



## **Board of Selectmen** **Pubic Meeting Minutes** **February 28, 2017**

*The regular meeting was called to order at approximately 6:10 p.m. in the Town Hall Hearing Room by Chairman Jim Quirk. Selectmen present: Tracy Post, Mike Stone, and Erik Tolley. Also attending: Town Administrator Dan Knapik and Interim Assistant Town Administrator, Robert Lawton.*

### **1. Public Announcements & Comments**

*Ms. Andrea St. Germaine, D-Y School Committee, updated the Board on recent activities within the schools, including the elementary schools are celebrating the "Read Across America" event, which is a nationwide event honoring Dr. Seuss. The annual Holly Young Memorial will take place on Monday, March 6th and Thursday, March 9th. All proceeds will benefit the Holly Young Fund. Mattacheese Middle School will be featuring the musical "The Lion King" on Thursday, March 23rd through Saturday, March 25th with afternoon reading performances. On Monday, March 6th, Wixon students will be kicking off their school spirit week. Parent conferences have been moved to Thursday, March 9th, which will be a half day of school for all students. A fundraiser being sponsored by the D-Y Special Education Parent Advisory Council will be held at Red Face Jack's on Tuesday, March 7th at 6 pm; the fee is \$30 per ticket.*

*Mr. David Helberg spoke on behalf of the residents of his neighborhood in South Yarmouth regarding the Drive-In Site/Boardwalk proposed project by the Town. He is requesting a formal, written response from the Board of Selectmen to the petition delivered on November 29th, 2016 from concerned citizens regarding the Drive-In Site/Boardwalk project. He is also requesting that the Board's response be made available to the public. Mr. Helberg also mentioned the number of residents concerned about this project and the potentially negative impact this project would have on the environment, specifically the pollution that would accumulate along the project site as well as the security aspects involved in policing a boardwalk.*

*Mary Vilbon, Executive Director for the Yarmouth Chamber of Commerce, updated the Board on the first of two public hearings held with the Board of Health regarding the food service rating score regulation that is being considered by the Board of Health on the Town's food service establishments. Ms. Vilbon explained that approximately 30 businesses were represented at the meeting and all were opposed to the proposed regulation. In particular, the posting of a score on the front entrance of an establishment would take away the opportunity for any dialog between a patron coming to that establishment. A second hearing will be held next Monday, March 6th, at 5 pm in the Town Hall hearing room.*

*Tom Nickinello, Yarmouth Chamber of Commerce, mentioned that the Grand Marshall's Ball will be held on Friday, March 3rd, at the Irish Village. He also commented on the proposed food service score regulation and that there are restaurants in Town that do not have a current license due to the Board of Health being unable to meet their inspection workload yet are considering another rule to enforce.*



Yarmouth Library to maintain the same hours as the South Yarmouth Library. The draft currently requests \$8,500 for extended summer hours only; \$106,000 would be for year-round supplemental hours. Selectman Post pointed out that Free Cash is not used for recurring expenses. Selectman Stone asked what the strategy would be going forward for the library to maintain extended hours. Mr. Senteio replied that the Finance Committee will be asking the Board to discuss priorities when they come before the Board on March 14<sup>th</sup>.

Selectman Tolley complimented the strategy of loaning Free Cash to the Fire Department for retrofitting the ambulances with powered stretchers. However, he was concerned as to why Free Cash is funding Other Post-Employment Benefits (OPEB), which is supposed to be accommodated in the foundation budget. He is not in favor of making a habit of Free Cash Grants to the OPEB. Mr. Senteio referenced the policy statement from last fall, in which the Board of Selectmen indicated that this would be a one-time grant to meet the Annual Required Contribution (ARC). There is no commitment to do the same in future years.

Selectman Post asked for clarification of the additional \$50,000 for the dispatch study. Her recollection of the previous discussion was that central dispatching would be beneficial, and the question that remained was where to locate the center and whether it would be managed by police, fire, or a third party. After lengthy discussion, Town Administrator Dan Knapik noted that there is a cost involved in setting up and deploying a central dispatch, and the Free Cash grant could pay for an analysis and estimate on that cost. Selectman Tolley stated that he would like a concrete recommendation from the study as to the location and management structure for the central dispatch.

Discussion then moved to Fleet Management Consulting for \$25,000. Ms. Post questioned whether or not a consultant was necessary. Mr. Senteio explained that the consultant would acquire the amount of accurate data necessary to formulate a management policy within the Selectmen's timeline. Selectman Tolley suggested that the consultant should determine if increasing the maintenance budget will result in long-term savings in new purchases, otherwise it will take the Town five to ten years to accumulate enough of its own data to form a policy.

Selectman Stone asked how the \$25,000 deposit to the Stabilization Fund was arrived at. Mr. Senteio explained that due to economic factors beyond the Town's control and best efforts, we have not yet achieved AAA rating from Standard & Poor's. In order to do so, the Fund must top \$3 million. The \$25,000 deposit will achieve that benchmark and still leave over \$550,000 available to establish the Capital Stabilization Fund. The Capital Budget Committee met recently to prioritize capital items. Chairman Quirk asked Town Administrator Knapik to provide the policy framework and an overview of the broader issues with respect to the dispatch center in preparation for a future discussion with the Capital Budget Committee.

Regarding two possible items for consideration of Free Cash, the Board agreed to support \$10,000 for shellfish propagation and \$8,500 to add Saturday hours at the West Yarmouth Library this summer.

Mr. Senteio advised that this draft will be updated once revised figures come in.

#### **4. ATM Article Review - Golf Enterprise & Golf Budget**

Jim Armentrout, Director of Golf Operations, and Wayne Kivi, Chairman of the Golf Enterprise Committee, presented a proposed Town Meeting article seeking the dissolution of the 5% limitation on fee increases. Mr. Armentrout explained that expenses, particularly OPEB and

wages, have increased substantially, more than 5% in recent years. Fees would be established by MA General Law governing enterprise funds and their financing under the purview of the Board of Selectmen.

Selectman Tolley asked why the Golf Division is contributing \$69,000 to OPEB if the Town is already contributing almost \$700,000. Mr. Senteio explained that revenue-generating departments have also been allocated some OPEB responsibilities. A lengthy discussion followed regarding OPEB funding policy, which Ms. Post and Mr. Stone feel unfairly burdens current users of fee-generating departments. Mr. Armentrout explained that the golf department is not requesting increases above 5% at this time, but the Finance Committee has recommended that the 5% cap be lifted because it may be impractical, particularly in light of OPEB obligations. He further explained that the ultimate decision on fees will remain with the Selectmen.

Discussion turned to the golf budget. Mr. Armentrout advised the Board that the retirements of the Bass River Director and the Golf Course Superintendent will result in reorganization of the Golf Division and will most certainly result in payroll savings of approximately \$40,000 not reflected in the budget presented. In response to Selectman Post's question, Mr. Armentrout explained that pro shop merchandise is expensed to Bass River, but shown as revenue to either Bass River or Bayberry Hills, based on the point of sale.

## 5. Board of Selectmen

### a. Board and Committee Appointments

1) Appointments Chairman Tolley asked the Board to accept the resignation of Todd Olsen from the Drive-In Site Utilization Committee

**MOTION: To move that the Board of Selectmen accept the resignation of Todd Olsen from the Drive-In Site Utilization Committee.**

**Motion by: Jim Quirk**

**Seconded by: Mike Stone**

**Yea 4 Nay 0**

2) Appointments Chairman Tolley asked the Board to accept the recommendation of the following changes to the Old King's Historic District Committee:

Appoint Richard Geganwarth to the vacant architect position, term to run through December 2017; appoint Rosemary Nicholls as a regular member to fill an unexpired term to run through December 2018; appoint Jane Hildebrandt as a regular member to fill an unexpired term to run through December 2020; and appoint Dawn-Marie Flett as an alternate member to fill the unexpired term to run through December 2017.

**MOTION: To move that the Board of Selectmen appoint Richard Geganwarth to the vacant architect position, term to run through December 2017; appoint Rosemary Nicholls as a regular member to fill an unexpired term to run through December 2018; appoint Jane Hildebrandt as a regular member to fill an unexpired term to run through December 2020; and appoint Dawn-Marie Flett as an alternate member to fill the unexpired term to run through December 2017.**

**Motion by: Jim Quirk**

**Seconded by: Mike Stone**

**Yea 4 Nay 0**

3) Appointments Chairman Tolley asked the Board to accept the recommendation to reappoint Jack McCormack as the Town of Yarmouth representative to the Cape Cod Commission for a three-year term, effective April 25, 2017 through April 24, 2020.

**MOTION: To move that the Board of Selectmen reappoint Jack McCormack as the Town of Yarmouth representative to the Cape Cod Commission for a three-year term, effective April 25, 2017 through April 24, 2020.**

**Motion by: Jim Quirk**

**Seconded by: Mike Stone**

**Yea 4    Nay 0**

b. Approval of Minutes for January 3, 2017 and January 10, 2017

**MOTION: To move that the Board of Selectmen approve the Board of Selectmen Meeting Minutes for January 3, 2017 and January 10, 2017.**

**Motion by: Tracy Post**

**Seconded by: Mike Stone**

**Yea 4    Nay 0**

c. Upcoming Agenda Review. Selectman Tolley stated that he may not be available for the March 8 Joint Workshop Meeting. Chairman Quirk advised that there will be no meeting on March 7, 2017, and potentially no meeting on March 21, 2017. The Board agreed to try to reschedule the D-Y School Committee Budget Review to March 14. Chairman Quirk would also like include a discussion on Open Meeting Law and the new Records Access Officer law on the agenda sometime in April. Selectman Tolley requested a discussion on OPEB. Chairman Quirk explained the legal origin and background of the OPEB reporting system that now requires municipalities to plan to fund future liabilities like retirees' health insurance.

d. Individual Items

1) Selectman Tolley questioned whether the Board wants to chime in on the Board of Health rating system. Selectman Post commented that she watched the Board of Health meeting last night and even though the Board of Health is autonomous, the business community's confidence in our community is hugely important. The business community appeared in large numbers at last night's meeting and questioned the need for such a regulation. Additionally, they questioned the requirement to post a grade on the door. Ms. Post suggested the Board of Selectmen write to the Board of Health and ask them to go forward with what they are trying to accomplish, post results online, and wait before implementing a need to post a grade on an establishment's door. She suggested the program needs to build confidence that the system is accurate, that it works, that inspections are being done in a timely manner, and then at some point in the future, revisit the posting of a grade on the door.

Selectman Tolley commented that this Board has always been very business friendly and have granted establishments great latitude in licensing and permitting and have always done what it took to help members of the business community. He agrees that an online service may be worthwhile, but he does not see the good that results in a numeric or letter grade being posted. Only harm will come to the low-graded businesses. Further, he heard that 93% of our restaurants have an "A" rating so the 7% that do not have an "A" rating, for whatever reason, minor or not, the difference between an "A" and a "B" is only one point. He does not see how this system can do anything but harm businesses, particularly a new establishment trying to grow a business while having to compete with a long-established business.

Ms. Post commented that one of the business owners she heard from last night stated the points given by an inspector under this system will not be known by a patron, whether those points are associated with a serious neglect or something simple. Ms. Post also stated that she appreciates and supports the job the Board of Health has to do in terms of public safety and public health, which is imperative, but we also do not want to send the message that we are trying to hide anything or any business is not doing what they are supposed to be doing. Chairman Quirk stated the Board of Health has a regulation in place now that requires them to do just that if they are doing their inspections.

Selectman Stone commented that he agrees with both Selectmen Tolley and Post and does not believe there should be an automatic "kick-in" of posting grades when there has not been sufficient time to evaluate a new system, to see how objective it is, how fairly it works, how efficiently or inefficiently it works, before deciding to implement a mandatory posting of a grade. He also commented that the public will see a grade and not know what it means in terms of the miniscule difference between an "A" or a "B" and how numbers correspond to letter grades. He also commented that he has heard complaints from the business community for some time on this system. Given the percentage of restaurants that are doing quite well in their inspections, why are we doing this? There are health regulations in existence and there is a way to deal with restaurants that are not in compliance. He also commented that a business that has had a minor infraction that brought down their grade might not get an inspector back for many weeks in which case a business could suffer greatly, not to mention potential legal consequences for the Town. Mr. Stone stated he has a number of problems with this proposed regulation and fully supports Mr. Tolley's and Ms. Post's comments and feels this regulation is overkill.

Chairman Quirk commented that he does not feel we need to keep adding regulations if we are not enforcing the ones we have. He believes we have a very strict health code in place and if we simply enforce that code, everything will be fine. He also believes that the harder we make it for people to do business, the less business they will be able to do. Enforcing what we have currently makes sense and penalizing someone with a letter grade is not going to be helpful and will create resentment.

Selectman Tolley asked Chairman Quirk if it would be appropriate to ask him to draft a letter to be sent to the Board of Health on behalf of the Board of Selectmen stating that we find it difficult to be supportive of such a policy. Chairman Quirk stated that he will send a letter if that is what the Board members desire.

2) Selectman Post commented on a letter forwarded to the Board from Director of Senior Services, Kathi Bailey, regarding a resident who turned 105 years old on February 27th, Fili Guerrini, who resides in her own home with her son and is grateful to Yarmouth for the services the Town provides. Ms. Post and the other Board members wished Fili a very happy birthday. Ms. Post also commended and thanked all the parties involved in helping and aiding in the boat rescue. She also asked if any Board member is interested in serving as an alternate Metropolitan Planning Organization representative. Mr. Tolley commented that he does have an interested party who believes the Board of Selectmen may appoint as a designee on their behalf. He is asking Mr. Knapik to check on whether that is the case.

Ms. Post also reminded everyone that the St. Patrick's Day Parade is on Saturday, March 4th. YPD has the Safe Ride Program in place for the day. She also asked about the Wastewater Collaborative and whether this Board wants to chime in on that collaborative and its impact on our community. Chairman Quirk agreed that we should put that item on the agenda. He also commented that he hopes for good weather for the parade and encourages everyone to come out and enjoy the day.

## 6. Town Administrator's Items

### a. Consent Agenda

#### **Donations:**

• YFD	
- Ruth and June Hopping	\$100.00
- Gloria Fowler	\$ 50.00
- Anonymous	<u>\$ 20.00</u>
<b>TOTAL</b>	<b>\$170.00</b>

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

**Motion by: Erik Tolley                      Seconded by: Tracy Post                      Yea 4                      Nay 0**

b. Town Administrator Updates. Mr. Knapik thanked the Finance Group for their hard work getting out the ACA paperwork. He also commended the DPW for its response during the recent storm. The Town will continue discussions with EverSource about prioritizing Town facilities during weather events. Mr. Knapik reported that he and Selectman Stone were at M.E. Small Elementary School earlier in the day to read stories by Dr. Seuss to third graders.

## 7. Adjourn

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

**Motion by: Tracy Post                      Seconded by: Erik Tolley                      Yea 4                      Nay 0**

Meeting adjourned at approximately 8:42 p.m.

Respectfully submitted,



Linda Dennehy

## DISTRIBUTED MATERIAL AGENDA PACKET

- Change of Manager Application for the Riviera Beach Motel, 327 South Shore Drive, South Yarmouth
- Change of Manager Application for Blue Water Resort Motel, 291 South Shore Drive, South Yarmouth
- Change of Manager Application for La Playa, Inc., dba Acapulco's Mexican Family Restaurant, 416 Main Street, West Yarmouth
- Free Cash Utilization - One Time Funding for One Time Items - Draft Proposal
- Memo to Director of Community Services from Director of Golf Operations dated February 22, 2017 re: Golf Fee Article and FY18 Golf Operations Budget
- Email to Director of Community Development from Todd Olson dated February 6, 2017 re: Resignation from the Drive-In Site Utilization Committee
- Memo to BOS from Appointments Chairman dated February 21, 2017 re: Old King's Highway Committee Appointments
- Memo to BOS from Appointments Chairman dated February 22, 2016 re: Cape Cod Commission - Town of Yarmouth Representative
- Board of Selectmen Meeting Minutes of January 3, 2017
- Board of Selectmen Meeting Minutes of January 10, 2017
- 2017 BOS Upcoming Agenda Item Review
- Community Partnership Meeting Agenda for March 8, 2017
- Memo to Interim Town Administrator from YFD dated February 14, 2017 re: Gift
- Recurring Special Entertainment License Application dated February 21, 2017 from Yarmouth Parks and Recreation for Movies on the Beach at Bass River Beach
- Recurring Special Entertainment License Application dated February 21, 2017 from Yarmouth Parks and Recreation for Movies on the Beach at Peter Homer Park
- Memo to BOS from Old King's Highway Committee dated February 21, 2017 re: OKH Annual Reminders: 2017 Spring Water Bill Insert and Post Card Mailing
- Letter to BOS from Red Face Jacks dated February 15, 2017 re: St. Patrick's Day Parade Letter of Intent
- Age-Friendly Yarmouth Housing Forum, March 30, 2017
- The "CAT" February 2017 edition
- Letter to BOS from Xfinity dated February 14, 2017 re: Esquire Channel