



**Board of Selectmen
Town Hall Hearing Room
August 25, 2009
Regular Meeting**

The meeting was called to order at 7:00 p.m. by Selectmen Jim Hoben. Selectmen present: Bud Groskopf, Jerry Sullivan, Erik Tolley and Suzanne McAuliffe. Also Attending: Town Administrator Robert C. Lawton Jr. The Board of Selectmen gave the pledge of allegiance.

Public

1. AMVETS Post #333 – Donation of Flag Box

Represented by Mike Mahoney and Eagle Scout Shawn Mahoney. Mr. Mahoney gave a brief history on the creation of the flag boxes which they are donating to the Town for the public to properly dispose retired American Flags. Mr. Hoben suggested placing the flag box in the Town Hall Lobby.

2. Charles Kelleher spoke about concerns with Nitrogen loading, and suggested the Board of Selectmen request to the Board of Health to not permit variances south of Route 28. Mr. Kelleher also requested his neighborhood pipes to be flushed. Mr. Kelleher also asked the Board not to raise any taxes since Social Security will not be getting an increase this upcoming year.

September 29, 2009 Special Town Meeting

Mr. Lawton gave an overview of the draft warrant specifically looking at budget articles. Mr. Lawton also mentioned that a petitioned article was submitted however it was not in proper form and therefore not valid to be included on the warrant. Finance Committee Chair Patrick Foran spoke against the proposed local options tax articles and encouraged the Board of Selectmen removing the articles.

MOTION: To move that the Board of Selectmen to remove the local options tax articles.

Motion by: Jerry Sullivan Seconded by: Erik Tolley Yea 5 Nay 0

1. Close the Warrant

MOTION: To move that the Board of Selectmen to close the Special Town Meeting Warrant as amended.

Motion by: Jerry Sullivan Seconded by: Suzanne McAuliffe Yea 5 Nay 0

2. Finalize order of Articles

The Board of Selectmen did not have any issues with the current arrangement of articles.

3. Discuss recommendations (except for Articles 1 & 2, Local Option Taxes)

The Board would like Mr. Lawton to give a presentation on September 1, 2009 meeting. Recommendations will be discussed and made then.

Boards & Committees

1. Resignation

MOTION: To move that the Board of Selectmen to accept the resignation of Robert Cook from the Historical Commission.

Motion by: Erik Tolley Seconded by: James Hoben Yea 5 Nay 0

2. Appointments

Ms. McAuliffe informed the board that there was an additional appointment made to the Cable Advisory Committee bringing the membership over by one. Mr. Charles Lockhart has volunteered to be appointed as an Alternate member.

MOTION: To move that the Board of Selectmen to appoint Jack McCormick as the Town of Yarmouth's representative to the Cape Cod Commission which will run till April 2011.

Motion by: Erik Tolley **Seconded by:** Bud Groskopf Yea 5 Nay 0

MOTION: To move that the Board of Selectmen to appoint Claire Hipp and Barbara DePasquale to the Residential Wind Bylaw Committee which will run till the project is completed.

Motion by: Erik Tolley **Seconded by:** James Hoben Yea 5 Nay 0

Old Kings Highway Committee Chairman Joe Sullivan joined the Board to discuss a joint vote to move an alternate into an unfilled unexpired position. Mr. Sullivan and Ms. McAuliffe recommended moving Pat Sherman into that position.

MOTION: To move that the Board of Selectmen to appoint Pat Sherman to the regular unexpired position which will run till December 1, 2009.

Motion by: Erik Tolley **Seconded by:** James Hoben Yea 6 Nay 0

MOTION: To move that the Board of Selectmen to appoint Suzanne Courcier to the Old Kings Highway Committee as an Alternate position which will run till December 1, 2009.

Motion by: Bud Groskopf **Seconded by:** James Hoben Yea 5 Nay 0

Ms. McAuliffe spoke about the Town of Yarmouth's website for all of the Boards and Committees. She was hoping to expand the membership and will be working with Pam Barnes to enhance the information available regarding each board or committee.

3. Library Board Reorganization

Represented by the Library Board. Mr. Harris Contos spoke about the current practice for appointments to the board and what needed to be corrected in order for the public to have better representation and possibly continue having representation from Yarmouth Port Library. The proposed reorganization will allow current members to continue till their current terms expire and then at large members will be appointed.

MOTION: To move that the Board of Selectmen to support the Library Board's recommendation to go to 7 at-large members with three year overlapping terms to implement as current terms expire.

Motion by: Suzanne McAuliffe **Seconded by:** Jerry Sullivan Yea 4 Nay 1

Selectmen

1. Individual Items

- *Bud Groskopf spoke about a fund that was established for a band stand years ago though no money was placed into the fund. He gave the history of the attempts for funding. Now that the Simpkins School was being considered as Affordable elderly housing Mr. Groskopf thought that this would be the perfect time to attempt create a Village Green. He and others in the community have met with Town employees and have discussed options which Mr. Groskopf asked permission from the Board to solicit funds through donations for such a project. Mr. Sullivan suggested get pledges rather than raise funds just in case the project falls through. He felt that securing a Village Green would be the first step. Ms. McAuliffe agreed that determining a Village Green through the Planning Board or another board would be the best route for the planning process. She also felt that monument or pavilion required approval from Town Meeting. She did feel that this should be on the goals for the current year. Mr. Hoben suggested passing Mr. Groskopf's plans to the Planning Board.*
- *Ms. McAuliffe updated the Board on the Cape Cod Commission meeting on the Red Jacket Development project. It is on a 20 year timeframe.*
- *Ms. McAuliffe mentioned that a Dog Park discussion has come up again.*

2. Approval of Minutes

MOTION: To move that the Board of Selectmen to approve the minutes of July 28, 2009.

Motion by: Jerry Sullivan **Seconded by:** Suzanne McAuliffe Yea 4 Nay 0 Abstain 1

MOTION: To move that the Board of Selectmen to approve the minutes of August 4, 2009.

Motion by: Jerry Sullivan **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

Town Administrator

1. Consent Agenda

- **50 Swan Lake Road Affordable Housing Restriction**

MOTION: To move that the Board of Selectmen to approve the termination of the Affordable Housing Restriction for the existing Affordable Home Ownership unit located at 50 Swan Lake Road in West Yarmouth and further to authorize the chairman of the Board of Selectmen to sign the termination on behalf of the Town.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 5 Nay 0

MOTION: To move that the Board of Selectmen to approve the eligible purchaser certificate for the existing affordable home ownership unit located at 50 Swan Lake Road in West Yarmouth and further to authorize the chairman of the Board of Selectmen to sign the certificate on behalf of the Town.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 5 Nay 0

- **Home Subsidy for Yarmouth Buydown Program**

MOTION: To move that the Board of Selectmen to adopt the vote that was presented in the August 25 memo concerning the Yarmouth Buydown Program.

Motion by: Jerry Sullivan **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

- **Certificate of Appreciation ~ John Johnson**
- **Proclamation ~ Mary S. Singleton**
- **Cable MOU Motion**

MOTION: To move that the Board of Selectmen authorize the Chair to execute the MOU between the Town of Yarmouth and Comcast Cable to extend the time period for renewal from September 1, 2009 to November 28, 2009.

Motion by: Jerry Sullivan **Seconded by:** Suzanne McAuliffe Yea 5 Nay 0

Donations

1. Donations to the Yarmouth Fire Department	
▪ Mr. & Mrs. Gaffin	\$25.00
	<hr/> \$25.00
2. Donations to the Yarmouth Town Libraries	
▪ Anonymous	\$100.00
▪ Peter Horvath & Virginia Giugliano	\$50.00
▪ Sheinkopf & Tomasik Eyecare Associates	\$50.00
▪ Kenneth & Marianne Eubanks	\$50.00
	<hr/> \$250.00
3. Donations to the IFAW Fund	
▪ Commonwealth of MA Courts	\$288.00
	<hr/> \$288.00
4. Donations to the Yarmouth Recreation Department	
▪ 17' Boston Whaler with 50hp outboard engine from John Boland	\$2,500.00
▪ Laser Sailboat with sparse, sails &	\$1,700.00
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rigging from Tom Seery

\$4,200.00

5. Donations to the Yarmouth Police Department	
▪ Suffolk University	\$60.00
▪ Town of Cohasset	\$120.00
▪ Jeffrey Toney	\$60.00
▪ Nathan Derby	\$60.00
▪ Matthew Chase	\$60.00
▪ Paul Cyr	\$60.00
▪ Samuel Rivera	\$60.00
▪ Town of Bolton	\$60.00
▪ Town of Hamilton	\$180.00
▪ Town of Somerset	\$180.00
▪ Town of Tisbury	\$60.00
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	\$960.00
6. Donations to the Division of Senior Services	
▪ Joan Krivak in memory of Dolly Spuria	\$25.00
▪ Josephine A. Langley in memory of Dolly Spuria	\$20.00
▪ Lois J. Spuria in memory of Dolly Spuria	\$25.00
▪ CASH Donation to offset budget cuts	\$846.00
▪ Karl L. & Joshua A Joel	\$50.00
▪ Mary E. O'Connell	\$25.00
▪ Priscilla & Welden Crosby	\$25.00
▪ Stephen J. Crossen, to offset budget cuts	\$121.90
▪ Linda Donovan, to offset budget cuts	\$37.40
▪ Linda Donovan, to offset budget cuts	\$32.50
▪ Linda Donovan, to offset budget cuts	\$25.50
▪ James R. O'Connor, to offset budget cuts	\$21.00
▪ Margaret M. Matson, to offset budget cuts	\$50.00
▪ Carol A. Gordon, to offset budget cuts	\$10.00
▪ Edith Danton, to offset budget cuts	\$25.00
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	\$1,339.30
Donation Total	\$7,062.30

MOTION: To move that the Board of Selectmen to accept the balance of the consent agenda.

Motion by: Jerry Sullivan **Seconded by:** Erik Tolley Yea 5 Nay 0

2. Other Items


- Mr. Lawton mentioned a memo from Town Planner Terry Sylvia regarding the FEMA flood maps being revised. There is a notification on the Town website for the public.

Adjourn

MOTION: To move that the Board of Selectmen to adjourn their meeting at 8:22pm.

Motion by: Jerry Sullivan Seconded by: Suzanne McAuliffe Yea 5 Nay 0

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth G. Hartsgrove". The signature is fluid and cursive, with a large initial "E" and "H".

Elizabeth G. Hartsgrove