



## **Board of Selectmen** **Public Meeting Minutes** **March 19, 2019**

The regular meeting was called to order at approximately 6 p.m. in the Town Hall Hearing Room by Chairman Holcomb. Selectmen present: Erik Tolley, Tracy Post, Mark Forest, and Michael Stone. Also attending: Yarmouth Assistant Town Administrator, Chris Dwelley.

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

Deputy Fire Chief Jon Sawyer introduced the Town's five new firefighters. He explained that four of these positions were funded by the SAFER grant. Deputy Sawyer gave brief backgrounds on the new employees.

Barry Kleiman, resident, spoke in favor of the revised DY Regional School Agreement.

Rosemary Marino, resident, also spoke in favor of the revised DY Regional School Agreement.

Ronald Place, resident, urged the Selectmen to dismiss their school lawsuit.

Joyce Flynn, Chairman of the Energy Committee, explained that the Energy Committee will be looking into potential solar solutions for residences and small businesses. She urged residents and small businesses interested in being a part of the discussion to contact her.

Vida Morris, resident, spoke in favor of the Selectmen's school lawsuit and urged them to continue their legal fight.

Tom Nickinello, resident, thanked the Selectmen and members of the public that were involved with the recent Cape Cod St. Patrick's Day Parade that was held in Yarmouth.

Jack McCormack, resident, spoke in favor of the Drive-In Site CPA articles and spoke of their importance to drive economic development in the future. He also encouraged members of the public to check out the Taylor Bray Farm Archaeological Exhibit on display in Town Hall.

### **2. Public Hearing**

a. Change of Location for Daggett's Liquors. Licensing Chairman Michael Stone read the legal ad into the record. Joseph Norris, Daggett's Liquors, explained that his request is to move the location of his liquor store from 1071 Route 28 to 1078-1080 Route 28.

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

**Motion by: Tracy Post**

**Seconded by: Mark Forest**

**Yea 5 Nay 0**

**MOTION: To move to approve the application as presented.**

**Motion by: Tracy Post**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

### 3. CPA Articles Review (ATM Articles 31 – 38)

Mike Barry, CPA Coordinator, presented the CPA articles for the upcoming Annual Town Meeting. Mr. Barry explained that Article 31 was mostly just a housekeeping item that would allocate the appropriate sums of money in FY20 for community housing, historic preservation, open space, and operating expenses.

**MOTION: To move to recommend Article 31 as presented.**

**Motion by: Tracy Post**

**Seconded by: Michael Stone**

**Yea 5 Nay 0**

Mr. Barry explained that Article 32 is allocation of \$288,500 from CPA funds for community housing purposes.

**MOTION: To move to recommend Article 32 as presented.**

**Motion by: Tracy Post**

**Seconded by: Michael Stone**

**Yea 5 Nay 0**

Article 33 was explained and it was stated that the Article is asking if the Town will vote to transfer a total of \$384,360 of CPA funds for three community housing projects.

**MOTION: To move to recommend Article 33 as presented.**

**Motion by: Tracy Post**

**Seconded by: Michael Stone**

**Yea 5 Nay 0**

Beverly Bachand, CPC member, presented Article 34 for review. She explained that Article 34 encompassed three historical preservation projects which totaled \$228,679. Selectmen Tolley noted that both the Yarmouth New Church and the Taylor Bray Farm have received CPA funds in the past and requested that there be total CPA fund expenditures tallied up for the properties in Town that have received multiple CPA grants. Mary-Ann Agresti, Yarmouth New Church, explained that the Yarmouth New Church is not an active church and is owned by the Preservation Foundation.

**MOTION: To move to recommend Article 34 as presented.**

**Motion by: Tracy Post**

**Seconded by: Michael Stone**

**Yea 5 Nay 0**

Paul Huggins, CPC member, explained that Article 35 is an opportunity for the Town to acquire two parcels of land at 45 and 55 Starbuck Lane for conservation purposes. The request is for \$250,000 from CPA funds.

**MOTION: To move to recommend Article 35 as presented.**

**Motion by: Erik Tolley**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

Dorcas McGurrin, CPC member, presented Article 36 for review. She explained that Article 36 is for two recreation projects which total \$300,000. It was noted that the Finance Committee recommended only \$70,000 be approved for the pickle ball project and that no funds be approved for the Flax Pond project. It was explained that the Finance Committee did not recommend funds for the Flax Pond project because they were unsure of what exactly would be accomplished with the funds. Ms. McGurrin stated that the funds would be used for design and engineering for the project at Flax Pond.

**MOTION: To move to recommend Article 36 as presented.**

**Motion by: Tracy Post**

**Seconded by: Mark Forest**

**Yea 5 Nay 0**

Tom Roche, CPC member, presented Article 37 which requests \$2,200,000 to begin design and engineering for the Riverwalk Park and Boardwalk at the Drive-In site.

**MOTION: To move to recommend Article 37 as presented.**

**Motion by: Tracy Post**

**Seconded by: Michael Stone**

**Yea 5 Nay 0**

Gary Ellis, CPC Chairman, explained that Article 38 would authorize the property at 275 Route 28, which the Town previously acquired using CPA funds, to be used for recreational purposes.

**MOTION: To move to recommend Article 37 as presented.**

**Motion by: Tracy Post**

**Seconded by: Michael Stone**

**Yea 5 Nay 0**

#### **4. D-Y Regional School District Budget Review (Art. 6, 7, and 19)**

Phil Morris, School Committee; Ken Jenks DY Assistant Superintendent; Brian Sullivan, School Committee; and Carol Woodbury, DY Superintendent; presented the proposed DY Regional School District Budget. Mr. Jenks explained that the proposed budget is for \$62,001,508, which is a 2.53% increase from the previous year. The different expenses associated with Dennis and Yarmouth were reviewed under all the different possible scenarios discussed for a potential revised cost-sharing agreement between the two towns. Based on foundation enrollment, the Town of Yarmouth would be responsible for 68% of the budget which would be \$34,974,656. Under current conditions, Yarmouth is responsible for 70% or \$35,444,160. Mr. Jenks explained all the school programs and services that would be supported by this budget.

Tom Sullivan, resident, questioned the decrease in the maintenance budget last year when the schools were in rough condition. Mr. Jenks explained that the School Committee had to make a difficult decision on how to allocate limited resources and pass a manageable budget. Mr. Sullivan expressed disappointment that the schools have not been properly maintained while new staff has been hired and exorbitant pay raises have been approved. Mr. Sullivan also asked what the override request would be from the School District. Selectmen Holcomb explained that if changes to the Regional Agreement are passed it will be about \$600,000 and if not it would be about \$1,000,000.

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

**Motion by: Tracy Post**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

**MOTION: To move to recommend the School Stabilization Fund Article as presented.**

**Motion by: Tracy Post**

**Seconded by: Michael Stone**

**Yea 5 Nay 0**

#### **5. D-Y Regional School District Agreement Discussion and Potential Vote**

Selectman Post asked if Town Counsel had reviewed the proposed revised DY School District Agreement. Dan Knapik, Town Administrator, responded no. Brian Sullivan, School Committee, presented the proposed changes to the DY School District Agreement. Mr. Sullivan explained that ambiguous language was cleaned up in the agreement to add more clarity to certain items. He also explained that the School Committee determined that a 65/35 Yarmouth/Dennis split for capital costs for the new school building project was an equitable solution for both towns.

The Selectmen urged the School Committee to revisit the section on School Committee vacancies in order to clarify the language to avoid any confusion. There was also discussion on the amendment section of the proposed agreement and whether or not amendment power should lie with the Boards of Selectmen or School Committee. Mr. Sullivan stated that it was his belief that

the power should lie with the most bi-partisan party, which is the School Committee. Selectman Stone expressed his displeasure with this section of the agreement because it did not contain a provision which would enable mediation if Yarmouth and Dennis could not come to an agreement on proposed amendments. He also suggested adding a review date and review process for the School Agreement so any potential amendments could be addressed through a structured process.

The Selectmen thanked the School Committee for their hard work on revising the DY School Agreement. Selectman Forest acknowledged that the revised agreement was not perfect but noted that he supported it.

**MOTION: To move to recommend the proposed new DY Regional School Agreement.**

**Motion by: Tracy Post**

**Seconded by: Mark Forest**

**Yea 4 Nay 0**

**(Selectman Michael Stone abstained)**

## **6. ATM Article 12 Review (Free Cash)**

Dan Knapik, Town Administrator, gave a brief review of the Town's free cash recommended projects. He explained that the Council on Aging bathroom renovation project has been deferred for consideration until such time as a preliminary scope of work could be developed. The Selectmen also decided to approve \$75,000 as a placeholder for short-term borrowing if it is needed, at the Finance Director's recommendation.

**MOTION: To move to recommend the free cash recommendations.**

**Motion by: Tracy Post**

**Seconded by: Mark Forest**

**Yea 5 Nay 0**

## **7. ATM Article 21 Review (DNR Retirement Special Legislation)**

Dan Knapik, Town Administrator, reviewed the request for Article 21 and explained that Yarmouth Natural Resources Officers are seeking to be reclassified to 'Group 4' which would enable them to more pension benefits. Chris Dwelley, Assistant Town Administrator, explained that if this Article was approved it would increase the amount of pension benefits the Town is responsible for by \$49,733. There would also be an anticipated 5.28% increase in costs per year.

Leadership from the SEIU 888 Union read a prepared statement in support of the Natural Resource Officers' request. The statement outlined the reasons that DNR personnel were deserving of a 'Group 4' pension plan.

Selectman Tolley asked if other towns across the State have similar articles in effect. It was noted that Haverhill is currently the only town in Massachusetts where the Natural Resource officers are recognized as 'Group 4'. Mr. Tolley also asked what the annual cost would be to upgrade the current four DNR employees from 'Group 1' to 'Group 4'. Mr. Dwelley responded approximately \$63,000 in FY20, and that cost would increase 5-6% every year thereafter.

Selectman Post noted that any decisions were not really in the Town's hands the way the bill has been written. She questioned why union officials did not approach the Town with this proposal first before filing bills with legislators. Selectman Holcomb agreed with Selectman Post and expressed his belief that the process for getting this bill approved was distasteful, as the Town has no say on whether it is approved or not.

Selectman Post expressed her interest in learning more about how Falmouth's Natural Resources Department operates, as their officers have similar responsibilities to Yarmouth's. Ms.

Post also asked if the DNR was prepared to fund the impact to their budget. Karl Von Hone, Director of Natural Resources, responded that he did not know where potential budget cuts could come from. The Selectmen agreed to revisit this topic after the County-wide bill was voted on to see if any changes needed to be made if it failed. If it passed, the Town does not have any real authority to prevent it from taking effect.

**MOTION: To move to take no position on this Article and to remove it from the Warrant.**

**Motion by: Erik Tolley**

**Seconded by: Tracy Post**

**Yea 5 Nay 0**

## 8. ATM Preparations

Asst. Town Administrator Chris Dwelley provided an overview of the preparations for Annual Town Meeting.

## 9. Board of Selectmen

### a. Committee Appointments.

**MOTION: To move to reappoint Bob Lawton and Tom Roche to the Affordable Housing Trust for two-year terms to run through March 19, 2021.**

**Motion by: Tracy Post**

**Seconded by: Mike Stone**

**Yea 5 Nay 0**

**MOTION: To move to appoint Gerry Bedard and Chris Morin to the Age-Friendly Community Committee for 3-year terms to run through February 2022; to appoint Sharon Ladley, Kathy McPhee, and Dotty Guenther to the Age-Friendly Community Committee for two-year terms to run through February 2021; and to appoint Yvette Robida and Drew Krauss to the Age-Friendly Community Committee for 1-year terms to run through February 2020.**

**Motion by: Tracy Post**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

### b. Approval of Meeting Minutes.

**MOTION: To move to accept the Board of Selectmen meeting minutes of June 26 and July 10, 2018.**

**Motion by: Tracy Post**

**Seconded by: Mark Forest**

**Yea 5 Nay 0**

## 10. Town Administrator Items

### a. Consent Agenda

**MOTION: To move to approve the consent agenda.**

**Motion by: Mark Forest**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

- b. Town Administrator Updates: None.
- c. Water Resources Planning: None.
- d. Dennis-Yarmouth School Agreement: None.
- e. Mattacheese School Project: None.
- f. Cape Tech: None.

g. DPW Facility: None.

## 11. Adjourn

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

**Motion by:** Tracy Post

**Seconded by:** Mark Forest

**Yea 5    Nay 0**

**Meeting adjourned at approximately 11:26 pm.**

Respectfully submitted,



Linda Dennehy

## DISTRIBUTED MATERIAL AGENDA PACKET

- Change of Location Application from Daggett's Liquors
- Memo to BOS from Community Development re: CPA Warrant Articles
- DYRSD FY20 Budget Presentation
- DYRSD Agreement for Spring 2019
- Memo to BOS from Capital Budget Committee Chairman dated March 5, 2019 re: FY2020 Capital Budget Presentation: Request for Additional Information
  - FY20 Capital Improvement Plan Requests Summary Sheet
  - FY19 Free Cash Recommendations
  - FY19 Repurposed Articles Recommendations
- DNR Retirement Special Legislation
- Memo to BOS from Appointments Chairman dated March 13, 2019 re: Affordable Housing Trust Reappointments
- Memo to BOS from Appointments Chairman dated March 13, 2019 re: Age-Friendly Community Committee Appointments
- Draft Board of Selectmen Meeting Minutes of June 26, 2018
- Draft Board of Selectmen Meeting Minutes of July 10, 2018
- 2019 BOS Upcoming Agenda Items Schedule
- 2019 ATM Article Summary
- Memo to BOS and Appointments Chairman from Affordable Housing/CDBG Program Administrator dated March 11, 2019 re: Certificate of Appointment of Trustees to the Affordable Housing Trust
- Memo to BOS from Director of DPW dated March 11, 2019 re: Consent Agenda Request – Install 1 – 35 foot FO Pole labeled 3375A on Aft Road
- Memo to BOS from Affordable Housing/CDBG Program Administrator dated March 11, 2019 re: Community Development Block Grant One-Year Action Plan for Program Year 2019
- Letter to BOS from Recreation Division dated March 13, 2019 re: Donations
- Letter to Town Administrator and Chief of Police from Cape Cod Detachment #125 Marine Corps League dated February 20, 2019 re: Application for Voluntary Toll Booth Permit
- Memo to BOS from Director of DPW dated March 1, 2019 re: Consent Agenda Request – Cleaning Services for Police new Training Rooms
- Letter to Town Administrator from Eversource dated February 15, 2019 re: Notice of Planned and Scheduled Vegetation Maintenance Work
- Letter to Chairman, BOS from Cape Cod Commission dated February 20, 2019 re: Cape Cod and Islands Water Protection Fund
- Letter to BOS and Town Administrator from Board of Health dated March 5, 2019 re: Recommendation to the BOS on the Use of Glyphosate on Town Property
- Letter to BOS from DYRSD Library Media Teacher dated February 24, 2019 re: STREAM Event