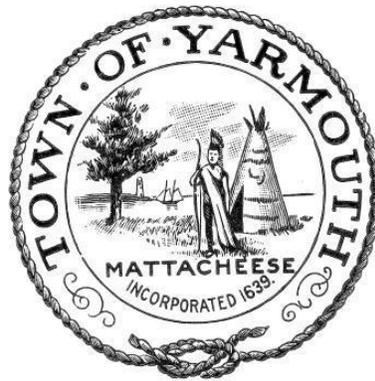


**TOWN OF YARMOUTH
WARRANT
and
RECOMMENDATIONS
of the
FINANCE COMMITTEE
For the Special Town Meeting**



**October 29, 2019
7:00 P.M.
MATTACHEESE MIDDLE SCHOOL
WEST YARMOUTH**

**PLEASE BRING THIS REPORT TO TOWN
MEETING**

FINANCE COMMITTEE REPORT

The Town of Yarmouth Finance Committee represents the citizens of Yarmouth as an advisory board in conjunction with Town Administration and the Board of Selectmen.

The Committee is composed of seven members including a Chair and Vice Chair. This Committee meets at least 20 times per year and reviews all Town department budgets including the Dennis-Yarmouth School District, as well as all Town Warrant articles and Zoning articles.

Participation on the Committee is voluntary subject to appointment by the Town Moderator, Finance Committee Chair, and Board. Committee members present a wide variety of qualifications, experience, and backgrounds.

Current members are graduates of Boston College, Holy Cross, Queens College, Sacred Heart University, Delaware Technical College, Babson, and Buffalo State. Professions include accounting/law (Jessica Norwood), commercial real estate management (Robert Ciavarra), financial services VP (Brian Gardiner), property-casualty insurance company VP (Ken Mudie), engineering (Nathan Ladley), law (Jack Moylan and Sara Kohls). Two members are graduates of D-Y Regional High School (B. Gardiner and J. Norwood). Several hold masters degrees, professional designations, and law degrees. One member holds two U.S. patents (N. Ladley), another has served on committees in three other Massachusetts towns (R. Ciavarra), one is the former mayor of Chicopee, MA (J. Moylan), and another is a member of the Board of an Affordable Housing CDC in Worcester (K. Mudie). Sara Kohls is vice Chair of Cape Cod Young Professionals. All members have served and continue to serve on other Boards and Committees in Yarmouth including Capital Budget, Vocational School Building, DPW Building, and the Middle School Building Committee.

Finance Committee

**HOW DO I MAKE A MOTION?
TABLE OF BASIC POINTS OF MOTIONS**

Rank	Type of Motion	2nd Req'd	May Debate	May Amend	Vote Req'd	May Recon.	May Interrupt
	Main Motions						
None	Main Motion	Yes	Yes	Yes	Varies	Yes	No
Same	Reconsider or Rescind	Yes	Same	No	Majority	No	No
None	Take from the Table	Yes	No	No	Majority	No	No
None	Advance an Article	Yes	Yes	Yes	Majority	Yes	No
	Privileged Motions						
1	Dissolve or adjourn sine die	Yes	No	No	Majority	No	No
2	Adjourn to a fixed time or recess	Yes	Yes	Yes	Majority	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
	Subsidiary Motions						
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	No	No
9	Postpone to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Majority	Yes	No
	Incidental Motions						
Same	Point of Order	No	No	No	None	No	Yes
Same	Appeal	Yes	Yes	No	Majority	Yes	No
Same	Division of a question	Yes	Yes	Yes	Majority	No	No
Same	Separate consideration	Yes	Yes	Yes	Majority	No	No
Same	Fix the method of voting	Yes	Yes	Yes	Majority	Yes	No
Same	Nominations to committees	No	No	No	Plurality	No	No
Same	Withdraw or modify a motion	No	No	No	Majority	No	No
Same	Suspension of rules	Yes	No	No	2/3*	No	No

* UNANIMOUS IF RULE PROTECTS MINORITIES; OUT OF ORDER IF RULE PROTECTS ABSENTEES

SOURCE: TOWN MEETING TIME, 3RD EDITION

COMMON TOWN FINANCE TERMS

APPROPRIATION	An authorization granted by Town Meeting to expend money and incur obligations for specific public purposes.
AVAILABLE FUNDS	Balances remaining in various funds that are available for expenditure. Examples include Water Department special revenue account reserves, Fire Department ambulance account, and Free Cash.
EMINENT DOMAIN	The power of a government to take property for public purposes.
ENTERPRISE FUND	A separate account for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate the portion of total costs of a service that is recovered through user fees. This is a multi-year fund for which any end-of-year surplus is retained in the Enterprise Fund.
FISCAL YEAR	The Town’s fiscal year begins July 1st and ends on June 30th.
OVERLAY RESERVE	An account set up to pay for real estate exemptions and abatements.
RAISE & APPROPRIATE	A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other anticipated local receipts.
RESERVE FUND	An account appropriated within the operating budget to provide for unforeseen expenditures <i>during the fiscal year</i> . Expenditures of funds deposited to this account require approval of the Finance Committee. Funds remaining at the end of the fiscal year are returned to the General Fund.
STABILIZATION FUND	A multi-year fund established as a “rainy day” account to address extraordinary or unforeseen future expenditures during the current <i>or future fiscal years</i> . This account can also be used to accumulate funds for capital expenditures in a future year.

**SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
OCTOBER 29TH, 2019**

Barnstable, ss.

To the Constable of the Town of Yarmouth in the County of Barnstable, Greetings, In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the Mattacheese Middle School Building in said Town, Tuesday, the 29th day of October 2019 at seven o'clock (7:00 p.m.) in the evening, then and there to act on the following articles.

ARTICLE #1: To see if the Town will vote, consistent with the "Agreement Between the Towns of Dennis and Yarmouth Establishing a Regional School District (District) as most recently amended in Spring 2013", to accept further amendments to Section 4 (b) and 4 (d) of said Agreement, which have been initiated and approved by a vote of the Regional School Committee on August 26th, 2019, which would allocate the percentage split of District operating and capital costs as follows:

Section 4 (d) shall be replaced in its entirety, as follows:

With respect to the percentage split of the District's operating costs by and between Dennis and Yarmouth (i) the split for operating costs for the Commonwealth's designated minimum required contribution shall be in accordance with the statutory formula under M.G.L. c. 70; and (ii) the split for all operational costs above the minimum required contribution shall be based upon percentage share of the five-year rolling average of foundation enrollment, beginning with Fiscal year 2016, for each town. For the purposes of this Agreement, the term foundation enrollment shall be in substantial conformance with the definition utilized by the Commonwealth's Department of Elementary and Secondary Education ("DESE").

Section 4 (b) shall be amended by adding the following subsection (4), as follows:

With respect to the percentage split of the District's capital costs and expenditures: (i) Yarmouth shall bear 65% and Dennis shall bear 35% of the capital cost split for the building project to replace the Mattacheese and Wixon Schools to be located on Station Avenue; and, (ii) the capital cost split for all other capital expenses and projects shall be in accordance with the current Regional Agreement, as may be otherwise amended;

Or to take any other action relative thereto.

Selectmen Recommend (4 – 0)

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #2: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Eighteen Million Seventy Nine Thousand Four Hundred Seventy Five and 00/100 Dollars (\$18,079,475.00), or any other sum, for the purpose of constructing, originally equipping and furnishing a new Department of Public Works Garage and Office Space at 507 Buck Island Road, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto.

2/3 Vote Required

Selectmen Recommend (4 – 0)

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #3: To see if the Town will vote to amend Section 47-4(A) of the general By-laws so that it reads as follows, with underlined language representing new language:

There shall be a Finance Committee, consisting of no less than seven but not more than nine residents of the Town appointed by a Selection Committee consisting of the Moderator, Chairman of the Board of Selectmen and the Chairman of the Finance Committee. The Selection Committee shall appoint a sufficient number of members each year to replace members whose terms have expired, provided however, that the Selection Committee may choose not to renew the terms of a member (or members) and leave such position vacant so long as there remains seven members of the Finance Committee at all times. Members of the Finance Committee shall serve without compensation, and no member shall hold any other elective or appointive Town position, with the exception of the Personnel Board and the Capital Budget Committee, during said member's term of office. The Selection Committee may rescind an appointment to the Finance Committee if an appointee has failed to attend 1/2 or more of its regular meetings and may fill any vacancy for an unexpired term.

[Amended 4-7-2014 ATM by Art. 41, approved 4-29-2014]

Selectmen Recommend (4 – 0)

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #4: To see if the Town will vote to amend the Zoning Map for certain parcels on or near Route 28 by amending the Zoning Map as follows, or take any other action relative thereto:

1. Amend the Zoning Map by rezoning the following parcels from a mix of R25 Residential, B2 Business, HMOD1 Hotel/Motel Overlay District 1, and Village Centers Overlay District

VC1, to all B2 Business, HMOD1 Hotel/Motel Overlay District 1 and Village Centers Overlay District VC1:

Map 32, Parcels: 65 & 91

2. Amend the Zoning Map by rezoning the following parcels from a mix of Village Centers Overlay District VC1, and R25 Residential, to all B2 Business, HMOD1 Hotel/Motel Overlay District 1 and Village Centers Overlay District VC1:

Map 32, Parcels: 63 & 64

EXPLANATION: This Article modifies the zoning districts for four properties along or near Route 28 for consistency to simplify permitting and allow for ease of redevelopment. These properties include Captain Parkers Restaurant and three parcels at or adjacent to Great Island Plaza.

2/3 Vote Required

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #5: To see if the Town will vote to modify the sign regulations by amending Section 303 – Signs, of the Zoning Bylaw, as follows, or take any other action relative thereto:

1. Amend Section 303.3.6 – Off-Premise Signs, by replacing the text “*Off-Premise*” with new text “*Off-Premises*” and replacing text “*303.4.1.1 and 303.4.1.3.1,*” with new text “*303.4.1*” as shown:

303.3.6 *Off-Premises* Signs. Except as indicated in Sections *303.4.1* and 303.4.2 below, no off-premise signs will be allowed.

2. Amend Section 303.4.1.1 – Religious, Civic and Non-profit Organizations, by deleting in its entirety and replacing with new text as shown:

303.4.1.1 Religious, Civic and Non-profit Organizations. On premises temporary signs will be allowed to advertise fundraising and special events. Signs must meet the size, duration and other requirements outlined in the Selectmen’s Fundraising/Special Event Sign Policy. Off-premises temporary signs to promote special events may be allowed as described in the Selectmen’s Fundraising/Special Event Sign Policy. A permit from the Building Commissioner is required, but no fee will be charged.

3. Amend Section 303.4 – Signs Allowed In All Zoning Districts, by adding the following new text after Paragraph 303.4.1.1 as shown, and renumbering the remaining paragraphs:

303.4.1.2 Special Event Signs for Temporary Outdoor Recreation: One on premises Special Event Sign may be allowed for events meeting the definition of Temporary Outdoor Recreation that are to be located on Town owned Land and for which

approval has been obtained through application to the Town Administrator's office for Use of Town-Owned Property. Signs must meet the size, duration, and other requirements outlined in the Selectmen's Fundraising/Special Event Sign Policy. Off premises temporary signs to promote special events may be allowed as described in the Selectmen's Fundraising/Special Event Sign Policy. A permit from the Building Commissioner is required, but no fee will be charged.

4. Amend Section 303.4 – Signs Allowed In All Zoning Districts, by amending the newly renumbered Paragraph 303.4.1.3 by adding new text as shown:

303.4.1.3 Commercial. A business will be allowed not more than one additional temporary sign annually for the purpose of advertising a grand opening, anniversary sale, or other special *commercial* event. Signs which exceed eighteen (18) square feet in area will not be allowed. Temporary signs may be displayed for up to fourteen (14) consecutive days and may apply for one renewal. The location of temporary signs must be approved by the Building Commissioner. A permit from the Building Commissioner is required and a fee will be charged.

5. Amend Section 303.4.2.4 – Community Information Board (CIB), by deleting the text “*two*” in the second to last sentence and replacing with new text “*three (3)*” and adding new text as shown:

303.4.2.4 Community Information Board (CIB) – CIBs shall be allowed on municipally owned property for the purpose of public education of events and activities of a non-commercial nature *or for Special Events for Temporary Outdoor Recreation per Section 303.4.1.2*. The sign shall not exceed thirty two (32) square feet and may contain a National/Regional Advertising Emblem indicating the donor of the CIB sign. The Emblem is not to exceed 3 square feet, or 20 percent of the gross area of the CIB, whichever is less. A maximum of *three (3)* CIBs, at any one time, shall be permitted in the Town of Yarmouth. For the purpose of this Bylaw, a CIB shall not be considered as a second freestanding sign.

6. Amend Section 303.8.5 – Fees, by adding new text as shown:

303.8.5 Fees. Fees for sign permits shall be determined by the Board of Selectmen. No fee is required for signs not requiring permits per Section 303.8.3, accessory signs, Public Service signs, On-premises Directional signs, and temporary and off-premise signs for religious, civic and nonprofit organizations *or for Special Event Signs for Temporary Outdoor Recreation*.

EXPLANATION: This Article would allow for temporary signs for special events on town-owned land for for-profit entities in conjunction with amendments to the Board of Selectmen Community Event Sign Policy. Although temporary signs for special events are currently allowed for religious, civic and non-profit organizations, for-profit ventures like the Country Fest at the former Drive-In Site were not eligible for the larger 32 square foot (sf) Community Event Sign. As the Town wants to promote these types of events on town-owned property, the amendments would allow for larger signs for Temporary Outdoor Recreation on town owned land if approved by the Selectmen through the Use of Town Owned Property application process.

The sign amendments also add a third Community Information Board, which could ultimately be installed at the former Drive-In site or at some other location chosen by the Selectmen. The Town currently has two community information boards, one at D-Y High School and one at the Chamber of Commerce on Route 28.

2/3 Vote Required

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Planning Board)

ARTICLE #6: To see if the Town will vote to transfer \$384,509.35 from Free Cash and appropriate this sum (reimbursement for the tornado recovery expenditures) for the following amounts and purposes indicated, or act on anything relative thereto:

Department	Item/Project	Recommended
Comm. Development	(overtime wages)	\$237.26
Golf	(overtime wages)	\$3,666.36*
	(food spoilage)	\$753.82*
	(irrigation equipment replacement)	\$1,918.87*
	(seasonal staff wages)	\$8,259.75*
Recreation	(sailing center overtime wages)	\$2,870.00
Natural Resources	(overtime wages)	\$1,445.00
DPW	(brush & tree disposal + grinding & disposal)	\$87,555.00
	(DY regional shelter cost)	\$3,325.00
	(subcontractor cost - tree removal assistance)	\$56,445.00
	(tub grinder - equipment rental)	\$50,000.00
	(Town of Barnstable Tree Warden)	\$437.90
	(Wings Grove sidewalk repair)	\$6,000.00
	(Forest Road island tree replacement)	\$3,500.00

	(Town Hall debris removal and tree replacement)	\$5,000.00
	(stump removal and disposal)	\$15,000.00
	(Mill Creek tree replacement)	\$3,500.00
	(cemeteries road repairs)	\$10,000.00
	(bucket truck crew for tree removal)	\$10,000.00
	(miscellaneous highway costs)	\$833.79
	(overtime wages)	\$13,409.18
	(police details for roadwork)	\$77,532.00
Police	(overtime wages)	\$10,666.63
	(food and uniform replacement)	\$500.00
Fire	(overtime wages)	\$11,453.79
	(equipment repair)	\$200.00

*Indicates this item has been submitted for a potential insurance reimbursement claim. At this time it is not known if it will be reimbursed.

Selectmen Recommend (4 – 0)

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #7: To see if the Town will vote to transfer \$ XXXXXX from Free Cash and appropriate this sum for the purpose of constructing a new Department of Public Works Facility, or act on anything relative thereto.

Majority Vote is Required

To see if the Town will vote to transfer \$ XXXXXX from Capital Stabilization and appropriate this sum for the purpose of constructing a new Department of Public Works Facility, or act on anything relative thereto.

2/3 Vote is Required

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #8: To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Yarmouth, Massachusetts as Chapter 135, § 135-1:

The purchase by the Town of Yarmouth of either water or any other beverage in single-use plastic bottles of any size is prohibited and the sale of water or any beverage in single-use plastic containers is prohibited on town property.

Any Town department when engaged in public health and safety operations shall be exempt from this By-law.

Effective date: As soon as practicable but no later than September 1, 2020.

In the event of a declaration (by Emergency Management Director, or other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Yarmouth residents the Town shall be exempt from this By-law until seven (7) calendar days after such declaration has ended.

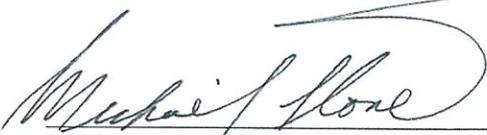
Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

ARTICLE #9: To see if the Town will vote, in accordance with the provisions of G.L. c.40Q to create a District Improvement Financing (DIF) development district within the Town to be designated and known as the “Route 28 Wastewater Development District,” as shown on a plan of the same name dated September 12, 2019, on file in the office of the Town Clerk, as a first step in creating a so-called DIF, a district improvement financing program, which program, to be voted at a future Town Meeting, would include using a portion of the District’s “new growth” tax revenues for design, construction and maintenance of certain wastewater and other infrastructure improvements in the district, for the purpose of improving the quality of life, physical facilities and structures, within the district; provided, however, that such DIF shall be presented to Town Meeting for action only after analysis of fiscal and other potential impacts, including but not limited to holding of public meetings to seek feedback from and engage with the community, property owners, and other stakeholders to guide prioritization of infrastructure improvements; and, further, to authorize the Board of Selectmen to take such additional action as it deems necessary or appropriate to present a proposed DIF to a future Town Meeting, or take any other action relative thereto.

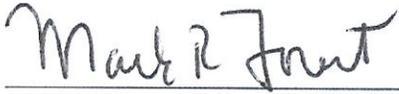
Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

AND, also, in the name of the Commonwealth, you are hereby directed to serve this Warrant by posting attested copies thereof at four public places, one on the north side of Town and three on the south side and also by publication in the Yarmouth Register at least seven days before the time of holding said meeting, as aforesaid.

Hereof, fail not, and make return of this Warrant with your doings thereon at the time place of said meeting. Given under our hands and the seal of the Town of Yarmouth, hereto affixed this 24th of September 2019.



Michael Stone, Chairman



Mark Forest, Vice-Chairman

Erik J. Tolley



Tracy Post



Norman Holcomb

Town of Yarmouth Board of Selectmen