

MINUTES
BOARD OF SELECTMEN'S
REGULAR MEETING
JULY 22, 2008

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

Public:

1. Police Department: Kevin Lennon – FBI Academy Graduation

Chief Almonte – He thanks the Board for allowing him to come in to the meeting. He speaks about Sgt. Lennon and his graduation at the FBI Academy. He says that the Academy is extremely competitive and it's an honor to have completed the program, he then describes the activities that Stg. Lennon participated in while at the FBI Academy. He says that Sgt. Lennon graduated with a 4.0 GPA. Chief Almonte he also thanks Sgt. Lennon for his 14 years of service, and congratulates him for his accomplishment.

Ms. McAuliffe – She thanks Sgt. Lennon for his service and bringing notoriety to the Town of Yarmouth. She says that the town looks forward to sharing all of Sgt. Lennon's new knowledge in advancing our Police Department.

2. Fire Department

a) Federal Recognition & CERT Team

Chief Sherman – She presents Jacqueline Fraser and thanks her for her 20 years of service for the Yarmouth Fire Department. He says that she has been an excellent dispatcher and employee for the Fire Department, he congratulates her on her retirement from the department.

Ms. McAuliffe – She thanks Ms. Fraser for her wonderful service to the Town of Yarmouth for many years.

Chief Sherman – He introduces Christine Benson as the newest fire alarm operator and the town is very fortunate to have Ms. Benson on the force.

b) Check from Eastern Starr for Lock Boxes

Chief Sherman - He introduces Christine Green from Eastern Starr and thanks her and Eastern Starr for their donation of \$500.00 for lock boxes for seniors. Ms. Green presents the check. Chief Sherman describes that lock boxes are placed on seniors homes who may not be able to access the door in case of an emergency, in which case the Fire Department would have access without damaging the door.

3. Jeremy Furrer

Mr. Lawton – Introduces Jeremy Furrer the summer intern in the Town Administrator's Office. He states that Mr. Furrer has done an excellent report with regards to future state funding for schools. He says that Mr. Furrer's report will be presented to the Selectmen's Association on Cape Cod.

Ms. McAuliffe – She says that she can't say enough for Mr. Furrer, as he has done a huge amount of work on his project. She presents Mr. Furrer with a certificate for his outstanding work for the Town Administrator's Office.

4. Acknowledgement of Gift – David Stocchetti

Ms. McAuliffe – She welcomes Mr. Dwain Lopes representing Stocchetti Construction and presents Stocchetti Construction with a certificate for their donation to the demolition of the 1750s House.

Mr. Lawton – He states that the donation was in the amount of approximately \$4000.00 to the Town of Yarmouth for the demolition.

Mr. Lopes – He thanks the Selectmen for the certificate of appreciation and states that Stocchetti Construction is looking forward to doing more service with the Town of Yarmouth.

5. Moose Family Center Lodge 227

Ms. McAuliffe – She awards a certificate of appreciation to the Moose Family Center Lodge 227 for the generous donation to the Recreation Scholarship Fund.

Ms. Pat Armstrong Recreation Director – She introduces Hugh Sheraton from the Moose Family Center Lodge 227. She explains that the Moose Lodge since 2002 has been donating money to the Recreation Commission for scholarships for children who cannot afford camp fees. She states that to date the Moose Lodge has donated over \$100,000. She thanks the Moose Family Lodge for supporting the community.

Ms. Debbie Clark Recreation Commission Member – She also thanks Matt Zurowick for all his hard working helping out with the Moose Family Lodge Scholarship Fund.

6. Finance Committee

Ms. McAuliffe – She indicates that members from the Finance Committee are present to read a comment into the record.

Mr. Foran Chairman of the Finance Committee – He explains the role of the Finance Committee as a non-paid volunteer board. He reviews why the Finance Committee recommended a lower override for the School Department. He states that since the school budget highly affects the town's budget the Finance Committee felt it was their duty to comment on the school's budget. He says that as of today the Finance Committee cannot recommend the school's budget for the District Meeting because of the drastic impact to the town. He also states that the Finance Committee approves of the use of paper ballots in the District Meeting vote.

7. John Henderson – Yarmouth Resident

Mr. Henderson- He states that he is present to speak about the school budget as a citizen and not representing the Finance Committee. He says that the root of the issue with the school budget is that the budget has increased dramatically each year and writing blank checks is not the way to show school loyalty. He states that we need leadership from our elected officials. He continues to review the state of the school budget.

Dr. Marasco – He states that the school budget is driven by the School Committee and the Selectmen have limited control.

Ms. McAuliffe – She asks if anyone would like to speak on the school issue to please wait until later in the meeting after the licenses and hearings.

Licenses:

1. Hawk's Wing Farm, William Snowden 41 Hawk's Wing Road, One (1) day Entertainment
Dr. Marasco – He introduces Bill Snowden.

Mr. Snowden – He explains that the event will be a cookout for 60-75 people with entertainment. He says that he has talked to his neighbors and they are ok with the entertainment and he states that the music will end at approximately 10:00pm with no alcohol.

Dr. Marasco – He asks if the public would like to comment. No one speaks. Motioned and seconded to close the hearing. Ms. McAuliffe motions to approve the entertainment license to Mr. Snowden for August 23rd, 2008. Mr. Sullivan seconds. **VOTE 5-0**

2. Periklis, Inc. DBA Yarmouth Pizza by Evan 559 Rte. 6A, Yarmouth Port, Transfer and Pledge of Liquor License

Dr. Marasco – He reads the advertisement for Periklis Inc. DBA Yarmouth Pizza by Evan.

Petitioner's Lawyer – He states that the petitioner would like to transfer the liquor license as his will be the new owner of the establishment. He also states that the establishment will not change.

Dr. Marasco – He asks if hard liquor will be served.

The owner states that he will only serve beer and wine and the servers will be TIPS certified and he will also name an official manager when he is not on site.

Dr. Marasco – He asks if there are any questions from the public. No one comments. Motioned and seconded to close the hearing. Mr. Groskopf motions to approve the license. Mr. Hoben seconds. **VOTE 5-0**

Hearing : Old Kings Highway Member Removal for Cause

Ms. McAuliffe – She introduces Ms. Deborah Gray from the Old Kings Highway to speak about the removal of their member Mr. Sifford.

Ms. Gray – She explains per OKH rules to remove a member a hearing must be held before the Board of Selectmen. She states that Mr. Sifford is an elected member and is due to be re-elected in 2009. He has only attended one meeting in the last 14 months.

Ms. McAuliffe – She states that it is up to the Selectmen to remove Mr. Sifford and the OKH would fill the position for the remaining time before the election. She states that there is also an alternate position open.

Ms. Gray – She states that she had a conversation with Mr. Sifford and he verbally said he would resign but they have not had any conversations with him at all.

Dr. Marasco – He would like to give Mr. Sifford one more chance.

Mr. Lawton – He states that the town sent him a letter about the hearing tonight and he also states that he spoke with Mr. Sifford a year ago and he indicated that he did not know if he could attend the meetings any more.

Mr. Hoben – He indicates that as the appointment’s chair he has reviewed all the documentation and seen the progression of the absences and therefore he believes that the removal of Mr. Sifford is warranted.

Mr. Sullivan – He says that there should be a public hearing officially opened.

Ms. McAuliffe – She states that she is formally opening up a show cause hearing with the Old Kings Highway. She says that the Board of Selectmen have accepted testimony from the chair of the committee Deborah Gray. She asks if there is anyone from the public that would like to comment. No one speaks. Motioned and seconded to close the hearing. Mr. Sullivan moves to remove Michael Sifford from the OKH, Mr. Hoben seconds.

VOTE 5-0

Matt Zurowick, Assessor: – Discussion of Commercial Property Valuations

Mr. Lawton – He indicates that Mr. Zurowick is here to explain how commercial property is valued.

Mr. Zurowick – He states for residential valuations the assessors use the “sales approach” which evaluates the differences in prices that houses sell for. He also explains the “cost approach” which is determined by what the house is made of and depreciation rate. He then describes the commercial valuation methods. He says that they rely on the “income approach” for valuation of commercial property which is the income that the building can produce. He continues to discuss the valuation process for commercial property. He states that the “cost approach” is not used as often because new commercial buildings are not built as often in Yarmouth. He speaks about valuation of hotels and the use of the “cost approach” for the first year a hotel is built. He states that after the first year the hotel is built the “income approach” is used because the hotel is now generating income.

Dr. Marasco – He asks why there is a differential between commercial and residential property in some towns such as Barnstable.

Mr. Zurowick – He states that Barnstable shifted the burden on to commercial property. He discusses how the classification hearing determines if a property is paying their fare share. He says some town’s commercial property can handle the shift in burden, but if you have a town that cannot handle the shift then you are penalizing the commercial businesses. He speaks about the new potential because of the new zoning on Rt. 28, but he can’t put a value on potential income until the income starts to come in.

The discussion continues with regards to valuation of residential vs. commercial property.

Selectmen’s Items:

1. Discussion – District Meeting – Options

Mr. Lawton – He speaks about the District Meeting on July 28th, 2008 at the High School on the football field. He states that the School Committee will rent a tent to put over the field and registration will begin at 5:00pm, and there will be shuttle buses. He continues to speak about the logistics of the meeting. He informs the Board that there will probably be a paper ballot for the final vote. He states that he is unsure about amendments to the article, but Ms. Woodbury is receiving a legal opinion on the matter. The discussion continues with regards to amendment votes. Mr. Lawton states that the meeting will be the same process as Town Meeting, since the moderator will be using “Town Meeting Time.”

Mr. Sullivan – He states that some residents will want to register at 5:00pm and would like to bring a cooler with water and food and that should be included in the information handout. He also speaks about the disenfranchised people who cannot attend the meeting. He says that in the future if this situation happens again he would like to see an official voting place for those people who cannot attend.

Ms. McAuliffe – She also mentions that people should bring bug spray.

Mr. Groskopf – He speaks about District Meeting options for the future.

Mr. Lawton – He informs the Selectmen that if the Board would like a formal ballot question election at the both town's precincts in the future they would have to go to the State Legislature to change the law.

Ms. McAuliffe – She says that if the school budget passes as is she believes that the town will not be able to pass a municipal override for \$1.5 million and thus there will be reductions to the town budget.

Dr. Marasco – He believes that an override for the town budget would hurt the community because of the difficult economic times. He says that he has reviewed the cuts and he believes that the possibility of an override should not be written out as of yet, especially for public safety.

Mr. Hoben – He believes that there is no appetite for an override since the voters did not approve the override votes for the school. He also states that the numbers within the school's budget are very confusing.

Mr. Sullivan – He says that he is extremely frustrated with the current situation. He states that he voted twice for the school override because he does not want to see cuts on the town side. He believes that if the school budget passes there is no stomach for an override for the town. He also says that the Board needs to look at de-regionalization in the future. He says that he will cast a no vote at the District Meeting but he says that he does support schools, but there needs to be changes in the future to provide the children with a strong education.

Ms. McAuliffe – She believes the town has been put in a box by the School District, and she feels that Yarmouth is being ganged up on by both the Town of Dennis and the School Committee. She says that there are a lot of hard feelings about the change in the regional formula. She states that the Town of Yarmouth has provided thousands of dollars in Chapter 70 money to the Town of Dennis for their use. She continues with regards to the sentiment between the two towns. She also faults the School Committee for putting the town in the position of all or nothing and not compromising. She is extremely upset that the School Committee has put the Yarmouth Selectmen in the position of not supporting schools because now the Board will have to worry about cutting town budgets.

The discussion continues with regards to the town cuts that could be possible if the school budget is funding and how to move on after the District Meeting and keep relationships in tact between Dennis, Yarmouth and the School Committee.

Mr. Tom Sullivan – He says that he is on the Government Oversight Committee as well as the Chairman of the Yarmouth Republican Committee. He states that he has several concerns about the District Meeting including the requirement of photo ids.

Mr. Lawton – He states that they are doing more investigation with the Clerk's Office about the id requirements.

Mr. Tom Sullivan – He also states that he has an issue with non-voters attending the meeting.

Mr. Lawton – He says that the moderator has indicated that he will separate the non-voters from the voters.

Mr. Tom Sullivan – He also states that he wants coolers subject to search to prevent alcohol. He also says that he endorses a secret ballot.

Mr. Lawton – He informs Tom Sullivan that he has spoken with Mike Ford the moderator and he is still mulling over the logistics with a paper ballot.

Mr. Bill Snowden – He thanks the Board for their strong stance on the school issue he says that the Board has really made it clear that if the school budget passes on Monday that the town will be in real dire straights. He says that he thinks the voters turned down the school override thus far because they want their money spent more effectively. He says that the solution is to have the sewer study override go to town expenses.

The Selectmen states that the town cannot borrow money for the town operating budget.

Ms. McAuliffe – She asks the Board if there is a consensus from the Board on the school budget.

The Board decides to take an individual poll (yes or no) on the full amount of the school budget which includes the \$1.5 million override. Jerry Sullivan- votes no; Jim Hoben- votes no; Bud Groskopf – votes no; Dr. Marasco – votes no, Ms. McAuliffe – votes no.

The Board does agree that they may be willing to recommend another number but not the full \$1.5 million.

Susan Colgan – She would like a town press release to include budget cuts from the school as well as the town.

Ms. McAuliffe – She responds to Ms. Colgan that the town is not responsible for possible cuts for the school.

Mr. Hoben – He states that the Board should read into the record about the cuts.

Mr. Lawton – He describes the possible cuts at 3% and 6%.

Mr. Groskopf – He speaks about discretionary spending. He says that there will not be any money for this type of spending if the town has to reduce the budget by \$1.5 million.

The Board discusses having the Fire Chief and Police Chief speak at the District Meeting.

2. Re-Appointments: Conservation Commission – Gary Ellis & Gerry Duffy Board of Assessors – William Lionetta

Mr. Hoben – He recommends appointing Mr. Gary Ellis and Mr. Gerry Duffy to the Yarmouth Conservation Commission.

Motioned. Seconded **VOTE 3-0** (Mr. Sullivan & Dr. Marasco left before vote)

Mr. Hoben – He recommends appointing Mr. Lionetta to the Yarmouth Board of Assessors.

Motioned. Seconded **VOT 3-0** (Mr. Sullivan & Dr. Marasco left before vote)

3. Appointment:

Conservation Commission – Thomas Durkin, Jr.

Mr. Hoben – He recommends appointing Mr. Durkin to the Conservation Commission.
Motioned. Seconded **VOT 3-0** (Mr. Sullivan & Dr. Marasco absent for vote)

Mr. Hoben – He asks if the Board could create a wind by-law committee to work on a wind by-law to a future Town Meeting.

The Board agrees. Mr. Groskopf motions to create a wind by-law committee. Ms. McAuliffe seconds.
VOTE 3-0 (Mr. Sullivan & Dr. Marasco absent for vote)

Administrator’s Items:

Consent Agenda

Mr. Lawton – Describes the consent agenda.
Motioned. Seconded **VOTE 4-0** (Mr. Sullivan absent for vote)

Mr. Hoben – He states that he went to the Police Station for the donations to the troops in Iraq. He says that he was extremely impressed with the amount of donations.

Ms. McAuliffe – Asks for a motion to close the meeting.

Mr. Groskopf motioned to adjourn the meeting. Mr. Hoben seconded. **VOTE 4-0** Meeting adjourned at approximately 10:00pm.

**BOARD OF SELECTMEN’S
REGULAR MEETING
JULY 22, 2008
CONSENT AGENDA**

Donation to Recreation Department:

Moose Lodge #2270 Scholarships \$16,000.

D-Y Regional School – “Homeless Grant” \$ 850.

**D-Y Regional School – “Taking Flight Program
Summer program” \$ 2,300.**

Donation to DPW

**Bench in Memory of Esther (Peggy) McAleer
Donated by Steve McAleer \$ 650.**

Donation to Fire Department

**Station II meeting room \$ 25.
Station II meeting room \$ 20.**

**Date: July 22, 2008
Vote: 4-0**