebrate Yarmouth, Inc. Summer Celebration Events

### Donations:

- Senior Services
  - Anonymous \$ 1,000.00
  - Pike - R. Lynch Memorial \$ 100.00
  - Cellular Recycler \$ 58.00
  - Cincianelli - R. Lynch Memorial \$ 50.00
  - Coady \$ 50.00
  - AA \$ 40.00
  - Anonymous \$ 40.00
  - Boathouse \$ 25.00
  - Carroll \$ 25.00
  - Carter \$ 25.00
  - Loring \$ 25.00
  - Theroux - R. Lynch Memorial \$ 25.00
  - Wojnar \$ 25.00
  - Fitzgerald \$ 20.00
  - Ormberg \$ 20.00
- Health Department
  - Operations Center \$ 500.00

• Parks & Rec	
- Beth Formaggioni	\$ 150.00
- Eric Abrahamson	\$ 150.00
- Ralph Cadman	\$ 300.00
- Erik Lambton	\$ 150.00
- Paul Maximino	\$ 150.00
- Mary Conley	\$ 150.00
- Albert & Carol Keller	\$ 150.00
- Tony & Barbara Finnerty	\$ 150.00
- Barbara Blackwell	<u>\$ 150.00</u>
<b>TOTAL</b>	<b>\$3,528.00</b>

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

**Motion by: Jim Quirk                      Seconded by: Norm Holcomb                      Yea 4      Nay 0**

b. Town Administrator Updates. Mr. Johnson-Staub commented on the wastewater public meeting that the Planning Board hosted last week. He stated he was surprised at the large attendance at the meeting and that those in attendance were interested in an accelerated timeline for construction.

## 10. Adjourn

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

**Motion by: Jim Quirk                      Seconded by: Norm Holcomb                      Yea 4      Nay 0**

Respectfully submitted,



Linda Dennehy

## DISTRIBUTED MATERIAL AGENDA PACKET

- Letter to Licensing Chairman from YPD Officer Phil Magnuson dated March 28, 2016 re: Amendments to Yarmouth Licensing Authority Rules and Regulations
- Age Friendly Community Findings Report and PowerPoint Presentation
- Letter to Interim Town Administrator from Deputy Chief Steve Xiarhos dated March 31, 2016 re: Improvements to the Bass River Golf Course/Georgetown Cemetery in Memory of Bill Nixon
- Letters of Interest for Town Counsel
- ATM Article #1 Recommendation
- Annual Town Election Warrant
- Letter to Appointments Chairman from Evelyn Hayes, undated, re: Resignation from Board of Health
- Memo to BOS from Appointments Chairman dated April 6, 2016 re: Open Space Committee Appointments
- Memo to BOS from Appointments Chairman dated April 6, 2016 re: Board of Appeals Appointment
- Cape Light Compact 's Request for BOS letter on National Grid Modernization Plan
- Applications for Special Entertainment Licenses for Celebrate Yarmouth, Inc. Summer Celebration Events
- BOS Projected 2016 Agenda Items
- Email from Interim Town Administrator to Ms. Susan Brita dated April 7, 2016 re: Wastewater Meeting
- Email from David Guild to Gas Inspector, Lee Hall, dated April 2, 2016 re: letter of thanks