



Board of Selectmen Public Meeting Minutes February 14, 2017

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, Erik Tolley, and Norman Holcomb. Also attending: Town Administrator Daniel Knapik and Interim Town Administrator, Robert Lawton.

1. Public Announcements & Comments

Sheryl McMahon, Vice Chair of Dennis Board of Selectman and Region B Representative to the Cape Cod Metropolitan Planning Organization (MPO), which oversees regional transportation and planning across the Cape, announced that the MPO is seeking public input on its draft amendment for the Public Participation Process (PPP) and on the Cape Cod Transportation Improvement Program (TIP). Surveys are available on the Cape Cod Commission's website.

She also updated the Board of Selectmen on the Cape Cod Rail Trail, and bike-lane striping along Route 28 in Yarmouth. Ms. McMahon also suggested that Dennis and Yarmouth (which comprise Region B) alternate sending representatives and alternates to the MPO in order to have consistency on the MPO. She also advised the Selectmen that the MPO is funded by the federal government and generally finances projects that are fully designed.

Jack McCormack provided the members of the Board with a report on the activities of the Cape Cod Commission over the previous year.

Andrea St. Germain of the Dennis-Yarmouth School Committee advised the Board of upcoming activities at the D-Y elementary schools: Cape Community Orchestra will perform at Station Ave. Elementary on February 15; there will also be a school-wide meeting on Kindness and Caring. M.E. Small students got a visit from Marine Sergeant Matthew Zaheen thanking Cub Scout Pack 2 for care packages they sent; the staff-student basketball game will be on February 16, 3:00-5:00 p.m. There will be a school-wide assembly at 9:00 a.m. featuring Dr. Burns' presentation on sharks. The Valentine's Dance is postponed to March 10th, 7:00 -9:00 p.m. Also, Ezra H. Baker Innovation School is seeking public input via its online survey. Whole Foods will donate \$5.00, up to \$500, to the student Fruit Bowl for each cup of coffee purchased this weekend.

Christine Greeley of West Yarmouth spoke in support of a moratorium on the zoning for recreational marijuana shops.

Vida Morris thanked Robert Lawton for providing her with the information she requested at the previous Selectmen's meeting on municipal construction projects. She also expressed concern over the proposed D-Y School District budget.

2. Public Hearing

a. Change of Manager, Bass River Grill. Heather Gatchell and Jim Armentrout were present for the pro-forma hearing on a change of manager. Selectman Stone noted the letter of appointment signed by Interim Town Administrator Bob Lawton, as well as Ms. Gatchell's

credentials. Officer Phil Magnuson confirmed that he had met with Ms. Gatchell and that she understood the rules and regulations and will be attending the mandatory seminar.

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

Motion by: Jim Quirk

Seconded by: Tracy Post

Yea 5

Nay 0

b. New Alcohol License Hearing for Il Montebello, Inc., King's Way. Selectman Stone read the legal notice into the record. Luis Calle, President of Il Montebello, Inc., explained that this restaurant will be under the same ownership as the Four Seasons Trattoria in South Yarmouth with a similar menu and no entertainment. Officer Magnuson confirmed that he met with Mr. Calle and that he understood the rules and regulations, including issues surrounding the deck. There was no comment from the public. Mr. Calle confirmed that he will get the required building and health inspections.

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

Motion by: Jim Quirk

Seconded by: Norm Holcomb

Yea 5

Nay 0

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

Motion by: Jim Quirk

Seconded by: Norm Holcomb

Yea 5

Nay 0

3. DPW Budget Review

Jeff Colby, DPW Director, presented an overview of the department's budget, which is in excess of \$10 million. There has been some reorganization in the Operations area with regard to administrative staff. Mr. Colby then highlighted the most significant changes and challenges in each of the DPW divisions.

In the Facilities Division the biggest change is salaries associated with wages for the administrative supervisor; the division's biggest challenge is cleaning ducts and carpets frequently enough due to budget limitations.

There were no changes in the budget for the Trees Division, but funding the maintenance and replacement of trees is the division's challenge. Mr. Colby would like to use \$30,000 in Free Cash to address this, as was done last year (\$40,000), because routine pruning and maintenance of trees can significantly minimize storm damage.

The Administration Division has moved an office assistant out of sanitation into administration to support all divisions, instead of just one; also the administrative supervisor's position will be divided equally between Facilities, Sanitation, and Septage Facility. The challenge for the Administration Division is having minimal engineering staff. They now use more consultants.

Within the Highway Division, wage adjustments do not reflect future contract changes. The Highway Division's budget is \$886,000. Challenges include a \$5,000 budget for non-snow overtime, such as nighttime line striping, summer emergencies, and insufficient funding for litter and trimming (weed whacking). Mr. Colby announced a Community Clean-up Day on April 29. Other challenges include the vehicle maintenance budget. Mr. Colby acknowledged that centralized vehicle maintenance and an asset management system could benefit the Town. If sandblasting and painting of vehicles were done routinely, Mr. Colby estimated a \$5,000 to \$10,000 yearly cost. At this point, \$15,000 to \$20,000 would be needed to get caught up with the backlog of vehicles.

There were no changes proposed in the Snow and Ice Division. The challenge, as always, is that it is impossible to predict a sufficient budget for a particular year.

The Sanitation Division's \$3 million budget is self-supported. Changes included combining this budget with the recycling budget, and increasing fees to reduce the need for year-end transfers. The year-end transfers are a result of the biggest challenge, which is the unknown volume of construction and demolition (C&D) materials, and trash. Construction and demolition volumes have remained steady even though the fee was increased to help cover the increasing cost of disposal. There are also cost increases for co-mingled recycling, hazardous waste, maintenance, and credit cards.

The Septage Division is a \$2.4 million enterprise fund. Changes were made to the administration, labor-only contract, and an increase in sludge disposal costs. As a result of the Tri-Town facility closure, Mr. Colby estimated that the septage facility will be operating close to full capacity. Selectman Holcomb asked how capital improvements for the facility are reviewed and approved. Mr. Colby and Finance Director Ed Senteio explained that the Capital Budget Committee and the Board of Selectmen would review a capital expenditure, but in order to react to a catastrophic event the division needs to have funds available in reserves. Town Administrator Daniel Knapik offered to work with a team to develop a policy by which the reserve funds could be accessed.

The Water Division budget increases were due to rising insurance, chemical, and electricity costs.

The Selectmen discussed funding some of the Free Cash requests proposed in the DPW budget. Selectman Tolley suggested an analysis of maintenance costs, i.e., vehicle sandblasting and painting, versus new purchases. The Board favored developing long-range maintenance and stabilization plans.

Selectman Tolley left at 7:50 p.m.

4. DPW Special Articles Review (Arts. 4, 5, 9, 10, 40, 41, and 42)

Mr. Colby explained that the dollar amounts in Articles 4 and 5 reflect the best estimates available and are subject to change. Article 9 would fund the Comprehensive Wastewater Plan. Article 10 would use the unspent balances from previous borrowing articles to engineer and construct sidewalks on Higgins Crowell Road and to evaluate ADA compliance on other sidewalks in town. Articles 40 and 41 would grant easements to continue the Cape Cod Rail Trail. Article 42 would grant an easement to EverSource for an emergency generator for the town well.

5. Annual Town Meeting Article Review

a. Zoning Articles. Norm Weare, Chairman of the Planning Board, introduced Tom Baron, Joanne Crowley, and Tom Roche, all members of the Planning Board; and Town Planner Kathy Williams. There will be a public hearing tomorrow at 5:30 in the hearing room on the articles. The Planning Board has met with the Zoning Board of Appeals, the Community and Economic Development Committee, the Chamber of Commerce, Building Commissioner, and stakeholders to put together these six articles.

Article 1 was proposed by the Zoning Board of Appeals, as they frequently grant variances for home occupations under guidelines as proposed in this article. Ms. Williams explained that the purpose of this article is to allow by-right manufacturing in a limited capacity in a residence. Chairman Quirk asked if it wouldn't be easier to change the Use Table. Ms. Williams suggested this amendment would incubate small business ventures such as sewing, baking, jewelry-making,

etc. while maintaining the residential character of a neighborhood and relieve some of the burden from the Board of Appeals.

Mary Vilbon, Executive Director for the Yarmouth Chamber of Commerce showed examples of civic banners as proposed in Article 2 as part of a town beautification project. Ms. Williams explained that based on the most recent Supreme Court ruling (*Reed v. Town of Gilbert, 2015*) a town cannot dictate content on signage, and she is still working with town counsel to refine the language of the article. The Board of Selectmen generally supported the article. Ms. Vilbon noted that she will still need to work with MassDOT and EverSource to use the utility poles for mounting the banners.

Article 3 refines and clarifies the existing sign policy. Ms. Williams asked for the Board's opinion on quill/feather signs in particular. Chairman Quirk suggested getting public input first.

Article 4 is a temporary moratorium on recreational marijuana to allow the Planning Board time to develop appropriate zoning.

Article 5 is a housekeeping amendment clarifying and refining some sections of the zoning bylaws.

Article 6 would modify the existing definition of "Farmers Market" to allow for a wider variety of products including meats, fish, dairy products, and original arts and crafts. Attorney Matthew Fitzsimmons prepared the new definition and thanked Ms. Williams for her help. There was discussion regarding the definition of the term "locally" and about establishing a threshold percentage of "locally-produced" items required at a farmer's market.

The Board agreed to vote on recommendations after the public hearing.

6. Board of Selectmen

a. Board and Committee Appointments. Selectman Holcomb read into the record a letter of resignation from Mary-Ann Agresti from the Recreation Committee.

MOTION: To move that the Board of Selectmen accept with thanks the resignation of Mary-Ann Agresti from the Recreation Committee.

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

b. Approval of Minutes for December 13, 2016.

MOTION: To move that the Board of Selectmen approve the Board of Selectmen Meeting Minutes for December 13, 2016.

Motion by: Tracy Post Seconded by: Mike Stone Yea 4 Nay 0

c. Upcoming Agenda Review. Selectman Post suggested postponing the discussion of the Board of Selectmen goals until after the election. She also suggested, and the rest of the Board agreed, postponing the meeting with the School Committee until the district budget is more refined. Selectman Holcomb suggested that a review of the general areas of consensus regarding the Board of Selectmen goals could be beneficial for the new Town Administrator. Mr. Knapik and the Board agreed to a general discussion about major areas of attention and what has been accomplished to date.

d. Individual Items. Selectman Holcomb will be out on March 28, but he will submit written comments on the proposed Free Cash grants.

7. Town Administrator's Items

a. Consent Agenda. The Board discussed the Affordable Housing/CDBG Program Manager's memo to appoint Daniel Knapik as Trustee of the Yarmouth Affordable Housing Trust per Town Bylaw Ch.6-1.

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

Motion by: Norm Holcomb

Seconded by: Mike Stone

Yea 4

Nay 0

b. Town Administrator Updates. Town Administrator Dan Knapik advised that he received the finalized administrative consent order relative to the case of MA Department of Environmental Protection and Great Island Homeowner's Association. Payment will fund expansion of the Englewood Beach marina facility, construction and installation of 11 new public kayak and boat racks at locations throughout town (Englewood Beach, Buttercup Landing, Bass Hole, and Wilbur Park), purchase and placement of a Mobi-mat ADA-compliant beach access pathway at Englewood Beach, Bass Hole, and Buttercup Landing.

Mr. Knapik also reported that former Town Administrator Bob Lawton had a conversation with DEP regarding Bass Hole/Gray's Beach reclamation in the area. He also advised the Board that Karen Greene, Director of Community Development, will be appearing at a future meeting to request an updated charge for the Drive-In Site Utilization Committee.

Selectman Post asked Ms. Greene for an update on the Cavalier redevelopment project, which is still moving forward. The applicant is applying for the Low Income Housing Tax Credits and is in the process of closing on the property.

8. Adjourn

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

Motion by: Norm Holcomb

Seconded by: Tracy Post

Yea 4

Nay 0

Meeting adjourned at approximately 9:10 p.m.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Change of Manager Application for The Grille at Bass River, 62 Highbank Road, South Yarmouth
- New Annual All Alcohol Restaurant License Application from Il Montebello, Inc., 81 Kings Court, Yarmouth Port
- FY18 Department of Public Works Budget Review
- DPW Warrant Articles 4, 5, 9, 10, 40, 41, and 42 Review
- Memo to BOS from Planning Board dated February 7, 2017 re: Draft Zoning Amendments for 2017 ATM
- Email to Director of Parks and Recreation from Mary-Ann Agresti dated February 7, 2017 re: Committee Resignation
- Board of Selectmen Meeting Minutes of December 13, 2016
- 2017 BOS Upcoming Agenda Item Review
- Memo to BOS and Appointments Chairman from Affordable Housing/CDBG Program Manager dated February 7, 2017 re: Certificate of Appointment of Trustee of the Affordable Housing Trust
- Letter to BOS from Pam & Steve Scannell dated December 30, 2017 re: Tire Reef Systems
- Board of Health Meeting Agenda for February 6, 2017