



Board of Selectmen Regular Meeting Minutes May 3, 2016

The regular meeting was called to order at 6:00 p.m. in the Town Hall Hearing Room by Chairman Erik Tolley. Selectmen present: Norm Holcomb, Jim Quirk, Tracy Post, and Michael Stone. Also attending: Interim Town Administrator, Peter Johnson-Staub.

1. Public Announcements & Comments

Ms. Vida Morris commented the Superintendent's contract increase of 14.5%. She asked about the status of the District Agreement and if it would include a clause to allow for recall of School Committee members. Chairman Tolley and Selectman Post responded that under the current agreement, recall is not authorized and a revised agreement has not been discussed with the town of Dennis yet. Ms. Morris asked about babysitting services for town meeting and if the babysitters were being paid. Mr. Johnson-Staub responded that volunteers from the schools provide free babysitting services during both town meetings.

Mr. Steve Krintzman commented on the lack of compromise by the Board members to reach an agreement with regard to appointing a town administrator. He stated he understands the matter will be brought up at town meeting for the voters to decide; he does not support any further expenditure of funds for another search.

Mr. John Howard commented on the use of solar panels and stated that the solar panels on town hall should now be owned by the town. He also suggested several town-owned properties that could be used for solar panels which would be a revenue source for the town.

2. Public Hearing

Chairman Tolley turned the meeting over to Licensing Chairman Stone.

a. New Entertainment License for Tasty Buffet, 228 Route 28, West Yarmouth. Ms. Christina Carey, entertainment coordinator for Tasty Buffet, and Ms. Zhao Su Yang, Manager of Tasty Buffet, were present for the hearing. Selectman Stone read the legal ad into the record. Ms. Carey explained that the entertainment planned is targeted to bus tours that Tasty Buffet caters to and includes a comedy show and musicians with up to three instruments. She further explained that the entertainment would not be open to the public but would be restricted to organized groups or bus tours that have been reserved. Chairman Tolley asked about the fire alarm and crowd manager issues that were raised by the Fire Department. Director of Inspectional Services, Mark Grylls, commented that he is not aware of an application from Tasty Buffet for an upgraded occupancy and use permit. Mr. Stone advised the applicants that any action taken by the Board will be subject to meeting the town's requirements for permits and inspections.

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

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 5 Nay 0

MOTION: To move that the Board of Selectmen approve the application as presented provided the requirements of the Fire Department, the Health Department, and the Building Commissioner have been met.

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 5 Nay 0

b. Transfer of Package Store License for Patriot Spirits, Inc., 451 Station Ave, South Yarmouth. Mr. Dan Chamberlain, attorney representing Patriot Spirits, Inc., was present for the hearing. Selectman Stone read the legal ad into the record. Mr. Chamberlain introduced the owners, Michael and Elizabeth Patterson, and explained that they are experienced owners with four other package stores on the Cape. The owners have met with Yarmouth Police Department to review the rules and regulations for license holders. Selectman Quirk disclosed that he and Mr. Chamberlain's father were in law practice together until 2004 but feels there is no conflict of interest for him to vote on this license.

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

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 5 Nay 0

MOTION: To move that the Board of Selectmen approve the application as presented.

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 5 Nay 0

c. Parks & Beaches Rules & Regulations (2nd hearing). Parks & Recreation Director Pat Armstrong and Natural Resources Director Karl vonHone were present for the hearing. Selectman Stone asked if any correspondence had been received regarding the proposed changes. Mr. Johnson-Staub stated no correspondence has been received at town hall. Ms. Armstrong stated she received an email this afternoon from a gentleman who was expecting the issue of allowing dogs on beaches to be addressed at town meeting. Ms. Armstrong explained to him that the matter was addressed and approved by the Board of Selectmen so the petitioner withdrew his petition article. The Board noted a typographical error on the first page.

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

Motion by: Jim Quirk

Seconded by: Norm Holcomb

Yea 5 Nay 0

MOTION: To move that the Board of Selectmen approve the proposed changes to the Parks & Beaches Rules and Regulations.

Motion by: Tracy Post

Seconded by: Norm Holcomb

Yea 5 Nay 0

Selectman Stone turned the meeting back over to Chairman Tolley. Mr. Tolley apologized to the National Grid representatives for going out of order on the agenda but will be hearing the Slat/Ladder Sign Policy and Gateway Signs presentation before National Grid's presentation.

3. Slat /Ladder Sign Policy and Gateway Signs

Director of Community Development, Karen Greene; Peter Q. Smith, Chairman of the Community Economic Development Committee (CEDC); and Kate Beaman were in attendance for this presentation. Ms. Greene explained that the CEDC has been inspecting the slat and ladder signs throughout the town and discovered many are in a state of disrepair. The Tourism Revenue Preservation Funds will be used to repair and upgrade the signs. Changes to the policy are proposed along with a new design would require all signs to be a large font, black lettering, with no logo's. Selectman Post asked about maintenance of the signs and fees. Ms. Greene explained that each business owner will be responsible for maintenance of their sign and the design and materials to be used will not be difficult to maintain. There will be no application fee for obtaining a sign, but businesses will pay a \$75.00 fee for the slat sign itself. Selectman Post asked for

clarification on what the town will be paying for and what businesses will be responsible for. Selectman Holcomb asked about the annual sign fees not being collected. It has been a long time since the town has collected fees for these signs. The Board agreed that businesses with existing signs and new signs should be assessed a one-time \$75.00 fee when sign and slats are replaced.

Executive Director of the Yarmouth Chamber of Commerce, Mary Vilbon, commented that someone suggested taxpayer funds were going to be used to pay for businesses' signs. She reminded the Board and the public that the funds to be used are tourism funds, not taxpayer funds.

Ms. Greene explained the Gateway sign proposal using the "Cape Cod Within Reach" logo and stated that tourism funds would be used for these signs as well. The Gateway signs would be located on Route 6 at exits 7 and 8, both east and west for a total of four signs. Applications have been submitted to MassDOT for the sign permits.

4. National Grid Presentation (Gas Pipeline Capacity Project)

Mr. Dennis McCaffery and Mr. Bill Ciocca from National Grid were present to provide the Board with an outline of the ongoing gas main replacement project. Mr. McCaffery explained that the mid-Cape replacement project involves a 21-mile stretch of pipe from White's Path in Yarmouth into Harwich. He further explained the need for pipe replacement which is the result of National Grid's investigation of a gas odor reported by a resident. Pending the results of their investigation, gas pressure was reduced from 200 PSI to 125 PSI, which affected approximately 1,000 customers; 30 sub-standard services were identified. The pipes were tested and some sections were identified that do not meet today's standards. Mr. Ciocca explained that National Grid imposed a moratorium on expanding gas service for safety reasons while their investigation was ongoing. The moratorium has since been lifted for Yarmouth.

Mr. Ciocca explained that he has been working with the affected towns' DPW Departments, police departments, and town administrators to keep them abreast of the project and to coordinate any individual DPW projects in each town that might be affected by National Grid's work. He expects construction to begin in the spring of 2017 with completion by early 2019. A website has been established for residents to keep informed of the progress of the project or to make comments or ask questions (ngrid.com/midcape), and a toll-free number has also been established for residents to call with questions or comments: 1-800-235-0955.

Selectman Post asked about opening the roads, the condition the roads will be left in, and the size of the project at any given time. Mr. McCaffery explained that National Grid will be working with Yarmouth's DPW to identify the conditions the town will place on the permits. Whatever conditions the town places on the permit, whether centerline to curb restoration or curb-to-curb restoration, National Grid will comply with the town's conditions. They will also work with the police on traffic flow concerns. Ms. Post also asked if there would be any disruption in service to businesses or residents. Mr. McCaffery stated there would be no disruption of service as the new line will be installed parallel to the existing line.

Selectman Quirk asked about the logistics of the project and how quickly pipe can be installed in a given period of time. Mr. McCaffery stated that approximately 120' to 200' per day can be installed. Additionally, he commented that multiple crews will be working simultaneously to expedite the project but it will be a slow process due to towns' restrictions, weather, and traffic restrictions.

Selectman Holcomb asked Mr. Johnson-Staub and DPW Director Colby if we have looked at planned projects that we might be able to coordinate with National Grid's project to avoid duplication of opening roads. Mr. Colby advised the Board that those are the very issues DPW is working through with National Grid.

Chairman Tolley commented that White's Path was just repaved a few years ago; he asked if National Grid would repave only the segment of road they open up or repave the entire road to return it to its previous condition. Mr. McCaffery stated they will comply with any conditions the town places on the opening permit and if that requires complete restoration, National Grid will comply with that requirement. He also commented that National Grid has been proactive with the towns affected in asking for the towns' paving lists so they can get ahead of the paving to avoid multiple disruptions to the roads.

5. Emergency Management

Mr. Johnson-Staub opened the presentation by mentioning to the Board that in addition to our police and fire chiefs being present, several other town departments and regional partners in emergency management planning are also present. Chief Frederickson introduced the individuals in attendance for the presentation: Mr. Sean O'Brian from Barnstable County who is in charge of the regional emergency management group and Ms. Rachel Potts from MEMA. Chief Frederickson explained the process when town departments and agencies are mobilized for an event. He described the levels of preparation the town and other agencies employ and explained the benefits of preparation to reduce risks and aid in a quicker recovery.

Chief Simonian explained that the Barnstable County Regional Emergency Planning Committee (BCREPC) was created in 2002 to address compliance issues with federal regulations. The committee provides support for communities on the Cape. The Multi-Agency Coordination Center (MACC) was established to give the Cape a regional center to manage the shelter systems, manage resource requests for the Cape, provide a regional location for coordinating power restoration, and provide a regional location to disseminate situational awareness to the Cape communities. He described the sheltering system on Cape Cod as the best in the state: the six shelters include D-Y High School, Nauset Regional High School, Cape Cod Regional Technical School, Barnstable Intermediate School, Falmouth High School, and Sandwich High School.

Chief Frederickson explained the Emergency Operations Center (EOC) is located on the second floor of the police facility and serves as a centralized location for town entities who come together to provide a unified response to an emergency. The main purpose of the EOC is to collect data, serve as a central communication center for multiple agencies, and manage requests for resources. There is a secondary EOC at D-Y High School, though it has infrastructure needs, and YPD is also equipped with a Mobile Command Post which can be used as a short-term portable EOC. Chief Frederickson described the procedures during a storm event (decision to activate the EOC, recommendations of the BCREPS, activating the MACC, etc.).

Chief Simonian explained the EOC maintains constant contact with the local shelters and that the shelters are supported by YPD, YFD, and DSRSD. Chief Simonian stressed that the shelters would not function without the support from volunteers. The American Red Cross, CERT, AmeriCorps, CCDART, and other volunteers who keep the shelters open.

Chief Frederickson provided an overview of the other emergency management events the Emergency Management Team is equipped to handle including bomb threats, hazardous material occurrences, Amber alerts, crowd control and civil disorder, and special events.

Mr. Sean O'Brian, Chairman of the BCREPC, provided an overview of the establishment of, and expanding role of, the BCREPC throughout the Cape. He informed the Board of the coordination efforts the Regional Committee provides and how closely they work with the utility companies, the town DPW directors, and MEMA. Ms. Rachel Potts from MEMA commended the BCREPC on the Cape's sheltering system and stated it is the flagship system in the state.

Selectman Holcomb asked what communication procedures are in place to inform the residents of an emergency and the steps and procedures the town and county are taking. Chief Frederickson commented that people use all different means of communication (a landline, cell phone, internet, social media, etc.). He has found the best means of informing the public has been the Code Red calls. Chief Simonian explained that the BCREPC conducts conference calls up to 2-3 times per day, depending on the severity of the emergency, and issues press releases as needed. Selectman Holcomb asked about the school committee or other school officials not being included in the organizational chart provided in the handout and what procedures are in place for any school emergency that might occur. Chief Frederickson remarked that the schools are required to provide an emergency action plan yearly, which is provided to the police, fire, and county emergency management teams. He also explained that there is good communication and coordination with the school resource officers in planning, preparation, and during an on-going emergency. The police and fire departments conduct regular drills with the schools throughout the year.

Mr. Holcomb asked what has been done to improve the response time and increasing assets in the case of a major snow event, such as occurred two years ago. Mr. O'Brian commented that since that event, increased coordination has been achieved among the towns, the DPW Directors, and MassDOT Highway Division to prioritize assets and the right type of assets. Mr. O'Brian also reported that Eversource has taken a very active role over the past two years in tree cutting and clearing which resulted in a much lower power outage rate during last year's blizzard from two years ago. He also commented that Eversource has become a partner with the county in coordinating efforts and pre-positioning of assets to respond more quickly to power outages.

Selectman Quirk commented that other emergency events should be considered as well, such as a SARS outbreak. Additionally, he suggested that the Cape should look at partnerships with civilian or private assets in addition to municipal, state, and federal agencies.

Selectman Post asked that the next time the EOC is activated if a video could be made which would demonstrate to the public the extensive level of effort and coordination that occurs during an emergency. She also asked what the process would be in the case of a nuclear emergency at Pilgrim Nuclear Generating Station. Mr. O'Brian informed the Board there is no part of the Cape that is included in the plant's emergency planning zone. He also informed the Board that the Nuclear Regulatory Commission (NRC) establishes a 10 mile radius around a plant which would include evacuation of the population, the distribution of potassium iodide pills, and other such considerations. Ms. Post mentioned that the BCREPC does have a very good Facebook page that provides a great deal of information and status reports during emergencies. She asked what, if any, our weaknesses would be within our emergency management plan. Chief Simonian stated that we should have a secondary EOC to ensure redundancy in the event one EOC suffers a catastrophic failure. Chief Frederickson commented that our emergency management team currently has a great deal of experience because of the number of weather events we've been through in the past several years. However, as a result of personnel turnovers and as the more experienced personnel leave, we need to ensure we are providing training opportunities for emergency response personnel. Additionally, we've been able to purchase a limited amount of

equipment with free cash funds over the years but equipment does need to be upgraded and a more stable source of funding should be in place.

Selectman Quirk asked if, during the course of emergency management planning, a county-wide inventory of EOC sites has ever been conducted in the event of a terrorist incident where one or more EOC's is disabled. Chief Frederickson commented that consideration has been given to county-wide assets and are utilized during certain drills, such as a shooting or terrorist event at Cape Cod Mall. Natural Resources Director Karl vonHone informed the Board that after 9/11, many town and regional emergency planning committees implemented training programs to react to terrorist threats, such as responding to an event with one of the ferry's. He also commented on the pandemic threats that might occur. Though the Cape is not at risk of the Zika virus due to our northerly location, town, county, and state agencies keep up with the latest information and threats.

Chairman Tolley thanked all of the participants for coming and providing a lot of very useful information. Mr. Johnson-Staub thanked Selectman Holcomb for asking that this topic be addressed by the Board of Selectman.

6. Board of Selectmen

a. Vacate Red Face Jack's Suspension. Selectman Quirk commented that this motion is consistent with the action of the ABCC. Chairman Tolley stated he did not see anything in ABCC's conclusion that would require the Board to vacate the previously imposed suspension but simply concluded they did not agree with the Board's actions. Mr. Quirk stated the ABCC's findings and conclusion invalidated the Board's actions. Mr. Holcomb stated he also did not interpret the ABCC's conclusion as requiring the Board to vacate the suspension but simply disagreed with the Board's decision and with the recommendation that no further action be taken against the licensee. Mr. Quirk explained that the case was remanded back to the Board by the ABCC with the recommendation that no further action be taken. Selectman Stone explained the process in that the ABCC does not start their investigation with the Board's findings but starts their investigation from scratch and concluded the Board did not have sufficient evidence to find a violation occurred. Additionally, when a court or board "remands" a decision back to a lower authority, it is to take action consistent with the court or board's findings.

MOTION: To move that all discipline, suspensions and any other action flowing from the alleged over-service by Red Face Jack's is vacated, consistent with the December 10, 2015 decision of the Alcoholic Beverages Control Commission ("ABCC"), and shall not be used by the Town of Yarmouth as a factor in considering any future violation(s) by that licensee, Red Face Jack's.

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 3 Nay 2

b. Board and Committee Actions. Appointments Chairman Quirk commented on the appointments of Dr. Margaret Clark, Ms. Anastatia Quirk Ellis (daughter of Appointments Chairman Quirk), and Ms. Kathryn Basile to the Library Board. Mr. Quirk informed the Board and the public that he did not participate in the selection process with regard to his daughter's appointment recommendation and asked Selectman Post to move the motion. Ms. Post recommended the Board appoint Dr. Margaret Clark, Ms. Anastatia Quirk Ellis, and Ms. Kathryn Basile to the Library Board for three-year terms to run through February 2019.

MOTION: To move that the Board of Selectman to appoint Dr. Margaret Clark, Ms. Anastatia Quirk Ellis, and Ms. Kathryn Basile to the Library Board for three-year terms to run through February 2019.

Motion by: Tracy Post

Seconded by: Norm Holcomb

Yea 4 Nay 0 Abstain 1

c. Approval of Executive Session Minutes

MOTION: To move that the Board of Selectmen approve and hold the Board of Selectmen Executive Session minutes of March 1, 2016.

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

***Chairman Tolley abstained from approving these minutes due to not being present for that meeting.**

d. Approval of Minutes

MOTION: To move that the Board of Selectmen approve the Board of Selectmen minutes of April 5, 2016 and April 12, 2016.

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

e. Individual Items

1) Selectman Post commented on the interesting and informative "Aging With Dignity" presentation which was held at the Senior Center on April 28th. She also reminded the public of town meeting being held on Saturday, May 7, 2016.

2) Selectman Stone wanted to acknowledge and offer condolences to the families of Mr. Jim Carroll, a former Recreation Commissioner and a current member of the Board of Assessors; and Mr. Jim Lapsley, whose wife pre-deceased him, and was also a Recreation Commission member and very active in youth sports and other civic activities.

Additionally, Mr. Stone commented on a ceremony to be held in honor of Red Wilson to recognize his many years of service as a teacher, coach and assistant principal at D-Y High School, and has been inducted into several local baseball halls of fame. The town of Dennis will be issuing a "Proclamation" in honor of Red Wilson on May 15, 2016. Chairman Tolley mentioned that he was contacted by Mr. John Terrio, Selectman in Dennis, informing him that the town of Dennis would be naming a day in May as Red Wilson Day and was asked if Yarmouth would like to participate in this event. Chairman Tolley advised Mr. Terrio he could not commit to such a proclamation or event without the input and vote from the rest of the Board. Mr. Stone will contact Mr. Terrio for more information and to provide an example of what he would like the Yarmouth Board of Selectmen to vote on and approve. The matter will be discussed at the Selectmen meeting to be held prior to town meeting on May 7, 2016.

3) Selectman Holcomb mentioned that he met with Rick Binaco and Kahren Dowcett regarding the Route 6A sidewalks and a streetscape. He will provide a written summary of his meeting with them and submit it to the Board and staff.

4) Selectman Post mentioned she and Selectman Stone attended the dedication and naming of Bill Nixon Drive at the Bass River Golf Course. She commented that it was a great tribute to former Highway Superintendent Bill Nixon.

5) Selectman Quirk mentioned that the mock motor vehicle crash demonstration will be held at D-Y High School on May 13, 2016, prior to prom season. It is a very realistic and impactful presentation.

6) Chairman Tolley also reminded the public that town meeting is this Saturday, May 7, 2016 at 9:00 a.m., the next Board of Selectmen meeting will be on May 24, 2016, and town elections will be held on May 17, 2016.

7. Town Administrator's Items

a. Consent Agenda

1) Fee Waiver Request from American Cancer Society/Relay for Life Sign Permit Application.

2) Memo to BOS from Parks & Rec dated April 22, 2016 re: Donations

3) Memo to BOS from Parks & Rec dated April 25, 2016 re: Donations

Donations:

- Parks & Recreation
 - Barnstable/Yarmouth Lion Club \$ 175.00
 - Allissa Dempsey \$ 150.00
 - John Clark \$ 150.00
 - Robert Kelleher \$ 150.00
 - Sandra Burke \$ 300.00
 - George Akerblom \$ 150.00
 - Jerry Manning \$ 50.00

TOTAL \$ 1,125.00

MOTION: To move that the Board of Selectmen approve the Consent Agenda.

Motion by: Tracy Post

Seconded by: Norm Holcomb

Yea 5 Nay 0

b. Town Administrator Updates

1) School Building Committee Composition. Mr. Johnson-Staub briefed the Board on the memorandum, with attached committee membership and charge, from Superintendent Woodbury on the composition of the Mattacheese Middle School Building Committee. The school committee is requesting input from Yarmouth prior to May 11th when the school committee next meets. The Board discussed the building committee membership and stated the current composition of the committee does not reflect Yarmouth's interests in that Yarmouth is funding the feasibility study for a Yarmouth school. The Board agreed that Yarmouth needs to have a majority membership on the building committee. Mr. Holcomb also expressed concern with the building committee reporting to a feasibility committee or school board for final decisions. Mr. Johnson-Staub will contact the Superintendent for clarification on the committee membership and the Board will revisit this item at the pre-town meeting Selectmen meeting on Saturday, May 7th.

8. 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

- New Entertainment License Application for Tasty Buffet, 228 Route 28, W. Yarmouth
- Transfer of Package Store License for Patriot Spirits, Inc., 451 Station Avenue, S. Yarmouth
- Proposed Changes to Parks and Beaches Rules & Regulations
- National Grid Gas Pipeline Capacity Project Presentation
- Memo to BOS from Director of Community Development dated April 28, 2016 re: Slat Sign Policy - Gateway Sign Design
- Emergency Management PowerPoint Presentation
- ABCC Decision in the case of Red Face Jack's, Inc.
- Memo to BOS from Appointments Chairman dated April 29, 2016 re: Library Board Appointments
- Board of Selectmen Executive Session Minutes of March 1, 2016 (under separate cover)
- Board of Selectmen Meeting Minutes of April 5, 2016
- Board of Selectmen Meeting Minutes of April 12, 2016
- Letter to Chairman, BOS from Superintendent Woodbury dated April 28, 2016 re: Building Committee for the Mattacheese Middle School
- Fee Waiver Request from American Cancer Society/Relay for Life Sign Permit Application
- Memo to BOS from Parks & Rec dated April 22, 2016 re: Donations
- Memo to BOS from Parks & Rec dated April 25, 2016 re: Donations
- BOS Projected 2016 Agenda Items
- Plans for Articles 32 and 33 - Parker's River Bridge Replacement Easements and Takings
- Email to BOS from Patricia Arone dated April 26, 2016 re: Child Care at Town Meetings
- Email to Mr. Rick Binaco from Interim Town Administrator dated April 27, 2016 re: Route 6A Maintenance Complaint
- Preliminary Community Partnership Discussions Between Dennis, Harwich and Yarmouth Agenda for April 1, 2016
- Temporary Closing of Gerardi's Cafe
- Finance Committee Agenda for April 27, 2016
- Cape Cod Healthcare Blood Drive Poster