



**Board of Selectmen**  
**Police Station Hearing Room**  
**September 14, 2010**  
**Regular Meeting**

The meeting was called to order at 6:05 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.

**MOTION:** To move that the Board of Selectmen go into Executive Session to discuss strategy in preparation for collective bargaining and further that the Chairman of the Board of Selectmen declares that an open meeting may have a detrimental effect on the position of the Town. At the end of the Executive Session the Board of Selectmen will reconvene in open session.

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

**Roll call (Sears, Post, Groskopf, McAuliffe and Tolley – yea)**

**Open Meeting suspended: 6:07PM.**

## **Public**

1. Diane Morris and Dave Norak announced the Making Strides Against Breast Cancer Walk in Yarmouth scheduled on October 17<sup>th</sup>.

## **Selectmen Items**

*Tracy Post read the proposed charge for the Regionalization Committee. Ms. Post felt that this was just a start and wanted the Board's input on the charge. Mr. Lawton suggested additional wording so that the Committee work with the Town Administration prior to any recommendations coming before the Selectmen.*

**MOTION:** To move that the Board of Selectmen adopt charge for the Regionalization Committee as amended.

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

1. Board/Committee Re-Appointment & Resignation
  - Re-Appointment: Community Housing Committee (1 Alternate Position)

**MOTION:** To move that the Board of Selectmen reappoint Gloria Smith as an Alternate member to the Community Housing Committee.

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

- Re-Appointment : Health Group Board

**MOTION:** To move that the Board of Selectmen reappoint Irene Wright as the Town Delegate for the Health Group Board.

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

- Resignation: CC Regional Tech HS Cmte (1 Rep)

*The Board wanted to thank Mr. McCormack for his service as Representative to the Tech High School.*

*Mr. Sears stated that he has yet to receive any applications for membership to the Sewer Implementation Committee. Ms. Post stated that she wanted to focus on revamping the charge for the Marina Implementation Committee.*

## **Town Administrator's Items**

1. Consent Agenda
  - Donations
    1. Police Department
      - Estate of Wilhelmina I Gomes

\$416.96

▪ Donation Recruiting Account	\$320.00
	<b>\$736.96</b>
2. Animal Control Department	
▪ All Cape Locating for Spay/Neuter Funds	\$100.00
	<b>\$100.00</b>
3. Yarmouth Town Libraries	
▪ Verizon (E-rate reimbursement)	\$1,684.80
▪ Adrene Jewelers	\$50.00
▪ Kenneth & Marianne Eubanks	\$50.00
▪ Anonymous	\$500.00
	<b>\$2,284.80</b>
4. Department of Public Works	
▪ Marie A Roy – Street Light Donation Pole 347/3	\$80.00
	<b>\$80.00</b>
5. Senior Center	
▪ Margaret Taylor	\$123.50
▪ Mary E. O'Connell	\$25.00
▪ Priscilla Crosby	\$25.00
	<b>\$173.50</b>
6. Recreation Department	
▪ United Way Scholarship	\$16.29
▪ Whitten Landscaping – Kwansan Cherry Tree & planting	\$350.00 (est. value)
	<b>\$366.29</b>
<b>Total</b>	<b>\$3,661.55</b>

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

## Public Hearing

### 1. FY11 Assessors Classification Hearing

*The Legal Ad was read into the minutes by Chairman Tolley. The hearing was represented by Town Assessor Matt Zurowick and Board of Assessor Joe Sullivan. Mr. Zurowick updated the Board on the process of the classifications of values for properties within and gave the Board of Assessors recommendation to have one tax rate for residential and one tax rate for commercial. Ms. McAuliffe stated that it's a very valuable exercise to go through every year to reevaluate the values to keep the rates as equal as possible. Mr. Zurowick stated that he will not be able to send up the classification until after the Special Town Meeting on September 29<sup>th</sup> so that the tax rate can be set. Tax bills will be sent out approximately the first week in November.*

**MOTION: To move that the Board of Selectmen adopt the residential factor of one, no open space exemption, no residential exemption and no small commercial exemption.**

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

### 2. Weekday Entertainment License – Farmers Market, 311 Old Main Street South Yarmouth

*The Application was filed by the Agricultural Commission. Farmers Market Manager Robert Nash described the entertainment that is being proposed, an acoustic guitar with no amplification. Ms. McAuliffe stated that the application is proposing amplification and up to five band members. Mr. Nash was unaware of the application since it was filed without his knowledge. Mr. Nash did not feel the application was appropriate for a Farmers Market since the original discussion was for background music rather than a performance. A letter against the application from Rhonda LaFrance who resides in the neighborhood was submitted. There was discussion between the Board and Mr. Nash about the time frame and number of artists to be permitted. Mr. Tolley stated that he feels reluctant to approve or modify an application without the applicant being present since Mr. Nash was not the one who applied for the license.*

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

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

*Ms. McAuliffe felt reluctant to approve the application as requested since it is out of the scope of the original proposal of the Market prior to the start of it. Ms. Post would like to have someone who applied to come back and justify the application and limit the hours to 10am – 1:30pm and number of artists to 2 or 3 persons with no amplification. Mr. Sears spoke against the application since the Manager was not the one who applied for the license and the size and use of the property is not equipped to handle the expanding scope of the market. Ms. Post wanted to make sure that the license was give for the current property and would not float with the Market in case the Market is relocated. Ms. Post requested that the board postpone the hearing till a future meeting since there was no proof of abutter notification. Mr. Nash as the Farmers Market requested to withdraw the application*

**MOTION:** To move that the Board of Selectmen accept the withdrawal of the application without prejudice.

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

## **Green Communities Act – Stretch Code Presentation**

*Represented by Kari Hewitt, Technical Program Officer for the MA Green Communities Division. Ms. Hewitt gave a brief background of the Green Communities Act, described the five criteria required for a community to be designated and spoke about available funding opportunities. The Selectmen voiced concerns with the possible negative impact the Stretch Code could have on the commercial redevelopment. Ms. Hewitt informed the Board that in order to be qualified and designated as a Green Community the Stretch Code would need to be adopted.*

## **Special Town Meeting Preparation – Review of Articles**

*Mr. Lawton updated the Board on the new Assessment number which is lower than Draft 5. Mr. Lawton provided a list of possible reductions and asked the Board for some guidance as to where they do not want services to be reduced. The Selectmen spoke against closing the senior center and libraries which would impact the most amounts of people. Ms. Post asked how soon the reductions will take place once voted? Mr. Lawton informed the Board that employees will be notified as soon as possible to be prepared for reduction in hours, elimination of positions or reduction in services. Mr. Tolley reminded viewers that the reductions need to be made in order for a tax rate to be set.*

**MOTION:** To move that the Board of Selectmen accept reduction list but with the senior services listed as \$0 and the West Yarmouth Library listed as \$3,000.

**Motion by:** Suzanne McAuliffe      **Seconded by:** Bud Groskopf      Yea 4    Nay 1

## **Selectmen Items (cont.)**

### **2. Discussion – New Administrator Qualifications**

*Ms. McAuliffe wanted to get a feel what particulars the Board wants to be looking for in a New Town Administrator. Mr. Lawton informed the Board that the consultant will be attending next week's Selectmen's meeting. Mr. Lawton reviewed particular requirements within the draft job posting/advertisement. It was decided that the Selectmen would email Liz Hartsgrove their bullet points so she can then forward them to the Consultant.*

### **3. Discussion – Possible Hearing for Route 28 Improvements**

*Mr. Lawton asked if the Board wanted to continue the public hearing on Route 28 improvements. He suggested having one a public hearing in October if the Board wished to continue. The Board spoke in favor of continuing to look into the Route 28 traffic improvements due to the future installment of the sewer system. Mr. Allaire reminded the Board that it takes generally 10 years to take a project from concept to completion and wanted to remind the Board that improvements take comprehensive planning. Ms. Post suggested having the public hearing for Route 28 improvements*

during one of the Wastewater Public hearings. It was decided to have a hearing before the end of the year.

Chris Greely wanted to let the Board know that she is appreciated of all the positive attitude and working well together should be acknowledged and wanted to thank the Board and Mr. Lawton for all their extra efforts towards consistent performance and behavior

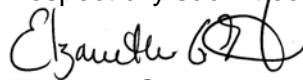
4. Individual Items

- Ms. Post wanted to thank all the Town employees for their patience and endurance with this FY budget process. Ms. Post also wanted to thank the Dennis School Committee members for their efforts in assisting Yarmouth to balance its budget.
- Mr. Tolley reminded viewers of the Special Town Meeting on September 29<sup>th</sup> at 6:30 being held at the Mattacheese Middle School.

**MOTION:** To move that the Board of Selectmen adjourn the meeting at 9:13pm.

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

Respectfully submitted,



Elizabeth G. Hartsgrove