



Board of Selectmen Public Meeting Minutes March 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, Norm Holcomb and Erik Tolley. Also attending: Town Administrator Dan Knapik and Interim Assistant Town Administrator, Robert Lawton.

1. Public Announcements & Comments

a. Deputy Chief Xiarhos swore in Police Officer Robert Mansfield and Dispatchers David Dickey, Jr. and Ariana Rogers.

b. Tom Nickinello commented on the truck policy discussion from March 21, 2017.

c. Vida Morris commented on the costs of municipal construction projects, particularly regional wastewater treatment. She also asked the Board of Selectmen not to endorse the D-Y School District budget or capital spending on the West Yarmouth Library.

2. Vote on Non-Binding Question for Annual Town Election Warrant

Mary Zepernick presented the petition to place a non-binding question regarding the Pilgrim Nuclear Power Plant on the Town's warrant. Chairman Quirk advised that it will be discussed later in the meeting.

3. Public Hearing

a. Special Entertainment License for Chamber of Commerce for Yarmouth Annual Clean-Up Day. The legal notice was read into the record. Mary Vilbon, Executive Director of the Yarmouth Chamber of Commerce, presented the application requesting a DJ. There was no public input.

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 application as presented.

Motion by: Tracy Post

Seconded by: Jim Quirk

Yea 5

Nay 0

b. Anthony's Cummiquid Show-Cause Hearing.

c. Anthony's Cummiquid License Renewal Hearing.

Licensing Chairman Mike Stone advised that this is a disciplinary hearing and all testimony is under oath. He asked if there was any unsworn testimony; there was none.

Michael Watson and Anthony Athanas, Jr. were present. Building Commissioner Mark Grylls read his report on the re-inspection of March 20, 2017 into the record. He advised that the most substantial issues have been addressed. Mr. Watson advised that a few more items have been

AMENDED MOTION: To move that the Board of Selectmen recommend Article 25A and do not recommend Article 25B.

Motion by: Mike Stone Seconded by: Erik Tolley Yea 4 Nay 0 Abstain 1 (Tracy Post)

Articles 31, 32, 34, 35, and 36 have been withdrawn.

MOTION: To move that the Board of Selectmen remove Articles 31, 32, 34, 35, 36 from the warrant.

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

MOTION: To move that the Board of Selectmen recommend Articles 26, 27, 28 29, and 30.

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

Article 33, Mutual Aid Amendment will expand the bylaw to include all of Massachusetts, not just the Town of Barnstable.

MOTION: To move that the Board of Selectmen recommend Article 33.

Motion by: Norm Holcomb Seconded by: Erik Tolley Yea 5 Nay 0

Article 38, Bylaw for Denial of Permits and Licenses for unpaid taxes.

MOTION: To move that the Board of Selectmen recommend Article 38.

Motion by: Tracy Post Seconded by: Norm Holcomb Yea 5 Nay 0

MOTION: To move that the Board of Selectmen remove Articles 39 and 40 from the warrant.

Motion by: Norm Holcomb Seconded by: Erik Tolley Yea 5 Nay 0

Articles 41, 42, and 43 regarding Cape Cod Rail Trail easements.

MOTION: To move that the Board of Selectmen recommend Articles 41, 42, and 43.

Motion by: Erik Tolley Seconded by: Mike Stone Yea 5 Nay 0

Article 44, petitioned article that is going to be indefinitely postponed.

MOTION: To move that the Board of Selectmen recommend postponement of Article 44.

Motion by: Tracy Post Seconded by: Mike Stone Yea 5 Nay 0

Article 45, petitioned article that is going to be indefinitely postponed.

MOTION: To move that the Board of Selectmen recommend postponement of Article 45.

Motion by: Tracy Post Seconded by: Mike Stone Yea 5 Nay 0

Article 6, School District Operating Budget. Town Administrator Dan Knapik distributed a handout outlining options for the Selectmen's consideration. Interim Assistant Town Administrator Bob Lawton also discussed some of the implications of the article. He explained that there has always been override language included in the articles; however, it can be eliminated from the motion if an agreement can be reached that does not require an override.

MOTION: To move that the Board of Selectmen not recommend Article 6.

Motion by: Erik Tolley

AMENDED MOTION: To move that the Board of Selectmen approves \$31,312,789 for the D/Y School District Operating Budget.

Motion by: Erik Tolley

Discussion: Mr. Knapik reported that based on his discussion with D-Y School Superintendent Carol Woodbury, he does not believe that there will be any change to the budget. Selectman Holcomb's research has led him to believe that there is room for budget reductions, but that ultimately the regional agreement is flawed. Chairman Quirk concurred. Ms. Post suggested the Board postpone a vote tonight.

AMENDED MOTION: To move that the Board of Selectmen approves \$31,326,197 for the D/Y School District Operating Budget.

Motion by: Erik Tolley

After further discussion, Mr. Tolley withdrew his motion. There was consensus to make a recommendation from the floor.

Article 8, Routine Capital Budget. The Board agreed to move three items rated "C" and totaling \$150,000 to the Capital Stabilization Budget. Police Chief Frank Frederickson clarified the Police Department's vehicle replacement policy and explained the details surrounding the request for a command vehicle.

MOTION: To move that the Board of Selectmen remove the pickup truck with plow valued at \$64,000; and the zero-turn ride-on mower valued at \$11,000 and transfer that \$75,000 to the Capital Stabilization Fund and approve the balance of the Capital Budget as presented.

Motion by: Erik Tolley

Seconded by: Mike Stone

Yea 5 Nay 0

Non-binding petition for the Annual Town Election request. Ms. Post expressed concern over the vague language of the petition and that there were enough signatures. The consensus was to get Town Counsel's review and place it on a future agenda.

5. Vote to Approve the Annual Town Meeting Warrant

MOTION: To move that the Board of Selectmen recommend approval of the Town Meeting Warrant.

Motion by: Erik Tolley

Seconded by: Mike Stone

Yea 5 Nay 0

6. Board of Selectmen

- a. Board and Committee Appointments: None
- b. Approval of Board of Selectmen Meeting Minutes for March 18, 2017.

MOTION: To move that the Board of Selectmen approve the Board of Selectmen Meeting Minutes for March 18, 2017.

Motion by: Norm Holcomb Seconded by: Mike Stone Yea 4 Nay 0 Abstain 1 (Erik Tolley)

c. Upcoming Agenda Review: Non-binding Petition request and school budget to be added to the April 11, 2017 agenda.

d. Individual Items: Mr. Holcomb proposed that the school district reduce its budget by \$556,000 and the Town will fund \$360,000, which is its share of the enrollment shift. Mr. Knapik agreed to advise the superintendent.

7. Town Administrator's Items

- a. Consent Agenda

- 2017 Seasonal Alcohol and Entertainment Licenses Approval
- Memo to Town Administrator from Yarmouth Town Libraries dated March 17, 2017 re: Donations to the Yarmouth Town Libraries
- Memo to BOS from Parks & Recreation dated March 10, 2017 re: Donations
- Memo to Interim Assistant Town Administrator from Interim Director of Community Services dated March 17, 2017 re: Free Beach Access to Disabled American Veterans

Donation:

• Libraries	
- Mary Gale Alex	\$ 100.00
- Vivien N. Woodworth Estate	\$ 1,000.00
- Faith Halfyard Estate	\$ 5,000.00
• Parks & Recreation	
- Anonymous	<u>\$ 4,500.00</u>
TOTAL	\$10,600.00

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. Knapik commended the police and fire departments after his ride along with Officer Dickey.

Gary Ellis, Chairman of the Community Preservation Committee, explained that its role is to recommend whether or not an application qualifies to go before the taxpayers for further discussion at Town Meeting, not to endorse or reject proposals.

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

Meeting adjourned at approximately 9:35 p.m.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Memo to BOS from Town Clerk dated March 22, 2017 re: Non-Binding Question for Annual Town Election May 16, 2017
- Special Entertainment License Application from Yarmouth Chamber of Commerce
- Show Cause Hearing for Anthony's Cummiquid Inn
- Memo to BOS from Director of Inspectional Services dated March 22, 2017 re: Anthony's Cummiquid Inn Violation Status Update
- Yarmouth Fire Department Report to the Board of Selectmen re: Anthony's Cummiquid Inn with PowerPoint Presentation
- Annual Town Meeting Article Summary
- Routine Capital Improvements List
- 2017 Annual Town Meeting Warrant
- Board of Selectmen Meeting Minutes of March 8, 2017
- 2017 BOS Upcoming Agenda Item Review
- 2017 Seasonal Alcohol and Entertainment Licenses Approval
- Memo to Town Administrator from Yarmouth Town Libraries dated March 17, 2017 re: Donations to the Yarmouth Town Libraries
- Memo to BOS from Parks & Recreation dated March 10, 2017 re: Donations
- Memo to Interim Assistant Town Administrator from Interim Director of Community Services dated March 17, 2017 re: Free Beach Access to Disabled American Veterans
- Memo to BOS from the Recreation Commission dated March 9, 2017 re: Reduction of Department Budget
- Board of Health Agenda for March 20, 2017
- The "CAT", March 2017 Edition
- Age-Friendly Yarmouth Housing Forum Flyer
- Letter to BOS from Comcast dated March 6, 2017 re: WSBE-Vme (ch 966) discontinued
- Letter to Town of Yarmouth from HIBU undated re: Yellowbook's Cape Cod Directory