



**Board of Selectmen
Town Hall Hearing Room
Regular Meeting
April 10, 2012**

The meeting was called to order at 7:00p.m. by Chairman Erik Tolley. Selectmen present: Suzanne McAuliffe, Jim Quirk, Tracy Post and Curt Sears. Also Attending: Assistant Town Administrator Peter Johnson-Staub. The Board of Selectmen gave the pledge of allegiance.

Public

1. Yarmouth Pride Day

Stan Kaczynski announced Yarmouth Pride Day on April 21st, 9am at the Town House Playground with a rain date of Sunday April 22nd.

2. Introduction to the New Farmers Market Manager

Represented by Lu Matrascia and Fred Monty. Ms. Matrascia introduced Carlene Veara as the new Market Manager. Mr. Tolley expressed sincere concerns with the market itself and would like her to come back at a future meeting to discuss those issues.

Charlie Kelleher asked about flushing hydrants, Coolidge Road catch basin cleaning, and congratulating the Selectmen and the Administration for a good town meeting and a good budget.

Suzanne Packard-Magar spoke about the new gun store at 33 Old Main Street and how it is not a family friendly business to be located so close to Route 28. There was no public hearing and like most people, she found out about it through an article in the Register.

Norm Holcomb spoke about campaigning at the Town Transfer Station, and suggested how to manage time slots for multiple candidates.

Bob DuBois spoke about the upcoming events held by the Chamber. Candidates Night will be Monday April 30th at 7pm. The 2012 Cape Cod Within Reach guide book was just released and is available at the Chamber.

Mr. Tom Kelley announced their Dennis Yarmouth Woman's Club Breakfast will be held on Friday June 22nd, 10am at Grays Beach.

The Meeting was turned over to Licensing Chairman Suzanne McAuliffe.

Public Hearing

1. Farmers Market Special Entertainment License

Ms. McAuliffe read the legal ad. Application represented by Lu Matrascia, Carlene Veara and Fred Monty. Mr. Monty explained the one musician with minimal amplification that is being proposed from 10-12pm during the market. A letter from an abutter was received. Ms. Post was concerned with the residential neighborhood and wants to keep the number to one musician. Mr. Sears was concerned with the location and the market getting too big for the 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 approve the Special Entertainment license conditioned that if a complaint were to be made then the entertainment would be suspended until a hearing to address the complaint.

Motion by: Jim Quirk **Seconded by:** Erik Tolley Yea 4 Nay 1

Erik Tolley stepped down due to a possible conflict of interest.

2. New Seasonal All Alcohol Common Victualer License – Shark Bites, 512 Route 28, W.Y.

Ms. McAuliffe read the legal ad. Application represented by Atty. Andrew Singer who described the proposed restaurant in the Old Irish Village motel. The restaurant will have a total of 100 seats and the outside area will be fenced in. Tom Murphy spoke in favor of the application.

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

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

MOTION: To move that the Board of Selectmen approve the license with the outdoor service from 10am-8pm.

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

3. New Weekday/Sunday Entertainment License, Cape Cod Inflatable Water Park, 512 Route 28, W. Y.

Ms. McAuliffe read the legal ad. Application represented by Atty. Andrew Singer who described the proposed inflatable water park. Spryo Mitikostas and Tom Murphy spoke in favor of the application.

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 approve the Special Entertainment license as applied for.

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

Erik Tolley returned to the Board and turned the meeting over to the Co-Appointment chairs

Board & Committee

1. Appointments

- Board of Appeals [1 Alternate]

MOTION: To move that the Board of Selectmen appoint Gary Garnick to the Board of Appeals.

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

2. Reappointments

- Board of Appeals [2 Regular, 2 Alternates]

MOTION: To move that the Board of Selectmen reappoint Joseph Sarnosky, Bob Palmer, Dick Neitz and Bob Howard to the Board of Appeals.

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

The meeting was turned back to Chairman Tolley.

Board of Selectmen

1. New Business

- Discussion

- 33 Old Main Street – Fully Loaded Firearms Store

Represented by Chief Frederickson and business owner Mr. Roland Bevand. Mr. Bevand gave a brief description of the type of operation that is being proposed. A shooting range is not in the plan but retail sales only. Ms. McAuliffe asked what the process is of purchasing a firearm. Mr. Bevand discussed the process of purchasing a firearm and Chief Frederickson explained the process how Mr. Bevand obtained his licenses. Mr. Bevand described security precautions that have been made to the premise. Ms. McAuliffe asked if the Selectmen could look into creating a policy to make a greater effort in informing abutters and neighborhoods of proposed businesses. Ms. Sara Horne voiced concerns with security and noise if a firing range was added to the business in the future. Mr. Sears reminded the public that if a firing range was added, it would require ZBA approval through a public hearing.

- YHA Forest Road Property

Chairman Tolley asked the board members their thoughts on the town meeting passage of the petitioned article. Mr. Sears was upset with the residents being shut out from the Yarmouth Housing Authority. He wondered if the Town should reconsider the CPC funding if the Housing Authority is unwilling to be cooperative. Mr. Sears reminded the viewers that the Housing Trust has been very tentative to spread affordable housing in all parts of town rather than concentrated in one area. Ms. Post reminded the viewers again that this property is not owned by the town and the Selectmen are

limited to what they can do, possibly a land swap? Ms. McAuliffe spoke about how the project has evolved and voiced concern with the rumor of selling the property to a developer to build 40B residences. Mr. Quirk reminded viewers that even if the property was developed privately or publicly, the plans need to be approved by the local Planning Board, as well as State mandates that need to be reviewed. Mr. Quirk stated that there is a parcel of land on North Dennis Road that was taken back in the 1980's for the purpose of Conservation, Recreation or Affordable Housing. This property could be looked at for a possible land swap. The Board requested having the Housing Authority come into a future meeting to give more specifics on the property, and looking at options the Selectmen can take.

➤ Town Campaigning Policy

Ms. Post did not think that changes to the policy should be done at this time due to elections. Ms. Post asked if Ms. Hibbert distributed this policy. Mr. Johnson-Staub provided an overview of the policy, and stated that Ms. Hibbert does distribute it when papers are filed. It was decided to look at this policy after elections.

➤ Proposed Renaming of Bass River Bridge

Representative Cleon Turner and Tom Bernardo updated the Board of renaming the Bass River Bridge. Rep. Turner gave a brief history from the past three years of attempts to rename the Bass River Bridge however with all of the negative feedback it was decided to propose the Route 6 overpass on North Dennis Road. It was the consensus of the Board to rename the North Dennis Bridget after Nick Xiarhos. Rep. Atsalis Aide Tom Bernardo spoke about the feedback that was received. The Board voiced concern that they were not notified prior to the bill being filed with the State, and that citizen input wasn't sought after either. Tom Kelley spoke about the history of the bill being filed in January and how the Town wasn't notified until mid-March.

- Approval of Annual Town Election Ballot

MOTION: To move that the Board of Selectmen approve the Town Election Ballot

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

- Approval of Minutes

MOTION: To move that the Board of Selectmen approve the minutes of June 21st, September 20th and Executive Session of September 27th

Motion by: Curt Sears **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

- Town Administrator Evaluation

Mr. Tolley asked the board members to begin the process of the Town Administrator's yearly evaluation.

- Individual Items

Ms. McAuliffe reminded the board members that the Selectmen and Councilors meeting is this Friday, the topic will be county wastewater.

Ms. Post talked about the Town Meeting and all the hard work from the staff.

Mr. Sears mentioned a Rotary Club Family Mini Golf Day at the Pirates Cove. The money raised will benefit the Food Pantry.

Mr. Tolley reminded viewers that the regular meetings will begin at 7pm.

Town Administrator's Items

1. Consent Agenda

- U.S. Department of Housing & Urban Development Annual Action Plan
- Waiver of Fee

1. Senior Center Rental

- Funeral Service for Jerry Sullivan \$140.00
- \$140.00**

- Donations
 1. Police Department
 - Nova Southeastern University \$275.00
 - \$275.00**
 2. Subdivision Inspection Services
 - Simon & Bonnie Milberg \$2,500.00
 - \$2,500.00**
 3. Senior Services
 - Christine Vadeboncour \$10.00
 - Edward Wojnar \$20.00
 - David Gracy \$20.00
 - Phil Barry \$20.00
 - Anonymous \$10.00
 - Margaret Taylor \$41.00
 - Joseph Guardino \$187.00
 - Sandra White \$50.00
 - Barbara Young \$75.00
 - Jean Jackson \$5.20
 - Albert Demott \$10.00
 - Garden Club of Yarmouth \$59.72
 - Jean Saxton \$50.00
 - Diane Day \$50.00
 - Charlie Kelliher \$100.00
 - Cecile Fallows \$80.00
 - D.K.Yancey \$25.00
 - \$812.92**
 4. DPW – Streetlight Renewal
 - Rotary Club of Yarmouth \$80.00
 - \$80.00**
 5. DPW - Bench Donations (Bench, Plaque & Permit)
 - Gerald Manning \$750.00
 - \$750.00**

Total \$4,417.92

MOTION: To move that the Board of Selectmen approve the Consent Agenda

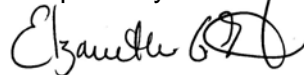
Motion by: Curt Sears **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

Adjourn

MOTION: To move that the Board of Selectmen adjourn the meeting at 10:06pm

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

Respectfully submitted,



Elizabeth G. Hartsgrrove

Distributed Material

Public

1. Yarmouth Pride Day
 - o Email from George Allaire to PJS/WGH, dated April 9, 2012. Re: Yarmouth Pride Day

Board of Selectmen

1. New Business

- Discussion

- Proposed Renaming of Bass River Bridge

- Email from Steve Xiarhos to WGH, dated April 9, 2012. Re: Letter requesting US Marine Corporal Nicholas G Xiarhos Veterans Memorial Overpass.