



Board of Selectmen Public Meeting Minutes June 5, 2018

The regular meeting was called to order at approximately 6 p.m. in the Town Hall Hearing Room by Chairman Holcomb. Selectmen present: Tracy Post, Erik Tolley, Mark Forest and Michael Stone. Also attending: Yarmouth Assistant Town Administrator, Chris Dwelley; Karl Von Hone, Director of Natural Resources; Karen Greene, Director of Community Development; Jeff Colby, DPW Director; and Kelly Grant, Conservation Administrator.

1. Public Announcements & Comments

Tom Sullivan, resident, criticized the Town Moderator for urging members of the public to limit the amount of topics they spoke on at Town Meeting. He also urged Selectmen to take action to remove Yarmouth from the DY School District.

Vida Morris, resident, suggested allowing more taxpayers to participate in the town budget process.

Susan Britta, resident, spoke in opposition of the Vineyard Wind Project.

Marcus Buckley, resident, spoke in opposition to the Barnstable Water Inter-Municipal Agreement.

Jim Wolf, resident, spoke in favor of the Vineyard Wind Project.

Christine Greely, resident, spoke in opposition of the Vineyard Wind Project

2. Public Hearings

a. Special Alcohol and Entertainment License Amendments and Possible Vote. Licensing Chairman Michael Stone and Officer Phil Magnuson introduced the topic of the Bring Your Own Booze (BYOB) policy in Yarmouth. Officer Magnuson recommended that the Board of Selectmen rescind the BYOB policy in Yarmouth as it is not appropriate for the Town to regulate BYOB businesses. Selectman Post clarified that non-profits will still be able to have BYOB functions even after the policy is rescinded (as long as they do not have a liquor license).

MOTION: To move to rescind the current BYOB policy for the Town of Yarmouth.

Motion by: Mark Forest

Seconded by: Norm Holcomb

Yea 5 Nay 0

Officer Magnuson presented the proposed changes to Special Alcohol License Policy.

MOTION: To move that Selectmen accept the newly proposed Special Alcohol License requirements as written, with the exception of adding the words 'in additional' before 'ensured' in paragraph 1, adding 'or other program approved by the Board of Selectmen' at the end of paragraph 2, and adding 'postage prepaid' after 'first class mail' in paragraph 6.

Motion by: Tracy Post

Seconded by: Mark Forest

Yea 5 Nay 0

b. 99 Restaurant. Deborah Haroutunian presented the application for a change of manager at the 99 Restaurant located at 14 Berry Ave in South Yarmouth. Selectmen Stone noted that the applicant's paperwork was in order and that she has met with Officer Magnuson.

MOTION: To move to approve the change of manager application for the 99 Restaurant.
Motion by: Erik Tolley **Seconded by: Tracy Post** **Yea 5** **Nay 0**

c. Special Alcohol and Entertainment Licenses for Wedding at Taylor-Bray Farm. Selectmen Stone read the public notice into the record. Alison Begin presented the application for a Special Alcohol and Entertainment License for a wedding at Taylor-Bray Farm. Joyce Flynn, resident, spoke in favor of the application. Bob Clarke, Taylor-Bray Farm, spoke in favor of the application.

MOTION: To move to close the public hearing.
Motion by: Tracy Post **Seconded by: Mark Forest** **Yea 5** **Nay 0**

MOTION: To move to approve the application as presented.
Motion by: Tracy Post **Seconded by: Mark Forest** **Yea 5** **Nay 0**

d. Alteration of Premise Application for Inflatable Park. Selectmen Stone read the public notice into the record. Attorney Andrew Singer presented the application. He explained that the proposed changes to the property are a new lazy river and water slide area, as well as new outdoor concession area.

MOTION: To move to close the public hearing.
Motion by: Tracy Post **Seconded by: Erik Tolley** **Yea 5** **Nay 0**

MOTION: To move to approve the application as presented.
Motion by: Erik Tolley **Seconded by: Norm Holcomb** **Yea 5** **Nay 0**

3. Vineyard Wind Permitting Presentation

Karl Von Hone, Director of Natural Resources; Kelly Grant, Conservation Administrator; and Jay Talerman, Town Counsel gave a presentation on the Vineyard Wind Project's permitting process. Ms. Grant explained that the project must go through a number of federal, state, a regional permitting agencies. In addition to those requirements, the project must be approved by the Yarmouth Board of Selectmen, the Yarmouth Conservation Commission, and the Yarmouth DPW. Mr. von Hone requested that Selectmen authorize the Town Administrator to submit a letter to the state on behalf of the Selectmen that reiterates the Town's comments/concerns on the project. Selectman Post stated that every issue that has been brought up by Town residents should be addressed by Vineyard Wind at some point. She also stated that the issue of whether or not there will be multiple transmission lines should be included in the letter sent to the state.

Selectmen asked Town Counsel multiple questions about the project's permitting process and the amount of leverage the Town has in negotiations with Vineyard Wind. Attorney Talerman responded by saying that the Town is currently in a strong position to negotiate a deal with Vineyard Wind that is favorable to Yarmouth.

Assistant Town Administrator Chris Dwelley clarified that the letter to the state would be non-committal on the Selectmen's position but rather is intended to open up a dialogue to address issues.

MOTION: To move to authorize the Town Administrator to submit a letter to the state on behalf of the Selectmen reiterating the Town's concerns about the Vineyard Wind project.

Motion by: Norm Holcomb

Seconded by: Michael Stone

Yea 5 Nay 0

4. Bray Farm Hay Ride Loop Naming and Possible Vote

Karen Greene, Director of Community Development, presented the application for a name change for the Bray Farm Hay Ride. The proposed name for the loop is the 'Don McIntyre Trail,' named after Don McIntyre who was caretaker for the property for 20 years.

MOTION: To move to approve the application as presented.

Motion by: Tracy Post

Seconded by: Erik Tolley

Yea 5 Nay 0

Selectman Stone noted that Selectmen should discuss the naming policy for Town properties at a future meeting.

5. Englewood Beach – No Parking Areas – Possible Vote

Lt. Kevin Lennon, Police Chief Frank Fredrickson, and Pat Armstrong, Director of Community Services presented the proposal to amend parking regulations at Englewood Beach. The Town investigated parking issues at the site in the summer of 2017 at the request of neighbors. There was a plan developed to address congestion issues in the area, and all but the last step of the process has been completed. The final step in the process is to amend parking regulations dating back to April 5, 1994. Lt. Lennon reviewed the safety issues that currently exist at the site and explained that the proposed changes will improve public safety around Englewood Beach. Selectman Tolley asked what the enforcement plan for the parking is. Lt. Lennon explained that patrols have been ramped up in the area and police will enforce parking regulations as needed.

MOTION: To move to adopt the amended parking regulations as presented.

Motion by: Tracy Post

Seconded by: Michael Stone

Yea 5 Nay 0

6. Barnstable Water Inter-Municipal Agreement – Possible Vote

Jeff Colby, DPW Director, updated Selectmen on the Barnstable Water Inter-Municipal Agreement. Mr. Colby explained that the agreement has been in place between towns for a couple of years now. Barnstable is hoping to extend the agreement to 2020, at which time they will no longer need Yarmouth's assistance to treat their contaminated water. The newly proposed agreement is very similar to past agreements between the towns, with the only edits being minor wording changes. Last year under the previous agreement Barnstable paid Yarmouth \$455,000 for water treatment and \$3.53 per gallon of water. Selectman Tolley and Selectman Stone opposed the agreement as presented because it did not address water rate disparities for residents of Cummaquid Heights. Selectmen Post suggested charging Barnstable a rate of \$3.58 per gallon to compensate for the water rate disparity.

MOTION: To move to approve the Barnstable Water Inter-Municipal Agreement with the amendment that Barnstable will be charged a rate of \$3.58 per gallon.

Motion by: Tracy Post

Seconded by: Erik Tolley

Selectmen Post and Tolley withdrew their motions after a discussion with the Board. It was decided that the best course of action would be to allow Town staff greater flexibility to negotiate an agreement that is more favorable to Yarmouth.

MOTION: To move to authorize the Town Administrator to negotiate with the town of Barnstable and return to the Selectmen at their next meeting with a new amended agreement that addresses the Cummaquid Heights rate disparity issue.

Motion by: Mark Forest

Seconded by: Erik Tolley

Yea 5 Nay 0

7. Barnstable Tree Warden Inter-Municipal Agreement – Possible Vote

Jeff Colby, DPW Director, presented the proposed Barnstable Tree Warden Inter-Municipal Agreement. Mr. Colby explained that this arrangement is similar to the one Yarmouth has with Barnstable regarding weights and measures, where Barnstable has enough town staff to deal with an issue where Yarmouth does not. He further explained that most of the tree warden responsibilities in Yarmouth will be carried out by a deputy tree warden, who would be a Yarmouth employee. However certain circumstances that need a level of aptitude will require Yarmouth to utilize Barnstable staff that possesses that level of expertise.

Selectman Post questioned why Barnstable employees will be paid overtime for their services. Mr. Colby responded that the Barnstable employees work 40 hours a week to fulfill their responsibilities to the town of Barnstable, so extra time devoted to working for Yarmouth would have to be paid at time and a half. Mr. Colby also explained that the rate being paid to Barnstable employees will be less than the rate that would have to be paid to a private certified arborist.

MOTION: To move to approve the agreement as presented.

Motion by: Mark Forest

Seconded by: Erik Tolley

Yea 5 Nay 0

8. Preliminary Board of Selectmen Goals Discussion

Chris Dwelley, Assistant Town Administrator, reviewed the FY2018 Board of Selectmen Mission and Goals document and stated that it explained what the past Selectmen goals were and what key actions the Town has taken to accomplish said goals. Selectmen were also provided with a Town progress report that reviewed upcoming major Town projects. Mr. Dwelley also indicated that there will be collaboration between Town staff and the Chamber of Commerce on working towards accomplishing mutual goals. Selectmen agreed to review the documents at the next meeting when the Town Administrator was present.

9. Board of Selectmen

a. Upcoming Agenda Review. Chairman Holcomb stated that the next Selectmen's meeting will be on June 19th. There will be an executive session at the beginning of the meeting so that Selectmen can discuss collective bargaining and Parker's River land takings. Selectmen Tolley suggested discussing the idea of removing the Department of Natural Resources from the supervision of the Community Services department at a future meeting.

10. Town Administrator Items

a. Consent Agenda. Chris Dwelley, Assistant Town Administrator, reviewed the items on the Consent Agenda. PawPalooza is applying for a Special Entertainment License for an event on July 14th and 15th.

MOTION: To move to approve the Consent Agenda

Motion by: Mark Forest

Seconded by: Erik Tolley

Yea 5 Nay 0

11. Adjourn

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

Motion by: Tracy Post

Seconded by: Erik Tolley

Yea 5 Nay 0

Meeting adjourned at approximately 9:15pm.

Respectfully submitted,



Linda Dennehy

DISTRIBUTED MATERIAL AGENDA PACKET

- Brown Bag Policy – Code #10-7
- 99 Restaurant, 14 Berry Ave. WY – Change of Manager Packet
- Special Alcohol & Entertainment License – Begin Wedding at Taylor Bray Farm – Hearing Pkt
- Inflatable Park – 518 Route 28, South Yarmouth - Alteration of Premise – Liquor and Entertainment Hearing Packet
- Vineyard Wind Permitting Presentation (Power Point Slides and Schedule)
- Memo to BOS from Dan, dated May 29, 2018 re: Taylor Bray Farm, naming of Hayride Loop
- Memo to BOS from Dan, dated June 1, 2018 re: Parking Regulation Amendments – Englewood Beach
- Metropolitan Planning Organization – TOY Alternate Representative
- Barnstable Water Inter-Municipal Agreement
- Barnstable Tree Warden Inter-Municipal Agreement
- FY 18 BOS Mission and Goals
- FY 18 TOY Progress Report
- 2018 Strategic Planning Vision
- FY 2019 Identified Projects
- Projected Upcoming Selectmen’s Meeting Agendas
- Agway of Cape Cod Charitable Foundation – Paw Palooza Request for Special Entertainment License – For Event, July 14 and 15, 2018
- Memo from Mary Waygan to Mark Forest, Appts Chairman, dated May 23, 2018 re: Certificate of Appointment of Trustees to the Affordable Housing Trust