



Board of Selectmen Regular Meeting Minutes September 27, 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. *None.*

2. Golf Enterprise Committee Update

Director of Golf Operations Jim Armentrout presented the Golf Enterprise Committee update to the Board. He began his presentation with an overview of revenues from FY13 through FY16 which showed a \$150,000 increase in FY16 from FY15. Mr. Armentrout also provided data on the golf participation figures over the past three years. He then briefed the Board on the projects the Enterprise Committee has completed over the past year, such as the application to the Mass Department of Environmental Protection (DEP) for a new 20-year water permit. He further explained the water usage for each course and stated he has met with DEP personnel on two occasions to date. Another project that is ongoing is a renovation project at Bayberry Hills Golf Course which includes cart paths and surrounds. Mr. Armentrout mentioned some of the challenges the staff encountered over the summer such as a lightning strike to the irrigation system and less than optimal quality of water from the septage treatment plant, all of which adversely affected the course at Bayberry Hills; however conditions are improving.

Renovations to the Bass River Restaurant have been completed. Mr. Armentrout commented that once the renovations began, unexpected challenges were encountered such as structural damage that needed to be repaired. He wanted to thank his staff for their extraordinary efforts in assisting with the renovation work.

Selectman Tolley asked for further explanation on the town being charged for withdrawing water from a well which is then moved to the pond and then being charged again for withdrawing the same water from the pond. Mr. Armentrout explained that the town is not actually charged any funds for withdrawing water but the withdrawal is charged against our annual allotment for water.

Selectman Holcomb asked if the cart path work was put out to bid. Mr. Armentrout explained that a town contract was executed for equipment rental with an operator on an hourly basis to complete the work. Mr. Holcomb asked for Mr. Armentrout's thoughts on expanding the use of the Bass River Restaurant and if using an outside agency to run the restaurant would maximize the potential of the restaurant. Mr. Armentrout explained that after several personnel turnovers, he now has an individual in place who is very experienced and with new ideas to maximize the restaurant's potential.

Selectman Stone asked how much over the reconstruction budget the renovations cost and where did that money come from. Mr. Armentrout explained that approximately \$50,000 was needed to complete the project and that money came from within the Golf Department's various accounts. No money was borrowed to complete the project. Mr. Stone asked how much damage

was done to Bayberry Hills due to the lightning strike. Mr. Armentrout explained that the damages were in excess of \$100,000 to the irrigation system alone. The town's insurance provider will cover those damages, less our deductible.

Selectman Post asked for further explanation of why our golf staff personnel are doing the repair work to the irrigation system when our insurance company is paying for the damages and a contractor should be used for the repairs. Mr. Armentrout explained that the insurance company has been very cooperative in covering the items we've asked for. A contractor was on site for many weeks repairing the system. Given the magnitude of the system, irrigation heads, and computer controlled sensors, there are still some issues being found that our staff is fixing. Ms. Post asked what the process within the Golf budget is to track expenditures on any given project. Mr. Armentrout explained that the Golf Department, unlike other town departments, does not purchase equipment or contract services until after golf revenues are received which are then applied to equipment rentals or contracted services.

Chairman Quirk asked about revisiting the idea of leasing the restaurant out to a group or entity to run and manage. Mr. Armentrout explained that past experience has demonstrated that varying objectives between the golf operation and a restaurant operation have not dovetailed very well together.

3. Public Hearing

a. Golf Fee Schedule (1st Hearing). Selectman Post read the legal ad into the record. Mr. Armentrout briefed the Board on the proposed fee increase schedule which represents a low fee increase as recommended by the Board after last year's fee increase as opposed to a larger fee increase over longer periods of time. He also briefed the Board on the member benefits which include golf shop discounts, restaurant and guest discounts, lowest resident cart fees, among others benefits.

Selectman Tolley asked what was being done to attract new members to the courses. Mr. Armentrout explained that some of the new benefits being offered include low rates to bring a friend to the golf course, a tournament program is offered (except on weekends), the junior fee rates are lower to entice a family event, and advertising off-Cape has been done with the help of the Chamber of Commerce. Selectman Tolley suggested that the 18-month pass would only be taken advantage of by a small number of people and thought giving Mr. Armentrout the ability to prorate memberships might be a better and more profitable offer.

Selectman Stone asked what the objective was with the proposed fee increase; is there a dollar amount that the Golf Enterprise is seeking; and what would the money be earmarked for. Mr. Armentrout explained that any revenue generated would be earmarked for golf course maintenance.

Selectman Holcomb asked about non-member revenues. Given the increased revenues over the past two years, can the Board expect that Mr. Armentrout would forego requesting a fee increase in a future year for non-members. Mr. Armentrout stated yes, he could anticipate that occurring if revenues continue to rise.

Chairman Quirk opened the meeting to public comments. Mr. Krintzman asked if there is anything to be done about increasing revenues, perhaps discounts for afternoon play for residents, as the fee increases are affecting an increasingly smaller number of residents. Mr. Armentrout explained that there is a sliding scale for tee times for various times of day.

Selectman Post asked what the difference is between last year and this year for the annual resident passes. Mr. Armentrout stated the number is down about 100 people from last year for resident passes sold. Ms. Post asked how people are able to find out about the different costs for play for different times during the day. Mr. Armentrout explained that the sliding scale of tee times is on the website and pamphlets are available at the courses. In response to Ms. Post's question regarding better communication with members, Mr. Armentrout explained that a good deal of communication with members occurred last year, the course sends regular emails with information and updates to its members, member events are held at the courses, among other initiatives to reach out to the members.

Chairman Quirk commented that he supports increasing fees incrementally; and he is encouraged to see a fee structure which includes younger golfers to get them enthused about the sport.

The 2nd hearing will be held on October 25, 2016.

4. Cemetery Committee Charge and Cemetery Rules and Regulations Hearing

Selectman Post read the legal ad into the record. Chairman Quirk asked the committee to tell the Board what has gone on with the committee since they last reported to the Board. Ms. Barbara Benoit explained that the committee prepared a draft charge for the Board's review and approval and the cemetery rules and regulations have been finalized.

Mr. Johnson-Staub explained that a version of the charge which is included in the packet is the marked-up copy provided by town counsel. He explained that he asked town counsel to review the charge as he thought there might be some items in the charge that were not consistent with the town Charter. Selectman Stone stated he is not comfortable with staff going to town counsel before the committee had brought the revised charge before the Board so the Board could review the revisions and determine if town counsel input was needed. Chairman Quirk suggested the hearing continue to allow the committee to explain their revisions.

Ms. Donna Howard explained the committee contacted the towns of Orleans, Truro, Dennis and other towns to obtain their input on their towns' charges. The committee advised that they have not had a chance to fully review, rewrite and discuss the charge and would therefore like to discuss the rules and regulations changes and come back at a later date to discuss the charge. She then provided an overview of the changes to the rules and regulations and did receive input from Director Pat Armstrong with suggestions to be included in the rules and regulations which the Committee did incorporate.

Selectman Tolley commented that he does not take exception to any of the proposed rules and regulations and thinks they are very well done. He asked that the second hearing include a combined version of the rules and regulations with incorporates input from the committee and cemetery staff. Mr. Tolley asked that when the committee returns for the second hearing he would like to discuss including a veteran as a member of the committee.

Selectman Holcomb asked if the proposed changes to the rules and regulations will address the original concerns first brought forward about the operation of the cemeteries. The committee stated that the proposed changes do address the original concerns that were raised. The committee informed the Board that they held a public meeting and invited the individuals who

originally raised concerns that provided contact information to the committee. The committee listened to the concerns of the residents and attempted to include their requests in the proposed rules and regulations.

Selectman Stone thanked the committee for their hard work and also asked the committee to provide a combined version of the proposed rules and regulations which would include both the committee's and staff's suggestions.

Chairman Quirk asked for any input from the public. Ms. Judy Hunter asked why the committee was formed. Chairman Quirk explained the Board was responding to concerns and complaints expressed by the public in a public meeting. As a result of that meeting, the Board formed the Cemetery Ad Hoc Committee to work towards addressing the concerns expressed by the public. Ms. Hunter raised numerous questions of the Board regarding the proposed rules and felt the committee was acting in a regulatory capacity rather than an advisory capacity. Chairman Quirk asked Ms. Hunter to present her questions in writing so they can be addressed at the second hearing.

Selectman Post commented that she also agrees with having the committee present a combined version of the proposed rules and regulations to incorporate staff's input as well.

The second hearing of the committee will be held on December 6, 2016.

5. Citizens for a Healthy Massachusetts Presentation

Ms. Chris Greeley introduced the presentation and informed the Board that though she serves on town, school and county committees, she is not representing the town, school, or county on this agenda item or using any town or county resources in her opposition to ballot question #4. She is present to express her concerns as a private citizen seeking the Board's vote to formally opposing the legalization of marijuana by adopting a resolution of opposition. Ms. Greeley proceeded to discuss the statistics and lethality of marijuana and what the social implications would be if this ballot question is passed. Mr. Barry Clayman spoke in opposition of this ballot question specifically addressing the inability of law enforcement to detect marijuana use while operating a motor vehicle.

Selectman Post took the opportunity to thank Mr. Clayman for his volunteer efforts which benefit so many residents in our community.

Another spokesperson provided additional information on the proposal in terms of home-grown plants and the potential fallout for homes, schools, and communities. Additionally, she informed the Board and public that the proposed law does not limit the THC levels of marijuana. Ms. Trish Wright spoke in opposition of legalizing marijuana stating her primary concern is people under the influence of marijuana driving while no valid law enforcement tools exist to test for driving under the influence.

MOTION: To move that the Board of Selectmen adopt the Resolution to Oppose "The Regulation and Taxation of Marijuana Act" and the Creation of a Commercial Marijuana Industry in the Commonwealth and This Community (Selectman Post read the resolution into the record).

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 5 Nay 0

6. Board of Selectmen

a. Board and Committee Actions

1) Chairman Quirk excused himself and turned the meeting over to Appointments Chairman Tolley. Mr. Tolley asked the Board to accept the resignation of a long-time member of the Conservation Commission, Mr. Ed Hoopes, and asked the Board for their sincere appreciation for his service and accept his resignation with regret.

MOTION: To move that the Board of Selectmen accept, with regret, the resignation of long-time Conservation Commission member, Mr. Ed Hoopes, with the Board's sincere appreciation for his service.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 4 Nay 0

2) Appointments Chairman Tolley asked the Board to appoint Ms. Cristin Luttazi to the Conservation Commission as a regular member to fill a three-year, unexpired term to run through June 2019.

MOTION: To move that the Board of Selectmen to appoint Ms. Cristin Luttazi to the Conservation Commission as a regular member to fill a three-year, unexpired term to run through June 2019.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 5 Nay 0

Appointments Chairman Tolley informed the Board that he has conducted four interviews over the past few weeks to fill three positions on the Conservation Commission, commenting that the quality of all the candidates was outstanding.

3) Appointments Chairman Tolley asked the Board to accept, with regret, the resignation of Ms. Debbie Bellow from the Community Housing Committee, effective immediately, and thanked her for her service.

MOTION: To move that the Board of Selectmen to accept the resignation of Ms. Debbie Bellow from the Community Housing Committee, effective immediately.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 5 Nay 0

b. Approval of Minutes.

MOTION: To move that the Board of Selectmen to accept the Board of Selectmen Minutes for August 16, 2016, August 30, 2016, and September 13, 2016.

Motion by: Tracy Post

Seconded by: Mike Stone

Yea 5 Nay 0

c. Upcoming Agenda Review. Mr. Johnson-Staub reviewed the upcoming agenda item schedule, informing the Board there is no meeting on October 4th or October 11th due to Columbus Day. The next meeting is scheduled for October 18th which will be the affordable housing proposal for the former Cavalier site. A discussion was held on how this agenda item should be presented. Chairman Quirk stated he would like to see the presentation before receiving any input so the Board has all the information from the Affordable Housing Trust and Dakota Partners.

Selectman Tolley asked what the Board's role is in this process and why would be holding a public hearing. Mr. Johnson-Staub explained that the Board does not need to hold a public hearing but wanted the Board to be aware that there will be a large number of residents in attendance for this meeting who will want to be heard on the issue. Discussion was held on whether a Board of Selectmen vote was necessary or binding for this project to move forward. Mr. Johnson-Staub stated he would want town counsel to review that point before advising the Board.

d. Individual Items.

1) Selectman Tolley asked Mr. Johnson-Staub for some background of the Sheriff's lunch being held in Yarmouth as a gesture of thanks for seniors in the community and that it is not a political event. Mr. Johnson-Staub explained that the Sheriff's office conducts these events throughout the Cape during the year. Discussion about the lunch in Yarmouth has been ongoing for several months with Chief Frederickson, who assured Mr. Johnson-Staub that it is in no way an endorsement of any political candidate.

2) Selectman Stone mentioned the Fall Festival being held at Taylor-Bray Farm on Saturday, October 8th from 10 a.m. - 4 p.m. The rain date will be October 9th.

3) Chairman Quirk commented that one of the smartest things the town ever did was to buy the Bray Farm and to save it.

7. Town Administrator's Items

a. Consent Agenda. Mr. Johnson-Staub asked the Board to authorize him to sign a letter requested by the Cape Cod Chamber of Commerce through the Cape Cod Economic Development Council, Inc., to support pursuing classification as a Regional Economic Development Organization through the Executive Office Housing and Economic Development's Office of Business Development.

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

Motion by: Norm Holcomb

Seconded by: Erik Tolley

Yea 5

Nay 0

b. Town Administrator Updates. Mr. Johnson-Staub announced there will be two public meetings at the Senior Center on Thursday, October 6th at 10 a.m. and at 6 p.m., relative to Route 6A repairs.

8. Adjourn

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

Motion by: Norm Holcomb

Seconded by: Tracy Post

Yea 5

Nay 0

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Memo to Interim Town Administrator from Director of Golf Operations dated September 21, 2016 re: Fiscal Year 2016 Year End, Golf Enterprise and Proposed 2017 Annual Golf Fees
- Memo to Interim Town Administrator from Director of Golf Operations dated September 22, 2016 re: Golf Committee Report to Selectmen
- Memo to BOS from Cemetery Ad Hoc Committee dated September 16, 2016 re: Proposed Charge for Cemetery Advisory Committee and Proposed Town of Yarmouth Cemetery Rules and Regulations and marked-up version of charge after Town Counsel Review
- Memo to BOS from Director of Parks and Recreation dated September 16, 2016 re: Proposed Cemetery Rules and Regulations
- Resolution to Oppose The Regulation and Taxation of Marijuana Act
- Email from Mr. Ed Hoopes to Conservation Administrator dated August 18, 2016 re: Resignation from the Conservation Commission
- Email from Debbie Bellow to Affordable Housing/CDBG Program Administrator dated September 16, 2016 re: Resignation from the Community Housing Committee
- Memo to BOS from Appointments Chairman dated September 21, 2016 re: Conservation Commission Appointment
- BOS Projected 2016 Agenda Items
- BOS Meeting Minutes of August 16, 2016
- BOS Meeting Minutes of August 30, 2016
- BOS Meeting Minutes of September 13, 2016
- Email to Interim Town Administrator from Cape Cod Chamber of Commerce dated September 22, 2016 re: Cape Cod Chamber REDO Letter of Support
- Memo to BOS from Town Planner dated September 22, 2016 re: Parker's River Tidal Restoration Project Status Update
- Email to Selectman Tolley from Interim Town Administrator dated September 22, 2016 re: Free Cash
- Email to Selectman Holcomb from Interim Town Administrator dated September 20, 2016 re: Sustainable Economic Growth
- Memo to BOS/BOH from Assistant Health Director dated September 20, 2016 re: UPDATE Raccoon Rabies Vaccine Baiting in Yarmouth: September 26 - October 24, 2016
- Fall Festival at the Taylor-Bray Farm Flyer
- Board of Health Agenda for September 26, 2016
- ABCC Advisory to LLAs Regarding Alcohol-Infused Ice Cream