



## **Board of Selectmen** **Workshop Meeting Minutes** **October 8, 2019**

*The regular meeting was called to order at approximately 6 p.m. in the Town Hall Hearing Room by Chairman Stone. Selectmen present: Erik Tolley, Tracy Post, Norm Holcomb, and Mark Forest. Also attending: Yarmouth Town Administrator, Dan Knapik; and Yarmouth Interim Assistant Town Administrator, Rich Bienvenue.*

### **1. Entertainment License Discussion with The Cove**

Michael Stone, Licensing Chairman, explained that the Town received a noise complaint regarding live music being played at The Cove's outdoor bar and restaurant. The complainant requested that the music's volume be reduced in the future and that the speakers be pointed away from the nearby neighborhood.

Cathy Giano, owner of The Loft, explained that she worked to monitor the noise levels of the music and frequently visited the neighborhood of the complainant to monitor the music's effect on the neighborhood. She explained that they lowered noise levels and redirected speakers and checked in with the complainant to gauge his satisfaction level. Further, she explained that the recent tornado that hit Yarmouth destroyed 9 full trees that previously provided noise buffers between the restaurant and the neighborhood. It was noted that a compromise could not be arrived at with the complainant.

Ms. Giano stated that the Board of Selectmen previously granted The Loft permission to have live music seven days a week and up to a three piece band, but the restaurant only has music 5 days a week and only has one person or duet bands. Furthermore, it was stated that music is only scheduled 4-8 pm so as not to disturb neighbors in the later evening hours. It was also noted that this was the first noise complaint they received in their two years of operation.

Dan Wehncke, 23 Marigold Road, presented a petition from Marigold Road residents with a noise complaint against The Loft (it was signed by three households). Mr. Wehncke explained that he thought PA speakers being mounted on tripods at the restaurant was unacceptable and requested that they be reduced to ground level with the noise reduced significantly.

Selectman Stone asked The Loft management what measures could be taken to address this concern. Ms. Giano stated that speakers can be pointed away from the neighborhood and they will seek to move the location of the music next year.

Selectman Post stated that she did not believe that the volume of music at this location is out of line and also stated that the owners have worked hard to be good neighbors and come to an amicable solution with the complainant.

The Selectmen agreed to allow The Loft to rectify this issue on their own by turning their speakers away from the neighborhood and changing their music setup.

## 2. Petition Article Review / Presentation

Jen Hively, Amanda Murphy, and Madhavi Venkatesan presented their petition article to the Board of Selectmen. Dan Knapik, Town Administrator, explained that this group worked with the Town to revise their original petition article to make it more practical to put in effect from the Town's perspective. It was explained that this petition would ban municipal use of single-use plastic bottles. Ms. Murphy reviewed the outreach this group had conducted to get input from various groups and agencies around Yarmouth. They explained that the article was revised to give Town groups two years to plan for and adapt to this bylaw. It was also explained that the Town would look into installing water filling stations at various locations in Town to make sure access to water remained plentiful.

The Selectmen questioned how this issue would be monitored going forward. Ms. Venkatesan explained that stipulations would be placed in contracts with Town vendors that would prohibit the sale of single-use plastic bottles. Selectman Post commended the petitioner's for their good intentions with this article but expressed that she believed it would place an undue burden to the Town since consumers could just buy plastic water bottles anywhere else in Town. She suggested education on the topic to try to change consumer behavior would be a better route to combat the plastic pollution issue. Selectman Forest commented that he was happy to see the petitioners work with the Town to make this article feasible to be implemented, and noted that the Town could reasonably accommodate if these regulations were put in effect.

## 3. Yarmouth Permitting Guide Presentation

Kathy Williams, Town Planner, Karen Greene, Director of Community Development, and Mark Grylls, Director of Inspectional Services presented the Yarmouth Permitting Guide to the Selectmen. It was explained that this guide is designed to provide guidance to business owners as they work their way through the permitting process in Yarmouth. The guide was developed by Community Development staff but received input from various Town departments. It was explained that the guide contained information on zoning, licensing, and the process to apply for approval from various Town boards and committees. The Selectmen had a few suggestions for minor tweaks that could be made to the guide but thanked Town staff for their hard work on the project. Chairman Stone also noted that he liked the welcome letter addressed to business owners that was prepared on his behalf and agreed to sign it.

## 4. Proposed Town-Generated CPA Projects

Michael Barry, CPA Coordinator, presented the Town-sponsored Community Preservation Act applications to the Board of Selectmen. Mr. Barry explained that there were seven Town applications this year and reviewed each one individually. Applications include:

- Yarmouth Town-wide archeological survey (\$40,000)
- Yarmouth Affordable Housing Trust (\$280,000)
- Affordable Housing/Open Space/Recreation project at 75 Meadowbrook Road (amount TBD)
- Sandy Pond Recreation Area Phase 1 Construction (\$1,060,000)
- Little League backstop replacement (\$28,000)
- Riverwalk Park and Boardwalk Construction (\$1,500,000)
- Ancient Cemetery tombstone preservation (\$17,650)

Selectman Holcomb asked about how much funding would be required to complete the remaining phases of the Sandy Pond Recreation and Riverwalk Park & Boardwalk projects. Jeff Colby, DPW Director, responded that it will require about \$4 million in additional funding to complete the Sandy Pond Recreation area construction. Kathy Williams, Town Planner, responded that federal and state grants will be utilized to cover a portion of the Riverwalk Park and Boardwalk project, as well as previous CPA funds granted in 2018 (amounting to \$2.2 million). The total cost of the project is \$6.7 million, meaning that \$3 million in additional funding will need to be secured (this amount will likely be reduced through the aforementioned state/federal grants).

Selectman Forest noted that the 75 Meadowbrook Road project would also provide for important public access to a boardwalk overlooking Swan Pond which presents great vistas, increasing access to an important community resource. Selectman Tolley did express some concern over the project as it would take a buildable property off the tax rolls for conservation purposes.

## 5. Division of Natural Resources Replacement Officer

Dan Knapik, Town Administrator, explained that the recent Public Safety Matrix study conducted in the summer of 2018 recommended examining the Natural Resource Officer position, and whether or not it should be an armed position. Mr. Knapik stated that there is currently an opening for a Natural Resource Officer so this is a good time to examine the topic.

Karl Von Hone, Director of Natural Resources, provided background on the creation of an armed Natural Resource Officer. He explained that other Natural Resource departments across Cape Cod have modeled their departments after Yarmouth's Natural Resource Department. Mr. Von Hone explained that Natural Resource officers occasionally need to use their weapons to dispose of rabid wild animals such as raccoons. He further stated that Natural Resource Officers are armed for their protection and for the public's protection.

Chairman Stone stated that he believed with the dangerous situations Natural Resource officers have to deal with, they should be armed. Selectman Post supported arming the Natural Resource Officers but stated her concern that there are two law enforcement agencies in Yarmouth. Ms. Post expressed that there could be confusion in what the hierarchy is between the Natural Resource Department and the Police Department. She also asked how other towns on the Cape who have unarmed Natural Resource Offices monitor armed hunters. Mr. Von Hone responded that, unlike the department in Yarmouth, the unarmed officers in other Cape towns do not monitor hunting activities. Selectman Forest questioned the need for four armed Natural Resource Officers when there are typically only 1-2 arrests made by the department in a given year. Mr. Von Hone responded that Natural Resources Officer have many additional duties beyond enforcement actions. Selectman Forest indicated that he would prefer to backfill the currently vacant Natural Resource Officer position with an unarmed technician position and utilize the savings in additional wages to add more seasonal staff to the department. Selectman Tolley stated his preference to continue with the present practice of arming Natural Resource Officers.

**MOTION: To continue with the present practice of arming Natural Resource Officers.**

**Motion by: Erik Tolley**

**Seconded by: Norm Holcomb**

**Yea 3 Nay 2**

**(Mark Forest and Tracy Post voted in opposition)**

## 6. Board and Committee Actions

### a. Committee Appointments

**MOTION: To move that the Board of Selectmen appoint Dan Knapik as Trustee of the Yarmouth Affordable Housing Trust.**

**Motion by: Norm Holcomb**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen appoint Angela Carbone to the Library Planning Committee for a term expiring February 2022.**

**Motion by: Norm Holcomb**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen appoint Timothy Kelley as an alternate to the Board of Appeals for a term expiring January 2021.**

**Motion by: Tracy Post**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

- b. Approval of Minutes for April 25 and May 7, 2019

**MOTION: To move that the Board of Selectmen approve the minutes of April 25, 2019 and May 7, 2019.**

**Motion by: Norm Holcomb**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

- c. Upcoming Agenda Review

It was explained that the next Board of Selectmen meeting would take place on October 22, and there would be two public hearings (one for golf fees and one for the Veteran's Beach Sticker Policy) and a wastewater planning update. Mr. Knapik also noted that there would be a National Golf Foundation presentation at the November 14 meeting.

## 7. Town Administrator Items

- a. Consent Agenda

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

**Motion by: Erik Tolley**

**Seconded by: Mark Forest**

**Yea 5 Nay 0**

- b. Town Administrator Updates

Town Administrator Knapik stated that the Special Legislation that would enable the DHY Clean Waters Community Partnership was close to being potentially approved by Governor Baker. He also stated that the Yarmouth Town Charter changes that were approved at the 2018 Town Meeting were close to being approved by the State Legislation as well.

## 8. 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 9:50pm.

Respectfully submitted,



Linda Dennehy

## DISTRIBUTED MATERIAL AGENDA PACKET

- Letter to The Cove Resort from Town Administrator dated September 27, 2019 re: Entertainment License Discussion with Local Licensing Authority
- Memo to Town Administrator from Town Clerk dated September 17, 2019 re: Special Town Meeting Petitioned Article with Petitioner's hand-out
- Memo to BOS from Director of Community Development dated October 1, 2019 re: Permitting Guide
- Memo to BOS from Community Preservation Act Coordinated dated October 3, 2019 re: Town-Sponsored Community Preservation Act (CPA) Applications
- Memo to Town Administrator from Director of Community Services dated October 1, 2019 re: Comparison of Armed and Unarmed Natural Resource Officers
- Memo to BOS from Affordable Housing/CDBG Program Administrator dated September 20, 2019 re: Certificate of Appointment of Trustee to the Affordable Housing Trust
- Memo to BOS from Appointments Chair dated October 2, 2019 re: Appointment to Library Board
- Memo to BOS from Appointments Chair dated October 2, 2019 re: Appointment to Board of Appeals
- BOS Meeting Minutes of April 25, 2019
- BOS Meeting Minutes of May 7, 2019
- 2019 BOS Upcoming Agenda Items Schedule
- Memo to BOS from Recreation Division dated September 27, 2019 re: Donations
- Memo to BOS from YPD dated October 3, 2019 re: Donation Approval Request
- Letter to BOS from DY High School Girls Volleyball Team dated September 23, 2019 re: request to solicit donations at the landfill
- DY Adult Education Press Release re: Watercolor for Beginners
- Letter from Department of Labor Standards dated September 19, 2019 re: Permits of Holiday Openings
- Homeownership Preservation Program Flyer
- DPU Notice of Filing of Petition of Cape Light Compact, JPE, for approval of its 2016-2018 Energy Efficiency Three-Year Term Report
- Flu Shot Clinics Announcement Flyer
- Barnstable Municipal Airport Availability of Final Public Involvement Plan