



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

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 30, 2020 ~ 6:00 PM Yarmouth Town Hall Hearing Room 1146 Rt. 28, South Yarmouth, MA 02664

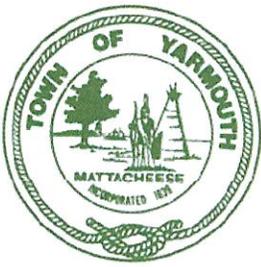
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NOTE: THIS IS A REMOTE PARTICIPATION MEETING

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:
<https://us02web.zoom.us/j/86035456682?pwd=V0xCSis4SzFTRlhOMmJyTm13Q1RyQT09>
Audio, video and screen sharing functions will be disabled during the public session. Request to participate by using the "raise hand" function. (webinar ID: 860 3545 6682/ password 761508)
3. 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: 860 3545 6682/ password 761508. 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.
4. 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.
5. 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.
6. 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.



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Board of Selectmen Meeting
June 30, 2020 ~ 6:00 PM
Yarmouth Town Hall Hearing Room
1146 Rt. 28, South Yarmouth, MA 02664

YARMOUTH TOWN CLERK

'20JUN26AM9:29 REC

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.

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Meeting Agenda *(all times are approximate)*

6:00 PM Public Announcements and 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 Drive-In Site Use – Summer 2020

1. Public Hearing - Entertainment License
2. Use of Town-Owned Property (669 Route 28)
3. License Agreement

7:00 PM Shark Response Policy Review

7:30 PM Motion to allow all businesses in Yarmouth to conduct normal business operations to the extent they feel they are capable of doing safely, without fear of local repercussions. (Discussion/Vote)

1. Advisory from YPD to Liquor License Holders

8:00 PM COVID-19 Updates and Operations

1. Regulatory Relief for Businesses Update

8:30 PM Board of Selectmen Response to Recent Acts of Hatred in Town

9:00 PM Board and Committee Actions

1. Committee Appointments
2. Projected 2020 Agenda Items
3. Individual Items

9:15 PM Town Administrator Items

1. Consent Agenda
2. Town Administrator Updates
3. Water Resources Planning

9:30 PM Adjourn

CONSENT AGENDA

BOARD OF SELECTMEN

June 30, 2020

APPROVED: _____

Approval:

- Official Citation Recognizing Scott Angell, Highway Division

YARMOUTH TOWN CLERK

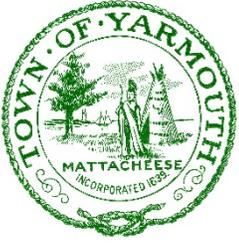
'20JUN26AM9:29 REC

AGENDA PACKET
Board of Selectmen
June 30, 2020

- June 25, 2020 Memo from Kathy Williams, Town Planner, regarding Innovation Arts & Entertainment Revised Proposal – 2020, with attachments
- Shark Sighting and Shark Attack Policy
- Advisory to Yarmouth Alcohol License Holders from Phil Magnuson, Liquor Licensing Liaison, Yarmouth Police Department
- Temporary Outdoor Seating Licensees as of June 25, 2020
- Yarmouth Police Department Media Release: Yarmouth Police Investigate Hate Incidents, and photos
- Committee Reappointments – Open Space Committee (3)
- Committee Appointment – Board of Registrars (1)
- Projected 2020 Agenda Items

AGENDA

ITEMS



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: Kathy Williams, Town Planner
cc: Drive-In Site Utilization Committee
Community & Economic Development Committee
Date: June 25, 2020
Subject: Innovation Arts & Entertainment Revised Proposal – 2020 Season

Innovation Arts & Entertainment (iAE) has moved forward with augmenting their proposal taking into consideration input from the Board of Selectmen as well as comments from Town Staff and the Drive-In Site Utilization Committee. Some of the more significant changes include:

- Modifications to the traffic control plan to address ingress/egress lanes and ticket scanning to minimize impacts to Route 28.
- Changes to the parking layout to improve circulation which decreases parking to 299 vehicles for Phase 1 & 2 of the reopening and 459 vehicles for Phase 3.
- Use of LED screens and an additional 20'x11.5' LED screen in the parking area to improve visibility for the parking spaces in the back of the site.
- Bringing WiFi to the site for ticket scanning and contactless concessions.
- Addition of food trucks by local vendors.

The Applicant has been working closely with Town Staff to address issues and move forward with addressing licensing, permitting and regulatory requirements in preparation for the June 30, 2020 Special Entertainment License Hearing and the Use of Town-Owned Property review.

A Draft License Agreement is attached for consideration by the Board which includes proposed licensing fees and security deposit amounts agreed to by the applicant, as well as standard stipulations from the Interim Use Policy for the Yarmouth Drive-In Site, and comments from Town Staff. The Draft License Agreement has been reviewed by Town Counsel. To keep things moving forward, it is requested that the Board vote to approve (or approve as amended) the License Agreement and authorize the Town Administrator to finalize and execute the document.

ATTACHMENTS:

- Draft License Agreement
- Site Plans showing ingress/egress for the Initial Phase 1&2 (V2) and later Phase 3 (V1)
- Legal Notice for Special Entertainment License Hearing
- Applications for Special Entertainment License & Use of Town-Owned Property
- Notice to Abutters for Special Entertainment License Hearing & Affidavit of Mailing
- Updated Presentation

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is entered into this ____ day of _____, 2020, by and between the Town of Yarmouth, a municipal corporation, having its principal place of business at 1146 Route 28, Yarmouth, MA 02664, acting by and through its Board of Selectmen (hereinafter referred to as "Licensor" or "Town") and Yarmouth Events, LLC, a Massachusetts Limited Liability Company with a principal address of 120 Mitchel Road, Vineyard Haven, MA 02568 (hereinafter referred to as "Licensee").

WHEREAS, Licensor is the owner of certain land located at 669 Route 28, Yarmouth, Massachusetts (the "Licensed Area" or "Property") shown as Parcel 122 on Assessor's Map 32 (the "Property") as depicted on the plan attached hereto as Exhibit A (the "Plan").

WHEREAS, Licensee desires to enter upon the Licensed Area for the purposes of conducting entertainment for the 2020 summer season including drive-in movies and other forms of entertainment such as concerts and public shows, as further outlined in the Application for Use of Town-Owned Property and Special Entertainment License, dated June 8, 2020 and updated June 17, 2020, said Application being on file with the office of the Yarmouth Board of Selectmen.

WHEREAS, Licensee has requested, and Licensor has decided to grant, a license for the use of the Licensed Area in the areas depicted on the Plan ("Area 3") for the term set forth herein.

NOW THEREFORE, for consideration of a Fee to be paid as outlined in Exhibit A, Licensor hereby grants to Licensee the non-exclusive license and right to use and maintain Area 3 (the "Licensed Area"), subject to the following conditions:

1. The Licensee shall use and maintain the Licensed Area solely for entertainment purposes, including drive-in movies and other forms of entertainment such as concerts and public shows, including the sale of concessions and food. Sound will be transmitted to vehicles' FM radios via a transmitter for all types of entertainment with no amplification of sound via outside speakers or public address systems. The maximum number of cars allowed on the Licensed Area at any one time is limited to a maximum of 500 provided that adequate vehicular circulation on the Licensed Area is maintained. The Licensee shall use and maintain the Licensed Area in a safe and proper manner and only for the purposes for which they presented and approved by the Town. No unauthorized use of the Licensed Area by the Licensee shall be made without the advance written permission of the Board of Selectmen.
2. Unless terminated at a sooner date by the Licensor, the term of this License Agreement shall terminate on September 7, 2020. Hours of operation are limited to 2 PM to 11 PM daily during the duration of this License Agreement. Duration of this License and/or hours of operation may only be modified by written permission of the Board of Selectmen.
3. Licensee agrees to indemnify, release and hold Licensor harmless from all claims, damages, injuries, suits, demands and liability of any kind arising from and/or resulting from Licensee's and Licensee's agents, employees and subcontractor's use and maintenance of the Licensed Area, as described herein. For the duration of this license, Licensee shall maintain a liability policy for its contemplated use covering liability of \$1,000,000 per claim and \$3,000,000 in the aggregate; and the Licensee shall name the Licensor an additional insured on such policy with

a certificate evidencing the same to be delivered within **seven (7) calendar days** from the execution hereof.

4. This License Agreement contains the full and complete understanding between the parties and supersedes all prior agreements and understandings pertaining hereto and cannot be modified except by a writing signed by each party. This Agreement may be executed in multiple counterparts. This Agreement is a Massachusetts Contract and may only be enforced in a Massachusetts State Court of competent jurisdiction.
5. The Licensor states and the Licensee acknowledges that this License may not be construed as an easement or a lease. This License may not be recorded and is terminable at will by the Licensor, with or without cause.
6. This License is not assignable or transferrable without an amendment hereto. It is binding upon the Licensee's officers, agents, employees, shareholders and directors. The Licensee shall not allow any other group, individual, or entity not a member or affiliate of the Licensee's organization to utilize the site during the period of this License Agreement without the express written permission of the Town and only upon such terms and conditions acceptable to the Town, including but not limited to the payment of fees and charges.
7. Licensee is responsible for obtaining all necessary permits, licenses and inspections, and shall operate in compliance with all applicable laws, rules, ordinances, regulations, permits and by-laws pertaining to the use of the site, including but not limited to the Massachusetts General Laws (MGL), By Laws of the Town of Yarmouth (including the Noise Bylaw), and the Policies, Rules and Regulations of the Yarmouth Board of Health, Department of Public Works (DPW), Conservation Commission, and Board of Selectmen.
8. No alcoholic beverages shall be sold on the property and no person shall possess or consume any alcoholic beverages on the property. The Licensee is required to affirmatively monitor and enforce this requirement and that any liability for the consumption of alcoholic beverages on the Property shall be subject to the release and indemnification provisions of Paragraph 3 hereof.
9. The site is being licensed as-is and the Town will not be providing any equipment or improvements to the site. The Licensee is responsible for keeping the Licensed Area in a neat and clean condition throughout the term of this License, including mowing the grass at regular intervals.
10. The Licensee is required to recycle. All rubbish, trash and litter on the site shall be cleaned up daily after each event and placed into closed and secured refuse and recycling dumpsters, which shall be emptied both at regular intervals as needed, and within three (3) business days from the end of the License Agreement.
11. The Licensee shall be responsible for staffing, security measures and equipment as necessary to safely conduct an event at the site and accessing/egressing from the site including, but not limited to, directional signage, generators, lighting, sanitary facilities, police details, fire department/EMT personnel, safety equipment and first aid station(s). Lighting shall not create glare to abutting properties and must be directed downward so as not to impact the neighborhood. Licensee shall coordinate with the Police Department to determine police detail requirements and Licensee agrees to bear all costs for any such police details.

12. Licensee is fully responsible for compliance with all COVID-19 Orders, Sector Specific Workplace Standards, and any other directives issued by the Commonwealth of Massachusetts or the Town of Yarmouth to address COVID-19.
13. Prior to the commencement of this License, Licensee shall prepare a written plan for removing equipment and materials in the event of a major storm and submit to the Town. The Licensee shall prepare an emergency plan in event of a fire or medical emergency and submit to the Yarmouth Police and Fire Departments. Such plans must be approved by the Police and Fire Departments prior to the commencement of this License.
14. Licensee shall ensure safe and efficient access to the Property, the upweller and the fire hydrant on the site at all times by the Police and Fire Departments as well as the Yarmouth Division of Natural Resource. The gate to the property shall be locked after hours.
15. Heavy duty green snow fencing, or alternative approved by the Yarmouth DPW, shall be used along the entire eastern edge of the Licensed Area adjacent to the Parkers River for safety, protection of wetland resources, to minimize trash blowing into the River and protecting the upweller located on the site. A segment of the fencing shall be moveable to allow for access to the upweller.
16. Licensee shall allow for ensuring reasonable access, as needed, over the Licensed Area by the existing License holders for Areas 1 & 2, MIG Corporation. MIG is the contractor for the adjacent Parkers River Bridge replacement project which is currently suspended until September 8, 2020. Licensee shall allow for reasonable access to the Licensed Area and over the Licensed Area by the Town, their consultants or agents, as needed, to conduct necessary site investigations associated with the Riverwalk Park and Boardwalk design and permitting. These site investigations will be conducted during off hours or when events are not being held on the premises.
17. No equipment or generators shall be refueled, nor shall fuel be stored on areas of the Licensed Area within 100 feet of a wetland resource area or Parkers River itself. Any fuel delivery truck driver bringing fuel to Licensee must follow all company policies, Yarmouth Fire Department regulations and Health Department Regulations. Licensee is responsible for coordinating with the Fire and Health prior to the first fuel delivery. No toxic or hazardous materials shall be stored on the property.
18. In emergency circumstances, use of the site may be suspended, including but not limited to emergency maintenance by the Town, or its agents. The Town has discretionary authority to postpone or cancel any and all events under such circumstances to ensure the safety of the general public, including participants.
19. Periodic inspections may be conducted by the Dept of Public Works (DPW) and other Town Staff as necessary throughout the term of this License to assess any damage to the Property which needs immediate repair and any operational modifications which may be necessary to prevent damage, protect the environment, address neighborhood concerns, health and public safety. Licensee shall comply with any and all reasonable directives to complete any such repairs or modifications. Any damage to the Licensed Area as determined by the DPW shall be repaired by the Licensee to the satisfaction of the DPW.
20. Upon the completion of the License Agreement, the Licensee shall restore the Licensed Area to its original condition, or better, as determined by the Department of Public Works within

seven (7) calendar days. In addition, the Licensee shall hydroseed the vegetated areas with a New England Conservation Seed Mix and re-establish vegetation subject to the satisfaction of the DPW within thirty (30) calendar days from the termination of the License.

21. The Licensee is required to provide a security deposit in the amount of \$10,000 to insure compliance with the terms hereof. If the Licensee causes damage to the Licensed Area or fails to restore the same, as aforesaid, all or part of the security deposit shall be forfeited to the Town. If the cost of repair exceeds the amount of the security deposit, the Licensee shall be responsible for the balance and forthwith pay the same upon presentation of a bill for such damage by the Town. A post-event inspection of the site shall be held no later than seven (7) calendar days after the final event has concluded, and subsequently, upon the restoration activities required under Paragraph 20 hereof. In the event that the site is not damaged by the Licensee, is left in good condition, and the restoration plan has been completed, the security deposit shall be returned following a final inspection by the DPW. Refunds of security deposits will be processed as soon as practical.
22. The Licensee is required to have a responsible manager on site during all events and an emergency contact available at all times. The name, phone number and other contact information for any such individuals shall be supplied to the Town prior to the commencement of this License.
23. This License may be revoked if the Licensee does not abide by the terms of this License Agreement, the Special Entertainment License, or any other permits or regulations, or allows the grounds to be damaged through its actions or lack of action.

IN WITNESS WHEREOF, the parties have hereunto caused this License Agreement to be executed by their authorized officials, effective as of the date first written above.

Licensee
Yarmouth Events, LLC

Licensor
Town of Yarmouth

By: _____,

Its: _____,
Duly Authorized

Dated: _____

By: Daniel M. Knapik,

Its: Town Administrator,
Duly Authorized

Dated: _____

Exhibit A – Fee

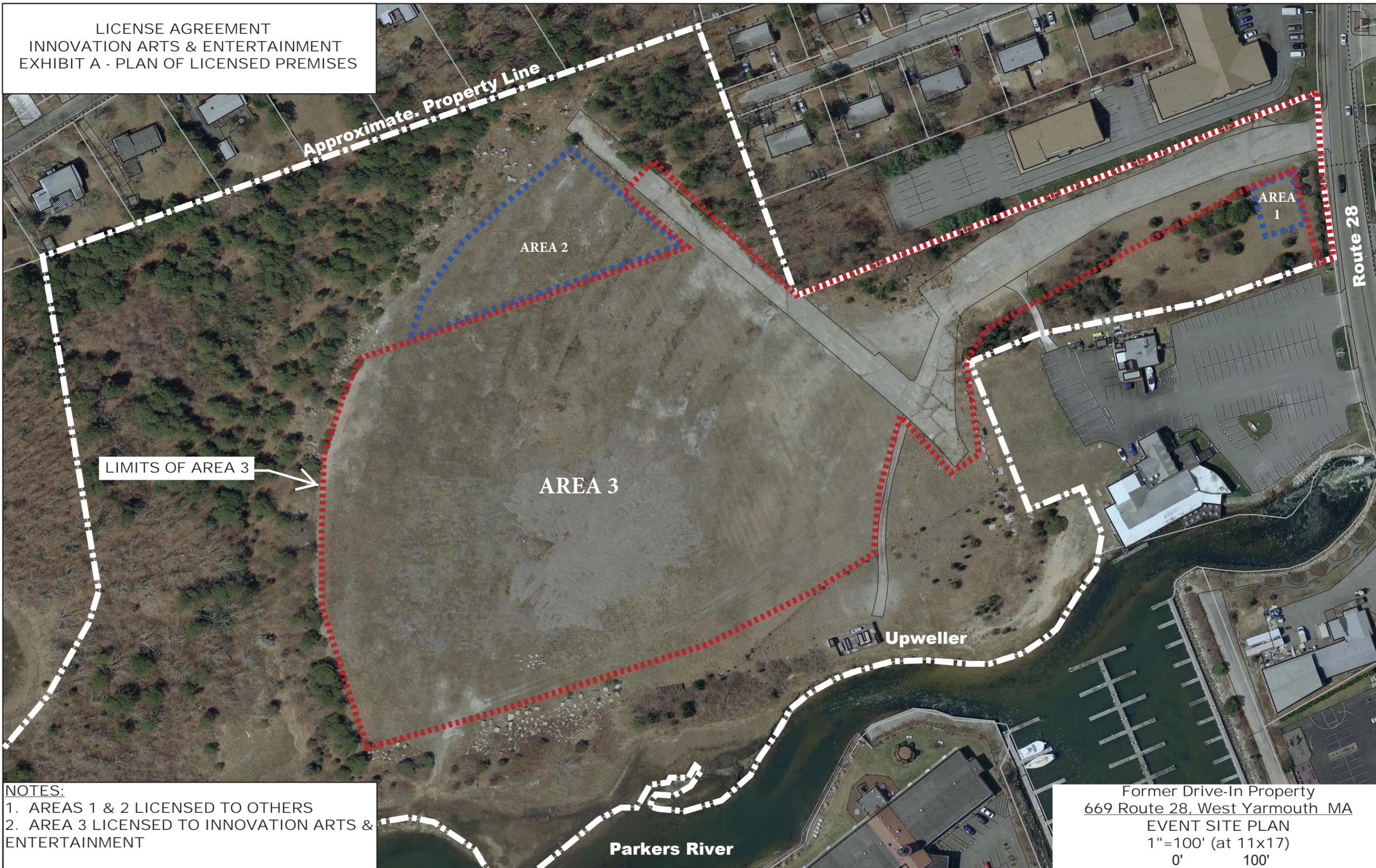
The Licensee shall pay the Town of Yarmouth a Licensing Fee for use of the Licensed Area as outlined below:

- From the execution of this License Agreement through July 31, 2020, the Licensee shall pay a fee to the Town of Yarmouth of \$1 per ticket sold. From August 1, 2020 through September 6, 2020, the Licensee shall pay a fee to the Town of Yarmouth of \$2 per ticket sold.
- Payments shall be made to the Town of Yarmouth on a weekly basis through electronic transfer, and shall include documentation showing the number of tickets sold each day for the payment period.
- The Licensee shall keep accurate records for the tickets sold, which such records shall be subject to the Licensor's review, upon request.

Exhibit B – Plan of Licensed Premises

DRAFT

LICENSE AGREEMENT
INNOVATION ARTS & ENTERTAINMENT
EXHIBIT A - PLAN OF LICENSED PREMISES



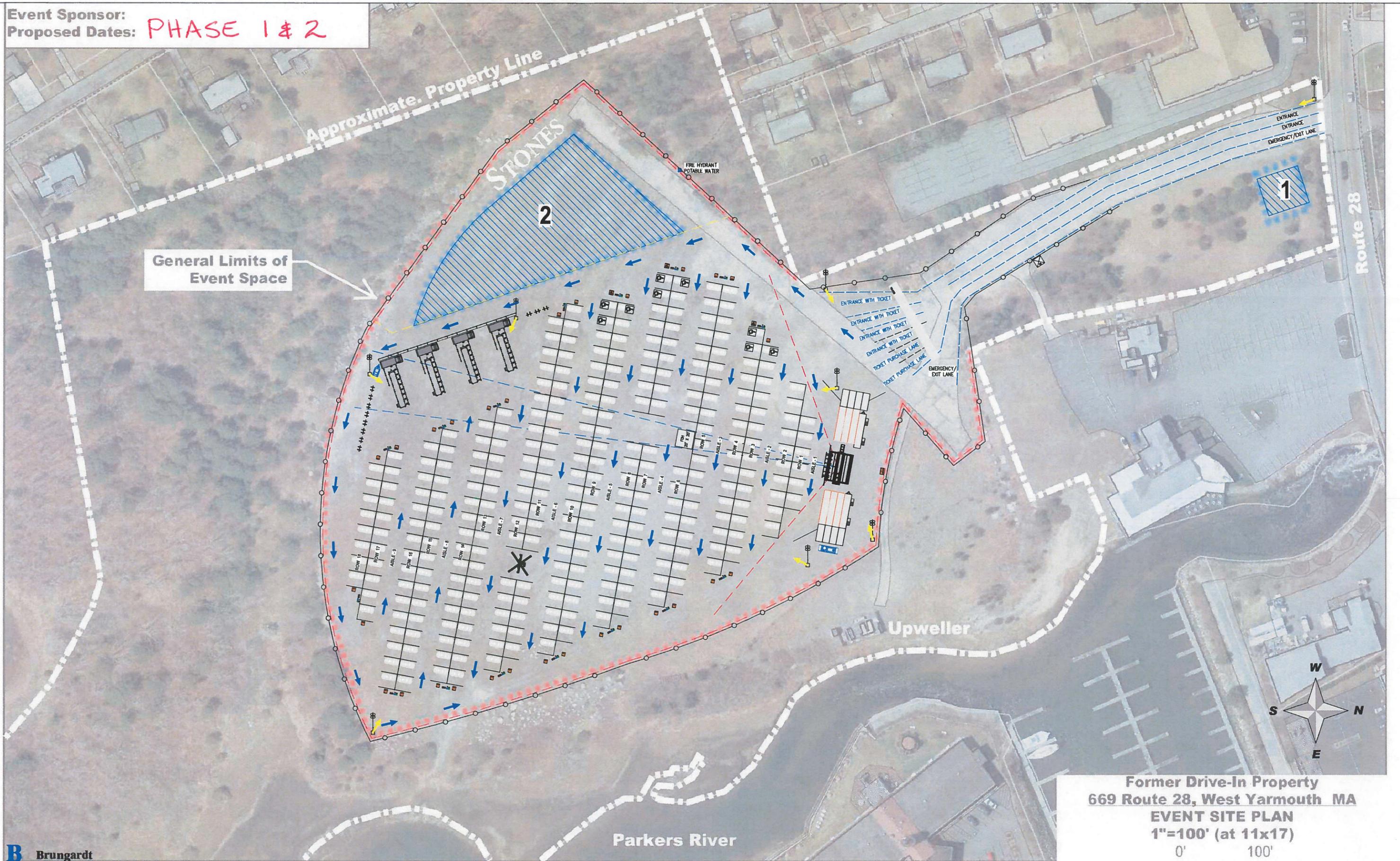
NOTES:
1. AREAS 1 & 2 LICENSED TO OTHERS
2. AREA 3 LICENSED TO INNOVATION ARTS &
ENTERTAINMENT

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

Exhibit C - Certificate of Insurance

DRAFT

Event Sponsor:
Proposed Dates: **PHASE 1 & 2**



General Limits of Event Space

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

B Brungardt
Enterprises, L.L.C.
"CAD Services for Venues, Festivals and Tours"
www.b-ent.com
(888) 740-2223

DRIVE IN PARKING = 290 SPACES + 9 ADA SPACES = 299 TOTAL VEHICLES

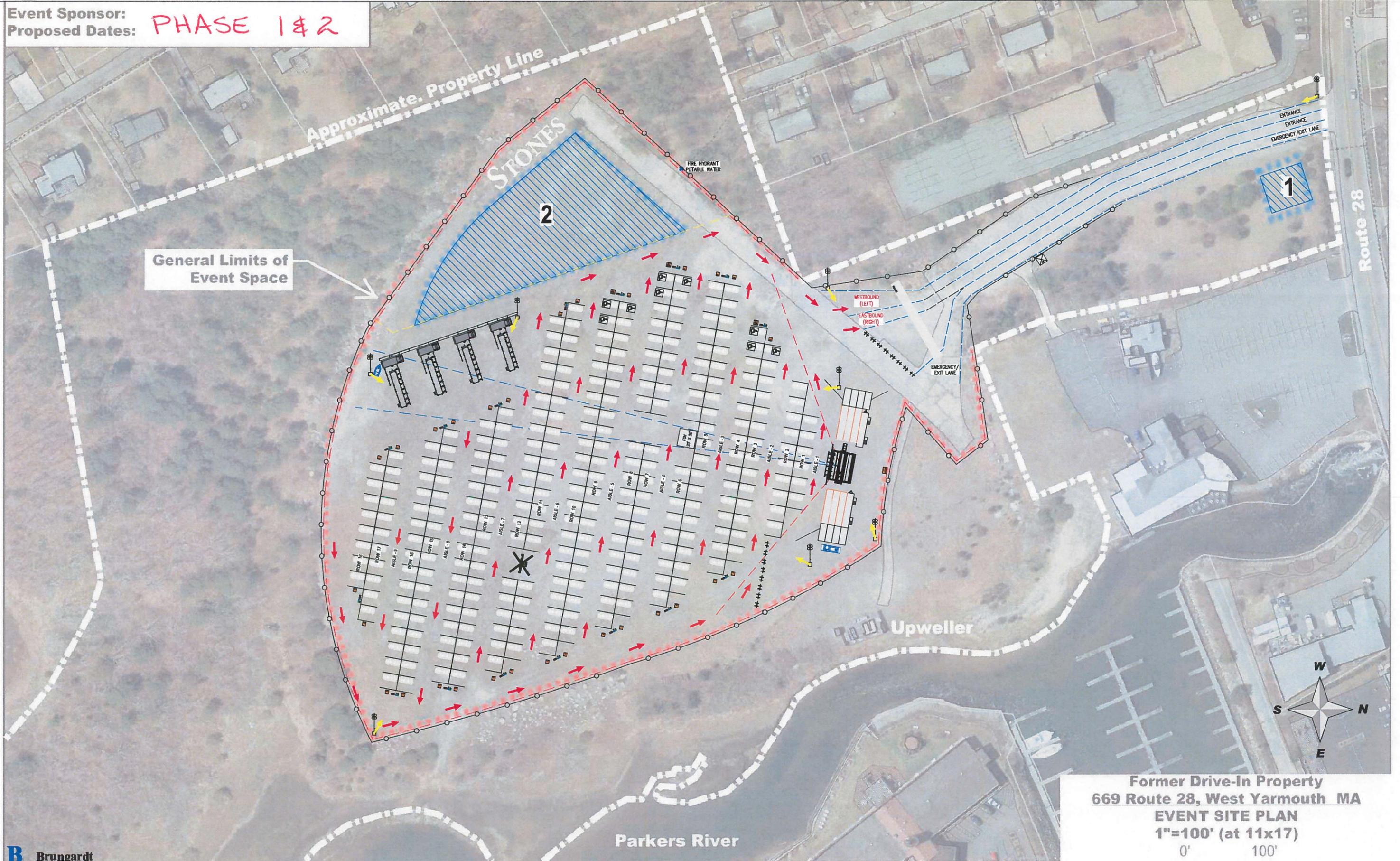
--- GENERAL LIMITS OF EVENT SPACE

Drive In Spaces
EVENT DATE: 2020
REV. DATE: 06-24-2020

Ingress Plan

Old Yarmouth Drive In-V2

Event Sponsor: **PHASE 1 & 2**
 Proposed Dates: **PHASE 1 & 2**



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

DRIVE IN PARKING = 290 SPACES + 9 ADA SPACES = 299 TOTAL VEHICLES

--- GENERAL LIMITS OF EVENT SPACE

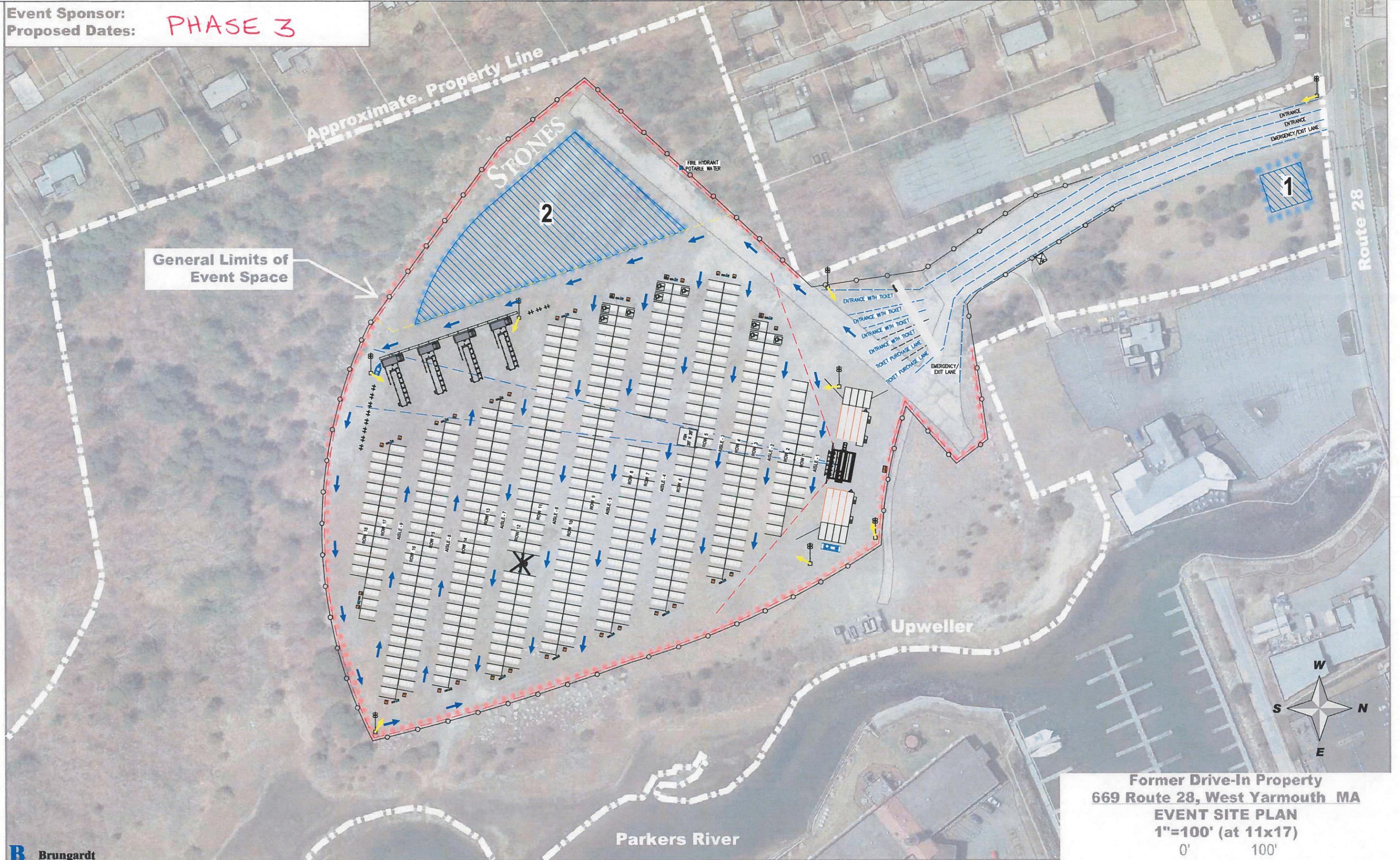
Brungardt Enterprises, L.L.C.
 "CAD Services for Venues, Festivals and Tours"
 www.b-ent.com
 (888) 740-2223

Drive In Spaces
 EVENT DATE: 2020
 REV. DATE: 06-24-2020

Egress Plan

Old Yarmouth Drive In-V2

Event Sponsor: **PHASE 3**
 Proposed Dates:



General Limits of Event Space

Former Drive-In Property
 669 Route 28, West Yarmouth MA
EVENT SITE PLAN
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0' 100'

DRIVE IN PARKING = 450 SPACES + 9 ADA SPACES = 459 TOTAL VEHICLES

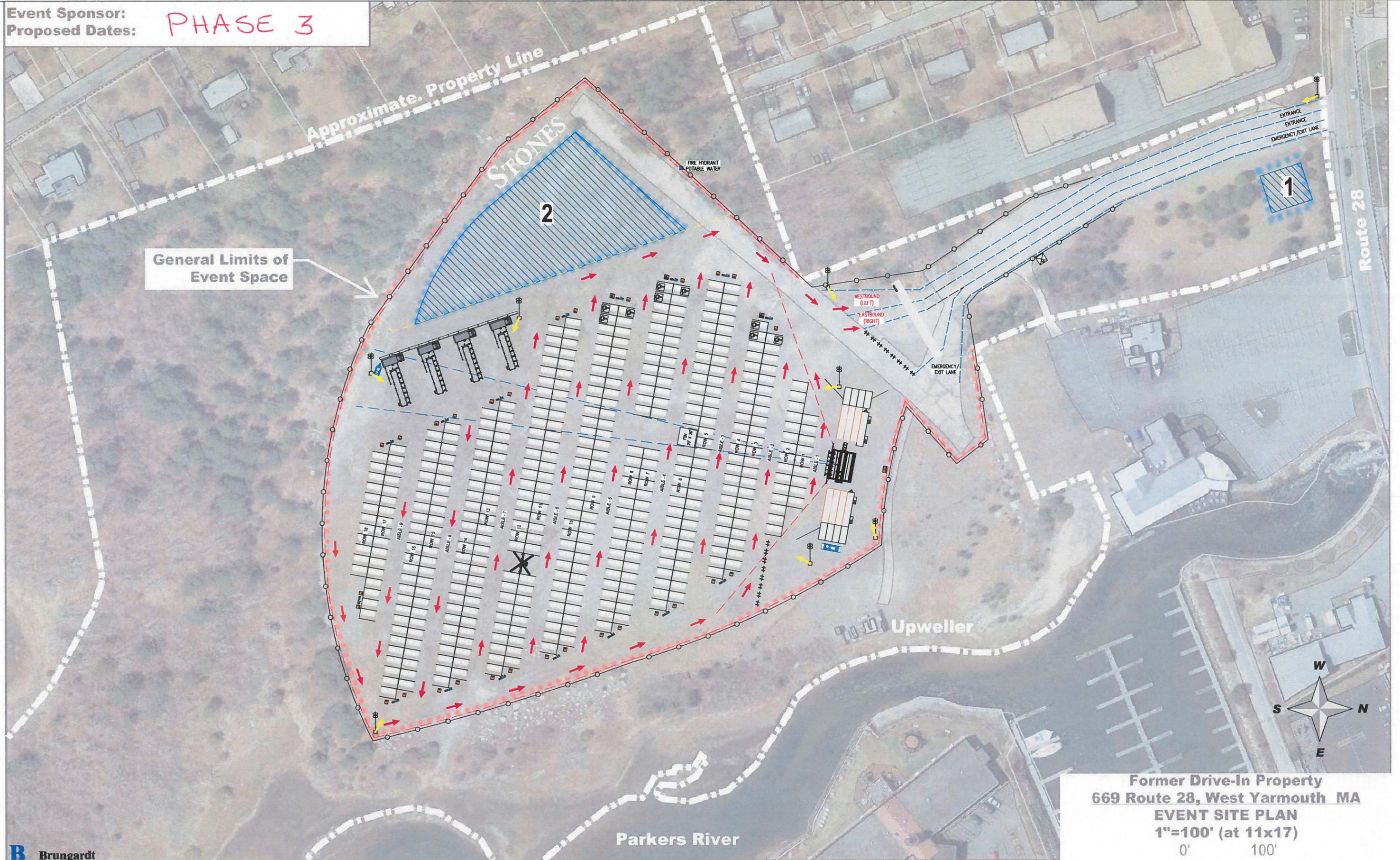
--- GENERAL LIMITS OF EVENT SPACE

Brungardt Enterprises, L.L.C.
 "CAD Services for Unions, Festivals and Tours"
 www.b-ent.com
 (888) 740-2223

Ingress Plan

Old Yarmouth Drive In-V1
 Drive In Spaces
 EVENT DATE: 2020
 REV. DATE: 06-24-2020

Event Sponsor: **PHASE 3**
 Proposed Dates:



General Limits of Event Space

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

DRIVE IN PARKING = 450 SPACES + 9 ADA SPACES = 459 TOTAL VEHICLES

--- GENERAL LIMITS OF EVENT SPACE

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 "CAD Services for Venues, Festivals and Tours"
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Egress Plan

Old Yarmouth Drive In-V1
 Drive In Spaces
 EVENT DATE: 2020
 REV. DATE: 06-24-2020



TOWN OF YARMOUTH

1146 Route 28 South Yarmouth MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1270, 1271 (508) 398-2365

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR
Daniel Knapik

June 17, 2020

The Cape Cod Times

Please advertise the following as a Legal Ad in your newspaper on June 20, 2020.

TOWN OF YARMOUTH BOARD OF SELECTMEN SPECIAL ENTERTAINMENT LICENSE HEARING

The Board of Selectmen, acting as the Local Licensing Authority for the Town of Yarmouth, has received an application from Adam Epstein, on behalf of Innovation Arts & Entertainment, for a Special Entertainment license to host "Live at the Yarmouth Drive-In" entertainment events at 669 Route 28, West Yarmouth beginning on July 1, 2020 and ending September 6, 2020.

Entertainment will include drive-in movies and other forms of entertainment such as concerts including live and recorded music and public shows such as comedy shows. Drive-in movies will be shown on multiple screens and performers will perform on a stage set between two screens. Sound will be transmitted to vehicle's FM radios via a transmitter for all types of entertainment with no amplification of sound. Hours of entertainment will be 2:00 – 11:00pm daily.

Hearing will be held remotely on Tuesday, June 30, 2020. The Selectmen's meeting begins at 6:00pm. Written comments will be accepted in the Selectmen's office at Town Hall via the drop box or can be submitted electronically to: publiccomment@yarmouth.ma.us. Please see the posted agenda on the Town website 48 hours prior to the meeting for instructions on electronic participation.

Please bill the applicant for the ad:

Adam Epstein
Innovation Arts & Entertainment
111 N. Wabash Ave. Suite 919
Chicago, IL 60602
312-274-1800 X226
773-580-8930
adam@innovtionae.com

TOWN OF YARMOUTH BOARD OF SELECTMEN SPECIAL ENTERTAINMENT LICENSE HEARING

The Board of Selectmen, acting as the Local Licensing Authority for the Town of Yarmouth, has received an application from Adam Epstein, on behalf of Innovation Arts & Entertainment, for a Special Entertainment license to host "Live at the Yarmouth Drive-In" entertainment events at 669 Route 28, West Yarmouth beginning on July 1, 2020 and ending September 6, 2020.

Entertainment will include drive-in movies and other forms of entertainment such as concerts including live and recorded music and public shows such as comedy shows. Drive-in movies will be shown on multiple screens and performers will perform on a stage set between two screens. Sound will be transmitted to vehicle's FM radios via a transmitter for all types of entertainment with no amplification of sound. Hours of entertainment will be 2:00 – 11:00pm daily.

Hearing will be held remotely on Tuesday, June 30, 2020. The Selectmen's meeting begins at 6:00pm. Written comments will be accepted in the Selectmen's office at Town Hall via the drop box or can be submitted electronically to: publiccomment@yarmouth.ma.us. Please see the posted agenda on the Town website 48 hours prior to the meeting for instructions on electronic participation.

06/20/2020



TOWN OF YARMOUTH LICENSE OFFICE

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

RECEIVED
JUN 17 2020

LICENSES & PERMITS
TOWN OF YARMOUTH

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 (Updated June 17th, 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@innovationae.com

NAME OF EVENT: Live at the Yarmouth Drive-In DATE OF EVENT: 7/1/20 to 9/6/20

ADDRESS WHERE EVENT WILL TAKE PLACE: 669 Massachusetts 28, West Yarmouth, MA 02673

PERSON IN CHARGE OF EVENT: Adam Epstein

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 Comedy

DATE(S) OF ENTERTAINMENT: 7/1/20 to 9/6/20, Daily
Varies by day week of and type of programming

HOURS OF ENTERTAINMENT: 2PM to 11Pm

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.

Entertainment will include drive-in movies, and other forms of entertainment such as concerts including live and recorded music, and public shows such as comedy shows. Drive in movies will be shown on the two movie screens and performers will perform on the stage located between the screens (as detailed in the attached Drive-In Updated 6.17.20 pdf). Sound will be transmitted to vehicles FM radio's via a transmitter for all types of entertainment with no amplification of sound.

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 2020 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

06/17/20

DATE



TOWN OF YARMOUTH APPLICATION FOR USE OF TOWN-OWNED PROPERTY

Applicant ADAM EPSTEIN

Affiliation or Group INNOVATION ARTS & ENTERTAINMENT

Telephone Number (773) 580-8930

Mailing Address 120 Mitchell Road
Vineyard Haven, MA 02568

Email Address: ADAM@INNOVATIONAE.COM

Town Property to be used (Include specific area): OLD YARMOUTH DRIVE-IN

Describe Use and purpose: CREATE A SUMMER LONG DRIVE-IN EXPERIENCE FEATURING MOVIE SCREENINGS
LIVE MUSIC, COMEDIANS, AND OTHER COMMUNITY EVENTS

Beginning Date and Time of Event: JULY 2ND, 2020 AT 2PM

Ending Date and Time of Event: SEPTEMBER 6TH, 2020 AT 11PM

Date and Time you need Location for Set Up: July 1st, 2020 AT 6AM

Total Guests/Participants Expected: Phase 1/2 - Max of 300 Cars
Phase 3 - Max 500 Cars Average Persons per car estimated 2.5 per car Will alcohol be served? Yes No
Max 4 persons per car

Will a fee be charged? Yes No Amount(s): \$ VARIES BY PROGRAMMING

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 _____

iAE will work with local restaurants and food trucks in creation of a food and concessions program

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

1146 Route 28 South Yarmouth MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1271, 1270 - Fax (508) 398-2365

RECEIVED

JUN 22 2020

LICENSES & PERMITS
TOWN OF YARMOUTH

June 17, 2020

NOTICE TO ABUTTERS

**TOWN OF YARMOUTH
BOARD OF SELECTMEN
SPECIAL ENTERTAINMENT LICENSE HEARING**

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TOWN OF YARMOUTH

AFFIDAVIT OF MAILING OF NOTICE

FOR SECTION 14 SPECIAL ALCOHOL LICENSE APPLICATION

AND/OR SPECIAL ENTERTINMENT APPLICATION

RECEIVED
JUN 19 2020
LICENSES & PERMITS
TOWN OF YARMOUTH

I, ADAM EPSTEIN, the undersigned person, hereby attest and affirm that on or before the date of signature below I personally mailed notice of this Application to each of the abutters on the attached list by First Class Mail, postage prepaid.

Signed under the penalties of perjury this 19th day of JUNE 2020.

Signature:



ADAM EPSTEIN

Print Name

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

OPENING DAY: FRIDAY, JULY 10

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

We appreciate the feedback provided by the Town, have incorporated it, and are pleased to provide our updated site and operational plan.

SITE

We'll care for it, we'll maintain it, we'll keep it safe, clean and green – and at summer's end will ensure the site is restored as required.

PEOPLE

Pleasing our customers is in our top priority and we pledge to work hard, learn quickly and be agile in adapting to the preferences of the Town and its constituents.

OPERATIONS

We care and take pride in the quality of our work and know no other way than to operate professionally.

SAFETY AND HYGIENE

We take our obligations seriously, are community-minded and dedicated to supporting COVID-19 safety guidelines for public gatherings and will be proficient in modifying operations as guidelines evolve.

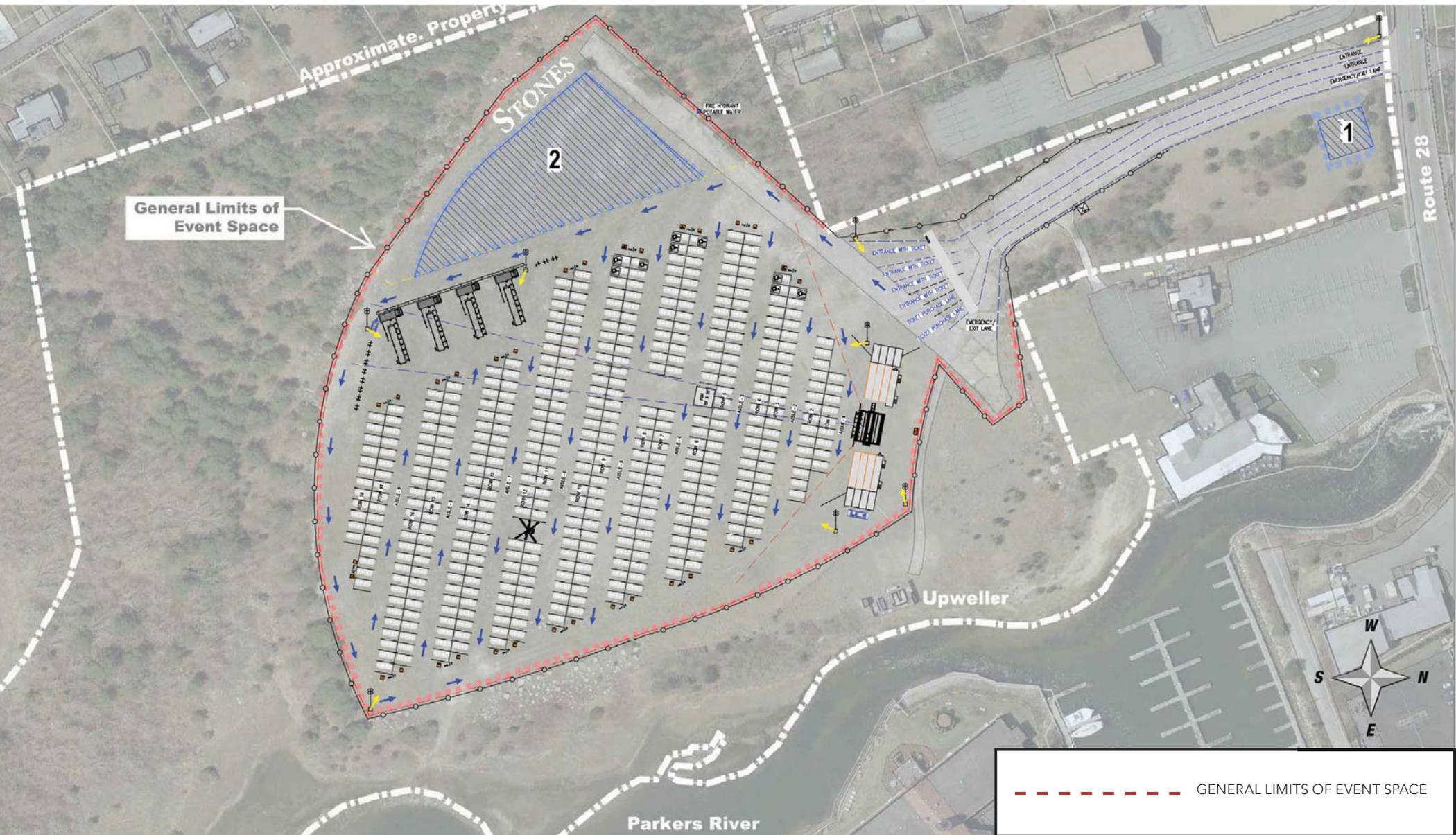
ENTERTAINMENT

The site will be highly structured, and our setup capable of accommodating a variety of entertainment, so as conditions change we'll be in a position to maximize the fun and diversity of options.

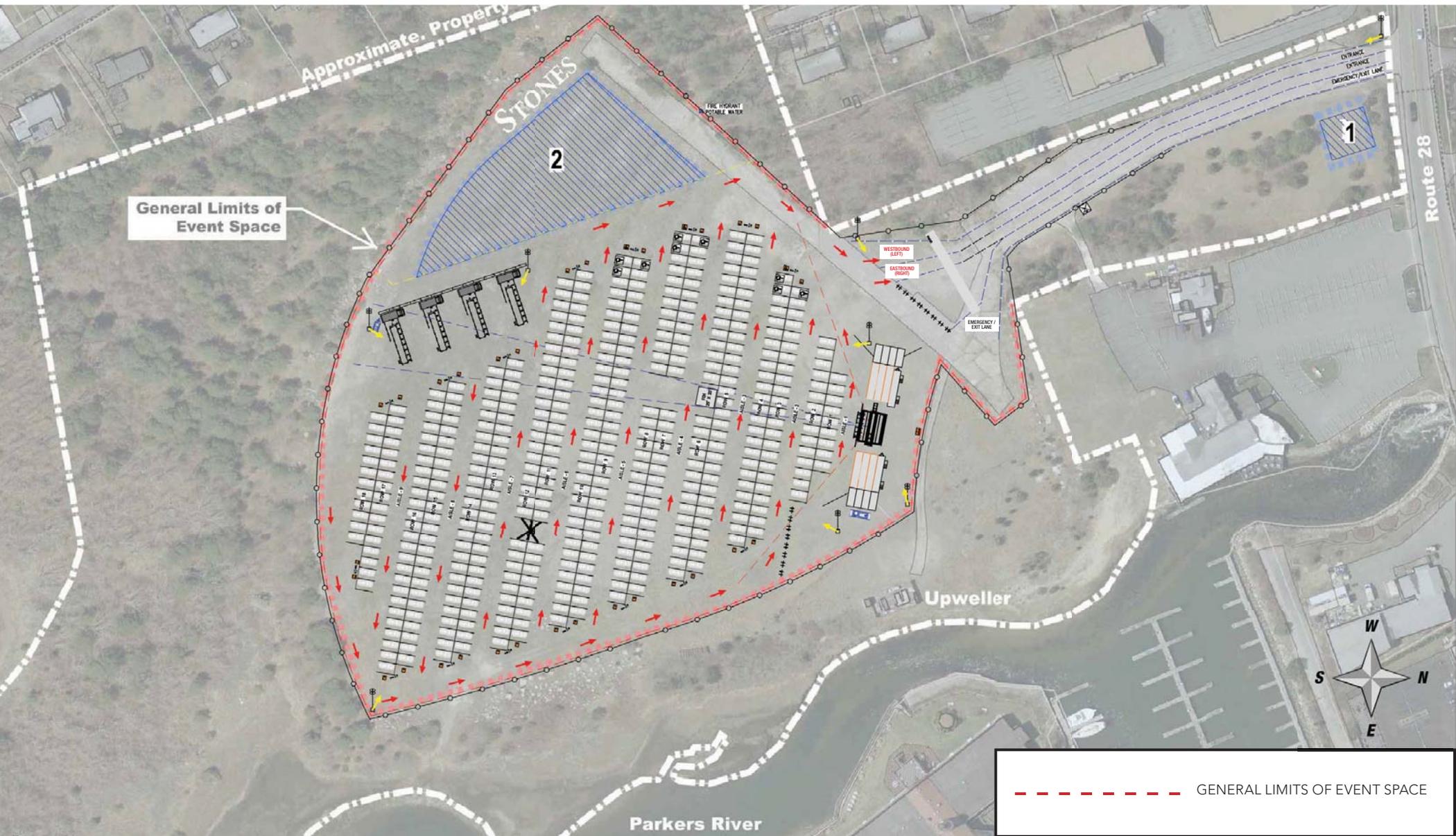
COMMUNITY

We are sensitive to needs of the Town and considerate of the surrounding community. We have adapted our plan to minimize disruption, traffic congestion, noise pollution and site lighting glare.

YARMOUTH DRIVE-IN INGRESS MAP



YARMOUTH DRIVE-IN EGRESS 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!

PRODUCTION

SL250 STAGE

- State of the art convertible stage enclosed in a semi-trailer that can be assembled in two hours with limited labor.
- All-in design includes a roof and wings sheltering the performers and equipment from inclement weather.
- Stage will be utilized for announcements and previews as well as live entertainment performances when permissible.
- In the event of severe weather, the stage can be lowered and secured within two hours.

LED VIDEO SCREENS

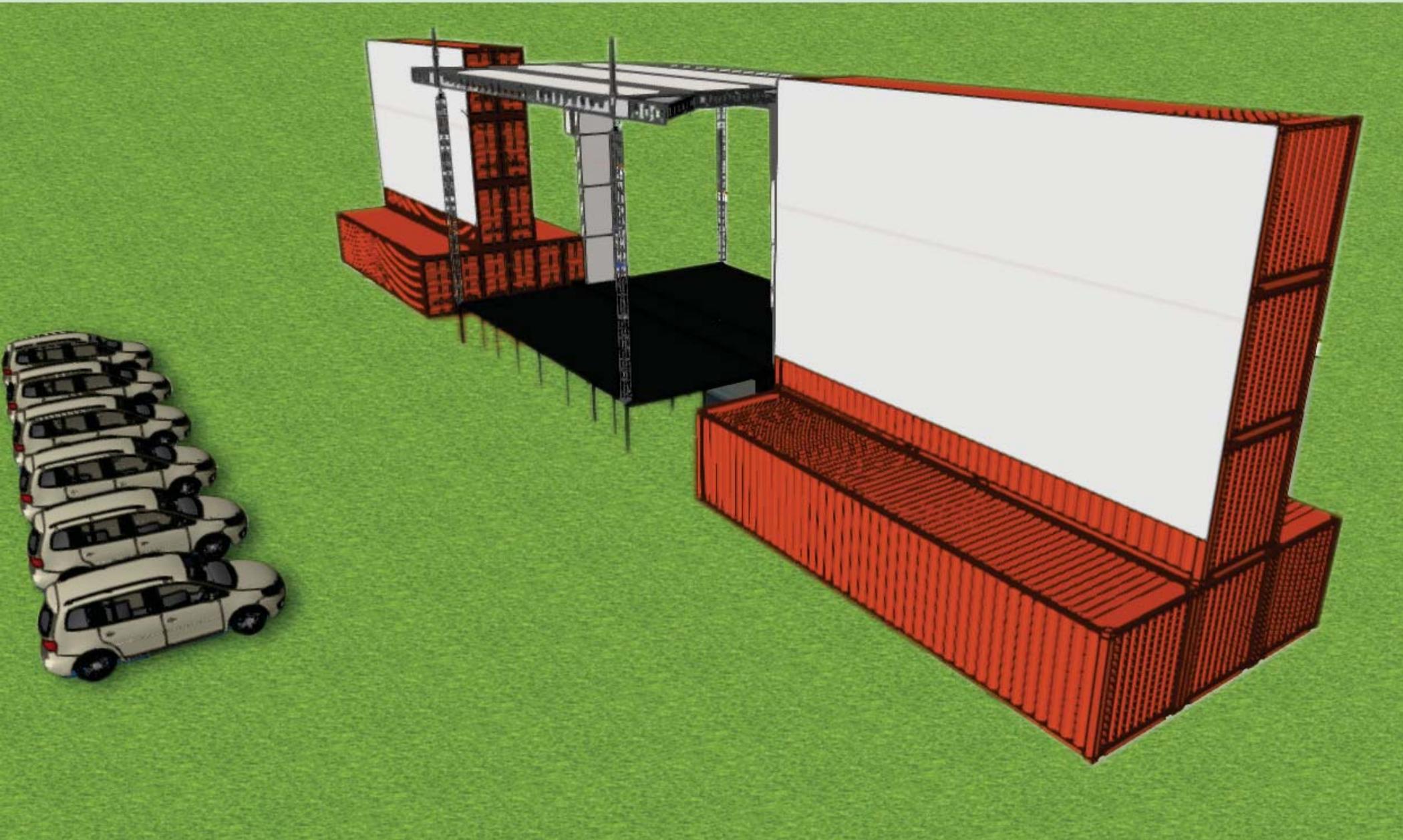
- Two 40' wide by 22.5' high LED screens will be erected on either side of the stage to show movies and eventually simulcast live performances. Spacing between stage and screens has been increased per Town feedback.
- LED screens will be elevated using ballast-secured shipping sea cargo containers.
- To facilitate better viewing for vehicles in the rear of the lot an additional 20' wide by 11.5' high LED screen may be erected at Rows 11-12 using ballast-secured stage trussing.
- Securing the screens: The dual screens and cargo containers will be enforced and secured with abundant ballast and engineered to withstand severe weather.

AUDIO

- FM-transmission technology will be utilized to broadcast audio to vehicle radios and reduce any sound impact on the surrounding community
- Ongoing announcements will instruct attendees to follow safety protocols in place, procedures for concessions and egress and employed in the event of a lost child.

WiFi

- WiFi networks will be available for ticket scanning, production and to facilitate contactless concessions for customers

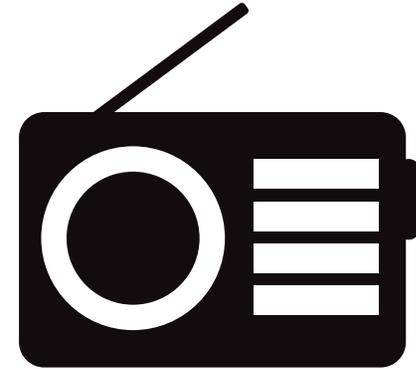




IMPACT ON THE SURROUNDING COMMUNITY

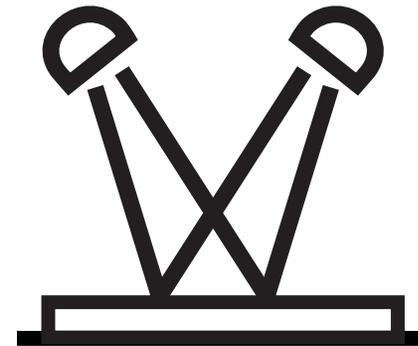
NOISE

The site plan orients the stage to have the lowest possible impact on the surrounding community and the use of FM-transmitter technology will further mitigate noise pollution.



SITE LIGHTING

All light towers will be directed downward and into the site, minimizing glare to the outside community.



TRAFFIC

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

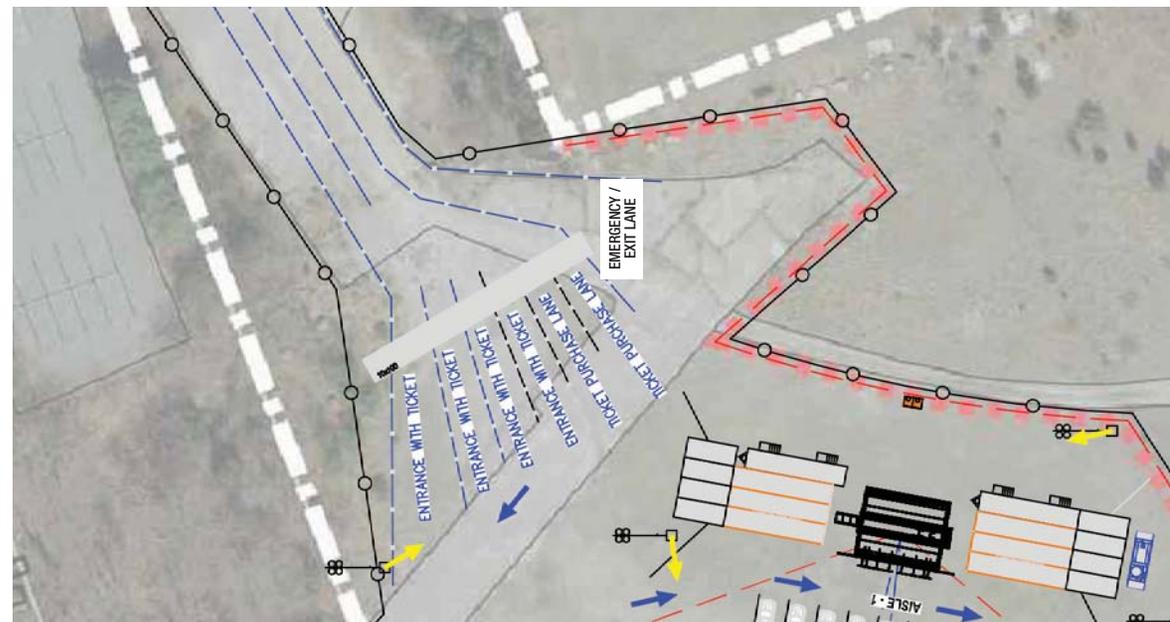
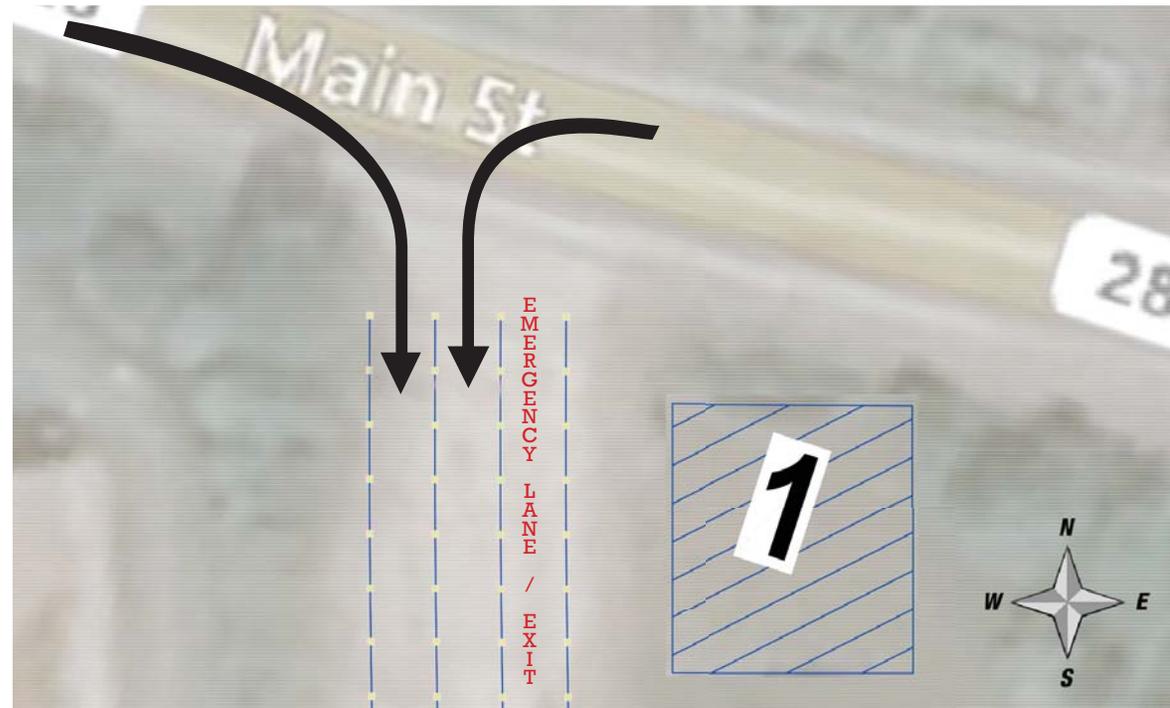


INGRESS / TRAFFIC FLOW

- Gates will open one hour prior to ticketed show time.
- Police/Traffic Detail will direct vehicle traffic from Route 28 onto the Access Road.
- Vehicles entering the Access Road from Route 28 will proceed on either of two lanes, towards a staffed admission tent spanning the width of the access road.
- Near the entry of the park, the two lanes of the access road will expand to FOUR ticket scan lanes on the west side of the road, and two ticket sales lanes on its east.
- Upon having their tickets scanned, lot attendants and plentiful directional signage will guide vehicles to their reserved parking aisle, row, and stall.
- The east-most lane will be reserved for vehicles needing to exit the site prior to, or during, each presentation.

TICKET SALES

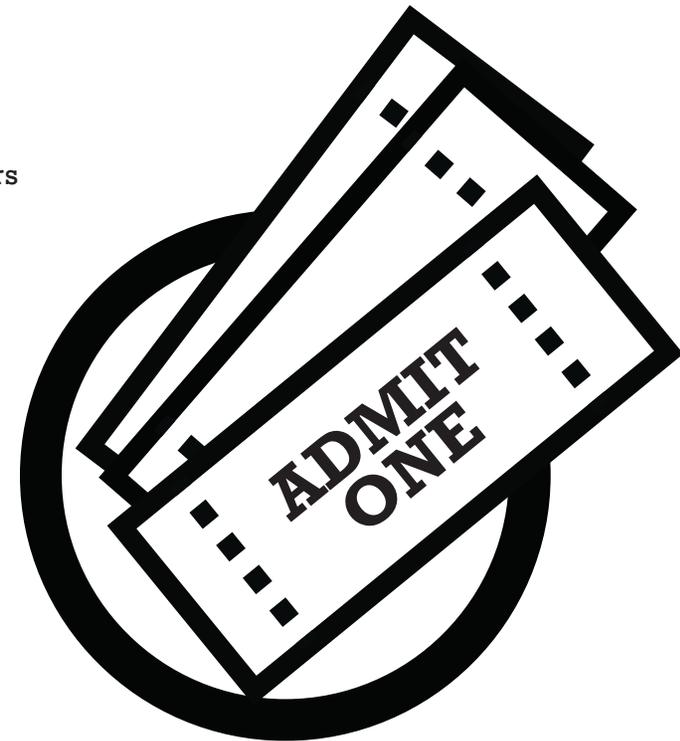
- All Tickets will be sold online only. No cash transactions will be available for purchase of tickets or any other items for sale related to the Drive-in.
- Advance purchase of tickets will be recommended and encouraged with aggressive marketing and promotions to reduce the volume of purchases at the point of entry.



ADMISSION TO THE SITE FOR THE PUBLIC

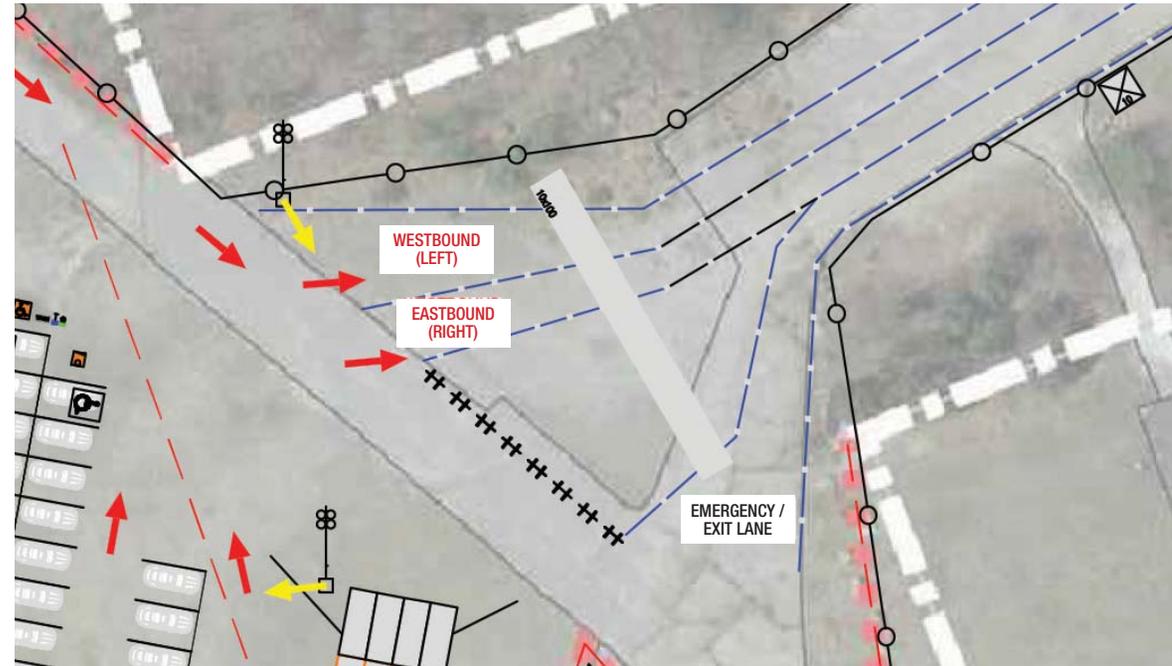
Frequent and detailed “Know Before You Go” emails will be sent to all advance ticket purchasers advising of all site access, parking, safety, and traffic advisories including:

- Travel Directions
- Processes and procedures for entering the site
- Print-At-Home PDF showing a date stamped, boldly printed spot location for window display so that lot attendants can quickly direct towards the proper location
- Items permitted and not permitted in the site including the policy regarding alcohol
- Event approximate start and end times
- Opportunity to pre-order concessions from our partner food concessionaires
- Promotions for local entertainment and dining options pre and post-event
- Promotions of upcoming events



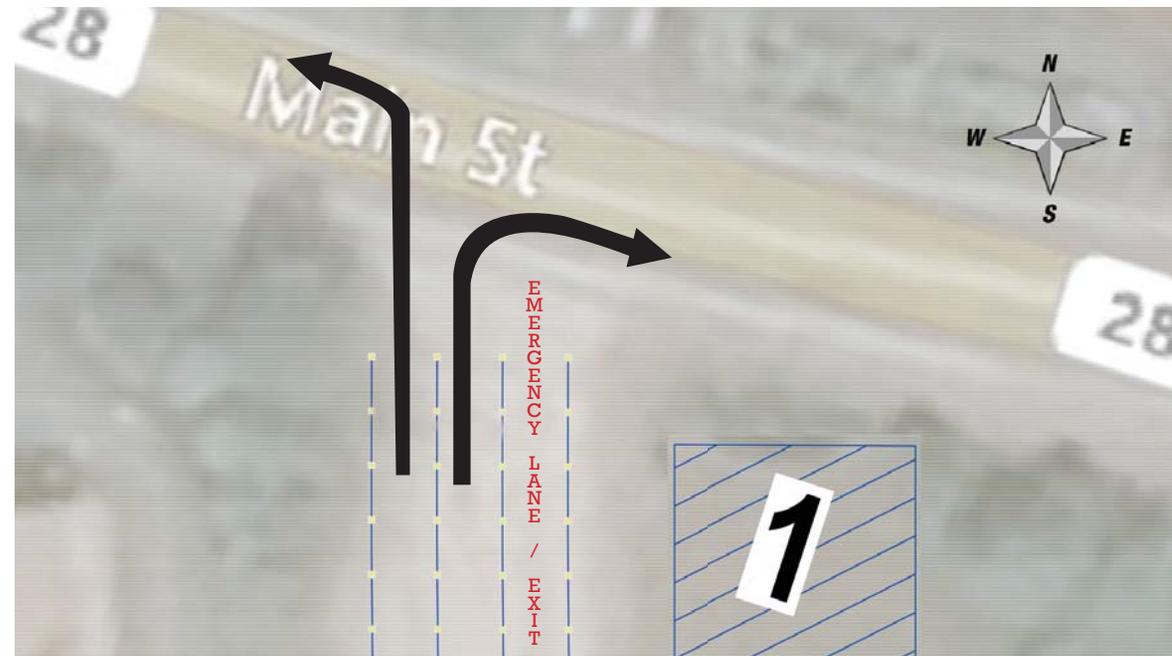
EGRESS / TRAFFIC FLOW

- Police/Traffic Detail will direct traffic from access road onto Route 28.
- Vehicles intending to head East on Route 28 will be directed to exit using the right-turn only lane.
- Vehicles intending to head West on Route 28 will be directed to exit using the left-turn only lane.
- Vehicles may exit the site any time before the show concludes.
- Traffic attendants with directional signage will direct vehicles to proper exit lanes.



EVENT STAFF ASSISTANCE

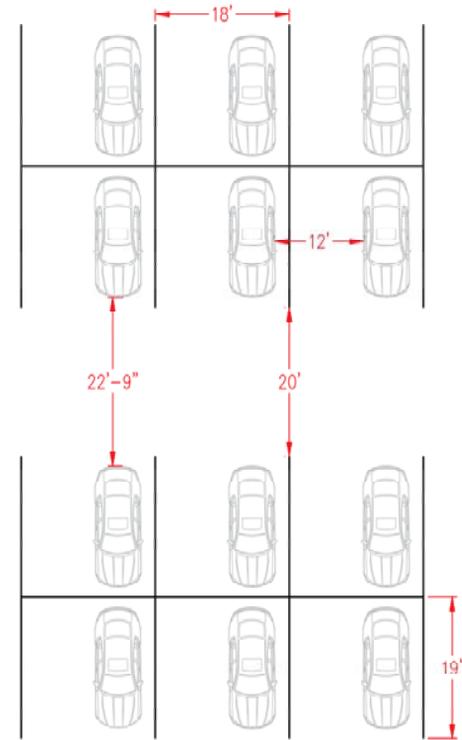
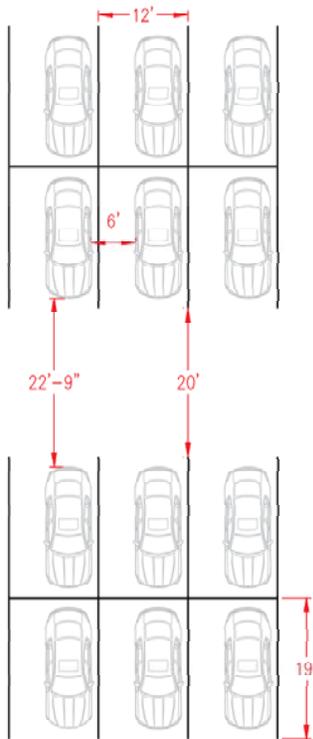
- Directions for orderly exit will be projected on screens once the show has concluded.
- Post-show announcements over the FM-transmission will provide further guidance for exiting.
- Traffic attendants with directional signage will direct vehicles to proper exit lanes.



VEHICLES

PHASE 1 & 2 OF REOPENING MASSACHUSETTS

- Movie screenings only, with a reduced capacity of 299 vehicles, including clearly marked ADA parking spots.
- Vehicles will be assigned reserved parking row/spots at purchase.
- Marked parking spots are 18' wide by 19' deep, leaving 12' between vehicles.



PHASE 3 OF REOPENING MASSACHUSETTS

- Movie screenings and live performances with an increased capacity up to 459 vehicles, including clearly marked ADA spots.
- Vehicles will be assigned reserved parking rows/spots or, dependent on entertainment, general admission ticketing at purchase.
- Marked parking spots are 12' wide by 19' deep, leaving 6' between vehicles.

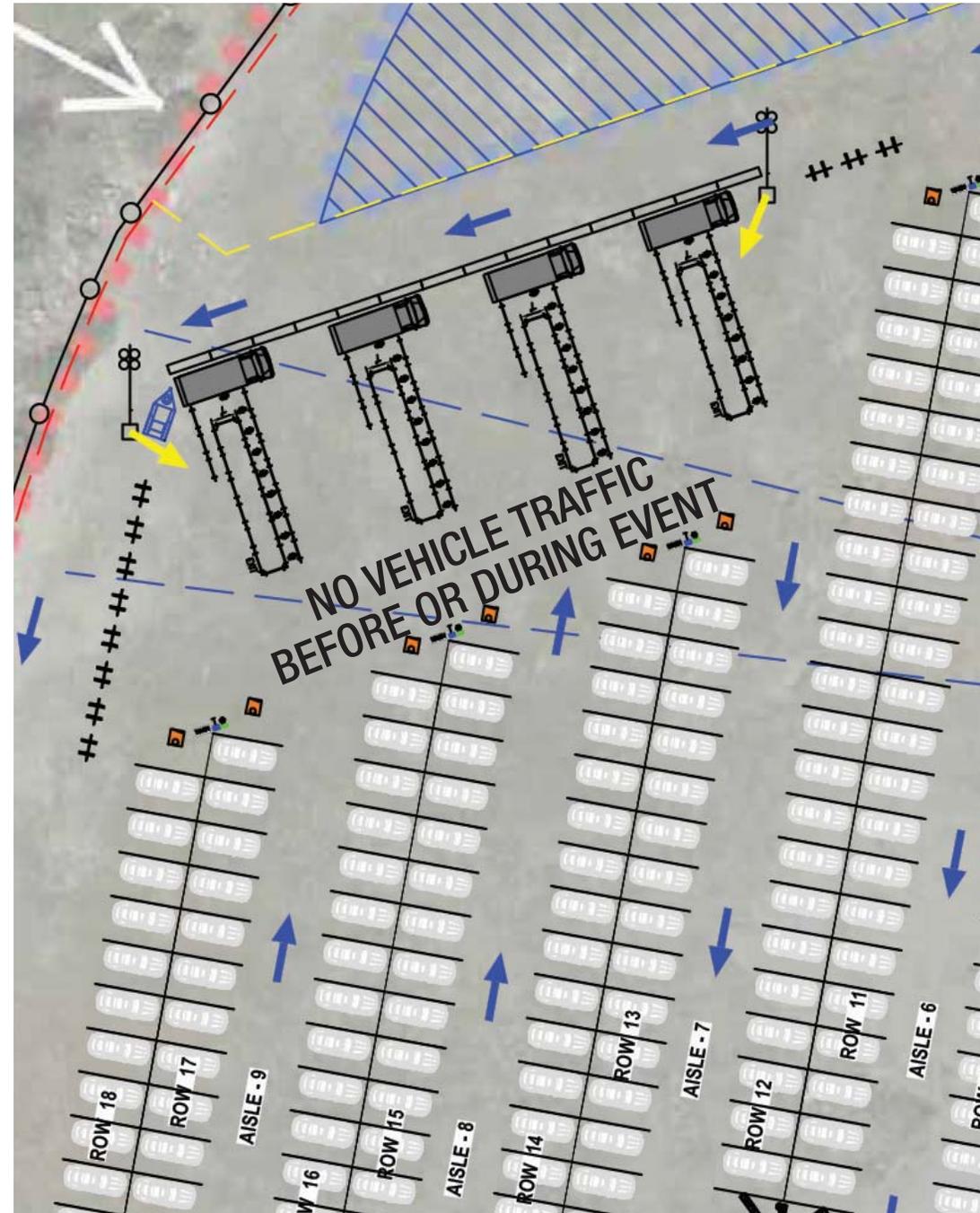
CONCESSIONS

Food service will be provided by food trucks from local vendors positioned at the rear of the lot. The number of food trucks onsite, and associated menus, will be dependent on event and anticipated attendance.

Solar-powered rope lighting will augment ambient light to illuminate concessions lines to limit light pollution during events.

CONTACTLESS ORDERING

- IAE's concessions app will enable customers to view the menu-of-the-day (categorized by food truck number), order and pay for concessions from their vehicles.
- Customers will be notified when orders are ready for pickup and reminded of the food truck number to which they should proceed.
- Each truck will be aligned with its own bike rack barricade aisle with six-foot social distance indicated and signage to encourage adherence.
- Once order is retrieved, the barricade will guide customers to exit away from waiting customers before returning to their vehicle.



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.
- Grass will be mowed low regularly.

RESTROOMS

- Forty (40) portable, illuminated restrooms, each with hand sanitizer stations, will ensure generous restroom-to-attendee ratios.
- Restrooms will be located on both the east and west sides of the site, dispersed at each row of cars (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 near the production office and concessions area.
- Restrooms will be pumped each day following an event.

SAFETY, SANITATION, AND STAFF

- Each staff member will complete a mandatory training session covering public safety, social distancing, hygiene protocols, and information related to vehicle and attendee policies and procedures.
- Lost Children: Attendants will be monitoring the lot and concessions area. In the event of a “lost child, attendants will stay with the child, while radioing for assistance. Announcements will be made via vehicle FM radios notifying parents their child is safe and the location from which to retrieve them.



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!

POLICY TITLE: Shark Sighting and Shark Attack Policy

POLICY CODE AND NUMBER: 20-1

DATE: June 30, 2020

Introduction

The Town of Yarmouth is committed to providing a safe environment for recreational activities at Town beaches and parks. The risk to the safety of the public from marine life (sharks, seals, jellyfish, etc.) is low but ever present. Confirmed sightings of white sharks in Cape Cod Bay and Atlantic Ocean along the outer cape from Provincetown to the Southern tip of Monomoy Island have been regularly reported over the years, however interactions with humans are extremely rare. Growing gray seal populations have contributed to white sharks venturing closer to shore where the chance of encounters with humans increase. The presence and behavior of sharks are unpredictable, and the Town cannot guarantee the safety of all who choose to go into the water; however, the Town will put measures into place that decrease the risks.

The Town will educate the public about the risks, and put safety procedures into place including fully evaluating reports of sharks and notifying all departments and divisions to take action to increase the safety of the public. Temporary closures of Town beaches following sightings will be implemented to reduce the risk of human injury. All Town departments and divisions shall work cooperatively with each other, and with other municipalities and state agencies to provide mutual support and assistance to achieve the goal of safety for the public.

Partners

- Yarmouth Division of Natural Resources (DNR) (Natural Resources / Harbormaster)
- Yarmouth Division of Recreation (REC)
- Yarmouth Division of Parks (PARKS)
- Yarmouth Police Department (PD)
- Yarmouth Fire Department (FD)
- Massachusetts Division of Marine Fisheries (DMF)
- (DMF) Massachusetts Environmental Police (EPO)
- Massachusetts State Police (MSP)

Definitions

Unconfirmed Sighting – a sighting made by an individual that has not received some level of training or does not have significant experience with marine life, or cannot be verified in some way as credible.

Confirmed Sighting – a sighting by a lifeguard, trained Town staff, public safety official, or other highly credible source. It may also be any sighting that is deemed to have a high level of credibility.

Seal Sighting – a sighting of a seal

Injured Seal Sighting – a sighting of a seal with fresh (bleeding) wounds suspected to have been made by a white shark.

Shark Activity Notification List – a predetermined comprehensive list of persons, groups or organizations that shall be alerted upon a confirmed sighting or report of shark activity.

Shark Activity Alert – an immediate notification using the Shark Activity Notification Tree in Appendix B regarding shark activity including confirmed shark sightings and shark attacks.

Natural Resources / Harbormaster Office – the central point of communications for the Town when receiving shark sighting/attack information and performing Shark Activity Alerts and Radio Dispatch Alerts

Radio Dispatch Alert – a radio alert to all beach and public safety radio channels communicating unconfirmed sightings, confirmed sightings and attacks including closure of swimming areas.

Shark Activity Report – a report form providing detailed information that documents a shark sighting or significant activity (see Appendix D).

Paddler – a person in a kayak, canoe, standup paddleboard or similar watercraft.

Standard Operating Procedure - SOP

Shark Sightings

White sharks and sharks in general spend most of their lives completely submerged in the water and rarely surface. This characteristic combined with the dark water and mottled bottom in this area makes it difficult to see white sharks. Adding to the difficulty are several fish species that spend time at the surface that can be confused with a white shark. Basking sharks eat plankton filtered through their gills, and despite being the second largest fish, are not a threat to humans. Ocean sunfish, or *Mola mola*, are large, harmless fish that move their fins up and down to swim. Both of these species spend time at the surface making them more visible than white sharks. Their dorsal fins can be confused with white sharks, but there are differences that can be used to distinguish between the species. These differences are described in Appendix F.

White shark activity can increase in late summer into the fall, but they can be present year round, even in the coldest months. Although they are poikilothermic (cold-blooded), their large size and physiological adaptations allow white sharks to raise their body temperature up to 25°F above water temperature. This ability makes it possible for them to remain in North Atlantic waters even in the winter, although most migrate southward.

Town staff will fill out a Shark Activity Report when they spot a possible shark or evidence of shark activity (including freshly injured seals) or when they receive a report from the public. See Appendix D for a reporting form. Blank reporting forms will be kept in all Natural Resources, Recreation and Harbormaster vehicle and vessels as well at beach guard shacks and Recreation and Natural Resource offices. Forms will be available for all others. The Division of Natural Resources office will serve as the local repository for shark activity reporting forms. All reporting forms, whether confirmed or unconfirmed, will be copied to DMF. Actions and response following a shark activity sighting are detailed in the protocols section.

Shark sightings will be broken into two categories: unconfirmed and confirmed. Categorization of a sighting will depend on the reliability of the observer. Sighting reports from untrained observers will be

unconfirmed sightings unless there is photographic/video evidence allowing the investigator to confirm the sighting, while trained observers will have immediate reliability and reports will be categorized as confirmed sightings.

Seals

Seals, particularly gray seals, are a primary food source for white sharks. Populations declined to the point that gray seals were extirpated from their historic breeding colonies and only one colony was left in existence at Sable Island in Nova Scotia. The Marine Mammal Protection Act of 1975 is a federal law that provides protection for all marine mammals whether or not they are protected under the Endangered Species Act. This law enabled seal populations to recover, and they have been re-colonizing historic breeding sites. Harp and Harbor seals have been in Yarmouth for many years, but the gray seal population has recently begun to increase in Yarmouth waters typically during the winter; however, seals are being seen on a more regular basis year round. The increase in the population of their preferred food source, the gray seal, has likely attracted white sharks closer to the shore, increasing sightings and the likelihood of human-shark encounters.

Gray seals have been observed hauling out (resting on the rocks) at Point Gammon and along the beaches primarily during the winter. They have been observed in the water off the swimming beaches on Nantucket Sound, Lewis Bay and Cape Cod Bay, as well as in Bass River and Parkers River. As the population increases along the outer cape, it is likely that our water will see an increase. Use of new areas by seals may require increased vigilance and updates to this SOP.

Staying away from areas where seals are present can decrease the chance of an encounter. The Marine Mammal Protection Act (MMPA) requires people to stay at least 150 feet away from seals at all times, whether on land or in the water. Under the Act, it is illegal for any person to “take” a marine mammal, which means to “harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.” The minimum distance set by the MMPA is meant to protect marine mammals. To protect the public from the predators associated with marine mammals, a larger buffer area is necessary to reduce the chance of a person being mistaken for prey. Swimmers and paddlers should avoid seal populations, whether the seals are in the water or hauled out on the shore. Seals may also pose a threat if swimmers, paddle boaters and beach goers get too close causing them to feel threatened which could trigger them to bite, inflicting a serious wound. This is especially likely if it is sick, injured, overheated or exhausted.

Shark Sighting/Attack Response Preparedness

Staff Training

Town staff will be trained to recognize white sharks and be familiar with protocols following sightings. To the extent possible, Natural Resources, Harbormaster, and Recreation staff will be trained by the Division of Marine Fisheries or other identified authority in identification of white sharks. In addition, seasonal staff will be trained by DMF or other identified authority if possible. Town staff will work with DMF to develop a training program that can be presented by DMF staff to seasonal staff.

All Town staff that will be involved in responding to shark sightings or bites will need to be familiar with this SOP. Involved staff includes full-time and seasonal, Natural Resources, Harbormaster and Recreation staff, as well as Fire (including dispatch) and Police (including dispatch).

Lifeguards will not enter the water to attempt the rescue of a shark attack victim unless they are in a boat. A paddle board or rescue board will not provide the protection necessary for the lifeguard to safely attempt a rescue.

First Aid training and EMS response will be critical in the event of a shark bite. Natural Resources,

Harbormasters, Beach Supervisors, Life Guards, Police, Fire, are all certified as First Responders or above. In addition to these staff members, seasonal Recreation staff and seasonal Natural Resources/Harbormaster staff will be certified as First Responders to the extent possible. All other full-time and seasonal staff will be trained in First Aid and CPR to the extent possible.

Natural Resource Officers, Harbormasters, Recreation Beach Supervisor and the Recreation Director and Assistant Recreation Director will be trained on operation and proper use of radios to facilitate communication between departments and beaches in the event of a shark sighting or bite.

Supplies & Equipment

A copy of this policy and standard operating procedures with updated contact information and blank reporting forms must be kept in the following locations:

- Natural Resources Office, Vehicles and Harbormaster Boats
- Recreation Office and Vehicles
- Sailing Center
- Yarmouth Beach Guard Shack (at identified beaches)
- Life Guard first Aid Kits
- Police dispatch (Appendix E)
- Fire Dispatch (Appendix E)

First Aid

First aid supplies at staffed beaches will include compresses and bandages for large wounds, as well as tourniquets. All beaches, lifeguards, Harbormaster boats and vehicles, will carry an Automated External Defibrillator (AED), or have immediate access to one.

Boats

Several departments have boats that are available to respond. Shark sightings will be investigated by Natural Resource / Harbormaster personnel. The Harbormaster patrol and Fire boats are available to respond to shark bites. In some cases, the Environmental Police boat may also be available to respond. In addition, each fire station has a small trailered boat that could be used to quickly reach areas where response by patrol boats might be delayed.

Emergency Services

Emergency services (Fire, Police, Natural Resource/Harbormaster, Lifeguards) will respond to the location of the victim by any means necessary. Vehicle restrictions on beaches throughout town allow for EMS vehicle access according to exigent circumstances. Beach staff will temporarily close vehicle access to Yarmouth beaches to non-emergency response vehicles to allow for unobstructed emergency vehicle access. Midflight landing locations will be coordinated between the Fire Departments and Yarmouth Police, and if necessary, the Division of Natural Resources.

Communications

In the event of a shark sighting or attack, communication between all departments and between beaches is essential. Each staffed beach will have a radio programmed with the "559", "DNR" Natural Resources channel, and Fire channels. The Beach Supervisor, Head Lifeguards at staffed Yarmouth beaches and as well as the Natural Resources Officer on duty will each carry a radio. The DNR channel will serve as the working channel for shark sightings. The UHF beach radios will not be able to communicate on marine VHF channels, so the Harbormaster boats will use the DNR channel to communicate with beach staff. The Fire Department will send a notification text to the Shark Activity Notification List. The Fire and

Police channels will facilitate coordination of emergency medical services.

Police and Fire Dispatch are encouraged to use the “Yarmouth Dispatch Shark Activity Report” form. Appendix E.

Public Education & Shark Activity Notification

The Town will develop an educational program that will educate the public about white sharks, the risks they pose, and safety information. The program will include a webpage linked to the Town website, a pamphlet, and standard, easy-to-read signage for beaches.

A standard flag system will be used at staffed Yarmouth Beaches to alert the public of confirmed or unconfirmed sightings of sharks at beaches, rivers and bays. The flag system is described below.

For those swimming or boating in locations other than a staffed public beach, the Town will use the Town Web Site to provide alerts to the public. The Town Administrators Office staff will update Web Site (Facebook/Twitter) with shark-related information.

More information about communicating with different user groups can be found below.

User Groups

Notifying the public about shark activity will be somewhat challenging given all of the potential user groups that will need access to the information. The different user groups that have been identified and the methods of communication are listed below. Some users may belong to multiple groups.

	Flag System/ Signage	Staff/PA	Web Site Alerts Social Media	Signage
Staffed Public Beach Users	X	X	X	X
Unstaffed Public Beach Users			X	X
Private Beach Users			X	
Lewis Bay Users			X	
Bass River Users			X	
Boaters/Paddlers			X	
Yarmouth Residents			X	

Signage

Marine Hazard and Shark signs will be posted at each designated marine “Swimming Beach”.



*****Signs May Be Posted Separately**

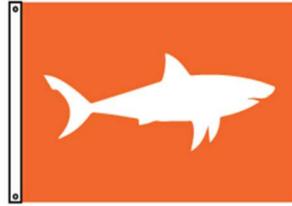
Flag System

A standard flag system will be used at Staffed Yarmouth Beaches to alert the public to confirmed or unconfirmed sightings of sharks at beaches. Educating the public regarding the meanings of the different flags is essential.

A “Purple” flag with a white silhouette of a shark will be used to indicate that beaches are closed to swimming due to a confirmed shark sighting.



An “Orange” flag with a white silhouette of a shark will be used to indicate an unconfirmed report within the shark activity closure area. Wading is allowed, but use caution.



Flag locations are listed below.

Certain Town staff members have the discretion to upgrade the flag status and implement beach closures if deemed necessary. These staff members include the, Recreation Director, Assistant Recreation Director, Beach Director, Natural Resources Director, Natural Resources Officers, Harbormaster and Assistant Harbormasters, as well as Police and Fire personnel. If a call comes in at the end of the staffed schedule day the investigation will continue and flags will stay in place for the prescribed period weather confirmed or unconfirmed.

Beach Signage and Flag Locations

At Yarmouth staffed beaches the flag system will be used in addition to the safety signage. Purple or Orange flags will be used to indicate shark activity. A purple flag indicates a confirmed sighting and the beach is closed to swimming for a minimum of one hour after the sighting. An orange flag indicates an unconfirmed sighting and only wading will be allowed for a minimum of one half hour (.5hr). A sign explaining the meaning of the different colored flags will be installed at each flag location. Some flag locations are structures that are placed on beaches for the summer season only and may not be available during the off-season.

TOWN OF YARMOUTH Beach Flag System



Offshore Wind:

No floatation devices, ball playing, etc in the water due to the wind direction .



Confirmed Shark Sighting:

A purple flag indicates a confirmed sighting and the beach is closed to swimming for a minimum of one hour (1 hr) after the sighting



Unconfirmed Shark Sighting:

An orange flag indicates an unconfirmed sighting and only wading will be allowed for a minimum of one half hour (.5hr).

Yarmouth Staffed Beaches (8:30am - 4:00pm) Memorial Day through Labor Day*		Safety Signage	Flag System
Bass River Beach	Recreation guard shack	Y	Y
	Lifeguard chair		Y
South Middle Beach	Recreation guard shack	Y	Y
	Lifeguard chair		Y
Parkers River Beach	Recreation guard shack	Y	Y
	Lifeguard chair		Y
Seaview Beach	Recreation guard shack	Y	Y
	Lifeguard chair		Y
Sea Gull Beach	Recreation guard shack	Y	Y
	Lifeguard chair		Y
Bass Hole Beach	Recreation guard shack	Y	Y
	Lifeguard chair		Y
YARMOUTH UNSTAFFED BEACHES			
Thatcher Beach		Y	
Englewood Beach		Y	
Colonial Acers		Y	
Bayview Beach		Y	

***Beaches may be periodically unstaffed due to weather or staff shortages**

Communications Between Town Departments

Following a shark activity sighting, whether unconfirmed, confirmed or an attack, the primary means of communication for beach staff and the Division of Natural Resources/Harbormaster for investigations will be by radio using the DNR channel. The DNR channel will serve as the working channel for shark sightings. The Fire and Police channels will be used to facilitate coordination of emergency medical response and beach closures with those departments. Only the Division of Natural Resources Director, Natural Resources Officers, Assistant Harbormasters and Beach Supervisor will be able to communicate directly with the Police and Fire Departments to prevent unnecessary chatter on their frequency.

Each staffed beach will have a radio programmed with the DNR, and Fire channels. The Beach Supervisor and Head Lifeguards will each carry a radio.

A list of Town staff members that will be notified of shark activity is located in Appendix A. Each department has an initial notification contact who will then notify their department staff as identified in the Shark Activity Notification Response Chart located in Appendix B.

The Police and Fire Department will establish an internal SOP for their dispatchers.

Communications by Social Media

Town Web Site will be updated with public information and all Town Social Media Accounts will be updated with public information. (See Appendix A.)

Public Information Releases and News Interviews

The Town Administrator's office will serve as the media contact for shark-related information. The media can also be referred to the Division of Marine Fisheries Shark Research Program.

Communicating with Other Town and State Agencies

Communications with other town and state agencies can be accomplished in several ways:

Appendix C contains applicable contact information for involved agencies and neighboring communities that will be warned of sightings or attacks. The Natural Resources/Harbormaster will be responsible for making contact with the appropriate town's Harbormaster and Recreation Beach Supervisors will contract the appropriate town's Beach Department in order to ensure information accurately is conveyed. This list will be held as a working document that will be routinely updated as the Town sees fit.

Resources

Massachusetts Division of Marine Fisheries
Shark Research Program

<http://www.mass.gov/eea/agencies/dfg/dmf/programs-and-projects/shark-research.html>

<http://www.mass.gov/eea/agencies/dfg/dmf/programs-and-projects/white-shark-research.html>

White Shark Identification video: <https://www.youtube.com/watch?v=7WFWZfAy3Pg>

OCEARCH

Global Shark Tracker

Track white sharks with satellite tags tagged off of Cape Cod

<http://www.ocearch.org/>

Atlantic White Shark Conservancy

Local shark research and education

<http://www.atlanticwhiteshark.org>

Other Recommendations for the Public

- Do not swim or paddle around dawn or dusk.
- Avoid seal populations, whether the seals are in the water or hauled out on shore.
- If a shark is sighted, paddle to shore if in a kayak, canoe, paddleboard, etc. If you are in the water, get back into the boat and paddle to shore (don't swim).
- Do not chum waters when fishing.



Town of Yarmouth, Massachusetts Shark Sighting and Shark Attack Standard Operating Procedures for Beach Staff

Beach Closures/Shark Activity Sightings

Shark Activity includes sightings of sharks, dorsal fins and seals with injuries caused by sharks.

Shark Activity Closure Area includes areas shown on the attached map (see Appendix F). The closure area includes all waters within a ¼ mile of the shore.

All sightings must be recorded on a Shark Activity Report.

All sightings, whether confirmed or unconfirmed, must be reported to the Division of Natural Resources/Harbormaster office or Duty Officer immediately via the DNR radio channel or at (508)760-4800 during business hours (M-F 8:00am-4:30pm) or Yarmouth Police or Fire Departments (24hr/7days) and they will notify the Division of Natural Resources/Harbormaster.

Unconfirmed Sighting within Shark Activity Closure Area (Orange Flag)

Unconfirmed Sighting – a sighting made by an individual that has not received some level of training or does not have significant experience with marine life, or cannot be verified in some way as credible.

Orange Flag – wading is allowed, but use caution.

1. Contact Fire Dispatch and Natural Resources/Harbormaster of a shark sighting.
2. Record information about the sighting on a Shark Activity Report.
3. Contact the Division of Natural Resources/Harbormaster or Duty Officer immediately via the DNR radio channel, cell phone or (508)760-4800 during business hours (M-F 8:00am-4:30pm) and provide Shark Activity Report information to the investigating officer. Ask reporting person to stand by until the investigating officer arrives.
4. Radio Alert for unconfirmed sighting to staff at other beaches via the DNR radio channel.
5. Raise orange flags at all beaches within ¼ mile, begin notifying swimmers.
6. At least one trained beach staff member with binoculars will serve as a spotter to look for the shark.
7. Natural Resources/Harbormaster alerts police and fire to unconfirmed report and maintains communication throughout search.
8. Natural Resources/Harbormaster dispatches boat and personnel to investigate.
 - a. Confirmed not a shark—Radio Alert to beach staff, police and fire, remove Orange flag
 - b. Confirmed shark—begin beach closure protocols below (purple flag)
 - c. If not located, no further action, alert beach staff, police and fire, orange flag remains in place for 30 minutes.

NOTE: If appropriate the end of day procedures will go into effect.

Confirmed Shark Sighting within Shark Activity Closure Area (Purple Flag)

Confirmed Sighting – a sighting by a lifeguard, trained Town staff, public safety official, or other highly credible source. It may also be any sighting that is deemed to have a high level of credibility.

Purple Flag – beaches are closed to swimming.

1. If the confirmation is made by beach staff, begin closure protocols below without delay, and contact the Division of Natural Resources/Harbormaster or Duty Officer immediately via the DNR radio channel, during business hours (M-F 8:00am-4:30pm), Contact the other beaches (beach channel).
2. If the confirmation is made by the Natural Resources/Harbormaster, use the radio alert to DNR frequency to alert beach staff. Alert Police and Fire Dispatch on their primary channels.
3. Beach closure protocols will be completed at each beach by the following staff:
 - a. Lifeguards/Recreation staff**Request Natural Resources and or Police assistance with beach closures. Officers will assist if available.
4. Raise the purple flags and direct all swimmers out of the water.
5. At least one trained beach staff member with binoculars will serve as a spotter to look for the shark.
6. Natural Resources/Harbormaster will dispatch a boat and personnel to investigate and will maintain communication with Police and Fire Dispatch throughout search.
7. The Town Administrator's Office will notify the public through social media (Facebook/Twitter) as soon as possible.
8. Beaches will remain closed for at least one hour (1), and continuation of the closure shall be at the discretion of public safety officials (collaboration of Recreation, Natural Resources/Harbormaster, Police and Fire) and Beach Supervisor. Provided no closure continuation is deemed necessary, immediately upon conclusion of the one hour (1) period, the Purple flags will be removed.

NOTE: If appropriate the end of day procedures will go into effect.

Shark Attack Response

1. Notify the Fire Department by the Fire radio channel or by phone 508-398-2212. Then contact the Natural Resources/Harbormaster at (508) 760-4800 and on the DNR channel immediately. Keep in mind there is a delay if using 911 by cell phone. The Police Department shall also be notified for assistance with beach closures, crowd control and traffic.
2. DO NOT enter the water. The only approved protocol for a shark attack is boat rescue. When Harbormaster patrol and Fire Rescue boat response may be delayed, the Fire Department may launch a small trailered boat. In all other locations, the patrol boat (Harbormaster and/or Fire) closest to the incident will respond. Other available patrol boats will respond if possible to support the rescue.
3. If the victim makes it into shore or is brought to shore by the public start First Aid.
4. Begin confirmed shark activity closure protocols above. A longer period of closure may be instituted at the discretion of public safety officials (collaboration of Recreation, Natural Resources/Harbormaster, Police and Fire) and Beach Supervisor.

Town staff has discretion to upgrade the flag status and implement beach closures if deemed necessary.

Appendix A. Town of Yarmouth Shark Activity Contact List

Title	Name	Office Phone	Cell Phone	Email
Natural Resources/Harbormaster				
Director/Harbormaster	Karl von Hone	[REDACTED]	[REDACTED]	kvonhone@yarmouth.ma.us
Field Supervisor	Bill Bonnetti	[REDACTED]	[REDACTED]	bbonnetti@yarmouth.ma.us
Natural Resources Officer	Dave Condon	[REDACTED]	[REDACTED]	dcondon@yarmouth.ma.us
Natural Resources Officer	Victoria Cotone	[REDACTED]	[REDACTED]	vcotone@yarmouth.ma.us
Recreation				
Assistant Director	Aimee Howell	[REDACTED]	[REDACTED]	ahowell@yarmouth.ma.us
Beach Director	Dave Godin		[REDACTED]	
Beach Director				
Fire				
Dispatch Phone Call Required non-text		[REDACTED]		
Fire Chief	Philip Simonian	[REDACTED]	[REDACTED]	psimonian@yarmouth.ma.us
Deputy Fire Chief	Jon Sawyer	[REDACTED]	[REDACTED]	jsawyer@yarmouth.ma.us
Police				
Dispatch Phone Call Required non-text		[REDACTED]		
Lieutenant	Kevin Lennon		[REDACTED]	KLennon@yarmouth.ma.us
Lieutenant	Andrew O'Malley		[REDACTED]	AOMalley@yarmouth.ma.us
Community Service				
Community Service Director	Pat Armstrong	[REDACTED]	[REDACTED]	parmstrong@yarmouth.ma.us
Town Administrator's Office				
Town Administrator	Dan Knapik	[REDACTED]	[REDACTED]	dknapik@yarmouth.ma.us
Social Media/Website Contact	Angela Hurwitz		[REDACTED]	911@capeforward.com

Appendix B. Shark Contacts—Non-Profits, Towns, and State and Federal Agencies

Title	Name	Office Phone	Cell Phone	Email
Barnstable				
Harbormaster	Dan Horn			
Assistant Harbormaster	Darek Lawson			Darek.lawson@town.barnstable.ma.us
Dennis				
Harbormaster	Dawson Farber			dfarber@town.dennis.ma.us

*******Only For A Confirmed Shark Sighting Or Attack*******

Title	Name	Office Phone	Cell Phone	Email
Massachusetts Division of Marine Fisheries				
Marine Fisheries Biologist	Greg Skomal			gregory.skomal@mass.gov
Massachusetts Environmental Police				
Radio Room		800-632-8075		
Massachusetts State Police				
Emergency Dispatch		911		
Air Wing Section		508-465-9200		
United States Coast Guard				
Sector Southeastern New England		508-457-3211		

*******ONLY FOR CONFIRMED GREAT WHITE SHARK*******

Title	Name	Office Phone	Cell Phone	Email
Atlantic White Shark Conservancy				
President	Cynthia Wigren			Cynthia@atlanticwhiteshark.org

Appendix D.

Yarmouth Shark Activity Report

Shark Sighting Information/Questionnaire

Location:			
Water Body:			
Date:		Wave Height:	Weather Conditions
Time:		Wave Type	Sunny
Water Current		Spilling	Cloudy
Direction:	Water Conditions	Plunging	Foggy
Speed:	Glassy	Surging	Windy
	Choppy	Other	Rain
Temperature	Murky		Other
Air:	Visibility		Glare
Water:	Other		Shadows

Witness	
Name	
Age	
Email Address	
Phone Numbers	
Address	Home
	Vacation

What did you see?	Shark	Other	Describe on back of form
Have you ever seen a shark	Y	N	
Did anybody else see the shark?	Y	N	
How many sharks did you see?			
When did you see it?	Time:		
Duration of sighting?			
How many times did you see it?			
What is your estimate in overall length?			
What color was the shark?			
Did you see a fin?			
How big was the fin?			
What did the fin look like?	Triangular	Floppy	
What was the fin doing?	Side/Side	Up/Down	
How many fins did you see?			
Did you see a tail fin?	Y	N	Distance between fins?

Exactly where was the shark when you saw it?	
How far was the shark from the beach?	
How deep was the water where shark sighted?	
Were there any people in the water near the shark?	Number:
Were there any other animals in the water?	Type and Number:
Was there anything else in the water?	Kelp Jetsom Flotsom Other:
Which direction was the shark headed?	

Where were you when you saw the shark?	
What were you doing?	
How often do you go to the beach?	

Completed by:	Name:	Date:
	Obtain any photos or video?	

Appendix E.

**Yarmouth Dispatch
Shark Activity Report**

Date:	Time:
Location of caller:	
Location of Shark(Water Body):	
Reporting Parties Name:	
Call Back Phone Numbers:	
When did you see it?	Time:
What did they see?	
What did the fin look like?	Triangular or Floppy
What is your estimate in overall length?	
Were there any people or animals in the water near the shark?	How Many?
Others Witness's: Information (name)	

Completed by:	Name:
---------------	-------

**Yarmouth Dispatch
Shark Activity Report**

Date:	Time:
Location of caller:	
Location of Shark(Water Body):	
Reporting Parties Name:	
Call Back Phone Numbers:	
When did you see it?	Time:
What did they see?	
What did the fin look like?	Triangular or Floppy
What is your estimate in overall length?	
Were there any people or animals in the water near the shark?	How Many?
Others Witness's: Information (name)	

Completed by:	Name:
---------------	-------

Shark Information

The grey and harbor seal population in our area has grown substantially in the past decade and we are now home to a large number of seals for several months of the year. These seals come in close proximity to the shore and can be easily seen resting and getting warm on the sand bars and beaches as well as swimming and surfacing in the water.

As you are no doubt aware, the ocean waters also are home to large sharks, and seals are a staple part of the great white shark diet.

While it is rare for a shark to bite a human, it happened twice in 2018. Massachusetts saw its first fatal shark attack in 82 years in September 2018 at Newcomb Hollow Beach in Wellfleet. Because sharks are being sighted in local waters, swimmers should exercise caution while swimming in ocean waters. In particular, people should avoid swimming within 300 feet of seals where sharks may be in search of prey.

We are urging that swimmers pay close attention to their surroundings while in the water and not venture too far from shore.

During the course of your shift, you may be asked questions about sharks by the public or other employees. The following are a few questions and answers for you to review:

Q: Is it safe to swim in the water?

A: Yes, however you must exercise caution. The ocean is white shark habitat. Do not swim near seals or schooling fish. Swim closer to shore. Do not swim alone. Do not swim at dawn or dusk (although sharks have been known to feed anytime, day or night). As a general safety measure, we recommend that people never swim in the ocean at night.

Q: Have you seen a shark?

A: If yes, say so. If no, state that sharks have been sighted in the waters off of Cape Cod.

Q: Is it common for white sharks to swim this far north?

A: Yes, it is. Seals are a staple part of their diet, and there is a large seal population off of Cape Cod.

Q: What do I do if I see a shark?

A: If you see a shark and you are on a lifeguarded protected beach, report the sighting to the lifeguard. If you are not on a lifeguarded protected beach, report the sighting to Natural Resource Officers or Harbormasters as soon as practical. If someone is in the water, get their attention and call them out of the water. Be a good witness and if possible take a photo.

Great White Shark vs. Basking Shark Information

Here are the differences between basking sharks and white sharks. More than 99% of the white shark reports turn out to be basking sharks.

Here are the top three things to look for:

- 1) **Dorsal Fin:** The white shark has a fin that comes to a point at the apex and a straight back edge. Basking sharks have a rounded dorsal that is slightly convex on the back edge. Both can appear tattered on the back edge. However there are always exceptions.
- 2) **Coloration:** White sharks have a distinct two tone color going from grey or black to white. Basking sharks can appear black, brown or grey, most have mottling on them if you see them up close but not always and although they can have lighter undersides they are usually uniform in color.
- 3) **Gill Slits:** Basking sharks have gill slits that nearly encircle the head making them very visible. White sharks have relatively small gill slits when compared to the basking shark and they are usually not that noticeable when viewed in the water.

A couple of other notes, white sharks rarely get over 20 feet so if someone reports a shark over that size it usually is an indication of a basking shark. Both sharks breach but off of Massachusetts basking sharks are more likely to breach than white sharks. Both Sharks can swim fast and will swim to investigate boats, most people assume only a white shark does this. The white sharks we've observed rarely come to the surface, while basking sharks are often found swimming with their fins above the surface. Finally, the third culprit in the misidentification we receive is the ocean sunfish (mola mola). They have very tall dorsal fins that are used for propulsion so the fin is always moving up and down. If a witness sees a shark that appears then disappears and reappears etc. then that is a sure sign it's a mola.

White v. Basking



Dorsal fin pointed



Dorsal fin rounded



Two tone body color



Uniform body color



**Medium sized gillslits
NO mottled pattern on back**



**Large gillslits that almost
encircle the head;mottled
pattern on back is common;
lots of white scars**

Appendix F. – Differences Between White Sharks, Basking Sharks, and Ocean Sunfish

Basking Shark



Large Dorsal
Rounded at apex

White Shark



Large Dorsal
Pointed at apex

Basking Shark



Uniform color can have
mottled pattern on back
Large gills extend to top
of head

White Shark



Two tone body color
with very white belly,
no mottled pattern
Gills on side of head

Ocean Sunfish



Tall and narrow dorsal fin, moves side to side when moving through the water

White Shark



Wider pointed dorsal fin moves up and down when moving through the water



BLUE SHARK



Ocean Sunfish have a similar dorsal fin that often gets mistaken for a shark's.



Sharks can see the outlines of objects resembling their prey. From underneath, the surfer (left) and the seal (right) look very similar.



A seal off the beach on Cape Cod.

Some other common animals thought to be sharks:



DUCKS



DOLPHINS





HUMPBACK WHALE



FIN WHALE



New England Shark Sampler



Tiger Shark (*Galeocerdo cuvier*)



Dusky Shark (*Carcharhinus obscurus*)



Sandbar Shark (*Carcharhinus plumbeus*)

New England Shark Sampler



Shortfin Mako (*Isurus oxyrinchus*)



Blue Shark (*Prionace glauca*)



Porbeagle Shark (*Lamna nasus*)

The 'Oddballs'

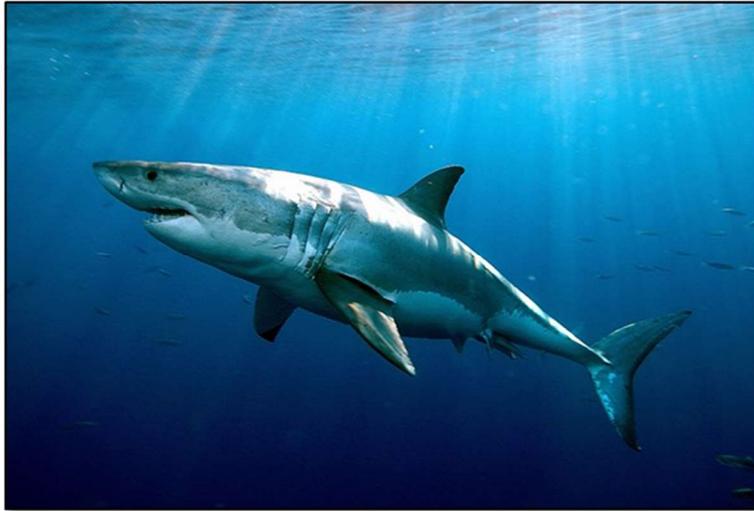


Thresher Shark (*Alopias vulpinus*)



Scalloped Hammerhead (*Sphyrna lewini*)

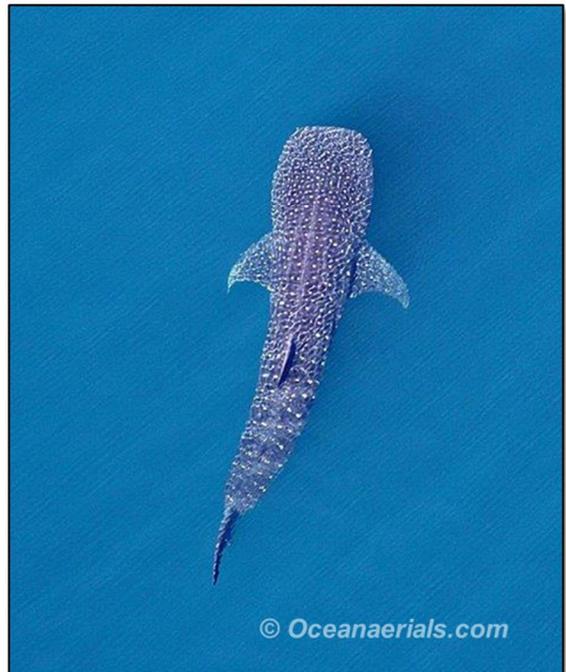
The 'Big Three'



White Shark (*Carcharodon carcharias*)



Basking Shark (*Cetorhinus maximus*)



Whale Shark (*Rhincodon typus*)

ADVISORY TO YARMOUTH ALCOHOL LICENSE HOLDERS:
VIOLATION OF COVID-19 RESTRICTIONS
IS A VIOLATION OF YOUR ALCOHOL LICENSE

On June 19, 2020 ABCC Investigators made a routine visit to a Yarmouth restaurant with an all-alcohol pouring license, and observed several customers seated at the bar in violation of the Governor's Covid-19 restrictions. When the investigator pointed out the violation to the manager, he said that the Selectmen weren't enforcing the restrictions, so he thought it was ok.

The Investigator called me the next day to ask what was going on in Yarmouth. I told him about the Selectmen's vote not to enforce the Covid-19 restrictions and asked him to defer action on this violation because the vote may have caused genuine confusion on the part of the licensee.

ABCC investigators visit licensed establishments in Yarmouth several times a month, particularly during the Summer. I expect that future violations will be dealt with in the usual manner- by hearing before the ABCC.

All alcohol licensees in Yarmouth need to recognize that the Governor's Covid-19 restrictions have the force of law regardless of any local action. Any violation of the Covid-19 restrictions is an illegality, and therefore a violation of ABCC Regulation 204 CMR 2.05 which provides:

“No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.”

The ABCC can and likely will enforce violations against the licensee, which can potentially result in suspension or revocation of the alcohol license. As alcohol licensees Yarmouth restaurants have much more at stake than other businesses!

Finally, I want to dispel the rumor that the ABCC has left all alcohol licensing matters to local control. The ABCC's June 1, 2020 Outdoor Service Advisory left *only the amendment of premises description to allow outdoor service* during the Covid-19 emergency to local discretion. **ALL OTHER ASPECTS OF ALCOHOL SERVICE AND LICENSING REMAIN SUBJECT TO ABCC JURISDICTION AND ENFORCEMENT.**

Phil Magnuson
Liquor Licensing Liaison
Yarmouth Police Department
pmagnuson@yarmouth.ma.us

TEMPORARY OUTDOOR SEATING LICENSEES

ESTABLISHMENTS LICENSED AS OF JUNE 25, 2020

Business Name	Address	ABCC License #	# outdoor		TA Approval Date
			seats	Hours of outdoor service	
99 Restaurant	14 Berry Ave.	00110-RS-1518	32	11:00am - 9:00pm	6/12/2020
Captain Parkers	668 Rte 28	00020-RS-1518	20	8:00am - 11:00pm Mon - Sat/10:00am - 11:00pm Sun	6/16/2020
DiParma	175 Route 28	00089RS-1518	36	11:30am - 10:00pm daily	6/17/2020
El Mariachi	416 Route 28	00130-RS-1518	44	11:00am - 10:00pm daily	6/19/2020
Gerardi's	902 Route 28	00126-RS-1518	25	8:00am - 11:00pm Mon. - Sat./10:00am - 11:00pm Sun	6/19/2020
Grill 43	43 Rte 6A	00160-RS-1518	10	Noon - 8:00pm	6/12/2020
Hearth n' Kettle	1196 Rte 28	00047-RS-1518	14	8:00am - 9:00pm Mon -Sat/10:00am - 9:00pm Sun	6/12/2020
Old Yarmouth Inn	223 Rte 6A	00003-RS-1518	72	10:00am - 9:00pm	6/12/2020
Oliver's	6 Bray Farm Rd. South	00006-RS-1518	106	4:00 - 10:00pm	6/12/2020
Riverway Lobster house	1338 Rte 28	00048-RS-1518	120	8:00am - 11:00pm Mon-Sat/10:00am - 11:00pm Sun	6/12/2020
Ropes End Family Restaurant	908 Route 28	04774-RS-1518	30	11:00am - 10:00pm daily	6/18/2020
Sea Dog Brew Pub	23 Whites Path	00160-RS-1518	64	11:30am - 11:00pm	6/12/2020
Tavern 731	731 Route 28	00155-RS-1518	16	4:00 - 11:00pm daily	6/18/2020



Yarmouth Police Department

— *Excellence in Policing* —

Frank G. Frederickson
Chief of Police

Media Release

Yarmouth Police investigate hate incidents

Over the past week the Yarmouth Police Department initiated two investigations into incidents that are disturbing. Both cases are being taken seriously in order to determine the person(s) responsible. These overtly inflammatory actions are denounced by the Yarmouth Police department. I strongly believe that this not representative of Yarmouth and was likely performed by a few troubled individuals who are hateful.

On 6-17-20 The Yarmouth Police department took a report of a noose hanging from a tree at a private association beach off Pump House Rd. in W. Yarmouth. Two teenagers were seen in the area handling the rope prior to the noose being discovered. No witnesses observed anyone put the noose in the tree. The incident is being investigated by the Detective Division.

On 6-20-20 at approximately 0641, flyers promoting white men to join your local “white nationalists” were taped to street signs, utility poles and fences on Buck Island Rd., Higgins Crowell Rd. South of Rt. 28 and on Rt. 28 East and West of Higgins Crowell Rd. There were 20 flyers in total found and the flyers were printed on 8” X 11” pieces of paper. The flyers were removed by the responding Patrol Officer. The Detective Division is investigating these postings and are working with other agencies in order to determine the source and take appropriate action. The State Police Fusion Center was notified of this incident.

It is clearly understood that these incidents create fear, division and distrust in our community. Please know that Yarmouth Police Department is committed to addressing issues of hate in our community. If you have any information on either of these incidents, please contact the Yarmouth Police Department at info@yarmouthpolice.com or via phone at 508-775-0445 ext. 0

The media release was prepared by Chief Frank Frederickson



**YOU WILL NOT DESTROY US
YOU WILL NOT REPLACE US**

WHITE POWER



**WHITE MEN, JOIN YOUR LOCAL
WHITE NATIONALISTS**

TO: BOARD OF SELECTMEN
FROM: Mark Forest, Appointments Chairman *Mark R Forest*
SUBJECT: Reappointments – Open Space Committee
DATE: June 23, 2020

OPENINGS: 3 Regular positions (staggered terms)

Number of Interviewers:

_____ Selectmen

_____ Commission/Committee Members

Numerical Evaluation of Candidates

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

APPLICANT	COMMISSION RATING	SELECTMEN RATING	AVG. RATING
Christine Marzigliano			
Heather McElroy			
Jeffrey Senecal			

RECOMMENDATION: To reappoint Ms. Marzigliano to a three-year term on the Open Space Committee. Term to run through June, 2023.
To reappoint Ms. McElroy to a two-year term on the Open Space Committee. Term to run through June, 2022.
To reappoint Mr. Senecal to a one-year term on the Open Space Committee. Term to run through June, 2021.

TO: BOARD OF SELECTMEN
FROM: Mark Forest, Appointments Chairman *Mark R Forest*
SUBJECT: Appointment – Board of Registrars
DATE: June 23, 2020

OPENINGS: 1 Regular position (three-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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Donna Clifford

RECOMMENDATION: To appoint Ms. Clifford to a three-year term on the Board of Registrars. This term will run through June, 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		<ul style="list-style-type: none"> •
JUNE 30	ELECTION		<ul style="list-style-type: none"> • ENTERTAINMENT LICENSE HEARING – DRIVE-IN • SHARK RESPONSE POLICY REVIEW • MOTION TO ALLOW YARMOUTH BUSINESSES TO CONDUCT NORMAL BUSINESS OPERATIONS (DISCUSSION/VOTE) • COVID-19 UPDATES AND OPERATIONS • BOS RESPONSE TO RECENT ACTS OF HATRED IN TOWN
JULY 7	NO MEETING		<ul style="list-style-type: none"> •



TOWN OF YARMOUTH BOARD OF SELECTMEN PROJECTED 2020 AGENDA ITEMS

MEETING DATE		BUDGET SCHEDULE DUE DATES	REGULAR BOS AGENDA ITEMS
JULY 14			<ul style="list-style-type: none"> • REORGANIZATION OF BOARD OF SELECTMEN • BOARD OF SELECTMAN GOALS • TAX CLASSIFICATION HEARING • AWARD OF SCHOLARSHIPS
JULY 21	(DK-VAC.)		<ul style="list-style-type: none"> •
JULY 28			<ul style="list-style-type: none"> • WATER DEPARTMENT UPDATE • ROUTE 6A UPDATE (?) • FALL TOWN MEETING (?) • MEAL/ROOM TAX UPDATE – 4TH QUARTER FY2020 PAID OCTOBER 2020 (?)

- 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

**CONSENT
AGENDA
ITEMS**



Town of Yarmouth

Board of Selectmen

Official Citation

Be it Known, that the Town of Yarmouth hereby
Recognizes:

Scott Angell

Highway Division

For:

Extraordinary Heroism

And, be it further known that the Town of Yarmouth extends its sincerest thanks and gratitude for the life-saving efforts demonstrated on June 16, 2020; that this Citation is duly signed by the Chairman, Board of Selectmen on this day of June Thirtieth in the year of our Lord, Two Thousand Twenty.



By: _____

Michael Stone

Chairman, Board of Selectmen