



Board of Selectmen
Regular Meeting Minutes
June 7, 2016

The regular meeting was called to order at 7:00 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

Mr. Jack Howard commented that the town should be investing in solar energy. The potential for credits annually are significant. As an example, the town of Dennis earns \$500,000 a year in solar credits and all Yarmouth would need to do is identify the land where solar panels could be placed.

Mr. Al Keller, charter boat captain whose boat is docked at Packet Landing, commented that Packet Landing is not being policed. The trash bins are overflowing with trash and garbage and the grass area is full of trash and the grass is not cut on a regular basis, if at all. Mr. Keller asked the Board to take action to improve the condition of Packet Landing.

Mr. David Healy commented on the town administrator appointment process, the vote at town meeting to deny funds for another town administrator search, and comments he claimed were made by Selectmen Stone and Quirk to rethink their positions. After a month, he has seen no action and asked what the Board intends to do. Chairman Tolley advised the public that the town administrator appointment matter is on the agenda for this evening.

Mr. Steve Krintzman also commented that the town spoke clearly at town meeting in support of Mr. Johnson-Staub and not in favor of spending any additional funds for another search. He further asked Mr. Stone and Mr. Quirk to state what their reason is, if any, for not appointing Mr. Johnson-Staub. He asked the Board to make a decision on this matter. Chairman Tolley again stated that the matter is on the agenda for later this evening.

Ms. Vida Morris commented that the previous speakers did not attend or pay attention to a meeting approximately two months ago when Mr. Stone read a very long and detailed statement on his position and why he has voted the way he has. She further urged the Board to move forward with another search, which they have agreed to. Ms. Morris also commented that she felt the town moderator was completely out of line and displayed partisanship by asking for a non-binding vote on the appointment of Mr. Johnson-Staub.

Ms. Morris offered several names of town residents she felt should be asked to serve on a town administrator selection committee. She explained that she has not spoken to any of these people, she has no idea of their availability or interest in serving, but due to their past service on various town committees, she felt they have displayed exceptional character and ability and would serve a selection committee well, if asked.

Ms. Susan McAuliffe, Yarmouth Delegate to the Barnstable County Assembly of Delegates, provided the Board with an update. She commented that the County did pass a budget in May,

which is \$2M less than last year's budget. She went on to describe some of the specifics included in the budget (budget cuts, fee increases, capital expenditures, etc.). She commented on the new Administrator the county hired and the initiatives he has taken to move things along and stated that at some point in the future, she would like to bring him to a Board of Selectman meeting to provide an overview of the County's initiatives.

Mr. Tom Nickinello offered some suggestions on the issue of increasing voter turnout at future town meetings such as survey cards, informational meetings or town hearings. He also commented on the sidewalk program and thanked the DPW for the outstanding job.

Ms. Carol Wall also commented on the town administrator process and expressed her disappointment that the Board has not resolved the issue yet after, in her view, the voters' support at town meeting for Mr. Johnson-Staub.

Ms. Sandra Blackman expressed her support for Mr. Johnson-Staub and hoped the Board would come to a conclusion of the matter and appoint him as town administrator.

Mr. Ed Patton introduced himself as an attorney in Yarmouth and, having submitted a letter of interest for the town counsel position, expressed his continued interest in being considered for the position despite submitting his letter beyond the due date for applications.

2. Public Hearing

a. Slat/Ladder Sign Policy (2nd Hearing). Ms. Karen Greene was present to discuss the proposed policy and review the changes suggested by the Board at the first hearing.

Chairman Tolley commented that the new policy is not clear in that all businesses will be required to start from ground zero by paying the \$75 slat fee, regardless of how long those businesses may have displayed a sign. Director Green explained that once approved, all businesses will be notified of the new policy and that the \$75 fee will be imposed to all business participating. Selectman Post commented that there are still some gray areas as to who will monitor the signs and remove signs of businesses that no longer exist. Ms. Greene stated that the new policy outlines the businesses' responsibility to give notice to the town if they are closing and that their slat needs to be removed. Additionally, the Building Department, the Chamber of Commerce, and local residents will be asked to keep the town informed of closed businesses whose signs are still displayed. The Building Department will then be asked to remove the sign.

Ms. Post asked who will manage the list of participating businesses. Ms. Greene advised the Community Development Department will manage the list.

Chairman Tolley asked if anyone in the audience would like to comment on this slat/ladder sign policy. Mr. Al Keller asked about signs and/or slats that have been damaged or destroyed. He commented that he has replaced destroyed signs and slats at his own expense in the past. Ms. Greene commented that those signs are consistent with the new design and will not need to be replaced.

Mr. Tom Nickinello, Yarmouth Chamber of Commerce, commented that the Chamber is in full support of this slat sign policy. The current signs are in poor condition and in many cases add confusion to visitors.

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 amended slat/ladder sign policy as presented in the agenda packet.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 5 Nay 0

3. Dementia and Alzheimer Support

Director of Senior Services Kathi Bailey and Linda Colby were present to brief the Board on dementia and Alzheimer support services. Ms. Bailey briefed the Board on the estimates of the number of Yarmouth residents who need or will need some form of adult supportive day services program in the near future. The purpose of such a program would be wellness care for the senior and the caregiver. Ms. Colby explained what an adult day services program would look like in terms of the types of services.

Ms. Bailey went to explain the costs associated with establishing a social day program at Yarmouth Senior Services which would add an operational increase to the annual budget of approximately \$75K. That figure represents non-reimbursable costs. The Board members asked for clarification on a daily operation, the number of staff to operate a day program, and the administrative burden of managing the reimbursable portion of a program. Board members agreed that the need is great and further exploration of establishing a facility is in order, possibly in partnership with Dennis. Chairman Tolley asked Ms. Bailey what the next step would be. She recommended a feasibility study be done as she does not have the answers to the many questions the Board has. A study could address many options and provide more specifics data to the Board. Chairman Tolley mentioned that this item will be a future agenda topic for the Board to discuss again.

4. Dennis-Yarmouth Regional School District Lease

Interim Town Administrator, Peter Johnson-Staub, briefed the Board on the current lease for the M. E. Small Elementary School and the Mattacheese Middle School, which expires the end of this month. The proposed lease is a simple one in that it maintains the current responsibilities to the School District in terms of maintenance, capital, insurance, and liability. Mr. Johnson-Staub drafted a proposed lease which Selectman Stone reviewed and suggested a few modifications and edits which will be incorporated in a revised draft. The suggested edits were outlined by Mr. Johnson-Staub. The Board held a discussion about renewing the lease at all, the implications of the lease on the Mattacheese feasibility study, and the regional agreement that still requires updating. Selectman Quirk proposed an amendment to execute the lease but the Board members wanted to see a draft of the lease with the recommended changes by Selectman Stone. Mr. Johnson-Staub will send the proposed lease to the Board members and include the lease on the consent agenda for the June 21, 2016 Board of Selectmen meeting. Selectman Quirk withdrew his motion.

5. Town Administrator Selection

Selectman Holcomb recapped the previous discussions the Board has held on the Town Administrator selection process. He suggested for the Board's consideration, offering a one-year contract to Mr. Johnson-Staub as an alternative to conducting another search. Chairman Tolley stated that he feels whether there may be a more qualified candidate somewhere, Mr. Johnson-Staub's 14 years of experience warrants appointment to the town administrator position. If he were

to accept a short-term appointment and he did not prove to be the right person for the position, Chairman Tolley is confident in the team that Mr. Hinchey and Mr. Johnson-Staub have assembled to continue to very capably manage the town's business. Mr. Holcomb further explained his rationale for the short-term contract in that a new search will take considerable time given a limited budget, identifying a contractor, awarding a contract, conducting interviews, and negotiating a contract to the selected candidate.

Selectman Post commented that she doesn't know why Mr. Johnson-Staub would accept such an offer. However, she would support an offer of a short-term contract to Mr. Johnson-Staub with the stipulation that he would be guaranteed the Assistant Town Administrator position should the Board not choose to renew his town administrator contract after one year.

Chairman Tolley stated that he spoke to Mr. Dick Kobayashi from the Collins Center and discussed an additional search that was in our budget. He reported that Mr. Kobayashi's feeling is that the net result of another search would not yield any good candidates, if any candidates at all. When asked if the Board agreed to proceed with another search, would the Collins Center be able to assist again within the budget constraints. Mr. Kobayashi said he would not be interested or able to assist under those conditions.

Selectman Quirk commented that he has been listening to a lot of people telling him what he is thinking for a long time and wanted to tell the Board and the public what he is thinking. He feels that the Finance Committee was very inappropriate in taking a vote on a transfer of funds before anyone asked them. He feels they made it a political situation and violated the town charter in that the Board of Selectmen is tasked with appointing the town administrator and town counsel. The Finance Committee took that responsibility away from the Board by refusing to provide the funding for the Board to do its job. He further explained that he does not have any personal reasons for not voting for Mr. Johnson-Staub, he simply felt the other candidate interviewed was a more qualified and experienced candidate.

Selectman Stone commented that he has, on numerous occasions, explained his decision. He again explained his dissatisfaction when several of the finalists withdrew their applications for the position. The Board was then left with only two candidates to choose from and Mr. Stone felt the process had failed. He also felt the other candidate was a more qualified and experienced candidate and that is why he voted for him. He went on to state he also feels the Finance Committee interfered with the responsibilities of the Board of Selectmen. The position of town administrator is the most important position in the town and deserves a successful and complete process, which has not yet occurred, in his view.

The Board discussed the process moving forward and asked the Town Accountant, Rich Bienvenue, how the funding would work going into a new fiscal year. Mr. Bienvenue stated that he believed a contract for services could be executed using FY16 funds and those funds would be encumbered into FY17.

Selectman Post expressed concern that the Board was considering spending FY17 funds for a new search despite the sentiment expressed at town meeting. She asked if the Board was not going to consider offering a one-year contract to Mr. Johnson-Staub.

MOTION: To move that the Board of Selectmen offer Mr. Peter Johnson-Staub a one-year contract as town administrator, amended to ensure Mr. Johnson-Staub's current position of Assistant Town Administrator is secured for him after that one-year.

Motion by: Norm Holcomb

Seconded by: Tracy Post

Yea 3 Nay 2

Selectman Quirk informed the Board that he was made aware of someone offering private funding for a new search. The Board did not think it was possible or appropriate to accept such an offer.

The Board further discussed the funding options for a new search and that the process needs to be fully funded in order to secure a successful process. Selectman Post asked about a selection committee and how the Board would appoint the committee. Chairman Tolley mentioned that the last discussion of the search committee included a discussion that each member of the Board would bring forth one name for consideration. The Board again agreed that each member would bring forth a name of someone they would like to recommend for the Town Administrator Selection Committee. Selectman Holcomb mentioned that the legal guidance the Board received did authorize one or two Select Board members to serve as voting members of the Selection Committee as that would not constitute a quorum. Selectman Post and Selectman Quirk volunteered to serve as members of the Selection Committee. The remaining three Board members will bring names of nominees to the June 21, 2016 meeting. Chairman Tolley asked Mr. Johnson-Staub to provide the Collins Center scope of services, a sample RFQ, and a budget available to the Selectmen for their review at the June 21, 2016 meeting as well.

6. Town Counsel Appointment

Chairman Tolley opened the discussion by reviewing the firms the Board interviewed for the position of town counsel. Selectman Quirk mentioned he was glad the Board decided to expand the interviews to off-Cape firms as it brought to light some of the expenses that would be involved, in some cases. He stated that his two finalists would be Mr. Chuck Sabatt and Blatman, Bobrowski, Mead & Talerman (BBM&T). He explained his rationale for those two choices in that they both had comparable fee schedules, their approach was similar in that their goal would be to avoid litigation and provide information in advance to preclude additional legal expenses.

Chairman Tolley explained that he was also happy the Board decided to include off-Cape firms as it allowed comparisons among the local and off-Cape firms and provided greater flexibility to the Board. His recommendation would be BBM&T. Selectman Post commented that she also likes BBM&T and agrees with Mr. Quirk that her two recommendations would be BBM&T and Mr. Sabatt. Selectman Holcomb reviewed the videos of the interviews with the two off-Cape firms and stated he was impressed with both. He explained that he is not enthralled with the retainer-fee approach which could cause more use of legal services. He does like a firm that has more resources available internally and therefore would support one of the off-Cape firms.

Selectman Stone stated all three firms were very capable but the biggest issue for him is cost. He asked for clarification from Mr. Quirk on his recommendation and asked if it was based on the flat fee schedule versus an hourly rate. Mr. Quirk stated he liked BBM&T's flat fee and that they virtually guaranteed there would be no overages to that rate, at least in the first year whereby Kopelman & Paige's fee schedule would probably result in approximately 30% additional cost over the flat fee. The Board held additional discussion on the merits of each candidate. Selectman Post stated she liked the flat fee schedule and services provided from BBM&T. The Board also liked the idea of the office hour concept offered by BBM&T.

MOTION: To move that the Board of Selectmen appoint Blatman, Bobrowski, Mead & Talerman as Town Counsel in accordance with their proposal #1 (flat fee proposal).

Motion by: Norm Holcomb

Seconded by: Tracy Post

Yea 5 Nay 0

7. Board of Selectmen

a. Board and Committee Actions.

1) Appointments Chairman Quirk stated he would like to advance the reappointments of Ed Hoopes and Rick Bishop to the Conservation Commission for two regular positions for three-year terms to run through June 2019.

MOTION: To move that the Board of Selectman to reappoint Ed Hoopes and Rick Bishop to the Conservation Commission for two regular positions for three-year terms to run through June 2019.
Motion by: Tracy Post Seconded by: Norm Holcomb Yea 5 Nay 0

2) Appointments Chairman Quirk stated he would like to advance the reappointments of Rachel Youngling and JeanMarie O'Clair as Town of Yarmouth representatives to the Mid-Cape Cultural Council for three-year terms to run through June 2019.

MOTION: To move that the Board of Selectman to reappoint Rachel Youngling and JeanMarie O'Clair as Town of Yarmouth representatives to the Mid-Cape Cultural Council for three-year terms to run through June 2019.
Motion by: Tracy Post Seconded by: Norm Holcomb Yea 5 Nay 0

b. Board Reorganization.

MOTION: To move that the Board of Selectman appoint Selectman Jim Quirk as Chairman, Board of Selectman.
Motion by: Mike Stone Seconded by: Norm Holcomb Yea 5 Nay 0

MOTION: To move that the Board of Selectman appoint Selectman Mike Stone as Vice-Chairman, Board of Selectman.
Motion by: Jim Quirk Seconded by: Norm Holcomb Yea 5 Nay 0

MOTION: To move that the Board of Selectman appoint Selectman Norm Holcomb as Clerk of the Board of Selectman.
Motion by: Jim Quirk Seconded by: Tracy Post Yea 5 Nay 0

MOTION: To move that the Board of Selectman appoint Selectman Mike Stone as Licensing Chairman, Board of Selectman.
Motion by: Mike Stone Seconded by: Tracy Post Yea 5 Nay 0

MOTION: To move that the Board of Selectman appoint Selectman Erik Tolley as Appointments Chairman, Board of Selectman.
Motion by: Jim Quirk Seconded by: Tracy Post Yea 5 Nay 0

MOTION: To move that the Board of Selectman appoint Selectman Norm Holcomb as Ambulance Waiver Administrator for the Board of Selectman.
Motion by: Tracy Post Seconded by: Jim Quirk Yea 5 Nay 0

MOTION: To move that the Board of Selectman appoint Selectman Tracy Post as D-Y Liaison Alternate, D-Y Contract Negotiations Team, and Scholarship Committee Alternate for the Board of Selectman.
Motion by: Jim Quirk Seconded by: Mike Stone Yea 5 Nay 0

MOTION: To move that the Board of Selectman appoint Selectman Norm Holcomb to the Affordable Housing Trust for the Board of Selectman.

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

MOTION: To move that the Board of Selectman appoint Selectman Mike Stone as Airport Representative for the Board of Selectman.

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

Mr. Johnson-Staub asked Chairman Tolley if the Board wanted to appoint a representative to the Mattacheese Feasibility Study Committee. He received an email yesterday advising that the appointments need to be submitted by June 15, 2016. Selectman Tolley volunteered to be Yarmouth's representative to the building committee as long as an alternate is appointed at some point.

MOTION: To move that the Board of Selectman appoint Selectman Erik Tolley as Mattacheese Feasibility Study Committee Member.

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

c. Approval of Minutes

MOTION: To move that the Board of Selectmen approve the Board of Selectmen minutes of May 24, 2016.

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

d. Upcoming Agenda Review. The Board reviewed future agenda items and meeting schedule. Selectman Post mentioned that Selectman goals need to be reviewed and new goals for FY17 need to be written. Chairman Tolley mentioned that a policy discussion on the new tax rate will need to take place over the summer; Ms. McAuliffe mentioned that she would like to bring in the new county administrator in for a brief to the Board; and Chairman Tolley mentioned that a discussion on the tax rate, town budget, and levy limit might be a good transition into how they might fund tax reductions for the elderly. The Board discussed a capital equipment policy and police and fire dispatch as future agenda items. Selectman Holcomb mentioned that he thinks it is a good idea to meet with our state representative and/or state senator once or twice a year to get issues in front of them that are important to Yarmouth and the Board from a legislative standpoint. Selectman Post mentioned that once the Board establishes its goals for FY17, that would be an opportunity to identify where our state legislators could assist and/or advise. Selectman Quirk mentioned that it would also be an opportunity for them to inform the Board and public of what they are working on that might affect the town and residents.

The Board asked about annual reports or updates from the various committees. Mr. Johnson-Staub stated he would make a list of those committees and begin scheduling them for briefs to the Board.

e. Individual Items

1) Selectman Stone mentioned that on Sunday, June 12, 2016, the Annual Sheep Festival will be held at Taylor-Bray Farm.

2) Selectman Post congratulated all the graduates from D-Y who will be graduating on Saturday, June 11, 2016 at 1:00 p.m. Additionally, she commented on the scholarship committee and the many submissions that were received. She asked the Chairman of the Scholarship Committee, John Mincieli, to provide excerpts from some of the essays to show the

1) Mr. Johnson-Staub mentioned that on Tuesday, June 14, 2016 at 10:00 a.m. the Assessor will be holding a tax exemption and tax deferral workshop for seniors at the Yarmouth Senior Center.

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

- Memo to BOS from Director of Community Development dated June 2, 2016 re: Slat Sign Policy
- Supportive Day Program Review (Dementia & Alzheimer Support Presentation)
- Memo to BOS from Interim Town Administrator dated June 1, 2016 re: Lease Renewal for M.E. Small and Mattacheese School Properties with Dennis-Yarmouth Regional School District Lease and previous leases
- Memo to BOS from Interim Town Administrator dated May 20, 2016 re: Town Counsel Cost Comparisons
- Letter of Interest from Charles M. Sabatt, P.C. dated February 4, 2016
- Proposal for Town Counsel Services from Kopelman and Paige, P.C. and Letter of Interest dated February 10, 2016
- Letter of Interest from Blatman, Bobrowski, Mead & Talerman, LLC dated February 17, 2016
- Memo to BOS from Interim Town Administrator dated May 19, 2016 re: Town Administrator Selection Funding
- Memo to BOS from Interim Town Administrator dated May 19, 2016 re: Town Administrator Selection Committee - Open Meeting Law
- Board of Selectmen Reorganization Positions
- 2016-2017 Appointments: Agents of the Local Licensing Authority
- Memo to BOS from Appointments Chairman dated June 2, 2016 re: Reappointments
- Board of Selectmen Meeting Minutes of May 24, 2016
- BOS Projected 2016 Agenda Items
- Memo to BOS from Interim Town Administrator dated June 1, 2016 re: Police Patrol Officers Union Contract Approval with contract
- Proposed endorsement of a \$500,000 grant application for a Brown Grease Separator
- Special Entertainment License Renewal from West Yarmouth Congregational Church and Fee Waiver Request
- Memo to BOS from Parks & Rec dated May 25, 2016 re: Donations
- Email to Mr. Rick Binaco from Interim Town Administrator dated May 26, 2016 re: Route 6A Maintenance Issues with MassDOT Construction Notification Form
- Letter to Eversource Energy from Hazardous Waste Inspector dated April 28, 2016 re: Yarmouth Health Department Comments on 2016 Eversource Yearly Operational Plan (YOP)
- Board of Health Meeting Agenda for May 23, 2016
- The "CAT" May 2016 Edition
- Council on Aging Flyers
- Judah Baker Windmill Summer Hours Flyer
- Taylor-Bray 15th Annual Sheep Festival Flyer