



**Board of Selectmen  
Town Hall Hearing Room  
Regular Meeting  
January 31, 2012**

The meeting was called to order at 6:00p.m. by Chairman Erik Tolley. Selectmen present: Suzanne McAuliffe, Jim Quirk, Tracy Post and Curt Sears. Also Attending: Town Administrator William G. Hinchey. The Board of Selectmen gave the pledge of allegiance.

*Erik Tolley and Curt Sears recused themselves. The meeting was turned over to Suzanne McAuliffe.*

**Municipal Health Reform Discussion**

*Assistant Town Administrator Peter Johnson-Staub and Irene Wright. Mr. Johnson-Staub reviewed the budget impact of Health Insurance increases and possible savings through the Health Plan changes, State legislation, the Cape Cod Municipal Health Group and options for FY13. Mr. Johnson-Staub's recommendation is to adopt MGL 32B sections 21-22 for insurance savings of approximately \$120,000 per year. GIC is not available until FY14. Ms. Post wanted the staff to look at ways additional savings for employees.*

**MOTION:** To move that the Town of Yarmouth elects to engage in the process to change health insurance benefits under MGL 32B sections 21-22.

**Motion by:** Tracy Post                                      **Seconded by:** Jim Quirk                                      Yea 3    Nay 0

*Erik Tolley and Curt Sears returned to the meeting. The meeting was turned to Appointments co-Chairs Quirk & Sears.*

**Board & Committees**

1. Reappointments

- Cable Advisory Committee [2 members]

**MOTION:** To move that the Board of Selectmen reappoint Jerry McMahon and Bob Edwards.

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

- Community Housing Committee [2 members]

**MOTION:** To move that the Board of Selectmen reappoint Michael Nardone and Nathan Small.

**Motion by:** Tracy Post                                      **Seconded by:** Suzanne McAuliffe                                      Yea 4    Nay 0    Abstain 1

- Recreation Commission [2 members]

**MOTION:** To move that the Board of Selectmen reappoint Joshua Medeiros and Will Rubenstein

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

- Energy Committee [3 members]

**MOTION:** To move that the Board of Selectmen reappoint Joyce Flynn, Bob Palmer and Steve Pulmeri.

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

2. Appointments

- Community Housing Committee [1 member]

**MOTION:** To move that the Board of Selectmen appoint Olivia Reese to the CHC.

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

- Board of Registrars [1 member]

**MOTION:** To move that the Board of Selectmen appoint Sandra Clifford to the Board of Registrars.

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

*The meeting was turned back to Chairman Tolley.*

**MOTION:** To move that the Board of Selectmen postpone the meeting for 20 minutes.

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

*The meeting resumed at 7pm.*

## Public

Mr. Joe Glynn spoke about the revitalization of the government oversight committee, motel issues, Cape Wind, the new polling location for precinct 5-6, and a petitioned article.

The meeting was turned over to Licensing Chairman McAuliffe.

## Public Hearing

1. New Annual All Alcohol Restaurant License and Weekday and Sunday Entertainment License from Jamiel Hospitality Company, LLC d.b.a. Ardeo's at King's Way, 81 King's Circuit, Yarmouth Port.

Licensing Chairman McAuliffe read the legal ad. Application represented by Joe Jamiel. Mr. Jamiel described the proposed application and plans for the operation. Crowd Control regulations was reminded to Mr. Jamiel.

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

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

**MOTION:** To move that the Board of Selectmen grant the licenses.

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

2. New Seasonal Wine & Malt Restaurant License form Seafood Sam's 1006 Route 28, South Yarmouth.

Licensing Chairman McAuliffe read the legal ad. Application represented by Paul Colonero. Mr. Colonero described the proposed application and plans for the operation. Ms. Post voiced concern with monitoring consumption in the outdoor seating area.

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

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

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

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

## Annual Town Meeting

1. Review of Petitioned Article 14

Represented by article petitioner Elvio Rodrigues. Mr. Rodrigues described the history of the Housing Authority property on Forest Road, and the negative possible impacts that a development on the property could present. Mr. Rodrigues' article is asking to rescind the May 2009 Article for family housing to decrease the impacts on the area. Yarmouth Housing Authority members John Reid and Niall Hopkins gave an update on the Forest Road project and the positives of the location in proximity to the senior center, grocery store, parks, bike trail and restaurants. Town Counsel stated that the Article is legal but would not have any affect due to a 40B restriction on the property. Ms. McAuliffe reminded everyone that the property is not town owned but owned by the Yarmouth Housing Authority. The 2009 vote was necessary for a 40B application by the Yarmouth Housing Authority. Ms. Post stated that the article is not going to solve any of the issues Mr. Rodrigues stated because the 40B application would still allow 100 units regardless if it was for elderly or family. Mr. Tolley requested the chronology of the property and when the property was given to the Yarmouth Housing Authority. Mr. Quirk gave a brief history of the changing of hands and concepts that were proposed for the property prior to be given to the YHA. Mr. Tom Kelly also gave a history on the property for municipal uses and what was agreed to the voters as to the limited number of units at the Town Meeting when the land was given to the YHA. Ms. McAuliffe asked to see what the zoning was at the time the land was given to the YHA.

2. Review of CPA Articles 15-26

Represented by CPC members. Chairman Gary Ellis gave a brief description for \$1.2M worth of projects that are being proposed for Annual Town Meeting approval. There was discussion on Hands of Hope article and how the money is dispersed. Ms. Coutinho explained that the funds will be used for Yarmouth residents that need to be relocated to improved housing. There was discussion on the Ancient Cemetery Tree article.

**MOTION:** To move that the Board of Selectmen recommend Article 15 - 24.

**Motion by:** Tracy Post

**Seconded by:** Suzanne McAuliffe

Yea 5 Nay 0

**MOTION:** To move that the Board of Selectmen differ to the CPC on Article 25.

**Motion by:** Suzanne McAuliffe

**Seconded by:** Jim Quirk

Yea 3 Nay 2

### Board of Selectmen

- 1. Old Business
- 2. New Business
  - CVEC Discussion

*Represented by Sypro Mitrokostas and Ron Bergstrom.*

### Town Administrator's Items

- 1. Consent Agenda
  - Donations
    - 1. Police Department – Recruiting Expenses

▪ Town of Sandwich	\$99.00
▪ City of Methuen	\$297.00
▪ Town of Falmouth	\$198.00
▪ Town of Mattapoisett	\$297.00
▪ Town of Wareham	\$99.00
▪ Town of Dennis	\$99.00
▪ Town of Grafton	\$99.00
▪ Estate of Wilhelmina I Gomes	\$416.96
▪ Barker	\$20.00
▪ Bartley	\$20.00
▪ Bono	\$20.00
▪ Callahan	\$20.00
▪ Colburn	\$20.00
▪ Donnelly	\$20.00
▪ Edmunda	\$20.00
▪ Gall	\$20.00
▪ Gillis	\$20.00
▪ Gow	\$20.00
▪ McCarthy	\$20.00
▪ McGrath	\$20.00
▪ McLaughlin	\$20.00
▪ O'Connell	\$20.00
▪ Perez	\$20.00
▪ Pleau	\$20.00
▪ Ramsey	\$20.00
▪ Reardon	\$20.00
▪ Sarkas	\$20.00
▪ Sullivan	\$20.00
▪ Whittle	\$20.00
▪ Stearns	\$20.00

**\$2,044.96**

- 2. Senior Services
  - Joseph Guardino
  - Margaret Taylor
  - James O'Connor
  - Mid Cape Scrabble Club
  - Cash

\$120.00

\$35.00

\$35.00

\$150.00

\$35.00

**\$375.00**

**Total**

**\$2,419.96**

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

**Motion by:** Suzanne McAuliffe

**Seconded by:** Jim Quirk

Yea 5 Nay 0

**Adjourn**

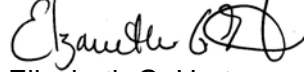
**MOTION:** To move that the Board of Selectmen adjourn the meeting at 9:23pm

**Motion by:** Tracy Post

**Seconded by:** Curt Sears

Yea 5 Nay 0

Respectfully submitted,



Elizabeth G. Hartsgrove