



Board of Selectmen
Town Hall Hearing Room
Regular Meeting
June 21, 2011

The meeting was called to order at 7:00p.m. by Chairman Erik Tolley. Selectmen present: Suzanne McAuliffe, James Quirk, Tracy Post and Curt Sears. Also Attending: Town Administrator William G. Hinchey. The Board of Selectmen gave the pledge of allegiance.

Public

Mr. Peter Kenney requested that if persons are objecting to a certain project then they should be named.

Project Updates

1. 281 Main Street

Town Counsel Bruce Gilmore updated the board on the contamination of the property which created a limit on the use. Mr. Gilmore briefed the board on the easement of the property and encouraged the Board to approve and enter into the easement. Currently there is a park on the property. Ms. McAuliffe asked about access to the wells. Mr. Gilmore informed the board of the damage to monitoring wells due to landscaping of the park.

MOTION: To move that the Board of Selectmen sign and approve the less restrictive easement.

Motion by: Suzanne McAuliffe Seconded by: James Quirk Yea 5 Nay 0

2. Ocean DCPC [Cape Cod Commission]

Represented by Paul Niedzwiecki and Heather McIlroy from the Cape Cod Commission. She gave a PowerPoint Presentation giving an overview of the DCPD process of reviewing the plan including mapped data, community benefit and visual consideration. GIS department determined 25 turbines could be placed off the coast of Brewster and 11 turbines off the coast of Sandwich. Ms. McIlroy reviewed protection recommendations from the Policy Committee. Mr. Quirk expressed concerns with the potential of placement of the turbines and the Town not having a say in the matter. Paul Niedzwiecki stated that regulations are currently being worked on to develop a regional process so that all communities affected would have a say in such a project. Ms. McIlroy spoke about State sand and gravel mining potential, and potential resource impacts. The Commission's goal is to keep the sand and gravel on cape beaches rather than alternate beaches in the country. Ms. Post requested that the Commission improve the regulations to give strength to the town communities in the decision and control regarding wind farms and to recognize Yarmouth for hosting other Wind farms.

3. Dog Park Status

Karl vonHone updated the Board on the Dog Park project. Usually non-profits take care of the maintenance and management of those parks. Sandy Pond is being looked at but would take approx. \$80,000 - \$120,000 to build. Options for easy maintenance and funding are being looked at. Lorraine Hennessey of Better Choice Pet Grooming updated the Board on the status of getting a non-profit established.

4. Parkers River Marina

Mr. Peter Johnson-Staub briefed the Board on the project including the possibility of a wet basin, boat barn and public boat ramp, walking trails, marine science education center, pump out station, field station, harbormaster space, etc. The Environmental permitting is the hardest aspect of the project that is being worked on due to existing wetlands that might be affected. Roughly \$150,000 has been spent to date that has been used in planning the development of the property, flow studies, wetland surveys, alternative studies. The DEP commissioner will be making a site visit this Friday.

5. Widening of Parkers River Bridge

George Allaire updated the Board on the bridge widening from 18 to 30 feet. A flood analysis and mitigation study is being done with the collaboration of the State.

6. Route 28 Improvements

George Allaire briefed the Board on the history of the proposed improvements. He cautioned the Board in making any decisions on the roadway project because the State places a 5 year moratorium on the portion of construction. He suggested waiting until a vote on the sewers is taken in order to determine the progression of this project.

7. Rail Trail Extension

George Allaire stated that 25% design plan has been submitted. Construction will begin in 2012 and finish in 2015. There are differences regarding who will be in charge of maintenance of a bridge going over Route 134, but George stated that he is determined to get this project underway.

Selectmen Items

1. Old Business

- Final Review of Proposed Removal Bylaw Policy and the Amended Committee & Appointed Representative Complaint Procedures Policy

The Board reviewed and discussed the proposed policy and the process for removal. A typo was found in #5.

MOTION: To move that the Board of Selectmen approve the policy as amended.

Motion by: James Quirk **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

Additional discussion regarding the policy took place, specifically around substantial evidence and the definition of for cause.

MOTION: To move that the Board of Selectmen approve the policy 3-6 with the following revisions; in section one change “meet” to “Meeting”, in section four change to “a reasonable mind”, amend section 8 to read “If the Selectmen vote to remove an individual from a committee than the policy for removal of the appointed members of the boards, commissions, committees shall apply. This action would be based on substantial evidence.”

Motion by: Tracy Post **Seconded by:** James Quirk Yea 5 Nay 0

- 2011-2012 Board of Selectmen Goals

MOTION: To move that the Board of Selectmen approve goals as printed.

Motion by: James Quirk **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

2. New Business

- Individual Items

Ms. McAuliffe updated the board on her trip to Boston with Liz Hartsgrove to meet with the House Chair of the Revenue Committee regarding the home Rule Petitions. Eastham, Falmouth, Provincetown and Brewster were also represented at that meeting. The DEP Commissioner will be coming on Friday to discuss wastewater with four other towns as well as Parkers River Marina.

Curt Sears announced a food drive from 4-8pm, next Thursday at the three major grocery stores in town. Bob DuBois spoke about the Summer Kick-off celebrations occurring next week, including sand sculptures, kite flying and fireworks.

Town Administrator’s Items

1. Consent Agenda

- Fee Waiver Requests
 1. Senior Center
 - 5 Garden Plots (\$20/plot) \$100.00
 2. Cape Cod Festival of Magic
 - Tent Permit \$50.00

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|--|-----------------|
| Total | \$150.00 |
| ▪ Donations | |
| 1. Natural Resources Division – Spay/Neuter Fund | |
| ▪ Lynn & Richard Kraus | \$25.00 |
| ▪ Darlene Penny Schiller & Carter Luke | \$200.00 |
| ▪ Carter Luke & Darlene Schiller | \$100.00 |
| ▪ Harold & Phyllis Cooper | \$30.00 |
| ▪ Sandra Clark | \$10.00 |
| ▪ Cash | \$250.00 |
| | \$615.00 |
| 2. DPW - Streetlight | |
| ▪ Joanne Jackson | \$80.00 |
| ▪ Marie Roy | \$80.00 |
| ▪ Shepard & Cynthia Tye | \$160.00 |
| ▪ Joseph & Holly MacLelland | \$80.00 |
| | \$400.00 |
| 3. Library Division | |
| ▪ John & Patricia Godfrey | \$20.00 |
| ▪ Dennis/Yarmouth Newcomers Club | \$100.00 |
| ▪ Kathleen & Joseph McQuaid | \$25.00 |
| | \$145.00 |
| 4. Police Department | |
| ▪ Estate of Wilhelmina I Gomes | \$416.96 |
| | \$416.96 |

Total **\$1,576.96**

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

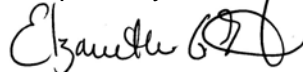
Motion by: Curt Sears **Seconded by:** James Quirk Yea 5 Nay 0

Adjourn

MOTION: To move that the Board of Selectmen adjourn the meeting at 8:55pm

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

Respectfully submitted,



Elizabeth G. Hartsgrove