



## **Board of Selectmen** **Regular Meeting** **March 19, 2013**

The regular meeting was called to order at 7:00p.m. in the Town Hall Hearing Room by Vice Chairman Curt Sears. Selectmen present: Norm Holcomb, Jim Quirk and Tracy Post. Erik Tolley was absent. Also Attending: Town Administrator William G. Hinchey. The Board of Selectmen gave the pledge of allegiance.

### **Public Announcements & Comments**

1. Certificate of Appreciation – Girl Scout Gold Star Recipient Katelin Oberlander  
*Represented by Alice Bowen who described the work involved with achieving a Gold Star. Ms. Oberlander explained her Field Hockey project she implemented to receive her Gold Star. Ms. Oberlander is the first Gold Star recipient since 1985 from Yarmouth. Ms. Oberlander is a DY student and Yarmouth resident.*

*Mr. Peter Kenney spoke about the Ed Lambert broadcast from the morning regarding the Road improvements Article.*

*Ms. Vida Morris asked how the school budget was approved to increase their FY14 budget. Mr. Holcomb stated that the FY14 school budget was heard before the Board at a public hearing and Ms. Morris had the opportunity to ask those questions. Mr. Sears told Ms. Morris that if she had any concerns about the school budget to voice them at School Committee meetings.*

*Ms. Joyce Flynn announced available scholarships to Yarmouth and Cape students for environmental studies.*

### **Public Hearing – New License**

#### **1. New Annual Wine & Malt and Weekday Entertainment**

The Grump, Inc., Merrill Sweet, mgr, dba **Sweet Tomatoes Yarmouth**, 461 Station Ave, South Yarmouth

*Mr. Sears read the legal ad. Application represented by manager and owner Merrill Sweet. Mr. Sweet explained the proposed use of the new license. Neil Waldman asked what the capacity is allowed and was concerned with parking and noise. Mr. Sweet stated the occupancy is 40 currently, parking will not increase and windows must remain closed at all times of operation. Ms. Lyons voiced concern with amplification and liquor control. Ms. Erica Hamm voiced concern with the requested hours for both alcohol and amplification. She suggested reducing the hours. Mr. Robert Cove spoke against the application. Mr. Peter Kenney spoke in favor of the application. Ms. Darlene Shanahan spoke against the application. Ms. Vida Morris spoke about the amplification in general.*

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

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

*Ms. Post stated that she felt the requested number of 6 musicians is too much, she felt it not appropriate for the size of the establishment. She would like to reduce it to 4 or less. Mr. Quirk and Mr. Holcomb also felt a need to reduce the requested number of musicians. Mr. Sears reminded Mr. Sweet that a manager must be on premise at all times and anyone serving alcohol must be TIPS trained.*

**MOTION: To move that the Board of Selectmen approve the application with the restriction of no more than 4 musicians and ending at 10pm.**

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

*Mr. Sears asked Chief Frederickson if the Police received any noise complaints on vehicles with loud speakers at Wendy's. Chief Frederickson stated that loitering individuals have been address but nothing specifically related with Wendy's.*

2. **New Annual All Alcohol, Weekday & Sunday Entertainment and Pool Table**

731 Main Street LLC., Michael Kane, mgr., dba **Tavern 731**, 731 Rte 28, South Yarmouth  
Mr. Sears read the legal ad and the application was represented by Sandra Digiovani. Ms. Digiovani explained the proposed plans for the business. No public comment was made.

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

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

Mr. Holcomb asked about sound from amplification. Ms. Digiovani explained the history of noise at the premise but because she is a new tenant and has taken extra precautions she feels the noise will not be an issue.

**MOTION: To move that the Board of Selectmen approve the application as amended with the change of entertainment to 6am for the televisions during brunch.**

**Motion by: Tracy Post    Secoded by: Norm Holcomb    Yea 4    Nay 0**

**Online Assessment**

Represented by Town Assessor Matt Zurrowick and Ed Senteio. Mr. Zurrowick reviewed the new assessing online operation, and the cost savings plan. The benefits will include a reduction in field visits, and increase in compliance and quality checks as well as real time notification of stage of building & project completions.

**Police Department Updates**

1. New England Community Policing Award

Chief Frederickson announced that the Yarmouth Police Department received the New England Community Policing Award, and reviewed some of the programs the department held throughout the year. The Board members congratulated the Department of all of their achievements and the award.

2. Route 6A Yarmouth Port Village Safety Over Speed

Deputy Chief Xiarhos introduced Karen Dowset who described the founding of the Safety Over Speed committee and their progress within the Yarmouth Port community village. Ms. Dowset asked for support from the Board for a cultural designation of Yarmouth Port in order to lower the speed limit on 6A. Ms. Post asked to see the property owner's support prior to the Board making a decision on their stance of their application for a cultural district designation. Ms. Post asked if speed was the only factor involved with the crashes on 6A. Deputy Chief Xiarhos stated that the Cape Cod Commission is doing a report and the PD will present that to the Board however speed is not the only factor. The Board discussed several speed reduction tactics.

The meeting was turned over to Appointments Chairman Quirk.

**Board & Committee Reappointments**

1. Board of Appeals [2 Regular and 3 Alternates]

**MOTION: To move that the Board of Selectmen reappoint regular members Deb Martin, Bob Palmer and Alt. members Dick Neitz, Jerry Garnick and Bob Howard.**

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

The meeting was turned back to Vice Chair Sears.

**Board of Selectmen**

1. Annual Town Meeting Article Assignments

Ms. Post stated that she will not be at the first night of Town meeting. Mr. Quirk stated that he will be late to the first night. The Board divided up and assigned the articles.

2. Individual Items

Mr. Holcomb spoke about a newspaper article regarding zoning bylaws and 40B projects in South Hadley. Mr. Holcomb also spoke about the Ed Lambert show which Mr. Peter Kenney referenced to at the previous meeting. Mr. Holcomb asked if the road article could be discussed at the next meeting to look at all of the options on funding. Ms. Post stated that though it is an upcoming

meeting, the Board gave the Town Administrator the blessing months ago that the option printed in the warrant is the way the board felt was the best option. Mr. Quirk and Mr. Sears agreed that the Board directed Mr. Hinchey months ago and they do not feel that it is in the best interest of the Town to start looking again at options, two weeks prior to Town Meeting.

**Town Administrator’s Items**

1. Updates

2. Consent Agenda

- Change in Polling Location – Precinct 5 & 6
  - Scenic Road Permit Application – 64 Mill Lane
  - CCRTA Bus Stop Enclosure Location
  - Special Entertainment License Renewals
    1. St. David’s Episcopal Church, Family Carnival from July 24<sup>th</sup> – 28<sup>th</sup>, Sears Field
    2. Y-D Baseball Club, Summer Celebration from June 21<sup>st</sup> – 29<sup>th</sup>, various locations
    3. Cape Cod Festival of Magic, from August 27 – 29<sup>th</sup>, DY High School
  - Special Liquor License Renewal
    1. Ryan Family Amusements, Summer Celebration Cook-out on June 28<sup>th</sup>, West End of Bass River Beach parking Lot
  - Fee Waiver
    1. Yarmouth Summer Kickoff Celebration
      - Temporary Food Service Permits \$30.00
      - Special Liquor License \$65.00
      - Special Entertainment License \$165.00

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**\$230.00**
    2. Cape Cod Festival of Magic
      - Special Entertainment License \$55.00

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**\$55.00**
- TOTAL \$285.00**
- Donations
    1. Recreation Division – Flax Pond Scholarship
      - Yarmouth Moose Lodge \$1,000.00

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**\$1,000.00**
    2. Police Department
      - Town of Dennis \$150.00
      - Town of Franklin \$140.00
      - Town of Norwell \$280.00
      - Town of Oak Bluffs \$290.00

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**\$860.00**
    3. Town Libraries
      - MA Library System \$42.17

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**\$42.17**
    4. Town Promotion
      - Cash \$12.00
      - Mona Solmonte \$15.00
      - Bob DuBois \$15.00
      - Charlie Kelleher \$15.00
      - Karen Greene \$28.00

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**\$85.00**
- TOTAL \$1,987.17**

**MOTION:** To move that the Board of Selectmen approve the consent agenda, extending the Summer Kickoff entertainment license to the rain date of the 30<sup>th</sup>.

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

**Adjourn**

**MOTION:** To move that the Board of Selectmen adjourn the meeting at 9:47pm

**Motion by:** Tracy Post

**Seconded by:** Norm Holcomb

Yea 4 Nay 0

Respectfully submitted,

