



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-24451
Telephone (508) 398-2231, ext. 1271, Fax (508) 398-2365

BOARD OF
SELECTMEN
Michael Stone, Chair
Daniel Horgan
Mark Forest
Peter Q. Smith
Dorcas McGurrin

TOWN ADMINISTRATOR
Robert L. Whritenour, Jr.

ASSISTANT
TOWN ADMINISTRATOR
William J. Scott

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
May 2, 2023 ~ 5:45 PM
Yarmouth Town Hall Hearing Room
1146 Rt. 28, South Yarmouth, MA 02664**

This is to formally advise that, as required by G.L. Chapter 30A, §§ 18-25, and pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, as extended by Chapter 2 of the Acts of 2023, the Yarmouth Board of Selectmen will hold a public meeting on Tuesday, May 2, 2023, at 5:45 p.m. beginning with Executive Session, and opening to the public no sooner than 6:00 p.m. in the Hearing Room, Yarmouth Town Hall, 1146 Route 28, South Yarmouth, MA 02664. The public is welcome to attend either in-person or via the alternative public access provided below.

Zoom Meeting information for alternative public access

To join on a computer:

<https://us02web.zoom.us/j/89782032669?pwd=VWVydXRmUk5jdUFmekhyaUICWXPfQT09>

Passcode: 732611

To join on One tap mobile:

US: +13017158592,,89782032669#,,,,*732611# or +13126266799,,89782032669#,,,,*732611#

Or Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782

or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 897 8203 2669

Meeting Agenda (all times are approximate)

5:45 PM Executive Session: The Yarmouth Board of Selectmen will consider entering into executive session pursuant to MGL c. 30A, s. 21(a)(3), to discuss strategy with respect to a certain Open Meeting Law Complaint filed against the Selectmen by Charles Day on August 15, 2022.

6:00 PM Announcements
1. Citation for Bill Theuret from Water Division

6:05 PM Public Comments

The open meeting law discourages public bodies from discussing topics not listed on the agenda. The public should therefore not expect the Board to respond to questions or statements made during the Public Comment portion of the meeting. All questions directed to Town Officials should be submitted in writing to the Town Administrator.

- 6:15 PM** **Vote: Delegating Chief of Police Authority to Detail Sufficient Police Officers for the Annual Town Election**
- 6:20 PM** **Hearing: New Alcohol Application – Free Bird Motor Lodge, 553 Route 28, West Yarmouth**
- 6:45 PM** **Hearing: Weekday & Sunday Entertainment License – Thatcher Hall, 266 Route 6A, Yarmouth Port**
- 7:00 PM** **Hearing: Special Alcohol/Entertainment License – Cape Cod Pirates Festival at the Yarmouth Drive-In Site, West Yarmouth**
- 7:15 PM** **Hearing: Annual Weekday & Sunday Entertainment Amendment, and Special Entertainment Extension for Grand Opening of the Patio – Sea Dog Brew Pub, 23V White’s Path, South Yarmouth**
- 7:30 PM** **Assembly of Delegates Update (Susan Warner, Yarmouth Delegate)**
- 7:45 PM** **Cape Cod Regional Transit Authority (Kathy Jensen, Deputy Administrator, and Robert Lawton, Representative)**
- 8:00 PM** **Regional Veterans Services (Greg Quilty, Director, and Robert Lawton, Representative)**
- 8:15 PM** **County Commissioners Update (Beth Albert, Barnstable County Administrator and Vaira Harik, Assistant County Administrator)**
- 8:30 PM** **Cape Cod Commission Update (Kristy Senatori, Executive Director)**
- 8:45 PM** **Appointment Confirmation of Anthony Bennett as Director of Recreation**
- 9:00 PM** **Board and Committee Actions**
1. Appointments
 - a. Tony Kent Arena Board Representative – David Cavatorta
 - b. Board of Appeals – Anthony Panebianco and Barbara Murphy
 - c. Library Board – Kellyn Bogle
 2. Minutes: April 25, 2023
 3. Upcoming Agenda Review
 4. Individual Items
- 9:15 PM** **Town Administrator Items**
1. Consent Agenda
 - a. DNR Request for Approval of Shellfish Regulations Amendment
 - b. DPW Request for Approval of NSTAR Electric Co. (dba Eversource) Petition dated March 20, 2023.
 - c. Two Requests to Increase Local Affordable Rents
 - d. Request for Approval to join PFAS Litigation
 - e. Use of Town Property Request by Netflix Productions
 - f. 99 West LLC Request for Approval of Change of Officers/Directors
 - g. South Yarmouth United Methodist Church Request for Approval to Use Bass River Beach Fishing Pier for Early Morning Sunday Services in Summer
 - h. YPD Request to host its 14th Annual 5K YPRA-Run for a Reason Event
 2. Town Administrator Updates
- 9:30 PM** **Adjourn**

CONSENT AGENDA

BOARD OF SELECTMEN
May 2, 2023

YARMOUTH TOWN CLERK
12:29APR28PM12:21 REC

APPROVED: _____

Approvals:

- Division of Natural Resources requesting approval of Amendment to Shellfish Regulations, Recreational Use, Soft Shell Clams and Quahogs, to be effective Sunday, May 7, 2023 from Sunrise to Sunset at Bass River-Wilbur Park and Chase Garden Creek-Gray's Beach.
- Department of Public Works requesting approval of the NSTAR Electric Company dba Eversource petition to install approximately 7,845 +/- feet of conduit and 8 new pull boxes in the public right of way: Eileen Street, Gannet Road, Barnacle Road, Pompano Road and Gunwale Way and Outward Reach.
- April 6, 2023 Memo from Mary Waygan, Affordable Housing/DCBG Program Administrator, requesting approval to increase local affordable rents for two units at 115 Route 28, West Yarmouth and three units at 63 Wilfin Road, South Yarmouth. (Two related memorandums from Lorraine Doyle, Chairwoman of the Community Housing Committee, also included.)
- Request for Approval to join PFAS Litigation (proposed Legal Services Agreement).
- Netflix Productions' Request for Use of Town Property to film a scene off Lewis Bay, using the end of New Hampshire Avenue for light town and a parking lot at the Sailing Center.
- May 2, 2023 Memo from Dakota Prue, Licensing Administrator requesting approval of 99 West LLC change of Officers/Directors (with attachment).
- May 2, 2023 Memo from Dakota Prue, Licensing Administrator requesting approval to give South Yarmouth United Methodist Church permission to use the Bass River Beach Fishing Pier for early morning Sunday Services during the summer (with attachment).
- May 2, 2023 Memo from Dakota Prue, Licensing Administrator requesting approval to give the Yarmouth Police Department permission to host its 14th annual 5K YPRA-Fun for a Reason event on Sunday, May 21, 2023 at the Skipper Restaurant.