



## **Board of Selectmen** **Pubic Meeting Minutes** **June 6, 2017**

*The regular meeting was called to order at approximately 6:30 p.m. in the Town Hall Hearing Room by Chairman Tracy Post. Selectmen present: Mike Stone, Erik Tolley, Norm Holcomb, and Mark Forest. Also attending: Town Administrator Dan Knapik and Assistant Town Administrator, Chris Dwelley.*

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

*a. Suzanne McAuliffe, Yarmouth Delegate to the Assembly of Delegates and Speaker of the Assembly, updated the Board on the County's budget, the Wastewater Collaborative, the Cape Light Compact, the Route 6 rest area, and tick awareness. She will report back again after the auditor's report comes out. She also invited the public to the One Cape Summit on June 22 and 23.*

*b. David Helberg of 7 Swordfish Drive and Larry Fennelly of 172 Pawkannawkut Drive asked for appointment to the at-large seat on the Drive-In Site Utilization Committee (DISUC).*

*c. Andrea St. Germain of the D-Y School Committee updated the Board on upcoming concerts and events at the schools.*

*d. Vida Morris suggested that Cape Cod Commission Executive Director Paul Niedzwiecki should speak on the wastewater issue.*

*e. Peter Kenney spoke on the Cavalier redevelopment delay and also called for the re-activation of the Wastewater Advisory Committee.*

*f. Fire Chief Phil Simonian announced that the Department has received its stretcher grant for \$191,000.*

*g. Police Chief Frank Frederickson presented Officers Melissa Alden, Mary Gibney, Erica Wenberg, and Dianna Wells with Recognition Awards by Massachusetts Association of Women in Law Enforcement.*

### **2. Discussion with State Sen. Julian Cyr, State Rep. Tim Whelan and State Rep. Will Crocker**

Representative Crocker was not able to attend due to a family emergency.

Representative Whelan and Senator Cyr updated the Board on their respective work, while noting their collaborative relationship. They then responded to questions and concerns from the Board regarding wastewater funding; the Route 6 Bridge over Bass River; the opioid problem; OPEB; affordable housing; school funding in general; and the possible changes to the Chapter 70 formula.

### **3. Public Hearings**

a. New Entertainment License for Kevin's Seafood Restaurant, 908 Rte. 28, South Yarmouth. Licensing Chair Mike Stone read the legal notice into the record. Owner/applicant Tom Nickinello presented his request for a license to install a coin-operated jukebox and responded to questions from the Board. Green cards were submitted.

**MOTION: To move to close the public hearing.**

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

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

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

b. Change of Manager Application from Red Jacket Inn. Ken Smith, Vice President of Red Jacket Resorts, introduced George Abbott, General Manager of Red Jacket Beach, and presented the application and responded to questions from the Board.

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

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

c. Anthony's Cummaquid Show-Cause Hearing. Licensing Chair Mike Stone read the legal notice into the record. Michael Watson, General Manager of Anthony's Cummaquid, was present. Mr. Stone reviewed the history of the case. Mr. Watson confirmed that the work has not been completed because the contractor was not fulfilling the contract. A new contractor has been hired and has met with the Building Commissioner; the permit has been transferred. Mr. Stone suggested suspension of the license until such time as the work is completed, and the Certificate of Occupancy is issued. Mr. Watson agreed. Mr. Stone added that if the work is not completed and business is not in operation by November, 2017, the Town may initiate a non-renewal hearing because the business will not have been in operation for two years. Mr. Watson understood. Discussion followed and it was determined that some type of final resolution will be reached by November of this year, as the business will need to apply for a license renewal.

**MOTION: To move that the Board of Selectmen suspend the license until such time as the work outstanding as of March 28, 2017 is completed; any outstanding financial obligations to the Town are paid; and a certificate of occupancy is issued.**

**Motion by:** Norm Holcomb                      **Seconded by:** Erik Tolley                      Yea 4      Nay 1

#### 4. Golf Bond Anticipation Note Vote

**MOTION: To move to award the Municipal Bond Anticipation Note dated June 29, 2017 in the amount of \$1.625 million for the Town of Yarmouth maturing June 28, 2018 for the Cape Cod Five at a net interest rate of 1.2%.**

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

Finance Director Ed Senteio explained that this vote is for the annual renewal of a short-term borrowing note, and once the Town has enough borrowing power at a reasonable price, a longer-term note will be obtained.

A progress report on the course improvements was requested by the Board.

#### 5. Steelworkers Collective Bargaining Agreement Ratification

The Board of Selectmen met in Executive Session and voted to approve the Steelworkers Collective Bargaining Agreement.

**MOTION: To move that the Board of Selectmen approve the Steelworkers Collective Bargaining Agreement by roll call vote.**

**Motion by: Erik Tolley**

**Seconded by: Mike Stone**

**Roll Call Vote: Mark Forest - Yea; Mike Stone - Yea; Norm Holcomb - Nay; Erik Tolley - Yea; Tracy Post - Yea**

## **6. Board of Selectmen Items**

### 1. Board and Committee Actions

Appointments Chair Mark Forest asked the Board to appoint Tom Nickinello as a regular member to the Zoning Board of Appeals to fill the unexpired five-year term of Mr. Hart to run through January 2022; and to appoint Susan Britta as an alternate regular member to the Zoning Board of Appeals for a one-year term to run through January 2018.

**MOTION: To move that the Board of Selectmen appoint Tom Nickinello as a regular member to the Zoning Board of Appeals to fill the unexpired five-year term of Mr. Hart to run through January 2022.**

**Motion by: Mike Stone**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

**MOTION: To move that the Board of Selectmen appoint Susan Britta as an alternate member to the Zoning Board of Appeals for a one-year term to run through January 2018.**

**Motion by: Mike Stone**

**Seconded by: Erik Tolley**

**Yea 5 Nay 0**

### 2. Upcoming Agenda Review:

A workshop meeting will be held on June 20<sup>th</sup> to discuss Board of Selectmen goals; and a tentative meeting is scheduled for June 26<sup>th</sup> with Town of Dennis.

### 3. Individual Items

- a. Mr. Holcomb updated the Board on the Yarmouth Gardens redevelopment project.
- b. Mr. Stone announced the Taylor-Bray Farm Sheep Festival on June 18<sup>th</sup>, and noted the importance of appointing stakeholders to DISUC.
- c. Mr. Forest will be attending the One Cape Summit and will report back to the Board.
- d. Ms. Post introduced the new Assistant Town Administrator, Chris Dwelley. She also asked for Board members' input regarding meeting structure.

## **7. Town Administrator's Items**

### a. Consent Agenda:

- Memo to BOS from Town Administrator dated May 31, 2017 re: 2018 Tax Recap Signature Authority
- Proclamation for Frank Paul Martines, Jr. Day
- CC: Memo to BOS from Parks and Recreation dated May 17, 2017 re: Donation of Plants and Bulbs
- Memo to BOS from Parks and Recreation dated May 30, 2017 re: Donations

- Special Entertainment License for Bass River Farmers Market

**Donations:**

- Parks & Recreation
    - Stop & Shop \$ 150.00
    - Cape Cod Foundation in the name of Nicholas G. Xiarhos Memorial Foundation Fund \$1,250.00
- TOTAL \$1,400.00**

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

**Motion by: Norm Holcomb**

**Seconded by: Mark Forest**

**Yea 5 Nay 0**

**MOTION: To move to authorize the Town Administrator to sign the 2018 Tax Recap in the Department of Revenue Gateway System. The electronic signature on behalf of the Board of Selectmen by the Town Administrator will occur after the Board has voted based on the information presented at the Board of Assessors Tax Classification Hearing.**

**Motion by: Tracy Post**

**Seconded by: Norm Holcomb**

**Roll Call Vote: Mark Forest - Yea; Mike Stone - Yea; Norm Holcomb - Yea; Erik Tolley - Yea;**

**Tracy Post - Yea**

b. Town Administrator Updates:

Mr. Knapik thanked Dick Court and his Department for their hard work. The Cape Cod Commission Report has offered options for Route 6A improvements, but the Town must first establish a design concept before going to MassDOT. The Town will also be working with federal authorities to create a private/public partnership at the Route 6 rest area. Mr. Knapik distributed the implementation charges to the Dennis and Harwich representatives for the Tri-Town Wastewater Agreement.

The Board agreed to Protect Our Cape Cod Aquifer's (POCCA) request to send a letter of opposition to EverSource spraying to Commissioner Lebeaux.

## 8. Adjourn

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

**Motion by: Erik Tolley**

**Seconded by: Norm Holcomb**

**Yea 5 Nay 0**

**Meeting adjourned at approximately 9:42 p.m.**

Respectfully submitted,



Linda Dennehy

## **DISTRIBUTED MATERIAL AGENDA PACKET**

- Memo to BOS from Chief of Police dated May 31, 2017 re: Massachusetts Association of Women in Law Enforcement Special Recognition
- Questions and Comments for Legislators
- New Entertainment License Application for Kevin's Seafood Restaurant, 908 Route 28, South Yarmouth
- Change of Manager Application from Red Jacket Inn
- Show-Cause Hearing Continuance Notice for Anthony's Cummaquid Inn
- Golf Bond Anticipation Note Vote Information
- Steelworkers Collective Bargaining Agreement (in Executive Session Packet)
- Memo to BOS from Appointments Chairman dated June 1, 2017 re: Appointment to Board of Appeals
- 2017 BOS Upcoming Agenda Item Review
- Memo to BOS from Town Administrator dated May 31, 2017re: 2018 Tax Recap Signature Authority
- Proclamation for Frank Paul Martines, Jr. Day
- CC: Memo to BOS from Parks and Recreation dated May 17, 2017 re: Donation of Plants and Bulbs
- Memo to BOS from Parks and Recreation dated May 30, 2017 re: Donations
- Special Entertainment License for Bass River Farmers Market
- 16th Annual Sheep Festival Flyer