



Board of Selectmen Board of Selectmen Meeting Minutes January 4, 2022

The regular meeting was called to order at approximately 6:00 p.m. by Chairman Mark Forest. Selectmen present: Mark Forest, Tracy Post, Michael Stone, Dan Horgan, and Peter Q. Smith. Also attending: Town Administrator Robert Whritenour, and Assistant Town Administrator William Scott.

Chairman Forest read the advisory as required by Massachusetts General Laws, Chapter 30, Section 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, that the public was welcome to attend the meeting either in person or via the alternative public access. The Chairman then led everyone in the Pledge of Allegiance.

1. Public Comments

Resident Vida Morris spoke about the Golf Enterprise Committee appointment that was voted at a previous meeting. She reiterated how she felt that Norm Holcomb should have been appointed. She stated that there should be two Board members handling appointments instead of only one. Ms. Morris also brought up the Fire Training Prop, and stated that she could not understand how the planning could have gotten so far. She could not see how the taxpayers could afford it.

There was an issue of connection with Bronwen Howells Walsh, who was attending the meeting via Zoom. The Chairman decided to take a short recess so that the video-recording issues could be taken care of. He stated that he would monitor the chat function throughout the meeting.

2. Recognition of Retirees:

- **Dorothy Lavin, Police Evidence Technician, Police Department**
- **Elsie Raneo, Finance Technician, Treasurer/Collector's Division**
- **Thomas Lundquist, Captain, Fire Department**
- **David Carlson, Parks Supervisor, DPW**
- **Robert Carlson, Building Maintenance Specialist, DPW**

The Town Administrator announced the Town employees who had recently retired. Dorothy Lavin had worked for the Town for 24 years; Elsie Raneo, for 25 years; Thomas Lundquist, for 29 years; Robert Carlson, for 19 years; and David Carlson, for 24 years.

The only retiree present was Dorothy Lavin. Police Chief Frederickson introduced her to the Board, and then commented on her years of service, beginning as a matron in the Police Department, then working in the Records Division and finally in the Police Evidence Division. Ms. Lavin thanked the Town of Yarmouth for the opportunity and honor to work here. She said that it had been a pleasure and she was humbled. She was given a citation and photos were taken.

The other retirees were not present at the meeting. Mr. Whritenour wanted to commend Ms. Raneo for doing a tremendous job in her position in the Treasurer/Collector's Office over the

years. He announced that she would be returning to the Treasurer/Collector's Office to work on a part-time basis. Fire Chief Simonian and Deputy Fire Chief Jon Sawyer remarked on Captain Lundquist's career, noting his various achievements, and that he and retired Deputy Chief Kelleher had started the first AED (automatic defibrillators) program in the Town of Yarmouth. DPW Director Jeff Colby said some words about brothers David and Robert Carlson. He said that their hard work displayed over the number of years was a great testament to their family, and that their institutional knowledge needed to be documented. Mr. Colby announced that both planned to come back and work for the Town in various capacities on a part-time basis. All retirees had been issued citations, and the Town Administrator thanked them all for their dedicated service.

3. Covid-19 Update

Health Director Bruce Murphy announced that Dr. Hillard Boskey, Board of Health Chairman, was not available at the meeting, however, member Mary Craig was attending via Zoom. Mr. Murphy noted that the Town was experiencing the fifth wave of the pandemic, with 50 new cases being reported just that day. The positivity rates across the Cape showed high numbers due to the Omicron variant. Yarmouth's positivity rate was 8.39%, which was below the County's rate of 9.45%, but higher than the State's rate of 7.74%. Hospitalizations in both Cape Cod Hospital and Falmouth Hospital had increased. Tracing of cases was currently being done by the County Health Department. Due to the high number of cases, they were no longer doing follow-up calls after the initial contact. Vaccination data from the State showed that the overall vaccination rate was low at 75%, down from the previous week. The County Health Department was still conducting clinics for shots and boosters on Wednesdays, by appointment. Cape Cod Community College was also holding clinics, as well as various local pharmacies. Mr. Murphy announced that the Cape Cod Melody Tent would be opening a site for testing three days per week, however, which days still needed to be determined.

Mary Waygan, from the Community Development Office, announced how COVID-19 test kits were being made available for income-eligible residents of the Town. Yarmouth originally was not on the State list for receiving test kits. Community Development Block Grant money, as well as some CARES Act funds, were used to purchase test kits. Announcements regarding kit distribution were made at the Senior Center. A news release was put out, as well as social media postings on the Town's Twitter and Facebook accounts. Additional test kits were on order. Mr. Murphy noted that the results from these at-home test kits were not being logged with the County or the State.

Selectman Smith asked for a definition of "fully vaccinated." Mr. Murphy said a person was considered fully vaccinated once they had their initial two shots plus the booster shot. Children were considered fully vaccinated with just two shots. Selectman Smith stated that Israel had approved a fourth shot for people over 60 years of age, and asked if there had been any discussion locally about that. Mr. Murphy replied that he was not aware of any discussions.

Selectman Post thanked Ms. Waygan. She said that finding test kits on the market was very difficult, so she was very proud of the Town for taking the initiative to obtain kits for distribution. She then asked the Health Director about the Omicron versus Delta variants. Mr. Murphy said that from testing, it was found that the Omicron variant was by far predominant Statewide, but he was unsure about the Cape specifically. A discussion then took place about the efficacy of the tests. The rapid antigen home tests being distributed were said to be approximately 95% effective, with results available in about 10-15 minutes. Mr. Murphy noted that, if a person who had been exposed to the virus took a home test, and the results came back negative, there could be a possibility that

they took the test too soon after being exposed. He recommended that the person wait five days after the suspected exposure to ensure a more accurate result. Selectman Post noted that many other people then could be exposed during those five days. Reports were that Omicron did not make people as ill, however, it was known to be much more transmissible. Those with underlying conditions still had to be careful. She hoped that the availability of testing would help allow for more normalcy in people's lives.

Selectman Stone said that he had been interested to hear about the efficiency of the tests. He had heard there had been some instances of false positives. He noted that getting a severe sinus headache was reported as a prevalent symptom for COVID-19. Those with the Omicron variant, due to the lack of symptoms, sometimes did not even know they were ill.

Selectman Horgan asked about booster shots for the homebound. Mr. Murphy said the Senior Center kept a list of 120 homebound residents. The Fire Department went out and administered booster shots to all of them. Mr. Murphy announced that, for any additional homebound residents, if they needed assistance in getting a booster, to please reach out to him. Selectman Horgan asked Ms. Waygan to provide the income guidelines used to determine eligibility for test kits. Ms. Waygan said that, for households of one person, the income eligible limit was \$54,400. For households of two people, the income eligible limit was about \$62,000. For households of three people, the income eligible limit was about \$70,000. For households of four people, the income eligible limit was \$77,000. She said that tests could be distributed based on urgent care or need as well. Selectman Post wanted to stress that residents should not come to the Town Hall for test kits if they were symptomatic. Ms. Waygan said that she would put a sign outside the building with her phone number, so if someone had symptoms, they could call her and she could meet them outside to give them a test kit.

The Chairman said that Mary Craig, via the Zoom chat box, wanted to emphasize the importance of masking and social distancing. Chairman Forest also noted that, in The Cape Cod Times, Bruce Murphy was cited as one of the leaders looking ahead to 2022, due to his sustained advocacy and vigilance in terms of vaccinations. The Chairman thanked him and said that the Board appreciated what Mr. Murphy was doing.

Resident Vida Morris requested to comment. She said the CDC made an announcement that cloth and paper masks were worthless. Mr. Murphy replied that the CDC said that the N95 mask was the most effective type of mask right now in protecting people from the virus, however he would not say that the other types of masks were totally useless. A mask was better than not having anything, and should be doubled up. Ms. Morris also noted that the isolation period had been reduced to five days, and questioned the need for masks in restaurants.

4. Tourism Grant Awards Review and Board Approval

Mary Vilbon, Executive Director of the Yarmouth Chamber of Commerce, Karen Greene, Community Development Director, and Ken Smith, Chairman of the Community & Economic Development Committee (CEDC), came before the Board.

Mr. Smith explained the process of how the recipients of the awards were determined. CEDC met four times, beginning in October 2021. A public notice went out, and applicants completed a ten-page standardized application. The Committee received ten requests for money, totaling \$218,000. Only \$109,000 would be awarded. Some of the events were historic events

which occurred over many years, like the Yarmouth Seaside Festival. The Committee used a weighted scale to determine if an event would not only benefit Yarmouth residents, but could also be an economic driver or visitor draw to the Town. Ms. Vilbon added that each recipient was provided with a survey, which needed to be conducted at their events, and then a final report was to be submitted to the Economic Development Office. Chairman Forest noted that such a review of the analysis from these events would ensure there was a broad community benefit.

Selectman Post said that she had received an email regarding 2021 allocations, and some things like the portable skating rink were not shown. Mr. Smith said that there were some approvals made through CEDC that were separate from this particular tourism grant, so they were not part of this process. Chairman Forest recommended that an agenda item regarding these other expenditures be scheduled for a future date. Selectman Post said that she was not comfortable voting on the awards, when she did not have information about the events which were not approved. She also noted that the Board did not have to approve the awards in the past. A discussion then took place between Selectman Post and Chairman Forest regarding the necessity of the Board signing off. The Chairman stated that the statute was very clear that the Board approve these expenditures. Selectman Post pointed out that the statute said “awarded and executed by the Board of Selectmen or its designee,” so it was up to interpretation. Selectman Horgan said that it might be helpful for Town Counsel to review and determine the correct procedure. Selectman Stone agreed. Selectman Post said that she did not want to undermine the Committee or its work. Mr. Smith said that he did not have a problem keeping the Board informed with what the CEDC was doing, but he felt very comfortable with the established vetting process. Ms. Vilbon added that, although special events were being discussed now, occasionally throughout the year, the CEDC would need to make decisions on expenditures that were time-sensitive, so she asked the Board to be sensitive to that fact.

Selectman Smith announced that he would need to recuse himself from the vote involving the Yarmouth New Church.

MOTION: That the Board approve the grant applications listed as outlined in the recommendations from the Community & Economic Development Committee.

Motion by: Dan Horgan

Seconded by: Mike Stone

Vote: 5 ayes; 0 nays on all awards except that for the Yarmouth New Church.

4 ayes; 0 nays; 1 abstention (Paul Q. Smith) on the award for the Yarmouth New Church.

The motion passed.

5. Fire Training Prop Update and Vote

Chairman Forest, out of an abundance of caution, stepped down and recused himself from this portion of the meeting. He turned over the meeting to the Vice Chairman, Selectman Stone. Fire Chief Phil Simonian, Deputy Chief Jon Sawyer, and retired State Fire Marshall Steve Cohen were present before the Board.

Chief Simonian noted the signed assessment documents included in the packets. There were only a few towns still pending submittal of their signed assessment documents. He told the Board that, upon the referral of a gentleman from FEMA, he had spoken with the Fire Chief from Nashua, NH, where they had a building very similar to the prop facility currently being proposed.

The Nashua facility had been running for six years, and it was reported that Nashua spent less than \$1,500 in maintenance costs.

Selectman Stone said that he was emailed a draft agreement, and it was not in the packet. Town Administrator Whritenour confirmed that it was not in the packet, as it just had been received the night before the meeting. He said the draft agreement still required legal review. He stated that, with all the technical and financial reviews done, he was comfortable moving forward, however, he would like to see some indemnification language added to protect the Town from any liability during construction of the facility. With the upcoming grant deadline, Mr. Whritenour recommended that the Board give its approval, subject to the execution of an Inter-Municipal Agreement (IMA) between Barnstable County, the Town of Provincetown, who was the recipient of the grant, and the Town of Yarmouth. Selectman Stone asked what would happen if costs exceeded the grant money, the 10% County match, and any additional FEMA funding. Mr. Cohen said that an additional \$100,000 was awarded to the County for the purpose of enhancing fire training within Barnstable County through a legislative earmark. That money, however, was in the current fiscal year budget, and not something proposed for the future. Mr. Cohen said that the County Administrator had indicated that she was willing to commit a portion, if not all of that \$100,000 as a contingency to make sure that the project could come in on budget. Mr. Whritenour said that the current provisions of the IMA were that the County had the responsibility to deliver a complete turn-key operation. Mr. Cohen agreed, and said that the County owned the responsibility to turn the training prop over to the Town as 100% functional and ready to go, and free of debt.

Selectman Horgan asked Chief Simonian to address the statements made by the speaker during public comment, which were against the expenses of the facility. The Chief said that for the first year, they would be paying into the annual assessment like the other fire departments. The Fire Department had an existing training budget for any personnel costs for training. The Town Administrator added that the facility was being provided to the Town fully funded through the Grant and the County match, so it was a substantial investment. Chief Simonian said there was no cost to the Town for the construction of this \$700,000 facility.

Selectman Post said that she was pleased to see that the Chief was able to obtain the signatures from all the towns in commitment to the assessment, but she suggested that there may be some other legal document required for users. She then asked a question about the IMA and a statement within it regarding Yarmouth's responsibility to make the training prop available to everyone. The Chief said that the grant was a regional grant, and this asset was a regional asset. However, the other departments were told, if they did not pay the assessments, but changed their minds later in order to use the training prop, they would have to pay the assessment prior to use, as well as a user fee. Selectman Post suggested including language in the IMA about the user fee. Selectman Stone said that generic language, such as "under the same terms or conditions as all other fire departments," would probably be sufficient.

Selectman Smith agreed there should be language in the contract regarding the fees. He also suggested having the departments agree to the assessments for a specified number of years. Chief Simonian said that legally they could not hold the other departments accountable for multiple years. He was told they had to agree one year at a time. Deputy Chief Sawyer explained that the assessment was an annual payment so that the towns could take part in using the building, and that the user fees covered a range from \$300 to \$500 per day. The rate would depend on what would be used (only the building, or also with propane or artificial smoke, or all together). Selectman Smith said that it might be several years down the line before they could determine what the maintenance budget should be. Chief Simonian said that the building would need to be

recertified in ten years, so that would be a significant cost of \$10,000. He felt that if they continued collecting the expected amounts and put the money in a designated fund, then there should be no problem ten years from now. The Chief also recommended having a company come in after five years to service the burners, so that would be an another maintenance cost to take in account.

MOTION: That the Board approve the location of the Fire Training Prop at the Yarmouth Fire Station, subject to the final review and adoption of the Inter-Municipal Agreement by our Town Administrator, and review by Town Counsel, and allow the Town Administrator to execute the agreement on behalf of the Board.

Motion by: Dan Horgan

Seconded by: Tracy Post

Vote: 4 ayes; 0 nays. The motion passed unanimously.

6. Budget Overview

Town Administrator Whritenour called the Board's attention to the Budget Books, which had been distributed to them for this meeting. Included in the books were a budget transition memo from Mr. Whritenour, a detailed analysis of revenues, and a full copy of the budget presentation. Due to the Charter time frame, he thought it was important for the Board to get the information as soon as possible, to give them ample time to review, change and vote the budget. No votes or approvals were required at this time. Before beginning the presentation, Mr. Whritenour gave special thanks to Finance Director Ed Senteio, Town Accountant Mariya Ruseva, and Mary Alice Florio and Pamela Barnes in the Administration Office, for their work in helping prepare for this budget overview.

Mr. Whritenour began discussing revenues, with a detailed analysis covering a five-year period. He said that it was important to break down trends to determine sustainability, and plan forward. Fiscal Year 2023 would need to be a transitional year, restoring funds that were impacted by the pandemic. During the two years prior, by not overestimating revenues, the Town found itself in a good financial position. Chairman Forest said the Finance Department had recommended a 30% decrease for FY2021 estimated receipts, but it actually ended up with a 25% decrease. He said they deserved credit for coming up with an accurate prediction.

The Town Administrator then referenced a chart showing the composition of the revenues. Property taxes comprised 73% of the revenues. Non-property tax local revenues, such as excise taxes, meals and rooms taxes, and fees brought in by the various departments, made up 28%. State aid only provided 1%, which he thought was unfair and demonstrated the inequitable situation that existed in the Commonwealth.

Selectman Post asked, aside from the impact from the pandemic, if there were any other forecasts the Town Administrator was looking at. He replied that they were looking at collections. A short discussion about motor vehicle excise taxes and the availability of vehicles, as well as the building market, then took place. Mr. Whritenour said that, given the uncertainty that still existed, they would continue to be somewhat conservative, but did not think it would be prudent to maintain artificially low projections.

Selectman Smith said that some of the charts in the presentation only showed estimates. He suggested adding another colored line to reflect actuals. He then asked how collections were going, and whether there were delinquencies. Mr. Whritenour said that the collections remained

strong. He said that the big issue was the volatility of the values, which were increasing quickly. The property tax levy was showing slow steady growth.

Selectman Stone asked about an 8% amount that was mentioned. The Town Administrator said it was the measure of the projected revenues from FY2022 to the projected revenues of FY2, still allowing for a cushion.

The Town Administrator then reviewed five critical challenges the Town would be facing moving forward, and then concluded his presentation by giving an overview of the budget highlights. Regarding the Golf budget, Selectman Smith suggested letting them know whether or not the wastewater facility was going to be placed over at Bass River Golf Course, so that the department could plan accordingly. The Chairman said that the Board was due for another wastewater discussion soon, and that could be added to the discussion.

There was a short discussion on whether to invite the individual departments to come in to discuss their budgets. Mr. Whritenour said that the same type of budget overview would be done with the Finance Committee, who were planning on walking through the individual budgets with each department. The Finance Department planned to come back to the Board of Selectmen in February with recommendations.

7. Board and Committee Actions

1. Committee Appointments

MOTION: That the Board of Selectmen recommend to the Community Action Committee of the Cape and Islands that Pat Armstrong be reappointed as a regular, representative position, through to January 2025.

Motion by: Tracy Post

Seconded by: Dan Horgan

Vote: 5 ayes; 0 nays. The motion passed unanimously.

MOTION: That the Board of Selectmen appoint Dennis Prebensen as Town of Yarmouth Representative to the Cape Cod Commission for a two-year term, which would run through January 2024.

Motion by: Mike Stone

Seconded by: Dan Horgan

Discussion: Originally the appointment was to be for a three-year term. Since Selectman Post did not know Mr. Prebensen, and since he had been the only applicant, she proposed shortening the term to one year. Selectman Smith told the members that Mr. Prebensen had performed this type of work previously in Connecticut, and that he was enthusiastically recommended by the Community Development Director and the Town Planner. As a compromise, it was decided to recommend a two-year term.

Vote: 5 ayes; 0 nays. The motion passed unanimously.

2. Approval of Minutes

MOTION: To approve the minutes of the November 30, 2021 meeting.

Motion by: Mike Stone

Seconded by: Dan Horgan

Vote: 5 ayes; 0 nays. The motion passed unanimously.

3. Upcoming Agenda Review

The Chairman said that the Board's Goal Setting Meeting was scheduled for Saturday, January 8, at Lorusso Lodge at Flax Pond. The Housing Summit was scheduled for January 11, beginning at 5 p.m. January 18 was set aside for Town Counsel interviews.

Selectman Smith asked if they would be going back to remote meetings if COVID-19 rates continued to increase. Selectman Post said that there was nothing barring people from participating remotely at this time, if they felt more comfortable doing that. Chairman Forest said that he had asked the Health Director that question, and Mr. Murphy did not believe it would be necessary to go to fully remote meetings. Selectman Horgan noted that during the first waves of the pandemic, the virus was more severe and people were not vaccinated, so remote meetings were required. Now with more people vaccinated and the Omicron variant not as severe, people could be more comfortable meeting in person. Chairman Forest stated that hybrid meetings have allowed people a choice.

Selectman Post brought up the Association to Protect Cape Cod letter about the dangers of discharging radioactive water into Cape Cod Bay, and how the Board should discuss drafting its own letter to the Governor.

Selectman Smith requested information on the State's proposed work on the Bass River Bridge. Chairman Forest said the State would be holding a remote meeting on January 13. The Town Administrator said he would forward the Zoom link for the meeting to the Board again.

Selectman Horgan asked on the status of the boardwalk, and if a timetable had been set up for repairs. The Town Administrator said he had a meeting scheduled with the Natural Resources Director later that week to discuss the boardwalk.

The Chairman said that he would like an item put on the agenda about the Water Department projects and plans, as well as to discuss PFAS and water quality issues.

4. Individual Items

Selectman Stone asked if the Town received any appeals regarding The Music Room hearing decision. Town Administrator Whritenour replied, no.

Selectman Post brought up the Housing Summit which was to be held on January 11 at 5:00 p.m. at the Senior Center on Forest Road. She also gave huge kudos to the Senior Center on holding the New Year's Day Polar Plunge. She noted that Bob Lawton and Frank Frederickson attend the event every year.

11. Town Administrator Items

1. Consent Agenda

The Town Administrator announced what was on the Consent Agenda. It included temporary closure requests for Grill 43, Diparma Italian Table, and Ropes End Restaurant; underground conduit installation requests for 6 Ellis Circle and 33 Thacher Shore Road; a donation

