



Board of Selectmen **Public Meeting Minutes** **August 4, 2015**

The regular meeting was called to order at 6:30 p.m. in the Town Hall Hearing Room by Chairman Erik Tolley. Selectmen present: Norm Holcomb, Tracy Post, Jim Quirk, and Michael Stone. Also attending: Town Administrator, William Hinchey. The Board of Selectmen gave the Pledge of Allegiance.

1. Public Announcements and Comments

Vida Morris commented on the need to consolidate some schools rather than make capital investments in older buildings, particularly given the decline in student population. Additionally, she commented on the school lunch program during the summer months and though this program is federally funded, the transportation costs are borne by the state. Her concern is that the School District may not be properly completing the required forms for reimbursement of transportation costs. Ms. Morris also commented on the make-up of the Town Administrator Selection Committee and felt there should be taxpayer representation on the Committee.

2. Public Hearing

Chairman Tolley turned the meeting over to the Licensing Chairman, Selectman Stone.

a. Transfer of Annual All Alcohol License for Trevi Restaurant Group. Paul Tardif, attorney for the applicant, Dylan Barker, applicant, and A. J. Black, owner, were present for the hearing. Selectman Stone read the legal ad into the record. Mr. Tardif explained the details of the request for transfer of the license. The Board had no questions for the applicant.

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 application for transfer of annual all alcohol license to Trevi Restaurant Group.

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea 5 Nay 0

3. Informal Hearing on Tavern 731

Michael Kane, chef and operations manager of Tavern 731, and Sandra DiGiovani, owner of Tavern 731, were present for the informal hearing. Officer Magnuson briefed the Board on the circumstances surrounding an incident at Tavern 731 on the evening of June 14, 2015 whereby the police were called due to a highly intoxicated couple refusing to pay their bill. He explained that following the taking into protective custody of the two intoxicated persons, he had a conversation with the owner, Sandra DiGiovani, who reacted to Officer Magnuson in an agitated manner and accused the Yarmouth Police Department of being anti-business. Officer Magnuson further explained that he then had a conversation with the bartender who served the two individuals, inspected the time stamp on the receipt, and felt the bartender's account was credible in that she had very little interaction with them and that they were generally very quiet and did not appear to be intoxicated.

Mr. Kane and Ms. DiGiovani then explained their accounting of the incident, and that perhaps emotions were running high and she may have said something she normally wouldn't say and apologized for her comment. The Board had some questions for Officer Magnuson, Mr. Kane, and Ms. DiGiovani. As this was an informal hearing, there was no action taken by the Board except suggesting to the license holder that she discuss with the police her perception of YPD being anti-business.

4. DCR: Bike Path Discussion

Kathy Williams, Town Planner, updated the Board on the changes to the layout and designs for the bike path made since objections were first raised by Mr. Barry Clayman and others. Dan Driscoll, DCR, further updated the Board on why the stockade fencing was rejected in favor of a more expensive split rail fence and natural vegetation, plantings, and trees. Mr. Driscoll believes the end result will be a more aesthetically pleasing view for both the users of the bike trail and the residents.

Mr. Barry Clayman, an abutter to the rail trail property on Beacon Street, had a PowerPoint presentation for the Board demonstrating the condition of the property before the rail trail project began. He stated that once the clearing of brush is completed for the trail, people on the trail will have clear access to the homeowners' property.

Two other residents (Mr. Kevin Callahan and Mr. Bob Claron) made comments in support of the state including stockade fencing as part of the rail trail construction.

Mr. Driscoll reassured the residents that DCR will continue to work with residents to ensure they have input into the planting and design of a natural barrier between the rail trail and residents' property. Further, he assured the residents that DCR will maintain the trail and the plantings as necessary.

5. Goals Discussion

The Board discussed the mission statement and goals and made revisions to the goals.

MOTION: To move that the Board of Selectmen accept the mission statement and goals, as revised.

Motion by: Jim Quirk

Seconded by: Norm Holcomb

Yea 5 Nay 0

6. D-Y Discussion

The Board discussed the manner in which the School Committee and the Superintendent handled the teacher/student incident. Selectman Holcomb discussed the detailed questions he submitted to the Chairman of the School Committee. He stated that he was disappointed in the response he received from Chairman Carey. The Board members offered their views and hope that the School Committee will be forthcoming with additional information on the subject and any policy changes that may occur as a result of this issue. Some Board members felt there might not be additional information forthcoming from the School Committee due to privacy rights and possibly the terms of a settlement agreement made with the teacher.

7. Board of Selectmen

a. Board and Committee Actions:

1) Appointments Chairman, Selectman Quirk, recommended the regular appointment of Mary Vilbon to the Community Economic Development Committee for a three-year term to run through July 2018.

MOTION: To move that the Board of Selectmen approve the regular appointment of Mary Vilbon to the Community Economic Development Committee for a three-year term to run through July 2018.

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

b. Individual Items: None.

c. Approval of Minutes.

MOTION: To move that the Board of Selectmen approve the Board of Selectmen regular meeting minutes of July 14, 2015.

Motion by: Jim Quirk Seconded by: Tracy Post Yea 4* Nay 0 Abstained 1

***Chairman Tolley abstained due to not being present for the July 14, 2015 meeting.**

8. Town Administrator's Items

a. Consent Agenda:

1) Application for Special Entertainment License for Yarmouth Professional Firefighters Local 2122 for Cape Cod Irish Village 5K Road Race.

2) Library Study Group - formation of single-purpose ad hoc committee to study the Town libraries facilities' needs.

3) Donations:

- Finance Department
Cape Cod Volunteers \$469.98

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

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

b. Town Administrator Updates:

1) Wastewater Planning Fund: request to expend balance of \$54,000 remaining from prior town meeting appropriations to prepare a wastewater treatment plan in compliance with the County's "Section 208" Plan.

MOTION: To move that the Board of Selectmen approve the use of wastewater planning funds for the purposes stated in the Town Administrator memorandum, amended that a proposal of the costs to conduct a study be presented to the Board before any expenditure of funds.

Motion by: Jim Quirk Seconded by: Tracy Post Yea 5 Nay 0

2) Town Administrator Profile from Collins Center to be included in the recruiting process for Town Administrator candidates. The Board had no changes or recommendations to add to the profile.

9. Adjourn

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

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea 5 Nay 0

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Application for Transfer of Annual All Alcohol License for Primavera
- Memo to Deputy Chief Xiarhos from LT Patrick S. Carty dated June 19, 2015 re: Police Reports regarding Tavern 731
- Memo to BOS from Town Planner dated July 29, 2015 re: CCRT Extension
- Revised Draft BOS Goals
- Memo to BOS from Appointments Chairman dated July 31, 2015 re: Community Economic Development Committee Appointment
- Minutes for BOS Meeting of July 14, 2015
- Application for Special Entertainment License from Yarmouth Professional Firefighters L2122 for Cape Cod Irish Village Road Race
- Memo to BOS from Town Administrator dated July 28, 2015 re: Library Study Group
- Memo to Town Administrator from Ed Senteio dated July 26, 2015 re: Poster Stand Donation From Cape Cod Volunteers
- Memo to BOS from Town Administrator dated July 28, 2015 re: Use of Wastewater Planning Funds
- Email from Mr. Richard Kobayashi dated July 25, 2015 re: Candidate Profile
- Yarmouth Golf Department Letter of Appreciation