



Board of Selectmen
Regular Meeting
April 23, 2013

The regular meeting was called to order at 7:00p.m. in the Town Hall Hearing Room by Chairman Erik Tolley. Selectmen present: Curt Sears, Norm Holcomb, Jim Quirk and Tracy Post. Also Attending: Town Administrator William G. Hinchey. The Board of Selectmen gave the pledge of allegiance.

Public Announcements & Comments (Hearing Room)

Chief Frederickson spoke to the Board about the Boston Marathon bombing and manhunt for the suspects. Yarmouth police Officers who were deployed to assist the Boston Police were recognized.

Assistant DPW Director Rob Angell spoke to the Board about Yarmouth Pride Day scheduled for April 27th at Homer Park, 9am.

Steve Gavin, Yarmouth rep to CVEC and Joyce Flynn, Yarmouth rep to CLC spoke about public comments made to the Selectmen by Peter Kenney.

Vida Morris asked for clarification on the override explanation. She also spoke about a house bill being filed regarding regional school district budgeting. She questioned if Cleon Turner would be a co-sponsor. Mr. Hinchey described the proposed house bill and how it will not benefit or relate to the D-Y Regional District. The Bill does not address a district meeting in the event of a failed override.

The meeting was turned over to Licensing Chairman Sears.

Public Hearing

1. New Sunday Entertainment and Amend Weekday Entertainment

Wild Animal Lagoon Mini Golf Course 62 Rte 28, West Yarmouth, add a Mechanical Bull on the property

Chairman Sears read the legal ad, application represented by John Hutchins. Mr. Hutchins briefly described the application for the mechanical Bull which he hopes will attract new customers and/or more business. Ted Dinsmore spoke about his safety concerns with the proposal and his opposition of the violence the proposal projects. Mr. Dave Robbins also spoke against the noise that he expects it to generate. Ms. Vida Morris spoke about last week's public hearing. Mr. Hutchins stated that the business closes at 9am and there is no alcohol on the premise that would be comparable to the examples the abutters spoke about. He feels the application is sensitive to the abutters private lives. Mr. Hutchins described the construction of the bull and rider safety features. Ms. Post asked how Mr. Hutchins planned for large group gatherings. Mr. Hutchins stated the hours of the operation will attract more families than any other group. Mr. Tolley expressed concern with increased noise levels. Mr. Quirk asked if there will be an attendant during operation. Mr. Hutchins stated that an operator/attendant is required and will be detailed at the bull location. Mr. Holcomb stated he would be more comfortable with the bull inside a building rather than inside a tent that is not enclosed. Ms. Post asked Chief Frederickson what options abutters have if they have a noise complaint. Chief Frederickson reminded the Board that a year ago they approved an inflatable water park that is closer to a residential area than this location. He did not know if this is a similar situation of supporting businesses being creative but he supported the proposal. Ms. Post stated that the recent passing of zoning bylaws to attract entertainment to Route 28 is exactly what this proposal before them is in spirit of. She is however sensitive with the neighbors' complaints and concerns and it needs to be incorporated within the license conditions.

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

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea 5 Nay 0

MOTION: To move that the Board of Selectmen approve the entertainment license with the condition that operation of the mechanical bull ceases at 9am.

Motion by: Tracy Post **Seconded by:** Jim Quirk Yea 4 Nay 1

The meeting was turned back to Chairman Tolley.

2. Parks, Recreation & Cemetery Fees (1st Reading)

| Department/Division | Type of Fee | Existing Fee | Proposed Fee |
|---------------------|--|--------------|--------------|
| Recreation | Youth Swim Lessons | 18.00 | 20.00 |
| | Tennis Lessons | 25.00 | 30.00 |
| | Flax Explorer Program 7 th & 8 th grade Resident | 110.00 | 125.00 |
| | Flax Explorer Program 7 th & 8 th grade Non-Resident | 140.00 | 155.00 |
| Park-Beaches | Boat Parking Daily Fee | 7.00 | 8.00 |
| | Boat Parking Seasonal Fee | 70.00 | 90.00 |
| Cemetery | Cremation Burial Dec 1-March 31 | 400.00 | 500.00 |

Fees were represented by Director Pat Armstrong. Mr. Holcomb asked for the background on the fees for swimming lessons. Ms. Armstrong also provided the history and background on the proposed Cremation burial fee. The proposed fees will still be lower than neighboring towns and will only be charged during the winter months when the ground is frozen and will require a heater. No public comments were made.

MOTION: To move that the Board of Selectmen continue the hearing will May 2nd.

Motion by: Curt Sears **Seconded by:** Tracy Post Yea 5 Nay 0

6A Playground Update

Represented by Dorcas McGurrin and Pat Armstrong. Ms. McGurrin spoke about public hearings held to provide opportunity to obtain public consensus for what amenities should be on the property, not as a destination playground but a community playground. Mr. Sears suggested improved parking signage. The Board voiced support for the playground. Mr. Tolley stated that he would prefer if two basketball hoops could be incorporated back into the plan. Ms. McGurrin stated that the public feedback preferred one basketball hoop.

The meeting was turned over to Appointments Chairman Jim Quirk.

Board & Committee Actions

1. Reappointments

- Library Board [2 Regular Positions]

MOTION: To move that the Board of Selectmen reappoint Harris Contos and Charyn Tietge to the Library Board.

Motion by: Tracy Post **Seconded by:** Norm Holcomb Yea 5 Nay 0

- Community Housing Committee [2 Regular Positions]

2. Appointments

- Community Housing Committee [1 Regular Position]

MOTION: To move that the Board of Selectmen appoint and reappoint Alan Aarons, Richard Carroll and Scott MacLean to the Community Housing Committee.

Motion by: Norm Holcomb **Seconded by:** Norm Holcomb Yea 5 Nay 0

- T.O.Y. Rep to Barnstable County Civil Rights Commission [1 Rep]

MOTION: To move that the Board of Selectmen appoint Mary Zepernick as the Town of Yarmouth Representative to the Barnstable County Civil Rights Commission.

Motion by: Tracy Post **Seconded by:** Norm Holcomb Yea 5 Nay 0

The meeting was turned back to Chairman Tolley.

Board of Selectmen

1. Approval of Minutes

MOTION: To move that the Board of Selectmen approve the February 2nd minutes.

Motion by: Tracy Post **Seconded by:** Norm Holcomb Yea 5 Nay 0

MOTION: To move that the Board of Selectmen approve the October 22nd, 2012 and December 11th 2012.

Motion by: Jim Quirk **Seconded by:** Norm Holcomb Yea 5 Nay 0

MOTION: To move that the Board of Selectmen approve and place on hold the executive session minutes of February 15th, October 2nd, October 30 and November 6th, 2012 and January 8th, 2013 .

Motion by: Jim Quirk **Seconded by:** Norm Holcomb Yea 5 Nay 0

2. Individual Items

Norm Holcomb asked if he could view the Affordable Housing Standards, which Mr. Hinchey stated he could have the Community Development Department follow-up with a phone call or email. Mr. Holcomb asked about the ARC follow-up. Mr. Hinchey reviewed the memo that was included in the packet.

MOTION: To move that the Board of Selectmen instruct Town Counsel to assist with the ARC briefing.

Motion by: Jim Quirk **Seconded by:** Norm Holcomb Yea 5 Nay 0

Mr. Quirk echoed the Chief's comments earlier regarding the police department's involvement with the Boston issues.

Mr. Tolley reminded the Board about a few important upcoming agenda items. He also reminded the Board that the Town Administrator's evaluation will be before the Annual Election. The next meeting will be at the Police Station.

Town Administrator's Items

1. Consent Agenda

- 2013 Junk Dealer Renewals
- ~~Amendments to Affordable Housing Standards~~
- Donations

1. Division of Senior Services

| | |
|------------------|-----------------|
| ▪ Susan McMahon | \$5.00 |
| ▪ Anonymous | \$410.00 |
| ▪ Jean Jackson | \$12.00 |
| ▪ Joe Guardino | \$192.00 |
| ▪ Frances Monick | \$20.00 |
| ▪ Mary Vacaro | \$50.00 |
| ▪ Teresa Praetz | \$100.00 |
| ▪ Joan Puccini | \$20.00 |
| ▪ Mary Mealey | \$20.00 |
| | \$829.00 |

2. Boardwalk Plank Program

| | |
|-----------------|-----------------|
| ▪ Eric Nilsson | \$300.00 |
| ▪ Dottie Lovely | \$150.00 |
| ▪ Irial O'Neill | \$150.00 |
| | \$600.00 |

3. Town Promotion Program

| | |
|--------|-----------------|
| ▪ Cash | \$102.00 |
| | \$102.00 |

TOTAL \$1,531.00

MOTION: To move that the Board of Selectmen approve the consent agenda with the exception of the Affordable Housing Standards which was removed from the consent agenda.

Motion by: Curt Sears **Seconded by:** Jim Quirk Yea 5 Nay 0

Adjourn

MOTION: To move that the Board of Selectmen adjourn the meeting at 8:52pm

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea 5 Nay 0

Respectfully submitted,



DISTRIBUTED MATERIAL

AGENDA PACKET

Public Hearing

Parks, Recreation & Cemetery Fees (1st Reading)

- Letter from MA Dept of Fish & Game to Pat Armstrong, dated April 4, 2013. Re: Bass River Boat Ramp – South Street

INFORMATION PACKET

SPECIAL EVENTS AND PROGRAMS

- Public Service Announcement: Annual Yarmouth Clean-Up “Pride” Day, April 27th
- 1st Annual Cape Cod Arthritis Walk, April 28th.
- True Value Ribbon Cutting Ceremony, May 4th.