



**Board of Selectmen  
Town Hall Hearing Room  
Regular Meeting  
August 9, 2011**

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

## Public

*Ms. McAuliffe acknowledged their regrets to the families of the Navy Seals who lost their lives in the Helicopter crash, and specifically one who was a native of Barnstable.*

*Charlie Kelliher asked about combining the Treasurer and Collector's office together; asked about employee vehicles having dump stickers on them; spoke about the nitrogen level percentage that is being used in presentations and asked that the Town consider sewerage the entire town within the 20 year time frame; catch basins on his street are not working and provided photos showing the flooding.*

## Public Hearing

1. Special Entertainment License – Boy Scouts of America presenting the Cape Cod Festival of Magic, August 28<sup>th</sup> – September 2<sup>nd</sup>.

*Ms. McAuliffe read the public hearing legal ad. Application represented by Michael Riley. Mr. Riley described the Festival of Magic's schedule of events.*

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

**Motion by: Tracy Post                      Seconded by: Jim Quirk                      Yea 4      Nay 0**

**MOTION: To move that the Board of Selectmen grant the entertainment license as submitted.**

**Motion by: Jim Quirk                      Seconded by: Tracy Post                      Yea 4      Nay 0**

2. Change in Manager – Luke's Liquor, Inc., Andrew A. Marchese mgr., dba Luke's Super Liquors, 511 Main Street, West Yarmouth

*Application represented by Arthur Luke and Andrew Marchese who is the new manager of Luke's Super Liquors in West Yarmouth. Mr. Marchese's background and experience working with Luke's Liquors was described to the Board.*

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

**Motion by: Jim Quirk                      Seconded by: Tracy Post                      Yea 4      Nay 0**

**MOTION: To move that the Board of Selectmen grant the change in manager.**

**Motion by: Jim Quirk                      Seconded by: Tracy Post                      Yea 4      Nay 0**

## Cable License Renewal

*Peter Johnson-Staub and members of the Cable Advisory Committee, Jerry McMahon and Bob Edwards, described the renewal process the Committee has undergone within the last few years. The Town is unable, under Federal Law, to influence the prices of programming however the license allows the town to negotiate the number of channels provided to the Town of local broadcasting: Government, School District and Public Access Channel. The Committee recommends the Selectmen approve the renewal.*

**MOTION: To move that the Board of Selectmen approve the Cable License Renewal.**

**Motion by: Tracy Post                      Seconded by: Jim Quirk                      Yea 4      Nay 0**

*Arthur Luke stated that he has commercial VIOS.*

The meeting was turned over to the Appointments Chairmen

## Board & Committee

### 1. Reappointments – Precinct Workers

**MOTION:** To move that the Board of Selectmen reappoint Precinct workers according to Jane Hibbert's list plus the additional name of Charlotte Striebel.

**Motion by:** Jim Quirk                      **Seconded by:** Suzanne McAuliffe                      Yea 4    Nay 0

### 2. Resignations

- Historical Commission [1 member]
- Agricultural Commission [1 member]

**MOTION:** To move that the Board of Selectmen accept, with regret, the resignations from Agricultural Commission member Kathleen O'Neil and Historical Commission member Priscilla Gregory.

**Motion by:** Jim Quirk                      **Seconded by:** Tracy Post                      Yea 4    Nay 0

The meeting was turned back to Chairwoman McAuliffe.

## Special Town Meeting & Election

Mr. Hinchey explained the necessity to vote on the language for the Election Ballot however no action is required this evening for the language of the Warrant which is only on the agenda for review and discussion.

### 1. Approval & Sign Special Election Warrant

**MOTION:** To move that the Board of Selectmen approve the Special Election Ballot.

Ms. Post asked about CWMP date listed in the ballot and if it would prohibit any future amendments to the CWMP. Mr. Hinchey stated that he will have bond counsel review that portion of the ballot. Ms. Post asked if the Board would like to separate the funding for Phase one and the design funding for Phase two. There was discussion regarding the pros and cons of splitting the funding for both phases.

**Motion by:** Jim Quirk                      **Seconded by:** Curt Sears                      Yea 4    Nay 0

### 2. Approve Special Town Meeting Warrant

Topic will be discussed at a future meeting when a full Board is present.

## Board of Selectmen

### 1. Old Business

Ms. McAuliffe stated that she had a discussion with the chairman and it was agreed that she would be the lead Selectmen who will be attending the public outreach meetings. Ms. McAuliffe stated that she would like to invite all the legislative members who have been involved or active in Wastewater, to the Special Town Meeting.

### 2. New Business

- Special Municipal Employee [Town Counsel]

Bruce Gilmore informed the Board that Doug Murphy will be scaling back his law practice and will no longer be available to offer services to the Town of Yarmouth. Mr. Gilmore requested several new counsel representations for Board approval as special municipal employees.

**MOTION:** To move that the Board of Selectmen give special municipal employee status for special Town Counsel.

**Motion by:** Jim Quirk                      **Seconded by:** Tracy Post                      Yea 4    Nay 0

- Approval of Minutes

**MOTION:** To move that the Board of Selectmen approve the minutes of March 22, 2011.

**Motion by:** Tracy Post                      **Seconded by:** Curt Sears                      Yea 3    Nay 0    Abstain 1

- Individual Items

Curt Sears spoke about the percentage of nitrogen that is controllable; Jeff Schwartz from Town & Country wanted to say thank you for all the Town Departments helping with the involvement of the

near drowning; Mr. Sears asked that a letter be sent to the state that there has not been any work done on Route 28 this year.

Ms. Post stated that she attended the school committee last evening and the Board sent a request to Dennis to place an article on the Dennis Town meeting warrant to allow students to be shipped over town lines.

Mr. Quirk wanted to remind residents that September 12<sup>th</sup> is a milestone date in the Town of Yarmouth.

Ms. McAuliffe asked if there was a rental fee for the Simpkins field; spoke about the number of calls the PD has received the previous week. The Board discussed the schedule of both the FD and PD this summer in comparison of previous years.

## Town Administrator's Items

### 1. Consent Agenda

- Affordable Housing Trust: Approval for the Sale of 58 Quatermaster Row
- Fee Waiver Requests

#### 1. Boy Scouts of America – Cape Cod Festival of Magic

- Temporary Food Service Permit \$15.00
- Special Entertainment \$55.00
- Tent Permit \$50.00

**Total** \$120.00

- Donations

#### 1. DPW - Streetlight

- Stephen & Lorraine Palmer \$80.00
- \$80.00

#### 2. Police Department

- Nova Southeastern University \$550.00
- Town of Eastham \$140.00
- Town of E. Bridgewater \$140.00

\$830.00

**Total** **\$910.00**

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

**Motion by:** Tracy Post                      **Seconded by:** Curt Sears                      Yea 4    Nay 0

### 2. Items

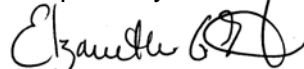
Mr. Hinchey spoke about current mortgage rates in comparison of rates 20+ years ago.

## Adjourn

**MOTION:** To move that the Board of Selectmen adjourn the meeting at 8:26pm

**Motion by:** Curt Sears                      **Seconded by:** Tracy Post                      Yea 4    Nay 0

Respectfully submitted,



Elizabeth G. Hartsgrove

## Distributed Material at Meeting

## **Public Hearing**

2. Change in Manager – Luke’s Liquor, Inc, Andrew A. Marchese mgr., d.b.a. Luke’s Super Liquors, 511 Main Street, West Yarmouth
  - YPD Liquor License Regulation Inspection

## **Cable License Renewal**

- Memo from PJS to BOS, dated August 8, 2011. Re: Cable Television license renewal
- Cable Television Renewal License, dated August 9, 2011

## **Board & Committee**

1. Reappointments – Precinct Workers
  - Email from Jane Hibbert to WGH, dated August 4, 2011. RE: Precinct Workers