



**Board of Selectmen
Town Hall Hearing Room
March 23, 2010
Regular Meeting**

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

Public

- *Charlie Kelliher spoke about another Town's teacher union taking a no raises or step increases and suggested that the DY region look at that. Mr. Kelliher also suggested the Board and Town Administrator look into creating a Police and Fire District like Barnstable's which would be a separate taxing authority. Mr. Kelliher spoke about the letter to the editor of the Register from the Finance Committee Chair which both Mr. Sullivan and Ms. McAuliffe spoke to Mr. Kelliher about the Selectmen's salary budget line item for FY2011.*
- *School teacher Patrick Riley summarized to the Board his email to the BOS regarding the school district moving forward and hopes that the Town passes the budget at Town meeting on May 3rd. Both Ms. McAuliffe and Mr. Sullivan spoke about their position on the letter, the School Committee meeting and the relationships between the towns and the district committee*

Chairman Groskopf turned the meeting over to the Licensing Board Chair Sullivan

Public Hearings

1. Change in Premise - Stefanie's Restaurant, 635 W. Yarmouth Rd – to include the sale of alcoholic beverages on the golf course.

Represented by Bill and Stefanie Wright and Jim Armentrout. Mr. Wright briefed the Board on their intentions for the change in premise which is to expand from the snack bar, cart shack and patio to include the entire course and a beverage cart. Ms. McAuliffe asked Mr. Armentrout if this approval at Bass River has been successful which Mr. Armentrout said it was. Mr. Armentrout also said that staff at Bayberry will be TIPS certified even though the license is Stefanie's responsibility and license. Mr. Tolley asked how they intend to identify their containers vs. ones brought illegally on the course. Mr. Sullivan suggested that all three courses work together so that it's all unified throughout the courses in Town. Proof of mailing was submitted to Mr. Lawton.

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

Motion by: Suzanne McAuliffe Seconded by: Bud Groskopf Yea 4 Nay 0

MOTION: To move that the Board of Selectmen approve as requested.

Motion by: Bud Groskopf Seconded by: Suzanne McAuliffe Yea 4 Nay 0

2. New Annual Wine & Malt Common Victualer license and Weekday & Sunday Entertainment License – Ron Hewins, mgr d.b.a. The Grille at Bass River, 62 Highbank Road

Represented by Golf Director Jim Armentrout and Bass River Golf Course Manager Ron Hewins. Mr. Armentrout submitted his registered receipts to Mr. Lawton. Mr. Sullivan acknowledged numerous emails on noise complaints from the previous Concessionaire. Mr. Sullivan also stated that the Board received a letter from Mr. Moran concerning the allegations of the suitability of staff, a letter from Mr. Armentrout and Mr. Johnson-Staub in response to the allegations and are part of the record for the hearing. Mr. Armentrout spoke about the Town's intention of the proposed concession operations. Mr. Armentrout informed

the Board that 5 members of the staff is CPR trained, Mr. Hewins is TIPS trained and 4 employees are Serve Safe certified. Mr. Sullivan reminded the applicants and public the Noise By-Law. Mr. Tolley clarified the hours of operation inside the clubhouse vs. outside on the patio. Mr. Tolley had some enforcement concerns if a violation occurred. Mr. Sullivan stated that the Town would be held at a more strict level of standards than a private applicant. Ms. McAuliffe asked about the plan for containing the noise from the Patio during special events. Mr. Armentrout informed Ms. McAuliffe that the noise will be continually reduced if complaints are made and last case scenario would be to not have special events. Ms. McAuliffe suggested placing restrictions of no amplification on the patio. Bruce Hill, a Town of Dennis resident spoke about the noise level from the previous year was intolerable and requested that steps be taken to control the noise before the license is granted. Mr. Sullivan stated that conditions will be placed in order to control the noise levels. Charlie Kelliher would like clarification on the license being issued to the Town. The question was referred to Town Counsel Atty. Bruce Gilmore who informed that any profits go straight to the enterprise fund. Gail Burke, a Dennis Resident, spoke against the entertainment license.

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

Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Yea 4 Nay 0

MOTION: To move that the Board of Selectmen to withdraw motion.

Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Motion Withdrawn

Crystal Wiener asked about the revenues going into the Enterprise Fund and no tax funds go to benefit the Golf Division.

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

Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Yea 4 Nay 0

MOTION: To move that the Board of Selectmen approve with the stipulation on the entertainment which is in the By-law added in and note that the hours of operation as outlined on the service on the course and by cart service.

Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Yea 3 Nay 1

Licensing Board Chair Sullivan turned the meeting back over to the Chairman Groskopf

3. New Police Dept. Fee – Door to Door Sales Permit of \$50

Represented by Deputy Chief Frederickson. Deputy Chief briefed the Board on the proposed fee which would be good for a one year registration per applicant.

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

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

MOTION: To move that the Board of Selectmen approve as requested.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

4. New Fees – Cemetery excavation services rate

Represented by Assistant DPW Director James Lefter. Mr. Lefter explained the proposed new fee which is comparable to other Towns charging this fee.

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

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

MOTION: To move that the Board of Selectmen waive the second reading.

Motion by: Bud Groskopf **Seconded by:** Jerry Sullivan Yea 4 Nay 0

MOTION: To move that the Board of Selectmen approve as requested.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

Second Reading – FY11 Mooring and Slip Rates

Represented by DNR Director Karl Von Hone and Shellfish and Waterways Advisory Committee Chairman Joe Tierney. Mr. Von Hone informed the Board that he brought the rates back to the Waterways Committee for 2nd review and potential commercial rate which

the Board requested at the last hearing and described the voted changes to the rates. Mr. Tolley asked why the Committee decided against a commercial rate which Mr. Von Hone explained the committee's decision. Mr. Sullivan suggested that the committee revisit the issue of a commercial fisherman rate vs. charter business being charged a commercial rate. An email was handed to the Board from Mr. Townes. Don Costa, slip holder at Packet Landing, spoke against the rate increase and made a few suggestions to generate income through transient slips. Mr. Costa also complained about the construction at Packet Landing and Mr. Lawton stated that he would talk to DPW Director George Allaire about the progress of the State's construction project.

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

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

MOTION: To move that the Board of Selectmen approve the rates as recommended by the Waterways Committee with the noted amendments.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

Mr. Peter Molton, Packet Landing tenant, asked the Board of there were any other fees in the Town that went up 100% over 7 years? Mr. Sullivan informed Mr. Molton that has been 17 years, not 7 years and the fees are to cover costs.

Annual Town Meeting – Finalize Warrant

Mr. Lawton informed the Board of the final changes on the Warrant. Ms. McAuliffe asked if there should be an article place holder on the warrant for the Town to go back to the original regional agreement. There was discussion on Ms. McAuliffe's suggestion and it was decided that discussions between both Towns and the School Committee needs take place prior to an article being placed.

MOTION: To move that the Board of Selectmen remove proposed Articles 39-41 from the warrant.

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

Mr. Lawton reviewed the Local Option Tax articles and proposed areas of services the new income would support.

MOTION: To move that the Board of Selectmen place questions on the ballot as presented by the Town Administrator.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

Erik Tolley suggested putting Article 41 back on the Warrant and there was discussion between the board members.

MOTION: To move that the Board of Selectmen reinstitute Article 41.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

Chairman Groskopf turned the meeting over to the Appointments Chair Sullivan

Board and Committee Reappointments

1. Barnstable County Cape Cod Water Protective Collaborative – 1 TOY Rep.

MOTION: To move that the Board of Selectmen appoint George Allaire as the TOY rep to the Barnstable County Cape Cod Water Protection Collaborative.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

2. Board of Registrars – 1 Regular Position

MOTION: To move that the Board of Selectmen reappoint Ben Pihl to the Board of Registrars.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

3. Cable Advisory Committee – 3 Regular Positions

MOTION: To move that the Board of Selectmen reappoint Bob Edwards, Alice Bowen and Harris Contos to the Cable Advisory Committee.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

Selectmen Items

1. Nstar – Herbicide Application

Mr. Lawton updated the Board on the current situation with herbicidal spraying from NSTAR. Emails were received from Ms. Murphy expressing concerns with the spraying. The Board discussed sending a letter to NSTAR and Cape Cod Commission requesting a delay for at least a year of the spraying.

2. Meeting Minutes

- February 2, 2010, Regular Meeting
- February 9, 2010, Information/Target Issue Meeting

MOTION: To move that the Board of Selectmen approve the minutes of February 2nd and 9th.

Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Yea 4 Nay 0

3. Individual Items

- *Mr. Tolley stated that he will miss Mr. Sullivan when his term expires in May. Mr. Tolley also asked the status of the Marina. Mr. Lawton informed the Board that there was a revision to the legislation last week and ongoing. Mr. Tolley stated that he will not be attending the school committee meeting tomorrow evening.*
- *Mr. Groskopf asked about the status of the John Simpkins school which Mr. Lawton updated the Board.*

Town Administrator Items

1. Consent Agenda

- Affordable Housing Standards
- Donations

1. Police Department

- Estate of Wilhelmina I Gomes \$416.96
-
- \$416.96**

2. IFAW Fund

- William & Lisa Greer \$145.00
-
- \$145.00**

3. General Fund

- Gloria Smith – Donation of Book “1858 Map of Cape Cod” \$50.00
 - Joseph & Linda Conley – Town Hall Rental \$150.00
 - Public Works Publication \$1.00
 - Arbitron Ratings \$1.00
-
- \$152.00**

4. DPW – Street Light

- Peter DiPaolo – Pole 15 Chamberlain \$80.00
 - Gerald Frawley – Pole 316/3 \$80.00
 - Robert and Stephanie Rich – Pole 708/6 \$80.00
-
- \$240.00**

Total

\$1,003.96

MOTION: To move that the Board of Selectmen approved the Consent Agenda.

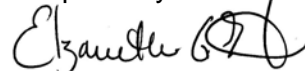
Motion by: Suzanne McAuliffe **Seconded by:** Bud Groskopf Yea 4 Nay 0

Adjourn

MOTION: To move that the Board of Selectmen adjourn at 9:32pm.

Motion by: Suzanne McAuliffe **Seconded by:** Erik Tolley Yea 4 Nay 0

Respectfully submitted,



Elizabeth G. Hartsgrove