

Minutes
Board of Selectmen
Regular Meeting
February 3, 2009

Present: Selectmen – Suzanne McAuliffe, Jim Hoben, Dr. Marasco, Bud Groskopf; Town Administrator – Robert C. Lawton Jr.; Jerry Sullivan absent.

Public:

Introduction – Fire Chief Michael Walker

Ms. McAuliffe welcomes Chief Michael Walker. Jane Hibbert swears in Chief Walker as the new Fire Chief of the Yarmouth Fire Department. Ms. McAuliffe also thanks the Yarmouth Fire Fighters Union for putting on a lunch for Chief Walker yesterday at the Irish Village. She welcomes Chief Walker again to Yarmouth and Cape Cod.

Approval of Minutes:

Approval of Minutes – December 16, 2008 & January 13, 2009

Motioned. Seconded. VOTE 4-0

Appointments:

Mr. Hoben regrettably accepts the resignation of Brad Goodwin from the Planning Board. He states that Mr. Goodwin has been a vital member of the Planning Board. Dr. Marasco comments Mr. Goodwin's exceptional service on Planning Board and Capital Budget Committee.

A. Old King's Highway Committee -2 Alternate Appointments

Mr. Hoben informs the Board that one more person has volunteered for OKH, therefore he will be holding this appointment for one week.

B. Historical Commission – 2 Associate Positions

Mr. Hoben reviews the candidates. Mr. Groskopf motions to approve 2 associate positions to the Historical Commission. Dr. Marasco seconds. VOTE 4-0

C. Planning Board – 2 Regular Positions

Mr. Hoben reviews the candidates. Mr. Groskopf motions to approve 2 regular positions on the Planning Board. Ms. McAuliffe seconds. VOTE 4-0

Licensing:

A. Transfer of Annual All Alcoholic Restaurant Liquor License from Village Pizza Restaurant, Inc. dba Village Pizza Restaurant 715 Route 6A, Yarmouth Port, Peter James, Manager to Pegasus Food Service LLC dba Village Pizza, Angelos Constantine, Manager

Dr. Marasco reviews the license. The petitioner Mr. Constantine reviews his career, he says that he has run three restaurants in NH, and plans to move to the Cape. He indicates that he intends to keep the service the same, will be the manager and the hours will be from 11:00am to 10:00pm seven days a week. Dr. Marasco says that when Mr. Constantine is not on the premises there must be a manager designee onsite. Mr. Constantine says that the bartender and all servers will be TIPS certified. Mr. Constantine says that it is his intent to be mostly a restaurant and not only serve alcohol. Dr. Marasco asks to close the hearing. Ms. McAuliffe motions to close the hearing. Mr. Groskopf seconds. VOTE 4-0

Dr. Marasco approves of granting the transfer in license he recommends approving the license. Mr. Groskopf motions to approve the license. Mr. Hoben seconds. VOTE 5-0.

B. New Class II license from Bassil Brothers United, Inc. dba South Yarmouth Getty, 1308 route 28, So. Yarmouth, Rabih Bassil, Owner

Dr. Marasco reviews the license. The petitioner Mr. Bassil reviews his plans to sell four to five used cars on the property. He says the previous owner had a dealer license since 1997. Mr. Lawton says that the Building Commissioner has limited the number of cars to five on the property. Mr. Hoben reviews the sign code with Mr. Bassil. Dr. Marasco asks to close the hearing. Ms. McAuliffe motions to close the hearing. Mr. Groskopf seconds. VOTE 4-0

Dr. Marasco says that the Board always likes to encourage neighborhood garages. Dr. Marasco recommends approving the license. Mr. Groskopf motions to approve the license. Ms. McAuliffe seconds. VOTE 4-0

South Shore Drive Redevelopment Review:

Ms. McAuliffe welcomes the Davenport Co. to review their redevelopment of South Shore Drive. Mr. DeWitt Davenport tells the Board that his business plan is to design a modern resort hotel with restaurant, conference rooms, indoor/outdoor pool, spa etc. He estimates that this process will take 3-4 years. Mr. Davenport says that he would like to position his business in a good spot for when the market changes. Paul Rumul Executive Vice President and COO of the Davenport Companies reviews the development team. The representatives from Davenport Co.'s reviews the concept plan for the Red Jacket Beach. Mr. Rumul reviews the elevation requirements for both B Zones and A Zones. He then discusses the concept plans for Clear Water and Riviera Beach including moving the building closer to Nantucket Sound. He also discusses the height of this property. Mr. Rumul reviews the phases in the project and working with the Cape Cod Commission. He says that this development falls under the revised Commission RPP.

Mr. Rumul reviews the project's current status stating that the HMOD2 must be modified to meet the original intent as approved by town meeting, including adopting a 60,000 sq. ft. threshold for accommodations.

Mr. Rumul says that the current economic impact (in the last year) to the town as the property stands today is:

- 4% Local Option Tax - \$425,000
- Real Estate/Personal Property Tax - \$200,000
- # of employees – 300
- Payroll Dollars - \$3,000,000 + Gratuities

He then discusses the future economic impact once the project is completed, including modernization which would lead to increased occupancy and increased room tax revenue to the town. Also, he states that redevelopment would increase the property value thus increasing the real estate tax to the town and increasing room rates would increase the rooms tax revenue.

Mr. Davenport tells the Board that Davenport Co.'s needs their support for BFE+1 in the HMOD2 zone at the annual town meeting. In addition he says that he Board needs to continually support an "accommodations" category for 60,000 sq. ft. of new floor area within an Economic Center in Chapter H of the Cape Cod Commission Regional Policy Plan.

Mr. Groskopf asks for projected added income for the project. Ms. Greene, Community and Economic Development Director, says that a very rough estimate for room tax and property tax would be an increase of \$573,000 for 2009. She says taking into account projected occupancy rates and the increased room rate she put together a range in income based on several occupancy rates. She states rough numbers for additional rooms tax income could be from \$610,000 to \$1,000,000+ looking at an occupancy rate of 35% to 60%. She also says that in the future there will be increases in both the room tax and property tax income. Dr. Marasco says it's clear that the Board should allow for redevelopment to occur in the area of South Shore Drive. He says he is concerned about sidewalks especially on South Shore Drive. Ms. McAuliffe asks

Mr. Paul Niedzwiecki the Director of the Cape Cod Commission says that the Commission is following the project. He says that the town should not be too concerned with height but concentrate more on design of the buildings. Mr. Niedzwiecki speaks about community character mitigation regarding design for coastal properties. He continues to review the benefits of development agreements, he states in economic centers there is usually less mitigation. Mr. Davenport says that if the Davenport Co.'s can't increase their gross sales by 60-70-80% and get efficiencies in new buildings they cannot go forward. He does say that this project will most likely be the largest single investment in Yarmouth other than the Cape Cod Hospital.

Mr. Brandolini speaks about flood resistance construction provisions of the building code. He reviews the building codes for specific zones. The Board discusses zones and height.

Town Administrator's Items:

1. Consent Agenda

Mr. Lawton reviews the consent agenda. Motioned. Seconded. VOTE 4-0

2. FY9 & FY10 Budget Updates

Mr. Lawton speaks about FY09 budget cuts. He says the town will loose \$153,000 in state aid for this fiscal year. He suggests reversing the April 2008 annual town meeting article placing funds in the stabilization fund to offset the loss in state aid. He also states that the money received from the MBTE litigation (one-time money) will go into the stabilization fund which will help the town's bond rating. Dr. Marasco comments on what department heads can do with what they have and not ask for the more money.

Mr. Lawton says that the Technical High School has just informed him that this coming year there are 17 additional students from Yarmouth going to the school coupled with the reductions in state aid and changes in Chapter 70 formula the town will have to pay approximately \$583,000 for FY10. He also states that there will be a minimum reduction of \$325,000 in state aid for Yarmouth in FY10. Mr. Lawton also reviews the D-Y School assessment increase of at least \$1.4 million dollar over last year's assessment. He states that all this information combined could put Yarmouth \$2,336,000 over the Proposition 2 ½ limit which would be a 10% decrease in town budgets for FY10. He also states that out of the approximately \$24 million subject to reduction from the town budget 45% is public safety. Mr. Lawton states that if the school level funds their budget it would still mean a 6.5% cut from the town budget which would mean significant cuts to public safety. He states with all these cuts the town would effectively be adopting the 2007 budget numbers for FY10 which is a huge set back for the community. Dr. Marasco discusses budgeting by prioritizing. Mr. Groskopf speaks about school issues including the possible idea to close another school in the district. Mr. Hoben discusses the district formula. Mr. Lawton says that the town has been discussing the regional agreement and the district formula with Michael Daley the town's consultant for school issues. The Board continues to discuss the district formula.

3. Stimulus Package

Mr. Lawton reviews the stimulus bill. He says that the town has submitted a list to the state of projects the town would like stimulus money to fund, but he believes that it is unlikely Yarmouth will receive a significant portion of money to help with having to cut budgets.

4. Hampton Inn

Mr. Lawton informs the Board that the Hampton Inn tour is on Saturday at 10:00am.

5. D-Y Color Guard Can Drive Proposal

Mr. Lawton says that the D-Y Color Guard would like to do a can drive at the Transfer Station. He reminds the Board that they agreed to only allow the D-Y Band and the Garden Club to hold fundraisers at the Transfer Station. Dr. Marasco comments on safety at the Transfer Station. He says that in the future maybe there should be no activities allowed at the Transfer

Station. The Board agrees that to ensure safety of the children the D-Y Color Guard should not be allowed to hold a can drive at the Transfer Station.

Selectmen's Items:

1. Tell it to Bud Time

Mr. Groskopf reminds residents of Tell of to Bud Time at the Senior Center 2/5/09 at 11:00am and at the Yarmouth Port Library on 2/4/09 at 6:00pm.

2. Smoking Ban at the Beaches

Dr. Marasco says that he wants to clarify that the Recreation Commission is in favor of the smoking ban. He says that this ban is a good thing for public health.

3. Board of Health Issues

Dr. Marasco states that he is concerned with the Board of Health's rigidity to change their meeting time to a more convenient time in the evening. Ms. McAuliffe indicates that the Board of Health will be coming before the Board of Selectmen on March 3rd and at that time the Board of Selectmen can speak about the meeting time. Mr. Hoben says again he would like to stress that this meeting time change is strictly to allow more people to serve.

4. Golf Issues

Dr. Marasco comments on previous Board's of Selectmen granting lifetime golf memberships to retired town employees. He feels that these memberships should be eliminated. Mr. Hoben suggests letters should be sent to the individuals to inform them that the lifetime memberships should be rescinded. The Board is in agreement to send the letters.

5. Mr. Groskopf recognizes the passing of Pricilla Gregory's husband Tom. Ms. McAuliffe says that Pricilla and Tom have been very active in Yarmouth politics.

6. Statement of Ethics

Ms. McAuliffe says that at the MMA Conference she picked up the Town of Easton's Selectmen's statement of ethics for the Board's review. Mr. Hoben says that he also has some information from the MMA for the Agricultural Commission.

Adjourn

Motioned. Seconded. VOTE 4-0 Meeting adjourned at approximately 9:15pm.

CONSENT AGENDA

Donation to the General Fund:

Room Rental Continuing Education for Licensed Plumbers & Gasfitters \$150.00

Donation to the Recreation Department:

West Marine of Hyannis (Spools of Line) \$600.00

Donation to the Police Department:

Recruitment Drive Exam Registration 1-25-09 \$4,000.00

Total Donations.....\$4,750.00

DATE: February 3, 2009

VOTED: 4-0