



## **Board of Selectmen** **Public Meeting Minutes** **August 8, 2017**

*The regular meeting was called to order at approximately 6:14 p.m. in the Town Hall Hearing Room by Chairman Tracy Post. Selectmen present: Mike Stone, Norm Holcomb, Erik Tolley, and Mark Forest. Also attending: Yarmouth Town Administrator Dan Knapik; Yarmouth Assistant Town Administrator, Chris Dwelley; Director of Community Development, Karen Greene; Fire Chief Phil Simonian; Director of Natural Resources Karl von Hone; DPW Director Jeff Colby, and Chloe Schaeffer, Community Design Planner of the Cape Cod Commission*

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

*Vida Morris compared the cost of the proposed Cape Cod Regional Technical High School building with the new emergency building at Cape Cod Hospital (\$27 million) and asked if the Cape Cod Commission could look into it.*

*Joe Tierney of the D-Y School Committee introduced himself as the new liaison and asked what the Board would like to hear about. He will report back to the School Committee on the Board's proceedings.*

### **2. Public Hearings**

a. Transfer of Alcohol License and Alteration of Premise for Compass Rose Hospitality. Attorney Paul Tardif and Andora Hamilton, new owner of the Compass Rose (formerly the Colonial House Inn) presented the application. Green cards were submitted. Licensing Chair Mike Stone read the legal notice into the record. The property will be used as a bed & breakfast with 18 guestrooms in two buildings. The owner and her family will reside on the property as well. The restaurant will not be operated at this time. The applicant is requesting a modification to the existing Annual Innkeeper All-Alcohol license to allow service property-wide, with outside service from 11:00 a.m. to 8:00 p.m. The second request is to alter the premises to allow for said service, not to physically alter the premises. The applicant is looking forward to taking part in the other events which occur around the Yarmouth Port Green.

Abutter Ralph Manconi supported the application with the 8:00 p.m. service termination. Vida Morris asked how the King's Way license compares to this application. Tom Nickinello of the Yarmouth Chamber of Commerce spoke in favor of the application. Mr. Stone read into the record a letter dated August 8<sup>th</sup> from Lawrence Perera in support of the application, with the caveat that "alcohol will not be consumed on the lawn overlooking the village green, except in conjunction with a wedding reception or similar event, and in no event later than 8:00 in the evening." There was extensive discussion regarding how and when the outdoor lawn area would be used.

Mr. Stone advised that food service is a requirement for an Innkeeper's license, and a lengthy discussion ensued. Mr. Tardif explained that there is a functioning kitchen on the property, and breakfast will be served. He was advised by the local ABCC Enforcement Officer Jamie Binienda that this would be the most appropriate license. Ms. Hamilton stated that she has not yet obtained TIPS certification, but reiterated that she will be living full-time on the property with her children and intends to be a responsible and respectable community partner.

**MOTION: To move to close the public hearing.**

**Motion by:** Tracy Post

**Seconded by:** Mark Forest

**Yea 5    Nay 0**

**MOTION: To move that the Board of Selectmen approve the application as presented with service permitted as requested with outside service allowed only from 11:00 a.m. to 8:00 p.m.; that the insurance documents be provided to the Town; and that the manager is TIPS certified.**

**Motion by:** Tracy Post

**Seconded by:** Erik Tolley

Discussion followed regarding the definition of “service,” and what type of service may be allowed on the decks and patio. The applicant suggested ending events and service on the grass lawn at 8:00 p.m.; however, a typical B&B guest would be likely to enjoy a beverage on the deck later than 8:00 p.m.

**AMENDED MOTION: To exclude decks and patios from the service restriction.**

**Motion by:** Norm Holcomb

After further discussion, the amendment was further amended:

**AMENDED MOTION: To limit service on the grass area to 8:00 p.m. and to restrict service on decks and patios to 10:00 p.m.**

**Motion by:** Norm Holcomb

**Seconded by:** Erik Tolley

**Yea 3    Nay 2**

**VOTE** on the original motion with the amendment that service on the decks and patios will be extended until 10:00 p.m.

**Yea 5**

**Nay 0**

b. Special Alcohol and Entertainment Licenses for Sea Dog Brew Pub. Licensing Chair Mike Stone read the legal notice into the record. Peter Lucido, manager/owner of Sea Dog Brew Pub presented the application for this family-friendly charity event to benefit Dream Day Cape Cod. The event area (parking lot) will be barricaded with two areas of egress, and patrolled by TIPS-certified staff. Green cards were submitted.

Mr. Stone explained that the Special Licenses would be issued to Mr. Lucido individually, as a corporation cannot obtain a license that extends beyond its premises. Mr. Lucido understood. Officer Magnuson submitted an email confirming that he has been in contact with Mr. Lucido and that the proposed barriers satisfy his concern. Mr. Tolley clarified that the Board no longer grants Extension of Premises Licenses for these types of events, which was technically an incorrect use of that type of license. However, businesses can hold outside events by obtaining a separate liquor license by an individual.

**MOTION: To move to close the public hearing.**

**Motion by:** Tracy Post

**Seconded by:** Mark Forest

**Yea 5    Nay 0**

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

**Motion by:** Tracy Post

**Seconded by:** Erik Tolley

**Yea 5    Nay 0**

### **3. YPD’s Heroin/Fentanyl Epidemic Update**

Police Chief Frank Frederickson introduced Deputy Chief Steven Xiarhos, Detective Sergeant Kalil Boghdan, Detectives Chris Van Ness and Scott Lundegren, and Detective Lieutenant Michael Bryant. He provided the latest overdose statistics based on calls responded to by the

Police Department. In some cases only the fire department responds; also, the use of Narcan may reduce the number of calls made to the YPD. The increase in fentanyl use -- intentionally or unintentionally -- is reflected in the increased death rate. A single drug investigation takes between 50 and 75 man hours, not including evidence processing, court appearances, etc. The Chief also presented data on the economics of heroin/fentanyl which indicates that approximately \$22 million worth is being used per year in Yarmouth. The Substance Abuse Committee's budget last year was \$40,000. He also noted the danger to officers posed by exposure to fentanyl, needles, bodily fluids, people becoming aggressive upon Narcan revival, and clandestine labs. He outlined the extensive primary and secondary roles of the police department, and advised of the roles the YPD does not have the capacity for. He suggested some improvements including regional data-sharing, creating a victim services position, hiring an additional proactive anti-crime officer and an additional detective, and developing a community commitment. This year and last year's budgets reflect a 5% reduction in overtime, which limits the department's ability to overcome the opioid epidemic.

The members of the Board all expressed concern and frustration with the problem and discussed a variety of approaches to deal with it and relieve the burden on police. Christine Greeley of the Substance Abuse Committee advised that it is getting State support and a United Way collaborative grant with Gosnold to pick up the community/social service pieces. The committee will provide a formal update to the BOS in the future.

#### 4. Growth Incentive Zone (GIZ) Extension Request

Director of Community Development Karen Greene reviewed the history of the GIZ and the progress made as a result of it. Due in part to the recent recession, a four-year extension of the GIZ is being sought to allow projects in development to move forward and to encourage new projects. The Planning Board approved the extension request at its August 2<sup>nd</sup> meeting. The Community and Economic Development Committee (CEDC) also supports the request. A positive vote from the BOS tonight will allow the request to move forward to a Cape Cod Commission review on September 14<sup>th</sup>.

Planning Board Chair Norm Weare added that during the extension period the Planning Board will look at revising the current GIZ.

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

**Motion by:** Erik Tolley

**Seconded by:** Mark Forest

**Yea 5    Nay 0**

#### 5. Board of Selectmen

1. Board and Committee Appointments. Mr. Forest nominated Tom Roche to another three-year term on the Planning Board to run through July, 2020.

**MOTION: To move that the Board of Selectmen appoint Tom Roche to the Planning Board for another three-year term to run through July, 2020.**

**Motion by:** Tracy Post

**Seconded by:** Mike Stone

**Yea 5    Nay 0**

Mr. Forest nominated Kathy Hyslop for another one-year term as an alternate member of the Historical Commission to run through July 31, 2018.

**MOTION: To move that the Board of Selectmen re-appoint Kathy Hyslop as an alternate member of the Historical Commission for a one-year term running through July 31, 2018.**

**Motion by:** Tracy Post

**Seconded by:** Norm Holcomb

**Yea 5    Nay 0**

2. Approval of Minutes for Executive Session of July 11, 2017.

**MOTION: To move that the Board of Selectmen approve and hold the minutes of the Executive Session of July 11, 2017.**

Discussion followed and Mr. Knapik clarified the circumstances of the access and maintenance issues surrounding the subject property.

**Motion by: Mark Forest      Seconded by: Mike Stone      Yea 3      Nay 0**  
**Abstain 2 (Erik Tolley, Norm Holcomb)**

3. Upcoming Agenda Review. Mr. Tolley will not be at the August 22<sup>nd</sup> meeting. Mr. Knapik advised that Attorney Talerman will be available from 2:00 to 5:00 p.m. on August 22<sup>nd</sup>.

4. Individual Items.

As a result of requests from residents in the Lewis Bay area, Mr. Forest is arranging a water quality information session on the status of the watershed. Projects in that area may qualify for federal funding.

Mr. Stone requested an appointment with Town Counsel to discuss the new recreational marijuana legislation.

Mr. Holcomb suggested that the Tri-town Wastewater Committee establish a timeline and endpoint, which Mr. Knapik advised is in development. He also stated, and the Board concurred, that there had been miscommunication regarding the Town of Dennis' appointment of a school committee member to the D-Y School Agreement Committee.

## 6. Town Administrator Items

1. Consent Agenda

- Memo to Town Administrator from YFD dated July 24, 2017 re: Gift
- Memo to BOS from Parks and Recreation dated July 26, 2017 re: Donations
- Memo to Town Administrator from Senior Services dated August 1, 2017 re: Gifts

**Donations:**

- YFD
  - Andrea Holden Thanksgiving Race      \$ 2,830.00
- Parks and Recreation
 

Jane Filosa	\$150.00	Mike McPoland	\$150.00
Amy Pirro	\$150.00	Kendra Forsythe	\$150.00
Barbara Payne	\$150.00	Cheryl Cosman	\$150.00
Richard LeBoeuf	\$150.00	Dolly Woods	\$150.00
Jennifer Paradis	\$150.00	Donna Carlson	\$150.00
Pamela Peek	\$150.00	James Manning	\$150.00
Wendy Cappola	\$150.00	Diana Webb	\$150.00
Amy Buick	\$150.00	Elissa Katler	\$150.00

Stephanie Carney	\$150.00	Tracy O'Leary	\$150.00
Julie Coakley	\$150.00		

- Senior Services
  - Bird Carving Memorial Plaque \$ 10.00
  - Cellular Recycles \$ 14.50
  - AA \$ 40.00
  - Bread & Pastry \$ 77.00
  - Coffee \$ 191.00
  - Van \$ 194.00
  - Cape Cod Ballroom Dancers \$ 1,000.00

**TOTAL \$ 7,206.50**

**MOTION: To move that the Board of Selectmen approve the consent agenda.**

**Motion by: Erik Tolley                      Seconded by: Tracy Post                      Yea 5      Nay 0**

2. Town Administrator Updates: Assistant Town Administrator Chris Dwelley distributed a memo in response to Mr. Tolley's request at the last meeting regarding the services received as a result of membership in the Cape Cod Commission. There will be a follow-up on the value of some of the services rendered in relation to the Town's assessment.

The August 15<sup>th</sup> release of the Open Data Portal was announced. It is a resource to the public to interactively view information related to Town budget expenditures and employee earnings.

3. Wastewater Planning: N/A.

4. Dennis-Yarmouth School Agreement: After the DESE presentation on regional school funding, staff will begin working to identify a potential mediator. A schedule for agreement subcommittee meetings is in development, with a preparatory briefing for the Board of Selectmen tentatively set for August 15<sup>th</sup> at 4:30 p.m.

5. Mattacheese School Project: N/A.

6. Drive-In Site Utilization Project: N/A.

7. Calendar Key Dates: N/A.

## 7. Adjourn

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

**Motion by: Erik Tolley                      Seconded by: Mark Forest                      Yea 5      Nay 0**

**Meeting adjourned at approximately 9:20 p.m.**

Respectfully submitted,



Linda Dennehy

## DISTRIBUTED MATERIAL AGENDA PACKET

- Transfer of Alcohol License and Alteration of Premise Application for Compass Rose Hospitality
- Special Alcohol and Entertainment License Applications for Sea Dog Brew Pub
- Yarmouth Police Department Report on 2017 Overdoses from January 1st - June 30th  
Memo to BOS from Director of Community Development dated August 3, 2017 re: Growth Incentive Zone Extension (GIZ) with GIZ Reporting
- Memo to BOS from Appointments Chairman dated July 31, 2017 re: Reappointment to the Planning Board
- Memo to BOS from Appointments Chairman dated August 1, 2017 re: Reappointment to the Historical Commission
- Board of Selectmen Executive Session Minutes of July 11, 2017 (under separate cover)
- 2017 BOS Upcoming Agenda Items Schedule
- Memo to Town Administrator from YFD dated July 24, 2017 re: Gift
- Memo to BOS from Parks and Recreation dated July 26, 2017 re: Donations
- Memo to Town Administrator from Senior Services dated August 1, 2017 re: Gifts
- Board of Health Meeting Agenda for August 7, 2017