



Board of Selectmen
Town Hall Hearing Room
July 20, 2010
Regular Meeting

The meeting was called to order at 7:00 p.m. by Selectmen Erik Tolley. Selectmen present: Suzanne McAuliffe, Bud Groskopf, Tracy Post and Curt Sears. Also Attending: Town Administrator Robert C. Lawton, Jr. The Board of Selectmen gave the pledge of allegiance.

Public

1. Xiarhos Family - Presentation of Town Hall Memorial Plaque in honor of Nicholas Xiarhos

Represented by the Xiarhos Family. Lt. Steve Xiarhos read a letter of thank you to the Town for the support which the family received during the past year. Lt. Xiarhos presented to the Town a Memorial plaque in honor of United States Marine Corporal Nicholas Xiarhos.

2. Chief Almonte – Introduction of New Promotions: Lt. Bryant and Sgt. O'Malley. Introduction of New Officers: Off. Michael Wells, Off. Nicholas Ambrosini, Off. Sean Gannon and Off. Paulo Cruz

Represented by Chief Almonte and Deputy Chief Frederickson. The Deputy Chief introduced new Yarmouth Police Officers and the Chief introduced the promoted officers.

3. Phil O'Leary representing Leading Yarmouth Forward read a letter supporting the school override.
4. Bob Howard spoke about his interview process for the Alternate Golf Enterprise Committee member. Mr. Howard also spoke about a suggestion of speed bumps being placed at the Bass River Golf Course.

Chairman Tolley turned the meeting over to Licensing Chair McAuliffe

Licensing - Public Hearings

1. Public Hearing – New Weekday & Sunday Entertainment License at Alien Encounters, 316 Route 28, W. Yarmouth

Represented by Mr. Gildon who informed the Board on the intended plans for the year-round business. They plan on opening the first week in August. Abutter Jeanne Seymour is concerned with the parking issues. Mr. Gildon stated that there is a maximum of 12 people playing per half hour which would require prior scheduling of time slots rather than walk-ins. Bob DuBois and Recreation Director Pat Armstrong spoke in support of the business. Ms. Armstrong suggested getting every employee CORI checked since the business is family oriented.

MOTION: To move that the Board of Selectmen close the public hearing.

Motion by: Bud Groskopf **Seconded by:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen grant the license.

Motion by: Tracy Post **Seconded by:** Curt Sears Yea 5 Nay 0

2. Public Hearing – New Annual All Alcoholic, Weekday & Sunday Entertainment and Pool table Licenses at Oc's Cafe, 645 Route 28.

Represented by Christopher Gray. Mr. Gray informed the Board on the plans of the business revolved around the licenses. They plan on opening in September. Ms. McAuliffe was concerned with the change in use due to the expanded scope of entertainment. She suggested Mr. Gray coming back for the entertainment license approval when the requirements are complete. Mr. Gray requested that the Entertainment license application be withdrawn.

MOTION: To move that the Board of Selectmen close the public hearing.

Motion by: Tracy Post **Seconded by:** Bud Groskopf Yea 5 Nay 0

MOTION: To move that the Board of Selectmen grant the liquor license with service outside on the 2nd floor deck, pending all inspections are met and to accept the withdraw of the Entertainment License Application.

Motion by: Tracy Post **Seconded by:** Bud Groskopf Yea 5 Nay 0

3. Public Hearing - Alcoholic Beverages Pouring License Change in Sunday Morning Hours for all license holders.

Mr. Lawton informed the Board on the 10am optional Sunday opening. John Howard spoke in favor.

MOTION: To move that the Board of Selectmen close the public hearing.

Motion by: Curt Sears **Seconded by:** Bud Groskopf Yea 5 Nay 0

MOTION: To move that the Board of Selectmen authorize all section 12 license holders a 10am Sunday Openings.

Motion by: Bud Groskopf **Seconded by:** Curt Sears Yea 4 Nay 0 Abstain 1

4. Public Hearing – Change in Sunday Liquor License Hours for Son’s of Erin, 633 Route 28, W. Yarmouth

The representative from the Son’s of Erin informed the Board that the 10am opening is a welcome one and would allow them flexibility.

MOTION: To move that the Board of Selectmen close the public hearing.

Motion by: Bud Groskopf **Seconded by:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen approve the 10am Sunday opening.

Motion by: Tracy Post **Seconded by:** Bud Groskopf Yea 5 Nay 0

5. Public Hearing – Special One Day Entertainment License for the Flax Pond Reunion Event held on August 21, 2010.

Represented by Recreation Commission Chairman Debbie Clark and Recreation Director Pat Armstrong. Flax Pond Reunion will be from 11 – 3pm on August 21st.

MOTION: To move that the Board of Selectmen close the public hearing.

Motion by: Curt Sears **Seconded by:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen approve one day Entertainment License.

Motion by: Curt Sears **Seconded by:** Tracy Post Yea 5 Nay 0

Erik Tolley stepped down.

6. Public Hearing – New Annual All Alcohol Innholders and Weekday & Sunday Entertainment Licenses for Red Rose Inn & Tavern, 6 New Hampshire Ave, W. Yarmouth.

Represented by Martin Riley and Robert Gallegan. Mr. Riley updated the Board on the three phases of rehab which the property is undergoing. A petition of support from over 100 neighbors and a reference of character were submitted to the Board. There was discussion on future uses and plans for the property. It was agreed that entertainment will be from 10am to 11pm weekdays and Sundays and inside of the establishment with the doors and windows closed. Ms. Post was concerned with a use change. Maria Trazzi, 180 Berry Ave asked about seating capacity on the patio, type of lighting, parking arrangements and if there was going to be a microphone. Mr. Riley stated that the patio could hold up to 20 people, the lighting would be focused downward and there are currently 15 parking spots. Also, Staff will be on the premises 24/7. Mr. Lawton stated that there was “no amplification” listed on the application and advertised the same. Ms. Trazzi was greatly concerned with any amplification. Ms. McAuliffe stated that due to the application clearly stating “No Amplification” the Board can not grant any expansion of what was applied and advertised. She suggested the applicant come back in the future for any entertainment expansion once the business is underway. Mr. Sears was concerned with the discrepancy of allowable occupancy from Building Department and Health Departments. Ms. McAuliffe stated that the difference was due to the occupancy being calculated at different phases by different departments.

MOTION: To move that the Board of Selectmen close the public hearing.

Motion by: Bud Groskopf **Seconded by:** Curt Sears Yea 4 Nay 0

MOTION: To move that the Board of Selectmen approve the Liquor License and Entertainment License with the conditions that entertainment be from 10am – 11pm with no amplification or noise outside of the building, and allowed outside service of alcohol with a 10am opening on Sundays.

Motion by: Tracy Post **Seconded by:** Bud Groskopf Yea 4 Nay 0

Chairman Tolley rejoined the Board and the meeting was turned back to him.

Preparation for Special Town Meeting 7/26/10

1. Government Oversight Committee – Review of Articles 4 and 5

Represented by Jack Grebe, Jack Howard and Ed Voelker. Mr. Grebe stated that after the Government Oversight Committee reviewed Article 4, conducted research and surveys they were against moving the Annual Town Meeting date back to April and recommended to indefinitely postpone the article. Ms. McAuliffe stated that the main reasons for moving the Town Meeting date back to April was to allow enough time for voters to get the information between town meeting and town election which this past town meeting/election left the school at a huge disadvantage. Ms. Post stated that she would not support withdrawing the article since it would be brought before the residents either at this Special Town meeting or one that is petitioned and it is more cost effective to place it on the already called Special Town Meeting. Mr. Sears stated that it is more convenient to the business owners to have a Town meeting in April rather than in May when they are getting ready to open for the season. Jack Howard reviewed Article 5 and stated the only issue the Committee felt needing amended was a clear definition of “cause”. Mr. Voelker stated that a guide should be drafted to clearly define requirements and expectations of a volunteer and also outlining the procedure of termination. He suggested that handbooks from the Town of Woodstock or the Town of Provincetown be reviewed and possibly tailored for Yarmouth volunteers. There was discussion on the procedures of termination. It was decided to keep Article 4 on the Special Town Meeting Warrant.

2. Selectmen Recommendation on Article 2

Mr. Lawton stated that the School Committee reviewed the budget and did not make any amendments. The Article, as printed, stands as is. Ms. McAuliffe stated that she felt it reasonable to support the article and request for an override. Mr. Tolley reviewed the support towards the School Budget from the meals/rooms taxes and the outcome if the override does not pass. Mr. Groskopf reminded voters that the issue will not go away if the override does not pass. The cuts will have to be made in Town personnel not made from the school.

MOTION: To move that the Board of Selectmen recommend Article 2.

Motion by: Suzanne McAuliffe **Seconded by:** Curt Sears Yea 5 Nay 0

Chairman Tolley turned the meeting over to Co-Appointment Chairs Post and Sears.

Board & Committee Appointments/ Resignation

1. Resignation – Golf Enterprise Committee [1 member]

MOTION: To move that the Board of Selectmen accept the resignation from Ed Bullock.

Motion by: Bud Groskopf **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

2. Appointments

- Disability Commission [1 Regular Member]

MOTION: To move that the Board of Selectmen appoint Alison Kirwin to the Disability Commission as a Regular Member.

Motion by: Bud Groskopf **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

- Golf Enterprise Committee [1 Alternate Member]

MOTION: To move that the Board of Selectmen appoint Norman Holcomb to the Golf Enterprise Committee as an Alternate member.

Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Yea 5 Nay 0

- Community Housing [1 Regular Member]

MOTION: To move that the Board of Selectmen appoint Scott MacLean to the Community Housing as a Regular Member.

Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Yea 5 Nay 0

3. Reappointments

- Planning Board [1 Regular Member]

MOTION: To move that the Board of Selectmen reappoint Chris Vincent to the Planning Board as a Regular Member.

Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Yea 5 Nay 0

- Golf Enterprise Committee [2 Regular and 1 Alternate Members]

MOTION: To move that the Board of Selectmen reappoint Sherman Baldwin and Chris Capobianco as Regular members and Bob Brazeau as an Alternate member to the Golf Enterprise Committee.

Motion by: Bud Groskopf **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

- Historical Commission [1 Regular and 3 Associate Members]

MOTION: To move that the Board of Selectmen reappoint Barbara Beeler as a Regular Member and Julie Mockabee, Fred Fries and James Goldberg as Alternate members to the Historical Commission.

Motion by: Bud Groskopf **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

- Waterways Committee [5 Regular Members]

MOTION: To move that the Board of Selectmen reappoint Joe Tierney, Bob Churchill, Elinor Lawrence, Al Keller and George Lucier to the Waterways Committee as Regular Members.

Motion by: Bud Groskopf **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

- Community Housing Committee [2 Regular Members]

MOTION: To move that the Board of Selectmen reappoint Mary Ann Gray and Alan Aarons to the Community Housing Committee as Regular Members.

Motion by: Bud Groskopf **Seconded by:** Erik Tolley Yea 4 Nay 1

Appointment Co-Chair Post and Sears turned the meeting back to Chairman Tolley.

Selectmen

1. Approval Minutes

- May 25, 2010 Regular Meeting
- June 8, 2010 Regular Meeting
- June 22, 2010 Information/Targeted Issue Meeting

MOTION: To move that the Board of Selectmen approve the minutes of May 25, June 8 and 22nd as submitted.

Motion by: Suzanne McAuliffe **Seconded by:** Tracy Post Yea 5 Nay 0

2. Goals Review

The Goals were continued to the next meeting.

3. Individual Items

- *Curt Sears asked about the status of Finance Committee interviews which Mr. Tolley informed the Board that interviews are scheduled to take place the next evening.*
- *Bud Groskopf reminded the public of the Special Town Meeting scheduled for Monday July 26th at 6:30pm at the Mattacheese Middle School and the Special Town Election is scheduled for the next day.*
- *Suzanne McAuliffe informed the Board that the groundbreaking for the new Airport tower took place yesterday.*

Town Administrator Items

1. Consent Agenda

- Fuel Efficient Vehicle Policy
- No Parking – Tow-Away Zone at Judan Way

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|---|-----------------|
| ▪ One Day Entertainment License – Yarmouth Town Library | |
| ▪ Donations | |
| 1. Police Department | |
| ▪ Estate of Wilhelmina I Gomes | \$416.96 |
| | <u>\$416.96</u> |
| 2. Department of Public Works | |
| ▪ James Barberio – Street Light Donation | \$80.00 |
| ▪ Peter Mague – Bench Donation | \$50.00 |
| ▪ Jennifer Barry – Bench Donation | \$50.00 |
| | <u>\$180.00</u> |
| 3. Senior Center | |
| ▪ Jean B. Jackson | \$16.00 |
| ▪ Susan Meyers | \$35.00 |
| ▪ Beacon Hospice Inc – Health Fair | \$50.00 |
| ▪ Epoch Senior Living | \$50.00 |
| | <u>\$150.00</u> |
| 4. Recreation Department | |
| ▪ West Marine | \$60.00 |
| | <u>\$60.00</u> |
| | \$806.96 |

Mr. Lawton reviewed the Consent Agenda.

MOTION: To move that the Board of Selectmen approve the consent agenda.

Motion by: Suzanne McAuliffe Seconded by: Bud Groskopf Yea 5 Nay 0

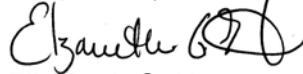
2. Other Items

Adjourn

MOTION: To move that the Board of Selectmen adjourn at 9:53pm.

Motion by: Bud Groskopf Seconded by: Suzanne McAuliffe Yea 5 Nay 0

Respectfully submitted,



Elizabeth G. Hartsgrove