



Board of Selectmen Regular Meeting Minutes September 13, 2016

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

1. Public Announcements & Comments

Mary Vilbon, Director of Yarmouth Chamber of Commerce, invited the Board members to some upcoming events: Thursday, September 15th, 5:30-7:00 p.m.: Business After Hours at the Bass River Golf Course; and Wednesday, October 26th, Chamber of Commerce Annual Dinner.

Ms. Vilbon also mentioned a concern she and other businesses have with weed growth along Rte. 28. Ms. Vilbon mentioned that she received a \$3,000 allocation from the Community Economic Development Committee to hire someone to weed-whack Route 28. She further explained she was unable to hire someone to do the work due to the inability to obtain a liability waiver the contractor requested from the town. The Board members expressed their frustration with the condition of state roads, Rte. 28 and Rte. 6A specifically and the unresponsiveness of MassDOT. Chairman Quirk asked Ms. Vilbon to get on a future agenda to further discuss this and other issues.

Ms. Marilyn Heberling and Ms. Rachel Youngling, Mid-Cape Cultural Council, introduced themselves to the Board members and explained what the council has been involved in throughout the town.

Ms. Vida Morris commented on the public safety dispatch presentation from the last Board meeting and expressed concern over the stated need for increased personnel and increased costs. She asked the Board to invite the Barnstable County Sheriff's office to discuss dispatch options from a county perspective. Additionally, Ms. Morris mentioned the Cavalier redevelopment project and her feelings that the project is too large for the area.

2. Public Hearings

Chairman Quirk turned the meeting over to Licensing Chairman Stone.

a. Transfer and Pledge of Package Store License from Blue Marlin Beverage Corp. to Yarmouth Port Village Store, 330 Rte. 6A. Mr. Jeff Marshall, representing Blue Marlin Beverage Corp. and president (the seller), and Mr. Matthew Porter, representing the buyer (Mr. Vishal Shukla), were present for the hearing. Selectman Stone read the legal ad into the record. Mr. Porter explained the prospective buyers' experience in the convenience store and liquor store industry and the responsibilities that accompany a liquor license. He further explained the prospective buyers are purchasing the property and that process is going smoothly.

Selectman Stone asked if anyone from the public would like to comment either against or in favor of this application. Ms. Vida Morris asked if the new owners would be operating the Yarmouth

Port Village Store any differently from the current owners. They said they were not making any changes in how the store is operated now. She also commented that the store front is need of repair and painting.

Selectman Holcomb commented that he agrees with Ms. Morris' comments regarding the outside appearance of the store. Mr. Porter stated that the other two commercial properties owned by Mr. Shukla are kept in immaculate condition and he expects this property will be maintained in the same manner. Selectman Tolley stated that he had not heard the term "Pledge of License" previously and asked what that meant. Mr. Porter explained that under the terms of the mortgage application with Rockland Trust for the property, should the buyers default on the loan, Rockland Trust would be able to appear before the Board with a prospective licensee to request transfer of the license.

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 transfer and pledge of liquor license as requested.

Motion by: Jim Quirk

Seconded by: Norm Holcomb

Yea 5 Nay 0

b. Special Entertainment License for Barnstable County Sheriff's Office at Bass River Beach. Mr. Joseph Gordon, Emergency Management Director for the Barnstable County Sheriff's Office, was present for the hearing. Selectman Stone read the legal ad into the record. Mr. Gordon explained that the Barnstable County Sheriff's Office, in collaboration with the Yarmouth Police Department, is hosting a senior citizen appreciation day on September 28, 2016.

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 grant the special entertainment license as requested.

Motion by: Norm Holcomb

Seconded by: Tracy Post

Yea 5 Nay 0

3. Seaside Festival Fee Waivers

Ms. Jan Butler and Mr. Joe Gibbs, Seaside Festival Committee, explained to the Board the reason for requesting to speak at a Selectmen meeting was to find out if any policies were in place or any that had changed that would affect the Festival's budget. Ms. Butler explained that last year they received a few bills after the festival that they were not expecting. She is aware of the Board's policy that any group receiving funds or grants from the Tourism Fund or any other fund or committee would not be eligible for Selectmen fee waivers. Ms. Butler and Mr. Gibbs explained that having worked with the various town departments, they no longer need any additional assistance in terms of waivers.

Chairman Quirk suggested to the Committee members that after this year's festival is over and the committee has closed the budget for this year's festival, they might want to get back on the agenda to discuss how things went financially and what can be expected next year.

The Board had questions and discussions regarding the town fees that are charged to the Festival and those that are not. Selectman Stone asked if the Chamber of Commerce was assisting the Festival Committee with the parade this year. Ms. Butler advised that the Chamber of Commerce was and always has helped them with the parade in terms of advertising. Further discussion was held on the police and fire details.

MOTION: To move that the Board of Selectmen direct that no town departments will assess fees in excess of those fees listed on the Seaside Festival's Budget and that any fees charged in excess of the Festival's budget must be brought before the Board of Selectmen for approval.

Motion by: Norm Holcomb

Seconded by: Mike Stone

Yea 3 Nay 2

MOTION: To move that the Board of Selectmen waive the rental fee of \$1,200 for the use of Simpkins Field for the Seaside Festival.

Motion by: Erik Tolley

Seconded by: Tracy Post

Yea 5 Nay 0

4. Yarmouth Substance Abuse Committee (Y-SAC) Update

Ms. Chris Greeley, Chairman of Y-SAC, provided an update to the Board on the activities the committee has been focused on over the past six months, which was primarily education and training on substance abuse issues. The committee members introduced themselves and provided a brief comment on their role within the committee. Ms. Greeley specifically identified some of the accomplishments the committee has achieved thus far:

- Awarded a grant from the state to support a youth alcohol prevention town hall forum "Think Before The Drink." Ms. Greeley presented a framed copy of The Register article which reported on the success of the forum.
- Members of the committee have attended several benefits such as National Night Out and Seaside Festival distributing literature.
- Ken Jenks, Principal at D-Y High, remarked on the efforts the schools have been involved with, particularly educating parents on opiate addiction.
- Ms. Trish Wright reported that the committee now has a page on the town's website and an email address and she thanked Shawn MacInnes, Director of IT, for his help with establishing both.
- Ms. Amy vonHone commented that this week, the committee will be kicking off a Logo Contest, in cooperation with The Register and support from a donor. The committee is seeking a design that incorporates their motto and title that can be used in their outreach work.
- Ms. Greeley advised that the committee does have additional funds remaining from the state that they intend to put towards a program call "sticker shock" which will allow stickers to be printed which will be placed on liquor store bags. Gosnold is assisting with this event.

Ms. Greeley commented that the committee has received tremendous response and support from Yarmouth residents and business community. The Selectmen thanked the committee for their dedicated and hard work, asked if the committee needed anything further from the Board, and commented that one Board member attended one of the recent symposiums and was impressed with the people who participated and the content of the symposium.

5. Bass Hole Improvements

Director of Parks and Recreation Pat Armstrong, Director of Natural Resources Karl vonHone, and Conservation Administrator Kelly Grant were present for this agenda item. Ms. Armstrong explained the efforts the staff has been taking to develop a plan for improving the recreational facilities at Bass Hole. Pictures of the existing conditions at Bass Hole were displayed and explained by Ms. Armstrong, along with a conceptual drawing of suggested improvements which include a raised viewing deck, maintaining the beach area with sand under existing permits, moving an existing storage shed to a new location and installing an outdoor shower, establishing

new access paths, a kayak storage area, improvements to the boat ramp and boardwalk area, and vegetation area improvements.

Ms. Grant explained the possibilities and restrictions that would be placed on any changes to Bass Hole given that it is a coastal beach environment with conservation wetlands in the immediate area along with a salt marsh area. Most of the Bass Hole area is protected by the Wetland Protection Act and regulations. Ms. Grant explained that some suggested improvements could be done with minimal permitting such as vista pruning which she could assist with; other projects such as the viewing deck would require more extensive permitting and oversight. Chairman Quirk asked specifically about the beach reclamation efforts that might be available. Ms. Grant explained that due to salt marshes being so heavily regulated, there was little chance of obtaining approval for removal of any existing vegetation.

Selectman Holcomb stated that if Bass Hole beach cannot be restored he is not in favor of spending huge sums of money on this area. He sees the encroachment of vegetation on the beach area as a loss of a recreational resource for this community. Mr. Holcomb commented that we need to find a way to restore the beach to its original condition. Director vonHone explained the history of Bass Hole in that it was a man-made beach going back to the 1950s, which explains why the salt marsh is again encroaching in the area. He also explained the expense and futile effort to dredge the area as the dredged sands would be replaced with six months.

Selectman Stone concurred with Mr. Holcomb's view that investing funds into a project that would have little return recreationally is not a sound investment of taxpayer money. Mr. Stone also stated that if something can be done to restrict further encroachment by the salt marsh, he is in favor of those efforts. Director vonHone has suggested some type of edging that would restrict expansion of the grasses but he does not know if that would be an approved project by the various regulatory agencies.

Selectman Post asked Ms. Grant if the Conservation Commission has had discussions on Bass Hole Beach and options to preserve the beach area. Ms. Grant explained that the Commission has had some discussion regarding Bass Hole and have indicated that they could not approve removal of the existing salt marsh. The members were divided regarding the edging proposed by Mr. vonHone. A formal decision would require that a permit application be filed.

Selectman Tolley commented on the various aspects of the proposed improvements and questions the expense versus the benefits, though he is in favor of some beach nourishment to try to maintain the beach as it is now. Chairman Quirk agreed that any attempts to improve amenities in the area are a waste of taxpayer money if the beach cannot be expanded. He also doesn't believe we would ever obtain permits from the various regulatory agencies given their propensity to preserve conservation areas.

Mr. Johnson-Staub suggested that the Board direct staff to investigate the process of applying for a permit and the cost associated with permitting just for maintaining the existing beach. Mr. Holcomb commented that the entire area has not been adequately maintained, specifically the road and road edges which are now full of potholes, debris that is not removed, and the boardwalk is in a state of disrepair. He expressed concern that we are not maintaining a town asset.

6. Board of Selectmen

- a. Board and Committee Actions. None.

b. Upcoming Agenda Review. Mr. Johnson-Staub outlined the upcoming agenda items for the next meeting on September 20th which will a Yarmouth Council on Aging charge and a preliminary FY18 budget outlook.

c. Individual Items.

1) Selectman Stone commented on the 9/11 Memorial dedication at the police station held on Sunday night and that it was a very moving tribute and well done.

2) Selectman Post also commented on the dedication ceremony and agreed that it was a wonderful tribute. She also commented that the fire department also held a 9/11 Memorial dedication that morning which was a bit different in that it focused on the 343 firefighters who were lost on 9/11.

3) Chairman Quirk offered his condolences to Mr. Eddie Oberlander's family. Mr. Oberlander was a Dennis firefighter for many years and passed away last week.

7. Town Administrator’s Items

a. Consent Agenda:

Donations:

- Parks and Recreation
 - Anthony Accuosti \$150.00
 - Debra Cullinane \$150.00
 - Katherine Barker \$150.00
 - Marie Wells \$150.00
 - Ilona Ranaudo \$300.00
 - Barbara/Ed Bates \$150.00
 - Pam Moneghan \$150.00

 - YPD
 - The Luke Family \$ 10.00*
- TOTAL \$ 1,210.00**

*Check received from the Luke Family and approved on the August 16th consent agenda was \$10.00 more than originally reported.

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

Motion by: Erik Tolley Seconded by: Tracy Post Yea 5 Nay 0

b. Town Administrator Updates. Mr. Johnson-Staub offered kudos to Jeff Colby, DPW Director, who was able to obtain a grant for a best management practice for a storm water facility in the amount of \$65,000 from the state. He also commented on the drought situation and that the feedback from our local water superintendent is that our water supply is robust and there are no concerns that would require rationing of water usage.

Chairman Quirk asked if Barnstable was still buying water from Yarmouth and do we know how much. Mr. Johnson-Staub reported that Barnstable is still purchasing water from us and believes the amount is approximately 100,000 gallons per minute, which equates to about 5% of our total water usage.

Chairman Quirk commented that the Bass Hole presentation is a clear demonstration of why everyone should pay closer attention to local, regional, state, and federal agencies when they create regulations.

8. Adjourn

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

Motion by: Tracy Post

Seconded by: Erik Tolley

Yea 5

Nay 0

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Transfer of Annual All Alcohol Package Store License Application from New Yarmouth Corp., dba Yarmouth Port Village Store
- Special Entertainment License Application from Jeff Perry, on behalf of the Barnstable County Sheriff's Office
- Y-SAC Update to BOS
- Memo to BOS from Director of Community Development dated July 28, 2016 re: Seaside Festival
- Memo to BOS from Director of Parks and Recreation, Conservation Administrator, and Director of Natural Resources dated September 8, 2016 re: Bass Hole Improvement Conceptual Plan
- Memo to BOS from Parks & Recreation dated September 2, 2016 re: Donations
- Memo to BOS from YPD dated July 27, 2016 re: Donation Approval Request
- Email from Selectmen Holcomb dated September 2, 2016 re: Dr. Bortero Road and Bass Hole
- ABCC Notice of Hearing for Bayside Resort Hotel
- Board of Health Meeting Agenda for September 12, 2016