



Board of Selectmen **Pubic Meeting Minutes** **December 6, 2016**

The regular meeting was called to order at approximately 6:30 p.m. in the Town Hall Hearing Room by Chairman Jim Quirk. Selectmen present: Tracy Post, Mike Stone, Norman Holcomb, and Erik Tolley. Also attending: Interim Town Administrator, Robert Lawton.

1. Public Announcements & Comments

Ms. Andrea St. Germaine, D-Y School Committee, reported that the schools will be participating in the following concerts this month: tonight at 7 pm, the D-Y Holiday Concert; at 6:30 pm tomorrow, December 7th, Station Avenue Elementary School Concert will be held; and Wixon will have their concert this Thursday, the 8th of December.

Ms. St. Germaine also mentioned that Station Avenue Elementary School's PTO received \$1,500.00 from Kohl's which is being donated to the Yarmouth Pantry. The School Committee was notified that the Commissioner of Education announced the top 25 students taking the MCAS were from D-Y and over 50 students were presented with scholarships. Station Avenue Elementary School donated 15 turkey dinners to needy families in their school and Wixon School donated 20 turkey dinners. Station Avenue Elementary School held a holiday fair last weekend where they served breakfast and lunch and held a book fair. D-Y SEPAC is holding a fundraiser at Giardino's for glass painting. Three teachers received grants from the League of Women Voters for civic education. Ezra Baker School's goal this year is \$1,600 for their penny fair. Mattacheese Middle School held a breakfast for parents this morning and honored 47 students with a related arts breakfast.

Ms. Joyce Flynn, Yarmouth's representative to the Cape Light Compact (CLC), commented that CLC will be announcing tomorrow at 1 pm, information regarding power supply; and she encouraged everyone to schedule their energy audits. People can call 1-800-797-6699 to schedule an audit.

Fire Chief Simonian informed the Board that the Firefighters will be starting collections for donations to the homeless for the holidays at Our Lady of the Highway church at the corner of Forest Road and Route 28. They will be taking donations for the food pantry, Toys for Tots, and Katelynn's Closet starting Wednesday, December 7th through Saturday, December 10th, 24 hours a day.

2. Town Counsel Discussion: Change in Organization

Mr. Jay Talerman, town counsel, was present to explain his firm's reorganization to the Board. Currently, and through January 1, 2017, the firm includes Mr. Talerman, Ms. Lisa Mead, Betty Ann Blatman, and Mark Bobrowski. Due to downsizing desires by Betty Ann and Mark, they will be forming their own firm. The remaining attorneys, along with Adam Costa who has been promoted to an associate partner, will form Mead, Talerman & Costa, LLC effective January 1, 2017. Chairman Quirk asked how many attorneys would be in the reorganized firm and will there be any reduction in services. Mr. Talerman stated the firm will continue to have 8 full-time

municipal attorneys and there will be no reduction in services to the Town. Additionally, they have taken on a labor attorney should the Town need a second opinion or assistance in that area.

Selectman Tolley commented that his biggest concern was the cause for the split of the firm but feels Mr. Talerman has responded to that concern. Selectman Holcomb commented that his question was with regard to a labor attorney, but Mr. Talerman also answered that question as well. Selectman Stone asked Mr. Talerman how many municipal clients the new firm will be representing. Mr. Talerman responded that the new firm will be representing the same number of municipal clients. Mr. Stone asked how many litigation attorneys does the firm have that would be representing municipal clients in routine litigation matters. Mr. Talerman responded that each of the attorneys has the capability to handle litigation but in terms of "first chair" capability, he stated there are four "first chair" level litigators in the new firm. Technically, Mr. Talerman will be first chair for any litigation that Yarmouth might be involved in.

Chairman Quirk asked about the changes in the Freedom of Information Act coming up on January 1, 2017, stating the final regulations from the state attorney general's office will be forthcoming on December 17, 2016. Mr. Quirk asked about appointing a Records Access Officer (RAO); Mr. Talerman stated that his firm has been working on the changes and will be providing guidelines to the Town as well as training if necessary. Mr. Talerman also mentioned the new marijuana law in the state and that his firm is also working on deciphering what the law actually states and the options municipalities will have within the law.

Selectman Post wanted to review how the town and town counsel relationship has been going and how information has been flowing. Mr. Talerman stated he is quite pleased with the level of professionalism from the staff, the proper channels are being maintained, and the amount of information he is receiving and the response times from the staff have been excellent. Ms. Post asked if there have been any office hours held; Mr. Talerman responded that no one has asked for any yet but they are looking forward to holding them as the town requires.

3. Cemetery Committee Charge and Rules & Regulations (2nd Hearing)

Ms. Megan Homer spoke on behalf of the Cemetery Committee and to review the charge and the proposed rules and regulations as discussed at the first hearing on September 27, 2016. The committee made very minimal changes to the rules and regulations as discussed at the first hearing and a copy of those changes is included in the packet, which is restricted to the monuments. The charge was reviewed and was changed to reflect some minor clarifications suggested by Interim Town Administrator Lawton.

Selectman Tolley thanked the committee for the very well-written set of rules and regulations. He discussed what the make-up of the committee should be, if the Board was to formalize the committee, and what the role of the committee will be. Selectman Holcomb asked Director Armstrong if formalizing the committee would create any cost impacts in the regulations. Ms. Armstrong stated that the only concern she had was the implementation of the care of the shrubs. She stated she plans to implement that slowly and may need to reach out to different grant holders to assist. Mr. Holcomb asked Ms. Armstrong if she had any concerns with implementation of a full-time committee. Ms. Armstrong stated it is always good to have the community involved in the process and feels there is some real commitment and concern from the committee and feels it will be helpful for all of us.

Selectman Stone thanked the committee for their work on doing a terrific job. He stated he does feel we need a full-time committee and agrees with the changes recommended by Mr.

Lawton. Mr. Stone discussed with the committee their thoughts on the number of times a year they felt they should meet. Ms. Homer explained that four times a year seems sufficient for the committee to meet. Selectman Post thanked the committee for all their work and asked about the charge and what the committee expects in terms of the flow of information. She commented specifically on reviewing the department's budget and stated she knows of no other committee that we have that reviews departmental budgets. Ms. Homer stated that Mr. Lawton changed that item to indicate the committee would receive a copy of the budget but would not have review or input authority on the department's budget.

Chairman Quirk thanked the Committee for their work and also supports keeping the committee as a permanent entity to ensure residents and families have someone to go to with questions or comments. He also has no issue with staggered 3-year terms. Mr. Quirk also asked that the current ad hoc committee members remain on the permanent committee and include up to five members.

Ms. LaBelle-Snowden asked about a map that she believes existed once showing the gravesites in Ancient Cemetery of the town's founding fathers. She is interested in locating this map and is willing to do the research to try to locate this map. Chairman Quirk commented that we have a significant amount of heritage he believes may be getting lost and is interested in doing whatever we can to preserve this history and heritage.

Ms. Homer asked Director Armstrong to comment on the grants she has applied for to assist with signage for the cemeteries. Ms. Armstrong commented that she went before the Community Preservation Committee to discuss the possibility of obtaining seed money to begin procuring signage for the cemeteries. The Board members and committee members discussed the various private cemeteries within the town and those that are no longer active.

Chairman Quirk suggested that stakeholders should be allowed to be a part of the committee regardless of town residency. Selectman Stone suggested that the committee charge could state that the majority of the committee must be town residents. Mr. Lawton said he will check the town charter to determine what the residency requirements are for committees.

Selectman Tolley stated that as the Appointments Chair he would like the opportunity to discuss the number of members that will be on the committee and for what terms. He would also like the opportunity to solicit interest and conduct interviews of prospective members. As such, he is not in favor of making committee appointments this evening.

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

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

MOTION: To move that the Board of Selectmen accept the cemetery rules and regulations that are recommended, as submitted.

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

MOTION: To move that the Board of Selectmen form the Cemetery Advisory Committee, adopt the committee charge as written, with amendments made by the Interim Town Administrator outlined in his memorandum of November 30, 2016, and membership to include a majority of Yarmouth residents and that preference be given to family members who have family interred in the Town of Yarmouth's cemeteries.

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

9. Adjourn

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

Motion by: Erik Tolley

Seconded by: Mike Stone

Yea 5

Nay 0

Meeting adjourned at approximately 8:32 p.m.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Letter to Interim Town Administrator from Blatman, Bobrowski, Mead & Talerman dated October 25, 2016 re: Division of law firm into two firms
- Cemetery Rules and Regulations Legal Ad; memo to BOS from Cemetery Director dated November 29, 2016 re: Updated Rules and Regulations Impacts; memo to BOS from Cemetery Ad Hoc Committee dated November 28, 2016 re: Rules and Regulations of Cemeteries and the Charge for Cemetery Advisory Committee; and Proposed Charge and Proposed Cemetery Rules and Regulations
- Capital Requests for 2017 Town Meeting PowerPoint Presentation and FY18 Capital Budget
- Memo to BOS from Appointments Chairman dated November 29, 2016 re: Historical Commission Appointment
- Memo to BOS from Appointments Chairman dated November 30, 2016 re: Board of Health Reappointments
- Board of Selectmen Meeting Minutes of September 27, 2016
- 2016 BOS Upcoming Agenda Item Review
- Conservation Restriction - 579 Buck Island Road, W. Yarmouth
- Memo to BOS from Administrative Assistant to the Town Administrator dated November 21, 2016 re: Water Agreement with Barnstable with Proposed Renewal Agreement
- 2017 Annual License Renewals
- Memo to Interim Town Administrator from Library Director dated November 30, 2016 re: Library Study Ad Hoc Committee Extension of Commitment
- Letter to Interim Town Administrator from Chairperson, Library Study Ad Hoc Committee dated November 23, 2016 re: Request for Extension of Time
- 2016 Fee Waiver Approval Spreadsheet
- Memo to BOS from Director of Parks and Recreation dated November 4, 2016 re: Fee Waiver for Memorial Bench
- Memo to Interim Town Administrator from Division of Senior Services dated November 1, 2016 re: Gifts to the Division of Senior Services
- Memo to BOS from Director, Senior Services dated December 1, 2016 re: United Nations Committee on Aging - Intergenerational Model UN Presentation
- Letter to BOS from Alcohol Licensing Liaison Officer dated October 21, 2016 re: Model Yarmouth Alcohol Policy
- Memo to BOS from Director of Senior Services dated November 18, 2016 re: Title III Grant Funding Appeal
- Letter to All Interested Parties from Mass DEP dated November 28, 2016 re: TMDL Reports for total Nitrogen in the Bass River and Parker's River with Draft Reports
- MMA Information Sheet "*Legalization of Marijuana raises many questions, concerns*"
- Letter to BOS from President, Gateway Isles Association dated November 28, 2016 re: Project 17 - 2 - CD, The Riverwalk
- Yarmouth Housing Emergency Loan Program (H.E.L.P.) Flyer
- Letter to Town of Yarmouth from Bayside Resort dated November 7, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Email from Girardi's Cafe dated November 17, 2016 re: Request to Close for Short Break
- Letter to Whom It May Concern from Cape Cod Irish Village dated November 27, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Letter to Whom It May Concern from Tavern 731 dated November 23, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve

- Letter to Town of Yarmouth from Oliver's and Planck's Tavern dated November 25, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Letter to Town of Yarmouth from The Loft Restaurant & Bar dated November 27, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Letter to Town of Yarmouth from Loyal Order of Moose Yarmouth Lodge #2270 dated November 29, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Letter to BOS from Sea Dog Brew Pub dated November 29, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Letter to BOS from The Black Sheep Bah & Grill dated November 29, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Letter to BOS from Captain Parker's Pub, Inc. dated November 29, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Letter to BOS from Yarmouth House dated November 30, 2016 re: Request for Extension of hours to 2 a.m. for New Year's Eve
- Letter to BOS from Yarmouth Seaside Festival dated November 28, 2016 re: Thank you letter
- Board of Health Meeting Agenda for November 21, 2016