

Minutes
Board of Selectmen
Regular Meeting
February 24, 2009

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

Public:

Tony Kent Arena Update

Tony Kent reviews the budget issues facing the rink including rising utility costs. He says that the rink needs several updates but there is no money for upgrades. He says he hopes that the town can help with capital improvements. Ms. McAuliffe asks if the Tony Kent Area is eligible for the federal stimulus money. Mr. Kent says that he is unaware if the Rink Manager applied for stimulus money. The Board discusses capital projects at the rink. Mr. Kent says that the rink is always looking for volunteers.

Curt Sears

Mr. Sears suggests that Tony Kent should have Cape Light Compact conduct an energy audit for the rink. He also says that the Compact may be able to help monetarily as well. Mr. Sears indicates that there is current legislation before the state to expand CPC uses to include recreational activities, therefore there may be future CPC money for the rink.

Hearing:

Dog Hearing: J. Barrows - 53Cromwell Drive

Karl vonHone and Penny Schiller reviews the facts and their recommendations for the dog hearing. Mr. vonHone said on December 18th, 2008 there was a preliminary dog hearing against Jacqueline Barrows regarding her Rottweiler mix Abby who reportedly acts in a vicious manner toward the neighbors. Mr. vonHone reviews in detail his recommendation.

Ms. McAuliffe says that a full hearing was held by the Department of Natural Resources there may be no need to have an additional full hearing before the Selectmen unless there is new information. The Selectmen can accept the first hearing with the approval of all parties.

Ms. Burrows Attorney Paul Revere says that his client agrees with the recommendations from Mr. vonHone. Attorney Revere says he has some potential changes to the recommendations, including a date for installation of the second redundant gate. Mr. vonHone says he would like the gate installed as soon as possible. Attorney Revere also says he would like Abby to not have to wear a muzzle when she is fenced in the backyard. His last suggestion is for Ms. Barrows to install a gate with an alarm system on it, instead of a second redundant gate.

Ms. Schiller says that she agrees that the dog does not have to wear a muzzle in the backyard. Mr. vonHone says he does not agree with the installation of a gate with an alarm system he would like a redundant gate system put in place. Ms. McAuliffe asks the Board if they would approve of an April 15th, 2009 installation date for the redundant gate and allowing the dog to be without a muzzle in the backyard fenced area. Ms. McAuliffe asks if the neighbors are satisfied with the conditions.

Mr. George Higginbottom the main complainant says that he cannot make a decision for the rest of the neighborhood without consulting with the neighbors first. He asks for a five minute recess to discuss the recommendations. The Board approves.

The Skipper Restaurant - South Shore Drive S. Y. Change in Manager

Dr. Marasco reads the advertisement for a change of premises for the Skipper Restaurant to add 16 additional seats on the outside deck. He says the Skipper Restaurant would also like to change the manager from Alan Delaney to Amy Delaney. Attorney Paul Tardif introduces his clients Alan and Amy Delaney operators of the Skipper Restaurant. He says this winter the Delaney's have expanded their outside deck and would like to add additional seating. He says the amount of seating on site (144) would not change but just be rearranged. Mr. Tardif the Delaney's attorney says the deck is finished. He also says that they would like to switch the full time manager to Amy Delaney who was previously the night manager. Mr. Delaney describes the restaurant and indicates the deck will have the same service as the inside of the restaurant. Ms. McAuliffe asks about the neighbors and noise issues. Mr. Delaney says that he has always had an open door policy if the neighbors have any issues he welcomes their comments.

Mr. Groskopf motions to close the hearing. Ms. McAuliffe seconds. VOTE 5-0 Mr. Sullivan says the Delaney's would like to have a maximum of 144 inside and maximum on the deck would be 60. Dr. Marasco says the licensed will be amended with the seat change. Mr. Groskopf motions to approve the change of premises and change of manager. Ms. McAuliffe seconds. VOTE 5-0

Townhouse News – Old Townhouse Road Site – Automatic Amusement License

Dr. Marasco reads the advertisement. Ms. Patel manger and Mr. Abbott the leaser of the amusement machines are present. Dr. Marasco asks what the machines are and what they do. Mr. Abbott says the machines promote phone cards with a free sweepstakes. He indicates the machines essentially vend phone cards and once a person purchases a phone card they are eligible to play a sweepstakes and win prizes. Ms. Patel says she would like two machines in her establishment which is open from 6:30am to 9:30pm seven days a week. Dr. Marasco reads a report from Police Deputy Fredrickson. Mr. Lawton reviews a previous court case in Fall River, which resulted in the court determining the machines are not gaming machines but instead amusement machines. Dr. Marasco asks if the public would like to comment. Ms. McClain a Yarmouth resident asks what court this case was heard. Mr. Lawton says that it was the Supreme Judicial Court in Fall River, MA. Mr. Groskopf motions to close the hearing. Mr. Sullivan seconds. VOTE 5-0

Dr. Marasco says he recommends agreeing with the court, approves the license with monitoring. Mr. Sullivan motions to approve the license. Ms. McAuliffe seconds. VOTE 5-0

Dog Hearing Continued

The neighbors have discussed Mr. vonHone's recommendations. Mr. vonHone says the neighbors agreed that they would like to see the redundant gates installed by April 1st. He says Ms. Barrows has agreed to the April 1st deadline. Mr. vonHone also said he will visit Ms. Barrows house and help her with planning the installation of the gate.

Mr. Lawton says that the procedure would be to open the hearing, accept the recommendations, close the hearing and then vote on the recommendations. Ms. McAuliffe opens the dog hearing. Mr. Sullivan motions to enter the recommendations provided by Mr. vonHone. Dr. Marasco seconds. VOTE 5-0 Mr. Sullivan motions to close the hearing. Mr. Hoben seconds. VOTE 5-0

Ms. McAuliffe reviews the two amendments to the recommendations including an April 1st install date for the gate and no muzzle required in the back yard. Mr. Lawton asks the Board to take a vote on those recommendations as presented. Mr. Hoben motions to accept the

recommendations as amended. Mr. Sullivan seconds. VOTE 5-0. Ms. McAuliffe says any breach in these conditions will result in fines or another hearing.

Appointments & Resignations:

Yarmouth Planning Board – (1) Resignation

Mr. Hoben reviews the resignation of Steve DeYoung from the Planning Board. He recommends accepting Mr. DeYoung's resignation with a letter of thanks. Ms. McAuliffe motions to accept his resignation. Mr. Sullivan seconds. VOTE 5-0.

Planning Board – (1) Regular

Mr. Hoben recommends appointing John Shea to the Planning Board to a regular position on the Planning Board to run until July 31st, 2010. Mr. Groskopf motions. Ms. McAuliffe seconds. VOTE 5-0

Historical Commission (1) Associate Appointment

Mr. Hoben recommends appointing Mr. Goldberg to an associate position on the Historical Commission term to run until July 2009. Mr. Groskopf motions. Ms. McAuliffe seconds. VOTE 5-0

Old King's Highway (1) Alternate Appointment

Mr. Hoben recommends appointing Ms. Restuccia to the Old Kings Highway as an alternate member. Mr. Groskopf motions. Ms. Sullivan seconds. VOTE 5-0

Community Housing Committee (2) Regular Appointments

Mr. Hoben recommends Mr. Small and Mr. Nardone to the Community Housing Committee. Mr. Groskopf motions. Ms. McAuliffe seconds. VOTE 5-0

Energy Committee (2) Regular Re-appointments

Mr. Hoben recommends reappointing Ms. Hayes and Mr. Volker to the Energy Committee. Mr. Groskopf motions. Ms. McAuliffe seconds. VOTE 5-0

Board of Health Appointment

Mr. Hoben recommends appointing Mr. Snowden to the Board of Health appointment to run through October 2011. Mr. Sullivan motions to approve the appointment. Ms. McAuliffe seconds. Ms. Hoben says all licensing issues with the candidate have been resolved. VOTE 5-0

Selectmen's Items:

Annual Town Meeting Warrant Review

Mr. Lawton reviews the elimination of article 4 (recind unused debt), he says this year there is none so this article can be eliminated. He also says article number 35 which is capital projects will be split into three articles instead of one. He says the last article to be eliminated is article 46 the creation of a sewer district, he says the town is not ready for this article. He reviews articles for the possible hotel/motel tax increase and meals tax increase. Ms. McAuliffe suggests having 6 zoning articles one night and then 6 the next night. The Board continues to discuss the order of the articles. Mr. Lawton says he will review the Board's suggestions of the order of the articles and present a new list at the next meeting.

Approval of BOS Minutes 1-27-09

Motioned. Seconded. VOTE 5-0

Tell it to Bud Time

Mr. Groskopf reminds residents about Tell it to Bud Time on Wednesday, March 4th at 4:30 at the Yarmouth Port Library, also Thursday, March 5th at 11:00 the Senior Center.

Fire & Police Inspections in Motels

Mr. Hoben reviews fire and police inspections of the motels. He says that the motels are in terrible condition. Mr. Lawton says that the fire, police, building and health departments will be making regular visits on the hotels until the issues are corrected in court. Dr. Marasco says it's the responsibility of the Board to ensure that Yarmouth residents are not living in substandard housing.

NStar Substation Issue

Ms. McAuliffe says that Mr. Lawton and she will be meeting on Thursday, February 26th with representatives from NStar as well as representatives from the Historic Commission to discuss NStar's reasoning for selecting White Rock Road for the new substation. She says on Friday morning the Historic Commission has set up a tour of the site. Mr. Groskopf says he will be attending the walk.

Yarmouth Port Library Agreement

Dr. Marasco says he has reviewed the Yarmouth Port Library Agreement. Mr. Lawton says that if the Library becomes private the collection will revert back to the town.

Google Latitude

Dr. Marasco speaks about the possible use of Google Latitude.

Residential Exemption

Dr. Marasco reviews letters from second home owners who disagree with the residential tax exemption. Ms. McAuliffe says that she would like to place this topic on future meetings to discuss it in detail before an official decision is made.

St. Patrick's Day Parade

Ms. McAuliffe reminds everyone that the St. Patrick's Day Parade is March 7th, 2009. She says it is a big even for the Town of Yarmouth and everyone should make an effort to come down to the parade.

Savings and Efficiency

Ms. McAuliffe discusses ways for the town to be more efficient with energy. Ms. McAuliffe says that all the departments in town are working together to find ways to save money. Mr. Groskopf reminds residents of the school's budget meeting next week. Mr. Groskopf asks about combined dispatch. Mr. Lawton says the two Chiefs are looking at combined dispatch and the cost savings involved. Mr. Lawton says that it may not save a lot of money but be more efficient.

Town Administrator's Items:

Consent Agenda

Mr. Lawton reviews the consent agenda. Motioned. Seconded. VOTE 5-0

Appointment of Irene Wright as Treasurer

Mr. Lawton says that he has appointed Irene Wright as the Treasurer. He says the Board has 15 days to appeal his appointment, he asks the Board to waive the 15 day waiting period if

they are satisfied with the appointment. Mr. Groskopf motions to waive the 15 day appeal period. Ms. McAuliffe seconds. VOTE 5-0

Yarmouth Clean Up Day

Mr. Lawton says that he has spoken with Mr. Stan Kaczynski about the upcoming Yarmouth Clean Up Day. Mr. Groskopf says Clean Up Day should be on Earth Day, Mr. Lawton says that Earth Day is in the middle of the week, so Mr. Kaczynski said he would like to do it on the following Saturday.

Fire Bargaining

Mr. Lawton confirms the understanding that the 24 hour shift change was not mandatory but was an option based upon the arbitrator's ruling and was a policy decision by the Board of Selectmen on the recommendation of the Fire Chief. Mr. Lawton says he will put this confirmation in writing to the Fire Union.

FY10 Budget Discussion

Mr. Lawton says he is hopeful that the school will present a level funded budget next week at the budget hearing. Mr. Lawton says that with the current school budget projections the town will have to reduce the budget by \$1.8 million, through department reductions and a reduced capital budget. He says that he has asked all departments to submit a 4% reduction in their budgets from the revised budgets in September 2008. Mr. Groskopf says he would like a recap on the budget reductions over the past few years. Ms. McAuliffe indicates that the school will not decide on a formal budget until March 16th.

Fire Department Budget FY09

Mr. Lawton says that he has been working with the Fire Chief to change the way station #2 in Yarmouth Port operates because the Fire Department overtime budget will be in deficit soon. Mr. Lawton says that changes in the operation of station #2 may occur sooner than later. He says that the Board will receive information in their packets before any action is taken.

Adjourn:

Motioned. Seconded. VOTE 5-0 Meeting Adjourned at approximately 9:33pm.

CONSENT AGENDA

Board of Selectmen

Regular Meeting

February 24, 2009

Donations to Yarmouth Police Department:

Training

Alan Borgal	\$195.00
Scott Smith	\$ 65.00
Town of Dedham	\$ 65.00
Town of Dennis	\$140.00
Town of Harwich	\$420.00
Memorial donation for Atty. John Creney	\$200.00
Training - Cape & Island Dist. Atty.	\$140.00
Town of Provincetown	\$140.00

Donations to Senior Services Division:

Thank you AA Mtgs.	\$ 25.00
Thank you Al-Anon	\$ 25.00
Thank you Pedi-Care	\$336.00
Edward F. Hanlon – Offset Budget Cuts	\$ 50.00
Joseph & Jeanne Flecca – Nancy Cross Mem.	\$100.00
Thank you - Mid Cape Scrabble Club	\$ 65.00
Teresa Savis – Nancy Cross Memoriam	\$ 25.00
Karen Clausen – Nancy Cross Memoriam	\$100.00
Robert & Julie Royes, Jr. – Nancy Cross Mem.	\$ 50.00
Elder Services/a. Cabral – Budget Offset	\$ 59.40
Benchmark Sales & Markt. Group – N. Cross	\$100.00
A. & G Chiulli – Thank you Tax Preparation	\$ 20.00
Thank you AA Mtg.	\$ 25.00
Raymond J. Ruest – Thank you Tax Prep.	\$ 50.00
Maureen Clark – Budget Offset	\$ 29.99
TOTAL:	\$2,425.39

VOTE 5-0 February 24th, 2009