



Board of Selectmen Board of Selectmen Meeting Minutes March 15, 2022

The regular meeting was called to order at approximately 5:30 p.m. by Chairman Mark Forest. Selectmen present: Mark Forest, Michael Stone, Peter Smith and Tracy Post. Absent: Dan Horgan. Also attending: Town Administrator Robert Whritenour and Assistant Town Administrator William Scott.

Chairman Forest read the advisory as required by Massachusetts General Laws, Chapter 30A, 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

Don Costa of West Yarmouth and a member of Amvets Post 333 appeared before the Board. He reported that a State bill was passed for the dedication of the bridge on Station Avenue in memory of U.S. Army Corporal Orié Sampson, a veteran son of the Town, who went missing in action during the Battle of Triangle Hill in 1952. His remains were never found. State approval was in process for a sign dedicated to Corporal Sampson to be placed at the entrance of the bike trail. An announcement was to be made on Memorial Day, with the official dedication of the bridge taking place in June, date and time to be determined. Mr. Costa also reported that the Veterans Day services would be held at the Field of Honor in Dennis, and not at Packets Landing this year.

Vida Morris appeared before the Board. She referenced the lawsuit brought by residents of the Town against the D-Y Regional School District, and the response from the Town of Dennis. She noted the conflict of interest which would result from both towns securing legal advice from the same law firm, KP Law. She questioned the ethics of Chairman Forest occupying two positions concurrently. Chairman Forest responded that he would address this issue with her and any others later at the appropriate time.

Greg Bilezikian of 173 Route 6A appeared before the Board regarding recent discussions on parking issues along Route 6A. He noted the Yarmouth Port Village Public Meeting, which was scheduled to be held on March 30 at 5:30 p.m. and urged that the Board attend. Topics to be discussed included the concerns of businesses, as well as potential short and long-term solutions for issues such as public safety, maintenance, on-street and off-street parking, signage, and sidewalks. He hoped that the meeting would result in a successful outcome for the Village, the businesses, the residents, and the visitors.

2. Discussion of District Improvement Financing (DIF) Program

Assistant Town Administrator Scott reviewed the PowerPoint presentation on the initial draft warrant article for the proposed District Improvement Financing (DIF) program.

Mr. Scott said that the two key objectives for economic development would be to provide a means to fund the wastewater project, and to increase the Commercial Tax Levy to reduce the burden on residential taxpayers. He then reviewed the components of the investment cycle. Mr. Scott said that the Tax Levy by class was currently 91.27% residential, and 5.45% commercial. It had pretty much stayed flat, showing a slight decline, over the past ten years in terms of commercial investment. The lack of wastewater would continue to feed that decline by stalling projects and reducing the opportunity to make changes.

Mr. Scott explained how the DIF could establish a funding stream for economic development activities, generating increased tax revenues through the increased assessed value resulting from the new private investment. He explained that the increase in assessed value resulting from this new growth was the Tax Increment, and would not include increases due to inflation, revaluation, or market factors. Tax revenue before the DIF approval date would go to the General Fund. Once the DIF District was approved, the difference between the original assessed tax revenue value and the value assessed after the new growth, would be the amount of value that could be applied to the wastewater investment. One hundred percent of that amount would not have to be used. The percentage could be whatever amount agreed upon to use to pay off debt. The Base Values, or those taxes collected on the amount of the assessed value prior to the establishment of the DIF, would continue to flow to the General Fund. Mr. Scott said that new investment tax revenues would be related to the wastewater program.

Mr. Scott said that this coming Town Meeting would only involve discussions on setting the base values for the DIF District and determining what parcels would be in that district. The Town Meeting after that would involve developing the program, the percentage allocation, and making other determinations based on more finite numbers of the cost of the project.

When going forward with wastewater, Mr. Scott said that there should be more private investment as a result, which would then feed the DIF.

Mr. Scott then began explaining the difference between the Invested Revenue District (IRD), which was the areas or parcels from which the funding or new increment would be collected, and the Development District (DD), which was where the funds would be spent. These two districts would be coterminous for the majority of the Phase 1 Project. He then explained the map, where the green areas represented the coterminous districts, where you would collect as well as spend the funds. The lavender areas represented the DD only.

Mr. Scott concluded his presentation by briefly going over the proposed next steps of the DIF investment process. The DIF percentage would be determined as a function of the financing plan. The gap between the financing plan and the note would be determined, and the percentage would be set to earn that gap amount.

In responding to Selectman Smith's questions, Mr. Scott explained that the oversight, operations, and maintenance management would involve the hiring of a consultant, who would do an analysis of new growth and manage the implementation of the DIF. Mr. Scott said they could schedule the DIF to be sequenced at 0% in the first year. Use of revenues and DIF revenues for gap financing would come later in the financing plan.

Selectwoman Post posed questions referring to the map. Mr. Scott said the values would be commensurate with those districts. The DIF would have most value in the commercial areas, but

there could be some value with residential new growth as well. It would need to be determined if the value was worth including in the DIF District. There was a discussion regarding the possible inequities that could occur. Ms. Post also asked about betterments, to which Mr. Scott said that the DIF percentage could be adjusted to try to lower the betterment or the impact to the homeowner.

Selectman Stone asked how frequently the rate could be adjusted. Mr. Scott said that the projections should be made as accurate as possible so there would not be the need to go to Town Meeting for adjustments. He said that they should be conservative to some degree. He noted that the key to this was that the DIF could only be comprised of 25% of the land area in the Town. The DIF would be for thirty years. For some of the beginning years there might not be much revenue to collect because it would take time for the development to take place. Mr. Scott said that the DIF could be scheduled to start in a later fiscal year, or sooner to cover some of the “soft costs.” It would be based on what was decided in the financing plan. Mr. Stone followed up with some additional questions on the tax rate and the effect of the DIF on residential properties, to which Mr. Scott answered using several examples.

The Chairman asked if this project would help leverage additional State and Federal funding. Mr. Scott said that the DIF would help a lot with obtaining matching grants. He said the State looks favorably on innovative financing.

Mr. Scott said that a more finite version of the proposal would be presented to the Board at the March 29 meeting.

3. Public Hearing: Alteration of Premise, Change of License Type and Change of Manager – Blue Rock Club, Inc. dba Blue Rock Club

Jamie Veara and Christian Davenport, both of the Davenport Companies, introduced themselves to the Board. Selectman Stone then read the legal ad for the hearing into the record as follows:

“The Yarmouth Board of Selectmen, acting as the Local Licensing Authority, has received an application from Blue Rock Club, Inc. dba Blue Rock Club, James Veara, VP/Chief of Staff, 48 Todd Road (golf course), South Yarmouth, for an alteration of premise to remove 39 Todd Road due to change in hotel ownership from the current Seasonal Liquor License and to change the license type from Seasonal Innholder All Alcoholic License to Seasonal General on Premise All Alcoholic License. Hearing will be held on Tuesday, March 15, 2022 in the Hearing Room at the Town Offices, 1146 Route 28, South Yarmouth. The Board of Selectmen meeting begins at 6:00 p.m. Written comments will be accepted until 4:30 p.m., Friday, March 11, 2022 in the Selectmen's Office at Town Hall. Verbal comments will be accepted at the hearing.”

Mr. Veara stated that the amendments requested were due to a change in ownership of one property, the resort at 39 Todd Road. The golf course at 48 Todd Road was still under the ownership of the Davenport Companies. Since the existing alcohol license listed both addresses, it was being requested to eliminate the 39 Todd Road address. There would be no change to the described premises and service areas for 48 Todd Road. It was also being requested that the innholder license be changed to a general-purpose license. The final request was to change the manager to Christian Davenport, who met the required criteria and was fully certified in TIPS training.

Selectman Stone asked how long the golf course had been serving alcohol and Mr. Davenport responded since the 1950s. Mr. Stone recommended that they read an advisory on the licensing of golf courses from the ABCC. Some of the items included the requirement for conspicuous signage indicating where alcohol was not permitted, the maximum number of drinks allowed to be served to a person, etc. Mr. Davenport acknowledged that the golf course abided by these regulations.

MOTION: To close the public hearing.

Motion by: Tracy Post Seconded by: Peter Smith

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

MOTION: To approve the above application as presented.

Motion by: Tracy Post Seconded by: Mark Forest

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

4. Public Hearing: Demolition and Construction Fees and Mattresses and Tires Fees Increase (First Hearing)

Chairman Forest stated that this was the first of two public hearings and read the legal notice for the hearing into the record as follows:

“Notice is hereby given that two Public Hearings will be held at the Yarmouth Board of Selectmen meeting at 6:00 p.m. at Yarmouth Town Hall, in the Hearing Room, 1146 Route 28, South Yarmouth, MA on March 15, 2022 and March 29, 2022 concerning proposed fee increases for construction and demolition, mattress, and tires for the Waste Management Division. Written comments will be accepted by the Board of Selectmen via email at selectmen@yarmouth.ma.us until 4:30 p.m., Friday, March 11, 2022. Verbal comments will be accepted at the Public Hearing starting at 6:00 p.m. Persons interested in these changes are encouraged to attend.

Proposed date of Change: April 1, 2022

<u>Fee Category</u>	<u>Current</u>	<u>Proposed Fee</u>
Construction & Demolition	\$145.00/ton	\$165.00/ton
Construction & Demolition (mixed)	\$170.00/ton	\$190.00/ton
Bulky items: Matt/box, furniture etc.	\$15.00 each	\$25.00 each
Tires (no rim)	\$1.00 each	\$5.00 each
Tires (with rim)	\$2.00 each	\$10.00 each”

Jeff Colby, DPW Director, and Roby Whitehouse, Assistant DPW Director, appeared before the Board. Ms. Whitehouse reviewed the PowerPoint presentation on the proposed Waste Management fee increases. A fee comparison to other neighboring towns was provided, as well as a history of Yarmouth’s disposal fees. Construction and Demolition (C&D) analyses were provided, noting the increases in disposal costs being anticipated in the Spring of 2022. Even with the expected increases, there would be no increase in the cost of the disposal stickers for the residents. Current C&D fees for similar towns were: Yarmouth at \$145/ton; Harwich at \$165/ton; and S&J Exco, Inc. (in Dennis) at \$180/ton.

The other proposed fee increases were then discussed. Beginning in November 2022, the Massachusetts DEP Solid Waste Master Plan would ban the disposal of mattresses, with the hope of developing local recycling markets. Ms. Whitehouse said there were currently only two nearby recycling sites, one being in Rhode Island and the other in Massachusetts. As for tire recycling, the cost had increased in 2021 due to the reduced need for repurposed rubber.

Ms. Whitehouse said that the proposed fee increases would cover all anticipated costs, including the 10% anticipated C&D contractual increase to take place in July 2022. There would be no increase in disposal sticker prices for residents.

The Chairman opened the floor for public comment.

Joe Glynn, via Zoom, noted the prevalence of illegal dumping of mattresses, tires etc. and was concerned that the increase in fees would increase the possibility of these illegal incidents. Mr. Colby stated that the DPW had a close relationship with the Police Department, working to prevent illegal dumping and to fine those responsible.

Tom Sullivan, via Zoom, questioned the legality of user fees going into the general fund. The Town Administrator responded saying that it was legal.

Selectwoman Post said that the Waste Management Division was doing a good job of keeping the fees low, but she had a concern whether the fees were adequate to cover the costs of operation. Ms. Whitehouse acknowledged that F&B Rubber, the largest recycler of rubber in the State, had steadily been increasing costs. She said it had gone from \$600/trailer to \$1,700/trailer over a six month period. At one time recycling of tires for playground covering was being done, but that no longer was viable.

Selectman Smith asked if they anticipated any drop of volume with the increase in fees. Mr. Colby replied that it could be possible, but they did not anticipate a significant drop.

The Town Administrator said that no additional public comments were received up through to Friday, March 11. The Chairman then announced that the public hearing would be continued to the next meeting of the Board.

5. Public Hearing: Budget and Capital Plan

Selectwoman Post read the legal ad for the hearing into the record.

“Acting under Yarmouth Town Charter, Section 7-5, a public hearing will be held on March 15, 2022 with the Board of Selectmen, Finance Committee, and Capital Budget Committee to receive comments on the FY2023 Town and School budgets and Capital Improvement Plan. The hearing will be held in the Hearing Room of the Yarmouth Town Hall, and via Zoom, beginning at 6:00 p.m. Complete copies of the FY2023 budget and Capital Improvement Plan are available beginning March 1, 2022 on the Town’s website www.yarmouth.ma.us.”

1. Financial Projection for the Coming Fiscal Year – Town Administrator

Town Administrator Whritenour stated that this was an update from his original presentation which he gave on January 4. He recognized the Finance Department for their diligent work to track up-to-date revenues and expenses. He then reviewed the PowerPoint presentation on the financial projections.

Mr. Whritenour said that the composition of revenues had not changed significantly from the last presentation. The State Aid came in at a net of \$731,591. Non-Property Tax Local Revenues totaled \$29,849,952, and Property Tax totaled \$72,566,245. Mr. Whritenour said that State Aid had

been volatile from year to year, but increasingly was disenfranchised here on the Cape due to the property valuations mistakenly being viewed as for an affluent community. As a result, the levels of State Aid were far below the State averages.

In regard to local estimated receipts, the Town Administrator said that the Town had maintained its revenue estimates to bring those numbers back to roughly the pre-COVID level estimates. Mr. Whritenour highlighted the local estimated receipts collected so far in FY2022 through to February 2022, saying that they were being collected at 120% of where they were during the same period of time the previous fiscal year. He said if the trend continued, the Town would easily make the revenue estimates for those receipts. He further split out the Golf and Septage revenues, which were being collected at 88% and 100% respectively. The Water revenues were being collected at a little lower rate of 76.6%, but Mr. Whritenour said that could have been due to the billing cycle. He said that Short-Term Rental receipts were at 111.47%, but the next two quarters would be telling if they showed very good growth.

Town Administrator Whritenour stated that the Property Tax Levy for FY2023 was approximately at \$72 million and was holding stable.

Mr. Whritenour said that some of the challenges moving forward included trying to restore receipts to pre-pandemic levels without overestimating. Roadway Funding would need to be restored back to the Levy Budget. Attempting to fund the Operating Budget without overusing Free Cash was a goal as well. He said that they would continue to watch the regional education spending, but right now it looked like the local assessment appeared to be rising at a lower rate than originally anticipated. This would give the Town some flexibility. Finally, he said that they hoped to see continued growth in the reserve of Short-Term Rental income for the Wastewater Funding Program.

Mr. Whritenour concluded his presentation by saying that the total recommended budget totaled \$101,904,770, which was up 6.73% from the previous year's budget. Most budgets and services had remained level funded, with minor adjustments, and remained within Proposition 2½.

2. Capital Budget Committee – Report and Budget Overview

Sandra Fife, Chairwoman, and Judy Tarver, Vice Chairwoman of the Capital Budget Committee (CBC) appeared before the Board, accompanied via Zoom by some of the CBC members. She named all the members: Kathe Hyslop, Lindsay Piero, Curt Sears, and Robert Ciavarra, representative from the Finance Committee, and Will Rubenstein, representative from the Planning Board. Ms. Fife then reviewed the PowerPoint presentation for the Capital Improvement Program overview.

Chairwoman Fife thanked the Assistant Town Administrator, as well as all the Department Heads for their help during the process. She said the purpose of the presentation was to present their recommendation document, which had been updated with school information received in January. The hope was for the Board to adopt the plan. Ms. Fife said that the document aligned with the Draft Town Meeting Warrant.

Chairwoman Fife then explained the role of the CBC, which was to review requests for capital items and make recommendations to the Finance Committee, the Board of Selectmen, and to Town Meeting. She defined a capital item as having a minimum value of \$10,000 or a useful life of at least five years, and then gave some examples. The recommendations would take the form of a five-year

Capital Improvement Plan and a ten-year Facility Plan. The Capital Budget would be presented at Town Meeting separate from the Town's Operating Budget.

The process of the CBC would begin with the receipt of proposals from departments, which would be reviewed. Committee liaisons would then reach out to the department contacts for more information, to look at equipment, etc. Finally, each department would appear before the Committee to discuss their projects/items. The items would then be grouped and rated 1 (most favorable) to 5, with the lowest scored items being deemed a higher priority. Readiness to proceed would also be considered.

Chairwoman Fife said that each year the CBC would assume a budget of \$1.5 million from the Levy, so they provided two options this year in their recommendations for the tax Levy chart. The first would be to leave all the requests in place, funded as indicated through the levy. The second option would be to take those items that were recurring equipment or not typically capital items and fund those through the operations budget. Items, such as the police cruisers, could be leased. These two options were only suggestions, however, and not instructive.

A list of items in ranked order was then shown. Chairwoman Fife said that the items to the blue line represented \$1.2 million worth of capital requests for which the means for payment would not change. The yellow line represented how far down the funding could reach with just one change of leasing the police cruisers. The changes recommended by the CBC in December and implemented in the budget demonstrated the effectiveness of funding by alternative means, such as user leasing.

The Levy List would be funded either from the Levy or from Free Cash. The green line represented the extent of the projects funding in the warrant, which was approximately \$2.1 million. Chairwoman Fife said that, although this exceeded the \$1.5 million cap that the Board normally gave the CBC, she said given the availability of free cash in the backlog over the last couple of years of the capital programs, it would allow some of these items to be funded in the Warrant.

According to Chairwoman Fife, the School projects which were brought to the CBC in January were ranked also, the same as the other projects, and they did not change the recommendations that were presented in December by very much.

A chart called "Financing Sources" was then reviewed. Roadway improvement costs would be going back into the Levy. Chairwoman Fife wanted to give credit to the Fire Department for acquiring a grant to augment their capital requests. She said that the Water Division approach demonstrated a proactive means to head off the costliest improvements. She noted that there were a few Golf Division items on the list that did not make the Warrant.

Chairwoman Fife said that the CBC believed that there were some basic principles that should be followed. These key points included: 1) sequencing and funding the projects to level the cost of the program so that there would be few spikes in the requests over time; 2) removing those budget items that were clearly not capital items; 3) requiring preliminary analysis to provide well developed projects; and 4) clearly separating programs based on funding sources.

A ten-year plan for the years 2024 to 2032 was based on the recommendations of the Department Heads and what they had projected. Chairwoman Fife said that the chart could be found on the Town's website.

Chairwoman Fife said, working with the Administration and Board of Selectmen, the CBC hoped to create Capital Improvement Program policies before the next cycle, and they recommended six approaches for future programs. The first would be to establish a more comprehensive definition of a capital item. The second would be to determine within the definitions a policy regarding the preferred funding/financing method for certain types of requests. The third approach would be “to use someone else’s money.” Policies would be established that would require departments to exhaust all efforts to determine means of funding outside the Levy. The fourth would require the proper preparation and vetting to be done prior to submitting for the approvals involving extensive acquisitions or construction. The fifth approach would be “You Snooze, You Lose” where programs would be reviewed, and if expenditures from prior years were not made in a timely manner, and if there were no reasonable rationales for the delays, then projects would either be re-sequenced or the use of the unspent funds would go to other current proposals. The sixth would be to establish protocols for rolling stock that would be consistent across time.

Moving forward, Chairwoman Fife said that the CBC would continue to work toward a highly effective process so that there would be better outcomes for every step thereafter, and that they looked forward to collaborating with the Selectmen, Administration, Finance Committee, and staff to create outcomes which would guide capital investments. After some concluding comments, Ms. Fife reminded everyone that all the reports presented were online, and then offered to answer questions.

Chairman Forest opened up the discussion with the Selectmen. Selectwoman Post questioned whether discussions on the Capital Improvement Plan policies would be happening soon, and Chairwoman Fife replied that they would be submitting a draft of all their recommendations. At this point they were requesting approval of just the items. Selectwoman Post also asked about the Facility Plan, which she said had not been discussed yet. The Town Administrator said they wanted to get items on the list so that the Board would be alerted, and the discussions could happen. Projected needs would be laid out, and then it could be decided whether next steps should be taken, or pushed out, or deleted. Some of the project might be financed with grants. The Assistant Town Administrator added that everything below the yellow line on the report was not recommended to move ahead unless the Board and Administration wanted to go past the \$1.5 million cap, however, the Committee agreed that the project could move forward given the use of free cash. Selectwoman Post also commented on having a long-range plan for the M.E. Small School.

Selectman Smith had questions about “rolling stock” and “like kind” for the vehicles, as police cruisers were used differently than other department vehicles, and about leasing versus owning vehicles. The Town Administrator said that the Board had to keep in mind that municipal vehicle leasing was really a short-term financing mechanism with very low rates. At the end the cars were owned by the Town. The zero-emission vehicles were leased more by the traditional means due to the huge tax incentive associated with them, and those vehicles were usually turned back in at the end of the lease.

Chairman Forest then opened the hearing for the public to speak. Norm Holcomb was first to appear before the Board. He said that capital policy was clearly laid out in the Charter, Section 7.4. He said he could understand the frustration of the Finance Committee and the CBC. The Capital Plan was to be the Town Administrator’s plan, and he should prepare that with all the cost estimates and all the financing in place for all of those projects. Asst. Town Administrator Scott explained that administration was working collaboratively with the CBC to resolve some of the issues with the process. Mr. Holcomb also had questions on the Golf Plan. If their capital plan included \$5 million in golf course improvements for 2023, and \$10 million in improvements at Bass River Golf for 2026, he questioned how that would happen. He believed the only way to finance that would be through

member fees. In his calculations the fees would be increased to \$2,500 compared to the \$1,200 fees charged to members now. He said that the Golf Department needed help in coming up with a strategic plan that made sense.

Vida Morris asked about the voting tabulators listed at \$72,000, and if they were to be used at Town Meeting. Asst. Town Administrator Scott replied they were standard equipment used in the voting process. Ms. Morris also commented on the school costs. She said that she was happy to see that the M.E. Small School costs were reduced, but she felt the costs proposed for the possible renovation of the Station Avenue School were outrageous.

Selectwoman Post requested an updated CIP plan, because she believed they were being asked to support a plan which included old data. An actual plan was needed to show how it would be implemented.

Ms. Morris again approached the Board and asked about the replacement doors for the libraries. She suggested that the replacement of the commercial doors be handled by making an appeal to members to fund the project privately.

Chairman Forest noted that the CBC had outlined the requests, identified the amounts of monies available, and prioritized the projects, but more work needed to be done on how to figure out funding for all of the projects. He also said that he would like the Board to revisit the conversation on policies and to determine what guidance from the Board would be needed by the Committee and Department Heads.

3. Finance Committee – Report and Budget Overview

Stefanie Coxe, Acting Chairperson of the Finance Committee, appeared before the Board. George Perkins, Vice Chairman, was present via Zoom. Ms. Coxe stated that the members of the Finance Committee included Robert Ciavarra, Nathan Ladley, Jack Moylan, and Brian Gardiner who currently was on medical leave. She then began the PowerPoint presentation for the Finance Committee.

Chairwoman Coxe said the Finance Committee was thrilled to have new leadership in Town Administration. She noted that the new administration had brought a new level of professionalism, especially in helping look for efficiencies and in focusing on systematizing the budget process.

Regarding the Finance Committee process in reviewing criteria, Chairwoman Coxe said that the Committee had created core questions to ask, and she gave a few examples. In regard to staffing, what were the variables that would attract applicants or would affect an employee leaving: pay not enough; compensation package not enough; the housing crisis? Another question would be about potential revenue generators. What would the department offer, or do better than perhaps another town would, in order to create more revenue for Yarmouth? Ms. Coxe said that core questions such as these would be “conversation starters.” Discussions were now at a higher level, dealing with ways and means, or how the departments would pay for items.

Chairwoman Coxe then reviewed a list of observations made by the Finance Committee as they met with the Department Heads.

First of all, the service demands of each of department was growing, but not enough money had been appropriated necessarily to hire staff to handle the demands. Ms. Coxe said it was more of

a revenue problem instead of a spending problem. It was important to grow revenue, otherwise the taxpayers at Town Meeting have to make the difficult choice of cutting services or increasing taxes. One of the recommendations of the Finance Committee would be to make it a standard practice for departments to look to other funding sources first. Ms. Coxe said that the Police and Fire Departments were already doing that pretty well. She said that employee hiring and retention were problems for all departments. It seemed no sooner a new hire was onboarded and trained, then in a year or two they would leave for another job, either to another town with a better compensation package or off-Cape where housing costs were less. She said this would not be sustainable for the Town.

Chairwoman Coxe noted that all towns were facing the challenge of regionalization. She said, in looking to the future, the Town should look at opportunities to position itself to offer certain services to other towns in order to generate greater revenue.

Noting the number of deferrals of the budget in the past, Chairwoman Coxe said that the last year was difficult to adjust. There had been supply chain issues and staffing issues. This year's school budget would help in adding some items back into the Town's budget, however, that would not necessarily be the case in the future. Ms. Coxe said that many budget decisions had been made "in a bubble of time," without any historical data and without any projections into the future. She hoped that the Committee could get three-year budgeting plans, even if they were "soft," so that they could get a handle on what would be coming, and therefore what would be needed for revenues to match the projected growth in expenses.

Chairwoman Coxe then addressed the declining commercial tax base, which was due to the lack of infrastructure. She said that taking steps for wastewater would be important in growing the Town's commercial tax base. Until the Town had more economic development, there would be a persistent pattern of relying on residential taxpayers, and their budget were not growing like the Town budget was. Inflation, insurance costs, cost of living increases were growing and affected all budgets. Ms. Coxe said that the alternative was to cut services, which could be dangerous, so the revenue had to come from a different source other than taxpayers. The Committee believed that the best practice would be to look for other efficiencies, streamline, and see what other sources of funding (grants, donation, etc.) were available prior to relying on the Tax Levy.

The schools' budget had many variables such as enrollment numbers and unfunded mandates, so it could affect future years' planning. Their budget was lower than expected this year, so Ms. Coxe said that the Finance Committee asked Administration what items could be brought back into the budget, such as the part-time position in Conservation. They decided to create an "add or deduct list," which would help the Committee make recommendations.

Chairwoman Coxe said that another observation involved the budget books presented every year. The Finance Committee felt that the processing of information should, where possible, be reliant on the budgeting/accounting systems of the Town. This would reduce redundancies.

Labor challenges were discussed. Chairwoman Coxe said there should be standardized reporting, and a benchmarking exercise should be done to see where the Town compared with other municipalities when it came to compensation and other employment factors. It was also suggested to consider developing a relationship with Cape Cod Technical High School to look at internships and apprenticeships which could benefit the Town departments. Consolidation within departments was talked about. Ms. Coxe used mechanics as an example, as they worked in several departments. If

they were brought under one roof, perhaps the Town could gain some economies of scale and find some cost savings.

The Chairwoman said that observations were made about standard data trends, as it related to having a consistent set of information and being able to look at it in a long view. The Assistant Town Administrator further explained that this trend information would be made available to the Board, the Finance Committee, and put online for the public to see, and would show how it all related to the budget process. Creating a consistent set of data moving forward would be critical in seeing everything in context from one year to the next.

The Finance Committee was recommending a multiyear budget exercise to be established so that planning for departmental needs could be done in advance. Priorities could be addressed over time and would eventually become more manageable.

As far as capital, Chairwoman Coxe said that the Finance Committee agreed with the policy proposals set forth by the CBC. She acknowledged that there were frustrations about the redundancies, dealing with the same issues year after year. At the beginning, a consistent process should be followed, using a standardized form with all the relevant information included and provided to the Committee, so that they would not have to hunt for the additional information later.

In conclusion, Ms. Coxe stated that the budget being presented this year by the Town Administrator was the best possible given the circumstances with the pandemic. The Finance Committee had a lot of confidence in the budget and believed that the Town was on the right track in systematizing procedures.

Selectman Smith then began a discussion regarding the difficulty in finding affordable housing for new employees. Chairwoman Coxe reported that Nantucket had proposed a \$1 million fund for town employees which was awarded through a community foundation, based on certain criteria. She also noted that in news articles, she saw that Orleans was having trouble attracting firefighters, the new Fire Chief in Martha's Vineyard was unable to find a place to live, and Provincetown had created a \$20,000 housing stipend to attract good candidates for the Town Administrator position. Ms. Coxe said that, as a housing expert and Finance Committee member, she could not recommend that type of policy. She said that there was an underlying issue of lack of housing production, which was a byproduct of zoning. It was a national problem that was getting worse.

Selectwoman Post said that benchmarking was already being done with obtaining information from surrounding towns regarding wages and benefits. Assistant Town Administrator Scott said that benchmarking also should include a cost-of-living analysis in terms of housing and other factors. Some affordable housing would still be too expensive for those employees who qualified for it, however, those who could afford the payments would not qualify for the affordable housing because they earned too much. A possibility would be for employees to live off-Cape and commute, however, that would not work for an employee who would need to be on call, like a firefighter. Mr. Scott said that they would have to look at wage scales, employee types, and how it would all relate to the available housing.

The discussion then went to attracting new hires, investment in training and retention, and future planning. Town Administrator Whritenour noted that sometimes the skillset of an employee was not being maximized to its best use. An example given was the utilization of a professional's time recording minutes, taking valuable time away from their other higher-level responsibilities. Ms. Coxe stated that streamlining services was key to a productive workforce. She said she was

impressed with the Town Administrator who had “the employees’ backs” and would praise employees when they did a good job. It was agreed that higher efficiencies, consolidations, mentoring and finding ways for employees to advance in the system, would all help with retention and morale.

4. Dennis-Yarmouth Regional School District – Report and Budget Overview

Superintendent Carol Woodbury appeared before the Board. While waiting for the PowerPoint presentation to load, she mentioned that, since the M.E. Small Elementary School was in bad shape, there was a plan to build an addition to the Station Avenue Elementary School, and have the State provide most of the funding. She stated that they would be applying for financing from the MSBA. Selectwoman Post stated that this was the first she was hearing of this plan, and that more communication was needed so that they could all work together in such projects. Superintendent Woodbury introduced David Flynn, the new Assistant Superintendent, who began the presentation.

Mr. Flynn said that he was using the School Committee’s presentation so not all of the slides would pertain for this meeting. He showed the FY2023 budget timeline, and key dates were noted. The next slide shown was on the District’s student enrollment data. The breakdown of students demonstrated how diverse the two communities were. There was data on selected populations, which included those with their first language not being English, students with disabilities, those with high needs, and students who were economically disadvantaged. Mr. Flynn said that 68% of students in the district fell into one or more of the categories. When asked about the free lunch program as a statistic, Mr. Flynn that when the pandemic started, all students had been given free breakfasts and lunches, so that type of qualifying statistic was outdated. He added that, unfortunately the Federal Government had recently voted to end the program for the next school year.

The Assistant Superintendent then described statistics regarding post high school plans of District students. Statistics were broken down to show numbers attending two-year or four-year colleges, private or State. He noted that Cape Cod Community College was a great asset for the students. Numbers of those students who did not continue on to college were broken down by apprenticeships, work, military, and other categories.

Mr. Flynn then went over foundation enrollment. The slide showed a steady decline over the years, with quite a few students being “lost” due to the pandemic year. For FY2023, however, enrollment actually increased by 44 students from the previous year. Mr. Flynn showed the apportioned share of students between Dennis and Yarmouth, using a five-year rolling average from 2018 to 2022. Yarmouth’s share was 67.937%.

Net State Aid was shown for past fiscal years. Mr. Flynn said that the net State Aid for FY2023 was going to be \$7.5 million, which was very helpful. Cherry Sheet revenue included State Aid-Chapter 70 funds, regional transportation funds, charter school reimbursement, and school choice tuition. Total Cherry Sheet Revenue was \$12.5 million. Mr. Flynn then reviewed Cherry Sheet charges, which the State withholds out of the revenue. Charges came from special education, tuition for school choice, and tuition for charter schools. Mr. Flynn said that numbers for charter school charges increased 18% from FY2022 to FY2023. He said enrollment had not changed that much, but the number was affected by the Chapter 70 formula to the charter schools. The net Cherry Sheet State Aid totaled \$7.5 million, which was a net increase of \$2,496,762 over this current year.

The Assistant Superintendent explained that the implementation of the Student Opportunity Act was the justification for the increase in Chapter 70 funding this year. Out of the five areas covered

by the Act, English learners and low-income students were the two areas that helped the District in the formula. The State had expanded the definition of low-income. The low-income threshold in accordance with the Act was 185% of the Federal poverty level. The threshold was previously 133%. If certified as low-income through the new supplemental data collection process, or if certified as homeless, the student was automatically put in that category which caused the increase in the number. Mr. Flynn said, according to the Chapter 70 calculation, the contribution for Dennis was \$1.3 million and \$1.8 million for Yarmouth. Dennis and Yarmouth had a great amount of property wealth, so in the State's formula, the two towns were deemed wealthy communities and only qualified for the minimum.

Mr. Flynn said that the Dennis-Yarmouth District was the third lowest of all the Cape Cod school districts for per pupil expenditures, totaling \$18,050 per pupil.

Mr. Flynn then showed a slide comparing all the Cape school districts when it came to teacher salaries and health insurance. The Dennis-Yarmouth District was the lowest in salaries, and regarding contributions for health insurance, it was the only district with a 60-40 split. Referring to the earlier meeting discussion, Mr. Flynn noted that it was difficult attracting and retaining entry level talent with their wage/benefits package, when there was so much competition from other communities who offered more.

The Assistant Superintendent then went over the District's FY2023 budget priorities. They included goals to maintain a "level service" budget, to retain current staffing levels, to address contractual increases, increased charter school tuition, building maintenance and fixed assets.

The last slides of the presentation were on the initial FY2023 budget by DESE function code, the FY2023 debt service schedule, and the FY2023 assessment calculation. Mr. Flynn concluded by telling the Board that the FY2023 budget totaled \$71,776,209. Yarmouth's total assessment was \$39,792,435, which increased by \$492,658 or 1.318% from the FY2022 assessment.

Discussion continued regarding the State Aid formula and its many inequities. Nonetheless, the State Aid was a help to the District. Mr. Flynn noted that there was no guarantee the aid would continue at this level the next year.

When the conversation was opened up to the public, Norm Holcomb asked what was required in order to transfer monies out of the stabilization fund. Mr. Flynn responded that a two-thirds vote of the School Committee was required ahead of time in order to approve the project on which the money was to be spent. Mr. Flynn said he believed the District should take care of the small to medium sized capital expenses, and only to go to the two communities for large items.

Mr. Holcomb also noted that the change in enrollment numbers for Dennis could shift the balance of the formula to Yarmouth by 2024 and asked what the impact could be. He questioned if the per pupil expenditure was level with other towns, and why the Dennis-Yarmouth District had the lowest-compensated teachers of all the neighboring districts. Mr. Flynn responded that many factors affected the figures, such as bus transportation costs and facilities costs.

6. Possible New Positions Discussion/Possible Vote

Town Administrator Whritenour reported that two positions were being requested. One was an additional full-time housing inspector position in the Health Division, and the other was a part-time position in Conservation.

Bruce Murphy, Director of Health, appeared before the Board with Building Commissioner Mark Grylls. Town Administrator Whritenour reported that the original plan to privatize the position did not result in a good pool of candidates. Due to the large number of annual rental units (approximately 3,000), along with an increased number of short-term rentals, the current housing inspector was unable to keep up with the inspection load. Mr. Murphy explained that there had also been an increase in complaints which required follow-up inspections. These complaints included no heat, excessive trash, rodents, bedbugs, rats, overcrowding, noise, mold, illegal or unregistered units, and landlord-tenant disputes. Along with the inspections, violation letters, administrative hearings, tickets and court all took time. A second housing inspector was needed to help ensure inspections were done in accordance with the State Housing Code to maintain the health and safety of the tenants. Additionally, the new position would be responsible for tracking new rental and past rental properties to ensure annual registration, for monitoring short-term rentals, for contacting owners of unregistered and outstanding rental units, and for working with the Police, Fire and Building Departments on enforcement. Mr. Murphy explained that the Health Division previously had an intern to assist the Housing Inspector and office assistant for 1½ years, which was helpful. The new position would be funded from existing rental revenues. With rental registrations due at the beginning of the calendar year, Mr. Murphy announced that the Division already had collected \$195,000 in the first 2½ months. They also were considering a possible fee increase to \$100 from the current \$80 per unit fee.

Dr. Hillard Boskey, Chairman of the Board of Health, appeared before the Board via Zoom. He stated that with more residents renting their homes year-round as well as seasonally, the need for an additional housing inspector was essential. There were serious violations in rental properties that the Division needed to address on a daily basis. He cited tenants sleeping in basements, and lack of proper egress as examples. Many situations would require appropriate response times.

Selectman Stone asked how long inspections took to complete. Mr. Murphy responded that inspections typically took half an hour to complete, but there was also travel time to consider. When scheduling inspections, the office would try to keep the inspections all in the same section of Town. Mr. Murphy also discussed the monitoring of rental websites such as Airbnb.com, as well as how to get back some rentals which had fallen “off the grid” over the years.

Selectwoman Post said that she appreciated how they had tried contracting out the position, and that the new position would be self-funded for now. She also commented on how people using the rental websites assumed that the properties were safe and sanitary but might not be. Mr. Murphy said that tenants were becoming more savvy, calling the office to check if the property was registered and inspected.

Chairman Forest acknowledged the amount of work required by the rental program, and how it would be important for adequate revenues to continue to come in to cover the position. Mr. Murphy said that it was a very busy program and was growing. He said he met with the Planning Board about short-term rentals, and the Planning Board had endorsed the need for the additional position.

Selectman Smith asked if the Town would face any liability if a registered property had violations. Mr. Whritenour responded that the Town had limited liability, and gross malfeasance would need to be proven. The responsibility is ultimately with the landlord.

Mr. Whritenour stated that, if the position was approved, it would go to Town Meeting for a vote, and then take effect July 1.

MOTION: To approve the minutes of January 18, 2022.

Motion by: Tracy Post

Seconded by: Peter Smith

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

2. Upcoming Agenda Review

Town Administrator Whritenour reviewed the upcoming agenda items, which included a hearing on a secondhand dealer application, a second hearing on demolition fees, seasonal liquor license renewals, an article-by-article review of the Town Meeting Warrant, and a Golf hearing. After the Board would review the articles of the Warrant, they would make their recommendations. It was recommended to the Town Administrator to invite the petitioners to come before the Board.

Mr. Whritenour began the discussion on the proposed ballot question which opposed the discharge of radioactive waste into the bay. With ten signatures it was brought before the Board for consideration to be placed on the ballot. Selectwoman Post noted that the Board already had sent a letter against the proposed discharge of radioactive waste, and that the proposed ballot question was non-binding. She questioned its purpose. Mr. Whritenour said that it was meant to make a stronger statement. It was decided that the proponents of the ballot question be invited to attend the next Board meeting to discuss their intentions. Chairman Forest said that State officials were already lining up against the discharge of radioactive waste, but this ballot question would give the voters of Yarmouth an opportunity to voice their support of those efforts. Selectman Smith agreed that the stronger the statement the better.

Mr. Whritenour stated that a future agenda item would be a comprehensive, comparative analysis of wages and benefits. He noted that in recent negotiations compensation of some specific positions was raised. He said that the Town could conduct its own survey, using its labor market area (Southeastern Massachusetts and Cape Cod). It was agreed that being prepared ahead of time before the next round of collective bargaining negotiations was imperative. Mr. Whritenour would draft a scope and timeframe for the analysis.

3. Individual Items

Selectman Stone noted that the St. Patrick's Day parade was a great success. He commended the efforts of a small group of residents who organized the event. Planning for next year's parade had already begun. He noted that this was the first time a Town Administrator and his family who lived in another town took part in the parade. Mr. Whritenour said he and his family enjoyed the experience. It was agreed to invite the organizers of the parade to a future meeting in order for the Board to thank them for their service to the Town.

Chairman Forest expressed condolences to Director of Natural Resources Karl von Hone on the passing of his father. He also expressed disappointment in learning about Mr. von Hone's recent announcement to retire from his position, adding that his replacement would have "big shoes to fill."

Chairman Forest thanked Assistant Town Administrator Scott for all his efforts in supporting the various committees with their financial presentations to the Board.

8. Town Administrator Items

1. Consent Agenda

Town Administrator Whritenour stated that the Chamber of Commerce was requesting its annual permission for a Special Entertainment License for its Summer Concert Series. There was also a request from the Affordable Housing Trust for the Board to accept a donation of survey services from Sweetser Engineering valued at \$3,000.

MOTION: To approve the Consent Agenda as presented.

Motion by: Tracy Post

Seconded by: Peter Smith

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

2. Town Administrator Updates

Town Administrator Whritenour reported some major seasonal procurements were coming up. Advertising for the beach concessions had begun. Discussions were underway with Cape Cod Technical Regional High School to institute an apprenticeship program to operate the beach concessions. If it was not implemented this year, they would look at doing it in the future. Mr. Whritenour said that an RFP for summer events at the Drive-In site also had gone out, as well as a new marketing RFP in conjunction with the Tourism Revenue Account for Marketing. The Chamber of Commerce currently held the contract.

Mr. Whritenour said that interviews/recommendations would take place for the wastewater design project on March 29.

A letter from the Dennis-Yarmouth Regional School District had been received advising that the School Committee voted unanimously at its February 28 meeting to transfer \$2.5 million from the Excess and Deficiency (E&D) fund balance into the Capital Stabilization Fund. Mr. Whritenour said that the assessment for the towns of Dennis and Yarmouth was also received. State regulations stated that the local appropriating authority had 45 days from the date of a regional school committee's vote to meet and consider the amendment. Mr. Whritenour noted that if the Board, as the local appropriating authority, voted against the assessment, a Special Town Meeting would need to be called, because 45 days from the vote fell prior to the regular Town Meeting date. After a lengthy discussion, it was decided that the Board would take no action at this point, but the Town Administrator would draft a letter to the school requesting that if any future amendments were to be made to their budget, to please schedule the School Committee's vote within 45 days of the Town's regularly scheduled Town Meeting if possible.

Chairman Forest asked if anyone needed to say anything prior to adjournment. Selectman Smith said that he had been approached by someone who told him he had no authority to recommend anybody to any position, because it was supposed to be done by the Chairman. Mr. Smith had responded that the Chairman had designated that he had authority to do so. Selectwoman Post said that since Mr. Smith was the Appointments Chairman, making recommendations fell under that authority. Chairman Forest asked what the position was, and Mr. Smith replied it was for the Finance Committee. Ms. Post said that was a different story and was under the Charter. Selectman Stone agreed, stating that the Finance Committee was an exception. Committee members were to be appointed by the Chair of the Finance Committee, the Chair of the Board of Selectmen, and the Town Moderator.

Selectman Smith said he had a second thing to inquire about. He said that for appointments, they had been advertising vacant positions on the Town's website. He asked if they could use

something that had a broader appeal, such as Facebook. The Town Administrator said that they could.

9. Adjournment

MOTION: To adjourn.

Motion by: Tracy Post

Seconded by: Peter Smith

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

The meeting adjourned at approximately 10:50 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Mary Alice Florio". The signature is written in a cursive style with a large initial "M" and "F".

Mary Alice Florio

AGENDA PACKET
Board of Selectmen
March 15, 2022

- March 11, 2022 Draft Phase One Development and Invested Revenue District, District Improvement Financing Program, District Designation and Base Value Establishment Report
- Hearing Packet: Liquor License Alteration of Premise & Change of License Type – Blue Rock Club, Inc. dba Blue Rock Club, 48 Todd Road, South Yarmouth
- Hearing Packet: Construction and Demolition Fee Increase Hearing
- Draft 2022 Annual Town Meeting Warrant – dated March 11, 2022
- Legal Ad: Notice of Public Hearing on Operating Budget and Capital Improvement Plan
- January 04, 2022 Fiscal Year 2023 Annual Budget Overview
- Capital Improvement Program 2023 to 2032, Program Recommendations December 2021, Updated with School Department Capital, March 2, 2022
- FY2023 Finance Committee Report, March 2, 2022
- Dennis-Yarmouth Regional School District FY2023 Budget Projection Documents
- Dennis-Yarmouth Regional School District FY2023 Budget Public Hearing Presentation
- March 9, 2022 Request for Housing Inspector from Bruce Murphy, Health Director
- Board of Selectmen Meeting Minutes – September 15, 2020
- Board of Selectmen Meeting Minutes – September 29, 2020
- Board of Selectmen Meeting Minutes – January 18, 2022
- Board of Selectmen Executive Session Meeting Minutes – September 24, 2020 (*sent to Selectmen under separate cover*)
- Board of Selectmen Projected 2022 Agenda Items