



**Board of Selectmen**  
**Regular Meeting Minutes**  
**July 19, 2016**

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

**1. Public Announcements & Comments.** *None.*

**2. Public Hearing**

Chairman Quirk turned the meeting over to Selectman Stone.

a. Preliminary Approval for Reissuance of Shellfish Lease. Selectman Stone read the legal ad into the record. Director of Natural Resources, Karl von Hone was present for the hearing, along with Mr. Conrad Caia, Shellfish Constable. Mr. Edmund Janiunas was present to represent Pine Island Oyster Company's application for a proposed aquaculture grant application in Lewis Bay. Director von Hone explained that there is a vacancy in the shellfish leases and he endorses Mr. Janiunas' application and his plan for shell fish grow out. He meets the residency requirements, has completed a course in Applied Shellfish Farming from Roger Williams University, as well a course in Fundamentals of Shellfish Farming through the Sea Grant Program from Southeastern Massachusetts Aquaculture Center. Director von Hone explained that the lease process is a long process; this hearing being the first step, before the applicant moves forward to the Division of Fisheries, the Army Corps of Engineers, and the Department of Environmental Protection.

Selectman Holcomb asked Mr. Janiunas how many people he planned to employ for this farming endeavor. Mr. Janiunas explained that initially it would just be himself full time with some part-time employees. As production increases, he would anticipate an additional full-time employee or two. Selectman Post asked if we were required to obtain a certificate of insurance from the applicant to accompany the application. Mr. Janiunas explained that once his corporation application has been approved and the grant application is approved, he will obtain a certificate of insurance to accompany his application. Chairman Quirk asked if the applicant would be the only individual using a floating system. Mr. Janiunas explained that one other grant holder is also using a floating system, which is newer technology for farming oysters as it allows for oysters to remain closer to their food source and inhibits any bacteria or disease to the oysters.

Selectman Post asked how many people are on the list for grants and how long is the grant application good for. Director von Hone explained the application is on a 5-year grant renewal cycle. He further explained that they are managing the lease holders on a rotating renewal basis so all leases are not up for renewal at the same time and makes the monitoring of the farmers easier. Mr. Caia stated there are now 8 people on the list, including Mr. Janiunas.

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

**Motion by: Tracy Post**

**Seconded by: Jim Quirk**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen approve the shellfish aquaculture grant application as presented.**

**Motion by: Tracy Post**

**Seconded by: Jim Quirk**

**Yea 5 Nay 0**

b. New Class II Dealer License for Route 28 Auto Service, Inc., 601 Route 28, W. Yarmouth. Selectman Stone read the legal ad into the record. Mr. Wissam Tarek, owner, and Mr. Shabal Tarek, manager, were present for the hearing. Selectman Stone asked for clarification in that the applicants are not seeking anything different from what is already located at this address but simply a transfer and change of business name; Mr. Tarek stated that was correct. Mr. Stone stated the Yarmouth Police Department reported no issues with the business or its owners and read one abutter letter which supported the application.

Selectman Post asked for clarification that the only change to this license is the business name and no other changes or owners are a part of this application. Mr. Tarek acknowledged that was correct. Ms. Post also asked Mr. Johnson-Staub if there were any issues the administration was aware of with this business. Mr. Johnson-Staub stated there were none.

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

**Motion by: Tracy Post**

**Seconded by: Jim Quirk**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen approve the new Class II license for Route 28 Auto Service, Inc. contingent upon any relief required by the Board of Appeals.**

**Motion by: Norm Holcomb**

**Seconded by: Jim Quirk**

**Yea 5 Nay 0**

c. New Second-Hand Dealer License for Bridge Street Jewelry Boutique, 1361 Bridge Street, S. Yarmouth. Selectman Stone read the legal ad into the record. Ms. Janie Dios and Mr. Robert Nusbaum were present for the hearing. Ms. Dios explained she is a jeweler who purchases gold and silver to restore and refurbish jewelry pieces, particularly estate pieces. Selectman Post asked if the license she is applying for is limited to jewelry. Ms. Dios explained her understanding is she will be limited to precious metals, stones, and diamonds. Mr. Johnson-Staub explained that our by-law is more broadly written to include many secondhand items (i.e., coins). Ms. Post explained that her only concern is that the secondhand license is very broad and might open up Ms. Dios to security issues. Ms. Dios explained she has been in the jewelry business for 30 years. Further she stated she has no issue working with the police department, and in fact, has a bachelor's degree in criminal justice and has worked in the criminal justice field, and is very impressed with the Yarmouth Police Department. She also explained she is very selective about what she would take or purchase from potential sellers. She has no desire to create a market for thievery. Mr. Johnson-Staub explained that Police Chief Frederickson asked the applicant to make an appointment with YPD to discuss the protocols and procedures. Ms. Dios stated she would do that. Ms. Dios brought a few items of jewelry she has restored for the Board to inspect.

Ms. Post mentioned that our By-laws include a broad range of items authorized for sale under a secondhand license and the Board may want to review the regulations or consider modifying them. Selectman Stone also mentioned the many items covered under the license and asked Ms. Dios if she is restricting herself to precious metals. Ms. Dios stated she would like to add watches, silverware and coins to the license as she does make bracelets and rings from silverware and coins. She is not interested in electronics or tools.

Selectman Holcomb asked what other requirements are necessary prior to granting the license. Mr. Johnson-Staub explained there is a checklist of disqualifying factors for applicants. Ms. Dios does not have any of those disqualifiers and is eligible in all respects. Mr. Holcomb stated that if Ms. Dios is eligible in all respects for the license that the Board should not diminish the value

of the license by placing restrictions on it. Selectman Tolley stated he agrees with Selectman Holcomb and stated it has long been the practice of this Board to grant the applicant the full latitude of the license and the Board should not be placing restrictions on the license.

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

**Motion by: Jim Quirk**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen approve the secondhand dealer license application as submitted, without restrictions, under Yarmouth By-Law Article 40, Section 502, for Bridge Street Jewelry Boutique.**

**Motion by: Norm Holcomb**

**Seconded by: Jim Quirk**

**Yea 5 Nay 0**

Selectman Stone turned the meeting back over to Chairman Quirk.

d. Commercial & Demolition (C&D) Fee Hearing (1st Reading). Chairman Quirk read the legal ad into the record. Ms. Roby Whitehouse, Administrative Supervisor for the Department of Public Works, and Director of Public Works, Jeff Colby were present for the hearing. Ms. Whitehouse explained that the disposal and sanitation fees were set in the fall of 2015 based on C&D costs at that time. The recent Barnstable County bidding process has resulted in increased charges for C&D removal, necessitating an increase to our C&D fees. Ms. Whitehouse explained the requested fee increases with the effective dates of those proposed increases. She also provided a C&D fee comparison of Yarmouth's current fees, Harwich's current fees, and S&J's current fees, of which Yarmouth's is the lowest.

Selectman Tolley commented that previously, the Board approved what were perceived as significant fee increases. He prefers smaller, incremental increases and has no objection to these fee increases. Selectman Holcomb asked what our disposal costs are; Ms. Whitehouse explained that prior to July 1, 2016, our handling cost is \$84. Mr. Colby explained the differential is used to offset handling, equipment, and fuel costs. Mr. Johnson-Staub further explained that the other expenses (entire costs of the disposal operation, recycling, solid waste disposal, and C&D fees) versus the fees charged results in a balanced account which also helps keep disposal sticker fees for residents down.

Selectman Holcomb expressed concern that our margin of revenue is decreasing for the fiscal year on a budget that was just acted upon at town meeting. Mr. Johnson-Staub explained that though the margin of revenue is decreasing, the volume of the C&D operation will still allow a surplus for the fiscal year. The issue of further increasing our fees to match the increase by Barnstable County could result in less volume as customers would probably shop around for better prices.

The Board held a discussion about doing our own bidding, possibly requesting commitments from end-users to guarantee volume as a set price, and the length of this bid. The Board asked if we had the information from other companies and what their bids were. Ms. Whitehouse explained that New England Recycling's bid was the lowest (\$104) but had different prices for different towns; the next lowest price they provided was \$112 to the town of Barnstable; they quoted \$175 to Brewster, Chatham, and Eastham. Mr. Colby explained the differences in prices by town are due to several factors (i.e., mileage, ease of handling material (Yarmouth has a large area to maneuver and therefore more ease of handling material)). Another company that bid was ABC which came in at \$135; and Childs lowest bid was \$175.

Mr. Johnson-Staub explained to the Board that he and the Finance Team have discussed, as Selectman Post suggested, a tiered pricing system for septage but do not feel it is necessary to implement at this time.

Chairman Quirk asked Selectman Holcomb to remind the Board of the information he requested so it could be available at the 2nd hearing. He would like to know what estimated tonnage was used to project revenue for the FY17 budget. Selectman Holcomb also had some concerns about the legality of a tiered pricing system in that different prices for different customers does not reflect our costs. Chairman Quirk moved the C&D 2nd hearing to the August 2nd, 2016 Board of Selectmen meeting.

### 3. Overview of Major Road Projects

DPW Director, Jeff Colby, presented an overview of major road projects currently planned, the funding sources for each project, and provided an opportunity for the Board to prioritize the projects. Mr. Colby explained the potential funding opportunities:

- State Transportation Improvement Projects (STIP): a state pool of money used for the state's priority projects
- Regional Transportation Improvement Projects (TIP): the Joint Transportation Committee makes recommendations for town projects to be funded with this pool of money
- Chapter 90: state funds dedicated to individual towns to be used for road projects
- Local Funding Options:
  - Free Cash
  - Road Improvement Bonds

The ongoing project list includes the Cape Cod Rail Trail (CCRT) and the Parker's River Tidal Restoration Bridge Replacement. The future project list includes:

- Route 6 - Exit 8/Station Avenue/Union Street improvements (to improve safety at a high crash intersection)
- Route 6 - Bass River Bridge Replacement (to widen Route 6 bridge over Bass River to improve tidal flushing)
- Route 28/Winslow Gray Road Intersection (to eliminate blighted properties and promote economic development; create two buildable corner lots to help recoup town costs; reduce traffic congestion; and improve bike/pedestrian access)
- Route 28/Seaview Avenue Intersection Signalization (to improve traffic flow and allow for easier left hand turn onto Route 28)
- Route 28 - Sidewalks and Repaving (pavement, drainage and sidewalk improvements)
- Route 6A Corridor Improvements (short-term safety/maintenance issues and long-term corridor improvements; new signage, tree trimming and painted crosswalks; improve drainage issues; improve aesthetics)
- Higgins Crowell Road (drainage/sidewalk)
- Camp Street (drainage/sidewalk)
- Bayview Street (drainage/sidewalk)

Mr. Colby asked the Board to prioritize the town projects ((1) Higgins Crowell Road; (2) Camp Street; and (3) Bayview Street). Selectman Tolley stated he would rank them in order of how

busy those locations are and feels they are prioritized correctly. He would rank the number one STIP project as Bass River Bridge; and the TIP projects as top priority being the busiest location down to the least busy location.

Selectman Holcomb stated that he agrees with Mr. Tolley on the prioritization of the town projects; the STIP project he would rank number one is also the Bass River Bridge; and the TIP projects, he would rank the Route 6A and the Winslow Gray intersection on the top of the list.

Selectman Stone stated he also agrees with Selectman Tolley on the prioritization of town projects. His top priority for STIP projects would also be the Bass River Bridge; and for TIP projects, Mr. Stone felt the Winslow Gray intersection and Route 6A were also higher priority. Selectman Post stated she agreed with the other Board members and their prioritization of projects. Chairman Quirk also agreed with the other Board members on the priority order of projects. He is concerned about Route 6A losing its reputation as a scenic route due to the volume of traffic and road disrepair. He also agrees that the Winslow Gray intersection is a high priority project.

#### 4. Board of Selectmen

##### a. Board and Committee Actions.

Appointments Chairman Tolley read a letter of resignation from Angela Philbrook to the Planning Board.

**MOTION: To move that the Board of Selectman accept, with thanks, the resignation of Angela Philbrook from the Planning Board.**

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

Appointments Chairman Tolley asked the Board to reappoint Norman Weare and Chris Vincent to the Planning Board as regular members for three-year terms to run through July 2019.

**MOTION: To move that the Board of Selectman reappoint Norman Weare and Chris Vincent to the Planning Board as regular members for three-year terms to run through July 2019.**

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

Appointments Chairman Tolley asked the Board to appoint Joanne Crowley to the Planning Board as a regular member for a three-year term to run through July 2019; and to appoint Tom Baron to the Planning Board as regular member for an unexpired three-year term to run through July 2018.

**MOTION: To move that the Board of Selectman appoint Joanne Crowley to the Planning Board as a regular member for a three-year term to run through July 2019; and to appoint Tom Baron to the Planning Board as regular member for an unexpired three-year term to run through July 2018.**

**Motion by: Jim Quirk                      Seconded by: Norm Holcomb                      Yea 5    Nay 0**

Appointments Chairman Tolley asked the Board to appoint Jamie Carder, Richard Coughlin, DeWitt Davenport, David Reid, and John Sears to the Town Administrator Selection Committee.

**MOTION: To move that the Board of Selectman appoint Jamie Carder, Richard Coughlin, DeWitt Davenport, David Reid, and John Sears to the Town Administrator Selection Committee for as long as it so shall exist.**

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

b. Upcoming Agenda Review. Mr. Johnson-Staub briefed the Board on upcoming meeting agenda items. Selectmen Holcomb suggested the Board members submit to the Chairman suggestions for the Board of Selectmen goals discussion. Selectman Post stated that she would like to have a discussion about options for establishing guidelines for businesses to better maintain their properties. Chairman Quirk commented that at a town meeting in years past, the matter of "good neighbor" bylaws was raised and met with heated debate, though the topic is certainly open for further discussion.

c. Individual Items. Selectman Holcomb mentioned that he would like to have more discussion on Ms. Post's suggestion regarding establishing guidelines for businesses to maintain their property and possibly look to other communities to see how they have handled the matter. Mr. Holcomb also mentioned that recent comments in the media concerning Yarmouth's affordable housing only being at 4.4% and that casts our community in an unfavorable light. He explained that the 4.4% is based on the state's narrow definition of affordable housing. He believes Yarmouth does have a significant number of affordable housing units that may not be in line with the state's definition but are in fact affordable. He would like the Board to bear that in mind for future discussions.

## 5. Town Administrator's Items

### a. Consent Agenda:

1) The Cape Cod Detachment #125 Marine Corps League is requesting a fee waiver to place their Voluntary Toll Booth on Route 28 in October.

2) A renewal of a Special Entertainment License from Surfline Design, LLC for Brohaun Beach Volleyball Tournament.

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

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

b. Town Administrator Updates. Mr. Johnson-Staub informed the Board that he received a rough timeline from Mr. Dick Kobayashi for the town administrator recruiting process. He suggested Labor Day as the deadline for application submission; he also recommended the screening committee meet in September to allow for their review of applications; the Collins Center would conduct background and reference checks in October and submission of the final candidate recommendations to the Board would occur in early November.

## 6. Adjourn

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

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

Respectfully submitted,



Linda Dennehy

## DISTRIBUTED MATERIAL AGENDA PACKET

- Legal Ad for Shellfish Lease Application Public Hearing and Memo to Interim Town Administrator and BOS from Director of Natural Resources dated Jun 7, 2016 re: Edmund Janiunas, DBA Pine Island Oyster Company (New) Shellfish Lease Reallocation
- Legal Ad for New Class II Dealer License Public Hearing and Application from Route 28 Auto Service, Inc.
- Legal Ad for Chapter 94 Secondhand Dealer License Public Hearing and Application from Bridge Street Jewelry Boutique
- Legal Ad for Construction and Demolition Fee Increase Public Hearing
- Memo to BOS from Interim Town Administrator dated July 14, 2016 re: Transportation Projects Discussion
- Email from Town Planner dated July 13, 2016 re: Planning Board Resignation
- Memo to BOS from Appointments Chairman dated July 13, 2016 re: Planning Board - Reappointments
- Memo to BOS from Appointments Chairman dated July 13, 2016 re: Planning Board - Appointments
- BOS Projected 2016 Agenda Items
- Letter to Interim Town Administrator and Chief Frederickson from Cape Cod Detachment #125 Marine Corps League dated March 1, 2016 re: Application for Voluntary Toll Booth Permit
- Renewal of Application for Special Entertainment License from Surfline Design, LLC for Brohaun Beach Volleyball Tournament
- Letter to Director of Health from Maria Marasco, Esq. dated July 12, 2016 re: Notice of Nuisance, Request to Investigate
- Cape Cod Commission Hearing Notice on Harwich Comprehensive Wastewater Management Plan