

PUBLIC MEETING

Per Massachusetts General Law: All town and school boards, committee, and authorities shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays. Notice shall contain a listing of topics/agenda that the chair reasonably anticipates will be discussed at the meeting. As required by Open Meeting Law and Mass. General Law, we are informing you that this meeting will be video and audio recorded, as well as rebroadcast. Anyone intending to video or audio tape this meeting is required to inform the Chair.

Board of Selectmen Meeting June 16, 2020 ~ 6:00 PM Yarmouth Town Hall Hearing Room 1146 Rt. 28, South Yarmouth, MA 02664

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NOTE: THIS IS A REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. 30A, § 18, and the Governor's March 15, 2020, Order imposing a limitation on the number of people that may gather in one location, this meeting will be conducted via remote participation. Specific information such as instructions and guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town website at www.yarmouth.ma.us. For the public portion of this meeting, members of the public who wish to watch/listen and participate in the meeting may do so in the following manner:

1. Watch a live stream on Yarmouth's YouTube Channel located at the following link:
<https://www.youtube.com/channel/UCgQ1QFZevmoqW5Mz2PnWKpA/>
2. Join the meeting hosted in Zoom by using the following link:
3. <https://us02web.zoom.us/j/84025119131?pwd=L3EraFVXRHBYOG40ckpYOGt6QTJkQT09>
Audio, video and screen sharing functions will be disabled during the public session. Request to participate by using the "raise hand" function. (webinar ID: 840 2511 9131/ password 595645)
4. You may also listen to the meeting by calling in on a phone to either 1-253-215-8782 or 1-301-715-8592 and enter the webinar ID: 840 2511 9131/ password 595645. Audio, video and screen sharing functions will be disabled. Smart phone callers may be able to participate by using the "raise hand" function. Land line callers will be able to listen, but not participate verbally. All callers, or viewers may participate and provide public comment by using a designated email indicated below.
5. You may submit comments to the Town using the following email: publiccomment@yarmouth.ma.us This email will be monitored by a moderator who will alert the Board Chair of relevant comments.
6. Meeting materials are attached to this agenda, available online at yarmouth.ma.us/Agenda Center, and will be displayed at the online meeting. It is recommended that phone participants access materials in advance of the meeting.
7. Please follow the following general instructions:
 - a. Keep your phone muted at all times when not talking;
 - b. Do not use speakerphone;
 - c. Do not use Bluetooth devices;
 - d. Mute all background noise;
 - e. Mute the livestream feed and use only the telephone audio;
 - f. Please do not speak until the chair or the meeting moderator asks for public comments or questions.

No in-person attendance of members of the public will be permitted. The measures stated above follow the emergency order of the Governor for remote participation. Meetings will be broadcast on Channel 18 as soon as possible after the close of the meeting.



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231 Ext. 1271, Fax (508) 398-2365

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR
Daniel M. Knapik

PUBLIC MEETING

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YARMOUTH TOWN CLERK
20 JUN 12 PM 2:00 REC

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Meeting Agenda *(all times are approximate)*

6:00 PM Public Comments

The open meeting law discourages public bodies from discussing topics not listed on the agenda. The public should therefore not expect the Board to respond to questions or statements made during the Public Comment portion of the meeting.

6:15 PM Starbuck Lane Conservation Restriction (Discussion/Vote)

6:30 PM Drive-In Site Use – Summer 2020

7:15 PM COVID-19 Updates and Operations

1. Cares Act/Covid-19 Special Revenue Funds
 - a. Deficit Spending Approval
2. Regulatory Relief for Businesses Update
3. Annual Town Meeting Update
4. Department Return to Work Plans
 - a. Town Election Covid-19 Safety Plan
 - b. Golf Update
 - c. Playground/Bathroom Facilities Openings
 - d. Library Curbside Pickup Update
 - e. Summer Programs Update

8:15 PM Review of ATM Warrant

1. Recommendations and Article Assignments

9:00 PM Board and Committee Actions

1. Board of Assessors – Two (2) reappointments
2. Board of Registrars – One (1) reappointment
3. Projected 2020 Agenda Items
4. Individual Items

9:15 PM Town Administrator Items

1. Town Administrator Updates
2. Water Resources Planning

9:30 PM Adjourn

AGENDA PACKET
Board of Selectmen
June 16, 2020

- June 10, 2020 Memo from Kelly Grant, Conservation Administrator, regarding 45 and 55 Starbuck Lane – Conservation Restriction
- Assessor’s Map – 45 and 55 Starbuck Lane
- Google Map – 45 and 55 Starbuck Lane
- Yarmouth Conservation Trust Conservation Restriction for property located at 45 and 55 Starbuck Lane, Yarmouth Port, MA
- Motion Signature Page of Conservation Restriction for the property located at 45 and 55 Starbuck Lane
- June 12, 2020 Memo from Karen Greene, Director of Community Development, and Kathy Williams, Town Planner, regarding Use of the Former Drive-InSite – 2020 Season – Drive-In Movies, with attachments
- June 10, 2020 Memo from Ed Senteio, Finance Director, regarding Special Revenue Fund for Covid-19
- May 14, 2020 Memo from Michael J. Heffernan, Secretary of Administration and Finance, regarding Federal Coronavirus Relief Fund
- DLS Bulletins
- June 11, 2020 Memo from Scott Gilmore, Director of Golf Course Operations, regarding Golf Update
- June 11, 2020 Memo from Jeff Colby, DPW Director, and Pat Armstrong, Community Services Director, regarding Playground and Associated Facility Opening
- Playground Caution Sign Samples
- June 11, 2020 Memo from Jane Cain, Library Director, regarding Curbside Pickup at Yarmouth Town Libraries
- June 11, 2020 Memo from Aimee Howell, Assistant Recreation Director, regarding Summer Recreation Update
- ATM Warrant
- ATM Warrant Recommendations and Assignments
- Board of Assessors – Two (2) reappointments
- Board of Registrars – One (1) reappointment
- 2020 BOS Upcoming Agenda Items Schedule

INFORMATION PACKET
Board of Selectmen
June 16, 2020

- June 4, 2020 Memo from Mark A. Merante, Hearing Officer, Commonwealth of Massachusetts Department of Telecommunications and Cable, regarding Petition of Comcast Cable Communications, LLC to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast Cable Communications, LLC that are currently subject to rate regulation, D.T.C. 19-5

AGENDA

ITEMS

TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1277, Fax (508) 398-2365

Department of
Community
Development

MEMO

To: Michael Stone, Chairman - Board of Selectmen

From: Kelly Grant, Conservation Administrator

Date: June 10, 2020

Re: 45 and 55 Starbuck Lane – Conservation Restriction

Attached, for your review and consideration is the Conservation Restriction for 45 and 55 Starbuck Lane in Yarmouth Port. Please note, this Conservation Restriction was drafted in collaboration with Mark Robinson from the Compact of Cape Cod Conservation Trusts and Town Counsel, and has been reviewed and approved as drafted by the State as is standard process before signatures are obtained. The Yarmouth Conservation Trust has graciously agreed to hold this restriction.

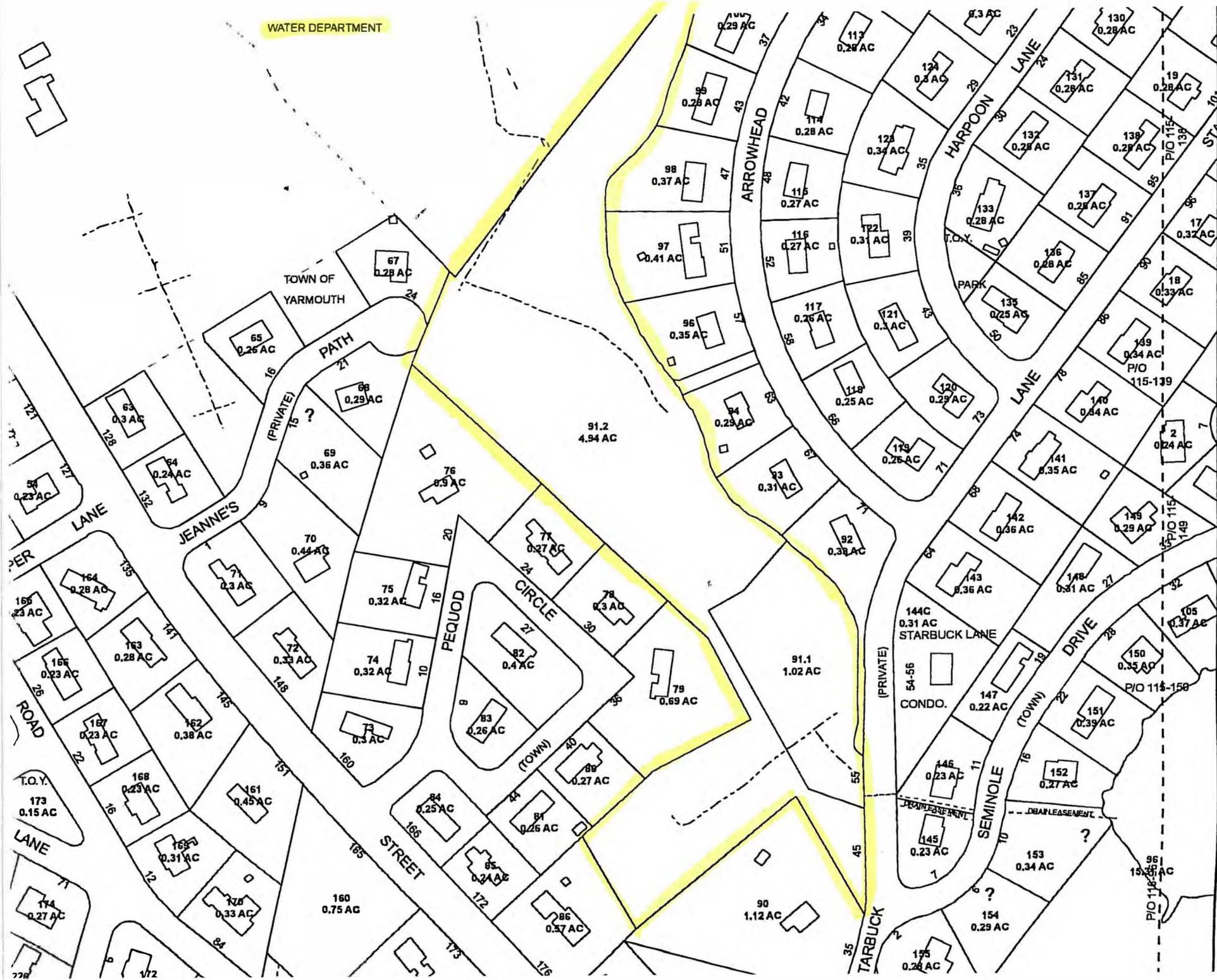
As stated in the Conservation Restriction and as voted at Town Meeting, the purpose of this Conservation Restriction is to "...assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values". The Conservation Restriction was approved by the Yarmouth Conservation Commission at their June 4, 2020 meeting.

I respectfully request that the Board of Selectmen vote to approve and grant the Conservation Restriction to the Yarmouth Conservation Trust and further that the Board of Selectmen authorize the Chair, Michael Stone, to execute the agreement. For your convenience and record, a motion has been prepared by Counsel and is attached for your consideration.

Subsequent to the Board's vote, I will work with Mr. Robinson to collect the signatures from the Yarmouth Conservation Trust and submit a complete package to the State.

Cc: Mark Robinson, Compact of Cape Cod Conservation Trusts

WATER DEPARTMENT



45 & 55 Starbuck Lane – 5.96 acres, Vacant Land



GRANTOR: Town of Yarmouth,
acting by and through its Board of
Selectmen and Conservation
Commission

GRANTEE: Yarmouth Conservation Trust

ADDRESS OF

PREMISES: 45 and 55 Starbuck Lane, Yarmouth Port, MA

FOR

GRANTOR'S

TITLE SEE: Barnstable County Registry of Deeds
at Book 32691, Page 22

CONSERVATION RESTRICTION

The **TOWN OF YARMOUTH**, a Massachusetts municipal corporation, with an address of 1146 Route 28, (South) Yarmouth, Massachusetts, 02664, acting by and through its Conservation Commission and Board of Selectmen and pursuant to authority granted by the vote taken under Article 35 of the May 4, 2019 Annual Town Meeting, an attested copy of which is attached hereto as Exhibit C, by authority of Section 8C of Chapter 40 of the Massachusetts General Laws, constituting all of the owners, for its successors and assigns (“Grantor”), and acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant with QUITCLAIM COVENANTS to Sharon K. Donegan, Elizabeth G. Manning, Donald F. Henderson, Richard F. Martin, and Christine Marzigliano as trustees of the YARMOUTH CONSERVATION TRUST, under a Declaration of Trust dated March 3, 1986 and recorded with the Barnstable County Registry of Deeds in Book 5301, Page 44, as amended, and with the Barnstable County Land Registry District as Document No. 633,110 on Land Court Certificate No. 136277, as amended, with a mailing address of P.O. Box 376, Yarmouth Port, Massachusetts 02675, its permitted successors and assigns (“Grantee”), for a nominal consideration, **IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES**, the following Conservation Restriction on land located in the Town of Yarmouth containing the entirety of a 4.94 acre parcel of land and the entirety of a 1.02 acre parcel of land (“Premises”), which Premises

is more particularly described in Exhibit A and shown in the attached sketch plan in Exhibit B, both of which are incorporated herein and attached hereto.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values (“conservation values”).

Community Preservation Act. The Premises was acquired using funds from the Community Preservation Act, G.L. 44B § 1 et seq. (hereinafter "open space") as applied pursuant to Chapter 149, §298 of the Acts of 2004, as amended by Chapter 352, §129-133 of the Acts of 2004 (the so called “Barnstable County Community Preservation Act” or “CPA”), and a copy of the Town Meeting Vote authorizing the use of such funds for such purpose is attached hereto as Exhibit C.

Conservation Land Tax Credit: “CLTC” Program. The Premises was acquired utilizing, in part, the Conservation Land Tax Credit Program authorized under the Chapter 509 Acts of 2008 Sections 1-4 as amended by Chapter 409 Acts of 2010 Sections 4-13 of the Massachusetts General Court.

The conservation values include the following:

- **Open Space Protection.** The Premises contributes to the protection of the scenic and natural character of the Town of Yarmouth and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts undeveloped Town of Yarmouth watershed land.
- **Public Access.** Public access to the Premises will be allowed for passive outdoor recreation.
- **BioMap2.** The Premises consists of 1.19 acres of Critical Natural Landscape, as defined by the Massachusetts Natural Heritage and Endangered Species Program. BioMap2, published in 2010, was designed to guide strategic biodiversity conservation in Massachusetts over the next decade by focusing land protection and stewardship on the areas that are most critical for ensuring the long-term persistence of rare and other native species and their habitats, exemplary natural communities, and a diversity of ecosystems. *BioMap2* is also designed to include the habitats and species of conservation concern identified in the State Wildlife Action Plan. Critical Natural Landscape identifies intact landscapes in Massachusetts that are better able to support ecological processes and disturbance regimes, and a wide array of species and habitats over long time frames. The Critical Natural Landscape identified is Upland Habitat to Support Coastal Adaptation. This includes land adjacent to and up to one and a half meters above existing salt marshes with high potential to support inland migration of salt marsh and other coastal habitats over the coming century.

- **Water Quality Protection and Water Supply Protection.** The Premises abuts an undeveloped Town of Yarmouth public water supply wellfield and is within a Zone II area of contribution to groundwater recharge. A Zone II area is a wellhead protection area that has been determined by hydro-geologic modeling and approved by the Department of Environmental Protection's (DEP) Drinking Water Program (DWP). Wellhead protection areas are important for protecting the recharge area around public water supply (PWS) groundwater sources. Protection of the wetland and upland forest can help maintain water quality for public drinking water.
- **Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy.** The Town of Yarmouth Open Space and Recreation Plan 2015 update includes goals of protecting unique natural resources within the community and acquiring suitable additional properties to expand the amount of open space and conservation land and protect the town's drinking water supply.

These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, and (ii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, road, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;

- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
- (8) The use of the Premises for any business, commercial, residential or industrial use or any municipal use other than conservation;
- (9) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Conservation Restriction.

- (1) **Vegetation Management.** The selective minimal removing of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises;
- (2) **Non-native or nuisance species.** The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
- (3) **Wildlife Habitat Improvement.** With the prior written approval of Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;
- (4) **Archaeological Investigations.** The right to conduct archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but

only (a) after written notification to and approval by Grantee, and (b) in accordance with an archaeological field investigation plan prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historic Commission (“MHC”) State Archaeologist as required by Massachusetts General Laws. A copy of the results of any scientific investigation on the Premises is to be provided to the Grantee. Plans for restoration of the site of any archaeological activity shall be submitted to the Grantee in advance of restoration, and such restoration shall be conducted only in accordance with a plan approved by the Grantee.

Activities detrimental to archeological and historic resources, including but not limited to earth moving and the alteration of historic stone walls/cellar holes/features, shall not be deemed to be detrimental to archeological and historic resources if a description of the proposed activity and its location is submitted in writing (e.g., on a Project Notification Form) with a plan of land (or assessors map) and a USGS map with the Premises outlined thereon, to MHC and MHC issues a letter stating that the proposed activity is not within a resource area or is determined to not have an adverse effect on said resources. Grantor and Grantee shall make every reasonable effort to prohibit any person from conducting archaeological field investigation on the Premises, including metal detecting, digging, or artifact collecting, without approval of the MHC State Archaeologist (or appropriate successor official), and shall promptly report any such prohibited activity to the MHC State Archaeologist (or appropriate successor official). Grantor and Grantee shall include the prohibition against digging, artifact collecting, or metal detecting in any list of rules for visitors to the Premises;

- (5) Trails. With the prior written approval of the Grantee, the construction and maintenance of new trails, and the relocation of trails, provided that any construction and subsequent maintenance and relocation results in trails that are no wider than four (4) feet;
- (6) Signs. The erection, maintenance and replacement of signs with respect to trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, the Reserved Rights, and the protected conservation values;
- (7) Outdoor Passive Recreational Activities. Owing to significant wetland areas throughout the Premises, outdoor recreational activities are limited to walking only. Hunting is not allowed owing to state safety setbacks from roads and houses.
- (8) Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph II(B) shall seek to minimize disturbance to the conservation values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph II(B) any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and

vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report.

- (9) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph II(B) shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.
- (10) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph II(B) shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.

Subject to any applicable law or regulation, failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not impair the conservation values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and

Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

The Grantor grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime

use and only as described in Section II(B)(7) provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the purposes and conservation values of this Conservation Restriction. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Section II(B)(7). The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Conservation Restriction. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for purposes described in the Massachusetts General Laws Chapter 21, Section 17C and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section. The Grantee may require the Grantor to post the Premises against any use that may result in rutting or erosion or other damage to the natural resources of the Premises.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V(B), subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee. The Grantor and the Grantee agree that donation of this Conservation Restriction does not entitle the Grantee to any proceeds upon an extinguishment of the Conservation Restriction. Any proceeds will be distributed to the Grantor only after complying with the terms of any gift, grant, or other funding requirements, including CPA funding, as herein noted.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V(B), after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this conservation restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Art. 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Barnstable Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Barnstable Registry of Deeds.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Town of Yarmouth
Board of Selectmen
1146 Route 28
(South) Yarmouth, MA 02664

Town of Yarmouth
Conservation Commission
1146 Route 28
(South) Yarmouth, MA 02664

To Grantee: Yarmouth Conservation Trust
P.O. Box 376
Yarmouth Port, MA 02675

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. **Controlling Law.** The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. **Severability.** If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. No Surety Interest.

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor (Town of Yarmouth Board of Selectmen and Conservation Commission)

Grantee Acceptance (Trustees of Yarmouth Conservation Trust)

Approval of the Secretary of Energy and Environmental Affairs

Exhibits:

Exhibit A: Legal Description of Premises

Exhibit B: Sketch Plan of Premises

Exhibit C: Town Meeting Vote

The undersigned, Chair of the Board of Selectmen of the Town of Yarmouth, Massachusetts, hereby certifies that at a public meeting duly held on _____ 2020, the Board of Selectmen voted to approve and grant the foregoing Conservation Restriction to the Yarmouth Conservation Trust pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Michael Stone, Chair
Town of Yarmouth Board of Selectmen
duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Michael Stone, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires

The undersigned, Chair of the Conservation Commission of the Town of Yarmouth, Massachusetts, hereby certifies that at a public meeting duly held on _____ 2020, the Conservation Commission voted to approve and grant the foregoing Conservation Restriction to the Yarmouth Conservation Trust pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Massachusetts General Laws.

Edwin Hoopes, Chair
Town of Yarmouth Conservation Commission
duly authorized

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Edwin Hoopes, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

This Conservation Restriction from the Town of Yarmouth acting by and through its Board of Selectmen and Conservation Commission was accepted by the Yarmouth Conservation Trust this _____ day of _____, 2020.

Sharon K. Donegan, President and Trustee

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Sharon K. Donegan, Trustee, and proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, on behalf of said Trust.

Mark H. Robinson, Notary Public
My Commission Expires: 24 July 2020

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the Town of Yarmouth, acting by and through its Board of Selectmen and Conservation Commission, to the Yarmouth Conservation Trust has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2020

KATHLEEN A. THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Description of the Premises

The Premises subject to this Conservation Restriction is the entirety of two (2) parcels of land located in the Town of Yarmouth, Barnstable County, Commonwealth of Massachusetts, containing a total of 5.96 acres, shown as Lot 1 and Lot 2 on a plan of land entitled *Plan of Land on Starbuck Road, Yarmouth, Massachusetts prepared for Susan Jason, dated August 25, 2005, Scale: 1" = 50'*, prepared by *Prime Engineering, 350 Bedford Street, Lakeville, MA*, said plan recorded at the Barnstable Registry of Deeds Book 607 Page 9, a reduced copy of which is attached hereto as Exhibit B.

Street Address:

45 and 55 Starbuck Lane, Yarmouth Port, MA 02675

EXHIBIT B

Reduced Copy of Plan of Premises

For official full size plan see Barnstable Registry of Deeds Plan Book 607 Page 9

EXHIBIT C

Town Meeting Vote

Motion: I hereby move that the Board of Selectmen approve and grant a Conservation Restriction for nominal consideration to the Yarmouth Conservation Trust for the property located at 45 & 55 Starbuck Lane in the form attached hereto, in compliance with the terms of the Community Preservation Act, and as authorized by Article 35 of the May 4, 2019 Annual Town Meeting, and further authorize the Chairman, Michael Stone, to execute and enter into any and all documents necessary to effectuate said grant.

Second: _____

Vote: _____

Date: _____

Secretary Signature: _____

True and Accurate Copy: _____
Town Clerk

TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1276, Fax (508) 398-2365

Community
Development
Department

MEMORANDUM

To: Board of Selectmen

From: Karen Greene, Director of Community Development
Kathy Williams, Town Planner

cc: Drive-In Site Utilization Committee
Community & Economic Development Committee

Date: June 12, 2020

Subject: Use of the Former Drive-In Site – 2020 Season – Drive-In Movies

The Town has received two competing proposals from organizations interested in utilizing the former drive-in site at 669 Route 28 for the entire season for Drive-In Movies. This is an innovative and nostalgic use of the site during the era of social distancing and the Governor's phased reopening plan. Drive-in Movie Theaters are allowed to open now with Sector Specific Workplace Standards having been developed (see attached). This has resulted in interest in the property and the desire to use it for the entire season, rather than periodically for single events.

Please find attached two proposals, one from Vivid Event Productions received on May 29th and one from Innovative Arts & Entertainment (IAE) received on June 8th. The proposals are briefly summarized in the attached Application Comparison Table. Town Staff reviewed and commented on the Vivid Event Productions proposal on June 10th (see attached comments) and have scheduled a similar meeting with IAE for June 16th.

Both firms seem to have significant experience in large scale concert and event planning that they can tap into now that their typical productions such as concerts are not available to them. They have both demonstrated an understanding of COVID-19 protocols and social distancing requirements to minimize contact with customers through the use of on-line ticket sales and concession pre-ordering.

Under normal circumstances, extended use of the property for the season would have been solicited through a Request for Proposal process outlining requirements for use of the site along with specific evaluation criteria. Because the summer season is here and we have a unique opportunity to move forward with a novel idea to use the site, we are looking for input from the Board of Selectmen regarding which application the Board would like to pursue.

Some questions or issues for the Board to consider include:

1. **Hours of Operation:** Would the Board require the hours of operation to end at 11 PM to match the times outlined in the attached Noise Bylaw? Would a 1:00 AM end-time be allowed for Fridays and Saturdays? Hours of operation may impact Vivid Event Productions proposal as they are seeking to have two shows from dusk to 1 AM Thursday through Sunday.
2. **Days of the Week & Length of Operation:** Do you want to license the property exclusively to one person, or allow for opportunities for other events to be held on the property? Is there more interest in a vendor using the site into the fall shoulder season?
3. **Alcohol Sales:** Would the Board prohibit alcohol sales on the property? IAE has expressed interest, but their proposal is not contingent upon alcohol sales. The sale of alcohol on the site does not appear feasible under current COVID-19 restrictions and for such an extended timeframe.
4. **License Agreement:** Due to the length of time requested for the use of the property, a License Agreement with specified conditions is recommended. Staff can work with Town Counsel to develop the License Agreement with conditions ahead of the Entertainment License Hearing to facilitate execution of the document as quickly as possible. These conditions would take into consideration comments from the Board, Town Staff, Town Counsel and the Interim Use Policy for the Yarmouth Drive-In Site. Although no fee has been set for the use of the former Drive-In Site at this time, the Board may wish to consider a Licensing Fee for such an extended use of the site.
5. **Selection:** The applications are somewhat similar from companies familiar with event planning who have expressed a willingness to work with the Town. If both applicants remain interested, how would the Board select an applicant? In the past, it has been first come first serve for capable applicants.

NEXT STEPS: As time is of the essence, we have developed the following Next Steps for consideration by the Board:

1. Select an Applicant proposal.
2. Schedule and Advertise the Entertainment License Hearing. An expedited Hearing would require a specially scheduled Board of Selectmen meeting. If a selection is made on June 16th, and the Entertainment License is advertised in the Cape Cod Times, it may be possible to have a June 30th Hearing. With advertising in the Register, the earliest Hearing date would be July 7th.
3. Applicant to provide Abutter Notifications 10 calendar days prior to Hearing.
4. Staff and Town Counsel develop Draft License Agreement.
5. Conduct the BOS Public Hearing for the Entertainment License and review/finalize Draft License Agreement.
6. Execute License Agreement and start enjoying drive-in movies.

Both applicants will be available at the June 16th BOS meeting to provide additional information about their proposals or answer questions from the Board.

ATTACHMENTS:

- Application Comparison Table
- Vivid Event Productions Application & Staff Comments
- Innovative Arts & Entertainment Application
- Drive-In Movie Theaters Sector Specific Workplace Standards
- Town of Yarmouth Noise Bylaw

2020 DRIVE-IN SITE PROPOSALS (June 2020)

Application Comparison Table

	Vivid Event Productions – Kevin Pacheco Received 5/29/20	Innovative Arts & Entertainment (IAE) – Adam Epstein Received 6/8/20
Description	Drive-In Movies, audio by FM Radio or smart phone app. 2 movies per screen on 2 screens (4 showings total per night)	Summer Long Drive-In Entertainment experience including movies, live music, comedians and other community events, audio by FM Radio. Drive-In movies initially with possible expansion of entertainment if allowed in Phase 3 Re-opening.
Screens/Stage	Two 50'x40' screens built from shipping containers coated with plywood with projectors housed in shipping containers	Two 40'x22.5' video projection surfaces elevated using shipping containers, to be located on either side of a 40'x40' performance stage with roof.
Ticket Sales	On-Line Mostly, limited on-site sales	On-Line Only
Dates	June – October: Thursday through Sunday (includes shoulder season)	July 1 – Sept 6, dates vary by week/programming
Time	Gates open at 5 pm; Movies from Dusk to 1 AM	6 PM – 10 PM nightly
Expected Attendance	500 vehicles 200-1500 persons	350-695 vehicles (varies by reopening phase) 1200 persons
Alcohol	No	Yes – preferred but not required for their proposal (No Special Alcohol License application included in the submission)
Fee Charged	\$30 per car	Varies
Signs/Banners	Yes	Yes
Traffic Control Plan	Yes	Yes
Tents	Yes	Yes – 40'x40' Kitchen Tent
Sanitary Facilities	Yes	Yes
Food Served or Sold	Yes – 3 rd party vendors, local to Cape Cod, and applicant concessions for general movie theater food/beverages	Yes – contactless concessions – general movie theater food/beverages
Use of Town Form	Yes	Yes
Site Plan	Yes	Yes - Did not use scaled plan provided, but revised plan to work outside off-limit areas (MIG staging area, retain access to upweller and buffer to Parkers River).
Special Entertainment License	Yes	Yes
Fire Dept. Mass Gathering	No	Yes
Trash Disposal Plan	Yes	Yes
Security/generators/site lighting	Yes	Not specifically discussed in proposal or shown on Site Plan.
Experience Level	Experienced Event Organizer	Experienced Event Organizer
COVID 19 Protocols	Measures are incorporated into the proposal	Measures are incorporated into the proposal



TOWN OF YARMOUTH LICENSE OFFICE

1146 Route 28, South Yarmouth, MA 02664
508-398-2231 ext. 1268 Fax (508) 760-4842

APPLICATION FOR SPECIAL ENTERTAINMENT LICENSE

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Chapter 140 Sec. 183A amended, Chapter 351, Sec. 85 of Acts of 1981. Also Chapter 140 Sec. 181 & Chapter 136 Sec. 4.

DATE OF APPLICATION: 05/27/20

NAME OF APPLICANT: Kevin Pacheco

ADDRESS: 33 Turtle Cove rd, East Sandwich, MA 02537

PHONE: 888-420-6411 - Office or 508-985-8369 Mobile

EMAIL ADDRESS: kevin@vivid-ep.com

NAME OF EVENT: Yarmouth Drive-In DATE OF EVENT: June 13, 2020 - October 31, 2020

ADDRESS WHERE EVENT WILL TAKE PLACE: Old Drive-In site 669 Route 28, West Yarmouth, MA 02673

PERSON IN CHARGE OF EVENT: Kevin Pacheco

TYPE: Check which applies: Concert Dance Exhibition Cabaret

Public Show Live band with pieces, including singers.

INCLUDES: Dancing by patrons Dancing by entertainers or performers Recorded music

Live music Amplification system Theatrical exhibition Stage play

Moving picture shows Floorshow Jukebox TV

DATE(S) OF ENTERTAINMENT: June 13, 2020 - October 31, 2020

HOURS OF ENTERTAINMENT: 4:00 pm - 1:00 am

LICENSE FEE: \$55.00 Please make check payable to: **TOWN OF YARMOUTH**

FILING FEE: \$65.00 Payable with application.

Legal ads will be billed directly to the applicant. Abutter notices must be sent out at least 10 days prior to the hearing via certified mail. Bring abutter return cards to the hearing or to the licensing office at Town Hall prior to the hearing. Fees for legal ads must be paid before license is issued.

APPLICATION FOR ENTERTAINMENT (CONT.)

Provide a detailed description of proposed entertainment including dress or attire, description of the show, where entertainers will perform and other information to assist the Licensing Authority in making a decision. Also, please attach a floor plan showing the entertainers and dance floor area.

We will operate a standard Drive In theatre, using FM radio transmitters to the public's vehicles.
We will have two - 50' x 30' projection screens Gates will open at 4pm first movie at dusk.
Second movie will follow after a brief intermission.

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof?
(Chapter 694)

Yes _____ No X

This license issued by this application is valid for the calendar year 2020 thru 2022 provided the type of entertainment specified above does not change. In the event of a change in type of entertainment different than indicated above, a new application will be required and a new license issued.

By signing this form the applicant certifies that he/she has read Chapter 272, Section 29 thru 31 of the Massachusetts General Law.


SIGNATURE OF APPLICANT

5/27/20
DATE

Pedicini, Kyle

From: Kevin Pacheco <kevin@vivid-ep.com>
Sent: Friday, May 29, 2020 12:25 AM
To: Pedicini, Kyle
Cc: Greene, Karen; Knapik, Daniel; Palmer Egan
Subject: Re: Old Drive-In Request ?
Attachments: Vivid Special Entertainment application v1 Kevin Pacheco.pdf; VIVID- EVENTS DRIVE IN APP- YARMOUTH.pdf; Yarmouth Drive-In plan v1 - vivid events - kevin pacheco.pdf

Categories: Events

Hello Kyle,

Drive-in movies have been an American staple since Richard Hollingshead created the first “park-in theater” in New Jersey in 1933. In the 1950’s and 1960s, the drive-in took off, filling available lots of land with families, first dates, smiles, laughter, ice cream, and, of course, buttered popcorn! It is our plan to bring this piece of Americana back to West Yarmouth with some modern technology using the site of the old West Yarmouth Drive-in of 1958. Statistically, drive-ins are making a comeback. We are hoping to seize the opportunity to bring a new but nostalgic family experience to the town of Yarmouth and, more broadly, Cape Cod.

Attached you will find a preliminary site plan and a town use application highlighting the date range we intend to make the theater available to the public.

Our team has surveyed the potential site and considered different designs and scenarios to ensure we use the property with maximum efficiency. We do however welcome any ideas you or the town may have towards helping us achieve the project's goals and successes.

We would like to secure the property of 669 Route 28, West Yarmouth, for the summer and fall of the 2020 season. We are aware that this is a town owned, community space, and that flexibility for other occasions to take place may be needed. If necessary, we will modify the site to accommodate any additional events. While we would of course hope any other events would not interfere with the planned operational times of the drive-in, we can adjust if necessary. Most of the equipment and infrastructure we are proposing could be moved around on the property to accommodate others. However, we would ask that the two screens we are proposing be allowed to stay in place until we cease operation in the fall. These would be located on the perimeter of the property and would not obstruct use of the general space.

Please see the below outline of our plan:

Marketing:

- To be conducted via social media, print ads, website (Facebook, Google, etc)

Ticketing:

- We will use online reseller (Eventbrite/Ticketmaster) for advance ticket sales; this will reduce in person contact to be sensitive to COVID guidelines and will allow us to anticipate number of moviegoers in advance
- Box office staff will be able to scan guests' assigned QR code through their closed car window prior to entry; this will also limit person to person contact

Traffic:

- Traffic rules will be outlined on our website and anywhere the drive-in is advertised
- We plan to utilize the long driveway to reduce traffic congestion/entry lines on Route 28
- Advanced ticket purchase and quick scanning proposed above will also ensure quick and efficient entry, reducing traffic
- Pre-show arrival: two parallel entrance lanes will allow both westbound and eastbound entry; one exit lane available during pre-show
- Post-show exit: two parallel exit lanes allowing both westbound and eastbound exit; one entry lane available during post-show
- Traffic detail as needed per police department recommendation
- Our designated lanes will also preserve a 15' fire lane for emergency use.
- Each driving lane will be clearly marked

Box Office:

- Staff members to grant access to vehicles on arrival as mentioned
- Supervisor to handle any ticketing or parking issues that arise

Parking:

- After scanning their QR code, staff will direct guests to pull forward
- Staff will direct guests to an appropriate parking spot for the movie of their choice and help ensure the spot is to their liking
- Staff will direct vehicles over 5 ft to park to the rear so as to not block the view of others.
- vehicles have 8ft between them on each driver and passenger side.

Restrooms:

- 2 ADA compliant (handicapped accessible) portable restrooms
- 8 - 12 portable restrooms; subject to change based on ticket sales
- Staff available to monitor restroom and assist with any issues
- Portable hand wash/sanitizer stations in proximity to restrooms
- Barricades spaced to ensure public safety/distance between vehicles and restroom

Concessions:

- We anticipate using local food trucks/catering companies to fulfill concession demands
- Portable hand wash/sanitizer stations in proximity to concessions
- Barricades spaced to ensure public safety/distance between vehicles and concessions

- We envision a call-ahead, take-away format; guests will eat in vehicle only

Trash Disposal/Recycling:

- MA Phase One standards dictate guests will carry out their trash and dispose of it at home; we will post signage to this effect
- Dumpster location TBD when onsite trash disposal is permitted by MA Phase guidelines
- Disposable 40 gallon containers clearly marked as trash or recycling when onsite disposal is permitted
- Trash and recycling removal provided as needed and per MA Phase guidelines

Screens and Projectors:

- Custom built screens, properly ballasted to ensure safety
- Materials include shipping containers and a custom framework of coated plywood.
- Projectors will be housed inside shipping containers
- Necessary moveable cables will be laid in anti-trip cable ramps to ensure safety

Audio:

- Guests can tune car radio for FM-transmitted sound
- Custom smart phone app will also allow for Bluetooth transmission to car radio

Security:

- On-site security staff and site monitoring
- We can gate the area when not in use
- We will supply safety procedures for staff in the event of extreme/severe weather; we will also have capability to disrupt the showing for a brief emergency announcement should the need arise
- We will provide perimeter lighting
- Following the movie, we will direct guests to exit safely

Power:

- Two 45-kw diesel entertainment generators will power the venue; these are extremely quiet, -63 db maximum (for reference, normal conversation is between -60 and -70 db)
- These will be positioned for maximum efficiency and other infrastructure will block unwanted noise dispersal

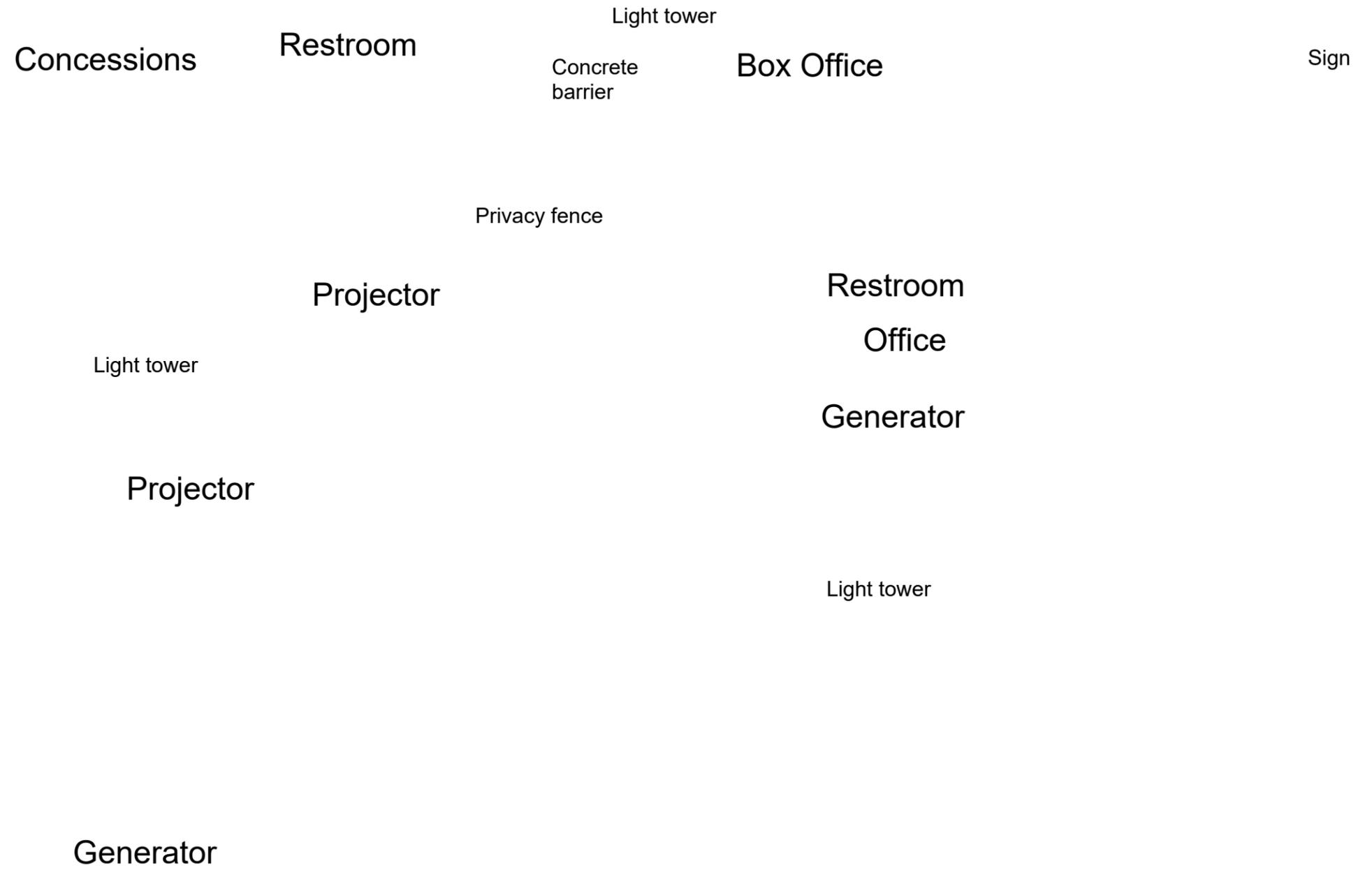
Time frame:

- One week for site construction/erection
- We will run a mock viewing in advance of opening to ensure smooth procedures

We believe this could be a great opportunity to bring fun and enjoyment as well as revenue to the town of Yarmouth and broader Cape during a stressful time. We are open to your questions and feedback and look forward to hearing your thoughts.

Thank you very much for your time and consideration
-Kevin

Yarmouth Drive-In
Vivid Event Productions
June 2020 - October 2020



Drive-In Proposal 2020 - Yarmouth, MA

Click below to visit our website



The content of this presentation is proprietary and confidential information of Vivid Event Productions LLC. It is not intended to be distributed to any third party without written consent of Vivid Event Productions LLC.

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Event Name: Yarmouth Drive-In
Event Sponsor: Vivid Event Productions
Proposed Dates: June 2020 - October 2020



Former Drive-In Property
669 Route 28, West Yarmouth, MA
EVENT SITE PLAN
1"=100' (at 11x17)
0' 100'

Drive-in movies have been an American staple since Richard Hollingshead created the first “park-in theater” in New Jersey in 1933. In the 1950’s and 1960s, the drive-in took off, filling available lots of land with families, first dates, smiles, laughter, ice cream, and, of course, buttered popcorn!

It is our plan to bring this piece of Americana back to West Yarmouth with some modern technology using the site of the old West Yarmouth drive-in of 1958. Statistically, drive-ins are making a comeback. We are hoping to seize the opportunity to bring a new but nostalgic family experience to the town of Yarmouth and, more broadly, Cape Cod.

The West Yarmouth Drive-In operated from 1958 to 1988...it's time to bring it back!



Back to the Future is a trademark and copyright of Universal Studios and U-Drive Joint Venture. Licensed by Universal Studios.

We would like to secure the property of 669 Route 28, West Yarmouth, for the summer and fall of the 2020 season.

We are aware that this is a town-owned, community space and we are passionate about working with the town to accommodate other events that may benefit Yarmouth.

If necessary, we will modify the site to accommodate any additional events. While we would of course hope any other events would not interfere with the planned operational times of the drive-in, we can adjust if necessary.

Most of the equipment and infrastructure we are proposing could be moved around the property to accommodate others. However, we would ask that the two screens we are proposing be allowed to stay in place until we cease operation in the fall. These would be located on the perimeter of the property and would not obstruct use of the general space.

Who We Are



Kevin Pacheco

General Manager

Over 20 years of experience creating and managing events throughout New England



Kyle McHugh

Production Manager

A specialist in articulating your message using creative industry and dynamic video elements



Palmer Egan

Operations

Business management and strategist, assistant to production



Devon Crowl

Box Office Manager

Coordinator of guest experience from ticket purchase to venue entrance

Vivid has the equipment, team, & experience located locally!

Why us?

- We are actively seeking to work in our own community
- Our team has the ability to manage three multi-stage music festivals per weekend
- We offer turnkey management, equipment , and site operations
- The Yarmouth Drive-in location has nostalgia

Our staff has worked with or managed:

Best Buddies Craigville Beach, The South Shore Music Circus, The Melody Tent, The Wilbur, Madison Square Garden, Central Park Summer Concert series, Meadowbrook Pavilion, Indian Ranch, Xfinity Center, Lynn Auditorium, Chevalier Theatre, Palace Theatre, Bangor Waterfront, Miami Music Week, Dick Clarks NYE Concert, Clio Awards, Gronk beach party, Woodstock CT Fair, and many local festivals.



**Previous
Clients**



Box Office and Ticketing

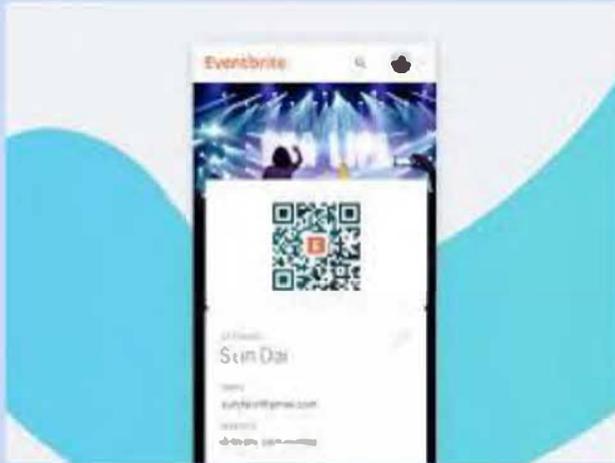
- Purchasing tickets is encouraged beforehand via Eventbrite or other third party ticket resale agent
- Staff members will grant entry to vehicles on arrival by scanning tickets
- Supervisor will handle any box office ticketing or traffic flow issues as necessary

Covid-19

- Using online reseller Eventbrite will reduce in-person contact in accordance with Covid-19 guidelines and will allow us to anticipate number of moviegoers in advance
- Box office staff will be able to scan guests' assigned QR code through their closed car window prior to entry; this will also limit person-to-person contact

Easily Scan Tickets Through Windows for Touchless Check-in

eTickets can be scanned with the corresponding app right through car windows. Customers can simply show their mobile eTicket and staff can scan and validate it.



Avoid Traffic Jams with Single QR Code

Generally, if a car with 5 moviegoers pulls in and staff scanned all 5 eTickets - this would create a significant traffic jam. SimpleTix now offers a new feature: Single QR Code. Scan just 1 QR code for the whole car.



Traffic

- Traffic rules will be outlined on our website and other advertisement pages
- Police detail to ensure public safety when exiting and entering
- Emergency access lane will be available
- The long driveway will be utilized to reduce traffic congestion / entry lanes on Route 28
- Pre-show arrival: two parallel entrance lanes will allow both westbound and eastbound entry; one exit lane available during pre-show
- Advanced ticket purchase and quick scanning proposed in previous slide will also ensure quick and efficient entry, reducing traffic
- Post-show exit: two parallel exit lanes allowing both westbound and eastbound exit; one entry lane available during post-show, signs for left turn only and right turn only for merging before vehicles reach the exit to route 28

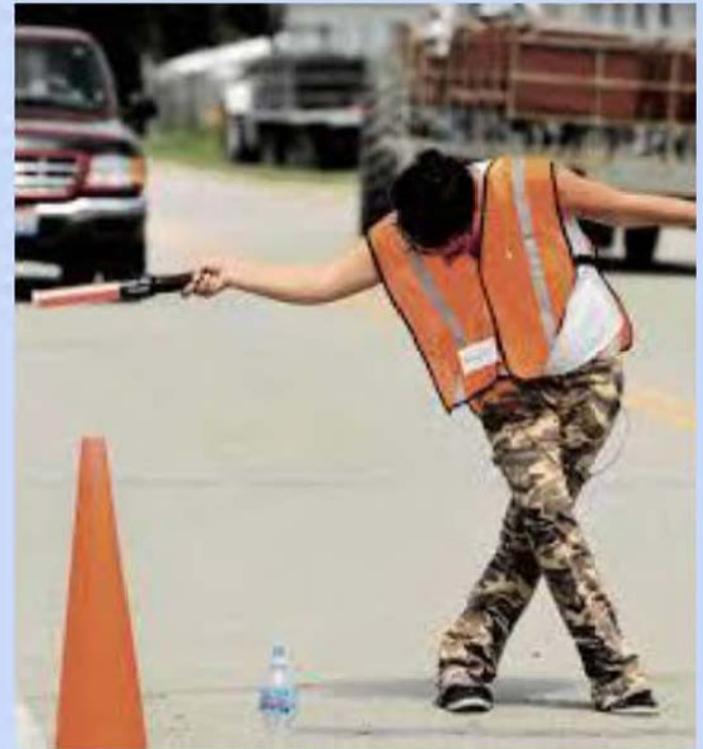


VIVID
EVENT PRODUCTIONS
www.vivid-ep.com

Parking

- After scanning tickets, staff will direct guests to pull into the lot under guidance
- Staff will direct guests to an appropriate parking spot for the movie of their choice and help ensure the spot is to their liking
- Staff will direct vehicles over 5 ft in height to park to the rear as to not block the view of others
- Car spacing is to be adequate distance to ensure ease of exit
- All traffic lanes are marked one-way

Parking Management



Construction of Screen



You'll see it all.
in addition to our GRAND
**HOLIDAY MOVIE
ENTERTAINMENT**
at NO INCREASE in admission



Movie Screens

- Base materials include stacked shipping containers
- Screens will be fire retardant cellular PVC sheets bolted to shipping containers
- The containers will be properly ballasted / secured to ensure safety
- Projectors will be housed inside shipping containers
- Necessary moveable cables will be laid in anti-trip cable ramps to ensure safety

Restrooms

- ADA compliant (handicapped accessible) portable restrooms
- Restrooms to have interior and exterior lighting.
- Water department could possibly supply running water from a on site meter
- Portable restrooms; quantity subject to change based on ticket sales
- Staff available to monitor restroom and assist with any issues
- Portable hand wash / sanitizer stations in proximity to restrooms
- Barricades spaced to ensure public safety/distance between vehicles and restroom



Two Men stalls & Three Womens stalls



ADA

Sanitation

- After serving a customer, employees will be required to disinfect shared equipment with cleaning supplies we provide
- Disinfection and cleaning logs will be kept showing the business is following protocols.
- Hand sanitizer stations
- Hand washing stations

Trash Disposal / Recycling:

- Daily trash/debris clean-up
- MA Phase one standards dictate guests will “carry in / carry out” their trash and dispose of it at home; we will post signage to this effect
- Dumpster location TBD
- Disposable 40 gallon containers clearly marked as trash or recycling when onsite disposal is permitted
- Trash and recycling removal provided as needed and per MA Phase guidelines

Power :

- Two - 45kva / 36kw Three phase - Whisperwatt Genset
- -63 db max { normal conversation }
- These will be positioned for maximum efficiency and other infrastructure will block unwanted noise dispersal
- Fenced in using temporary fence
- Spill kit
- Fire extinguishers near any electrical equipment
- Refueling at least 100' away from wetlands



Security:

- Gate & roaming private security, utilizing dedicated two way radio communication
- Yarmouth Police detail for traffic flow as well as general policing of the location
- Staff to follow the Event Safety Alliance “E.S.A.” Protocols in the event of extreme weather
- Perimeter lighting to be deployed
- Concrete barriers for pedestrians/vehicle separation near concessions
- Following the movie, staff will direct guests to exit safely
- Active microphone available to speak directly to all attendees in the event of a emergency via FM radio transmitters and movie screen broadcast to help locate any missing persons.
- Contraband will not be tolerated, rules to be posted and agreed upon purchase of ticket

Site Management/Conservation

- Temporary fencing to be deployed along waterside/wetland to prevent debris overflow and create an additional safety barrier
- Daily site clean up of any trash and debris
- Generator refueling not to be completed within 100 feet of the wetland.
- Spill kits available for vehicles leaks or any refueling of generators
- Grass to be cut low for fire prevention
- Upweller access will be maintained and secured with temporary fencing
- Fire hydrant access will be maintained
- Defined lanes maintained for general traffic flow and emergency access



Merchandise/Concessions

- Six-foot spacing will be clearly marked between customers
- Counters and POS systems wiped down continuously
- Pre-packaged drinks only to minimize touching
- Pre-packaged / take-out packaging food to minimize touching
- Patrons will not be allowed to touch the merchandise/concessions until after purchase
- Electronic pre-orders / contactless payment when possible
- Vendors will be spaced six feet from each other



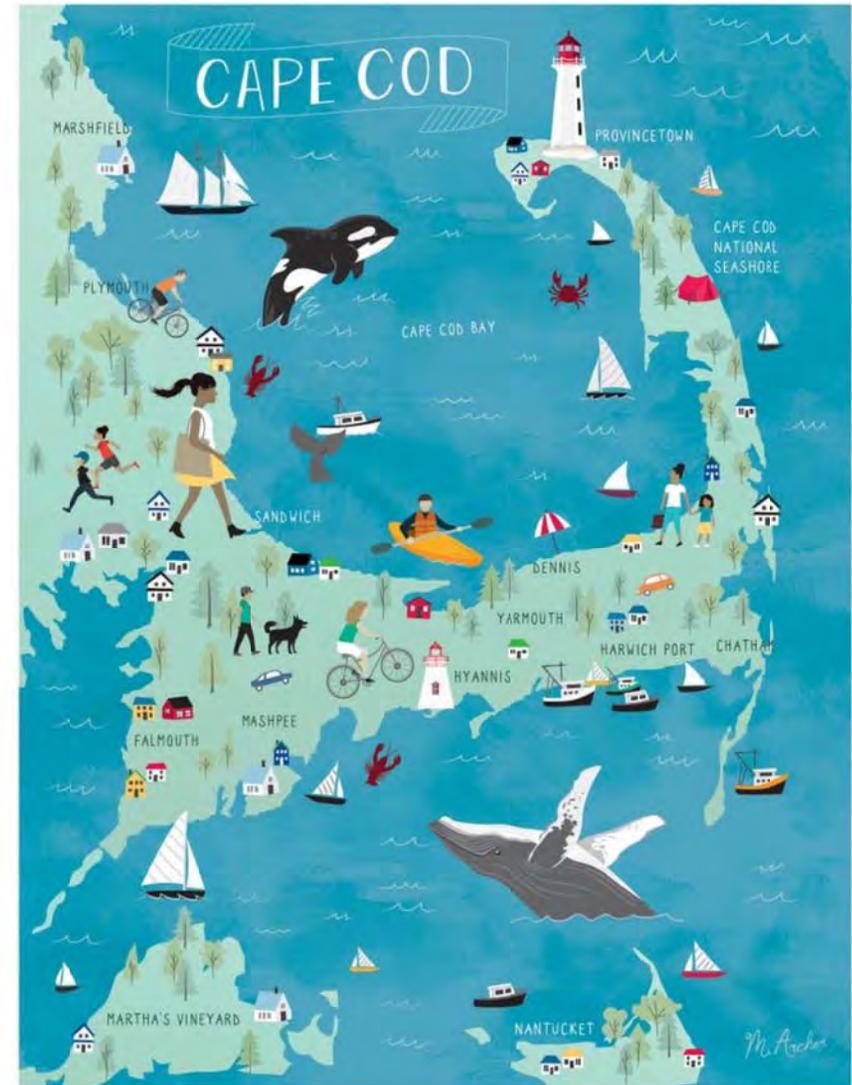
event safety alliance®

Staff Onboarding :

- Vivid will have a virtual training on new COVID protocols for all staff prior to the season via Zoom.
Training will apply current information about COVID-19 hazards and infection control measures including :
- Proper mask protocol
- Proper hand washing protocol
- Social distancing protocol, high-touch surfaces disinfecting protocol
- Staff will receive a COVID-19 self-evaluation form regarding the last 24-48 hours of any symptoms and current health status (pending legality of this request)
- Staff will be provided will provide the following PPE (Personal Protective Equipment)
 - Masks
 - Gloves
- PPE for use with security workers, concessions, and other staff
 - soap & water, hand sanitizer stations located around the venue

Community Development

- Cooperate with local restaurants and businesses for combined offers (dinner and movie)
- Coordinate with other event organizations and local chambers of commerce for use of the movie facility and the physical property
- Monetary contribution to the Town of Yarmouth to be determined
- Inject vitality into Yarmouth tourism during the current economic downturn and phase restrictions





ENERGIZE - Yarmouth and Route 28

EXPERIENCE - Excitement & Entertainment

BUILD - Community

SHARE - Popcorn, happiness, smiles, joy, learning, laughter, with family in friends in our own community.

CREATE - Opportunity to be together

LOCAL - PRIDE

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VIVID
EVENT PRODUCTIONS
www.vivid-ep.com 888-420-6411



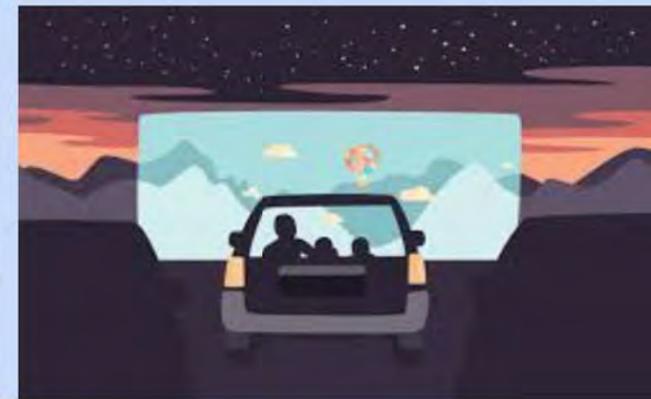
Thank you for your time and consideration

Comments, suggestions or sponsorship questions

Please contact us at:

info@vivid-ep.com

Kevin Pacheco & Palmer Egan



Town of Yarmouth Event Requirements/Responsibilities

Event/Location: Drive-In Site Summer/Fall Movie Theatre – 669 Route 28
Applicant: Vivid Event Productions
Event Dates: June – October 2020
Staff Review Date: June 10, 2020

Town Administrator

- Town-owned property application requires a meeting with the Board of Selectmen (concurrent with the Entertainment License).
 - Requires an insurance certificate naming the town as additionally insured.
 - **Contact:** Mary-Alice Florio 508-398-2231 x1271 MFlorio@yarmouth.ma.us
-

Licensing

- Special Entertainment license requires an advertised Public Hearing with the Board of Selectmen including abutter notification sent out 10 days prior to the hearing.
 - **Contact:** Linda Hill 508-398-2231 x1268 LHill@yarmouth.ma.us
-

Building

- Special Event sign will require a sign permit, but no Fee.
 - Must submit a Temporary Structure Permit for the proposed screens, further questions and supplemental information may be requested.
 - **Contact:** Mark Grylls 508-398-2231 x1260 MGrylls@yarmouth.ma.us
-

Conservation

- Temporary fencing is required along the waterfront for safety, trash and to prevent damage to the wetland resources.
 - Clean up of trash/debris required daily after each event.
 - Generators may not be refueled within 100 feet of a wetland. Coordinate with Carl Lawson (clawson@yarmouth.ma.us) in Health Department regarding re-fueling requirements.
 - Must have plan in place to remove equipment in event of a major storm.
 - Develop a plan for restoring the site at the end of the season as required.
 - **Contact:** Kelly Grant 508-398-2231 x1288 KGrant@yarmouth.ma.us
-

DPW

- Bathrooms must have interior lighting. Site lighting needs to avoid impacts to neighbors.
- The site is windy and screens need to be adequately secured.
- Snow fencing must be installed around the shellfish upweller.
- Event organizer needs to coordinate with MIG Construction who have an existing agreement with the Town to use a portion of the site for staging and material/equipment storage for the adjacent Parkers River Bridge project.
- Make sure adequate road spacing is maintained so that vehicles can exit in case of emergency.
- Ensure adequate and safe vehicular and pedestrian access around the site.
- Periodic review by the DPW may be required to inspect the condition of the site.

- Staff will follow up with the Water Department about use of water from the existing hydrant on site.
 - **Contact:** Amanda Ruggiero 508-398-2231 x1253 ARuggiero@yarmouth.ma.us
-

Fire

- Requires Event/Mass Gathering permit.
 - Ensuring access for emergency vehicles is required. Event organizer discussed use of Road delineators/saw horses for traffic management and for maintaining emergency access.
 - Must obtain permit for storage of propane for food trucks.
 - Fuel storage permit also potentially required.
 - Keep grass cut low for fire safety concerns.
 - Must maintain access to existing fire hydrant.
 - Maintain access to the upweller for the Division of Natural Resources.
 - At this time, do not see a need for on-site medical staff from the Fire Department.
 - Confirmed security team will be utilizing radios for communication.
 - **Contact:** Kevin Huck 508-398-2212 x3214 KHuck@yarmouth.ma.us
-

Police

- Police dept. will meet with event organizers to determine police detail requirements (fees will vary). Event organizer indicated they would be interested in an 8 hour daily police detail to assist with traffic exiting the property and general policing of the event. Details are a 4 hour minimum.
 - Install a sign noting the left lane is left turn out only and the right lane is right turn out only to clearly mark exit routes.
 - Discussed hours of operation and the potential conflict with the Noise Bylaw which starts at 11 PM, as it relates to generators and speakers in cars.
 - Police inquired about private security. Event organizer noted they would have one at the gate and one traveling around the site. As most tickets are pre-sold on-line, a lot of cash on site is not anticipated.
 - Police inquired about coolers and how they will prevent people from entering with contraband. Event organizer indicated that all the rules will be posted when the tickets are purchased on line. Those not willing to comply will be asked to leave.
 - Police noted the organizer should have a plan in place to address lost children.
 - **Contact:** Michael Bryant 508-775-0445 x2122 MBryant@yarmouth.ma.us
-

Health

- For any events serving food, a temporary food service is required and must be submitted two weeks prior to the event (\$15 fee). Application must include a worker's compensation certificate.
- Caterers and food trucks must be approved (menu and company) by the Health department prior to the event. (Phil Renaud in the Health Department has a list of food truck vendors from other events in Town.)
- Food managers must submit ServSafe and allergy certifications.
- Adequate portable toilets need to be provided as approved by the Health dept. based on number of attendees.
- **Contact:** Phil Renaud 508-398-2231 x1242 PRenaud@yarmouth.ma.us

Community Development

- Car spacing needs to be reviewed to ensure people can leave at any time. The existing 30' spacing does not provide enough room for vehicle circulation and may result in fewer cars being able to be parked on the site than originally projected.
- Take into consideration the existing gate location and the width of the three lanes shown in the traffic control plan.
- A security deposit will be required for the heavier and more regular use of the site. Periodic review of the site by the DPW will be needed to ensure no excessive damage is happening.
- Discussed possible fee contribution to the Town, specifically a percentage of ticket sales up to a maximum amount.
- Discussed the possibility of other events happening at the site and their willingness to work with the Town and others, such as the Chamber of Commerce, to make this happen. Event organizers have the ability to secure materials within the shipping containers.
- Event organizer will need to maintain the site during the season, including mowing the grass.
- **Contact:** Kyle Pedicini, 508-398-2231 x1653 kpedicini@yarmouth.ma.us

Present at the meeting:

- Kyle Pedicini, Economic Development Coordinator
- Karen Greene, Director of Community Development
- Kathy Williams, Town Planner
- Amanda Ruggiero, Town Engineer
- Kevin Huck, Fire
- Jon Sawyer, Deputy Fire Chief
- Michael Bryant, Police
- Kevin Lennon, Police Deputy Chief
- Kelly Grant, Conservation Administrator
- Jeff Colby, DPW Director
- Mallory Langler, Deputy Health Director
- Kevin Pacheco and Palmer Egan, Applicants Vivid Events



TOWN OF YARMOUTH APPLICATION FOR USE OF TOWN-OWNED PROPERTY

Applicant _____

Affiliation or Group _____

Telephone Number _____

Mailing Address _____

Email Address: _____

Town Property to be used (Include specific area): _____

Describe Use and purpose: _____

Beginning Date and Time of Event: _____

Ending Date and Time of Event: _____

Date and Time you need Location for Set Up: _____

Total Guests/Participants Expected: _____

Will alcohol be served? Yes No

Will a fee be charged? Yes No

Amount(s): \$ _____

Will an auction or raffle be held? Yes No

Will signs/banners be posted? Yes No

Will Traffic Control be needed? Yes No

Will music/amusement devices be at event? Yes No

Will tents be erected? Yes No

Will sanitary facilities be provided? Yes No

Will food be served or sold? Yes No

If Yes to food, please describe where food is being prepared and what is being served _____

IMPORTANT

Certificate of liability insurance must be submitted to cover the event prior to granting permission for use of Town property.

Action by Town Administrator:

_____ *Approved as submitted*

_____ *Approved with the following condition(s):* _____

_____ *Disapproved for the following reasons:* _____

Town Administrator's Signature

Date



TOWN OF YARMOUTH LICENSE OFFICE

1146 Route 28, South Yarmouth, MA 02664

508-398-2231 ext. 1268 Fax (508) 398-0836

APPLICATION FOR SPECIAL ENTERTAINMENT LICENSE

The undersigned hereby applies for a license in accordance with the provisions of MA General Laws, Chapter 140 Sec. 183A amended, Chapter 351, Sec. 85 of Acts of 1981. Also Chapter 140 Sec. 181 & Chapter 136 Sec. 4.

DATE OF APPLICATION: June 8th, 2020

NAME OF APPLICANT: Innovation Arts & Entertainment (iAE)

ADDRESS: 111 N Wabash Ave Suite 919 Chicago, IL 60602

PHONE: (312) 274-1800 x 226 OR (773) 580-8930

EMAIL ADDRESS: adam@innovtionae.com

NAME OF EVENT: Live at the Yarmouth Drive-In DATE OF EVENT: 7/1/20 to 9/5/20

ADDRESS WHERE EVENT WILL TAKE PLACE: 679 Massachusetts 28, West Yarmouth, MA 02673

PERSON IN CHARGE OF EVENT: Adam Epstein & Joe Kosin (of iAE)

TYPE: Check which applies: Concert Dance Exhibition Cabaret

Public Show Live band with pieces, including singers.

INCLUDES: Dancing by patrons Dancing by entertainers or performers Recorded music

Live music Amplification system Theatrical exhibition Stage play

Moving picture shows Floorshow Jukebox TV

DATE(S) OF ENTERTAINMENT: Varies by week and programming

HOURS OF ENTERTAINMENT: 6:00 PM to 10:00 PM nightly

LICENSE FEE: \$55.00 Please make check payable to: TOWN OF YARMOUTH

HEARING FEE(if applicable) \$65.00 Payable with application.

Legal ads will be billed directly to the applicant. Abutter notices must be sent out at least 10 days prior to the hearing via certified mail. Bring abutter return cards to the hearing or to the licensing office at Town Hall prior to the hearing. Fees for legal ads must be paid before license is issued.

APPLICATION FOR ENTERTAINMENT (CONT.)

Provide a detailed description of proposed entertainment including dress or attire, description of the show, where entertainers will perform and other information to assist the Licensing Authority in making a decision. Also, please attach a floor plan showing the entertainers and dance floor area.

see attached proposal

As part of the entertainment, will any person be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view a portion of the breast below the top of the areola, or any simulation thereof?
(Chapter 694)

Yes _____

No x

This license issued by this application is valid for the calendar year _____ thru _____ provided the type of entertainment specified above does not change. In the event of a change in type of entertainment different than indicated above, a new application will be required and a new license issued.

By signing this form the applicant certifies that he/she has read Chapter 272, Section 29 thru 31 of the Massachusetts General Law.



SIGNATURE OF APPLICANT

06/08/20

DATE

Joseph Kosin

Application Form:

**YARMOUTH FIRE AND RESCUE
96 OLD MAIN STREET
SOUTH YARMOUTH, MASSACHUSETTS 02664
Telephone: (508) 398-2212 Fax: (508) 760-4858**

**YARMOUTH FIRE DEPARTMENT MASS GATHERING
PERMIT APPLICATION**

Event Name: _____

Date(s): Live at the Yarmouth Drive **Time: From** _____ **To** _____
July 1st **From** 5:00 PM **To** _____
September 5th **From** _____ **To** 10:00 P

Location: _____

Event Type: **Check all that apply**
 Run/Walk **Festival**
 Boating/Swim **Concert**
 Other (Specify) _____

Event Description: _____

Estimated number of participants: Movie **Spectators:** _____

Will alcohol be served? **Yes** **No**

Organizer: 1200

Address: _____

Contact: **Phone:** Innovation Arts & Ent

Cell Phone: 111 N Wabash Ave Sui

Fax: (312) 274-1800 x 226

Email: (773) 580-8930

Williams, Kathleen

From: Pedicini, Kyle
Sent: Wednesday, June 10, 2020 2:21 PM
To: Williams, Kathleen
Subject: FW: Yarmouth Drive-In

Hi Kyle

I appreciate your reply.

For our proposal, we have outlined the site for use exclusively as a drive-in movie venue for the time being until permission is granted by the proper authorities.

We, of course, understand and agree to follow state and local municipal guidance prior to offering alternatives to movies. Further to that point, only after the state moved to Phase 3 would we consider usage for other forms of entertainment.

I look forward to the opportunity to present our plan to the Selectmen.

Sincerely

Adam

On Tue, Jun 9, 2020 at 4:08 PM Pedicini, Kyle <KPedicini@yarmouth.ma.us> wrote:

Hi Adam,

Thank you for your email and application materials. First thing we should note is that per the [updated guidance from the State regarding when activities can re-open](#), outdoor performance venues are not permitted to re-open until Phase 3 on the MA Re-opening. So the Town would not be able to consider any request to use the Drive-In site for anything other than a drive-in movie theatre until guidance for Phase 3 is published and any potential approval of your request would be conditioned on the State progressing to Phase 3.

In terms of reviewing proposals, we are currently working to schedule a meeting with the Selectmen next week for them to discuss the three competing proposals presented to them to use the site. When details of this meeting have been finalized we will make sure to share them with you. Please let me know if you have any questions.

Thanks,

Kyle

Williams, Kathleen

From: Adam Troy Epstein (IAE G-Suite) <adam@innovationae.com>
Sent: Thursday, June 11, 2020 9:28 AM
To: Williams, Kathleen
Cc: Pedicini, Kyle; Greene, Karen; Hill, Linda
Subject: Re: Yarmouth Drive-In Property

We are interested in selling alcohol, but did not consider this a requirement of our proposal. We were thinking it would be best to ensure we had the infrastructure perfected prior to solving the issue if alcohol sales.

That said, I'm very happy to engage Ms Hill to see if we could sort out an action plan or potential sales scenarios. I will reach to about that immediately, but our proposal should not be considered contingent upon approval of a permit to sell alcohol.

Thank you

Adam

Adam Troy Epstein

CEO | Innovation Arts & Entertainment

Phone: [\(312\) 274-1800 x226](tel:(312)274-1800x226)

Cell: [\(773\) 580-8930](tel:(773)580-8930)

The Garland Building

[111 N Wabash Suite 919 | Chicago, IL | 60602](#)

Email: Adam@InnovationAE.com



On Jun 11, 2020, at 9:18 AM, Williams, Kathleen <kwilliams@yarmouth.ma.us> wrote:

Hi Adam,

I also noticed that you checked the box indicating you were interested in selling alcohol, but there was no Application for Special Alcohol License. You should coordinate with Linda Hill (copied here) for further guidance and application materials. However, I'm unclear how this would work under the current Phase 2 guidance and for such an extended period of time. These are usually one-day licenses. Was this something you were interested in for later phases? Is your interest in the site contingent upon selling alcohol?

Thanks,

LIVE

at the

**YARMOUTH
DRIVE-IN**

IAE
INNOVATION ARTS
& ENTERTAINMENT

111 North Wabash, Suite 919, Chicago, IL 60602
(P) 312.274.1800

Imagine what Innovation can do for you

IAE seeks to rent and manage the The Old Yarmouth Drive-In Site to create a



**SUMMER LONG
DRIVE-IN
ENTERTAINMENT
EXPERIENCE**

Due to our history of organizing festival and concerts in non-traditional venues, IAE is uniquely positioned to execute the attached Yarmouth Drive-In plan beginning in early July and operating through Labor Day.

YARMOUTH DRIVE-IN SITE PLAN SUMMARY

The following pages will provide you with a detailed summary of our plans for the Yarmouth entertainment site, focused in the following areas:

SITE

We'll care for it, we'll maintain it, we'll keep it safe, clean and green.

PEOPLE

We treat our partners, customers and staff alike – like family.

OPERATIONS

We care and take pride in the quality of our work.

SAFETY AND HYGIENE

Being smart and safe is always a priority, especially when being responsible for the well-being of the public. We take our obligations seriously, are community-minded and dedicated to supporting COVID-19 safety and hygiene guidelines for public gatherings.

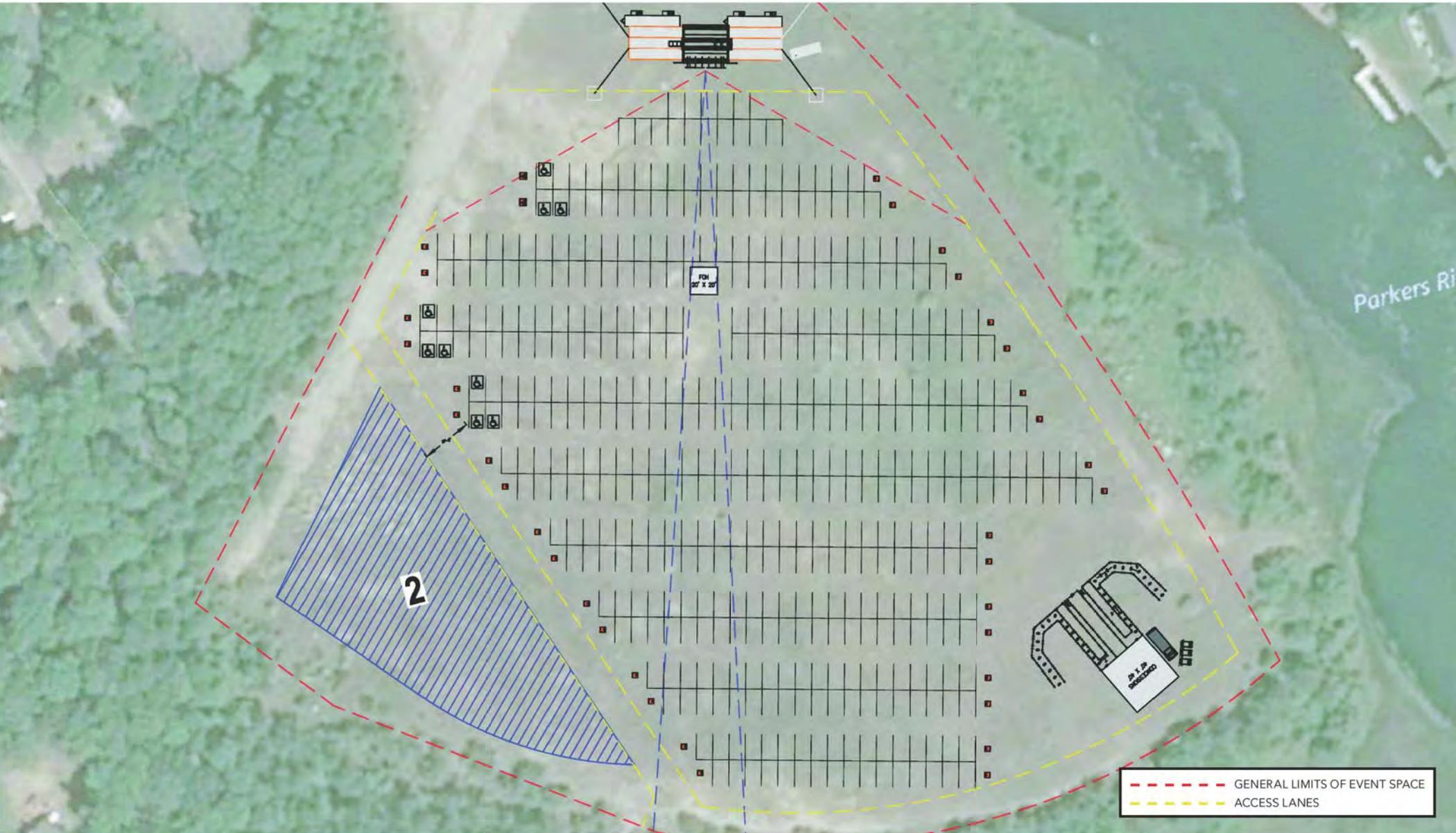
ENTERTAINMENT

The site will be highly structured, yet flexible enough to adapt to changing guidelines that may allow for a variety of different entertainment options. We will build a space that can show movies, and pivot seamlessly to offer live concerts and comedians.

COMMUNITY

We have considered the impact on the surrounding community at every point of the planning process. IAE designed the site to mitigate disruption to daily life on the site's neighbors. Within the plan, please note our efforts to minimize traffic congestion and noise pollution in an effort to address concerns residents and business owners will likely have.

YARMOUTH DRIVE-IN SITE MAP



OVERVIEW

Our 22-person team of industry professionals, representing six decades of live entertainment experience, put a great deal of thought into this project and know that the Board of Selectmen are looking for a turnkey solution to provide safe entertainment options for residents and visitors while making Yarmouth a choice destination for the Cape community.

The best way to ensure optimal enjoyment and safety is to build an event site capable of presenting a variety of entertainment, with equipment and crowd control infrastructure that stay in place all summer long. The less often equipment needs to be moved, the less often workers need to be engaged for the purposes of installing equipment, as every interaction avoided is one less interaction that may yield an infection. Further benefit will be gained by employing one management team who communicate with Town administrators and implement agreed upon best practices.

With IAE, you'll find a creative, reputable, and resourceful partner. We pride ourselves on the endless pursuit of the perfect event, and accommodating our ticket-buying customers and the towns who host our events. We are open-minded, embrace suggestions of our partner municipalities, and recognize that a successful event involves contributions of Public Works, Police, Fire, EMS and administrators.

Imagine what Innovation can do for you!

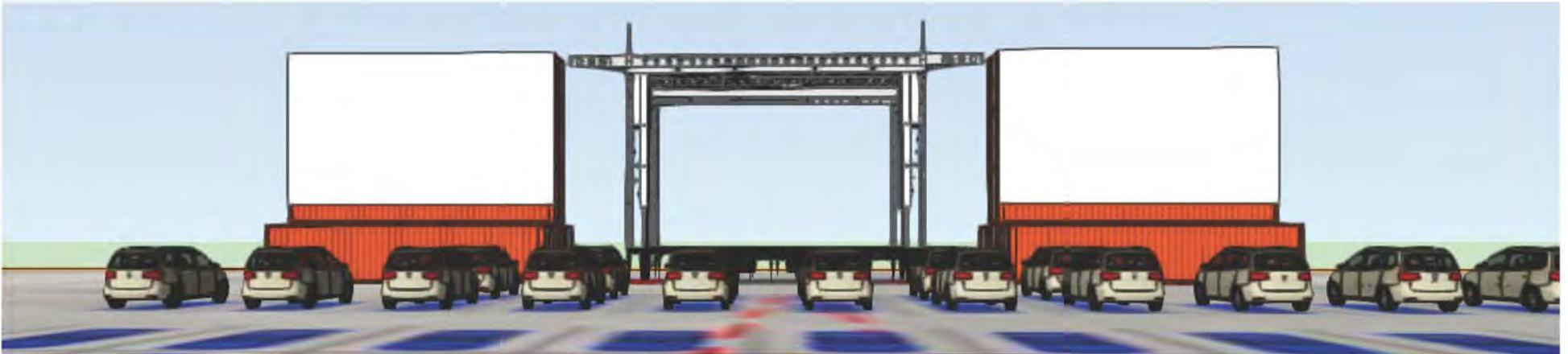
STAGE / VIDEO / AUDIO

SL250 STAGE

- State of the art convertible stage enclosed in a semi-trailer that can be assembled and disassembled in two hours with limited labor
- All-in design includes a roof and wings sheltering the performers and equipment from inclement weather
- 40' x 40' performance surface allowing performers to social distance appropriately
- Stage will be utilized for announcements and previews as well as live entertainment performances when permissible

VIDEO PROJECTION

- Two 40-foot wide by 22.5 high video projection surfaces bookending the stage to show movies and eventually simulcast live performances
- Projection surfaces will be elevated using shipping sea cargo containers as show in the site map drawings



AUDIO

- FM-transmission technology will be utilized to broadcast audio to vehicle radios and reduce any sound impact upon the surrounding community
- Ongoing announcements will instruct attendees to follow safety protocols in place





IMPACT ON SURROUNDING COMMUNITY

NOISE

The site plan orients the stage to have the lowest possible impact on the surrounding community. Use of FM Transmitter technology will decrease noise pollution.



TRAFFIC

The following pages detail a traffic plan that strives to alleviate congestion on the surrounding roadways.

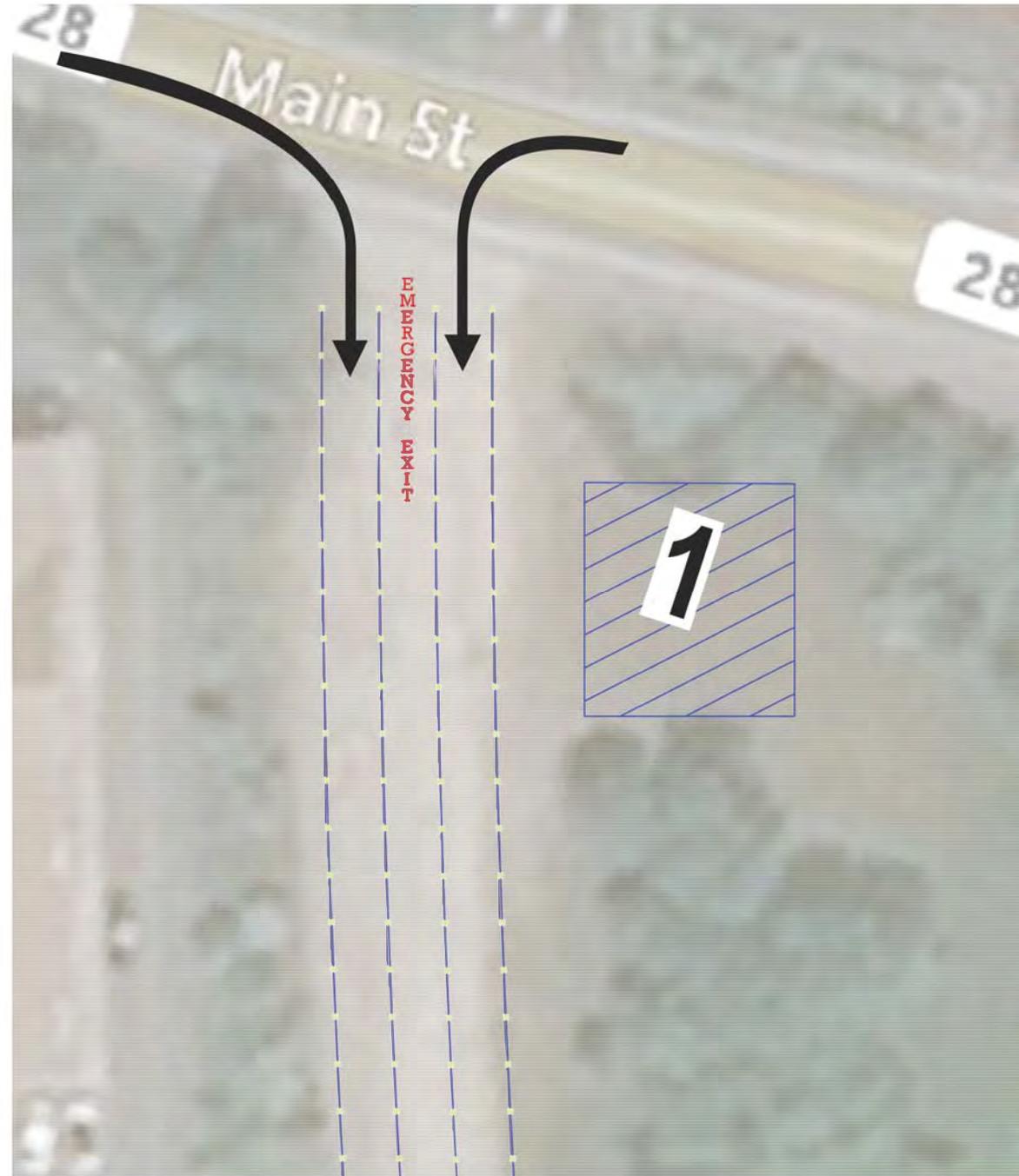
INGRESS

TRAFFIC FLOW

- Vehicles heading East on Route 28 will use the eastern-most site entry lane
- Vehicles heading West on Route 28 Enter will use the western-most site entry lane
- The middle lane will remain open for emergency access only

ADMISSION

- Gates will open one hour prior to ticketed show time
- Vehicles will pass through admission tent
- Driver will present vehicle's admission ticket through the closed driver's-side window for contactless ticket scanning to be completed by attendant
- Traffic attendants with directional signage will guide vehicles to assigned parking stall
- All tickets to be sold exclusively online and via mobile app in advance



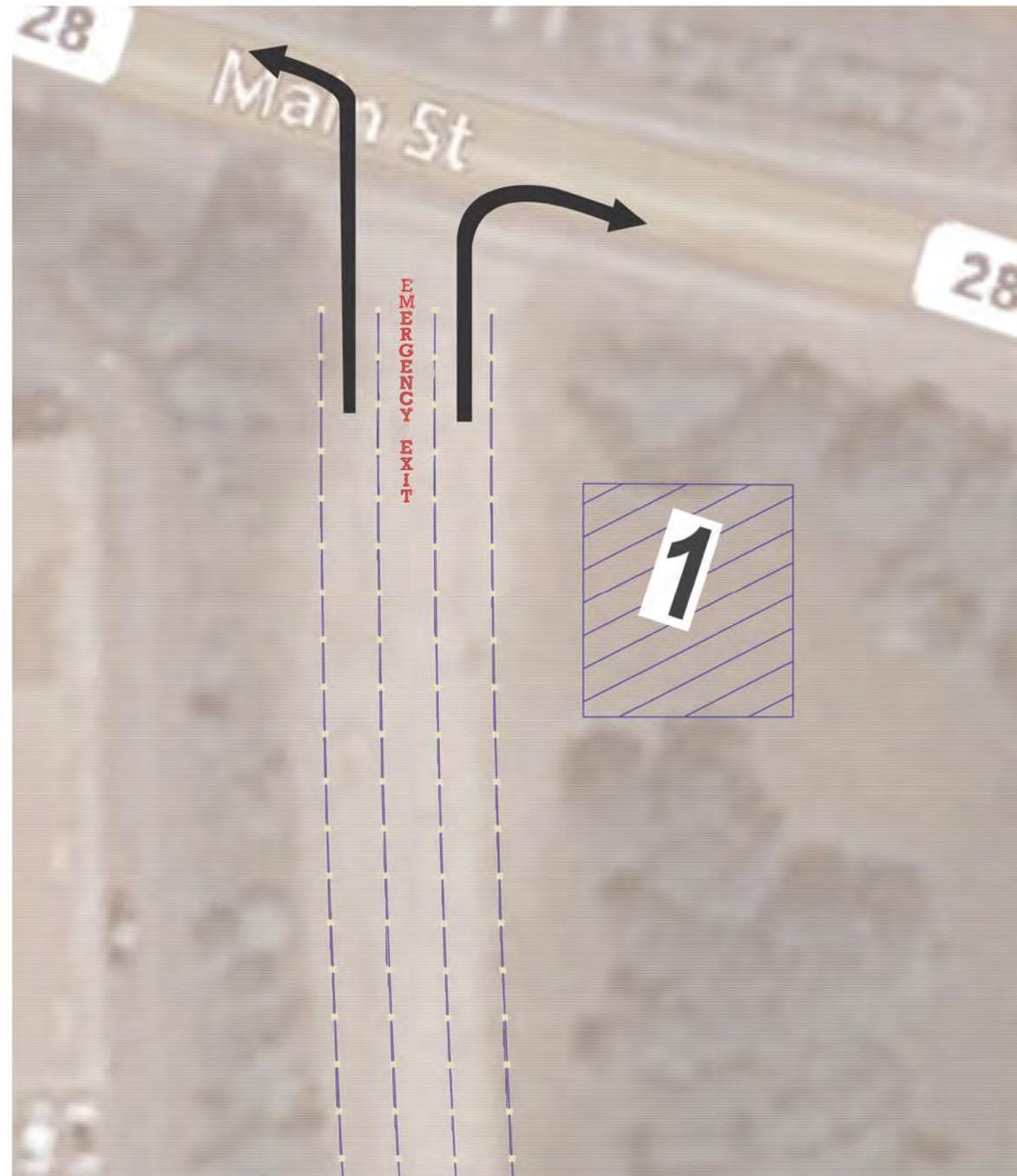
EGRESS

TRAFFIC FLOW

- Vehicles heading East-bound on Route 28 will use the right-turn only exit lane
- Vehicles heading West-bound on Route 28 will use the left-turn only exit lane
- The middle lane will remain open for emergency access only
- Vehicles may exit the site any time before the show concludes

EVENT STAFF ASSISTANCE

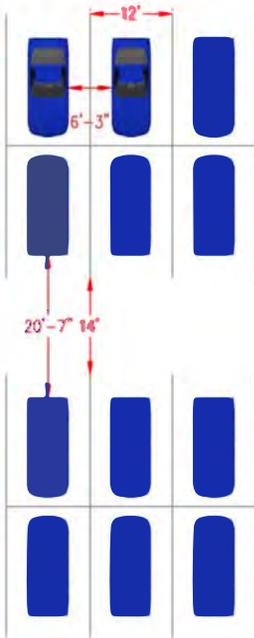
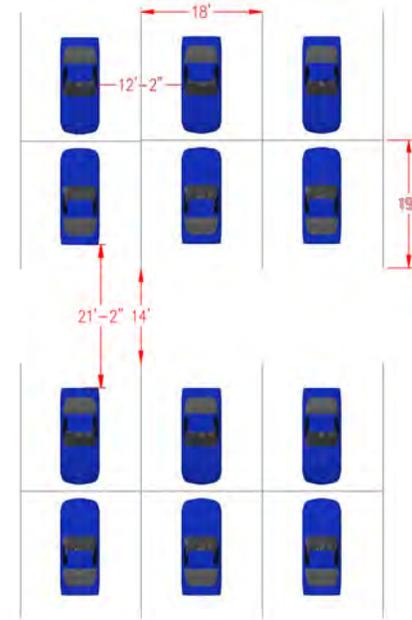
- Directions for orderly exit will be projected on screens once the show has concluded
- Post-show announcements over the FM-transmission will provide further guidance for exiting
- Traffic attendants with directional signage will direct vehicles to proper exit lanes



VEHICLES

PHASE 1 & 2 OF REOPENING MASSACHUSETTS

- Movie screening only with a reduced capacity of 242 vehicles
- Vehicles will be pre-assigned parking stalls when purchasing a ticket
- Marked parking stall is 18' wide by 19' deep, leaving 12' between vehicles



PHASE 3 OF REOPENING MASSACHUSETTS

- Movie screenings and outdoor performances with an increased capacity up to 695 vehicles total
- Vehicles will be pre-assigned parking stalls when purchasing a ticket
- Marked parking stall is 12' wide by 19' deep, leaving 6' between vehicles

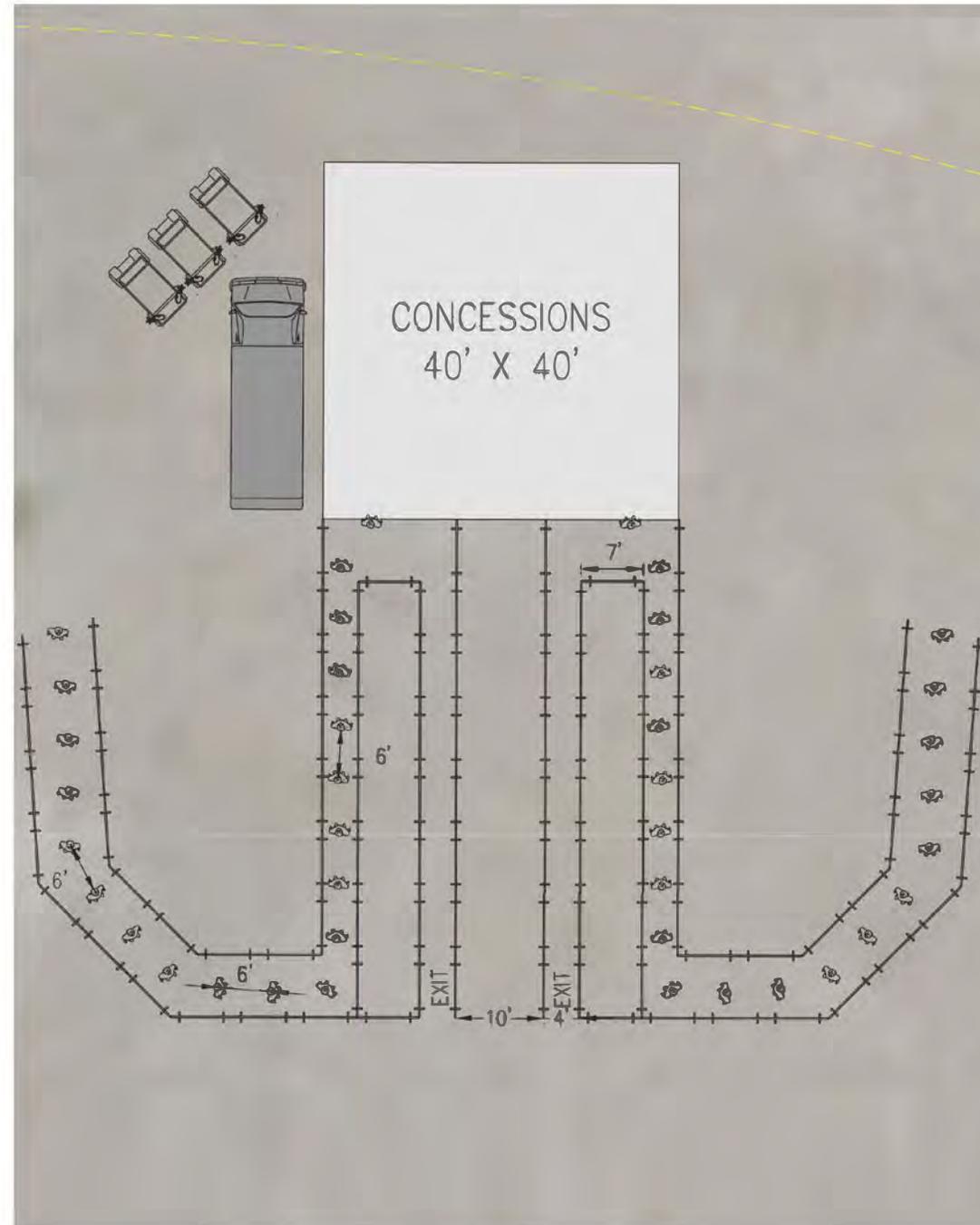
CONCESSIONS

CONTACTLESS ORDERING

- IAE's concessions app will allow customers to remotely order and pay for food and beverage orders
- Menu will include movie theater food and beverages
- Customer will be notified when order is ready for pickup
- When picking up order, customer will enter a one-way aisle with required 6-foot social distance in line clearly marked
- After picking up order, attendees will safely exit the area in a separate, one-way aisle

SETUP

- 40 x 40 Kitchen tent
- Refrigeration truck
- Bike rack aisles for customer entry/exit



CLEAN AND GREEN

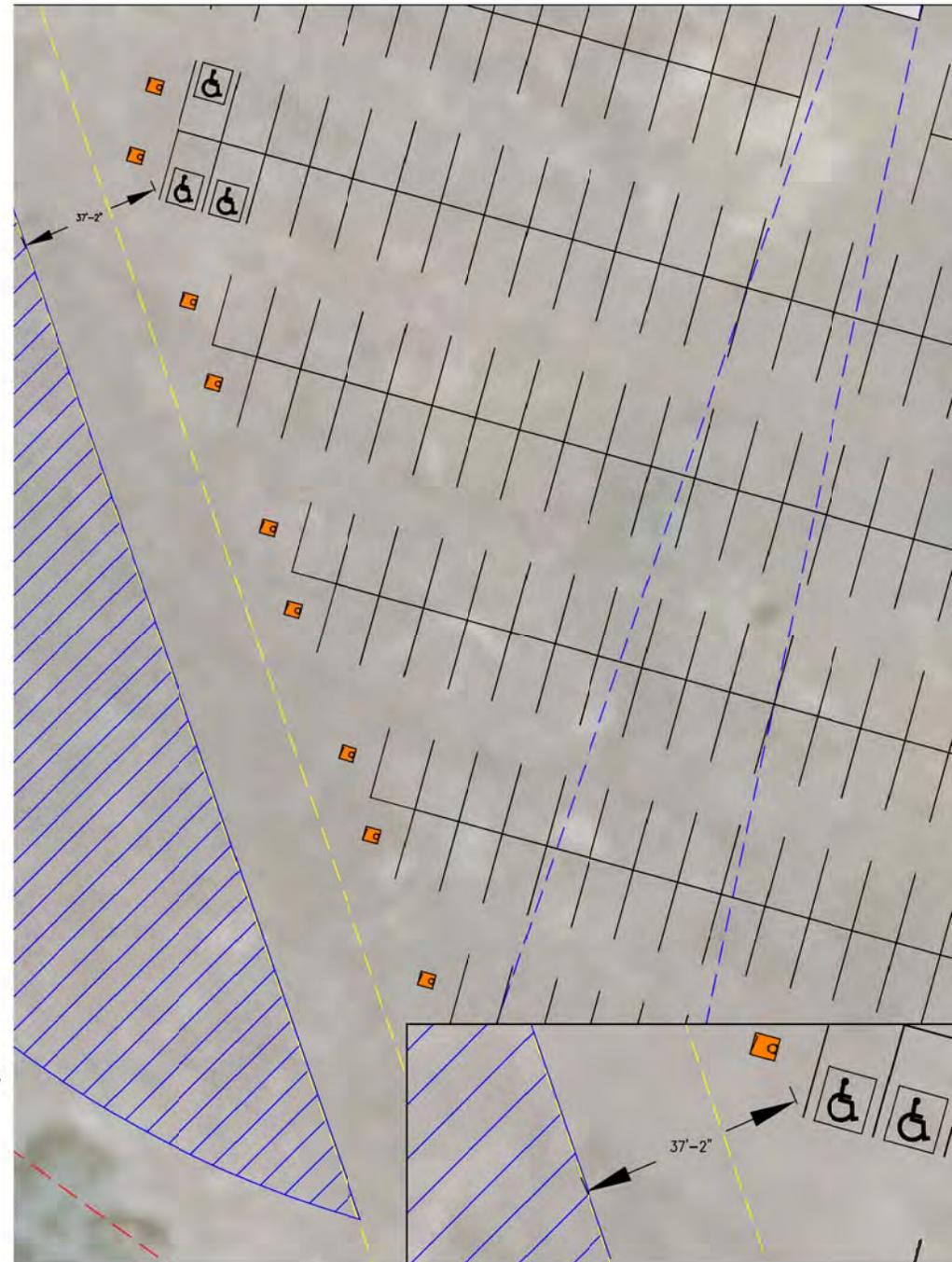
- A small garbage bag and a small recycling bag will be provided with each concessions order, enabling temporary collection of trash and recycling without leaving vehicles
- Large garbage and recycle bins will be located near the restrooms and near the site exit
- Local waste management services will collect trash and recycling each day following an event.

RESTROOMS

- Forty (40) portable restrooms with hand sanitizer stations in each restroom ensures generous restroom-to-attendee ratios
- Restrooms will be located on both the east and west sides of the site (depicted in orange)
- Required 6-foot social distance lines clearly marked
- Attendants will regularly sanitize exterior and interior high-touch areas
- Additional non-public restrooms will be provided for staff use
- Restrooms will be pumped each day following an event

SAFETY, SANITATION, AND STAFF

- Each staff member will complete a mandatory virtual training session covering public safety, social distancing, hygiene protocols, and all procedures related to vehicle and attendee policies
- Each staff member will live up to their COVID-responsibility, be charged with education, and encourage attendees to do the same



The resulting void from the cancellation of the Cape Cod Melody Tent's season has created the need for a safe entertainment alternative on the Cape.

THE KEY TO SUCCESS IS CONSISTENCY.

- **Working with the town of Yarmouth, IAE can adapt operations as the summer progresses to address concerns and requests from the local community**
- **Infrastructure and staffing will remain dependable and unvarying throughout the summer**
- **IAE will remain cognizant of the concerns of the community and local authorities and act as a singular point of accountability when it comes to communication and action regarding event operations**
- **Events will stimulate the local economy and provide a safe plan for residents and visitors to go out in the community and participate**

Thank you for considering our proposed plan to deliver entertainment to the Cape in what is sure to be the most memorable and unique summer of our lifetime.

Imagine what Innovation can do for you!



**SECTOR SPECIFIC WORKPLACE STANDARDS
FOR DRIVE-IN MOVIE THEATERS
TO ADDRESS COVID-19
As of May 18, 2020**

Purpose

These sector specific COVID-19 safety standards for Drive-In Movie Theaters are issued to provide Drive-Ins with instructions to help protect against the spread of COVID-19 as in-person services resume.

These standards are minimum requirements only and are not exclusive or exhaustive. The public health data and matrix for disease prevention upon which these guidelines are based can and does change frequently, and the operator of a Drive-In is responsible for adhering to all local, state and federal requirements.

Vehicles

- Capacity must be reduced to allow for adequate distancing between cars.
- Customers must remain in their vehicles at all times, except when purchasing concessions or using the restroom facilities.

Concessions and Payments

- Concessions cannot be delivered to vehicles.
- Concessions must be for takeout only for customers to take back to their cars (i.e. no dining areas).
- Concession stand lines must have markers to ensure social distancing.
- Remote payment should be used when possible.

Restrooms

- Lines must have markers to ensure distancing.
- Facilities should be cleaned frequently to minimize the spread of COVID-19.

Uses

- Drive-In Theaters are allowed to operate only for the purpose of showing movies.

Chapter 104: Noise

[HISTORY: Adopted by the Town Meeting of the Town of Yarmouth as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Firearms — See Ch. 84.

Loitering — See Ch. 99.

Peace and good order — See Ch. 112.

Poultry and swine — See Ch. 196.

Article I: Regulation of Certain Devices and Persons

[Adopted STM 1-11-2005 by Art. 9,^[1] approved 3-17-2005]

[1] *Editor's Note: This article also repealed former Ch. 104, Noise, adopted by the ATM 4-7-1981 by Art. 16, as amended.*

§ 104-1 Sound-making devices and boisterous persons.

It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof in the Town of Yarmouth, other than that section of any establishment licensed under Chapter 138 of the Massachusetts General Laws, at any time between the hours of 11:00 p.m. and 7:00 a.m. to knowingly allow unnecessary, loud, excessive, or unusual noises in the operation of any radio or other musical sound-making device or instrument or in the playing of any band, orchestra, musician or group of musicians, or making any loud outcries, exclamations, or other loud or boisterous noises by any person or group of persons.

§ 104-2 Noise from dwellings, buildings, boats and other conveyances.

It shall be unlawful for any person or persons in or about any dwelling, building, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment licensed under Chapter 138 of the Massachusetts General Laws, to cause, between the hours of 11:00 p.m. and 7:00 a.m., any unnecessary, loud, excessive, or unusual noises in the operation of any sound-making device or in the playing of any band, orchestra, musician or group of musicians or the making of loud outcries and boisterous singing by any person or group of persons.

§ 104-3 Noise from motor vehicles.

It shall be unlawful for any person while in control of any motor vehicle, as defined by MGL c. 90, § 1, as amended, in the Town of Yarmouth to cause unnecessary, loud, excessive or unusual noise in the operation of the motor vehicle, as defined by MGL c. 90, § 1, as amended. The fact that the noise is plainly audible at a distance of 150 feet from the motor vehicle from which it originates shall constitute prima facie evidence of a violation of this article.

§ 104-4 Nonapplicability.

This article shall not be applicable to fire signals or alarms or to sounds emanating from police, fire or other governmental or emergency vehicles.

§ 104-5 Copy to be provided.

The owner of any building, dwelling, structure, premise, or shelter, which is let, rented or leased, shall provide any and all tenants, lessees and sublessees with a copy of all sections of Chapter 104 of the Yarmouth Code.

§ 104-6 Penalty.

Any person or persons found violating this article shall be first warned in writing of said violation. Any violation of this article shall be punished by a fine of not more than \$300 for each offense. Any person or persons who commit, in the presence of a police officer, a violation of this article which amounts to a breach of the peace or anticipatory breach of the peace may be arrested without a warrant.



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4463
Telephone (508) 398-2231 Ext. 1281

Finance
Department

MEMORANDUM

To: Dan Knapik, Town Administrator
From: Ed Senteio, Finance Director
CC: Mariya Ruseva, Supervising Administrator, Finance
Date: June 10, 2020
Subject: Special Revenue Fund for Covid-19

Massachusetts Municipalities have the opportunity to create two Special Revenue Funds that can be used to segment any Covid-19 related expense activities:

- COVID-19 CARES CvRF
- COVID-19 FEMA

This funding would in many cases result in 75% reimbursement from FEMA with the remainder of the reimbursement coming from the Cares Act. Amounts that FEMA will not reimburse are reimbursable 100% by the Cares Act. For example, FEMA will not cover items that are permanent while the Cares Act will cover permanent features such as ventilation, self-service kiosks or customer service window protection for both disease transmission and to protect large amounts of cash.

Cares will give the Town information on what is and is not reimbursable within days.

The request of the Board of Selectmen is to decide whether we should use these Special Revenue Funds for Covid-19 purposes.

Pros of a Yes Vote for this Option:

- Dollars can be expended from the funds for unanticipated situations rather than from regular appropriations;
- The deficit will not count against the Town's Free Cash and Fund balance important to the Town's upcoming Bond Rating, and;
- The funds will be segregated from regular spending to make it easier to report reimbursement information to FEMA and the State for Cares Act reimbursements.

Cons:

- The opposite of the points above is true.

Potential Motion:

I make a motion that the Town establish special revenue funds that may go into deficit for the purpose of paying for Covid-19 related activities that will be reimbursable by FEMA and/or the Cares Act.



MICHAEL
HEFFERNAN
SECRETARY

Commonwealth of Massachusetts

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

STATE HOUSE, ROOM 373
BOSTON, MASSACHUSETTS 02133
TELEPHONE (617) 727-2040
WWW.MASS.GOV/ANF

To: Chief Executives of Massachusetts Cities and Towns
From: Michael J. Heffernan, Secretary of Administration and Finance
Date: May 14, 2020
Re: Federal Coronavirus Relief Fund

The federal Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) includes funds for Massachusetts governments to use to pay costs incurred in responding to the COVID-19 outbreak. This memo describes how your city or town can access funds for that purpose.

Background

The CARES Act authorized \$150 B through the Coronavirus Relief Fund for state and local governments, including \$2.7 B for Massachusetts. Aside from large local government units (Boston and Plymouth County), funds have been sent in the first instance to the state, with the expectation that the state will use funds for its own expenses and those of municipalities.

The Executive Office for Administration and Finance (“A&F”) has established an expendable trust to hold the federal funds and is authorized to spend from that trust on the basis of the federal law.

Eligible Uses

Under federal law, eligible uses must meet three conditions. They must be:

1. “Necessary expenditures incurred due to the public health emergency with respect to ... COVID–19”
 - a. Funds may not be used to substitute for lost revenue
2. Not budgeted as of March 27, 2020 when the CARES Act was enacted
 - a. May not supplant state or municipal spending
3. Incurred on or after March 1, 2020, up to December 30, 2020

For further context on costs that A&F anticipates municipalities may incur, see the attached list of potential uses (Attachment A). If your municipality contemplates the use of funds outside these parameters, please contact the Division of Local Services (DLS) at LocalGovCaresAct@dor.state.ma.us and we will follow up to discuss your needs further.

Note that these eligible uses are as currently described in federal law and relevant guidance from the US Treasury. If these uses are modified by future federal actions, A&F will revisit the process and procedures described in this guidance.

Intersection with Other Funding Sources

Eligible uses of the federal Coronavirus Relief Fund may overlap with allowable uses of other federal grants and reimbursements. A&F will be working with the Command Center,^{*} state agencies, and municipalities to optimize the use of federal funds.

As a condition of accepting federal Coronavirus Relief Fund money, municipalities must maximize Federal Emergency Management Agency (“FEMA”) reimbursements. In other words, for costs that appear eligible under the federal Coronavirus Relief Fund as well as for FEMA reimbursement, municipalities must apply for FEMA reimbursement.[†] Federal dollars cannot under any circumstances be claimed twice for the same spending. DLS will issue further guidance on establishment of appropriate fund structures for both anticipated FEMA reimbursement and CARES Act funds.

To the extent that municipalities are unsure of their precise needs or need money for cash flow purposes, they are free to request funds from the federal Coronavirus Relief Fund, with the understanding that unspent amounts will need to be returned to the Commonwealth.

While this approach may be a little complicated due to possible multiple funding sources for similar expenses, providing municipalities with funding now eliminates or reduces FY20 deficits and helps with cash flow issues.

Available Funds

A&F has determined that initially 25% of total federal Coronavirus Relief Fund dollars to the Commonwealth will be directly available for municipalities. After subtracting amounts for Boston and Plymouth County municipalities, funds have been allocated in proportion to population. The attached chart indicates total eligible amounts for each municipality to be distributed in this FY20 round and a subsequent FY21 round later in the calendar year.

At this time, cities and towns are asked to estimate their FY20 COVID-19 expenses. Municipalities who request less than the amount for which they are eligible do not forego the opportunity to ask for additional funds at a later date. Municipalities will be asked to estimate their COVID-19 expenses in FY21 still within the same ceiling. In other words, the ceiling is the preliminary total amount available for FY20 and FY21, but at this point all you are being asked to do is estimate your FY20 COVID-19 expenses.

^{*} The Command Center, headed by Health and Human Services Secretary Marylou Sudders, is the coordinating entity for the administration’s response to the COVID-19 outbreak.

[†] For further information on the FEMA reimbursement process, please see MEMA’s resource page: <https://www.mass.gov/info-details/covid-19-federal-disaster-declaration>.

Note that to the extent actual expenditures are less than the amount requested, at this time A&F expects that municipalities will be required to return the balance of unspent funds to the Commonwealth.

This approach is intended to get money out to municipalities quickly, and to allow adjustments over the coming months. A&F and DLS will continue to monitor the situation and may make additional funds available at a later date. Please contact DLS at LocalGovCaresAct@dor.state.ma.us if your FY20 expenditures are likely to exceed the eligible amounts in the first round. Municipalities located in Plymouth County should contact county officials for information about the Coronavirus Relief Fund.

Dispersal of Funds

Municipalities, through their chief executive officer, should complete the [web-based application form](#). The application asks for estimates of FY20 incurred or anticipated expenses for each category listed in Attachment A. Based on these estimated amounts, the application will calculate an Estimated Request amount based on an assumed FEMA reimbursement rate for each category. Municipalities may request an amount above or below the Estimated Request using the Other Request field.

Further, municipalities must return the certification (see Attachment B) through the web-based application form and agree to document costs and to return unspent funds, if any. The application deadline is Friday, June 5, 2020, but submissions will be reviewed and approved on a rolling basis.

DLS will provide guidance regarding local accounting requirements (e.g., treatment of funds, general ledger entries, etc.) via a Bulletin.

Audit Provisions and Documentation

Federal Coronavirus Relief Fund expenditures are subject to audit by an Inspector General within the U.S. Department of the Treasury. Documenting that costs were eligible uses are essential to managing compliance risk and to minimizing the possibility that the costs are deemed ineligible, thereby requiring that the municipality and the state may need to return funds to the federal government.

A&F will establish a bimonthly reporting process to monitor incurred spending relative to estimates, and to ensure that documentation is adequate to minimize compliance risk.

For now, we ask that you document costs clearly with respect to the date and nature of the expense incurred so that together we can best manage resources in the interests of the residents of Massachusetts. In general, we will be asking that you document expenses with the same specificity as for FEMA reimbursements. A&F will follow up with further guidance as necessary.

Thank you for your cooperation as we work together to protect the interests of all our residents.

Attachment A- Potential Municipal Uses

Note that the state and municipalities should coordinate on appropriate funding source where more than one source is potentially available for the purpose. For purposes of calculating the Estimated Request, costs in categories denoted with an asterisk () are assumed to be ineligible for FEMA reimbursement but FEMA has final approval for eligibility determination. Cost in all other categories are assumed to be reimbursed by FEMA at a rate of 75 percent.*

- Core municipal services, in a declared state of emergency
 - First responder costs, including:
 - Direct staffing costs – Overtime, additional hires, and/or backfilling staff who test positive
 - Quarantine/isolation costs for first responders who may be infected and should not put household members at risk – or who should be kept apart from potentially infected household members
 - Including hotel/motel space, sanitization of first responder vehicles, etc.
 - Temporary staff to backfill sick or quarantined municipal employees including:
 - City/town management
 - Phone/administrative support
 - Janitorial
 - Police, fire, EMT
 - Trash collection
 - Other
 - Staff for compliance and reporting associated with this funding
 - Accelerated telework capacity – infrastructure, subscriptions for meeting services, hardware (laptops)*
 - Hiring and training, including training for employees and contractors hired for COVID-19 response
 - PPE, including first responders, grocery store employees, gas station attendants and others who interact with public
 - Sanitation and Refuse Collection*
 - Food inspection*
 - Cleaning/disinfection of public buildings
 - Municipal buildings, including fire stations
 - Public housing
 - Specialized cleaning equipment
 - Air filtration / HVAC
 - School distance learning, to the extent not funded from other sources, including
 - Planning and development, including IT costs*
 - Incremental costs of special education services required under individual education plans (IEPs) in a remote, distance, or alternative location*
 - Food for families that rely on food through the school system*
 - Costs of debt financing related to COVID-19 investments – short-term borrowing and construction carrying costs*

- Health insurance claims costs in excess of reasonably budgeted claims costs, and directly related to COVID-19 medical costs
- Expanded public health mission
 - Boards of health staffing needs – to the extent not addressed with public health funding
 - Use of public spaces/ building as field hospitals
 - Shelter for those who are homeless or otherwise have nowhere they can go without significant risk to themselves or other household members, and are at high risk of or recovering from COVID-19
 - Food banks / food pantries – need tied to COVID-19*
 - Travel expenses – for distribution of resources
 - Transporting residents to COVID-19 medical and testing appointments
 - Signage and communication including translation services
 - Educational materials related to COVID-19
 - Testing for COVID-19
- Services and supports to residents in their homes
 - Grocery and/or meals delivery – modeled on COA activities
 - Expanded participation
 - Replacement of meals delivery volunteer staff (often retirees)
 - Wellness check-ins with vulnerable elders*
 - Short-term rental or mortgage support*
 - Prescription drug delivery*

Attachment B - CERTIFICATION

I, **[Insert name of signatory]**, am the chief executive of **[insert name of municipality]**, and I certify that:

1. I have the authority on behalf of **[insert name of municipality]** to request payment from the Commonwealth of Massachusetts. At this time, I am requesting payment in the amount of **[\$X – reflecting current estimate of eligible FY20 costs]** for fiscal year 2020 costs in connection with section 601 of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (“section 601”).
2. I understand that the Commonwealth will rely on this certification as a material representation in making a payment to **[insert name of municipality]**.
3. As required by federal law, **[Insert name of municipality]**'s proposed uses of the funds provided as payment in response to this request will be used only to cover those costs that-
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for **[insert name of municipality]**; and
 - c. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. I will report bimonthly on incurred expenses in a form prescribed by the Secretary of Administration and Finance, and will cooperate with the Executive Office for Administration and Finance in creating and retaining appropriate documentation to demonstrate that the proposed uses meet the requirements of section 601.
5. I will coordinate with the Executive Office for Administration and Finance in optimizing federal funds from section 601 and other potentially available federal sources. In particular, I will prioritize and coordinate application for FEMA reimbursement where available.
6. To the extent actual expenditures are less than the amount requested per item 1 above, I agree to return the balance of unspent funds to the Commonwealth. If the United States Department of the Treasury recoups funds from the Commonwealth based on a determination they were used by **[insert name of municipality]** in a manner not in compliance with section 601, I agree that the Commonwealth may recover funds from the city or town through an assessment or deduction from the city or town’s periodic unrestricted local aid distribution.

By: _____

Signature: _____

Title: _____

Date: _____

Attachment C – Total Eligible Amounts (Round 1 and 2)

	<u>Total Eligible Amounts</u>		<u>Total Eligible Amounts</u>
Acton	\$2,092,925	Brewster	\$864,573
Acushnet	\$932,814	Brimfield	\$332,569
Adams	\$712,131	Brookfield	\$304,884
Agawam	\$2,543,991	Brookline	\$5,229,227
Alford	\$43,290	Buckland	\$165,314
Amesbury	\$1,549,019	Burlington	\$2,534,116
Amherst	\$3,482,889	Cambridge	\$10,489,930
Andover	\$3,209,569	Canton	\$2,083,315
Aquinnah	\$28,831	Carlisle	\$462,616
Arlington	\$4,022,564	Charlemont	\$109,769
Ashburnham	\$559,512	Charlton	\$1,207,633
Ashby	\$285,134	Chatham	\$543,113
Ashfield	\$152,883	Chelmsford	\$3,113,466
Ashland	\$1,564,007	Chelsea	\$3,540,815
Athol	\$1,036,235	Cheshire	\$277,199
Attleboro	\$3,977,863	Chester	\$122,024
Auburn	\$1,479,631	Chesterfield	\$110,915
Avon	\$398,430	Chicopee	\$4,900,538
Ayer	\$719,801	Chilmark	\$80,850
Barnstable	\$3,919,936	Clarksburg	\$145,477
Barre	\$493,034	Clinton	\$1,236,288
Becket	\$152,530	Cohasset	\$753,040
Bedford	\$1,251,541	Colrain	\$147,857
Belchertown	\$1,334,330	Concord	\$1,693,790
Bellingham	\$1,514,898	Conway	\$166,813
Belmont	\$2,321,456	Cummington	\$77,411
Berkley	\$599,717	Dalton	\$579,174
Berlin	\$283,900	Danvers	\$2,444,626
Bernardston	\$186,387	Dartmouth	\$3,024,770
Beverly	\$3,730,552	Dedham	\$2,233,641
Billerica	\$3,860,335	Deerfield	\$444,542
Blackstone	\$822,252	Dennis	\$1,224,209
Blandford	\$111,091	Dighton	\$695,731
Bolton	\$473,990	Douglas	\$789,454
Bourne	\$1,752,069	Dover	\$537,911
Boxborough	\$563,215	Dracut	\$2,799,060
Boxford	\$737,699	Dudley	\$1,040,555
Boylston	\$413,330	Dunstable	\$300,123
Braintree	\$3,284,247	East Brookfield	\$195,291

	<u>Total Eligible Amounts</u>		<u>Total Eligible Amounts</u>
East Longmeadow	\$1,436,781	Heath	\$61,894
Eastham	\$429,465	Hinsdale	\$169,458
Easthampton	\$1,409,537	Holbrook	\$974,077
Easton	\$2,208,601	Holden	\$1,689,558
Edgartown	\$382,912	Holland	\$220,155
Egremont	\$106,507	Holliston	\$1,317,137
Erving	\$156,410	Holyoke	\$3,558,273
Essex	\$334,067	Hopedale	\$526,009
Everett	\$4,133,302	Hopkinton	\$1,610,736
Fairhaven	\$1,418,971	Hubbardston	\$422,059
Fall River	\$7,905,205	Hudson	\$1,759,828
Falmouth	\$2,734,874	Huntington	\$192,382
Fitchburg	\$3,604,472	Ipswich	\$1,242,459
Florida	\$63,833	Lancaster	\$721,653
Foxborough	\$1,558,012	Lanesborough	\$261,417
Framingham	\$6,447,088	Lawrence	\$7,086,568
Franklin	\$2,929,813	Lee	\$503,878
Freetown	\$828,336	Leicester	\$1,004,583
Gardner	\$1,826,747	Lenox	\$437,665
Georgetown	\$773,495	Leominster	\$3,687,438
Gill	\$131,282	Leverett	\$164,080
Gloucester	\$2,680,387	Lexington	\$2,979,363
Goshen	\$93,810	Leyden	\$63,833
Gosnold	\$6,613	Lincoln	\$599,276
Grafton	\$1,665,047	Littleton	\$902,926
Granby	\$559,600	Longmeadow	\$1,395,430
Granville	\$143,184	Lowell	\$9,845,688
Great Barrington	\$604,125	Ludlow	\$1,893,666
Greenfield	\$1,539,408	Lunenburg	\$1,027,771
Groton	\$1,003,878	Lynn	\$8,345,427
Groveland	\$603,949	Lynnfield	\$1,149,795
Hadley	\$471,345	Malden	\$5,381,404
Hamilton	\$713,982	Manchester By The Sea	\$478,663
Hampden	\$460,235	Mansfield	\$2,121,580
Hancock	\$61,806	Marblehead	\$1,819,253
Hardwick	\$269,441	Marlborough	\$3,511,279
Harvard	\$582,789	Mashpee	\$1,250,218
Harwich	\$1,069,739	Maynard	\$940,485
Hatfield	\$289,543	Medfield	\$1,137,716
Haverhill	\$5,646,348	Medford	\$5,093,008
Hawley	\$29,624		

	<u>Total Eligible Amounts</u>		<u>Total Eligible Amounts</u>
Medway	\$1,183,828	Norwood	\$2,585,694
Melrose	\$2,485,712	Oak Bluffs	\$412,449
Mendon	\$545,141	Oakham	\$173,073
Merrimac	\$614,970	Orange	\$675,717
Methuen	\$4,469,927	Orleans	\$511,196
Middlefield	\$46,729	Otis	\$136,484
Middleton	\$886,086	Oxford	\$1,237,963
Milford	\$2,566,121	Palmer	\$1,085,256
Millbury	\$1,222,533	Paxton	\$437,576
Millis	\$729,147	Peabody	\$4,697,399
Millville	\$287,868	Pelham	\$116,558
Milton	\$2,434,840	Pepperell	\$1,072,208
Monroe	\$9,875	Peru	\$73,796
Monson	\$781,607	Petersham	\$110,474
Montague	\$733,203	Phillipston	\$154,382
Monterey	\$81,908	Pittsfield	\$3,750,037
Montgomery	\$76,706	Plainfield	\$58,543
Mount Washington	\$13,930	Plainville	\$813,788
Nahant	\$310,703	Princeton	\$306,647
Nantucket	\$998,676	Provincetown	\$260,976
Natick	\$3,194,228	Quincy	\$8,338,902
Needham	\$2,755,065	Randolph	\$3,032,793
New Ashford	\$19,838	Raynham	\$1,261,944
New Bedford	\$8,403,705	Reading	\$2,233,905
New Braintree	\$90,725	Rehoboth	\$1,081,377
New Marlborough	\$128,549	Revere	\$4,745,274
New Salem	\$89,931	Richmond	\$125,374
Newbury	\$629,870	Rockport	\$643,183
Newburyport	\$1,604,829	Rowe	\$34,738
Newton	\$7,838,462	Rowley	\$560,570
Norfolk	\$1,056,955	Royalston	\$112,502
North Adams	\$1,137,716	Russell	\$158,878
North Andover	\$2,759,297	Rutland	\$779,932
North		Salem	\$3,840,497
Attleborough	\$2,587,634	Salisbury	\$836,623
North Brookfield	\$423,910	Sandisfield	\$78,910
North Reading	\$1,385,115	Sandwich	\$1,783,280
Northampton	\$2,532,706	Saugus	\$2,502,641
Northborough	\$1,331,421	Savoy	\$60,219
Northbridge	\$1,475,222	Seekonk	\$1,384,409
Northfield	\$263,798	Sharon	\$1,670,161
Norton	\$1,758,770		

	<u>Total Eligible Amounts</u>		<u>Total Eligible Amounts</u>
Sheffield	\$277,905	Waltham	\$5,551,215
Shelburne	\$164,080	Ware	\$865,013
Sherborn	\$382,736	Warren	\$462,704
Shirley	\$674,395	Warwick	\$68,771
Shrewsbury	\$3,347,993	Washington	\$47,699
Shutesbury	\$156,410	Watertown	\$3,169,982
Somerset	\$1,602,977	Wayland	\$1,223,944
Somerville	\$7,191,135	Webster	\$1,501,232
South Hadley	\$1,569,914	Wellesley	\$2,616,201
Southampton	\$546,287	Wellfleet	\$240,610
Southborough	\$896,577	Wendell	\$78,117
Southbridge	\$1,492,768	Wenham	\$465,878
Southwick	\$863,426	West Boylston	\$724,298
Spencer	\$1,055,456	West Brookfield	\$333,715
Springfield	\$13,668,817	West Newbury	\$413,595
Sterling	\$722,094	West Springfield	\$2,534,557
Stockbridge	\$167,783	West Stockbridge	\$111,444
Stoneham	\$2,003,964	West Tisbury	\$255,775
Stoughton	\$2,552,455	Westborough	\$1,691,850
Stow	\$636,042	Westfield	\$3,674,830
Sturbridge	\$849,937	Westford	\$2,142,123
Sudbury	\$1,730,468	Westhampton	\$144,683
Sunderland	\$322,606	Westminster	\$695,114
Sutton	\$842,090	Weston	\$1,069,827
Swampscott	\$1,342,530	Westport	\$1,409,625
Swansea	\$1,472,842	Westwood	\$1,421,881
Taunton	\$5,051,657	Weymouth	\$5,088,952
Templeton	\$718,831	Whately	\$139,305
Tewksbury	\$2,767,408	Wilbraham	\$1,300,386
Tisbury	\$362,457	Williamsburg	\$219,449
Tolland	\$44,877	Williamstown	\$704,725
Topsfield	\$584,287	Wilmington	\$2,107,825
Townsend	\$841,737	Winchendon	\$961,998
Truro	\$176,247	Winchester	\$2,014,720
Tyngsborough	\$1,094,867	Windsor	\$77,147
Tyringham	\$27,861	Winthrop	\$1,647,678
Upton	\$706,400	Woburn	\$3,561,711
Uxbridge	\$1,242,724	Worcester	\$16,388,350
Wakefield	\$2,392,431	Worthington	\$104,655
Wales	\$167,342	Wrentham	\$1,054,839
Walpole	\$2,222,620	Yarmouth	\$2,055,630



TOWN OF YARMOUTH

Golf Division

635 West Yarmouth Road, West Yarmouth, MA 02673
Telephone (508) 760-4878, Fax (508) 760-4806

To: Dan Knapik, Town Administrator
From: Scott Gilmore, Director of Golf Course Operations
Date: June 11, 2020
Subject: Golf Update

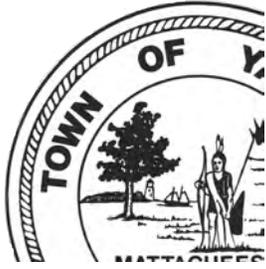
On June 8th the Governor gave the clearance to move into Phase II of reopening. For Golf that meant a few restrictions were able to be lifted.

The first one is that the Driving Range and practice facilities are able to reopen. In order to open, all proper social distance requirements must be met. The plan for the Driving Range and practice facilities was sent last week and included all of the protocols that were needed to operate these areas efficiently and safely. On Monday June 8th, the protocols were put in place and by 2pm the Driving Range and practice facilities were open to the public.

The second restriction that was lifted was the tee time interval. On Monday a decrease in the tee time interval rate went from 15 minutes to 12 minutes. This was put in place first thing Monday am, which gave the courses the ability to run 5 tee times an hour, instead of the previous 4 tee times. This also means the courses are now running at 70% capacity, which is an increase over the previous 50%.

The last restriction that was lifted involved our restaurants. Under Phase II guidelines, restaurants are allowed to operate with outside dining. After carefully reviewing our restaurant operations, we determined that we are able to effectively and safely operate through service windows and doors to limit the amount of people from coming into the buildings. Priority is to have Bayberry Hills Grille open on Friday June 11th and work out any issues prior to the busy Father's Day weekend. We will then take into account all of things that worked and didn't work at Bayberry over the weekend and get the system in place to get Bass River grille open for Father's Day weekend dependent on staff levels. Both restaurants will be under limited menus and limited operation hours (1030am-630pm) with hours. These hours could be adjusted depending on business. This is to keep our expenses and staffing levels to a minimum.

The final update I have is on the RFP for the Golf Point of Sale System. Over the last few weeks, the vendors have been evaluated and reviewed by myself, Rich Bienvenue, and John Morse. Based on the evaluation results and what fits the needs for Yarmouth Golf, we have all agreed that Club Prophet is the best system for Yarmouth Golf. At this point, we are in the final stages of contract, and payment schedule, and hope to have the system instituted within the coming weeks.



TOWN OF YARMOUTH

DEPARTMENT OF PUBLIC WORKS

99 BUCK ISLAND ROAD, WEST YARMOUTH MASSACHUSETTS 02673

Telephone (508) 398-2231 ext. 1250 Fax (508) 771-7998

Admin & Engineering

Buildings & Grounds

Highway

Waste Management

Water & Wastewater

To: Board of Selectmen
Daniel Knapik, Town Administrator

From: Jeffrey Colby, DPW Director
Pat Armstrong, Community Services Director

Date: June 11, 2020

Subject: Playground and associated facility opening

We are recommending that the Board of Selectmen reopen playgrounds and associated facilities such as restrooms and basketball courts consistent with the Governors reopening guidance and based upon Executive Office of Energy and Environmental Affairs Specific Safety and Reopening Standards for Parks, Open Space, and Outdoor Education Programs. It is expected that Town staff will have these play facilities ready for opening by June 15th.

Although until additional seasonal staff is brought back, it is anticipated that maintenance for these spaces including mowing, general cleaning, and recreational programs will be limited.

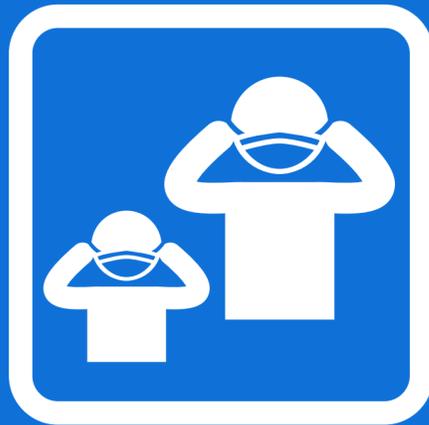
Attached is the proposed sample COVID-19 signage for the playground spaces. This signage can be ordered quickly, and we expect this signage to be available in the near future. We will post temporary versions of these signs at the public spaces until the permanent signs can be installed.

CAUTION

This playground is open but not sanitized; use cautiously at your own risk.



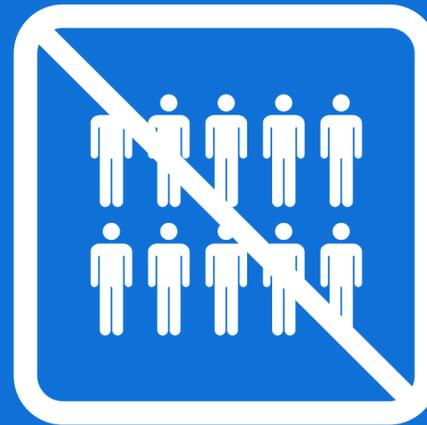
Stay home if you feel sick



Wear a face covering



Maintain at least six feet from others



Avoid large gatherings



Wash or sanitize hands frequently

icgov.org/coronavirus

Keep Iowa City healthy.

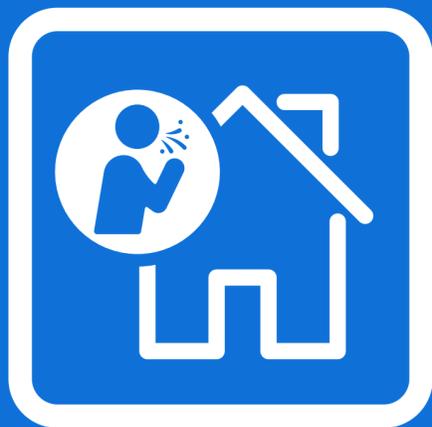
For assistance, call 319-356-5100 or 319-356-5000 (City Hall)



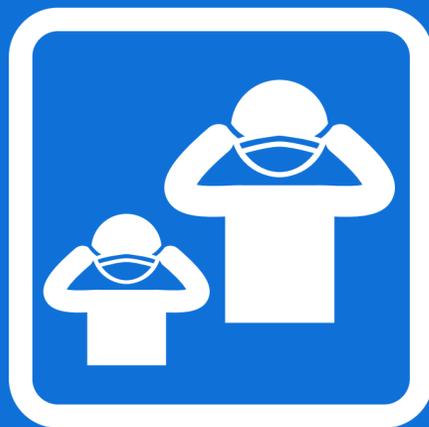
CUIDADADO

El equipo en este patio de recreo no está desinfectado.

Use cautelosamente bajo su propio riesgo.



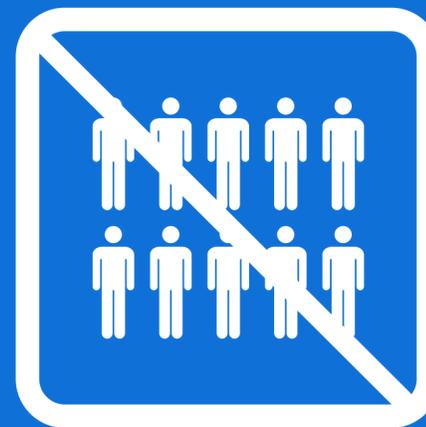
Quedarse en casa si se siente enfermo(a)



Use una mascarilla



Mantenga una distancia de 6' de los demas



Evita groups grandes



Lavarse las manos frecuentemente

icgov.org/coronavirus

Keep Iowa City healthy.

For assistance, call 319-356-5100 or 319-356-5000 (City Hall)



CAUTION

This playground is open but not sanitized; use cautiously at your own risk.



Stay home if you feel sick



Wear a face covering



Maintain at least six feet from others



Avoid large gatherings



Wash or sanitize hands frequently



TOWN OF YARMOUTH

Director of Libraries

312 Old Main Street South Yarmouth, Massachusetts 02664
Telephone (508) 760-4820, ext. 1312 Fax (508) 760-2699
jcain@yarmouth.ma.us

TO: Dan Knapik, Town Administrator, and Yarmouth Board of Selectmen

FROM: Jane Cain, Library Director

SUBJ: Curbside Pickup at Yarmouth Town Libraries

DATE: June 11, 2020

This week, Library staff put together a “soft roll out” or a trial period of contactless curbside pickup for Yarmouth residents and library users.

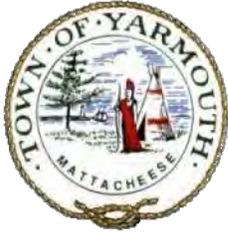
Between Monday and Tuesday (start of curbside services) we had served over 150 individuals and processed 400-plus checkouts. We have scheduled pickups for mid-day Tuesday and Saturday, and evening hours on Thursday at both the South Yarmouth Library and West Yarmouth Library locations.

We have spent a lot of time on the telephone, talking with people and setting up a schedule of pickups. Many callers are learning how to use the library’s catalog from home to search for items that in the past, staff would have done while the library visitors waited at the desk. For those who prefer, staff have been selecting titles for them to try and we have been getting great feedback.

At the same time, Library staff continue to make over 50 home deliveries each week.

There has been an outpouring of support and some expressions of gratitude from people have been overwhelming. One home delivery person rewarded a staff member with vegan chocolate chip cookies. We have received notes of thanks and much hopefulness and happiness has returned, for both Library staff and our residents.

There is some concern that having staff members who are now juggling multiple duties (administrative, clerical, customer service, processing, etc.) and covering our recently introduced public service hours will be challenging. We look forward to having some of our substitutes who were furloughed in May return to work.



TOWN OF YARMOUTH

424 Route 28, West Yarmouth, MA 02673

Phone: (508) 398-2231 x.1610 & x.1520

Department
of Recreation

To: The Board of Selectman
From: Aimee Howell, Assistant Recreation Director
Date: June 11, 2020
Re: Summer Recreation Update

With the current Covid-19 situation, the summer programs typically offered by the Recreation Department have been greatly affected.

The Recreation Department will be running a full day and half day program this summer with reduced numbers. Where we have typically welcomed 300 kids a week, we will only have 80 kids in our full day program and 40 kids in our half day program. We have met with the Board of Health and have adjusted the program to comply with all MA State Guidelines for day camps.

We will also be running the following programs this summer as the guidelines allow us, Sailing, Youth & Adult Tennis, Youth & Adult Yoga on the beach, running club, Tai Chi, and Karate.

As the phases progress we will be looking to add more programs like soccer, swim lessons, basketball etc.

**TOWN OF YARMOUTH
WARRANT
and
RECOMMENDATIONS
of the
FINANCE COMMITTEE
For the Annual Town Meeting**



**June 22, 2020
6:00 P.M.
MATTACHEESE MIDDLE SCHOOL
WEST YARMOUTH**

**PLEASE BRING THIS REPORT TO TOWN
MEETING**

FINANCE COMMITTEE REPORT

The Yarmouth Finance Committee continues to actively represent the interests of our town's citizens in working with town Administration and the Board of Selectmen. We are happy to report that working relationships with all town departments and leaders are excellent and that the financial status of the town is very healthy. In fact, Yarmouth has one of the lowest debt burdens of any municipality in the Commonwealth.

The Committee itself saw several changes this year. Two new members joined the Committee. Sara Kohls is a local attorney and George Perkins is a retired banking executive and University Professor. Joe Goldstein departed the Committee after many years of service including Chairman. His service was recognized and greatly appreciated. Robert Ciavarra was elected Vice Chairman, succeeding Nathan Ladley who voluntarily stepped down from that position but remains on the Committee.

At the October Special Town Meeting an Article passed unanimously expanding the membership of the Committee from its cap of 7 to a number from 7 to 9. There are currently eight members.

The Committee continues advancement made in 2018-19 by which certain departments were given a higher level of focus. In this fiscal year we have begun to form sub committees to become even more engaged while at the same time not impeding day to day activities of town department heads.

Chairman Ken Mudie was a member of the D-Y Regional School Agreement Committee which finally brought the dispute between Dennis and Yarmouth to a successful conclusion. Joe Goldstein was also on that Committee.

Major issues facing the Finance Committee include the D-H-Y wastewater project, overall continued financial management of the town, and potential solutions to "big ticket" items which seem to get caught in a financial limbo due to various budget processes and constraints. These include Coastal Infrastructure, Police Training Firing Range, and others. The Finance Committee is working closely with the Capital Budget Committee and Town leadership to address this problem.

Overall, members of the Finance Committee, all volunteers, are proud to serve our community and our town leaders.

Finance Committee

HOW DO I MAKE A MOTION?

TABLE OF BASIC POINTS OF MOTIONS

Rank	Type of Motion	2nd Req'd	May Debate	May Amend	Vote Req'd	May Recon.	May Interrupt
	Main Motions						
None	Main Motion	Yes	Yes	Yes	Varies	Yes	No
Same	Reconsider or Rescind	Yes	Same	No	Majority	No	No
None	Take from the Table	Yes	No	No	Majority	No	No
None	Advance an Article	Yes	Yes	Yes	Majority	Yes	No
	Privileged Motions						
1	Dissolve or adjourn sine die	Yes	No	No	Majority	No	No
2	Adjourn to a fixed time or recess	Yes	Yes	Yes	Majority	No	No
3	Point of no quorum	No	No	No	None	No	No
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of privilege	No	No	No	None	No	Yes
	Subsidiary Motions						
6	Lay on the table	Yes	No	No	2/3	Yes	No
7	The previous question	Yes	No	No	2/3	No	No
8	Limit or extend debate	Yes	No	No	2/3	No	No
9	Postpone to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely	Yes	Yes	No	Majority	Yes	No
	Incidental Motions						
Same	Point of Order	No	No	No	None	No	Yes
Same	Appeal	Yes	Yes	No	Majority	Yes	No
Same	Division of a question	Yes	Yes	Yes	Majority	No	No
Same	Separate consideration	Yes	Yes	Yes	Majority	No	No
Same	Fix the method of voting	Yes	Yes	Yes	Majority	Yes	No
Same	Nominations to committees	No	No	No	Plurality	No	No
Same	Withdraw or modify a motion	No	No	No	Majority	No	No
Same	Suspension of rules	Yes	No	No	2/3*	No	No

* UNANIMOUS IF RULE PROTECTS MINORITIES; OUT OF ORDER IF RULE PROTECTS ABSENTEES

SOURCE: TOWN MEETING TIME, 3RD EDITION

COMMON TOWN FINANCE TERMS

APPROPRIATION	An authorization granted by Town Meeting to expend money and incur obligations for specific public purposes.
AVAILABLE FUNDS	Balances remaining in various funds that are available for expenditure. Examples include Water Department special revenue account reserves, Fire Department ambulance account, and Free Cash.
ENTERPRISE FUND	A separate account for municipal services for which a fee is charged in exchange for goods or services. It allows a community to demonstrate the portion of total costs of a service that is recovered through user fees. This is a multi-year fund for which any end-of-year surplus is retained in the Enterprise Fund.
OFFSET ACCOUNT	An account set up to restrict fees collected by a particular department for expenditure by that department. Any surplus funds remaining at the end of the fiscal year are returned to the General Fund.
FISCAL YEAR	The Town's fiscal year begins July 1st and ends on June 30th.
FREE CASH	Remaining, unrestricted funds from operations of the previous fiscal year including actual receipts in excess of estimates and unspent amounts in budget line-items.
OVERLAY RESERVE	An account set up to pay for real estate exemptions and abatements.
RAISE & APPROPRIATE	A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other anticipated local receipts.
RESERVE FUND	An account appropriated within the operating budget to provide for unforeseen expenditures <i>during the fiscal year</i> . Expenditures of funds deposited to this account require approval of the Finance Committee. Funds remaining at the end of the fiscal year are returned to the General Fund.
STABILIZATION FUND	A multi-year fund established as a "rainy day" account to address extraordinary or unforeseen future expenditures during the current <i>or future fiscal years</i> . This account can also be used to accumulate funds for capital expenditures in a future year.

**ANNUAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
JUNE 22ND, 2020**

Barnstable, ss.

To the Constable of the Town of Yarmouth in the County of Barnstable, Greetings, In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet in the Mattacheese Middle School Building in said Town, Monday, the 22nd day of June 2020 at six o'clock (6:00 p.m.) in the evening, then and there to act on the following articles.

ARTICLE #1: To see if the Town will vote to transfer and appropriate a sum of money to provide additional funds for the FY 2020 operating budget.

<u>Department</u>	<u>Request</u>	<u>Amount</u>	<u>Source</u>
DPW	Construction & Demolition	\$ TBD	Free Cash
DPW – Septage Enterprise Fund	Septage Reserve - Waste Disposal	\$ TBD	Septage Retained Earnings
Golf	General Fund Subsidy	\$ TBD	Free Cash

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #2: To see what sums of money the Town will vote to raise or transfer from available funds and appropriate such funds to defray the charges, expenses, salary, and payroll obligations of the Town, including debt and interest for the ensuing year, to provide for a reserve fund, and to fix the salaries and compensation for all elected officials of the Town or act on anything relative thereto.

EXPLANATION: *This article funds the Town's operating budget, which covers employee salaries, benefits, and other Town operating expenses. At the direction of the Board of Selectmen, this budget is balanced, affordable, within the parameters of proposition 2 1/2, and provides the best possible services and facilities to the Town. The Finance Committee has reviewed this budget in detail.*

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #3: To see what sums of money the Town will vote to raise, appropriate, or transfer from available funds to fund the operating budget of the Golf Enterprise, or take any action thereon:

	Actual FY19	Budget FY20	Request FY21
GOLF			
Wages (15 FTE + Seasonal)	1,440,521	1,511,845	1,573,535
Expense	2,286,208	2,172,973	2,262,785
Total Golf Enterprise Operating Budget	3,726,729	3,684,818	3,836,320
Funded from Golf Enterprise Revenues	3,645,364	3,535,692	3,611,320
Funded from General Fund – Free Cash	364,000		
Funded from Retained Earnings*		149,126	225,000
Total Golf Enterprise Funding	4,009,364	3,684,818	3,836,320

* *Golf Enterprise reserves/retained earnings is \$277,727 as of 7/1/2019*

EXPLANATION: *This article is the operating budget for the golf division and funds employee salaries, benefits, and other golf operating expenses. This year’s budget is funded entirely by golf fees and other revenue generated by the golf division.*

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #4: To see what sums of money the Town will vote to raise, appropriate or transfer from available funds to fund the operating budget of the Water Department for the purpose set forth in the Acts of 1928, Chapter 146, or under Massachusetts General Laws, Chapter 41, Section 69B, or to take any other action thereon:

	Actual FY19	Budget FY 20	Request FY21
WATER			
Wages (23.8 FTE)	1,557,863	1,574,477	1,482,268
Expense	1,702,728	2,465,615	2,402,743
Costs Appropriated in the General Fund	344,938	353,000	618,188
Total Water Department Operating Budget	3,300,653	4,393,092	4,503,199
Funded from Water Department Revenues	4,392,308	4,393,092	4,379,561
Funded from Water Surplus			123,638
Total Water Department Funding	4,392,308	4,393,092	4,503,199

* *Water Special Revenue Fund reserves is \$2,952,455 as of 7/1/2019.*

EXPLANATION: *This article is the operating budget for the water division, which funds employee salaries, benefits, and other water operating expenses. The water division operates as a distinct special revenue fund, much like the golf and septage operations, and is fully funded by water fees.*

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #5: To see what sums of money the Town will vote to raise, appropriate or transfer from available funds to fund the operating budget of the Septage Enterprise, or take any other action thereon:

	Actual FY19	Budget FY 20	Request FY 21
SEPTAGE ENTERPRISE			
Wages	65,374	51,760	0
Expense	1,833,366	2,001,305	2,284,503
Costs Appropriated in the General Fund	114,101	114,101	190,300
Total Septage Enterprise Operating Budget	2,012,840	2,167,166	2,474,803
Funded from Septage Enterprise Revenues	3,152,769	2,167,166	2,474,803
Funded from Septage Retained Earnings*			
Total Septage Enterprise Funding	3,152,769	2,167,166	2,474,803

*Septage Enterprise retained earnings is \$3,296,218 at 7/1/2019.

EXPLANATION: This is the operating budget for the Septage Treatment Plant which is treated as an enterprise fund. The costs are fully covered by fees charged to contractors that dispose of septic waste at the plant. This enterprise fund, like golf and water, is fully supported by fee revenue.

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE #6: To see if the Town will vote to raise and appropriate or transfer from available funds and appropriate a sum of money to fund the Town of Yarmouth’s share of the Dennis-Yarmouth Regional School District budget for fiscal year 2021, or take any other action thereon.

Actual FY 19	Actual FY 20	Certified FY 21
\$33,973,474	\$35,298,335	\$35,874,453

EXPLANATION: This article funds the Town’s share of the Dennis-Yarmouth Regional School District. The FY21 Assessment is based upon the revised regional agreement.

Selectmen Will Recommend from the Floor

(Dennis-Yarmouth Regional School District)

Finance Committee Will Recommend from the Floor

ARTICLE #7: To see if the Town will vote to raise and appropriate or transfer from available funds and appropriate a sum of money to fund the Town of Yarmouth’s share of the Cape Cod Regional Technical High School District budget for fiscal year 2021, or take any other action thereon.

Actual FY 19	Actual FY 20	Certified FY 21
\$2,341,152	\$2,292,475	\$4,090,207

EXPLANATION: *This article funds the Town’s share of the Cape Cod Regional Technical High School District.*

Selectmen Will Recommend from the Floor (Cape Cod Regional Technical High School)
 Finance Committee Will Recommend from the Floor

ARTICLE #8: To see what sums of money the Town will vote to raise, or transfer from available funds, and appropriate to purchase and equip the following goods and services, or take any other action thereon:

Division/Department	Item/Project	Amount Recommended
---------------------	--------------	--------------------

(N)=New, (R)=Replacement, (M)=Maintenance

Requests Funded from Other Available Funds

Town Hall Attic Insulation (FEMA Reimbursement Funds)	50,000
Bridgewater University Building – Roof Repair (FEMA Reimb. Funds)	200,000
Town-wide OSHA compliance and training	30,000
Town-wide Vehicle and Equipment Maintenance (Free Cash)	<u>100,000</u>
Total Appropriation Requests	380,000

EXPLANATION: *Each year the Capital Budget Committee (CBC), appointed by the Finance Committee, reviews and evaluates requests for capital projects and equipment submitted by all Town departments. This article contains lists of recommended expenditures for: routine capital projects, equipment and vehicles funded by taxes; roadway and storm water improvements funded by taxes; waste management capital funded by recycling revenue; Golf Course equipment funded by Golf revenues and retained earnings; and, fire department vehicles and life safety equipment funded by ambulance revenue. In addition to these amounts, supplemental funding for needed maintenance projects from other available town funds (FEMA Reimbursement and Free Cash) have also been consolidated into this article for consideration. The original proposed Capital Budget appropriation will be deferred to a future Town Meeting due to COVID19 budget concerns.*

ARTICLE #9: To see if the Town will vote to raise and appropriate an amount of money to pay for salary and wage adjustments for FY21 as a result of the settlement of collective bargaining agreements and for non-union personnel.

EXPLANATION: *This article provides funding for settled or to be settled collective bargaining agreements. The Town strives to settle contracts that are fair to the employees and allows the Town to stay within the constraints of proposition 2 ½.*

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

ARTICLE #10: To see if the Town will vote to raise and appropriate \$379,279 to fund the Tourism Revenue Preservation Fund as authorized by Chapter 338 of the Acts of 2006, or take any other action relative thereto.

EXPLANATION: *The Tourism Revenue Preservation Fund was established by Special Legislation in 2006 and is funded by Rooms and Meals Tax receipts. Funding is overseen by the Community and Economic Development Committee and is used to stimulate the local tourism economy through physical improvements, marketing and special events.*

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

ARTICLE #11: To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Five Million Two Hundred Fifty Thousand Dollars (\$5,250,000), for the purpose of design, engineering, permitting and construction related to coordinating with Massachusetts Department of Transportation road work projects and Phase 1 of the towns proposed wastewater collection system, including all expenses incidental and related thereto; provided that in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow up to this amount under G.L. c.44 or any other enabling authority; or take any other action relative thereto.

EXPLANATION: *This article allows the Town to proceed with the design, engineering and permitting of Phase 1 of the proposed wastewater collection system. This authorization also allows the town to coordinate some construction activities with Route 28 road work projects being undertaken by the Massachusetts Department of Transportation. Coordinating these activities is an opportunity for the Town to save significantly by avoiding additional paving and associated costs that will be funded by the State as part of their overall project. Furthermore, working in conjunction with the MA DOT allows the Town to move forward with its Phase 1 collection system*

construction in a timely manner by avoiding a five year construction moratorium on parts of Route 28 that will be in place once the State completes work on their projects.

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

ARTICLE #12: To see if the Town will vote to rescind the following amounts of unissued borrowing:

Article 16, Annual Town Meeting of May 2016 - School Feasibility Study \$750,000

Requires Majority Vote

EXPLANATION: *This is a housekeeping article to remove debt authorization from the Town's books. The Massachusetts School Building Authority (MSBA) requires that the municipality have borrowing authority for the full amount of the Feasibility Study even though the MSBA will reimburse a portion of the study.*

Instead of borrowing for the study, the Town used free cash for the portion that municipalities owed. The rest of the study was paid for by the MSBA. The borrowing authorization is no longer needed, cannot be used for another purpose and would be calculated in the outstanding debt the Town can issue by the rating agencies. Rescinding the borrowing is good for the Town's Bond Rating

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

ARTICLE #13: CPA FY21 Estimated Revenue

To see if the Town will vote to appropriate the following sums of money from the FY 21 estimated annual revenues of the Yarmouth Community Preservation Act Fund as required by G.L. c.149, §298 of the Acts of 2004:

Appropriation	FY21
Community Housing Reserve	\$ 213,773
Historic Preservation Reserve	\$ 213,773
Open Space Reserve	\$ 213,773
Operating Expenses	\$ 106,886

EXPLANATION: *This article is a required housekeeping article that appears at every annual town meeting. As required under the Community Preservation Act, a minimum of 10% of CPA revenues must be set aside for each of the following purposes: community housing, historic preservation, and open space. Additionally, 5% of the total revenue is set aside for operating expenses.*

FY21 CPA Revenues are estimated at \$2.3 million (\$1.7 million) and are based on an estimated property tax levy of \$64 million. Figures include an estimated 20% match of \$384,000 (\$284,000) including supplemental match distributions made for Communities that have adopted the 3% surcharge.

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Community Preservation Committee)

ARTICLE #14: Municipal Affordable Housing Trust

To see if the Town will vote to transfer and appropriate for community housing purposes the sum of \$200,000 from the Community Preservation Act Housing Reserve Fund to the Town of Yarmouth Municipal Affordable Housing Trust created under G.L. c.44, §55C to create, preserve, and support affordable housing for households at or below 100% of the Area Median Income.

Requires 2/3rds vote

EXPLANATION: *This article appropriates CPA funds to the Yarmouth Municipal Affordable Housing Trust for community housing projects supported by the Housing Trust. To date, the Trust has created 137 housing units, preserved 7 more, and supported another 30. Yarmouth now has 599 affordable housing units, which is approximately 5% of the Town's year-round housing stock*

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Community Preservation Committee)

ARTICLE 15: CPA Affordable Housing Project

To see if the Town will vote to transfer and appropriate for community housing purposes the sum of \$80,000 from the Community Preservation Act Housing Reserve Fund to the Harwich Ecumenical Council for Housing, Inc. to preserve homes with repairs for income-eligible homeowners.

EXPLANATION: *This article appropriates \$80,000 in CPA funds for community housing projects with the Harwich Ecumenical Council for Housing (HECH) Emergency Loan Program to preserve homes for low-income residents with both financial and technical assistance.*

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Community Preservation Committee)

ARTICLE 16: CPA Historic Resource Projects

To see if the Town will vote to transfer and appropriate for historic preservation purposes the following sums of money from the Community Preservation Act Historic Reserve Fund:

Item	Appropriate To	Purpose	Amount and CPA Funding Source	Total
A	Historical Society of Old Yarmouth	To preserve and protect grave markers in Ancient Cemetery from deterioration or destruction	\$13,000 Historic Reserve	\$13,000
B	Yarmouth Historical Commission	To create a reconnaissance survey to identify potential archeological sites in Yarmouth.	\$26,000 Historic Reserve	\$26,000
C	Historic New England	To produce an archeological study that will support future construction work.	\$11,100 Historic Reserve	\$11,100
D	St. David's Episcopal Church	Completion of the historic preservation of the Amos Baker House by restoring second floor dormer, windows, trim, insulation, and siding.	\$15,500 Historic Reserve	\$15,500
TOTAL				\$65,600

EXPLANATION:

Project A would provide \$13,000 to the Historical Society of Old Yarmouth to preserve and protect grave markers at Ancient Cemetery from destruction and deterioration. CPC funds will be used to cover costs of field equipment and supplies utilized by trained volunteers as well as record storage and information to be made available online to the public. Efforts are coordinated with the Town's Cemetery Division.

Project B would provide \$26,000 to the Yarmouth Historical Commission to create a reconnaissance survey to identify potential archeological sites in Yarmouth. This project will provide the Town with a sensitivity maps showing relevant sites and surveyed areas as well as a written inventory of potential archaeological sites. Additionally, recommendations will be made regarding how archaeological resources may be preserved and how to mitigate impacts to resources from various development projects.

Project C would provide funds to produce an archeological study that will support future construction work that will include new museum space at the Winslow Crocker House as well as a Visitor Center for the northside of Town that will include additional parking and restrooms.

Project D would provide \$15,500 to the St. David’s Episcopal Church to complete the historic preservation of the Amos Baker House by restoring second floor dormer, windows, trim, insulation, and siding.

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Community Preservation Committee)

ARTICLE 17: CPA Recreation Project

To see if the Town will vote to transfer and appropriate for recreational purposes the sum of \$28,000 from the Community Preservation Act Fund Undesignated Reserve to the Yarmouth Department of Public Works to fund removal and replacement of the existing north-side backstop fence at the Little League Field.

EXPLANATION: *This article appropriates \$28,000 in CPA funds for removal and replacement of the existing north-side backstop of the Little League field. This is the backstop closest to Sylvan Way. The project will be overseen by the Yarmouth DPW and is supported by the Yarmouth Little League.*

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Community Preservation Committee)

ARTICLE 18: Land Disposition

To see if the Town will vote to authorize the Board of Selectmen to lease for terms up to thirty (30) years, or to sell, transfer or otherwise convey a fee interest or easement, on terms and conditions acceptable to the Board of Selectmen, in up to 500 square feet of the land at 220 South Street (Assessor’s Parcel 26.116), as shown on a plan on file with the Board of Selectmen.

Requires 2/3rds vote

EXPLANATION: *This article would permit the Board of Selectmen to dispose by lease, easement or sale, a small portion of land currently part of Smugglers Beach. A disposition would potentially resolve a long-term encroachment in a mutually beneficial manner whereby use could continue, but with the Town receiving some compensation. This disposition is subject to MGL Chapter 30B in order to provide for fair and open process.*

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to lease for terms up to thirty (30) years, on terms acceptable to the Board of Selectmen, portions of, one or more of the town-owned parcels listed below, such lease presently intended for solar facilities. Land use under any said lease is subject to approval of the appropriate Federal, State and Local land use regulatory agencies.

Line #	Assessors Map/Lot	Location	Street
1	86/11	Sanitation Drop-off Facility	597 Forest Road
3	45.88	Fire Station 3	92 Town Brook Road
6	45/90.1	New DPW Facility	507 Buck Island Road

Requires 2/3rds vote

EXPLANATION: *The Town is actively pursuing opportunities to implement solar pv installations, including ground mounted panels and solar canopies, where appropriate. The listed sites present opportunities on town-owned parcels that may be attractive for an installation. State law prohibits contract terms in excess of three (3) years, unless specifically authorized by Town Meeting. This article provides the Board of Selectmen with the flexibility to reach agreements with potential vendors who are often seeking long-term commitments (more than 3 years) given the level of investment involved in solar PV projects.*

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Board of Selectmen)

ARTICLE 20: To see if the Town will vote to authorize Assessors contracts with vendors for valuation services for a period of up to 5 years as authorized under Massachusetts General Law chapter 30B.

EXPLANATION: *With the passage of the “Act to Modernize Municipal Finance and Government,” in 2016, cities and towns in the Commonwealth have changed to a 5-year valuation cycle. However, to avoid DOR scheduling conflicts, Yarmouth’s scheduled FY 2019 valuation certification year was deferred until FY 2021. Prior to passage of the Municipal Modernization Act, the valuation cycle was 3 years and any valuation consulting contracts reflected this cycle.*

The MA DOR, Bureau of Local Assessment certification process consists of continuous, data quality review, statistical ratio studies review, and valuation review to ensure that proper appraisal methodology was utilized while uniformly and equitably applied to all property.

A valuation program is based on the mass appraisal process utilizing the components of an acceptable mass appraisal system. The mass appraisal system is comprised of data management, valuation, performance analysis, administration and appeals. It is these various statutory requirements of the valuation certification process that valuation consultants help guide cities and towns through.

For continuity, efficiency and economic reasons, the Assessor's office would like to continue to execute a contract pursuant the provisions of MA G.L chapter 30B to mirror the 5 year valuation cycle.

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Board of Selectmen)

ARTICLE 21: To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Yarmouth, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Yarmouth. Enforcement of this regulation will begin September 1, 2021.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G. L. c. 40 § 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300
- Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Yarmouth.

Selectmen Will Recommend from the Floor
Finance Committee Will Recommend from the Floor (Petitioner)

ARTICLE 22: To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of the Town of Yarmouth, Massachusetts as chapter 74, §74-1:

The Town of Yarmouth recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town. The Town of Yarmouth therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

(Petitioner)

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen and the Town Administrator to investigate and report on the feasibility of the conversion and re-purposing of the Links Course, formerly the site of the Town Landfill, to a Solar Farm whose potential income would be applied to offsetting the capital expenditures of the Town, as applied to Capital projects including Golf, Wastewater System, New DY Middle School, , New Town Library, and other future Capital projects, as well as previously approved debt exclusions for the DPW Building and Cape Tech construction.

EXPLANATION: *The article is proposed in view of reports of little or minimal use of the Links Course as well as the recent report of the National Golf Association citing lowered conditions and needed infrastructure repairs. Agreements or special conditions which established the Links Course are administrative and as such may be altered from time to time as necessary. Any funds or financial obligations by the Town have the potential of being offset by the Solar Proposal. The principle benefit of establishing a Solar Farm at this site is the generation potential of an estimated 28 to 30 Megawatts. Conservative estimates have shown that benefit may exceed \$9 to \$10 million, annually. The Capital obligations facing the Town will, by necessity, fall upon property tax assessments for payment. The Solar Farm represents a different means of meeting those obligations.*

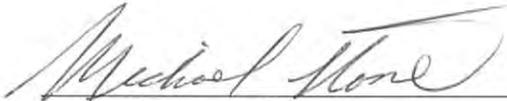
Selectmen Will Recommend from the Floor

Finance Committee Will Recommend from the Floor

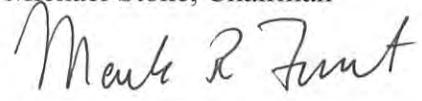
(Petitioner)

AND, also, in the name of the Commonwealth, you are hereby directed to serve this Warrant by posting attested copies thereof at four public places, one on the north side of Town and three on the south side and also by publication in the Yarmouth Register at least seven days before the time of holding said meeting, as aforesaid.

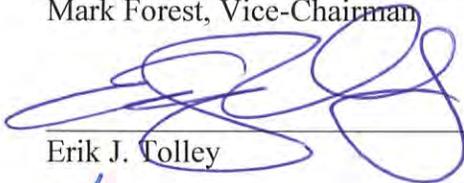
Hereof, fail not, and make return of this Warrant with your doings thereon at the time place of said meeting. Given under our hands and the seal of the Town of Yarmouth, hereto affixed this 2nd of June 2020.



Michael Stone, Chairman



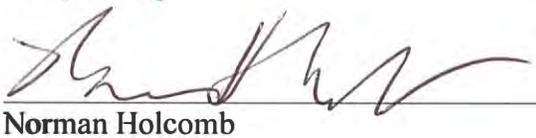
Mark Forest, Vice-Chairman



Erik J. Tolley



Tracy Post



Norman Holcomb

Town of Yarmouth Board of Selectmen

Art. #	Title	BOS DEPT		ATM	Selectmen	
		Slides	MTG	Assignment	Rec.	FINCOM Rec.
1	FY 20 Supplemental Appropriations				From Floor	From Floor
2	FY 21 Town Operating Budget					
3	FY 21 Golf Enterprise Budget					
4	FY 21 Water Enterprise Budget					
5	FY 21 Septage Enterprise Budget					
6	DY Regional School District Operating Budget					
7	Cape Cod Technical High School Operating Budget					
8	Capital Budget					
9	Collective Bargaining Settlement					
10	Tourism Revenue Preservation Fund					
11	Roadway Construction and Phase I - Wastewater System					
12	Rescind Unissued Borrowing - Art 16 ATM 2016 - School					
13	CPA FY 21 Estimated Revenues					
14	CPA Municipal Affordable Housing Trust					
15	CPA Affordable Housing Projects					
16	CPA Historic Resource Projects (4 Projects)					
17	CPA Recreation Project (1 Project)					
18	Land Disposition					
19	Lease Town Owned Properties - Solar PV Projects					
20	Valuation Services (5 year Contract)					
21	Petitioned Article: Commercial Sale of Single-Use Plastic Water					
22	Petitioned Article: Reduce Net Greenhouse Gas Emissions - Bylaw Adoption					
23	Petitioned Article: Feasibility of Conversion Repurposing The Links Course to Solar Farm					

TO: BOARD OF SELECTMEN

FROM: Mark Forest, Appointments Chairman



SUBJECT: Reappointments – Board of Assessors

DATE: June 8, 2020

OPENINGS: 2 Regular positions (3-year terms)

Number of Interviewers:

_____ Selectmen

_____ Commission/Committee Members

Numerical Evaluation of Candidates

****Maximum Score = 20****

APPLICANT	COMMISSION RATING	SELECTMEN RATING	AVG. RATING
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Jay Serijan

Joe Sullivan

RECOMMENDATION: To reappoint Mr. Serijan and Mr. Sullivan as regular members to the Town of Yarmouth's Board of Assessors. These appointments are for three year terms, which will run through June, 2023.

TO: BOARD OF SELECTMEN
FROM: Mark Forest, Appointments Chairman *Mark R Forest*
SUBJECT: Reappointment – Board of Registrars
DATE: June 10, 2020

OPENINGS: 1 Regular position (3-year term)

Number of Interviewers:

_____ Selectmen

_____ Commission/Committee Members

Numerical Evaluation of Candidates
Maximum Score = 20

APPLICANT	COMMISSION RATING	SELECTMEN RATING	AVG. RATING
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Robert Chapman

RECOMMENDATION: To reappoint Mr. Chapman as a regular member to the Town of Yarmouth's Board of Registrars. This appointment is for a three year term, which will run through March, 2023.



TOWN OF YARMOUTH BOARD OF SELECTMEN PROJECTED 2020 AGENDA ITEMS

MEETING DATE		BUDGET SCHEDULE DUE DATES	REGULAR BOS AGENDA ITEMS
MAY 12			<ul style="list-style-type: none"> • COVID-19 UPDATES (BUDGET; GOLF; BEACH ACCESS) • REVIEW & APPROVE 2020 ATM WARRANT •
MAY 19			<ul style="list-style-type: none"> • PUBLIC HEARING: ALTERATION OF PREMISE FOR TUGBOATS • DY NEW MIDDLE SCHOOL PRESENTATION • GOLF BAN ROLLOVER VOTE • STATUS OF EVENTS/USE OF TOWN PROPERTY
MAY 26	NO MEETING MEMORIAL DAY		
JUNE 2			<ul style="list-style-type: none"> • PUBLIC HEARING: FY 21 BUDGET PRESENTATION • SEPTAGE CAPITAL FUND NOTIFICATION • RETURN TO WORK INSTRUCTIONS/PLAN • UPDATE ON ANNUAL TOWN MEETING
JUNE 9			<ul style="list-style-type: none"> • PUBLIC HEARING: PAPA GINO'S – NEW ANNUAL WINE & MALT LICENSE • PUBLIC HEARING: OCEAN SHORES CORP. DBA YARMOUTH WINE & SPIRITS – TRANSFER OF PACKAGE STORE LICENSE • REVISED FUNDRAISING/SPECIAL EVENT SIGN POLICY • SEPTAGE ENTERPRISE EXPENSE REVIEW (VOTE) • COVID-19 UPDATES AND OPERATIONS
JUNE 16			<ul style="list-style-type: none"> • DRIVE-IN SITE USE – SUMMER 2020 • COVID-19 UPDATES AND OPERATIONS • REVIEW OF ATM WARRANT – RECOMMENDATIONS AND ARTICLE ASSIGNMENTS
JUNE 22	TOWN MEETING		•
JUNE 30	NO MEETING ELECTION		•
JULY 7	NO MEETING		•
JULY 14			<ul style="list-style-type: none"> • REORGANIZATION OF BOARD OF SELECTMEN • BOARD OF SELECTMAN GOALS • TAX CLASSIFICATION HEARING • AWARD OF SCHOLARSHIPS



TOWN OF YARMOUTH BOARD OF SELECTMEN PROJECTED 2020 AGENDA ITEMS

MEETING DATE	BUDGET SCHEDULE DUE DATES	REGULAR BOS AGENDA ITEMS
JULY 21		<ul style="list-style-type: none"> • ROUTE 6A UPDATE (?)
JULY 28		<ul style="list-style-type: none"> •

- RENAMING POLICY
- COMMITTEE REPORTS
- DHY AGREEMENT
- CLEAN WATER TRUST
- MATTACHEESE BUILDING & REUSE COMMITTEE
- FINANCE UPDATE ON INTERNAL CONTROLS
- CAPE LIGHT COMPACT PRESENTATION
- **JUNE 30TH – ELECTION SEPTEMBER 1ST – SPECIAL ELECTION**
- CEDC GOALS AND SUPPORT OF WASTEWATER; AND SPECIAL EVENTS
- LEGAL SERVICES REVIEW
- MVP PROJECT UPDATE
- CAPE COD COMMISSION UPDATE - AUGUST
- BARNSTABLE MUNICIPAL AIRPORT – AIRPORT MASTER PLAN - AUGUST

INFORMATION ITEMS



COMMONWEALTH OF MASSACHUSETTS

Department of Telecommunications and Cable

1000 Washington Street, Suite 600, Boston, MA 02118

(617) 305-3580

www.mass.gov/dtc

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

MIKE KENNEALY
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

EDWARD A. PALLESCHI
UNDERSECRETARY

KAREN CHARLES PETERSON
COMMISSIONER

June 4, 2020

RE: Petition of Comcast Cable Communications, LLC to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast Cable Communications, LLC that are currently subject to rate regulation, D.T.C. 19-5

Dear Issuing Authority:

The Department of Telecommunications and Cable (“Department”) will hold a public and evidentiary hearing, pursuant to G.L. c. 166A, § 15 and 207 C.M.R. § 6.03, to investigate the proposed basic service tier programming, equipment, and installation rates in rate-regulated communities in Massachusetts served by Comcast Cable Communications, LLC (“Comcast”), in response to Comcast’s filings. The hearing will be held by teleconference at 10:00 A.M. on Wednesday, August 12, 2020, and is a formal adjudicatory hearing conducted under G.L. c. 30A and 207 C.M.R. 1.00. Comcast, as the cable operator serving your community, is required to arrange for notice of the hearing, both by newspaper publication and by cablecasting. G.L. c. 166A, § 15; 207 C.M.R. § 1.06(5). The proceeding is docketed as D.T.C. 19-5. A copy of the hearing notice that Comcast is required to publish is enclosed for informational purposes.

As the issuing authority for a municipality served by Comcast, you may want to participate in this hearing. Please note that under Massachusetts regulations, issuing authorities are not automatic parties to rate proceedings. 207 C.M.R. § 1.03(1). While our proceedings allow for public input from all persons, an interested person may participate as a party only if it files a petition to intervene and the Department grants the petition. *Id.* The petition to intervene must state with specificity how the petitioner is substantially and specifically affected by the rate proceeding. *Id.*

An issuing authority that is granted party status has the right to participate fully in the proceeding, including the right to cross-examine the cable operator's witnesses at the hearing, the right to receive all correspondence and documents provided by the cable operator to the Department, and the right to appeal the Department's Rate Order.

An intervenor is also allowed to participate in discovery. *See* 207 C.M.R. § 1.06(6)(c). For example, the intervenor may submit to the cable operator prior to the hearing written questions related to the rate proceeding, which the cable operator is required to answer. A party that wishes to intervene must file its petition to intervene with the Department by 5:00 P.M. on Wednesday, August 5, 2020.

If you have any questions or comments regarding the hearing procedures, please contact me at mark.merante@mass.gov or (617) 368-1114.

Sincerely,



Mark A. Merante
Hearing Officer



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 19-5

June 4, 2020

Petition of Comcast Cable Communications, LLC to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast Cable Communications, LLC that are currently subject to rate regulation.

NOTICE OF PUBLIC HEARING ON CABLE BASIC SERVICE TIER RATES

The Department of Telecommunications and Cable (“Department”) pursuant to G.L. c. 166A, § 15, and 207 C.M.R. § 6.03, will hold a public and evidentiary hearing to investigate proposed basic service tier programming, equipment, and installation rates of Comcast Cable Communications, LLC (“Comcast”). The hearing will take place by teleconference on Wednesday, August 12, 2020, at 10:00 A.M.

The Department will take public comment on Comcast’s proposed rates during the public hearing. Any person wishing to listen to or submit verbal comments during the public hearing must call the following number at the start of the hearing and enter the following passcode:

Telephone number: 866-844-9419
Passcode: 55777612

Any person wishing to submit verbal comments during the public hearing is asked to submit such request prior to the hearing to Shonda D. Green, Secretary of the Department, at shonda.green@mass.gov or (617) 305-3580. The Department will also accept written public comments until August 12, 2020. Written comments should be directed to Shonda Green at the email address, or in hardcopy to the mailing address, below.

Any person who desires to participate in the evidentiary portion of this proceeding must file a written petition for leave to intervene by e-mail to dtc.efiling@mass.gov or in hardcopy to:

Shonda Green
Department of Telecommunications and Cable
1000 Washington Street, Suite 600
Boston, MA 02118-6500

Petitions for leave to intervene must be received by 5:00 P.M. on Wednesday, August 5, 2020. Such petitions must satisfy the substantive requirements of 207 C.M.R. § 1.03(1). The text of the email or written petition must specify: (1) the name of the cable operator; (2) the docket number; (3) the name of the person submitting the filing; (4) that person’s municipal title, if any; and (5) a brief descriptive title of the document (e.g., petition to intervene). The petition should also include the name, title, and telephone number of a person to contact in the event of questions about the filing.

This proceeding has been docketed as D.T.C. 19-5, and is a formal adjudicatory proceeding conducted under G.L. c. 30A and 207 C.M.R. 1.00.

Any requests for reasonable accommodations for people with disabilities or other questions about this hearing should be submitted to Shonda D. Green at shonda.green@mass.gov or (617) 305-3580.



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 19-5

June 4, 2020

Petition of Comcast Cable Communications, LLC to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast Cable Communications, LLC that are currently subject to rate regulation.

ORDER OF NOTICE

Comcast Cable Communications, LLC (“Comcast”) is required to publish the attached legal notice, both by newspaper publication and by cablecasting. *See* G.L. c. 166A, § 15; 207 C.M.R. § 1.06(5)(d). Comcast shall publish the notice in newspapers of general circulation in any affected city or town once in each of two successive weeks, the first publication being not less than 14 days before the day of the hearing. *See* 207 C.M.R. § 1.06(5)(d); *cf.* G.L. c. 166A, § 6.

Where Comcast has cablecasting facilities within its control, legal notice shall be cablecast at least twice a week, on separate days, during each of the two weeks preceding the hearing date at times most likely to reach the maximum viewing audience. *See* 207 C.M.R. § 1.06(5)(d). If Comcast does not have cablecasting facilities within its control, it shall use its best efforts to cablecast the prescribed notice in conformance with the timeframe set forth above. *See id.* In addition, Comcast shall provide actual notice to any person who has filed a request for notice with the company. *See id.*

Comcast shall provide the Department of Telecommunications and Cable (“Department”) with proof of publication of notice of hearing by the hearing date in this proceeding. *See id.* Such proof shall include, at a minimum, a sworn statement that lists the newspaper(s) in which the legal notice appeared for each community, the dates of newspaper publication, and the dates and times of cablecast publication. All statements of proof of publication shall be accompanied by a written attestation of their accuracy, and shall be entered as sworn statements into the official record in this proceeding.

By Order of the Department,

A handwritten signature in black ink, appearing to read "Mark A. Merante".

Mark A. Merante
Hearing Officer



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 19-5

Comcast Cable Communications, Inc.

Petition of Comcast Cable Communications, Inc. to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Comcast Cable Communications, Inc. that are currently subject to rate regulation.

Shonda Green
Department of Telecommunications and Cable
1000 Washington Street, Suite 600
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Telephone: (617) 305-3580
Email: dte.filing@mass.gov

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Email: lindsay.deroche@mass.gov

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Administrator of Special Projects and Data Analytics
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Comcast Communications
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Mark Renaud
Director of Regulatory Accounting
Comcast – North Central Division
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Joseph Lance
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Comcast Cable Communications
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E-mail: joseph_Lance@cable.comcast.com

Jim Gray
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